

**CITY OF NEWARK - PUBLIC WORKS
ADA TRANSITION PLAN
FOR SIDEWALK, CURB AND RAMPS**

A. ADA Requirements

The Americans with Disabilities Act (ADA) was enacted on July 26, 1990 to provide comprehensive civil rights protection to persons with disabilities in the areas of employment, state and local government services, access to public accommodations, transportation and telecommunications. This legislation mandates that qualified disabled individuals shall not be excluded from participation in, denied the benefit of, or be subjected to discrimination under any program or activity.

The ADA, Title II, (1990) required state and local governments receiving federal funds to do a self-evaluation to identify areas which would prevent individuals with disabilities from accessing public areas. This self-evaluation was to be used to develop a Transition Plan to remove these problem areas with completion by 1995. This written Transition Plan was never done by Newark.

The ADA, Title II, in addition to the Transition Plan, requires that facilities constructed or altered after January 26, 1992 be designed and constructed to be readily accessible to and usable by people who have disabilities.

The requirement for detectable surfaces on curb ramps was suspended by the Accessibility Board to conduct further research on the performance of their detectability. The Department of Justice (DOJ) continued the suspension through July 26, 2001. Since July 26, 2001 detectable surfaces are again required for curb ramps.

B. City Responsibility

Title II dictates that a public entity must evaluate its facilities in public areas to determine whether or not they are in compliance with the non-discrimination requirements of the ADA. The requirements include completing a self-evaluation to determine areas of non-compliance and to create a Transition Plan to bring these required areas into compliance.

The City of Newark's Transition Plan as it relates to curb ramps and sidewalk accessibility will include the following:

- Identify inaccessible curb ramps and sidewalks in the complete sidewalk infrastructure.
- Develop a planning schedule and a budget to provide needed accessibility.
- Complete the work required to provide accessibility.
- Provide a public involvement process via resident feedback.

C. City Background

The City of Newark Public Works Department completed a preliminary self-evaluation of all its sidewalks system in 2007. During this self-evaluation, it was determined that the City, in good faith in trying to provide accessibility for its residents, had installed 1,091 curb ramps. Of these curb ramps, only 157 of them meet all the requirements of ADA, including the truncated dome detectable surface, leaving 934 ramps in non-compliance. There are also an additional 142 locations, which do not have a curb ramp.

Since the enactment of the ADA in 1990, the city has put forth a good faith effort in trying to provide sidewalk accessibility through the following programs:

- The developer of all new construction projects provides curb ramps during the construction of all sidewalks.
- Periodically, the city has obtained funding from the Community Development Block Grant funds to provide curb ramps in the areas meeting the criteria for that funding.
- An annual sidewalk repair/replacement program was started in 1996 to address all deteriorated sidewalks and trip hazards within the city. Each year one-seventh of the city is inspected for needed repairs and all repairs are generally completed within one-year's period.
- Our annual street improvement contract addresses curb ramp issues adjacent to roadways that are being re-constructed or overlaid.
- Periodically, sidewalks have been installed in areas lacking sidewalk through council resolution.

In summary, the City of Newark, in a good faith effort has provided some type of curb ramp accessibility to approximately 88 percent of the city's potential curb ramp locations, however, the majority of these do not meet ADA requirements to the greatest extent feasible. The majority of these curb ramps that are in non-compliance fail to meet one of the following ADA criteria:

- Lack of a truncated dome detectable surface.
- Cross slopes exceeding 2 percent.
- Curb ramps not being flush with the existing road surface.
- Longitudinal slopes exceeding 1" vertical to 12" horizontal

D. City Commitment

The City of Newark is committed to making all sidewalk and curb ramp areas accessible to all pedestrians including those with disabilities. This will be accomplished through the following programs:

- All new construction under the control and/or inspection of the Department of Public Works will be in compliance with the ADA.
- Sidewalk ramps will be installed or reconstructed in accordance with ADA during all contractual roadwork construction or alterations.
- Allotting a conservative estimate of \$1,500 per curb ramp installation or reconstruction, the City of Newark is committing \$110,000 for the next 20 years to solicit a separate contract for the sole purpose of installing new curb ramps and reconstructing existing curb ramps to meet compliance.

The missing or non-complaint curb ramps shall be prioritized prior to December 31, 2008. The prioritization shall follow the following general criteria.

- The curbs ramps shall first be prioritized by location:
 - (a) Specific locations identified from feedback of disabled residents.
 - (b) Provide access to areas of state and local facilities or offices.
 - (c) Provide access to places of public accommodation, including downtown business areas and schools.
 - (d) Provide access to public transit.
 - (e) In residential areas to enhance safety at pedestrian crossings.
- Within the guidelines of the location priorities, we intend to use the following priorities to further breakdown the priority listing.
 - (a) Specific locations identified from feedback of disabled residents.
 - (b) Install missing curb ramps.
 - (c) Replace non-complaint curb ramps constructed after 1992.
 - (d) Replace non-compliant curb ramps constructed prior to 1992.

In support of this city commitment, the following items shall be completed prior to December 31, 2008:

- A resolution for the acceptance of the Transition Plan shall be passed by city council.

- A code revision is required to include ADA criteria.
- The standard specifications and details must be revised as necessary.
- The priority listing must be generated prior to the end of 2008.
- A commitment to this program to the capital budget is required for 2009 and subsequent years.
- Public involvement shall be promoted by the city by making the Transition Plan available to all residents, organizations or interested parties via the city website and newsletter.
- The public will be included in preparation of priority listings by enabling them to submit complaints, commits and recommendations.
- Any correspondence such as complaints, comments and recommendations should be submitted to the City of Newark ADA Coordinator, Charles Zusag at the City of Newark, 220 Elkton Road, Newark, DE 19711.

E. Closing

In closing, the City of Newark continues to make a commitment to reach and maintain complete compliance as mandated under the ADA with regard to accessibility. The city has made good progress toward the intent of the ADA since the 1990 enactment, however, due to misinterpretation of the standards, the majority of our 90 percent accessible sidewalk system does not meet the greatest extent feasible compliance with the ADA. Through this Transition Plan, it is the city's intent to correct all non-compliant curb ramps and continue to install compliant curb ramps where necessary.