

City of San Antonio

Americans with Disabilities Act (ADA) Sidewalk Transition Plan



City of San Antonio

American's with Disabilities Act (ADA) Sidewalk Transition Plan

On July 26, 1990, the Americans with Disabilities Act (ADA) was signed into law by President George H.W. Bush. The purpose of the ADA was to provide a clear mandate and enforce standards for the elimination of discrimination against individuals with disabilities. The ADA extends civil rights protection s to individuals with physical or mental disabilities through the following five titles.

- Employment (Title I)
- Public transportation and state and local government services (Title II)
- Public accommodations (Title III)
- Telecommunications (Title IV)
- Miscellaneous (Title V)

As part of the administrative requirements under Title II, the City must develop a transition plan where modifications are required to achieve accessibility. A transition plan should contain at a minimum:

1. a list of physical barriers in a public entity's facilities that limit accessibility to individuals with disabilities
2. an outline of the methods to be utilized to remove the barriers and make facilities accessible
3. a schedule to remove the barriers and achieve compliance
4. a name of an official responsible for the plan's implementation

Building Accessibility Modification Plan (BAMP)

In 1994, the City Council approved San Antonio's Building Accessibility Modification Plan (BAMP). Originally, 397 City owned or leased facilities were identified as needing accessibility modifications. As of July 2009, 247 facilities have been modified and are ADA accessible. The BAMP identifies each facility project, scope, cost, completion date and funding source. The Plan is dynamic, evolving and contains current statistics, reflecting accomplishments of the past fifteen years.

Sidewalk Transition Plan

In June 2008, the Public Works Department (PWD) embarked on the creation and implementation of San Antonio's first ADA Sidewalk Transition Plan. From December 2008 to May 2009, staff from City departments of the Public Works Department, Planning & Development Services, Housing & Neighborhood Services and Downtown Operations met monthly to assess the current policies and practices currently in place, review the Plan's goals, and establish objectives and tasks. In an effort to ensure public participation, people with disabilities and community advocates were invited and attended many, if not all, of the monthly meetings and participated in meetings that were specific to individual goals. In addition, the City's Disability Access Advisory Committee (DAAC) adopted the Plan's goals as their own 2009 Committee goals and has been individually involved in the process.

The Plan's mission is to provide a walkable community environment of sidewalks and crosswalks that are ADA compliant and available to all citizens. The plan is all encompassing and contains six (6) main goals. Each goal was identified with a lead department and each department identified a goal leader. Each goal leader was charged with forming a small task force to *Survey*

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(review the goal & identify objectives, challenges & opportunities) Plan (followed by further identifying the necessary tasks to address the goal objectives, including a timeline and funding strategies) and lastly, Act (Plan approval and implementation).

ADA Implementation Plan Goal	Lead Department
1. Enforce policies for all new sidewalk construction.	Development Services
2. Provide curb cuts/ramps for access to sidewalks when a street is “altered”.	PWD
3. Evaluate and track sidewalk, ramp and street construction in accordance with appropriate regulations and coordinate these construction improvements.	PWD
4. Establish policies and programs to encourage property owner participation in the maintenance of sidewalks, curbs and driveways to ensure sidewalk accessibility and usability.	Neighborhood and Housing Services
5. Provide solutions to common, resolvable ADA complaints and grievances.	PWD
6. Recognizing the unique characteristics of San Antonio’s Central Business District (CBD), create and implement a CBD specific ADA Pedestrian Compliance Plan.	Downtown Operations

Below are the components of the City's Sidewalk Transition Plan that meet the requirements under Title IL

1. List of physical barriers

In 2008, engineering consultants HVT and Associates completed a city-wide inventory and condition assessment of all city owned sidewalks and curb ramps. The inventory identified all missing and unusable sidewalk segments in the City to include sidewalk gaps, impassable sidewalks and missing curb ramps. This survey has proven to be a vital tool in the development of the City's future sidewalk accessibility improvements. Recently, in 2009, the City approved a contract with Fugro Consultants, Inc. to carry out an improved City-wide survey. Fugro will survey the City's street network and will also identify the location of signs, curb ramps, and sidewalks. This service is an improvement over the previous pavement assessment in that the data will be collected and analyzed electronically, thereby minimizing variations in scoring and accelerating the rate at which data is collected.

2. Methods to be utilized to remove the barriers and make facilities accessible

The City developed a Sidewalk Policy as a tool for the management of sidewalks, curbs and driveways abutting private property and within the public right-of-way (ROW). The policy identifies the methods used to improve the sidewalk system in the City through new development & redevelopment, the City's Five-Year Infrastructure Management Program (IMP), Capital Improvement Plan (CIP), coordination with other entities such as VIA Metropolitan Transit Authority, ADA grievances/complaints and the Sidewalk Repair Assistance Pilot Program.

3. Schedule to remove the barriers and achieve compliance

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Each year, as part of the annual budget process, the Council adopts the City's Infrastructure Management Program (IMP). The IMP is a policy that is used to develop the Five-Year Infrastructure Management Plan that identifies projects and develops schedules for various infrastructure components to include the Street Maintenance and Sidewalk Programs. The Street Maintenance Program consists of reconstruction, alterations and preservation projects. Properties adjacent to street reconstruction projects have accessible sidewalks installed where none exist and repaired or replaced where the existing sidewalk is unusable and/or not ADA compliant. Some but not all, properties adjacent to street alteration projects may have sidewalk repairs for the removal of hazards. Curb ramps are installed in conjunction with both the reconstruction and alteration projects on streets identified in the Street Maintenance Program as required by the Department of Justice ADA Title II regulation, Subpart D-Program Accessibility, New Construction and Alterations. City staff is working on a supplemental curb ramp schedule to capture locations of prior alteration projects that need new or improved curb ramps and will not be addressed within the IMP in the near future. The sidewalk program identifies sidewalk projects that provide new sidewalks or improve existing sidewalks within existing developed areas of the City.

4. Official responsible for the plan's implementation

For official inquiries regarding this plan, please contact the Director of the Public Works Department at 210-207-8022.

The following individuals were identified by their respective Departments as a goal leader or task force participant and played a key role in the creation of this plan.

* During 2013, the Department of Public Works merged with The Capital Improvements Management Services (CIMS). The combined Department was name Transportation and Capital Improvements, and for historical purposes we have kept the original department for each individual at the time of the writing of this document.

Judy Babbitt, Disability Access Office, Public Works
Terrence Carbary, Pavement Engineering, Public Works
Art Castillon, Pavement Engineering, Public Works
Christie Chapman, Director's Office, Public Works
Richard Collins, Housing & Neighborhood Services
Michael Ereti, Traffic Engineering, Public Works
Anita Gomez, Traffic Engineering, Public Works
Steven Lopez, Housing & Neighborhood Service
Pablo Martinez, Planning & Development Services

Richard E. Martinez, Street Maintenance, Public Works
Alma Martinez-Jimenez, Street Maintenance, Public Works
Rolando Mata, Street Maintenance, Public Works
Shannon Ontiveros, Street Maintenance, Public Works
Eloy Rosales, Right-of-Way, Public Works
Cynthia Saenz-Martinez, Downtown Operations
Bill Thorpe, Traffic Engineering, Public Works
Mark McDonald, Disability Access Office, Public Works
Robert Potter, Disability Access Office, Public Works

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With assistance and support from the following Department Directors and Assistant Directors.

Majed A. Al-Ghafry, Director of Public Work	Ramon Mendez Asst. Director of Housing & Neighborhood Services
Anthony Chukwudolue, Asst. Director of Public Works	Richard Mendoza, Asst. Director of Public Works
Fernando De Leon, Asst. Director of Planning & Development	Rod Sanchez, Director of Planning & Development Services
Liz Garcia, Asst. Director of Housing & Neighborhood Services	Paula Stallcup, Director of Downtown Operations
David Garza, Director of Housing & Neighborhood Services	Colleen Swain, Asst. Director of Downtown Operations
Kent Hickingbottom, Asst. Director of Public Works	

Special thanks to the Disability Access Advisory Committee (DAAC) members and community advocates for their participation in the plan development.

Richard Berry	Jesus Moreno
Elyse Dubroff	Leo Ramos
Gloria Flores	Abraham Robles, Jr
Larry Johnson	Hector Rodriguez
James Lawson	Jane Ann Thomas
Don Malik	Emily Thuss
Dee McGee	Member of American Council of the Blind

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GOAL 1: ENFORCE POLICIES FOR ALL NEW SIDEWALK CONSTRUCTION.					
Objective 1: All new sidewalks must be installed in compliance with the ADA.					
Tasks	Responsible Person/Dept.	Targeted Completion Date	Funding	Participants	Status/Notes
1. Coordinate training for all inspectors.	Planning & Development Services (PDS)	End of FY 2009	PDS Enterprise Fund-Training Budget	PDS, PWD, HNS, TXDOT, County.	Establishing annual training schedule, this is intended to be a once per year training which may be increased to twice per year based on the necessity.
2. Identify and correct loop holes in review and construction process (plats, bldg. permits, etc.) when enforcing sidewalk construction to ensure ADA compliance.	PDS	April 2009/ On-going	N/A	PDS&PWD (DAO)	Modifications to the review and inspection procedures have been made to enforce the requirements more efficiently. Examples: Inspectors will make two site visits to complete the inspection of forms and finish work for all flat work. Reviewers; and inspectors will ensure the Consultant Engineer, not the contractor, designs the sidewalk (flat work).

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3. Modify, as necessary, and apply the Sidewalk & Driveway Construction Handbook for universal application of ADA standards to infrastructure.	PWD, PDS. CIMS	End of FY 2009	PWD -A&D Office Budget N/A	PDS, PWD-A&D Office,	Initial meeting held in May with reps from PDS, CIMS, PWD TX DOT & Bexar County. Follow up meetings will continue as needed.
4. Develop a standard operating Procedure (SOP) for approving /denying administrative exceptions/variances for sidewalk construction (ADA compliance is not subject to exception or variance).	PDS	End of FY 2009	N/A	PDS, PWD- A&D Office	Establishing procedures within the department to centralize the approval <i>Goal 1 Attachment</i>
5. Identify and present UDC Amendments to modify language in regards to sidewalk exceptions, time of construction and applicability. The intent is to enhance accessibility in the development process.	PDS/PWDI- A&D Office	December 2010	N/A	PDS, PWD-A&D Office	Collecting info/comments on sections in the UDC that are obstacles to accessibility UDC, §35-111 provides for an update program every two years.
Notes: A permanent subcommittee has been created to establish the best practice to accomplish the Plan objectives. This group is scheduled to meet once a month or as called					

GOAL 2: PROVIDE CURB CUTS/RAMPS FOR ACCESS TO SIDEWALKS WHEN A STREET IS ALTERED.**Objective 1: Incorporate ramp compliance for projects planned through the City's Five (5) Year Infrastructure Management Program (IMP)**

Tasks	Responsible Person/Dept	Timeframe	Funding	Participants	Status/Notes
1. Crews will install new ramps in conjunction with the Street Maintenance Plan (SMP) as part of the City's IMP.*	Richard E. Martinez (Street Operations) & Jim Clements (Pavement Engineering)	Implementation through City's Rolling 5 Year IMP, Street Maintenance Plan	General Fund - Street Maintenance Program	PWD -Street Maintenance Division	A total of 560 new ramps have been targeted during FY 2009. Ramps will continue to be addressed through the IMP. Beginning in Fiscal Year 2010, the goal is to begin revisiting 2007 and prior alteration projects. Utility conflicts will be coordinated with ROW Div.

Objective 2: Tracking the completion of curb ramps in GIS

Tasks	Responsible Person/Dept.	Time frame	Funding	Participants	Status/Notes
1. Create a GIS layer that will capture the location of curb ramps that are newly constructed, improved or existing.	Richard E. Martinez (Street Operations) & Jim Clements (Pavement Engineering)	Implementation through City's Rolling 5 Year IMP, Street Maintenance Plan	Current Administrative and operational resources.	PWD-Street Maintenance Division	Data will be shared with the Transportation Division in relation to Goal 3.
2. Pursue implementation of the Automated Pavement Condition Survey which will include an inventory through	Richard E. Martinez (Street Operations) &	2009	General Fund	PWD-Street Maintenance Division	A consultant has been selected and it is anticipated that the survey project will be

laser scanning of streets, sidewalk and ramps (or lack thereof).	Jim Clements (Pavement Engineering)				underway in late 2009.
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Notes: *Department of Justice ADA title II regulation. Subpart D-Program Accessibility ~ 35.151 New Construction and Alterations. - (e) Curb Ramps. (I) Effective since 1992 newly constructed or altered streets, roads, and highways must contain curb ramps or other sloped areas at any intersection having curbs or other barriers to entry from a street level pedestrian walkway. (2) Newly constructed or altered street level pedestrian walkways must contain curb ramps or other sloped areas at intersections to streets, roads, or highways.

GOAL 3: EVALUATE AND TRACK SIDEWALK, RAMP AND STREET CONSTRUCTION IN ACCORDANCE WITH APPROPRIATE REGULATIONS AND COORDINATE THESE CONSTRUCTION IMPROVEMENTS.

Objective 1: Establish practical monthly reporting mechanism to be used by various City departments involved with new or improved sidewalk and ramp construction.

Tasks	Responsible Person/Dept.	Targeted Completion Date	Funding	Participants	Status/Notes
1. Utilize a monthly reporting mechanism to report new or improved sidewalk/ramp construction City-wide to update the existing sidewalk database.	Michael Ereti, Transportation Division	Continuous	N/A	PWD, PDS, ROW, Utilities, etc. participants	Completed
2. Establish sidewalk policy identifying all methods the City addresses sidewalk accessibility.	PWD	October 2009	N/A	PWD, PDS, etc.	Under review <i>Goal 3 Attachment</i>

Objective 2: Develop monthly statistics report to show progress and deficiencies in City wide sidewalk inventory.

Tasks	Responsible Person/Dept.	Timeframe	Funding	Participants	Status/Notes
I. Create sidewalk and ramp report showing "snap shot" of progress based on current database statistics.	Michael Ereti, Transportation Division	August 2009	N/A	PWD, PDS, ROW, Utility Companies, etc.	Currently under development

2. Publish the "snap shot" report on the website to engage other City Department, public entities, developers, etc.	Michael Ereti. Transportation Division	August 2009	N/A	PWD Divisions	Currently under development
Objective 3: Ensure connection and consistent paths of travel with sidewalks, ramps, crosswalks, audible pedestrian signals (APS) etc.					
Tasks	Responsible Person/Dept	Timeframe	Funding	Participants	Status/Notes
I. Utilize GIS to coordinate sidewalk projects with other infrastructure programs or outside entities to construct various improvements concurrently.	Michael Ereti, Transportation Division	Co PWD, PDS, ROW. Utilities, etc.	N/A	PWD Divisions, CIMS, outside entities etc.	Continuous Current examples include APS. Street. Sidewalk Programs VIA
2. Create a sidewalk GIS Oversight Committee to ensure projects are reflected in the central repository.	Michael Ereti, Transportation Division	Continuous	N/A	PWD, PDS, ROW, Utility Companies	Currently under development
Notes:					

GOAL 4: ESTABLISH POLICIES AND PROGRAMS TO ENCOURAGE *PROPERTY OWNER* PARTICIPATION IN THE MAINTENANCE OF SIDEWALKS, CURBS, AND DRIVEWAYS TO ENSURE SIDEWALK ACCESSIBILITY AND USABILITY

Objective 1: Address the removal of obstructions and necessary maintenance to allow travel on the sidewalk system.

Tasks	Responsible Person/Dept.	Targeted Completion Date	Funding	Participants	Status/Notes
1. Create individual codes in the Code Compliance mainframe system through 311 to account for and track ADA violations (sidewalk violations (temp & perm), vehicles blocking sidewalks, etc.)	PWD & HNS	August 2009	N/A	PWD & HNS	Completed – Codes are active

2. Provide proper notice to property owners in violation of 29-11(b).	PWD /HNS	2011	N/A	HNS & PWD	Completed property owners will be notified of violation and Public Works will investigate for hazards, program incorporation.
3. Create and promote a public relations/ educational campaign specifically for the Sidewalk Repair Assistance Pilot Program.	PWD / HNS	2011	N/A	HNS & PWD	This information will be incorporated with the ADA Plan and HNS marketing materials.
Objective 2: Provide options for financial assistance to property owners with ADA violations.					
Tasks	Responsible Person/Dept.	Timeframe	Funding	Participants	Status/Notes
I. Create a sidewalk repair pilot program specifically related to ADA compliance to increase property owner participation in sidewalk repairs.	PWD & HNS	2011	ATD, CDBG, General Fund Grant, etc.	HNS Divisions	Under development, Launch in 2011 <i>Goal 4 Attachment</i>
2. Increase resources to address sidewalk repairs as part of the owner- occupied rehab/recon program.	HNS	As part of CDBG grant application in 2010	CDBG, Grants, etc.	HNS Divisions	Under development
Objective 3: Ensure inspection policies and procedures are applied in a uniform manner.					
Tasks	Responsible Person/Dept.	Timeframe	Funding	Participants	Status/Notes
1. Create a Standard Operating Procedure (S.O.P.) for Code Compliance Officers.	Steven Lopez	April 2009	HNS	HNS	Completed
2. Coordinate training for Code Compliance Officers and monitor performance for repeat training.	Steven Lopez	Established Schedule	ITNSD	HNS	On-going
Notes:					

GOALS 5: Provide solutions to common, resolvable ADA complaints and grievances.**Objective 1: Improve the process when addressing ADA complaints and grievances.**

Tasks	Responsible Person/Dept.	Targeted Completion Date	Funding	Participants	Status
1. Create an ADA specific TSPW code (PWD) for a six (6) month trial period.	Christie Chapman, Director's Office & Judy Babbitt, Disability Access Office	April 2009-October 2009	Existing Resources	PWD, JTSD, 311	Complete. Code (088) active 04-09 <i>Goal 5 Attachment Complaint/Grievance Flowchart</i>
2. PWD will assume <i>all</i> 311 calls regarding: issues with VIA bus stops.*	Veronique Laureno, PWD	April 2009	N/A	PWD, POS, 311, VIA	Complete
3. Manage the grievance procedure under the Americans with Disabilities Act.	Judy Babbitt, Disability Access Office	Continuous	N/A	PWD, HNS, PDS	Continuous mgmt. <i>Goal 5 Attachment: Grievance procedure</i>

Objective 2: Explore opportunities to engage property owners in the maintenance and improvements to curbs, sidewalks, driveways, etc. in response to ADA complaints or grievances (in coordination with Goal 4).

Tasks	Responsible Person/Dept.	Timeframe	Funding	Participants	Status
1. Work with HNS to universally apply City Code 29-11 to all property owners when ADA complaints or grievances are filed with the City. **	PWD	May 2009	N/A	PWD, Code Compliance, Legal, Municipal Courts, etc.	Work with HNS (Code Compliance) in coordination with Goal 4
2. Work with HNS (Code Compliance) on the development of a pilot program to increase property owner participation in sidewalk repairs.	PWD	2011	ATD, CDBG, General Fund Grants, etc.	PWD, Code Compliance, Legal, Municipal Courts, etc.	Work with HNS (Code Compliance) Refer to Goal 4

3. Establish a task force charged with identifying a separate, individual process to address improvements outside of current plans and resources (IMP. bond, etc.).	PWD	December 2009	To be determined	PWD, HNS, VIA, utilities, private citizens, etc.	Under Development
<p>Notes:</p> <p>*To alleviate the number of times callers are redirected to VIA and/or the City. Calls relating to the actual bus stop, not the infrastructure leading to the stop, will be re-directed to VIA.</p> <p>**In coordination with Goal 4.</p>					
<p>GOAL 6: RECOGNIZING THE UNIQUE CHARACTERISTICS OF SAN ANTONIO'S CENTRAL BUSINESS DISTRICT(CBD) COMMONLY REFERRED TO AS DOWNTOWN (DT), CREATE AND IMPLEMENT A CBD SPECIFIC ADA PEDESTRIAN COMPLIANCE PLAN.</p>					
<p>Objective 1: Ensure safe and accessible paths of travel downtown with compliant sidewalks and curb ramps, free of multiple street elements, obstructions and gaps through compliance plan.</p>					
Tasks	Responsible Person/Dept	Targeted Completion Date	Funding	Participants	Status
1. Inventory and document necessary ADA improvements to downtown streets and sidewalks as part of the DT Bond project.	Downtown Operations (DTOPS)	February 2009	DT Transportation & infrastructure Bond	PWD, CIMS and PBS&J	Completed through PBS&J & DAO DT survey
2. Identify areas, grievances and corridors for immediate improvement and establish a prioritization matrix and cost estimate for each identified improvement.	DTOPS	December 2008	DT Transportation & Infrastructure Bond & General Fund	PWD, CIMS and PBS&J	Completed
3. Pursue funding for DT ADA improvements in conjunction with PWD Streets Maintenance Division.	DTOPS	During the annual budget/by October 2009	General Fund	PWD	In progress

Objective 2: Continue Community/Public outreach efforts to educate and inform downtown property owners.

Tasks	Responsible Person/Dept	Timeframe	Funding	Participants	Status
1. Include ADA information (reminder, opportunities, etc.) in the DT newsletter	DTOPS	Quarterly	Current resources	DTOPS	Continuous

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Glossary of Terms

ADA	Americans with Disabilities Act
PDS	Planning and Development Service Department * Became two separate departments in 2013- Department of Planning and Development Service Department.
PWD	Transportation and Capital improvement * Became two separate departments in 2020 – Public Works and Transportation.
HNS	Housing and Neighborhood Services Department * Became Neighborhood and Housing Services Department (NHSD) in 2013
TX DOT	Texas Department of Transportation
County	Bexar County
DAO	Disability Access Office Division
ROW	Right of Way Division
ITSD	Information Technology Services Department
311	City Wide Customer Service Department
VIA	VIA Metropolitan Transit Authority
CBD	Central Business District
PBS&J	Engineering Consulting Firm
DTOPS	Downtown Operations Department – Became Center City Development Operations (CCDO) in 2008
DT	Downtown

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Goal Worksheet Attachments

Goal 1- Administrative Exception Variance Process (AEVR) for Sidewalk Construction

Goal 3 – Sidewalk Policy

Goal 4 – Sidewalk Repair Assistance Pilot Program

Goal 5 – ADA Complaint and Grievance Processes

Goal 5 – ADA Grievance Procedure under the ADA



CITY OF SAN ANTONIO
Department of Planning and Development Services

TO: DSD/Land Development Engineering Staff

SUBJECT: **Standard Operating Procedure xxx**
Administrative Exception Variance Request (AEVR) for Sidewalk
Construction - Review and Approval Process

DATE: June 2, 2009

This Standard Operating Procedure (S.O.P.) is intended to outline the general guidelines to process the review and approval for AEVR for sidewalk construction. As required by the Unified Development Code -Article V, Section 35-506 (a)(2) Building Permit Requirements for Curbs and Sidewalks and 35-506 (q) Sidewalk Standards.

In the building permit application, the applicant may request a variance to waive the requirements of sidewalk construction as permitted by Section 35-506 (a)(3). The applicant must fill out the AEVR form and submit it with a letter presenting their case for the waiver along with the processing fee of \$350.00 or as amended. The AEVR will be sent to the PDSD Streets Senior Engineer for processing.

The Streets Senior Engineer will evaluate the request to determine if it is an administrative exception (the AE is considered a design issue that allows for the construction of the sidewalk with a few alterations in the design) or a variance (the variance is simply the waiver to construct the sidewalk). There are several situations listed in the UDC that allows for sidewalks to be exempt and are noted on Section 35-506 (q) (2). If any of the exceptions apply the variance is not required and it must be informed to the applicant. Otherwise, the process continues.

The Street Senior Engineer evaluates the application and if determined that the application is an AE then the modification of the design must be clearly identified in the AEVR response with the reasons for the support. The design alteration may include the following:

- Alterations in width, length, alignment or slope
- Alterations due to an obstruction from trees or drainage that impedes the construction of the sidewalk will be evaluated and considered.

If the AE is not supported then it must be clearly stated in the AEVR response as denied, so this will trigger a Variance. The same AEVR response will be included in the next available Planning Commission (PC) meeting agenda and presented to the Planning Commission for their determination.

Page 2 - AEVR review and approval process

The Streets Senior Engineer will evaluate all variances based on the requirements of the UDC and must fill out the Sidewalk Evaluation and Variance Checklist provided by Accessibility Office to determine if the variance does not adversely impact the pedestrian access. The punch list as well as the applicant's letter will be thoroughly evaluated to determine the decision to support or deny the application.

The Handicap Ramps and the ADA standards are not subject to a variance or waiver. The Streets Senior Engineer will make an effort to coordinate all supported variance with the accessibility office for concurrence.

**City of San Antonio
Sidewalk Policy**

Purpose

In a continual effort to provide a walkable community environment of sidewalks and crosswalks that are ADA compliant and available to all citizens, the City of San Antonio has developed a Sidewalk Policy as a tool for the management of sidewalks, curbs and driveways abutting private property and within the public right-of-way (ROW). This includes resolving City Code violations with regards to sidewalks and bringing existing sidewalks into compliance with the Americans with Disabilities Act (ADA).

It is estimated that there are \$3 billion in sidewalk needs across the City. In 2008, HVJ & Associates completed a City wide sidewalk condition inventory identifying all missing and unusable sidewalk segments in the City to include sidewalk gaps, impassable sidewalks and missing curb ramps. Out of the 85,458 sidewalk segments surveyed (7,840 miles), roughly 60% are missing or are unusable and 40% are usable but 30% of those are missing curb ramps. Recently, in 2009, the City approved a contract with Fugro Consultants, Inc., to carry out an improved City-wide survey. Fugro will survey the City's street network to, primarily, determine an automated pavement condition rating. However, the survey will also identify the location of signs, curb ramps, and sidewalks. This service is an improvement over the previous pavement assessment in that the data will be collected and analyzed electronically, thereby minimizing variations in scoring and accelerating the rate at which data is collected.

Authority

According to City of San Antonio Code of Ordinances Section 29-11, it is the property owner's responsibility to maintain and keep sidewalks free from any defects and hazards or obstructions.

Sec.29-11. Maintenance of sidewalks, parkways, curbs and driveways by abutting owners

- a) It shall be the duty of any property owner, or person, firm or corporation making special use of any sidewalk, curb, parkway or driveway for purposes of ingress and/or egress, or regress for loading, unloading, loading elevators, downspout drains or any other specific use to keep the sidewalks, parkway, curb and driveway abutting said property in a good and safe condition and free from any defects and hazards.
- b) It shall be the duty of the owner of abutting property or any special user, upon receipt of written notification by the director of public works or any of his subordinates, of any defects or dangerous condition of any unsafe and dangerous defect in any sidewalk, curb, gutter, parkway or driveway to repair the same and put it in a safe condition, free from defect and hazard, within thirty (30) days from date of receipt of such notice.
- c) The abutting property owner or person enjoying the use of any property abutting

upon any sidewalk, curb, parkway or driveway, or any abutting owner or person who is making special use of any sidewalk, curb, parkway or driveway which is or has become defective and has resulted in causing damage either to person or property or both as a result of such defective condition, shall be primarily liable and shall and will indemnify and save harmless the city from and against any and all actions, claims, damages, costs and expenses which may be suffered by the city all In such manner as to save the city whole and harmless from all such actions, claims, damages, costs and expense, and such primary liability and indemnity shall exist without regard to whether or not notice of injury, or of such defect has been given the city as provided by section 150 of article XII of the city charter.

- d) Any violation of this section or any provision hereof shall be deemed a misdemeanor and upon conviction, the person or persons found guilty shall be subject to the penalty prescribed in section 1-5.

(Code 1959. § 35-27.1)

City Of San Antonio

Sidewalk Policy

Process, Procedures & Programs

While the City does not have the responsibility for the maintenance of sidewalks, unless the sidewalks are City owned, the City does have a responsibility to keep sidewalks safe. Furthermore, it is the goal of the City to increase the inventory of accessible and usable sidewalks as part of our continual effort toward a walkable community available to all citizens.

Currently, the City expends more than \$4.5 million annually to upgrade sidewalks and curb ramps. The sidewalk needs require that the City put forth the effort to address as much maintenance as fiscally possible. However, the considerable sidewalk needs have also invoked the City to call upon property owners and citizens to actively participate in resolving the sidewalk accessibility and usability issues. The following identifies the methods in which sidewalks in the City area addressed. The methods include the processes, procedures and the necessary City Department and citizen requirements, roles, responsibilities, and available opportunities.

- ***New Development & Redevelopment:*** All sidewalk construction shall conform to the provisions of Chapter 35 of the City of San Antonio Unified Development Code (UDC), City of San Antonio Standard Specifications for PWD Construction, and to the latest criteria of the Americans with Disabilities Act (ADA) draft guidelines for Public Right of Way Chapter 11, Section 1101 to 1111, and the Texas Accessibility Standards (TAS) adopted amendments to Texas Administrative Code 16, Chapter 68.102.

As part of the Owner-Occupied Rehabilitation/Reconstruction Program, administered by the Housing and Neighborhood Services Department, sidewalks will be constructed or repaired as part of all home reconstruction projects.

Any existing sidewalks shall be required to be upgraded or replaced to meet the UDC and/or ADA.

- ***Sidewalk Program, Five-Year Infrastructure Management Program (IMP):*** Each year, as part of the annual budget process, the Council shall adopt a sidewalk program as part of the City's Five Year Infrastructure Management Program (IMP). The sidewalk program identifies sidewalk projects that provide new sidewalks or improve existing sidewalks within existing developed areas of the City. The sidewalk projects are selected based on the following criteria: street functional classification, bus route, proximity to priority public facility infrastructure, ¼ mile radius around elementary/middle schools and libraries, connectivity to existing sidewalk network, constructability, utility conflicts, requires design, sidewalk gaps and citizen request.

City Of San Antonio Sidewalk Policy

- ***Street Maintenance Program, Five-Year Infrastructure Management Program (IMP):*** All properties adjacent to street *reconstruction* projects shall have sidewalks installed where none exist and repaired or replaced where the existing sidewalk is unusable and/or not ADA compliant. Beginning in Fiscal Year 2010, some but not all, properties adjacent to street *alteration* projects may have sidewalk repairs for the removal of hazards. A hazard generally refers to any condition within the pedestrian access route that presents a dangerous condition that causes harm or difficulties with continuity and connectivity. Beginning in Fiscal Year 2011, properties adjacent to street alteration projects may have sidewalk "spot repairs" where the existing sidewalk is unusable and/or not ADA compliant.

Curb ramps are installed in conjunction with both the reconstruction and alteration projects on streets identified in the Street Maintenance Program.

- ***Capital Improvement Plan (CIP):*** Accessible sidewalks may be constructed as part of any capital project within the City, depending on individual project scope, as identified under the Capital Improvement Plan (CIP). Capital projects are funded by various sources including General Obligation Bonds, Certificates of Obligation, Storm Water Revenue Bonds, Advanced Transportation District funds, grant funding, and other (Bexar County, utilities, etc.)
- ***Coordination with other entities:*** The City may enter into an agreement with other entities to address sidewalk needs such as VIA Metropolitan Transit Authority, San Antonio Water System (SAWS), Bexar County, etc.
- ***ADA Grievances/Complaints:*** If a complaint or grievance is filed with the City regarding sidewalk hardscape issues (broken, missing sidewalk, etc.), the Housing and Neighborhood Services Department (HNS) will issue a notice of City Code violation to the property owner, but will refer the complaint to the Public Works Department (PWD). The PWD will inspect the complaint/grievance and, if it is determined to be a hazard, will resolve it immediately. As previously explained, a hazard generally refers to any condition within the pedestrian access route that presents a dangerous condition that causes harm or difficulties with continuity and connectivity. If there is no apparent hazard, the PWD will determine if the sidewalk location is currently identified for improvements under an existing program (IMP, Bond Program, Capital Improvement Program (CIP) etc.). If the project is not identified on a program for improvements and is under \$25,000, the Department may approach the respective City Council office for consideration to fund the improvements under the Neighborhood Access and Mobility Program (NAMP).

City Of San Antonio Sidewalk Policy

In the event that the property owner is amenable to paying, all or a portion, for the sidewalk improvements but does not wish to administer the project, the City may repair the sidewalk or remove the obstruction and charge the owner for the cost. Please refer to the Sidewalk Construction Assistance Pilot Program.

Please note, non-hardscape sidewalk violations, such as overgrown vegetation or temporary obstructions blocking the sidewalk, will continue to be handled by the Housing and Neighborhood Services Department.

- ***2011 Sidewalk Construction Assistance Pilot Program:*** The Sidewalk Construction Assistance Pilot Program is designed to provide assistance to property owners whose sidewalks need repairs in order to become usable and in compliance with ADA standards. According to City of San Antonio Code of Ordinances Section 29-11, it is the property owner's responsibility to maintain and keep sidewalks free from any defects, hazards or obstructions. However, the City recognizes the considerable need for sidewalk improvements throughout the City and elects to provide this opportunity for property owners to actively participate in resolving sidewalk accessibility and usability issues.

The Sidewalk Construction Assistance Pilot Program consists of two opportunities for property owners to participate and benefit 1). As a component of the Extreme Target Sweep Program administered through the Housing and Neighborhood Services (HNS) Department or 2). through petition by an individual property owner.

Please refer to the Sidewalk Construction Assistance Pilot Program for further details.

Sidewalk Repair Assistance Pilot Program
Fiscal Year 2011
City of San Antonio

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The Sidewalk Repair Assistance Pilot Program is designed to provide assistance to property owners whose sidewalks need repairs in order to become usable and in compliance with ADA standards.

According to City of San Antonio Code of Ordinances Section 29-11, it is the property owner's responsibility to maintain and keep sidewalks free from any defects, hazards or obstructions. However, the City recognizes the considerable need for sidewalk improvements throughout the City and elects to provide this opportunity for property owners to actively participate in resolving sidewalk accessibility and usability issues.

Pilot Program Details

The Sidewalk Repair Assistance Pilot Program consists of two opportunities for property owners to participate and benefit 1). as a component of the Extreme Target Sweep Program administered through the HNS Department or 2). through petition by an individual property owner.

1. Extreme Target Sweep Program

The current Sweep Program provides a month long comprehensive bundle of city services conducted in one select neighborhood in each council district along with yearlong follow-up services. Such City services include mowing of drainage channels and public areas, street cleaning, pothole repair, graffiti removal, sign repair/replacement, property cleanup, fire safety education, etc.

Selection Process & Threshold

Once the Sweeps Program areas are confirmed, those areas will be cross referenced with GIS sidewalk data, field verified and discussed with the Neighborhood Associations to help identify the ideal neighborhood pilot area and locations to receive sidewalk repairs. Sweep areas usually consist of 2,000 properties. However, the locations and properties selected to receive sidewalk repairs will be concentrated on streets classified as a collector or arterial and will vary depending on the need and fund availability. Only sidewalks along the public right-of-way are eligible.

The sidewalk repair area/locations will be determined based on the following prioritized criteria:

- Hazards
- Streets classified as a collector or arterial
- Spot repairs to "open-up" an entire block of sidewalk
- Leads to bus stop, school, park, community building, gathering place, etc.
- Connectivity with other sidewalk

To ensure usability and accessibility, staff will ensure those sidewalks selected for repairs are accessible by means of ADA compliant curb ramps. Once the pilot program area and the exact improvement locations are selected, cost estimates and delivery method will be identified and secured.

Funding Source(s)

- Advanced Transportation District (ATD) (streets classified as collector or arterial)
- CDBG (qualified CDBG areas; streets classified as local)
- General Fund
- A threshold per Sweep area will be established once funding is approved/awarded.

Delivery Option(s)

Delivery will vary depending on the cost and crew availability.

- Street Maintenance (City crews)
- Change order to existing street maintenance contract
- IDIQ Contract
- Bid

Timetable

Hazards will be removed during the initial month of City services. Sidewalk repairs will be scheduled to take place as soon as reasonably possible during the year long follow-up Sweep services program, as funding becomes available and completed, weather permitting.

2. Individual Property Owner Petition

An individual property owner may apply to the Director of Public Works for individual property sidewalk repairs. The form must be filled out and either faxed or mailed to the Director of the PWD.

Selection Process & Threshold

Repairs are defined as and limited to "spot repairs" where the existing sidewalk is unusable and/or not ADA compliant to include opening up a block or removing an obstruction or hazard. Repairs will be selected and delivered on a first come first serve basis. There is no guarantee that repairs will be provided.

Funding Source(s)

- Advanced Transportation District (ATD) (streets classified as collector or arterial)
- CDBG (qualified CDBG areas; streets classified as local)
- General Fund
- Individual property owners

Funding Options

- For single-family residential property owners, financial assistance is possible and will be based on the property owner's annual household income. HNS will manage the financial details (certify income, make sliding scale recommendation and manage the payment(s) from property owner.)
- For property owners, other than single-family residential, 100% reimbursement by property owner to City for City delivery of repairs is an option.

Sidewalk Repair Assistance Pilot Program
Fiscal Year 2011
City of San Antonio

In the event that the property owner is amenable to paying for the sidewalk improvements but does not wish to administer the project, the City may repair the sidewalk or remove the obstruction and charge the owner for the cost. The cost and tentative construction timeframe may be presented to the property owner with the understanding that the City will need to be fully reimbursed for the cost of the improvements once completed. If the property owner agrees to this arrangement, City forces can complete the improvements and an invoice for the total cost of the improvements would be mailed to the property owner.

A small business owner may elect to take a general business tax credit of up to \$5,000.00 annually for eligible access expenditures to comply with ADA. This credit can be used if a business improves or constructs new sidewalks. The tax credit is called the Disabled Access Tax Credit

Delivery Options

Delivery will vary depending on the cost and crew availability.

- Street Maintenance (City crews)
- Change order to existing street maintenance contract
- IDIQ Contract
- Bid

Timetable

Sidewalk repairs will be scheduled as soon as reasonably possible, as funding becomes available and completed, weather permitting



City of San Antonio 2011 Sidewalk Repair Assistance Program



According to City of San Antonio Code of Ordinances Section 29-11, it is the property owner's responsibility to maintain and keep sidewalks free from any defects, hazards or obstructions. However, the City recognizes the considerable need for sidewalk improvements throughout the City and has initiated a program to provide assistance to property owners whose sidewalks need repairs in order to become usable and in compliance with ADA standards. Applications will be selected based on the following criteria:

- Repairs that correct tripping and other hazards
- Repairs that "open-up" an entire block of sidewalk
- Repairs that lead to bus stops, schools, parks, community buildings, or other public spaces
- Repairs that connect with other sidewalks

Financial assistance will be based on the property owner's annual household income.

Date: _____ Requester's: _____

Address: _____ Zip Code: _____

Phone: _____ Email: _____

Annual Household Income \$ _____

This form is for individual property owners to petition the Director of the PWD for individual property sidewalk repairs. Repairs are limited to "spot repairs" to correct a hazard that makes the sidewalk unusable. Requests will be selected on a "first-come, first-serve" basis and dependent upon funding availability. There is no guarantee that repairs will be provided.

Describe the location of the needed repairs below.

Street Name/Address: _____

Intersecting Street (if address is on a corner): _____

Reasons for the request (state in detail current condition and why repairs are needed):

Please include pictures or a drawing to demonstrate/illustrate your request for sidewalk repairs.

Mail, fax or email application to:
City of San Antonio Director of the Public Works Department
P.O. Box 839966
San Antonio, Texas 78283



**City of San Antonio
2011 Sidewalk Repair Assistance Program**



**CITY OF SAN ANTONIO
HOUSING & NEIGHBORHOOD SERVICES DEPARTMENT
1400 SOUTH FLORES
SAN ANTONIO, TEXAS 78204**

Program Eligibility Requirements

- 1. Must have valid picture identification (Texas Driver License or Department of Public**
- 2. Safety Picture Identification card).**
- 3. Must be Owner-Occupied. (No Rental Units)**
- 4. Must have current property insurance or be able to provide it within 30 days prior to assistance.**
- 5. Must be U S Citizen and/or Legal Resident Alien.**
- 6. Property must be within the city limits of San Antonio and property zoned residential.**
- 7. Must not exceed the Program Income Limits (see below):**

PROGRAM INCOME LIMITS (3/19/2009)

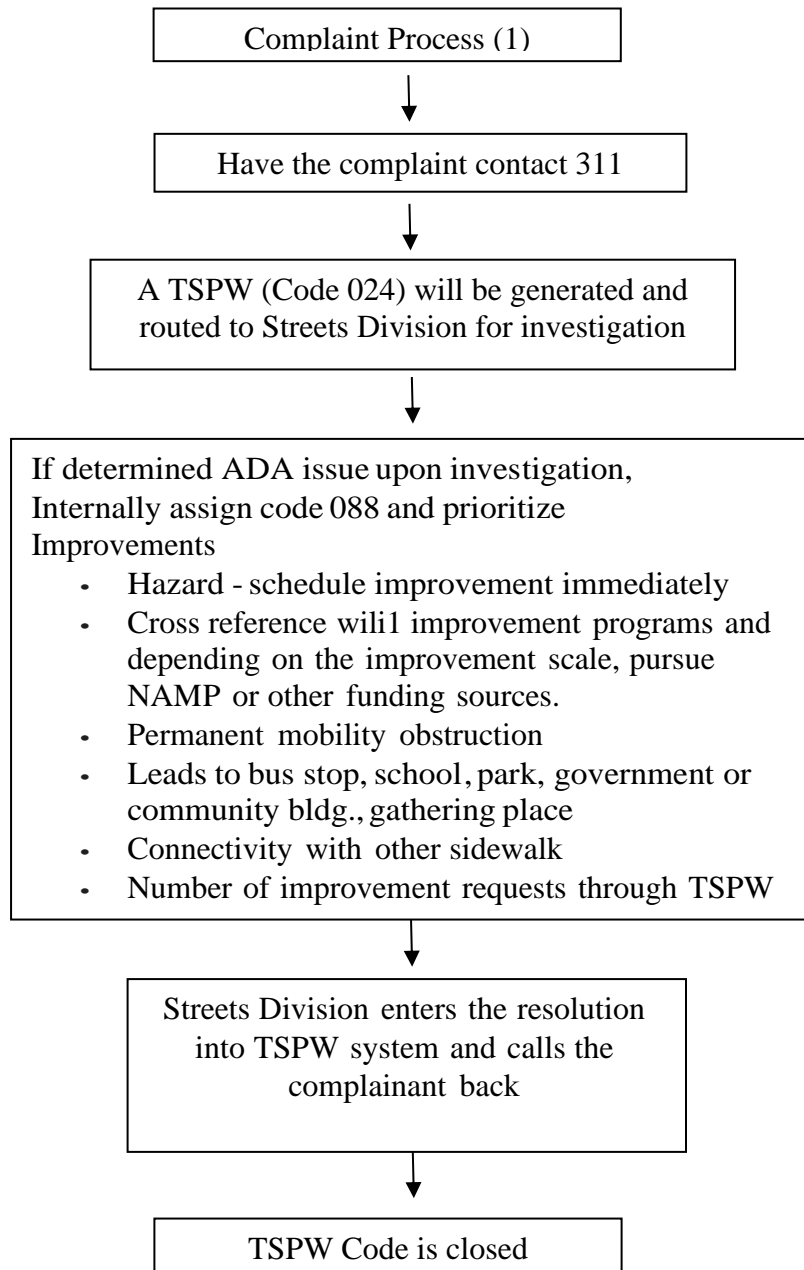
Family of	1	2	3	4	5	6	7	8
Annual	\$32,032	\$36,608	\$41,184	\$45,760	\$49,421	\$53,082	\$56,742	\$60,403
Monthly	\$2,669	\$3,051	\$3,432	\$3,813	\$4,118	\$4,423	\$4,729	\$5,034

(Income table based on 80% of HUD published median income for San Antonio)

NOTE: All program assistance is provided in the form of a ????????????????

Tracking Number, (Assigned by the Public Works Department): _____
Date Received: _____

City of San Antonio Disability Access Office (DAO)
Americans with Disabilities Act (ADA)
Complaint and Grievance Processes



- 1) Submitted to a City Department or Office by phone, email, or other means.
- 2) Section 35.107 (b) of the Americans with Disabilities Act require public entities with 50 or more employees to establish grievance procedures for resolving complaints in violation of the ADA. Grievance procedures are posted on the COSA Disability Access Office website at www.sanantonio.gov/ada. All ADA grievances should be submitted in writing to the Disability Access Office with details on the violation. Alternative means of filing complaints will be made available for persons with disabilities upon their request.

City of San Antonio Disability Access Office (DOA)
Americans with Disabilities Act (ADA)
Complaint and Grievance Processes

Grievance Process (2)

DAO responds to complainant
to discuss grievance and
solutions (within 15 days)

DAO determines the nature of
grievance, which Div/Dept.
needs to investigate, is
improvement programmed for
future construction?

Improvement is not
programmed

Improvement is programmed

Grievance is routed to Div/Depts. for investigation

- Right-of-Way (ROW) Division – Utility conflict
- Streets Division- sidewalk hardscape issue, City's ROW, or as result of recent City construction.
- Planning & Dev Services (PDS) – Pursuant to UDC requirements
- Code Compliance in Housing & Neighborhood Svcs. (HSN) Pursuant to Section 29-11 (non-hardscape sidewalk issues such as overgrown vegetation, obstructions, etc.)

Division/Department determines and provides DAO a response (the City's offer options and time frames) for resolution.

DAO shares resolution with the complainant
(Within 15 days of filing)

Complainant is not satisfied with City's

Complainant is satisfied with
City's response

Complainant files an appeal with City Attorney's
Office (CAO) (within 15 days of filing).

Grievance is closed

CAO or designee responds to complainant to discuss
the complaint and solutions (within 15 days of filing)

CAO or designee responds in writing to complainant
with final resolution (within 15 days of filing).

**CITY OF SAN ANTONIO, TEXAS
GRIEVANCE PROCEDURE UNDER
THE AMERICANS WITH DISABILITIES ACT**

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990. 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. The City's Personnel Policy 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 will be made available for persons with disabilities upon their request.

The complaint should be submitted by the grievant and/or his/her designee no later than 60 calendar days after he/she becomes aware of the alleged violations to:

Disability Access Office
P.O. Box 839966
San Antonio, Texas 72836
Or by email: Disabilityaccess@sanantonio.gov

Within 15 calendar days after receipt of the complaint, the Disability Access Office (DAO) or an appropriate designated department official will respond to the complainant to discuss the complaint and possible resolutions. Within 15 calendar days of the response, the DAO or a designee will respond in writing, and as necessary, in 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 and time frames for substantive resolution of the complaint.

If the response by the DAO 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 Attorney's Office.

Within 15 calendar days after receipt of the complaint, the City Attorney's Officer or an appropriate designated City official will respond to the complainant to discuss the complaint and possible resolutions. Within 15 calendar days of the response, the City Attorney's Office or a designee will respond in writing in format accessible to the complainant with a final resolution of the complaint.