

4 Barrier Removal

Removal of accessibility barriers is the primary purpose of ADA transition plans. The following section documents the primary methods of barrier removal the County currently has in place. This section also provides recommended changes to County policies, practices and design standards to comply with state and federal requirements related to ADA accessibility.

4.1 Barrier Removal Methods

The County currently has a limited number of methods to remove accessibility barriers in the public right-of-way. Current methods of barrier removal are indirect and are usually related to other programs and projects conducted as part of the Capital Improvement Plan. These projects, when impacting existing pedestrian facilities, will upgrade these facilities when required. Occasionally, permitted development will result in the reconstruction of pedestrian facilities and removal of barriers. However, barrier removal through this method is rare and not consistent year-to-year.

4.2 Barrier Removal Recommendations

An assessment of County policies, practices and design standards, as documented in Chapter 2, was conducted to understand the process that results in barriers to accessibility. This assessment was informed through a review of adopted County plans, field observations, discussions with County staff and a detailed design audit of the County's Public Works Standards (see Appendix D).

The recommendations included below were developed in response to this assessment and

have been written in such a way that recommended actions are clearly identified and progress on each specific recommendation can be easily tracked and updated.

Recommendation 1: Identify an official responsible for Transition Plan implementation within the Public Works Department

Status: Completed

As part of the transition planning process, an individual has been identified as the official responsible (see Section 6.1 for more information). This position, often referred to as the "ADA Coordinator", is one of the four major federal requirements for every ADA transition plan. The ADA Coordinator is responsible for facilitating County transition planning such as responding to grievance requests. They also function as a central figure for organizing the various programs and departments within the County to maintain a consistent approach to barrier removal and ADA standards enforcement in multiple aspects of County operations.

Recommendation 2: Update County budget to include a line item for ADA barrier removal

Status: Pending

Prior to the implementation of this plan, the County did not have any budget allocated for removal of barriers to accessibility within their jurisdiction. In order to fund the removal of the barriers identified in this plan, it is recommended that the County council approve budget to remove existing barriers. A proposal to allocate \$250,000 annually is being reviewed by the County council.

**Recommendation 3:
Update County design standards to
match ADA Standards**

Status: Pending

County practice and design standards must comply with federal ADA guidance. If standards are not updated and enforced, new or reconstructed pedestrian facilities may not be constructed to current accessibility standards, requiring costly revision, and increasing the duration it will take the County to remove accessibility barriers.

A detailed audit of County design standards using the 2010 ADAS and Proposed Accessible Guidelines for Pedestrian Facilities in the Public Right-of-Way 2005 (PROWAG) was conducted to inform Chapter 2. This audit, which is included in Appendix D, recommends several specific changes to the County's Development Standards and Standard Drawings.

**Recommendation 4:
Educate County staff, consultants, and
contractors on ADA standards**

Status: On-going

Transition plans are often a learning experience for County staff, consultants, and contractors alike since they change existing practices and expectations. The County should use updates to the County's design standards as an opportunity to teach and learn about accessibility and the barriers that those with limited mobility or sight experience when traveling in the County's public right-of-way. Education can take many forms from review of updated design standards with key individuals such as field inspectors and contractors, development and review of County specific design standards or checklists with County engineers, or training from groups that serve those with disabilities.

**Recommendation 5:
Adopt a Countywide Accessible
Pedestrian Signal (APS) policy**

Status: Pending

Accessible Pedestrian Signal (APS) policies serve as a means for cities to be consistent with ADA requirements at traffic signals. The APS policy covers the location and means of communication for APS devices that "communicate information about pedestrian timing in nonvisual formats such as audible tones, verbal messages, and/or vibrating surfaces" (MUTCD). Because the City of Bellingham Public Works staff maintain the County's signal systems, it is recommended that the county adopt the City of Bellingham's APS policy. The City's APS policy is included in Appendix B.

**Recommendation 6:
Provide more accessible options for
community members to participate in
grievance process for barriers to
accessibility**

Status: Pending

Public entities subject to Title II of the ADA are required to adopt and publish a grievance procedure as part of their transition plan. A grievance process allows community members to formally report denial of access to a County facility, program, or activity based on disability.

Currently, The Whatcom County Code section 2.86 discusses the procedure for filing complaints and grievances pertaining to ADA compliance. The County uses a three-step process, with complaints being addressed first by the ADA Coordinator, then the ADA Compliance Committee, and finally, if still not resolved, to the County Council. While this approach is consistent with the Title II requirements, there is an opportunity to make the process itself more accessible. The procedure currently requires submitting a written complaint to the County ADA coordinator. The County's ADA webpage should be utilized to provide multiple options for requesting service and filing grievances including and accessible on-line form, and

phone, email, and in-person options for these requests.

In addition, it is recommended that the first step of the grievance process include notification to the appropriate County department. Including staff from the appropriate department will help provide the ADA Coordinator with the needed expertise to address the complaint. This will also provide a valuable feedback loop between the County staff and the public.

**Recommendation 7:
Develop a consistent and centralized
MEF documentation database**

Status: Underway

Maximum extent feasible (MEF) is policy that dictates that alterations that could affect the usability of a facility in the public right-of-way must be made in an accessible manner to the maximum extent feasible. ADA Standards for Accessible Design (2010) dictates that:

Each facility or part of a facility altered by, on behalf of, or for the use of a public entity in a manner that affects or could affect the usability of the facility or part of the facility shall, to the maximum extent feasible, be altered in such manner that the altered portion of the facility is readily accessible to and usable by individuals with disabilities, if the alteration was commenced after January 26, 1992.

Whatcom County should adopt a MEF documentation process and standard template for the documentation of maximum extent feasible when addressing new or altered construction. Each project to remove barriers should be evaluated to determine if improvements to the facility in the public right-of-way are feasible in the engineering design phase. Some barriers may be infeasible to remove or may be removable only to a point.

Where this is the case the County should document the reason for the variation from accessibility standards. This documentation should be stored in a centralized location and be linked to the County's GIS ADA self-assessment database and/or asset management software to ensure consistency of data.

Consolidation of past MEF records into this data is also recommended. A template example has been provided in Appendix C.

**Recommendation 8:
Develop performance measures and
processes to track removal of barriers**

Status: Pending

The primary purpose of an ADA transition plan is to develop a plan for removal of accessibility barriers. In order to show progress towards this requirement, the County should develop a process of tracking barrier removal on a year by year basis. It is recommended that the County actively update the GIS ADA self-assessment database developed for this plan, tracking how and when ADA barriers are removed. This data can be used to provide annual updates on progress and demonstrate to the public as well as federal regulators that the County is making progress to meet Title II requirements.

**Recommendation 9:
Whatcom Chief Ferry replacement and
dock improvements.**

Status: Underway

The County should continue to pursue funding to replace the existing boat with a new, more accessible ferry.

The County should also create a plan to remove the accessibility barriers at both dock locations. Improvements to be considered should include;

- Additional signing to direct pedestrians to the pedestrian staging area

- Designated and accessible pedestrian access route between accessible parking, pedestrian staging area, restrooms, and passenger area on ferry
- Lighting for the pedestrian access routes and staging areas