

**AGENDA  
CITY OF GIG HARBOR  
PUBLIC WORKS COMMITTEE  
Tuesday, November 9, 2021  
3:00 p.m. – 4:00 p.m.**

Due to public health concerns, this meeting will be accessible by phone by dialing (253) 215-8782 and entering the Meeting ID: 929 1013 8774 or through Zoom at: <https://zoom.us/j/92910138774>

Comments are only allowed during designated portions of the meeting. To speak during the meeting, press the Raise Hand button near the bottom of your Zoom window or press \*9 on your phone. Please refrain from “raising your hand” until the Chair has announced that he has opened the public comment portion of the meeting.

Your name or the last four digits of your phone number will be called out when it is your turn to speak, where you will be asked your name and address for the record. When using your phone to call in, you may need to press \*6 to unmute/mute yourself. All speakers will have up to three minutes to speak.

Instead of speaking live, you may submit comments in writing before the meeting. Your input / questions must be provided to Executive Assistant Maureen Whitaker by 1:00 p.m. on Tuesday, November 9, 2021. All written comments must be able to be read in 3 minutes or less to be included in the record and have the title: FOR PUBLIC COMMENT included. Send comments to: [mwhitaker@gigharborwa.gov](mailto:mwhitaker@gigharborwa.gov). Written comments will be read during Public Comment.

**CALL TO ORDER / ROLL CALL**

**APPROVAL OF MINUTES:** October 12, 2021

**OLD BUSINESS:** none.

**NEW BUSINESS:**

1. Draft ADA Transition Plan Review and Presentation by Transportation Solutions, Inc.
2. Ancich Human Powered Craft Public Storage Fees
3. Burnham Ridge Sewer and Water Utility Extension Agreements

**CIP REVIEW**

**PUBLIC COMMENT**

**ANNOUNCEMENT OF UPCOMING MEETING:** December 14, 2021

**ADJOURN**

**MINUTES  
CITY OF GIG HARBOR  
PUBLIC WORKS COMMITTEE  
Tuesday, October 12, 2021  
3:00 p.m. – 4:00 p.m.**

Due to public health concerns, this meeting was held remotely.

**CALL TO ORDER / ROLL CALL**

Public Works Committee Chair Jim Franich called the meeting to order at 3:00 p.m.

Public Works Committee Members Present (remotely): Jim Franich, Jeni Woock, Bob Himes.

Staff Present (remotely): City Administrator Tony Piasecki, Public Works Director Jeff Langhelm, Stormwater Engineering Technician Brienn Ellis, and Executive Assistant Maureen Whitaker (scribe)

Others Present: Ryan White, Steve Duh, Conservation Technix, and Members of the Parks Commission/Ben Coronado, Mary Barber, and Roger Henderson

**APPROVAL OF MINUTES:** September 14, 2021

**MOTION:** Move to approve the September 14, 2021 Public Works Committee Minutes.

Himes / Woock – Motion passed unanimously.

**OLD BUSINESS:** none.

**NEW BUSINESS:**

**1. Hall Street ROW Vacation Request – Ryan White**

Public Works Director Jeff Langhelm presented a right of way vacation request from Ryan and Karen White, owners of the property at 3613 Ardena Lane to vacation a 30 ft portion of the Hall Street right of way that is abutting their property. This portion of Hall Street is located in the non-user statute area. City staff recommended retaining a small portion for operation and maintenance of the existing hammer head turn around located at the south end of northerly segment of Milton Avenue.

**RECOMMENDATION:**

The Public Works Committee recommended moving the Street Vacation Request to full Council for consideration.

**2. Parks, Recreation, and Open Space (PROS) Plan Update**

Parks Commission Chair Ben Coronado addressed the PW Committee describing the progress made regarding the update to the PROS Plan. Conservation Technix Steve Duh presented the results of the on-line survey that assessed residents' recreational needs and priorities. Next steps were discussed in achieving the PROS Plan milestones and timelines, noting the expiration date of the current PROS Plan is March 1, 2022. Many questions and observation were discussed about how the survey questions were structured and how the data was compiled. City Administrator Tony Piasecki requested additional information on the raw data and crosstabs, online versus mail survey, and what the data look would like if the non-residents of Gig Harbor were removed.

### 3. **Stormwater Revenue Study Draft Ordinance**

Mr. Langhelm with the assistance of Stormwater Engineering Technician Brienn Ellis presented why the Revenue Study was needed noting the discrepancies of how residents and commercial businesses have been billed over the years. He provided a synopsis of other jurisdictions' rates. The process and timeline were discussed that included the City Council Study Session on June 10, 2021, and the two virtual public Open Houses held on September 15 and 16. Mr. Langhelm stated that the key take-away from the Open Houses was the public wanted the City to stay in line with other jurisdictional rates.

#### **RECOMMENDATION:**

The Public Works Committee recommended scheduling a future City Council Study Session to help educate Council on how the rates can be structured.

#### **CIP REVIEW**

Mr. Langhelm went over the CIP Tiers 1-4. A brief discussion ensued about the scope of work that that is separate from the City's portion concerning Murphy's Landing Navigational Channel Dredge. Also discussed was the need to do a study of the delay times to better understand the metering concept for future ramp metering at the Borgen Roundabout.

**PUBLIC COMMENT:** none

**ANNOUNCEMENT OF UPCOMING MEETING:** November 9, 2021

**ADJOURN:**

**MOTION:** Move to adjourn at 5:21 p.m.

Himes / Woock – Motion passed unanimously.



PUBLIC WORKS DEPARTMENT

## **MEMORANDUM**

TO: Public Works Committee Members

FROM: Trent A. Ward, PE, City Engineer

DATE: November 4, 2021

SUBJECT: Draft ADA Transition Plan and Presentation

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Development, adoption, and implementation of an Americans with Disabilities Act (ADA) Self-Evaluation and Transition Plan (Plan) is in response to the Americans with Disabilities Act of 1990, which is a Federal civil rights statute that mandates all cities with over 50 employees to adopt and implement such a plan.

As identified in the 2021 Street Division budget – Operating Objective No. 1, staff have been directed to complete the Public Works ADA Self-Evaluation and Transition Plan (Plan) for adoption by City Council this year, in order to formally establish the City's proposed timeline and funding strategies for the continued replacement of non-conforming curb ramps within City Rights-of-Way, in compliance with this federal mandate.

A professional services contract with Transportation Solutions, Inc. (TSI) was executed on August 12, 2021 to assist the City with developing the Plan. TSI and staff will provide a brief presentation of the Plan at the November 9 Public Works Committee meeting.

Attached for your review and consideration is the proposed draft Plan. Staff will present the draft Plan to City Council at the Public Hearing on November 22 and adoption on December 13.

The following Plan development schedule and tasks have been achieved and/or are underway:

- 10/15/21: Launched the ADA Transition Plan Project Webpage with links to both map-enabled and screen reader-friendly surveys, and links to the ADA Public Notice and ADA Grievance Procedure. To view webpage, please click link: <https://www.cityofgigharbor.net/CivicAlerts.aspx?AID=759>
- 10/25/21: Staff report presented to Council.

- 11/05/21: Consultant submitted Draft ADA Transition Plan (Plan) to the City.
- 11/09/21: Present Draft Plan and Presentation to PW Committee
- 11/09/21 – 11/30/21: Public Comment period begins with Draft Plan posted to webpage with directions to send comments to [ADACoordinator@gigharborwa.gov](mailto:ADACoordinator@gigharborwa.gov).
- 11/22/21: Public Hearing and Presentation of Draft Plan to City Council.
- 11/30/21: Surveys and Draft Plan comment period closes.
- 12/09/21: Consultant submits Final Plan to City inclusive of requested revisions and public comments received.
- 12/13/21: Scheduled for adoption by City Council.

**DRAFT**

**City of Gig Harbor  
Americans With Disabilities Act (ADA)  
Transition Plan for the Public Right-of-Way**



**Gig Harbor, WA**

**November 2021**

**Prepared by**



**The Americans with Disabilities Act Notice**

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

**ADA/504 Coordinator**

The ADA/504 Coordinator is responsible for responding to grievances, complaints and other alleged ADA discrimination concerns, as well providing materials in alternative formats. Jeff Langhelm, Public Works Director, is the City of Gig Harbor's ADA/504 Coordinator and can be contacted at:

Phone: (253) 851-8136

Washington Relay System: 7-1-1

E-mail: [ADACoordinator@gigharborwa.gov](mailto:ADACoordinator@gigharborwa.gov)

Mail: 3510 Grandview Street, Gig Harbor, WA 98335

**Acknowledgements**

The City of Gig Harbor wishes to thank the organizations and individuals who contributed to this project. This was truly a collaborative venture that could not have happened without the input, creativity, and participation of many people. Thank you all.

**Gig Harbor City Council**

Kit Kuhn, Mayor

Jeni Woock, Council Member Position 1

Bob Himes, Council Member Position 2

Jim Franich, Council Member Position 3

Tracie Markley, Council Member Position 4

Robyn Denson, Council Member Position 5

Le Rodenberg, Council Member Position 6

Spencer Abersold, Council Member Position 7

**City of Gig Harbor Project Team**

Trent Ward, City Engineer

Aaron Hulst, Senior Engineer/Project Manager

Maureen Whitaker, Executive Assistant

Mike Simmons, GIS Coordinator

Jeff Langhelm, ADA/504 Coordinator

**Consultant Team - Transportation Solutions, Inc.**

Victor Salemann, Principal

Kirk Harris, Project Manager

Jennifer Salemann, Planner



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**Appendix D** - ADA Grievance Procedure

**Appendix E** - 2021 Accessible Pedestrian Signal (APS) Policy

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**Appendix G** - Public Engagement Findings

## List of Abbreviations

**ADA** - American with Disabilities Act

**ADA/504** - Americans With Disabilities Act/Section 504 of the Rehabilitation Act of 1973

**APS** - Accessible Pedestrian Signal

**CFR** - Code of Federal Regulations (United States)

**COVID-19** - Coronavirus Disease of 2019

**DOJ** - Department of Justice (United States)

**DOT** - Department of Transportation (United States)

**DWS** - Detectable Warning System

**GIS** - Geographic Information System

**LAG** - Local Agency Guidelines (published by Washington State Department of Transportation)

**NCHRP** - National Cooperative Highways Research Program

**PROWAG** - Public Right of Way Accessibility Guidelines

**SR** - State Route

**USDOT** - United States Department of Transportation

**WSDOT** - Washington State Department of Transportation

## A. Introduction & Legal Requirements

The City of Gig Harbor is committed to removing barriers to accessibility in its public right-of-way facilities. To achieve this end, the City has completed a Public Right-of-Way Americans with Disabilities Act (ADA) Transition Plan.

This introduction summarizes the legal precedent for and the required components of an ADA Self-Evaluation and Transition Plan. It also provides an overview of the scope and organization of the City's Public Right-of-Way ADA Transition Plan with respect to these requirements.

### A.1 Legal Precedent

The following federal laws and local Washington State guidelines informed the content and scope of this ADA Self-Evaluation and Transition Plan. See also Washington State Department of Transportation (WSDOT) Local Agency Guidelines Chapter 29 (June 2021).

#### A.1.1 Section 504 of the Rehabilitation Act (1973)

Section 504 of the Rehabilitation Act of 1973 states that no person with a disability shall be excluded from participation in, denied the benefits of, or be subjected to discrimination under any program or activity that receives Federal funding. This includes both transportation and non-transportation funding.

Section 504 extends to the entire operations of a recipient or subrecipient, regardless of the specific funding source of a particular operation. Section 504 Regulations (49 CFR Part 27.5) define a recipient as any public entity that receives Federal financial assistance from the United States Department of Transportation (USDOT) or its operating administrations either directly or through another recipient. An example of a recipient is WSDOT. An example of a subrecipient is a local agency receiving USDOT funds through WSDOT, for projects/programs/activities administered by the local agency.

#### A.1.2 American with Disabilities Act

The *Americans with Disabilities Act* of 1990 is a civil rights statute that prohibits discrimination against people who have disabilities. There are five separate Titles, or sections, of the Act that cover different aspects of potential discrimination. These include:

- Title I – Employment
- Title II – Public Services and Transportation
- Title III – Public Accommodations
- Title IV – Telecommunications, and
- Title V – Miscellaneous

Title II of the Act specifically addresses the subject of making public services and public transportation accessible to those with disabilities. Designing and constructing facilities for public use that are not accessible by people with disabilities constitutes discrimination.

The ADA is mirrored after Section 504 but extends the reach of Federal accessibility laws to include those agencies that are not recipients or subrecipients of Federal funding. Title II (28 CFR Part 35) of the ADA specifically pertains to state and local governments.

The ADA applies to all facilities, including both facilities built before and after 1990. State and local government and public entities or agencies are required to perform self-evaluations of their current facilities relative to the accessibility requirements of the current ADA accessibility standards. The requirements of the ADA apply to all public entities or agencies, no matter the size. The transition plan formal procedures as outlined in 28 C.F.R. section 35.150 only governs those public entities with more than 50 employees.

## A.2 Scope of ADA Transition Plan

The Federal requirements for preparing and implementing an ADA Transition Plan are outlined in specific code sections. Certain code sections also identify accessibility requirements for existing facilities, new construction and alterations of existing facilities. In addition, WSDOT provides local agency guidelines on ADA Transition Plan content. These codes and guidelines utilized in preparing the City's ADA Self-Evaluation and Transition Plan as well as the steps undertaken to engage the public in the process are included for reference in **Appendix A**.

The City is undertaking this Plan in phases. The initial scope of the City's ADA Transition Plan includes curb ramps within the City's public right-of-way and select administrative policies and procedures. Other City facilities and infrastructure in public right-of-way, City buildings and park facilities, and City programs, services and activities will be evaluated and added in future Phases of the City's ADA Transition Plan.

### A.2.1 Federal ADA Transition Plan Requirements

Under Title II of the ADA, Section 28 CFR Part 35.150 (d) - Transition Plan outlines four requirements of an ADA Transition Plan. For full code text, see **Appendix A**.

- Identify physical obstacles in the public entity's facilities that limit the accessibility of its programs or activities to individuals with disabilities;
- Describe in detail the methods that will be used to make the facilities accessible;
- Specify the schedule for taking the steps necessary to achieve compliance with this section and, if the time period of the transition plan is longer than one (1) year, identify steps that will be taken during each year of the transition period; and
- Indicate the official responsible for implementation of the plan.

### A.2.2 Federal Accessibility Requirements for Existing Facilities

Section 28 § 35.150 of Title II of the ADA identifies the accessibility requirements for existing facilities. For full code text, see **Appendix A**.

### A.2.3 Federal Accessibility Requirements for New Construction or Alterations

Section 28 § 35.151 of Title II of the ADA identifies the accessibility requirements for new construction or alterations to existing facilities. For full code text, see **Appendix A**.

### A.2.4 Washington State Department of Transportation (WSDOT) Local Agency Guidelines

WSDOT's Local Agency Guidelines (LAG) Chapter 29 includes additional ADA Transition Plan items per Section 504 listed below. For full local agency guidelines text, see **Appendix A**.

- Designate an ADA/504 Coordinator
- Maintain Public Notice of ADA Provisions
- Adopt and publish Grievance Procedure
- Adopt an Accessible Pedestrian System (APS) Policy

## A.3 Organization of Document

The National Cooperative Highway Research Program (NCHRP) No. 20-7 (232) ADA Transition Plans: *A Guide to Best Practices* (May 2009) report demonstrates how the federal ADA Transition Plan requirements give agencies flexibility on how to format their Transition Plans.

The City of Gig Harbor is preparing its Public Right-of-Way Transition Plan in phases across multiple budget years. This first phase of the Transition Plan addresses these components related to accessibility barriers in the City's public right-of-way::

- Administrative Policies and Procedures
- Self-Evaluation and Compliance Activities to Date
- Barrier Prioritization & Removal Recommendations
- Barrier Removal Schedule and Costs
- Strategy for Funding Barrier Removal

The remaining sections address:

- Public Engagement
- Future Actions to Maintain and Achieve Compliance
- Accessibility Guidelines, Standards, and Resources
- Appendices

## B. Administrative Policies and Procedures

In August 2021, Transportation Solutions, Inc., conducted a self-evaluation inventory of the City's existing ADA-related administrative policies and procedures identified in the WSDOT LAG Manual Chapter 29 Checklist (see **Appendix A**).

### B.1 Official Responsible to Implement the ADA Transition Plan

The City has designed Jeff Langhelt, ADA/504 Coordinator/Public Works Director and Trent Ward, City Engineer, as the officials responsible to implement this Plan as part of this ADA Transition Plan; their contact information is provided below and available on the City's ADA webpage [here](#):

**Jeff Langhelt**, ADA Coordinator, Public Works Director  
3510 Grandview Street  
Gig Harbor, WA 98335  
253-851-6170  
Washington Telecommunication Relay Services: 7-1-1  
Email: [ADACoordinator@gigharborwa.gov](mailto:ADACoordinator@gigharborwa.gov)

**Trent Ward**, City Engineer  
3510 Grandview Street  
Gig Harbor, WA 98335  
253-853-7637  
Washington Telecommunication Relay Services: 7-1-1  
Email: [TWard@gigharborwa.gov](mailto:TWard@gigharborwa.gov)

### B.2 ADA/504 Coordinator

The City has designated Jeff Langhelt, ADA/504 Coordinator/Public Works Director, as part of this ADA Transition Plan; their contact information is provided below and available on the City's ADA webpage [here](#).

Jeff Langhelt, ADA Coordinator, Public Works Director  
3510 Grandview Street  
Gig Harbor, WA 98335  
253-851-6170  
Washington Telecommunication Relay Services: 7-1-1  
Email: [ADACoordinator@gigharborwa.gov](mailto:ADACoordinator@gigharborwa.gov)

### B.3 Public Notice of ADA Provisions

The notice requirement applies to all state and local governments covered by Title II, even localities fewer than 50 employees. The target audience for public notice includes anyone who may potentially interact with the agency and must be accessible to all. An effective notice states the basis of what the ADA requires of the public agency in clear, concise language and should include the name and contact information of the ADA Coordinator. It addresses the public agency's commitment to non-discrimination on the basis of disability and addresses the agency's associated policies regarding employment, effective communication, modifications to policies and procedures, provision of auxiliary aids, scope of the ADA, complaints, and provision of aid/services at no additional cost. The U.S. Department of Justice's ADA Best Practices Tool Kit for Local and State Governments provides a [template ADA Notice](#) for use by public agencies.

The City has publicly posted its Public Notice of ADA Provisions as part of this ADA Transition Plan; the public notice is posted on the City's webpage [here](#) and is provided in **Appendix C**.

### B.4 ADA Grievance Procedure

The City has publicly posted its ADA Grievance Procedure and established an ADA Complaint Record as part of this ADA Transition Plan; the Grievance Procedure is posted on the City's webpage [here](#) and is provided in **Appendix D**.

### B.5 Accessible Pedestrian Signal (APS) Policy

The City established an APS Policy as part of this ADA Transition Plan; the APS Policy is posted [here](#) and is provided in **Appendix E**.

## C. Public Right-of-Way

This chapter describes the City's efforts to address public right-of-way ADA barriers within the Phase 1 scope of the Public Right-of-Way ADA Transition Plan according to the following steps:

- Self-Evaluation and compliance activities to date.
- Barrier prioritization and removal recommendations.
- Barrier removal schedule and costs.
- Strategy for funding barrier removal.

The Phase 1 scope focuses on curb ramps. Some information related to Accessible Pedestrian Signal (APS) features is discussed. Other public right-of-way facilities, such as sidewalks, driveway interface with sidewalks, accessible parking and fully-compliant APS systems, will be covered in future phases/updates to this ADA Transition Plan.

### C.1 Self-Evaluation and Compliance Activities to Date

#### C.1.1 Curb Ramps

Starting in 2013, the City's curb ramp assets were mapped in CAD and GIS without an entirely comprehensive system to keep the assets in sync. The City started using an asset management software, Cartegraph, in 2016 to track work on City assets. At that time, some assets were loaded into Cartegraph from existing CAD/GIS, while other assets were created directly in Cartegraph. There was still no entire synchronization of the systems.

In 2019, the City started a new GIS program to create that comprehensive, synchronized system. Much time has been dedicated over the past 2+ years to compile the City's data from CAD, GIS and Cartegraph in order to create a master database of the City assets into a comprehensive GIS (a major City effort took place in April 2020 to sync the GIS with Cartegraph). This GIS is now synchronized with Cartegraph for most of the applicable assets. City staff confirmed there were ramps that had been re-configured, moved, or removed since April 2020.

##### *C.1.1.1 PDF Attachments of Curb Ramp Evaluations*

Of the City's original inventory, most curb ramp features (503 out of 572 total) include a pdf attachment of the Washington State Department of Transportation (WSDOT) Curb Ramp Evaluation Form used to assess ramp compliance. City staff believe the evaluations were based on the 2010 Standards because the majority of the inventory efforts were done in 2014.

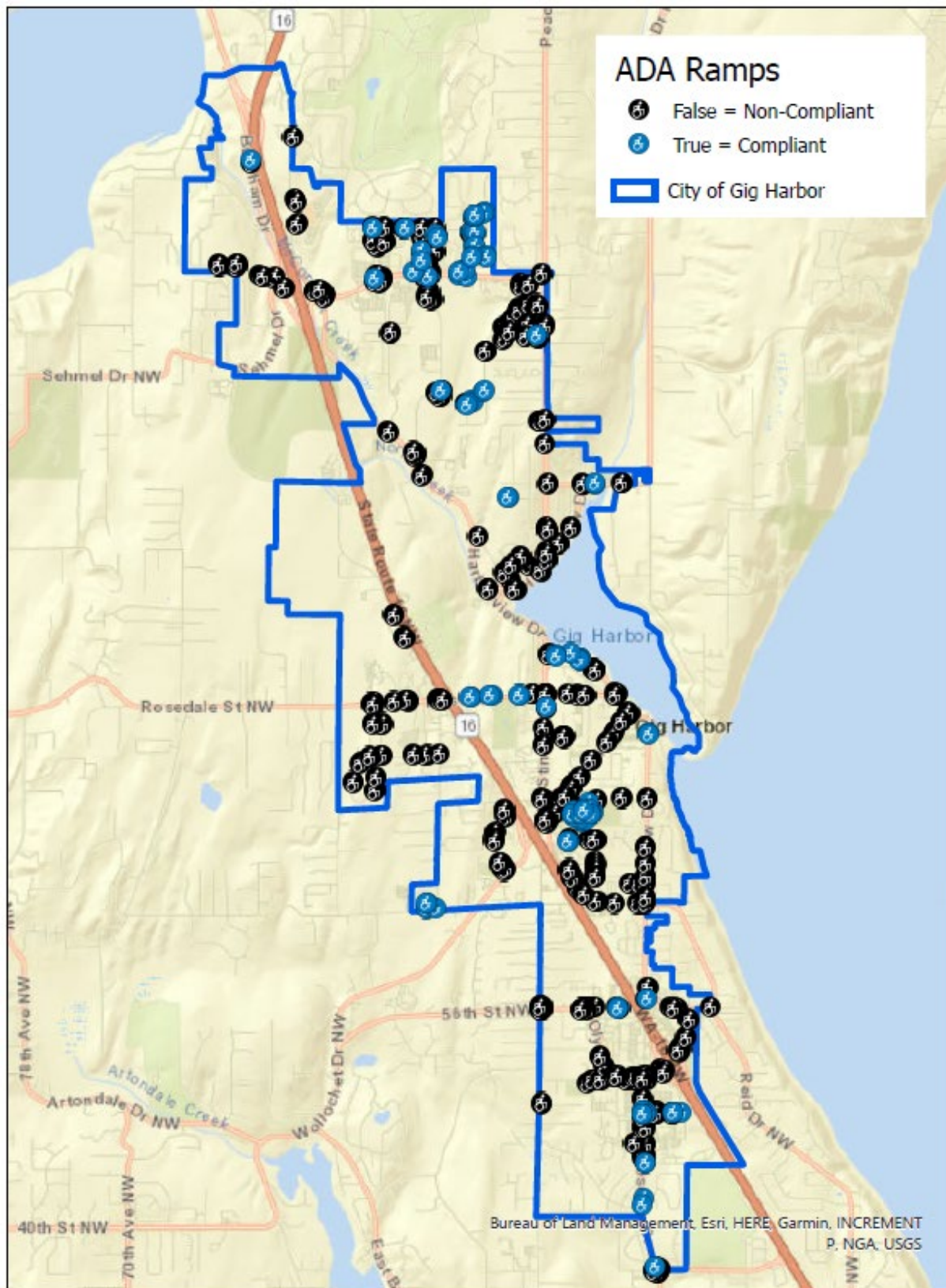
##### *C.1.1.2 GIS Attribute Data*

The City's **ADA\_Ramps** GIS feature class includes thirty-six (36) attribute fields, roughly half of which relate to measures of ADA compliance. While these fields are present, many fields include blank <Null> values. Additional information may be present in the PDF attachments. See

**Table 1.** The most significant field is the “Compliant” attribute field. If a curb ramp does not meet a single technical standard, it can be marked as non-compliant. See **Figure 1**.

**Table 1. City of Gig Harbor Curb Ramp Inventory - ADA Compliance-Related Field Attributes**

| No | Field                                                                                 | Attribute                                 |
|----|---------------------------------------------------------------------------------------|-------------------------------------------|
| 1  | Clear Width (assumed feet)                                                            | Values range from blank to 4.5 to 9       |
| 2  | Cross Slope (assumed %)                                                               | Values range from blank to 0 to 3         |
| 3  | Detectable Warning                                                                    | 0 (Not Present)                           |
|    |                                                                                       | 1 (Present)                               |
| 4  | Slope (assumed %)                                                                     | Values range from blank to 0 to 8.2       |
| 5  | Type<br>(included for 98 out of 572 features; count for type provided in parentheses) | Combination (6)                           |
|    |                                                                                       | Commercial Driveway/Entrance (4)          |
|    |                                                                                       | Missing (8)                               |
|    |                                                                                       | Parallel (16)                             |
|    |                                                                                       | Perpendicular (53)                        |
|    |                                                                                       | Raised Crossing (2)                       |
|    |                                                                                       | Blank (474), Null (2) or Not Surveyed (7) |
| 6  | Audible Components                                                                    | TRUE (Present)                            |
|    |                                                                                       | FALSE (Not Present)                       |
| 7  | Crosswalk Marking                                                                     | Null                                      |
|    |                                                                                       | None                                      |
|    |                                                                                       | Piano Keys                                |
|    |                                                                                       | Stamped Concrete                          |
|    |                                                                                       | Blank                                     |
| 8  | In Pavement Lighting                                                                  | TRUE (Present)                            |
|    |                                                                                       | FALSE (Not Present)                       |
| 9  | MEF (Maximum Extent Feasible)                                                         | Null (Blank)                              |
|    |                                                                                       | FALSE (Does not have documented MEF)      |
| 10 | Pedestrian Push Button                                                                | TRUE (Present)                            |
|    |                                                                                       | FALSE (Not Present)                       |
| 11 | Pedestrian Signal Head                                                                | TRUE (Present)                            |
|    |                                                                                       | FALSE (Not Present)                       |
| 12 | Ramp Serves Multiple Crossings                                                        | Null (Blank)                              |
|    |                                                                                       | TRUE (Yes)                                |
|    |                                                                                       | FALSE (No)                                |
| 13 | RRFB (Rectangular Rapid Flashing Beacon)                                              | TRUE (Present)                            |
|    |                                                                                       | FALSE (Not Present)                       |
| 14 | Compliant                                                                             | TRUE (Compliant)                          |
|    |                                                                                       | FALSE (Not Compliant)                     |

**Figure 1. Existing Curb Ramp Compliance Inventory Map (August 2021)**

### *C.1.1.3 2021 ADA Curb Ramp Inventory Update*

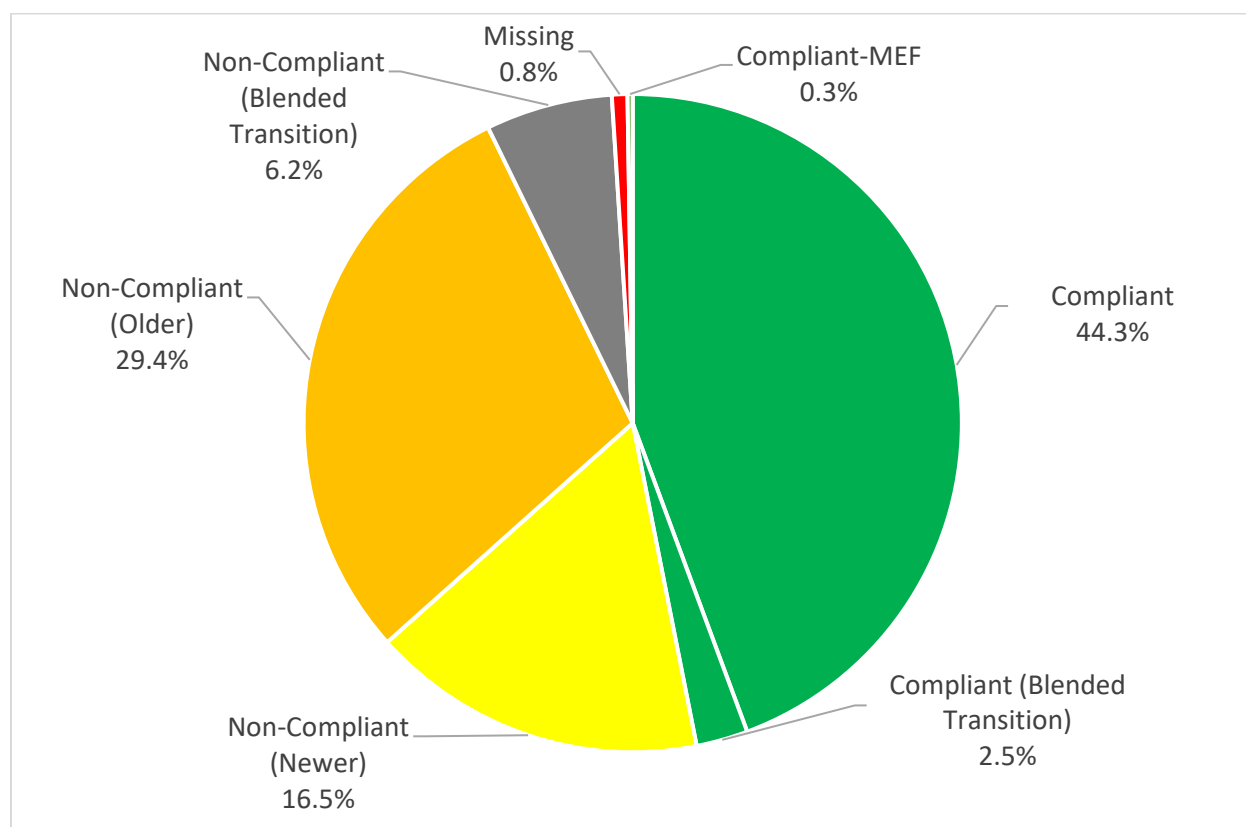
Transportation Solutions, Inc., revised and updated the GIS curb ramp inventory to reflect current conditions through October 2021. The WSDOT Curb Ramp Evaluation Form pdf attachments were reviewed and Google Maps street view was utilized to validate changes before updating GIS attribute data.

Curb ramp features were reassigned as necessary to match the below groups:

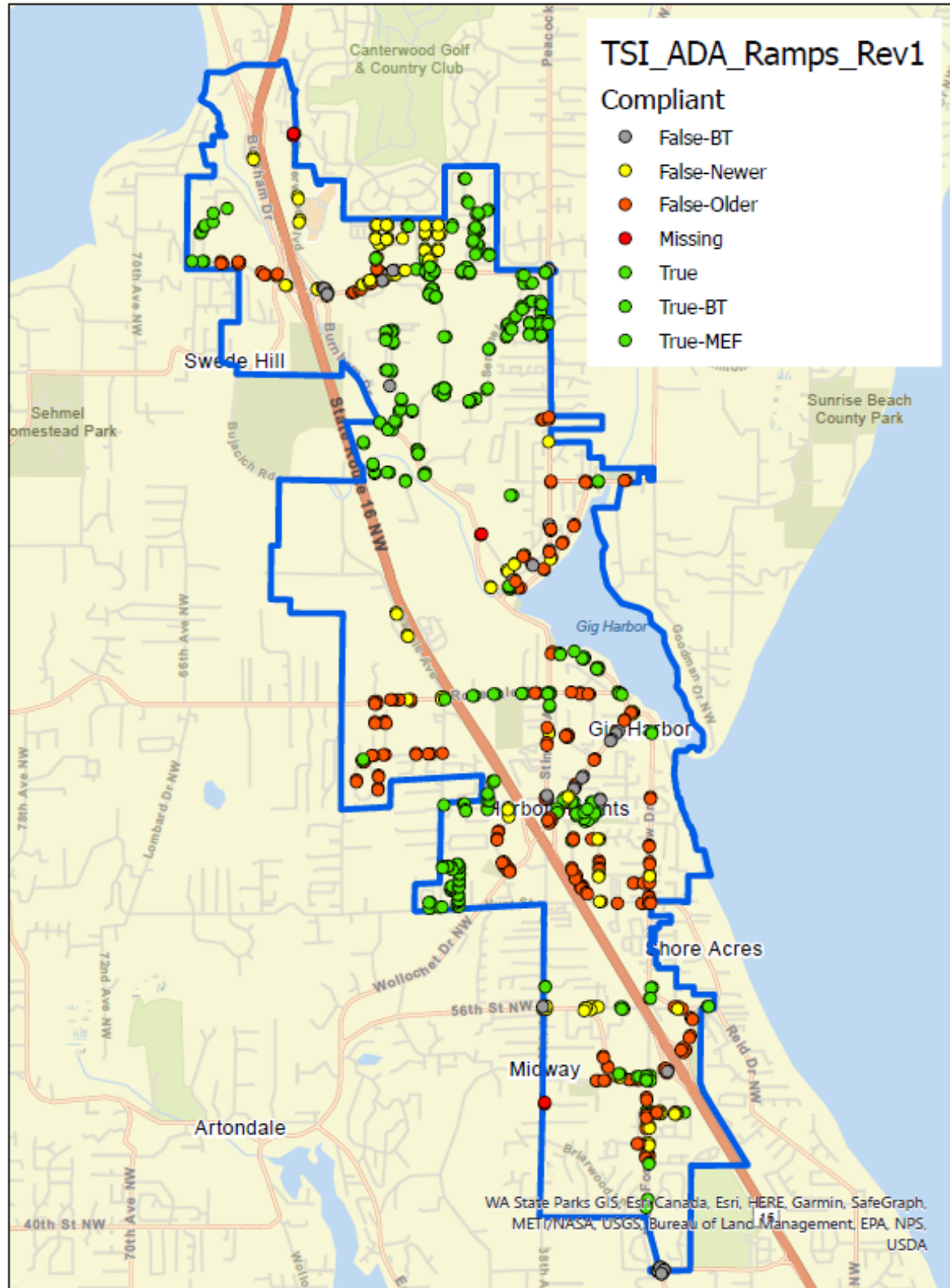
- Compliant
  - True (compliant to 2010 ADA Standards)
  - True-BT (compliant Blended Transition locations)
  - True-MEF (compliant to Maximum Extent Feasible or other exception)
- Non-Compliant
  - False-Newer (appears recently constructed; minor or few non-compliant features)
  - False-Older (older construction; multiple non-compliant features)
  - False-BT (Blended Transition candidates)
- Missing (no ramp is present but one is required)
- Deleted ramps (ramp not needed/no longer exists, etc.)

Over 200 curb ramp locations were added to the inventory, many for recently constructed compliant ramps related to City improvement projects and new residential development.

This more detailed categorization enables City staff to identify corridors or clusters of older non-compliant barriers that may present more barriers than recently constructed curb ramps with minor non-compliance issues. It also helps City staff identify ramps that may fall within the Safe Harbor provisions of the 2010 ADA Standards. For a summary of the revised curb ramp compliance statistics, see **Tables 2-3** and **Figure 2**. For further inventory information, see **Appendix B1**.

**Figure 2. Revised City of Gig Harbor Curb Ramp Inventory Compliance Summary Chart****Table 2. Revised City of Gig Harbor Curb Ramp Inventory Compliance Summary Table**

| Revised<br>ADA<br>"Compliant"<br>Status | "Compliant" Field Definition                                                          | # of<br>Locations | %           |             |
|-----------------------------------------|---------------------------------------------------------------------------------------|-------------------|-------------|-------------|
| True                                    | Compliant to 2010 Standards                                                           | 349               | 44.3%       | 47.1%       |
| True-BT                                 | Compliant Blended Transition                                                          | 20                | 2.5%        |             |
| True-MEF                                | Compliant to Maximum Extent Feasible or other justification                           | 2                 | 0.3%        |             |
| False-Newer                             | Newer condition, not compliant to 2010 Standards (may be minor non-compliant feature) | 130               | 16.5%       | 52.1%       |
| False-Older                             | Older condition, not Compliant to 2010 Standards (may be built to older standard)     | 231               | 29.4%       |             |
| False-BT                                | Blended Transition and/or DWS not present                                             | 49                | 7.9%        |             |
| Missing                                 | No ramp is present but one is required                                                | 6                 | 0.8%        | 0.8%        |
| <b>TOTAL</b>                            |                                                                                       | <b>787</b>        | <b>100%</b> | <b>100%</b> |
| Deleted                                 | No ramp required; crossing no longer exists, etc.                                     | 7                 |             |             |

**Figure 3. City of Gig Harbor ADA Ramp Revised Compliance Status Map (October 6, 2021)**

#### C.1.1.4 Blended Transitions

Some locations within the City’s curb ramp inventory are better described as blended transition candidates. Blended transitions are defined as “a raised pedestrian street crossing, depressed corner, or similar connection between the pedestrian access route at the level of the sidewalk and the level of the pedestrian street crossing that has a grade of 5 percent or less” ([2011 PROWAG](#), Section R105.5). See west side of intersection at 56<sup>th</sup> St and 38<sup>th</sup> Ave in **Figure 4**.

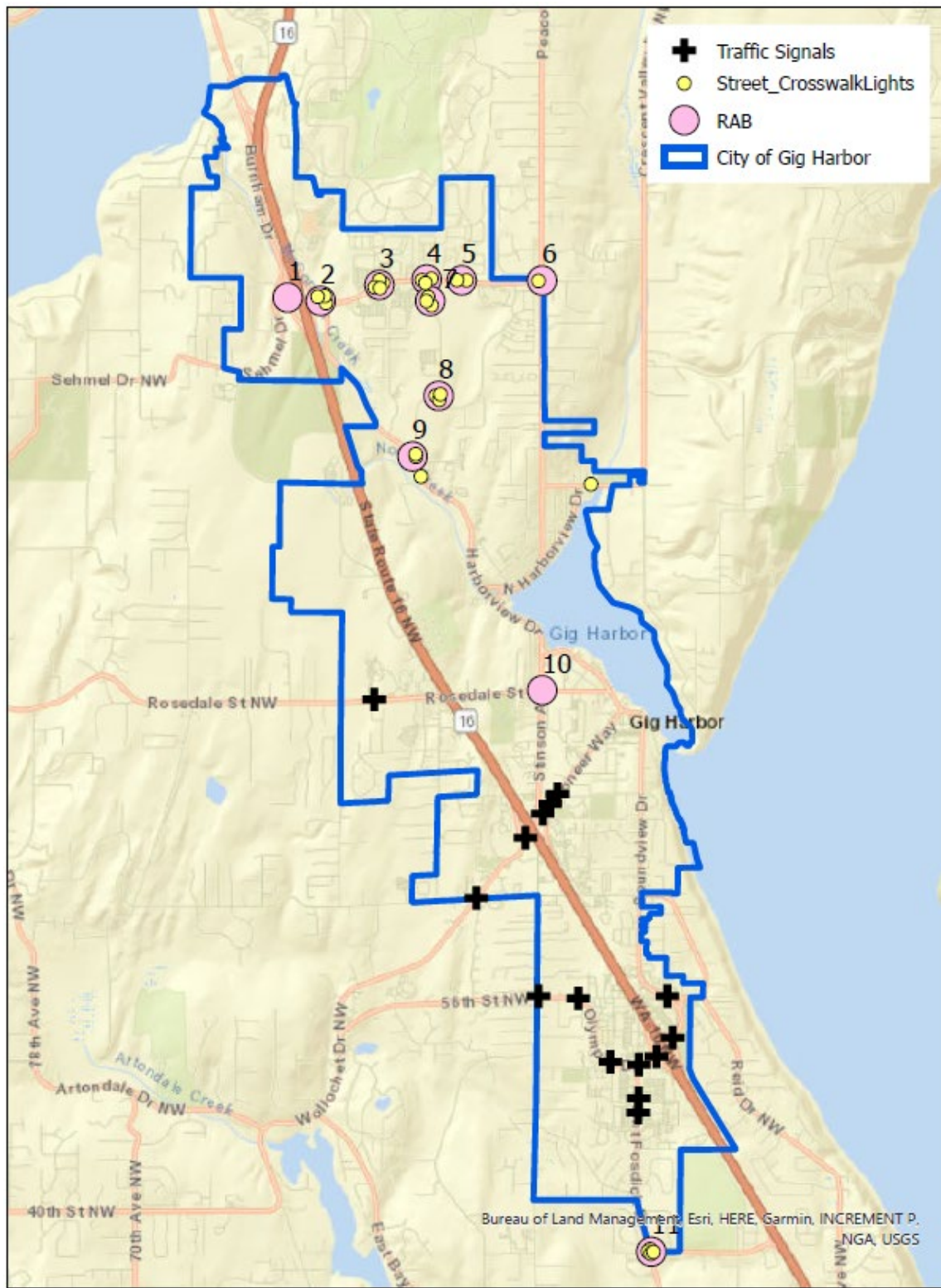
**Figure 4. Blended Transition Candidate Locations**



The presence of a pedestrian crossing suggests pedestrian activity in the area. Such crossings require blended transitions with detectable warning surfaces (DWS) to inform persons with visual disabilities that they are entering a roadway ([2011 PROWAG](#), Section R207). The DWS component of blended transitions may also be needed at roundabout splitter islands. Of the city’s eleven (11) existing roundabouts, five (5) lack detectable warning surfaces at splitter islands. See **Table 3** and **Figure 5**.

**Table 3. City of Gig Harbor Roundabout Locations and DWS Status**

| RAB_ID | RAB Location                                         | DWS Status at Center Islands       |
|--------|------------------------------------------------------|------------------------------------|
| 1      | Burnham Dr / WA-16 SB ramps                          | N/A (no center islands)            |
| 2      | Borgen Blvd / Canterwood Blvd / WA-16 NB ramps       | Missing DWS on E and NE approaches |
| 3      | Borgen Blvd / 51 <sup>st</sup> Ave NW                | Missing DWS                        |
| 4      | Borgen Blvd / Borgen Loop / Harbor Hill Dr           | DWS exists                         |
| 5      | Borgen Blvd / Olympus Way                            | Missing DWS                        |
| 6      | Borgen Blvd / Peacock Hill Dr / 112 <sup>th</sup> St | Missing DWS on N approach          |
| 7      | 51 <sup>st</sup> Ave / Harbor Hill Dr                | DWS exists                         |
| 8      | Harbor Hill Dr / Sentinel Dr                         | DWS exists                         |
| 9      | Burnham Dr / Harbor Hill Dr                          | DWS exists                         |
| 10     | Rosedale St NW / Stinson Ave                         | N/A (no center islands)            |
| 11     | 36 <sup>th</sup> St / Point Fosdick Rd               | Missing DWS                        |

**Figure 5. City of Gig Harbor Crosswalk Lights, Roundabout and Signalized Intersections Map**

### C.1.2 Accessible Pedestrian Signal (APS) Features

The City's curb ramp inventory included fields for Accessible Pedestrian Signal (APS) related components with limited data recorded. Attribute fields include audible components, pedestrian pushbuttons, pedestrian signal head, and presence of Rectangular Rapid Flashing Beacons (RRFB).

A fully ADA-compliant APS system at a pedestrian crossing includes audio, visual, and vibro-tactile components, as well as pole placement. While presence of a pedestrian pushbutton enhances accessibility, pushbuttons alone do not meet current ADA requirements.

The "Street\_Crosswalk Lights" GIS inventory includes information on pedestrian pushbutton locations but not all APS component features. Most of the roundabouts in the City include pedestrian pushbuttons at RRFBs. There are no inventoried crosswalk lights (pedestrian pushbuttons) for signalized intersections in the City. Some roundabouts and signalized intersections do not include pedestrian facilities on one or all approaches and therefore do not require APS features on those approaches.

For a map of the City's roundabouts, signalized intersections and existing pedestrian pushbutton ("Streets\_Crosswalk Lights") inventory, see **Figure 5**. For associated spreadsheet data, see **Appendix B1**.

The City's APS Policy guides the installation of new APS features. For more information, see **Section B.5 and Appendix E**.

### C.1.3 Recent Compliance Activities

The City has completed the following actions to increase accessibility within the City's PROW:

#### *C.1.3.1 Curb Ramps*

- Inventoried and assessed ADA compliance of over 70% of curb ramps based on WSDOT Curb Ramp Evaluation form (2010 ADA Standards).
- Created a GIS database of its existing curb ramp assets.
- Upgraded or installed new ramps as part of recent City improvement projects or as a result of new residential developments at the following locations:
  - Roundabouts along Harbor Hill Dr
  - Burnham Dr between 50<sup>th</sup> Ave NW and 96<sup>th</sup> St
  - Olympic Dr intersections at 50<sup>th</sup> St Ct, Key Bank driveway, and Point Fosdick Rd
  - Neighborhoods
    - North of 112<sup>th</sup> St (65<sup>th</sup> and 66<sup>th</sup> Avenues/115<sup>th</sup> St Ct/116<sup>th</sup> St Ct)
    - Between Sentinel Dr and Peacock Hill Ave NE south of Borgen Blvd
    - Along McCormick Creek Dr and Driftwood Ave
    - West of Burnham Dr and north of 96<sup>th</sup> St
    - West of 46<sup>th</sup> Ave and north of Hunt St NW
    - North and south of 72<sup>nd</sup> St
  - Stinson Corridor (Grandview St to Rosedale St)

### C.1.3.2 APS Features

- Began inventory of APS-related features (RRFBs at roundabouts and select pedestrian crossings).

## C.2 Barrier Prioritization & Removal Recommendations

An ADA Transition Plan is required to provide a detailed outline of the methods to be used to remove barriers to accessibility. It is the City's responsibility to determine how to make reasonable progress toward the removal of accessibility barriers. Agencies may determine their own prioritization methodology to comply with the ADA:

- **ADA Requirement:** [Section 28 CFR 35.150 \(d\)\(2\)](#) identifies locations of priority for curb ramps: *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 Act, including State and local government offices and facilities, transportation, places of public accommodation, and employers, followed by walkways serving other areas.*
- **ADA Requirement:** Agencies should respond to grievances or complaints regarding ADA barriers in accordance with their ADA Grievance Procedure.
- **ADA Requirement:** [2013 DOJ Technical Memo Regarding Installation of Curb Ramps](#) and [Supplement](#) provide additional details related to provision of curb ramps during resurfacing, alteration and maintenance projects. See **Appendix A**.
- **Guidance:** [NCHRP No 20-7 \(232\) ADA Transition Plans: A Guide to Best Management Practices](#) recommends consideration of curb ramp barrier location, degree of utilization and degree of non-compliance.

This ADA Transition Plan utilizes both generic and barrier-specific prioritization criteria. The first section describes the generic prioritization criteria applicable to all barrier types. The subsequent sections focus on prioritization criteria unique to individual barrier types with a recommended schedule for removal of barriers.

### C.2.1 Generic Prioritization Criteria

It is recommended the City consider this generic schema as the guiding prioritization policy for all barrier types:

#### C.2.1.1 Higher Priority

- Barriers to accessibility identified in filed grievances/complaints (see Note below).
- Barriers to accessibility identified through public engagement efforts.
- Barriers to accessibility correlated to planned capital improvement project improvements or department upgrades.

#### *C.2.1.2 Lower Priority*

- Barriers for services not frequently used by the public.
- Barriers to accessibility in buildings or facilities slated for demolition or pending renovation.
- Barriers to accessibility where alternative locations or communication formats make programs, services, or activities accessible (i.e. situations wherein accommodations can be made to provide alternative equal access).

Note: It is assumed that formally filed grievances/complaints about barriers to accessibility be considered high priority for a response and resolution in accordance with the City's adopted ADA Grievance Procedure and any other established relevant policies.

ADA Transition Plan best practices recommend that Plans be guided by the principle that the barriers identified or experienced by people within the ADA community are of higher priority for removal than other barriers. Public outreach efforts were therefore a critical component of the prioritization process. The criteria also take into consideration concurrent City projects and planning efforts to maximize the efficiency of accessibility barrier removal.

#### **C.2.2 Curb Ramps**

In addition to the **generic prioritization schema** described previously in this document, it is recommended the City utilize the following location-based prioritization methodology to group the City's ADA curb ramp barriers into three priority tiers:

- **Priority 1** - Proximity to Transportation Improvement Program (TIP) Projects
- **Priority 2** - Proximity to Pedestrian Trail Routes and Transit Corridors
- **Priority 3** - Proximity to Centers of Local Importance (COLIs)

It is also recommended the City consider the **severity of non-compliance** when selecting locations for barrier removal. The curb ramp inventory "Compliant" attribute distinguishes between newer and older non-compliant ramps as well as locations where ramps are missing or in need of blended transitions/ detectable warning surface (DWS). Newer ramps may have minor technical non-compliance issues but are otherwise functional. Older ramps with more non-compliant features (steep slopes, narrow path of travel, no detectable warning surface, no landing, etc.) likely present a greater barrier than newer ramps while still providing some functionality as compared to a location that is missing a ramp. This "Compliant" attribute serves as a measure of non-compliance severity and is included in the summary tables and maps for each priority group below. For detailed GIS Curb Ramp Barrier Prioritization Model Documentation and GIS Curb Ramp Barrier Priority Group Spreadsheets, see **Appendix B2**.

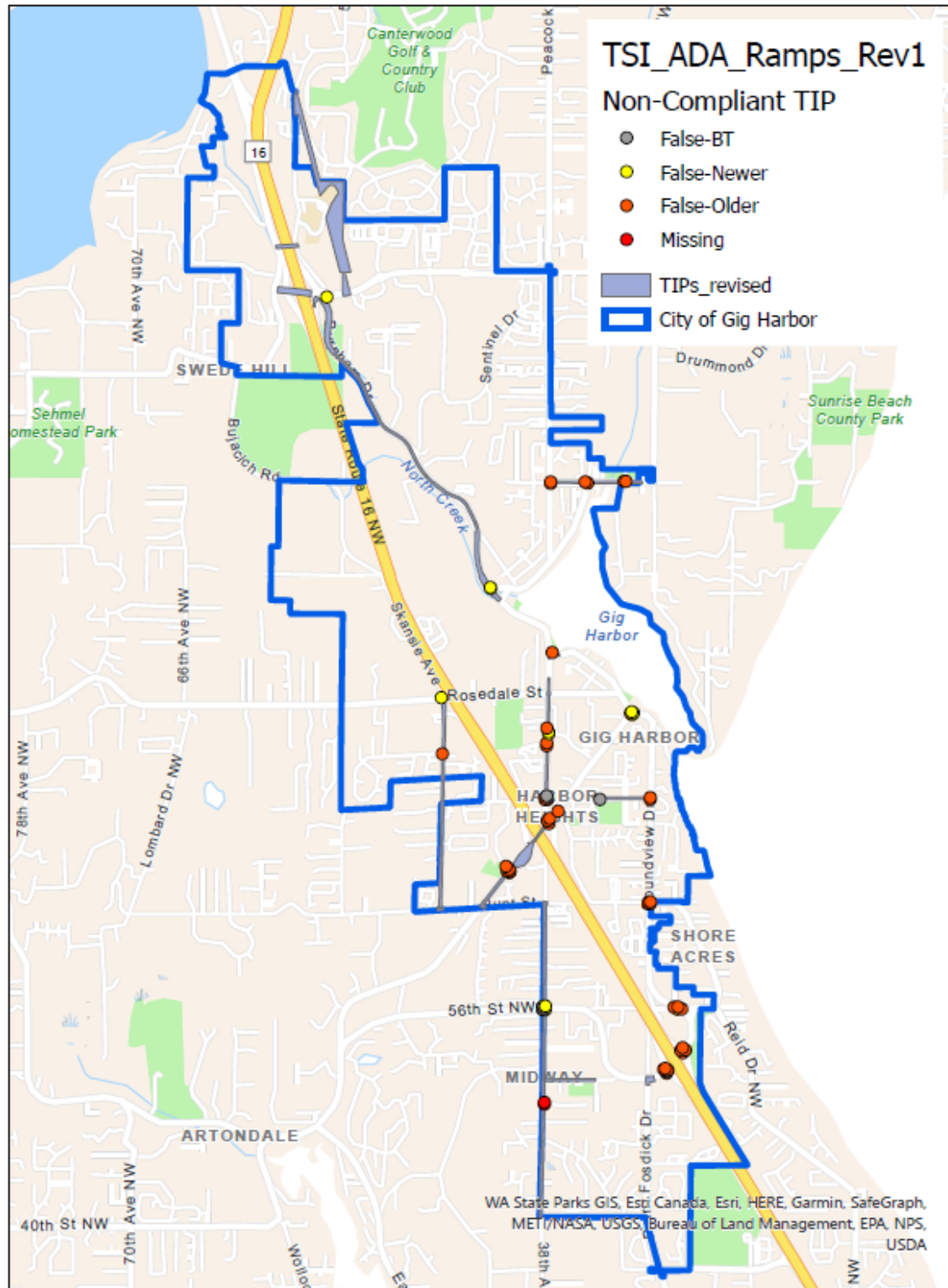
##### *C.2.2.1 Priority Level 1 - Proximity to Planned Transportation Improvement Program (TIP) Projects*

The City's six-year TIP project locations have been mapped using GIS. These **TIP** polygons represent a likely buffer around the project area to capture curb ramp barriers that may be

upgraded as part of the projects. It is estimated that approximately 65 curb ramp barriers could be addressed by these improvement projects. See **Table 4** and **Figure 6**. Note: **TIPs\_revised** in the map legend refers to the updated TIP feature class provided by City Staff; name has been retained in ArcGIS Pro map project files.

**Table 4. Priority 1 Curb Barriers Within TIP Project Areas**

| <b>"Compliant"<br/>Status</b>                                             | <b>"Compliant" Field Definition</b>                                                                      | <b># of<br/>Locations<br/>within TIP<br/>Project<br/>Areas</b> |
|---------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|----------------------------------------------------------------|
| False-Newer                                                               | Newer condition, not compliant to 2010 Standards (may be minor non-compliant feature)                    | 13                                                             |
| False-Older                                                               | Older condition, not Compliant to 2010 Standards (may be built to older standard; *5 duplicates removed) | 41                                                             |
| False-BT                                                                  | Blended Transition and/or DWS not present (*2 duplicates removed)                                        | 9                                                              |
| Missing                                                                   | No ramp is present but one is required                                                                   | 2                                                              |
| <b>TOTAL (*7 duplicates removed due to overlapping TIP project areas)</b> |                                                                                                          | <b>65</b>                                                      |

**Figure 6. Priority 1 Curb Ramp Barriers Within TIP Project Areas**

### *C.2.2.2 Priority Level 2 - Proximity to Pedestrian Trails and Transit Routes*

The City of Gig Harbor is a maritime tourist destination with nine designated trail routes including the 2.2 mile long Harborview Trail along the City's waterfront. Other trails connect the City's Centers of Local Interest (CoLIs) to each other (see [City of Gig Harbor Parks and Trails map](#)).

Pierce County transit routes and the Gig Harbor trolley route overlap portions of the City's trails network and provide additional connections along principal and minor arterials within City limits.

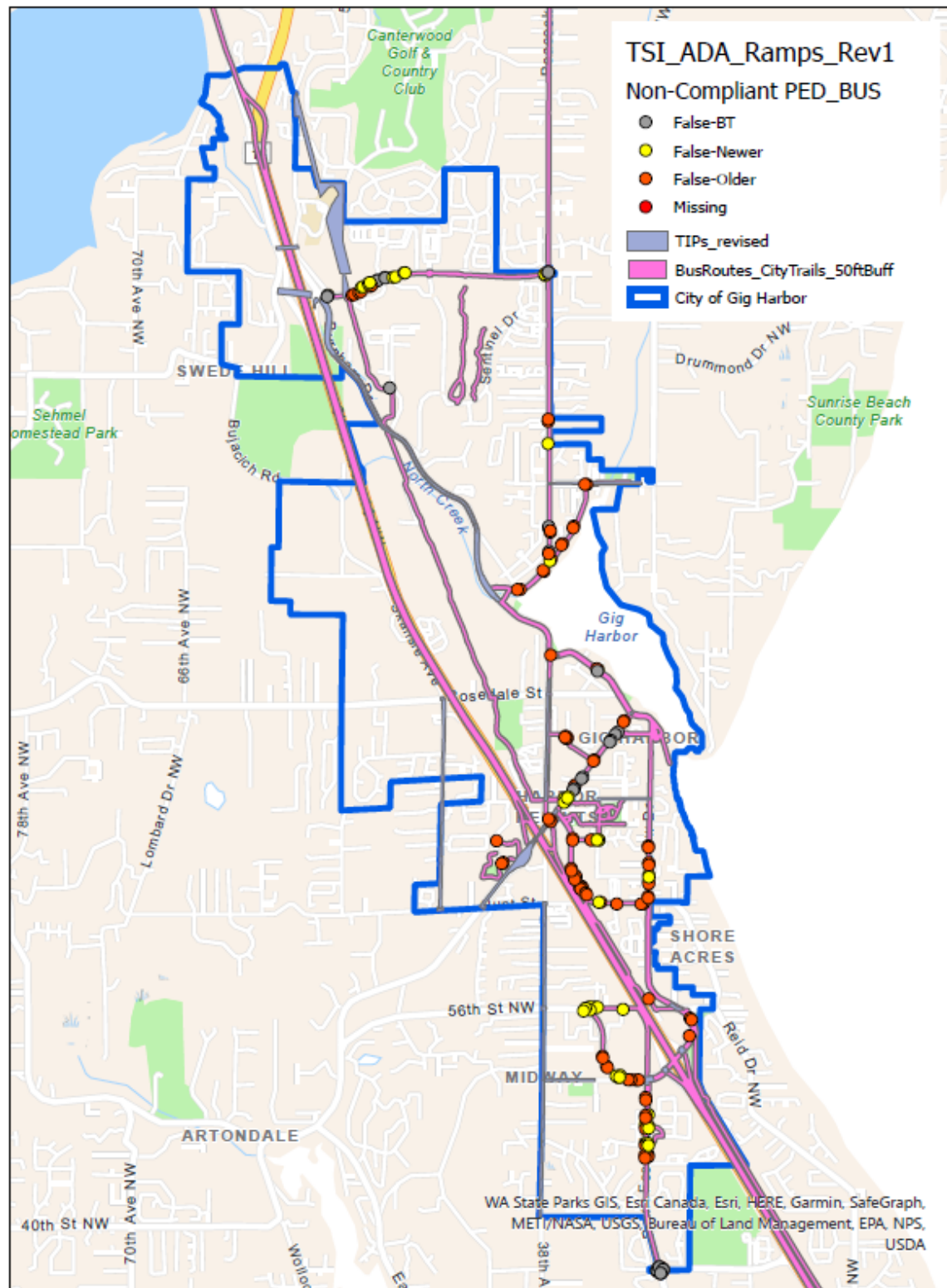
For this GIS prioritization model, the pedestrian trail routes and transit corridors data sets were merged and a fifty foot buffer to them was added to capture nearby curb ramp barrier locations. It is estimated that approximately 221 curb ramp barriers are within this "PED\_BUS" buffer area. See **Table 5** and **Figure 7**.

- 47 curb ramp barriers within the **PED\_BUS** buffer are also within **TIP** project areas.
- 174 curb ramp barriers within the **PED\_BUS** buffer are outside **TIP** project areas.

**Table 5. Priority 2 Curb Ramp Barriers within 50 Feet of Pedestrian Trail Routes and Transit Corridors**

| "Compliant" Status | "Compliant" Field Definition                                                           | # of Locations in PED_BUS Buffer | # of Locations in PED_BUS Buffer within TIP Areas | # of Locations in PED_BUS Buffer outside TIP Areas |
|--------------------|----------------------------------------------------------------------------------------|----------------------------------|---------------------------------------------------|----------------------------------------------------|
| False-Newer        | Newer condition, not compliant to 2010 Standards (may be minor non-compliant feature). | 55                               | 10                                                | 45                                                 |
| False-Older        | Older condition, not Compliant to 2010 Standards (may be built to older standard)      | 132                              | 33                                                | 99                                                 |
| False-BT           | Blended Transition and/or DWS not present.                                             | 34                               | 4                                                 | 30                                                 |
| Missing            | No ramp is present but one is required                                                 | 0                                | 0                                                 | 0                                                  |
| <b>TOTAL</b>       |                                                                                        | <b>221</b>                       | <b>47</b>                                         | <b>174</b>                                         |

**Figure 7. Priority 2 Curb Ramp Barriers within 50 Feet of Pedestrian Trail Routes and Transit Corridors**



### C.2.2.3 Priority Level 3 - Proximity to Centers of Local Importance (CoLIs)

The [City of Gig Harbor Comprehensive Plan Transportation Element](#) defines Centers of Local Importance (CoLIs) as *compact, mixed-use centers that promote pedestrian-oriented development, provide diverse services, and include a variety of high and medium density housing. The CoLIs and their associated transportation corridors tend to accommodate and attract a high level of travel by all modes and include commercial services.* CoLIs include priority destinations identified in [Section 28 CFR 35.150 \(d\)\(2\)](#) (state and local government offices and facilities, transportation, places of public accommodation, and employment centers). The City's five CoLIs are:

- Gig Harbor North
- Westside
- Downtown
- Kimball
- Finholm

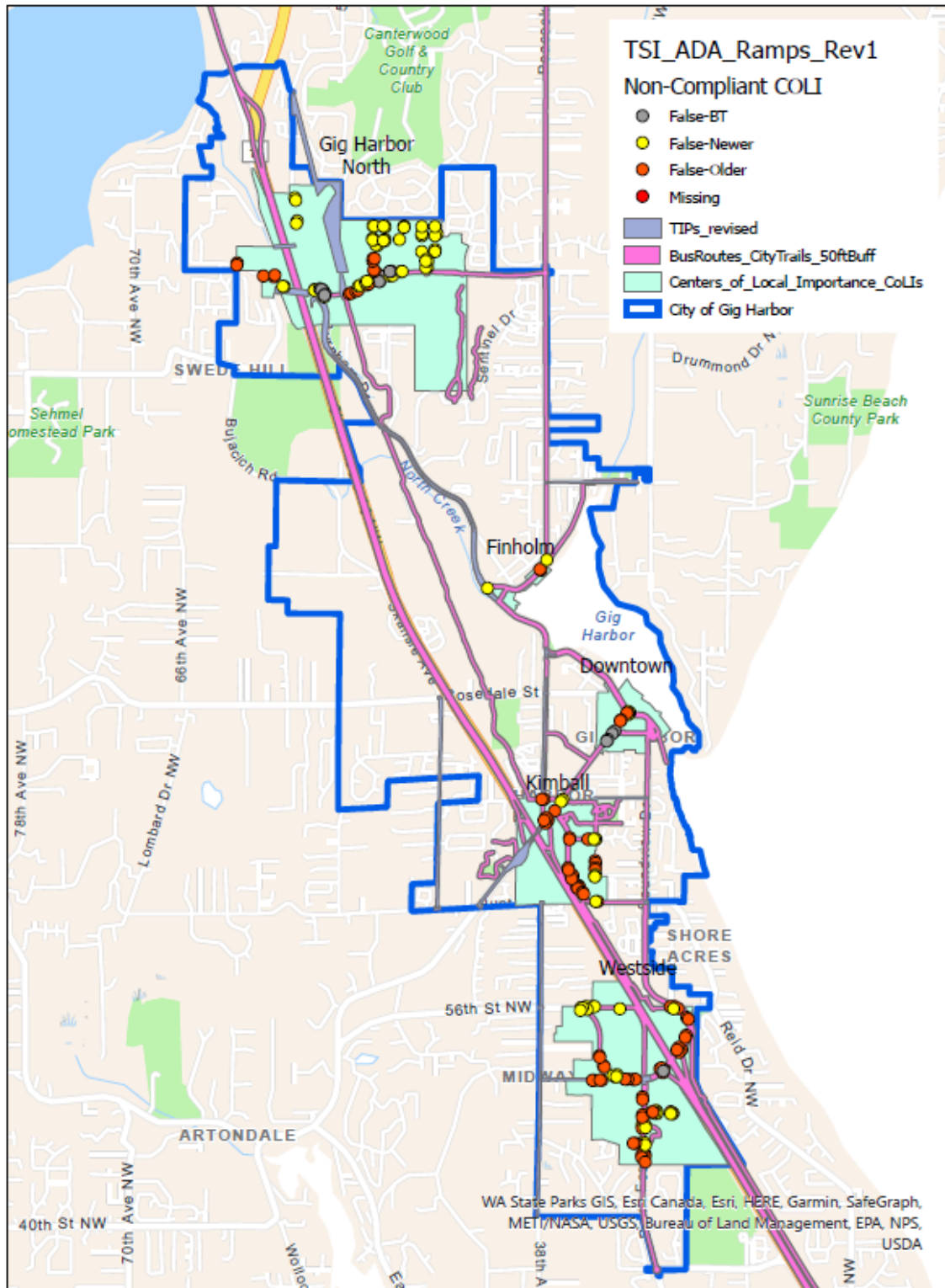
In this GIS prioritization model, curb ramp barriers located within the City's CoLI polygons are identified by the "COLI" attribute. It is estimated that approximately 207 curb ramp barriers are within **COLI** areas. See **Table 6** and **Figure 8**.

- 122 curb ramp barriers within the **COLI** polygons are also within **TIP** or **PED\_BUS** areas.
- 85 curb ramp barriers within the **COLI** polygons are outside **TIP** or **PED\_BUS** areas.

**Table 6. Priority 3 Curb Ramp Barriers within Centers of Local Importance (CoLIs)**

| "Compliant" Status | "Compliant" Field Definition                                                           | # of Locations in COLI | # of Locations in COLI within TIP or PED_BUS | # of Locations in COLI outside TIP or PED_BUS |
|--------------------|----------------------------------------------------------------------------------------|------------------------|----------------------------------------------|-----------------------------------------------|
| False-Newer        | Newer condition, not compliant to 2010 Standards (may be minor non-compliant feature). | 93                     | 41                                           | 52                                            |
| False-Older        | Older condition, not Compliant to 2010 Standards (may be built to older standard)      | 94                     | 68                                           | 26                                            |
| False-BT           | Blended Transition and/or DWS not present.                                             | 20                     | 13                                           | 7                                             |
| Missing            | No ramp is present but one is required                                                 | 0                      | 0                                            | 0                                             |
| <b>TOTAL</b>       |                                                                                        | <b>207</b>             | <b>122</b>                                   | <b>85</b>                                     |

**Figure 8. Priority 3 Curb Ramp Barriers within Centers of Local Importance (COLIs)**



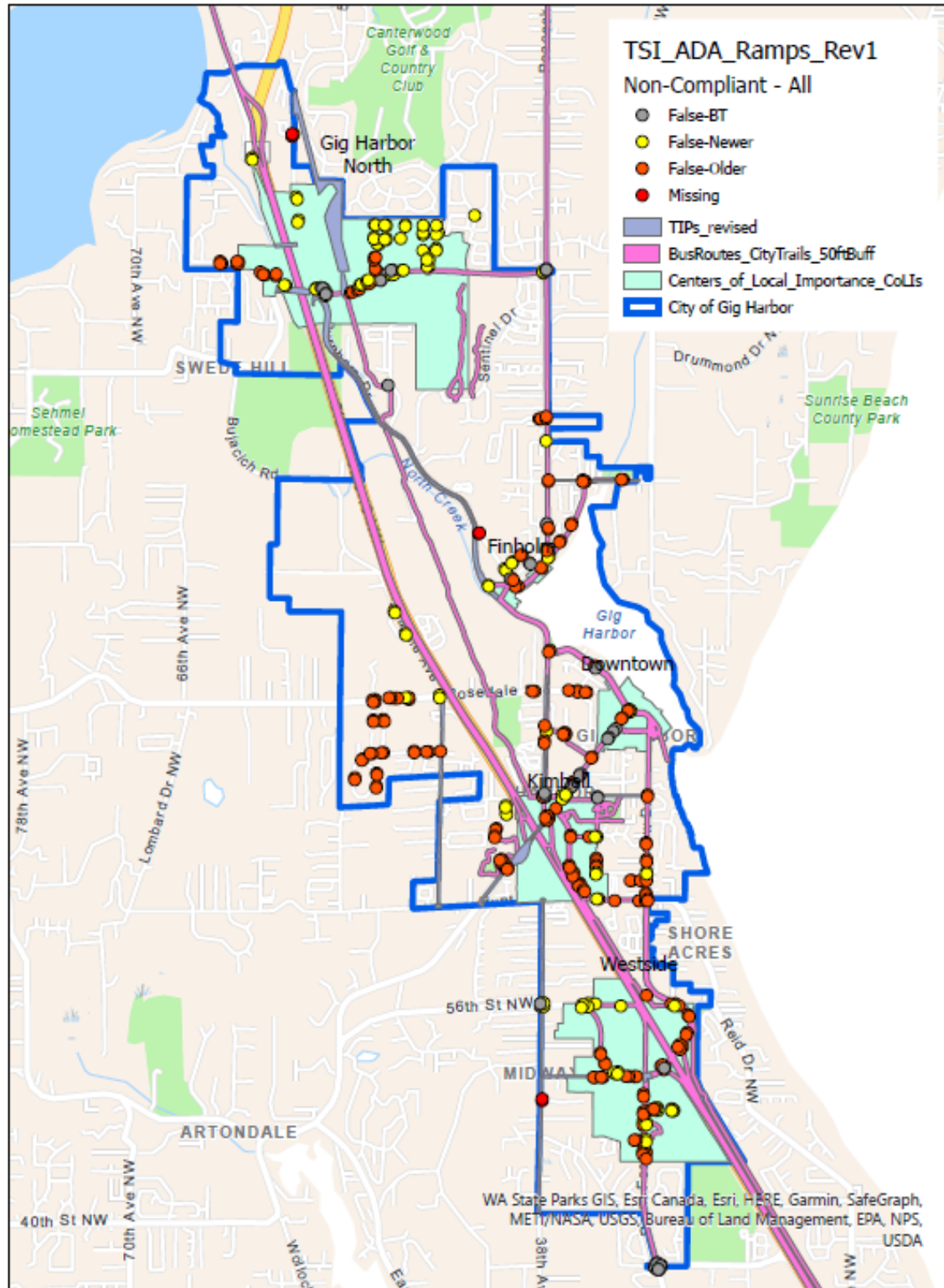
*C.2.2.4 Remaining Curb Ramp Barriers*

92 ramps are located outside the geographic boundaries of all three priority groups. These ramps are considered lower priority based on location, however four of the barriers in this remainder group are locations where ramps are missing.

**Table 7** and **Figure 9** provide a summary of all 416 curb ramp barriers by priority level including the remainder group.

**Table 7. Curb Ramp Barrier Priority Levels by Compliance Status, Count, and Percentage**

| Priority Level              | Priority Group Name | Priority Group Description                                                                                                    | ADA Compliance Status | Count | %    |
|-----------------------------|---------------------|-------------------------------------------------------------------------------------------------------------------------------|-----------------------|-------|------|
| 1                           | TIP                 | Within 50 feet of planned TIP Project                                                                                         | False-Newer           | 13    | -    |
|                             |                     |                                                                                                                               | False-Older           | 41    | -    |
|                             |                     |                                                                                                                               | False-BT              | 9     | -    |
|                             |                     |                                                                                                                               | Missing               | 2     | -    |
| Priority Level 1 Sub-Total  |                     |                                                                                                                               |                       | 65    | 16%  |
| 2                           | PED_BUS             | Beyond planned TIP Project areas and within (≤) 50 feet of Pedestrian Trail Routes and Transit Corridors                      | False-Newer           | 45    | -    |
|                             |                     |                                                                                                                               | False-Older           | 99    | -    |
|                             |                     |                                                                                                                               | False-BT              | 30    | -    |
|                             |                     |                                                                                                                               | Missing               | 0     | -    |
| Priority Level 2 Sub-Total  |                     |                                                                                                                               |                       | 174   | 42%  |
| 3                           | COLI                | Beyond planned TIP project areas and beyond (>) 50 feet of Pedestrian Trail Routes and Transit Corridors                      | False-Newer           | 52    | -    |
|                             |                     |                                                                                                                               | False-Older           | 26    | -    |
|                             |                     |                                                                                                                               | False-BT              | 7     | -    |
|                             |                     |                                                                                                                               | Missing               | 0     | -    |
| Priority Level 3 Sub-Total  |                     |                                                                                                                               |                       | 85    | 20%  |
| 4                           | Remainder           | Beyond planned TIP project areas, beyond (>) 50 feet of Pedestrian Trail Routes and Transit Corridors, and outside COLI areas | False-Newer           | 20    | -    |
|                             |                     |                                                                                                                               | False-Older           | 65    | -    |
|                             |                     |                                                                                                                               | False-BT              | 3     | -    |
|                             |                     |                                                                                                                               | Missing               | 4     | -    |
| Group 4 Remainder Sub-Total |                     |                                                                                                                               |                       | 92    | 22%  |
| Curb Ramp Barrier Total     |                     |                                                                                                                               |                       | 416   | 100% |

**Figure 9. Curb Ramp Barriers within All Priority Level Groups**

#### *C.2.2.5 Curb Ramp Barrier Removal Recommendations*

It is recommended the City:

- Recognize these priority groupings are for planning purposes and are not intended to represent a specific implementation schedule or sequence by the City.
- Utilize the GIS Prioritization Model as a tool for selection and monitoring of curb ramp barrier removal.
- Consider barriers identified by the public through grievances when selecting high priority barriers for removal during annual budgeting activities.
- Consider establishing a policy for how to respond to public requests for curb ramp barrier removal.
- Consider grouping barriers by corridor or intersections to provide for cost effective barrier removal.
- At future updates of the plan, or annual reporting activities, identify curb ramp upgrades completed by private development frontage improvements in the PROW.
- At future updates of the plan, consider developing similar GIS prioritization models based on TIP, pedestrian route/transit corridor and CoLI overlays for other PROW barriers.
- At future updates of the plan, consider establishing a policy for how to respond to public requests for other PROW barrier removal.

#### C.2.3 APS Features

ADA upgrades of non-compliant APS features will be prioritized according to the City's Accessible Pedestrian Signal Policy adopted in this Transition Plan. The APS Policy guides the installation of new APS facilities as well as addressing replacement of existing APS facilities and public requests. See **Appendix E**.

#### C.2.4 Other Public Right-of-Way Facility Prioritization

Whereas the focus of this ADA Transition Plan is on curb ramp barriers, future ADA Transition Plan efforts may consider the following prioritization criteria for other PROW barriers. See **Table 8**.

**Table 8. Other PROW Barrier Prioritization**

| Barrier Type         | Prioritization                                                                                                 |
|----------------------|----------------------------------------------------------------------------------------------------------------|
| Sidewalks            | Grievances, Planned TIP Projects, and Public Requests                                                          |
| Pedestrian Crossings | Grievances, Planned TIP Projects, Proximity to Pedestrian Routes/ Transit Corridors/CoLIs, and Public Requests |

### C.3 Barrier Removal Costs and Schedule

#### C.3.1 Barrier Removal Cost Estimates

##### *C.3.1.1 Curb Ramps Cost Estimate*

A planning level estimated cost for replacing one (1) curb ramp is \$15,000. See **Table 9**.

**Table 9. Individual ADA-Compliant Curb Ramp Cost Estimates**

| Unit                           | Cost (\$2021)      |
|--------------------------------|--------------------|
| Survey/Map                     | \$1,600.00         |
| Design                         | \$1,900.00         |
| CM                             | \$1,500.00         |
| Construction                   | \$7,500.00         |
| Subtotal                       | \$12,500.00        |
| Contingency (15%)              | \$2,500.00         |
| <b>Cost (\$) per Curb Ramp</b> | <b>\$15,000.00</b> |

To estimate the probable program cost to remove all curb ramp and blended transition barriers, a cost estimate ranges from \$12,500 (85%) to \$17,500 (115%) per barrier has been provided.

In addition to design and construction of the curb ramp itself, additional costs may arise from addressing issues such as relocation of existing utilities, acquisition of new public right of way, and other roadway improvements such as curb bulbs and new enclosed drainage. Removal of blended transition barriers may cost less than estimated if installation of detectable warning surfaces is sufficient to remove barriers to accessibility.

Note regarding Safe Harbor: Any ramp location should be re-evaluated for Safe-Harbor and accessibility as part of the survey/design phase of a specific project/request for an upgrade. Non-compliant newer ramps may meet Safe Harbor provisions and potentially reduce the cost estimate. Non-compliant older ramps are not likely to meet Safe Harbor due to lack of a detectable warning system.

To remove and replace all 416 curb ramp and blended transition barriers, it would cost an estimated \$5.3 to \$7.2 million. See **Table 10**.

**Table 10. Curb Ramp and Blended Transition Barrier Removal Cost Estimates**

| Overall Probable Program Cost for 416 Curb Ramp and Blended Transition Barriers |                    |                    |                    |
|---------------------------------------------------------------------------------|--------------------|--------------------|--------------------|
| Cost Range                                                                      | LOW                | MED                | HIGH               |
| Cost Percentage (%) of Estimate                                                 | 85%                | 100%               | 115%               |
| Cost (\$2021) per Ramp                                                          | \$12,750           | \$15,000           | \$17,250           |
| <b>Total Curb Ramp Program</b>                                                  | <b>\$5,304,000</b> | <b>\$6,240,000</b> | <b>\$7,176,000</b> |

### *C.3.1.2 Accessible Pedestrian Signals Cost Estimate*

For informational purposes, the following cost estimates have been provided for new APS facilities in **Table 11**.

**Table 11. New Accessible Pedestrian Signals Construction Cost Estimates**

| Accessible Pedestrian Signal (APS) Type                                                 | Construction Cost Estimates (\$2021) |
|-----------------------------------------------------------------------------------------|--------------------------------------|
| Full APS (at signalized intersection)                                                   | \$35,000                             |
| Rapid Rectangular Flashing Beacon (with audible features and vibro-tactile pushbuttons) | \$15,000                             |

## C.3.2 Barrier Removal Schedule

### *C.3.2.1 Curb Ramp Barriers*

For the period 2022-2027, the City estimates approximately \$1.5 million in funding to remove curb ramp barriers. This includes an estimated \$500,000 for the year 2022 from the City's Pavement Maintenance & Repair Program. It is estimated that the City will remove all 416 curb ramp barriers within the next 25 year planning horizon, averaging \$250,000 annually. For more information, see most recent City of Gig Harbor budget. See **Table 12**.

**Table 12. Curb Ramp Barrier Removal Schedule with Estimated Funding**

| Estimated Curb Ramp Barrier Removal Schedule                                                              | Estimated Amount (\$2021) |
|-----------------------------------------------------------------------------------------------------------|---------------------------|
| <b>Total Estimated Curb Ramp Barrier Removal Costs</b>                                                    | <b>\$6,240,000</b>        |
| 2022 Pavement Maintenance & Repair Program                                                                | (\$500,000)               |
| 2022-2027 TIP Projects and<br>2023- Pavement Maintenance & Repair Program                                 | (\$1,000,000)             |
| 2028-2053 Remaining Curb Ramp Barrier Costs<br>(25-Year horizon averaging 16 ramps or \$250,000 per year) | \$4,740,000               |

## C.4 Strategy for Funding Barrier Removal

### C.4.1 Curb Ramp Barrier Removal

Funding for curb ramp barrier removal is anticipated to come from:

- General Fund
- Annual Pavement Maintenance and Repair Program
- HBZ (hospital Benefit Zone)
- Solicitation of future State and Federal grants as they are available.

## D. Future Actions to Achieve Compliance

### D.1 Future Actions Needed

The City is pursuing a phased approach to its ADA Self-Evaluation and Transition Plan. This first phase focused on self-evaluation, barrier prioritization, and initial barrier removal scheduling for curb ramp barriers in the public right-of-way.

The City owns/maintains other public right-of-way facilities as well as facilities of other types that were not part of the first phase of self-evaluation and will be evaluated for ADA barriers at a future update to the Plan. These facilities include but are not limited to:

- Public right-of-way: sidewalks, driveway interface with sidewalks, accessible parking and accessible pedestrian signals
- City buildings with publicly accessible areas
- City park facilities including building structures, restrooms, and recreational areas
- City trails

The City of Gig Harbor also provides programs, services and activities at its facilities. The City addressed the policy and procedure requirements identified in **Section B** as part of this initial phase. The City will conduct an internal self-assessment and barrier prioritization for programmatic barriers at a future update to the Plan.

Cost estimates for barrier removal for these outstanding facilities and programming will be included in a future update to the Plan.

### D.2 Annual Report of Barriers Removed

To ensure implementation of this ADA Transition Plan, it is recommended that the City incorporate an annual review/update process to track ADA self-evaluation and barrier removal progress. It is recommended that the official responsible for implementation of the ADA Transition Plan coordinate this effort in cooperation with relevant City staff from other departments who are involved with projects that remove ADA barriers.

### D.3 Five-Year ADA Transition Plan Update Schedule

This Plan is intended to be reviewed and updated at five year intervals. As the Plan is updated, an updated barrier removal schedule will be identified. With each five-year Plan update, an official public comment period is recommended to continue public engagement. The inventories and cost estimates will be re-analyzed at each five-year Plan update to determine patterns of need as it relates to the complete facility inventory and barrier removal prioritization.

## E. Public Engagement

### E.1 Public Engagement Strategy

The City's developed the following public engagement strategy to inform interested members of the public of the undertaking of this Plan and to invite participation in the process. This strategy included digital announcements, direct stakeholder engagement with existing contacts within and organizations that provide services to members of the ADA community, and opportunities for the general public to report ADA barriers and comment on the Draft Plan. For documentation of public engagement, see **Appendix F**.

#### E.1.1 Project Webpage

The project webpage content was launched in mid-October 2021. The project webpage included:

- Project description
- Schedule
- Public Involvement section:
  - Links to online surveys:
    - Map-enabled ArcGIS Survey123® version
    - Screen-reader friendly Survey Monkey® version
  - Virtual City Council meeting information
- City staff contacts and other ADA resources
- Documents section for posting the draft version for public comment
- Recent and annual accomplishments section for further tracking of ADA Transition Plan implementation progress

The ADA Transition Plan Project webpage is available at:

<https://www.cityofgigharbor.net/CivicAlerts.aspx?AID=759>

#### E.1.2 Web-Based Publications

The following web-based publications promoted the project, online surveys, and virtual City Council meeting in October with reminder posts through November 29, 2021:

- News Flash posting on City's website on October 15, 2021.
- Mayor's Facebook Live Q&A on October 22, 2021.
- Shared to Gig Harbor Positive Town Talk
- Shared on NextDoor
- Emailed to Constant Contact lists

### E.1.3 Direct Engagement with Local ADA Community Organizations

City staff contacted the following organizations via direct e-mail in October 2021, to seek out interest in the online survey and public comment opportunities. A follow-up email was sent in November 2021 to promote review/comment on the Draft Plan.

- Washington State Department of Services for the Blind <https://dsb.wa.gov/>
- Tacoma Area Coalition of Individuals with Disabilities <https://tacid.org/>
- Greater Gig Harbor Foundation – Gig Harbor Senior Center  
<https://gigharborfoundation.org/ghseniorcenter>
- Gig Harbor Pierce County Library <https://www.piercecountylibrary.org/>
- Peninsula School District <https://www.psd401.net/>
- Saint Anthony’s Hospital <https://www.chifranciscan.org/st-anthony-hospital.html>
- MultiCare Gig Harbor Medical Park <https://www.multicare.org/location/wic-gig-harbor/>
- Pierce County Aging and Disability Resources  
<https://www.piercecountywa.gov/2128/About-Aging-Disability-Resources>
- PC Coalition for Development Disabilities <https://www.pc2online.org/>
- PAVE Partnerships for Action <https://wapave.org/>
- Support Services for Developmentally Disabled <https://www.supportservicesdd.org/>
- Disabled American Veterans <http://www.davwa.org/>

In addition, the following assisted living facilities were contacted:

- Heron’s Key: [https://www.heronskey.org/penrose-harbor/?utm\\_source=google&utm\\_medium=organic&utm\\_campaign=gmb&utm\\_content=ph](https://www.heronskey.org/penrose-harbor/?utm_source=google&utm_medium=organic&utm_campaign=gmb&utm_content=ph)
- The Lodge at Mallard’s Landing: [https://www.seniorservicesofamerica.com/senior-living/wa/gig-harbor/the-lodge-at-mallards-landing/?utm\\_source=GMB&utm\\_medium=organic](https://www.seniorservicesofamerica.com/senior-living/wa/gig-harbor/the-lodge-at-mallards-landing/?utm_source=GMB&utm_medium=organic)
- Village Concepts of Gig Harbor: <https://villageconcepts.com/communities/village-concepts-of-gig-harbor-sound-vista-village/>
- ManorCare Health Services – Gig Harbor:  
<https://promedicaskillednursing.org/GigHarbor>
- Family First Adult Family Homes: <https://www.familyfirstafh.com/>
- Atria Retirement - Peninsula <https://www.atriaretirement.com/retirement-communities/peninsula/>

#### E.1.4 Online Surveys

In consultation with City staff, a 3-5 minute survey was created on two digital platforms. The map-enabled ArcGIS Survey123<sup>®</sup> survey gave respondents the option to mark barrier locations on a map. The screen-reader friendly Survey Monkey<sup>®</sup> version was built to accommodate persons with visual disabilities. Links to the online surveys were activated from October 15 through November 30, 2021.

#### E.1.5 Public Hearing Opportunities

A presentation reviewing the Draft ADA Transition Plan was presented to the City of Gig Harbor's Public Works Committee at their meeting held November 9, 2021, on the Zoom<sup>®</sup> platform from 5:30-6:30pm. The Public Works Committee was open to the public for comment.

The same presentation on the Draft Plan was presented to the City of Gig Harbor City Council at their meeting held November 22, 2021, on the Zoom<sup>®</sup> platform from 5:30-6:30pm. This meeting was promoted on the ADA Transition Plan webpage for public comment.

Presentation materials were provided in accessible formats with alternative text prior to the event. The presentation explained the reasons for and required content of an ADA Transition Plan and the City's phased approach to self-evaluation and barrier removal implementation focused first on curb ramps within the public right-of-way. An open comment opportunity followed each presentation.

#### E.2 Public Engagement Findings

The virtual platform of online surveys, and virtual city meetings provided the public with an accessible and safe participation method in the midst of the COVID-19 pandemic. The findings are helpful in guiding City staff in the selection and prioritization of barrier removal. For further documentation, see **Appendix G**.

##### E.2.1 Online Survey Responses

The online SurveyMonkey<sup>®</sup> and ArcGIS Survey123<sup>®</sup> surveys yielded a combined total of 23 responses. Nine people submitted a survey on ArcGIS Survey123. 13 people submitted a survey on the Survey Monkey platform (7 were paper surveys entered into the SurveyMonkey<sup>®</sup> platform by City staff). Some survey respondents identified barriers outside of City limits; this feedback is not included below. See **Table 13**.

**Table 13. Survey Responses by Platform**

| Survey Platform               | Number of Responses                        |
|-------------------------------|--------------------------------------------|
| ArcGIS Survey123 <sup>®</sup> | 9 (8 provided rankings)                    |
| SurveyMonkey <sup>®</sup>     | 14 (7 paper surveys entered by City staff) |
| <b>Total</b>                  | <b>23</b>                                  |

### *E.2.1.1 Narrative Survey Feedback*

Beyond the ranking questions, narrative data from the surveys include the following themes:

- **Sidewalks:** Many comments were sidewalk related regarding lack of paths and/or sidewalks, lack of ADA-compliant sidewalks, and sidewalk cracks/bumps that limit mobility. Locations identified include:
  - Lack of connection between the Harbor and Downtown districts.
  - Missing sidewalk along Gig Harbor Pierce County Library on 45<sup>th</sup> St Ct.
  - Near For the Love of Spice - elevation change is patched with asphalt.
  - Lack of ADA-compliant sidewalk up/down Pioneer Way, including downhill of Pioneer Duplex project above the intersection of Uddenberg Ln/Pioneer Way.
  - Lack of contiguous sidewalk citywide (two responses)
  - Trees planted in narrow sidewalk on North Harborview after turning from Vernhardsen near assisted living facility.
  - Rosedale St., including at Stinson roundabout.
  - Burnham Dr.
  - Harborview Dr has some uneven sidewalks with unexpected dips.
- **Ramps**
  - Problematic ramps on Library side of 45<sup>th</sup> St Ct.
  - Ramps in City Parks (steep approaches to restroom facilities, next to The Tides, Crescent Creek Park lower and upper tennis courts)
  - Galaxy Theatre brick path with narrow curb.
  - Harbor (no specific location(s) identified).
- **Accessible Parking**
  - One respondent said they rarely go downtown due to lack of parking.
  - Request for van accessible parking further away from entrance to discourage small vehicles from parking in van access area.
  - Another respondent would like to see ordinances enforced and homeowners notified if they are blocking sidewalk access with parked vehicles.
- **Pedestrian Crossings**
  - Request for Cushman Trail crossing at Hollycroft St.
  - Request for cross walk on Pt Fosdick Rd from bus stop to library.
- **Transit:** Mini Shelter for rainy days (no location provided)
- **Other**
  - Request for handrails on steep sidewalks.
  - Request for ADA-accessible playground equipment (swing, no wood bark);
  - Lack of pedestrian paths in large parking lots
- **Public Engagement Recommendations**
  - Inclusion of persons with disabilities in how the City creates accessibility.
  - Contact information for inclusive advocacy related to playgrounds.
  - See all known barriers on a map.
  - Comment regarding making barrier photo component of survey ADA accessible has been noted.

### E.2.1.2 Ranked Question Survey Feedback

The results from both survey platform cohorts were combined to identify trends for all 21 survey respondents who completed ranked questions.

For both survey cohorts, the top priority location for barrier removal was paved pedestrian routes (sidewalks, shared use paths) barriers followed by parking, unpaved pedestrian routes (trails), and beach access barriers (see **Figure 10** and **Table 14**).

**Figure 10. Combined Results for Results for Most Wanted Barrier Removal Locations by Score**

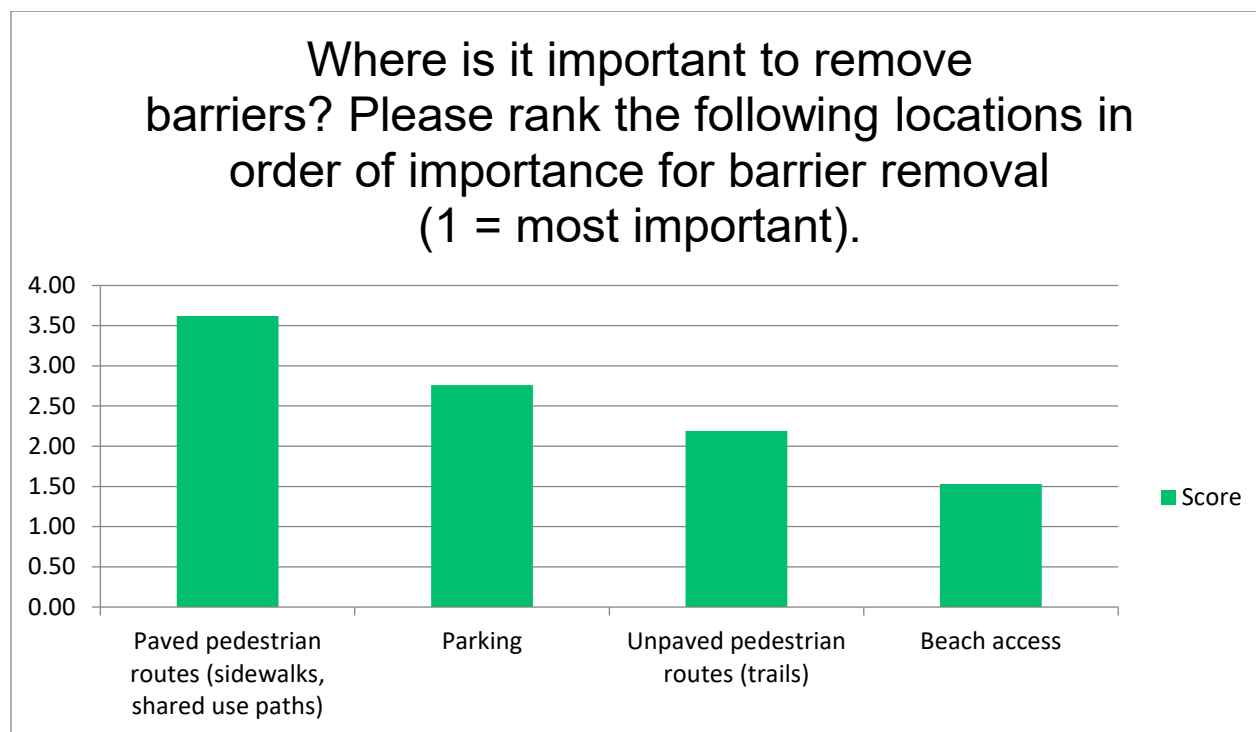


**Table 14. Combined Ranked Score for Results for Most Wanted Barrier Removal Locations**

| Answer Options                                        | Rank 1 |    | Rank 2 |   | Rank 3 |    | Rank 4 |   | # Surveys | Score |
|-------------------------------------------------------|--------|----|--------|---|--------|----|--------|---|-----------|-------|
| Paved pedestrian routes (sidewalks, shared use paths) | 71.43% | 15 | 23.81% | 5 | 0.00%  | 0  | 4.76%  | 1 | 21        | 3.62  |
| Parking                                               | 23.81% | 5  | 42.86% | 9 | 19.05% | 4  | 14.29% | 3 | 21        | 2.76  |
| Unpaved pedestrian routes (trails)                    | 5.00%  | 1  | 30.00% | 6 | 50.00% | 10 | 20.00% | 4 | 21        | 2.19  |
| Beach Access                                          | 0.00%  | 0  | 0.00%  | 1 | 41.18% | 7  | 52.94% | 9 | 17*       | 1.53  |

\*Some respondents did not rank all answer options.

For both survey cohorts, the most wanted barrier type for removal was missing curb ramps. (see **Figure 11** and **Table 15**).

**Figure 11. Combined Results for Most Wanted Barrier Types for Removal by Score**

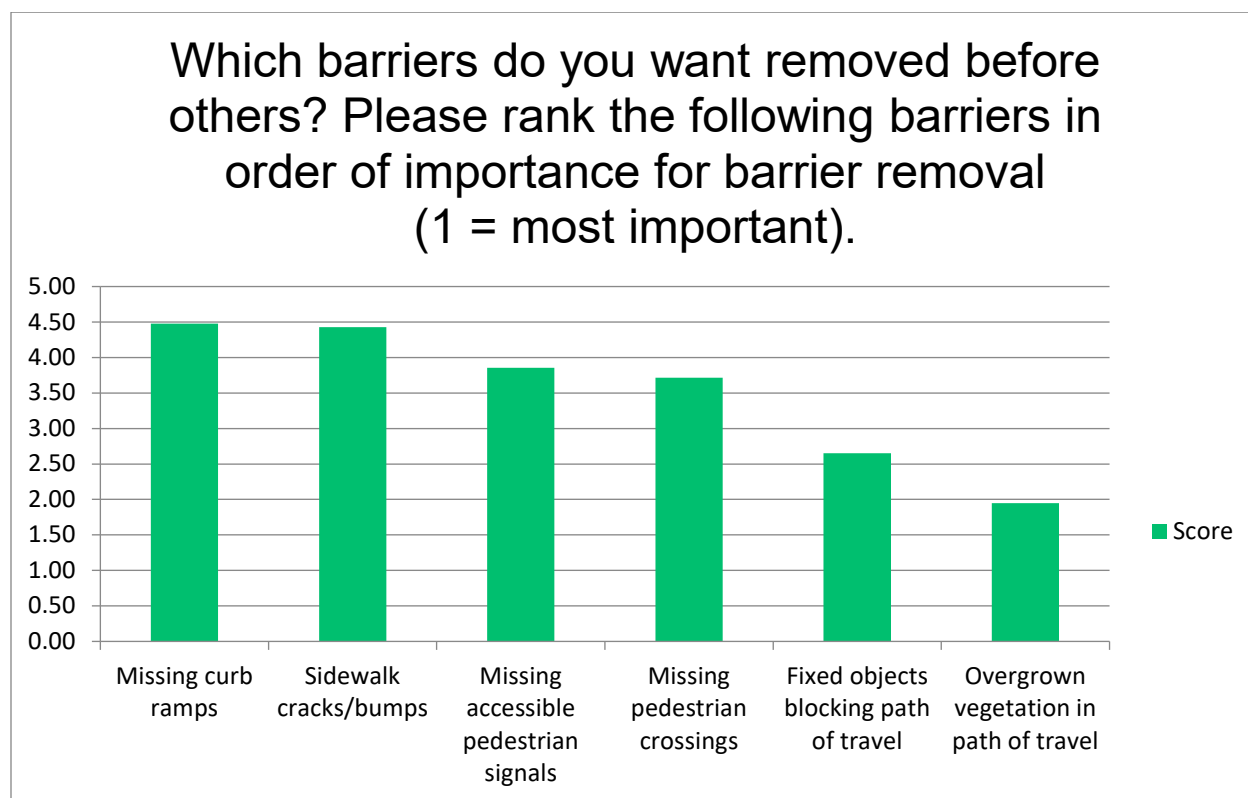


**Table 15. Combined Ranked Score for Most Wanted Barrier Types for Removal**

| Answer Options                         | Rank 1 |   | Rank 2 |   | Rank 3 |   | Rank 4 |   | Rank 5 |   | Rank 6 |    | # Surveys | Score       |
|----------------------------------------|--------|---|--------|---|--------|---|--------|---|--------|---|--------|----|-----------|-------------|
| Missing curb ramps                     | 19.05% | 4 | 33.33% | 7 | 28.57  | 6 | 14.29% | 3 | 4.76%  | 1 | 0.00%  | 0  | 21        | <b>4.48</b> |
| Sidewalk cracks/ bumps                 | 33.33% | 7 | 19.05% | 4 | 14.29% | 3 | 23.81% | 5 | 9.52%  | 2 | 0.00%  | 0  | 21        | <b>4.43</b> |
| Missing accessible pedestrian signals  | 4.76%  | 1 | 23.81% | 5 | 42.86% | 9 | 14.29% | 3 | 9.52%  | 2 | 4.76%  | 1  | 21        | <b>3.86</b> |
| Missing pedestrian crossings           | 38.10% | 8 | 0.00%  | 0 | 4.76   | 1 | 23.81% | 5 | 19.05% | 4 | 14.29% | 3  | 21        | <b>3.71</b> |
| Fixed objects in path of travel        | 0.00%  | 0 | 20.00% | 4 | 10.00% | 2 | 10.00% | 2 | 35.00% | 7 | 25.00% | 5  | 20*       | <b>2.65</b> |
| Overgrown vegetation in path of travel | 5.00%  | 1 | 5.00%  | 1 | 0.00%  | 0 | 15.00% | 3 | 20.00% | 4 | 55.00% | 11 | 17*       | <b>1.95</b> |

\*Some respondents did not rank all answer options.

### E.2.2 Public Hearing Comments

# of comments were received at the City of Gig Harbor's Public Works Committee meeting held November 9, 2021. These included:

- Comment

# of comments were received at the City of Gig Harbor's City Council Meeting held November 22, 2021. These included:

- Comment

### E.2.3 Draft ADA Transition Plan Public Comments

# public comments were received via email on the Draft ADA Transition Plan from the public comment period between November 9 and 30, 2021. These included:

- Comment

### E.3 Recommendations

It is recommended that the City:

- Utilize the City of Gig Harbor ADA Transition Plan project webpage as a tool for future public outreach efforts related to ADA Transition Plan barrier removal progress updates.
- Utilize a GIS-enabled Survey123® survey and a SurveyMonkey® screen-reader friendly survey option to function as a barrier reporting tool for the public to report accessibility barriers.

## F. Accessibility Regulations, Standards & Guidelines Resources

This ADA Transition Plan is based on the most recent federal and state ADA regulations, standards, and guidelines. The resources are divided into general and barrier specific groups with links to websites. For the WSDOT Local Agency Guidelines Chapter 29 ADA Title II Checklist of requirements for ADA transition plans, see **Appendix A**.

### F.1 General Resources

#### Federal ADA Regulations

- [ADA Title II Regulations \(28 CFR Part 35\)](#)
- [ADA Title III Regulations \(28 CFR Part 36\)](#)

#### U.S. Access Board Standards

- [U.S. Access Board DOJ ADA Accessibility Standards \(2010\)](#)

#### U.S. Department of Justice Guidelines

- [U.S. DOJ ADA Best Practices Tool Kit for State and Local Governments](#)

#### WSDOT Local Agency Guidelines

- [Local Agency Guidelines: Chapter 29 Section 504 of the Americans with Disabilities Act](#)

### F.2 Barrier-Specific Resources

#### Curb Ramps:

- [ADA Title II Technical Assistance Manual](#)
- [Public Rights-of-Way Accessibility Guidelines \(PROWAG\) \(2011\)](#)
- [WSDOT Field Guide for Accessible Pedestrian Facilities \(2012\)](#)

# **Draft City of Gig Harbor ADA Transition Plan for the Public Right-of-Way**



## **Appendix A**

### **Federal and Washington State Regulations**

**28 CFR Part 35 Documentation**

**Nondiscrimination on the Basis of Disability in State and Local  
Government Services Subpart D - Program Accessibility Sections  
35.150 - 35.151**

**Washington Local Agency Guidelines Manual Chapter 29**

**November 2021**

**Prepared by**



## 28 CFR § 35.150 - Existing facilities.

### § 35.150 Existing facilities.

**(a) General.** A [public entity](#) shall operate each service, program, or activity so that the service, program, or activity, when viewed in its entirety, is readily accessible to and usable by individuals with disabilities. This paragraph does not -

- (1) Necessarily require a [public entity](#) to make each of its existing facilities accessible to and usable by individuals with disabilities;
- (2) Require a [public entity](#) to take any action that would threaten or destroy the historic significance of an historic property; or
- (3) Require a [public entity](#) to take any action that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens. In those circumstances where personnel of the [public entity](#) believe that the proposed action would fundamentally alter the service, program, or activity or would result in undue financial and administrative burdens, a [public entity](#) has the burden of proving that compliance with [§ 35.150\(a\)](#) of this part would result in such alteration or burdens. The decision that compliance would result in such alteration or burdens must be made by the head of a [public entity](#) or his or her designee after considering all resources available for use in the funding and operation of the service, program, or activity, and must be accompanied by a written statement of the reasons for reaching that conclusion. If an action would result in such an alteration or such burdens, a [public entity](#) shall take any other action that would not result in such an alteration or such burdens but would nevertheless ensure that individuals with disabilities receive the benefits or services provided by the [public entity](#).

### **(b) Methods -**

**(1) General.** A [public entity](#) may comply with the requirements of this section through such means as redesign or acquisition of equipment, reassignment of services to accessible buildings, assignment of aides to beneficiaries, home visits, delivery of services at alternate accessible sites, alteration of existing facilities and construction of new facilities, use of accessible rolling stock or other conveyances, or any other methods that result in making its services, programs, or activities readily accessible to and usable by individuals with disabilities. A [public entity](#) is not required to make structural changes in existing facilities where other methods are effective in achieving compliance with this section. A [public entity](#), in making alterations to existing buildings, shall meet the accessibility requirements of [§ 35.151](#). In choosing among available methods for meeting the requirements of this section, a [public entity](#) shall give priority to those methods that offer services, programs, and activities to qualified individuals with disabilities in the most integrated setting appropriate.

### **(2)**

**(i) Safe harbor.** Elements that have not been altered in existing facilities on or after March 15, 2012 and that comply with the corresponding technical and scoping specifications for

those elements in either the 1991 Standards or in the Uniform Federal Accessibility Standards (UFAS), Appendix A to [41 CFR part 101-19.6](#) (July 1, 2002 ed.), [49 FR 31528](#), app. A (Aug. 7, 1984) are not required to be modified in order to comply with the requirements set forth in the 2010 Standards.

(ii) The safe harbor provided in [§ 35.150\(b\)\(2\)\(i\)](#) does not apply to those elements in existing facilities that are subject to supplemental requirements (*i.e.*, elements for which there are neither technical nor scoping specifications in the 1991 Standards). Elements in the 2010 Standards not eligible for the element-by-element safe harbor are identified as follows -

**(A) Residential facilities dwelling units**, sections 233 and 809.

**(B) Amusement rides**, sections 234 and 1002; 206.2.9; 216.12.

**(C) Recreational boating facilities**, sections 235 and 1003; 206.2.10.

**(D) Exercise machines and equipment**, sections 236 and 1004; 206.2.13.

**(E) Fishing piers and platforms**, sections 237 and 1005; 206.2.14.

**(F) Golf facilities**, sections 238 and 1006; 206.2.15.

**(G) Miniature golf facilities**, sections 239 and 1007; 206.2.16.

**(H) Play areas**, sections 240 and 1008; 206.2.17.

**(I) Saunas and steam rooms**, sections 241 and 612.

**(J) Swimming pools, wading pools, and spas**, sections 242 and 1009.

**(K) Shooting facilities with firing positions**, sections 243 and 1010.

**(L) Miscellaneous.**

**(1)** Team or player seating, section 221.2.1.4.

**(2)** Accessible route to bowling lanes, section 206.2.11.

**(3)** Accessible route in court sports facilities, section 206.2.12.

**(3) Historic preservation programs.** In meeting the requirements of [§ 35.150\(a\)](#) in [historic preservation programs](#), a [public entity](#) shall give priority to methods that provide physical access to individuals with disabilities. In cases where a physical alteration to an historic property is not required because of paragraph (a)(2) or (a)(3) of this section, alternative methods of achieving program accessibility include -

**(i)** Using audio-visual materials and devices to depict those portions of an historic property that cannot otherwise be made accessible;

**(ii)** Assigning persons to guide individuals with handicaps into or through portions of [historic properties](#) that cannot otherwise be made accessible; or

(iii) Adopting other innovative methods.

**(4) *Swimming pools, wading pools, and spas.*** The requirements set forth in sections 242 and 1009 of the 2010 Standards shall not apply until January 31, 2013, if a [public entity](#) chooses to make structural changes to existing swimming pools, wading pools, or spas built before March 15, 2012, for the sole purpose of complying with the program accessibility requirements set forth in this section.

**(c) *Time period for compliance.*** Where structural changes in facilities are undertaken to comply with the obligations established under this section, such changes shall be made within three years of January 26, 1992, but in any event as expeditiously as possible.

**(d) *Transition plan.***

**(1)** In the event that structural changes to facilities will be undertaken to achieve program accessibility, a [public entity](#) that employs 50 or more persons shall develop, within six months of January 26, 1992, a transition plan setting forth the steps necessary to complete such changes. A [public entity](#) shall 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.

**(2)** 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 [Act](#), including [State](#) and local government offices and facilities, transportation, places of public accommodation, and employers, followed by walkways serving other areas.

**(3)** The plan shall, at a minimum -

**(i)** Identify physical obstacles in the [public entity](#)'s facilities that limit the accessibility of its programs or activities to individuals with disabilities;

**(ii)** Describe in detail the methods that will be used to make the facilities accessible;

**(iii)** Specify the schedule for taking the steps necessary to achieve compliance with this section and, if the time period of the transition plan is longer than one year, identify steps that will be taken during each year of the transition period; and

**(iv)** Indicate the official responsible for implementation of the plan.

**(4)** If a [public entity](#) has already complied with the transition plan requirement of a Federal agency regulation implementing section 504 of the [Rehabilitation Act of 1973](#), then the requirements of this paragraph (d) shall apply only to those policies and practices that were not included in the previous transition plan.

(Approved by the Office of Management and Budget under control number 1190-0004)

[[56 FR 35716](#), July 26, 1991, as amended by Order No. 1694-93, [58 FR 17521](#), Apr. 5, 1993; AG Order No. 3180-2010, [75 FR 56180](#), Sept. 15, 2010; AG Order 3332-2012, [77 FR 30179](#), May 21, 2012]

## **28 CFR § 35.151 - New construction and alterations.**

### **§ 35.151 New construction and alterations.**

#### **(a) *Design and construction.***

(1) Each [facility](#) or part of a [facility](#) constructed by, on behalf of, or for the use of a [public entity](#) shall be designed and constructed in such manner that the [facility](#) or part of the [facility](#) is readily accessible to and usable by individuals with disabilities, if the construction was commenced after January 26, 1992.

#### **(2) *Exception for structural impracticability.***

(i) Full compliance with the requirements of this section is not required where a [public entity](#) can demonstrate that it is structurally impracticable to meet the requirements. Full compliance will be considered structurally impracticable only in those rare circumstances when the unique characteristics of terrain prevent the incorporation of accessibility features.

(ii) If full compliance with this section would be structurally impracticable, compliance with this section is required to the extent that it is not structurally impracticable. In that case, any portion of the [facility](#) that can be made accessible shall be made accessible to the extent that it is not structurally impracticable.

(iii) If providing accessibility in conformance with this section to individuals with certain disabilities (*e.g.*, those who use wheelchairs) would be structurally impracticable, accessibility shall nonetheless be ensured to persons with other types of disabilities, (*e.g.*, those who use crutches or who have sight, hearing, or mental impairments) in accordance with this section.

#### **(b) *Alterations.***

(1) 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.

(2) The path of travel requirements of [§ 35.151\(b\)\(4\)](#) shall apply only to alterations undertaken solely for purposes other than to meet the program accessibility requirements of [§ 35.150](#).

#### **(3)**

(i) Alterations to [historic properties](#) shall comply, to the maximum extent feasible, with the provisions applicable to [historic properties](#) in the design standards specified in [§ 35.151\(c\)](#).

(ii) If it is not feasible to provide physical access to an historic property in a manner that will not threaten or destroy the historic significance of the building or [facility](#), alternative methods of access shall be provided pursuant to the requirements of [§ 35.150](#).

**(4) Path of travel.** An alteration that affects or could affect the usability of or access to an area of a [facility](#) that contains a primary function shall be made so as to ensure that, to the maximum extent feasible, the path of travel to the altered area and the restrooms, telephones, and drinking fountains serving the altered area are readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, unless the cost and scope of such alterations is disproportionate to the cost of the overall alteration.

**(i) Primary function.** A “primary function” is a [major](#) activity for which the [facility](#) is intended. Areas that contain a primary function include, but are not limited to, the dining area of a cafeteria, the meeting rooms in a conference center, as well as offices and other work areas in which the activities of the [public entity](#) using the [facility](#) are carried out.

**(A)** Mechanical rooms, boiler rooms, supply storage rooms, employee lounges or locker rooms, janitorial closets, entrances, and corridors are not areas containing a primary function. Restrooms are not areas containing a primary function unless the provision of restrooms is a primary purpose of the area, *e.g.*, in highway rest stops.

**(B)** For the purposes of this section, alterations to windows, hardware, controls, electrical outlets, and signage shall not be deemed to be alterations that affect the usability of or access to an area containing a primary function.

**(ii)** A “path of travel” includes a continuous, unobstructed way of pedestrian passage by means of which the altered area may be approached, entered, and exited, and which connects the altered area with an exterior approach (including sidewalks, streets, and parking areas), an entrance to the [facility](#), and other parts of the [facility](#).

**(A)** An accessible path of travel may consist of walks and sidewalks, curb ramps and other interior or exterior pedestrian ramps; clear floor paths through lobbies, corridors, rooms, and other improved areas; parking access aisles; elevators and lifts; or a combination of these elements.

**(B)** For the purposes of this section, the term “path of travel” also includes the restrooms, telephones, and drinking fountains serving the altered area.

**(C) Safe harbor.** If a [public entity](#) has constructed or altered required elements of a path of travel in accordance with the specifications in either the 1991 Standards or the Uniform Federal Accessibility Standards before March 15, 2012, the [public entity](#) is not required to retrofit such elements to reflect incremental changes in the 2010 Standards solely because of an alteration to a primary function area served by that path of travel.

**(iii) Disproportionality.**

**(A)** Alterations made to provide an accessible path of travel to the altered area will be deemed disproportionate to the overall alteration when the cost exceeds 20% of the cost of the alteration to the primary function area.

**(B)** Costs that may be counted as expenditures required to provide an accessible path of travel may include:

- (1) Costs associated with providing an accessible entrance and an accessible route to the altered area, for example, the cost of widening doorways or installing ramps;
- (2) Costs associated with making restrooms accessible, such as installing grab bars, enlarging toilet stalls, insulating pipes, or installing accessible faucet controls;
- (3) Costs associated with providing accessible telephones, such as relocating the telephone to an accessible height, installing amplification devices, or installing a text telephone (TTY); and
- (4) Costs associated with relocating an inaccessible drinking fountain.

**(iv) *Duty to provide accessible features in the event of disproportionality.***

(A) When the cost of alterations necessary to make the path of travel to the altered area fully accessible is disproportionate to the cost of the overall alteration, the path of travel shall be made accessible to the extent that it can be made accessible without incurring disproportionate costs.

(B) In choosing which accessible elements to provide, priority should be given to those elements that will provide the greatest access, in the following order -

- (1) An accessible entrance;
- (2) An accessible route to the altered area;
- (3) At least one accessible restroom for each sex or a single unisex restroom;
- (4) Accessible telephones;
- (5) Accessible drinking fountains; and
- (6) When possible, additional accessible elements such as parking, storage, and alarms.

**(v) *Series of smaller alterations.***

(A) The obligation to provide an accessible path of travel may not be evaded by performing a series of small alterations to the area served by a single path of travel if those alterations could have been performed as a single undertaking.

(B)(1) If an area containing a primary function has been altered without providing an accessible path of travel to that area, and subsequent alterations of that area, or a different area on the same path of travel, are undertaken within three years of the original alteration, the total cost of alterations to the primary function areas on that path of travel during the preceding three year period shall be considered in determining whether the cost of making that path of travel accessible is disproportionate.

(2) Only alterations undertaken on or after March 15, 2011 shall be considered in determining if the cost of providing an accessible path of travel is disproportionate to the overall cost of the alterations.

**(c) Accessibility standards and compliance date.**

(1) If physical construction or alterations commence after July 26, 1992, but prior to September 15, 2010, then new construction and alterations subject to this section must comply with either UFAS or the 1991 Standards except that the elevator exemption contained at [section 4.1.3\(5\)](#) and [section 4.1.6\(1\)\(k\)](#) of the 1991 Standards shall not apply. Departures from particular requirements of either standard by the use of other methods shall be permitted when it is clearly evident that equivalent access to the [facility](#) or part of the [facility](#) is thereby provided.

(2) If physical construction or alterations commence on or after September 15, 2010 and before March 15, 2012, then new construction and alterations subject to this section may comply with one of the following: The 2010 Standards, UFAS, or the 1991 Standards except that the elevator exemption contained at [section 4.1.3\(5\)](#) and [section 4.1.6\(1\)\(k\)](#) of the 1991 Standards shall not apply. Departures from particular requirements of either standard by the use of other methods shall be permitted when it is clearly evident that equivalent access to the [facility](#) or part of the [facility](#) is thereby provided.

(3) If physical construction or alterations commence on or after March 15, 2012, then new construction and alterations subject to this section shall comply with the 2010 Standards.

(4) For the purposes of this section, ceremonial groundbreaking or razing of structures prior to site preparation do not commence physical construction or alterations.

**(5) Noncomplying new construction and alterations.**

(i) Newly constructed or altered facilities or elements covered by [§§ 35.151\(a\)](#) or (b) that were constructed or altered before March 15, 2012, and that do not comply with the 1991 Standards or with UFAS shall before March 15, 2012, be made accessible in accordance with either the 1991 Standards, UFAS, or the 2010 Standards.

(ii) Newly constructed or altered facilities or elements covered by [§§ 35.151\(a\)](#) or (b) that were constructed or altered before March 15, 2012 and that do not comply with the 1991 Standards or with UFAS shall, on or after March 15, 2012, be made accessible in accordance with the 2010 Standards.

**APPENDIX TO [§ 35.151\(C\)](#)**

| <b>Compliance dates for new construction and alterations</b> | <b>Applicable standards</b>              |
|--------------------------------------------------------------|------------------------------------------|
| Before September 15, 2010                                    | 1991 Standards or UFAS.                  |
| On or after September 15, 2010 and before March 15, 2012     | 1991 Standards, UFAS, or 2010 Standards. |
| On or after March 15, 2012                                   | 2010 Standards.                          |

**(d) *Scope of coverage.*** The 1991 Standards and the 2010 Standards apply to fixed or built-in elements of buildings, structures, site improvements, and pedestrian routes or vehicular ways located on a site. Unless specifically [stated](#) otherwise, the advisory notes, appendix notes, and figures contained in the 1991 Standards and the 2010 Standards explain or illustrate the requirements of the rule; they do not establish enforceable requirements.

**(e) *Social service center establishments.*** Group homes, halfway houses, shelters, or similar social service center establishments that provide either temporary sleeping accommodations or residential dwelling units that are subject to this section shall comply with the provisions of the 2010 Standards applicable to residential facilities, including, but not limited to, the provisions in sections 233 and 809.

**(1)** In sleeping rooms with more than 25 beds covered by this section, a minimum of 5% of the beds shall have clear floor space complying with [section 806.2.3](#) of the 2010 Standards.

**(2)** Facilities with more than 50 beds covered by this section that provide common use bathing facilities shall provide at least one roll-in shower with a seat that complies with the relevant provisions of section 608 of the 2010 Standards. Transfer-type showers are not permitted in lieu of a roll-in shower with a seat, and the exceptions in [sections 608.3](#) and 608.4 for residential dwelling units are not permitted. When separate shower facilities are provided for men and for women, at least one roll-in shower shall be provided for each group.

**(f) *Housing at a place of education.*** [Housing at a place of education](#) that is subject to this section shall comply with the provisions of the 2010 Standards applicable to transient lodging, including, but not limited to, the requirements for transient lodging guest rooms in sections 224 and 806 subject to the following exceptions. For the purposes of the application of this section, the term “sleeping room” is intended to be used interchangeably with the term “guest room” as it is used in the transient lodging standards.

**(1)** Kitchens within housing units containing accessible sleeping rooms with mobility features (including suites and clustered sleeping rooms) or on floors containing accessible sleeping rooms with mobility features shall provide turning spaces that comply with [section 809.2.2](#) of the 2010 Standards and kitchen work surfaces that comply with [section 804.3](#) of the 2010 Standards.

**(2)** Multi-bedroom housing units containing accessible sleeping rooms with mobility features shall have an accessible route throughout the unit in accordance with [section 809.2](#) of the 2010 Standards.

**(3)** Apartments or townhouse facilities that are provided by or on behalf of a place of education, which are leased on a year-round basis exclusively to graduate students or faculty, and do not contain any public use or common use areas available for educational programming, are not subject to the transient lodging standards and shall comply with the requirements for residential facilities in sections 233 and 809 of the 2010 Standards.

**(g) Assembly areas.** Assembly areas subject to this section shall comply with the provisions of the 2010 Standards applicable to assembly areas, including, but not limited to, sections 221 and 802. In addition, assembly areas shall ensure that -

(1) In stadiums, arenas, and grandstands, [wheelchair](#) spaces and companion seats are dispersed to all levels that include seating served by an accessible route;

(2) Assembly areas that are required to horizontally disperse [wheelchair](#) spaces and companion seats by [section 221.2.3.1](#) of the 2010 Standards and have seating encircling, in whole or in part, a field of play or performance area shall disperse [wheelchair](#) spaces and companion seats around that field of play or performance area;

(3) [Wheelchair](#) spaces and companion seats are not located on (or obstructed by) temporary platforms or other movable structures, except that when an entire seating section is placed on temporary platforms or other movable structures in an area where fixed seating is not provided, in order to increase seating for an event, [wheelchair](#) spaces and companion seats may be placed in that section. When [wheelchair](#) spaces and companion seats are not required to accommodate persons eligible for those spaces and seats, individual, removable seats may be placed in those spaces and seats;

(4) Stadium-style movie theaters shall locate [wheelchair](#) spaces and companion seats on a riser or cross-aisle in the stadium section that satisfies at least one of the following criteria -

(i) It is located within the rear 60% of the seats provided in an auditorium; or

(ii) It is located within the area of an auditorium in which the vertical viewing angles (as measured to the top of the screen) are from the 40th to the 100th percentile of vertical viewing angles for all seats as ranked from the seats in the first row (1st percentile) to seats in the back row (100th percentile).

**(h) Medical care facilities.** Medical care facilities that are subject to this section shall comply with the provisions of the 2010 Standards applicable to medical care facilities, including, but not limited to, sections 223 and 805. In addition, medical care facilities that do not specialize in the treatment of conditions that affect mobility shall disperse the accessible patient bedrooms required by [section 223.2.1](#) of the 2010 Standards in a manner that is proportionate by type of medical specialty.

**(i) Curb ramps.**

(1) Newly constructed or altered streets, roads, and highways must contain curb ramps or other sloped areas at any intersection having curbs or other barriers to entry from a street level pedestrian walkway.

(2) Newly constructed or altered street level pedestrian walkways must contain curb ramps or other sloped areas at intersections to streets, roads, or highways.

**(j) Facilities with residential dwelling units for sale to individual owners.**

(1) Residential dwelling units designed and constructed or altered by public entities that will be offered for sale to individuals shall comply with the requirements for residential facilities in the 2010 Standards, including sections 233 and 809.

(2) The requirements of paragraph (1) also apply to housing programs that are operated by public entities where design and construction of particular residential dwelling units take place only after a specific buyer has been identified. In such programs, the covered entity must provide the units that comply with the requirements for accessible features to those pre-identified buyers with disabilities who have requested such a unit.

**(k) *Detention and correctional facilities.***

(1) New construction of jails, prisons, and other detention and correctional facilities shall comply with the 2010 Standards except that public entities shall provide accessible mobility features complying with [section 807.2](#) of the 2010 Standards for a minimum of 3%, but no fewer than one, of the total number of cells in a [facility](#). Cells with mobility features shall be provided in each classification level.

(2) ***Alterations to detention and correctional facilities.*** Alterations to jails, prisons, and other detention and correctional facilities shall comply with the 2010 Standards except that public entities shall provide accessible mobility features complying with [section 807.2](#) of the 2010 Standards for a minimum of 3%, but no fewer than one, of the total number of cells being altered until at least 3%, but no fewer than one, of the total number of cells in a [facility](#) shall provide mobility features complying with [section 807.2](#). Altered cells with mobility features shall be provided in each classification level. However, when alterations are made to specific cells, detention and correctional [facility](#) operators may satisfy their obligation to provide the required number of cells with mobility features by providing the required mobility features in substitute cells (cells other than those where alterations are originally planned), provided that each substitute cell -

(i) Is located within the same prison site;

(ii) Is integrated with other cells to the maximum extent feasible;

(iii) Has, at a minimum, equal physical access as the altered cells to areas used by inmates or detainees for visitation, dining, recreation, educational programs, medical services, work programs, religious services, and participation in other programs that the [facility](#) offers to inmates or detainees; and

(iv) If it is technically infeasible to locate a substitute cell within the same prison site, a substitute cell must be provided at another prison site within the corrections system.

(3) With respect to medical and long-term care facilities in jails, prisons, and other detention and correctional facilities, public entities shall apply the 2010 Standards technical and scoping requirements for those facilities irrespective of whether those facilities are licensed.

[[56 FR 35716](#), July 26, 1991, as amended by Order No. 1694-93, [58 FR 17521](#), Apr. 5, 1993; AG Order No. 3180-2010, [75 FR 56180](#), Sept. 15, 2010; [76 FR 13285](#), Mar. 11, 2011]

### 29.1 General Discussion

This chapter summarizes the regulations and implementing requirements local agencies shall follow regarding services, programs, and activities in or that affect the public right of way.

Section 504 of the *Rehabilitation Act of 1973* (Section 504) states that no person with a disability shall be excluded from participation in, denied the benefits of, or be subjected to discrimination under any program or activity that receives Federal funding. This includes both transportation and non-transportation funding. Transportation funding includes funding from the United States Department of Transportation (USDOT) or the operating administrations under it (Federal Highway Administration, Federal Transit Administration, Federal Railroad Administration, Federal Aviation Administration, Research and Special Programs Administration, National Highway Traffic Safety Administration, or the U.S. Coast Guard).

Section 504 extends to the entire operations of a recipient or subrecipient, regardless of the specific funding source of a particular operation. Section 504 Regulations ([49 CFR Part 27.5](#)) define a recipient as any public entity that receives Federal financial assistance from the USDOT or its operating administrations either directly or through another recipient. An example of a recipient is WSDOT an example of a subrecipient is a local agency receiving USDOT funds through WSDOT, for projects/programs/activities administered by the local agency.

All public entities shall follow *the Americans with Disabilities Act of 1990* (ADA), regardless of funding sources. The ADA is mirrored after Section 504 but extends the reach of Federal accessibility laws to include those agencies that are not recipients or subrecipients of Federal funding. Title II ([28 CFR Part 35](#)) of the ADA specifically pertains to state and local governments.

The respective Federal funding agency (FHWA) and WSDOT will ensure that local agencies comply with Section 504 and the ADA. For more information about Section 504 and the ADA, please see WSDOT Equal Opportunity ADA website: [www.wsdot.wa.gov/EqualOpportunity/ADA.htm](http://www.wsdot.wa.gov/EqualOpportunity/ADA.htm)

Local agency public works staff should also refer to Chapter 42 of the Local Agency Guidelines (LAG) for technical information specific to public right-of-way facilities.

## 29.2 Assurances

Each local agency that receives Federal funding from the USDOT or its operating administrations (such as FHWA) shall submit a written assurance that all of its services, programs, and activities will be conducted in compliance with Section 504 and the ADA. The assurance shall be signed by the Agency Executive, and submitted to each agency (such as WSDOT) administering funds for the USDOT or an operating administration.

Federal aid projects administered through WSDOT require a Local Agency Agreement between the local agency and WSDOT. That agreement may serve as the local agency's assurance of compliance with Section 504 and the ADA as long as it is signed by the Agency Executive and states the following:

*In accordance with Section 504 and the ADA, the Agency shall not discriminate on the basis of disability in any of its programs, services, or activities.*

## 29.3 Administrative Requirements

The following list and [Appendix 29.11](#) summarize some of the key requirements of Section 504 and the ADA. Note that when a requirement cites a number of employees, that number is the number of paid permanent, temporary, and contract employees regardless of whether the employees are full or part time.

- Each agency, regardless of the number of employees and funding sources, shall ensure that its services, programs, and activities are accessible to persons with disabilities. Some things this includes are:
  - Transportation and community evacuation elements of emergency management programs/plans
  - Communications. Communications with persons with disabilities shall be as effective as communications with other persons. This applies to all forms of communications, including information posted on an agency's website (ref. Section 508 of the Rehabilitation Act and the ADA), emergency services communications, pedestrian signal systems, etc.
  - Maintenance of programs and facilities. This includes maintaining accessibility of pedestrian facilities that may be impacted by overgrown vegetation, snow/ice, severe heaving/cracking of surfaces, construction work zones, etc. Pedestrian signals/pushbuttons must also be accessible and maintained in working order.
  - New construction and altered facilities.
- Each agency regardless of the number of employees shall designate at least one person as its ADA/504 Coordinator. The individual designated as the ADA/504 Coordinator is responsible for coordinating ADA/Section 504 compliance throughout the agency. The agency shall provide the name, office address, and telephone number of the ADA/504 Coordinator both internally and externally. This information is required to be posted in areas likely to be viewed by employees and the general public (such as the agency's Web page, etc.).
- Each agency regardless of the number of employees shall adopt and publish grievance/complaint procedures. These procedures shall be posted internally and externally and be made available in alternative formats that address the needs of persons with mobility, visual, and hearing disabilities. This information is required to be posted in areas likely to be viewed by employees and the general public (such as the agency's Web page).

- Each agency, regardless of the number of employees, shall provide public notice of its ADA provisions. This notice shall contain a brief description about how the agency will address ADA accessibility in its employment, communications, policies, and resolution of complaints. This notice shall be placed in locations and/or facilities that are accessible internally and externally and be available in alternative formats that address the needs of persons with mobility, visual, and hearing disabilities. Information placed on the agency's Web page counts as posting externally.
- Each agency, regardless of the number of employees, shall conduct a self-evaluation of its policies, programs, services, and activities to determine whether Section 504/ADA accessibility requirements are being met. This includes all public right-of-way facilities. See [Appendix 29.11](#). Each agency shall provide an opportunity for interested parties (i.e., persons with disabilities/advocacy groups) to participate in the process.
- Each agency with 50 or more employees shall develop a transition plan (See Section 29.4) when structural modifications, identified through a self-evaluation process, are necessary to achieve program accessibility under the ADA. While Section 504 regulations contain similar requirements, there is no employee threshold and the regulation is not as descriptive as the ADA regulations. Therefore, each agency with fewer than 50 employees that is a recipient or subrecipient of Federal financial assistance shall develop a program access plan. See [Section 29.4](#) for the requirements of these plans.

An agency's self-evaluation and transition plan must cover all of the agency's programs (including facilities), services, and activities. The information contained in this chapter is intended to provide local agency transportation departments (i.e., public works) with guidance/expectations for addressing ADA accessibility requirements associated with public right-of-way facilities.

## 29.4 Transition Plan, Program Access Plan, and Accessible Pedestrian Signal and Pushbutton Policy

Each agency shall provide an opportunity for interested parties (i.e., persons with disabilities/advocacy groups) to participate in the process to develop a transition plan or program access plan.

FHWA considers transition plans and program access plans to be living documents. The applicable plan should be used in conjunction with the planning and prioritizing of projects, and for monitoring progress on completing modifications. If the time period of the plan is longer than one year, the plan shall identify steps that will be taken during each year of the transition period. FHWA also recommends that the plan be updated annually until all planned modifications have been completed.

### Transition Plan

As stated in [Section 29.3](#) of this chapter, agencies with 50 or more employees (ADA), regardless of funding source, shall develop a transition plan when structural modifications are necessary to achieve ADA compliance. Based on the agency's self-evaluation, at a minimum the plan shall:

- Identify the physical obstacles in the public entity's facilities that limit the accessibility of its programs or activities to individuals with disabilities, including those within the public right of way.

- Describe in detail the methods that will be used to make the facilities accessible.
- Specify the schedule for each facility and/or obstacle to be retrofitted. FHWA recommends that an agency include the estimated cost of each modification as part of the schedule, to assist in the budget and/or Transportation Improvement Program (TIP) preparation.
- Identify the official responsible for implementation of the plan. This is typically the agency's Executive, or the agency's designated ADA/504 Coordinator who has the authority to act on behalf of the agency's Executive.

### **Program Access Plan**

As stated in [Section 29.3](#), agencies with fewer than 50 employees and a recipient of Federal financial assistance are required to develop a program access plan. Similar to a transition plan, agencies shall:

- Identify the physical obstacles in the public entity's facilities that limit the accessibility of its programs or activities to individuals with disabilities, including those within the public right of way.
- Describe in detail the methods/actions needed to make the facilities accessible.
- Specify a schedule (milestones) of when the agency plans to make the necessary modifications.

### **Accessible Pedestrian Signal and Pushbutton (APS) Policy**

Based on input from the U.S. Department of Justice (DOJ), it is FHWA's policy to require recipients and subrecipients (of FHWA funding) to establish a "reasonable and consistent" policy for installing accessible pedestrian signals and pushbuttons (APS) on all alteration and new construction projects, consistent with the requirements of Title II of the ADA ([28 CFR Part 35.151](#)) and Section 504 regulations ([49 CFR Part 27.7\(c\)](#)). This policy should be part of a transition plan, program access plan, or a stand-alone document if a transition plan or program access plan has not yet been completed. FHWA and WSDOT will work with local agencies to ensure that all new and altered pedestrian signal and pushbutton installations are usable by persons with visual disabilities.

## **29.5 Requirements for New Construction and Alterations in the Public Right of Way**

Title II of the ADA requires that new and altered facilities be designed and constructed to be readily accessible to and usable by persons with disabilities.

### **New Construction**

New construction projects address the construction of a new roadway, interchange, or other transportation facility where none existed before. New construction is expected to meet the highest level of ADA accessibility unless it is structurally impracticable to achieve full compliance. Full compliance will be considered structurally impracticable only when, in rare circumstances, the unique characteristics of terrain prevent full compliance.

## Alterations

The vast majority of construction projects undertaken by local agency public works/ transportation departments are classified as alterations. An alteration is a change that affects or could affect the usability of a facility or part of a facility. Alterations include reconstruction, major rehabilitation, widening, resurfacing (e.g., asphalt overlays and mill and fill), signal installation and upgrades, and projects of similar scale and effect. Alterations to existing facilities shall meet new construction standards unless it is technically infeasible to do so. If full ADA compliance cannot be achieved in an alteration, the agency shall alter the facility to provide the maximum degree of accessibility possible. The feasibility meant by this standard is physical possibility only. Neither cost nor schedule are factors in determining whether the ADA standards can be met, nor are they factors in determining the feasibility of complying with the standard.

An alteration project shall be planned, designed, and constructed so that the required accessibility improvements occur at the same time as the alteration. If a project involves resurfacing the street, connections between the sidewalk and street crossings (i.e., curb ramps) are considered to be within the scope of the alteration project. Any accessibility issues shall be addressed in conjunction with the resurfacing project, either prior to or at the same time as the resurfacing project. For the requirements for curb ramps during resurfacing projects, see USDOJ-USDOT's Joint Technical Assistance document, dated July 8, 2013 and the Supplement to this document, dated December 1, 2015; and a FHWA recorded webinar from FHWA, dated March 1, 2016.

## Safe Harbor for Alterations

Both the Section 504 and ADA requirements contain a "safe harbor" provision. However, there is a difference in the timeline associated with the Section 504 safe harbor provision and the ADA safe harbor provision.

If an agency receives Federal financial assistance from USDOT – either directly or through another USDOT recipient (such as WSDOT), the agency is subject to the 2004 ADA Accessibility Guidelines (2004 ADAAG).

This became effective in 2006 when the USDOT adopted the 2004 ADA Accessibility Guideline (2004 ADAAG) into its Section 504 regulations. This document is known as the 2004 ADA Standards. The 2004 Standards have a "safe harbor" provision for curb ramps. The provision is that if a curb ramp was constructed or altered prior to November 29, 2006, and complies with either the 1991 ADA Standards for Accessible Design (1991 ADA Accessibility Guidelines) or the Uniform Federal Accessibility Standards (UFAS), it does not need to be modified as part of a roadway resurfacing project. If this is not the case, or if the curb ramp is in disrepair then the curb ramp and its detectable warnings (truncated domes) must be brought into compliance with the 2004 Standards at the time of an alteration. As mentioned above in Section 29.1, if an agency receives Federal financial assistance from USDOT – either directly or through another DOT recipient (such as WSDOT), then the agency is subject to the 2004 ADAAG as part of the USDOT Section 504 regulations.

For those agencies who are not a recipient or subrecipient of Federal financial assistance from USDOT, the safe harbor provision in the 2010 ADA Standards for Accessible Design (2010 Standards) applies. Under the 2010 Standards' safe harbor provision, if curb ramps were built or altered (in existing facilities) prior to March 15, 2012 and if they

comply with the 1991 Standards or the UFAS, they do not need to be modified as part of a resurfacing project.

However, if an existing curb ramp does not comply with either the 1991 Standards or the UFAS (including if the curb ramp is in a state of disrepair), then the Safe Harbor provision does not apply and the curb ramp would need to be brought into compliance with the 2010 Standards at the time of roadway alteration.

When curb ramps or abutting sidewalks abutting ramps are altered, they shall be reconstructed to meet the 2010 Standards. For additional curb ramp design guidance, see LAG manual Chapter 42.

## Documentation for Structural Impracticability and Maximum Extent Feasible

While ADA/Section 504 regulations do not require documentation of the application of structural impracticability nor maximum extent feasible, both FHWA and the U.S. Access Board recommend that these instances be documented so the agency can support its decisions if challenged at a later date. The documentation of these instances should reveal the standard of care that guided engineering judgments. While careful documentation will not protect an agency against complaint, evidence of the considerations that led to the specific project solution may be persuasive in discussions with stakeholders or in court.

As described in the [Design Manual](#) M 22-01, WSDOT has a documentation procedure for applications of maximum extent feasible in alteration projects on state routes. If a local agency applies maximum extent feasible to a pedestrian facility located on a state route, it is WSDOT's expectation that the agency follow the WSDOT documentation procedure described in the [Design Manual](#) M 22-01. The completed documentation should be contained in local agency project files to document the agencies design efforts in complying with the ADA/Section 504 requirements.

If a local agency finds the need to apply maximum extent feasible to a pedestrian facility that is not located on a state route, the WSDOT documentation procedure does not need to be followed. However, it is highly recommended that the agency develop its own documentation protocol for such situations that is consistent with the FHWA and U.S. Access Board recommendations.

## 29.6 Monitoring and Enforcement

Responsibility for monitoring and enforcement of Section 504 rests with the Federal funding agency (such as FHWA). While USDOJ has the ultimate enforcement authority for ADA compliance, USDOJ has delegated monitoring and enforcement responsibility to several Federal executive agencies including the USDOT and its operating administrations (such as FHWA).

FHWA requires WSDOT to monitor and enforce the compliance with both Section 504 and the ADA of any entity receiving disbursement of either state or Federal funding through WSDOT. FHWA monitors WSDOT and local agency compliance through various means such as process and program reviews, construction inspections, PS&E reviews, and complaint investigations. If noncompliance is found, and the noncompliance is not corrected to FHWA's satisfaction, FHWA may terminate existing Federal funding or refuse to grant future funding.

## 29.7 Laws

- 29 USC 794 - Section 504 of the Rehabilitation Act of 1973 (as amended by the Civil Rights Restoration Act of 1987)
- 42 USC 12111 - Americans with Disabilities Act (Title II)

## 29.8 Regulations

- [28 CFR Part 35](#) (Title II) “Nondiscrimination on the Basis of Disability in State and Local Government Services”
- [49 CFR Part 27](#) (Section 504) “Nondiscrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance”
- [49 CFR Part 37](#) “Transportation Services for Individuals with Disabilities (ADA)”
- [49 CFR Part 38](#) “Americans with Disabilities Act (ADA) Accessibility Specifications for Transportation Vehicles”

## 29.9 Resources

- Chapters [1510](#) and [1515](#) of the [Design Manual](#) M 22-01
- Chapter 42 of this manual

## 29.10 Appendices

- [29.11](#) ADA Title II and Section 504 Regulatory References

## Appendix 29.11 ADA Title II and Section 504 Regulatory References

| ADA Title II and Rehabilitation Act Section 504 Regulatory References                                                                                                                                                                                                                                    | Requirements for agencies with less than 50 employees | Requirements for agencies with 50 or more employees       |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|-----------------------------------------------------------|
| <b>Programs, Services, and Activities:</b> Ensure that programs, services, and activities are accessible to persons with disabilities.<br>(28 CFR Part 35.150(a) and (c))                                                                                                                                | ✓                                                     | ✓                                                         |
| <b>ADA/504 Coordinator:</b> Designate at least one responsible employee (ADA/504 Coordinator) and make the name and contact information available internally and externally.<br>(28 CFR Part 35.107(a) and 49 CFR Part 27.13(a))                                                                         | ✓                                                     | ✓                                                         |
| <b>Complaint/Grievance Procedures:</b> Adopt and publish complaint/grievance procedures.<br>(28 CFR Part 35.107(b) and 49 CFR Part 27.13(b))                                                                                                                                                             | ✓                                                     | ✓                                                         |
| <b>Notice of ADA Provisions:</b> Provide a public notice of how the agency will address ADA accessibility in its employment, communications, policies, and resolution of complaints.<br>(28 CFR 35.106)                                                                                                  | ✓                                                     | ✓                                                         |
| <b>Self-evaluation<sup>2</sup>:</b> Evaluate all services, policies, and practices for barriers that restrict / limit persons with disabilities from access to services, programs, and activities.<br>(28 CFR Part 35.105(a) and 49 CFR Part 27.11(c)(2)(i) and (v))                                     | ✓                                                     | ✓                                                         |
| <b>Self-evaluation<sup>2</sup>:</b> Maintain the completed self-evaluation on file and make it available for public inspection for at least three years following its completion.<br>(28 CFR Part 35.105(c) and 49 CFR Part 27.11(c)(3)(ii):                                                             | ✓                                                     | ✓                                                         |
| <b>Transition Plan<sup>2</sup>/Program Access Plan:</b> Develop a transition plan or program access plan that outlines the structural modifications that must be made to those services, programs, and activities that are not accessible.<br>(28 CFR Part 35.150(d) and 49 CFR Part 27.11(c)(2)(ii))    | ✓<br>program access plan                              | ✓<br>transition plan<br>(post it on the agency's website) |
| <b>Accessible Pedestrian Signal and Pushbutton (APS) Policy<sup>2</sup>:</b> Develop a "reasonable and consistent" policy for installing accessible pedestrian signals and pushbuttons when a transition plan has not yet been completed.<br>(28 CFR Part 35.130 and 35.160a(1) and 49 CFR Part 27.7(c)) | ✓                                                     | ✓                                                         |

### Notes:

<sup>1</sup>Employees include paid permanent, temporary, and contract employees regardless of whether the employees are full or part time.

<sup>2</sup>Complete self-evaluations, and develop transition plans, program access plan and APS policies by engaging persons with disabilities and/or their advocates (28 CFR Parts 35.105 and 35.150 and 49 CFR Part 27.11(c)(2)).

# **Draft City of Gig Harbor ADA Transition Plan for the Public Right-of-Way**



## **Appendix B1**

### **Revised ADA Inventory Data**

**Curb Ramps**

**Roundabouts**

**Signalized Intersections**

**November 2021**

**Prepared by**



***Transportation Solutions***

INNOVATIVE | PRACTICAL | EQUITABLE

[illegible]



20/6/2017



| <b>OBJECTID *</b> | <b>RAB_ID</b> | <b>Street_No1</b>          | <b>Street_No2</b>                | <b>GlobalID *</b>                      | <b>Shape *</b> |
|-------------------|---------------|----------------------------|----------------------------------|----------------------------------------|----------------|
| 3                 | 1             | Burnham Dr                 | WA-16 SB ramps                   | {C68C24FF-E21E-485A-AFFF-C576B181FF9E} | Point          |
| 14                | 2             | Burnham Dr / Borgen Blvd   | WA-16 NB ramps / Canterwood Blvd | {4EE66759-1C91-4895-A12C-A8B4044A80F1} | Point          |
| 5                 | 3             | Borgen Blvd                | 51st Ave NW                      | {C14727CA-AB4D-41F2-A1E5-3F3E29733795} | Point          |
| 6                 | 4             | Borgen Blvd                | Borgen Loop / Harbor Hill Dr     | {35D981A5-7D2E-41D6-8CED-7B4F301FD7FF} | Point          |
| 7                 | 5             | Borgen Blvd                | Olympus Way                      | {30254814-0862-496E-8E93-3FC42B9F33B7} | Point          |
| 8                 | 6             | Borlgen Blvd / 112th St NW | Peacock Hill Ave                 | {DA6F8199-711E-4D28-ABD5-C834455A4726} | Point          |
| 9                 | 7             | 51st Ave                   | Harbor Hill Dr                   | {F10A48F5-1C3F-4A15-9F46-E08B1BB9EF10} | Point          |
| 10                | 8             | Harbor Hill Dr             | Sentinel Dr                      | {EADCFDD0-7673-4710-8F14-9580C0FFC272} | Point          |
| 11                | 9             | Burnham Dr                 | Harbor Hill Dr                   | {63F978C1-3B70-4C6F-9CC5-B1F07B9336BC} | Point          |
| 12                | 10            | Rosedale St NW             | Stinson Ave                      | {C2D46891-5ECF-4A9C-8C99-19F2F8FEFFB4} | Point          |
| 13                | 11            | 36th St                    | <Null>                           | {5AA11406-A78D-48AB-8EDE-4BB8DC1AEAB6} | Point          |

| <b>OBJECTID *</b> | <b>Signal_ID</b> | <b>Street_No1</b>          | <b>Street_No2</b>            | <b>GlobalID *</b>                      | <b>Shape *</b> |
|-------------------|------------------|----------------------------|------------------------------|----------------------------------------|----------------|
| 3                 | 1                | Rosedale St NW             | Schoolhouse Ave NW           | {44DE64FD-026C-4692-B3AC-DD278BAF9F57} | Point          |
| 4                 | 2                | Hunt St                    | Wollochet Dr                 | {A52A493B-3ABB-445C-AD95-FFB0A5AB4F3C} | Point          |
| 5                 | 3                | Wollochet Dr               | WA-16 SB ramps               | {D4D6FC34-41A1-4011-9729-DB76C6C7BF64} | Point          |
| 6                 | 4                | Wollochet Dr / Pioneer Way | Stinson Ave / WA-16 NB ramps | {1A2B8F37-0AE8-45A6-B0C4-C0601B646ED1} | Point          |
| 7                 | 5                | Pioneer Way                | Kimball Dr                   | {3DCED42A-4021-4255-947F-CB3850B2CAE6} | Point          |
| 8                 | 6                | Grandview St               | Pioneer Way                  | {6C76163A-FE49-416A-BBD9-47FC7F69A6E5} | Point          |
| 9                 | 7                | 56th St                    | 38th Ave                     | {7F020C67-3822-4B7A-8089-9AF9762436A8} | Point          |
| 10                | 8                | 56th St / Olympic Dr       | 56th St                      | {70D08D53-85A6-49D3-90B2-9E19D73031DD} | Point          |
| 11                | 9                | Hollycroft St              | Olympic Dr                   | {AABB6E6D-2E20-4FE0-BFBC-D56C499D0183} | Point          |
| 12                | 10               | 50th St Ct / 32nd Ave      | Olympic Dr                   | {7FDF9C97-09D8-498F-8613-F2869F6EDCC1} | Point          |
| 15                | 11               | Olympic Dr                 | Point Fosdick Dr             | {3DDE142D-252B-41C2-BB49-98D908EC7B33} | Point          |
| 16                | 12               | Olympic Dr                 | WA-16 SB ramps               | {60F7BCB9-AC6C-4FB9-B309-EDBD936B1E96} | Point          |
| 17                | 13               | Olympic Dr                 | WA-16 NB ramps               | {22069D0D-0552-4B52-A8BB-29C23F2DA093} | Point          |
| 18                | 14               | Bank of America driveway   | Point Fosdick Rd             | {119E82D9-62D9-49A0-BA15-B504CA40C10A} | Point          |
| 19                | 15               | 46th St Ct                 | Point Fosdick Rd             | {55C623C8-EA54-4B13-8E28-DD158341D318} | Point          |

# **Draft City of Gig Harbor ADA Transition Plan for the Public Right-of-Way**



## **Appendix B2**

### **GIS Curb Ramp Prioritization Model and Spreadsheets**

**November 2021**

**Prepared by**



10/6/2021

**GIS Steps for City of Gig Harbor Barrier Prioritization****Priority 1 TIP Ramps**

- 1) Query to isolate only Non-compliant ramps (416) in TSI\_ADA\_Ramps\_Rev1
- 2) Run Intersect Tool  
Inputs: TSI\_ADA\_Ramps\_Rev1 and TIPs\_revised  
Output: TSI\_ADA\_Ramps\_Rev1\_TIP
- 3) Add Field **TIP** (text) to TSI\_ADA\_Ramps\_Rev1  
Code curb ramp locations from intersect in TSI\_ADA\_Ramps\_Rev1 with **TIP**
- 4) Checked for **CartegraphID\_No** duplicates due to overlapping polygons

**Priority 2 Pedestrian Trail Routes and Transit Corridors (PED\_BUS) Ramps**

- 1) Merge Bus Routes and City Trails line features  
Inputs: Bus Routes and City Trails  
Output: BusRoutes\_CityTrails\_Merge
- 2) Create 50 foot buffer around BusRoutes\_CityTrails\_Merge  
Inputs: BusRoutes\_CityTrails\_Merge  
Output: BusRoutes\_CityTrails\_50ftBuff  
Distance: 50 feet  
Dissolve Type: Dissolve all output features into one feature
- 3) Run Intersect Tool  
Inputs: BusRoutes\_CityTrails\_50ftBuff and TSI\_ADA\_Ramps\_Rev1 (with Query to display only non-compliant ramp locations turned on)  
Output: BusRoutes\_CityTrails\_50ftBuff\_Ramps  
Output Type: point
- 4) Copy data points to spreadsheet
- 5) Add Field **PED\_BUS** (text) to TSI\_ADA\_Ramps\_Rev1  
Code curb ramps locations from intersect in TSI\_ADA\_Ramps\_Rev1 with **PED\_BUS**

**Priority 3 COLI Ramps**

- 1) Query to isolate only Non-compliant ramps (416) in TSI\_ADA\_Ramps\_Rev1
- 2) Run Intersect Tool  
Inputs: TSI\_ADA\_Ramps\_Rev1 and Centers\_of\_Local\_Importance\_CoLIs  
Output: COLIs\_Ramps
- 3) Add Field **COLI** (text) to TSI\_ADA\_Ramps\_Rev1  
Code curb ramp locations from intersect in TSI\_ADA\_Ramps\_Rev1 with **COLI**

**Group 4 Remainder**

- 1) Query to isolate only Non-compliant ramps (416) in TSI\_ADA\_Ramps\_Rev1) and not TIP = TIP and not PED\_BUS = PED\_BUS and not COLI = COLI

| Category | Category ID | Compliant | Shape | Address Number | Cross Width | Condition Group | Cross Slope | Detection Warning | Door | Handrail | Landing Area | Location Description | Address Number | Location City | Location Street | Notes        | Rise | Slope | Street | Type          | Width | Global ID                            | As-built Components | Crosswalk Marking | In Payment Lighting | MEF | Pedestrian Push Button | Pedestrian Signal Head | Ramp Surfaces Multiple Crossings | RWB | Type of Intersection | Last Modified Date | Entry Date      | Compliant Field | Intersecting Street | Creator User | Last Editor User | Creator Date | Last Edit Date | TP | PED | BSU | COU |   |
|----------|-------------|-----------|-------|----------------|-------------|-----------------|-------------|-------------------|------|----------|--------------|----------------------|----------------|---------------|-----------------|--------------|------|-------|--------|---------------|-------|--------------------------------------|---------------------|-------------------|---------------------|-----|------------------------|------------------------|----------------------------------|-----|----------------------|--------------------|-----------------|-----------------|---------------------|--------------|------------------|--------------|----------------|----|-----|-----|-----|---|
| 1        | 1           | Missing   | Point | 4936           | -           | ADA Ramp Sample | -           | -                 | 0    | -        | -            | 4936                 | 38th Ave NW    | 4936          | 38th Ave NW     | missing ramp | -    | -     | -      | Missing       | -     | 06F04382-1367-427E-8E3A-0308B8838A34 | -                   | -                 | -                   | -   | -                      | -                      | -                                | -   | -                    | 4/22/2020 23:28    | 3/27/2021 23:38 | -               | -                   | -            | -                | -            | -              | -  | -   | -   | -   | - |
| 2        | 2           | 3 Falses  | Point | 4936           | -           | ADA Ramp Sample | -           | -                 | 0    | -        | -            | 4936                 | 38th Ave NW    | 4936          | 38th Ave NW     | missing ramp | -    | -     | -      | Missing       | -     | 06F04382-1367-427E-8E3A-0308B8838A34 | -                   | -                 | -                   | -   | -                      | -                      | -                                | -   | -                    | 4/22/2020 23:28    | 3/27/2021 23:38 | -               | -                   | -            | -                | -            | -              | -  | -   | -   | -   | - |
| 3        | 3           | 3 Falses  | Point | 3222           | -           | ADA Ramp Sample | -           | -                 | 0    | -        | -            | 3222                 | 322nd Ave NW   | 3222          | 322nd Ave NW    | missing ramp | -    | -     | -      | Perpendicular | -     | 06F04382-1367-427E-8E3A-0308B8838A34 | -                   | -                 | -                   | -   | -                      | -                      | -                                | -   | -                    | 4/22/2020 23:28    | 3/27/2021 23:38 | -               | -                   | -            | -                | -            | -              | -  | -   | -   | -   | - |
| 4        | 4           | 3 Falses  | Point | 3212           | -           | ADA Ramp Sample | -           | -                 | 0    | -        | -            | 3212                 | 321st Ave NW   | 3212          | 321st Ave NW    | missing ramp | -    | -     | -      | Perpendicular | -     | 06F04382-1367-427E-8E3A-0308B8838A34 | -                   | -                 | -                   | -   | -                      | -                      | -                                | -   | -                    | 4/22/2020 23:28    | 3/27/2021 23:38 | -               | -                   | -            | -                | -            | -              | -  | -   | -   | -   | - |
| 5        | 5           | 3 Falses  | Point | 3214           | -           | ADA Ramp Sample | -           | -                 | 0    | -        | -            | 3214                 | 321st Ave NW   | 3214          | 321st Ave NW    | missing ramp | -    | -     | -      | Perpendicular | -     | 06F04382-1367-427E-8E3A-0308B8838A34 | -                   | -                 | -                   | -   | -                      | -                      | -                                | -   | -                    | 4/22/2020 23:28    | 3/27/2021 23:38 | -               | -                   | -            | -                | -            | -              | -  | -   | -   | -   | - |
| 6        | 6           | 3 Falses  | Point | 3214           | -           | ADA Ramp Sample | -           | -                 | 0    | -        | -            | 3214                 | 321st Ave NW   | 3214          | 321st Ave NW    | missing ramp | -    | -     | -      | Perpendicular | -     | 06F04382-1367-427E-8E3A-0308B8838A34 | -                   | -                 | -                   | -   | -                      | -                      | -                                | -   | -                    | 4/22/2020 23:28    | 3/27/2021 23:38 | -               | -                   | -            | -                | -            | -              | -  | -   | -   | -   | - |
| 7        | 7           | 3 Falses  | Point | 3215           | -           | ADA Ramp Sample | -           | -                 | 0    | -        | -            | 3215                 | 321st Ave NW   | 3215          | 321st Ave NW    | missing ramp | -    | -     | -      | Perpendicular | -     | 06F04382-1367-427E-8E3A-0308B8838A34 | -                   | -                 | -                   | -   | -                      | -                      | -                                | -   | -                    | 4/22/2020 23:28    | 3/27/2021 23:38 | -               | -                   | -            | -                | -            | -              | -  | -   | -   | -   | - |
| 8        | 8           | 3 Falses  | Point | 3413           | -           | ADA Ramp Sample | -           | -                 | 0    | -        | -            | 3413                 | 341st Ave NW   | 3413          | 341st Ave NW    | missing ramp | -    | -     | -      | Perpendicular | -     | 06F04382-1367-427E-8E3A-0308B8838A34 | -                   | -                 | -                   | -   | -                      | -                      | -                                | -   | -                    | 4/22/2020 23:28    | 3/27/2021 23:38 | -               | -                   | -            | -                | -            | -              | -  | -   | -   | -   | - |
| 9        | 9           | 3 Falses  | Point | 3413           | -           | ADA Ramp Sample | -           | -                 | 0    | -        | -            | 3413                 | 341st Ave NW   | 3413          | 341st Ave NW    | missing ramp | -    | -     | -      | Perpendicular | -     | 06F04382-1367-427E-8E3A-0308B8838A34 | -                   | -                 | -                   | -   | -                      | -                      | -                                | -   | -                    | 4/22/2020 23:28    | 3/27/2021 23:38 | -               | -                   | -            | -                | -            | -              | -  | -   | -   | -   | - |
| 10       | 10          | 3 Falses  | Point | 3413           | -           | ADA Ramp Sample | -           | -                 | 0    | -        | -            | 3413                 | 341st Ave NW   | 3413          | 341st Ave NW    | missing ramp | -    | -     | -      | Perpendicular | -     | 06F04382-1367-427E-8E3A-0308B8838A34 | -                   | -                 | -                   | -   | -                      | -                      | -                                | -   | -                    | 4/22/2020 23:28    | 3/27/2021 23:38 | -               | -                   | -            | -                | -            | -              | -  | -   | -   | -   | - |
| 11       | 11          | 3 Falses  | Point | 3413           | -           | ADA Ramp Sample | -           | -                 | 0    | -        | -            | 3413                 | 341st Ave NW   | 3413          | 341st Ave NW    | missing ramp | -    | -     | -      | Perpendicular | -     | 06F04382-1367-427E-8E3A-0308B8838A34 | -                   | -                 | -                   | -   | -                      | -                      | -                                | -   | -                    | 4/22/2020 23:28    | 3/27/2021 23:38 | -               | -                   | -            | -                | -            | -              | -  | -   | -   | -   | - |
| 12       | 12          | 3 Falses  | Point | 3413           | -           | ADA Ramp Sample | -           | -                 | 0    | -        | -            | 3413                 | 341st Ave NW   | 3413          | 341st Ave NW    | missing ramp | -    | -     | -      | Perpendicular | -     | 06F04382-1367-427E-8E3A-0308B8838A34 | -                   | -                 | -                   | -   | -                      | -                      | -                                | -   | -                    | 4/22/2020 23:28    | 3/27/2021 23:38 | -               | -                   | -            | -                | -            | -              | -  | -   | -   | -   | - |
| 13       | 13          | 3 Falses  | Point | 3413           | -           | ADA Ramp Sample | -           | -                 | 0    | -        | -            | 3413                 | 341st Ave NW   | 3413          | 341st Ave NW    | missing ramp | -    | -     | -      | Perpendicular | -     | 06F04382-1367-427E-8E3A-0308B8838A34 | -                   | -                 | -                   | -   | -                      | -                      | -                                | -   | -                    | 4/22/2020 23:28    | 3/27/2021 23:38 | -               | -                   | -            | -                | -            | -              | -  | -   | -   | -   | - |
| 14       | 14          | 3 Falses  | Point | 3413           | -           | ADA Ramp Sample | -           | -                 | 0    | -        | -            | 3413                 | 341st Ave NW   | 3413          | 341st Ave NW    | missing ramp | -    | -     | -      | Perpendicular | -     | 06F04382-1367-427E-8E3A-0308B8838A34 | -                   | -                 | -                   | -   | -                      | -                      | -                                | -   | -                    | 4/22/2020 23:28    | 3/27/2021 23:38 | -               | -                   | -            | -                | -            | -              | -  | -   | -   | -   | - |
| 15       | 15          | 3 Falses  | Point | 3413           | -           | ADA Ramp Sample | -           | -                 | 0    | -        | -            | 3413                 | 341st Ave NW   | 3413          | 341st Ave NW    | missing ramp | -    | -     | -      | Perpendicular | -     | 06F04382-1367-427E-8E3A-0308B8838A34 | -                   | -                 | -                   | -   | -                      | -                      | -                                | -   | -                    | 4/22/2020 23:28    | 3/27/2021 23:38 | -               | -                   | -            | -                | -            | -              | -  | -   | -   | -   | - |
| 16       | 16          | 3 Falses  | Point | 3413           | -           | ADA Ramp Sample | -           | -                 | 0    | -        | -            | 3413                 | 341st Ave NW   | 3413          | 341st Ave NW    | missing ramp | -    | -     | -      | Perpendicular | -     | 06F04382-1367-427E-8E3A-0308B8838A34 | -                   | -                 | -                   | -   | -                      | -                      | -                                | -   | -                    | 4/22/2020 23:28    | 3/27/2021 23:38 | -               | -                   | -            | -                | -            | -              | -  | -   | -   | -   | - |
| 17       | 17          | 3 Falses  | Point | 3413           | -           | ADA Ramp Sample | -           | -                 | 0    | -        | -            | 3413                 | 341st Ave NW   | 3413          | 341st Ave NW    | missing ramp | -    | -     | -      | Perpendicular | -     | 06F04382-1367-427E-8E3A-0308B8838A34 | -                   | -                 | -                   | -   | -                      | -                      | -                                | -   | -                    | 4/22/2020 23:28    | 3/27/2021 23:38 | -               | -                   | -            | -                | -            | -              | -  | -   | -   | -   | - |
| 18       | 18          | 3 Falses  | Point | 3413           | -           | ADA Ramp Sample | -           | -                 | 0    | -        | -            | 3413                 | 341st Ave NW   | 3413          | 341st Ave NW    | missing ramp | -    | -     | -      | Perpendicular | -     | 06F04382-1367-427E-8E3A-0308B8838A34 | -                   | -                 | -                   | -   | -                      | -                      | -                                | -   | -                    | 4/22/2020 23:28    | 3/27/2021 23:38 | -               | -                   | -            | -                | -            | -              | -  | -   | -   | -   | - |
| 19       | 19          | 3 Falses  | Point | 3413           | -           | ADA Ramp Sample | -           | -                 | 0    | -        | -            | 3413                 | 341st Ave NW   | 3413          | 341st Ave NW    | missing ramp | -    | -     | -      | Perpendicular | -     | 06F04382-1367-427E-8E3A-0308B8838A34 | -                   | -                 | -                   | -   | -                      | -                      | -                                | -   | -                    | 4/22/2020 23:28    | 3/27/2021 23:38 | -               | -                   | -            | -                | -            | -              | -  | -   | -   | -   | - |
| 20       | 20          | 3 Falses  | Point | 3413           | -           | ADA Ramp Sample | -           | -                 | 0    | -        | -            | 3413                 | 341st Ave NW   | 3413          | 341st Ave NW    | missing ramp | -    | -     | -      | Perpendicular | -     | 06F04382-1367-427E-8E3A-0308B8838A34 | -                   | -                 | -                   | -   | -                      | -                      | -                                | -   | -                    | 4/22/2020 23:28    | 3/27/2021 23:38 | -               | -                   | -            | -                | -            | -              | -  | -   | -   | -   | - |
| 21       | 21          | 3 Falses  | Point | 3413           | -           | ADA Ramp Sample | -           | -                 | 0    | -        | -            | 3413                 | 341st Ave NW   | 3413          | 341st Ave NW    | missing ramp | -    | -     | -      | Perpendicular | -     | 06F04382-1367-427E-8E3A-0308B8838A34 | -                   | -                 | -                   | -   | -                      | -                      | -                                | -   | -                    | 4/22/2020 23:28    | 3/27/2021 23:38 | -               | -                   | -            | -                | -            | -              | -  | -   | -   | -   | - |
| 22       | 22          | 3 Falses  | Point | 3413           | -           | ADA Ramp Sample | -           | -                 | 0    | -        | -            | 3413                 | 341st Ave NW   | 3413          | 341st Ave NW    | missing ramp | -    | -     | -      | Perpendicular | -     | 06F04382-1367-427E-8E3A-0308B8838A34 | -                   | -                 | -                   | -   | -                      | -                      | -                                | -   | -                    | 4/22/2020 23:28    | 3/27/2021 23:38 | -               | -                   | -            | -                | -            | -              | -  | -   | -   | -   | - |
| 23       | 23          | 3 Falses  | Point | 3413           | -           | ADA Ramp Sample | -           | -                 | 0    | -        | -            | 3413                 | 341st Ave NW   | 3413          | 341st Ave NW    | missing ramp | -    | -     | -      | Perpendicular | -     | 06F04382-1367-427E-8E3A-0308B8838A34 | -                   | -                 | -                   | -   | -                      | -                      | -                                | -   | -                    | 4/22/2020 23:28    | 3/27/2021 23:38 | -               | -                   | -            | -                | -            | -              | -  | -   | -   | -   | - |
| 24       | 24          | 3 Falses  | Point | 3413           | -           | ADA Ramp Sample | -           | -                 | 0    | -        | -            | 3413                 | 341st Ave NW   | 3413          | 341st Ave NW    | missing ramp | -    | -     | -      | Perpendicular | -     | 06F04382-1367-427E-8E3A-0308B8838A34 | -                   | -                 | -                   | -   | -                      | -                      | -                                | -   | -                    | 4/22/2020 23:28    | 3/27/2021 23:38 | -               | -                   | -            | -                | -            | -              | -  | -   | -   | -   | - |
| 25       | 25          | 3 Falses  | Point | 3413           | -           | ADA Ramp Sample | -           | -                 | 0    | -        | -            | 3413                 | 341st Ave NW   | 3413          | 341st Ave NW    | missing ramp | -    | -     | -      | Perpendicular | -     | 06F04382-1367-427E-8E3A-0308B8838A34 | -                   | -                 | -                   | -   | -                      | -                      | -                                | -   | -                    | 4/22/2020 23:28    | 3/27/2021 23:38 | -               | -                   | -            | -                | -            | -              | -  | -   | -   | -   | - |
| 26       | 26          | 3 Falses  | Point | 3413           | -           | ADA Ramp Sample | -           | -                 | 0    | -        | -            | 3413                 | 341st Ave NW   | 3413          | 341st Ave NW    | missing ramp | -    | -     | -      | Perpendicular | -     | 06F04382-1367-427E-8E3A-0308B8838A34 | -                   | -                 | -                   | -   | -                      | -                      | -                                | -   | -                    | 4/22/2020 23:28    | 3/27/2021 23:38 | -               | -                   | -            | -                | -            | -              | -  | -   | -   | -   | - |
| 27       | 27          | 3 Falses  | Point | 3413           | -           | ADA Ramp Sample | -           | -                 | 0    | -        | -            | 3413                 | 341st Ave NW   | 3413          | 341st Ave NW    | missing ramp | -    | -     | -      | Perpendicular | -     | 06F04382-1367-427E-8E3A-0308B8838A34 | -                   | -                 | -                   | -   | -                      | -                      | -                                | -   | -                    | 4/22/2020 23:28    | 3/27/2021 23:38 | -               | -                   | -            | -                | -            | -              | -  | -   | -   | -   | - |
| 28       | 28          | 3 Falses  | Point | 3413           | -           | ADA Ramp Sample | -           | -                 | 0    | -        | -            | 3413                 | 341st Ave NW   | 3413          | 341st Ave NW    | missing ramp | -    | -     | -      | Perpendicular | -     | 06F04382-1367-427E-8E3A-0308B8838A34 | -                   | -                 | -                   | -   | -                      | -                      | -                                | -   | -                    | 4/22/2020 23:28    | 3/27/2021 23:38 | -               | -                   | -            | -                | -            | -              | -  | -   | -   | -   | - |
| 29       | 29          | 3 Falses  | Point | 3413           | -           | ADA Ramp Sample | -           | -                 | 0    | -        | -            | 3413                 | 341st Ave NW   | 3413          | 341st Ave NW    | missing ramp | -    | -     | -      | Perpendicular | -     | 06F04382-1367-427E-8E3A-0308B8838A34 | -                   | -                 | -                   | -   | -                      | -                      | -                                | -   | -                    | 4/22/2020 23:28    | 3/27/2021 23:38 | -               | -                   | -            | -                | -            | -              | -  | -   | -   | -   | - |
| 30       | 30          | 3 Falses  | Point | 3413           | -           | ADA Ramp Sample | -           | -                 | 0    | -        | -            | 3413                 | 341st Ave NW   | 3413          | 341st Ave NW    | missing ramp | -    | -     | -      | Perpendicular | -     | 06F04382-1367-427E-8E3A-0308B8838A34 | -                   | -                 | -                   | -   | -                      | -                      | -                                | -   | -                    | 4/22/2020 23:28    | 3/27/2021 23:38 | -               | -                   | -            | -                | -            | -              | -  | -   | -   | -   | - |
| 31       | 31          | 3 Falses  | Point | 3413           | -           | ADA Ramp Sample | -           | -                 | 0    | -        | -            | 3413                 | 341st Ave NW   | 3413          | 341st Ave NW    | missing ramp | -    | -     | -      | Perpendicular | -     | 06F04382-1367-427E-8E3A-0308B8838A34 | -                   | -                 | -                   | -   | -                      | -                      | -                                | -   | -                    | 4/22/2020 23:28    | 3/27/2021 23:38 | -               | -                   | -            | -                | -            | -              | -  | -   | -   | -   | - |
| 32       | 32          | 3 Falses  | Point | 3413           | -           | ADA Ramp Sample | -           | -                 | 0    | -        | -            | 3413                 | 341st Ave NW   | 3413          | 341st Ave NW    | missing ramp | -    | -     | -      | Perpendicular | -     | 06F04382-1367-427E-8E3A-0308B8838A34 | -                   | -                 | -                   | -   | -                      | -                      | -                                | -   | -                    | 4/22/2020 23:28    | 3/27/2021 23:38 | -               | -                   | -            | -                | -            | -              | -  | -   | -   | -   | - |
| 33       | 33          | 3 Falses  | Point | 3413           | -           | ADA Ramp Sample | -           | -                 | 0    | -        | -            | 3413                 | 341st Ave NW   | 3413          | 341st Ave NW    | missing ramp | -    | -     | -      | Perpendicular | -     | 06F04382-1367-427E-8E3A-0308B8838A34 | -                   | -                 | -                   | -   | -                      | -                      | -                                | -   | -                    | 4/22/2020 23:28    | 3/27/2021 23:38 | -               | -                   | -            | -                | -            | -              | -  | -   | -   | -   | - |
| 34       | 34          | 3 Falses  | Point | 3413           | -           | ADA Ramp Sample | -           | -                 | 0    | -        | -            | 3413                 | 341st Ave NW   | 3413          | 341st Ave NW    | missing ramp | -    | -     | -      | Perpendicular | -     | 06F04382-1367-427E-8E3A-0308B8838A34 | -                   | -                 | -                   | -   | -                      | -                      | -                                | -   | -                    | 4/22/2020 23:28    | 3/27/2021 23:38 | -               | -                   | -            | -                | -            | -              | -  | -   | -   | -   | - |
| 35       | 35          | 3 Falses  | Point | 3413           | -           | ADA Ramp Sample | -           | -                 | 0    | -        | -            | 3413                 | 341st Ave NW   | 3413          | 341st Ave NW    | missing ramp | -    | -     | -      | Perpendicular | -     | 06F04382-1367-427E-8E3A-0308B8838A34 | -                   | -                 | -                   | -   | -                      | -                      | -                                | -   | -                    | 4/22/2020 23:28    | 3/27/2021 23:38 | -               | -                   | -            | -                | -            | -              | -  | -   | -   | -   | - |
| 36       | 36          | 3 Falses  | Point | 3413           | -           | ADA Ramp Sample | -           | -                 | 0    | -        | -            | 3413                 | 341st Ave NW   | 3413          | 341st Ave NW    | missing ramp | -    | -     | -      | Perpendicular | -     | 06F04382-1367-427E-8E3A-0308B8838A34 | -                   | -                 | -                   | -   | -                      | -                      | -                                | -   | -                    | 4/22/2020 23:28    | 3/27/2021 23:38 | -               | -                   | -            | -                | -            | -              | -  | -   | -   | -   | - |

[illegible]

| ABCTD | CategoryID | CategoryNo | Complaint         | Shape | Address Number  | Clear Width | Condition Group | Cross Slope | Detectable Warning | Door | Handrail | Landing Area | Location Description | Locator Address Number | Locator City | Locator Street | Notes | Width (ft) | Width (ft) | Audible Components | Crosswalk Marking | In Pavement Lighting | MEF  | Pedestrian Push Button | Pedestrian Signal Head | Ramp Serves Multiple Crossings | RMR  | Type of Intersection | Last Modified Date | Empty Date | Complaint Date | Intersecting Street | Create User | Last Edit User | Create Date | Last Edit Date | Trip | PEL_BUS | COLI |      |      |
|-------|------------|------------|-------------------|-------|-----------------|-------------|-----------------|-------------|--------------------|------|----------|--------------|----------------------|------------------------|--------------|----------------|-------|------------|------------|--------------------|-------------------|----------------------|------|------------------------|------------------------|--------------------------------|------|----------------------|--------------------|------------|----------------|---------------------|-------------|----------------|-------------|----------------|------|---------|------|------|------|
| 680   | 726        | 726        | False Newer Point | Point | 679 Falsa Older | ft          | chld            | chld        | chld               | chld | chld     | chld         | chld                 | chld                   | chld         | chld           | chld  | chld       | chld       | chld               | chld              | chld                 | chld | chld                   | chld                   | chld                           | chld | chld                 | chld               | chld       | chld           | chld                | chld        | chld           | chld        | chld           | chld | chld    | chld | chld | chld |
| 681   | 726        | 726        | False Newer Point | Point | 680 Falsa Older | ft          | chld            | chld        | chld               | chld | chld     | chld         | chld                 | chld                   | chld         | chld           | chld  | chld       | chld       | chld               | chld              | chld                 | chld | chld                   | chld                   | chld                           | chld | chld                 | chld               | chld       | chld           | chld                | chld        | chld           | chld        | chld           | chld | chld    | chld | chld | chld |
| 708   | 726        | 726        | False Older Point | Point | 706 Falsa Older | ft          | chld            | chld        | chld               | chld | chld     | chld         | chld                 | chld                   | chld         | chld           | chld  | chld       | chld       | chld               | chld              | chld                 | chld | chld                   | chld                   | chld                           | chld | chld                 | chld               | chld       | chld           | chld                | chld        | chld           | chld        | chld           | chld | chld    | chld | chld | chld |
| 709   | 726        | 726        | False Older Point | Point | 708 Falsa Older | ft          | chld            | chld        | chld               | chld | chld     | chld         | chld                 | chld                   | chld         | chld           | chld  | chld       | chld       | chld               | chld              | chld                 | chld | chld                   | chld                   | chld                           | chld | chld                 | chld               | chld       | chld           | chld                | chld        | chld           | chld        | chld           | chld | chld    | chld | chld | chld |
| 726   | 726        | 726        | False Older Point | Point | 706 Falsa Older | ft          | chld            | chld        | chld               | chld | chld     | chld         | chld                 | chld                   | chld         | chld           | chld  | chld       | chld       | chld               | chld              | chld                 | chld | chld                   | chld                   | chld                           | chld | chld                 | chld               | chld       | chld           | chld                | chld        | chld           | chld        | chld           | chld | chld    | chld | chld | chld |
| 727   | 726        | 726        | False Newer Point | Point | 706 Falsa Newer | ft          | chld            | chld        | chld               | chld | chld     | chld         | chld                 | chld                   | chld         | chld           | chld  | chld       | chld       | chld               | chld              | chld                 | chld | chld                   | chld                   | chld                           | chld | chld                 | chld               | chld       | chld           | chld                | chld        | chld           | chld        | chld           | chld | chld    | chld | chld | chld |
| 728   | 726        | 726        | False Newer Point | Point | 708 Falsa Newer | ft          | chld            | chld        | chld               | chld | chld     | chld         | chld                 | chld                   | chld         | chld           | chld  | chld       | chld       | chld               | chld              | chld                 | chld | chld                   | chld                   | chld                           | chld | chld                 | chld               | chld       | chld           | chld                | chld        | chld           | chld        | chld           | chld | chld    | chld | chld | chld |
| 729   | 726        | 726        | False Newer Point | Point | 710 Falsa Newer | ft          | chld            | chld        | chld               | chld | chld     | chld         | chld                 | chld                   | chld         | chld           | chld  | chld       | chld       | chld               | chld              | chld                 | chld | chld                   | chld                   | chld                           | chld | chld                 | chld               | chld       | chld           | chld                | chld        | chld           | chld        | chld           | chld | chld    | chld | chld | chld |
| 730   | 726        | 726        | False Newer Point | Point | 712 Falsa Newer | ft          | chld            | chld        | chld               | chld | chld     | chld         | chld                 | chld                   | chld         | chld           | chld  | chld       | chld       | chld               | chld              | chld                 | chld | chld                   | chld                   | chld                           | chld | chld                 | chld               | chld       | chld           | chld                | chld        | chld           | chld        | chld           | chld | chld    | chld | chld | chld |
| 731   | 726        | 726        | False Older Point | Point | 714 Falsa Older | ft          | chld            | chld        | chld               | chld | chld     | chld         | chld                 | chld                   | chld         | chld           | chld  | chld       | chld       | chld               | chld              | chld                 | chld | chld                   | chld                   | chld                           | chld | chld                 | chld               | chld       | chld           | chld                | chld        | chld           | chld        | chld           | chld | chld    | chld | chld | chld |
| 732   | 726        | 726        | False Older Point | Point | 716 Falsa Older | ft          | chld            | chld        | chld               | chld | chld     | chld         | chld                 | chld                   | chld         | chld           | chld  | chld       | chld       | chld               | chld              | chld                 | chld | chld                   | chld                   | chld                           | chld | chld                 | chld               | chld       | chld           | chld                | chld        | chld           | chld        | chld           | chld | chld    | chld | chld | chld |
| 733   | 726        | 726        | False Older Point | Point | 718 Falsa Older | ft          | chld            | chld        | chld               | chld | chld     | chld         | chld                 | chld                   | chld         | chld           | chld  | chld       | chld       | chld               | chld              | chld                 | chld | chld                   | chld                   | chld                           | chld | chld                 | chld               | chld       | chld           | chld                | chld        | chld           | chld        | chld           | chld | chld    | chld | chld | chld |
| 734   | 726        | 726        | False Older Point | Point | 720 Falsa Older | ft          | chld            | chld        | chld               | chld | chld     | chld         | chld                 | chld                   | chld         | chld           | chld  | chld       | chld       | chld               | chld              | chld                 | chld | chld                   | chld                   | chld                           | chld | chld                 | chld               | chld       | chld           | chld                | chld        | chld           | chld        | chld           | chld | chld    | chld | chld | chld |
| 735   | 726        | 726        | False Older Point | Point | 722 Falsa Older | ft          | chld            | chld        | chld               | chld | chld     | chld         | chld                 | chld                   | chld         | chld           | chld  | chld       | chld       | chld               | chld              | chld                 | chld | chld                   | chld                   | chld                           | chld | chld                 | chld               | chld       | chld           | chld                | chld        | chld           | chld        | chld           | chld | chld    | chld | chld | chld |
| 736   | 726        | 726        | False Older Point | Point | 724 Falsa Older | ft          | chld            | chld        | chld               | chld | chld     | chld         | chld                 | chld                   | chld         | chld           | chld  | chld       | chld       | chld               | chld              | chld                 | chld | chld                   | chld                   | chld                           | chld | chld                 | chld               | chld       | chld           | chld                | chld        | chld           | chld        | chld           | chld | chld    | chld | chld | chld |
| 737   | 726        | 726        | False Older Point | Point | 726 Falsa Older | ft          | chld            | chld        | chld               | chld | chld     | chld         | chld                 | chld                   | chld         | chld           | chld  | chld       | chld       | chld               | chld              | chld                 | chld | chld                   | chld                   | chld                           | chld | chld                 | chld               | chld       | chld           | chld                | chld        | chld           | chld        | chld           | chld | chld    | chld | chld | chld |
| 738   | 726        | 726        | False Older Point | Point | 728 Falsa Older | ft          | chld            | chld        | chld               | chld | chld     | chld         | chld                 | chld                   | chld         | chld           | chld  | chld       | chld       | chld               | chld              | chld                 | chld | chld                   | chld                   | chld                           | chld | chld                 | chld               | chld       | chld           | chld                | chld        | chld           | chld        | chld           | chld | chld    | chld | chld | chld |
| 739   | 726        | 726        | False Newer Point | Point | 728 Falsa Newer | ft          | chld            | chld        | chld               | chld | chld     | chld         | chld                 | chld                   | chld         | chld           | chld  | chld       | chld       | chld               | chld              | chld                 | chld | chld                   | chld                   | chld                           | chld | chld                 | chld               | chld       | chld           | chld                | chld        | chld           | chld        | chld           | chld | chld    | chld | chld | chld |
| 740   | 726        | 726        | False Newer Point | Point | 730 Falsa Newer | ft          | chld            | chld        | chld               | chld | chld     | chld         | chld                 | chld                   | chld         | chld           | chld  | chld       | chld       | chld               | chld              | chld                 | chld | chld                   | chld                   | chld                           | chld | chld                 | chld               | chld       | chld           | chld                | chld        | chld           | chld        | chld           | chld | chld    | chld | chld | chld |
| 741   | 726        | 726        | False Newer Point | Point | 732 Falsa Newer | ft          | chld            | chld        | chld               | chld | chld     | chld         | chld                 | chld                   | chld         | chld           | chld  | chld       | chld       | chld               | chld              | chld                 | chld | chld                   | chld                   | chld                           | chld | chld                 | chld               | chld       | chld           | chld                | chld        | chld           | chld        | chld           | chld | chld    | chld | chld | chld |
| 742   | 726        | 726        | False Newer Point | Point | 734 Falsa Newer | ft          | chld            | chld        | chld               | chld | chld     | chld         | chld                 | chld                   | chld         | chld           | chld  | chld       | chld       | chld               | chld              | chld                 | chld | chld                   | chld                   | chld                           | chld | chld                 | chld               | chld       | chld           | chld                | chld        | chld           | chld        | chld           | chld | chld    | chld | chld | chld |
| 743   | 726        | 726        | False Newer Point | Point | 736 Falsa Newer | ft          | chld            | chld        | chld               | chld | chld     | chld         | chld                 | chld                   | chld         | chld           | chld  | chld       | chld       | chld               | chld              | chld                 | chld | chld                   | chld                   | chld                           | chld | chld                 | chld               | chld       | chld           | chld                | chld        | chld           | chld        | chld           | chld | chld    | chld | chld | chld |
| 744   | 726        | 726        | False Newer Point | Point | 738 Falsa Newer | ft          | chld            | chld        | chld               | chld | chld     | chld         | chld                 | chld                   | chld         | chld           | chld  | chld       | chld       | chld               | chld              | chld                 | chld | chld                   | chld                   | chld                           | chld | chld                 | chld               | chld       | chld           | chld                | chld        | chld           | chld        | chld           | chld | chld    | chld | chld | chld |
| 745   | 726        | 726        | False Newer Point | Point | 740 Falsa Newer | ft          | chld            | chld        | chld               | chld | chld     | chld         | chld                 | chld                   | chld         | chld           | chld  | chld       | chld       | chld               | chld              | chld                 | chld | chld                   | chld                   | chld                           | chld | chld                 | chld               | chld       | chld           | chld                | chld        | chld           | chld        | chld           | chld | chld    | chld | chld | chld |
| 746   | 726        | 726        | False Newer Point | Point | 742 Falsa Newer | ft          | chld            | chld        | chld               | chld | chld     | chld         | chld                 | chld                   | chld         | chld           | chld  | chld       | chld       | chld               | chld              | chld                 | chld | chld                   | chld                   | chld                           | chld | chld                 | chld               | chld       | chld           | chld                | chld        | chld           | chld        | chld           | chld | chld    | chld | chld | chld |
| 747   | 726        | 726        | False Newer Point | Point | 744 Falsa Newer | ft          | chld            | chld        | chld               | chld | chld     | chld         | chld                 | chld                   | chld         | chld           | chld  | chld       | chld       | chld               | chld              | chld                 | chld | chld                   | chld                   | chld                           | chld | chld                 | chld               | chld       | chld           | chld                | chld        | chld           | chld        | chld           | chld | chld    | chld | chld | chld |
| 748   | 726        | 726        | False Newer Point | Point | 746 Falsa Newer | ft          | chld            | chld        | chld               | chld | chld     | chld         | chld                 | chld                   | chld         | chld           | chld  | chld       | chld       | chld               | chld              | chld                 | chld | chld                   | chld                   | chld                           | chld | chld                 | chld               | chld       | chld           | chld                | chld        | chld           | chld        | chld           | chld | chld    | chld | chld | chld |
| 749   | 726        | 726        | False Newer Point | Point | 748 Falsa Newer | ft          | chld            | chld        | chld               | chld | chld     | chld         | chld                 | chld                   | chld         | chld           | chld  | chld       | chld       | chld               | chld              | chld                 | chld | chld                   | chld                   | chld                           | chld | chld                 | chld               | chld       | chld           | chld                | chld        | chld           | chld        | chld           | chld | chld    | chld | chld | chld |
| 750   | 726        | 726        | False Newer Point | Point | 750 Falsa Newer | ft          | chld            | chld        | chld               | chld | chld     | chld         | chld                 | chld                   | chld         | chld           | chld  | chld       | chld       | chld               | chld              | chld                 | chld | chld                   | chld                   | chld                           | chld | chld                 | chld               | chld       | chld           | chld                | chld        | chld           | chld        | chld           | chld | chld    | chld | chld | chld |
| 751   | 726        | 726        | False Newer Point | Point | 752 Falsa Newer | ft          | chld            | chld        | chld               | chld | chld     | chld         | chld                 | chld                   | chld         | chld           | chld  | chld       | chld       | chld               | chld              | chld                 | chld | chld                   | chld                   | chld                           | chld | chld                 | chld               | chld       | chld           | chld                | chld        | chld           | chld        | chld           | chld | chld    | chld | chld | chld |
| 752   | 726        | 726        | False Newer Point | Point | 754 Falsa Newer | ft          | chld            | chld        | chld               | chld | chld     | chld         | chld                 | chld                   | chld         | chld           | chld  | chld       | chld       | chld               | chld              | chld                 | chld | chld                   | chld                   | chld                           | chld | chld                 | chld               | chld       | chld           | chld                | chld        | chld           | chld        | chld           | chld | chld    | chld | chld | chld |
| 753   | 726        | 726        | False Newer Point | Point | 756 Falsa Newer | ft          | chld            | chld        | chld               | chld | chld     | chld         | chld                 | chld                   | chld         | chld           | chld  | chld       | chld       | chld               | chld              | chld                 | chld | chld                   | chld                   | chld                           | chld | chld                 | chld               | chld       | chld           | chld                | chld        | chld           | chld        | chld           | chld | chld    | chld | chld | chld |
| 754   | 726        | 726        | False Newer Point | Point | 758 Falsa Newer | ft          | chld            | chld        | chld               | chld | chld     | chld         | chld                 | chld                   | chld         | chld           | chld  | chld       | chld       | chld               | chld              | chld                 | chld | chld                   | chld                   | chld                           | chld | chld                 | chld               | chld       | chld           | chld                | chld        | chld           | chld        | chld           | chld | chld    | chld | chld | chld |
| 755   | 726        | 726        | False Newer Point | Point | 760 Falsa Newer | ft          | chld            | chld        | chld               | chld | chld     | chld         | chld                 | chld                   | chld         | chld           | chld  | chld       | chld       | chld               | chld              | chld                 | chld | chld                   | chld                   | chld                           | chld | chld                 | chld               | chld       | chld           | chld                | chld        | chld           | chld        | chld           | chld | chld    | chld | chld | chld |
| 756   | 726        | 726        | False Newer Point | Point | 762 Falsa Newer | ft          | chld            | chld        | chld               | chld | chld     | chld         | chld                 | chld                   | chld         | chld           | chld  | chld       | chld       | chld               | chld              | chld                 | chld | chld                   | chld                   | chld                           | chld | chld                 | chld               | chld       | chld           | chld                | chld        | chld           | chld        | chld           | chld | chld    | chld | chld | chld |
| 757   | 726        | 726        | False Newer Point | Point | 764 Falsa Newer | ft          | chld            | chld        | chld               | chld | chld     | chld         | chld                 | chld                   | chld         | chld           | chld  | chld       | chld       | chld               | chld              | chld                 | chld | chld                   | chld                   | chld                           | chld | chld                 | chld               | chld       | chld           | chld                | chld        | chld           | chld        | chld           | chld | chld    | chld | chld | chld |
| 758   | 726        | 726        | False Newer Point | Point | 766 Falsa Newer | ft          | chld            | chld        | chld               | chld | chld     | chld         | chld                 | chld                   | chld         | chld           | chld  | chld       | chld       | chld               | chld              | chld                 | chld | chld                   | chld                   | chld                           | chld | chld                 | chld               | chld       | chld           | chld                | chld        | chld           | chld        | chld           | chld | chld    | chld | chld | chld |
| 759   | 726        | 726        | False Newer Point | Point | 768 Falsa Newer | ft          | chld            | chld        | chld               | chld | chld     | chld         | chld                 | chld                   | chld         | chld           | chld  | chld       | chld       | chld               | chld              | chld                 | chld | chld                   | chld                   | chld                           | chld | chld                 | chld               | chld       | chld           | chld                | chld        | chld           | chld        | chld           | chld | chld    | chld | chld | chld |
| 760   | 726        | 726        | False Newer Point | Point | 770 Falsa Newer | ft          | chld            | chld        | chld               | chld | chld     | chld         | chld                 | chld                   | chld         | chld           | chld  | chld       | chld       | chld               | chld              | chld                 | chld | chld                   | chld                   | chld                           | chld | chld                 | chld               | chld       | chld           | chld                | chld        | chld           | chld        | chld           | chld | chld    | chld | chld | chld |
| 761   | 726        | 726        | False Newer Point | Point | 772 Falsa Newer | ft          | chld            | chld        | chld               | chld | chld     | chld         | chld                 | chld                   | chld         | chld           | chld  | chld       | chld       | chld               | chld              | chld                 |      |                        |                        |                                |      |                      |                    |            |                |                     |             |                |             |                |      |         |      |      |      |

# **Draft City of Gig Harbor ADA Transition Plan for the Public Right-of-Way**



## **Appendix B3**

**DOJ/DOT Joint Technical Assistance on Title II of the ADA  
Requirements to Provide Curb Ramps when Streets,  
Roads, or Highways are Altered through Resurfacing  
(2013)**

**Supplement to DOJ/DOT Joint Technical Assistance (2015)**

**November 2021**

**Prepared by**





U.S. Department of Justice  
Civil Rights Division  
*Disability Rights Section*



U.S. Department of Transportation  
**Federal Highway Administration**

# **Department of Justice/Department of Transportation Joint Technical Assistance<sup>1</sup> on the Title II of the Americans with Disabilities Act Requirements to Provide Curb Ramps when Streets, Roads, or Highways are Altered through Resurfacing**

Title II of the Americans with Disabilities Act (ADA) requires that state and local governments ensure that persons with disabilities have access to the pedestrian routes in the public right of way. An important part of this requirement is the obligation whenever streets, roadways, or highways are *altered* to provide curb ramps where street level pedestrian walkways cross curbs.<sup>2</sup> This requirement is intended to ensure the accessibility and usability of the pedestrian walkway for persons with disabilities.

An alteration is a change that affects or could affect the usability of all or part of a building or facility.<sup>3</sup> Alterations of streets, roads, or highways include activities such as reconstruction, rehabilitation, *resurfacing*, widening, and projects of similar scale and effect.<sup>4</sup> Maintenance activities on streets, roads, or highways, such as filling potholes, are not alterations.

Without curb ramps, sidewalk travel in urban areas can be dangerous, difficult, or even impossible for people who use wheelchairs, scooters, and other mobility devices. Curb ramps allow people with mobility disabilities to gain access to the sidewalks and to pass through center islands in streets. Otherwise, these individuals are forced to travel in streets and roadways and are put in danger or are prevented from reaching their destination; some people with disabilities may simply choose not to take this risk and will not venture out of their homes or communities.

Because resurfacing of streets constitutes an alteration under the ADA, it triggers the obligation to provide curb ramps where pedestrian walkways intersect the resurfaced streets. See *Kinney v. Yerusalim*, 9 F 3d 1067 (3rd Cir. 1993). This obligation has been discussed in a variety of technical assistance materials published by the Department of Justice beginning in 1994.<sup>5</sup> Over the past few years, state and local governments have sought further guidance on the scope of the alterations requirement with respect to the provision of curb ramps when streets, roads or highways are being resurfaced. These questions have arisen largely due to the development of a variety of road surface treatments other than traditional road resurfacing, which generally involved the addition of a new layer of asphalt. Public entities have asked the Department of Transportation and the Department of Justice to clarify whether particular road surface treatments fall within the ADA definition of alterations, or whether they should be considered maintenance that would not trigger the obligation to provide curb ramps. This Joint Technical Assistance addresses some of those questions.

## **Where must curb ramps be provided?**

Generally, curb ramps are needed wherever a sidewalk or other pedestrian walkway crosses a curb. Curb ramps must be located to ensure a person with a mobility disability can travel from a sidewalk on one side of the street, over or through any curbs or traffic islands, to the sidewalk on the other side of the street. However, the ADA does not require installation of ramps or curb ramps in the absence of a pedestrian walkway with a prepared surface for pedestrian use. Nor are curb ramps required in the absence of a curb, elevation, or other barrier between the street and the walkway.

## **When is resurfacing considered to be an alteration?**

Resurfacing is an alteration that triggers the requirement to add curb ramps if it involves work on a street or roadway spanning from one intersection to another, and includes overlays of additional material to the road surface, with or without milling. Examples include, but are not limited to the following treatments or their equivalents: addition of a new layer of asphalt, reconstruction, concrete pavement rehabilitation and reconstruction, open-graded surface course, micro-surfacing and thin lift overlays, cape seals, and in-place asphalt recycling.

## **What kinds of treatments constitute maintenance rather than an alteration?**

Treatments that serve solely to seal and protect the road surface, improve friction, and control splash and spray are considered to be maintenance because they do not significantly affect the public's access to or usability of the road. Some examples of the types of treatments that would normally be considered maintenance are: painting or striping lanes, crack filling and sealing, surface sealing, chip seals, slurry seals, fog seals, scrub sealing, joint crack seals, joint repairs, dowel bar retrofit, spot high-friction treatments, diamond grinding, and pavement patching. In some cases, the combination of several maintenance treatments occurring at or near the same time may qualify as an alteration and would trigger the obligation to provide curb ramps.

## **What if a locality is not resurfacing an entire block, but is resurfacing a crosswalk by itself?**

Crosswalks constitute distinct elements of the right-of-way intended to facilitate pedestrian traffic. Regardless of whether there is curb-to-curb resurfacing of the street or roadway in general, resurfacing of a crosswalk also requires the provision of curb ramps at that crosswalk.

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<sup>1</sup> The Department of Justice is the federal agency with responsibility for issuing regulations implementing the requirements of title II of the ADA and for coordinating federal agency compliance activities with respect to those requirements. Title II applies to the programs and activities of state and local governmental entities. The Department of Justice and the Department of Transportation share responsibility for enforcing the requirements of title II of the ADA with respect to the public right of way, including streets, roads, and highways.

<sup>2</sup> See 28 CFR 35.151(i)(1) (Newly constructed or altered streets, roads, and highways must contain curb ramps or other sloped areas at any intersection having curbs or other barriers to entry from a street level pedestrian walkway) and 35.151(i)(2) (Newly constructed or altered street level pedestrian walkways must contain curb ramps or other sloped areas at intersections to streets, roads, or highways).

<sup>3</sup> 28 CFR 35.151(b)(1).

<sup>4</sup> 2010 ADA Accessibility Standards, section 106.5.

<sup>5</sup> See 1994 Title II Technical Assistance Manual Supplement, Title II TA Guidance: The ADA and City Governments: Common Problems; and ADA Best Practices Tool Kit for State and Local Governments: Chapter 6, Curb Ramps and Pedestrian Crossings under Title II of the ADA, available at [ada.gov](http://ada.gov).

The Americans with Disabilities Act authorizes the Department of Justice (the Department) to provide technical assistance to individuals and entities that have rights or responsibilities under the Act. This document provides informal guidance to assist you in understanding the ADA and the Department's regulations.

This guidance document is not intended to be a final agency action, has no legally binding effect, and may be rescinded or modified in the Department's complete discretion, in accordance with applicable laws. The Department's guidance documents, including this guidance, do not establish legally enforceable responsibilities beyond what is required by the terms of the applicable statutes, regulations, or binding judicial precedent.



U.S. Department of Justice  
Civil Rights Division  
Disability Rights Section



U.S. Department of Transportation  
Federal Highway Administration

## QUESTIONS & ANSWERS

### **Supplement to the 2013 DOJ/DOT Joint Technical Assistance on the Title II of the Americans with Disabilities Act Requirements To Provide Curb Ramps when Streets, Roads, or Highways are Altered through Resurfacing**

The Department of Justice (DOJ)/Department of Transportation (DOT) [\*Joint Technical Assistance on the Title II of the Americans with Disabilities Act \[ADA\] Requirements to Provide Curb Ramps when Streets, Roads, or Highways are Altered through Resurfacing\*](#) (Joint Technical Assistance) was published on July 8, 2013. This document responds to frequently asked questions that the Federal Highway Administration (FHWA) has received since the technical assistance document was published. In order to fully address some questions, the applicable requirements of Section 504 of the Rehabilitation Act of 1973 that apply to public entities receiving Federal funding from DOT, either directly or indirectly, are also discussed. This document is not a standalone document and should be read in conjunction with the [\*2013 Joint Technical Assistance\*](#).

**Q1: *When a pavement treatment is considered an alteration under the ADA and there is a curb ramp at the juncture of the altered road and an existing sidewalk (or other prepared surface for pedestrian use), but the curb ramp does not meet the current ADA Standards, does the curb ramp have to be updated to meet the current ADA Standards at the time of the pavement treatment?***

**A1:** It depends on whether the existing curb ramp meets the appropriate accessibility standard that was in place at the time it was newly constructed or last altered.

When the Department of Justice adopted its revised title II ADA Regulations including the updated ADA Standards for Accessible Design (2010 Standards,<sup>1</sup> as defined in 28 CFR 35.151), it specified that “(e)lements that have not been altered in existing facilities on or after March 15, 2012, and that comply with the corresponding technical and scoping specifications for those elements in either the 1991 Standards or in the Uniform Federal Accessibility Standards (UFAS) ... are not required to be modified in order to comply with the requirements set forth in the 2010 Standards.” 28 C.F.R. 35.150(b)(2)(i). As a result of this “safe harbor” provision, if a curb ramp was built or altered prior to March 15, 2012, and complies with the requirements for curb ramps in either the 1991 ADA Standards for Accessible Design (1991 Standards, known prior to 2010 as the 1991 ADA Accessibility Guidelines, or the 1991 ADAAG) or UFAS, it does **not** have to be modified to comply with the requirements in the 2010 Standards. However, if that existing curb ramp did not comply with either the 1991 Standards or UFAS as of March 15, 2012, then the safe harbor does not apply and the curb ramp must be brought into compliance with the requirements of the 2010 Standards concurrent with the road alteration. See 28 CFR 35.151(c) and (i).

Note that the requirement in the 1991 Standards to include detectable warnings on curb ramps was suspended for a period between May 12, 1994, and July 26, 1998, and again between December 23, 1998, and July 26, 2001. If a curb ramp was newly constructed or was last altered when the detectable warnings requirement was suspended, and it otherwise meets the 1991 Standards, Title II of the ADA does not require that the curb ramp be modified to add detectable warnings in conjunction with a road resurfacing alteration project. See Question #14 however, for a discussion of the DOT Section 504 requirements, including detectable warnings.

**Q2: *The Joint Technical Assistance states that “[r]esurfacing is an alteration that triggers the requirement to add curb ramps if it involves work on a street or roadway spanning from one intersection to another, and includes overlays of additional material to the road surface, with or without milling.” What constitutes “overlays of additional material to the road surface” with respect to milling, specifically, when a roadway surface is milled and then overlaid at the same height (i.e., no material is added that exceeds the height of what was present before the milling)?***

A2: A project that involves milling an existing road, and then overlaying the road with material, regardless of whether it exceeds the height of the road before milling, falls within the definition of “alteration” because it is a change to the road surface that affects or could affect the usability of the pedestrian route (crosswalk). See *Kinney v. Yerusalim*, 9 F.3d 1067 (3rd Cir. 1993). Alterations require the installation of curb ramps if none previously existed, or upgrading of non-compliant curb ramps to meet the applicable standards, where there is an existing pedestrian walkway. See also Question 8.

**Q3: *If a roadway resurfacing alteration project does not span the full width of the road, do I have to put in curb ramps?***

A3: It depends on whether the resurfacing work affects a pedestrian crosswalk. If the resurfacing affects the crosswalk, even if it is not the full roadway width, then curb ramps must be provided at both ends of the crosswalk. See 28 CFR 35.151(i).

Public entities should not structure the scope of work to avoid ADA obligations to provide curb ramps when resurfacing a roadway. For example, resurfacing only between crosswalks may be regarded as an attempt to circumvent a public entity’s obligation under the ADA, and potentially could result in legal challenges.

If curb ramp improvements are needed in the vicinity of an alteration project, it is often cost effective to address such needs as part of the alteration project, thereby advancing the public entity’s progress in meeting its obligation to provide program access to its facilities. See Question 16 for further discussion.

**Q4: *When a road alteration project triggers the requirement to install curb ramps, what steps should public (State or local) entities take if they do not own the sidewalk right-of-way needed to install the required curb ramps?***

A4: The public entity performing the alteration is ultimately responsible for following and implementing the ADA requirements specified in the regulations implementing title II. At the time an alteration project is scoped, the public entity should identify what ADA requirements apply and whether the public entity owns sufficient right-of-way to make the necessary ADA modifications. If the public entity does not control sufficient

right-of-way, it should seek to acquire the necessary right-of-way. If a complaint is filed, the public entity will likely need to show that it made reasonable efforts to obtain access to the necessary right-of-way.

**Q5: *The Joint Technical Assistance is silent on when it becomes effective. Is there an effective date for when States and local public entities must comply with the requirements discussed in the technical assistance?***

A5: The Joint Technical Assistance, as well as this Supplement to it, does not create any new obligations. The obligation to provide curb ramps when roads are altered has been an ongoing obligation under the regulations implementing title II of the ADA (28 CFR 35.151) since the regulation was initially adopted in 1991. This technical assistance was provided to respond to questions that arose largely due to the development of a variety of road surface treatments, other than traditional road resurfacing, which generally involved the addition of a new layer of asphalt. Although the Joint Technical Assistance was issued on July 8, 2013, public entities have had an ongoing obligation to comply with the alterations requirements of title II and should plan to bring curb ramps that are or were part of an alteration into compliance as soon as possible.

**Q6: *Is the curb ramp installation work required to be a part of the Plans, Specifications and Estimate package for an alteration project or can the curb ramp work be accomplished under a separate contract?***

A6: The curb ramp installation work can be contracted separately, but the work must be coordinated such that the curb ramp work is completed prior to, or at the same time as, the completion of the rest of the alteration work. See 28 CFR 35.151(i).

**Q7: *Is a curb ramp required for a sidewalk that is not made of concrete or asphalt?***

A7: The Joint Technical Assistance states that “the ADA does not require installation of ramps or curb ramps in the absence of a pedestrian walkway with a prepared surface for pedestrian use.” A “prepared surface for pedestrian use” can be constructed out of numerous materials, including concrete, asphalt, compacted soil, decomposed granite, and other materials. Regardless of the materials used to construct the pedestrian walkway, if the intent of the design was to provide access to pedestrians, then curb ramps must be incorporated where an altered roadway intersects the pedestrian walkway. See 28 CFR 35.151(i).

**Q8: *If an existing curb ramp is replaced as part of a resurfacing alteration, is there an obligation to address existing obstacles on the adjacent sidewalk at the same time?***

A8: No. The Joint Technical Assistance addresses those requirements that are triggered when a public entity alters a roadway where the roadway intersects a street level pedestrian walkway (28 CFR 35.151(i)). Public entities are required to address other barriers on existing sidewalks, such as steep cross slopes or obstructions, as part of their on-going program access and transition plan obligations under title II of the ADA and Section 504 and in response to requests for reasonable modifications under the ADA or reasonable accommodations under Section 504. See 28 CFR 35.105, 35.130(b)(7), and 35.150(d); see also 49 CFR 27.7(e), 27.11(c)(2).

**Q9: *Several pavement preservation treatment types are not listed in the technical assistance. If the treatment type is not specifically on the list of maintenance treatments, is it an alteration?***

A9: New treatments are always being developed and the best practice is for the City or other local public entity conducting the work, the State transportation agency, and FHWA to work together to come to an agreement on a reasonable determination of whether the unlisted treatment type is an alteration or maintenance and document their decisions. If the new treatment can be deemed to be the equivalent of any of the items listed as alterations, it is a reasonable interpretation that they are in fact alterations and should be treated as such.

**Q10: *When does a combination of two or more ‘maintenance’ treatments rise to the level of being an alteration?***

A10: The list of the pavement types that are considered maintenance, as stated in the 2013 Joint Technical Assistance document, are Chip Seals, Crack Filling and Sealing, Diamond Grinding, Dowel Bar Retrofit, Fog Seals, Joint Crack Seals, Joint Repairs, Pavement Patching, Scrub Sealing, Slurry Seals, Spot High-Friction Treatments, and Surface Sealing. The combination of two or more maintenance treatments may rise to the level of being an alteration.

The best practice is for the City or other local public entity conducting the work, the State transportation agency, and FHWA to work together to come to an agreement on a reasonable determination, document their policies, and apply that determination consistently in their locality.

**Q11: *When will utility trench work require compliance with ADA curb ramp requirements?***

A11: The answer to this question depends on the scope and location of the utility trench work being done. If the utility trench work is limited to a portion of the pavement, even including a portion of the crosswalk, repaving necessary to cover the trench would typically be considered maintenance and would not require simultaneous installation or upgrading of curb ramps. Public entities should note that the ADA requires maintenance of accessible features, and as such, they must ensure that when the trench is repaved or other road maintenance is performed, the work does not result in a lesser level of accessibility. See 28 CFR 35.133(a). If the utility work impacts the curb at a pedestrian street crossing where no curb ramp exists, the work affecting the curb falls within the definition of “alteration,” and a curb ramp must be constructed rather than simply replacing the curb. See 28 CFR 35.151(b) and 35.151(i).

If a public entity is unsure whether the scope of specific trench work and repair/repaving constitutes an alteration, the best practice is for the public entity to work together with the State transportation agency and the FHWA Division to come to an agreement on how to consistently handle these situations and document their decisions.

**Q12: *Is full-depth pavement patching considered maintenance?***

A12: The answer to this question depends on the scope and location of the pavement patch. If the pavement patch work is limited to a portion of the pavement, even including a portion of the crosswalk, patching the pavement would typically be considered maintenance and would not require simultaneous installation or upgrading of curb ramps. Public entities should note that the ADA requires maintenance of accessible features, and as such, they should ensure that when the pavement is patched or other road maintenance is performed, the work does not result in a lesser level of accessibility. See 28 CFR 35.133(a). If the pavement

patching impacts the curb at a pedestrian street crossing where no curb ramp exists, the work affecting the curb falls within the definition of “alteration,” and a curb ramp must be constructed rather than simply replacing the curb. See 28 CFR 35.151(b) and 35.151(i).

If a public entity is unsure whether the scope of specific full-depth pavement patching constitutes an alteration, the best practice is for the public entity to work together with the State transportation agency and the FHWA Division to come to an agreement on how to consistently handle these situations and document their decisions.

**Q13: Do any other requirements apply to road alteration projects undertaken by public entities that receive Federal financial assistance from DOT either directly or indirectly, even if such financial assistance is not used for the specific road alteration project at issue?**

A13: Yes, if a public entity receives any Federal financial assistance from DOT whether directly or through another DOT recipient, then the entity must also apply DOT’s Section 504 requirements even if the road alteration project at issue does not use Federal funds. See 49 CFR 27.3 (applicability of DOT’s Section 504 requirements) and 27.5 (definition of “program or activity”).

DOT’s Section 504 disability nondiscrimination regulations are found at 49 CFR Part 27. These regulations implement Section 504 of the Rehabilitation Act of 1973 (Section 504). In 2006, DOT updated its accessibility standards by adopting the 2004 Americans with Disabilities Act Accessibility Guidelines (2004 ADAAG<sup>2</sup>) into its Section 504 regulations at 49 CFR 27.3 (referencing 49 CFR Part 37, Appendix A). These requirements replaced the previously applicable ADA Standards for Accessible Design (1991) (formerly known as 1991 ADAAG). At that time, DOT’s regulation adopted a modification to Section 406 of the 2004 ADAAG which required the placement of detectable warnings on curb ramps.

The revised DOT Section 504 regulation also provided a “safe harbor” provision (similar to the ADA provision discussed in Question 1) that applies to curb ramps that were newly constructed or altered by entities receiving Federal financial assistance from DOT and that were in compliance with the 1991 ADAAG requirements prior to November 29, 2006. If the “safe harbor” applies, these curb ramps are still considered compliant and do not have to be modified to add detectable warnings unless they are altered after November 29, 2006. The DOT “safe harbor” provision is found at 49 CFR 37.9(c). DOT’s Section 504 regulations (49 CFR 27.19(a)) require compliance with 49 CFR Part 37.

The Section 504 safe harbor does not apply, however, if, at the time of the road alteration project, the existing curb ramp does not comply with the 1991 ADAAG and at that time it must be brought into compliance with the current DOT Section 504 requirements (2004 ADAAG) including detectable warnings.

**Q14: Does the Section 504 safe harbor apply to curb ramps built in compliance with 1991 ADAAG during the time period when the requirement for detectable warnings was suspended and the roadway is now being resurfaced where it intersects the pedestrian walkway?**

A14: If the curb ramps that were built or altered prior to November 29, 2006 were fully compliant with 1991 ADAAG at the time that the detectable warnings requirements were suspended, then the DOT Section 504

safe harbor applies to them and the recipient does not have to add detectable warnings as a result of a resurfacing project.

**Q15: *In addition to the obligations triggered by road resurfacing alterations, are there other title II or Section 504 requirements that trigger the obligation to provide curb ramps?***

A15: In addition to the obligation to provide curb ramps when roads are resurfaced, both DOJ's title II ADA regulation and DOT's Section 504 regulation (applicable to recipients of DOT Federal financial assistance), require the provision of curb ramps if the sidewalk is installed or altered at the intersection, during new construction, as a means of providing program accessibility, and as a reasonable modification under title II or a reasonable accommodation under Section 504.

### **New Construction and Alterations**

DOJ's title II ADA regulation provides that newly constructed or altered streets, roads, and highways must contain curb ramps or other sloped areas at any intersection having curbs or other barriers to entry from a street level pedestrian walkway. In addition, the regulation provides that newly constructed or altered street level pedestrian walkways must contain curb ramps or other sloped areas at intersections to streets, roads, or highways. See 28 CFR 35.151(i). These curb ramps must comply with the 2010 Standards.<sup>3</sup>

DOT's Section 504 Federally assisted regulation also requires the provision of curb ramps in new construction and alterations. See 49 CFR 27.19(a) (requiring recipients of DOT financial assistance to comply with DOJ's ADA regulation at 28 CFR Part 35, including the curb ramp requirements at 28 CFR 35.151(i)); 49 CFR 27.75 (a)(2) (requiring all pedestrian crosswalks constructed with Federal financial assistance to have curb cuts or ramps).

### **Program Accessibility**

Both DOJ's title II ADA regulation and DOT's Section 504 regulation require that public entities/recipients operate each service, program, or activity so that the service, program, or activity, when viewed in its entirety, is readily accessible to and usable by individuals with disabilities. This obligation, which is known as providing "program accessibility," includes a requirement to evaluate existing facilities in the public right-of-way for barriers to accessibility, including identifying non-existent or non-compliant curb ramps where roads intersect pedestrian access routes (sidewalks or other pedestrian walkways). After completing this self-evaluation, a public entity/recipient must set forth a plan for eliminating such barriers so as to provide overall access for persons with disabilities. See 28 CFR 35.150, and 49 CFR 27.11(c).

Since March 15, 2012, the DOJ title II regulation requires the use of the 2010 Standards for structural changes needed to provide program access. However, in accordance with the ADA safe harbor discussed in Question 1, if curb ramps constructed prior to March 15, 2012 already comply with the curb ramp requirements in the 1991 Standards, they need not be modified in accordance with the 2010 Standards in order to provide program access, unless they are altered after March 15, 2012.

Similarly, DOT's Section 504 "safe harbor" allows curb ramps that were newly constructed or altered prior to November 29, 2006, and that meet the 1991 ADAAG to be considered compliant.<sup>4</sup> Elements not covered

under the safe harbor provisions may need to be modified to provide program access and should be incorporated into a program access plan for making such modifications. 49 CFR 27.11(c)(2).

Under Section 504, self-evaluations and transition plans should have been completed by December 29, 1979. Under the ADA, transition plans should have been completed by July 26, 1992, and corrective measures should have been completed by January 26, 1995. While these deadlines have long since passed, entities that did not develop a transition plan prior to those dates should begin immediately to complete their self-evaluation and develop a comprehensive transition plan.

### **Reasonable Modification /Accommodation**

In addition to alteration and program accessibility obligations, public entities may have an obligation under title II and Section 504 to undertake curb ramp construction or alteration as a “reasonable modification/accommodation” in response to a request by, or on behalf of, someone with a disability. Such a request may be made to address a non-compliant curb ramp outside of the schedule provided in the public entity’s transition plan. A public entity must appropriately consider such requests as they are made. 28 CFR 35.130(b)(7); 49 CFR 27.7(e).

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<sup>1</sup> The 2010 Standards can be found on DOJ’s website at

[http://www.ada.gov/2010ADAstandards\\_index.htm](http://www.ada.gov/2010ADAstandards_index.htm).

<sup>2</sup> In 2004, the United States Architectural and Transportation Barriers Board (U.S. Access Board) published the Americans with Disabilities Act Accessibility Guidelines (2004 ADAAG), which serve as the basis of the current enforceable ADA standards adopted by both DOT and DOJ.

<sup>3</sup> The 2010 Standards include a provision on equivalent facilitation that allows covered entities to use other designs for curb ramps if such designs provide equal or greater access. *See* section 103 of the [2010 Standards](#).

<sup>4</sup> The DOT “safe harbor” provision is found at 49 CFR 37.9(c). DOT’s Section 504 regulations (49 CFR 27.19(a)) require compliance with 49 CFR Part 37.

The Americans with Disabilities Act authorizes the Department of Justice (the Department) to provide technical assistance to individuals and entities that have rights or responsibilities under the Act. This document provides informal guidance to assist you in understanding the ADA and the Department's regulations.

This guidance document is not intended to be a final agency action, has no legally binding effect, and may be rescinded or modified in the Department's complete discretion, in accordance with applicable laws. The Department's guidance documents, including this guidance, do not establish legally enforceable responsibilities beyond what is required by the terms of the applicable statutes, regulations, or binding judicial precedent.



PUBLIC WORKS DEPARTMENT

**MEMORANDUM**

TO: Public Works Committee

FROM: Jeff Langhelm, PE, Public Works Director 

DATE: November 3, 2021

SUBJECT: Ancich Boat Storage Rental Fees

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At the May 11, 2021 Public Works Committee meeting, Staff presented the Public Works Committee with draft rental terms for the City's Ancich Boat Storage Building and noted Staff would return later in 2021 with a fee table for adoption by City Council.

Attached for your review and consideration is the proposed Ancich Boat Storage fee table. These fees have been reviewed with the Mayor and will be discussed at the November 9 Public Works Committee meeting. Staff will present the proposed schedule for adoption of these fees and will be available to answer questions related to this topic.

## Proposed Ancich Boat Storage Fees

### City Resident Rate per 6-Month Rental Period

| Boat Type | Base Rate | Surcharge<br>\$/ft | Example |          |
|-----------|-----------|--------------------|---------|----------|
|           |           |                    | Length  | Total    |
| SUP       | \$90.00   | \$9.00             | 11      | \$189.00 |
| Kayak     | \$108.00  | \$9.00             | 12      | \$216.00 |
| Canoe     | \$132.00  | \$9.00             | 17      | \$285.00 |

### Non City Resident Rate per 6-Month Rental Period

| Boat Type | Base Rate | Surcharge<br>\$/ft | Example |          |
|-----------|-----------|--------------------|---------|----------|
|           |           |                    | Length  | Total    |
| SUP       | \$132.00  | \$12.00            | 11      | \$264.00 |
| Kayak     | \$156.00  | \$12.00            | 12      | \$300.00 |
| Canoe     | \$180.00  | \$12.00            | 17      | \$384.00 |

### Proposed Ancich Locker Fees

All Users      \$60.00      per 6-Month Rental Period

### Application Fee

All Users      \$5.00      each application



PUBLIC WORKS DEPARTMENT

## **MEMORANDUM**

TO: Public Works Committee Members

FROM: Jeff Langhelm, PE, Public Works Director

DATE: November 9, 2021

SUBJECT: Burnham Ridge Plat Utility Extension Agreements (UEA)

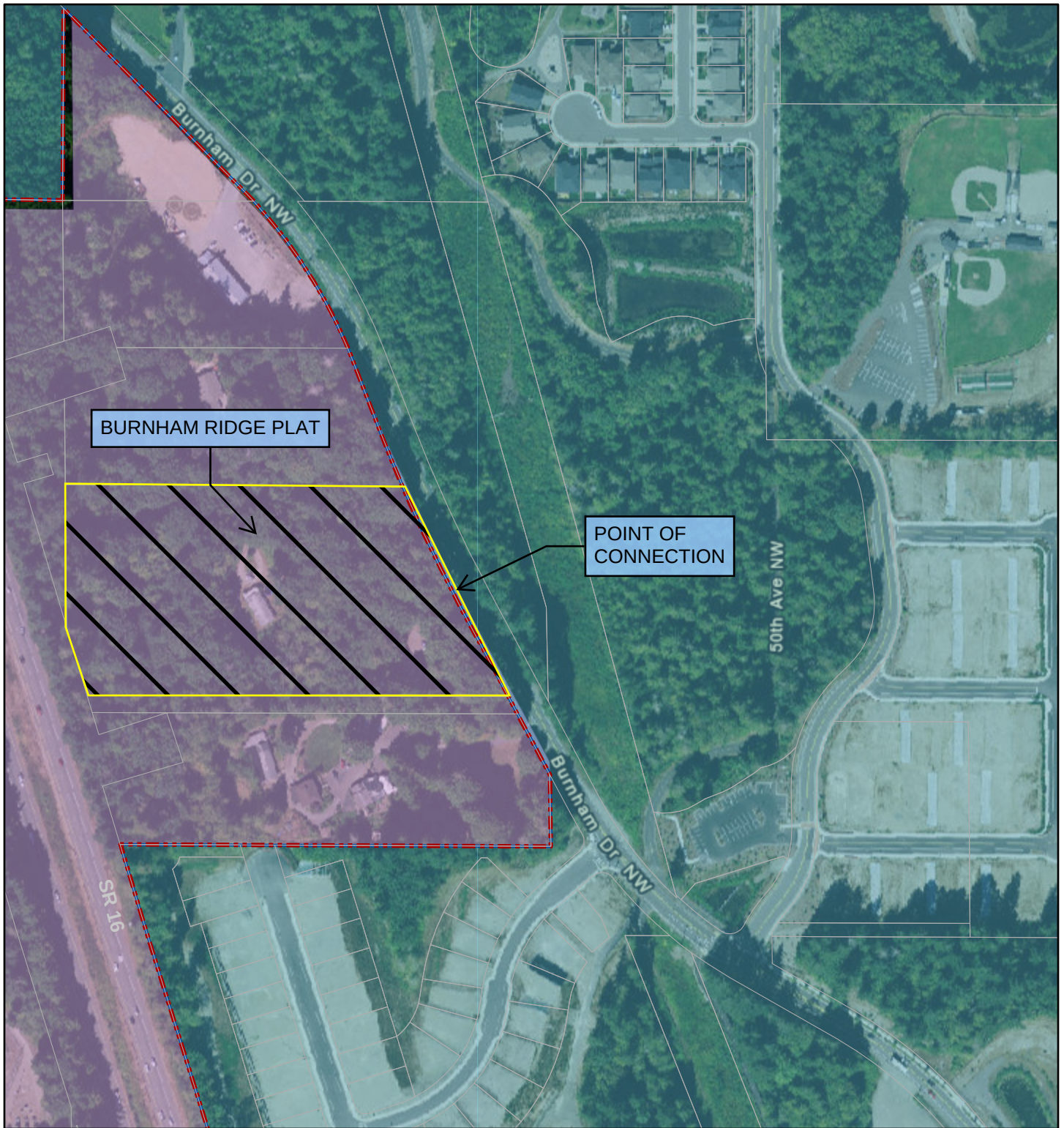
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The City received a request for utility extension agreements (UEA) from Rush Residential to extend the City's water and sewer utilities from Burnham Drive into their proposed Burnham Ridge Plat. This Plat would connect to the City's existing water main and gravity sewer main at the intersection of Burnham Drive and the Plat's new road. See the attached map depicting these locations.

The proposed UEA is requesting a total of twenty (20) water and sewer connections. The draft water and sewer agreements are attached for your review.

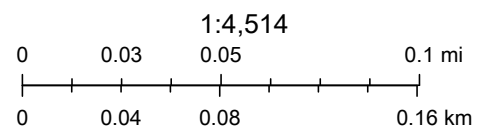
At the November 9, 2021 Public Works Committee meeting I would like to discuss the proposed agreements and answer any questions the Committee might have.

# Exhibit B Property Location Map



10/28/2021, 1:44:36 PM

- Parcels
- City Boundary (shaded)
- Urban Growth Area (UGA)



Esri, HERE, IPC, Copyright 2021 HxIP., Maxar

AFTER RECORDING RETURN TO:

The City of Gig Harbor  
Attn: City Clerk  
3510 Grandview Street  
Gig Harbor, WA 98335

**WASHINGTON STATE COUNTY AUDITOR/RECORDER'S INDEXING FORM**

**Document Title(s) (or transactions contained therein):**

Utility Extension, Capacity Agreement and Agreement Waiving Right to Protest LID

**Grantor(s) (Last name first, then first name and initials)**

\_\_\_\_\_

**Grantee(s) (Last name first, then first name and initials)**

City of Gig Harbor

**Legal Description (abbreviated: i.e., lot, block, plat or section, township, range)**

Section 31 Township 22 Range 02 Quarter 32 : THAT PART OF GOVT LOT 3 LY W OF GHLB HWY & N OF A LI 270 FT N OF N LI OF S 1/2 OF FOLL DESC PROP THAT POR OF S 1/2 OF S 1/2 OF NW OF SW LY W OF R/W OF TLCT LI EXC R/W OF GHLB HWY EXC THAT POR DEEDED TO STATE OF WASH 2/27/43 FOR HWY ALSO EXC POR TO STATE OF WASH # 1567621 # 1785851 & # 2413879 ALSO EXC N 500 FT THEREOF SEG G 3500 T/E 1997 HBNW EVERGREEN S#1489 27X56 (P55555-10717) VS 7/99

**Assessor's Property Tax Parcel or Account Number:** 0222313042

**Reference Number(s) of Documents assigned or released:** \_\_\_\_\_

**UTILITY EXTENSION, CAPACITY AGREEMENT  
AND AGREEMENT WAIVING RIGHT TO PROTEST LID**

THIS AGREEMENT is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2021, between the City of Gig Harbor, Washington, a municipal corporation of the State of Washington (the "City"), and The Rush Companies, a \_\_\_\_\_ (the "Owner").

**RECITALS**

WHEREAS, the Owner is the owner of certain real property located in Pierce County which is legally described as set forth in Exhibit "A" and shown in the location map in Exhibit "B" attached hereto and incorporated herein by this reference; and

WHEREAS, the Owner's property is not currently within the City limits; and

WHEREAS, the Owner desires to connect to the City's water utility system, hereafter referred to as the "utility," and the City is willing to allow connection only upon certain terms and conditions in accordance with Title 13 of the Gig Harbor Municipal Code, as now enacted or hereinafter amended; and

WHEREAS, on **November 22, 2021**, the City Council held a public hearing on this Utility Extension Capacity Agreement; NOW, THEREFORE,

FOR AND IN CONSIDERATION of the mutual benefits and conditions hereinafter contained, the parties agree as follows:

**TERMS**

1. Warranty of Title. The Owner warrants that Owner is the owner of the property described in Exhibit 'A', which is attached hereto and incorporated herein by this reference, and is authorized to enter into this Agreement.

2. Extension Authorized. The City hereby authorizes the Owner to extend service to Owner's property from the existing utility line on Burnham Drive NW (street or right-of-way) at the following location: 10202 Burnham Dr NW, Gig Harbor, WA 98332.

3. Costs. Owner will pay all costs of designing, engineering and constructing the extension. All construction shall be done to City standards and according to plans approved by the City Engineer. Any and all costs incurred by the City in reviewing plans and inspecting construction shall be paid for by the Owner.

4. Water Capacity Commitment. The City agrees to provide to the Owner water utility service and hereby reserves to the Owner 20 ERU's; provided however, that the City retains the authority to temporarily suspend such capacity where it is necessary to comply with other permits required by any agency with jurisdiction. These capacity rights are allocated only to the Owner's system as herein described. Any modification to this system must first be approved by the City. Capacity rights acquired by the Owner pursuant to this Agreement shall not constitute ownership by the Owner of any facilities comprising the City's water system. The City agrees to reserve to the Owner this capacity as set forth in GHMC 13.34.030.

5. Capacity Commitment Payment.

A. The Owner agrees to pay the City within 30 days of execution of this Agreement and prior to the recording of this agreement the sum of \$ 32,850, which is fifteen percent (15%) of the current general facilities charge, to reserve the above specified capacity. This payment shall reserve the specified capacity for a period of up to three years from the date of payment.

B. In the event the Owner has not made connection to the City's utility system by the date set forth above and no extension of the commitment period occurs as outlined below, such capacity commitment shall expire and the Owner shall forfeit one hundred percent (100%) of this capacity commitment payment to cover the City's administrative and related expenses.

C. In the event the Pierce County Boundary Review Board should not approve extension of the City's water system prior to the expiration of the commitment period, the Owner shall be entitled to a refund of the capacity commitment payment (without interest), less a five percent (5%) administrative fee.

6. Extension of Commitment Period. The Owner may extend the capacity commitment period for the life of the underlying development application or the underlying development approval upon payment of a capacity commitment payment of 100% of the value of the current general facilities charge. At the time of actual connection, per GHMC 13.34.040(7), if the water general facilities charge has increased, the Owner shall pay the difference between what was paid for the capacity commitment payment and the actual cost of the current general facilities charge.

7. Permits; Easements. Owner shall secure and obtain, at Owner's sole cost and expense, any and all necessary permits, easements, approvals, and licenses to construct the extension, including, but not limited to, all necessary easements, excavation permits, street use permits, or other permits required by state, county and city governmental departments including, but not limited to, the Pierce County Planning & Public Works Department, Pierce County Environmental Health Department, State Department of Ecology, Pierce County Boundary Review Board, and City of Gig Harbor.

8. Turn Over of Capital Facilities. If the extension of utility service to Owner's property involves the construction of water or sewer main lines, pump stations, wells, and/or other City required capital facilities, the Owner agrees if required by the City to turn over and dedicate such facilities to the City, at no cost, upon the completion of construction and approval and acceptance of the same by the City. As a prerequisite to such turn over and acceptance, the Owner will furnish to the City the following:

A. Record drawings in a form acceptable to the City Engineer;

B. Any necessary easements, permits or licenses for the continued operation, maintenance, repair or reconstruction of such facilities by the City, in a form approved by the City Attorney;

C. A bill of sale in a form approved by the City Attorney; and

D. A bond or other suitable security in a form approved by the City Attorney and in an amount approved by the City Engineer, ensuring that the facilities will remain free from defects in

workmanship and materials for a period of two years.

9. General Facilities Charges. The Owner agrees to pay the applicable general facilities charges, in addition to any costs of construction, as a condition of connecting to the City utility system at the rate schedules applicable at the time the Owner physically connects his/her property to the system. Any commitment payment that has not been forfeited shall be applied to the City's general facilities charges. Should the Owner not connect 100% of the Water Capacity Commitment, the Capacity Commitment payment shall be credited on a prorated percentage basis to the general facilities charges as they are levied.

10. Service Charges. In addition to the general facilities charges, the Owner agrees to pay for utility service rendered according to the rates for services applicable to properties outside the city limits as such rates exist (which is presently at 150% the rate charged to customers inside city limits) or as they may be hereafter amended or modified.

11. Annexation.

A. Owner understands that annexation of the property described on Exhibit 'A' to the City will result in the following consequences:

- i. Pierce County ordinances, resolutions, rules and regulations will cease to apply to the property upon the effective date of annexation;
- ii. City of Gig Harbor ordinances, resolutions, rules and regulations will apply to the property upon the effective date of annexation;
- iii. Governmental services, such as police, fire and utility service will be provided to the property by the City of Gig Harbor upon the effective date of annexation;
- iv. The property may be required to assume all or any portion of the existing City of Gig Harbor indebtedness, and property tax rates and assessments applicable to the property may be different from those applicable prior to the effective date of annexation;
- v. Zoning and land use regulations applicable to the property after annexation may be different from those applicable to the property prior to annexation; and
- vi. All or any portion of the property may be annexed and the property may be annexed in conjunction with, or at the same time as, other property in the vicinity.

B. With full knowledge and understanding of these consequences of annexation and with full knowledge and understanding of Owner's decision to forego opposition to annexation of the property to the City of Gig Harbor, Owner agrees to sign a petition for annexation to the City of the property described on Exhibit "A" as provided in RCW 35.14.120, as it now exists or as it may hereafter be amended, at such time as the Owner is requested by the City to do so. The Owner also agrees and appoints the Mayor of the City as Owner's attorney-in-fact to execute an annexation petition on Owner's behalf in the event that Owner shall fail or refuse to do so and agrees that such signature shall constitute full authority from the Owner for annexation as if Owner had signed the petition himself. Owner further agrees not to litigate, challenge or in any manner contest, annexation to the City. This Agreement shall be deemed to be continuing, and if Owner's

property is not annexed for whatever reason, including a decision by the City not to annex, Owner agrees to sign any and all subsequent petitions for annexations. In the event that any property described on Exhibit 'A' is subdivided into smaller lots, the purchasers of each subdivided lot shall be bound by the provisions of this paragraph.

12. Public Works Standards and Utility Regulations. Owner agrees to comply with all of the requirements of the City's public works standards relating to water and utility regulations when developing or redeveloping all or any part of the property described on Exhibit "A", and all other applicable water standards in effect at the time.

13. Liens. The Owner understands and agrees that delinquent payments under this agreement shall constitute a lien upon the above-described property. The lien shall be as provided in RCW 35.67.200, and shall be enforced in accordance with RCW 35.67.220 through RCW 35.67.290, all as now enacted or hereafter amended.

14. Termination for Noncompliance. In the event Owner fails to comply with any term or condition of this Agreement, the City shall have the right, at any time, to enter onto the Owner's property and for that purpose disconnect the water, in addition to any other remedies available to the City.

15. Waiver of Right to Protest LID. (If applicable)

A. Owner acknowledges that the entire property legally described in Exhibit 'A' would be specially benefited by the following improvements (specify):

**Extension of public Water Main and all associated appurtenances from Burnham Drive into the Burnham Ridge Plat, located at 10202 Burnham Dr. NW, Gig Harbor, WA 98332**

B. Owner agrees to sign a petition for the formation of an LID or ULID for the specified improvements at such time as one is circulated and Owner hereby appoints the Mayor of the City as his attorney-in-fact to sign such a petition in the event Owner fails or refuses to do so.

C. With full understanding of Owner's right to protest formation of an LID or ULID to construct such improvements pursuant to RCW 35.43.180, Owner agrees to participate in any such LID or ULID and to waive his right to protest formation of the same. Owner shall retain the right to contest the method of calculating any assessment and the amount thereof, and shall further retain the right to appeal the decision of the City Council affirming the final assessment roll to the superior court. Notwithstanding any other provisions of this Agreement, this waiver of the right to protest shall only be valid for a period of ten (10) years from the date this Agreement is signed by the Owner.

16. Specific Enforcement. In addition to any other remedy provided by law or this Agreement, the terms of this Agreement may be specifically enforced by a court of competent jurisdiction.

17. Covenant. The conditions and covenants set forth in this Agreement and incorporated herein by the Exhibits shall run with the land and the benefits and burdens shall bind and inure to the benefit of the parties. The Owner, and every purchaser, assignee or transferee of an interest in the Property, or any portion thereof, shall be obligated and bound by the terms and conditions of this Agreement, and shall be the beneficiary thereof and a party thereto, but only with respect to the Property, or such portion thereof, sold, assigned or transferred to it. Any such purchaser, assignee or transferee shall observe and fully perform all of the duties and obligations of the Owner contained in this Agreement, as such duties and obligations pertain to the portion of the Property sold, assigned or transferred to it. All costs of recording this Agreement with the Pierce County Auditor shall be borne by the Owner.

18. Attorney's Fees. This Agreement shall be construed and enforced in accordance with the laws of the State of Washington. In any suit or action seeking to enforce any provision of this Agreement, the prevailing party shall be entitled to reasonable attorney's fees and costs, in addition to any other remedy provided by law or this agreement. Venue of such action shall lie in Pierce County Superior Court or the U.S. District Court for Western Washington.

19. Notices. Notices and correspondence to the City and Owner shall be sufficiently given if dispatched by pre-paid first-class mail to the addresses of the parties as designated below. Notice to any person who purchases any portion of the Property from the Owner shall be required to be given by the City only for those property purchasers who provide the City with written notice of their address. The parties hereto may, from time to time, advise the other of any new addresses for notice and correspondence.

TO THE CITY:

City Clerk  
City of Gig Harbor  
3510 Grandview Street  
Gig Harbor, WA 98335

TO THE OWNER:

Rush Residential  
6622 Wollochet Dr NW  
Gig Harbor, WA 98335

20. Severability and Integration. This Agreement and the Exhibits attached hereto constitute the agreement between the parties on this subject matter, and there are no other understandings, verbal or written, that modify the terms of this Agreement. If any phrase, provision, or section of this Agreement is determined by a court of competent jurisdiction to be invalid or unenforceable, or if any provision of this Agreement is rendered invalid or unenforceable according to the terms of any statute of the State of Washington which became effective after the effective date of this Agreement, such invalidity shall not affect the other terms of this Agreement.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

OWNER:

CITY OF GIG HARBOR

By: \_\_\_\_\_  
Its \_\_\_\_\_  
(Owner, President, Managing Member)

By: \_\_\_\_\_  
Its Mayor

Attest:

\_\_\_\_\_  
City Clerk, Josh Stecker

Approved as to form:  
Office of the City Attorney  
\_\_\_\_\_

STATE OF WASHINGTON                    )  
                                                          ) ss.  
COUNTY OF \_\_\_\_\_                    )

I certify that I know or have satisfactory evidence that \_\_\_\_\_ is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument, on oath stated that (he/she) was authorized to execute the instrument and acknowledged it as the \_\_\_\_\_ of \_\_\_\_\_, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED: \_\_\_\_\_

\_\_\_\_\_  
Printed: \_\_\_\_\_  
Notary Public in and for Washington  
Residing at: \_\_\_\_\_  
My appointment expires: \_\_\_\_\_

STATE OF WASHINGTON                    )  
                                                          ) ss.  
COUNTY OF P I E R C E                    )

I certify that I know or have satisfactory evidence that Jill Guernsey is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the Mayor of Gig Harbor, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED: \_\_\_\_\_

\_\_\_\_\_  
Printed: \_\_\_\_\_  
Notary Public in and for Washington  
Residing at \_\_\_\_\_  
My appointment expires: \_\_\_\_\_



*First American*

## Exhibit A

ISSUED BY

**First American Title Insurance Company**

File No: 4266-3379459

File No.: 4266-3379459

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF PIERCE, STATE OF WA, AND IS DESCRIBED AS FOLLOWS:

That portion of Government Lot 3 lying Southwesterly of the Southwesterly line of Old Gig Harbor-Longbranch Highway in Section 31, Township 22 North, Range 2 East of the Willamette Meridian;

Except the North 500 feet thereof;

Also except the South 436.07 feet thereof;

Also except that portion thereof conveyed to the State of Washington for State Route No. 16 by Deed recorded under recording number 2413879;

Situate in the County of Pierce, State of Washington.

0222313042

10202 Burnham Drive Northwest  
Gig Harbor, Washington 98332

*This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by First American Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions.*

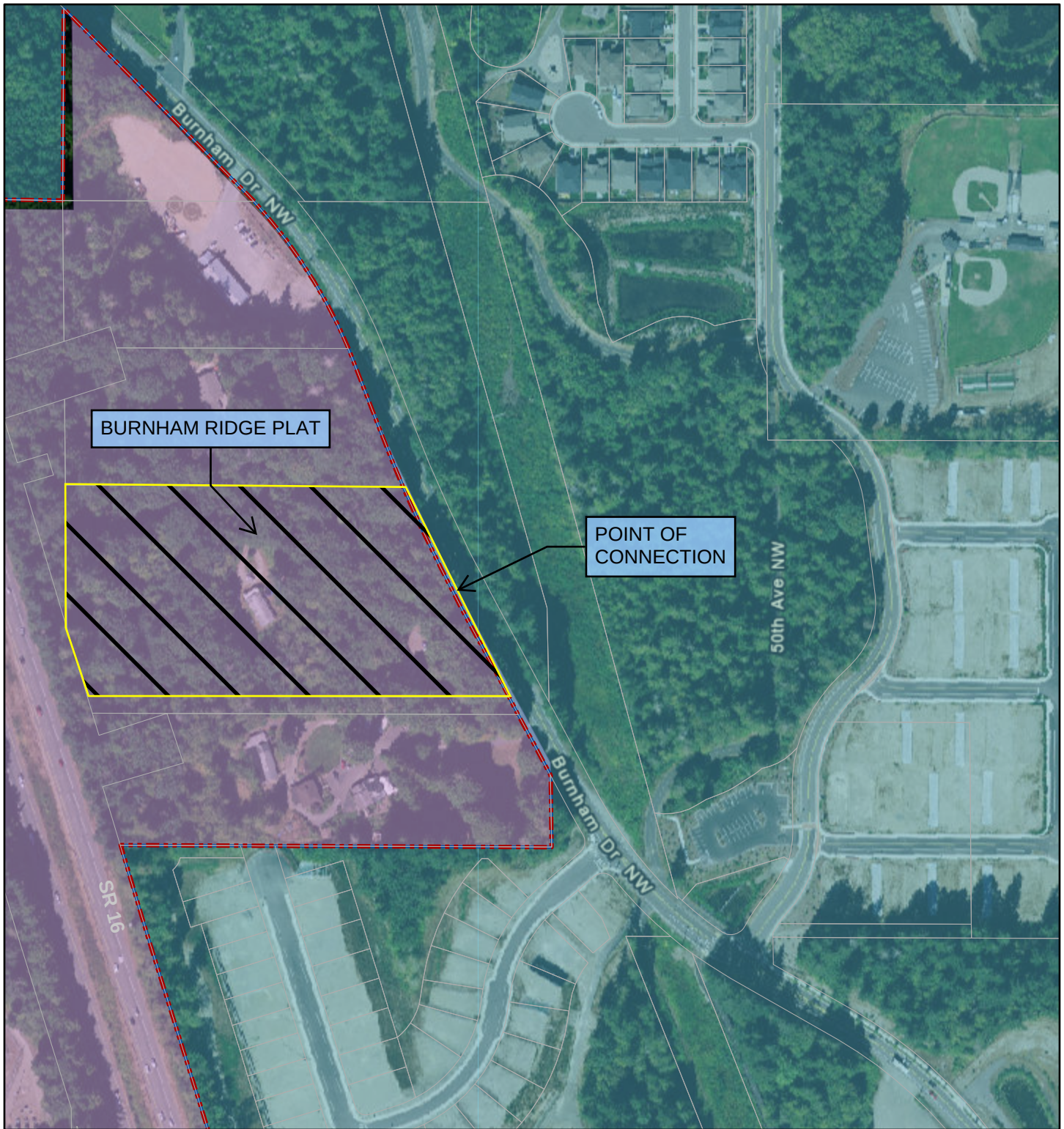
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Form 50003700WA (8-23-18) Page 13 of 13

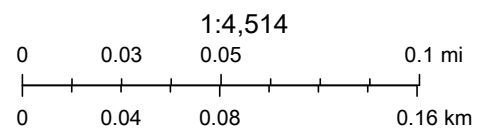
ALTA Commitment for Title Insurance (8-1-16)  
Washington

# Exhibit B Property Location Map



10/28/2021, 1:44:36 PM

- Parcels
- City Boundary (shaded)
- Urban Growth Area (UGA)



Esri, HERE, IPC, Copyright 2021 HxIP., Maxar

AFTER RECORDING RETURN TO:

The City of Gig Harbor  
Attn: City Clerk  
3510 Grandview Street  
Gig Harbor, WA 98335

**WASHINGTON STATE COUNTY AUDITOR/RECORDER'S INDEXING FORM**

**Document Title(s) (or transactions contained therein):**

Utility Extension, Capacity Agreement and Agreement Waiving Right to Protest LID

**Grantor(s) (Last name first, then first name and initials)**

\_\_\_\_\_

**Grantee(s) (Last name first, then first name and initials)**

City of Gig Harbor

**Legal Description (abbreviated: i.e., lot, block, plat or section, township, range)**

Section 31 Township 22 Range 02 Quarter 32 : THAT PART OF GOVT LOT 3 LY W OF GHLB HWY & N OF A LI 270 FT N OF N LI OF S 1/2 OF FOLL DESC PROP THAT POR OF S 1/2 OF S 1/2 OF NW OF SW LY W OF R/W OF TLCT LI EXC R/W OF GHLB HWY EXC THAT POR DEEDED TO STATE OF WASH 2/27/43 FOR HWY ALSO EXC POR TO STATE OF WASH # 1567621 # 1785851 & # 2413879 ALSO EXC N 500 FT THEREOF SEG G 3500 T/E 1997 HBNW EVERGREEN S#1489 27X56 (P55555-10717) VS 7/99

**Assessor's Property Tax Parcel or Account Number:** 0222313042

**Reference Number(s) of Documents assigned or released:** \_\_\_\_\_

**UTILITY EXTENSION, CAPACITY AGREEMENT  
AND AGREEMENT WAIVING RIGHT TO PROTEST LID**

THIS AGREEMENT is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2021, between the City of Gig Harbor, Washington, a municipal corporation of the State of Washington (the "City"), and The Rush Companies, a \_\_\_\_\_ (the "Owner").

**RECITALS**

WHEREAS, the Owner is the owner of certain real property located in Pierce County which is legally described as set forth in Exhibit "A" and shown in the location map in Exhibit "B" attached hereto and incorporated herein by this reference; and

WHEREAS, the Owner's property is not currently within the City limits; and

WHEREAS, the Owner desires to connect to the City sewer utility system, hereafter referred to as the "utility," and the City is willing to allow connection only upon certain terms and conditions in accordance with Title 13 of the Gig Harbor Municipal Code, as now enacted or hereinafter amended; and

WHEREAS, on **November 22, 2021**, the City Council held a public hearing on this Utility Extension Capacity Agreement; NOW, THEREFORE,

FOR AND IN CONSIDERATION of the mutual benefits and conditions hereinafter contained, the parties agree as follows:

**TERMS**

1. Warranty of Title. The Owner warrants that Owner is the owner of the property described in Exhibit 'A', which is attached hereto and incorporated herein by this reference, and is authorized to enter into this Agreement.

2. Extension Authorized. The City hereby authorizes the Owner to extend service to Owner's property from the existing utility line on Burnham Drive (street or right-of-way) at the following location: 10202 Burnham Dr NW, Gig Harbor, WA 98332.

3. Costs. Owner will pay all costs of designing, engineering and constructing the extension. All construction shall be done to City standards and according to plans approved by the City Engineer. Any and all costs incurred by the City in reviewing plans and inspecting construction shall be paid for by the Owner.

4. Sewer Capacity Commitment. The City agrees to provide to the Owner sewer utility service and hereby reserves to the Owner the right to discharge to the City's sewage system 20 ERU's; provided however, that the City retains the authority to temporarily suspend such capacity where necessary to protect public health and safety, or where required to comply with the City's NPDES permit, or any other permits required by any agency with jurisdiction. These capacity rights are allocated only to the Owner's system as herein described. Any modification to this system must first be approved by the City. Capacity rights acquired by the Owner pursuant to this Agreement shall not constitute ownership by the Owner of any facilities comprising the City sewage system. The City agrees to reserve to the Owner this capacity as set forth in GHMC 13.34.030.

5. Capacity Commitment Payment.

A. The Owner agrees to pay the City within 30 days of execution of this Agreement and prior to the recording of this agreement the sum of \$ 43,380, which is fifteen percent (15%) of the current general facilities charge, to reserve the above specified capacity. This payment shall reserve the specified capacity for a period of up to three years.

B. In the event the Owner has not made connection to the City's utility system by the date set forth above and no extension of the commitment period occurs as outlined below, such capacity commitment shall expire and the Owner shall forfeit one hundred percent (100%) of this capacity commitment payment to cover the City's administrative and related expenses.

C. In the event the Pierce County Boundary Review Board should not approve extension of the City's sewer system prior to the expiration of the commitment period, the Owner shall be entitled to a refund of the capacity commitment payment (without interest), less a five percent (5%) administrative fee.

6. Extension of Commitment Period. The Owner may extend the capacity commitment period for the life of the underlying development application or the underlying development approval upon payment of a capacity commitment payment of 100% of the value of the current general facilities charge. At the time of actual connection, per GHMC 13.34.040(7), if the sewer general facilities charge has increased, the Owner shall pay the difference between what was paid for the capacity commitment payment and the actual cost of the current general facilities charge.

7. Permits; Easements. Owner shall secure and obtain, at Owner's sole cost and expense, any and all necessary permits, easements, approvals, and licenses to construct the extension, including, but not limited to, all necessary easements, excavation permits, street use permits, or other permits required by state, county and city governmental departments including, but not limited to, the Pierce County Planning & Public Works Department, Pierce County Environmental Health Department, State Department of Ecology, Pierce County Boundary Review Board, and City of Gig Harbor.

8. Turn Over of Capital Facilities. If the extension of utility service to Owner's property involves the construction of water or sewer main lines, pump stations, wells, and/or other City required capital facilities, the Owner agrees if required by the City to turn over and dedicate such facilities to the City, at no cost, upon the completion of construction and approval and acceptance of the same by the City. As a prerequisite to such turn over and acceptance, the Owner will furnish to the City the following:

A. Record drawings in a form acceptable to the City Engineer;

B. Any necessary easements, permits or licenses for the continued operation, maintenance, repair or reconstruction of such facilities by the City, in a form approved by the City Attorney;

C. A bill of sale in a form approved by the City Attorney; and

D. A bond or other suitable security in a form approved by the City Attorney and in an amount approved by the City Engineer, ensuring that the facilities will remain free from defects in

workmanship and materials for a period of two years.

9. General Facilities Charges. The Owner agrees to pay the applicable general facilities charges, in addition to any costs of construction, as a condition of connecting to the City utility system at the rate schedules applicable at the time the Owner physically connects his/her property to the system. Any commitment payment that has not been forfeited shall be applied to the City's general facilities charges. Should the Owner not connect 100% of the Sewer Capacity Commitment, the Capacity Commitment payment shall be credited on a prorated percentage basis to the general facilities charges as they are levied.

10. Service Charges. In addition to the general facilities charges, the Owner agrees to pay for utility service rendered according to the rates for services applicable to properties outside the city limits as such rates exist (which is presently at 150% the rate charged to customers inside city limits) or as they may be hereafter amended or modified.

11. Annexation.

A. Owner understands that annexation of the property described on Exhibit 'A' to the City will result in the following consequences:

- i. Pierce County ordinances, resolutions, rules and regulations will cease to apply to the property upon the effective date of annexation;
- ii. City of Gig Harbor ordinances, resolutions, rules and regulations will apply to the property upon the effective date of annexation;
- iii. Governmental services, such as police, fire and utility service will be provided to the property by the City of Gig Harbor upon the effective date of annexation;
- iv. The property may be required to assume all or any portion of the existing City of Gig Harbor indebtedness, and property tax rates and assessments applicable to the property may be different from those applicable prior to the effective date of annexation;
- v. Zoning and land use regulations applicable to the property after annexation may be different from those applicable to the property prior to annexation; and
- vi. All or any portion of the property may be annexed and the property may be annexed in conjunction with, or at the same time as, other property in the vicinity.

B. With full knowledge and understanding of these consequences of annexation and with full knowledge and understanding of Owner's decision to forego opposition to annexation of the property to the City of Gig Harbor, Owner agrees to sign a petition for annexation to the City of the property described on Exhibit "A" as provided in RCW 35.14.120, as it now exists or as it may hereafter be amended, at such time as the Owner is requested by the City to do so. The Owner also agrees and appoints the Mayor of the City as Owner's attorney-in-fact to execute an annexation petition on Owner's behalf in the event that Owner shall fail or refuse to do so and agrees that such signature shall constitute full authority from the Owner for annexation as if Owner had signed the petition himself. Owner further agrees not to litigate, challenge or in any manner contest, annexation to the City. This Agreement shall be deemed to be continuing, and if Owner's

property is not annexed for whatever reason, including a decision by the City not to annex, Owner agrees to sign any and all subsequent petitions for annexations. In the event that any property described on Exhibit 'A' is subdivided into smaller lots, the purchasers of each subdivided lot shall be bound by the provisions of this paragraph.

12. Public Works Standards and Utility Regulations. Owner agrees to comply with all of the requirements of the City's public works standards relating to sewer and utility regulations when developing or redeveloping all or any part of the property described on Exhibit "A", and all other applicable sewerage standards in effect at the time.

13. Liens. The Owner understands and agrees that delinquent payments under this agreement shall constitute a lien upon the above-described property. The lien shall be as provided in RCW 35.67.200, and shall be enforced in accordance with RCW 35.67.220 through RCW 35.67.290, all as now enacted or hereafter amended.

14. Termination for Noncompliance. In the event Owner fails to comply with any term or condition of this Agreement, the City shall have the right, at any time, to enter onto the Owner's property and for that purpose disconnect the sewer, in addition to any other remedies available to the City.

15. Waiver of Right to Protest LID. (If applicable)

A. Owner acknowledges that the entire property legally described in Exhibit 'A' would be specially benefited by the following improvements (specify):

**Extension of public Sanitary Sewer Gravity Main from Burnham Drive into the Burnham Ridge Plat, located at 10202 Burnham Dr. NW, Gig Harbor, WA 98332**

B. Owner agrees to sign a petition for the formation of an LID or ULID for the specified improvements at such time as one is circulated and Owner hereby appoints the Mayor of the City as his attorney-in-fact to sign such a petition in the event Owner fails or refuses to do so.

C. With full understanding of Owner's right to protest formation of an LID or ULID to construct such improvements pursuant to RCW 35.43.180, Owner agrees to participate in any such LID or ULID and to waive his right to protest formation of the same. Owner shall retain the right to contest the method of calculating any assessment and the amount thereof, and shall further retain the right to appeal the decision of the City Council affirming the final assessment roll to the superior court. Notwithstanding any other provisions of this Agreement, this waiver of the right to protest shall only be valid for a period of ten (10) years from the date this Agreement is signed by the Owner.

16. Specific Enforcement. In addition to any other remedy provided by law or this Agreement, the terms of this Agreement may be specifically enforced by a court of competent jurisdiction.

17. Covenant. The conditions and covenants set forth in this Agreement and incorporated herein by the Exhibits shall run with the land and the benefits and burdens shall bind and inure to the benefit of the parties. The Owner, and every purchaser, assignee or transferee of an interest in the Property, or any portion thereof, shall be obligated and bound by the terms and conditions of this Agreement, and shall be the beneficiary thereof and a party thereto, but only with respect to the Property, or such portion thereof, sold, assigned or transferred to it. Any such purchaser, assignee or transferee shall observe and fully perform all of the duties and obligations of the Owner contained in this Agreement, as such duties and obligations pertain to the portion of the Property sold, assigned or transferred to it. All costs of recording this Agreement with the Pierce County Auditor shall be borne by the Owner.

18. Attorney's Fees. This Agreement shall be construed and enforced in accordance with the laws of the State of Washington. In any suit or action seeking to enforce any provision of this Agreement, the prevailing party shall be entitled to reasonable attorney's fees and costs, in addition to any other remedy provided by law or this agreement. Venue of such action shall lie in Pierce County Superior Court or the U.S. District Court for Western Washington.

19. Notices. Notices and correspondence to the City and Owner shall be sufficiently given if dispatched by pre-paid first-class mail to the addresses of the parties as designated below. Notice to any person who purchases any portion of the Property from the Owner shall be required to be given by the City only for those property purchasers who provide the City with written notice of their address. The parties hereto may, from time to time, advise the other of any new addresses for notice and correspondence.

TO THE CITY:

City Clerk  
City of Gig Harbor  
3510 Grandview Street  
Gig Harbor, WA 98335

TO THE OWNER:

Rush Residential  
6622 Wollochet Dr NW  
Gig Harbor, WA 98335

20. Severability and Integration. This Agreement and the Exhibits attached hereto constitute the agreement between the parties on this subject matter, and there are no other understandings, verbal or written, that modify the terms of this Agreement. If any phrase, provision, or section of this Agreement is determined by a court of competent jurisdiction to be invalid or unenforceable, or if any provision of this Agreement is rendered invalid or unenforceable according to the terms of any statute of the State of Washington which became effective after the effective date of this Agreement, such invalidity shall not affect the other terms of this Agreement.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2021

OWNER:

CITY OF GIG HARBOR

By: \_\_\_\_\_  
Its \_\_\_\_\_  
(Owner, President, Managing Member)

By: \_\_\_\_\_  
Its Mayor

Attest:

\_\_\_\_\_  
City Clerk, Josh Stecker

Approved as to form:  
Office of the City Attorney  
\_\_\_\_\_

STATE OF WASHINGTON                    )  
                                                  ) ss.  
COUNTY OF \_\_\_\_\_                )

I certify that I know or have satisfactory evidence that \_\_\_\_\_ is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument, on oath stated that (he/she) was authorized to execute the instrument and acknowledged it as the \_\_\_\_\_ of \_\_\_\_\_, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED: \_\_\_\_\_

\_\_\_\_\_  
Printed: \_\_\_\_\_  
Notary Public in and for Washington  
Residing at: \_\_\_\_\_  
My appointment expires: \_\_\_\_\_

STATE OF WASHINGTON                    )  
                                                  ) ss.  
COUNTY OF P I E R C E                )

I certify that I know or have satisfactory evidence that \_\_\_\_\_ is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the Mayor of Gig Harbor, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED: \_\_\_\_\_

\_\_\_\_\_  
Printed: \_\_\_\_\_  
Notary Public in and for Washington  
Residing at \_\_\_\_\_  
My appointment expires: \_\_\_\_\_



**First American**

## Exhibit A

ISSUED BY

**First American Title Insurance Company**

File No: 4266-3379459

File No.: 4266-3379459

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF PIERCE, STATE OF WA, AND IS DESCRIBED AS FOLLOWS:

That portion of Government Lot 3 lying Southwesterly of the Southwesterly line of Old Gig Harbor-Longbranch Highway in Section 31, Township 22 North, Range 2 East of the Willamette Meridian;

Except the North 500 feet thereof;

Also except the South 436.07 feet thereof;

Also except that portion thereof conveyed to the State of Washington for State Route No. 16 by Deed recorded under recording number 2413879;

Situate in the County of Pierce, State of Washington.

0222313042

10202 Burnham Drive Northwest  
Gig Harbor, Washington 98332

*This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by First American Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions.*

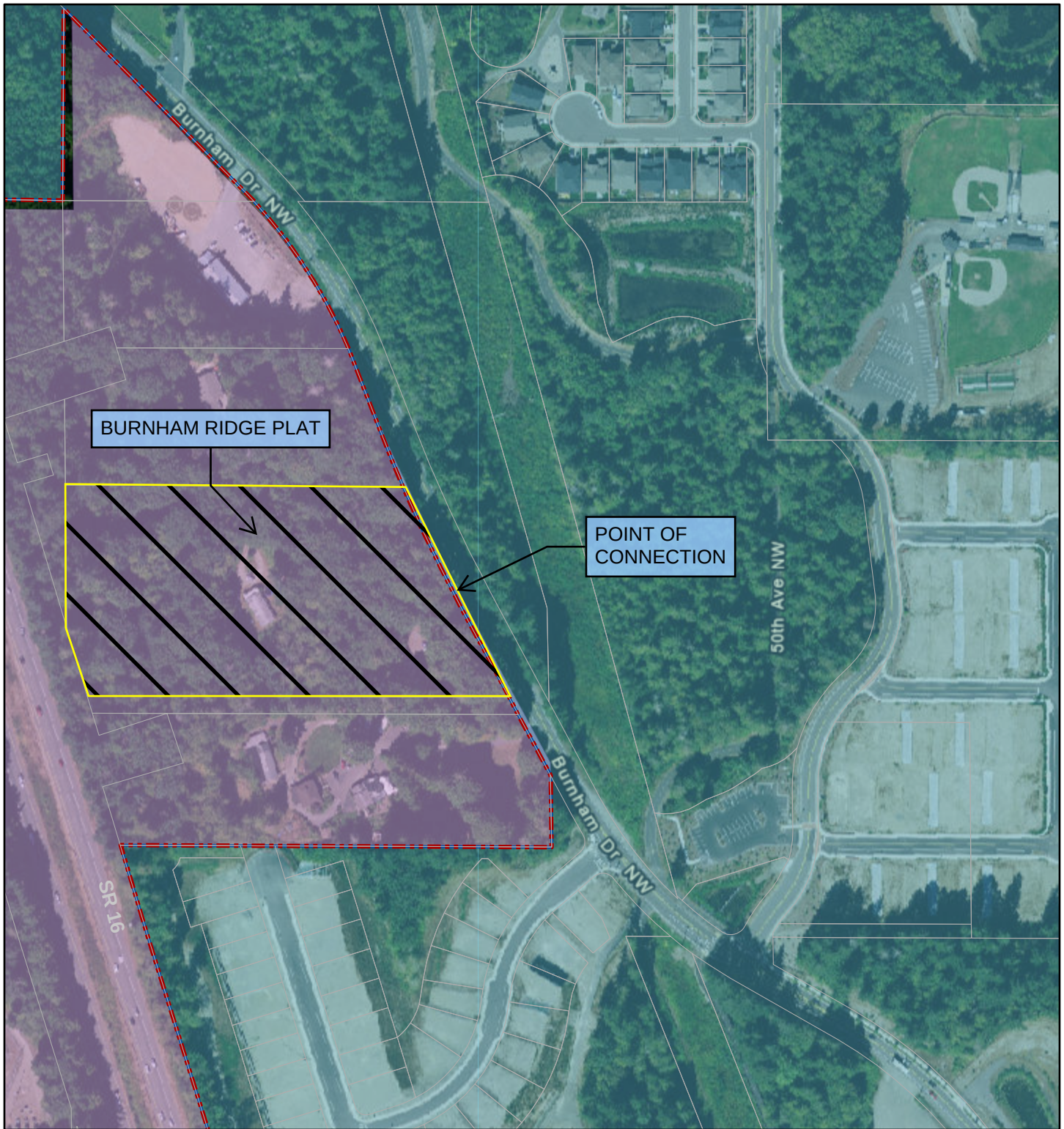
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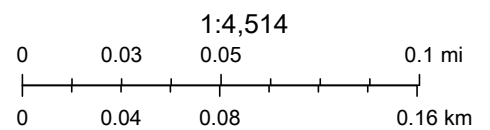
ALTA Commitment for Title Insurance (8-1-16)  
Washington

# Exhibit B Property Location Map



10/28/2021, 1:44:36 PM

- Parcels
- City Boundary (shaded)
- Urban Growth Area (UGA)



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| 2021 CIP Project Schedule - Tier 1 Projects      |                                                                |           |              |                    |                       |                    |             |                       |             |                 |             |         |         |
|--------------------------------------------------|----------------------------------------------------------------|-----------|--------------|--------------------|-----------------------|--------------------|-------------|-----------------------|-------------|-----------------|-------------|---------|---------|
| ID                                               | Task Name                                                      | Duration  | Start        | Finish             | Permitting            | Predecessors       | Nov '21     | Jan '22               | Mar '22     | May '22         | Jul '22     | Sep '22 | Nov '22 |
| 1                                                | Parks Projects                                                 |           |              |                    |                       |                    |             |                       |             |                 |             |         |         |
| 2                                                | Eddon Boat Brick House Rehabilitation                          | 229 days  | Mon 11/16/20 | Thu 9/30/21        | Building Permit       |                    |             |                       |             |                 |             |         |         |
| 3                                                | Construction                                                   | 229 days  | Mon 11/16/20 | Thu 9/30/21        |                       |                    |             |                       |             |                 |             |         |         |
| 4                                                | Railway Carriages at Eddon Boat Building                       | 316 days  | Tue 12/1/20  | Tue 2/15/22        | Building Permit       |                    |             |                       |             |                 |             |         |         |
| 5                                                | Design                                                         | 68 days   | Tue 12/1/20  | Thu 3/4/21         |                       |                    |             |                       |             |                 |             |         |         |
| 6                                                | Bid Award                                                      | 1 day     | Mon 4/12/21  | Mon 4/12/21        |                       | 5                  |             |                       |             |                 |             |         |         |
| 7                                                | Fabrication                                                    | 123 days  | Tue 4/13/21  | Thu 9/30/21        |                       | 6                  |             |                       |             |                 |             |         |         |
| 8                                                | Installation                                                   | 98 days   | Fri 10/1/21  | Tue 2/15/22        |                       | 7                  |             |                       |             |                 |             |         |         |
| 9                                                | Community Paddler's Dock                                       | 305 days  | Mon 11/2/20  | Fri 12/31/21       | Land Use and Building |                    |             |                       |             |                 |             |         |         |
| 10                                               | Design/Permitting                                              | 186 days  | Mon 11/2/20  | Mon 7/19/21        |                       |                    |             |                       |             |                 |             |         |         |
| 11                                               | Bid Award                                                      | 0 days    | Mon 7/26/21  | Mon 7/26/21        |                       |                    |             |                       |             |                 |             |         |         |
| 12                                               | Construction                                                   | 102 days  | Thu 8/12/21  | Fri 12/31/21       |                       | 11                 |             |                       |             |                 |             |         |         |
| 13                                               | Austin Estuary Honoring Symbol                                 | 445 days  | Sun 3/1/20   | Fri 11/12/21       | Land Use and Building |                    |             |                       |             |                 |             |         |         |
| 14                                               | Art Carving                                                    | 187 days  | Sun 3/1/20   | Sun 11/15/20       |                       |                    |             |                       |             |                 |             |         |         |
| 15                                               | Land Use Application Development                               | 57 days   | Thu 4/1/21   | Fri 6/18/21        |                       |                    |             |                       |             |                 |             |         |         |
| 16                                               | Land Use Application Submittal, Review, and Appeal Periods     | 78 days   | Wed 6/30/21  | Fri 10/15/21       |                       | 15                 |             |                       |             |                 |             |         |         |
| 17                                               | Building Permit Application Consultant Contracting, Submittal, | 45 days   | Mon 7/26/21  | Fri 9/24/21        |                       |                    |             |                       |             |                 |             |         |         |
| 18                                               | Small Works Roster Advertisement                               | 11 days   | Thu 9/9/21   | Thu 9/23/21        |                       |                    |             |                       |             |                 |             |         |         |
| 19                                               | Bid Opening                                                    | 1 day     | Thu 9/23/21  | Thu 9/23/21        |                       |                    |             |                       |             |                 |             |         |         |
| 20                                               | Small Works Contract Award                                     | 1 day     | Mon 9/27/21  | Mon 9/27/21        |                       |                    |             |                       |             |                 |             |         |         |
| 21                                               | Art Base Construction                                          | 11 days   | Mon 10/18/21 | Mon 11/1/21        |                       |                    |             |                       |             |                 |             |         |         |
|                                                  |                                                                |           |              |                    |                       |                    |             |                       |             |                 |             |         |         |
| Legend                                           |                                                                | Task      | <div></div>  | Project Summary    | <div></div>           | Inactive Milestone | <div></div> | Manual Summary Rollup | <div></div> | Deadline        | <div></div> |         |         |
|                                                  |                                                                | Split     | <div></div>  | External Tasks     | <div></div>           | Inactive Summary   | <div></div> | Manual Summary        | <div></div> | Progress        | <div></div> |         |         |
|                                                  |                                                                | Milestone | <div></div>  | External Milestone | <div></div>           | Manual Task        | <div></div> | Start-only            | <div></div> | Manual Progress | <div></div> |         |         |
|                                                  |                                                                | Summary   | <div></div>  | Inactive Task      | <div></div>           | Duration-only      | <div></div> | Finish-only           | <div></div> |                 |             |         |         |
| Print Date: Wed 11/3/21 <span>Page 1 of 5</span> |                                                                |           |              |                    |                       |                    |             |                       |             |                 |             |         |         |

| 2021 CIP Project Schedule - Tier 1 Projects |                                                      |          |              |              |                 |              |         |         |         |         |         |         |         |
|---------------------------------------------|------------------------------------------------------|----------|--------------|--------------|-----------------|--------------|---------|---------|---------|---------|---------|---------|---------|
| ID                                          | Task Name                                            | Duration | Start        | Finish       | Permitting      | Predecessors | Nov '21 | Jan '22 | Mar '22 | May '22 | Jul '22 | Sep '22 | Nov '22 |
| 22                                          | Installation                                         | 9 days   | Tue 11/2/21  | Fri 11/12/21 |                 | 21           |         |         |         |         |         |         |         |
| 23                                          | Ancich Human Powered Waterfont Storage Design        | 152 days | Thu 4/1/21   | Fri 10/29/21 | Building Permit |              |         |         |         |         |         |         |         |
| 24                                          | Design                                               | 87 days  | Thu 4/1/21   | Fri 7/30/21  |                 |              |         |         |         |         |         |         |         |
| 25                                          | Fabrication & Installation                           | 65 days  | Mon 8/2/21   | Fri 10/29/21 |                 | 24           |         |         |         |         |         |         |         |
| 26                                          | Ancich Park Advanced Mitigation Project              | 276 days | Tue 1/26/21  | Tue 2/15/22  | Land Use Perm   |              |         |         |         |         |         |         |         |
| 27                                          | Design/Permitting                                    | 228 days | Tue 1/26/21  | Thu 12/9/21  |                 |              |         |         |         |         |         |         |         |
| 28                                          | Award                                                | 0 days   | Mon 12/13/21 | Mon 12/13/21 |                 |              |         |         |         |         |         |         |         |
| 29                                          | Construction                                         | 47 days  | Mon 12/13/21 | Tue 2/15/22  |                 | 28           |         |         |         |         |         |         |         |
| 30                                          | Parks, Recreation and Open Space Plan Update         | 272 days | Mon 2/1/21   | Tue 2/15/22  |                 |              |         |         |         |         |         |         |         |
| 31                                          | Development and Public Process                       | 272 days | Mon 2/1/21   | Tue 2/15/22  |                 |              |         |         |         |         |         |         |         |
| 32                                          | City Buildings                                       |          |              |              |                 |              |         |         |         |         |         |         |         |
| 33                                          | HVAC Assessment                                      | 220 days | Wed 3/31/21  | Tue 2/1/22   |                 |              |         |         |         |         |         |         |         |
| 34                                          | Consultant Selection                                 | 169 days | Wed 3/31/21  | Mon 11/22/21 |                 |              |         |         |         |         |         |         |         |
| 35                                          | Analysis and Report                                  | 45 days  | Wed 12/1/21  | Tue 2/1/22   |                 |              |         |         |         |         |         |         |         |
| 36                                          | Civic Center Building Access/Control                 | 216 days | Fri 1/1/21   | Fri 10/29/21 |                 |              |         |         |         |         |         |         |         |
| 37                                          | Product Selection and Bid Package Development        | 216 days | Fri 1/1/21   | Fri 10/29/21 |                 |              |         |         |         |         |         |         |         |
| 38                                          | City Streets Projects                                |          |              |              |                 |              |         |         |         |         |         |         |         |
| 39                                          | Pedestrian Crosswalk Improvements - Gig Harbor North | 222 days | Mon 1/25/21  | Tue 11/30/21 |                 |              |         |         |         |         |         |         |         |
| 40                                          | Consultant Selection                                 | 11 days  | Mon 1/25/21  | Mon 2/8/21   |                 |              |         |         |         |         |         |         |         |
| 41                                          | Design                                               | 79 days  | Mon 3/1/21   | Thu 6/17/21  |                 |              |         |         |         |         |         |         |         |
| 42                                          | Bid Award                                            | 1 day    | Mon 7/12/21  | Mon 7/12/21  |                 |              |         |         |         |         |         |         |         |

Legend

Task

Split

Milestone

Summary

Project Summary

External Tasks

External Milestone

Inactive Task

Inactive Milestone

Inactive Summary

Manual Task

Duration-only

Manual Summary Rollup

Manual Summary

Start-only

Finish-only

Deadline

Progress

Manual Progress

Print Date: Wed 11/3/21

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| 2021 CIP Project Schedule - Tier 1 Projects      |                                                            |           |              |                    |             |                    |                        |                        |             |                 |             |         |         |
|--------------------------------------------------|------------------------------------------------------------|-----------|--------------|--------------------|-------------|--------------------|------------------------|------------------------|-------------|-----------------|-------------|---------|---------|
| ID                                               | Task Name                                                  | Duration  | Start        | Finish             | Permitting  | Predecessors       | Nov '21                | Jan '22                | Mar '22     | May '22         | Jul '22     | Sep '22 | Nov '22 |
| 64                                               | Prentice Ave/Fennimore St Half-Width Frontage Improvements | 94 days   | Tue 8/24/21  | Fri 12/31/21       |             |                    | <div><div></div></div> |                        |             |                 |             |         |         |
| 65                                               | Consultant Selection                                       | 25 days   | Tue 8/24/21  | Mon 9/27/21        |             |                    |                        |                        |             |                 |             |         |         |
| 66                                               | Preliminary Design and Estimating                          | 88 days   | Wed 9/1/21   | Fri 12/31/21       |             |                    | <div><div></div></div> |                        |             |                 |             |         |         |
| 67                                               | Water Projects                                             |           |              |                    |             |                    |                        |                        |             |                 |             |         |         |
| 68                                               | Emergency Water Intertie- Canterwood Blvd                  | 260 days  | Mon 5/17/21  | Fri 5/13/22        |             |                    | <div><div></div></div> |                        |             |                 |             |         |         |
| 69                                               | Design                                                     | 159 days  | Mon 5/17/21  | Thu 12/23/21       |             |                    | <div><div></div></div> |                        |             |                 |             |         |         |
| 70                                               | Bid Award                                                  | 1 day     | Mon 1/24/22  | Mon 1/24/22        |             | 69                 |                        |                        |             |                 |             |         |         |
| 71                                               | Construction                                               | 80 days   | Mon 1/24/22  | Fri 5/13/22        |             |                    |                        | <div><div></div></div> |             |                 |             |         |         |
| 72                                               | Water Comp Plan Update                                     | 130 days  | Mon 5/3/21   | Fri 10/29/21       |             |                    |                        |                        |             |                 |             |         |         |
| 73                                               | Design                                                     | 130 days  | Mon 5/3/21   | Fri 10/29/21       |             |                    |                        |                        |             |                 |             |         |         |
| 74                                               | Wastewater Projects                                        |           |              |                    |             |                    |                        |                        |             |                 |             |         |         |
| 75                                               | Lift Station 6 Replacement                                 | 424 days  | Tue 12/15/20 | Fri 7/29/22        |             |                    | <div><div></div></div> |                        |             |                 |             |         |         |
| 76                                               | Design                                                     | 119 days  | Tue 12/15/20 | Fri 5/28/21        |             |                    |                        |                        |             |                 |             |         |         |
| 77                                               | Construction                                               | 225 days  | Mon 9/20/21  | Fri 7/29/22        |             | 76                 | <div><div></div></div> |                        |             |                 |             |         |         |
| 78                                               | Lift Station 12 Rehabilitation Design                      | 456 days  | Thu 12/17/20 | Thu 9/15/22        |             |                    | <div><div></div></div> |                        |             |                 |             |         |         |
| 79                                               | Design                                                     | 118 days  | Thu 12/17/20 | Mon 5/31/21        |             |                    |                        |                        |             |                 |             |         |         |
| 80                                               | Permitting                                                 | 44 days   | Tue 7/6/21   | Fri 9/3/21         |             | 79                 |                        |                        |             |                 |             |         |         |
| 81                                               | Bid Award                                                  | 1 day     | Thu 9/16/21  | Thu 9/16/21        |             |                    |                        |                        |             |                 |             |         |         |
| 82                                               | Construction                                               | 234 days  | Mon 10/25/21 | Thu 9/15/22        |             | 79,81              | <div><div></div></div> |                        |             |                 |             |         |         |
| 83                                               | Murphy's Landing Marina Navigation Channel Dredging        | 332 days  | Thu 1/21/21  | Fri 4/29/22        |             |                    | <div><div></div></div> |                        |             |                 |             |         |         |
| 84                                               | Agreement                                                  | 78 days   | Thu 1/21/21  | Mon 5/10/21        |             |                    |                        |                        |             |                 |             |         |         |
|                                                  |                                                            |           |              |                    |             |                    |                        |                        |             |                 |             |         |         |
| Legend                                           |                                                            | Task      | <div></div>  | Project Summary    | <div></div> | Inactive Milestone | <div></div>            | Manual Summary Rollup  | <div></div> | Deadline        | <div></div> |         |         |
|                                                  |                                                            | Split     | <div></div>  | External Tasks     | <div></div> | Inactive Summary   | <div></div>            | Manual Summary         | <div></div> | Progress        | <div></div> |         |         |
|                                                  |                                                            | Milestone | <div></div>  | External Milestone | <div></div> | Manual Task        | <div></div>            | Start-only             | <div></div> | Manual Progress | <div></div> |         |         |
|                                                  |                                                            | Summary   | <div></div>  | Inactive Task      | <div></div> | Duration-only      | <div></div>            | Finish-only            | <div></div> |                 |             |         |         |
| Print Date: Wed 11/3/21 <span>Page 4 of 5</span> |                                                            |           |              |                    |             |                    |                        |                        |             |                 |             |         |         |

| 2021 CIP Project Schedule - Tier 1 Projects |                                               |          |              |              |                 |              |         |         |         |         |         |         |         |
|---------------------------------------------|-----------------------------------------------|----------|--------------|--------------|-----------------|--------------|---------|---------|---------|---------|---------|---------|---------|
| ID                                          | Task Name                                     | Duration | Start        | Finish       | Permitting      | Predecessors | Nov '21 | Jan '22 | Mar '22 | May '22 | Jul '22 | Sep '22 | Nov '22 |
| 85                                          | Consultant Selection                          | 16 days  | Mon 7/19/21  | Mon 8/9/21   |                 | 84           |         |         |         |         |         |         |         |
| 86                                          | Design/Permitting                             | 187 days | Thu 8/12/21  | Fri 4/29/22  |                 | 85           |         |         |         |         |         |         |         |
| 87                                          | Waterwater Treatment Plant Digester Upgrades  | 151 days | Mon 8/2/21   | Mon 2/28/22  | Building Permit |              |         |         |         |         |         |         |         |
| 88                                          | Consultant Selection and Design               | 81 days  | Mon 8/2/21   | Mon 11/22/21 |                 |              |         |         |         |         |         |         |         |
| 89                                          | Construction                                  | 70 days  | Tue 11/23/21 | Mon 2/28/22  |                 | 88           |         |         |         |         |         |         |         |
| 90                                          | Stormwater Projects                           |          |              |              |                 |              |         |         |         |         |         |         |         |
| 91                                          | Burnham Dr. and 96th Culvert Repair           | 261 days | Fri 1/1/21   | Fri 12/31/21 | Land Use Permit |              |         |         |         |         |         |         |         |
| 92                                          | Design/Permitting                             | 261 days | Fri 1/1/21   | Fri 12/31/21 |                 |              |         |         |         |         |         |         |         |
| 93                                          | Storm Utility Revenue Study                   | 226 days | Mon 2/1/21   | Mon 12/13/21 |                 |              |         |         |         |         |         |         |         |
| 94                                          | Consultant Selection & Contract Authorization | 36 days  | Mon 2/1/21   | Mon 3/22/21  |                 |              |         |         |         |         |         |         |         |
| 95                                          | Development and Public Process                | 164 days | Mon 2/1/21   | Thu 9/16/21  |                 |              |         |         |         |         |         |         |         |
| 96                                          | PW Committee Review and Council Adoption      | 62 days  | Fri 9/17/21  | Mon 12/13/21 |                 | 95           |         |         |         |         |         |         |         |
| 97                                          | Other Department Tasks                        |          |              |              |                 |              |         |         |         |         |         |         |         |
| 98                                          | Utility Rate Studies                          | 217 days | Wed 9/1/21   | Fri 7/1/22   |                 |              |         |         |         |         |         |         |         |
| 99                                          | Development and Public Process                | 88 days  | Wed 9/1/21   | Fri 12/31/21 |                 |              |         |         |         |         |         |         |         |
| 1...                                        | PW Committee Review and Council Consideration | 112 days | Mon 1/3/22   | Tue 6/7/22   |                 | 99           |         |         |         |         |         |         |         |
| 1...                                        | Effective Date                                | 0 days   | Fri 7/1/22   | Fri 7/1/22   |                 |              |         |         |         |         |         |         |         |

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|        |           |             |                    |             |                    |             |                       |             |                 |             |
|--------|-----------|-------------|--------------------|-------------|--------------------|-------------|-----------------------|-------------|-----------------|-------------|
| Legend | Task      | <div></div> | Project Summary    | <div></div> | Inactive Milestone | <div></div> | Manual Summary Rollup | <div></div> | Deadline        | <div></div> |
|        | Split     | <div></div> | External Tasks     | <div></div> | Inactive Summary   | <div></div> | Manual Summary        | <div></div> | Progress        | <div></div> |
|        | Milestone | <div></div> | External Milestone | <div></div> | Manual Task        | <div></div> | Start-only            | <div></div> | Manual Progress | <div></div> |
|        | Summary   | <div></div> | Inactive Task      | <div></div> | Duration-only      | <div></div> | Finish-only           | <div></div> |                 |             |

| 2021 CIP Project Schedule - Tier 2 Projects |                                                          |           |                    |              |                    |                                  |                       |           |                 |          |       |         |         |             |  |
|---------------------------------------------|----------------------------------------------------------|-----------|--------------------|--------------|--------------------|----------------------------------|-----------------------|-----------|-----------------|----------|-------|---------|---------|-------------|--|
| ID                                          | Task Name                                                | Duration  | Start              | Finish       | Permitting         | October 11                       | November 21           | January 1 | February 11     | March 21 | May 1 | June 11 | July 21 | September 1 |  |
| 1                                           | Parks Projects                                           |           |                    |              |                    |                                  |                       |           |                 |          |       |         |         |             |  |
| 2                                           | Native Vegetation Plantings 2021                         |           |                    |              |                    | Native Vegetation Plantings 2021 |                       |           |                 |          |       |         |         |             |  |
| 3                                           | Site Selection                                           | 45 days   | Thu 9/23/21        | Wed 11/24/21 |                    | Site Selection                   |                       |           |                 |          |       |         |         |             |  |
| 4                                           | Installation                                             | 27 days   | Thu 11/25/21       | Fri 12/31/21 |                    |                                  |                       |           |                 |          |       |         |         |             |  |
| 5                                           | Gig Harbor Sports Complex Phase 1B Design and Permitting | 469 days  | Wed 12/1/21        | Mon 9/18/23  |                    |                                  |                       |           |                 |          |       |         |         |             |  |
| 6                                           | Design/Permitting                                        | 219 days  | Wed 12/1/21        | Mon 10/3/22  |                    |                                  |                       |           |                 |          |       |         |         |             |  |
| 7                                           | Bid Award                                                | 0 days    | Mon 10/10/22       | Mon 10/10/22 |                    |                                  |                       |           |                 |          |       |         |         |             |  |
| 8                                           | Construction                                             | 246 days  | Mon 10/10/22       | Mon 9/18/23  |                    |                                  |                       |           |                 |          |       |         |         |             |  |
| 9                                           | City Buildings                                           |           |                    |              |                    |                                  |                       |           |                 |          |       |         |         |             |  |
| 10                                          | None                                                     |           |                    |              |                    |                                  |                       |           |                 |          |       |         |         |             |  |
| 11                                          | City Streets Projects                                    |           |                    |              |                    |                                  |                       |           |                 |          |       |         |         |             |  |
| 12                                          | None                                                     |           |                    |              |                    |                                  |                       |           |                 |          |       |         |         |             |  |
| 13                                          | Water Projects                                           |           |                    |              |                    |                                  |                       |           |                 |          |       |         |         |             |  |
| 14                                          | None                                                     |           |                    |              |                    |                                  |                       |           |                 |          |       |         |         |             |  |
| 15                                          | Wastewater Projects                                      |           |                    |              |                    |                                  |                       |           |                 |          |       |         |         |             |  |
| 16                                          | 2021 Generator Replacement                               | 54 days   | Mon 10/4/21        | Thu 12/16/21 |                    | 2021 Generator Replacement       |                       |           |                 |          |       |         |         |             |  |
| 17                                          | Construction (LS#2A)                                     | 54 days   | Mon 10/4/21        | Thu 12/16/21 |                    | Construction (LS#2A)             |                       |           |                 |          |       |         |         |             |  |
| 18                                          | Stormwater Projects                                      |           |                    |              |                    |                                  |                       |           |                 |          |       |         |         |             |  |
| 19                                          | Donkey Creek Daylighting                                 | 131 days  | Wed 12/1/21        | Wed 6/1/22   |                    |                                  |                       |           |                 |          |       |         |         |             |  |
| 20                                          | Conceptual Design and Public Process                     | 131 days  | Wed 12/1/21        | Wed 6/1/22   |                    |                                  |                       |           |                 |          |       |         |         |             |  |
| 21                                          | Other Department Tasks                                   |           |                    |              |                    |                                  |                       |           |                 |          |       |         |         |             |  |
| 22                                          | None                                                     |           |                    |              |                    |                                  |                       |           |                 |          |       |         |         |             |  |
| Legend                                      |                                                          | Task      | Project Summary    |              | Inactive Milestone |                                  | Manual Summary Rollup |           | Deadline        |          |       |         |         |             |  |
|                                             |                                                          | Split     | External Tasks     |              | Inactive Summary   |                                  | Manual Summary        |           | Progress        |          |       |         |         |             |  |
|                                             |                                                          | Milestone | External Milestone |              | Manual Task        |                                  | Start-only            |           | Manual Progress |          |       |         |         |             |  |
|                                             |                                                          | Summary   | Inactive Task      |              | Duration-only      |                                  | Finish-only           |           |                 |          |       |         |         |             |  |
| Print Date: Wed 11/3/21                     |                                                          |           |                    |              |                    |                                  |                       |           |                 |          |       |         |         |             |  |
| Page 1 of 1                                 |                                                          |           |                    |              |                    |                                  |                       |           |                 |          |       |         |         |             |  |





[illegible]

| 2021 CIP Project Schedule -Tier 4 Projects |                                                          |           |             |                    |             |                    |             |                       |             |                 |             |
|--------------------------------------------|----------------------------------------------------------|-----------|-------------|--------------------|-------------|--------------------|-------------|-----------------------|-------------|-----------------|-------------|
| ID                                         | Task Name                                                | Duration  | Start       | Finish             | Permitting  | October 11         | January 21  | May 1                 | August 11   | November 21     |             |
| 22                                         | 2021 Various Crosswalk and Sidewalk Installations        | 196 days  | Wed 12/1/21 | Wed 8/31/22        |             |                    |             |                       |             |                 |             |
| 23                                         | Project Development and Conceptual Design                | 44 days   | Wed 12/1/21 | Mon 1/31/22        |             |                    |             |                       |             |                 |             |
| 24                                         | Final Design and Permitting                              | 80 days   | Thu 5/12/22 | Wed 8/31/22        |             |                    |             |                       |             |                 |             |
| 25                                         | Water Projects                                           |           |             |                    |             |                    |             |                       |             |                 |             |
| 26                                         | Gig Harbor Sports Complex Water Main                     | 129 days  | Tue 2/1/22  | Fri 7/29/22        |             |                    |             |                       |             |                 |             |
| 27                                         | Design                                                   | 86 days   | Tue 2/1/22  | Tue 5/31/22        |             |                    |             |                       |             |                 |             |
| 28                                         | Construction                                             | 43 days   | Wed 6/1/22  | Fri 7/29/22        |             |                    |             |                       |             |                 |             |
| 29                                         | Wastewater Projects                                      |           |             |                    |             |                    |             |                       |             |                 |             |
| 30                                         | Stinson Ave Slip Lining Sewer Main                       | 131 days  | Tue 2/1/22  | Tue 8/2/22         |             |                    |             |                       |             |                 |             |
| 31                                         | Design                                                   | 64 days   | Tue 2/1/22  | Fri 4/29/22        |             |                    |             |                       |             |                 |             |
| 32                                         | Bid Award                                                | 0 days    | Mon 5/9/22  | Mon 5/9/22         |             |                    |             |                       |             |                 |             |
| 33                                         | Construction                                             | 62 days   | Mon 5/9/22  | Tue 8/2/22         |             |                    |             |                       |             |                 |             |
| 34                                         | Stormwater Projects                                      |           |             |                    |             |                    |             |                       |             |                 |             |
| 35                                         | Storm Pipe Slip Lining at Mnt View Place and Vernhardson | 131 days  | Tue 2/1/22  | Tue 8/2/22         |             |                    |             |                       |             |                 |             |
| 36                                         | Design                                                   | 44 days   | Tue 2/1/22  | Fri 4/1/22         |             |                    |             |                       |             |                 |             |
| 37                                         | Bid Award                                                | 0 days    | Mon 5/9/22  | Mon 5/9/22         |             |                    |             |                       |             |                 |             |
| 38                                         | Construction                                             | 62 days   | Mon 5/9/22  | Tue 8/2/22         |             |                    |             |                       |             |                 |             |
| 39                                         | Other Department Tasks                                   |           |             |                    |             |                    |             |                       |             |                 |             |
| 40                                         | Public Works Standards Update                            | 218 days  | Mon 1/3/22  | Wed 11/2/22        |             |                    |             |                       |             |                 |             |
| 41                                         | Consultant Selection Process                             | 16 days   | Mon 1/3/22  | Mon 1/24/22        |             |                    |             |                       |             |                 |             |
| 42                                         | Development and Public Process                           | 202 days  | Tue 1/25/22 | Wed 11/2/22        |             |                    |             |                       |             |                 |             |
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| Legend                                     |                                                          | Task      | <div></div> | Project Summary    | <div></div> | Inactive Milestone | <div></div> | Manual Summary Rollup | <div></div> | Deadline        | <div></div> |
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| Print Date: Wed 11/3/21Page 2 of 3         |                                                          |           |             |                    |             |                    |             |                       |             |                 |             |

| 2021 CIP Project Schedule -Tier 4 Projects |                                        |          |             |             |            |            |                                                       |       |           |             |
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| ID                                         | Task Name                              | Duration | Start       | Finish      | Permitting | October 11 | January 21                                            | May 1 | August 11 | November 21 |
| 43                                         | On-Street Parking Code Development and | 202 days | Tue 1/25/22 | Wed 11/2/22 |            |            | On-Street Parking Code Development and Implementation |       |           |             |
| 44                                         | Development and Public Process         | 202 days | Tue 1/25/22 | Wed 11/2/22 |            |            | Development and Public Process                        |       |           |             |
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