

Americans with Disabilities Act (ADA) Public Road Right-of- Way Transition Plan

For Pedestrian Facilities on the County Roads of
Butler County, Ohio

BUTLER COUNTY ENGINEER'S OFFICE



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www.bceo.org



The Butler County Engineer's Office ADA Transition Plan

Notice:

This plan was developed to guide the Butler County Engineer's Office (BCEO) in its goal of compliance with the Americans with Disabilities Act. It is a working plan and its contents have not been passed by resolution through the Butler County Commissioners Office.

As with any BCEO activity, the public is invited to review and submit comments and suggestions at any time regarding the ADA compliance program.

Suggestions and comments may be submitted to the attention of:

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ADA Coordinator
1921 Fairgrove Avenue
Hamilton, OH 45011

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INTRODUCTION

The purpose of this document is to provide an Americans with Disabilities Act (ADA) Transition Plan for the public county road right-of-way under the jurisdiction of the Board of County Commissioners of Butler County, Ohio, as administered and maintained by the Butler County Engineer's Office (BCEO). The BCEO has developed this Transition Plan to identify deficiencies within the public county road right-of-way and to provide guidance for the construction and design of accessible facilities that are compliant with ADA requirements.

It is intended for this Transition Plan to be a living document, that is updated regularly, to track progress towards compliance.

BACKGROUND

The Americans with Disabilities Act (ADA) is a civil rights law prohibiting discrimination against individuals on the basis of disability. It was enacted on July 26, 1990, and was amended in 2008 with the ADA Amendments Act.

The ADA has five titles:

- I. Employment
- II. State & Local Government
- III. Public Accommodations & Commercial Facilities
- IV. Telecommunications
- V. Miscellaneous Provisions

This document focuses on Title II of the ADA. Title II of the ADA is a companion legislation to two previous federal statutes and regulations: the Architectural Barriers Act (ABA) of 1968 and Section 504 of the Rehabilitation Act of 1973.

The Architectural Barriers Act of 1968 is a federal law that requires facilities be designed, built, altered, or leased with Federal funds to be accessible. The Architectural Barriers Act marks one of the first efforts to ensure access to the built environment.

Section 504 of the Rehabilitation Act of 1973 is a federal law that protects qualified individuals from discrimination based on their disability. The nondiscrimination requirements of the law apply to employers and organizations that receive financial assistance from any Federal department or agency. Title II of ADA extended this coverage to all state and local government entities, regardless of whether they receive federal funding or not.

THE ADA TRANSITION PLAN

ADA Plan Elements & Requirements

Title II of the ADA identifies specific steps for meeting the requirements with regards to the accessibility of facilities in the public road right-of-way, that state and local governments must follow to comply with the ADA. These include:

1. Must designate at least one responsible employee to coordinate ADA compliance (28 CFR Sec. 35.107(a)). (See **Appendix A**). This person is referred to as the **ADA Coordinator**. The public entity must provide the ADA Coordinator's name, office address, and telephone number to all interested individuals (28 CFR Sec. 35.107(a)).
2. Preparing a **Self-Evaluation** of programs, services, and activities that may not be accessible to persons with disabilities.
3. Developing a **Transition Plan** to provide for the elimination of barriers for disabled persons to access these programs, services, and activities. May not provide services or benefits to individuals with disabilities through programs that are separate or different unless the separate or different measures are necessary to ensure that benefits and services are equally effective (28 CFR Sec. 35.130(b)(iv) & (d)). Must make reasonable modifications in policies, practices, and procedures that deny equal access to individuals with disabilities unless a fundamental alteration in the program would result (28 CFR Sec. 35.130(b)(7)). (See Butler County Engineer's Office Capital Improvement Plan, **Appendix B**).
4. Establishing a **Grievance Procedure** to respond to complaints regarding accessibility. Public entities must adopt and publish grievance procedures providing for prompt and equitable resolution of complaints (28 CFR Sec. 35.107(b)). This requirement provides for a timely resolution of all problems or conflicts related to ADA compliance before they escalate to litigation and/or the federal complaint process. (**Appendix C**).
5. Must provide a **Notification of ADA Compliance** (**Appendix D**). All public entities, regardless of size, must provide information about the rights and protections of Title II to applicants, participants, beneficiaries, employees, and other interested persons (28 CFR Sec. 35.106). The notice must include the identification of the employee serving as the ADA Coordinator and must provide this information on an ongoing basis (28 CFR Sec. 104.8(a)).
6. Providing an **Opportunity** for interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the development of the Transition Plan by submitting comments and making specific recommendations. May not refuse to allow a person with a disability to participate in a service, program, or activity simply because the person has a disability (28 CFR Sec. 35.130 (a)). Must operate their programs so that, when viewed in their entirety, the programs are accessible to and useable by individuals with disabilities (28 CFR Sec. 35.150). Must take appropriate steps to ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others (29 CFR Sec. 35.160(a)).

Finally, **public entities that have responsibility over roads or walkways** are required to include a schedule for providing curb ramps or other sloped areas where pedestrians' walk across curbs. Priority must be given 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 (28 CFR 35.150(d)(2)).

The County Road System and Certain Bridges Under the Jurisdiction of Board of County Commissioners

The Ohio Revised Code designates four major types of roads: (1) State Highways, (2) County Roads, (3) Township Roads, and (4) Municipal Streets.

The County Road System

The County Road System includes all roads, including the bridges on these roads, that are established as part of the county system of roads pursuant to ORC 5541.01 to 5541.02. These roads connect with a state highway, connect with another county road, or connect a village or center of population to a county or state highway. The system is determined by the Board of County Commissioners and is designated on a map prepared by the County Engineer. Mileage for the system is submitted annually to the Director of the Ohio Department of Transportation (ODOT), who must certify that all portions of the county road system connect with either a state or intercounty highway, or another county road.

The County Engineer is the engineer for all roadway public improvements under the authority of the Board of County Commissioners and is charged with the duty to construct, reconstruct, improve, and maintain county roads. ORC § 5543.01.

The County Road System of Butler County contains approximately 266 miles of county roadway. All County Roads are located within the unincorporated jurisdictions of Butler County (e.g., Townships). Many of these roads were established in the 1800's, have low volumes of traffic, and are in agricultural areas with no existing pedestrian facilities.

Certain Bridges Under the Board's Jurisdiction

In addition to the bridges located on roads within the County Road System, the Board of County Commissioners of Butler County has the duty to construct and repair certain bridges that ***are not*** on county roads:

- **Bridges on Township Roads:** O.R.C. Section 5591.21 provides that a Board of County Commissioners has a duty to construct and keep in repair all necessary bridges over streams and public canals on the improved roads of a township.
- **Certain Bridges within Cities:** O.R.C. § 5591.02 provides that a board of county commissioners shall construct and keep in repair all necessary bridges in municipal corporations shall construct and keep in repair all necessary bridges in municipal corporations on all improved roads that are of general and public utility, running into or through the municipal corporations, and that are not on state highways.

In total, the BCEO is responsible for 404 bridges within the County.

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ADA COORDINATOR

In accordance with Title II of the ADA, the BCEO has designated a staff member as the ADA Coordinator. This individual is responsible for implementing and monitoring progress, ensuring compliance, and managing updates to this document. (**Appendix A**). Information of the ADA coordinator is also available on the BCEO webpage available at www.bceo.org. If internet access is unavailable, the current ADA coordinator may also be contacted at (513) 867-5744, or via a letter addressed at Attn: ADA Coordinator, Butler County Engineer's Office, 1921 Fairgrove Ave, Hamilton, Ohio 45011.

Personnel Training

The BCEO provides access to ADA training to ensure compliance with ADA requirements. The ADA Coordinator will identify resources and opportunities for our employees at various levels to receive ADA-related training appropriate to their job functions.

SELF - EVALUATION

Previous Practices

Since the adoption of the ADA, the BCEO has undertaken to provide accessible pedestrian features as part of Butler County's capital improvement projects.

Some notable examples include:

- **The Five Points Intersection Improvement Project:** Five Points is an intersection consisting of two county roads, two roads within the City of Hamilton, and a road within Fairfield Township: Hamilton Mason Road, Tylersville Road, Hancock Avenue, Grand Boulevard, and Tuley Road. Previously, the intersection was regulated via a stop light. Construction began March 14th of 2022, converting the intersection into a roundabout. Alongside creating a safer and more efficient intersection, ADA compliant sidewalks, curb ramps, and refuge islands were installed along the entirety of the project. The BCEO coordinated with the City of Hamilton to improve the five-legged intersection by converting it into a single-lane roundabout with curb and gutter, storm sewer installation, and new pedestrian facilities.
- **The Kyles Station Road & Lesourdsville West Chester Road Roundabout Installation:** This project was constructed in 2013 and is located at the intersection of county road Kyles Station Road and the Liberty Township Road Lesourdsville West Chester Road. Included with the roundabout installation were curb ramps and sidewalks for pedestrian convenience which connected to existing sidewalk.

- **The Cincinnati Dayton Road Widening Project (Phase 1 & 2):** In 2019, Cincinnati Dayton Road was widened between West Chester Road to 1000' south of I-75. As part of the projects, curb ramps and sidewalks were added, and five Rectangular Rapid Flashing Beacons (RRFB) at mid-block crossings were installed for connectivity through the corridor.

Inventory - Pedestrian Facilities Within the County Road System

As part of the self-evaluation process, the BCEO has conducted an inventory and evaluation to identify obstacles and barriers in the existing County-maintained right-of-way pedestrian infrastructure that limit accessibility to individuals with disabilities. Curb ramps, pedestrian accommodations at traffic signals, sidewalks, and shared-use paths were evaluated to identify any obstacles or barriers that may need to be addressed. The inventory only includes the facilities on roads and bridges under the jurisdiction of the BCEO.

The Inventory

- 540 curb ramps
- Approximately 18.5 miles of sidewalk
- Approximately 6.0 miles of shared use paths
- 55 Traffic Control Signals, 2 Flashers, 9 Pedestrian Crossing Signals

The Inventory is constantly changing. Each year, projects with ADA compliant pedestrian facilities are constructed. When new sidewalks or shared use paths are installed, they are added to the current inventory. In project areas where there are non-compliant facilities, they are brought into compliance and are updated in the inventory.

Curb Ramps

The BCEO has collected extensive field data for all curb ramps located on the County Road System. This study has revealed that approximately 21% of the curb ramps under the jurisdiction of the BCEO are currently ADA compliant.

Curb ramps requiring modification were evaluated using an assigned level of prioritization (fair, poor, or very poor) based on a quantitative methodology that factored in the curb ramp's physical condition and its level of non-compliance. This field data includes:

- Identifying whether a ramp exists.
- Identification of each existing curb ramp, including information on cross slopes, running slopes, ramp flare slopes, ramp and top landing widths, and the presence of truncated domes.
- Ramp location data, including the proximity of the ramps to other pedestrian facilities.

Existing Sidewalk and Shared Use Paths

A field analysis shows that the BCEO has identified approximately 18.5 miles of sidewalk and 6.0 miles of shared use paths within the county road system right-of-way. All sidewalk and shared use path locations have been inventoried and physical sidewalk characteristics have been identified and rated based upon their current condition (e.g., fair, poor, very poor) and proximity to transit stops, schools, public building facilities, senior living facilities, and parks. Field data collection includes existing sidewalk widths, vertical surface obstructions (e.g., uneven walkways, tree roots, etc.), cross slopes, and the general physical condition.

Existing Traffic Signals

The BCEO maintains 77 traffic signals. Field data were collected relating to push button sizes, locations, and heights. Pedestrian paths at the intersection were also evaluated to confirm that pedestrian paths were unobstructed and that pedestrian signal heads were visible.

ADA TRANSITION POLICY, PROGRAMS, AND SCHEDULE

Policy

The BCEO's goal is to continue to provide accessible pedestrian design features as part of its capital improvement projects. ***All new construction or reconstruction projects with pedestrian facilities will be designed and constructed to conform to the ADA requirements and be accessible and usable for people with disabilities.***

Field data collected during the self-evaluation process will be used to identify and prioritize specific projects where ADA accessibility can be remedied or enhanced. Non-compliant facilities with high prioritization levels will be pursued first.

Input from the public on ADA non-compliant locations are welcome and encouraged. The BCEO will consider and respond to all reasonable and feasible accessibility improvement requests.

ADA Compliance Programs

The BCEO will utilize three methods for upgrading pedestrian facilities to current ADA standards. (See BCEO's Office Capital Improvement Plan, **Appendix B**.)

1. **Capital Improvement Projects:** The first and most comprehensive method is through the BCEO's Capital Improvement Program. All pedestrian facilities impacted by these projects will be upgraded to current ADA accessibility standards. A current listing of these scheduled projects can be found in the online BCEO's Capital Improvement Reports (<https://www.bceo.org/reports/>) which includes a detailed schedule and budget for specific improvements. This information can also be found in the projects maps on the BCEO website. Please note that BCEO's Capital Improvement Program will change each year as projects are completed and new projects are identified.
2. **The Annual Traffic Signal Improvement and Maintenance Program:** Each year, the BCEO contracts for traffic signal improvement and maintenance. Traffic signals will be evaluated for ADA compliance and updated when needed.
3. **Force Account:** The BCEO, through its own forces, will install and/or repair ADA compliant curb ramps, sidewalks, and shared-use paths, as needed, or in emergency situations, or in response to citizen requests. Although private property owners typically keep sidewalks free from obstructions, the BCEO regularly travels the county roads and monitors various conditions on the roadways and the sidewalks. The BCEO will address any obstructions or safety issues discovered upon its pedestrian facilities. Finally, the BCEO will remedy any maintenance conditions upon notice from members of the public.

Design Standards and Improvement/Compliance Procedures

The BCEO references the Ohio Department of Transportation's (ODOT) design standards when pursuing capital improvement projects. These design standards include guidelines for pedestrian facilities, sidewalks, shared-use paths, and standard construction drawings for curb ramps. The BCEO has also adopted the ADA design standards and procedures as listed in **Appendix E**. These standards and procedures will be kept up to date with nationwide and local best management practices.

External Agency Coordination

Many other governmental entities are responsible for pedestrian facilities within, or adjacent to, the roads and bridges within the jurisdiction of the Board and the Butler County Engineer. These entities include, but are not limited to, Butler County political subdivisions (e.g., cities and townships), active HOA's within the townships, and other agencies such as the MetroParks of Butler County. The BCEO will coordinate with these entities to assist with identifying and facilitating the elimination of accessibility barriers along corridors, shared-use trails, and roadway intersections, through the Capital Improvement Programs listed above.

Improvement Schedule

The BCEO is committed to implementing improvements to obtain ADA compliance. If revenues continue to be available to fund the projects and programs listed above, it is estimated that **all** curb ramps, sidewalks, and traffic signals will be ADA compliant by 2050.

At a minimum, non-compliant curb and curb ramps identified as high priority (currently 30) will be addressed within the next **five** years, or by December of 2028. These high priority curb ramps will be reconstructed and improved as part of a specific **Capital Improvement Road Project** or as part of the **ADA Transition Program**.

As the BCEO addresses the high priority, non-compliant curb ramps, pedestrian signals and push buttons near these curb ramps will be evaluated and programed for improvements or remediations as needed.

Traffic signal improvements will be funded through the **Annual Traffic Signal Improvement and Maintenance Program**.

During the following 10-year period (2029 to 2039), the BCEO plans to bring all curb ramps identified as “moderate priority” into ADA compliance.

Thereafter, these programs will be reevaluated to ensure that the remaining non-compliant curb ramps and traffic signals are all ADA compliant.

GRIEVANCE PROCEDURE

Public entities must adopt and publish grievance procedures provided for prompt and equitable resolution of complaints. This requirement provides for a timely resolution of all problems or conflicts related to ADA compliance.

If users of pedestrian facilities maintained by the BCEO believe reasonable accommodations have not been provided, they have the right to file a grievance. In accordance with Title II of the ADA, the BCEO has developed a grievance procedure for the purpose of the prompt and equitable resolution of citizens' complaints or concerns. This grievance procedure is available in **Appendix C: Grievance Procedure**.

PUBLIC OUTREACH AND PARTICIPATION

The BCEO recognizes that public participation is an important component in the development of this Transition Plan and remains committed to providing safe and usable pedestrian facilities for all pedestrians on County Roads. The BCEO continues to assure compliance with all federal, state, and local regulations and standards and continues to welcome comments and suggestions from the general public.

PUBLIC NOTICE AND PLAN AVAILABILITY

Under the ADA, all public agencies are required to publish their responsibilities with regards to compliance. Information about the rights and protections of Title II to applicants, participants, beneficiaries, employees, and other interested persons are also required. The notice must include the identification of the employee serving as the ADA Coordinator and must provide this information on an ongoing basis.

A copy of this public notice is provided in **Appendix D: Public Notice of ADA Compliance** and may also be viewed on the BCEO website.

PLAN MANAGEMENT & PROGRESS MONITORING

This ADA Transition Plan is intended to be a living document and updated regularly as conditions evolve. In December of each year, the BCEO will conduct an internal staff meeting to review the transition progress, schedule the next year's staff ADA training, determine focus areas for improvements, and discuss past and future projects. In addition to the annual meeting, the transition plan will be reviewed and updated formally **every ten years** to track progress and refine prioritization methods.

The BCEO is always soliciting input and comments regarding the transition plan from interested groups and the general public. This input is submitted through the BCEO ADA Coordinator.

APPENDIX A: ADA COORDINATOR CONTACT INFORMATION

Butler County Engineer's Office ADA Coordinator

Matt Brubaker, P.E.

Butler County Engineer's Office

1921 Fairgrove Avenue,

Hamilton, OH 45011

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APPENDIX B: ADA PUBLIC ROAD RIGHT-OF-WAY CAPITAL IMPROVEMENT PROGRAM

Butler County Engineers Office: 6 -Year Project Budgets (2022-2028)

| Project No. | Project | Sidewalk | ADA Ramp | Bridge No. | Construction Year | Project Cost |
|----------------|--|----------|----------|------------|-------------------|----------------|
| R000301.32919A | Crescentville Rd Widening | Yes | Yes | N/A | 2022-23 | \$6,107,136.70 |
| I337001.26520A | Liberty Way Improvements – Phase 2 | Yes | Yes | N/A | 2023 | \$3,114,080 |
| I002005.92621A | Tylersville Rd at Beckett Rd. Roundabout | Yes | Yes | N/A | 2023 | \$1,874,697 |
| I002203.96020A | Millikin Rd at Lesourdsville West Chester Rd. Roundabout | Yes | Yes | N/A | 2025 | \$1,062,000 |
| R002004.97022A | Tylersville Rd Berm Widening | Yes | Yes | N/A | 2025 | \$2,090,779 |
| | Union Centre Blvd Curves | Yes | Yes | N/A | 2028 | \$1,072,000 |

APPENDIX C: GRIEVANCE PROCEDURE

(See the following page)

(Attach grievance procedure PDF from the website)

APPENDIX D: PUBLIC NOTICE OF ADA COMPLIANCE

(See the following page)

(Attached public notice from the website)

APPENDIX E: ADA DESIGN STANDARDS AND IMPROVEMENT/COMPLIANCE PROCEDURES

ADA Resources and Design Standards

ODOT Curb Ramp Standard Drawing: BP-7.1

Federal Highway Administration (FHWA) - Civil Rights - ADA/Section 504

Americans with Disabilities Act Accessibility Guidelines (ADAAG)

Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way (PROWAG)

2010 ADA Standards for Accessible Design

ADA Checklist for Existing Facilities

ADA Best Practices Tool Kit for State and Local Governments

ADA Update: A Primer for State and Local Governments

Ohio Manual of Uniform Traffic Control Devices

Americans with Disabilities Act of 1990, as Amended (2008)

Title 28 CFR Part 35 – *Nondiscrimination on the Basis of Disability in State and Local Government Services*

Improvement/ Compliance Procedures

The challenge of dealing with physical or site constraints in alteration projects has been recognized by the authors of ADA accessibility standards for years. The Civil Rights Division of the U.S. Department of Justice has recognized that there could be instances where it might be technically infeasible to construct an alteration in full and strict compliance with ADA accessibility standards, because of physical or site constraints. In such circumstances, state and local agencies must provide accessibility to the maximum extent feasible. Before reaching a conclusion about technical infeasibility, state and local agencies need to consider the extent to which physical or site constraints could be addressed by alternative designs. The burden of proving technical infeasibility rests with the agency/owner that is responsible for the facility, element, or feature.

Intersection Corners

The BCEO will work in good faith to have curb ramps or blended transitions constructed or upgraded to achieve ADA compliance within all capital improvement projects. There may be limitations which make it technically infeasible for an intersection corner to achieve full accessibility within the scope of a project. If so, those limitations will be noted, and those intersection corners will remain on the transition plan. As future projects or opportunities arise, those intersection corners shall continue to be incorporated into future work(s). Regardless of whether full compliance can be achieved in all cases, each intersection corner shall be made as compliant as possible in accordance with the judgment of the BCEO.

Sidewalks / Trails

The BCEO will work in good faith to have sidewalks and shared-use paths (bicycle/pedestrian trails) constructed to achieve ADA compliance within all capital improvement projects. There may be limitations, however, that make it technically infeasible for segments of sidewalks or trails to achieve full accessibility within the scope of a project. If so, those limitations will be noted, and those segments will remain on the transition plan. As future projects or opportunities arise, those segments shall continue to be incorporated into future work(s). Regardless of whether full compliance can be achieved in all cases, each sidewalk or trail shall be made as compliant as possible in accordance with the judgment of the BCEO.

Traffic Control Signals

The BCEO will work in good faith to have traffic control signals constructed or upgraded to achieve ADA compliance within all capital improvement projects. There may be limitations which make it technically infeasible for individual traffic control signal locations to achieve full accessibility within the scope of a project. If so, those limitations will be noted, and those locations will remain on the transition plan. As future projects or opportunities arise, those locations shall continue to be incorporated into future work(s). Regardless of whether full compliance can be achieved in all cases, each traffic signal control location shall be made as compliant as possible in accordance with the judgment of the BCEO.