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City of Salinas

Americans with Disabilities Act Transition Plan



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SECTION I: EXECUTIVE SUMMARY

INTRODUCTION: DEVELOPMENT OF ADA TRANSITION PLAN

The Americans with Disabilities Act (ADA) of 1990 provides comprehensive civil rights protections to qualified individuals with disabilities in the areas of employment, public accommodations, State and local government services, and telecommunications. A primary goal of the ADA is to ensure equal participation in public life for all Americans with disabilities. Title II of the Act covers programs, services and activities of public entities, such as the City of Salinas.

The ADA defines “disability” as:

- a. a physical or mental impairment that substantially limits one or more major life activities;
- b. having a record of such an impairment; or
- c. being regarded as having such an impairment.

If an individual meets any one of these tests, they are considered to be an individual with a disability for purposes of the ADA.

Under Title II, a public entity may not deny the benefits of its programs, services, and/or activities to individuals with disabilities by maintaining inaccessible facilities, which house these programs, services and activities. The City's programs, services, and activities, when viewed in their entirety, must be made accessible to and usable by individuals with disabilities, except where to do so would result in a fundamental alteration in the nature of the program; result in undue financial and administrative burdens or threaten or destroy the historic significance of a historic property.

Section §35.150 requires that each program, service or activity conducted by a City, when viewed in its entirety, be readily accessible to and usable by individuals with disabilities. The regulation makes clear, however, that a City is not required to make each of its existing facilities accessible (§35.150(a)(1)). Unlike Title III of the ADA, which requires public accommodations to remove architectural barriers where such removal is "readily achievable," or to provide goods and services through alternative methods, where those methods are "readily achievable," Title II requires a City to make its programs accessible in all cases, except where to do so would result in a fundamental alteration in the nature of the program or in undue financial and administrative burdens. The US Congress intended the "undue burden" standard in Title II to be significantly higher than the "readily achievable" standard in Title III. Thus, although Title II may not require removal of barriers in some cases where removal would be required under Title III, the program access requirement of Title II

should enable individuals with disabilities to participate in and benefit from the programs, services or activities of cities in all but the most unusual cases.

To comply with the Title II requirements for accessibility to City *programs, services and activities*, this Transition Plan:

- Evaluates existing policies, procedures and practices as they pertain to the City's programs, services and activities;
- Provides findings and recommendations with regard to policies, procedures and practices;
- Identifies physical obstacles in the public entity's facilities that limit the accessibility of its programs or activities to individuals with disabilities;
- Assesses the extent of architectural barriers to program accessibility in the public rights-of-way and within the buildings, parks and other facilities operated by the City;
- Describes in detail the methods that will be used to make the facilities accessible;
- Estimates costs for mitigation solutions;
- Specifies the steps necessary to achieve compliance;
- Provides a schedule for barrier removal/mitigation;
- Sets priorities for barrier elimination; and
- Indicates the official responsible for implementation of the plan.

OVERVIEW: SELF-EVALUATION OF POLICIES, PROCEDURES AND PRACTICES

In addition to identifying and modifying physical barriers, Title 28 CFR Part 35, ***Non-Discrimination on the Basis of Disability in State and Local Government Services***, requires that a public entity evaluate its policies, procedures and practices. The following outlines the City's Self-Evaluation:

- Evaluate City policies, procedures, and practices as they pertain to its programs, services and activities; and make the necessary modifications to those policies and practices that do not meet the programmatic requirements of Title II of the ADA
- Provide an opportunity to interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the Self-Evaluation process by submitting comments
- Maintain, file and make available for public inspection a list of interested persons consulted, a description of areas examined, and any problems identified, and a description of any modifications made

It is recommended that the City periodically evaluate such policies, procedures and practices pertaining to communication, auxiliary aids and services, emergency response, publications, determination for undue burden, public activities, employment, and new construction of facilities, in addition to physical accessibility to City facilities.

It is also recommended that for program barrier mitigation, a detailed outline of administrative requirements and detailed requirements of needed policies be included. The policy outline would serve as a guideline upon which the City's future policies may be built.

On June 22, 2021, the City Council approved an updated Grievance Procedure and approved an ADA Nondiscrimination Policy Statement.

An ADA Self-Evaluation Plan of City services, policies, and practices was completed in 2016. Please contact the City ADA Coordinator for further information regarding the "2016 City of Salinas ADA Self-Evaluation Plan".

See Appendix I: ADA Self-Evaluation of Policies, Procedures, and Practices

OVERVIEW: ACCESS COMPLIANCE SURVEYS OF FACILITIES

The ADA Transition Plan is used to document physical accessibility barriers to the City's programs, services, and activities and to outline a schedule / plan (or the basis to produce one) for which the City shall follow to transition from a state of noncompliance to compliance.

The City of Salinas originally produced a 1995 Facilities Transition Plan which focused solely on the access compliance of City facilities as prepared by consultants, Holewinski, Blevens, Fedelem and Lukes Architects (HBFL). This 2020 Transition Plan Update document is intended to compliment and update the 1995 Facilities Transition Plan and 2016 Transition Plan Update, by placing a focus on the Public Right-of-Way (PROW) infrastructure owned by the City, which had not been covered in the original 1995 Facilities Transition Plan. This Transition Plan Update is also intended to cover the Self-Evaluation of the City's programs, procedures, and practices which had also not been conducted in the original 1995 Facilities Transition Plan; these efforts are discussed in Section B of this document. This Transition Plan Update, also includes assessments of high priority facilities.

The access compliance surveys of City owned and leased facilities fulfill a portion of the first two requirements of an ADA Transition Plan by identifying existing building conditions that deviate from current State and Federal standards for new construction and providing detailed description of proposed solutions for barrier mitigation. For each barrier, the surveys outline the code deviations and requirements from the Americans with Disabilities Act Accessibility Guidelines (ADAAG), ADA Standards for Accessible Design (ADAS) and the Accessibility Standards in the California Building Standards Code (CBC).

The access compliance surveys of City facilities completed in 2019 cover approximately 24 owned and leased facilities maintained by the City. The surveys for 2016 and 2019 identified approximately 2785 different accessibility related barriers within 24 City facilities and that the financial cost to mitigate all barriers identified in the surveys to be approximately \$12.8 million.

Number of Facilities Surveyed	Number of Accessibility Barriers	Total Cost Estimated (\$)
24	2785	\$12,798,328

The following City facilities were surveyed for physical accessibility barriers in the 2019 Transition Plan Update:

- Permit Center
- Permit Center Parking Garage

The following City facilities were surveyed for physical accessibility barriers in the 2016 Transition Plan Update:

- Animal Services
- City Hall
- Rotunda
- John Steinbeck Library
- Recreation Center – Lincoln Avenue
- Breadbox Recreation Center
- Hebbron Heights Family Center
- Fire House Recreation Center
- Sherwood Hall
- Old Muni Pool – Phase 1
- Salinas Fairways Golf Course & Baseball Field
- Central Community Park
- Closter Community Park
- El Dorado Community Park
- Laurel Neighborhood Park
- Jaycee Tot Lot
- Natvidad Creek Park
- Woodside Neighborhood Park
- Parking Lot No. 3
- Parking Lot No. 5
- Monterey Street Parking Garage

The following City facilities were surveyed for physical accessibility barriers in the original 1995 Facilities Transition Plan:

- City Hall
- City Hall Rotunda
- Public Safety Building
- City Yard – Public Service Office
- Maintenance Facilities
- Steinbeck Library
- Chavez Library
- El Gabilan Library
- Community Center
- Recreation Center – Lincoln Avenue
- Breadbox Recreation Center

Fire House Recreation Center
Hebbron Heights Neighborhood Center
Airport

Main Terminal
Main Hanger
T-52 Hanger

Fire Stations

No. 1 West Alisal Street
No. 2 West Laurel Drive
No. 3 Abbott Street
No. 4 Williams Road
No. 5 Rider Avenue
No. 6 Bolivar Street

Women's Club

Redevelopment Department Building

Parks

Bataan
Central
Chavez
Claremont
Clay Street
Closter
East Laurel Pocket Park
El Dorado
El Gabilan
Expo Grounds
Frank Paul
Fremont
Hartnell
La Paz
Laurel
Laurel Heights
Laurelwood
Los Padres
Maple
Mission
Myrtle Court
Natividad
Northgate
Northgate Tot Lot
Rossi – Rico Linear Park
Sanborn
Santa Lucia
Santa Rita
Sherwood
Little League Field (Atlantic Little League)

Rodeo Ball Field
Softball Field
Tennis Center
Soto Square
Steinbeck Neighborhood
Woodside
Golf Courses
Salinas Fairways
Twin Creeks

Refer to the 1995 Transition Plan produced by the City of Salinas located in Appendix A for further details on the access compliance efforts that went into the City's facilities in 1995.

Report Production

The following information contains the minimum data included in the Transition Plan – Access Compliance Survey Reports:

- Item number of barrier and/or room numbers, corresponding to schematic site and floor plans
- Area/location of the barrier; for example, room name or number
- Description of the barrier (as-built situation)
- As-is measurement/dimension
- Method of mitigation (e.g. physical alteration, purchase, program modification, equivalent facilitation, etc.)
- Detailed description of proposed solution and, if applicable, an alternative or interim solution
- Code citations, specifying the applicable sections in the State accessibility regulations, and in the Federal standards
- Severity of individual barriers (four levels: 1=severe, 2=moderate, 3=mild 4=minor)
- Unit and estimated unit price
- Total estimated cost for barrier removal
- Special site conditions (if applicable)

The information obtained from the surveys of the City facilities is maintained on a Microsoft Excel spreadsheet database.

Access Compliance Survey Reports are contained in Section II: Appendix.

SEE Appendix G: Access Compliance Survey Report of Facilities

Prioritization Criteria for Barrier Mitigation – Facilities

The third requirement of an ADA Transition Plan is to create a schedule that the City shall follow which addresses the order in which barriers shall be mitigated. This schedule shall be a public document and shall be made available for public inspection, maintained, and updated for the duration of the Transition Planning period. The maintaining and updating of this document shall mark the City's good-faith efforts in transitioning from a state of noncompliance to compliance regarding the ADA.

The difficulty and complexity of creating a schedule is recognized. Therefore, to provide a methodology for creating a schedule, a prioritization criterion was formed to rank barriers in order of most important to mitigate first to least important. The prioritization criteria rates each barrier based on two factors, its Priority Score, and its Severity Score. The Priority Score ranks the relative importance of addressing the barrier based on its locational impact on the disabled population, and the Severity Score ranks the barrier based on the degree of deviation exhibited compared to applicable access standards.

Overall Prioritization Criteria according to programmatic functions:

- Importance of the program function
- Frequency of Use
- Program location and relation to other programmatic functions
- Future Projects

Since persons with disabilities utilize certain facilities with greater frequency than other facilities, the impact of barriers identified at those facilities was deemed to be greater. Upon compilation of the survey results, prioritization criteria were determined for barriers identified in the survey and additional information was obtained to determine a final level of prioritization.

Prioritization Criteria according to barrier location:

Priority can be further divided within any one facility depending on the function of the area within the facility being surveyed. Typically, these areas are divided into 4 general priorities.

The prioritization criteria can be used to sort the access barriers identified in the surveys and create a schedule that order barrier mitigation work starting from barriers of highest importance to barriers of least importance.

SEE Appendix H: Prioritization Criteria for Barrier Mitigation – Facilities

Additional Consideration: Age of the Facility

The age of the facility can also determine the City's obligations to meet ADA compliance. Facilities built before September 15, 2010 are obligated to be in compliance with the 1991 ADAAG, barring that the building has not gone through major reconstruction or alteration henceforth that date. The facility will also be required to comply with the applicable California Building Codes (CBC) at the time of construction.

If a facility was constructed or altered between the transition period of September 15, 2010 through March 15, 2012, an option of choosing either the 1991 ADA or 2010 ADA Standards were allowed.

Facilities built after March 15, 2012 are required to meet the updated 2010 ADA Standards as well as the California Building Code (CBC) at time of construction. The 2010 standards listed below are the minimum applicable standards. The City of Salinas is exceeding those standards by using MUTCD, CBC 2019, and CalTrans to assess or modify different elements of the public right-of-way.

The caveat being that crucial program functions and services must be provided in accessible locations.

Compliance Date for New Construction or Alterations	Applicable Standards
Before September 15, 2010	1991 Standards or UFAS
On or after September 15, 2010, and before March 15, 2012	1991 Standards, UFAS, or 2010 Standards
On or after March 15, 2012	2010 Standards

OVERVIEW: ACCESS COMPLIANCE SURVEYS OF THE PUBLIC RIGHTS-OF-WAY

Barden v. City of Sacramento, 292 F. 3d 1073 established that sidewalks and intersections constitute a service, program, or activity provided by a City, therefore they are subject to accessibility regulations and should be addressed as part of the City's ADA Transition Plan.

Four different features provided in the PROW were surveyed, including sidewalks, curb ramps, pedestrian signals and bus stops. Curb ramps, pedestrian signals and bus stops were surveyed using a data collection checklist, based on Accessibility Standards in the California Building Standards Code (CBC), Americans with Disability Act (ADA), Manual on Uniform Traffic Control Devices (MUTCD) and US Department of Transportation (USDOT) requirements as well as Public Rights-of-Way Accessibility Guidelines (PROWAG) recommendations. Traditional measuring and smart-level equipment were used to collect measurements for these surveys. Sidewalks were surveyed using sidewalk profilers that were developed for the Federal Highway Administration (FHWA) and adapted for sidewalk ADA surveys. The device captures information on slopes, and surface variations and identifies deviations from the required ADA standards and other applicable requirements.

The access compliance surveys of the Public Rights-of-Way (PROW), along with the surveys of City owned and leased facilities, completely fulfill the first two requirements for an ADA Transition Plan. As a part of this effort, approximately 492 miles of sidewalk, 813 pedestrian signals and 309 bus stops were surveyed for access compliance and that the financial cost to mitigate all barriers identified in the surveys to be approximately \$273.3 million.

In addition, City staff conducted a survey of the curb returns to identify ADA pedestrian crosswalks and ramp compliance. 5,641 curb returns were surveyed as part of this effort.

Features	Total Number Surveyed	Number ADA Compliant	Total Cost Estimate (\$)
Sidewalks	492 miles	75 miles	\$240,926,332
Pedestrian Signals	813 pedestrian signals	0 pedestrian signals	\$1,984,300
Bus Stops	309 bus stops	49 bus stops	\$580,200
Curb Ramps	5,641 curb ramps	843 curb ramps	\$29,800,000
TOTAL			\$273,290,832

The information obtained from the surveys of the PROW is maintained on a geographic information system (GIS) database.

Access Compliance Survey Reports are contained in Section II: Appendix.

[SEE Appendix D: Access Compliance Survey Report of Sidewalks](#)

[SEE Appendix C: Access Compliance Survey Report of Pedestrian Signals](#)

[SEE Appendix E: Access Compliance Survey Report of Bus Stops](#)

[SEE Appendix K: ADA Pedestrian Ramp – Map of Compliant and Non-Compliant Ramps](#)

Prioritization Criteria for Barrier Mitigation – Public Rights-of-Way

The third requirement of an ADA Transition Plan is to create a schedule that the City shall follow which addresses the order in which barriers within each feature shall be mitigated. This schedule shall be a public document and shall be made available for public inspection, maintained, and updated for the duration of the Transition Planning period. The maintaining and updating of this document shall mark the City's good-faith efforts in transitioning from a state of noncompliance to compliance regarding accessibility.

The difficulty and complexity of creating a schedule is recognized. Therefore, to provide a methodology for creating a schedule, like City owned and leased facilities, a prioritization criterion was formed, catered to the in-depth information that is provided utilizing GIS.

The relative importance of each barrier, according to its impact upon the disabled population was taken into account when developing the prioritization criteria for barrier mitigation.

Overall Prioritization Criteria according to programmatic functions:

- Importance of the program function
- Frequency of Use
- Program location and relation to other programmatic functions

Since persons with disabilities utilize certain facilities with greater frequency than other facilities, the impact of barriers identified at those facilities was deemed to be greater. Upon compilation of the survey results, prioritization criteria was determined for barriers identified in the survey and additional information was obtained to determine a final level of prioritization.

The general policy includes the continuous effort of providing connection to existing pedestrian facilities where sidewalk segments are missing.

Prioritization Criteria for PROW according to barrier location:

- Government Services
- City Attractors (City Owned/Leased Facilities)
- Schools
- Parks
- Transit Stops/Centers
- Population Density
- Elderly Population Density
- Streets (Arterials, Collectors)
- Additional Facilities Identified by The ADA Advisory Committee

The prioritization criteria developed for the PROW rates the relative importance of each barrier based on a combination of rating the activity occurring at the barrier's location, or "Activity Score", as well as rating the severity from which each feature deviates from current State and Federal standards, or "Barrier Score". Each score is rated on a scale of 0 to 100, with 0 being the lowest, and 100 being the highest.

The combination of both the "Activity Score" and "Barrier Score" creates an overall "Priority Score" that can be used to sort features identified in the surveys and create a schedule that orders barrier mitigation work starting from features of highest priority to features of lowest priority. The "Priority Score" is rated on a scale of 0 to 200, with 0 being the lowest priority, and 200 being the highest priority.

For barriers within the public rights-of-way, a 4-pronged approach to implementation is recommended:

1. PWD/Street and Maintenance and Engineering-Design Divisions would be able to prepare a mitigation schedule for pedestrian access routes from the nearest fixed route bus stop(s) serving City offices/facilities to the site-entrance points of those facilities. The development of this mitigation schedule is based on the prioritization criteria outlined in this document with each identified accessibility barrier, and the severity of the identified barrier in impeding access. If a technical infeasibility is determined regarding an identified accessibility barrier, PWD/Streets Division to coordinate with MST on relocating bus stops along accessible route serving said City offices/facilities.
2. Public Works/Engineering would identify street sections being resurfaced over the next few years and identify curb ramps that are not compliant with current ADA standards. These identified curb ramps will be scheduled for upgrade to applicable standards when part of a major roadway rehabilitation project

involving pavement overlays, cape seal and/or reconstruction; or signal upgrades.

3. PWD/Street Maintenance Division to adopt a formal procedure/policy of reviewing citizen-requests for barrier-removal within pedestrian access routes and providing the necessary services determined through the review in coordination with the City's ADA Coordinator.
4. PWD/Parks and Forestry would identify damaged pathways and trees/shrubs overgrowth into pathway/sidewalks to maintain clearances both horizontally and vertically for pedestrian access routes.

It is recommended that the City adopt a formal policy and procedure for the PWD/Engineering Division and Street & Drainage Maintenance Division to coordinate when responding to curb ramp upgrades or other sidewalk barrier-removal requests from City residents.

SEE Appendix F: Prioritization Criteria for Barrier Mitigation – Public Rights-of-Way

Additional Consideration: Age of PROW

The age of the PROW element (i.e. sidewalk, curb ramp, pedestrian signal, or bus stop) can also determine the City's obligations to meet ADA compliance. PROW elements built before September 15, 2010 are obligated to be in compliance with the 1991 ADAAG, barring that the element has not gone through major reconstruction or alteration henceforth that date. The element will also be required to comply with the applicable California Building Codes (CBC) at the time of construction.

If a PROW element was constructed or altered between the transition period of September 15, 2010 through March 15, 2012, an option of choosing either the 1991 ADA or 2010 ADA Standards were allowed.

PROW elements built after March 15, 2012 are required to meet the updated 2010 ADA Standards as well as the California Building Code (CBC) at time of construction. The 2010 standards listed below are the minimum applicable standards. The City of Salinas is exceeding those standards by using MUTCD, CBC 2019, and CalTrans to assess or modify different elements of the public right-of-way.

The caveat being that crucial program functions and services must be provided in accessible locations.

Compliance Date for New Construction or Alterations	Applicable Standards
Before September 15, 2010	1991 Standards or UFAS
On or after September 15, 2010, and before March 15, 2012	1991 Standards, UFAS, or 2010 Standards
On or after March 15, 2012	2010 Standards

OFFICIAL(S) RESPONSIBLE

The ADA requires that an official be identified as responsible for the implementation of the Entity's plan.

It is the US DOJ's view that compliance with 28 CFR 35.150(a), like compliance with the corresponding provisions of the section 504 regulations for public programs, would in most cases not result in undue financial and administrative burdens on a typical City. In determining undue financial and administrative burdens, all City resources available for use in the funding and operation of City services, programs and activities would need to be considered.

The burden of proving that compliance with paragraph (a) of 28 CFR 35.150 would either fundamentally alter the nature of a service, program, or activity OR would result in undue financial and administrative burdens rests with the City. The decision that compliance would result in such alteration and/or burden must be made by the head of the public entity or their designee and must be accompanied by a written statement of the reasons for reaching that conclusion.

While the US DOJ has acknowledged the difficulty/complexity of not only making such a determination, but also identifying the official responsible to make this decision/determination, the department's intention is clear in that the determination must be made by a high level official, no lower than a Department head, having budgetary authority and responsibility for making spending decisions.

The Official Responsible for the implementation should be able to seek/acquire funding for ADA barrier removal work over the City's Transition Planning period. In most cities, it is the City Engineer who can effectively control the City's budget line item – "ADA Transition Planning budget". As such, the City of Salinas has designated the City Engineer as the Official Responsible for the implementation of its ADA Transition Plan. They can be contacted as follows.

Adriana Robles, P.E.

City Engineer and ADA Coordinator

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California Relay, 711

Typically, the responsibility of making any particular City program, service or activity accessible to all persons, regardless of ability, rests with the official who controls the operating funds for that particular program, service or activity. To this end, the task of seeking/getting approval for funds from the governing body to make the said program accessible lies with the official responsible for the program.

Indication of the official(s) responsible for implementation of the plan fulfills the final requirement of a Transition Plan.

PUBLIC INPUT

Per 28 Code of Federal Regulations, Part 35; Subpart D – Program Accessibility; §35.150 – Existing Facilities; (d) Transition Plan (1): The City shall provide an opportunity to interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the development of the ADA Self-Evaluation and Transition Plan by submitting comments.

In order to satisfy this requirement and to gain the perspective of persons with disabilities, a public vetting will be held by the City between July 22nd and August 23rd, 2021, where members of the public will be invited to comment on and participate in the City's ADA Self-Evaluation & Transition Plan.

[SEE Appendix L: Public Comments](#)

2021 Transition Plan Update

A notice of intent to adopt the 2021 ADA Transition Plan will be published and distributed to the disabled community. The publication will be done in the Monterey Herald newspaper and the Monterey Weekly and be distributed to Central Coast Center for Independent Living, Monterey County Area Agency on Aging, Hartnell College Disabled Student Program, Special Education in the Union High School District, Blind and Visually Impaired Center ADA Advisory Committee for Monterey County, Deaf and Hard of Hearing Center, City of Salinas Community Development Housing Division, and Alliance on Aging. City Staff will provide 30 calendar days to submit comments. City Council will approve the ADA transition plan on September 21, 2021.

TRANSITION PLAN IMPLEMENTATION

The document should be maintained and updated for the duration of the Transition Planning period and a copy of the Transition Plan shall be made available for public inspection.

The final product is a working document to be modified as barriers are removed or alterations are made, open to modification throughout the transition period. The Official(s) responsible and project managers overseeing the barrier-removal projects will document all such ADA improvements/upgrades. Also as part of this process, technical infeasibility, if any, to meet necessary accessibility compliance will be documented and filed for the City's records by the Engineer-of-Record on the said project. It is also recommended to provide accessibility site audits (inspections) of on-going projects as part of the project close-out/certification. This documentation and verification of barrier-mitigation will be integrated into the City's ADA Transition Plan on a regular basis to ensure that barriers are "checked-off" and the Plan is current with a record of barrier-mitigation work. Annual reports of barrier-mitigation work may also be provided to the City's Board of Supervisors.

The City has formed an Ad-Hoc ADA Advisory Committee, approved by City Council on June 23, 2015. The Committee is tasked with analyzing the City's ADA Compliance efforts and implement, where necessary, changes to the City's policies, procedures and infrastructure to ensure that they adhere to the guidelines set forth in the ADA Regulations and that the City's programs, services or activities are accessible to people with disabilities.

Maintenance of Accessible Features

The Maintenance of accessible features is mandated by State and Federal Regulations and is an integral part of the City's plan to transition into a more accessible destination. Both, Chapter 28 Code of Federal Regulation, Part 35, Section 35.133 as well as the California Building Code section 1101B.3 – Maintenance of accessible features, state:

1. A public accommodation shall maintain in operable working condition those features of facilities and equipment that are required to be accessible to and usable by persons with disabilities.
2. This section does not prohibit isolated or temporary interruptions in service or access due to maintenance or repairs.

Both these sections provide that a public entity shall maintain in operable working condition those features of facilities and equipment that are required to be accessible to and usable by persons with disabilities. They require that, to the maximum extent feasible, facilities must be accessible to, and usable by, individuals with disabilities.

These sections recognize that it is not sufficient to provide features such as accessible routes, ramps, or elevators, if those features are not maintained in a manner that enables individuals with disabilities to use them. Inoperable elevators, are neither "accessible to" nor "usable by" individuals with disabilities.

It is, of course, impossible to guarantee that mechanical devices will never fail to operate. As such, the 2nd paragraph provides that this section does not prohibit isolated or temporary interruptions in service or access due to maintenance or repairs. This paragraph is intended to clarify that temporary obstructions or isolated instances of mechanical failure would not be considered violations of the ADA or this part. However, allowing obstructions or "out of service" equipment to persist beyond a reasonable period of time would violate this part, as would repeated mechanical failures due to improper or inadequate maintenance. Failure of the public entity to arrange prompt repair of inoperable elevators or other equipment intended to provide access would also violate this part.

A City-wide formal policy specifically addressing the legal requirements (28CFR Part 35.133 & CBC1101B.3) of maintaining accessible features would be of long-term benefit to the City. When, over time, an accessible feature fails, institutionalizing organizational commitments towards protocols and maintenance ensures an appropriate action is taken.

Implementation Policies

The City of Salinas proposes the following implementation policies for transition into compliance with the ADA:

- 1) The City will revisit its original ADA Five-Year Improvement Plan as a planning tool for the removal of access barriers within the City as identified in the City's original 1995 Facilities Transition Plan. The City will reproduce an updated Improvement Plan to be approved by City Council which includes the additional scope of dedicating resources to the removal of access barriers also found within the City's PROW, which had not been included in the original 1995 Facilities Transition Plan's scope.
- 2) The City will dedicate specific resources to the accessibility improvements in the PROW in each budget year as well as its facilities, and will focus on those highest priority improvements which have been identified in this plan and vetted through public input and the Advisory Committee, unless otherwise stated in this section.
- 3) The City will dedicate available City funding with a minimum budget of \$173,500 for five years, for the sole purpose of providing upgrades to ADA Traffic Signals.

If higher funding allocations are received, then those will be used as appropriate to make the improvements associated with the funding.

Project Year	20/21	21/22	22/23	23/24	24/25	Total
Total Cost (\$)	26,000	40,000	27,500	40,000	40,000	173,500

- 4) The City will dedicate available City funding with a minimum budget of \$100,000 for five years, for the sole purpose of correcting ADA deficiencies in public buildings. If higher funding allocations are received, then those will be used as appropriate to make the improvements associated with the funding.

Project Year	20/21	21/22	22/23	23/24	24/25	Total
Total Cost (\$)	20,000	20,000	20,000	20,000	20,000	100,000

- 5) The City will dedicate available City funding with a minimum budget of \$4,300,000 for five years, for the sole purpose of correcting ADA deficiencies in City sidewalks and curb ramps. The City will have a budget of \$700,000 per year to distribute over 2 districts. During roadway construction and overlay the City will mitigate any non-compliant curb ramps. If higher funding allocations are received, then those will be used as appropriate to make the improvements associated with the funding.

ADA Pedestrian Ramps

Project Year	20/21	21/22	22/23	23/24	24/25	Total
Total Cost (\$)	100,000	100,000	100,000	100,000	100,000	500,000
<i>Sidewalks</i>						
Project year	20-21	21-22	22-23	23/24	24/25	Total
Total Cost (\$)	1,479,000	600,000	600,000	600,000	600,000	3,879,000

- 6) The City will continue to seek out sources of funding beyond to fund accessibility improvements throughout the City and will use this document and an updated Improvement Plan in all funding applications to show good-faith efforts in planning for orderly transition to compliance.

SEE Appendix J: Transition Plan Update

NOTICE OF COMPLIANCE UNDER ADA & CALIFORNIA STATE LAW

In accordance with the requirements of Title II of the Americans with Disabilities Act (ADA) of 1990, the Americans with Disabilities Amendments Act of 2008, the Fair Employment & Housing Act (FEHA), California Government Code Section 11135 and other applicable codes, the City does not discriminate against individuals on the basis of disability in its services, programs or activities.

Employment: The City does not discriminate on the basis of disability in its hiring or employment practices and will comply with the Fair Employment and Housing Act, as well as Title I of the ADA, including the regulations promulgated by the U.S. Equal Employment Opportunity Commission (EEOC), including the requirement to provide reasonable accommodations.

Effective Communication: The City will generally, upon request, provide appropriate aids and services leading to effective communication for qualified person(s) with disabilities, including sign language interpreters, documents in Braille and other alternate formats to ensure information and communication is accessible to people who have speech, hearing, vision, or cognitive impairments so they can participate equally in the programs, services and activities.

Modification to Policies and Procedures: The City will make reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to participate in all of its programs, services and activities. *For example, individuals with service animals behaving within applicable standards are welcome in offices and City facilities, even when pets are generally prohibited.*

Anyone who requires auxiliary aids and services for effective communication, or a modification of policies or procedures to participate in a program, service or activity in the City should communicate with the responsible Department contact as soon as possible, but no later than **48 hours** before the scheduled event.

Neither the ADA, nor State law requires the City to take action that would fundamentally alter the nature of its programs, activities or services or impose an undue financial or administrative burden. Complaints that a program, activity or service of the City is not accessible should be directed to the **ADA Coordinator:**

Adriana Robles, P.E.

City Engineer and ADA Coordinator

Public Works Department

200 Lincoln Ave.

Salinas, CA 93901

Phone: (831) 758-7241

Email: adrianar@ci.salinas.ca.us or ADACompliance@ci.salinas.ca.us

California Relay, 711

The City does not place a surcharge on a particular individual with a disability or a group of individuals with disabilities to cover the cost of providing auxiliary aids and services or making a reasonable modification to a policy to create access.

CITY OF SALINAS

ADA NONDISCRIMINATION POLICY STATEMENT

Americans with Disabilities Act

The City of Salinas does not discriminate on the basis of disability in its services, programs, or activities.

Employment: The City of Salinas does not discriminate on the basis of disability in its hiring or employment practices and complies with the ADA title I employment regulations.

Effective Communication: The City of Salinas will, upon request, provide auxiliary aids and services leading to effective communication for people with disabilities, including qualified sign language interpreters, assistive listening devices, documents in Braille, and other ways of making communications accessible to people who have speech, hearing, or vision impairments.

Modifications to Policies and Procedures: The City of Salinas will make reasonable modifications to policies and procedures to ensure that people with disabilities have an equal opportunity to enjoy programs, services, and activities. For example, people with service animals are welcomed in the City of Salinas offices, even where pets and other animals are prohibited.

Requests: To request an auxiliary aid or service for effective communication, or a modification of policies or procedures contact Patricia Barajas, City Clerk at (831) 758-7383 or patricib@ci.salinas.ca.us as soon as possible, preferably 5 business days before the activity or event.

Complaints: Send complaints to Adriana Robles, ADA Coordinator at City of Salinas, Public Works Department, 200 Lincoln Ave. Salinas, CA 93901.

ADA Nondiscrimination Policy Statement

Short Version

Americans with Disabilities Act

The City of Salinas does not discriminate on the basis of disability in its programs, services, activities, and employment practices.

If you need auxiliary aids and services for effective communication (such as a sign language interpreter, an assistive listening device or print material in digital format) or a reasonable modification in programs, services or activities contact Patricia Barajas, City Clerk (831) 758-7383 or patricib@ci.salinas.ca.us as soon as possible, preferably 5 business days before the activity or event.

A grievance procedure is available to resolve complaints.

Upon request, this notice is available in alternative formats such as large print or Braille.

ADA Coordinator contact information:

Adriana Robles, P.E.
City of Salinas
Public Works Department
200 Lincoln Ave.
Salinas, CA 93901
adrianar@ci.salinas.ca.us
(831)758-7194

ADA GRIEVANCE PROCEDURE

City of Salinas ADA Grievance Procedure

Grievance Procedure under ADA and California State Disability Rights Laws

This grievance procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 (“ADA”), the Americans with Disabilities Amendments Act (ADAAA) and California State law. It may be used by anyone wishing to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs or benefits by the City of Salinas. The City’s Disability Discrimination 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 the complainant and location, date and a description of the problem(s). Alternative means of filing a complaint, such as personal interviews or tape recording the complaint, are available to people with disabilities upon request.

The complaint should be submitted by the grievant and/or their designee as soon as possible, but no later than 60 calendar days after the alleged violation to:

Adriana Robles, P.E.

City Engineer and ADA Coordinator

Public Works Department

200 Lincoln Ave.

Salinas, CA 93901

Phone: (831) 758-7241

Email: adrianar@ci.salinas.ca.us or ADACompliance@ci.salinas.ca.us

California Relay, 711

Within 15 calendar days after receipt of the complaint, the ADA Coordinator or his/her designee will schedule a meeting with the complainant to discuss the complaint and possible resolutions. After an investigation and review the ADA Coordinator will respond in writing, and, where appropriate, in a format accessible to the complainant. The response will explain the City position on the issue and offer options for substantive resolution of the complaint.

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

After receiving the appeal, the City Director or their designee will review the appeal and the ADA Coordinator finding. Within a reasonable period, after a review, the City

Director or their designee will respond in writing, and, where appropriate in a format that is accessible to the complainant, with a final resolution to the complaint.

All written complaints received by **Adriana Robles** or their designee, appeals to the City or their designee, and responses from these two offices will be retained by the City for at least three years.



NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), the City of Salinas will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

Employment: City of Salinas does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the ADA.

Effective Communication: City of Salinas will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in City of Salinas programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

Modifications to Policies and Procedures: City of Salinas will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in City of Salinas offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of City of Salinas, should contact the office of the City Clerk as soon as possible but no later than 5 business days before the scheduled event.

The ADA does not require the City of Salinas to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Complaints that a program, service, or activity of City of Salinas is not accessible to persons with disabilities should be directed to Adriana Robles, P.E.

City of Salinas will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

City of Salinas

Grievance Procedure under ADA or California State Disability Civil Rights Laws

This grievance procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 (“ADA”), the Americans with Disabilities Amendments Act (ADAAA) and California State law. It may be used by anyone wishing to file a complaint alleging discrimination on the basis of disability in the provision of programs, services, activities or benefits by the City of Salinas. The City’s Disability Discrimination 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 the complainant and location, date and a description of the problem(s). The City’s Grievance Procedure form is available online at <https://www.cityofsalinas.org/search/site/ADA%20grievance> or at Salinas City Hall, Public Works Department, 200 Lincoln Ave., Salinas, CA 93901. Alternative means of filing a complaint, such as personal interviews or a tape recording the complaint, are available to persons with disabilities upon request.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible, but no later than 60 calendar days after the alleged violation to:

Adriana Robles, P.E., ADA Coordinator
City of Salinas, Public Works Department
200 Lincoln Ave., Salinas, CA 93901
Tel 831-758-7194 , Fax 831-775-4299
email adrianar@ci.salinas.ca.us

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 possible resolutions. Within 15 calendar days of the meeting, 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 tape. The response will explain the position of the City of Salinas and offer options for substantive resolution of the complaint.

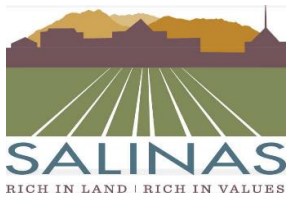
If the response by ADA Coordinator or his/her designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the City Manager or his/her designee.

Within 15 calendar days after receipt of the appeal, the City Manager 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 Manager 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 Manager or his/her designee, and responses from these two offices will be retained by the City of Salinas for at least three years.

To file a complaint directly with the U.S. Department of Justice through the ADA Information Line: 1-800-514-0301 (TTY: 1-800-514-0383). You also can submit a written complaint to:

U.S. Department of Justice, Civil Rights Division
950 Pennsylvania Ave. NW
Disability Rights Section — 1425 NYAV
Washington, DC 20530



ADA Grievance Form

1. Complainant (person completing this form):

Name: _____

Address: _____

Telephone: _____

Email: _____

2. Individual Discriminated Against (If different from Complainant):

Name: _____

Address: _____

Telephone: _____

Email: _____

3. Description of Alleged Grievance:

Date of occurrence: _____

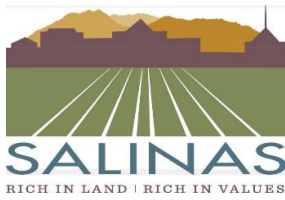
Location of occurrence: _____

Description of event: _____

Names of people involved (including City staff): _____

Witnesses: _____

4. Requested Action by the City to Correct Barrier: _____



City of Salinas

PUBLIC WORKS DEPARTMENT • 200 Lincoln Ave • Salinas, California 93901

(831) 758-7241 • (831) 758-7935 (Fax) • cityofsalinas.org

5. **Have you discussed this matter with City staff? If yes, whom, when and what was the result of that discussion?**

The information provided above is true and accurate to the best of my belief or knowledge.

Signature: _____

Date: _____

If, because of your disability, you need assistance in completing this form or need to bring a complaint through alternative means (e.g. personal interview, recording) please notify the City ADA Coordinator at (831)758-7241 or California Relay 711.

MAIL/EMAIL COMPLETED FORM TO:

City of Salinas
Public Works Department
c/o ADA Coordinator
200 Lincoln Ave.
Salinas, CA 93901

pubworks@ci.salinas.ca.us
(831) 758-7241

To Be Completed by Staff:

Date Barrier Resolved _____

CIP No. _____

SECTION II: APPENDIX

- A. City of Salinas 1995 Facilities Transition Plan**
- B. City of Salinas 1993 ADA Five-Year Improvement Plan**
- C. Access Compliance Survey Report of Pedestrian Signals**
- D. Access Compliance Survey Report of Sidewalks**
- E. Access Compliance Survey Report of Bus Stops**
- F. Prioritization Criteria for Barrier Mitigation – Public Rights-of-Way**
- G. Access Compliance Survey Report – Facilities**
- H. Prioritization Criteria for Barrier Mitigation – Facilities**
- I. ADA Self-Evaluation of Policies, Procedures, and Practices**
- J. Transition Plan Updates**
- K. Public Comments**