

FREDERICK COUNTY GOVERNMENT

# Americans with Disabilities Act

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## Transition Plan for Mitigation of Barriers to Accessibility within County Public Rights of Way

**Division of Public Works  
September 2014**

This document is available in other formats upon request

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## Executive Summary

Frederick County, Maryland, has developed a Transition Plan that identifies barriers to pedestrian accessibility in transportation facilities within County public rights of way, recommends potential mitigations, estimates funding requirements, and provides a scheduling framework to implement the mitigations.

The Transition Plan is based on the data collected during the County's 2014 Self Evaluation effort, which inventoried pedestrian facilities within County public rights of way and identified 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 enhanced by the Maryland State Highway Administration.

The Transition Plan estimates that approximately \$9,108,040, expressed in 2014 dollars, will be required to repair or replace all non-compliant pedestrian facilities that were identified during the Self Evaluation. This value may require adjustment as new data becomes available.

The Transition Plan proposes to complete the necessary work over a ten year period. The work will be prioritized with an emphasis on the areas that provide access to the most public programs and services.

The Transition Plan will be updated and adjusted as needed as new information becomes available.

## 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 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/grievance policy found on page 5 of the County's *Americans with Disabilities Act, Self Evaluation of Pedestrian Facilities within County Public Rights of Way*, included as Appendix I.

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

At this time Ms. Denise Rudegeaire, Human Resources Division, has been identified as the County-wide ADA Title II Coordinator. Specific County Departments may have their own Title II Coordinator to address compliance issues in their areas of interest. Mr. David Olney, Division of Public Works, has been identified as the Title II Coordinator for County-maintained public rights of way.

The most current information regarding County staff member assignments and contact information will be available on the County website, which may be viewed at the following address:

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

The following mailing address may be used to contact the County-wide Title II Coordinator:

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

[ADA@frederickcountymd.gov](mailto:ADA@frederickcountymd.gov)

The following mailing address may be used to contact the County-maintained Public Rights of Way ADA Title II Coordinator:

County-maintained Public Rights of Way ADA Title II Coordinator  
Division of Public Works, Department of Engineering and Construction Management  
Frederick County Government  
355 Montevue Lane Suite 200  
Frederick, Maryland 21702

Phone: (301) 600-2930

Fax: (301) 600-3517

[ADA@frederickcountymd.gov](mailto:ADA@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. 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 available on the County’s website at the address below, and will be provided in alternate formats upon request.

<http://www.frederickcountymd.gov/index.aspx?NID=5823>

A hard copy has been included as Appendix I.

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. 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 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.

The Transition Plan will identify appropriate mitigations to address barriers to pedestrian accessibility, estimate the resources required to complete the mitigations, and propose a schedule to complete the necessary work.

## Transition Plan Scope of Work

This Transition Plan (TP) has been developed to mitigate barriers to pedestrian accessibility in transportation facilities within County public rights of way and bring them into compliance with current ADA accessibility standards. Pedestrian facilities that lie in public rights of way that are outside of Frederick County's jurisdiction, such as those administered by the State Highway Administration or the various municipalities in the County, or on private property open to the public, such as pedestrian routes within shopping centers, are not included in the TP. The appropriate public agency or private property owner is responsible for accessibility at these facilities.

The Frederick County public right of way includes all publicly accessible roads that are regularly maintained by the County. Roads that are maintained by the County and not open to the general public were excluded from the TP. The status of these roads is indicated by the presence of a gate or signs that identify it as a limited access facility.

In some cases pedestrian pathways lie beyond the boundaries of the County maintained right of way area. If the pedestrian pathway was determined to provide a continuous and direct link between other pedestrian facilities that lay within the public right of way it was included in the TP. Pedestrian pathways that diverged from the public right of way and led into private property were not included in the TP.

The TP is based in part on data collected during the County's Self Evaluation completed in June 2014. The Self Evaluation identified, inventoried, and inspected pedestrian facilities to determine if they comply with current standards.

The TP made use of available documents to identify potential programs and services that are available to citizens of the County and their relationship to existing pedestrian facilities in County public rights of way. The sources used are listed in Appendix II.

The Self Evaluation identified the locations of pedestrian facilities in Frederick County rights of way. The areas where these facilities occur are shown on a map of the County included as Appendix III. Pedestrian facilities were only identified in County maintained public rights of way, located in areas indicated by shading in this document.

The Self Evaluation identified a total of 2,296 ramps and approximately 153.9 miles of sidewalk in County maintained rights of way. Of these approximately 3 percent of ramps and 87 percent of sidewalks comply with current ADA standards. The remainder of the facilities will require repair or replacement.

Ramps were inspected using a pass/fail methodology. If a ramp was found to be not compliant one or more applicable accessibility standards it was listed as "failed" and identified as a candidate for repair or replacement. Once a ramp was identified as "failed", the inspection ended and no further data was recorded. The scope of work required to bring a ramp into full compliance with current accessibility standards will be determined at the project level.

The standards found in the “Americans with Disabilities Act (ADA) Standards for Transportation Facilities” document that were used to determine a ramp’s pass/fail status included:

- 403.3 cross slope
- 405.2 running slope
- 405.5 ramp width
- 405.7 landing area
- 406.8 detectable warning surface

Median cuts and ramps are included in the ramp inventory.

Since approximately 97 percent of all County ramps failed the initial inspection, all ramps will be reevaluated at the project level to insure that every non-compliant element is identified and corrected.

Sidewalks were inventoried and quantified by length. The quantity of sidewalk that requires complete reconstruction due to excessive cross slope was recorded in linear feet. All other deficiencies were identified by type and location. The standards that were used during the sidewalk survey included:

- 303.3, 303.4 vertical change
- 307.2, 307.3 protruding object
- 307.4 vertical clearance
- 403.3 cross slope
- 403.5.1 width
- 403.5.3 passing zone

Driveway aprons that lay within the accessible route were inspected as part of the sidewalk survey. Driveway aprons that did not provide an accessible route due to excessive cross slope or insufficient width were identified for repair or reconstruction. Of a total of 5,270 driveway aprons, approximately 22 percent will require repair or replacement.

Sidewalks and driveway aprons will be reevaluated at the project level to confirm previously identified deficiencies and determine if additional deficiencies have developed since the most recent inspection.

The quantity and distribution of non-compliant pedestrian facilities is shown in Appendix IV, which also includes the estimated cost of mitigation.

Additional barriers to pedestrian accessibility, applicable ADA standards, and potential mitigations are listed in Appendix V.

## Project Selection and Prioritization Criteria

The Self Evaluation inventoried County pedestrian facilities and identified facilities that require mitigation to comply with current accessibility standards. The TP provides a framework for planning mitigation efforts, including identifying necessary funding levels and prioritizing mitigations.

As the agency responsible for ADA compliance regarding existing pedestrian facilities in County public rights of way, the County will mitigate obstacles to accessibility to public facilities including 1) State and local government offices and facilities; 2) transportation hubs or facilities; 3) places of public accommodation; 4) places of employment; and 5) walkways serving other areas, such as residential developments.

To identify and prioritize needs, the County collected information regarding adjacent land use and public programs and facilities from a variety of sources listed in Appendix II.

Based on available data, the County has determined that currently there are no Federal, State, or local government offices or facilities, hospitals, institutions of higher learning, or libraries that are open to the public and adjacent to County maintained pedestrian facilities. Future improvements may create pedestrian routes that access these locations where none now exist, but such work is outside the scope of the TP.

The County identified pedestrian facilities in County public rights of way that lie along bus routes, provide access to commuter trains, or lie adjacent to collector or arterial roads as potential “transportation hubs or facilities”. These facilities are listed by road name in Appendix VI.

Public schools, classified as an “institutional” land use, were identified as “places of public accommodation”. A list of public schools that are adjacent to County maintained pedestrian facilities, or make use of County maintained pedestrian facilities as part of their recommended student walking routes, is provided as Appendix VII.

In an effort to identify additional “places of public accommodation”, and potential “places of employment”, staff referred to County Comprehensive Land Use Plan documents which identify land use on parcels adjacent to County maintained rights of way. The documents may be viewed at the following link: <http://www.frederickcountymd.gov/index.aspx?nid=3279>

County public rights of way that lie adjacent to significant numbers of adjacent parcels classified as “institutional”, “public parks/open space”, “general commercial”, “mixed use”, and “village center” in County Comprehensive Land Use Plan documents were identified as routes that provided potential access to “places of public accommodation”.

County public rights of way that lie adjacent to significant numbers of adjacent parcels classified as “institutional”, “general commercial”, “limited industrial”, “office/research industrial”, “mixed use”, and “general industrial” in County Comprehensive Land Use Plan documents were identified as routes that provided potential access to “places of employment”.

All remaining pedestrian facilities, including those located in primarily residential areas and other areas not mentioned above, were divided into two categories: those constructed prior to the creation of the

ADA, and those constructed after. To determine if a facility existed prior to 1992, staff examined aerial photographs of the entire County that were flown in 1988. Any facility in existence at that time was categorized as “pre-1992”. All other facilities were categorized as “post-1992”. The aerial photographs are included as a layer in the Frederick County GIS Mapping Resources “Info At a Glance” interactive map which may be viewed at the following link: <http://webmaps.frederickcountymd.gov/>

The County developed an organizational system to prioritize work on pedestrian facilities in County public rights of way based on the available information and interpretations described above. For project planning purposes, each pedestrian facility was assigned to one of 61 areas defined by subdivision or geographic proximity. Each of these 61 areas is assigned to one of four major categories, listed from highest to lowest priority:

1. “Transportation Corridors”, or pedestrian facilities that lie primarily along bus routes, collector or arterial streets, provide access to transportation facilities, and provide access to adjacent parcels primarily classified as areas of public accommodation or employment.
2. “Public Schools and Safe Routes to Schools”, or pedestrian facilities that lie adjacent or provide access to public schools, or have been identified as potential “Safe Routes to School” walking routes. Public schools have been identified as the primary type of local government office or program that is accessible to the general public in large numbers on a regular basis. “Safe Routes to School” areas have been identified as potentially high volume pedestrian areas outside of areas previously identified as “Transportation Corridors”.
3. “Residential Areas built after 1992”, or areas that are primarily residential in nature and built after the ADA was adopted.
4. “Residential Areas built prior to 1992”, or areas that are primarily residential in nature and built prior to the adoption of the ADA.

Category 1 areas are expected to be completed in the first four years of the 10-year Transition Plan, and Category 2 areas are expected to be completed in the first eight years. Work in Category 3 areas is not expected to begin until the fifth year, and will continue until the tenth year. Category 4 areas will be addressed after the other categories have been fully completed or are approaching completion. All barriers identified at this time will be addressed within 10 years of the commencement of work.

The ADA requires that alterations to existing facilities incorporate current ADA standards into the design and construction of the alteration. Road overlays and similar resurfacing work is included under this requirement. ADA work that is required as part of the County’s Pavement Management Program, Capital Improvement Projects, regular maintenance activities, or privately funded improvements will necessitate modification of this general outline. For example, the County anticipates that work in Category 3 and Category 4 areas may be completed prior to the fifth year of the Transition Plan if required as part of a Pavement Management Program road overlay project.

Public input may also alter the project outline. Specific complaints or requests will be considered and may change a road or area’s place in the prioritization scheme, moving a road up in the schedule to accommodate demonstrated accessibility needs.

## Funding Requirements

To determine the funding requirements necessary to mitigate the barriers to accessibility identified in the Self Evaluation, the County developed a repair method for each mitigation type. Current unit prices were applied to each method, resulting in a total price to mitigate each barrier. Note that these prices are subject to change based on available unit price data.

When these estimated costs are applied to the total inventory of barriers to pedestrian accessibility identified in the Spring 2014 Self Evaluation, the total funding requirement becomes \$9,108,040, expressed in 2014 dollars.

The inventory of pedestrian facilities includes all barriers identified during the Self Evaluation listed by road name. The total estimated cost to mitigate these barriers is shown for each road.

Roads were grouped into areas by subdivision or geographic proximity. The cost to mitigate the ramps associated with the intersections in an area or subdivision were added to the costs by road to arrive at a total cost to mitigate all identified barriers to accessibility in each subdivision or area.

Each subdivision or area was assigned to a priority category, and the total cost to mitigate each category was determined. The cost to mitigate all barriers in each category was divided among several years so that the total funding requirement in any given year was approximately 10 percent of the total cost to mitigate all identified barriers. The results of these calculations are summarized below:

<b>Category</b>	<b>Estimated Funding Requirement</b>	<b>Commencement Date</b>	<b>Completion Date</b>
Transportation Corridors	\$1,060,540	Year 1	Year 4
Public School and Safe Routes to School	\$5,217,160	Year 1	Year 8
Residential Areas built after 1992	\$1,957,160	Year 5	Year 10
Residential Areas built prior to 1992	\$873,180	Year 9	Year 10

Based on this distribution of funding among the four categories, the annual funding requirement would range from approximately \$917,280 in years 1-4, \$978,338 in years 5-8, and \$762,784 in years 9 and 10. The proposed funding requirements are summarized in the table below:

Proposed Spending Plan

Year	Category 1	Category 2	Category 3	Category 4	Total per year
1	\$265,135	\$652,145			\$917,280
2	\$265,135	\$652,145			\$917,280
3	\$265,135	\$652,145			\$917,280
4	\$265,135	\$652,145			\$917,280
5		\$652,145	\$326,193		\$978,338
6		\$652,145	\$326,193		\$978,338
7		\$652,145	\$326,193		\$978,338
8		\$652,145	\$326,193		\$978,338
9			\$326,194	\$436,590	\$762,784
10			\$326,194	\$436,590	\$762,784
<b>Total over 10 years:</b>	\$1,060,540	\$5,217,160	\$1,957,160	\$873,180	\$9,108,040

The ADA requires that alterations to existing facilities incorporate current ADA standards into the design and construction of the alteration. Road overlays and similar resurfacing work is included under this requirement. When the County schedules such work any associated pedestrian facilities will be assessed and retrofitted as necessary to comply with current ADA standards.

When such work is required outside of the overall funding and scheduling framework of the Transition Plan, the remaining Transition Plan work schedule will be adjusted accordingly. The amount of money spent on retrofits mandated by road work will be deducted from the Transition Plan budget for that period, so that all costs associated with ADA compliance are easily accounted for.

The Transition Plan schedule will also be adjusted as necessary to account for ADA retrofits associated with Capital Improvement Projects (CIP) and Developer funded improvements, and construction cost inflation.

The Transition Plan will be programmed in the County budget as a CIP project.

## Project Scheduling

Project funding will be determined annually during the Fiscal Year (FY) budget planning cycle. When the funding levels for a particular FY are approved, which typically occurs by May 25, the project list for the FY will be finalized. Staff will present the project list to the SHA for review by June 1. The new FY begins on July 1 of the year it is approved. The notice to proceed on work associated with a FY's project list will be issued after July 1 of that year.

The project list will be divided into two categories: an "A" list and a "B" list. "A" list projects are expected to be completed in the allotted time, typically no more than a calendar year, and are expected to consume nearly all available funding. If funds remain after the "A" list of projects is completed, work on projects included on the "B" list will begin and continue until all allotted funding for that fiscal year has been utilized. Projects on the "B" list that have not been completed will migrate to the following FY's "A" list.

Accurate planning for specific projects beyond a year's "B" list is not possible, due to the variables associated with funding allocations, material and labor costs, complimentary road improvement projects, and shifting priorities based on public comments and complaints.

Tentative project lists have been included as Appendix VIII. They are included here for discussion purposes and are subject to change based on available funding and coordination with other projects.

## Conclusion

This Transition Plan provides a basic framework for the County's efforts to mitigate barriers to pedestrian accessibility in County maintained public rights of way. It will be subject to revisions as conditions change and new information becomes available.

The County will update the project inventory as each project is completed and barriers to accessibility are mitigated. Annual reports detailing work completed and planned future projects will be provided to the State Highway Administration for their information and made available upon request.

The County will conduct a new Self Evaluation to inventory and determine the condition of pedestrian facilities in County rights of way. This work will be completed by June 30, 2019, five years after the completion of the original survey. The new inventory will determine the complete scope of work and funding required to complete the Transition Plan on schedule at the end of FY 2025.

The County will inspect all public rights of way that enter the County road network, either as new construction or as transfers from other agencies, and will not accept any facilities that do not comply with current ADA accessibility standards. New pedestrian facilities acquired in this way will be added to the County-wide inventory.

The County will inspect pedestrian facilities affected by road work initiated by the County to insure that they comply with current ADA standards. If they are not compliant the County will repair or replace them as necessary.

Frederick County is committed to the successful execution of this Transition Plan and achieving ADA compliance within County maintained public rights of way.