

RESOLUTION NO. 06-18394

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BILLINGS ADOPTING THE POLICY IDENTIFYING THE PROCESS OF SOLICITING AND RECEIVING INPUT FROM PERSONS WITH DISABILITIES REGARDING ACCESSIBILITY OF SIDEWALKS IN THE CITY OF BILLINGS

WHEREAS, the City Council approved the ADA Settlement Agreement between the City of Billings and the United States Department of Justice (DOJ) at their September 12, 2005, meeting requiring the City of Billings to correct its facilities identified in the United States Department of Justice audit as being non-compliant with the Americans with Disabilities Act (ADA).

WHEREAS, in compliance with the United States Department of Justice Settlement Agreement, the City of Billings agreed to establish, implement, and report to the United States Department of Justice its written policy for soliciting and receiving input from persons with disabilities regarding the accessibility of its sidewalks, including curb cuts at particular locations.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA, AS FOLLOWS:

That the Policy Identifying the Process of Soliciting and Receiving Input from Persons with Disabilities Regarding Accessibility of Sidewalks in the City of Billings, which is attached hereto as *Exhibit A*, is hereby adopted and approved.

APPROVED AND PASSED by the City Council of the City of Billings, this 27th day of February, 2006.

THE CITY OF BILLINGS:

BY: _____
Ron Tussing _____
MAYOR

ATTEST:

BY: _____
Marita Herold, CMC/AAE CITY CLERK



I.

OSE:

The City of Billings is required under the Americans with Disabilities Act (ADA) to establish and implement and report to the Department of Justice its written process for soliciting and receiving input from persons with disabilities regarding the accessibility of its sidewalks, including, for example, requests to add curb cuts at particular locations.

Policy Identifying the Process of Soliciting and Receiving Input from Persons with Disabilities Regarding Accessibility of Sidewalks in the City of Billings

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Issue Date: 2/27/06

Prepared By: Vern Heisler, Deputy Public Works Director

Issued By: City of Billings City Council

II. RESPONSIBILITY:

Public Works Department; ADA Coordinator; employees involved with public right of way construction, alteration or improvement; employees involved in economic development, redevelopment of private development project approvals.

III. DEFINITIONS:

Curb Ramps & Pedestrian Walkways -

Under the ADA, public entities that have responsibility or authority over streets, roads, or walkways must include in their Transition Plan a schedule for providing curb ramps or other sloped areas where pedestrian walks cross curbs. Priority must be given to walkways serving state and local government offices and facilities, transportation, places of public accommodation, and employers, followed by walkways serving other areas.

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. Also, newly constructed or altered sidewalks or paths must contain curb ramps or other sloped areas wherever they intersect with streets, roads, or highways.

IV. POLICY:

In compliance with the Department of Justice (DOJ) Settlement Agreement, entered into on September 12, 2005, the City of Billings is required to implement procedures for receiving input from disabled persons with respect to the accessibility of sidewalks, and street level pedestrian walkways (i.e. crosswalks). The City shall install or correct disabled access curb ramps where pedestrian walks cross curbs. In addition, curb ramps and pedestrian street level walkways are

required to be completed within a specific time period defined in the Settlement Agreement. This Policy is intended to establish such procedures, as well as identify some guidelines for determining how specific curb ramp requests will be considered. Lastly, the Policy shall satisfy compliance components identified under the DOJ Settlement Agreement stating that “*...the City will implement and report to the Department its written process for soliciting and receiving input from persons with disabilities regarding the accessibility of its sidewalks, including requests to add curb cuts at particular locations.*”

V. PROCEDURES:

Solicitation and Receipt of Sidewalk Accessibility and Curb Ramp Requests:

The City Of Billings shall solicit and receive input on accessibility of its sidewalks, including requests for curb cuts, as follows:

- a) The city’s ADA Coordinator shall receive, evaluate and respond to written or verbal requests from persons with disabilities for installation of curb ramps.
- b) This solicitation (see attached) will be posted by the City’s ADA coordinator on the City of Billings website and published annually in the City of Billings official newspaper.
- c) Written responses shall be given to members of the public who request sidewalk accessibility improvements or curb ramps.
- d) Responses to this solicitation will be considered for construction and implementation using funding from the city’s new proposed capital improvement program (CIP) annual project budget for constructing ramps and installing landings on those previously constructed ramps that have no landings on projects constructed within the city since 1992. Those requests not able to be completed within that given year due to budget constraints will be moved to the next year and constructed as funding allows.

Signed:

Ron Tussing, Mayor

Date

Process of Soliciting and Receiving Input from Persons with Disabilities Regarding Accessibility of Sidewalks in the City of Billings

If any person has concerns about the accessibility of any City sidewalk, it is requested the person notify the City ADA Coordinator by telephone (237-6294), by letter or in person to report such concern in as much detail as possible (see "...Information Needed" below). The City ADA Coordinator will receive, record and track all such requests in writing. The City will make every effort to address the issue and take corrective action in a prompt manner as deemed appropriate by the City and as allowed by the budget. The City ADA Coordinator will advise the person of its initial determination and evaluation and the timeframe for correcting the problem.

Where the request involves substantial reconstruction or replacement of sidewalk areas that is beyond the City's ability to fund and accomplish in the current budget year then the request will remain open and be forwarded to the Public Works Director for consideration for inclusion in the Department's next annual Capital Improvement Plan.

If a person is not satisfied with the action the City ADA Coordinator takes, proposes or plans or the timeliness of the response then that person should initiate a grievance procedure with the Public Works Director.

Sidewalk Accessibility Issues and Information Needed

If you want to report a sidewalk accessibility concern to City ADA coordinator we ask you to provide the city with the following information. The most important piece of information is the exact street address or intersection locating the problem. Then please provide a brief but detailed description of the problem, such as, no curb-cut at an intersection or crossing, sidewalk exceeds maximum slope of 1:12 (8.3%), curb cut lacks minimum 36" width, sidewalk cross-slope exceeds 1:50 (2%), etc. Finally, please provide your name, organization name (if filing on behalf of one), address and telephone number.