



# Board Agenda Item 6

DATE: September 5, 2023  
TO: Board of Supervisors  
SUBMITTED BY: Paul Nerland, County Administrative Officer  
SUBJECT: Countywide ADA Transition Plan

## RECOMMENDED ACTION(S):

- 1. Receive staff presentation on the County of Fresno's Americans With Disabilities Act (ADA) Transition Plan and receive any public comments; and**
- 2. Adopt and approve the County of Fresno ADA Transition Plan.**

Approval of the recommended actions will approve the County's ADA Transition Plan, which includes an inventory of Facilities, Sidewalks, Curb Ramps, Crosswalks, Pedestrian Signals, and Parks and Trails. The purpose of the Transition Plan is to accomplish the following: 1. Identify physical obstacles in the County's facilities that limit the accessibility of its programs or activities to individuals with disabilities; 2. Provide a detailed description of the methods that will be used to make the facilities accessible; 3. Specify the schedule for the steps necessary to achieve compliance; and 4. Indicate the official responsible for implementing the Plan. This item is countywide.

## ALTERNATIVE ACTION(S):

There is no viable alternative action. The County is required to have a Transition Plan under the ADA and Section 504 of the Vocational Rehabilitation Act.

## FISCAL IMPACT:

There is no increase in Net County Cost as sufficient appropriations are included in the FY 2023-24 Requested Budget and will be included in future budget requests for projects to implement the ADA Transition Plan.

## DISCUSSION:

The ADA was adopted on July 26, 1990, and is a Federal civil rights law that offers protection against discrimination by both public and private entities for people with disabilities. The ADA extends the similar protections provided by Section 504 of the Rehabilitation Act of 1973 (504).

- Section 504 mandates that entities receiving Federal financial assistance must ensure their services, programs, and activities do not discriminate against persons with disabilities.
- The ADA prohibits discrimination based on disability in operations conducted by State and local governments, as well as in facilities owned by private businesses, irrespective of whether they receive Federal financial assistance.
- Title II of the ADA requires State and local governments to ensure their services, programs, and activities are accessible to and usable by individuals with disabilities.

- Title III mandates that public accommodations and commercial facilities design and alter their buildings and sites to ensure they comply with accessibility standards.

As a public entity and as a recipient of Federal funds, the County of Fresno's operations are subject to the requirements of Title II of the ADA and Section 504 of the Rehabilitation Act.

As an employer and a provider and user of public and private services, the County of Fresno is also subject to the requirements of Title I of the ADA, which pertains to employment provisions and regulations.

The purpose of the ADA Transition Plan is to guide the County of Fresno in adhering to the ADA/504 requirements as defined by related regulations and in developing and implementing a Transition Plan.

### **Plan Development Process**

In 2019, the County of Fresno established an internal Technical Advisory Committee (TAC) to assist with decision-making processes related to accessibility. The Committee involves various divisions, offices, and departments, including the County Administrative Office, Public Works and Planning, Internal Services Department, and County Counsel. An extension of the TAC are the countywide ADA Coordinators responsible for ADA compliance within each County department.

### **Facility Assessments**

As part of the County of Fresno's Self-Evaluation process, staff identified a need to conduct field surveys of public buildings, facilities, and pedestrian structures to identify potential barriers to the County's programs, services, and activities. A "Public Facility" is defined here as any building or other facility owned or operated by the County of Fresno, which is open to the public or houses County departments or private businesses that meet with or conduct business with the public from that location. This definition includes parks, trails, and pedestrian features within the public right of way, such as sidewalks, curb ramps, crosswalks, pedestrian signals, and other related features or facilities.

### **Parks and Trails**

The County of Fresno is committed to ensuring accessibility to all public facilities. As part of the County's commitment to ADA compliance, comprehensive field surveys were conducted on parks and trails. The goal of these surveys was to assess and document any elements within these spaces that may currently be inconsistent with accessibility standards and codes. The International Building Code, California Building Code, the 2010 ADA Standards, and guidance from the U.S. Access Board are all used as reference points to assess compliance.

### **Sidewalks, Curb Ramps, Crosswalks, and Pedestrian Signals**

The County conducted field surveys on the 3,479 miles of roadway to identify features that are inconsistent with adopted accessibility standards and code. These surveys collected data on existing curb ramps, whether they meet ADA standards (including slope, lip, ramp width, side flare slopes, and landing area), and inconsistencies at crosswalks, pedestrian traffic signals, and other pedestrian features. This data allowed us to generate a list of missing curb ramps and identify existing curb ramps that don't comply with the standards or pose barriers to individuals with disabilities. Staff also documented and assessed each aspect of our parks and trails that might pose a barrier to accessibility. This included, but was not limited to, examining parking facilities, restrooms, picnic areas, playground equipment, signage, pathways, and other amenities for compliance with ADA guidelines.

After conducting the field surveys, data was compiled and a list of features was identified that are inconsistent with the adopted standards and codes. This list also included any identified barriers that might

limit access for individuals with disabilities.

As a part of the effort to identify and address accessibility barriers across the County, field surveyors equipped with the BlueDAG mobile application collected extensive information during their field assessments. The collection of data encompasses all features within public rights-of-way, buildings, and facilities that fail to comply or are inconsistent with adopted accessibility standards and codes, otherwise referred to as ADA barriers. The information collected is automatically added to the master database and this Transition Plan in real time.

### **Technical Advisory Committee**

To ensure robust and effective implementation of barrier removal, the TAC is a committee that is tasked with reviewing and assisting in determining how a barrier can be removed through either structural or programmatic modifications.

TAC is comprised of staff members from the County Administrative Office, County Counsel, departmental ADA Coordinators, Internal Services Department, and the Public Works and Planning Department, which provides valuable insights and quality control over the barrier removal methods. The members' collective understanding of various elements of program access is crucial to making effective and informed decisions.

To ensure an effective and efficient approach to barrier removal, the County of Fresno has established the following priority ranking: Priority 1: The top priority for barrier removal will be addressing grievances from the public; Priority 2: will be physical locations that have been identified as problematic through public involvement; Priority 3: County owned or operated buildings, parks, and trails that have high public activity density; Priority 4: Street rights-of-way with a minimum 60-foot wide right-of-way and other roadways, all pedestrian facilities within these right-of-ways, including intersections and sidewalks along these highways.

The finalized barrier removal schedule is contingent upon the availability of funding. One of the primary roles of the Transition Plan TAC is to work alongside the ADA Coordinator and the County's Budget Manager to identify annual funding sources.

The ADA Transition Plan was posted on the County's ADA website for thirty days, which solicited comments from the public on the Plan. That 30-day comment period ended on September 3, 2023. As of the date of internal approval of this agenda item, no comments were received from the public on the Plan.

On August 22, 2023, thumb drives of Advanced Agenda Material containing the ADA Transition Plan was provided to the Clerk of the Board for distribution each member of your Board.

The ADA Transition Plan will be reviewed and updated accordingly on an annual basis. Updates to the Plan will be brought before your Board for approval.

### **ATTACHMENTS INCLUDED AND/OR ON FILE:**

On file with Clerk - Advanced Agenda Material - ADA Transition Plan

### **CAO ANALYST:**

Samantha Buck