



Administrative Regulations

Number AR7-1
Issue 3

Subject: ADA Access Request Program

I. Purpose

The purpose of this regulation is to set forth City policy on the use of the ADA Access Request Program. This program provides a means for the City to quickly respond to ADA access requests:

- A. The City will quickly execute maintenance, repair and renovation work to address pedestrian facilities/public right-of-way complaints and requests originating from a person with a disability or their caregiver; and
- B. The City will accept reports made by individual members of the public relating to accessibility barriers to the pedestrian facilities that are caused by public utilities or other non-City public entities. The City will communicate with the public utility or non-City public entity on the individual's behalf to request removal of the barrier.

The Americans with Disabilities Act (ADA) was signed into law on July 26, 1990, by President George H.W. Bush. The ADA is one of America's most comprehensive pieces of civil rights legislation that prohibits discrimination and guarantees that people with disabilities have the same opportunities as everyone else to participate in the mainstream of American life.

The ADA has five titles. Title II prohibits discrimination against people by public entities and guarantees that people with disabilities have equal access to services, programs and activities offered by public entities. This includes pedestrian facilities/public right-of-way. The City of Long Beach has several different methods and funding mechanisms to address ADA compliance in the public right-of-way, including the ADA Access Request Program.

For purposes of this regulation, these terms are defined as follows:

- A. "Pedestrian Facility" or "Pedestrian Facilities" means any sidewalk, crosswalk, curb, curb ramp, walkway, pedestrian right of way, pedestrian

undercrossing, pedestrian overcrossing, or other pedestrian pathway or walk of any kind that is, in whole or in part, owned, controlled or maintained by or otherwise within the responsibility of the City.

B. "Accessibility Laws" means all state and federal laws and regulations requiring, promoting, and/or encouraging equal or improved access to persons with disabilities (including, without limitation, the following: the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101, et seq. and all of its implementing regulations and design standards; the Rehabilitation Act of 1973, 29 U.S.C. §§ 790, et seq. and all of its implementing regulations and design standards; California Government Code §§ 4450, et seq.; California Government Code §§ 11135, et seq.; California Health & Safety Code §§ 19955, et seq.; and the regulations codified in Title 24 of the California Code of Regulations).

C. "Accessibility Standards" means federal and state accessibility laws, including the Americans with Disabilities Act Accessibility Guidelines ("ADAAG"), and Title 24 of the California Building Code ("Title 24").

II. **Scope**

The City will maintain a procedure for residents with disabilities or their caregivers to request installation, repairs, and replacements to pedestrian facilities/public right-of-ways related to accessibility. All requests will be recorded and tracked by the ADA Coordinator. Any requests received by City personnel other than the ADA Coordinator will be forwarded to the ADA Coordinator. All requests will be addressed on a first-come, first-serve basis. However, requests related to the correction or removal of dangerous conditions will be addressed first.

This regulation shall be applicable to all City departments and offices directly responsible to the City Manager. However, in the interest of uniformity, effectiveness and completeness, it is requested that elective offices and other independent offices and departments also comply with this procedure.

III. **Amendment**

The City Manager may amend the procedures and content set forth in this regulation as required.

IV. **Policy**

The ADA Access Request Program policy establishes the program's intent, providing criteria that describe the type of requests that may be authorized under this program.

A. Access Emergencies

All curb ramp requests shall be addressed through the City's Self Evaluation and Transition Plan (currently in the design phase).

Access requests addressed through this program will generally be related to accessible path of travel in pedestrian facilities/public right-of-way, including sidewalk repair, and will qualify on a case-by-case basis. These requests may include, and are not limited to, accessibility barriers to pedestrian facilities that are caused by public utilities or other non-City public entities.

Requests may be filed via mail, email, telephone, facsimile, or in person.. Although any City personnel may receive access requests, the City prefers that such requests be sent directly to the Citywide ADA/Title VI Coordinator. All requests will be responded to within 30 days and include an estimated completion date.

For requests related to a public utility or non-City public entity, the City will communicate with the public utility or non-City public entity on the individual's behalf to request removal of the barrier; however, the City has no obligation to guarantee removal of the barrier and is not responsible for enforcing compliance by the public utility or non-City public entity with the Accessibility Laws or Accessibility Standards.

B. Program Oversight

The program is managed under the Department of Public Works and the Citywide ADA/Title VI Coordinator, who reports directly to the City Manager. This person communicates directly with the requestor and the department or organization ultimately responsible to take corrective action in the pedestrian facility/public right-of-way.

For requests related to a public utility or non-City public entity, the Citywide ADA/Title VI Coordinator communicates directly with the requestor and the public utility or non-City public entity on the individual's behalf to request removal of barriers.

C. Procedures

The City will acknowledge receipt of the request and provide an estimated completion date for the request within thirty (30) days from the receipt of the request by the City.

The City will complete all requests for installation, repair or replacement of pedestrian facilities/public right-of-way that cost less than \$10,000 within 180 days of the request, provided that the completion of such projects will not exceed that fiscal year's funding caps. Any requests that exceed the current funding caps and which are not completed within 180 days of the request, will be completed as soon as practicable within the City's next fiscal year. In no event will the City's funding caps be exceeded in any fiscal year.

Additionally, the ADA Coordinator will coordinate personnel to ensure that planned new construction and alterations address existing requests reported through the ADA Access Request Program.

Residents may submit requests to the ADA Access Request Program in-person or via phone, email, letter, and/or online. The City will provide request forms in electronic formats that are accessible to people with disabilities in accordance with WCAG.

The procedure to complete an access service request includes:

1. Initial point of contact between Citywide ADA/Title VI Coordinator and resident with a disability or their caregiver - via mail, email, telephone, facsimile, or in person.
2. Service request is logged into a database and tracked to completion. Complete entry includes:
 - Item number
 - Request date
 - Requestor contact
 - Location
 - Council District
 - Type of work requested (e.g., curb cuts, sidewalks, etc.)
 - Estimated cost
 - Estimated completion date
 - Transition Plan priority no. (if applicable)
 - Notes, including description of request if necessary and history of correspondence until case is closed
 - Status (O-opened or C-closed)
 - Form of request (call, email, in-person, etc.)
3. Site visit is conducted, includes pictures and assessment.

4. Conduct any other necessary research.
5. Assigned to ADA Access Request Program list for completion or communication to public utility or non-City public entity as applicable as applicable and/or delegate to other city department, state or federal agency, utility, or organization if applicable.

For more information regarding this regulation, please contact the Citywide ADA/Title VI Coordinator for the City of Long Beach:

Direct Line: (562) 570-6257
TTY: (562) 570-2779
Fax: (562) 570-6012

APPROVED:



CITY MANAGER

8/6/18

DATE