

ADA Transition Plan For Public Rights-of-Way

City of Idaho Falls

December, 2012



INTRODUCTION

BACKGROUND/PURPOSE

The Americans with Disabilities Act (ADA) of 1990 (the Act) is a civil rights statute prohibiting discrimination against people who have disabilities. Title II of the Act specifically addresses the subject of making public services and public transportation accessible to those with disabilities. With the advent of the Act, designing and constructing facilities for public use that are not accessible by people with disabilities constitutes discrimination.

Title II requires all local governments to perform self-evaluations of their current facilities and identify barriers to accessibility. In addition, the local governments are required to develop a transition plan to address these barriers, describe the methods to make facilities accessible, provide a schedule for needed improvements, and identify the official responsible for implementation of the plan. The plan is to be updated annually.

ADA Standards

The United States Access Board has developed standards for meeting the ADA. To meet the unique challenge to accessibility in public rights-of-way, the Access Board developed Draft Guidelines for Accessible Public Rights-of-Way (PROWAG) to provide specific guidance for providing accessible pedestrian facilities. The PROWAG, as well as the ADA Standards for Accessible Design (ADAAG) when applicable, have been and will be used to prepare the standard drawings and specifications for City of Idaho Falls projects in the public rights-of-way.

Purpose

The purpose of this document is to evidence the commitment of the City of Idaho Falls to provide accessible facilities to pedestrians in accordance with the standards of the United States Access Board.

NOTICE ABOUT ADA REQUIREMENTS

The City of Idaho Falls must provide public notice about the rights of the public under ADA and the responsibility of the City. The Public Works Division will publish the notice in a newspaper of general circulation when federal aid projects are undertaken by the City. In addition, the notice will be maintained on the City's website in an accessible form and published by annually by the Grant Administrator, Planning Department.

STANDARDS AND SPECIFICATIONS

Annually the Division of Public Works will review the Guidelines for Accessible Public Rights-of-Way to assure the Standard Drawings and Specifications adopted by ordinance comply with

the latest standards.

SELF-EVALUATION

The City of Idaho Falls is conducting a comprehensive inventory of the pedestrian facilities along City streets. All existing sidewalks and curb ramps are being measured and documented. Locations of curb ramps are being documented. The documentation is being stored on the Geographic Information System (GIS) of the City.

The inventory began in July, 2008, with review of downtown intersections by the ADA Coordinator and the Idaho Falls Downtown Development Corporation. The inventory is on-going and is addressed by Physical obstacles, especially those at intersections, were documented. Locations with a gap in pedestrian facilities were documented also.

This inventory is the basis for the transition plan and is a baseline for planning for future improvement to the existing pedestrian facilities.

In addition to the self-evaluation being completed by the Public Works Division, the Idaho Falls Accessibility Commission is evaluating physical facilities, including the public rights-of-way, and will provide a list of priorities to the Division of Public Works. The Accessibility Commission is composed of residents of the City, many of whom work with disabled individuals or are disabled. The Commission provides community involvement needed in the self-evaluation process.

PUBLIC INVOLVEMENT/COMMUNITY PARTICIPATION

To date, the City has not held public meetings on the transition plan. However, the City has involved numerous groups and organizations in the identification of barriers to accessibility in transportation planning accomplished by the Bonneville Metropolitan Planning Organization (BMPO) and in project planning, either as part of the City's funding process or as part of the Community Development Block Grant (CDBG) funding process. The City has received comments from the following groups on the need and priorities for accessible facilities in the public rights-of-way:

- Idaho Falls Community Pathways
- Idaho Falls Accessibility Commission
- Idaho Falls Downtown Development Corporation
- Life, Inc.
- Eastern Idaho Community Action Program
- FAITH
- Idaho Falls Parks and Recreation Division and Commission
- Affordable Housing Task Force
- Idaho Legal Aid Services Inc.

- BMPO Bicycle and Pedestrian Advisory Committee
- Area Agency on Aging (part of EICAP)

In addition, the Division of Public Works sets aside funding to respond to needs of disabled individuals and groups for accessible facilities annually.

CORRECTION PROGRAM

Priority for correction of deficiencies will be governed by the following:

1. Requests for assistance by disabled individuals and groups.
2. Identification as a priority by the Idaho Falls Accessibility Commission.
3. Government offices and facilities including post offices, City Hall and the Annex, Bonneville County Courthouse, Idaho Falls Public Library, and fire stations.
4. Transportation facilities including TRPTA regularly scheduled stops and the Idaho Falls Municipal Airport.
5. Places of public accommodation including the Eastern Idaho Regional Medical Center and Mountain View Hospital, medical clinics, nursing homes, schools, parks and recreational facilities, museums, Idaho Falls Senior Center, and similar facilities.
6. Major employers including Eastern Idaho Regional Medical Center, the schools, Idaho National Laboratory and Battelle Energy Alliance facilities, and other major employers in the City of Idaho Falls.

On the following pages are the upgrades completed from 2010 to 2012 and improvements scheduled for future years. These tables will be updated annually.

**PUBLIC RIGHTS-OF-WAY
PROJECTS COMPLETED FROM 2010 TO 2012**

DATE	PROJECT	LOCATION	BASIS OF PRIORITY
2010	Downtown sidewalk and curb replacement	Intersection of A and Shoup	Recommendation by downtown property owners (IFDDC)
2010	Sidewalk replacement program	Numbered streets	Low-moderate income families and condition of sidewalks/ lack of adequate curb cuts
2010	Capital Avenue Water Line Replacement	Capital Avenue between Pancheri Drive and Broadway	All railroad crossings replaced with latest ADA standards; Public Library and Idaho Falls Power Building, Greenbelt, Farmers Market
2010	Eastside Greenbelt at Sunnyside Road	Eastside of Snake River at Sunnyside Road	Accessible crossing under Sunnyside Road: Comprehensive Plan and Bike and Pedestrian Plan
2011	Downtown sidewalk replacement and curb cut construction/replacement	D Street from Capitol to Park Avenue	Bonneville County Court House and Idaho Falls Annex Building
2011	Downtown sidewalk and curb cut replacement	Shoup Avenue and D Street	City Hall and City Hall Annex
2011	Pedestrian bridge over Idaho Canal at Kinswood	Kinswood Street and Idaho Canal	Route to Taylorview Junior High School
2012	Pedestrian bridge over Gustafson Lateral	25 th Street at Emerson	Route to Longfellow Elementary and Tauthphaus Park; connects neighborhoods
2012	Pancheri Bridge replacement; construction of sidewalks/path and curb cuts	Pancheri from Utah Avenue to Skyline	Gap in pedestrian facilities; serves schools

2012	Sidewalk replacement, curb cuts, transit pull-outs, pedestrian friendly round-about design on Memorial Drive; upgraded crossings	Broadway to E Street	Crown hazardous to disabled; curb ramps in poor condition; County Court House; Parks and Recreation building; Greenbelt park
------	--	----------------------	--

Barriers removed through routine maintenance or complaints are not listed in the chart above. Nor are barriers listed which are removed by the curb and gutter program in which the city shares the cost of removing damaged curb and gutter. This program is considered to be routine maintenance. The projects listed above are those which are driven by the need to replace failing sidewalks and curb barriers such as improvements at A and Shoup or are driven by street reconstruction which also addresses sidewalk condition and curb ramp replacement such as Memorial Drive.

**PLANNED PUBLIC RIGHTS-OF-WAY PROJECTS
2013 - 2016**

DATE	PROJECT	LOCATION	BASIS OF PRIORITY
2013	Downtown sidewalk construction and replacement as well as curb replacement	Elm Street, Yellowstone, and Eastern	Museum of Idaho, State Office Building, downtown Idaho Falls
2014	Pancheri Drive sidewalk construction and curb construction	Skyline to Bellin Road	High school, middle high school, and elementary school
2013	Reconstruction of D Street underpass; construction of sidewalks and curb ramps	D Street between Eastern and Yellowstone	Route to city and county buildings; route to downtown and Snake River Greenbelt
2013	Casseopeia Street Construction	Casseopeia between Grace Avenue and Saturn Avenue	Gap in pedestrian facilities
2013	ADA sidewalk improvements city wide	On-going program along arterial and collector streets	Improve ADA accessibility citywide

2013	Pancheri bridge over East Lateral Canal	Pancheri Drive at East Lateral Canal	Route to Skyline High School, Eagle Rock Middle School, and Ethyl Boyes Elementary School
2014	Traffic signal and road widening at N 5 W (East Rover Road) and University Boulevard	N 5 th W at University Boulevard	Route to University Place, research facilities of INL and universities, and Greenbelt
2015	Constitution Way sidewalk and curb replacement	Yellowstone to Capitol Avenue	Bonneville County Court House, Idaho Falls City Hall, Joshua Smith Foundation

RESPONSIBLE PARTY FOR IMPLEMENTATION

The person responsible for the implementation of this plan is the City Engineer, Public Works Division , City Hall Annex, 380 Constitution Way, Idaho Falls, Idaho 83402, 208-612-8250. Complaints as to accessibility may be referred to the ADA Coordinator Brad Huerta, 612-8122, Public Information Officer.

ATTACHMENTS

Table of Attachments

1. **Attachment A.** Methods of outreach and public involvement.
2. **Attachment B.** Non-discrimination language included in bid documents and contracts.
3. **Attachment C.** List of all federally funded transportation projects executed by the City of Idaho Falls.
4. **Attachment D.** Acquisition of rights-of-way.
5. **Attachment E.** List of transportation projects with potential impacts on minority and low income populations.
6. **Attachment F.** Grievance procedure and notice.
7. **Attachment G.** Recommendations of Accessibility Commission.

ATTACHMENT A
Methods of Citizen Involvement and Participation

Open Houses. Open houses are frequently used to obtain citizen ideas and comments on proposed transportation projects. Prior to the open houses, notice is provided by numerous media, i.e., television coverage, radio announcements, newspaper coverage and advertisements, and announcements on the city’s website.

Public Hearings. The Planning Department and the Grants Administrator hold public hearings on potential projects which have impacts on or occur in public rights-of-way. Again, prior to the public hearings, notice is provided by newspaper advertisements, television coverage, radio announcements, letters to property owners and applicants, and announcements on the city’s website.

Commissions and Boards. Discussions of transportation projects often involve boards and commissions of city residents and interested individuals. Those groups routinely included are the Planning Commission, Accessibility Commission, Parks and Recreation Commission, Bike and Pedestrian Advisory Committee of the BMPO, and Idaho Falls Redevelopment Agency. They provide ideas and opinions to the engineers and planners prior to final design.

Questions and Answers, Idaho Falls Website. City residents and visitors are able to register complaints and comments as well as questions through the use of the Questions and Answers section of the city’s website. The website serves as the “hotline” for complaints. The goal is to respond within three days. In addition, each division is open to receiving complaints and works with the ADA Coordinator.

DATE	PROJECT	METHODS USED
2010	Intersection of A and Shoup	Public hearing, public meeting, personal contact, IFDDC
2010	Sidewalk replacement, CDBG	Public hearing, IF Community Pathways
2011	D Street from Park to Capitol	Redevelopment Agency, IFDDC
2012	Pancheri bridge project	Open houses
2012	Memorial Drive	Open houses at concept and final design, IFDDC

ATTACHMENT B
Non-Discrimination Language in Documents and Website

On the following pages are copies of the language found in bid documents for construction projects in the public rights-of-way as well as notices on the City's website.


CITY OF IDAHO FALLS
NON-DISCRIMINATION POLICY STATEMENT

The City of Idaho Falls, hereinafter referred to as the "Recipient" assures that no person shall on the grounds of race, color, national origin, sex, age, disability, or retaliation as provided by Title VI of the Civil Rights Act of 1964, the Civil Right Restoration Act of 1987 (Public Law 100.259), and subsequent related acts, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. The Recipient further assures every effort will be made to ensure non-discrimination in all of its programs and activities, whether those programs and activities are federally funded or not.

The Civil Rights Restoration Act of 1987, broadened the scope of Title VI coverage by expanding the definition of terms "programs or activities" to include all programs or activities of Federal Aid recipients, sub-recipients, and contractors/consultants, whether such programs and activities are federally assisted or not (Public Law 100.259 (S. 557) March 22, 1988.)

In the event the Recipient distributes federal aid funds to a sub-recipient, the Recipient will include Title VI language in all written agreements and will monitor for compliance.

The Recipient's Jan Blickenstaff, Grant Administrator, is responsible for initiating and monitoring Title VI activities, preparing reports and other responsibilities as required by 23 Code of Federal Regulations (CFR) 200 and 49 CFR 21.



Jared D. Fuhrman
Mayor
City of Idaho Falls
Date: July 13, 2009



CITY OF IDAHO FALLS, IDAHO

CONTRACT DOCUMENTS

for

SHOUP AVE. AND A ST. INTERSECTION RECONSTRUCTION

PROJECT NO. 2-38-19-2-STR-2010-38

consisting of:

**INVITATION FOR BIDS
INSTRUCTIONS TO BIDDERS
SPECIAL PROVISIONS**

PROPOSAL
Form of Proposal
Form of Bid Bond

CONTRACT
Form of Contract for Construction
Form of Certificate of Eligibility
Form of Performance Bond
Form of Payment Bond

PLANS

JARED D. FUHRIMAN, Mayor

City Council

**KAREN K. CORNWELL
THOMAS HALLY**

**IDA HARDCASTLE
MICHAEL A. LEHTO**

**SHARON D. PARRY
KENNETH TAYLOR**

**CHAD STANGER, Public Works Director
CHRIS H FREDERICKSEN, P.E., City Engineer**

**ROSEMARIE ANDERSON, City Clerk
DALE W. STORER, City Attorney**



**City of Idaho Falls
Supplemental General Conditions**

These Supplemental General Conditions are intended for use in city Community Development Block Grant projects.

Sign Requirements

Unless otherwise directed, the contractor shall supply, erect and maintain a 4'x8' project sign according to the specifications set below:

The sign will be erected after notice to proceed is issued, with the location to be as directed by the project owner. The sign shall be maintained in good condition and removed six (6) months after the project is completed. The project sign shall be constructed according to the following requirements:

The sign must have equal bands of red, white and blue. Four (4) inch high lettering in black for "U.S. Department of Housing and Urban Development" and the "City of Idaho Falls" must appear in the middle band of white. In the band of red, project name and "made possible by" shall be printed in white lettering. On the band of blue, the Idaho Falls logo and the Mayor's name shall be placed as illustrated. The sign is to be 4' x 8' of exterior grade MDO plastic sealed plywood, framed with suitable metal edge moldings for prevention of de-lamination. Paint with three (3) coats of exterior trim or sign enamel. Also, employ sign painter to apply lettering, as illustrated, over the three (3) coat finish. At least two (2) additional coats are required for the lettering work. Secure sign to nominal 4" x 4" x 12' pressure treated wood posts set 4' - 0" into ground with concrete surrounding each post. All lettering should be in block form.

Preconstruction Conference

After the contract(s) have been awarded but before the start of construction, a conference will be held for the purpose of discussing requirements on such matters as project supervision, progress schedule and reports, payrolls, payment to contractors, contract change order, insurance, safety, davis-bacon, inspections and other items pertinent to the project. The contractor shall arrange to have all subcontractors and supervisory personnel connected with the project on hand to meet with representatives of the City of Idaho Falls to discuss the project, the contract provisions and any problems anticipated.

Reports and Information

The contractor, at such times and in such forms as the City of Idaho Falls may require, shall furnish the city such periodic reports as requested pertaining to the work or services undertaken pursuant to this contract, the costs and obligations incurred or to be incurred in connection therewith, and any other matters covered by this contract.

Conflict of Interest

No member, officer, or employees of the City of Idaho Falls, or its designees or agents, and no other public official of the city who exercises any functions or responsibilities with respect to this contract during his/her tenure or for one (1) year thereafter, shall have any personal financial interest, direct or indirect, in work to be performed in connection with this contract. All

contractors shall incorporate, or cause to be incorporated, in all subcontracts, a provision prohibiting such interest.

Minority Business Enterprise

Affirmative steps will be taken by the contractor to assure that small, minority and female businesses and firms located in labor surplus areas are used when possible as sources of supplies, equipment, construction and services. Affirmative steps shall include the following:

1. Include any such qualified firms on solicitation lists.
2. Assure that such firms are solicited whenever they are potential sources.
3. When economically feasible, divide total requirements into small tasks or quantities so as to permit such firms maximum participation.
4. Where possible, establish delivery schedules which will encourage such participation.
5. Use the services and assistance of the Small Business Administration, the Office of Minority Business Enterprise (U.S. Department of Commerce) the Community Services Administration and other sources when appropriate. (24 CFR Part 85.36(e)(vi))

Bonding

All project bids in excess of \$100,000 shall be accompanied by a guarantee equal to at least five percent (5%) of the bid amount. This guarantee may be in the form of a bond, certified check or other negotiable instrument. Bid bonds will be accompanied by power of attorney bearing the same date as the bond.

If this contract is for an amount in excess of \$100,000, the contractor shall furnish a performance bond in an amount at least equal to one hundred percent (100%) of the contract price as security for the faithful performance of this contract. The contractor shall also furnish a payment bond in an amount not less than one hundred percent (100%) of the contract price as security for the payment of all persons performing labor under this contract and furnishing materials in connection with this contract. Idaho Code shall govern if this contract is \$100,000 or less. (24 CFR Part 85.36(h) and Idaho Code 31-4005-4006 and 54-1925-1929)

Public Works Contractor's License

For construction projects in excess of \$10,000 in the aggregate, the contractor, subcontractor, or specialty contractor shall not be required to have a current license as a Public Works contractor in the State of Idaho in order to submit a bid on any project; however, at, or prior to, the award of the contract, the successful bidder shall secure a Public Works Contractor's License. The contractor understands the time required to secure the Public Works Contractor's License.

Certification of Nonsegregated Facilities

For contracts in excess of \$10,000, the contractor certifies that he/she does not maintain or provide for his/her employees any segregated facility at any of his/her establishments, and that he/she does not permit employees to perform their services at any location, under his/her control, where segregated facilities are maintained. He/she certifies further that he/she will not maintain or provide for employees any segregated facilities at any of his/her establishments, and he/she will not permit employees to perform their services at any location under his/her control where segregated facilities are maintained.

The bidder, or subcontractor agrees that a breach of this certification is a violation of the Equal Opportunity Clause of this contract. As used in this certification, the term "segregated facilities"

means any waiting rooms, work areas, rest rooms and wash rooms, restaurants and other eating areas, time clocks, locker rooms, and other storage or dressing areas; *transportation and housing facilities provided for employees which are segregated by explicit directive or are in fact segregated on the basis of race, color, religion, or national origin, because of habit, local custom, or otherwise. She/he further agrees that (except where she/he has obtained identical certifications from proposed subcontractors for specific time periods) she/he will obtain identical certification from proposed subcontractors prior to the award of subcontracts exceeding \$10,000 which are not exempt from the provisions of the Equal Opportunity Clause; that she/he will forward the following notice to such proposed subcontractors (except where proposed subcontractors have submitted identical certifications for specific time periods). * Parking lots, drinking fountains, recreation or entertainment areas.

Contract Pricing

The "cost plus a percentage of cost" and "percentage of construction cost" method of contract pricing shall not be used. This clause overrides all references to the cost-plus method of pricing.

Data, Patent, and Copyright

The contractor shall hold and save the city and its officers, agents, and employees harmless from liability of any nature or kind, including cost and expenses for, or on account of, any patented or unpatented invention, process, article or appliance manufactured or used in the performance of this contract, unless otherwise specifically stipulated in the contract documents.

Access to Records

The City of Idaho Falls, the U.S. Department of Housing and Urban Development, the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers and records of the contractor which are directly pertinent to this specific contract, for the purpose of making audit, examination, excerpts, and transcriptions. All required records must be maintained by the contractor for three (3) years after grantee makes final payments and all other pending matters are closed. (24 CFR Part 85.36(i)(10))

Architectural Barrier Act

Any building designed, constructed or altered must be made accessible to persons with disabilities. Exceptions include (1) alterations where access cannot be provided, i.e. roofs, heating systems, water and sewer systems; (2) alterations are not structurally feasible; or (3) where Uniform Federal Accessibility Standards (UFAS) or Americans With Disabilities Act (ADA) requirements cannot be met according to undue hardship criteria. (42 USC 4151 et seq., 24 CFR Part 40 (UFAS), 24 CFR Part 8)

Lead Based Paint

For all residential new construction or rehabilitation, use of lead based paint on any interior surface, whether accessible or inaccessible, and exterior surfaces readily accessible to children under seven (7) years of age is prohibited. *The surfaces of all existing structures must be inspected.* If lead based paint is found on any interior surfaces or accessible surfaces, it must be treated and repainted with two (2) coats of non-lead paint; or completely removed; or covered with a suitable material such as gypsum wallboard, plywood or plaster. (42 USC 4801 et seq., 24 CFR Part 35)

Clean Air and Water Act

For all contracts and subcontracts exceeding \$100,000, the contractor and all subcontractors shall comply with the requirements of the Clean Air Act, as amended, 42 USC 1857 et seq., the Federal Water Pollution Control Act, as amended, 33 USC 1368 et seq., and the regulations of the Environmental Protection Agency with respect thereto, at 40 CFR 15, as amended.

1. Any building, facility or site listed on the EPA List of Violating Facilities as of this contract may not be used in the performance of this contract.
2. The contractor will comply with all the requirements of Section 114 of the Air Act and Section 308 of the Water Act relating to inspection, monitoring, entry, reports and information, as well as other requirements specified in Sections 114 and 308 of the respective Acts, and all regulations and guidelines issued thereunder.
3. Prior to signing this contract, the contractor shall notify the grantee of any communication from EPA indicating that a facility to be used in the performance of this contract is under consideration to be listed on the EPA List of Violating Facilities.
4. The contractor shall include or cause to be included these four (4) provisions in every subcontract in excess of \$100,000 and take such action as the government may direct as a means of enforcing such provisions.

Davis-Bacon and Related Acts

Requires workers to receive no less than the prevailing wages as computed by the U.S. Department of Labor and issued in the form of federal wage decisions for each classification of work. The law applies to construction, alteration or repair contracts over \$2,000 aggregate. Those Davis-Bacon provisions contained in HUD assisted construction programs are known as "Related Acts." All rulings and interpretations of the Davis-Bacon and Related Acts contained in 29 CFR Part 1, 3, and 5 are herein incorporated by reference in this contract.

Copeland "Anti-Kickback" Act

Requires contractors to pay employees at least once a week, and without any deductions or rebates except permissible deductions. The Act also requires contractors to maintain payroll records and submit weekly, certified payroll reports (CPRs) through the prime contractor to the City of Idaho Falls. It applies to all contracts covered by Davis-Bacon. Violation of this act is a criminal offense. The contractor shall comply with the requirements of 29 CFR Part 3 which are incorporated by reference in this contract.

Contract Work Hours and Safety Standards Act, Sections 103 and 107

CWHSSA applies only to contracts over \$100,000. The Fair Labor Standards Act applies to contracts of \$100,000 or less. Overtime (O/T) compensation must be paid under both laws. CWHSSA requires workers to receive O/T compensation at a rate of one and one-half (1 and 1/2) times their base hourly wage plus full fringe [(1 and 1/2 x base) + fringe = overtime compensation] after they have worked forty (40) hours in one week. In the event of O/T violations, the CWHSSA renders the contractor liable to the underpaid workers for wage restitution and to the United States for liquidated damages. Computation of liquidated damages is at the rate of \$10 for each calendar day that each individual was required or permitted to work in excess of a standard work week of forty (40) hours without payment of the required overtime rate. Intentional violations of CWHSSA standards are considered a federal criminal misdemeanor. (40 USC 327-330, 29 CFR Part 5)