



Americans with Disabilities Act Transition Plan for the Public Right-of-Way

The City of Lawrence, Kansas

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EXECUTIVE SUMMARY

The Americans with Disabilities Transition Plan for the public Right of Way (hereafter “ROW”) aims to ensure that the City of Lawrence (hereafter “City”) creates safe, accessible, and useable travel paths in the public ROW for all, including people with disabilities. This ADA Transition Plan establishes the framework for evaluating, prioritizing, and implementing strategies to ensure that the City’s pedestrian facilities meet the requirements of the American with Disabilities Act of 1990, codified as amended at 42 U.S.C. § 12101 *et seq.* (hereafter “ADA”).

The ADA Transition Plan is established to comply with the requirements of the ADA. Furthermore, the plan establishes the City’s ongoing commitment to developing and maintaining public ROW infrastructure that removes barriers and increases accessibility and equitability for all people with the City. This “Community for All” approach is fundamental to the Equity and Inclusion Commitment in the City’s Strategic Plan.

This Plan outlines the City's six-step process to address the maintenance backlog, set priorities, and establish an overall spending plan. The City will strive to bring its ROW facilities into compliance in the most suitable and cost-effective way possible. The six steps in the Transition Plan are as follows:

1. **Evaluate** – Collect data on existing infrastructure; assign categories based on defects.
2. **Prioritize** – Identify high-priority areas according to established criteria.
3. **Select Strategies** – Choose the best strategy depending on the hazard, priority level, and available funding sources.
4. **Coordinate** – Create efficiencies by coordinating ADA improvements with other planned projects as part of a Complete Corridor approach.
5. **Execute** – Establish timelines and secure funding through the City’s Capital Planning process. Complete the planned work within the established time frame.
6. **Review** – Re-evaluate the plan periodically as the City grows and changes.

The City has already undertaken significant efforts to enhance its ADA infrastructure. Municipal Services and Operation Department (hereafter “MSO”) estimates that it will cost \$103.5 million to remove all existing barriers to access in our current public ROW infrastructure. The ADA Right of Way Transition Plan is a living document and will be updated and presented periodically to the City Commission and the public. As the work progresses, MSO will strive to find, design and construction innovations that deliver excellent results with the most efficient use of limited resources.

ADA TRANSITION PLAN COMMITTEE MEMBERS

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Jenny O'Brien, MSO Management Analyst

BACKGROUND

The ADA, signed into law on July 26, 1990, is a civil rights law prohibiting discrimination against individuals based on disability. About 20 percent of Americans are disabled and guaranteed equal access to their local government services is essential. While non-disabled members of the public can easily access pedestrian facilities and city programs, activities, and services, disabled members may face impediments that are not readily apparent to others.

This ADA Transition Plan, specific to pedestrian access within the public ROW, was prepared in response to expectations outlined in Title II of the ADA. Access to civic life by people with disabilities is a fundamental goal of the ADA. To ensure this goal is met, Title II of the ADA requires state and local governments to make their programs and services accessible to persons with disabilities (28 CFR 35.149-35.151). This requirement extends to physical access at government facilities, programs, and events and to pedestrian facilities in public ROW.

In 2002, the United States Court of Appeals for the Ninth Circuit held, in *Barden vs. City of Sacramento*, 292 F.3d 1073 (9th Cir. 2002), and, in 2019, the United States Court of Appeals for the Tenth Circuit held, in *Hamer vs. City of Trinidad*, 924 F.3d 1093 (10th Cir. 2019), that agencies are to consider sidewalks to be a program, service, or activity within the meaning of the ADA and, therefore, subject to the program accessibility requirements of the ADA. After those decisions, agencies altered their focus to sidewalk infrastructure, because previously agencies had only prioritized curb ramp compliance. The ADA does not specifically mention sidewalks. However, as the Ninth and Tenth Circuits point out, the clear ADA requirements to provide accessible curb ramps would be meaningless if the sidewalks between the curb ramps were inaccessible.

In 2021, MSO began evaluating over 6,400 curb ramp locations and over 400 miles of sidewalks and shared-use paths. MSO found that 70 percent of curb ramps and sidewalks required work under the ADA.

Strategic Plan Alignment

The City adopted the current Strategic Plan in 2020. The Plan sets a vision for the community through outcomes to achieve the vision and commitments, which set the intention for how the work will be done.

Connected City Outcome Area

The ADA Transition Plan supports the Connected City Outcome. Connected City envisions the City having well-maintained, functional, and efficient infrastructure, facilities, and other assets. Connectivity supports **accessible**, sustainable methods for safely moving people and information throughout the community and the region. Investment in these assets reflects the City's commitment to contribute to the well-being of all people.

Equity and Inclusion Commitment

Equity and Inclusion is one of six Commitments in the City's Strategic Plan. This commits the City to the *fair and*



*ADA Transition Plan for
the Public Right of Way is
fundamental to achieving
the Connected City
Outcome of the Strategic
Plan.*

impartial delivery of services so that no group is disadvantaged or burdened, with inclusive representation and participation for all. The ADA Transition Plan establishes the actions the City is taking to live up to this commitment by providing mobility and access for all.

Key Performance Indicators

Key Performance Indicators (KPIs) measure progress in implementing the strategic plan. Two indicators in the Strategic Plan tell the story of the progress the City is making to improve pedestrian experiences and accessibility.

Connected City KPI 2 (CC-2): Percent of residents satisfied or very satisfied with their transportation experience walking or using an assistive device in the Community Satisfaction Survey

Connected City KPI 5 (CC-5): Percent of sidewalks and shared use paths in compliance with the Americans with Disabilities Act (ADA) and deflection minimum standards.

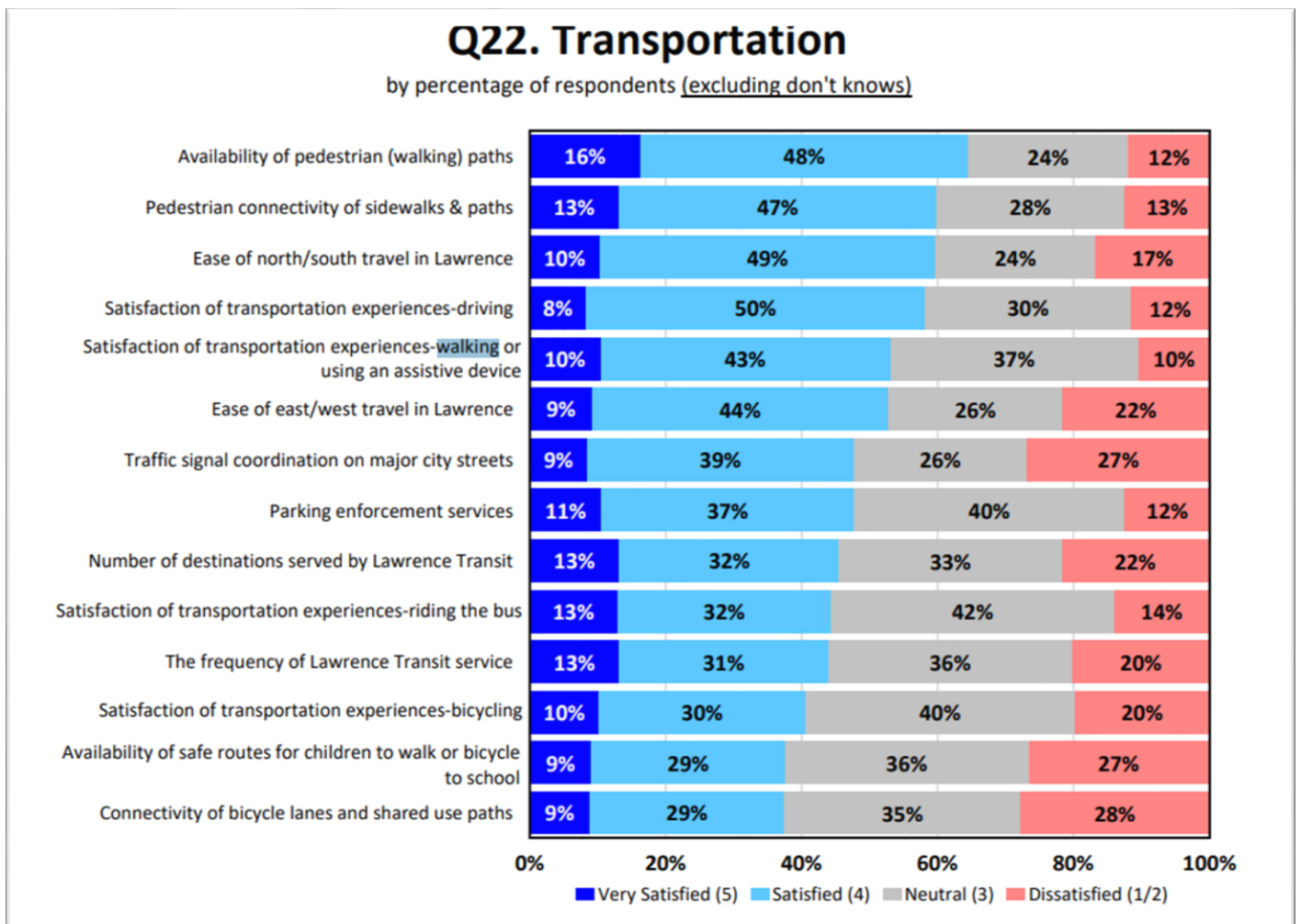


Figure 1: Community Satisfaction Survey Results

Regulations

Federal Accessibility Requirements

Title II of the ADA covers public entities' programs, activities, and services. The Department of Justice's (DOJ) Title II regulations adopt the general prohibitions of discrimination established under Section 504 and incorporate specific discrimination prohibitions for the ADA. In addition, Title II provides protections to individuals with disabilities that are at least equal to those provided by the non-discrimination provisions of Title V of the Rehabilitation Act.

The development of a transition plan is a requirement of the ADA. It builds on the provisions of the Rehabilitation Act of 1973, codified as amended at 29 U.S.C. § 701 *et seq.*, requiring all organizations receiving federal funds to make their programs available without discrimination to people with disabilities. Title V has become known as the "civil rights act" of persons with disabilities. It states that:

No otherwise qualified handicapped individual in the United States shall, solely because of handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. (Section 504)

Pedestrian facilities in the public ROW are considered a local government program under the ADA. First, they are part of a path of travel between activities and programs, public offices, parks, medical facilities, and other destinations. Secondly, the pedestrian facilities themselves are considered a program of the City as they are essential to the enjoyment of the built environment.

Physical accessibility ensures those in wheelchairs or other mobility disabilities can access government facilities, such as sidewalks and curb ramps, buildings, and parks. While the goal is to remove all access barriers, the ADA does not require that all existing facilities be accessible. Instead, when viewed as a whole, disabled individuals must have physical access to the government's facilities.

Federal Requirements for the City's Right of Way ADA Transition Plan

Under 28 CFR 35.150(d), the City is required to do the following:

If a public entity has responsibility or authority over streets, roads, or walkways, its transition plan shall include a schedule for providing curb ramps or other sloped areas where pedestrian walks cross curbs, giving priority to walkways serving entities covered by the ADA, including State and local government offices and facilities, transportation, places of public accommodation, and employers, followed by walkways serving other areas.

The Plan must:

1. Identify physical obstacles in the public entity's facilities that limit the accessibility of its programs or activities to individuals with disabilities.
2. Describe in detail the methods that will be used to make the facilities accessible.
3. Specify the schedule for taking the steps necessary to achieve compliance with this section and, if the time frame of the transition plan is longer than one year, identify steps that will be taken during each year of the transition period.
4. Provide an opportunity to interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the development of the

transition plan by submitting comments. A copy of the transition plan shall be made available for public inspection.

Design Standards- ADA vs. PROWAG

The 2010 ADA Standards for Accessible Design (2010 Standards) is the current standard for providing facilities that are readily accessible and usable by persons with disabilities. However, the guidelines were developed primarily for buildings and facilities outside the right of way. Pedestrian facilities within the public ROW contain elements to which the 2010 Standards cannot be readily applied.

For this reason, the U.S. Access Board proposed guidelines specifically for pedestrian facilities in the public ROW, denoted as the Public Rights-of-Way Accessibility Guidelines (hereafter "PROWAG"). These guidelines are recommended as best practice by FHWA and are currently being evaluated as part of the federal rulemaking process. The guidelines will be mandatory once adopted as a regulation, with or without modifications. PROWAG was used to develop the City's ADA Transition Plan and should be used to identify the required curb ramp, landing (turning space), deflections, and sidewalk dimensions and slopes (running slopes and cross slopes).

Maximum Extent Feasible Standard

In an alteration or new construction project, a city must incorporate the ADA standards to the maximum extent feasible. As part of the Plan's implementation, the City Engineer should document all design exceptions.

When pre-ADA streets or sidewalks are altered, space limitations may restrict how much they can be altered to install accessible curb ramps. In these cases, the curb ramps must meet the accessibility requirements of the ADA to the maximum extent feasible. Scoping requirements in the ADA Standards establish limitations for the running slope of the ramp run of curb ramps installed during alterations to pre-ADA streets and walkways.

The Department of Justice Civil Rights Division recognizes that there will be sporadic instances when it will be technically infeasible for a curb ramp installed during alterations to pre-ADA roadways and walkways to be constructed in full and strict compliance with the requirements of ADA Standards § 4.1.6(3)(a) and § 4.7 because of physical or site constraints. In such circumstances, state and local governments must install curb ramps that provide accessibility to the maximum extent feasible. Before reaching a conclusion about technical infeasibility, state and local governments need to consider how alternative curb ramp designs can address physical or site constraints. The burden of proving technical infeasibility lies with the state or local government that constructed it.

When highways, streets, and roads are built or altered post-ADA, they must have curb ramps at specific locations. Curb ramps must be located wherever there are curbs or other barriers to entry from a pedestrian walkway or sidewalk, including any intersection where it is legal for a pedestrian to cross the street, whether there is any designated crosswalk. Curb ramps must also be located wherever there are curbs or other barriers to entry at any designated pedestrian crosswalks located mid-block. Likewise, when sidewalks or walkways are built or altered post-ADA, they must include curb ramps or other sloped areas wherever they intersect with highways, streets, or roads, and pedestrians may legally cross the vehicular way and at public transportation stops.

By contrast, for pre-ADA highways, streets, roads, and sidewalks that have not been altered, state and local governments may choose to construct curb ramps at every point where a pedestrian walkway intersects a curb. However, they are not necessarily required to do so. Under a more flexible standard called “program access,” alternative routes to buildings may be acceptable where people with disabilities must travel an alternate route than the public.

Right-of-Way Safe Harbor Provisions

“Safe Harbor” refers to when pedestrian facilities, such as curb ramps, were built, altered, or reconstructed in the past 20 years to comply with the 1991 ADA Standards, even though the 2010 standards have different requirements. Under the “Safe Harbor” provision, no further changes to those elements are mandated until the structural feature is altered.

<https://www.google.com/webhp?hl=en&ictx=2&sa=X&ved=0ahUKEwjV3KL3utaFAxV44ckDHSYSAYSQPQgK>

Specific exceptions to “safe harbor” do exist, roadway alterations as described in the *Roadway Alterations and Maintenance Triggers for Barrier Removals* section of this chapter, are required to bring all the curb ramps up to the current standard, and “safe harbor” does not apply.

Pedestrian signals are not included in the 1991 or 2010 ADA Standards. Still, they are addressed in the United States Access Boards 2011 *Proposed Accessibility Guidelines for Pedestrian Facilities in the Public-Right-of-Way* and the previous draft documents from 2005 and 2002. The City has adopted the 2011 Proposed Accessibility Guidelines for Pedestrian Facilities in the Public ROW as the design standards for all new construction and reconstruction.

City of Lawrence ADA Requirements

The City is obligated to observe all requirements of Title II in its policies, programs, and services; any parts of Titles IV and V that apply to the City and its programs, services, or facilities; and all requirements specified in the ADA 2010 Standards for Accessible Design that apply to facilities and other physical holdings.

Accordingly, the City adopted **Article 2: Sidewalk Construction and Repair 16-201 through 16-216, which includes 16-105 Sidewalk Hazards**, as a first step in the process. <https://assets.lawrenceks.org/city-code/chapter16.pdf>, and the technical guidance in the proposed PROWAG as the standard design to eliminate barriers to access to elements located within the public ROW such as roads, sidewalks, and shared-use paths. City policy also follows **Kansas State Statute 12-1808. Construction and repairs.**

https://www.kslegislature.org/li/b2023_24/statute/012_000_0000_chapter/012_018_0000_article/012_018_0001_section/012_018_0001_k/

Title II has the broadest impact on the City. A self-evaluation is required to identify problems or physical barriers that may limit accessibility for people with disabilities and describe potential compliance solutions.

In addition to the self-evaluation requirement, the Title II regulations require the City of Lawrence to:

- Designate a person who is responsible for overseeing Title II compliance.

- Develop an ADA complaint procedure. The procedure can be viewed at [Accessibility - City of Lawrence, Kansas \(lawrenceks.org\)](https://www.lawrenceks.org/Accessibility)
- Maintain on file for public inspection, for at least three years, information and data acquired in connection with the self-evaluation; and
- Develop a transition plan if the self-evaluation identifies any structural modifications to existing pedestrian facilities needed to achieve program accessibility. Such modifications are to be made as expeditiously as possible. A copy of the transition plan will be available for public inspection.

Challenges

Pre-ADA Neighborhoods

The aging infrastructure in some of our older neighborhoods was not generally built in a way that considered the needs of people with disabilities. Many of these neighborhoods have had few improvements since the passing of the ADA. These neighborhoods are challenging due to the age and condition of the current infrastructure, which may necessitate extensive rehabilitation and replacement. In addition, when street projects are proposed for these neighborhoods, the pre-construction process must address terrain grading issues to ensure a compliant slope and cross-slope.

Budget Constraints

While substantial progress has been made through various programs and projects to address sidewalk accessibility in recent years, significant work remains. The absence of a comprehensive plan to address ROW accessibility over the years has created a substantial gap in funding needed to bring current infrastructure to compliance. With a dedicated strategy and funding, the City can demonstrate a commitment to substantially improve mobility for all Lawrence residents in upcoming years.

Dynamic Environment

The need for ADA access may change from year to year. Factors may include a school opening or closure, neighborhood demographic changes, relocation of essential government facilities, or changes to public transportation services. This plan assumes a certain amount of flexibility in the data-driven process to continuously analyze and review routes based on the current pedestrian environment to identify the greatest areas of need.

STEPS IN THE ADA TRANSITION PLAN FOR THE PUBLIC RIGHT-OF-WAY



EVALUATE

Collect data on existing infrastructure. Assign categories to each facility based on defects.



PRIORITIZE

Identify high-priority areas following established criteria.



SELECT STRATEGIES

Choose the best strategy depending on the hazard, priority level, and available funding sources.



COORDINATE

Create efficiencies by coordinating ADA improvements with other planned projects as part of a Complete Corridor approach.



EXECUTE

Establish timelines and secure funding through the City's Capital Planning process. Complete the planned work within the established time frame.



REVIEW

Re-evaluate the plan periodically as the City of Lawrence grows and changes.

STEP 1: EVALUATE

The self-evaluation portion of the Transition Plan consists of the City's assessment and evaluation of its current ROW infrastructure. It identifies infrastructure that may not meet or is inconsistent with the Title II regulations and the Lawrence City code requirements. To the extent modifications in the public ROW are required, the City is expected to make such modifications.

The ADA also sets forth specific requirements for preparing an acceptable transition plan. At a minimum, the elements of the plan should include:

- An inventory of the current physical barriers in our ROW infrastructure that limits the accessibility of its programs, activities, or services to individuals with disabilities.
- A detailed outline of the methods to remove these barriers and meet the current standards and accessibility regulations.
- Where structural modifications are required, a schedule for taking the steps necessary to achieve compliance with Title II of the ADA.

Evaluation Methodology

The evaluation of public right-of-way facilities for this planning process includes curb ramps and sidewalks along the priority network. The facilities were evaluated using the Proposed Public Right of Way Accessibility Guidelines (PROWAG). Due to the volume of curb ramps and sidewalks managed by the City, a GIS-based assessment tool known as Light Detection and Ranging (LiDAR) was used to allow for a cost-effective and efficient assessment of these facilities. The LiDAR used is a terrestrial sensor on a vehicle. As the vehicle drives, the laser pulses are sent to capture details on the surrounding environment. Using a vehicle makes close-range detection more accurate than drone technology. With this detail, we can assess slope and dimensions from a computer, limiting the need for staff to inspect all the sidewalks and curb ramps physically. Both curb ramps and sidewalks were inventoried and evaluated based on accessibility criteria. These criteria were then used to determine the level of compliance of each feature.

Public Participation

Public input is a requirement under the ADA and is an essential component of the City's overall Strategic Plan. The City conducted multiple outreach opportunities and public comment surveys about the condition of pedestrian facilities and the approach the City should use to address ADA improvements to ROW infrastructure. Public input opportunities where participants can comment and influence the City's ADA accessibility improvement plans:

Sidewalk Improvement Plan Lawrence Listens Survey

[Agenda Item Report 22-817 \(civicweb.net\)](#)

2020 Citywide Accessibility Study

<https://experience.arcgis.com/experience/733b7e53885e4da9ad23bebd5c6ddc48/>

2022 Lawrence Pedestrian Plan

[LawrencePedPlan.pdf \(lawrenceks.org\)](#)

Safe Routes to School 2023-2024 Revised Routes

[2023 Safe Routes to School Amendment 2 Summary for.pdf \(civicweb.net\)](#)

Bus Stop Amenities Plan Survey

<https://assets.lawrenceks.org/transit/BusStopImprovementProgram2022Final.pdf>

Multi-Modal Transportation Commission

Presentation and feedback at the December 2023 meeting.

[City of Lawrence - Meeting Information \(civicweb.net\)](#)



EVALUATE

Curb Ramp Evaluation Categories

Curb Ramps are a small but vitally important part of making street crossings and other pedestrian routes that make the public right-of-way accessible to people with disabilities. They receive special consideration in the Transition Plan with a separate schedule for remediation. Each curb ramp is assigned a category score based on accessibility. The lower the category score, the higher the barrier will fall on the prioritization list.

CATEGORY 1	There is a sidewalk with no curb ramp access, or the curb ramp access is obstructed.
CATEGORY 2	The curb ramp is significantly damaged or deteriorated, making it unsafe.
CATEGORY 3	The curb ramp has no detectable warning or is not located within a marked crossing if the crossing is present.
CATEGORY 4	The curb ramp requires a complete replacement because: <ul style="list-style-type: none"> • The ramp is less than 48 inches wide. • The running slope of the ramp exceeds 8.3 percent. • The slope of the ramp’s flared sides (if applicable) exceeds 10 percent. • The top landing is less than 48 by 48 inches, or the slope exceeds two percent.
CATEGORY 5	The curb ramp requires modifications because: <ul style="list-style-type: none"> • The counter-slope of the curb ramp is greater than five percent. • The surface of the curb ramp or transition has vertical elevation changes.
CATEGORY 6	No curb ramp deficiencies were identified.

The following images show examples of each type of category.



EVALUATE



Figure 2: A Category 1 sidewalk with no ADA curb ramp present.



Figure 3: A Category 2 curb ramp with significant deterioration.



Figure 4: A Category 3 curb ramp with no detectable warning.

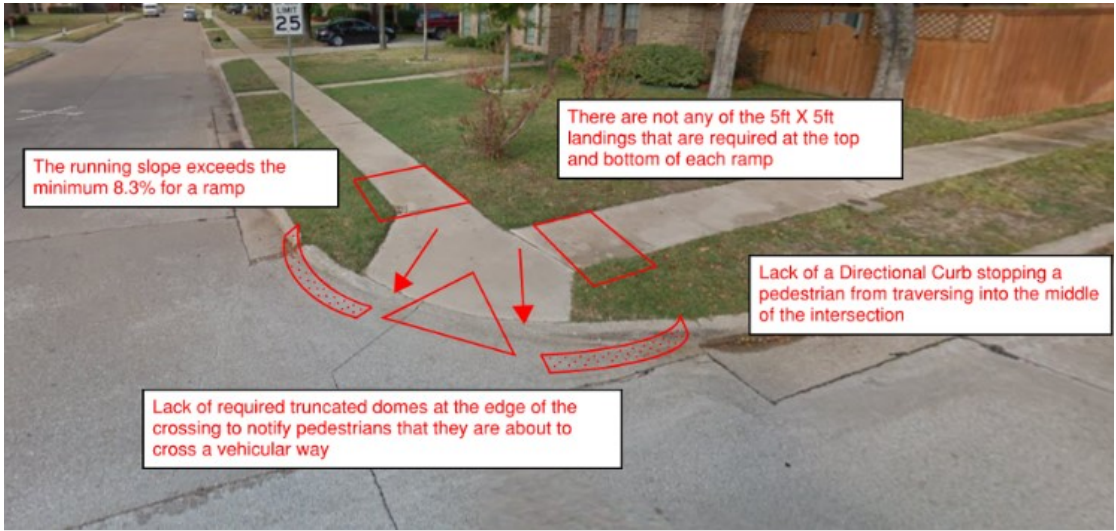


Figure 5: A Category 4: a curb ramp without the required elements of an ADA curb ramp.

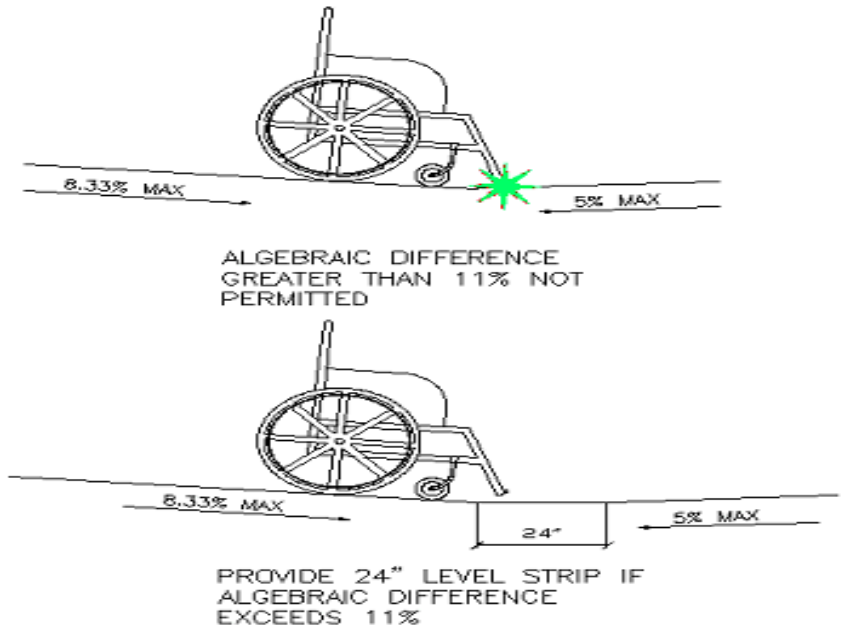


Figure 6: A Category 5: a curb ramp or transition without the required counter-slope at the bottom of the ramp.



Figure 7: Category 6: a newly constructed, fully ADA-compliant curb ramp

Sidewalk Evaluation Categories

Sidewalks are an integral part of the City’s transportation network. Functional sidewalks in good condition make the public ROW accessible to people with disabilities. Sidewalks also receive special consideration in the Transition Plan with a separate schedule for remediation. Each sidewalk is assigned a category score based on accessibility. The lower the category score, the higher the barrier will be placed on the prioritization list.

CATEGORY 1	The sidewalk width is less than 48 inches
CATEGORY 2	The sidewalk has a significant number of vertical separations that exceed ¼ inch & horizontal openings greater than ½ inch (more than 1 per 100 feet)
CATEGORY 3	The sidewalk has many vertical separations that exceed ¼ inch or horizontal openings greater than ½ inch (more than 1 per 100 feet), but not both
CATEGORY 4	Sidewalk running slope exceeds 1:20 (5%), or cross-slope exceeds 1:48 (2%)
CATEGORY 5	The sidewalk has many overhangs, protrusions, or vegetation along the path (more than 1 per 100 feet)



EVALUATE

The following images show examples of each sidewalk category.



Figure 8: Sidewalk Category 1: the sidewalk is less than 48 inches wide.



Figure 9: Sidewalk Category 2: the sidewalk has vertical separation.



EVALUATE



Figure 10: Sidewalk Category 3: the sidewalk is in poor condition, with multiple cracks and horizontal separations preventing access.



Figure 11: Sidewalk Category 4: the sidewalk cross slope exceeds 2%.



EVALUATE



Figure 11: Sidewalk Category 5: there is vegetation overgrowth and protrusions.



Figure 12: Sidewalk Category 6: a newly constructed ADA-compliant sidewalk.

STEP 2: PRIORITIZE WORK

Under Title II Regulation § 35.150(d)(2), the ADA Transition Plan must prioritize walkways serving entities covered by the Act, including state and local government offices and facilities, transportation, places of public accommodation, and employers, followed by walkways serving other areas. In addition to the required criteria, the City has prioritized locations that pose significant risk or imminent danger if left unaddressed.



PRIORITIZE

Pedestrian Demand

Pedestrian demand also figures into the prioritization of projects. The City has included the following based on data-driven pedestrian demand for access to these destinations (within ½ of a mile):

- Locations serving schools K-12.
- Location serving public transportation such as bus stops and transit centers.
- Locations serving park entry points and other public attractions.
- Locations serving government institutions, health care, daycare, higher education, retail, and other public locations.

Pedestrian demand is calculated based on adding cumulative points for each destination within range of the proposed project area. Projects within closer proximity to destinations are given higher priority in order to promote access to high-demand pedestrian destinations and school destinations are equalized. These scores are broken into quintiles and assigned a point range of 1 to 5. The chart below shows the priority weighting.

Facility Category	Within 1/8 mile	Within 1/4 mile	Within 1/2 mile
Schools K-12	12 (720)	8 (480)	4 (240)
Park Entry Points, Public Attraction, Public Transit Stops	6	4	2
Public Government Institution, Health, Daycare, Higher Education, Non Profit, Retail	3	2	1

Figure 13: Facility category weights.

The heat map on the following page shows concentrations of high-priority locations, weighted for Transportation Disadvantaged populations.



PRIORITIZE

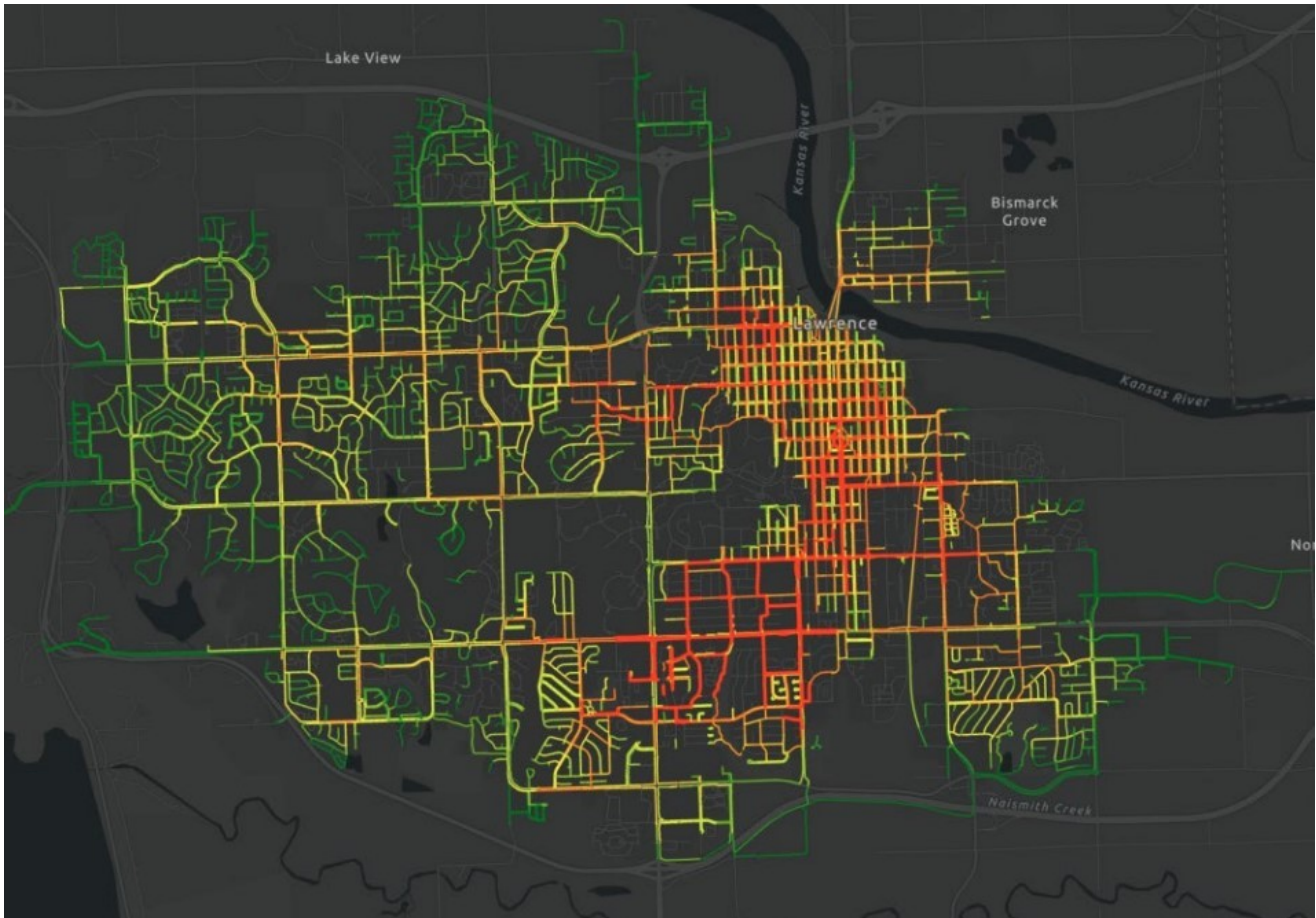


Figure 14; High priority locations

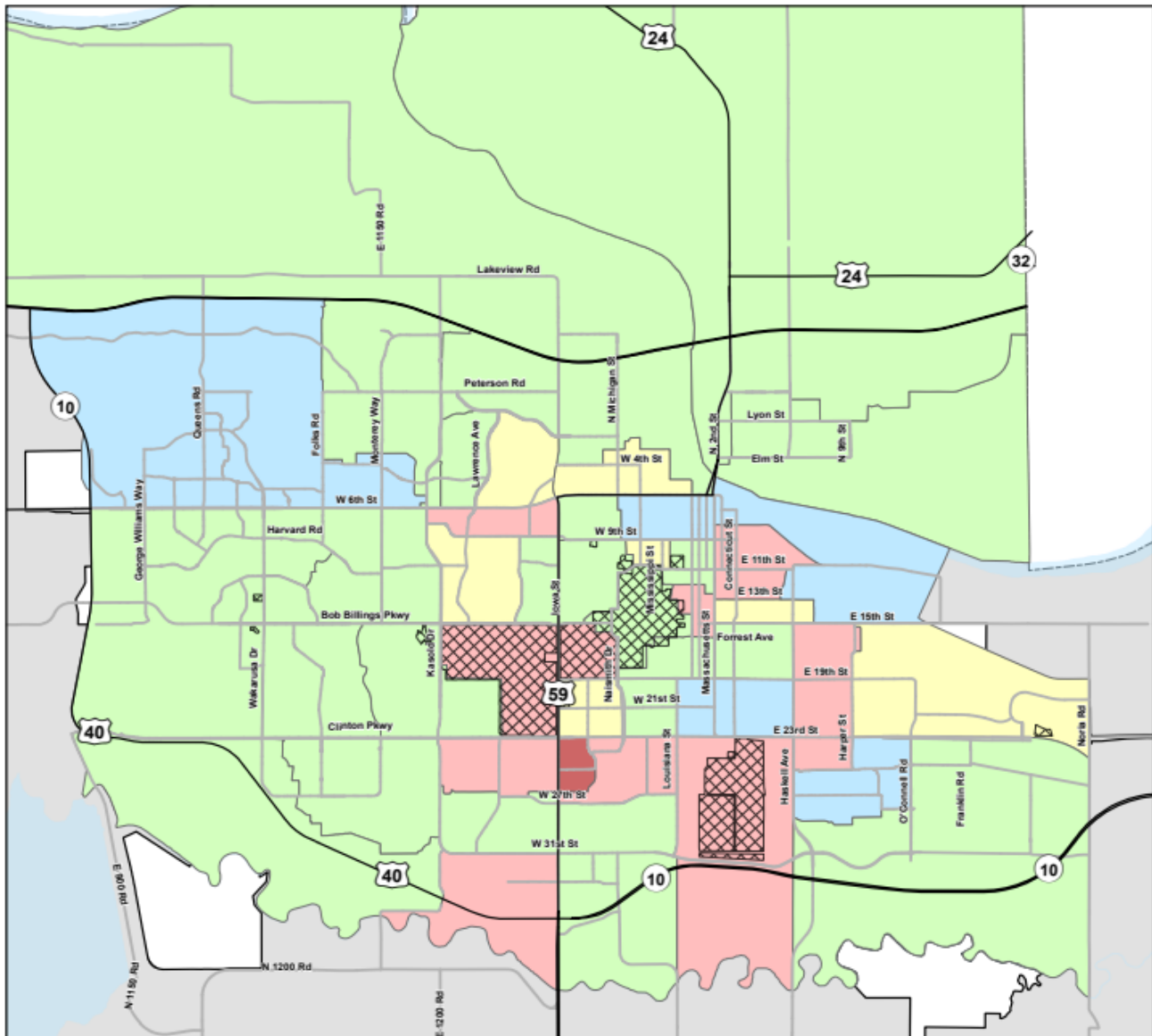
Transportation Disadvantaged Populations

Equity is also weighted in the prioritization with consideration for transportation-disadvantaged populations (<https://lawrenceks.org/mpo/transportation-disadvantaged/>). These populations include:

- Households with a person who has a disability
- People who have less than a high school education
- Minorities
- Single-parent households
- Zero vehicle households
- Population under 18 and over 65
- Low-to-moderate income households



PRIORITIZE



Transportation Disadvantaged Population scoring is comprised of US Census Bureau American Community Survey (ACS) data and Community Development Block Group (CDBG) income data. 2018 ACS data includes: people who have a disability, people who have less than a high school education, minorities, single parent households, zero vehicle households, and population under 18 and over 65. Higher points indicate a greater deviation from the regional average.

Transportation Disadvantaged Population Score

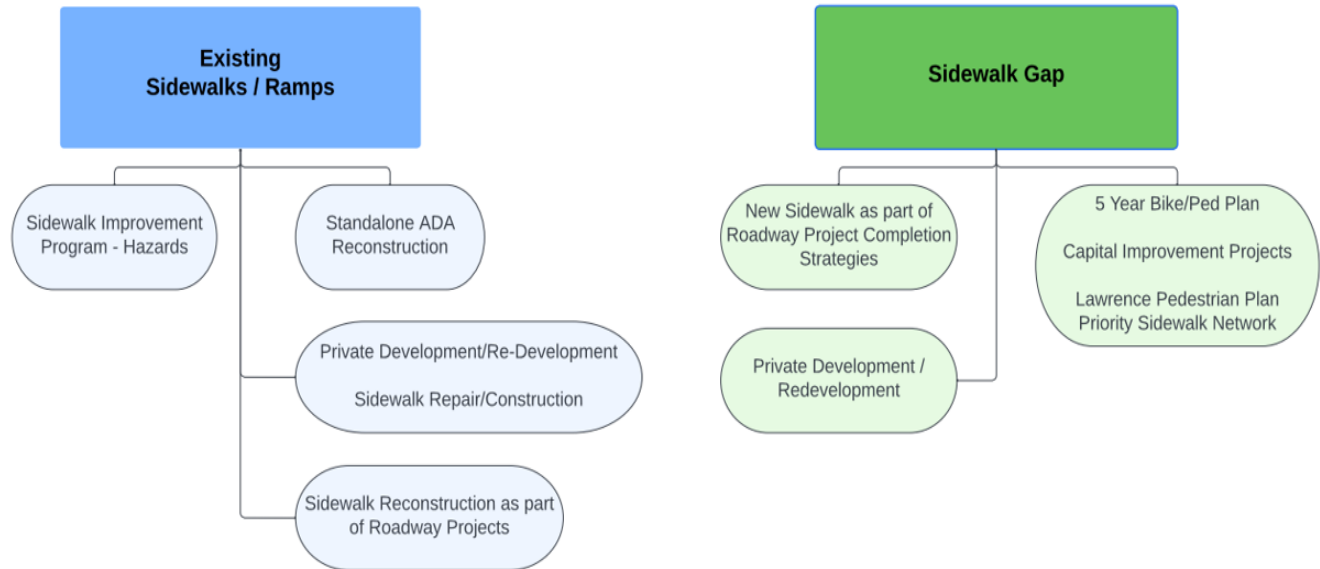
- ≤2
- ≤6
- ≤12
- Highways
- University
- City Limits
- ≤4
- ≤9
- Major Roads
- Water
- County Limits

Figure 15: Areas with higher concentrations of Transportation Disadvantaged households.

STEP 3: SELECT STRATEGIES

The City has established several strategies to address accessibility.

Strategies to Reducing Pedestrian Barriers: Sidewalk Network



Annual Sidewalk Improvement Program

The ADA addresses accessible public ROW where the City provides sidewalks and shared-use paths. The ADA does not mandate the installation of sidewalks but does require curb ramps at intersections where existing sidewalks are provided on both sides of the roadway.

In 2019, the City developed a multi-year plan for the Sidewalk Improvement Program that assists property owners in eliminating trip hazards and safety concerns. Additionally, as part of this program, the City is improving ADA sidewalk curb ramps along target routes with dedicated yearly funding in the City’s Capital Improvement Program (CIP). During the evaluation of the target routes, curb ramps are also evaluated for trip hazards and scheduled for repairs to current standards, recognizing the cost-efficiencies of making these repairs in tandem with sidewalk repairs. Additionally, these funds are used for repairs to curb ramps in response to public requests or input in supplementing other infrastructure projects that may impact or are adjacent to curb ramps in need of reconstruction.

The Sidewalk Improvement Program, formally known as the Sidewalk Hazard Mitigation Program, is a yearly project that addresses immediate trip hazards and safety concerns in the public ROW. Routes are prioritized for repairs using a [data-driven system](#). Considerations for choosing routes for the annual inspection process will inform where sidewalk segments can be prioritized by route. Routes will be selected considering the following:



- Focus on the highest priority routes identified
- Connect routes to promote continuous, hazard-free pedestrian pathways
- Group routes to promote economies of scale for the contract and lower bid prices (i.e., both sides of the street, even though routes may have different scores)
- Maximize the number of routes inspected, given funds available for repairs

Sidewalk condition LIDAR data can be used in future iterations to inform the scale of work and future prioritization considerations. Brick sidewalks won't be included in inspected routes until the community stakeholders working on the brick sidewalk and street standards have completed their work. The intention of this program was not to achieve full ADA accessibility but to create safer and more usable sidewalks until the City can achieve ADA accessibility. It is important to note that sidewalks, shared-use paths, and trails located within a park or facility site are included in the adopted ADA Transition Plan for Facilities and funded through the specific departments maintaining those facilities, thus not included as a part of this ROW Transition Plan.

Enforcement of City ordinances

Enforcement standards are integral to keeping and maintaining usable, accessible infrastructure in our community. To this end, the City established sidewalk maintenance requirements and enforcement mechanisms. Residents are required to remove snow and vegetation blocking sidewalk access. These existing maintenance requirements extend the useful life and accessibility of existing infrastructure by individual property owners.

The following images are examples of maintenance issues that are the responsibility of the adjacent property owner.



Figure 16: Sidewalk with excessive puddling





Figure 16: Sidewalk with overgrown landscape blocking the path of travel



Figure 17: Sidewalk with snow and ice build-up.

ADA Accessible Ramp Improvement Program

ADA Curb Ramps are essential to enjoying the built environment because they are the access point for people using wheelchairs, walkers, white canes, strollers, pedestrians, and bicycles. The ADA Ramp Improvement Program annually identifies priority curb ramps in the public ROW using the same data-driven process and strives to make curb ramps ADA accessible to the maximum extent feasible throughout the City.

Brick Sidewalks and Streets Policy

A new policy is currently being developed, with City staff working with residents, contractors, and other stakeholders to develop an approach about how best to preserve existing brick sidewalks and how to handle sidewalks with brick under asphalt or brick sidewalks disturbed by construction work. The outcome of this policy may affect cost projections within this Transition Plan.





Figure 19: Brick sidewalk in poor condition.



Figure 18: Brick sidewalk in good condition.

Signal Coordination and Pedestrian Crossing Time Updates

In 2020-2021, signals along 6th, Iowa, & 23rd/Clinton Pkwy were evaluated by the most recent standards. Pedestrian “Walk” and flashing “Don’t Walk” crossing times were modified. Phase 2 in 2021-2022 evaluated signals along N 2nd, 19th, 9th, & Bob Billings Pkwy.



Figure 21: Individual crossing the street with a manual wheelchair



Figure 20: Individual crossing the street with a mobility device



STEP 4: COORDINATE WORK

The City of Lawrence follows a “Complete Corridor” approach to maintenance and improvement work in the public ROW. This means that projects are not planned and executed in isolation. Instead, many infrastructure maintenance and rehabilitation projects are planned simultaneously within a corridor to take advantage of mobilization efficiencies. When major infrastructure maintenance is planned, the City will simultaneously undertake pedestrian and ADA improvements such as sidewalk and curb ramp replacement. Examples include street rehabilitation, bus stop improvements, or other work that impacts adjacent ADA infrastructure.

ADA Improvements During Road Alteration and Rehabilitation

The Department of Justice, in coordination with the U.S. Department of Transportation, specifies that public agencies are required to provide curb ramps or upgrade curb ramps whenever roadways are altered. An alteration is a change that affects or could affect the usability of all or part of a building or facility. Alterations of streets, roads, or highways include reconstruction, rehabilitation, resurfacing, widening, and projects of similar scale and effect. Maintenance activities on streets, roads, or highways, such as filling potholes, are not alterations.

ALTERATION (CURB RAMPS REQUIRED)	MAINTENANCE (CURB RAMPS NOT REQUIRED)
<ul style="list-style-type: none"> • Addition of a new layer of asphalt • Cape seals • In-place asphalt recycling • Micro-surfacing and thin-lift overlay • Mill and fill or mill and overlay • New Construction • Open-graded surface course • Rehabilitation and reconstruction • Resurfacing of a crosswalk 	<ul style="list-style-type: none"> • Chip sealing • Crack filling and sealing • Diamond grinding • Joint repairs • Pavement patching • Painting or striping • Scrub sealing • Spot high-friction treatments • Surface sealing • Slurry seals



COORDINATE

Lawrence Transit Bus Stop Improvement Program

This program intends to improve accessibility and comfort to all residents of Lawrence. The standard bus stop aims to include a bus stop sign and an accessible paved boarding area. Other amenities, such as benches, shelters, bike racks, and trash cans, are added based on the program's technical guidelines.

Currently, there are 382 bus stops throughout Lawrence. Below are statistics for the percentage of stops with ADA-compliant boarding pads, shelters, benches, and bike racks (as of the end of 2023):

- 190 ADA Boarding Pads (49%)
- 72 Shelters (18%)
- 55 Benches (14%)
- 30 Bike Racks (8%)

The Bus Stop Improvement Program coordinates its funding through various channels, including the ADA Transition Program, to capitalize on the mobilization cost of work in nearby areas, including bus stop locations. Learn more about the Bus Stop Improvement Program at

<https://assets.lawrenceks.org/transit/BusStopImprovementProgram2022Final.pdf>.



Figure 22: A bus stop without an accessible boarding pad.



Figure 23: A newly installed bus shelter with an accessible boarding pad and shelter.



COORDINATE

STEP 5: EXECUTE STRATEGIES

The City's ADA work is collaborative across various CIP programs and within operational budgets. Our ADA Transition Plan will build upon the work that has been completed and work still to come. This multifaceted approach will ensure City dollars are allocated in the most fiscally responsible manner to achieve the greatest return on investment.

Strategies Communities Use for Funding Barrier Removal

- Identify ADA projects to complete alongside new street construction or reconstruction.
- Identify ADA projects to complete as a component of roadway alteration projects.
- Identify ADA projects to complete planned street maintenance and repair projects and programs.
- Require private developers to remove access barriers when development affects facilities within the right-of-way.
- Apply for grant funding specific to removing access barriers when available.
- Create a multiyear CIP that addresses right-of-way barrier removal.

Current ADA ROW Funding

2024 – 2028 Annual Capital Improvement Plan and 2024 Operating Budget Funding

Programs	Annual Investment
ADA Sidewalk Reconstruction (CIP)	482,000
ADA Brick Sidewalk (CIP)	460,000
Sidewalk Improvement Program (O&M)	536,000
ADA Curb Ramp Program (O&M)	350,000
Sidewalk Emergent Repair Program (O&M)	100,000
Total Investment	\$1,928,000

Projected Funding Gap

The City's projected average annual spending in the public ROW for includes programs is \$1,928,000. A total investment of \$5,174,000 annually is needed to fully fund the ADA Transition Plan at current cost estimates. An **additional \$3,246,000** in revenue is needed for this program which is identified as the funding gap.

Cost Partnering with Property Owners

The City's Sidewalk Improvement Program has historically involved a cost-partnering funding structure where property owners share in the total costs to remove barriers. The property owner's contribution is based on square footage but does not include mobilization or other significant costs, such as moving city-owned structures in the right-of-way. The City supports low-income qualifying households, residents with two sidewalk frontages, and other extenuating circumstances to help mitigate undue burdens and balance equity. The City can choose to fund the program with our without cost partnering. Here are some of the benefits of both options:



Cost Partnering Funding Model Benefits

- Faster completion of the program for ADA access
- Lower total City investment
- Property owners have an increased vested interest in maintaining the sidewalks

City-Only Funding Model Benefits

- Lower program administration costs
- Reduced inequities for the ability to pay by property owners
- Project timeline more flexible

Cost Projections

The City evaluated 400+ miles of sidewalks, shared-use paths, and 6,500 ADA Curb Ramps. During the evaluation process, we discovered that roughly 30 percent of sidewalks and curb ramps meet accessibility standards. Of the remaining 280 miles of sidewalks, we project that 65% will need repairs, meaning 20% or less of the sidewalk corridor is damaged, and 35% needs full replacement. Additionally, about 4,500 curb ramps will require repair or replacement throughout the 20-year plan.

From this evaluation, many assumptions are used in projecting out a 20-year infrastructure program, including the condition of the sidewalks, the slope of the sidewalks, the complexity of the design, costs of repair/reconstruction materials, as well as the number of driveways, curb ramps, retaining walls and other cost-increasing factors that are contained within a particular project area. Additionally, more minor repairs that affect one property owner, for example, versus a full-block reconstruction, affect project costs for economies of scale factors for mobilization, design, inspection, etc. Staff looked at costs for the last five years of the Sidewalk Improvement Program and costs from a recent full-block reconstruction project to come up with estimated cost ranges. The estimates provided below are averages of those ranges to simplify the projections.

Total Program Estimated Costs

	WITH COST PARTNERING	WITHOUT COST PARTNERING
ADA Curb Ramps, Sidewalks, and Shared Use Paths	\$ 87.7 M	\$ 87.7 M
Administrative Costs	\$ 7 M	\$ 3.5 M
Design Costs	\$ 8.7 M	\$ 8.7 M
Total Program Costs	\$ 103.5 M	\$ 99.9 M
Resident Contribution (Estimated at 15%)	\$ 13.2 M	0
Cost to the City	\$ 90.3 M	\$ 99.9 M

Annual Program Estimated Costs

	WITH COST PARTNERING	WITHOUT COST PARTNERING
ADA Curb Ramps, Sidewalks, and Shared Use Paths	\$ 4.38 M	\$ 4.38 M
Administrative Costs	\$ 350 K	\$ 175 K
Design Costs	\$ 438 K	\$ 438 K
Total Program Costs	\$ 5.173 M	\$ 4.99 M
Resident Contribution (Estimated at 15%)	\$ 657 K	0
Cost to the City	\$ 4.5 M	\$ 4.99 M

Staff Recommendation:

City staff recommends creating a multiyear Capital Improvement Program that includes property owner cost partnering. This option provides the most financially sustainable path forward while also building equity for property owners who benefit from the repairs on their property. Over the 20 years of the program, this would mean an additional annual investment of \$2,588,000 for the City and cost partnering from property owners at \$658,000 for a total additional investment of \$3,246,000. This additional investment, coupled with existing annual capital and operating budget investments of \$1,928,000, provides a total of \$5,174,000 annual investment.



STEP 6: REVIEW

Based on standardized methodology process, the ADA Transition Plan will identify the first five years of work to be completed. In year four of the plan, we will identify the next five years of sidewalks for repair or replacement. The process will continue for the duration of the plan.

The ADA Compliance Administrator or designee is responsible for the annual review of the ADA Transition Plan, and any changes or corrections will be submitted for review to the City Commission.

Community Feedback

Community Engagement – listening and responding to residents' input – is one of six Strategic Plan Commitments. Therefore, feedback is essential for delivering an ADA Transition Plan that serves those who need it most.

In addition to the regulatory requirement of public feedback, including a Grievance procedure in the Transition Plan is also good practice. Our grievance procedure makes methods clear for any member to exchange ideas and information on barriers in the pedestrian ROW that may hinder access in our community and make it possible for the City to respond accordingly.

The City strives to maintain a positive working relationship with the community of residents interested in accessibility issues. The goal is for people to feel comfortable communicating their concerns about accessibility or potential discrimination. Concerns may be communicated to the ADA Compliance Administrator, other city employees, department directors, assistant directors, or the City Manager's Office. These informal communication channels do not limit individuals from pursuing other means of complaint resolution, including those outlined.



REVIEW

APPENDIX A: ADA GRIEVANCE PROCEDURE

The City created a grievance procedure for complaints arising under Title II of the ADA. The grievance procedure sets guidelines for how a citizen can file a complaint and ensures prompt and fair review of the matter by the City. The grievance procedure includes:

- Instructions for how to file a complaint.
- Information on alternative means to file for those unable to complete a written complaint.
- Time frames for reviewing the complaint.
- Information regarding how to appeal an adverse decision.
- Time frame for complaints to remain on file.

The grievance procedure should be distributed to all City departments, posted in public spaces of government offices, and posted on the City's website at lawrenceks.org/access.

The Lawrence Transit Department has a separate ADA Grievance form but routinely coordinates ADA compliance issues with the City's ADA Compliance Administrator. The Lawrence Transit grievance form is found at lawrencetransit.org/ada-services/.

GLOSSARY OF TERMS

ADA (Americans with Disabilities Act) is a landmark civil rights law that ensures equal access and prohibits discrimination based on disability. First signed into law in 1990 and amended in 2010.

ADA Coordinator – a required position in any government entity with fifty or more employees; the ADA Coordinator is responsible for ensuring compliance across departments with all aspects of the ADA and receiving and responding to citizen grievances.

ADA Standards – the 2010 ADA Standards for Accessible Design set enforceable accessibility requirements. The ADA Standards incorporate Title II regulations for government entities at 28 CFR 35.151 and the 2004 ADAAG at 36 CFR part 1191, appendices B and D.

ADAAG – ADA Accessibility Guidelines

APS – Accessible Pedestrian Signal- a pedestrian signal system that includes standard visual indications and audible and vibrotactile information to convey pedestrian timing information to those who are blind or have low vision.

Cross Slope – the slope perpendicular to the direction of travel

Curb – a raised border forming the sidewalk's edge where it meets the roadway.

Curb Ramp – a short ramp to transition between sidewalk and roadway heights.

Detectable Warning – a feature to warn of hazards in a walking path, usually includes truncated domes at a road crossing.

Disability – a physical or mental impairment that substantially limits one or more major life activities, a record of such an impairment, or being regarded as having such an impairment.

DOJ – United States Department of Justice- responsible for enforcing the ADA.

FHWA – Federal Highway Administration- provides guidance to government entities regarding requirements for accessible features on roadways.

Grade – the slope of a roadway or sidewalk. Also see running slope.

Grievance Procedure – the procedure set by a government entity that outlines how to file a complaint of an ADA violation, the time frames for each step of the process, and information on how to appeal an adverse decision.

Running Slope – the slope parallel to the direction of travel. Also see grade.

PROWAG – Public Right of Way Accessibility Guidelines published to assist entities in establishing technical guidelines on right-of-way facilities.

Adopted by City Commission Resolution _____ Date _____