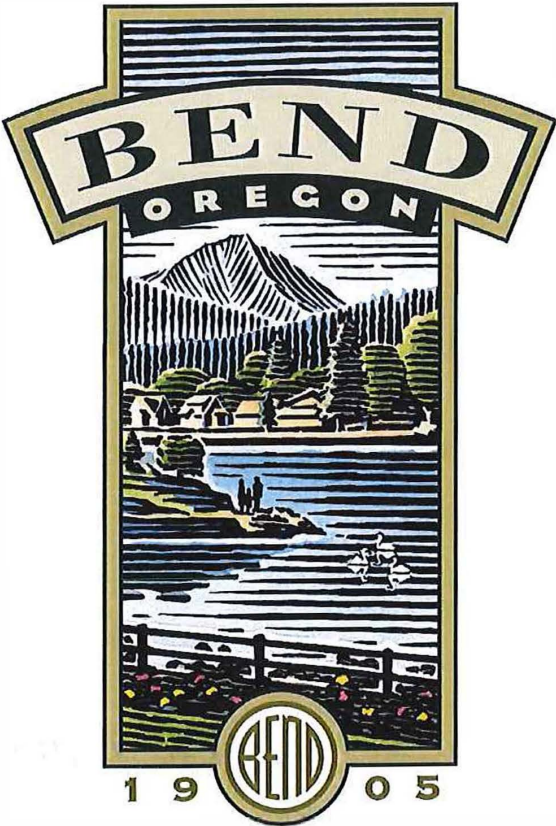


CITY OF BEND



TRANSITION PLAN

CITY OF BEND TRANSITION PLAN

Bend Code Chapter 1.450 provides for 'City Manager Authority to Adopt Administrative Regulations, Policies and Guidelines.' All regulations, policies and guidelines adopted by the City Manager shall be consistent with the City of Bend Charter, the Bend Code, and council ordinances.

The City of Bend Transition Plan conforms to the above stated standards and is adopted.

Adopted by City Manager:



Eric King
City Manager

Dated: 2/27/14

Reviewed by Legal Counsel:



Mary Winters
City Attorney

Dated: 2/27/14



City of Bend

Americans with Disabilities Act (ADA) Transition
Plan for Curb Ramps in the Public Rights-of-way

February 2014

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TABLE OF CONTENTS

I. INTRODUCTION & PURPOSE..... 3

 A. PROGRAM OVERVIEW 3

 B. BEND’S SETTLEMENT AGREEMENTS UNDER FEDERAL ACCESSIBILITY REQUIREMENTS..... 4

 C. SELF-EVALUATION AND DOJ SETTLEMENT AGREEMENT..... 5

II. FUNDING MECHANISMS (PAST, CURRENT, & FUTURE)..... 7

 A. 2005 – 2009 FUNDING MECHANISMS 7

 B. \$3.2 MILLION GENERAL FUND 7

 C. 1.5% FRANCHISE FEE GENERAL FUND 2013- 2015 8

 D. ADDITIONAL METHODS OF FUNDING, UPGRADING & CREATING CURB RAMPS 9

 1. GRANT FUNDING 9

 2. CAPITAL IMPROVEMENT PROJECTS (CIP) 10

 3. STREETS DIVISION BUDGET 10

 4. CURB RAMPS PROJECTED FOR G.O. BONDS PROJECT 11

 5. PRIVATE DEVELOPMENT PROJECTS 11

 6. PUBLIC DEVELOPMENT PROJECTS 12

 E. FUTURE FINANCIAL PICTURE FOR THE CITY OF BEND 12

 1. BEYOND 2013 – 2015 BIENNIUM 12

 2. FUNDING FOR ACCESSIBILITY IMPROVEMENTS 13

III. CITY OF BEND CURB RAMP AND SIDEWALK PAST ACCOMPLISHMENTS.. 15

 A. PAST CHALLENGES AND RENEWED COMMITMENT RELATED TO CURB RAMP & SIDEWALK PROGRAM..... 15

 B. THE CITY’S EXTENSIVE CURB RAMP ASSESSMENT 15

 C. STREETS DIVISION OVERLAY AND SELF-PERFORMED CURB RAMP PROGRAMS 17

 D. CUSTOMER REQUEST FOR BARRIER REMOVAL 17

 E. CURB RAMP AND SIDEWALK CONSTRUCTION TO DATE 18

IV. SPECIFIC CURRENT & FUTURE PROJECTS..... 20

 A. PLANNED REASSESSMENT OF CURB RAMP DEFICIENCIES 20

 B. IDENTIFICATION OF PRIORITY CURB RAMPS FOR 2013 - 2015 20

 C. CURRENT AND FUTURE PROJECTS 24

V. PUBLIC PARTICIPATION 25

VI. RESPONSIBLE INDIVIDUAL 26

VII. APPENDICES..... 26

I. Introduction and Purpose

The federal statute known as the Americans with Disabilities Act (ADA), enacted July 26, 1990, provides comprehensive civil rights protection to persons with disabilities in the areas of employment, state and local government services, and access to public accommodations, transportation, and telecommunications. Title II of the ADA requires state and local government programs, services and activities to be accessible and usable by individuals with disabilities.

An ADA Transition Plan is a document prepared to identify existing structural barriers impeding access to programs by people with disabilities, and describes any physical changes required to make programs accessible. This particular ADA Transition Plan is specific to the curb ramps in the City of Bend's public rights-of-way although it will also address other transition elements such as buildings, facilities and sidewalks. The Plan explains and documents the significant work done to date in assessing, prioritizing and funding curb ramp design and construction throughout the City; describes the City's existing policies and programs to enhance accessibility in the public rights-of-way; and explains how the City will continue to comply with the ADA going forward. It includes funding options and challenges, as well timelines and the decision-making process. It covers and applies to public streets within the City of Bend, not private streets under the control of homeowner associations or other private entities.

As further explained below, the ADA Transition Plan for Curb Ramps in the Public Rights-of-way incorporates both a prioritization approach and a realistic funding strategy that seeks to remove identified structural barriers. The City of Bend has already made a significant long term investment and demonstrated commitment to improving accessibility throughout the City. The City is committed to achieving ADA compliance and this ADA Transition Plan is one tool for documenting completed projects, and planning for future improvements, with the goal of enhancing accessibility throughout the City.

The intent of the ADA Transition Plan is to provide a temporal status statement. The City of Bend will review the plan annually to re-establish future goals and projects based on new sources of funding, modified capital improvement programs and assessment of priorities based on citizen input.

A. Program Overview

The City's Accessibility Program is part of the City Administration Department under the supervision of the City Attorney. The program has an Accessibility Manager who works closely with the City Manager's office to communicate essential information to the City Council and the community.

The City Public Works and Engineering Infrastructure and Planning (EIP) Departments have direct involvement in the accessibility program as it relates to streets and sidewalks, including support and technical advice from the City Engineer, EIP Director and Public Works Director, as needed. The Streets Division Manager oversees and implements curb ramp construction as

ADA Transition Plan for Curb Ramps in the Public Rights-of-way

part of the City's overlay program. City Public Works crews self-perform curb ramp construction for the overlay program. The City Public Works and EIP Departments are responsible for the inspection and documentation of the curb ramp improvements with guidance and oversight from the Accessibility Manager.

B. Bend's Settlement Agreements under Federal Accessibility Requirements

After receiving a complaint against the City in 2001, the United States Department of Justice (DOJ) initiated a series of inspections under Title II of the ADA, 42 U.S.C. §§ 12131-12134. The complaint alleged that the City had not taken steps to provide access to its programs and services. The City and the DOJ reached a settlement agreement on September 15, 2004, effective through 2014 (DOJ Agreement or Settlement Agreement). The DOJ Agreement is part of Project Civic Access, which is an ongoing initiative whereby the DOJ works with local governments to improve access to their facilities, programs, activities, and services for citizens with disabilities. As of January 2014, the DOJ has entered into 207 project civic access settlement agreements with 168 localities in all 50 states, the District of Columbia and Puerto Rico, which are similar to Bend's Agreement. In Oregon, five (5) project civic access settlements have been reached: Three in Deschutes County, Tillamook County and the City of Ashland.

For more information see the U.S. DOJ's Project Civic Access webpage at www.ada.gov/civacac.

The Scope of the Settlement Agreement included access to City programs, facilities and services, including city hall, fire stations, police substations and public works facilities; strengthening 911 services; establishing a grievance procedure; signage; designating an employee responsible for ADA compliance; and ensuring better communication with applicants and community members, including auxiliary aids. At the time of the Settlement Agreement, the City had already taken some actions required by the DOJ Agreement. Since that time, the City has worked diligently to comply with the Settlement Agreement in all areas of the City and has submitted annual compliance reports to the DOJ. Other than curb ramps, all areas of the Settlement Agreement are ongoing annual reporting requirements or are essentially completed.

With regard to curb ramps, the DOJ Agreement requires the City to:

- **Requirement #18**

Within nine months of the effective date of this Agreement, the City will identify and report to the Department all streets, roads and highways that have been constructed or altered since January 26, 1992. Paving, repaving, or resurfacing a street, road or highway is considered an alteration for the purposes of this Agreement. Within ten years of the effective date of the Agreement, the City will provide curb ramps or other sloped areas complying with the Standards or UFAS at all intersections of the streets, roads,

ADA Transition Plan for Curb Ramps in the Public Rights-of-way

and highways identified under this paragraph having curbs or other barriers to entry from a street level pedestrian walkway.

▪ **Requirement #20**

Within nine months of the effective date of this Agreement, the City will identify all street level pedestrian walkways that have been constructed or altered since January 26, 1992. Paving, repaving, or resurfacing a walkway is considered an alteration for the purposes of this Agreement. Within ten years of the effective date of this Agreement, the City will provide curb ramps or other sloped areas complying with the Standards or UFAS at all places where a street level pedestrian walkway identified under this paragraph intersects with a street, road, or highway.

Thus, under the existing DOJ Agreement, curb ramps installed or altered after 1992 are to be made accessible according to the applicable design standards by 2014.

The City also entered into a Settlement Agreement with Disabilities Rights Oregon (DRO Agreement) in 2007, intended to increase the accessibility of the transit system, then run by Bend Area Transit (BAT). The bus stop compliance included bus stop pads and two associated curb ramps with associated sidewalk improvements serving key facilities.

Commencing on September 1, 2010, the Central Oregon Intergovernmental Council (COIC) assumed responsibility for all BAT operations including all BAT bus stops and associated facilities. The City maintained responsibility for the bus stop/curb ramp improvements required by the DRO Agreement. At the time of the DRO Agreement, BAT operated and served seven fixed routes, which COIC presently operates. The fixed routes included 182 bus stops.

As a result of significant work by City staff and members of the Citizens for Accessible Transportation (CAT) committee, the BAT system (now operated by COIC) is 100% compliant. COIC accepted a full transfer of the system on September 1, 2011 consisting of ADA compliant services, facilities, signage, vehicles, and bus stops. The DRO Settlement Agreement was terminated by stipulated agreement of the parties and the retention of jurisdiction over the underlying case for the purpose of enforcing the Settlement Agreement was dismissed by an order of the federal court dated August 5, 2011. The construction of transit improvements and corresponding dismissal of the DRO Settlement Agreement three years early is a significant accomplishment, especially given the economic picture at the time.

C. Self-Evaluation and DOJ Settlement Agreement

The first step toward compliance with the ADA is a self-evaluation of the entity's current policies and practices to identify inconsistencies with the Title II requirements. The entity must then make the necessary changes to their policies and practices identified by the self-evaluation.

ADA Transition Plan for Curb Ramps in the Public Rights-of-way

The City conducted a self-evaluation survey of its programs, policies, and procedures beginning in October, 1983. Community members with disabilities participated in a review of City owned facilities. Following the completion of several evaluations, the City ADA Team developed documents entitled "Transition Plan" in January of 2004, and an "ADA Self-Evaluation and Report" in April of 1995. Those documents address various areas of ADA compliance, including a citywide review of public facilities, in order to ensure that programs offered at City facilities comply with Title II. The City systematically increased the number of programs accessible to individuals with disabilities.

The DOJ Settlement more thoroughly identified ADA compliance tasks and timeframes for completion. The structural modifications to City owned buildings, including city hall, public works facilities, fire department facilities, the police station and substations, airport facilities and public parking lots, identified in the Transition Plan and in the DOJ Settlement, have been completed.

The City also submitted a list of street overlay projects, CIP projects, and a list of sidewalk repairs to the DOJ through 2005, which the DOJ documented as complete. The City also completed a more thorough Self-Evaluation Report in June of 2008. The 2008 City of Bend Self-Evaluation Report includes a variety of recommendations. Some of the recommendations that are implemented on an ongoing basis include:

- Conduct physical access surveys of all sites which City programs operate;
- Develop a Transition Plan;
- Develop and distribute policy regarding accessibility of public meetings, including physical access, as well as effective communication; and
- Maintain list of resources for auxiliary aids and services.

The DOJ Settlement does not require additional self-evaluation or developing another transition plan. Nonetheless, the City has chosen to do an extensive additional curb ramp assessment and create this ADA Transition Plan for Curb Ramps in the Public Rights-of-way as the best mechanism for meeting the requirements of the ADA and the DOJ Settlement related to curb ramps. This evaluation is ongoing and will be updated and evaluated through GIS and field work as better information and additional resources become available.

II. Funding Mechanisms (Past, Current, and Future)

A. 2005 – 2009 Funding Mechanisms

The City's Accessibility Program is funded by the General Fund of the City, which also funds essential services such as the Fire Department, Police Department, long range planning, street maintenance, etc. After entering into the Settlement Agreement, the City spent approximately \$2 million for ADA infrastructure improvements (downtown parking, building improvements, curb ramps, etc.). The City Council approved \$500,000 annually for curb ramp improvements in the biennial budget (2007-2009). Then, in 2009, to further its commitment to bringing major areas of the City and especially the transit routes into compliance, the City Council authorized an additional significant obligation out of the general fund for curb ramp and path of travel work. The commitment to accessibility this required cannot be overemphasized, and came at a time when revenues were shrinking and the general fund was becoming increasingly stretched thin.

B. \$3.2 million General Fund

In the 2009-11 biennial budget cycles, the City Council established an ADA Construction Fund. It did so on October 21, 2009 by authorizing, under Oregon State law, the City Council tax-exempt financing of approximately \$3.2 million in the form of full faith and credit obligations for the ADA capital improvements described in this Plan. City Council approved \$450,000 from its discretionary General Fund to bond for approximately \$3.2 million of ADA Curb Ramp Infrastructure (ADA Construction Fund) over the next two years. The bonding will be a debt obligation to the general fund for the next 10-15 years. The total construction is an estimated \$2.67 million with the balance used for additional accessibility projects. The City will continue to construct, reconstruct and repair curb ramps annually at the direction of the ADA Transition Plan for Curb Ramps in the Public Rights-of-Way (PROW) program.

The \$3.2 million paid for projects through fiscal years 2009-12. ADA projects were constructed in five (5) phases. The five (5) phases of ADA projects addressed curb ramps and sidewalks in high pedestrian use zones along with bus stop pads and curb ramps along the Bend Area Transit (BAT) route system. The \$3.2 million general fund bond was spent predominantly on ADA phases 1-5, though some of the money went to pay for projects constructed in the summer of 2009, Barrier Removal Requests, Hawthorne St. Project, Project Management, and materials/services.

ADA Transition Plan for Curb Ramps in the Public Rights-of-way

The table below identifies how the \$3.2 million was spent.

Bond Expenditures Summary Table

Timeline	Project	Approx. Compliant Ramps Completed	Approx. Sq. Ft. of Sidewalk Installed	Work Performed By	Cost / Reimbursement
FY2009- FY2012	Phase 1 - 3	473	19,500	Private Contractor	\$ 2,465,267
FY2009- FY2013	Phase 4-5- Street Division Self- performed Construction*	442	3,161	COB Street Division	\$ 838,393
Total					\$ 3,303,660

*From FY2009 thru FY2013, the Street Maintenance Self-performed Curb Ramp Construction Program was funded approximately 45% from the \$3.2M Debt, and 55% from the Transportation Operations budget. For additional detail on funding and completed ramps, see Appendix D.3, Street Division Budget.

As described in section III(F) below, the City made significant progress using the \$3.2 million general fund bond improving the accessibility of curb ramps, bus pads and sidewalks through a variety of ADA Improvement Projects targeting: Phase 1) high use pedestrian locations; Phase 2) downtown core, downtown district (including 4 new accessible head-in parking spaces), and bus stop pads and associated curb ramps for Bus Route #1 and #11; Phase 3) locations serving government and park facilities, along pedestrian corridors, arterial, and collector streets; and Phases 4 & 5) arterials and collector streets serving primarily commercial businesses. **Approximately 915 ADA compliant curb ramps were completed with the \$3.2 million funding, plus interest.**

C. 1.5% Franchise Fee General Fund 2013-2015 Biennium

In 2006, the City implemented 3% water and sewer franchise fee assessed on water and sewer rate revenues generated by the City, Roats Water System and Avion Water Company for use of the City's rights-of-way for their water and sewer facilities. Historically, this revenue has gone into to the transportation construction fund to pay for street, bike and pedestrian improvements and projects. In the FY2013-15, the Bend City Council reprioritized the water and sewer franchise fee so that ½ of the funds gained from the fee will be dedicated exclusively to

ADA Transition Plan for Curb Ramps in the Public Rights-of-way

constructing ADA compliant curbs and sidewalks (Accessibility Construction Fund). 1.5% of the franchise fee is expected to yield the following amounts:

2013: estimated \$559,900

2014: estimated \$587,600

The estimated \$1,147,500 from the 1.5% of the franchise fees will be spent over the next three to five years to complete approximately 500 curb ramps* from the next phase curb ramp improvements priorities list (see **Section IV (A)**) addressing curb ramps near areas of Employment, Training, Social Services (including Bend’s Community Center, Vocational Rehabilitation, Goodwill Industries, etc.), Assisted Living Facilities, Shopping Centers, and Public Schools. The Streets Division will complete the approximate 500 curb ramps and bill the Accessibility Construction Program.

* Assuming that none of the identified curb ramps will need extensive work, *i.e.* engineering. Curb ramps needing engineering will require longer time frames and potentially additional funds.

D. Additional Methods for Funding, Upgrading and Creating Curb Ramps

Besides the general fund budget, the City is committed to being comprehensive and creative in finding further funding for the curb ramp program. Additional mechanisms for funding curb ramp improvements include:

1. Grant Funding

The Accessibility Program staff has been proactive in seeking grant funding to enhance accessibility, and has been successful in receiving grant funding for curb ramp and related sidewalk projects. In 2010, 2011, 2012 and 2013, the City received the following Community Development Block Grants (CDBG) and Oregon Department of Transportation (ODOT) grant funding:

2010: CDBG Curb Ramp Infill	\$267,739
2010: ODOT N. 3 rd Street Curb Ramp Improvements	\$205,000
2011: ODOT S. 3 rd Street Pedestrian Improvements	\$343,809
2011/2012: CDBG Curb Ramp Project:	\$ 70,140
2012/2013: CDBG Curb Ramps Project	\$100,000
Total:	\$986,688

NOTE: On October 20, 2011, the City submitted an application for construction funding of the ODOT S. 3rd Street Pedestrian Improvements project in the sum of \$2.6 million. Currently the design component is at approximately 45% completion. Funding for construction of the

ADA Transition Plan for Curb Ramps in the Public Rights-of-way

improvements was not obtained in 2012 but ODOT and the City resubmitted the proposal under ODOT long term State Transportation Improvement Program (STIP) funding scheduled to begin in 2016. It is currently on the Oregon Transportation Commission (OTC) list for Region 4 project funding, and is looking promising.

The additional \$100,000 in CDBGs for 2012/2013 was applied during the spring of 2013 to the Street Maintenance self-performed curb ramp construction program.

The City, including the Accessibility Program staff, will continue to be ambitious in seeking funding through public and private grant sources.

2. Capital Improvement Program (CIP)

CIP projects that include storm water containment, landscape median construction, sewer system improvements, street corridor safety improvements and safe routes to school improvements may also impact sidewalk construction/alteration and curb ramp alteration/construction. Capital improvement projects are funded through a variety of methods including: Transportation System Development Charges (SDCs), Water/Sewer Franchise Fees, Developer Contributed Proportional Share/Pro-Rata Funds, Grants, and Private Partnerships.

3. Streets Division Budget

The City of Bend Street Maintenance Division is committed to bringing a minimum of 200 curb ramps into compliance annually through the Curb Ramp Self-performed Construction program, which includes ramps associated with Overlay, CIP Projects, CDBG funding, as well as on-going internal ramp construction activities intended to meet the requirements of the DOJ Settlement. The prioritization and funding strategy described previously will be used, along with City Street Maintenance Program priorities, to identify curb ramps in high priority areas, using a corridor approach to achieve accessible routes of travel with connecting accessible sidewalks whenever possible.

To illustrate the budgetary commitment to curb ramp construction in the Transportation Operations Fund (Street Maintenance budget), since FY2010 actual and budgeted expenditures have ranged between \$330,000 and \$500,000 annually. The following table illustrates the number of ramps constructed by the Street Maintenance Division since 2009, as well as the estimated number of ramps to be completed through the 2015 construction year.

ADA Transition Plan for Curb Ramps in the Public Rights-of-way

Construction Year	Project	Number of Curb Ramps Constructed or Planned for Construction**
2009-2010	Annual ADA Improvement Projects*	487
2011	Annual ADA Improvement Projects	210
2012	Annual ADA Improvement Projects	200
2013	Annual ADA Improvement Projects	208
2014	Annual ADA Improvement Projects	220
2015	Annual ADA Improvement Projects	220

*Changed tracking software in 2011. 2009 & 2010 ramp completion dates are estimated.

**Includes all types of ramps: Overlay, Project-related, CDBG, internal, Barrier Removals, etc.

4. Curb Ramps Projected for GO Bond Project.

In May of 2011, Bend voters passed a \$30 million general obligation (GO) bond measure, at an expected average levy rate of 22 cents per thousand. The bond will mature in 21 years and will be used to finance road improvements to include roundabouts and road reconstruction with bike lanes and sidewalks at specified congested areas of the City. Curb ramp estimates for these projects are included in **Appendix H**.

5. Private Development Projects

New private development projects are required through conditions of approval to perform improvements in the public rights-of-way where a reasonable nexus is determined. These types of improvements may include curb ramp construction or replacement. They are governed by the Public Works Department Standards and Specifications that establish design standards, specify construction requirements, and provide standard details for any new infrastructure in the public rights-of-way. This includes, but is not limited to curb ramps, sidewalks and other facilities which must meet the requirements of the ADA. In 2011, the City adopted new Standards and Specifications for all work in public rights-of-way.

An excerpt from the Standards and Specifications document includes the following language:

Design engineers are responsible for implementing appropriate sections of the latest versions of the “Americans with Disabilities Act Accessibility

ADA Transition Plan for Curb Ramps in the Public Rights-of-way

Guidelines (ADAAG)" for private property and buildings and the "Public Rights-of-Way Accessibility Guidelines (PROWAG)" for public rights-of-ways and private rights-of-ways with public access easements. Both documents are published by the United States Access Board to ensure access compliance for people with disabilities to buildings, properties and roadway facilities. The engineer should recognize that field conditions vary greatly and must be thoroughly investigated to ensure applicable criteria are met or exceeded. In addition, the City of Bend has specific design standards that supplement and work as a companion to the ADAAG and PROWAG requirements. The design engineer must also ensure these City standards are met.

The Revised 2010 ADA Standards for Accessible Design, adopted by the DOJ September 15, 2010, went into effect March 15, 2012.

PROWAG guidelines address design criteria for pedestrian access routes, curb ramps, 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. The Access Board published the proposed rulemaking July 26, 2011 and the commentary period ended November 2011. In order for these guidelines to become federally enforceable, another federal entity, such as the U.S. Department of Transportation (USDOT) or the U.S. Department of Justice (USDOJ) must adopt them as standards, which to date has yet to occur.

6. Public Development Projects

The City works closely with other governmental agencies, both state (such as ODOT) and local (such as the Parks Department and School District) to construct or reconstruct compliant curb ramps as part of their projects or to actually manage their projects given the City's expertise.

E. Future Financial Picture for the City of Bend

The City faces revenue limitations and restrictions on raising revenues as discussed in the attached memo in **Appendix I**. The future financial picture for the City is described in the following excerpt from the City's recently adopted 2013-15 biennial budget:

1. Beyond 2013-15 Biennium

Fiscal challenges remain beyond the 2013-2015 biennium and much work remains to identify solutions to these challenges. The City's property tax rate of \$2.8035 per \$1000 TAV is significantly lower than other communities of similar size in Oregon and is fixed at the current rate by measures passed by voters in 1990 and 1997. While the City has fewer resources compared to similar communities in Oregon, it has continued to match its service levels commensurate with citizen requests for service. As a result, an imbalance of revenue and

ADA Transition Plan for Curb Ramps in the Public Rights-of-way

expenditure levels, combined with the recession, has culminated in fiscal challenges for various programs in the City budget that include:

Limited General Fund Resources – With a population of 77,445, the City has to address a variety of needs in addition to core services such as public safety and street maintenance. Public Safety and Street Preservation programs comprise 89% of General Fund expenditures, leaving little for other programs needing General Fund support such as Community and Economic Development and other community needs. Despite almost 90% of the General Fund being dedicated to Public Safety and Street Preservation, these programs are currently underfunded and require increased funding to sustain current levels of service.

Long Term Funding for Public Safety – The City's Police and Fire/EMS operations are funded primarily from property taxes and other General Fund revenues. With the decline in property taxes and limited growth in other General Fund revenues, providing sustainable funding for public safety to maintain current service levels has become a significant challenge. In 2010, Council appointed a Public Safety Funding Committee to study and recommend options to sustain current public safety service levels. The committee recommended a variety of cost reduction efforts, a reprioritization of General Fund allocations, and raising new revenues. During 2011 and 2012, the City implemented efforts to reduce personnel costs such as moving employees to a high deductible insurance plan, negotiating zero cost of living adjustments with labor groups and eliminating post-employment health benefits for new hires. The City also froze hiring of new police officer and firefighter positions. In 2012, a Fire District feasibility study was conducted and presented to Council for consideration of long term funding for the Fire/EMS department. A proposed 5-year levy is on the May 2014 ballot. Further long-term financial options need to be explored for adequate funding for public safety services.

Funding for Street Preservation – Deferred Street maintenance continues to grow each year and currently over \$80 million (this figure includes local streets). In 2009, Council appointed a Street Maintenance Funding Focus group, which recommended the implementation of a Transportation Utility Fee. However, residents' utility bills were already increasing significantly for water and sewer infrastructure needs. Therefore, City Council deferred the recommendation. In 2011, Council obtained voter approval for a \$30 million GO bond to construct specific intersections and road improvements. The projects undertaken do not address the city-wide growing deferred street maintenance and further work will need to be done to provide adequate funding for street maintenance.

2. Funding for Accessibility Improvements

In 2009, the City issued approximately \$3.2 million of long term debt for accessibility improvements. The debt was issued for a term of 14 years and will mature in 2024.

Given the City's general fund limitations, the City has been especially diligent in spending its general fund commitments wisely, by spending a great deal of time and resources prioritizing the curb ramp program and which curb ramps are brought into full compliance. Although the

ADA Transition Plan for Curb Ramps in the Public Rights-of-way

DOJ Agreement specifies activity completion dates, the City regards ADA compliance as a perpetual obligation.

Despite the funding challenges faced by the City, the City's Adopted 2013-2015 Biennial Budget includes approximately \$1.1 million of additional revenues for accessibility improvements. Half of the water and sewer franchise fees will be allocated to the Accessibility Construction Fund to provide funding for curb ramp improvements, and \$100,000 per year has been allocated for the Sidewalk Program in the Transportation Construction Fund.

III. City of Bend Curb Ramp and Sidewalk Program Past Accomplishments

A. Past Challenges & Renewed Commitment Related to Curb Ramp Program

Since the initial DOJ Settlement in 2004, the City worked extensively on its facilities and increased access to its programs and services; however, the City did not adequately focus on accessible curb ramps until more recently (2008). Bend grew in population from 24,715 in 1992 to 80,995 in 2008. The majority of this growth occurred as single family residential development on midsize to relatively large lot subdivisions. Curb ramps have been required in the City as part of public and privately constructed sidewalks since the adoption of the ADA Accessibility Guidelines. However, during the building boom of the 1990's and 2000's, while private contractors constructing private development residential projects were required to build curb ramps to City ADA standards, the City either did not have smart levels available and then did not have a robust inspection program with trained inspectors to ensure that the privately constructed curb ramps were fully ADA compliant. The City also had not institutionalized the requirement to install ADA compliant curb ramps for all street overlays done by the Public Works Department or contracted out to private entities. The previous processes are now modified with modern knowledge and techniques. The Streets Department has a fully integrated and robust compliance program, and an institutionalized inspection program exists for all privately and publically installed curb ramps in public rights of way.

B. The City's Extensive Curb Ramp Assessment

As stated in the City's 2011 Draft Transition Plan, City staff conducted a city-wide curb ramp inventory and assessment. Finalized in August 2010, and updated with completed project work in December of 2010, the field assessment and inventory documented all pedestrian curb ramps that have been altered or constructed since 1992.

The curb ramp identification process within the City included primarily four identified areas since 1992:

1. Overlays since 1992 fall into the category of "altered" streets.
2. Capital Improvement Projects (CIP).
3. Streets that have been paved repaved or resurfaced so as to require a compliant curb ramp.
4. Private Development projects that included new streets, whether residential or commercial, which required sidewalks as part of the development.

The field assessment is the foundation for developing a detailed curb ramp database using the Geographical Information System (GIS). Survey teams document whether a curb ramp is needed, whether one is in place, and whether the curb ramp is compliant or noncompliant. The assessment assigned a unique number to the curb ramp, a field assessment form was completed with photos, and an entry was made into the GeoBlade/GIS mapping system. The

ADA Transition Plan for Curb Ramps in the Public Rights-of-way

survey resulted from 4,450 working hours by City employees and coordinated by the Accessibility Program Manager.

The City’s intent is that the documentation be user friendly. Staff and community members are now able to access the citywide interactive map and related resources from the convenience of their own computer. This work is ongoing as new curb ramps are made compliant. Please see the GeoBlade “Basic Web Tutorial” in **Appendix A** of this document or at: <http://bendoregon.gov/index.aspx?page=657>.

Based on the survey results obtained through August 2010, and continued project and street overlay work through December 2010, the City had a total of 7,149 curb ramps, 1,250 of which were compliant and 5,899 of which were noncompliant. If any aspect of the ramp was noncompliant, it was put in this category.

The information in the curb ramp database provides the primary basis for the City’s estimates of need and cost, but unfortunately, does not provide information as to the types of barriers in existing curb ramps. The initial survey determination was simply whether a curb ramp was “compliant” or “non-compliant.” Further detail through a 2012 sampling of curb ramps altered and/or constructed (200) revealed varying compliance conditions. A sampling of City curb ramp deficiencies was conducted in December 2012. Information gathered provides insight into the future scope of projects and will provide a basis for estimating budgets on costs to repair, modify or reconstruct City curb ramps. Random samples of 200 ADA ramps constructed in 2012 were broken down by cost. These costs include all time and material, equipment and inspection along with administration and overheads. The cost categories were broken up into four groups:

2012

LEVEL	COST	TOTAL RAMPS OF 200	PERCENT OF SAMPLE
1	\$0- \$1000	18	9.0%*
2	\$1000- \$2000	69	34%**
3	\$2000-\$2500	91	46%***
4	\$2500+	22	11.0%***

It is important to remember these averages may vary throughout the system; however these numbers represent a general trend.

* Typical work: Vanguard, truncated domes, minor repairs, additions, and inspections

** Typical work: Removal and replacement, usually includes just the ramp, landing, asphalt work , and inspections

*** Typical work: Large ramp removal and replacement including large amounts of additional sidewalk, and inspections

C. Streets Division Overlay and Self-Performed Curb Ramp Programs

Curb ramps are fully integrated as part of doing business for the street overlay program. When doing overlays, the City often (up to 50% of the time) also installs curb ramps along the adjacent side street, although not required to do so by law. This has become a best practice for the City since crew is already mobilized and it is an efficient way to increase accessibility in the City rights-of-way. The 2012-2016 schedule for constructing compliant curb ramps as part of the overlay (paving) program is in **Appendix B**. **Appendix C** is a cost comparison estimate to construct one compliant curb ramp that is self-performed by City Streets staff and cost for one curb ramp completed by a private contractor. Engineering fees are not included in either estimate. When performing overlays, the City installs curb ramps along adjacent side streets where/when needed (depending on current condition of existing curb ramp).

The Streets Division Self-performed Curb Ramp Program also constructs curb ramps, in addition to those that are addressed through their Overlay Program. Together with the Accessibility Manager, with knowledge obtained from community groups, the Streets Division determines which areas need curb ramp improvements. Some of the cost of the Self-performed Curb Ramp Program is funded through the Accessibility Construction Fund, but it is worthy to note that the Streets Division has consistently performed curb ramp construction/alteration beyond its, or the Accessibility Construction Fund, budget capacity. To clarify, the Streets Division often constructs/alters curb ramps which are out of the scope of their own budget and the Accessibility Construction Fund budget. The 2012-2013 schedules for constructing compliant curb ramps through their Self-performed Curb Ramp Program is set forth in **Appendix B**.

The DOJ Agreement requires a yearly update from the City of Bend through September 2014. The City will continue to update the curb ramp database as projects are completed making the job of monitoring and reporting considerably easier. All projects are inspected during the construction process and after completion to assure ADA compliance is achieved. Please see ADA Curb Ramp Documentation forms in **Appendix D**.

D. Customer Request for Barrier Removal

The City has a policy and procedure for Customer Service Requests for Barrier Removal as its standard operating procedure. A copy of the current policy is attached as **Appendix E**. The policy is to serve citizens with disabilities who have identified a physical/structural barrier in the community which impede access to programs and activities offered by the City. It includes requests related to curb ramps and other physical barriers within the public rights-of-way. Funding for barrier removal requests is subject to funding availability; however, the City gives citizen requests a high priority. Generally, requests for improvements come from community members with disabilities who wish to access shopping areas, medical facilities, bus stops, transportation, and other facilities. When a request for a physical barrier related to curb ramps is submitted to the City, the request is assessed along with verifying the condition of the curb

ADA Transition Plan for Curb Ramps in the Public Rights-of-way

ramp or specific element. The City strives to achieve a prompt turnaround time for barrier removal requests and provide a full explanation of the actions that will be taken or the reasons why actions cannot be taken, as more fully set forth in the Policy. The City has multiple means of submitting barrier removal requests, which can be submitted via the website, telephone or in person, whichever is easiest for the person who is making the request.

Current demand for barrier removal from citizens has decreased to the extent the City can use unspent resources in future fiscal years. Currently, FY 2013/2014 barrier removal funds are budgeted at \$30,000 per year. Related to curb ramps, the City has received eleven barrier removal requests since 2005, two for the same location. All but two have been addressed and rectified. One of the remaining barrier removal requests will be completed during the 2013 construction year. The other remaining barrier removal request is located in an area that requires significant electrical and geographical alteration, thus this request has been attached to a larger project planned for the area (South East Interceptor Project) for the future.

E. Curb Ramp and Sidewalk Construction to Date

Since 2009 to the present, the City has improved curb ramp and sidewalk accessibility through a variety of mechanisms, including: 1) ADA Improvement Projects structured in five phases; 2) Streets Division Overlay Program; 3) Streets Division Self-Performed Curb Ramp Construction; 4) CDBGs; and 5) CIPs.

ADA Improvement Projects (Phases 1 – 5) made a significant impact on the accessibility of the City, especially its transit system (now operated by the Central Oregon Intergovernmental Council – COIC). Each bus stop has an accessible pad and those servicing key facilities have accessible curb ramps to and from the bus stops. The bus system, when transferred to COIC, was 100% ADA compliant.

The Streets Division's Overlay & Self-Performed Curb Ramp Programs have also made significant strides in providing accessible curb ramps near governmental services, pedestrian corridors, and downtown area. For detail maps of the Transit Routes and Government Services see **Appendix F**. Private Development has also added to the numbers of curb ramps and sidewalk within the City of Bend.

City of Bend

ADA Transition Plan for Curb Ramps in the Public Rights-of-way

Years Completed	Project	Approx. Compliant Ramps Completed	Approx. Sq. Ft. of Sidewalk Installed	Cost
2009 - 2011	Phases 1 – 3*	473	19,500	\$2,465,267
2009 - 2013	Street Division Self-performed Construction Program & Phases 4 & 5 (does not incl. Overlay & CDBG)*	504	3,161	\$926,113
2012 - 2013	Street Division Self-performed Construction - CDBG Program	79	-	\$183,332
2009 - 2013	Street Division Self-performed Construction - Overlay Program	367	-	\$751,588

Total 1,423 22,661 \$4,326,301

* Including Construction by Private Contractor and City Staff

The Accessibility Program and Streets Division are not the only departments that impact sidewalks and/or curb ramps. As the table above displays, CIPs, managed by the City's Engineering Division and contracted out to private contractors, also add to the City's accessible sidewalk and curb ramp count. CIPs such as surface water containment, landscape median construction, Sewer Interceptor Master Plan construction, street corridor safety improvements and safe routes to school improvement are some of the CIP projects that have occurred or that are planned for in the future.

IV. Specific Current & Future Projects

Given the number of ramps identified as non-compliant in residential areas (approx. 5,023), which are the lowest priority under the Department of Justice guidelines, the City has focused on the higher priority curb ramps that will impact access for the most number of citizens. This procedure allowed the City to ensure it addresses any barriers to access in high use areas near government, transit, medical and hospital, and employment. The vast majority of these residential curb ramps were not installed by the City as part of a construction or alteration of a street or pedestrian walkway, but by private developers as part of private development projects where the streets are then dedicated to the City. While access is important throughout the City, the City has not received barrier removal requests in these residential neighborhoods, and would respond promptly if it did. Under these circumstances, the focus has been on those curb ramps throughout the City that allow people with mobility disabilities to gain access to places of public accommodation and engage in daily activities.

The City of Bend is committed to a reasonable and responsible schedule to bring the remaining public rights-of-way into ADA compliance. However, the work is not done, and the following sections identify the mechanisms the City will utilize to reassess non-compliant curb ramp from the 2010 survey and plans to continually improve the number of accessible sidewalks and curb ramps moving forward.

A. Planned Reassessment of Curb Ramp Deficiencies

In seeking to determine the precise number of non-compliant curb ramps, the city did not initially have the resources or time to provide detail of the elements or extent of non-compliance (see Section III B). Therefore, the initial survey determination was simply whether a curb ramps was “compliant” or “non-compliant.” Realizing the need for such detail, the City is planning an additional survey of a sampling of noncompliant curb ramps in order to fully grasp the deficiencies. This information will then be used to determine a systematic method for addressing deficiencies that may be corrected without removing and reconstruction of the entire curb ramp. Also, the information gathered will allow the City to address any significant errors in a timelier manner.

The City hired one temporary employee to conduct a further assessment of noncompliant curb ramps to discover the specifics of any and all curb ramp deficiencies. The Accessibility Program with the Finance Department submitted a budget adjustment request in August of 2013. The survey work began in the summer of 2013. Curb ramp checklists were being developed by the City’s consultant, Mr. Robert Pike of Environmental Access, in conjunction with the City’s Accessibility Manager to collect detailed information of curb ramp deficiencies. The curb ramp checklists can be found in **Attachment J**.

B. Identification of Priority Curb Ramps for 2013 – 2015 Construction Years

ADA Transition Plan for Curb Ramps in the Public Rights-of-way

The City of Bend Council and Budget Committee approved the 1.5% franchise fee money and diverting it into the Accessibility Program to provide a line item budgeting stream to ensure the construction & alteration of accessible curb ramps.

Post construction year 2013, curb ramps near governmental services and medical services will be compliant. The City addressed these higher priority areas first under direction from the DOJ's Title II regulations 28 CFR Part §35.150(d) (2):

- State and local government offices and facilities
- Transportation routes (fully addressed by the DRO Settlement work)
- Places of public accommodation
- Places of employment
- Walkways serving other areas (*i.e.*, residential)

Focusing on the future, the Accessibility Manager along with input from citizens developed an outline addressing priority areas such as employment, training, social services, shopping centers, as well as public schools. In response to community input, the Accessibility Manager also added assisted and independent living facilities, Bend's Community/Senior Center, and restaurants to the list.

Once these areas were identified, the Accessibility Manager, along with the Streets Division, worked together to identify the number of total curb ramps in an approximate two block radius though some sites did not lend itself to this 2 block radius for various reasons. When this occurred, the Accessibility Manager included areas most pedestrians would travel. Public schools were also looked at slightly differently. Due to the fact that the majority of public schools are located in residential neighborhoods, the City chose first to look at the curb ramps immediately in relation to the school itself (*i.e.* the block the school is on) and the receiving curb ramps (across the street). These curb ramps were then broken down into jurisdiction (City of Bend or ODOT), and complaint vs. noncompliant. If applicable, the noncompliant curb ramps were further broken down by Use Zone (non-residential, residential, or school). Due to time and budget constraints, as well as overall city responsibility focused on curb ramps publicly installed or altered, curb ramps located in residential neighborhoods will be addressed via the City's Barrier Removal Request process.

Given the large number of types and sizes of restaurants that exist in the City of Bend and the varying locations, how to address restaurants surrounding curb ramps has yet to be precisely determined. The Accessibility Manager is working with the City's GIS and Public Works Departments to identify restaurants and the number of noncompliant (if any) curb ramps that need to be addressed, especially focusing on the route from bus stops to the restaurants, and those locations with several establishments.

This outline has been shared with various community groups, including Central Oregon Coalition for Access (COCA), City of Bend Accessibility Advisory Committee (COBAAC), representatives from local assisted and independent living facilities (ASL & ILF), and Bend/La

ADA Transition Plan for Curb Ramps in the Public Rights-of-way

Pine School District. So far, the next phase approach for curb ramp improvements has been met with favorable reaction. The City's various community groups (see above) had and will continually have ample opportunity to assist the Accessibility Program in prioritizing the order these areas are addressed.

The Accessibility Manager held a meeting with the various community groups to prioritize which areas are addressed first. After discussing the areas, their importance, and the realization that the City will eventually get to all the areas, members assisted the City with the prioritization of which areas to focus on in the preceding 2013 – 2016 construction years (see chart below). The community members rated the areas on a scale of 1 to 6 (1 being where to focus first, and so on) resulting in the below table's prioritization.

ADA Transition Plan for Curb Ramps in the Public Rights-of-way

1 – Bend’s Community Center (‘13 – ‘14 1 location)		2 – Employment, Training, & Soc. Services (‘13 –‘14 4 locations)		3 – Shopping Centers (‘14 – ‘15 6 locations)	
COB Jurisdiction – Total Curb Ramps: 43		COB Jurisdiction - Total Curb Ramps: 85		COB Jurisdiction – Total Curb Ramps: 318	
Compliant 16	Noncompliant 27	Compliant 32	Noncompliant 53	Compliant 108	Noncompliant 209
	-12 curb ramps altered Summer 2013 -15 curb ramps to be altered 2014		-20 altered Summer 2013 - 8 to be altered 2014 -25 curb ramps to be constructed through other planned projects		-49 to be altered in CY ‘14 -56 to be altered in CY ‘15 -35 to be constructed thru other COB Capital Improvement projects (CIP). -70 strictly residential *
4 – ASL & ILF (‘13 – ‘14 2 locations)		5 – Restaurants		6-Public Schools '13 -'15 2 locations)	
COB Jurisdiction – Total Curb Ramps: 61		To be determined(TBD)		COB Jurisdiction – Total Curb Ramps: 44	
Compliant 31	Noncompliant 30	Compliant (TBD)	Noncompliant (TBD)	Compliant 10	Noncompliant 34
	-5 altered CY ‘13 -9 to be altered CY ‘14 -16 strictly residential*				-18 altered CY ‘13 -16 to be altered CY ‘14

As a result of community input, the Bend’s Community/Senior Center (#1) and restaurant locations (#5) were identified as areas the City needs to focus its attention on in regard to accessible curb ramps. Not only was the Bend’s Community/Senior Center added to the list based on community input, but curb ramps surrounding restaurant locations were likewise included as a higher priority. Given the large number of restaurants located within the City, the City will spend the 2013 – 2015

ADA Transition Plan for Curb Ramps in the Public Rights-of-way

biennium seeking guidance from community groups on the best systematic approach for addressing curb ramps in these areas. Ideally the City will determine the best approach for addressing the curb ramps needs located near restaurants by the summer of 2014, so they can be included in the 2015 & 2016 construction seasons. For a map highlighting the above priority areas (excluding Restaurants) see **Appendix G**.

C. Current & Future Curb Ramp and Sidewalk Projects, Remaining Curb Ramps and Funding

The City's Accessibility Manager and various members of the community will meet annually to discuss areas in need of curb ramps improvements. The City is dedicated to working with community members to ensure citizen concerns are considered and then resolved whenever possible. . In addition to assisting the Streets Division in identifying specific curb ramps, citizens have also guided other CIP developments. For a more detailed understanding of current and future projects planned and their impact on creating accessible curb ramps and sidewalks, see **Appendix H**. The City's goal is to have the preceding work constructed over the next four construction seasons barring complications, such as financial, construction, or priority fluctuation. If, for some reason, the City cannot complete the proposed work in the designated timeline, the work (alteration of curb ramps and/or sidewalks) will be put on the following year's list of curb ramps/sidewalks to be altered. During the 2013 construction season, the City's Streets Division improved/created 215 curb ramps and approximately ½ mile of accessible sidewalk. Over the next three years (*i.e.* construction seasons '14, '15, & '16), with current funding, it is expected that the City will create **1,081 accessible curb ramps** through improving existing inaccessible curb ramps and creating new curb ramps where none existed previously. During this time frame (3 construction seasons), it is also expected that the City will improve or create approximately **2.2 miles** (11,650 LF) of **accessible sidewalk**. The projects planned over the next three construction seasons (as shown in **Appendix H**) are not inclusive, meaning that other projects may be developed and constructed that have not yet been thought of or planned. The table below shows the number of compliant curb ramps, number of noncompliant curb ramps, and the curb ramp total city wide as of the 2010 Survey and the City's numbers as of June 10, 2013.

	Compliant Curb Ramps	Non-Compliant Curb Ramps	Total COB Curb Ramps
As of 2010 Survey	1,250	5,899	7,149
As of December 2013	2,258	4,891	7,149
Proposed work over next three years. (2014-2016)	3,339	3,810	7,149

The table above shows the City's progress towards meeting the 2004 DOJ Agreement as of June 2013. The numbers above include the proposed improvements projected to 2016. As identified in **Section B** and **Appendix H**, curb ramps in the higher priority areas will be brought

ADA Transition Plan for Curb Ramps in the Public Rights-of-way

into compliance. As this occurs, this Transition Plan will be amended to identify those ramps and the areas of the City that have become fully accessible.

The remaining non-compliant curb ramps are predominantly curb ramps in residential areas of the City, constructed by private developers for dedication as public streets and sidewalks, as the City has focused on bringing curb ramps in higher priority areas of the City into compliance. The City is dedicated to continually work with interested community members to prioritize areas in need of curb ramp and sidewalk improvements. The City has dedicated a funding source in the 1.5% franchise fee through 2015. The current ADA funding source is \$500,000 annually from water/sewer franchise fees and the City plans to seek to adopt a gas tax to continue providing a \$500,000 funding stream for ADA improvements. The City believes that a gas tax is a viable source of future funding once state law allows the City to put it before the voters (voter approval is required by the City of Bend Charter for any such tax increase). Staff estimates prepared in 2008 show that a 0.7 cent gas tax would generate \$500,000 annually. This option will be explored in the future for the specific purpose of increasing accessibility of curb ramps and sidewalks within the city limits so as to improve accessibility throughout the City of Bend, including the City's programs, services, and activities as required by the Rehabilitation Act of 1973 and the Americans with Disabilities Act Title II.

V. Public Participation

Public participation is an integral part of successful government. The City of Bend's Accessibility Program is committed to this process through participation on both City sponsored and community-based committees. Committee participation allows City leadership to be aware of accessibility concerns and work cooperatively with community members to identify and prioritize solutions.

The Accessibility Program has managed and supported two key committees. The CAT committee has fulfilled their volunteer services through the recent dismissal of the DRO Settlement Agreement on August 6, 2011. The City of Bend Accessibility Advisory Committee (COBAAC) provides valuable public input and awareness of issues and possible solutions to the attention of City staff.

The City's Accessibility Manager will continue to solicit input from people with disabilities, citizens of Bend, City Councilors, and interested parties and/or organizations to continue to enhance services to all community members. A copy of the draft Transition Plan will be made available for public review. After implementation of this plan, the City will maintain, on file at least three (3) years, the names of persons consulted with respect to this draft plan, other comments submitted, and a description of the plan modifications subsequently made.

VI. Responsible Individual

The City's Accessibility Manager is responsible for all accessibility related activities for the City of Bend.

Karin Morris
Accessibility Manager for the City of Bend
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Bend, Oregon 97701

VII. Appendices

- A. Basic GeoBlade Web Tutorial**
- B. 2012 – 2016 Streets Div. Overlay/Paving Lists & 2012 – 2014 Streets Div. Self-Performed Curb Ramp List**
- C. Curb Ramp Construction Cost Comparison**
- D. ADA Curb Ramp Documentation Forms**
- E. Customer Request for Barrier Removal Form and Policy**
- F. City of Bend Map: Transit Routes, Bus Stops, and Curb Ramps near Governmental and Public Use Facilities**
- G. 2013 City of Bend Map: Next Phase Curb Ramp Improvement Areas**
- H. 2013 – 2016 City of Bend Current & Future Projects Impacting Curb Ramps**
- I. City of Bend's Revenue Limitations and Restrictions**
- J. City of Bend's Curb Ramp Deficiencies Checklists**