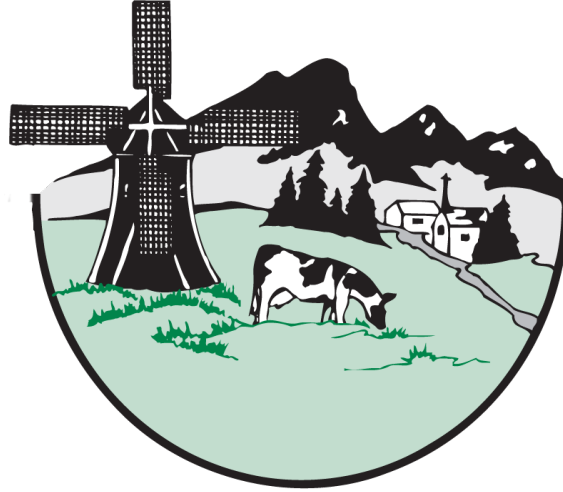


# CITY OF LYNDEN



## AMERICANS WITH DISABILITIES (ADA) TRANSITION PLAN FOR FACILITIES IN THE PUBLIC RIGHT-OF-WAY

December 2024 - City of Lynden

Public Works Department

300 4<sup>th</sup> Street

Lynden, WA 98264

**Approved by:**

**Date:**

\_\_\_\_\_  
Jon Hutchings, Public Works Director

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John Williams, City Administrator

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Scott Korthuis, Mayor

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## Questions about this document:

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## Overview and Background

### Overview and Purpose

An accessible community enables all people, inclusive of those with disabilities, to reach their destinations in the community, gain access to goods, services, and social activities that are needed daily to improve quality of life.

The City of Lynden is committed to creating and maintaining infrastructure that provides accessibility to programs, services, and activities as part of the ADA Title II requirement. The adoption of the plan establishes the City of Lynden's ongoing commitment to providing equal access for all, including those with disabilities.

### American with Disabilities Act (ADA)

The Americans with Disabilities Act (ADA), signed by President George W. Bush in January 1990, prohibits discrimination against individuals with disabilities. The ADA defined disability as a physical or mental impairment that substantially limits one or more major life activities of an individual, a record of an impairment or being regarded as having an impairment ([ADA.gov](https://ada.gov), 2016).

The ADA is a companion civil rights legislation to the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973. The Rehabilitation Act of 1973 made it illegal for any entity receiving federal financial assistance to discriminate on the basis of disability. Section 504 obligates both state and local governments to ensure equal access to programs, services or activities that are federally funded.

The ADA prohibits discrimination in employment, state and local government, public accommodations, transportation and telecommunications. The ADA was assembled upon the groundwork of Section 504 but goes further to require state and local government not receiving federal funding to also meet accessibility standards. The ADA has five titles. Title II of the Act specifically addresses nondiscrimination in all programs, activities and services of public entities to include state and local government (source: <https://adata.org/learn-about-ada>).

## ADA Transition Plan

Title II of the ADA regulates government agencies, with its primary goal being to ensure that all of their programs and services are accessible to individuals with disabilities. According to the ADA, a public agency is required to prepare an ADA Transition Plan if physical or structural modifications to facilities are required to provide access to programs or services.

## City of Lynden Transition Plan Approach

The ADA applies to all aspects of government services; however, this specific Transition Plan exclusively addresses facilities within the public Right of way (ROW) and trails of the City of Lynden that are maintained by the City's Public Works Department.

The City of Lynden's ADA Transition Plan for facilities within the public right-of-way or accessible to the general public via easements includes the following elements and is required to address the following:

1. Identify the official responsible for implementation of the plan.
2. Identify and conduct self-evaluation of physical obstacles and barriers of the facilities that limit the accessibility of its programs or activities to individuals with disabilities.
3. Specify a modification schedule for updating and prioritizing ADA elements identified in the City's barrier inventory and taking the steps necessary to eliminate over time.
4. Describe in detail the methods that will be used to make the facilities accessible.
5. Describe public involvement process and access to the Transition Plan.
6. Describe complaint, request, and grievance process for submitting a request for accommodation.

The ADA Transition Plan will be updated as needed to reflect regulatory and policy changes. Annual updates to the Self Evaluation will be provided through updated transition plan metrics or statistics as that information becomes available and an annual report that evaluates progress and identifies opportunities for improvement of the complete street's ordinance.

[Title 12 - STREETS, SIDEWALKS AND PUBLIC PLACES | Code of Ordinances | Lynden, WA | Municode Library](#)

## Opportunity for Public Notice & Involvement

A notice of a Council Public Hearing on the City's draft plan was advertised for two weeks in the Lynden Tribune (the City's newspaper of record), giving notice for public hearing and plan adoption by the City Council action. . During the comment period ending on **TBD**, 2024, no public comments were received.

The City will continue to accept comments regarding ADA issues and the City's ADA Transition Plan after the public comment period. These comments may be made through the City's webpage ([www.lyndenwa.org####ADATransitionPlan](http://www.lyndenwa.org####ADATransitionPlan)) or through direct communications with City ADA Transition Team staff. Future updates to the plan would reflect any changes resulting from the additional and on-going public comments.

## Part 1: Self-Evaluation

The intent of the City's self-evaluation focuses on the following facilities gauging overall ADA compliance and identify obstacles or barriers to accessibility within the public right-of-way. The following public facilities evaluated include:

- Curb Ramps
- Public Sidewalks
- Signalized and Enhanced Pedestrian Crossings

Geographic Information System (GIS) and the City's GIS-based Cartegraph (software) asset management systems are used to spatially track and analyze the findings gathered from the city-wide self-evaluation. Inventory assessments are ongoing and will continue as existing barriers are removed with the completion of capital projects (details can be found in Part 3 of this plan), annual maintenance and repair projects, and other private development projects that may include improvements to public right of way.

## Curb Ramps

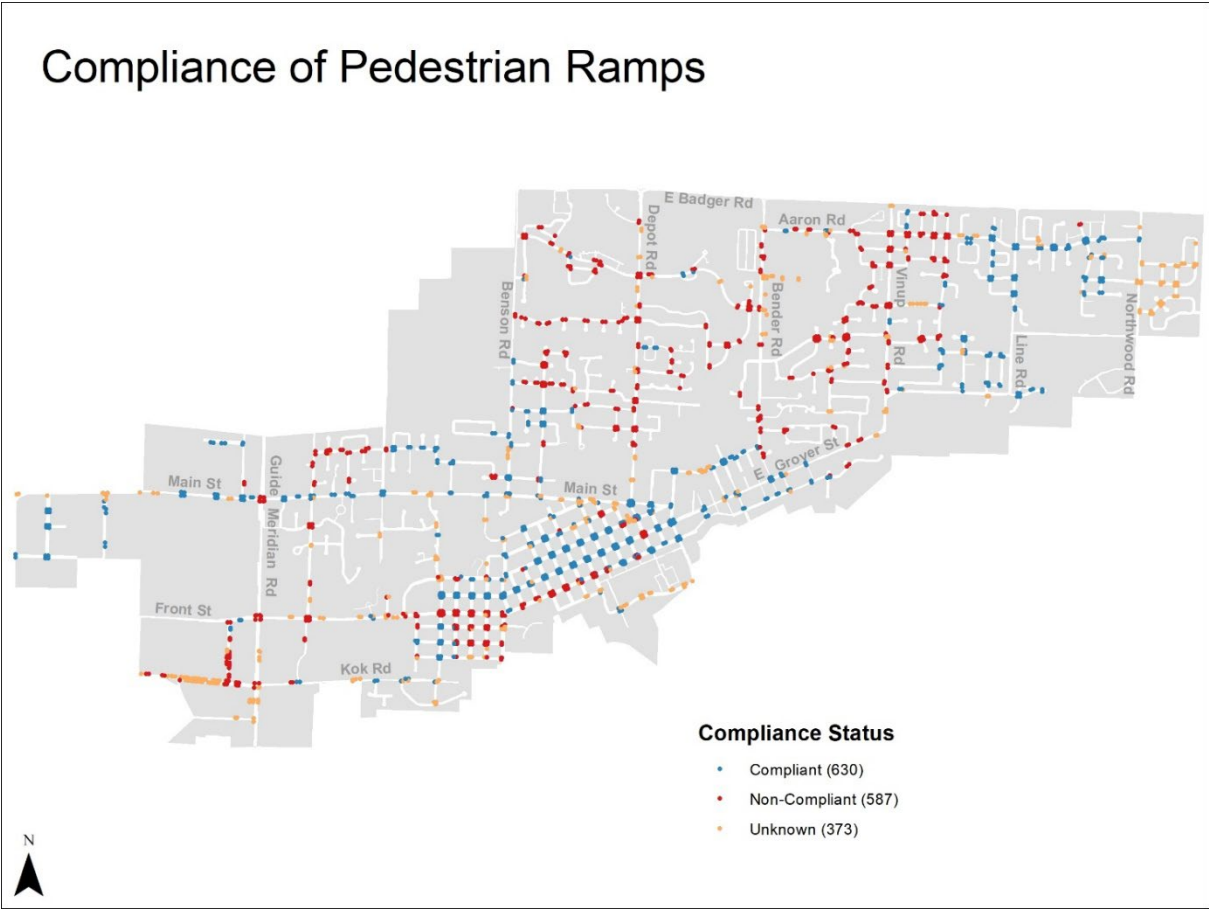
The following key indicators are used to determine if a curb ramp is ADA compliant:

- Presence of Ramp
- Ramp Slope
- Landing
- Detectable Surface

In 2020-2023, the City compiled an inventory of its existing curb ramps using field surveys and GIS. The inventory revealed the following key statistics that will be compared to future years as a metric of progression towards full ADA compliance: Existing curb ramp data was evaluated for their compliance with ADA standards and

given a score based on a three-point classification. Generally satisfactory, non-compliant containing one or more deficiencies, and No ramp. Approximately 49% of the total ramp inventory were found to be generally compliant and 43% of ramps were found to have one or more deficiencies and classified as non-compliant. Our data analysis also includes areas with no ramp present and accounts for 8% of our total inventory.

Table 2-1 Existing Curb Ramp Compliance



## Sidewalks

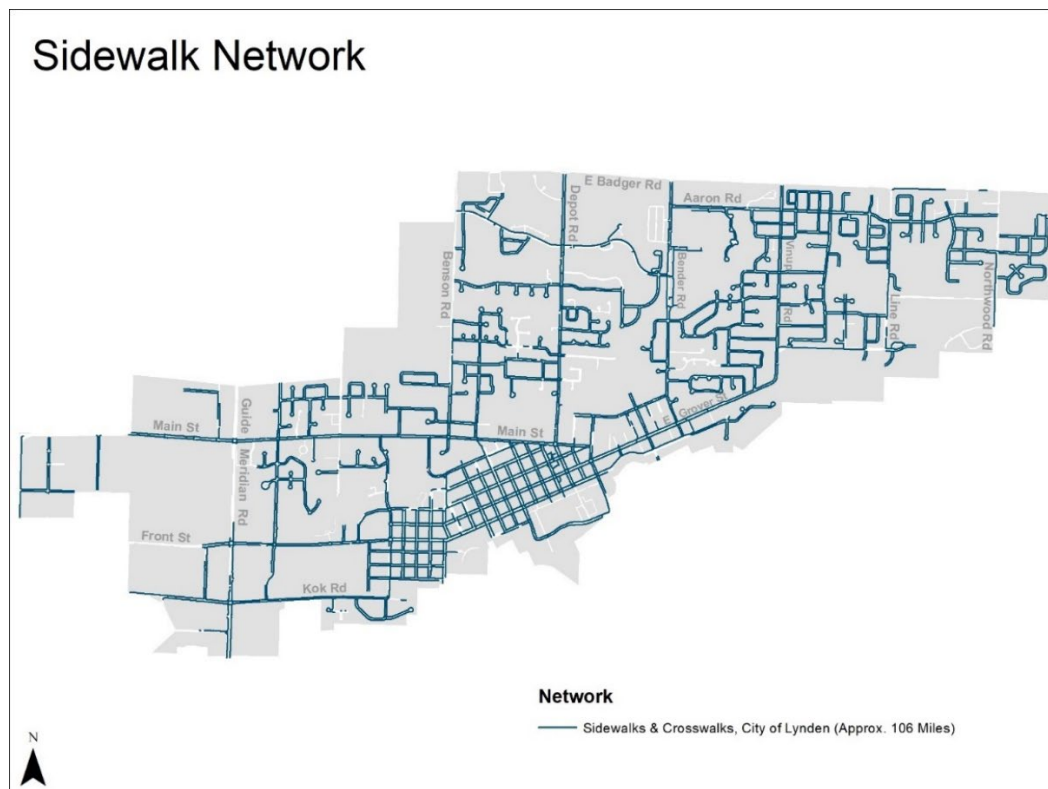
Sidewalk condition information is currently in hard-copy form and can be found on the City's website (xxxxx) or by calling the City of Lynden Public Works office to request this information. Data within the City's GIS system does not currently include ADA cross slope compliancy rating. City staff are evaluating how the GIS system can incorporate sidewalk information for improved condition assessment. Sidewalk data will continue to be updated by City staff with ongoing updates to include ADA cross slope compliancy.

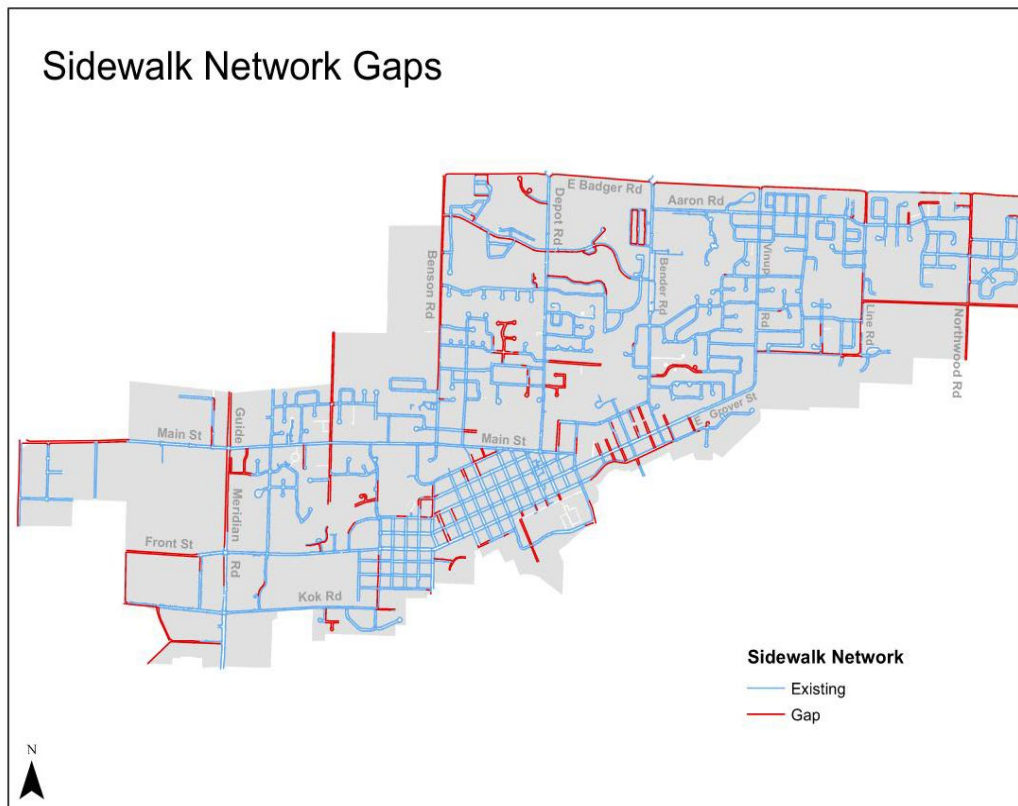
Field observations and surveys were initially performed in 2016/17 and are reviewed on a site-by-site basis to determine details related to ADA compliance and schedule repairs. This list is ongoing and always changing as improvements are made or as deficiencies are identified. Field observation details include the following data metrics:

- Condition (cracks, dropped panels etc. on a 1-5 scale)
- Width
- Encroachments or Obstructions

The maps included below show the City's existing sidewalk network and sidewalk gaps.

The City will continue condition rating updates to existing data while adding cross slope obstruction locations to be reviewed for future repair.





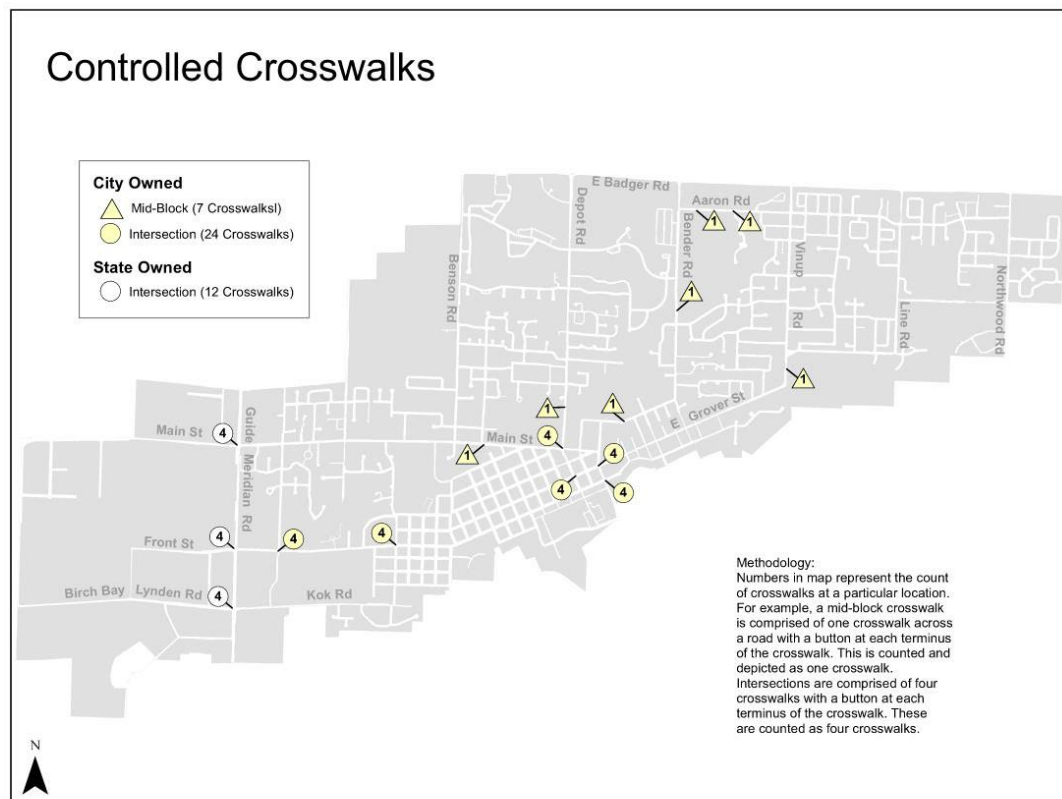
## Signalized and Enhanced Pedestrian Crossings

The two types of signalized and enhanced pedestrian crossings owned and maintained by the City are listed below, along with the number of each type within the City's responsibility:

- Full traffic signal intersections with pedestrian facilities incorporated: 6 Full traffic signals intersections with pedestrian facilities controlled by WSDOT on the Guide Meridian (SR-539): 3 (not included in assessment inventory)
- Mid-block crosswalks and crosswalks at un-controlled intersections with enhanced treatment (Rapid Rectangular Flashing Beacon – RRFB): 7 (, Aaron Dr (2), Bender Rd, Depot Rd, Drayton St, r, Main St, and Vinup Rd )

The City's signalized and enhanced pedestrian facilities are included in its GIS asset management system, which allows the City to track the following key indicators utilized to determine if a signal or enhanced crossing is ADA compliant:

- Pedestrian Signalized Street Crossings (not applicable to RRFB crossings)
  - Pedestrian Signal Heads- all 6 intersections were found to include visually compliant signal head indicators, but no audible tone.
  - Crossing Time- all 6 intersections were found to have compliant signal crossing times.
- Pedestrian Push Button Function and Location
  - Accessible Pedestrian Signal (APS)- all 6 intersections require audible vibrotactile push buttons for ADA compliance.
  - Accessible Pedestrian Push Buttons- 5 of 6 intersections were found to have push button access barriers.



## **Part 2: ADA Policy and Methodology for Accessible Facilities**

### **Comprehensive Plan**

The Comprehensive Transportation Plan (Comp Plan) is the framework for transportation planning in Lynden. It functions as the overarching guide for changes/improvements to the transportation system to meet current and future demands. The Plan evaluates the existing system and the deficiencies where improvements are needed. Chapter 1 of the Comp Plan presents the goals and objectives utilized throughout Lynden's transportation planning including ADA facilities. It also establishes transportation objectives and associated policies. It establishes "Complete Streets" as an objective to ensure Lynden's transportation system is designed to enable comprehensive, integrated, safe access for users of all ages and abilities including pedestrians, bicyclists, motorists, and transit riders.

### **Complete Streets Policy**

The City adopted a "Complete Streets Policy" in 2021 Lynden Municipal Code (LMC) 12.03.010- The City of Lynden shall, to the maximum extent practical, scope, plan, design, construct, operate and maintain appropriate facilities for the safe accommodation of pedestrian, bicyclists, transit users, motorists, emergency responders, freight and users of all ages and abilities in all new construction, retrofit or reconstruction projects. Through ongoing operations and maintenance, the City shall identify cost-effective opportunities to include complete streets practices.

### **City Code & Engineering Standards**

Lynden Municipal Code (LMC) Section 18.14.150 requires that all public work undertaken by the City and all work within City public rights-of-way conform to the City's Engineering Design and Development Standards Project Manual (Manual). The Public Works Director has the authority to approve, supplement and amend the Engineering Standards in consultation with the City Council on policy issues and for issues with broad citywide implications. This is reviewed and updated as needed, with a tentative annually update each December.

Engineering Standards include ADA related policy, requirements, and specific standards for facilities within the City rights-of-way. The Engineering Standards are generally based on the WSDOT Design Manual, and WSDOT Standard Plans.

Division 4 of the Manual includes the following ADA-related policies that have been adopted by City Council action. Section 4.16 of the Manual states, All sidewalks shall be constructed in accordance with WSDOT/APWA Standard Specifications for Road,

Bridge, and Municipal Construction, Section 8-14. The corresponding Figures in the City standards are 4-14, 4-15, 4-16, 4-17, and 4-18 are the current requirements; however, the latest version of WSDOT Standard Plans must be used regarding ADA requirements.

The Engineering Standards include and address the following specific design requirements related to ADA compliance.

- Sidewalk design criteria
- Curb ramp design criteria
- Driveway design criteria
- Crosswalk design requirements

Figure 4-3 Sidewalk design (as shown in street detail)

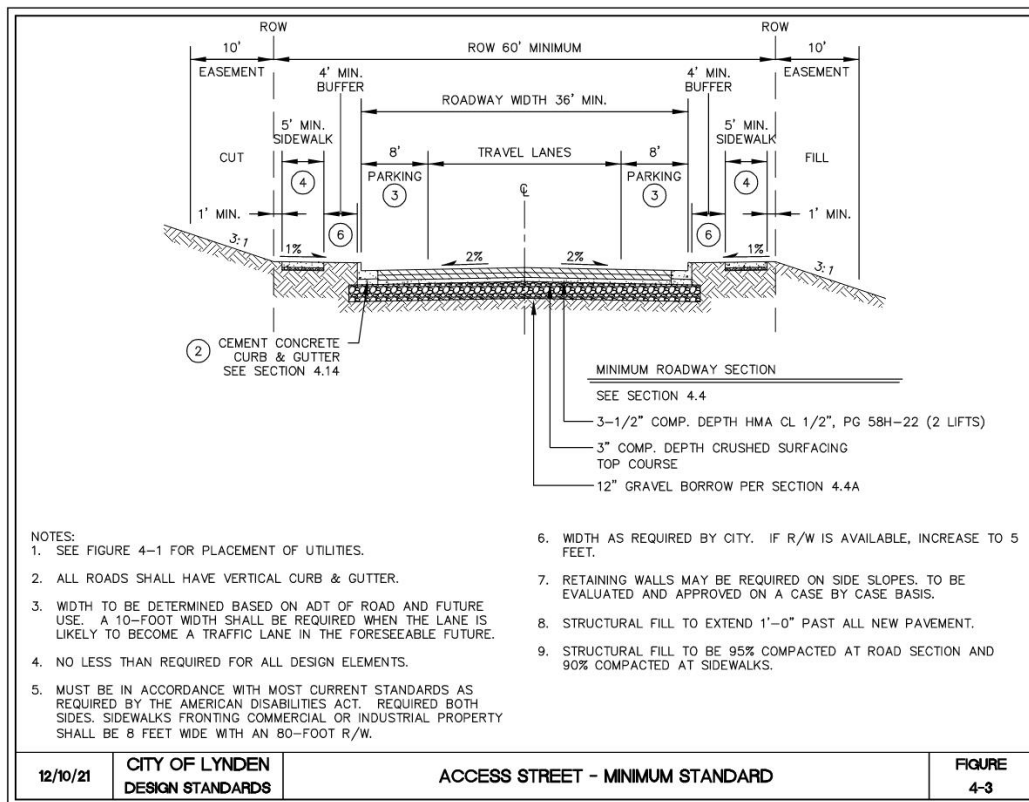


Figure 4-14 Ramp Design

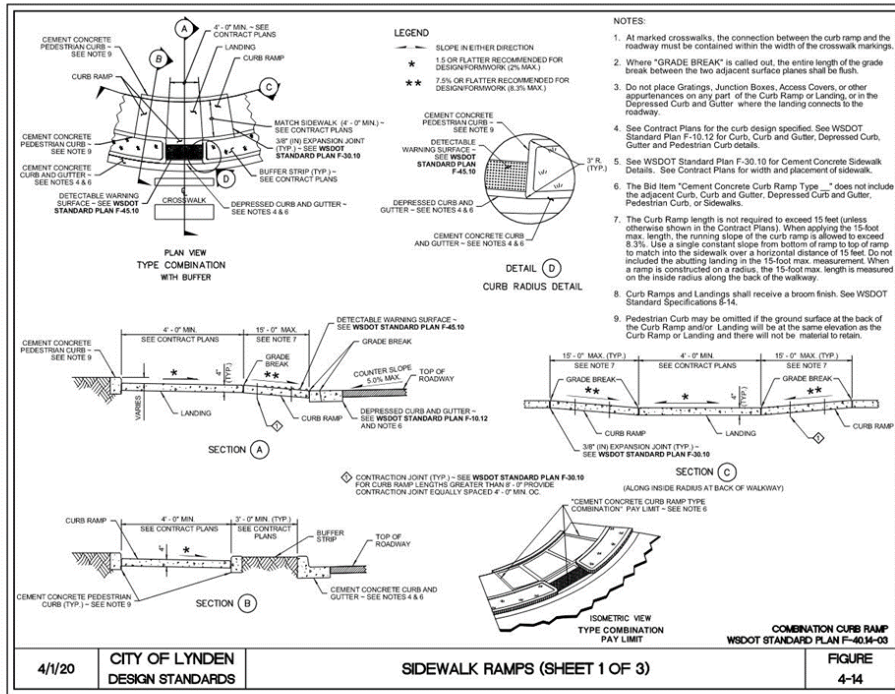


Figure 4-15

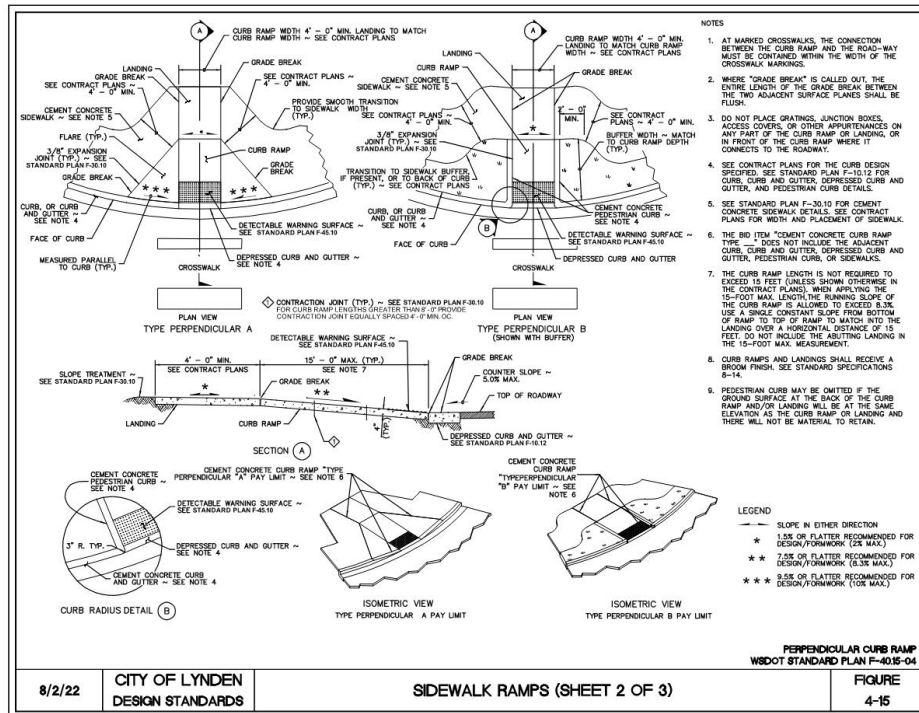


Figure 4-16

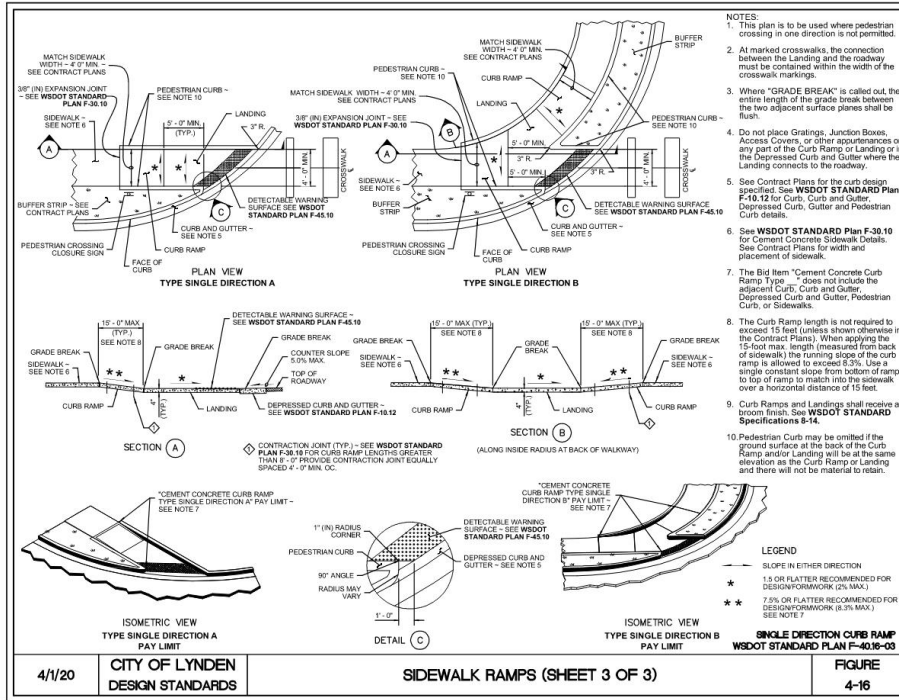


Figure 4-17

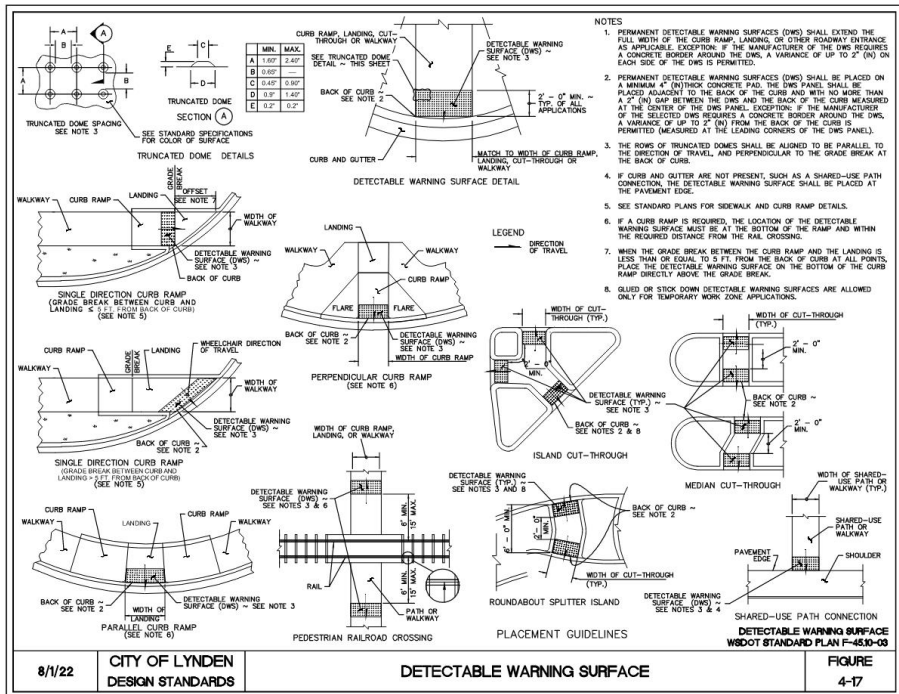


Figure 4-25 Parking Stall Design

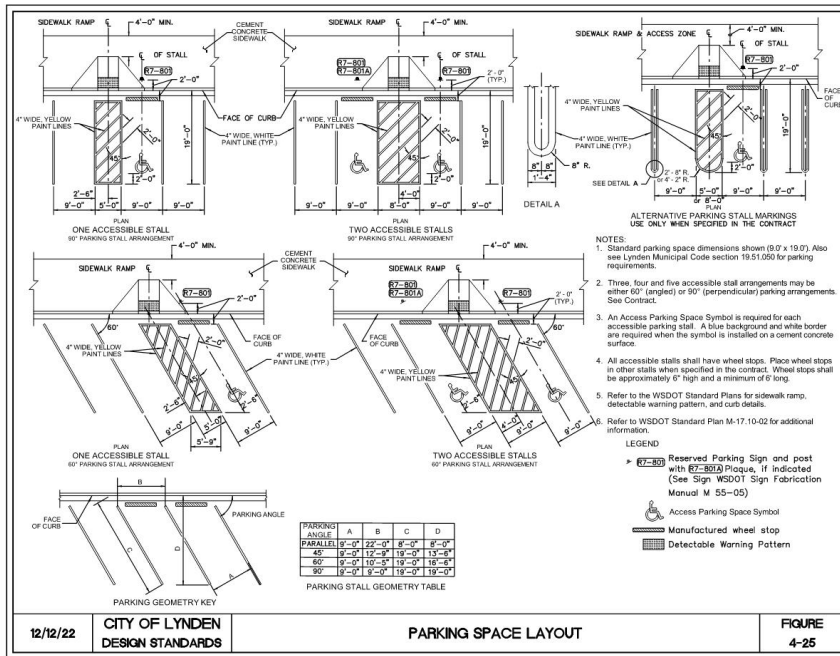


Figure 4-28 Crosswalk Design

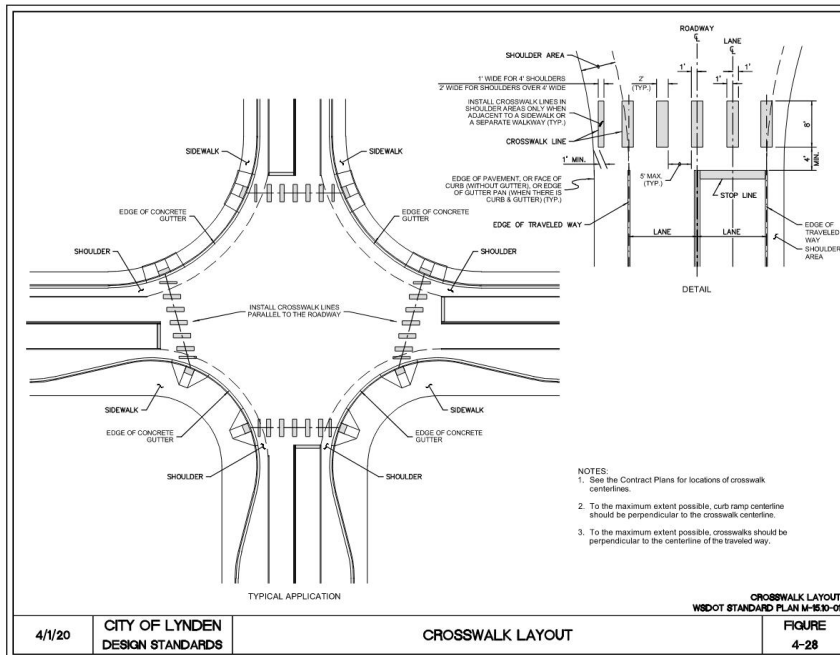


Figure 5-4 Driveway Design

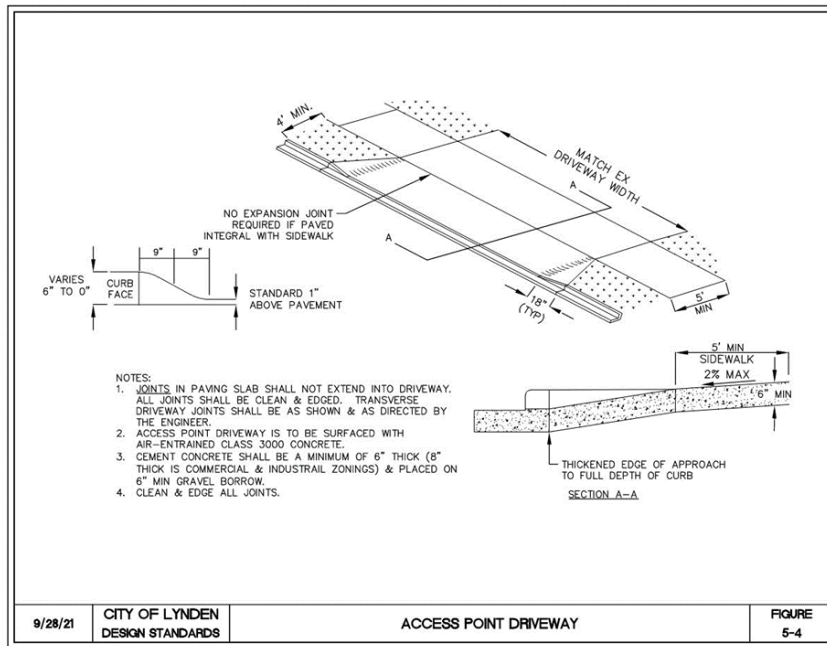


Figure 5-5

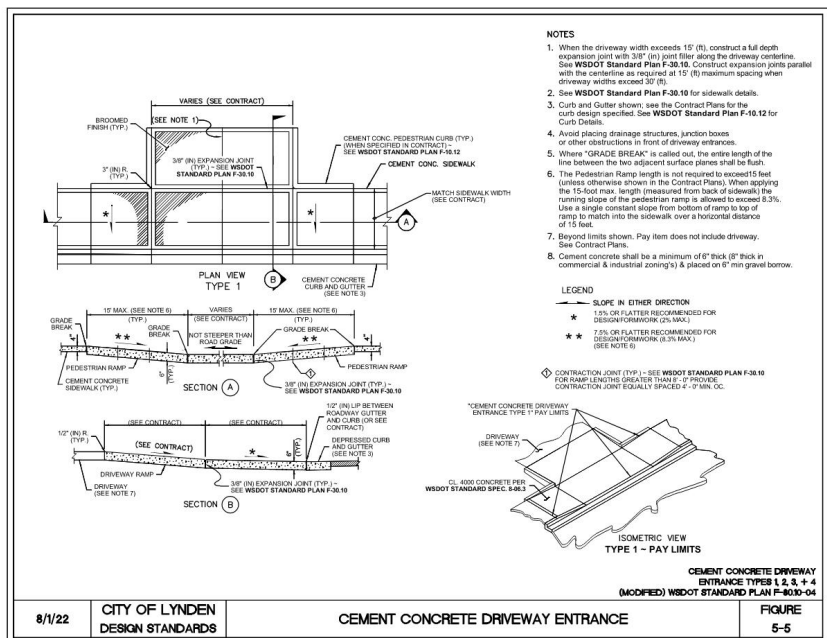
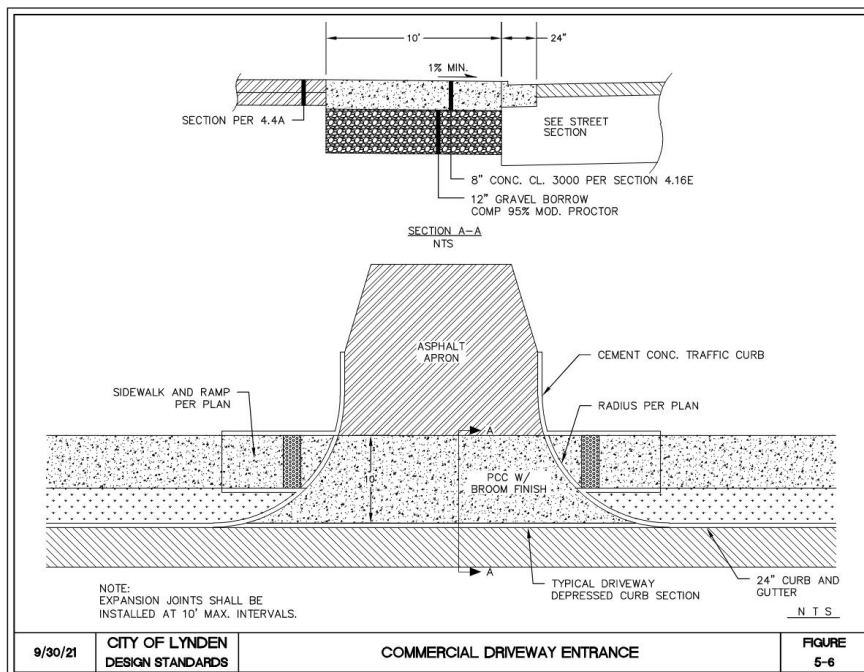


Figure 5-6



### Part 3: Procedures and Accessibility Schedule

## Project Development and Execution

The City of Lynden is improving access to pedestrian facilities by implementing ADA requirements related to capital projects, City maintenance projects, private development projects, and third-party utility projects that impact the public right-of-way (ROW). The City of Lynden uses its adopted Engineering Design and Development Standards Project Manual, the MUTCD, WSDOT Design Manual and WSDOT Standard Plans to ensure all new construction and alterations are designed and constructed to meet current ADA requirements. An alteration typically means a change to a facility within the ROW that affects or could affect access.

All ADA requirements must be applied to the maximum extent feasible. This means efforts should be made to comply with ADA as is reasonably possible. The Code of Federal Regulations (CFR) recognizes there are times where it is virtually impossible to comply fully with the standards. These situations are documented with a Maximum Extents Feasible (MEF) memo that explains the constraints and why it is not feasible to achieve full compliance. The MEF documentation is typically prepared using WSDOT's standard form.

Below are the types of projects that are required to comply with the ADA (Other types of projects may require ADA compliance depending on project type):

1. Capital Improvement Projects:
  - a. Street preservation (grind and overlay)
  - b. Street reconstruction
  - c. Intersection improvement projects
  - d. Sidewalk improvement projects
  - e. Utility repair, replacement, and improvement projects if the ADA route is impacted.
2. Private Development Projects:
  - a. Must meet City standard improvements including sidewalks, curb ramps and street improvements per the adopted Engineering and Design Manual Standards. Lynden Municipal Code 18.14.150
  - b. Plat developments that require construction of street and compliant sidewalk infrastructure
3. Franchise Utility and other Third-Party Work in the right-of-way:
  - a. Installation of new utilities that impact the pedestrian corridor
  - b. Repair and/or replacement if existing utilities that impact the pedestrian corridor
  - c. Relocation of utilities to accommodate other facilities in the ROW that impact the pedestrian corridor.

The City's programs manager and utility technicians monitor project review and installation of all improvements within City ROW to ensure ADA requirements are met. If ADA requirements are not met, the contractor or developer will be required to repair/replace infrastructure at their expense.

### **Citizen Requests**

Reporting repairs or maintenance needed for ADA compliance is important and can be completed using [www.lyndenwa.org/###/reporting](http://www.lyndenwa.org/###/reporting), or by submitting a written, emailed or verbal/phone request. City staff respond to sidewalk and signal issues and manage repairs lists for barrier removal with future projects and maintenance activities. If the issue is beyond the local capability to perform a complete repair, it will be addressed with a temporary fix if possible and/or prioritized for correction by a service or construction contract. In many cases, sidewalk barrier issues like raised panels can be corrected by grinding down a portion of the concrete panel or by adding asphalt to smooth the transition until a permanent solution can be completed.

## Grievance Procedure

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the City of Lynden. The City's Personnel Policy and Washington State law governs employment-related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

**ADA Compliance Team**

**Phone: 360-354-3446**

**Email: [davisj@lyndenwa.org](mailto:davisj@lyndenwa.org)**

**Mailing Address: 300 4<sup>th</sup> Street, Lynden WA. 98264**

Within 15 calendar days after receipt of the complaint, the ADA Coordinator or designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, the ADA Coordinator or designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the City and offer options for substantive resolution of the complaint.

If the response by the ADA Coordinator or designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the City Public Works Director.

Within 15 calendar days after receipt of the appeal, the City Public Works Director will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the City Public Works Director will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by the ADA Coordinator or designee, appeals to the City Public Works Director, and responses from these two offices will be retained by the City for at least three years.



## Public Works ADA Grievance Form

### **Contact Information**

This information will be used to contact you. A contact name, address, email, and telephone number are required.

**First Name** \_\_\_\_\_ **Last Name** \_\_\_\_\_

**Address 1** \_\_\_\_\_

**Address 2** \_\_\_\_\_

**City** \_\_\_\_\_ **State** \_\_\_\_\_ **Zip** \_\_\_\_\_

**Email** \_\_\_\_\_ **Telephone** \_\_\_\_\_

**Date of Request** \_\_\_\_\_

Location of Service Requested if different than contact address. Please include cross streets and landmarks:

Please describe the type of request, problem, or concern:

Response from Public Works:

## Project Development and Prioritization

The City of Lynden encompasses nearly 5.5 square miles of land that has been developed over the last century under differing ADA requirements or, for much of the City, prior to ADA requirements being in place. It follows that the broad scope and cost to achieve the goals of the ADA Transition Plan are enormous and require a strategic approach. The City's approach towards planning, funding, and completing projects that help implement the ADA Transition Plan relies heavily on prioritization. As funding is made available to complete capital projects addressing ADA issues, projects are identified and selected based on the following prioritization schedule:

### Highest Priority

- Prioritize barrier removal identified through public input or complaints received
- Areas with high concentrations of people with disabilities
- Intersections and roadway segments serving facilities including:
  - Government offices
  - Historic Business District
  - Public schools
  - Health clinics/centers
  - Transit routes

### Second Priority

- Areas with medium/mid-range concentrations of people with disabilities
- Intersections and roadway segments serving facilities including:
  - Public housing
  - Park and recreation areas
  - Library
  - Shopping centers and supermarkets
  - Other major employment sites

### Third Priority

- Areas with lower/low-range concentrations of people with disabilities
- Intersections and roadway segments serving facilities including:
  - Industrial areas
  - Other areas not classified as high or medium priority

Priority by Location (listed from highest to lowest priority):

- 1) Location for which a complaint has been received that path of use is obstructed for ADA access or use
- 2) Downtown Historic Business District
- 3) Senior/assisted living facilities
- 4) Walking routes along transit routes
- 5) Walking routes to parks, medical facilities, pharmacies, low-income services
- 6) Walking routes to commercial centers
- 7) Roadway corridors with high levels of pedestrian traffic
- 8) Roadway corridor with medium to low levels of pedestrian traffic
- 9) School walking routes

Capital Projects Completed 2018-2024

- Riverview Road (Hannegan Road to 6<sup>th</sup> Street).
- Benson Road Sidewalk improvements (Benson Lane to Cedar Street)
- Line Road Pedestrian Shoulder Widening (Bradley Road to Burlwood Way)
- 7<sup>th</sup> Street (Grover Street to Judson Street)
- Main Street Bridge at Pepin Creek
- South Park Street (Depot Road to West Park Street) 8<sup>th</sup> Street (Front Street to Judson Street)
- Grover Street / Vinup Road Pavement Preservation (BNSF Railroad Tracks to Bradley Road)
- Grover Street Pavement Preservation (3<sup>rd</sup> Street to Lawrence Street)
- 17<sup>th</sup> Street Extension/Pavement Preservation (Liberty Street to Main Street)
- Operation and maintenance Sidewalk and ramp replacement (\$80,000 to \$100,000 yearly).

Capital Projects Planned/Budgeted 2025-2027

- Bradley Road (Vinup Road to Line Road)
- Bradley Road and Vinup Road Roundabout
- Pine Street Bridge at Pepin Creek

- Cedar Street (Depot Road to Fishtrap Creek)
- 9<sup>th</sup> Street (Front Street to Judson Street)
- Judson Street (7<sup>th</sup> Street to 10<sup>th</sup> Street)
- 10<sup>th</sup> Street (Front Street to Judson Street)
- West Main Street and Berthusen Road Roundabout
- Operation and Maintenance Sidewalk and ramp replacement (various)

### ADA Issue Type

- Obstruction – Vegetation and/or other non-structural issues.
- Obstruction – Damaged or lifted sidewalk with lip or separation greater than ½-inch.
- Obstruction – No curb ramp present at transition from raised sidewalk to roadway crossing.
- Obstruction – Extreme cross slope (greater than 8%) of sidewalk or curb ramp
- Obstruction – Sidewalk path encroachment that reduces the pathway below the minimum width allowed (street tree, hydrant, sign, power pole)
- Non-compliant pedestrian signal head
- Non-compliant pedestrian push-button function
- Non-compliant push button location
- Non-compliant curb ramp
- Discontinuous pedestrian path between established pedestrian infrastructure
- Non-ADA compliant sidewalk: Cross slopes that are not an obstruction but are not compliant (greater than 2% and less than 8%), Damaged or lifted sidewalk with lip greater than ¼”.

### **Funding**

Most ADA improvements made in the City’s public rights-of-way are associated with public and private projects that trigger the ADA requirements to facilities within boundary and scope of each approved project. It follows that the majority of funding spent on ADA improvements is from public and private funds allocated for other activities or projects. These activities and projects include private and public utility work, paving and roadway work, construction and expansion of new building projects.

The City of Lynden has two sources for annual pedestrian, sidewalk, and ADA improvements as part of the Six-Year Transportation Improvement Program (TIP) and Capital Facilities Plan (CFP). The City's General Fund (001) fund and the Transportation Benefit District (TBD) both include an annual allocation for targeted sidewalk improvements to address pedestrian improvement projects at locations throughout the City. These programs together have been funded historically at approximately \$80,000 per year. Funding for projects that specifically address ADA needs within the public rights-of-way is typically from the City's Capital Improvement Fund. Funding levels for these programs are set by the City Council as part of the City's Annual Budget process. Additional fund sources the City is currently using and continues to actively pursue include:

- Transportation Improvement Board
- Washington State Department of Transportation
- Surface Transportation Block Grants (STBG) administered through the Whatcom Council of Governments acting as the Regional Transportation Planning Organization (RTPO)
- Washington State Department of Ecology
- Whatcom County Economic Development Investment (EDI)
- State and Federal Legislative Appropriations (including State Commerce Grants).

### Implementation Schedule

Due to funding constraints continuously changing and re-interpretation of ADA standards, full compliance of all public facilities within the rights-of-way will likely not be achieved for several decades. Instead, the City's prioritization of specific ADA compliance issues will allow those elements to meet standards within reasonable timeframes given the aforementioned constraints:

- Curb Obstructions: Improvements to remove obstructions within 10 to 25 years
- Curb Ramps: Improve or replace all curb ramps to be compliant – timeframe cannot be estimated at this time.
- Sidewalks: Eliminate sidewalk gaps on arterial streets – timeframe cannot be estimated at this time.
- Pedestrian Signal Heads: replacement of non-compliant signal heads within 5 years
- Pedestrian Push-button functionality: replacement of non-compliant push-buttons to meet standards within 5 to 15 years.

- Pedestrian Push-button location: relocation of non-compliant push-buttons within 10 to 25 years
- 

## Monitoring Progress

This plan is intended to provide a foundation to work toward an accessible public ROW and will be updated annually to reflect barriers removed with a project action or independent remediation. Routine minor updates to this plan will be made on a regular basis as improvements are completed, new barriers are identified or new requests are submitted. GIS and Cartegraph asset management software are the tools currently utilized by the City to monitor progress of the ADA Transition Plan. The City's commitment to providing accessible pedestrian facilities by removing existing barriers are demonstrated with for following actions.

- Development standard updates: Continue to review and update ADA standards and requirements with all updates to the standards.
- Capital Projects: Continue that all City funded projects meet current ADA requirements to the Maximum Extent Feasible.
- Private /developer projects: Continue to require all private projects to meet the standards for ADA as listed in the Engineering and Development Standards.
- Operation and maintenance: Continue to fund the sidewalk and ADA budgets to meet applicable standards at time of work.
- Expand public input processes. Submit Capital Projects planning proposals to local agencies such as Whatcom Transit Authority, School Districts, Lynden Community Center for input on ADA needs within the project scope and boundaries.
- Expand public programs to adopted City policy.

## Part 4: ADA COORDINATOR AND TRANSITION TEAM

Mark Sandal, the City's Programs Manager, has been designated as the City of Lynden's ADA Coordinator. The ADA coordinator, and ADA transition team, consisting of Utility Technicians, Administrative Assistants, and Maintenance Staff will be responsible for facilitating transition planning efforts such as barrier removal, grievance requests, and achieving ADA standards across capital improvement projects, maintenance, and operational activities. With key members of the City's transition team, responsible for capital improvement project planning and management, private development project review and management, and City operations and maintenance scheduling, the City is positioned for a successful plan implementation and continuing efforts in achieving a barrier free right of way.

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