

Frederick County, Maryland

Americans with Disabilities Act

Self Evaluation of Pedestrian Facilities within County-Maintained Public Rights-of-Way

**Division of Public Works
2019 Update**

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Executive Summary

Frederick County, Maryland, performed its first 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 2014 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 were used to develop a Transition Plan to address all non-compliant facilities identified during the 2014 Self Evaluation survey. The Transition Plan is expected to correct all of the barriers identified in 2014 over a ten year period. Work began in Fiscal Year 2016 and is expected to be completed by the end of Fiscal Year 2025.

The 2014 Self Evaluation serves 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.

The County conducted its second Self Evaluation of pedestrian facilities during the Spring of 2019. This report incorporates this new data and demonstrates how the County’s pedestrian facilities have changed over the past five years. New sidewalks and ramps have been added to the County network, and many preexisting noncompliant sidewalks and ramps have been repaired or replaced.

The 2019 Self Evaluation found that approximately 9.7 percent of the County’s 171.12 miles of sidewalks do not comply with applicable standards. Approximately 43.8 percent of a total of 2,677 curb ramps were identified as non-compliant.

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/grievance 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

Miles Ward, Director	Phone: (301) 600-1063
Division of Human Relations	Fax: (301) 600-1636
Frederick County Government	mward@FrederickCountyMD.gov
401 Sagner Avenue	TTY: Use Maryland Relay
Frederick, Maryland 21701	

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.

In 2014 the County acknowledged 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 maintained public rights-of-way, Frederick County implemented a Self Evaluation of pedestrian facilities in the Spring of 2014. The results of this effort were presented in the first edition of this document, completed in June 2014.

The initial Self Evaluation has been updated with new data collected in 2019 that reflects the changes to pedestrian facilities in County maintained public rights-of-way that have occurred over the past five years. These changes include repair and replacement of sidewalk and curb ramps on existing County roads, construction of new sidewalks and curb ramps that expand existing pedestrian facility networks, new roads entering the County system through street acceptance and road transfers, and corrections of errors and omissions that were identified after the initial survey.

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 has adopted design standards for all new construction and reconstruction that are 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 of 1990 (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.

Filling Discrimination Complaints with 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

401 Sagner Avenue
Frederick, Maryland 21701
Phone: (301) 600-1063
Fax: (301) 600-1636
mward@FrederickCountyMD.gov
TTY: Use Maryland Relay
<https://www.frederickcountymd.gov/58/Human-Relations>

Self Evaluation Update 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. The results of this survey are described in the 2014 edition of this document.

Frederick County entered into an Agreement with the State Highway Administration (SHA) that requires Frederick County to address all barriers to accessibility documented in the 2014 Self Evaluation over a ten year period. The ten year period began on July 1, 2015, at the start of the County's Fiscal Year 2016 budget cycle and will end in Fiscal Year 2025.

The original 2014 inventories of streets with sidewalks and intersections with curb ramps were updated to reflect changes made over the last five years. Changes include repair and replacement work initiated by the County and correction of minor errors and omissions made during the initial inventory. The 2019 Self Evaluation Update includes all repairs and replacements completed as of December 31, 2018. The updated "Roads with Sidewalks" inventory is included as Appendix III and the updated "Intersections with Ramps" inventory is included as Appendix IV.

All pedestrian facilities in County maintained public rights-of-way were reviewed as part of the 2019 Self Evaluation Update. This review identified facilities that have been added to the County system after the 2014 Self Evaluation was completed and prior to December 31, 2018. These additions occurred for the following reasons:

- New roads with pedestrian facilities have been constructed by developers and accepted by the County.
- New pedestrian facilities have been installed by the County along existing County roads.
- Existing roads with pedestrian facilities have been transferred to the County from other jurisdictions.
- County roads with pedestrian facilities that existed prior to 2014 but were not identified as part of the 2014 Self Evaluation were added to the system. These roads were not identified in the 2014 inventory and not considered subject to the Agreement.

All pedestrian facilities that were added to the system since 2014 are listed separately from facilities subject to the Agreement in Appendix V.

The new roads and pedestrian facilities that have been added to the County system since the 2014 Self Evaluation was completed are not considered subject to the 2014 Agreement. Therefore roads and facilities subject to this Agreement are listed separately from those that are not subject to the Agreement.

All new pedestrian facilities that have been constructed since 2014 by developers were inspected and found to be ADA compliant prior to acceptance by the County. All construction initiated by the County was inspected and found to be compliant prior to the completion of the project. Roads transferred to the County from other jurisdictions were accepted "as is" and surveyed to determine their level of ADA compliance. County roads with pedestrian facilities that existed prior to 2014 but were not identified as part of the 2014 Self Evaluation were also surveyed to determine their level of ADA compliance.

Frederick County 2019 Self Evaluation Update

Frederick County utilized a paper based recordation system similar to that used during the 2014 Self Evaluation. A “pass/fail” approach was used to describe pedestrian ramps, which could fail by not complying with one or more of several applicable standards. Barriers to accessibility observed along pedestrian routes were compiled into several categories. Ramps were organized by intersection name, and pedestrian routes by road name.

The County utilized the standard developed by the SHA when identifying non-compliant cross slopes on existing facilities. 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 acceptable, while a cross slope of 3.01% or more is identified as in need of repair or replacement.

The County did not apply the standards developed by the SHA when evaluating cross slopes on new construction. Standard 403.3 (2% maximum allowable cross slope) was applied in these areas.

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).

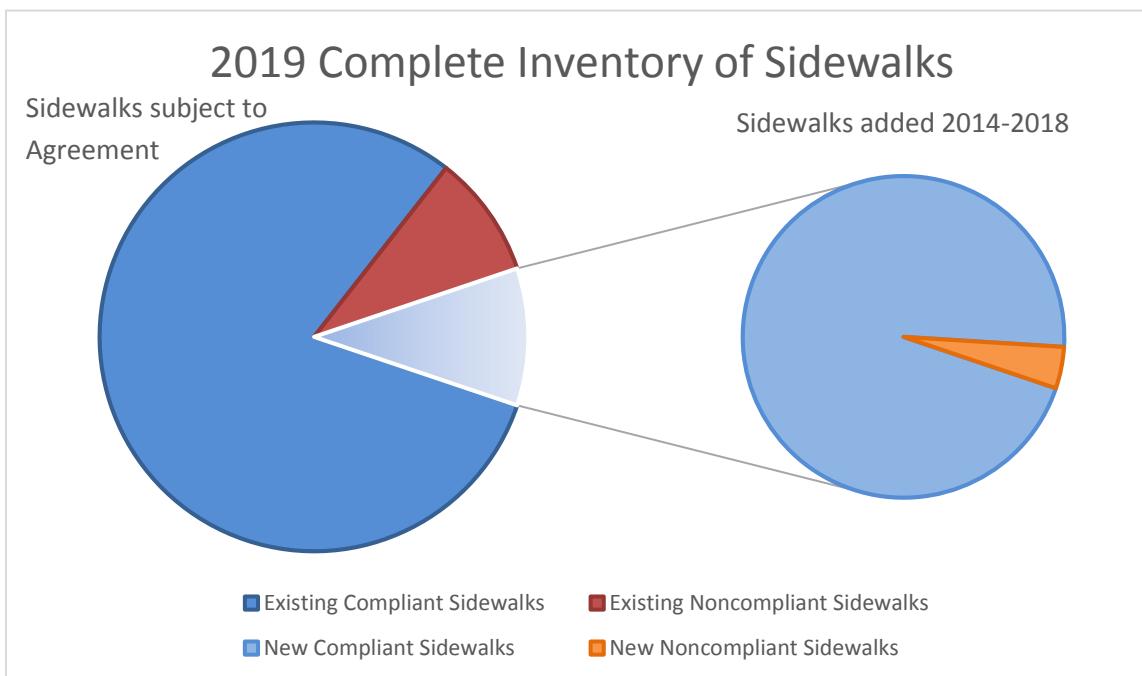
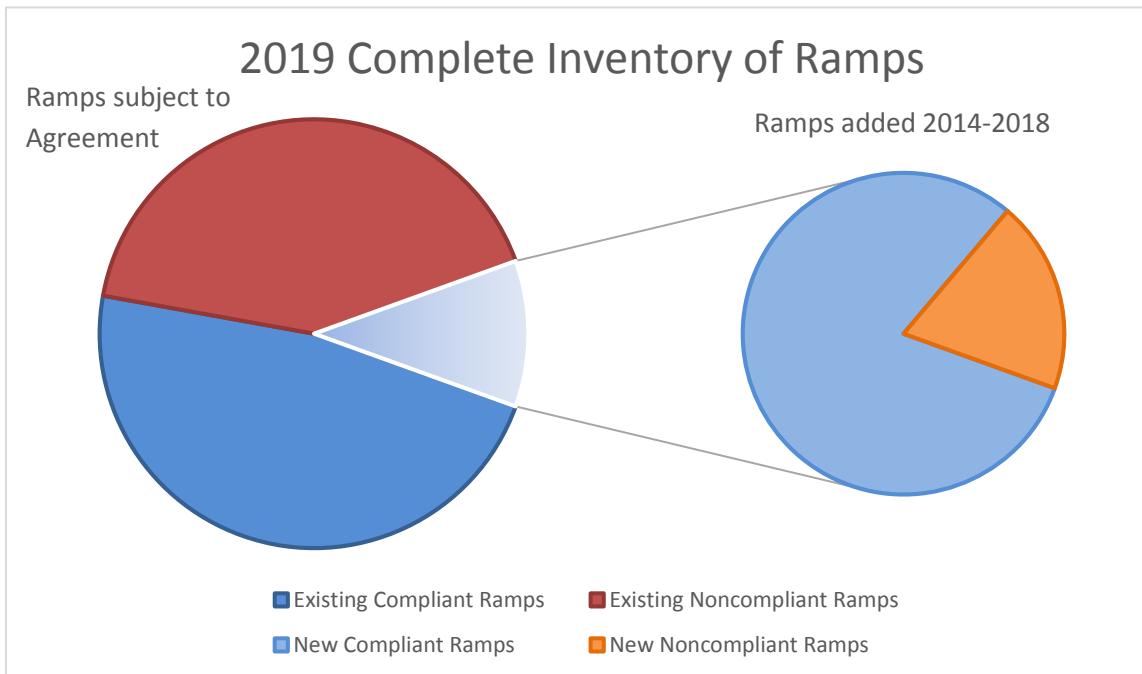
Applicable ADA standards for curb ramps include the following:

<u>Non-Compliant feature</u>	<u>standard</u>
Ramp does not comply with geometry requirements per standard	406
Ramp does not comply with requirements regarding landing per standard	406.4
Ramp does not have Detectable Warning Surface (DWS)	406.8
Median Crossings were absent or non-compliant	406.7

Applicable ADA standards for pedestrian accessible routes include the following:

<u>Non-Compliant feature</u>	<u>standard</u>
Sidewalk or Ramp Panel Cross slope	403.3
Width of Panel	403.5.1
Vertical Clearance (changes in level)	303.2
Pinch Point	403.5.1
Passing Zone	403.5.3
Protruding Object	307.5

Results



Complete Inventory of Pedestrian Facilities

This summary of the results of the 2019 Self Evaluation includes Pedestrian Facilities subject to the 2014 Agreement and Pedestrian Facilities added to the County system between 2014 and 2018.

Ramps

Total number of ramps on County roads:	2677	100%
Total number of compliant ramps:	1505	56.2%
Total number of non-compliant ramps:	1172	43.8%

Sidewalks

Total length of sidewalks on County Roads:	902,697 feet	171.12 miles	100%
Sidewalk compliant with standard 403.3 (cross slope):	815,130 feet	154.53 miles	90.3%
Noncompliant sidewalk:	87,567 feet	16.59 miles	9.7%
Total number of driveway sidewalk crossings	5,669		100%
Total number of compliant driveways	4,737		83.6%
Total number of noncompliant driveways (due to cross slope)	932		16.4%

Noncompliant Sidewalk Features	number	standard
Sidewalk Panels with excessive Cross slope	21,878	403.3
Width of Panel	5	403.5.1
Vertical Clearance (changes in level)	2,018	303.2
Pinch Point	26	403.5.1
Passing Zone	217	403.5.3
Protruding Object	199	307.5

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

Pedestrian Facilities Subject to the 2014 Agreement

This summary represents the Pedestrian Facilities subject to the 2014 Agreement. Minor errors and omissions in the 2014 Self Evaluation data were corrected as part of the 2019 Update. The numbers here include those corrections.

Ramps

Total number of ramps on County roads:	2,382	100%
Total number of compliant ramps:	1,267	53.2%
Total number of non-compliant ramps:	1,115	46.8%

Sidewalks

Total length of sidewalks on County Roads:	809,200 feet	153.25 miles	100%
Sidewalk compliant with standard 403.3 (cross slope):	725,530 feet	137.41 miles	89.7%
Noncompliant sidewalk:	83,670 feet	15.84 miles	10.3%
Total number of driveway sidewalk crossings	5,269	100%	
Total number of compliant driveways	4,349	82.6%	
Total number of noncompliant driveways (due to cross slope)	920	17.4%	

Noncompliant Sidewalk Features	number	standard
Sidewalk Panels with excessive Cross slope	20,996	403.3
Width of Panel	5	403.5.1
Vertical Clearance (changes in level)	1,966	303.2
Pinch Point	26	403.5.1
Passing Zone	215	403.5.3
Protruding Object	198	307.5

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

Pedestrian Facilities added since the 2014 Self Evaluation

Ramps			
Total number of ramps on County roads:	295	100%	
Total number of compliant ramps:	238	80.7%	
Total number of non-compliant ramps:	57	19.3%	
Sidewalks			
Total length of sidewalks on County Roads:	93,497 feet	17.71 miles	100%
Sidewalk compliant with standard 403.3 (cross slope):	89,600 feet	16.97 miles	95.8%
Noncompliant sidewalk:	3,897 feet	.74 miles	4.2%
Total number of driveway sidewalk crossings	400	100%	
Total number of compliant driveways	388	97%	
Total number of noncompliant driveways (due to cross slope)	12	3%	
Noncompliant Sidewalk Features		number	standard
Sidewalk Panels with excessive Cross slope	882	403.3	
Width of Panel	0	403.5.1	
Vertical Clearance (changes in level)	52	303.2	
Pinch Point	0	403.5.1	
Passing Zone	2	403.5.3	
Protruding Object	1	307.5	

(Please note that only sidewalk cross slope is expressed in linear feet or miles. 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.

Since the 2014 Self Evaluation, the County's Transition Plan has been incorporated into the County's Capital Improvement Program and become part of the County's annual budget process. Opportunity for Public comments are included in the budget review and approval process.

Additional material has been posted to the County ADA webpages describing the areas where ADA repairs and replacements have been made. Contact information is posted on these pages.

County staff applied for Community Development Block Grant (CDBG) funding to augment the Transition Plan in 2015, 2016, 2017, and 2018. The application process includes published announcements and public hearings. The County was awarded CDBG grants in 2016 and 2017. Additional public hearings were required as part of the grant funded projects.

County staff have been interviewed by local television stations and newspapers since work on the Transition Plan started in 2015.

Detailed comments and complaints received since the 2014 Self Evaluation was completed and during the writing of the 2019 Update are summarized in Table 1. Other public input received during the same period fell into several broad categories which elicited standard responses from staff:

<u>Inquiry/Complaint</u>	<u>Response</u>
Identification of a specific tripping hazard.	Hazard Repaired by County staff or contractor.
Inquiry as to when work will begin in a neighborhood.	Refer to Transition Plan prioritization schedule.
Dissatisfaction with ongoing ADA project.	Meet with complainant and resolve issue.
Complaint about cosmetic defects on concrete.	Explain that County only addresses ADA issues.
Inquiry or complaint not on a County road.	Refer to appropriate jurisdiction/agency.

Links:

Frederick County Website:

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

Frederick County Commission on Disabilities:

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

Table 1: Summary of Public Comments since 2014 Self Evaluation.

Name	Date	Area of Interest	Response
John Gretz	11/15/16	Potential ADA barriers created by landscaping in grass strip between sidewalk and curb.	Staff investigated and determined that objects indicated in the complaint did not constitute a barrier to accessibility as defined by the ADA.
John Gretz	10/19/16	Domed gas valve covers in pedestrian circulation paths present a barrier to accessibility.	Staff investigated and met with Washington Gas personnel to develop plan of action to replace domed valve covers with flat ones in sidewalk areas. When possible, replacement sidewalks are now relocated to avoid gas valves altogether.
John Gretz	5/15/17	“Lonely Ramps” at Tottenham Street and Tottenham Circle. A “Lonely Ramp” is a curb ramp with no corresponding curb ramp on the opposite side on any adjacent street, which constitutes an incomplete crosswalk and a barrier to pedestrian accessibility.	November 16, 2017, meeting with State Highway Administration staff to clarify ADA implications for “Lonely Ramps”. Consensus reached, two new ramps and connecting sidewalk constructed in primary area of concern in July, 2018. Correction of “Lonely Ramps” now included in Transition Plan work.
John Gretz	Spring 2019	Multiple requests for more detailed information regarding ADA work completed to date.	Information requested is not readily available. Extensive archival research is required to develop datasets. Staff resources are not available to respond to this request. Archival material will be made available for review upon request.
Eric Forster	2/2/16	Request to remove sidewalk adjacent to front yard.	Staff investigation discovered that existing sidewalk was not constructed in County right-of-way and was on private property. Mr. Forster removed sidewalk and replaced with grass.
Margie Scalf	5/3/18	Multiple requests for a curb ramp on Turnberry Court.	Staff investigated and determined that the area of interest is not a County maintained public right-of-way and the complainants should contact the local Home Owner’s Association.
Tori Daley	10/23/18	(Turnberry Court is a private street)	
Jim Landolina	7/9/19	Request for driveway and sidewalk replacement or permission to permanently remove sidewalk on property.	Staff investigated and did not identify any ADA barriers to accessibility. Defects were determined to be cosmetic, removal of existing sidewalk not permitted since it is located within a County maintained public right-of-way.

Conclusion

Frederick County recognizes pedestrian facilities as an integral part of its transportation infrastructure. The field inspections conducted in the Spring of 2014 provided a valuable baseline for measuring progress towards the goal of maximum practicable pedestrian accessibility within County maintained public rights-of-way.

Based on the data collected in the Spring of 2019, the County has made significant progress towards the goal of maximum practicable pedestrian accessibility. A comparison of the 2014 data and the 2019 data indicates that Frederick County has increased its compliance rates across its entire network as follows:

Category	2014	2019	Increase in Compliance
Sidewalks	86.9%	90.3%	3.4%
Curb Ramps	3.4%	56.2%	52.8%

Work on the 10-year effort defined by the 2014 Agreement with SHA will continue as the County's primary objective. This portion of the Transition Plan is expected to be completed during Fiscal Year 2025. Based on the data compiled in the 2019 Self Evaluation Update, Frederick County has increased its compliance rates on roads subject to the Agreement as follows:

Category	2014	2019	Increase in Compliance
Sidewalks	86.9%	89.7%	2.8%
Curb Ramps	3.4%	53.2%	49.8%

This data can be expressed in another way, which reflects the progress made during the first 3.5 years of the 10-year effort (July 1, 2015-December 31, 2018):

Category	2014	2019	Percent reduction
Non-compliant Sidewalks (linear feet)	105,928	83,670	21.0%
Non-compliant Curb Ramps	2218	1115	49.7%

Based on this data, Frederick County concludes that it is making acceptable progress in meeting the requirements of the 2014 Agreement with SHA.

Once all work identified in the 2014 Self Evaluation has been addressed, ADA work related to roads and pedestrian facilities that entered the County system after 2014 will become part of on-going efforts to achieve ADA compliance.

Future County-wide reassessments will reassess the condition of all existing pedestrian facilities and be used to guide efforts to improve pedestrian accessibility. At this time the County anticipates that a complete assessment of the entire County will be completed every 5 years.

Copies of the Spring 2019 Self Evaluation Update will be made available to the public in a variety of formats. Complete copies of the field notes and electronic databases 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.