

Memorandum Date: June 27, 2011
Meeting Date: July 13, 2011

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TO: Board of County Commissioners
DEPARTMENT: Public Works
PRESENTED BY: Bill Morgan, County Engineer
AGENDA ITEM TITLE: Report Back/ADA Bus Stop Request on Scenic Drive

I. MOTION

This item is a report back to the Board of County Commissioners (Board); no motion is proposed.

II. AGENDA ITEM SUMMARY

This item is a report back on an issue raised in public testimony at the Board's Capital Improvements Program (CIP) public hearing on May 10, 2011. The issue is in regards to a request for an ADA accessible bus stop on Scenic Drive. Scenic Drive is not built to urban standards (no curbs, gutters, sidewalks etc.) and there is not an Americans with Disabilities Act (ADA) accessible bus stop on Scenic Drive.

III BACKGROUND

A. Board Action and Other History

At the Board's Capital Improvements Program (CIP) public hearing on May 10, 2011, Ms. Beverly Ashwill provided testimony regarding the lack of an (ADA) compliant ramp at a bus stop along Scenic Drive. Ms. Ashwill provided similar testimony at the CIP public hearing before the Lane County Roads Advisory Committee (RAC) meeting on March 21, 2011. Ms. Ashwill's letter of testimony is provided as Attachment 1.

Ms. Ashwill had previously contacted Lane Transit District (LTD) to request improvements to the bus stop on Scenic Drive by Dublin Avenue. LTD responded to her request on March 9, 2011 (Attachment 2) indicating that they would not be making improvements to that stop. As noted in this letter, Ms. Ashwill is eligible for RideSource, a curb to curb service specifically provided for people who are unable to use the regular fixed-route bus service. LTD staff notes that access to RideSource meets the obligation of the transit authority to meet ADA requirements. This service is largely subsidized, but does require a \$3.00 fee to utilize.

As reported at the May 10, 2011 public hearing Public Works was sympathetic to Ms. Ashwill's request and made efforts to determine whether a simple, low cost alternative could be developed to meet the needs of Ms. Ashwill and meet basic public safety standards. The County Engineer determined that providing a raised pad as requested by the applicant was not an option that could be constructed in a manner that met basic design standards and safety requirements. The County Engineer's response is provided as Attachment 3. At the Board's May 10, 2011 meeting, staff was directed to revisit the possibility of providing alternative

solutions to address Ms. Ashwill's request. The Analysis section below describes staff's efforts.

B. Policy Issues

The following Goal from the Lane County Transportation System Plan (TSP) is relevant to this item

- *Goal 1: Maintain the safety, physical integrity and function of the County road network through the routine maintenance program, the Capital Improvement Program, and the consistent application of road design standards.*

C. Board Goals

The following goals from the Lane County Strategic Plan relate to this item:

- *Provide opportunities for citizen participation in decision making, voting, volunteerism, and civic and community involvement.*
- *Contribute to appropriate community development in the areas of transportation and telecommunications infrastructures, housing, growth management and land development.*

D. Financial and/or Resource Considerations

If the Board directs staff to pursue a design option, funding would be taken from the Road Fund, currently in decline. The CIP plan prioritizes capital improvement projects. Pursuit of a design option would reduce the funding available for adopted CIP projects.

E. Analysis

Lane County Transportation Planning and Engineering Construction Services staff met to determine if there were other low-cost solutions that would meet design standards and safety requirements. Staff developed a proposed solution to create a paved surface along the shoulder that would be level with the Scenic Drive. Staff then met with Ms. Ashwill on June 3, 2011 to discuss the proposed solution. However, Ms. Ashwill indicated that the surface must be raised in order to address her boarding needs and indicated that a paved level surface would not be acceptable. An alternative design solution for a raised pad was also proposed and presented to the County Engineer, but similar design and safety concerns remain with this proposed solution as with the stand alone raised pad (See Attachment 3). Developing any sort of raised pad not incorporated into full street improvements would raise those same concerns.

Staff considered other solutions, even asking LTD whether reversing the route would be an option. LTD noted that this would be a complicated solution and would involve relocation of 12 bus stops at Lane County's expense. This does not appear to be a viable option at this time.

Staff provides the following for the Board's consideration in making a recommendation:

- Several other bus stops within the service area are not ADA accessible. As previously mentioned, the transit authority has met their ADA obligation by providing Ms. Ashwill access to RideSource. It is not the County's obligation to meet ADA requirements for the transit authority.

- Improving Scenic Drive to urban standards would allow staff to work with LTD to construct a raised pad that would be continuous with a new curb. However, Scenic Drive is not currently identified for such improvements. In addition, designing roads to meet urban standards has not been the direction the residents of River Road/Santa Clara have been seeking.
- When the Board last addressed this item, staff noted that LTD would be purchasing some new buses equipped with a ramp boarding system more compatible with Ms. Ashwill's needs. However, LTD has indicated that there is no way to guarantee that these buses will be used on Scenic Drive, nor is it possible to guarantee that if some are designated for this route, that they would be used continuously. LTD has a large fleet and specific buses do not serve each route on a regular basis. As such, it is not likely that a design solution would be temporary so long term maintenance is also a consideration.
- If the Board directs staff to pursue a design solution, staff recommends that the Board consider a policy around how such requests are to be equitably addressed in the future.

IV. TIMING/IMPLEMENTATION

If the Board directs staff to pursue a design option, the Board may choose to follow Lane Manual (LM) for improvements to the County road system. LM 15.580 provides a process for Citizen Input With Regard to Individual Road Improvement Projects. This process includes notice to adjacent property owners and a public hearing before the RAC prior to Board action. Unless the Board waives these processes, construction of a design option would likely happen in next year's construction season.

Staff will also request that the Board approve a Deviation from approved road design standards.

V. RECOMMENDATION

Based on the information above, staff's original recommendation has not changed.

VI. FOLLOW-UP

Please see the Timing/Implementation section above for potential follow-up procedures.

VII. ATTACHMENTS

1. Written Testimony from Ms. Ashwill
2. LTD Response
3. County Engineer's Analysis

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To Whom It may Concern:

I am Beverley Ashwill. I moved to 315 Dublin Avenue in September of 2010. I was pleased to see my house was only 11 houses down from a bus stop on Scenic Drive. I work 4 or 5 days a week downtown Eugene and the bus is important for my transportation. Not to mention Doctor's and other medical appointments. I own a van with a lift which I can no longer drive, but I use it only when the bus doesn't get me to where I need to go. I am 67 years old and an honored rider for free on the LTD bus system. So it is important economically as well to use the bus. It also allows me more independence than depending on someone else to drive me.

I travel in a power wheelchair because I've had Rheumatoid Arthritis for over 40 years and can not walk.

Soon after I moved into the Dublin Avenue house, I attempted to use the bus stop at the end of Dublin Avenue on Scenic Drive. It was very difficult. There is no sidewalk or curbs so the lift was much steeper than the normal ratio of 1 to 12. I made it in, but rammed my wheelchair into the equipment near the driver's seat. The bus driver and I concurred this wasn't an appropriate stop for me due to the lack of that 6 inch rise of the sidewalk/curb. So I then had to go out from my house to Shannon Street, Then turn right on River Loop #2 and cross River Road at the traffic light to get to the nearest accessible bus stop. That is about a 5 minute ride in my wheelchair. Nearly all of the time, I am in the street. River Loop #2 is a busy street with no cement side. It is a gravel shoulder which I can get stuck in. So far, I have not been hit.

That is the crux of my story. It is not safe for me to travel in the busy street. I have friends in wheelchairs who have been hit by vehicles and badly injured. It is not uncommon. After all, sitting in our wheelchairs makes us shorter than most people. Drivers are very busy people. They are handling their kids in the back seat, grabbing for that cup of coffee, or heaven forbid talking or texting on their cells. If it is wet or dark, it makes it even harder. They get distracted for many reasons. I am making every effort to be safe. Research has shown that drivers are looking for cars or trucks and when they see a bike, or a scooter or a wheelchair, it takes them longer to process this is something to avoid. I am playing Russian roulette with my wellbeing every time (twice a day on weekdays) I travel in the street to get my bus.

Making the Scenic Drive bus stop accessible for me would be a major step in my safety and preserving my life. (for which I would be eternally grateful).

In addition, I have friends and guests that travel in wheelchairs as well. We host international guests for MIUSA (Mobility International USA) and their perceptions of bus accessibility flavors their perception of the USA.

I contacted LTD Bus system about the problem. They sent out a bus to check out the situation. Their findings were that they could build a platform for me there, but they would need curbs and they don't do curbs. I found out through phone calling around that the streets here are under the jurisdiction of Lane County Public Works. I intended to be at your hearing but was unable to attend because of the weather situation. I am writing this letter to ask you to be willing to work with LTD and create a short curb at the bus stop area so LTD can create the accessible platform I would need to use that bus stop.

I understand the budget concerns. I am hoping this small and hopefully inexpensive project could be seen in the light of the physical safety and well being of one (or more) of your citizens (a taxpayer) as opposed to measuring it with more expensive and major concerns, all of which have good merit.

Sincerely,
Beverly J. Ashwill



Lane Transit District

March 9, 2011

Beverly Jo Ashwill
315 Dublin Avenue
Eugene, Oregon 97404

RE: Bus Stop Ramp and Pad Request on Scenic Drive

Dear Ms. Ashwill:

I recognize that it has taken us some time to get back to you about your request for improvements at the bus stop on Scenic Drive at Dublin Avenue. Please be assured that we appreciate and carefully considered your request. LTD staff visited the site, consulted with County personnel, and discussed this with LTD managers.

For these reasons LTD will not be making improvements to this stop:

1. LTD does not have the resources or the jurisdiction to construct or maintain basic street improvements such as curbs or sidewalks on unimproved streets.
2. When LTD does make individual bus stop improvements such as the installation of concrete pads, ramps, or curb cuts that connect to existing curbs and sidewalks, or to install a bench or shelter, decisions are based on the use of the stop as well as improving accessibility for people with disabilities. The Scenic Drive and Dublin Avenue stop has generally low use.
3. This site does not appear to have the space needed to safely accommodate an access ramp and landing requirements. Buses, bikes, and pedestrians all need room to maneuver along with regular traffic. Further investment in design and layout is needed.

LTD is aware of the issue for riders like you who are unable to use the current style of ramps on low-floor vehicles when the ramp is deployed to the ground. Our next vehicle purchases will have newly designed ramps that have a reduced ramp slope of 1:6 to alleviate the problem. The first of these should arrive in the fall. Obviously, this offers a long-term, not an immediate solution since it takes time and money to get all of the old equipment replaced.



Beverly Ashwill
March 9, 2011
Page 2

For any trip throughout the system that you are unable to access due to the requirement for an accessible sidewalk or raised landing, you are eligible to use *RideSource*. *RideSource* may take you the entire length of a trip or to the closest LTD station that allows you to complete a trip on your own. Enclosed is a *RideSource* RideGuide for your reference in accessing the *RideSource* system.

Should Lane County go forward with full curb and sidewalk improvements on Scenic Drive, LTD bus stop pads would be installed at that time. Please feel free to give me a call at 541-682-3245 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Terry Parker".

Terry Parker
Accessible Services Manager

TP/sjh

cc: RideSource Call Center
Shashi Bajracharya, Lane County

Enclosure: *RideSource* RideGuide

BAJRACHARYA Shashi

From: MORGAN Bill F
Sent: Tuesday, March 22, 2011 1:33 PM
To: BAJRACHARYA Shashi
Cc: BROWN David L
Subject: Scenic Drive Comments

Shashi:

I have had the opportunity to review the memorandum to the Roads Advisory Committee (RAC) for the draft Capital Improvement Program (CIP) for Fiscal Years 2012 through 2016, more particularly the Summary of Public Comments and Analysis for the request by Ms. Beverley Ashwill. In particular, I have the following comments on the low cost improvements (shoulder paving or a concrete boarding pad) proposal under consideration regarding Ms. Ashwill's request for an *Americans with Disabilities Act* (ADA) compliant bus stop improvement on Scenic Drive.

In the area, there is an overall lack of roadways built to meet urban standards, or having curbs, gutters or sidewalks. One of the fundamental principals of why we have urban standards is so that ADA guidelines can be met. If roads are not built to urban standards, then ADA guidelines are very difficult if not possible to meet.

I looked at the latest edition of ADA Accessibility Guidelines for Buildings and Facilities (ADAAG), and found the following guidelines in Section 10, Transportation Facilities. I have bolded a few areas for easy reference and emphasis.

10.2.1 New Construction.

*(1) Where new bus stop pads are constructed at bus stops, bays or other areas where a lift or ramp is to be deployed, they shall have a firm, stable surface; a minimum clear length of 96 inches (measured from the curb or vehicle roadway edge) and a minimum clear width of 60 inches (measured parallel to the vehicle roadway) to the maximum extent allowed by legal or site constraints; **and shall be connected to streets, sidewalks or pedestrian paths by an accessible route complying with 4.3 and 4.4.** The slope of the pad parallel to the roadway shall, to the extent practicable, be the same as the roadway. For water drainage, a maximum slope of 1:50 (2%) perpendicular to the roadway is allowed.*

*(2) Where provided, new or replaced bus shelters shall be installed or positioned so as to permit a wheelchair or mobility aid user to enter from the public way and to reach a location, having a minimum clear floor area of 30 inches by 48 inches, entirely within the perimeter of the shelter. **Such shelters shall be connected by an accessible route to the boarding area provided under paragraph (1) of this section.***

(3) Where provided, all new bus route identification signs shall comply with 4.30.5. In addition, to the maximum extent practicable, all new bus route identification signs shall comply with 4.30.2 and 4.30.3. Signs that are sized to the maximum dimensions permitted under legitimate local, state or federal regulations or ordinances shall be considered in compliance with 4.30.2 and 4.30.3 for purposes of this section.

EXCEPTION: Bus schedules, timetables, or maps that are posted at the bus stop or bus bay are not required to comply with this provision.

10.2.2 Bus Stop Siting and Alterations.

(1) Bus stop sites shall be chosen such that, to the maximum extent practicable, the areas where lifts or ramps are to be deployed comply with section 10.2.1(1) and (2).

(2) When new bus route identification signs are installed or old signs are replaced, they shall comply with the requirements of 10.2.1(3).

In my opinion, many roads in the area (including Scenic Drive) do not have accessible routes meeting ADA guidelines. Instead, everyone is required to walk, bike or travel in the travel lanes, or to use the unimproved shoulders. None of these areas meet ADA guidelines, so under 10.2.2 above, bus stop sites, to the maximum extent practicable, should be constructed to both meet ADA standards and to connect to a system that meets ADA standards. This is not the case under options 2 and 3 in the memo.

In summary, it is my professional opinion that Scenic Drive does not have adequate space needed to safely accommodate a fully ADA compliant access ramp. The proposed options of a boarding pad improvement or a paved shoulder would not meet existing ADA standards and County Road Design Standards, subjecting the County to potential risk of litigation. Further, I have concerns that a standalone concrete boarding pad or paved shoulder does not meet the "connected by an accessible route" criteria in 10.2.1 (2), and would cause additional safety and risk problems beyond the "do nothing" alternative. Also, LTD has indicated that the rider can use the RideSource Program in order to safely meet her travel requirements since she is unable to access the transit system due to the requirements for an accessible sidewalk or raised landing.

For the above reasons, I can not recommend either of the low cost improvements under consideration.

Bill Morgan, PE
County Engineer
Lane County Public Works
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