

**Americans with Disabilities Act
Public Right-of-Ways
Transition Plan**

City of Tallahassee
Underground Utilities &
Public Infrastructure Department

March 2024

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I. Introduction

A. Legal Background of American with Disabilities Act (ADA)

The Americans with Disabilities Act (ADA), which was signed into law on July 26, 1990 and later amended in 2008, is a landmark civil rights statute that provides persons with disabilities protections against discrimination in all areas of public life by improving access to public accommodations, employment, transportation, state and local government services, and telecommunications.

The ADA is divided into five titles, or sections, to address each of the different areas of public access. Each title has a primary focus for different aspects regarding discrimination against the disabled in civic life:

Title I – Employment,

Title II – Public Services, (28 CFR Part 35)

Title III – Public Accommodations,

Title IV – Telecommunications, and

Title V – Relationship to other laws, and health insurance.

Title II requires that all state and local governments, public entities, or agencies ensure individuals with disabilities have access to all of their programs, services, and activities. Title II regulations were published in July 1991 and included the 1991 ADA Standards for Accessible Design (1991 Standards). Title II of the ADA directs public entities, such as the City of Tallahassee, to identify and evaluate all programs, activities, and services, as well as review all policies, practices, and procedures that govern administration of the entity's programs, activities, and services. The technical requirements are to be applied during the design, construction, and alteration of buildings and facilities covered by Title II of the ADA to the extent required by regulations issued by federal agencies, including the Department of Justice and the Department of Transportation.

This ADA Public Right-of-Ways Transition Plan (Transition Plan) is created according to the Federal regulations, 28 CFR §35.150(d)(3). The *ADA Transition Plans: A Guide to Best Management Practices*¹ published by the National Academies in May 2009 is another reference used in this Transition Plan.

B. City's Mission and Values

The City of Tallahassee's (City) Mission is "To be the national leader in the delivery of public service."

The City’s Vision is “A creative capital city that supports a strong community with vibrant neighborhoods; an innovative economic and educational hub serving diverse and passionate people, protecting our natural resources and preserving our unique character.”

The City’s Values are to “honor public trust through ethical behavior, provide exceptional citizen service, lead with integrity at every level, collaborate to reach common goals, invest in employee excellence, and promote equity and celebrate diversity. The City of Tallahassee is fully committed to accessibility for all to programs, services, and communications.”

Accessibility applies to all aspects of the City’s programs, including advertisements, orientation, eligibility, participation, testing or evaluation, physical access, provision of auxiliary aids, transportation, policies, and communication.

To support the City’s mission, vision, and values, the Underground Utilities & Public Infrastructure Department (UUPI) is charged with the responsibility of ensuring that the City transportation network is accessible to the public, including persons with disabilities.

This commitment is further reflected in Objective 4D of the City’s Five-Year Strategic Plan - Enhance the City’s network of roads, bike lanes, and sidewalks. The Transition Plan reflects the City’s commitment to fulfill this objective by providing fully accessible pedestrian facilities in the City’s right-of-way (ROW) that allow all citizens, including persons with disabilities, to move about freely and to ensure that accessible routes remain free of physical barriers. The Strategic Plan is included as Appendix A.

C. City Policies and Historical Sidewalk Improvement Efforts

The City of Tallahassee has taken important steps in providing sidewalks, curb ramps, pedestrian signals, and crosswalks to meet the ADA requirements. The City Commission’s *Policy No. 600 - Street Paving, Sidewalk and Design Standardization Policy*, was adopted on June 7, 1995, to “promote bicycle and pedestrian transportation by incorporating facilities into the existing and future traffic circulation system.” This policy was also adopted as part of the City of Tallahassee-Leon County Comprehensive Plan. The complete policy is provided for reference as Appendix B.

In 2014, the City Commission approved the Sidewalk Prioritization Policy to address demand for sidewalks. The City of Tallahassee follows this policy and approves budgets to construct new pedestrian facilities for all users, including citizens with disabilities. Between 2010 and 2017, the City spent approximately \$7 million dollars to repair and upgrade 8.5 miles of existing sidewalks to mitigate non-ADA-compliant facilities. The scope of improvements included, but was not limited to, reconstructing existing sidewalks, driveways, curb ramps, and curb and gutters to correct existing

ADA compliance deficiencies. A summary of the project locations and associated construction costs are provided in Appendix C.

D. ADA Coordinator, Public Notice, and Grievance Procedure

Following the guidelines of the *ADA Best Practices Tool Kit*², the City of Tallahassee has designated an ADA coordinator, posted a public notice, and established a grievance procedure.

ADA Coordinator: To effectively address ADA-related issues, the City of Tallahassee has a designated ADA Coordinator to address citizen inquiries and complaints in a timely manner. The ADA Coordinator works with other City departments and employees to resolve any reported issues and ensure that ADA requirements are properly fulfilled. The contact information for ADA Coordinator is as follows:

Kathleen Wright, ADA Coordinator
 City of Tallahassee, Office of Diversity & Inclusion
 300 S. Adams Street, Box A-13
 Tallahassee, Florida 32301
 (850) 891-8266 (office), (850) 661-3235 (cell), (850) 891-0833 (fax)
Kathleen.Wright@talgov.com

Public Notice: The City’s ADA Public Notice is posted on the City’s website ([ADA / Title VI / Non-Discrimination | Talgov.com](#)) to notify citizens of their rights under the ADA. The following language is an excerpt from the City’s website, provided for reference.

“It is the policy of the City of Tallahassee to promote the comprehensive realization of equal opportunity by providing equally effective reasonable accommodation to all applicants, employees and residents with disabilities, unless doing so imposes an undue hardship on the City organization or program, or would be a direct threat to the individual or others in the program or in the City organization.

The efforts of the City extend beyond the requirements of the Americans with Disabilities Act (ADA) based on its commitment to create a stable workforce but are not intended to provide greater benefits than those specified by law.

Specifically, the City resolves to carry out the intent of the ADA through a willingness to reasonably accommodate qualified applicants, employees, and residents with disabilities, whether hidden or manifest. To this extent, creativity and flexibility in the modification of processes related to applying for positions and performing essential functions of jobs and accessibility to programs, services, and activities will be considered to reasonably accommodate persons

with disabilities. Assistant City Managers, the leadership team, division directors, and supervisors are specifically responsible within their particular organizations for publicizing and enforcing this policy.”

Grievance Procedure: The City of Tallahassee has established a grievance procedure to meet the requirements of the ADA for anyone who wishes to file a complaint alleging discrimination based on disability in the provision of services, activities, programs, or benefits by the City of Tallahassee. The City’s Policy on Harassment and Discrimination, Administrative Policy 1201, governs employment-related complaints of disability discrimination by employees or applicants for employment. The City’s Title VI and Nondiscrimination Policy and Plan, Administrative Policy 1204, governs complaints from the public alleging violations of Title II of the ADA.

Complaints 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 to the ADA Coordinator by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation.

The City’s website also provides an online complaint form at the following link <https://www.talgov.com/Main/ada-form.aspx> for citizens to report any alleged violation of the ADA.

In addition, the City of Tallahassee has an online and mobile application, “DigiTally,” for citizens to report problems concerning all services provided by the City, including accessibility-related issues pertaining to public right-of-ways. The DigiTally reporting form is located on the City’s website at the following weblink: <https://www.talgov.com/Main/DigiTallyServiceRequests>

Upon receipt of an ADA-related complaint, the ADA Coordinator will review the submitted information to determine which department should be contacted to resolve issues raised in the complaint. For example, the Underground Utilities & Public Infrastructure Department (UUPI) is responsible for sidewalk reconstruction.

II. Existing Sidewalk Programs Overview

To retain eligibility for federal financial assistance, the City is required to comply with the America Disabilities Act (ADA), more specifically Title II - State and Local Government (Public Rights of Way). As previously discussed, a public entity such as the City of Tallahassee is required by the ADA to reasonably modify its policies, programs, practices, procedures, and infrastructure to avoid discrimination against individual with disabilities. The development of an ADA Transition Plan demonstrates the City’s commitment to ensuring that the organization has an official guidebook for complying with ADA requirements.

The following is an overview of the City’s existing sidewalk-related programs that provide accessible facilities to pedestrians, including persons with disabilities:

A. Maintenance and Repair for Existing Sidewalk Facilities –

- (a) To proactively mitigate accessibility issues on existing sidewalks, UUPI’s Street Operations and Maintenance (Street Operations) Division has an ongoing program that inspects existing sidewalks and repairs broken surfaces, wide cracks, trip hazards (uneven surfaces), and broken or missing truncated dome mats (warning surfaces). The repairs may include lifting concrete panels, grinding uneven concrete joints, caulking wide concrete cracks, and installing truncated domes. For severe cases, the sidewalk section may be removed and reconstructed to eliminate the deficiency. The sidewalk inspection criteria and repair types are listed in Appendix D.
- (b) Between October 2017 and May 2022, the Street Operations Division replaced approximately 12.14 miles of sidewalk and fixed 67,830 trip hazards. On an annual basis, approximately 2.5 miles of sidewalk are reconstructed, and 1,500 trip hazards are eliminated. This summary is based on the information provided by the Street Operations Division. See Appendix D for the associated worksheets for reference.
- (c) Locations of sidewalk repairs and replacements are logged using GPS through the City’s Workorder Asset Management System (WAMS). This repair information is uploaded to the City’s GIS database for record keeping.
- (d) Information concerning the sidewalk repair and maintenance program will be updated and incorporated into the proposed ADA Transition Plan annually.

B. Sidewalk Requirements for New Developments –

Per City of Tallahassee-Leon County Comprehensive Plan Policy 1.4.3: [M], all private developments within the Urban Service Area are required to include bikeways, pathways, and sidewalks within the proposed developments and connecting to surrounding land uses. These new sidewalks are required to comply with the ADA regulations. For ADA compliance verification, new developments, such as residential subdivisions and commercial complexes, are required to go through the City’s Growth Management Permit and Right-of-way Permit review process. City staff in charge of the permit reviews ensure that the design of proposed developments meets all the applicable ADA requirements. City inspection staff then verify that the developments are constructed as permitted.

C. Sidewalk Capital Improvement Projects –

The City also constructs new sidewalks as part of yearly Capital Improvement Projects. These ADA compliant facilities are constructed on both existing and new roadways. To determine which existing roadways receive new sidewalks, a City Commission-approved sidewalk prioritization method is utilized and maintained as the *Sidewalk Prioritization List*. This list separates the potential sidewalk projects into two tiers:

Tier 1 - Projects requested with no existing sidewalk, and Tier 2 - Projects requested with existing sidewalk on one side of the street.

Within these tiers, projects are ranked based on a point system per specific criteria, including Safety, Safe Routes to School, Roadway Classification, Pedestrian Demand, and Connectivity. The steps and criteria involved in the ranking method are fully described on the City’s webpage. The webpage also provides a form for citizens to request the addition of a street to the Sidewalk Prioritization List. See below link.

[Request a New Sidewalk Installation | City of Tallahassee Utilities \(talgov.com\)](#)

The *Sidewalk Prioritization List* is the basis of the City’s *Capital Improvement Projects Plan* for new sidewalk construction. Once a sidewalk is moved into the *Capital Improvement Projects Plan*, the project is removed from the *Sidewalk Prioritization List*. The current *Sidewalk Prioritization List* and the *Capital Improvements Projects Plan* are available for review on the above webpage.

III. Curb Ramps and Roadway Resurfacing Program

According to the *Joint Technical Assistance*³ guidance document issued by the Department of Justice and Department of Transportation and published on July 8, 2013, state and local governments must provide curb ramps whenever streets, roadways, or highways are altered, thereby assuring the accessibility and usability of the pedestrian walkway for persons with disabilities. Possible alteration to streets, roadways, or highways includes reconstruction, rehabilitation, resurfacing, widening, and projects of similar scale and effect.

As mentioned in the City’s 2024 Strategic Plan, “providing an efficient transportation network for drivers, pedestrians, and cyclists” is a long-standing commitment of the City of Tallahassee. Therefore, UUPI’s Street Operations Division has an ongoing Street Resurfacing Program to carry out that commitment. Compliance with the *Joint Technical Assistance* guidance document is included with all resurfacing projects. Resurfacing project improvements include, but are not limited to, the installation of truncated domed mats and reconstruction of curb ramps. The ADA sidewalk inspections are performed and reviewed, and any necessary corrections are included as part of the roadway resurfacing project.

According to the Street Operations Division’s records (Appendix C), approximately 60.5 lane-miles of roadway was resurfaced per year between 2017 and 2021. For the same time frame, approximately 2.6 miles of sidewalk was reconstructed annually. As a clarification, some roadway resurfacing projects did not have sidewalk components, and most of the sidewalk replacement project was completed independently without overlapping the roadway resurfacing project boundaries.

IV. Design Standards to Mitigate Physical Obstacles

The Architectural and Transportation Barriers Compliance Board (Access Board) is an independent federal agency devoted to accessibility for people with disabilities. The Access Board was created in

1972 to ensure access compliance by federally funded facilities and now provides information on accessible design. The Public Rights of Way Accessibility Guidelines (PROWAG) were developed by the Access Board, and these guidelines are provided for state and local governments to follow and comply with the ADA accessibility requirements within the public right-of-way (ROW). Sidewalks, street crossings, and other elements of public rights-of-way are all covered in the PROWAG guidelines. The PROWAG guidelines, currently an advisory standard, ensure that pedestrian circulation facilities such as sidewalks, curb ramps, pedestrian street crossings, pedestrian signals, etc., constructed or altered in the public right-of-way are readily accessible to and usable by individuals with disabilities.

On March 15, 2012, the ADA 2010 Standards for Accessible Design (2010 Standards) replaced the 1991 Standards and required that any newly constructed or altered facilities must comply with all the requirements in the 2010 Standards. The 2010 Standards provide more details on accessible features, and additional requirements for recreation facilities were added.

The City of Tallahassee uses PROWAG and ADA 2010 Standards to comply with the ADA requirements for sidewalk construction, new developments, and correction of existing sidewalk deficiencies.

The City's new sidewalk projects, including capital improvements, mitigations to existing sidewalks, and new subdivision developments, will comply with the ADA requirements. The above-mentioned standards and guidelines were used to develop the ADA Pedestrian Facility Checklist.

V. Sidewalk Inventory and Self-Evaluation

According to Title II of the ADA, 28 CFR §35.150(d)(3)(i), state and local governments and public entities are required to “identify physical obstacles” in their current facilities and services that limit the accessibility their programs or activities to individuals with disabilities. Therefore, a detailed sidewalk inventory and self-evaluation are the foundation of City's ADA Transition Plan that documents all the physical barriers or deficiencies that exist for persons with disabilities.

Per the GIS database, the City of Tallahassee currently maintains approximately 500 miles of sidewalks (including multi-use trails) inside the city limits. When establishing the GIS database, a unique “Facility ID” is assigned to each section of sidewalk, curb ramp, crosswalk, etc. This facility ID system is used to track the self-evaluation results. The complete sidewalk inventory is provided for reference in Appendix E.

Most of the sidewalks within the City are made of concrete, with a small portion made of brick, asphalt, and wood boards. Sidewalk widths are from 4 to 8 feet, and multi-use trails are from 10 to 15 feet.

With the sidewalk inventory information obtained from the GIS database, the next critical task is performing the “self-evaluation”, which involves conducting an onsite survey and documenting the physical barriers/obstacles on sidewalks within the City's right-of-way. To achieve this task, the Street Operations Division has developed a comprehensive ADA Pedestrian Facility Checklist, which field crews use to inspect sidewalks for ADA compliance. The details of checklist development are

discussed in the following section. When necessary, online research, aerial photo studies, and as-built drawings reviews are conducted to correctly document any ADA deficiencies.

All ADA non-compliant conditions are documented during an initial field investigation, and all listed physical barriers are noted for correction. It is anticipated that some of the observed ADA non-compliance conditions will require additional engineering study to determine if there are any feasible solutions within any physical or environmental constraints.

VI. ADA Pedestrian Facility Checklist Review

The intent of the ADA Pedestrian Facility Checklist is to collect the ADA non-compliance information for self-evaluation and will be used in resurfacing projects and other corrections using the City’s annual sidewalk repair budget.

The City’s ADA Pedestrian Facility Checklist consists of the following main categories: Sidewalks, Driveways, Ramps (including detectable warnings / truncated domes), Pushbuttons, and Crosswalks. To facilitate the inspection, the checklist was tailored to include ADA compliance items with “yes” or “no” input selection fields. An additional data entry field is available for special notes associated with the checklist item. After the field inspections, the collected data is reviewed and entered into GIS (per the unique facility ID for each existing sidewalk, ramp, or crosswalk) through the City’s WAMS. A copy of the checklist is provided in Appendix F for reference. The ADA Pedestrian Facility Checklist focuses on common ADA deficiencies, such as uneven surfaces, longitudinal slopes greater than 5% or slopes not following the roadway slope, cross slopes greater than 2%, and missing detectable warning surface for curb ramps. The checklist may be updated periodically as more pedestrian sidewalk facilities are inspected and unforeseen conditions are encountered.

Collected inspection results will be reviewed, and the overall non-compliance conditions of each sidewalk section will be assigned with two priorities: Priority 1 or Priority 2. Annual sidewalk repair funding will be prioritized towards eliminating identified Priority 1 physical barriers. The removal of Priority 2 physical barriers will be synchronized with the roadway resurfacing program and incorporated into the City’s annual sidewalk repair budget.

Priority 1: The overall ADA non-compliance conditions are considered life threatening or having major safety concerns, such as trip hazards for uneven surface greater than 1.2” or cracks with greater than 0.5” gap.

Priority 2: All non-Priority 1 conditions will be assigned as Priority 2.

VII. Implementation Budgets and Schedules

By synchronizing the Street Resurfacing Program with Sidewalk Inspections and the removal of ADA non-compliance, an overall schedule for full compliance can be determined. UUPI’s Street Operations Division presently maintains approximately 663 miles of roadways for the City of Tallahassee. On average, the Street Operations Division has the capacity to rehabilitate or resurface approximately 60.5 lane-miles annually. This roughly equates to 30 miles of roadways that could be resurfaced annually or 25 years for all roadways to be resurfaced. Accounting for sidewalks along County maintained roadways, which are maintained by the City, and roadways without existing sidewalks, a preliminary schedule estimate is around 30 years for ADA deficiencies to be mitigated or removed. In addition,

the City is committed to inspecting existing sidewalks, inventorying identified ADA deficiencies, and removing identified physical barriers by fully utilizing the annual budget to maintain and repair the existing sidewalks. It is anticipated that some sidewalk improvement projects will require extra time to obtain a complete topographic survey, and engineering design. It is estimated a timetable of 30 years for the City of Tallahassee to repair and mitigate all existing sidewalks for compliance with ADA requirements is estimated.

To monitor the City’s progress, this ADA Transition Plan will be updated annually to inventory the sidewalk inspection results and document the removal of identified ADA non-compliance items. Therefore, each year’s improvements will be recorded in the subsequent year’s update for the ADA Transition Plan.

Funding for both the Resurfacing Program and the Maintenance and Repair of Existing Sidewalks varies each year. Appendix G contains budget information for each program. This Appendix will be updated yearly.

VIII. Responsible Officials

The officials responsible for implementation of the City’s ADA Public Right-of-Ways Transition Plan are listed below:

Official in Charge:

Steve Shafer, PE, General Manager
 Underground Utilities & Public Infrastructure Department (UUPI)
 408 N. Adams St.
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Kathleen Wright, ADA Coordinator
Office of Diversity & Inclusion
300 S. Adams Street, Box A-13
Tallahassee, Florida 32301
Telephone: (850) 891-8266
Email: Kathleen.Wright@talgov.com

IX. Public Involvement

This ADA Transition Plan shall be posted on the City’s webpage for citizens to review and provide comments. As a living document, the Transition Plan will be updated periodically to incorporate public input, new regulations, and records of physical barriers removal for ADA compliance.

The following website link <https://www.talgov.com/Main/hr-titlevi> is provided for citizens to review and comment on the City’s ADA Transition Plan for Public Right-of-Ways.

References:

1. Jacob Engineering Group. “ADA Transition Plans: A Guide to Best Management Practices.” *NCHRP Project Number 20-7 (232)*, National Academies of Sciences, National Cooperative Highway Research Program, Baltimore, MD, May 2009
2. “ADA Best Practices Tool Kit for State and Local Governments, Chapter 2, ADA Coordinator, Notice & Grievance Procedure: Administrative Requirements Under Title II of the ADA Act.” *ADA.gov*, U.S. Department of Justice Civil Rights Division, 5 Dec. 2006, www.ada.gov/pcatoolkit/chap2toolkit.htm
3. “Department of Justice/ Department of Transportation Joint Technical Assistance on the Title II of the Americans with Disabilities Act Requirements to Provide Curb Ramps when Streets Roads, or Highways are altered through Resurfacing.” *ADA.gov*, U.S. Department of Justice Civil Rights Division, 8 July 2013, archive.ada.gov/doj-fhwa-ta.htm