

CITY OF MORENO VALLEY
AMERICANS WITH DISABILITIES ACT
TRANSITION PLAN



City of Moreno Valley
Public Works Department
14177 Frederick Street
Moreno Valley, CA 92552
951.413.3120

December 2020

This Transition Plan incorporates the City's Public Right of Way Database and the City's DAC Consultant's Database (see Section 6.2) incorporated fully by this reference.

This document will be made available in alternative formats upon request

Please contact:

City ADA Coordinator

at

951.413.3120

adacoordinator@moval.org

ACKNOWLEDGEMENTS

City of Moreno Valley City Council and Staff

Mayor: Dr. Yxstian Gutierrez
Council District 1: Victoria Baca
Council District 2: Dr. Carla J. Thornton
Council District 3: David Marquez
Council District 4: Ulises Cabrera
City Manager: Mike Lee

ADA Advisory Committee

Committee Voting Members:

ADA Coordinator
City Manager
Public Works Director/City Engineer
Community Development Director
Planning Official
City Traffic Engineer
Maintenance and Operations Division Manager
Members from the Public Sector (Maximum of Three) Appointed by the Committee Chairperson

Legal Advisor:

City Attorney

Committee Chairperson:

ADA Coordinator

Committee Vice Chairperson:

City Traffic Engineer

The Committee Members may be represented by their appointed staff.


ADOPTION OF TRANSITION PLANS

In 1995, the City Council adopted the initial comprehensive ADA Transition Plan for the City, and in 2010 the City Council adopted a Transition Plan to focus on non-compliant issues within the Public Right of Way. This Transition Plan combined both of the previous Transition Plans into one updated comprehensive Transition Plan. This is a living document and as such will be revised and updated as ADA issues and requirements change.

REVISION DATES TO PLAN:

December 7, 2020

Date



for Mike Lee 12/8/2020
Approved By: City Manager

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FORWARD

The Americans with Disabilities Act (ADA) requires that local government shall responsibly ensure equal access to its public facilities for all people, especially those with disabilities. The City of Moreno Valley has developed this ADA Transition Plan demonstrating its commitment to ensuring equal access for all in accordance with the Americans with Disabilities Act Title II Regulations.

It is recognized that the City of Moreno Valley was established in 1984 and much of its infrastructure pre-dates incorporation. Thus, with the notable amount of existing non-ADA compliant access, it is understood that the transition from non-ADA compliance to full ADA-Compliance, citywide, is a process requiring a fair amount of time. The Moreno Valley Transition Plan (MVTP) exists to facilitate this on-going transition into full compliance.

The MVTP is a living document, updated regularly; covering the City's following objectives:

- The City has and continues to perform self-evaluation of its public facilities for ADA compliance in keeping with the latest ADA regulations as they apply.
- Evaluations include pedestrian access within the public right of way such as sidewalks and pedestrian ramps, and within City-owned facilities such as parking lots, parks, and buildings.
- Barriers discovered during evaluation are inventoried and a plan for barrier removal is prepared which includes correction priority, estimated cost, and estimated time frame. This information can be obtained from the City's ADA Coordinator.
- The City has and continues to address barrier removal on an annual basis citywide through its CIP program.
- As barriers are removed, the corrections are documented.
- This MVTP will remain in effect until such time that any and all ADA access barriers are removed and all access is brought into ADA compliance.

The City is committed to working closely with its residents. As part of its commitment to the residents of Moreno Valley, for public facilities access under the ADA and the MVTP, the City welcomes input from any citizen wishing to provide comments, request information, request a public facilities ADA evaluation, or request a barrier removal. The City makes this Transition Plan easily available, had held ADA outreach informational meetings, maintains an informative ADA web page, and provides a single point of contact – the City's ADA Coordinator.

The following sections explain the MVTP in further detail.

1.0 INTRODUCTION

The Americans with Disabilities Act (ADA), the world's first comprehensive civil rights law for people with disabilities, was enacted on July 26, 1990 and amended January 1, 2009 (ADA Amendments Act of 2008). The ADA is a companion civil rights legislation to the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973. The ADA prohibits discrimination on the basis of disability in employment, state and local government, public accommodations, commercial facilities, transportation, and telecommunications.

1.1 THE AMERICANS WITH DISABILITIES ACT (ADA)

The ADA of 1990 is divided into three major parts, called Titles, covering the following areas:

Title I: Employment - Title I requires employers with 15 or more employees to provide qualified individuals with disabilities an equal opportunity to benefit from the full range of employment-related opportunities available to others. For example, it prohibits discrimination in recruitment, hiring, promotions, training, pay, social activities, and other privileges of employment. It restricts questions that can be asked about an applicant's disability before a job offer is made, and it requires that employers make reasonable accommodation to the known physical or mental limitations of otherwise qualified individuals with disabilities, unless it results in undue hardship.

Title II: State and Local Government (Public Services) - Title II covers all activities of State and local governments regardless of the government entity's size or receipt of Federal funding. Title II requires that State and local governments give people with disabilities an equal opportunity to benefit from all of their programs, services, and activities, such as public meetings, employment, recreation programs, aging, health and human services programs, libraries, museums, and special events. State and local governments are required to follow specific architectural standards in the new construction and alteration of their buildings and facilities. They also must relocate programs or otherwise provide access in inaccessible older buildings, and communicate effectively with people who have hearing, vision, or speech disabilities. Public entities are not required to take actions that would result in undue financial and administrative burdens. They are required to make reasonable modifications to policies, practices, and procedures where necessary to avoid discrimination, unless they can demonstrate that doing so would fundamentally alter the nature of the service, program, or activity being provided. **A *Transition Plan* is intended to outline the methods by which physical or structural changes will be made to effect the non-discrimination policies described in Title II. It is under this title that the ADA Transition Plan is prepared and maintained.**

Title III: Public Accommodations and Commercial Facilities - Title III requires places of public accommodation to be accessible to and usable by persons with disabilities. The term "public accommodation" as used in the definition is often misinterpreted as applying to public agencies, but the intent of the term is to refer to any privately funded and operated facility serving the public.

1.2 LOCAL GOVERNMENT'S RESPONSIBILITY UNDER TITLE II

Title II mandates that a **public entity**, such as the City of Moreno Valley, operate each service, program, or activity so that the service, program, or activity, when viewed in its entirety, is readily accessible to and usable by individuals with disabilities. Title II of the ADA is similar to Federal Section 504 of the Rehabilitation Act of 1973, but differs in that Section 504 applies only to government agencies that receive federal financial assistance.

Title II dictates that a public entity must evaluate its services, programs, policies, and practices to determine whether they are in compliance with the nondiscrimination requirements of the ADA. The regulations detailing compliance requirements were issued in July 1991. An ongoing self-evaluation is required and intended to examine activities and services, and to identify and correct any that are not consistent with the ADA. The entity must then arrange to make the necessary changes resulting from the self-evaluation. The ADA also requires that a transition plan contain a description of the structural or physical changes required to make the programs accessible.

The ADA states its intent not to apply lesser standards than are required under other federal, state, or local laws; therefore, the law requiring the most accessibility takes precedence. This intent has particular application with respect to the City's obligations under Section 504 of the Federal Rehabilitation Act of 1973 or under State Title 24 of the California Code of Regulations which, in some cases, exceed the Section 504 ADA requirements with respect to structural and physical changes.

As described in Title 28 of the Code of Federal Regulations, Section 35.150(a) (also referred to as the ADA Rules), a public entity is not necessarily required to make each of its existing facilities accessible to and usable by individuals with disabilities. Nor does it require a public entity to take any action that would threaten or destroy the historical significance of an historic property. If the public entity can demonstrate that a modification would fundamentally alter the nature of its service, program, or activity, or cause undue financial and administrative burdens, it is not required to make that particular modification.

Title II Regulations do note an exception where complete compliance with Section 35.151(a)(1) and all of the applicable ADA Title II Regulations and Standards may not be possible. This does not mean that Title II Regulations and Standards can be ignored. Rather it means that all possible methods of achieving facility accessibility must be employed to achieve the maximum degree of accessibility as can be achieved.

There are almost always unique circumstances where complete compliance with all of the applicable Title II ADA Regulations and Standards may not be possible. The 2010 ADA Title II Regulations, in Section 35.151(q)(2), define this circumstance as being "structural impracticability".

The concept of "structural impracticability" was introduced into the 2010 ADA Title II Regulations in Section 35.151(a)(2) to be consistent with its prior use in the 1991 Title III ADA regulations. This term is used in application to new facility construction and alterations of existing facilities of the public entity that are in any way a part of the service, program, or activity operated by the public entity. This regulation states: "Full compliance will be considered structurally impracticable only in those rare circumstances where the unique characteristics of terrain prevent the incorporation of accessibility features". This regulation goes on to state "if full compliance with this Section would be structurally impracticable, compliance with this Section is required to the extent that it is not structurally impracticable".

Published standards acknowledge that there are times when existing physical conditions can create physical constraints where full compliance with all of the regulations and standards of the ADA cannot be achieved. The term "structurally impracticable" would currently be the correct term to use in any application of this exception as it is currently the only defined term with the force of law. As the definition of "structural impracticable" is somewhat vague, consideration for the identification and determination of what existing physical conditions might create a structural impracticability could be taken from a composite definition of the three standards. In any case, if complete compliance with the

ADA Regulations and Standards is determined to not be possible due to “structural impracticable” at any particular application, the physical condition(s) and reason(s) that create the “structural impracticable” determination must be documented in writing.

2.0 ADA TRANSITION PLAN REQUIREMENT

Where structural changes to facilities will be undertaken to achieve program accessibility, a public entity that employs 50 or more persons must develop, within six months of January 26, 1992, a transition plan setting forth the steps necessary to complete such changes. That plan is to identify physical obstacles that limit the accessibility of its programs or activities to individuals with disabilities, describe in detail the methods that will be used to make the facilities accessible, specify the schedule for taking the steps necessary to achieve compliance, and indicate the official responsible for implementation of the plan. (28 C.F.R. 35.105)

On January 10, 1995, City Council approved and adopted Resolution 95-3 Americans with Disabilities Act (ADA) Transition Plan. The necessity of the Plan was established when the ADA became Federal law in 1990 (U.S. Dept. of Justice, Title II) which specified that a public agency may not directly or indirectly deny opportunities to or exclude persons with disabilities from programs, services, and/or activities. The 1995 ADA Transition Plan focused primarily on City programs and facilities. The City’s Building Official was responsible for implementation of the plan. The City made changes to procedures and programs as well as facility modifications to be in compliance with the 1995 ADA Transition Plan.

In order to meet Federal and State mandates for ADA and Title 24 (Calif. Code of Regulations) compliance within the public right of way, the Public Works Department recommended approving and adopting the Public Right of Way Access Americans with Disabilities Act (ADA) Transition Plan, an extension of the original approved City’s 1995 ADA Transition Plan (TP). On September 14, 2010, Resolution 2010-81 the *Public Right of Way Access Americans with Disabilities Act (ADA) Transition Plan* was approved and adopted to develop policies and practices for implementing physical pedestrian improvements within the public right of way of the City of Moreno Valley. The goal was to optimize the pedestrian experience, to provide safe and usable facilities for all pedestrians, and to assure ADA compliance of all Federal and State requirements, local regulations, and standards.

In 2014, the City hired a consultant to evaluate and update the City’s ADA Transition Plan which included examination of the City’s public right of way. The update included reassessment of the ADA Self-Evaluation requirements for both the 1995 and 2010 Transition Plans. As an outcome to the evaluation, the City decided to combine the two Transition Plans into one Citywide updated ADA Transition Plan. This updated ADA Transition Plan will be known as the *Moreno Valley ADA Transition Plan (MVTP)*.

3.0 EXECUTIVE SUMMARY

This “ADA Transition Plan” document details the City self-evaluation procedure requirements under Federal ADA Regulations of Title II and California Building Code Title 24. The City’s web-based database maintained by the City’s ADA consultant, Disability Access Consultants (DAC), identifies the City’s activities in the scheduling of dates of corrective work to insure City compliance required under the ADA Regulations and Codes. The web-based database is made part of the MVTP by reference. The databases cover the City facilities (buildings, parking lots, etc.), and public infrastructure (access ramps, sidewalks, street crossing, etc.) inventory per policies outlined within

this document or as directed by the City Council. The City has been bringing into compliance identified, non-compliant fixtures/infrastructure since the City's 1995 TP and the most recent public right of way TP. The MVTP includes (as attachments hereto and as reference to the City's Capital Improvement Plan) an ADA schedule for the City to be completely ADA Compliant. As part of the City Council's approval of a Capital Improvement Plan budget, work has been scheduled for completion and compliance through the fiscal year 23/24 depending on available funding, staff, and other unforeseen issues.

4.0 MORENO VALLEY ADA TRANSITION PLAN

4.1 PROJECT FOCUS

In accordance with the requirements of Title II of the Americans with Disabilities Act (ADA), the City of Moreno Valley has completed a comprehensive continuum of activities to comply with accessibility requirements. As evidenced by ongoing and prior activities, the City of Moreno Valley has and continues to demonstrate its commitment to complying with the tenets of Title II of the Americans with Disabilities Act, and other Federal and State statutes and regulations to provide access to City programs, services, and activities for persons with disabilities.

The City of Moreno Valley contracted with Disability Access Consultants (DAC) to conduct a review of City policies, facilities, and infrastructures. The review explored the City of Moreno Valley ADA self-evaluation platform and Transition Plan for compliance with Title II of the ADA. The review included accessibility requirements per the Americans with Disabilities Act (ADA) Title II and Title 24 of the California Building Code.

4.2 COLLABORATIVE APPROACH

The City of Moreno Valley ADA Title II Self-evaluation update involved Disability Access Consultants (DAC), City of Moreno Valley staff, input by interested Moreno Valley residents, and the community through the City's public outreach informational meetings. Under the direction and leadership of the City's Financial & Management Services Department, City staff, and DAC engaged in a cost effective and collaborative approach to update the MVTP self-evaluation stage. The approach included DAC evaluating the City's sidewalks, buildings and parks, and then placing the findings in the accessibility management web-based software. The City's ADA consultant currently DAC, working with the City, will complete the public infrastructure data collection process and will continue to review and update policies, procedures, and practices in accordance with the latest ADA requirements.

4.3 COMPLIANCE ACTIVITIES

4.3.1 ADA Coordinator

As required by Title II of the ADA, the City of Moreno Valley has designated an employee to oversee and implement the ADA barrier removal/transition plan. The City Manager appoints the ADA Coordinator to oversee and implement the ADA plan in addition to resolving complaints and concerns regarding accessibility by persons with disabilities. The ADA Coordinator in collaboration with City staff will implement the Americans with Disabilities Act (ADA) Moreno Valley Transition Plan (MVTP) for programs, services, activities, events and the updating of the ADA transition/barrier removal plan for the City of Moreno Valley buildings, parks, parking lots, facilities, and public right of way.

4.3.2 Public Notice

The City periodically publishes public notice regarding the identity of the ADA Coordinator and notice of rights afforded to persons with disabilities in the local newspapers and on the City's public website.

4.3.3 Survey of City Buildings, Parks, Facilities, and Other Public Access

The City completed a comprehensive accessibility survey of City buildings, parks, facilities, and other infrastructure accesses. Accessibility surveys are performed as needed. Detailed measurements were taken along with photographs of each noncompliant item, area, or element. Field data collected was entered into the accessibility management web-based software as it was collected in the field and is made available to the public upon request.

4.3.4 Transition/Barrier Removal Plan

Requirements of an ADA Transition Plan include the identification of the noncompliant item or element and the method or methods to remove the barrier. The term "transition plan" comes from the terminology in the 1990 Americans with Disabilities Act (ADA) that describes how public entities would be "transitioning" into compliance. The term "barrier removal" plan is used in addition to the term transition plan, when public entities are no longer transitioning into compliance. The transition/barrier removal plan identifies the noncompliant barrier that may deny access to goods and services, the proposed method to remove the barrier, the identity of the responsible person(s) to oversee the implementation of the plan, and the projected schedule for barrier removal of "structural" barriers.

The City recognizes that ADA compliance is an ongoing process. Information collected during field surveys is contained in a web-based accessibility management program that allows the City to document barrier removal, print progress reports, and further prioritize the plan. As required by the ADA, noncompliant findings regarding physical barriers are documented in the City of Moreno Valley Transition Plan. The findings and recommendations for the City buildings, parks, and other public areas that are inspected are contained in the City's data-base and accessibility management software. The software program provides the City with a tool to update its plan, document progress, estimate costs, and create a schedule for barrier removal. Various report formats can be printed from the accessibility management software provided by Disability Access Consultants. The City is continually updating and completing project schedules for barrier removal and considers a variety of factors to assist with and assign priorities for barrier removal.

4.3.5 Accessibility Management System

Under direction of the ADA coordinator, select City staff is trained by DAC regarding the use of the web-based system to manage and implement the City's transition plan. Training includes report formats, such as a progress report, site reports, and element reports.

4.3.6 City Policies and Procedures

City policies and procedures were reviewed by the City's consultant and none were found to be discriminatory for persons with disabilities. The City has a statement of accommodation on City Council agendas and public notices providing persons with disabilities the opportunity to request an accommodation in advance to participate in City programs, services, and activities. In addition, the City has the required ADA nondiscrimination notice and the notice regarding rights afforded to persons with disabilities included within all published announcements. As required by Title II of the ADA, the City has an ADA grievance procedure and grievance form. This procedure is detailed later in this document.

4.3.7 Programs, Services, and Activities

Public entities, such as the City of Moreno Valley, are required to provide access to City programs, services, and activities for the recipients of services. Thus, the City must provide access for individuals with disabilities and inventory any areas of noncompliance. Records are kept and incorporated into the plan as barriers are removed. Plans are updated, for example, as the City acquires additional properties, remodels facilities, or removes properties from its inventory list. The City has demonstrated a responsiveness to accommodate members of the public by reprioritizing and removing barriers as accessibility concerns are made known to the City. There was no evidence of any discrimination regarding access to City facilities and programs, which included the recent policy and signage update for service animals in City Hall.

4.3.8 Opportunities for Input

The City provides the opportunity for staff and the public to offer input regarding the City's ADA Policies, including the MVTP, through its public outreach program and via the City's ADA web page. Pertinent comments are incorporated into the overall plan and assist with the schedule for barrier removal and the identification of priorities.

4.3.9 City Staff Training

Staff training was sponsored by the Public Entity Risk Management Authority (PERMA) and provided by DAC regarding access to programs, services, activities, facility, and infrastructure requirements in accordance with ADA Standards per Title 24 of the California Building Code. Under direction of the ADA coordinator, select Public Works and Building & Safety Department City staff attended the training sessions.

One session of the training focused on roles and responsibilities of public entities and governments for compliance with the Americans with Disabilities Act and related accessibility standards and guidelines. The session included a discussion of the role of the ADA Coordinator, grievance procedures, methods to accommodate persons with disabilities, acceptable terminology, disability etiquette, required notices, accommodation statements, accessible formats, service animals, accessible communication, websites, emergency evacuation, accessible events, leased sites, maintenance of accessible features, Department of Justice monitoring and enforcement, and other accessibility related topics. The other session focused on requirements for facility accessibility in accordance with the ADA Standards and the California Building Code. In addition, training was provided regarding accessible public rights-of-ways and requirements of Caltrans. To insure City staff has the most recent information on ADA issues and requirements, the City uses a consultant to provide ongoing training focusing on any changes to ADA regulations.

4.3.10 Future Compliance Activities

City staff, during their normal course of business, review and provide information to the applicable staff member findings in the City's public right-of-way that are then updated in the City's ADA self-evaluation and transition plan. As mentioned, the City has surveyed city-owned facilities, curb ramps, sidewalks, traffic signals, parks, and other selected areas for ADA compliance. Continued review of the City's sidewalks is under way. The City is continually developing methods and procedures to update and maintain the current plan, budget funds, schedule, implement, document, and monitor barrier removal activities. The City ensures all work completed is compliant with accessibility standards.

As further evidence of its efforts for compliance with the Americans with Disabilities Act and related accessibility legislation, the City of Moreno Valley is, on an ongoing basis, prioritizing barrier removal

and developing funding projections for implementation of the ADA Transition Plan for barrier removal.

The City presently budgets for the maintenance of accessible items and elements. The City recognizes that ADA compliance is an ongoing effort and requires the maintenance of existing accessible features in addition to new construction. The City documents all of its compliance efforts in the DAC database.

Prioritization can be customized in the City's data based upon different factors and variables. Some priority levels may overlap due to program accessibility needs or combination with another project. Some of the factors for assigning additional priorities include, but are not limited to: funding, scheduled and planned facility and public works projects, remodeling and renovations, complaints regarding accessibility, accommodations for persons with disabilities, staff input, public input, risk management issues, changes in budgets, litigation and prevalence of use by persons with disabilities.

4.4 IMPLEMENTING COMPLIANCE RECOMMENDATIONS

The City of Moreno Valley demonstrates an ongoing commitment to provide equal access to its programs, services, and activities to maintain and enhance compliance with the requirements of the Americans with Disabilities Act. This commitment is evident throughout the organizational structure and is demonstrated by its outreach efforts and involvement of the community. The City continues to embrace a concept of full and equal access for all of the people it serves. As further evidence of its efforts for compliance with the Americans with Disabilities Act and related accessibility legislation, the City of Moreno Valley has continued to prioritize projects through the implementation of the ADA self-evaluation and barrier removal/transition plan.

Implementation of the recommendations from the self-evaluation investigation will continue to require planning, resources, staff training, interdepartmental coordination and collaboration throughout the organizational structure, and the public.

5.0 ADA COMPLIANCE COORDINATORS AND ACCESS ADVISORY COMMITTEE

The Public Works Department (PWD) administers repairs, upgrades, and new construction of public facilities and public pedestrian infrastructure (curb ramp, sidewalk, and other improvements). The City ADA Coordinator (ADAC), ADA Representative (ADAR), and, if applicable, the ADA Access Advisory Committee (ADAAAC) provides oversight and guidance for City ADA activities including curb, access ramp, sidewalk, street infrastructure improvements, traffic warning devices, public buildings, parks, and other public facilities.

Regulations require state and local governments with 50 or more employees to designate an employee responsible for coordinating compliance with ADA requirements. The official responsible for citywide compliance with ADA Title II requirements is the City ADA Coordinator (ADAC). The ADAC is responsible for coordinating the efforts of the government entity to comply with Title II and investigating any complaints. The Officials responsible for implementation of the City's ADA Transition Plan improvements with respect to ADA access issues are the ADA Access Advisory Committee (ADAAAC) or ADAC as authorized. The ADAC is appointed by the City Manager. The ADAC will consult on projects within the public right of way (PROW) to correct ADA deficiencies. The City's Facilities Maintenance Division will oversee and ensure that the non-compliant public facilities and adjacent public parking lots are made ADA compliant, and Park and Community

Services will be responsible for overseeing buildings under their purview including City parks and park facilities. The City ADAC will also consult with each Department/Division to discuss tracking their component of the City's facility and public access accommodations as identified in the ADA Transition Plan database.

See below information to contact the current ADA Coordinator:

City ADA Coordinator
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92552-0805
951.413.3120 (phone)
951.413.3009 (fax)
adacoordinator@moval.org

5.1 ADA Access Advisory Committee (ADAAAC)

The City of Moreno Valley may establish an ADA Access Advisory Committee (ADAAAC) to review City policies, procedures, and criteria for implementing ADA compliance improvements in maintenance and capital improvement programs. The committee is comprised of City Administrators, other technical professionals representing various Departments and Divisions of the City of Moreno Valley, and members of the public at large to represent the interest of the disabled community (the goal is to have three such members). The ADAAAC may include representatives from the following:

- City Manager's Office
- Community Development
- Risk Management
- Public Works Department – Administration Division (City Engineer)
- Public Works Department – Maintenance and Operations Division
- Public Works Department – Transportation Engineering Division
- Public Works Department – Capital Projects Division Manager
- Public Works Department – Land Development Division Manager
- Parks & Community Services Department – Division Manager
- Members representing the interest of the disabled community (3 Individuals)
- City Attorney's Office – As Legal Advisor

The ADAAAC voting members are listed in the Acknowledgement section at the beginning of this plan. The City Manager is responsible for appointing/replacing the ADAAC Members of each Departments/Divisions, as necessary. The ADAAAC may meet periodically to discuss issues related to barrier removal, access along the City's public right of way, and maintenance of public facilities/infrastructure. If the ADAAAC is disbanded or becomes inactive at any time during the life of this Transition Plan, the responsibilities of the ADAAAC under this Transition Plan, as set forth, will be assigned to its successor, if any, or to the ADAC or his/her designee (such as the Divisional Manager or other Divisional Administrator).

6.0 MORENO VALLEY TRANSITION PLAN (MVTP)

6.1 Introduction

The purpose of this section is to focus on disabled and pedestrian access needs in the City of Moreno Valley and to outline the recommended procedures for the prioritization, implementation, and scheduling of remedial work. The MVTP provides an evaluation for ADA compliance of curb access ramps, sidewalks within the City's right of way, traffic signals, detectable warning devices, paths of travel within the City's right of way, and accessibility by the disabled to City sites, parks, buildings, and facilities.

The ADA Transition Plan which catalogs, prioritizes, and schedules improvements and repairs necessary to remove access barriers is an on-going process. A database program and Geographic Information System (GIS) based inventory helps provide a detailed picture of non-compliant facilities and allows for targeted use of funds earmarked for ADA improvements as funds become available. This portion of the Transition Plan includes barrier removal and other ADA infrastructure application requirements. Due to limited funding for public infrastructure and on-site facilities, the primary focus on repairs is to maximize safe access to facilities, curb ramps, and sidewalks, ensuring a safe transition of individuals with disabilities to access public events and facilities and protect pedestrians from vehicular travel.

6.2 Inventorying

The City has created citywide inventory databases for the condition of buildings, parks, facilities (DAC Consultants Database); and sidewalks, access ramps, and other path of travel (POT) (Public Right of Way Database) to comply with ADA issues (collectively called the Citywide Database). The City's databases are living documents and are updated regularly. The inventory and the updates will be used to meet ADA requirements. The statistics contained in this transition plan are the accumulation of these two existing databases specially developed for the City of Moreno Valley public right of way with field investigations. From the citywide self-evaluation inventory of all on-site public facilities and public right of way infrastructures, including the City's curb ramps, sidewalks, traffic signals, buildings, parks, and other infrastructures/facilities, each department shall be responsible for overseeing and maintaining their specific ADA database inventory collection and database updates

Building & Safety inspectors are available to inspect city or private facility access to determine if ADA compliant corrections are necessary to meet requirements of the Building Codes, upon request by any concerned citizen. Deficiencies in City facilities determined to meet ADA Accessibility Guidelines (ADAAG) requirements for repair will be identified in the City's database. Persons with disabilities may also contact the City's ADA Representative (ADAR) or the ADAC with any questions, to schedule an access inspection, file an ADA Request for Accommodation, and/or file a Complaint/Grievance Form (Exhibit 1).

The database is available for public inspection at the office of the Public Works Department with advance notice requested. The City's self-evaluation database summaries can be obtained from the City upon request. Please contact the ADA Representative (ADAR) for the latest updated database and any information concerning the database and MVTP or associated documents.

6.4 Curb Ramp, Sidewalk, Traffic Signal, and Other ADA Standards

Curb ramps shall be installed, subject to the availability of funds, at all locations where they are missing and necessary for access to sidewalk path of travel (POT). Although the ADA does not

specifically mandate replacement of existing curb ramps that may not reflect new construction standards (as described in Federal Register, Volume 56, No. 144, ADA Rules and Regulations, Section 35.150), non-conforming curb ramps will be replaced under this plan as well as deficient sidewalk areas and the addition of pedestrian traffic signal compliant equipment will be added. A high priority is to reconstruct curb ramps and sidewalks at locations where existing ramps and sidewalks have a condition that may impede a POT to a City program or activity. Examples include vertical displacement of the curb ramp, deteriorated conditions, steep slopes, narrow widths, high gutter lips, and offset locations.

The Public Works Department City “Standard Plans” meet current ADA requirements which includes sidewalks, ramps, and driveways for residential, commercial, and industrial access and traffic signal equipment per Caltrans ADA Standards. The City also incorporates the latest ADA requirements into its project design plans and specifications to meet State and Federal mandates.

6.5 Priorities for Construction and Replacement

The City endeavors to ensure equal access to the public facilities and areas within the public right of way (sidewalks, curb ramps, pedestrian paths of travel, etc.) for pedestrians with disabilities, by identifying areas of potential deficiency and by setting forth a plan to make corrections.

The priorities for curb ramp and sidewalk construction or replacement are grouped into two phases. The first phase is the highest priority and includes requests by persons with disabilities. The second priority phase, evaluates the existing site conditions with respect to physical location and proximity to public facilities within the City. Generally, missing curb ramps have priority over missing sidewalks because ramps provide the means for a user to enter and exit a roadway. Tables have been created for the public’s convenience summarizing the priorities of each phase (See Table 1 and 2).

For buildings, parks, and other facilities, a repair schedule of ADA non-compliant facilities assets will focus on addressing safety issues/fixes as priority one. See database for annual priority list.

6.4.1 Phase I, (Highest Priority): Requests from Qualified Persons with Disabilities

The City recognizes that it will take some time to complete the inventory, individual priorities, and subsequent improvement as referenced in the MVTP. Therefore, the City will have the data evaluated and proceed with the necessary improvements to ensure proper access for people with disabilities living and working in Moreno Valley. Generally, requests come from residents with a disability who wish to get to and from their home or work place using public transportation, go to school, go to a medical facility, or other areas that need to accommodate their activities. The priority for this phase will focus on replacement of existing non-compliant items, subject to available funding.

Upon completion of the database and priority list in Phase I, the City will continue its policy of reviewing requests from disabled persons at locations not otherwise yet scheduled and budgeted for improvement. These special requests will be considered as a high priority and given special consideration for early repair, pending funding and feasibility. The request form: ADA Request for Accommodation and Complaint/Grievance is attached as Exhibit 1 to this document.

6.4.2 Phase II, Schedule Replacements and Addressing Access Issues

This phase includes reviewing the Citywide Database and setting final priorities, for new construction and replacement construction, based upon the physical condition of existing infrastructure, and by applying a final refinement priority. Public right of way issues are prioritized using a scoring system and onsite facilities are prioritized based on cost and safety protocols.

6.4.3 City Wide ADA Access Priority Refinement System

TABLE 1 (On-site facilities)

The City is incorporating additional prioritizations using some of the following factors for Non-PROW on-site City facilities based on safety protocol, complexity of the repair, and cost:

Priority Level	Noncompliant Area or Finding	Possible Reason for Application of Priority Level
1	Possible safety hazard	<ul style="list-style-type: none"> • Correction can be completed within one year from discovery • Current accessibility complaint • Injury due to item or element • Tripping hazard • Safety hazard • Protruding object or object in the path of travel
2	Easy or inexpensive to correct; Needed to access program service or activity	<ul style="list-style-type: none"> • Can be completed within two years, subject to funding approval by the City Council • Door pressures • Trash cans, shrubbery, etc. encroaching into the path of travel • Faded International Sign Association (ISA); incomplete striping • Missing or vandalized sign; minor corrections to sign • Removing door stops • Wrap supply lines • Striping stairs • Coat hook – remove, adjust or replace
3	Some items may be completed by staff; minimal expense	<ul style="list-style-type: none"> • Can be completed within three years, subject to funding approval by the City Council • Signage • Striping in parking lots to correct dimensions • Striping crosswalks • Striping on stairs, grab bars – Replace, remove, or adjust • Relocate dispensers (soap, towel, etc.) to correct height
4	Greater expense (typically over \$1,000) and some design may be required	<ul style="list-style-type: none"> • Can be completed within four years, subject to funding approval by the City Council • Replace door handles • Install dispensers at correct height • Add grab bars, dispensers • Relocate, add or replace mirrors and other items • Handrails and handrail extensions • Thresholds

Priority Level	Noncompliant Area or Finding	Possible Reason for Application of Priority Level
5	Expensive and may need to be incorporated into other projects; May impact use of building during remodeling or construction	<ul style="list-style-type: none"> • Can be completed within five years, subject to funding approval by the City Council • Curb ramps • Sidewalks • Drinking fountains • Ramps • Slopes in parking areas or paths of travel
6	Requires design and significant expense; plan checks and approvals; permits; may impact use of building	<ul style="list-style-type: none"> • Can be completed within six plus years, subject to funding approval by the City Council • Items needing design • Restroom remodels • Latch side clearance • Clear floor space • Ramps with switch-backs • Audible visual alarm system • Other extensive remodeling or renovation
7	Current noncompliant item or element to eventually be removed or in the future may no longer be a barrier	<ul style="list-style-type: none"> • As funding is available within seven plus years • Low profile areas (employee only area) • Eventually to be demolished, removed or relocated • Plan is to not remove barrier; not currently scheduled to be removed; may remove in the future; needs further discussion • Will no longer be used • Leased site; not owned, site maintained by others • Code is expected to change for this item and would be compliant with the new codes • Only a minor deviation from current code

TABLE 2 (PROW)

Priorities by Location: The City is incorporating tier level prioritizations using the following factors for Public ROW (PROW) Access Path of Travel based on location, use, and surveyed score:

Tier Level	Priority by Location	Possible Reason for Application of Priority Level
1	Within the right of way of Transit streets and centers *	<ul style="list-style-type: none"> • Regional Transit streets routes • Transit Centers • Local Bus Routes and Bus Stops • Estimated 1-10 years to complete, subject to funding approval by the City Council
2	Within the right of way of Public Facilities (within 50 foot buffers)	<ul style="list-style-type: none"> • City Buildings • State and County Buildings • Schools • Large public housing sites • City Parks and open spaces • Other public facilities • Estimated 3-15 years to complete, subject to funding approval by the City Council
3	Within the public right of way adjacent to Privately-owned public accommodations** (within 50 foot buffers)	<ul style="list-style-type: none"> • Commercial zoning areas and medical centers • Special zoning areas limited to medical centers not listed above, transit oriented developments and housing and business mix • Estimated 5-15 years to complete, subject to funding approval by the City Council
4	Within the right of way of locations that do not fall into any of the above groups but are within 50 feet of a sidewalk route	<ul style="list-style-type: none"> • Industrial and Warehouse facilities • Missing sidewalks outside of a high volume path of travel • Estimated 10-20 years to complete, subject to funding approval by the City Council
5	Within the right of way of locations that do not fall into any of the above groups and are outside of the 50 feet of a sidewalk route	<ul style="list-style-type: none"> • Rural areas • Missing sidewalks in a very low pedestrian volume area • Estimated 15-25 years to complete, subject to funding approval by the City Council

* *Land Use and Transportation Element of the Moreno Valley General Plan*

** *Zoning designations are per the City of Moreno Valley General Plan and Zoning Map*

Public Infrastructure Point System to Refine the Priorities:

Due to the thousands of intersection and miles of sidewalk, to refine the priority list, a scoring system for each location within each Tier level is determined.

There are seven categories used for scoring. Each category maximum points are shown below. A score between 0-100 is assigned to the PROW infrastructure under review. A score of zero (0) requires a full repair/installation and a score of 100 meets all ADA requirements (no work required).

SCORING CATEGORY LIST FOR TABLE 2

- 25 – Safety (points deducted for unsafe conditions)
- 20 – Usability (points deducted for decreased usability)
- 15 – Missing Link, Extension Connectivity (points deducted for missing sidewalk and ramp connections)
- 15 – Accessibility Enhancement of Existing ROW Facilities (points deducted for missing accessibility features)
- 10 – Vehicle Volumes/Speed Factors (points deducted for larger volumes and higher speeds)
- 10 – Disability/Pedestrian Peak Volume (points deducted for higher volume)
- 5 – Transportation Alternative (points deducted if no alternative route is available)

6.5 Annual Schedule for Barrier Removals and Upgrades for ADA Access

The City of Moreno Valley has committed itself to the following schedule and methods for the annual barrier removals and construction or reconstruction upgrades:

- A. The City of Moreno Valley will construct or reconstruct, as many curb ramps, sidewalks, traffic signal upgrades, signal warning devices, and building access accommodations/requirements, park fixtures, and other facility updates and repairs as City Council approved funding allows as part of the City's annual budget and the City's Capital Improvement Plan (CIP) ADA funding, until the City is fully ADA compliant, citywide. For additional information on CIP ADA funding, refer to section 6.7 Funding.

The highest priority for these corrective improvements will be given to locations requested by persons with disabilities, as funds are available.

As part of capital and developer projects, curb ramps will be installed or reconstructed at locations where adjacent street work is being performed (excluding regular street maintenance), if existing ramps are not in compliance with the ADA standards.

Curb ramps, sidewalks, traffic signals, and other ADA access facilities, which are not ADA compliant and are not adjacent to developer or capital projects, will be installed or reconstructed, as required, under other approved City streets and building improvement projects.

Curb ramps, sidewalks, traffic signal upgrades and other ADA access facilities located adjacent to City buildings, parks, and other facilities will be constructed or reconstructed as part of projects to improve these facilities, where applicable.

Public right of way and City facility ADA access repairs will be installed as funding allows. To the extent practicable, the City will follow the priorities set forth above when installing compliant facilities and infrastructure construction projects.

- B. The City anticipates new or replaced curb ramps and sidewalks each year because of constructed or reconstructed infrastructure in the public right of way by developers and others:

Curb ramps, sidewalks, traffic signals, and other ADA access to facilities will be constructed or reconstructed as a condition of private development.

Utility companies are required to install new or upgrade curb ramps, sidewalk, and other ADA access facilities at applicable locations where they excavate.

The State of California has installed curb ramps and other ADA access facilities along the portions of state highways that have been repaved. More curb ramps and other ADA access facilities will be installed along state highways in the City in conjunction with any future improvement of these facilities.

The City has currently completed the public buildings, parks, and other City facilities, including Tier 1, Tier 2, and Tier 3 of the self-evaluation plans for curb access ramps and Tier 1 sidewalks. Tier 4 and 5 for access ramps and Tier 2 for sidewalk reviews are ongoing. The latest field data and summary sheets are available upon request. For more up to date information, contact the City's ADA Coordinator.

6.6 Selection and Prioritization of Barrier Removal Projects

The ADA Coordinator, ADA Representative, and, if applicable, the ADA Access Advisory Committee shall make recommendations regarding barrier removal projects to be prioritized and funded from the *Annual ADA Compliance Upgrades Fund* (The Fund) (see section 6.7.1). The City Council has established this funding program as part of the Capital Improvement Program Budget. Other Departments and Divisions will also establish annual Program Budgets for ADA compliance corrections and repairs for facilities under their control. Where there are recommendations from the Advisory Committee, the Department Managers will review those recommendations as a priority item for review and approval. Each Department Manager shall have final authority over the approval and authorization of project expenditures; however, the Department Managers will not unreasonably disregard the recommendations of the ADA Coordinator, ADA Representative, or the ADA Access Advisory Committee.

6.6.1 Addressing Barriers

The Capital Project Fund is used for the following projects: (1) Installing compliant curb ramps, including traffic signal ADA pedestrian warning devices (at intersections where there are no curb ramps or where existing curb ramps do not meet current access standards); (2) Removing abrupt changes of level, whether caused by tree roots or any other deterioration or displacement of the surface of the path of travel within the City's right of way; (3) Providing accessible crosswalks (by providing appropriate contrasting striping, providing accessible pedestrian crossing controls, and removing any abrupt changes in level affecting the path of travel across the street); (4) Removing obstacles in the right of way that narrow the pedestrian pathway to less than 36 inches; (5) Removing or providing detectable warnings for overhanging obstacles below 80 inches above the right of way; (6) Removing excessive cross slopes perpendicular to the primary direction of travel along the pedestrian right of way, where identified by ADAAG standards and ADA requirements; and (7) Used as matching funds for federal and state grants, consultant, and administration for completing (or updating) the TP self-evaluation phase of this plan as approved by the City Council or the ADA Coordinator.

In addition to Capital Project Funding, the Facility Maintenance Division and the Parks and Community Services Department will identify funds within their annual budget for repairs, maintenance, construct, remodel/renovation for ADA projects for smaller repairs that are not capital projects. Funds will be expended by the priority system within the database and as referenced in this document. Fund availability is dependent upon City Council approval.

6.6.2 General Prioritization Standards

The following general principles shall be used to prioritize projects to be funded through The Fund or individual Department's budgets where ADA funding is identified. Requests by the Public for corrections or installation of compliant infrastructure/facilities is the highest priority and removal of barriers brought to the attention of the City will have the next highest priority. After addressing these requests, priority will be given to areas as noted in Tables 1 and 2 of section 6.4.3, which identify areas along important transportation corridors adjacent to or in the vicinity of State and local government offices and facilities; places of public accommodation such as commercial and business zones; facilities containing employees; and other areas such as residential neighborhoods and undeveloped areas of the City. In all planned projects, judgement and consideration will also be given to the severity of existing barriers and overall efficiency of project work. Special consideration may be given to the removal of existing barriers in lower priority categories before removing barriers in higher priority categories if such prioritization may be more effective or efficient use of resources. Additionally, all new construction in the public right of way and on-site, is required to be built to current ADA standards.

6.6.3 Limitations on Barrier Removal

Under no circumstances will the City be obligated to remove any barrier if removal of such barrier would create an undue burden or a fundamental alteration, or if removal of such barrier would be technically infeasible or structurally impracticable. To the extent that the City determines that it would be an undue burden or fundamental alteration to remove a particular barrier, or that removal of a particular barrier would be technically infeasible or structurally impracticable, it must include such a determination in the Transition Plan database as set forth in this document. In situations where it is technically infeasible or structurally impractical, the City will make every effort to provide modifications that would improve the existing conditions to facilitate access. For example, if a curb ramp is required along a curb adjacent sidewalk street, whereby the existing street grade is approximately 8%, installing an 8.33% curb ramp would be impractical. In such a case, the City would still install a curb ramp relative to the street grade plane using the minimum required 12-inch run for every 1-inch rise depending on the curb height obstacle. In such situations, installing a 10-foot ramp may also be considered to more than meet the minimum 1:12 slope requirement. There may also be special circumstances where 10% - 12.5% sloped ramps may be more favorable than no ramps due to the obstacle that may make the situation completely infeasible or impracticable to meet ADA requirements [28 C.F.R. Part 36 Appendix A, §4.1.6(3)(a)(i) and (ii)]. The documentation of any modification will be included as part of the project files as well as noted in this Transition Plan database. Further, under no circumstances will the City be obligated to initiate eminent domain proceedings against a property owner in order to address any barrier. Limitations on barriers for building facilities are provided to in Federal Title II and the State Building Code Title 24 (Section 11B). See previous Section 1.2 regarding structural impracticability.

6.6.4 Barriers under Control of Third-Party Entities

Certain barriers in the public right of way involve elements under the control of entities other than the City of Moreno Valley. The City has no obligation to remove such barriers unilaterally. The City may, but has no obligation to, seek funding or participation in barrier removal work from such third-party entities, which may include transit agencies, local utilities, or other entities that maintain equipment in the public right of way. Any contribution of money for barrier removal work by third-party entities or any work done by such third-party entities to remove barriers will be in addition to the work done based on the other obligations set forth in this Transition Plan. Money from The Fund may be appropriated to supplement work performed under this section at the discretion of the City Engineer.

6.7 Funding

6.7.1 ADA Compliance Barrier Removal Fund (The Fund)

The City's goal is to annually budget for the ongoing installation of ADA compliant curb ramps and paths of travel, remove barriers in the public rights of way, and continue Transition Plan evaluations. This budget will be known as the City's ADA Capital Project Budget (ADACP) Fund. Projects using the money from this fund will be selected by the City's ADAAC, ADAC, ADAR, or appointed staff with reference to the general guidelines set forth in this Transition Plan and with approval of the City Engineer and City Council. Additionally, the City will continue to request CDBG funds for future ADA projects, as available. The Capital Project paving program includes upgrades to ramps and sidewalks when funds are available. The Safe-Routes-to-School Grant program, when available, matches funds to construct ramps and sidewalks. Additionally to the aforementioned funding, capital projects and developer projects are required to install or upgrade infrastructure to current ADA standards within and surrounding the project site.

6.7.2 City Departments Leveraging Additional Funding Sources and City Programs

As part of the preparation of the Two-Year City Budget every other fiscal year, City Staff will prepare a budget for their Division and/or Department (e.g., Parks, Facilities, etc.) for ADA repairs/compliance fixes, the available fund sources, and the best way to leverage those funding sources. Each Division and Department may also search City, State, and Federal programs to see if additional funds are available to be used to bring (update) public facilities and infrastructures into ADA compliance.

6.7.3 Additional Funding

If any new, or permanent funding sources are created during the life of this Transition Plan (through Resolutions, Ballot Measures, or other ways), some portion of this additional revenue source may be dedicated to the ADACP Fund. ADA barrier removal work done in conjunction with street overlays and reconstruction, using dedicated funding, and work affecting barriers under the control of third party entities may occur from time to time through separate funding sources.

6.8 ADA Request for Accommodation and Complaint/Grievance

The ADA Request for Accommodation and Complaint/Grievance form is contained in Exhibit 1 and available on the City's website.

Complaints of alleged noncompliance and grievances concerning ADA access in the public right of way or public facilities should be directed to the ADA Coordinator or his/her assigned representative/consultant.

In responding to request(s) for structural improvement brought through the ADA Accommodation process, the ADA Coordinator and ADA Representative are limited to the funds in The Fund. All efforts will be made to correct the non-compliant issues, but in the event that these allocated funds are insufficient or already spent, subsequent improvements will be prioritized and scheduled in subsequent fiscal years.

6.8.1 Public Participation

City of Moreno Valley residents will be able to take advantage of the following outreach efforts:

- **Outreach to Persons with Visual Impairments:** The ADA Transition Plan can be made available to persons who are visually impaired via large print text document and Braille copies. Persons with visual impairments who have access to software that converts text to audio will be provided the document via e-mail, USB drive, or CD.

- **Consumer Survey:** The City may develop and distribute a pedestrian and disabled access consumer survey to identify physical access barriers.
- **Press Releases:** The City may create and distribute press releases to cover the following topics: project kick-off, consumer surveys, special ADA events (outreach meetings) and updates to the ADA Transition Plan.
- **Website:** A City of Moreno Valley website has been created to disseminate information about the City's ADA activities, useful ADA links, and updates to the Transition Plan. [http://www.moreno-valley.ca.us/city_hall/ada/ada-index.shtml]
- **Public Workshop:** The ADA Coordinator may hold a public community outreach workshop on barrier removal efforts ongoing, City ADA activities, and other ADA issues. The City's residents would be able to submit formal comments about this effort, either in written form or by speaking at a public workshop.

6.9 ADA Accommodation and Complaint/Grievance Summary Procedures

The City has listed the request for accommodation and complaint/grievance procedures below, providing for prompt and equitable resolution to complaints alleging any action that would be prohibited by Title II. The City's ADA Accommodation and Complaint/Grievance Form with related procedures and information are contained in Exhibit 1, available on the City's ADA web page, and at all City facilities.

The request for accommodation or complaint/grievance should include the name, address and telephone number of the individual requesting the accommodation (see Exhibit 1 for ADA Accommodation and Complaint/Grievance Form). The request should contain a detailed description of requested accommodation, the location of the program, service, activity, or facility where the accommodation is required and a description of why the accommodation is needed.

Complete the form and submit it to:

ADA Coordinator
 City of Moreno Valley
 14177 Frederick Street
 Moreno Valley, CA 92552-0805
 951.413.3120 (phone)
 951.413.3009 (fax)
adacoordinator@moval.org

Within thirty (30) calendar days of the written request, the ADA Coordinator or the City's ADA Representative will respond to the individual filing the complaint. If the response does not satisfactorily resolve the issue, the individual making the request may file an appeal. All requests for accommodation received by the ADA Coordinator or ADA Representative will be kept by the City of Moreno Valley for a minimum of three years, per City's retention policy.

6.9.1 Detailed Procedures for Filing an ADA Complaint/Grievance

This procedure is established to meet the requirements of the Americans with Disabilities Act (ADA). It may be used by those who wish to file a request for barrier removal or a complaint alleging discrimination on the basis of the disability as it relates to facilities within the City of Moreno Valley public right of way and City facilities.

Step 1 – The Written Request Complaint/Grievance Form: The complaint should be in writing and contain information about the alleged barrier or discrimination such as name, address, and phone number of the complainant, along with the location, date, and description of the problem using the ADA Accommodation and Complaint/Grievance Form (see Exhibit 1, also available on the city’s website). Alternative means of filing complaints will be made available for persons with disabilities upon request. Contact the ADA Coordinator to request this information in an alternate format or the “Request for Accommodation and Complaint/Grievance” form. The form should be submitted by the petitioner as soon as possible, but no later than ninety (90) calendar days after the alleged violation (or discovery thereof) to:

ADA Coordinator
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92552-0805
951.413.3120 (phone)
951.413.3009 (fax)
adacoordinator@moval.org

Alternatively, written requests, complaints, or grievances from individuals can be processed through the claim process in the City Clerk’s Office, on the second floor of City Hall. Complaints submitted to the City Clerk will be forward to the ADAC and tracked by the City Clerk’s office.

Step 2 – Meeting with the ADA Coordinator: Within thirty (30) calendar days of the written complaint, the ADA Coordinator or his/her representative will communicate with the complainant to discuss the complaint and possible resolutions.

Within thirty (30) calendar days after the communication, the ADA Coordinator or the ADA Representative will respond in writing or in a format accessible to the complainant. The response will explain the position of the City of Moreno Valley and offer options for resolution of the complaint under the guidance of the ADA.

Step 3 – Appeal to the City Manager: If the response by the ADA Coordinator or the ADA Representative does not satisfactorily resolve the issue, the complainant may appeal the decision, within fifteen (15) calendar days after receipt of the response, to the City Manager or an appointed representative.

Within thirty (30) calendar days after receipt of the appeal, the City Manager or an appointed representative will reply to the complainant after reviewing the issue and will respond in writing or in a format accessible to the complainant of final resolutions to the complaint.

All written requests received by the ADA Coordinator or the ADA assignee, appeals to the City Manager, and their responses will be kept by the City of Moreno Valley.

6.9.2 Funding Allocations for Barriers Removals Addressed in Accommodation and Complaint/Grievance Filings

The ADA Coordinator’s budget is limited to the available funds in The Fund budget (see section 6.7.1) when responding to request(s) for immediate structural improvement brought through the ADA Accommodation and Complaint/Grievance process. In the event that the available allocated funds are insufficient, subsequent improvements will be prioritized and scheduled for upcoming fiscal years,

and/or the City Maintenance and Operations Division may be able to do interim correction until such time as funding is available.

6.10 Monitoring and Tracking

The ADA Coordinator, the ADA Assignee, or ADA Consultant should:

- Coordinate inspection of curbs, access ramps, sidewalks, and traffic signals to ensure that they are constructed or reconstructed properly and within acceptable ADA tolerances; and
- Ensure that all curbs, access ramps, sidewalks, traffic signals, facilities repairs, parks, and buildings installed by the City or by others (under permit) are logged in the City's database; and
- Maintain and document any performed barrier corrective activities, to comply with the *Moreno Valley Transition Plan*.

Annual Report

At the conclusion of each fiscal year, the City's ADA Coordinator may provide a report (Annual Report) or update the Transition Plan document, describing the actual work completed and implemented under this Transition Plan during the previous twelve months and a prospective plan of projects the City intends to undertake to improve access compliance for disabled individuals in the upcoming year. If undertaken, reports or updates will be completed within one hundred and twenty (120) days from the end of each fiscal year and will include:

- A summary or listing of all written complaints or requests for removal of particular barriers received since the prior report, including information specifying whether the City has taken action to remove the barrier.
- Summaries of work done to ensure access and/or remove access barriers in conjunction with asphalt overlay projects, projects completed with other available funds, and projects completed with The Fund.
- A list of all barriers, if any, for which the City asserts that it has a Statutory Defense excusing installation of a compliant curb ramp, sidewalks, or removal of an access barrier to City buildings, parks, and other facilities. If the City asserts that it has a Statutory Defense that limits its ability to remove a barrier that meets all current standards, the City will include in the report a written statement by the City Engineer or the Building Official (or his or her designee) providing the reasons for reaching that conclusion. To the extent that the City claims that installation of a fully compliant infrastructure or removal of an existing barrier would be an Undue Burden, the written statement will include his or her consideration of all resources available from The Fund and any other source of funding set forth in this Transition Plan as available for the removal of access barriers.
- Information regarding the removal of barriers along the public right of way, public infrastructure, and City facilities.
- Information describing efforts made by the City Advisory Committee or ADA Coordinator to leverage additional programs or funding sources to install compliant curbs, access ramps, sidewalks, or removing access to other facility barriers in the public path of travel.
- Information regarding efforts at Community Outreach, and any action being taken as a result of such community meetings.
- Information in regards to developers installing new and replacement sidewalks, and ramps, including traffic signal modifications to meet ADA compliance.

7.0 DEFINITIONS

As used in this MVTP, the following terms shall have the meaning ascribed to them in this Section, which are consistent with the provisions of existing federal and state law, including the regulations promulgated there under. Except to the extent expressly stated to the contrary, any term not expressly defined in this Section or elsewhere in this Transition Plan that has an expressly defined meaning in either the ADA or the regulations promulgated there under (“Regulations”) shall have the meaning ascribed to it by the ADA or the Regulations, in that order of preference. All other terms shall be interpreted according to their plain and ordinary meaning.

ADA: “ADA” means and refers to the Americans with Disabilities Act of 1990 as contained at 42 U.S.C. § 12101 et seq. and as amended from time to time.

ADAAG: “ADAAG” means and refers to the Americans with Disabilities Act Access Guidelines, codified at Appendix A to 28 Code of Federal Regulations part 36 and at Appendix A to 49 Code of Federal Regulations part 37. “ADAAG Standards” means and refers to physical conditions that meet the new construction and/or alterations standards set forth in ADAAG. ADA accessibility guidelines for buildings and facilities.

ADA Representative: The City’s ADA Representative is a City employee or consultant selected by the ADA Coordinator to assist in his/her duties.

Annual Report: “Annual Report” means, a report of the previous fiscal year’s activities and accomplishments prepared within 90 days after the new fiscal year. The report should include such information as to the completion of access ramps, sidewalk, other barrier replacements or upgrades to meet the ADA requirement; accomplishment of the previous year and other information as to the long term progress of the ADA program.

Access Ramp: “Access Ramp” is used interchangeably with “curb cut” or “curb ramp.” (See definitions below)

Barriers: “Barriers” means and refers to curbs, access ramps and sidewalks that do not meet the ADAAG standard requirements for ADA accessibility or as noted herein, such as a ¼” or greater vertical separation between sidewalk panels.

Compliance Period: “Compliance Period” means and refers to the period of time for which this Transition Plan will be in effect. The Transition Plan shall become effective upon Final Approval of this Transition Plan, and remain in effect for up to 30 years. The City may dissolve the Transition Plan at any time upon a showing that the city has provided access to pedestrian path-of-travel or upon a showing that it has met or exceeded the monetary obligations specified in this Transition Plan.

Compliant Curb Ramp: “Compliant Curb Ramp” means and refers to a curb ramp that is constructed to comply with state and/or federal law (whichever provides the more restrictive standard) in place at the present (today’s) standards.

Curb Ramp: “Curb Ramp” is a sloping pedestrian way, intended for pedestrian traffic, which provides access between a walk or sidewalk to a surface located above or below an adjacent curb face. “Curb Ramp” is used interchangeably with “curb cut” or “access ramp.”

Detectable Warnings: “Detectable Warnings” means and refers to truncated domes which provide a tactile surface at the transition between the curb and the street, assisting pedestrians with Vision Disabilities in determining where they enter the street.

Final Approval: “Final Approval” means and refers to the date when the City Council approves the “Public Right of Way Access Americans with Disabilities Act (ADA) Transition Plan” for the City of Moreno Valley.

Fundamental Alteration: “Fundamental Alteration” means and refers to an action that, if taken by the City of Moreno Valley, would result in a fundamental alteration in the nature of the service, program or activity of Pedestrian right of way in the City of Moreno Valley. If the City claims that any action otherwise required by this Transition Plan would constitute a Fundamental Alteration, the City shall have to demonstrate that such alteration would result, and the decision that an action would constitute a Fundamental Alteration, after considering all funds available for such work, and must be accompanied by a written statement of the reasons for reaching that conclusion.

Infrastructure: As used herein, typically refers to improvements or structures within the public right of way.

Mobility Disability: “Mobility Disability” means and refers, with respect to an individual, to any physical or mental impairment or condition that substantially limits an individual’s ability to move his or her body or a portion of his or her body and includes, but is not limited to, orthopedic and neuromotor disabilities and any other impairment or condition that limits an individual’s ability to walk, maneuver around objects, ascend or descend steps or slopes, and operate controls.

Pedestrian Right of Way: “Pedestrian Right of Way” means and refers to all sidewalks and access paths over which the City of Moreno Valley has responsibility or authority, as well as all curb ramps and crosswalks serving such sidewalks and any other pathways used by pedestrians along public rights of way.

Public Right of Way: “Public Right of Way” means and refers to the legal right, established by usage or grant, to pass along a specific route through grounds or property belonging to another.

Ramp: A walking surface that has a running slope steeper than one unit vertical in 20 units horizontal (5-percent slope).

Statutory Defenses: “Statutory Defenses” means and refers to the City’s right to assert under this Transition Plan that removal of any barrier or installation of a Compliant Curb Ramp is not required because such barrier removal or curb ramp installation would be Technically Infeasible, or Structurally Impracticable, or that it would constitute an Undue Burden or Fundamental Alteration.

Structurally Impracticable: “Structurally Impracticable” means and refers to circumstances in which the unique characteristics of terrain prevent the incorporation of accessibility features.

Technically Infeasible: “Technically Infeasible” means, with respect to an alteration of a facility or Public right of way, that it has little likelihood of being accomplished because existing physical or site constraints or a lack of public right of way prohibit modification or addition of elements, spaces, or features which are in full and strict compliance with the minimum requirements for new construction and which are necessary to provide accessibility (See ADAAG § 4.1.6(1) (j)).

Third-Party Entity: “Third-Party Entity” means an entity other than the City of Moreno Valley that controls certain barriers or elements of barriers in a Pedestrian Right of way. Transit agencies and local utilities are examples of Third Party Entities.

Title 24: “Title 24” means and refers to the regulations set forth at Title 24 of the California Code of Regulations.

Transit: Public Transportation Routes.

Transit Centers: Bus stop locations.

Undue Burden: “Undue Burden” means and refers to an action that, if taken by the City of Moreno Valley, would result in an undue financial and administrative burden.

8.0 ABBREVIATIONS

ADA:	Americans with Disabilities Act
ADAC:	ADA Coordinator
ADAR:	ADA Representative
ADACP:	ADA Capital Project Budget
ADAAG:	ADA Accessibility Guidelines
ADAAAC:	ADA Access Advisory Committee
ADAAAB:	ADA Accessibility Appeals Board
CDBG:	Community Development Block Grant
DAC:	Disability Access Consultant
GIS:	Geographic Information System
ISA:	International Sign Association
MVTP:	Moreno Valley Americans with Disabilities Act Transition Plan
PERMA:	Public Entity Risk Management Authority
POT:	Path of Travel (for Disabled Individuals)
PROW:	Public Right of Way
PWD:	Public Works Department
TP:	Transition Plan
UFAS:	Uniform Federal Access Standards

9.0 ADDITIONAL DOCUMENTS

Additional documentation, made part of this Transition Plan, and available for viewing upon request, include:

- Database Summaries of the City’s self-evaluation activities and spending, by Fiscal Year, for ADA compliance
- City-owned public facilities reviewed for ADA compliance
- Location Map of City-owned Public Buildings, Parks, Facilities, and public access infrastructure
- Maps of the City’s ADA self-evaluation review progress for PROW intersection ramps
- Map of the City’s self-evaluation upgrade progress for PROW intersection ramps
- PROW Sidewalk map within Priority Tier 1 Locations
- PROW Sidewalk map within Priority Tier 2 Locations

EXHIBITS

Accommodation and Complaint/Grievance Form

City of Moreno Valley
ADA Request for Accommodation and Complaint/Grievance Form



PUBLIC WORKS DEPARTMENT

ADA Accommodation and Complaint/Grievance Form
For Non-Emergency Purposes
Americans with Disabilities Act (ADA) and Title 24 Disability Access

Check One: Accommodation Request Complaint/Grievance Comment/Question

Person Responsible for Request

Contact Person for Requesting Party

ACTIVITY#: _____

Official Use Only

Street Address & Apt. No.: _____

City: _____ State: _____ Zip: _____

Phone: (_____) _____

E-mail: _____

Circle preferred Method of Contact (US Mail, telephone, e-mail, other)

Please do not contact me personally (see contact-person information above).

Please specify address and location(s) related to the request:

Please provide a complete description of the specific request or comment/question:

Please attach additional pages, photographs, sketches, or other information, as necessary.

Signature: _____ Date: _____

Name: _____

RETURN THIS FORM TO:
City of Moreno Valley
ADA Coordinator
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552-0805
adacoordinator@moval.org

Upon request, reasonable accommodation will be provided to assist in completing this form.

Contact the ADA Coordinator at the address listed or via telephone at 951.413.3120 or e-mail at adacoordinator@moval.org.

Rev: 11212019