



BUSINESS OF THE CITY COUNCIL CITY OF MERCER ISLAND

AB 6076
May 3, 2022
Consent Agenda

AGENDA BILL INFORMATION

TITLE:	AB 6076: ADA Transition Plan Adoption	<input type="checkbox"/> Discussion Only
RECOMMENDED ACTION:	Adopt ADA Transition Plan.	<input checked="" type="checkbox"/> Action Needed: <input checked="" type="checkbox"/> Motion <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution

DEPARTMENT:	Public Works		
STAFF:	Jason Kintner, Chief of Operations Patrick Yamashita, Deputy Public Works Director Lia Klein, Transportation Engineer		
COUNCIL LIAISON:	n/a		
EXHIBITS:	1. Final ADA Transition Plan		
CITY COUNCIL PRIORITY:	n/a		

AMOUNT OF EXPENDITURE	\$ n/a
AMOUNT BUDGETED	\$ n/a
APPROPRIATION REQUIRED	\$ n/a

EXECUTIVE SUMMARY

The purpose of this agenda bill is to present the final Americans with Disabilities Act (ADA) Transition Plan (see Exhibit 1) to the City Council for adoption. For purposes of this agenda bill, the “planning team” refers to staff from multiple City departments and the project consultant team, Transpo Group.

- Development of an ADA Transition Plan is a requirement of ADA Title II (Code of Federal Regulations Title 28 Chapter 1 Part 35.150) and was included in the City’s 2021-2022 work plan.
- The Plan development included extensive public engagement through [Let’s Talk](#), MI Weekly, social media, posting at the public library, as well as direct outreach to the Mercer Island School District, care facilities on the island, and the Soul Mates walking group.
- The draft Plan was presented to the City Council in a study session on February 1, 2022 (see [AB6002](#)). The City Council directed staff to make additional efforts to solicit feedback on the draft plan.
- Staff solicited feedback on the draft plan through an enhanced outreach effort as requested by the City Council. No additional comments were received.
- Staff recommends the City Council adopt the final ADA Transition Plan, which will guide future planning work on all capital projects, maintenance activities and operations. ADA elements in the City’s parks, buildings, and public rights-of-way are an essential component of providing safe and accessible service to all community members.

BACKGROUND

The goal of the Americans with Disabilities Act is to eliminate discrimination against people with disabilities and includes guidance for government agencies to provide reasonable accommodation for accessibility to public spaces and programs. The ADA's regulations and the ADA Standards for Accessible Design, originally published in 1991 and updated in 2010, establish minimum standards for facility accessibility. ADA Title II requires that government agencies provide equal access to programs and services they offer through the completion of a Self-Evaluation and development of an ADA Transition Plan. The following is a summary of the project highlights:

- Planning work began in May 2021 and included a public engagement process (online survey, focus group, and mapping exercise to identify areas with deficiencies).
- The planning team prepared a draft ADA Transition Plan based on the public engagement process, a field inventory and review of existing assets, and review of City documents.
- The ADA Transition Plan identifies barriers on City-owned public property, such as rights-of-way, public buildings, and parks, and includes a cost estimate for associated projects to mitigate these barriers, totaling \$40M.
- The planning team provided an overview of the draft ADA Transition Plan at the City Council study session on February 1, 2022 (see [AB6002](#)).
- The draft ADA Transition Plan was posted to [Let's Talk](#) to solicit community input. Input was also solicited through direct email to stakeholder groups in the community to expand the outreach effort.

ISSUE/DISCUSSION

Final ADA Transition Plan

The ADA Transition Plan summarizes the requirements, methods, findings, and recommendations associated with achieving ADA compliance and improved accessibility for all residents. ADA Title II requirements for a Transition Plan include a self-evaluation, public engagement, data collection and analysis, development of a project list, and associated cost estimates. A summary of the components of the ADA Transition Plan is provided below:

- **Self-Evaluation:** Review of City documents relating to ADA programs, policies, and practices.
- **Public Engagement:** Summary of public feedback including an open house, community survey, focus group, and online mapping tool. Feedback on the plan was sought directly from MI School District, care facilities, Soul mates walking group, and other interested community members.
- **Data Collection:** Inventory and barrier assessment of all existing pedestrian assets within City parks, City buildings, and public rights-of-way.
- **Prioritization:** Ranking of each pedestrian asset based on a numerical score generated by physical impact to accessibility and proximity to pedestrian destinations.
- **Cost Estimates:** Development of unit cost estimates for each barrier type using recent WSDOT and other construction bid tabulations, input from subject matter experts, and planning level cost assumptions.
- **Recommendations:** Implementation strategy and identification of action items for the City to achieve compliance over time. This includes evaluation of City programs and activities, development of a process to track barrier removal, development of a grievance process, adoption of a citywide Accessible Push Button (APS) policy, and development of a Maximum Extent Feasible (MEF) documentation and database. Many of the recommended projects will be incorporated into existing CIP and TIP projects.

Community Input on Draft ADA Transition Plan

During the Study Session for the draft ADA Transition Plan, the City Council emphasized the importance of making the draft plan available for community input through several sources and soliciting additional public input. The draft Plan has been posted for 10 weeks on Let's Talk and the City website and input was received via the City's routine media channels such as Let's Talk and the MI Weekly. Additional channels used to extend the reach include social media postings, reaching out directly to the Mercer Island School District and care facilities on the Island, physical postings at City Hall and the Mercer Island Library, and reaching out directly to Soul Mates, a Mercer Island walking group suggested by the Council during the study session.

There were no additional comments received through this enhanced outreach effort. The final ADA Transition Plan remains unchanged from the draft plan presented in February 2022, apart from updates to the executive summary and the addition of a section on the legal basis of the ADA standards used in the plan.

Funding Strategy

The total investment outlined in the ADA Transition Plan is nearly \$40 million for the entire list of projects (City parks, buildings, public rights-of-way). The projects will be accomplished through a combination of specific ADA focused capital projects (e.g. ADA Transition Plan Implementation program), other capital projects that include addressing ADA deficiencies (e.g. a building renovation that also brings the space up to current ADA standards or an arterial street improvement that includes sidewalk replacement), and ongoing maintenance activities that also address ADA deficiencies. Staff will propose in the draft Six-Year Transportation Improvement Program on May 3 (AB 6068) a long-term strategy to fund the ongoing ADA Transition Plan Implementation program.

The currently approved ADA funding is \$100,000 per biennium. Over the last 20 years, the Mercer Way Roadside Shoulder Improvement Program has received approximately \$500,000 per biennium. With the Mercer Way shoulder program nearly completed (the last two segments are programmed for 2024 and 2026), a similar amount of funding could now begin to flow into ADA-related projects. Therefore, in the upcoming TIP, staff will be proposing to allocate \$400,000 per biennium (starting in 2028) for ADA Transition Plan Implementation from the funds that would have previously gone to improving the Mercer Way shoulders.

Notable projects in the next three years that focus on addressing ADA deficiencies include:

- SE 40th Street Sidewalk Improvement (SP140)
- 80th Avenue Sidewalk from SE 27th to SE 32nd Streets (SP136)
- 78th Avenue Sidewalk from SE 32nd to SE 34th Streets (SP137)
- SE 32nd Street from 77th to 78th Ave SE (SP 147)

The three Town Center sidewalk projects total \$2.9M and will be proposed to be funded with Sound Transit mitigation dollars, since the work will improve walking routes for the public to reach the light rail station. These sidewalk replacement projects are intended to improve accessibility with a focus in the Town Center, where much of the City's sidewalk network exists. As staff gains experience through the ADA barrier removal program over the next several years, funding for the ADA Transition Plan implementation can be refined as needed.

NEXT STEPS

The adopted ADA Transition Plan will be posted on Let's Talk and will be used by staff to identify necessary work for regular maintenance and capital projects moving forward. Staff will work to complete all

recommended actions identified in the ADA Transition Plan over time. City operations and programs should be evaluated by the respective departments to ensure they are readily accessible and usable by individuals with disabilities, including services and communication provided by the Island to the community.

RECOMMENDED ACTION

Adopt Final ADA Transition Plan.