

PUBLIC RIGHT-OF-WAY
ACCESSIBILITY TRANSITION PLAN
2021 UPDATE



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2021 Updates Prepared By:
City ADA Transition Team with Consulting by:
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Introduction

The City of Fairhope has an expansive pedestrian system that links neighborhoods, recreational resources, government facilities, retail centers and business establishments. Pedestrian accessibility provides benefits not only for people with disabilities but for the community at large. In an effort to continuously improve the pedestrian system, in 2016 the City developed and adopted a Public Right-Of-Way Accessibility Transition Plan. The 2016 document was prepared in accordance with the Americans with Disabilities Act to serve as the Public Right-of-way Accessibility Transition Plan for the City of Fairhope. The foundational document contained detailed results of a comprehensive self-evaluation that addresses accessibility barriers to the City's programs, activities and services. This plan has been in place and served as an ADA Transition guidance document for the past five (5) years. After this implementation period, it was determined that the plan lacked some crucial elements and would benefit from an update.

2021 Plan Update

In the 2021 plan, several key objectives were developed to be implemented in coordination with this update:

1. Better process and record-keeping of Public Comments and/or Grievances
2. Improved exposure and accessibility of the Plan and Related Documents/Forms on City-controlled Social Media Platforms with an emphasis on website accessibility
3. Updating and maintaining self-evaluation data via ARC GIS Spatial Geodatabase
4. Developing and publishing Interactive Self-evaluation Map from the ARC GIS Geodatabase.
This map includes:
 - a. Interactive web-based platform that is user friendly and mimics a similar interface such as Google Maps
 - b. All shown elements will be "clickable" and result in a dropdown attributes table that provides information to the user as to the type of pedestrian feature, geometric information as well as ADA status.
 - c. All data is under the control and is maintained by the City GIS Specialists and will be updated regularly
5. Update the City officials responsible for the plan implementation
6. Provide more defined Barrier Removal priorities – short term Goals and Objectives
7. Larger financial commitment to scheduled barrier removal
8. Enhancement of Staff Training and Familiarity with Adopted Standards and Guidelines



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Legal Requirements

The federal legislation known as the Americans with Disabilities Act (ADA), enacted on July 26, 1990, and later amended effective January 1, 2009, provides comprehensive civil rights protections to qualified persons with disabilities from discrimination on the basis of disability. Title II of the ADA prohibits discrimination in all services, programs and activities provided to persons with disabilities by State and local governments, including transportation. Cities with more than 50 full or part-time employees are required to perform self-evaluations of their current facilities relative to the accessibility requirements of the ADA and then establish a plan to correct any deficiencies. A self-evaluation is also required by Section 504 of the Rehabilitation Act for all entities receiving federal financial assistance, including federal highway aid for transportation projects. The process of self-evaluation for accessibility provides a framework for communities to develop a Transition Plan that identifies barriers, prioritizes actions to address barriers and then sets forth a schedule to implement those actions.

The Transition Plan used to implement compliance must include the following elements:

- Determine the physical barriers in the public rights-of-way that limit accessibility
- Provide public notice and opportunity for public participation
- Develop a grievance procedure
- Adopt design standards and guidelines
- Prepare a self-evaluation
- Designate officials responsible for implementation

This Transition Plan 2021 Update incorporates these elements and provides a method for the City of Fairhope to schedule and implement ADA required improvements to existing pedestrian sidewalks and pathways.

Officials Responsible for Implementation

The officials Responsible for the implementation of the City of Fairhope's ADA Transition Plan for pedestrian facilities in the right of way are:

Mr. Erik Cortinas
Chief Building Official
Address:
555 S. Section Street
Fairhope, Alabama 36533
Phone:
Office Number: 251-928-8003
Email: erik.cortinas@fairhopeal.gov

Mr. Richard D. Johnson, PE
Public Works Director
Address:
555 S. Section Street
Fairhope, Alabama 36533
Phone:
Office Number: 251-928-8003
Email: richard.johnson@fairhopeal.gov



City ADA Transition Team

The City has established an ADA Transition Team (a task force) comprised of the following City Employees:

1. Hunter Simmons – Planning & Zoning Manager
2. Erik Cortinas – Chief Building Official
3. Jessica Sawyer Walker - Special Projects and Grants Manager
4. John Thomas – ROW and Construction Inspector
5. Chris Ambron – GIS Planning Technician
6. Richard D Johnson, PE – Public Works Director
7. Mayor Sherry Sullivan – Mayor (ex officio)

This team meets on a scheduled recurring basis to provide technical and operational support to ADA Transition and Compliance contained within this Plan Update. This team is based on Job Positions. As time progresses the individual names may change, but the individual holding the job position will serve on the team.

Public Input

The City of Fairhope provided the opportunity for individuals to comment on this Transition Plan Update. The Transition Plan Update was made available on the City's website at <https://www.fairhopeal.gov/> and presented at multiple Public Meetings that facilitated and encouraged public comment. By request to the City Clerk's Office, any resident of the City of Fairhope may address their concerns or comments to the ADA Coordinator (via the City Clerk's Office) listed in this document.

Public Complaint Process

The public complaint process is an integral part of the Transition Plan. This process is established to meet the requirements of the Americans with Disabilities Act of 1990. Public complaints or requests may often drive prioritization of improvements.

It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of accessibility of a curb ramp or sidewalk located in the City of Fairhope. The complaint should be in writing and contain information about the alleged accessibility issue 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 a tape recording of the complaint, will be made available for persons with disabilities upon request. The complaint should be submitted



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

The Office of the City Clerk
Attention: ADA Coordinator
P.O. Drawer 429
Fairhope, AL 36533

The ADA Coordinator or their designee will route the complaint to the appropriate City department head for inspection and possible action. Within 15 calendar days of receipt of the complaint, the ADA Coordinator or their designee will respond in writing, 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 Fairhope and offer options for substantive resolution of the complaint. All written complaints received by the ADA Coordinator and responses from these offices will be retained by the City for at least three years.

Self-Evaluation

IDENTIFYING BARRIERS

An element of ADA Title II compliance requires the City of Fairhope examine its services, policies and practices and the effects thereof to determine whether there are barriers to participation by people with disabilities. For the 2016 Public Right-of-way Accessibility Transition Plan, the process included the identification of existing and planned accessible paths of travel for public facilities and programs to facilitate prioritization.

For cities with responsibility or authority over streets, roads and walkways, the self-evaluation and Transition Plan must include curb ramps and other pedestrian facilities. Curb ramps, sidewalks, pedestrian signals, driveway crossings and other pedestrian facilities are to be reviewed for compliance with recent design standards. For example, specific items for curb ramps that are to be reviewed include the presence of appropriate detectable warnings, slopes, level landings and algebraic slope changes from the ramp to the street surface.

The City of Fairhope has identified and assessed barriers in the public rights-of-way using an inventory tool. To remove these barriers to accessibility, Fairhope utilizes many different approaches including proactively identifying and eliminating the barrier, responding to public complaints and ensuring the appropriate design and build-out of new construction follows the most recent design guidelines.

In the 2021 Update of the plan the same inventory tool was used to review curb ramps, sidewalks, pedestrian signals, driveway crossings and other pedestrian facilities to update the inventory database and reflect those changes in the plan. In addition, all new construction over the last five



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years has been added to the existing inventory and status of compliance shown within the interactive map.

BARRIER REMOVAL PRIORITIES

The City bases barrier removal priorities as curb ramps first then sidewalks and are based on two factors: location and the accessibility condition of the intersection.

Location Priority

The City has identified its location priority as follows:

1. Intersections serving government facilities and Public Use Facilities*
 - State and Local Government Buildings
 - Hospital/Medical Clinics
 - Schools
 - Access to Public Parks/Transit
2. Intersections serving commercial and employment centers (downtown area)
3. Intersections serving other areas (such as residential)

* Facilities associated with a formal complaint, grievance or claim shall take priority and if found deficient and/or non-compliant shall be addressed in a timely manner.

PRIORITY RANK

In order to determine the overall priority of an intersection, the City is using a Red, Yellow and Green ranking system.

1. Red – Non ADA-Compliant needing replacement or not having a curb ramp
2. Yellow – Non ADA-Compliant needing repair
3. Green – ADA-Compliant

Note: Repairs to intersections and sidewalks will be dependent upon the annual budget and the location ranking of each intersection. Each fiscal year the city shall prepare a list of proposed items to be considered in the upcoming fiscal year for the City Council to vote and approve. Ramp and sidewalk replacement and/or repairs for compliance may be grouped within a geographic location in order to maximize the use of potential funds.

NEW CONSTRUCTION & ALTERATIONS

In order to ensure the correct design of curb ramps, sidewalks and crosswalks in new construction and alterations, the City follows the Alabama Department of Transportation design specifications and drawings. The City has also incorporated minimum design standards and drawings to its subdivision regulations and requires the developer of a new subdivision to construct curb ramps, landings, sidewalks and crosswalks during the construction of its roadway



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infrastructure to meet current ADA design guidelines. Whenever there is an intersection improvement project, resurfacing project or new construction project, any affected curb ramp, sidewalk and crosswalk will be rebuilt to these ADA design guidelines.

On March 7, 2019, the City of Fairhope via Ordinance 1639 adopted the United States Access Board's Public Rights-of-Way Accessibility Guidelines (PROWAG). These guidelines are not yet adopted within the Code of Federal Regulations (CFR), however are the preeminent national guidelines for ADA design outcomes and compliance. Ordinance 1639 is contained within the appendix.

The U.S. Access Board has developed these guidelines under the Americans with Disabilities Act (ADA) and the Architectural Barriers Act (ABA) that address access to sidewalks and streets, crosswalks, curb ramps, pedestrian signals, on-street parking, and other components of public rights-of-way. These guidelines also review shared use paths, which are designed primarily for use by bicyclists and pedestrians for transportation and recreation purposes. The Access Board is in the process of finalizing these guidelines.

Schedule

In 2016 the City of Fairhope had approximately 104 miles of existing sidewalks, 424 Crosswalks and 956 Curb Ramps. In 2016 there was an estimated \$8,600,000 in repairs and replacements needed to bring the existing pedestrian infrastructure into ADA compliance. The City of Fairhope committed in the annual budget a minimum of \$50,000 per fiscal years 2017-2021, to fund the repairs needed to correct its existing infrastructure. The first 3 years (FY 2017-2019) the City focused on installing truncated domes to existing curb ramps that meet cross slope and longitudinal slope requirements totaling nearly 300. In 2020, the City begin to repair and replace remaining existing curb ramps that exceed ADA cross slope or longitudinal slope requirements. In addition to replacing non-ADA compliant curb ramps, the City repaired or replaced sidewalk segments between intersections correcting cross slope, cracking and obstruction issues.

The City currently reviews progress on the ADA program at each budgeting period and adds additional funds depending on financial constraints. For FY2022 the City is requesting a Capital ADA budget of a minimum of \$100,000 for the next 5 years (FY22-26). Focus will continue to be based on barrier removal around government facilities, then medical facilities, schools, downtown, etc.

The entire sidewalk system was field surveyed in 2016 and mapped as part of the Self-Evaluation on the City's Arc GIS computer system. All datasets, geodatabase and layers are in the possession and control of the City. The City can evaluate the current status of the ADA program at any time and make real-time updates when a compliancy issues are addressed. Projects will be selected each fiscal year based on funding and proposed to the City Council for approval. At the



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end of each ADA project, the City GIS staff will update the data to include the year the item/items were repaired or replaced and update its condition from Non-compliant to Compliant.

As opportunity allows, the City of Fairhope will make efforts to improve the ADA Accessibility of pedestrian facilities in the public right of way. However, there will be times when it is technically infeasible to provide technical compliance: for example, if clear space at the top of the ramp is obstructed by a building or the slope of a hill is so extreme as to prevent a reasonable slope for a ramp in both directions. The inventory process may not account for such situations and could show a high-priority rating when all feasible actions have been taken. In situations such as previously described the City shall document its findings.

The City of Fairhope has invested in upgrading its ADA Accessibility over the last several years by including ADA upgrades to roads being resurfaced as well as requiring developers to install ADA compliant curb ramps and landings in newly constructed subdivisions. Improvements such as replacing/ repairing curb ramps, landings, sidewalks and crosswalks have been included on projects such as Resurfacing and Median Improvements to Fairhope Avenue. Included in this project, the City utilized in-house personnel to construct and install 5 new ADA compliant crosswalks with median safe zones located between Bancroft and Greeno Road. The City relocated roadway drainage structures to other locations to remove the ADA Barrier and allow sidewalks to be straightened out and brought into compliance, added truncated domes to all curb ramps and restriped the crosswalks as well.

Beyond the yearly financial allocation mentioned above, each proposed Capital Maintenance and Improvement Project budgets for and facilitates ADA compliancy. When roadways are evaluated for asphalt condition the ADA compliancy status is reviewed as well. If the road is selected for annual resurfacing, then the ADA deficiencies are addressed as a component of the project. This also includes drainage and utility projects. The Church Street Drainage and Utilities Improvement project entails upgrades on Church Street from Fels to Oak Avenue in the Central Business District. This project let in late 2020 and involves over \$250,000 in ADA compliancy.

Additionally, given a program as broad as the City of Fairhope's pedestrian network, the City will follow the concept of Program Access under Title II of the ADA. Program Access does not necessarily require a public entity to make each of its existing facilities accessible to and usable by individuals with disabilities, as long as the program as a whole is accessible. Under this concept, the City may choose not to install a sidewalk at some locations, or install them as a lower priority later, as long as a reasonable path of travel is available even without the sidewalk.

Monitor Progress

In order to be effective, the Public Right-of-Way Accessibility Transition Plan needs to be utilized in planning and funding decisions. Therefore, it is important to update the Plan regularly to reflect changes in real world conditions and to address any possible new areas of non-



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compliance. Regular updates will also result in monitoring compliance and the effectiveness of priorities set in the plan itself.

The City of Fairhope intends to implement this Plan effective immediately from the date of this document. The City is committed to acting on the guidelines set forth in this document and also to actively revising and amending the Plan as progress is made.







Navigating and Interacting with the ADA Transition Plan Map

The City of Fairhope's 2021 ADA Transition Plan Update map can be found at the following internet address:

<https://www.fairhopeal.gov/departments/planning-and-development-services/building-and-permitting/americans-with-disabilities-act> or navigated to from the City's website at:

<https://www.fairhopeal.gov/>

The map is a Graphical Information System (GIS) based online resource. You navigate like any other online mapping program. All of the City's Right-Of-Way associated pedestrian infrastructure is included. This includes sidewalk segments, ramps, landings and crossings. The various elements use a common color coding:

	Green -	ADA Compliant and in good shape
	Orange -	ADA Compliant and repair needed
	Yellow -	ADA Non-Compliant, but in good shape
	Red -	ADA Non-Compliant and in need of replacement
	Blue -	No Feature (sidewalk, ramp, landing, crossing) Present
	Purple -	A Miscellaneous ADA Point of Interest (Non-Qualified)

This color coding aligns with the Plan's Priority Ranking and allows the user to see areas of concentration and level of compliancy and non-compliancy. In addition, shapes have been assigned to infrastructure elements. The use of stars, circles, diamonds, squares and lines following color coding above lets the user know what type of infrastructure element has been evaluated. Figure 1-1.1 below and Graphic 1-1.1 is a screenshot of the interactive map showing the elements within the extents of the viewing screen. The user can pan around within the map and zoom in to focus on an intersection or zoom out to see the entire sidewalk network of the City.



Figure 1-1.1

Legend

Landings

- ★ ADA Compliant
- ★ Non ADA Compliant

ADA Ramp

- Compliant in good shape
- Compliant needing repair
- Non Compliant in good shape
- Non Compliant needing replacement

Misc ADA Point

- ◆

ADA Crosswalk

- ADA Compliant
- Non ADA Compliant

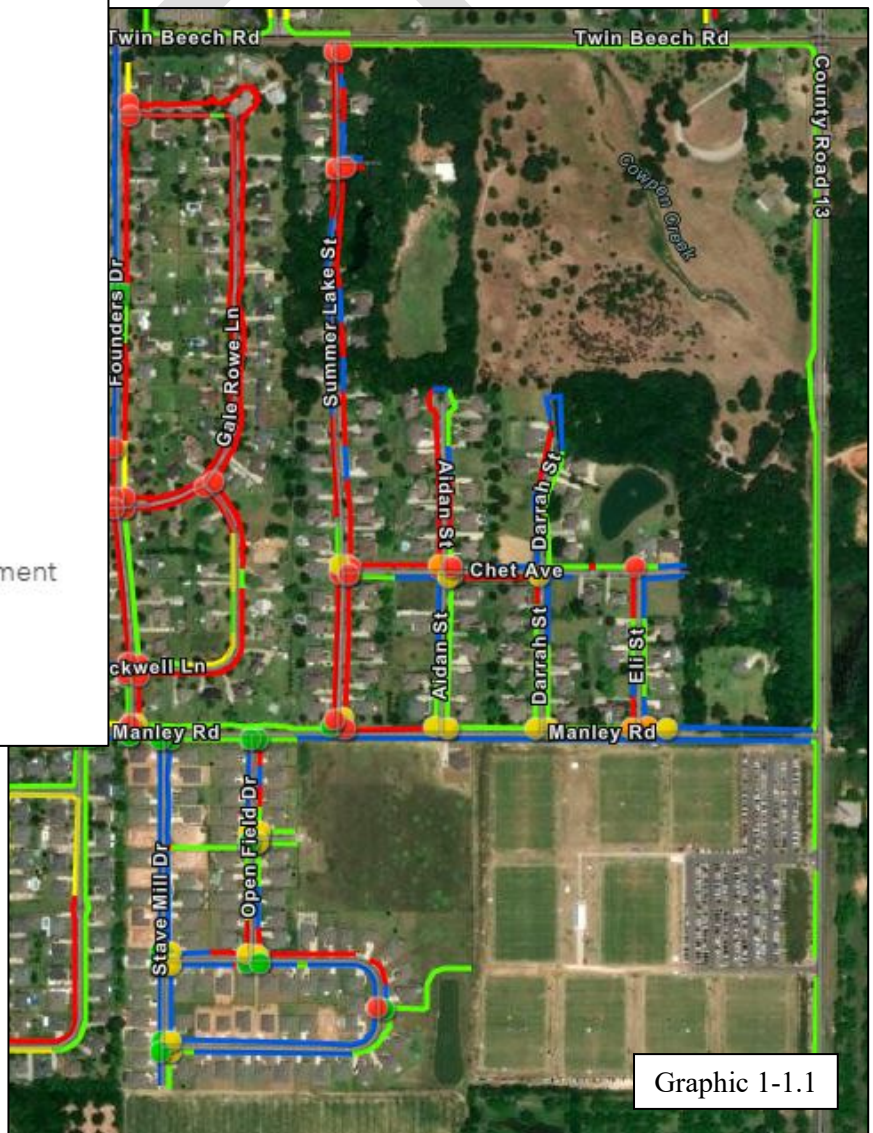
Sidewalk

- ADA Compliant
- Not ADA Compliant needing Replacement
- Not ADA compliant needing Repairs
- No Sidewalk

Commitment To Training Opportunities

The City is committed to ADA compliancy and making the design professional and contracting communities aware of the standards required to meet compliancy.

On June 26, 2018, the City of Fairhope partnered with Compliance Support Associates to provide training for ADA for the Public Right of Way Incorporating PROWAG. In attendance were over 75 builders, developers, engineers, and local officials from more than 9 jurisdictions to learn About



Graphic 1-1.1

compliance issues and techniques available to meet these requirements.

On August 21, 2019, the City again engaged Compliance Support Associates to conduct training on accessibility compliance in the Public Right of Way for key City Staff including ROW/Construction Inspector, Street Supervisor and Construction personnel.



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In March 2021, ADA Coordinator Johnson and the City’s ROW/Construction inspector successfully completed the course Designing Pedestrian Facilities for Accessibility offered by the Alabama Transportation Assistance Program in affiliation with the Samuel Ginn College of Engineering – Auburn University.

It is the goal of this plan update to engage in a minimum of one training for all key personnel on an annual basis.



Plan Update Accessibility on Social Media

Once this plan update is adopted by Fairhope City Council it shall be made available on many platforms. Availability via hard copy print will always be an option. Print version of the plan and a scaled map will be available upon request through the office of the City Clerk. Digital version with links to the interactive ADA Transition Map will be made available on the following platforms:

- Official City Website: <https://www.fairhopeal.gov/>
 - Link will be on the header of the main page
 - Within the ADA Transition Plan Page there will be online fillable:
 - ADA Complaint/Grievance Form
 - ADA Comment Form
- Official City Facebook Page: <https://www.facebook.com/CityofFairhope/>
- City of Fairhope Everbridge Notification System:
<https://member.everbridge.net/453003085617240/login>



City of Fairhope ADA Complaint/Grievance Form*

Please complete and return to: Fairhope City Clerk, Attn: ADA Coordinator, P.O. Drawer 429, Fairhope, Alabama 36533. By request, reasonable accommodation will be provided in completing this form, or copies of the form will be provided in alternative formats. Contact the City Clerk/ADA Coordinator at the address listed above, via telephone (251) 928-2136
e-mail: lisa.hanks@fairhopeal.gov

Name of Complainant: _____

(If someone other than complainant is filling out form, please state relationship above)

Street Address of Complainant: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

Street Address/Location of Complaint – Please be as specific as possible as to the location:

Please describe complaint (attach additional pages, if necessary): _____

Please describe below what you think may be done to resolve the complaint:

Signature: _____ Date: _____

*Please mail or submit to: Fairhope City Clerk, Attn: ADA Coordinator, P.O. Drawer 429, Fairhope, Alabama 36533



City of Fairhope ADA Comment Form*

Please complete and return to: Fairhope City Clerk, Attn: ADA Coordinator, P.O. Drawer 429, Fairhope, Alabama 36533. By request, reasonable accommodation will be provided in completing this form, or copies of the form will be provided in alternative formats. Contact the City Clerk/ADA Coordinator at the address listed above, via telephone at (251) 928-2136
e-mail: lisa.hanks@fairhopeal.gov

Date of Comment: _____

Contact Information of Individual Submitting Comment

Name: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

Preferred Method of Contact: E-Mail Telephone Text Mail

Please provide any comments that you have on the City of Fairhope's ADA Transition Plan (please use additional attachments as necessary):

Response (for the City of Fairhope use only) and Date of Response:

For Office Use: Date Received: _____ Received By: _____

*Please mail or submit to: Fairhope City Clerk, Attn: ADA Coordinator, P.O. Drawer 429, Fairhope, Alabama 36533

Appendix C – Table Goes Here

Update Conditions from Non-compliant to Compliant

Appendix D – Table Goes Here
Goals and Objectives for Barrier Removal priorities 2021-2025

**AN ORDINANCE TO PROMOTE THE SAFETY, HEALTH AND WELFARE OF
RESIDENTS OF THE CITY OF FAIRHOPE, ALABAMA
BY ADOPTING NEW BUILDING, MECHANICAL, PLUMBING,
FUEL AND GAS, FIRE AND ELECTRIC CODES**

Be it ordained by the City Council (the "Council") of the City of Fairhope, Alabama (the "City") as follows:

Section 1. Findings. Having made due and proper investigation of the matters hereinafter referred to, the Council has ascertained and does hereby find and declare that the following facts are true and correct:

- (a) On January 14, 2019, the City Council adopted that certain Resolution No. 3284-19 setting a public hearing to consider the adoption of the Proposed Codes (as defined in Resolution No. 3284-19 and hereinafter reiterated) during a regular meeting of the City Council on February 25, 2019;
- (b) On or before January 21, 2019, no less than three (3) copies of the Proposed Codes were placed on file with the City Clerk's office to permit use and examination of same by the public;
- (c) Resolution No. 3284-19 was published in the Fairhope Courier once a week for two (2) successive weeks, on Wednesday, January 30, 2019 and again on Wednesday, February 6, 2019; and
- (d) The specific codes that the City is considering for adoption are as follows (the "Proposed Codes"):
 - (1) 2018 International Code Council International Residential Code (IRC)
 - (2) 2018 International Code Council International Building Code (IBC)
 - (3) 2018 International Code Council International Mechanical Code (IMC)
 - (4) 2018 International Code Council International Plumbing Code (IPC)
 - (5) 2018 International Code Council International Fuel and Gas Code (IFGC)
 - (6) 2018 International Code Council International Fire Code (IFC)
 - (7) 2018 International Code Council International Existing Building Code (IEBC)
 - (8) 2018 International Code Council International Energy Conservation Code (IECC) (for other than one and two family dwellings)
 - (9) 2018 International Code Council International Swimming Pool and Spa Code (ISPSC)
 - (10) 2017 National Fire Protection Association 70, National Electric Code (NEC)

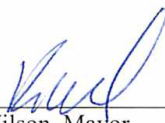
- (11) City of Fairhope Construction Code Supplement with all additions, deletions and amendments for all adopted codes and City specific requirements
 - (12) All applicable codes and standards as referenced in the International Code Series above;
 - (13) Alabama Energy and Residential Code as published and updated by the Alabama Department of Economic and Community Affairs (ADECA) (for one and two family dwellings)
 - (14) Public Rights of Way Accessibility Guidelines (PROWAG)
- (e) A public hearing was duly held at a regular meeting of the City Council held on February 25, 2019, at which the public was given the opportunity to speak with respect to the adoption of the Proposed Codes.
- (f) The adoption of the Proposed Codes by the City is necessary and appropriate for the protection and preservation of the health, welfare and safety of the City.

Section 2. Amendment. The Proposed Codes are hereby adopted by the City Council by reference as permitted by § 11-45-8(c) of the Alabama Code (1975). The existing codes of the City that pertain to the subject matter of the Proposed Codes are hereby deleted and replaced with the Proposed Codes.

Section 3. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 4. Effective Date. This Ordinance shall take effect immediately upon its due adoption and publication as required by law.

Approved and adopted by the City Council at a regular meeting thereof on the 7th day of March, 2019.



Karin Wilson, Mayor

ATTEST:



Lisa A. Hanks, MMC
City Clerk