

Pedestrian Access Route Transition Plan

City of Waukee, Iowa
December 7, 2018

Overview

The goal of the Americans with Disabilities Act (ADA) Transition Plan is to ensure that the City creates accessible paths of travel in the public right-of-way for people with disabilities.

The City evaluated the pedestrian circulation paths for pedestrian accessible route features within the public right-of-way as required by the Americans with Disabilities Act (ADA) and its implementing regulations (28 CFR 35) and Section 504 (49 CFR 27). The evaluation included, but was not limited to, sidewalks, curbs, curb ramps, the portion of the street surface in the crosswalk area, pedestrian signals, in the public right-of-way and was based on the requirements in Chapter 12 of the Iowa Department of Transportation (Iowa DOT) Design Manual, effective January 3, 2017.

On the basis of this information this transition plan outlines the steps the City will take to provide new, or upgrade existing, pedestrian access route features as required by the ADA and its implementing regulations. The pedestrian access route features will be constructed or reconstructed to meet the requirements in Chapter 12 of the Iowa DOT Design Manual, effective at the time of letting or at the time of construction if using City forces.

Inventory

This inventory is based on our evaluation of all locations where no curb ramps are provided at the intersection of existing sidewalks and public streets; where non-compliant curb ramps, sidewalks, and other features exist; and where existing features are in poor condition. Features may include, but are not limited to, sidewalks, curbs, curb ramps, the portion of the street surface in the crosswalk area, pedestrian signals, and provided in the public right-of-way. Currently, there are a total of 2,232 locations, with 426 passing inspection and 1,806 failing inspection. The evaluation was completed July of 2018 and will be updated annually. See Exhibit 1.

Priorities

Curb ramps, sidewalks, and other features will be installed or reinstalled in the locations identified on the Pedestrian Access Route Inventory will be addressed with the following priorities:

1. Public crosswalks in City right-of-way.
2. State and local government offices and facilities (city hall, public schools, public library, etc.)
3. Public transportation facilities (bus stops, train stations, etc.)
4. Places of public accommodation (central business district, public recreation areas, etc.)
5. Residential areas

Funding

Curb Ramp Program

The City has budgeted \$100,000.00 for FY 2020. The amount for the sidewalk maintenance program will be reviewed annually and funding will be determined on the size of the annual program. Funding for the Curb Ramp Program will be in the *Capital Projects Fund – ADA Transition Plan* for ADA specific projects as defined in this transition plan.

Other Projects

Features to the pedestrian access route may be installed as a part of projects that involve new construction, reconstruction, alterations, or maintenance to roadway or pedestrian facilities in the public right-of-way. These pedestrian access route features may be constructed at the time of the roadway or pedestrian project, even if they are identified as a lower priority in this transition plan. The cost of this work will be paid for using funds allocated for the roadway or pedestrian project.

Implementation Plan and Schedule

The City will implement this transition plan based on the number of pedestrian access route features identified in the Pedestrian Access Route Inventory, the estimated cost of those features, and the funding levels identified above. The maintenance plan consists of breaking the City into ten (10) regions. Each region will be evaluated for maintenance to be performed. All grievances and complaints will be resolved that are not in the current year's region. This will help evaluate costs for each region, staff will then be able to program the maintenance costs into the City's budget. Programmed maintenance repairs are planned to start in FY 2020 subject to City Council's approval. The following implementation strategy will be used:

Priority 1 – Public crosswalks in City right-of-way.

Number of locations: 23
Estimated number of locations constructed per year: [23]
Construction season targeted for completion: [2020]

Priority 2 - State and local government offices and facilities (city hall, public schools, public library, etc.)

Number of locations: TBD
Estimated number of locations constructed per year: [TBD]
Construction season targeted for completion: [TBD]

Priority 3 - Public transportation facilities (bus stops, train stations, etc.)

Number of locations: TBD
Estimated number of locations constructed per year: [TBD]
Construction season targeted for completion: [TBD]

Priority 4 - Places of public accommodation (central business district, public recreation areas, etc.)

Number of locations: TBD
Estimated number of locations constructed per year: [TBD]
Construction season targeted for completion: [TBD]

Priority 5 - Residential areas

Number of locations: TBD
Estimated number of locations constructed per year: [TBD]
Construction season targeted for completion: [TBD]

These estimates are subject to change.

Responsible Parties

Assistant Director of Public Works- Engineering is responsible for the implementation of this transition plan, as identified below.

Assistant Director of Public Works- Engineering is responsible for ADA and Section 504 compliance, as identified below.

Complaint Procedures

The attached complaint procedure will be followed to provide citizens the ability to file a complaint to the city for alleged ADA and Section 504 discrimination. See Exhibit 2. If you are not satisfied with the outcome of the grievance procedure you can submit a complaint form with the Iowa Department of Transportation, Federal Highway Authority, United States Department of Agriculture, and the Department of Justice. See Exhibit 3.

Public Involvement

Public input was obtained in the development of this transition plan by soliciting comments at two public meetings which can be reviewed online on the City's web-site. The Transition Plan will be posted on the City's web-site for review and comment for 30 days from December 7, 2018 to January 7, 2019. Staff will be soliciting comments from Disability Rights Iowa, Central Iowa Regional Transportation Planning Alliance, National Federation of the Blind - Iowa, Iowa Department for the Blind, and the Office for Persons with Disabilities during the above referenced comment period. All comments will be reviewed and incorporated as appropriate.

William F. Peard, Mayor

Date

Waukee City Hall
230 W. Hickman Road
Waukee, IA 50263
515-978-7900

Pedestrian Access Route Inventory
City of Waukee, Iowa

Exhibit 1

Date of Inventory: July 2018

| | Priority | Location | Type of Improvement Needed | Date Completed |
|----|-----------------|--|-----------------------------------|-----------------------|
| 1 | 1 | Painted Woods Drive & Arrowhead Drive, 1 | No Detectable Warning | |
| 2 | 1 | Painted Woods Drive & Arrowhead Drive, 2 | No Curb Ramp Present | |
| 3 | 1 | Hickman Road (US 6) & NE Westgate Drive, 3 | No Detectable Warning | |
| 4 | 1 | Hickman Road (US 6) & NE Westgate Drive, 8 | No Detectable Warning | |
| 5 | 1 | Hickman Road (US 6) & NE Westgate Drive, 1 | Detectable Warning Not Compliant | |
| 6 | 1 | Hickman Road (US 6) & NE Westgate Drive, 2 | Detectable Warning Not Compliant | |
| 7 | 1 | Hickman Road (US 6) & SE Dartmoor Drive, 4 | Detectable Warning Not Compliant | |
| 8 | 1 | Hickman Road (US 6) & NE/SE Carefree Lane, 1 | No Detectable Warning | |
| 9 | 1 | Hickman Road (US 6) & NE/SE Carefree Lane, 2 | No Detectable Warning | |
| 10 | 1 | Hickman Road (US 6) & NE/SE Carefree Lane, 3 | No Detectable Warning | |
| 11 | 1 | Hickman Road (US 6) & NE/SE Carefree Lane, 8 | No Detectable Warning | |
| 12 | 1 | Hickman Road (US 6) & NE/SE Carefree Lane, 4 | Detectable Warning Not Compliant | |
| 13 | 1 | Hickman Road (US 6) & NE/SE Carefree Lane, 7 | Detectable Warning Not Compliant | |
| 14 | 1 | Hickman Road (US 6) & N. 4 th Street, 8 | No Curb Ramp Present | |
| 15 | 1 | Hickman Road (US 6) & N. 4 th Street, 8 | Detectable Warning Not Compliant | |
| 16 | 1 | SE University Avenue & SE LA Grant Parkway, 1 | Detectable Warning Not Compliant | |
| 17 | 1 | SE University Avenue & SE LA Grant Parkway, 2 | Detectable Warning Not Compliant | |
| 18 | 1 | SE University Avenue & SE LA Grant Parkway, 3 | Detectable Warning Not Compliant | |
| 19 | 1 | SE University Avenue & SE LA Grant Parkway, 4 | Detectable Warning Not Compliant | |
| 20 | 1 | SE University Avenue & SE LA Grant Parkway, 5 | Detectable Warning Not Compliant | |
| 21 | 1 | SE University Avenue & SE LA Grant Parkway, 6 | Detectable Warning Not Compliant | |
| 22 | 1 | SE University Avenue & SE LA Grant Parkway, 7 | Detectable Warning Not Compliant | |

| | | | | |
|----|---|---|----------------------------------|--|
| 23 | 1 | SE University Avenue & SE LA Grant Parkway, 8 | Detectable Warning Not Compliant | |
| | | | | |
| | | | | |
| | | Note: The number at the end of each location description is for City use (Quadrant #) | | |

Exhibit 2

City of Waukeee Grievance Procedure under the Americans with Disabilities Act

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 (ADA). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the City of Waukeee. The City of Waukeee's Personnel Policy governs employment-related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or an audio recording of the complaint will be made available for persons with disabilities upon request.

The complaint should be submitted by the complainant and/or his/her designee within 180 days of the alleged violation to:

- ADA Coordinator
805 University Avenue, Waukeee, IA 50263
515-978-7920 or ADA@Waukeee.org

Within 15 calendar days after receipt of the complaint, the ADA Coordinator or his/her designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, the ADA Coordinator or his/her designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio recording. The response will explain the position of the City of Waukeee and offer options for substantive resolution of the complaint.

If the response by the ADA Coordinator or his/her designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the City Administrator or his/her designee.

Within 15 calendar days after receipt of the appeal, the City Administrator or his/her designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the City Administrator or his/her designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by the ADA Coordinator or his/her designee, appeals to the City Administrator or his/her designee, and responses from these two offices will be retained by the City of Waukeee for at least three years from the final date of resolution of the complaint.

Exhibit 3
Discrimination Complaint Procedures
Allegations of discrimination in federally assisted programs or activities

The City of Waukee adopts the following ADA discrimination complaint procedures for complaints relating to transportation-related programs or activities.

1. **Filing a discrimination complaint:** Any person who believes that they, or any class of individuals, or in connection with any disadvantaged business enterprise (DBE), has been or is being subjected to discrimination prohibited by the Civil Rights Act of 1964, the Americans with Disabilities Act of 1990, Section 504 of the Vocational Rehabilitation Act of 1973, and Civil Rights Restoration Act of 1987, as amended, has the right to file a complaint.

Any individual wishing to file a discrimination complaint must be given the option to file the complaint with the City of Waukee, or directly with the Iowa DOT, FHWA, USDOT, and U.S. Department of Justice (USDOJ). Complaints may be filed with all agencies simultaneously.

No individual or agency shall refuse service, discharge, or retaliate in any manner against any persons because that individual has filed a discrimination complaint, instituted any proceeding related to a discrimination complaint, testified, or is about to testify, in any proceeding or investigation related to a discrimination complaint, or has provided information or assisted in an investigation.

2. **Complaint filing time-frame:** A discrimination complaint must be filed within 180 calendar days of either:
 - a) The alleged act of discrimination,
 - b) Date when the person(s) became aware of the alleged discrimination, or
 - c) Date on which the conduct was discontinued, if there has been a continuing course of conduct.

The City of Waukee or their designee may extend the time for filing or waive the time limit in the interest of justice, specifying in writing the reason for so doing.

3. **Contents of a complaint:** A discrimination complaint must be written. The document must contain the following information:
 - a) The complainant's name and address, or other means by which the complainant may be contacted.
 - b) Identification of individual(s) or organization(s) responsible for the alleged discrimination.
 - c) A description of the complainant's allegations, which must include enough detail to determine if the City of Waukee has jurisdiction over the complaint and if the complaint was filed timely.
 - d) Specific prohibited bases of alleged discrimination (i.e., disability, race, color or gender, etc.).
 - e) Apparent merit of the complaint.
 - f) The complainant's signature or signature of their authorized representative.

In the event that a person makes a verbal complaint of discrimination to an officer or employee of the City of Waukee, the complainant shall be interviewed by the City of Waukee's ADA coordinator. If necessary, the City of Waukee's ADA coordinator will assist the complainant in reducing the complaint to writing and then submit the written version of the complaint to the person for signature.

4. **Complaints against the City of Waukee:** Any complaints received against the City of Waukee should immediately be forwarded to the Iowa DOT for investigation. The City of Waukee shall not investigate any complaint in which it has been named in the complaint. The contact information for the Iowa DOT ADA Program Coordinator is:

Iowa Department of Transportation
Office of Employee Services - Civil Rights
800 Lincoln Way
Ames, Iowa 50010
(515) 239-1422
(515) 817-6502 (fax)

5. Notice of Receipt: All complaints shall be referred to the City of Waukee's ADA coordinator for review and action.

Within 10 days of receipt of the discrimination complaint, the City of Waukee's ADA coordinator shall issue an initial written Notice of Receipt that:

- a) Acknowledges receipt of the discrimination complaint.
- b) Advises the complainant of their right to seek representation by an attorney or other individual of their choice in the discrimination complaint process.
- c) Contains a list of each issue raised in the discrimination complaint.
- d) Advises the complainant of the time-frames for processing the discrimination complaint and providing a determination.
- e) Advises the complainant of other avenues of redress of their complaint, including the Iowa DOT, FHWA, USDOT and USDOTJ.

6. Notification to the Iowa DOT of a complaint: The City of Waukee shall advise the Iowa DOT ADA Program Coordinator within 10 business days of receipt of the complaint. Generally, the following information will be included in every notification to the Iowa DOT:

- a) Name, address and phone number of the complainant.
- b) Name(s) and address(es) of alleged discriminating official(s).
- c) Basis of complaint (i.e., race, color, national origin or gender).
- d) Date of alleged discriminatory act(s).
- e) Date of complaint received by the City of Waukee.
- f) A statement of the complaint.
- g) Other agencies (state, local or federal) where the complaint has been filed.
- h) An explanation of the actions the City of Waukee has taken or proposed to resolve the issue identified in the complaint.

7. Processing a complaint and time-frame: The total time allowed for processing the discrimination complaint is 90 calendar days from the date the complaint was filed. There is no extension available at this level. This time-frame includes 60 calendar days at the City of Waukee level and 30 days for review at the state level, if needed.

If the complainant elects to file a complaint with both the City of Waukee and Iowa DOT, the complainant shall be informed that the City of Waukee has 90 calendar days to process the discrimination complaint and the Iowa DOT shall not investigate the complaint until the 90 calendar-day period has expired.

Immediately after issuance of the Notice of Receipt to the complainant (step 5), the City of Waukee's ADA coordinator shall either begin the fact-finding or investigation of the discrimination complaint, or arrange to have an investigation conducted.

Based on the information obtained during that investigation, the City of Waukee's ADA coordinator shall render a recommendation for action in a Report of Findings to the City Administrator for the City of Waukee.

8. Alternative dispute resolution/mediation process: The complainant must be given an invitation to participate in mediation to resolve the complaint by informal means. The City of Waukee's ADA coordinator shall include an invitation to mediation with the Notice of Receipt, offering the opportunity to use the alternative dispute resolution/mediation process.

If the complainant selects mediation, it allows disputes to be resolved in a less adversarial manner. With mediation, a neutral party assists two opposing parties in a dispute come to an agreement to resolve their issue. The mediator does not function as a judge or arbiter, but simply helps the parties resolve the dispute themselves.

Upon receiving a request to mediate, the City of Waukee's ADA coordinator shall identify or designate a mediator who must be a neutral and impartial third party. The mediator must be a person acceptable to all parties and who will assist the parties in resolving their disputes.

If the complainant chooses to participate in mediation, they or their designee must respond in writing within 10 calendar days of the date of the invitation. This written acceptance must be dated and signed by the complainant and must also include the relief sought.

After mediation is arranged, a written confirmation identifying the date, time, and location of the mediation conference shall be sent to both parties. If possible, the mediation process should be completed within 30 calendar days of receipt of the discrimination complaint. This will assist in keeping within the 90 calendar-day time-frame of the written Notice of Final Action if the mediation is not successful.

If resolution is reached under mediation, the agreement shall be in writing. A copy of the signed agreement shall be sent to the Iowa DOT ADA Program Coordinator. If an agreement is reached, but a party to it believes their agreement has been breached, the non-breaching party may file another complaint. If the parties do not reach resolution under mediation, the City of Waukees ADA coordinator shall continue with the investigation.

- 9. Notice of Final Action:** A written Notice of Final Action shall be provided to the complainant within 60 days of the date the discrimination complaint was filed. It shall contain:
- a) A statement regarding the disposition of each issue identified in the discrimination complaint and reason for the determination.
 - b) A copy of the mediation agreement, if the discrimination complaint was resolved by mediation.
 - c) A notice that the complainant has the right to file a complaint with the Iowa DOT, FHWA, USDOT or USDOJ within 30 calendar days after the Notice of Final Action, if they are dissatisfied with the final action on the discrimination complaint.

The City of Waukees ADA coordinator shall provide the Iowa DOT ADA Program Coordinator with a copy of this decision, as well as a summary of findings upon completion of the investigation. Should deficiencies be noted in the implementation of these discrimination complaint procedures by the City of Waukees ADA coordinator, the Iowa DOT ADA Program Coordinator will work in conjunction with the City of Waukees ADA coordinator to review the information and/or provide technical assistance in the discrimination complaint process, mediation process, and/or investigation.

- 10. Corrective action:** If discrimination is found through the process of a complaint investigation, the City of Waukees shall be requested to voluntarily comply with corrective action(s) or a conciliation agreement to correct the discrimination.
- 11. Confidentiality:** City of Waukees and Iowa DOT ADA Program Coordinators are required to keep the following information confidential to the maximum extent possible, consistent with applicable law and fair determination of the discrimination complaint:
- a) The fact that the discrimination complaint has been filed.
 - b) The identity of the complainant(s).
 - c) The identity of individual respondents to the allegations.
 - d) The identity of any person(s) who furnished information relative to, or assisting in, a complaint investigation.
- 12. Record keeping:** The City of Waukees ADA coordinator shall maintain a log of complaints filed that alleged discrimination. The log must include:
- a) The name and address of the complainant.
 - b) Basis of discrimination complaint.
 - c) Description of complaint.
 - d) Date filed.
 - e) Disposition and date.
 - f) Any other pertinent information.

All records regarding discrimination complaints and actions taken on discrimination complaints must be maintained for a period of not less than 3 years from the final date of resolution of the complaint.

Title II of the Americans with Disabilities Act
Section 504 of the Rehabilitation Act of 1973
Accessibility Complaint Form

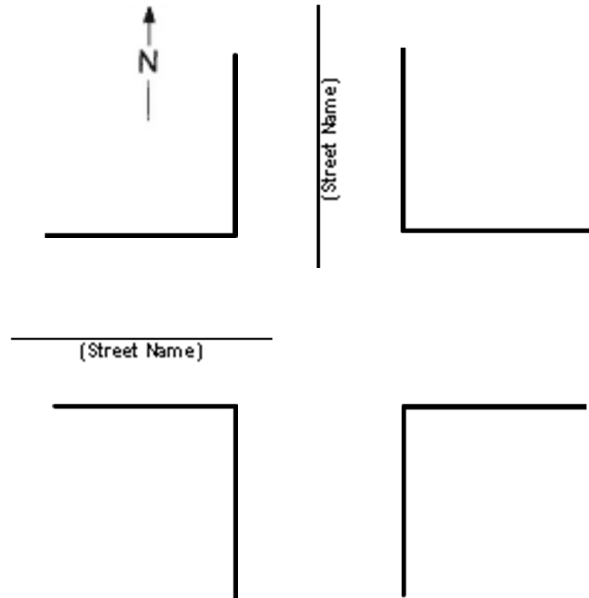
This Complaint Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 (ADA). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the City of Waukee in Iowa when it is related to vehicular or pedestrian transportation.

Please provide the following information in order to process your complaint. A formal complaint must be filed within 180 days of the occurrence of the alleged discriminatory act. Assistance is available upon request by contacting the Waukee Public Works Department at (515)-978-7920.

| | | |
|---|---------------|----------|
| Complainant | | |
| Last Name | First Name | |
| Mailing Address | City/State | Zip Code |
| Telephone (available between 8:00 am and 4:00 pm Mon - Fri) | Email Address | |
| Person Discriminated Against (if other than complainant) | | |
| Last Name _____ First Name _____ | | |
| Address _____ | | |
| City _____ State _____ Zip Code _____ | | |
| Government, organization, or institute that you believe discriminated against you: | | |
| Name _____ Address _____ | | |
| City _____ County _____ State _____ Zip Code _____ | | |
| Telephone Number _____ | | |
| Date discrimination occurred _____ | | |
| Describe the acts of discrimination including the name(s), if possible, of the individual(s) who discriminated against you (use additional pages if necessary): | | |
| | | |

If applicable, what is the location of the non-accessible feature?

Please provide comments, suggestions, or other information that may assist us in providing a better service to you:



Please mark with an "X" on the above diagram the location(s) where you believe there is a curb ramp issue.

If applicable, description and exact location of non-accessible feature:

Have efforts been made to resolve this complaint through the internal grievance procedure of the government, organization, or institution? Yes ___ No ___ If yes, what is the status of the grievance?

Has the complaint been filed with another bureau of the Department of Justice or any other Federal, State, or local Civil Rights Agency or Court?

Agency/Court _____ Contact Name _____

City _____ County _____ State _____ Zip Code _____

Date Filed _____ Telephone Number _____ Status: _____

Do you intend to file with another agency or court? Yes ___ No ___ If yes, which agency or court?

Additional comments

Complainant Signature

Date