

# City of Ashland

## ADA Self Evaluation Plan (Program Access Plan) Sidewalk Maintenance Plan

The City of Ashland (City) was the respondent to an ADA/Section 504 Complaint with the Federal Highway Administration (FHWA). A complaint from a citizen of Ashland was filed on November 17, 2017. City Administration worked with FHWA to come to an Informal Settlement Agreement. This plan is the first part of that agreement.

The City has been broken up into five sections. Each section has a three-year time frame in which to evaluate each existing sidewalk and curb ramp. The City has chosen to work with Precision Concrete Cutting to accomplish the evaluation of each section of the community. This will be done in the spring of the correlating year of that section. Precision Concrete Company will evaluate every sidewalk and curb ramp in that section and work with the City and homeowners to cut portions of the sidewalk that can come into compliance with this process. The City does understand that this process will not alleviate all sidewalk and curb ramp issues across the community. Those sidewalks with larger gaps, cracking, broken concrete or high curbs, will be evaluated and put into a report by Precision Concrete Cutting. All of these reports and evaluations will be sent to FHWA upon completion.

After the evaluations are finished, the City will contact contractors and the property owners to make arrangements for the sidewalks to be repaired. The City has made the commitment to fund and repair the corner curb ramps. The City will attempt to work with the property owners to make the necessary repairs in a timely manner with a reasonable deadline to be established at that time. If the property owner refuses to have the work on their sidewalk done, the City will have the necessary repairs done and levy an assessment on the property.

The first section of the City that will be evaluated and scheduled for repair and/or replacement is the area between Furnas and Birch Streets and 12<sup>th</sup> and 18<sup>th</sup> Streets. This area will also include Silver Street between Highway 6 and 12<sup>th</sup> Streets. This first section was stipulated by the Informal Settlement Agreement. Section 1 will be completed between 2020 and 2022.

The second section of the City that will be evaluated and scheduled for repair and/or replacement is the area between Furnas and Birch Streets and 18<sup>th</sup> and 30<sup>th</sup> Streets. Section two will be completed between 2023 and 2025.

The third section of the City that will be evaluated and scheduled for repair and/or replacement is the area between Highway 6 and Highway 66 (West Park Highway) and 9<sup>th</sup> and 4<sup>th</sup> Streets. Section three will be completed between 2026 and 2028.

The fourth section of the City that will be evaluated and scheduled for repair and/or replacement is the area between Furnas and Birch Streets and 30<sup>th</sup> to 32<sup>nd</sup> Streets. Section four will be completed between 2029-2031.

The fifth section of the City that will be evaluated and schedule for repair and/or replacement is the and/or replacement is the area between Highway 66 (West Park Highway) and Valley View Court or the subsection that has been annexed by this time. Section five will be completed between 2032-2034.

The provisions of the ADA under 28CFR 35.149-151 indicates the ADA does not require public agencies (City of Ashland) to provide pedestrian facilities (sidewalks and curb ramps) where none exist, or where the City of Ashland does not have jurisdiction. However, where pedestrian facilities (sidewalks and curb ramps) are provided, they must be accessible to persons with disabilities. Accessibility must be provided at the same time that a new or altered facility is constructed within the scope of the construction project. The City will also enforce the municipal code regulation §8-208(1) that requires the official in charge of buildings shall require all property owners of newly constructed buildings or substantially improved properties, residential or commercial, to install sidewalks along and contiguous to the lot, lots, or parcel of land abutting any street, avenue, or roadway. For the purpose of this section, “substantially improved” shall mean any reconstruction, rehabilitation, renovation, addition, or other improvement of a structure or premises whose costs equals or exceeds 50% of the assessed value of the principal building or structure before start of construction of the improvement.

As the City is working through final development of this Plan, there will be public meetings to involve and apprise the property owners in each section of the designated timeline and method and process for moving forward with implementation of this Plan. These meetings will start in the winter/spring of 2020.

The City has contracted with gWorks to put a map of all properties and sidewalks and curb ramps on the City’s website in 2020. The map will show the sidewalks in blocks and will give a timeframe for completion as well as other pertinent information that may be found helpful while moving through this multi-year plan. Both this plan and the map will be on the City’s website and will be found at [www.ashland-ne.com/sidewalks](http://www.ashland-ne.com/sidewalks).