



# WESTMINSTER

## Americans with Disabilities Act Transition Plan

April 2025

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## Original Plan Prepared in 2016

This Transition Plan is intended to guide the City of Westminster during the development of a formal ADA Transition Plan meeting all requirements outlined in Title II.

This publication has been prepared by Alfred Benesch & Company in partnership with the City of Westminster.

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## **Acknowledgements**

Many individuals were involved with the development of the ADA Transition Plan and other accessibility improvements within Westminster. The active participation of City staff from multiple departments, the City Council and Leadership, and other stakeholders within the community indicates the level of engagement and commitment to improving accessibility in our Community. This assignment could not have been completed without the efforts and cooperation from these the following:

**City of Westminster City Council**

**Former City Manager Don Tripp**

**City of Westminster Department of Community Development**

**City of Westminster Department of General Services**

**City of Westminster Department of Parks, Recreation & Libraries**

**City of Westminster Department of Public Works & Utilities**

**City of Westminster ADA Coordinator**

**Prepared By:**



**Alfred Benesch & Company**

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## EXECUTIVE SUMMARY

While the City has been improving accessibility within their corporate limits for several years, in 2015, the City continued the process of developing a published ADA Transition Plan. The purpose of this plan is to provide formal guidelines and goals to improve accessibility throughout the City and serve as a means of formal documentation of the procedures and progress already taken place in accordance with Title II of the Americans with Disabilities Act (ADA). The ADA was enacted in 1990 and mandates equal opportunity for individuals with disabilities.

The original self-evaluation was performed under a pilot program and evaluated several City facilities and pedestrian facilities within the public right of way (ROW) at various locations throughout the City. In 2016, additional pedestrian facilities within public ROW were assessed along with representative samplings of pedestrian facilities located in parks, trails, and open spaces owned by the City. The City owned facilities originally surveyed as part of the pilot program were re-evaluated for compliance with an emphasis on prioritizing findings for remediation. Evaluation of public areas in the remaining City owned buildings were completed in 2017. Assessment of pedestrian facilities within public ROW in high priority areas was completed in 2019.

The past and anticipated future evaluations will provide a basis for a more robust assessment of accessibility in and along City facilities; allow for planning and prioritizing removal of barriers; and further refine the City's strategy for any remaining assessments needed. This Transition Plan addresses proposed timelines and anticipated costs associated with the removal of barriers and completing the remaining assessments.

Along with the assessments of City facilities, a review of City programs, procedures, and policies took place in 2016 and 2017. Programs, procedures, and policies were again reviewed in 2022. This process involved meetings with different City Departments to document existing information and identify potential needs as well as an internal survey for City staff. Public outreach and involvement also took place during 2023 consisting of public meetings, user surveys, and an online website.

This updated version of the Transition Plan incorporates all the findings from the actions identified above as well as comments and input from City Departments. This Transition Plan is a living document, intended to be periodically monitored and updated. Future updates to the Transition Plan will incorporate additional actions to continue the City's Transition Plan as well as actions taken to remove barriers identified and modify programs and procedures to increase accessibility.

## **1. Introduction & Project Background**

### **1.1 Project Purpose and Goal**

The purpose of this Transition Plan is to identify facilities, guidelines, standards, policies, procedures, and/or practices currently utilized or recommended for use to minimize or eliminate barriers to accessibility within Westminster. The goal is to provide safe and accessible City facilities and programs for all users while remaining in compliance with all federal, state, and local laws, regulations and standards. This Transition Plan is a living document to be reviewed and updated periodically.

This Transition Plan will assist Westminster with identifying both physical and non-physical barriers to accessibility and with developing solutions to increase the opportunity of accessibility to all individuals. The outcome of the self-evaluation, facility assessments, and public outreach will guide Westminster's efforts to modify its policies, practices, or procedures (as required by applicable law) to avoid discrimination against a qualified individual with a disability.

This Transition Plan describes the process Westminster will use to identify barriers to accessibility and to develop goals and recommendations to mitigate those barriers.

The main components for initially identifying barriers and developing goals included:

- Information gathering from City departments
- Performing an accessibility Self-Evaluation of Westminster's current practices, guidelines, standards, policies, and/or procedures identified during the information gathering
- Performing surveys (internal and external) to seek input on accessibility issues
- Designating an ADA Coordinator and Department ADA Contacts and their respective roles and responsibilities
- Developing a formal ADA complaint procedure

The Transition Plan also addresses training provided to Westminster employees regarding guidelines, standards, policies, procedures, and/or practices to minimize or eliminate barriers to access within Westminster.

Clarification on terminology and acronyms used throughout this Transition Plan are provided in Appendix A. The City Policy Regarding the ADA can be found in Appendix B.

### **1.2 Legal Requirements of the ADA**

The Americans with Disabilities Act (ADA), enacted on July 26, 1990, is a civil rights law prohibiting discrimination based on disability. This comprehensive civil rights law further broadened the coverage of Section 504 of the Rehabilitation Act of 1973 and the Architectural Barriers Act (ABA) of 1968. The ADA consists of five titles outlining protections in the following areas:

- Employment (Title I)

- State and local government services (Title II)
- Public accommodations (Title III)
- Telecommunications (Title IV)
- Miscellaneous Provisions (Title V)

Title II of the ADA pertains to the programs, activities and services public entities provide and extends the application of the ADA to include those provided by all state and local government entities. As such, policies, practices, and programs, must comply with the appropriate sections of the ADA when viewed in their entirety. This includes making reasonable modifications in policies, practices, and procedures that deny equal access to a qualified individual with a disability unless it would result in a fundamental alteration in the program. Westminster can provide services or benefits to a qualified individual with a disability through programs that are separate or different such that the separate or different measures are necessary to ensure that benefits and services are equally effective.

Title II of ADA, 28 CFR. Part 35 Sec. 35.105 and Sec. 35.150 requires agencies to conduct a self-evaluation of its facilities, policies, practices, and programs and develop a Transition Plan to outline how reasonable accessibility improvements for a qualified individual with a disability, when needed, will be addressed. This Plan includes the findings of the self-evaluation and addresses areas of potential improvement as they pertain to facilities owned, leased or operated by Westminster. This Plan also identifies alternative methods of service delivery permissible under 28 CFR Part 35.150(a) and (b). While the ADA requires agencies to provide accessibility to all of its services, they are not required to remove all architectural barriers in all of their facilities. 28 CFR 35.150 states that the transition plan must include the following:

- Identify Physical and Programmatic Barriers
- Schedule and Method(s) to Mitigate Barriers
- Identify ADA Coordinator

The ADA requires the Transition Plan be submitted for public review before final approval and adoption. Open participation and feedback opportunities were provided throughout the development of the Transition Plan as seen in the Appendices.

Certain elements of this Transition Plan (e.g., schedule) will be developed and refined as part of the updating process.

While the ADA requires agencies to reasonably modify their policies, procedures, and facilities to avoid discrimination towards persons with a disability, they are not required to remove all barriers in all situations. The ADA does not require Westminster to undertake any action that would fundamentally alter the intent of a program or activity, create a hazardous condition, or result in an undue financial burden.

## **2. ADA Coordinator Role & Responsibilities**

The ADA requires public entities with fifty (50) or more employees to designate one or more individuals as responsible employees for monitoring compliance with and investigating potential violations of the ADA. This individual(s) is the primary point of contact for individuals with disabilities to:

- Request auxiliary aids and services, policy modifications, and other accommodations;
- File a complaint with the City regarding accessibility to City programs, activities and services; and/or
- Address ADA concerns from the public and from other departments and employees of the public entity.

The ADA does not require the City to undertake any action that would result in a fundamental alteration in the intent of its program or activity, would create a hazardous condition, or would represent an undue burden. Undue burden means significant difficulty or expense when considering the nature and cost of the accommodation in relation to the size, resources, and facility of the specific operation. Undue burden is determined on a case-by-case basis and shall include concurrence of the ADA Coordinator and must be accompanied by a statement citing the reasons for reaching the conclusion. The determination that undue burdens would result must be based on an evaluation of all resources available for use in the programs.

The City currently has Designated Departmental ADA Coordinators, all of whom participate in an ADA Task Force. This system allows for each department and the City collectively to better address the needs of employees and citizens with disabilities.

This system identifies a Departmental ADA Coordinator within each department who collaborates with the City's ADA Task Force regarding the needs of their department and the programs their department is responsible for managing. The benefit of having a Departmental ADA Coordinator for each department provides a subject matter expert and someone with knowledge of department operations and budgets for the ADA Task Force to work with. The City's ADA Coordinator, or designee, will follow-up with each Departmental ADA Coordinator to coordinate the implementation of plans, programs, policies and procedures and to determine any undue burden specific to that department.

Appendix C identifies the office, address, and telephone number of the City's ADA Coordinator.

## **3. Self-Evaluation**

Westminster must provide both program accessibility and physical accessibility as outlined within the ADA, to the extent reasonable. Programmatic accessibility includes all the policies, practices, and procedures allowing people with disabilities an equally effective opportunity to participate in programs and services. Physical accessibility requires a service or facility to provide an accessible path free of barriers for users.

To assist in evaluating program and physical accessibility throughout Westminster, meetings were conducted with representatives from the different City departments to obtain information on existing policies and practices as they pertain to the ADA. Each department has different roles and responsibilities in the overall effort to provide an accessible City.

### **3.1 Programmatic Accessibility**

The ADA requires the City to evaluate current policies and practices to identify and correct any barriers inconsistent with the intent of the law. City department representatives have examined current practices and policies related to the ADA and identified gaps in information or training to address in the Transition Plan. To further refine and understand accessibility issues needing addressed, the City met with department representatives and administered a questionnaire to department staff to provide information on the following:

- The nature of programs,
- Forms and methods to advertise and communicate program’s services or activities,
- Level of staff training, and
- Accommodations made for individuals with disabilities to access these services.
- A sample of the questionnaire and an overview of the responses are in Appendix H.

### **3.2 Physical Accessibility**

The self-evaluation also includes accessibility reviews of numerous city buildings, pedestrian facilities within the public right-of-way at various locations and parks, trails and open spaces maintained by the City identifying physical barriers that may impede access to the programs, services and activities the City provides.

#### **3.2.1 Facilities Survey**

For the purpose of the Transition Plan, facilities can be broken down into the following categories:

<b><u>Buildings</u></b>	<b><u>Facilities in Public Transportation ROW</u></b>	<b><u>Parks, Trails, &amp; Open Spaces</u></b>
<ul style="list-style-type: none"><li>• Public Area of Buildings</li><li>• City Staff Area of Buildings</li><li>• Restricted and Controlled Access Buildings</li></ul>	<ul style="list-style-type: none"><li>• Curb Ramps</li><li>• Sidewalk</li><li>• Pedestrian Push Buttons and Signals</li></ul>	<ul style="list-style-type: none"><li>• Play Features</li><li>• Play Surface</li><li>• Accessible Paths</li><li>• Shared Use Trails</li><li>• Recreational Trails</li></ul>

Current inventories of City facilities are summarized in Appendix D. The City does not assume responsibility for, nor intend to evaluate, private facilities as they pertain to accessibility.

#### **3.2.2 Method for Evaluations, Data Collection, and Processing**

The City has performed accessibility reviews on all public areas of City buildings and numerous pedestrian facilities within the public ROW at various locations through previous pilot-programs and follow assessments. Parks, trails, and open spaces also performs internal accessibility reviews and documentation of physical barriers. The City performed field surveys in 2016 and 2017 and will perform surveys as needed. Additional pedestrian facilities within public ROW along high priority corridors throughout the City have been evaluated as well. The evaluations performed to date provide a representative baseline regarding the accessibility for pedestrian facilities throughout the City.

For building design, the City uses ICC/ANSI A117.1 - 2021 (Handicapped/Accessibility Design Code) for conformance to the Americans with Disabilities Act Accessibility Guidelines (ADAAG) and the Architectural Barriers Act (ABA). Examples of barriers assessed include: non-accessible restrooms, protruding objects, path of travel obstructions within facilities, accessible door entrance mechanisms, and cross-slope violations. Pedestrian facilities within the public ROW are based on the 2011 Proposed Guidelines for Pedestrian Facilities in the Public Right-of-Way (PROWAG) published by the United States Access Board. The PROWAG document has not been adopted or approved but is recognized as a best practice and has been recommended for use by the Federal Highway Administration (FHWA). Parks, trails, and open spaces facilities evaluations are based on the Americans with Disabilities Act Accessibility Guidelines (ADAAG). Compliance or non-compliance as noted herein, is in reference to these publications.

The City has updated their process and protocol for how different aspects of accessibility are measured and captured. For City owned buildings, a database has been created which captures non-compliant attributes of the various features evaluated. Findings are then categorized based on the City's prioritization matrix. Curb ramps and sidewalks assessments are captured utilizing the City's GIS database.

To be compliant, features must satisfy established criteria specific to each asset type and purpose. If one criterion of an asset is non-compliant, the asset technically does not meet accessibility requirements even though it may be substantially compliant. Appendices D and E provide information related to the assets surveyed and the parameters captured.

The City has performed field evaluations of accessibility of parking stalls, parking aisles, sidewalk and curb ramps to access publicly owned, leased, and operated parks and open spaces and Westminster facilities. Evaluations shall identify barriers to accessibility for elements of the facility or feature being evaluated. To be compliant, the facility or feature must satisfy established criteria specific to each facility or feature type and purpose. If one element of a facility or feature does not meet established criteria for determining accessibility, the facility or feature shall be considered to have a barrier even though it may be substantially compliant. When deemed practical by Westminster, facility or feature accessibility information will be cataloged using the City's GIS database for easy reference and query for internal staff.

### **3.2.3 Overview of Findings**

At the time of this Transition Plan, it is estimated the City has 36 buildings with roughly 715,000 SF of gross building floor space, approximately 7,000 to 10,000 curb ramp locations, 750 miles of sidewalk, 65 parks, and 110 miles trails.

A current summary of findings for accessibility reviews performed and analyzed to date are provided in F. The Transition Plan will be updated as deemed necessary by the ADA Coordinator.

#### **4. Public Involvement**

The City created and distributed information about the development of the formal Transition Plan to encourage the public, advocacy groups, and other stakeholders to provide input and identify areas of concern.

This was accomplished utilizing several different methods of public outreach and involvement including an informational kiosk at Westy Fest, informational handouts and press releases. Within the City's website, a Transition Plan Development webpage was provided specifically intended for providing updates and soliciting input. Another method of soliciting input for the Transition Plan was through a public survey made available in a variety of formats. Input received from the survey and meetings was evaluated and included in the updated Transition Plan.

A draft version of the updated Transition Plan was made available to the public for a review period from March 15<sup>th</sup>, 2019 through April 15<sup>th</sup>, 2019 soliciting comments and feedback.

For the 2022 Plan update, the City initiated another round of public outreach. To assist in evaluating program and physical accessibility throughout Westminster, Benesch produced and distributed an internal and external survey to gather additional input on how employees and residents assess the City's accessibility. The internal survey was posted on the City's intranet and employees were offered the opportunity to take the survey on a voluntary basis. The external survey was hosted on Survey Monkey and was advertised using a variety of electronic and printed materials throughout the City's ecosystem. The surveys were live in February 2023.

Appendix H shows the different forms of public involvement used during the original development and update of the Transition Plan.

#### **5. Prioritize and Identify Goals, Strategies, & Schedules**

##### **5.1 Goals for the Program**

The overall goal of the Transition Plan is to improve accessibility to the programs, activities, and services provided by the City. In order to achieve this goal, the City created and prioritized a list of identified barriers, generated strategies and methods which could be used to remove barriers achievable within fiscal constraints, provided guidance to City staff and the public on the requirements of the ADA and the City's approach to improve accessibility, developed a realistic schedule based on estimated available budget for the removal of barriers, and recognized potential funding sources and opportunities to remove identified barriers.

##### **5.2 Prioritization of Barriers – Buildings**

Currently, the City addresses identified accessibility issues on a case-by-case basis as determined by the department responsible for the facility and based on available resources. Non-compliant curb ramps adjacent to street segments resurfaced as part of the City's annual maintenance program are reconstructed.

Due to differing levels of severity regarding impacts to accessibility and fiscal constraints, the City developed a system to prioritize and schedule implementation of accessibility improvements to pedestrian facilities within the public right of way. This system involves primary function, level of use by

the public, proximity to public facilities and public transit, severity of barriers, geographic distribution, and cost.

For public areas of City-owned buildings, the City created a matrix to categorize and prioritize various features and barriers associated with buildings using their compliance status, basic function, and anticipated difficulty to mitigate. The compliance status determination is straightforward and assigns a status of compliant, not compliant but reasonable accommodation exists, not compliant, or no compliance standard exists for the feature.

The function of a building feature considered is assigned based upon the primary intent of that feature defined as follows:

**Ingress/Egress Function:** The feature serves as or is associated with a means for providing ingress and/or egress for the facility or areas within the facility (e.g., exterior doorway, elevator, parking area).

**Restroom:** The feature or element is identified as or is associated with a restroom (e.g., water closet, sink).

**Internal Access:** The feature serves as or is associated with a means for providing direct access to destinations within the facility (e.g., internal door, hallway, waiting area).

**Service/Destination:** The feature provides a service or is a destination within the facility (e.g., water fountain, service counter, assembly room).

The anticipated difficulty to mitigate accessibility issues for building features are defined as follows:

**Routine Maintenance:** Corrective action doesn't affect adjacent features or accessibility in the surrounding areas and can be conducted with existing maintenance staff (e.g., replacing door hardware, floor mat, etc.). The anticipated cost of the corrective action is less than \$1,000.

**Low:** Corrective action has minimal to no effect on adjacent features or accessibility in the surrounding areas but may require outsourcing to complete (e.g., addition of a hand rail, lower drinking fountain, etc.). The anticipated cost of the corrective action is less than \$20,000.

**Medium:** Corrective action potentially affects adjacent features or accessibility in the surrounding areas and will require outsourcing to complete (e.g., reconfiguring bathroom stall, lowering a sink and countertop, adding a swimming pool lift, resurfacing a floor, installing a switchback ramp, etc.). The anticipated cost of the corrective action is less than \$50,000.

**High:** Corrective action may be evaluated for undue burden and requires extensive work affecting adjacent features or accessibility in the surrounding areas and will require outsourcing to complete (e.g., relocate wall, regrade parking lot, install elevator, etc.)

Building features needing corrective actions are categorized using the following matrix:

		Difficulty to Mitigate			
		Routine Maint.	Low	Medium	High
Function	Ingress/Egress	Category 1	Category 2	Category 3	Category 5
	Restrooms	Category 1	Category 2	Category 3	Category 5
	Internal Access	Category 1	Category 2	Category 4	Category 6
	Service/Destination	Category 1	Category 2	Category 4	Category 6

The City has adopted categorizations for building features evaluated but not needing corrective action should accessibility requirements change. These categorizations are as follows:

Category 0: Feature is compliant

Category 7: Feature is non-compliant but reasonable accommodation exists

Category 8: Feature attribute is not addressed under ADA and compliance is not applicable

Non-compliant building features are prioritized and programmed based upon their category, potential efficiencies gained during the implementation of other planned improvement projects, and available funding and resources. As funding and resources are available, and if no other improvement projects are planned, Category 1 features will be prioritized first with subsequent Categorizes 2-6 following in order.

Any non-compliance regardless of location or type identified from the grievance process will be addressed and prioritized on a case-by-case basis.

### **5.3 Prioritization of Barriers – Transportation Pedestrian Facilities**

Currently, as street segments within the City are resurfaced as part of Westminster’s annual maintenance program, any adjacent noncompliant curb ramps are reconstructed, including by adding dome panels to curb ramps without detectable warning surfaces. Similarly, driveways adjacent to roadways being resurfaced are evaluated for trip hazards and corrected as needed. Sidewalk-related accessibility issues are evaluated and addressed both through periodic inspections and in response to citizen requests. Locations are prioritized and addressed through the annual budget process unless they can be immediately addressed utilizing existing resources. The City is developing formal guidance on preferred locations and accommodations for pedestrian street crossings which includes spacing criteria for street crossings, as well as other guidance for pedestrian signals, and pushbuttons.

Pedestrian crossings and pedestrian push buttons are reviewed and installed when absent on a case-by-case basis using engineering judgement. Pedestrian studies are conducted as needed to further evaluate when signalized crossings are warranted. When Westminster receives a request to install a curb ramp or remove a barrier, City staff will contact the requesting individual to determine the provided route’s characteristics and evaluate the feasibility of the proposed improvements and availability of other accommodations. Pedestrian push buttons found to be inoperable by staff or reported by the public are addressed as part of annual preventative maintenance.

#### **5.4 Prioritization of Barriers – Parks, Trails and Open Spaces**

The department currently addresses most barriers on a case-by-case basis. Play surfaces for park areas generally consist of engineered wood fiber and are re-filled, leveled, and maintained on a bi-annual basis. Playground equipment is generally maintained on a regular schedule and replaced as needed. Typical life cycles for playground equipment range from 12 to 15 years. Through this Transition Plan, shelters and other features will be updated and made accessible. The City will continue to schedule and evaluate Westminster parks based on geography, park usage, unique play features, programs (i.e., festivals, events), funding and replacement schedule.

#### **5.3 Strategies to Improve Accessibility**

Infrastructure and structural changes will take time and resources to properly plan, design, and upgrade existing facilities and remove identified barriers. Beyond targeted barrier removal projects, the City added standard language to their design contracts requiring compliance with Title II of the ADA to the extent feasible. Projects currently require ADA compliance and are reviewed by City staff or designated representatives.

It is anticipated a majority of the physical accessibility improvements on Westminster owned, leased or operated facilities and ROW will be performed in conjunction with other projects and activities occurring within Westminster. The following illustrates the efforts most anticipated and how each may improve accessibility:

**New Construction Projects:** Work involving constructing new facilities or pedestrian features in locations within current or future public ROW shall provide accessible features in the project that meet current ADA design standards.

**Improvement Projects:** Work involving improving existing public ROW pedestrian facilities will provide new or necessary upgrades to existing features in the project area to meet current ADA design standards. Such projects may include road widening as part of Westminster’s Capital Improvement Program with associated sidewalk improvements or a remodel of an existing facility. Accessibility improvements within the public ROW are achieved through private in-fill projects on frontage improvements consistent with applicable section of the City Code. Typically, one to three parks are replaced annually.

**Major Maintenance and Rehabilitation Projects:** Work involving any alteration or major maintenance activity performed on transportation assets in the existing public ROW or Westminster facilities shall provide or upgrade accessible features in, or immediately adjacent to, the project to meet current ADA design standards to the extent feasible without undue burden. Such projects shall include any project requiring pavement reconstruction, major pavement rehabilitation, public sidewalk improvements, re-paving of a parking lot, replacing of flooring or the reconstruction of accessibility facilities caused by private permittees. Parks are generally inspected weekly with repairs to specific components or replacement of entire pieces of equipment.

**Routine Maintenance & Repair Projects:** Minor or routine maintenance activities (patching, sealing, replacing signs, repairing door fixtures, etc.) limited to specifically repairing spot areas or locations directly affecting accessibility will include upgrades or improvements that meet

current ADA design standards when required or when such improvements are consistent with the scope of the activity being performed. Park play surfaces are re-raked throughout the seasons and refilled as needed during winter months.

Additionally, the City plans to include annual budgetary allotments for projects targeting accessibility on top of what is currently programmed, with emphasis given to the removal of barriers based on the Transition Plan priorities. Where access cannot immediately be provided, interim measures are explored and potentially implemented to provide programmatic access to persons with disabilities pending the remediation of physical barriers.

On-going training (both internal and external) for City staff is provided to increase their knowledge of the ADA and improve accessibility. The City held an in-house training seminar with its ADA Consultant to discuss the challenges and strategies with existing facility alterations on curb ramps. This training session included staff members from the Streets and Community Development Departments.

#### **5.4 Implementation Schedule**

The City plans to address and remove barriers to accessibility based upon the priorities outlined in the formal Transition Plan systematically based on established program priorities and standard City processes and procedures.

The City reserves the right to modify barrier removal priorities in order to allow flexibility in addressing reasonable accommodations for persons with disabilities, community requests, changes in City programs or facility usage, funding availability and constraints, and opportunities with similar capital improvement projects.

Schedules for identified barrier removal are shown in Appendix G.

### **6. Procedures, Standards and Practices**

#### **6.1 New Construction and Alterations**

The ADA Standards and Specifications described in this section are intended to apply to all construction within the City of Westminster required to adhere to City requirements.

Currently the City utilizes the ICC/ANSI A117.1 - 2021 (Handicapped/Accessibility Design Code) design standards for buildings, the Proposed Guidelines for Pedestrian Facilities in the Public Right-of-Way (PROWAG) for transportation facilities (final rule), and the Americans with Disabilities Act Accessibility Guidelines (ADAAG) for parks, trails, and open spaces. The City is in the process of developing standard details and construction specifications for transportation facilities intended to provide accessibility within the transportation network. In the interim, the City typically utilizes Colorado Department of Transportation requirements. CDOT standards are available at:

<https://www.codot.gov/business/designsupport/>

To account for construction tolerances and to avoid exceeding listed thresholds, designers and construction crews shall use specified slopes and dimensions below the maximum or are above the minimum requirements stated in these standards while maintaining positive drainage.

In alterations to existing facilities, where compliance with applicable standards and specifications is technically infeasible or result in undue burden, the alteration shall conform to standards to the maximum extent possible.

Such exceptions shall be documented on the Design & Construction Exception Form contained in Appendix I and submitted to the ADA Coordinator for documentation.

Future Applicable Federal and State Code Revisions: All future enactments and revisions to legally applicable Federal or State accessibility codes, standards or guidelines, shall be incorporated into these ADA Codes and Standards to the extent that such enactments or revisions exceed the requirements contained herein. Nevertheless, such enactments or revisions shall not decrease any requirement as contained herein.

## **6.2 Program Access and Effective Alternative Communication**

The City strives to provide access to its programs for all citizens. Beyond physical access, this includes program access. To effectively communicate with individuals with disabilities, the City provides alternative effective communication methods to its staff members. The City Human Resources Department maintains auxiliary aids and resources available for use by departments and programs upon request.

The City's goal is to provide an accessible route in all facilities and other program locations. This does not require the City to remove physical barriers in all existing buildings if they make their programs accessible to individuals who are unable to use an inaccessible existing facility. This can be achieved by providing the services, programs, and activities offered in the facility to individuals with disabilities through alternative methods, if physical barriers are not removed, such as:

- Relocating a service to an accessible location within the facility
- Providing an auxiliary aide to enable an individual with a disability to obtain the service
- Providing benefits or services at an alternative accessible site.

Integration of individuals with disabilities with the general public is a fundamental purpose of the ADA. Whenever feasible, the City does not provide services or benefits to individuals with disabilities through programs that are separate or different, unless the separate programs are necessary to ensure the benefits and services are equally effective. While reasonable accommodations are made available when practical, the City does not require an individual with a disability to accept a special accommodation or benefit if the individual chooses not to.

## **7. Public Information Sharing & Grievance Procedure**

The City makes information available to all applicants, participants, beneficiaries, and interested persons regarding the provisions of the ADA and its applicability to the services, programs or activities of the City.

The City is committed to sharing information with the public regarding efforts to improve accessibility throughout the City. Information sharing occurs mostly through contact with the ADA Coordinator, the City's webpage, press releases and other public notifications; and other typical public outreach methodologies.

The City of Westminster has a formal grievance procedure in place to provide citizens with a way to file complaints regarding accessibility and a documented method for the City to handle complaints. Appendix J identifies the City's grievance procedure and responsibilities towards filing, investigating, and initiating a response and the grievance procedure form.

In the event available funds are insufficient for responding to grievances that request barrier removal or structural modifications, improvements will be prioritized and scheduled.

#### **8. Monitoring & Updating Transition Plan**

The City will review the Plan on a recurring basis or as necessary to update it as deemed appropriate to address progress towards improving accessibility and provide for any Plan modifications. The ADA Coordinator will work with the different City Department ADA Coordinators and appropriate staff during this review to identify updates and incorporate new information pertaining to accessibility and the ADA into the Plan. Public comments or suggestions received will be incorporated as deemed appropriate.

## APPENDIX A – DEFINITIONS

**Accessible Pedestrian Signal** – An integrated device that communicates information about the pedestrian walk phases in non-visual formats.

**Accessible Route** – a continuous, unobstructed path connecting all accessible elements and spaces including public transportation facilities, parking access aisles, curb ramps, crosswalks at vehicular ways, walks, ramps and lifts.

**ABA** – means and refers to the Architectural Barriers of 1968 which requires facilities designed, built, altered, or leased with funds supplied by the United States Federal Government be accessible to the public.

**ADA** – means and refers to the Americans with Disabilities Act as contained and explained in Title 42, Chapter 126 of the United States Code.

**ADAAG** – Americans with Disabilities Act Accessibility 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.

**Auxiliary Aids and Services** – services and devices promoting effective communication or allowing access to goods and services as defined by Titles II and III of the ADA.

**Complaint** – a claimed violation of the ADA.

**Curb Ramp** – a short ramp cutting through a curb or built up to it.

**Detectable Warning** – truncated domes, typically pre-fabricated and installed or stamped into a walkway, providing a tactile surface at the transition from a curb and the street or other hazardous vehicular crossings, assisting pedestrians with vision disabilities in determining when they enter the street.

**Disability** – a physical or mental impairment substantially limiting one or more of the major life activities of an individual as defined by the ADA.

**Facility** – All or any portion of buildings, improvements, elements, and pedestrian or vehicular routes located on a site or in a public right-of-way.

**Impairment** – any physiological disorder, or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems or any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

**Pedestrian Rights-of-Way (PROW)** – sidewalks, curb ramps, crosswalks serving such sidewalks, and any other designated routes or pathways used by pedestrians along public rights of way.

### **Program Accessibility**

The City's services, programs, or activities, when viewed in their entirety, must be readily accessible to and usable by individuals with disabilities.

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**PROWAG** – Proposed Guidelines for Pedestrian Facilities in the Public Right-of-Way. At the time of this Initial Plan the most current version of the PROWAG is the 2011 Proposed Guidelines for Pedestrian Facilities in the Public Right-of-Way published by the United States Access Board. This document provides guidelines for public rights-of-way addressing various issues, including access for blind pedestrians at street crossings, wheelchair access to on-street parking, and various constraints posed by space limitations, roadway design practices, slope, and terrain.

**Reasonable Accommodation** – changes or adjustments providing, without undue burden, means for an individual with a disability to perform the duties or tasks required. Where existing physical constraints make it impractical for altered elements, spaces, or facilities to fully comply with new construction requirements, compliance is required to the extent practicable within the scope of the project. Existing physical constraints include, but are not limited to, underlying terrain, right-of-way availability, underground structures, adjacent developed facilities, drainage, or the presence of a notable natural or historic feature. See 2011 PROWAG and 28 C.F.R. § 35.130(b)(7).

**Undue Burden** – excessive or disproportionate financial and administrative burdens associated with modifying an existing facility and incurred by a covered entity, likely due to factors including, but not limited to, the nature and cost of the action; the overall financial resources of the owner(s); the number of persons employed at the site; the effect on expenses and resources; legitimate safety requirements necessary for safe operation, including crime prevention measures; or any other impact of the action on the operation of the site; the geographic separateness, and the administrative or fiscal relationship of the site or sites in question to any parent corporation or entity; if applicable, the overall financial resources of any parent corporation or entity; the overall size of the parent corporation or entity with respect to the number of its employees; the number, type, and location of its facilities; and if applicable, the type of operation or operations of any parent corporation or entity, including the composition, structure, and functions of the workforce of the parent corporation or entity.

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## APPENDIX B – CITY POLICY REGARDING THE ADA

### NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), the City of Westminster will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

**Employment:** The City of Westminster does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under title I of the ADA.

**Effective Communication:** The City of Westminster will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in City of Westminster programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

**Modifications to Policies and Procedures:** The City of Westminster will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in City of Westminster facilities, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the City of Westminster should contact the ADA Coordinator as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the City of Westminster to take any action that would fundamentally alter the nature of its programs or services or impose an undue financial or administrative burden.

Complaints that a program, service, or activity of the City of Westminster is not accessible to persons with disabilities should be directed to the ADA coordinator.

The City of Westminster will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

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## APPENDIX C – ADA COORDINATOR CONTACT INFO

### **City of Westminster ADA Coordinator**

Jackie Bonavida  
Human Resources - Risk Management Division  
4800 West 92nd Avenue  
Westminster, Colorado 80031

Ph: 303-658-2218

Email: [jbonavid@cityofwestminster.us](mailto:jbonavid@cityofwestminster.us) or  
[RiskManagement@cityofwestminster.us](mailto:RiskManagement@cityofwestminster.us)

#### Hours

Monday - Friday  
8:00 a.m. - 5:00 p.m.  
(Excluding City holidays)

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## APPENDIX D – INVENTORY OF PUBLIC FACILITIES ASSESSED

### Assessment Locations to Date:

Curb Ramps and Sidewalk maps are available to any interested party upon request

### Intersections from Pilot Program

92nd Avenue & Yates Street	104th Avenue & Sheridan Blvd
92nd Avenue & Sheridan Blvd	Sheridan Blvd & City Park Drive
92nd Avenue & Xavier Street	104th Avenue & City Park Drive
Yates Street & West City Hall Entrance	

### Buildings

City Hall	Fitness Center	Swim & Fitness
City Park	LR Golf	WC Clubhouse
City Park	Public Safety	WC Golf Course
Countryside Rec Center	Recreation Center	Westminster Library
Courthouse	Sports Center on 95th	Westview Rec Center

### Parks

Amherst	Irving St.	West View
Big Dry	Kings Mill	Westfield Village
Caroll Butts	Nottingham	Westminster Center
City Park Promenade North	Oakhurst	Westminster City Park
Cotton Creek	Squires	Westminster Sports Center
Countryside	Standley Lake Regional Park	Wolff Run
England	Valley View	
Faversham	Westbrook	

## APPENDIX E – OVERVIEW OF ASSESSMENT ATTRIBUTES/PARAMETERS

### Curb Ramp Assessment Elements

1. **Number of Curb Ramps Present?**
  - 0
  - 1
  - 2
  - 3
2. **What type of curb ramp configuration is present?**
  - Single
  - Double
  - Diagonal
  - Midblock
  - Median
  - Railroad
  - N/A
3. **What type of curb ramp arrangement is present?**
  - Parallel
  - Perpendicular
  - Blended Transition
  - N/A
4. **Number of Curb Ramp(s) Needing to be Added?**
  - 0
  - 1
  - 2
5. **What will be the ultimate curb ramp configuration?**
  - Single
  - Double
  - Diagonal
  - Midblock
  - Median
  - Railroad
  - N/A
6. **Is the ramp free of any vertical discontinuities >0.5" from the curb lip to the top of the ramp? (Yes – No)**
7. **Is the area at the base of the ramp clear of parallel vehicle traffic? (Yes – No)**
8. **What is the ramp width?**
  - <4'
  - 4'-5'
  - >5'
9. **Does the ramp have a max cross slope of <2% near the top of the ramp? (Yes – No)**
10. **What is the running slope of the ramp?**
  - 0 - 5.0%
  - 5.0 - 8.3%
  - 8.3 - 12.0 %
  - > 12.0%
11. **Are compliant flared sides present? (Yes – No)**
12. **Is a compliant dome panel present? (Yes – No)**
13. **Are all joints or cracks with gaps present <0.5"? (Yes – No)**
14. **Are there prefabricated domes or dome panel(s) present? (Yes – No)**
15. **Is a compliant landing area present? (Yes – No)**

- 16. Is a compliant pedestrian pushbutton present? (not APS)**  
(Yes – No)

#### **Sidewalk, Trail, other Linear Pedestrian Feature Assessment Elements**

- |   |  |
|---|--|
| <p><b>1. Is the running slope generally consistent with the adjacent street?</b><br/>(Yes – No – N/A)<br/><b>If N/A, is the running slope less than 5% or are landings and handrails present for each 30" vertical elevation change?</b> (Yes – No)</p> <p><b>2. What is the width of sidewalk?</b></p> <ul style="list-style-type: none"><li><input type="radio"/> &lt;3'</li><li><input type="radio"/> 3'-4'</li><li><input type="radio"/> 4'-5'</li><li><input type="radio"/> &gt;5'</li></ul> | <p><b>3. Is the segment generally free of trip hazards, faulted panels or obstructions reducing the width to less than 3'?</b><br/>(Yes – No)</p> <p><b>4. Does the predominant cross slope of the sidewalk appear to be less than 2%?</b> (Yes – No)</p> <p><b>5. Is the segment mostly free of driveway crossings with a cross slope greater than 2%?</b> (Yes – No)</p> |
|---|--|

#### **Parking Stall Assessment Elements**

- |  |   |
|--|---|
| <p><b>1. Number of stalls present?</b></p> <ul style="list-style-type: none"><li><input type="radio"/> 1</li><li><input type="radio"/> 2</li><li><input type="radio"/> 3</li><li><input type="radio"/> 4</li><li><input type="radio"/> 5</li><li><input type="radio"/> 6</li><li><input type="radio"/> &gt;6</li></ul> <p><b>2. Is the aisle compliant?</b><br/>(Yes – No)</p> | <p><b>3. Are running and cross slope compliant?</b><br/>(Yes – No)</p> <p><b>4. Are pavement markings present?</b><br/>(Yes – No)</p> <p><b>5. Is signage present?</b><br/>(Yes – No)</p> <p><b>6. Is curb ramp or access to accessible path provided?</b> (Yes – No)</p> |
|--|---|

#### **Buildings and Parks Assessment Elements**

Building and Parks contain numerous individual elements subject to review for compliance with sometimes multiple applicable codes too numerous to list. The City endeavors to document and measure each element of the building or park for accessibility according to the applicable code(s). Building and Park Assessment Attributes and Parameters are available to any interested party upon request.

## APPENDIX F – ASSESSMENT FINDINGS

### CURB RAMPS

Presently, there are an estimated 7,000 to 10,000 corner, midblock or median crossing locations within Westminster where curb ramps exist. To date, approximately 1,200 curb ramps have been evaluated. The following identifies the existing ramp configuration present. The (X%) indicates the likely ultimate configuration.

Single Ramp .....	71% (71%)	Double Ramp .....	2% (2%)
Diagonal Ramp .....	20% (20%)	Midblock Ramp .....	3% (3%)
Median Ramp .....	3% (3%)	Railroad Xing Ramp .....	1% (1%)

Of the existing curb ramps evaluated, most (72%) are orientated parallel with the direction of travel. The remaining ramps (28%) are orientated perpendicular to the back of curb. The following provides other data based on the existing curb ramps evaluated.

#### RUNNING SLOPE OF RAMPS

< 5.0% .....	20%	8.3 – 12.0% .....	24%
5.0 – 8.3% .....	49%	> 12.0% .....	7%

#### WIDTH OF RAMPS

< 4' .....	16%	> 5' .....	17%
4' – 5' .....	67%		

#### OTHER CURB RAMP PROPERTIES

	<u>YES</u>	<u>NO</u>
Ramp is Fully Compliant .....	6%	94%
Vertical Profile is Free of Obstructions .....	54%	46%
Base of Ramp Clear of Parallel Traffic .....	99%	1%
Maximum Cross Slope is <2% .....	46%	54%
Compliant Flared Sides .....	96%	4%
Compliant Dome Panel(s) .....	24%	76%
Compliant Landing Area .....	11%	89%

### PEDESTRIAN PUSH BUTTONS

Pedestrian push buttons are currently installed at 7% of the curb ramp locations. For the locations having pedestrian push buttons, 74% are in accessible locations.

### SIDEWALK

Presently there are 739 miles of constructed sidewalk. To date, approximately 1,080 segments or nearly 82 miles of existing sidewalk have been evaluated by performing a windshield survey.

Of the sidewalks evaluated, approximately 15% do not have readily identifiable compliance issues.

<u>SIDEWALK ISSUES</u>	<u>Yes</u>	<u>No</u>
Running Slope Matches Roadway.....	95% .....	5%
Obstructions Present .....	92% .....	8%
Ave Cross Slope > 2% .....	34% .....	66%
Ave Cross Slope > 2% @ Driveways .....	60% .....	40%

**TYPICAL WIDTH OF SIDEWALK**

< 3' .....	8%	4'-5' .....	56%
3'-4' .....	22%	> 5' .....	14%

**CITY-OWNED BUILDINGS**

Presently, there are 3,793 features inspected for compliance at City facilities. The following table identifies the findings by category for the building features. Examples of items to be addressed are provided for reference. A complete listing of the findings is available upon request.

<b>Building Feature Category</b>	<b>Number of Findings</b>	<b>Examples of Corrective Action</b>
0	2227	N/A – features are compliant
1	308	Install sign, relocate handrail, patch gaps in walkways, trim tree branches, lower coat hook
2	471	Install curb ramp, add chair, stripe parking stalls, grind uneven surfaces, relocate controls
3	163	Restroom stall remodel, install visible alarm, raise/lower major restroom feature
4	93	Replace doorway; remodel locker room, modify drinking fountain, install/replace pool lift
5	5	Replace stairs, reconfigure exterior doorway, reconfigure elevator car; regrade walkway
6	12	Provide connecting walk, install stair lift, replace stairs
7	29	Varies but reasonable accommodation exists so corrective action is not required
8	485	N/A – ADA compliance criteria does not exist

**CITY-OWNED PARKS**

**CURB RAMPS**

125 Curb Ramps in locations to access City Parks were inspected for compliance, of which 8% were found to be compliant. The following identifies the existing ramp configuration present. The (X%) indicates the likely ultimate configuration.

Single Ramp .....	84% (83%)	Double Ramp .....	1% (1%)
Diagonal Ramp .....	12% (6%)	Midblock Ramp .....	1% (6%)
Median Ramp .....	2% (3%)	Railroad Xing Ramp .....	0% (1%)

Of the 125 existing curb ramps evaluated, 102 (81%) are orientated perpendicular to the back of curb. Of the remaining ramps, 22 (18%) are orientated parallel to the back of curb or direction of travel. 1 (1%) curb ramp evaluated was orientated in a blended transition to the direction of travel. The following provides other data on the existing curb ramps present.

**RUNNING SLOPE OF RAMPS**

< 5.0% .....	29%	>8.3% .....	26%
5.0 – 8.3% .....	45%		

**WIDTH OF RAMPS**

< 4' .....	51%	> 5' .....	0%
4' – 5' .....	49%		

**OTHER CURB RAMP PROPERTIES**

	<u>YES</u>	<u>NO</u>
Ramp is Fully Compliant .....	8%	92%
Vertical Profile is Free of Obstructions .....	67%	33%
Base of Ramp Clear of Parallel Traffic .....	100%	0%
Maximum Cross Slope is <2% .....	62%	38%
Compliant Flared Sides .....	54%	46%
Compliant Dome Panel(s) .....	42%	58%
Compliant Landing Area .....	43%	57%

**HANDICAP PARKING STALLS**

There are currently 142 Handicap Parking Stalls in 54 parking area that have been evaluated. Of those, 27 Stalls (19%) in 9 locations are compliant.

**HANDICAP PARKING AREA PROPERTIES**

	<u>Yes</u>	<u>No</u>
Aisle Width Acceptable .....	98%	2%
Slope Acceptable .....	35%	65%
Pavement Markings Present .....	91%	9%
Signs Present .....	74%	26%
Adjacent Curb Ramps Available .....	69%	31%

**PARK SIDEWALKS (INTERIOR PATHS)**

Only Sidewalks located at City Park (39 locations) and Standley park (3 locations) were evaluated for interior paths, totaling just under 3.77 Miles. Some occurrences of trip hazards and excessive cross slope and/or running slopes were observed in isolated areas. No issues with sidewalk width were noted.

**PARKS PLAYGROUND SURFACE**

Playground surfaces at the City parks were surveyed by City staff in 2016. Of the 43 parks surveyed, 13 playground surfaces utilized unitary (mechanically bound) surface; 13 were a combination of unitary and sand; 8 were a combination of unitary and engineered wood fiber; and 9 utilized only engineered wood fiber. 29 of the 43 parks were planned to receive improvements to the playground surface but the impacts to ADA compliance have not been determined.

**PARKS PLAYGROUND FEATURES**

Playground features at the City parks have not been surveyed. City standard practice is to install and maintain ADA compliant playground features with any park renovation or new park construction.

**EXTERIOR AND OFF-SYSTEM TRAILS**

Exterior and Off-System Trails have not been surveyed. City standard practice is to construct or repair designated trails in accordance with ADA standards to the maximum extent practicable.

## APPENDIX G – BARRIER REMOVAL SCHEDULES

### ESTIMATED SCHEDULES AND COSTS TO CORRECT ACCESSIBILITY CHALLENGES

The following provides present day cost estimates and annual budgets to construct or reconstruct pedestrian transportation assets to improve accessibility. Estimated costs include planning, engineering, and construction costs. Market forces and packaging may result in these costs varying. These schedules are preliminary in nature and subject to annual appropriations and other factors.

#### TOTAL PROGRAM BUDGET FOR TIME PERIOD SHOWN

<u>ASSET ELEMENTS</u>	<u>ESTIMATED COST</u>	<u>Years 1-5</u>	<u>Years 6-10</u>	<u>Years 11-20</u>	<u>Years 21-30</u>	<u>Years 31-50</u>
Roadway Curb Ramps	\$19.90M	\$5.00M	\$5.00M	\$9.90M		
Roadway Sidewalk <sup>1</sup>	\$58.50M	\$2.15M	\$2.15M	\$5.60M	\$15.60M	\$33.00M
Pedestrian Push Buttons	\$0.40M	\$0.10M	\$0.10M	\$0.20M		
Building Category 1	\$0.20M	\$0.20M				
Building Category 2	\$1.40M	\$0.70M	\$0.70M	\$0.00M		
Building Category 3	\$3.60M	\$0.05M	\$0.15M	\$1.00M	\$1.00M	\$1.40M
Building Category 4	\$2.00M	\$0.05M	\$0.15M	\$0.50M	\$0.50M	\$0.80M
Building Category 5	\$0.30M			\$0.25M	\$0.05M	
Building Category 6	\$0.60M			\$0.15M	\$0.45M	
Park Curb Ramps	\$0.30M	\$0.15M	\$0.15M			
Park Parking Stalls	\$0.80M	\$0.40M	\$0.40M			
Park Interior Sidewalk						
Park Play Surface				-- <sup>2</sup>		
Park Play Features						
Park Trails						
<b>Total</b>	<b>\$88.00M</b>	<b>\$8.80M</b>	<b>\$8.80M</b>	<b>\$17.60M</b>	<b>\$17.60M</b>	<b>\$35.20M</b>
<b>Streets Ave Annual Budget</b>	\$1.58M	\$1.45M	\$1.45M	\$1.57M	\$1.56M	\$1.65M
<b>Buildings Ave Annual Budget</b>	\$0.16M	\$0.20M	\$0.20M	\$0.19M	\$0.20M	\$0.11M
<b>Parks Ave Annual Budget</b>	\$0.02M	\$0.11M	\$0.11M			
<b>Total Ave Annual Budget</b>	\$1.76M	\$1.76M	\$1.76M	\$1.76M	\$1.76M	\$1.76M

NOTE: The estimated cost for Building Category 7 elements is \$0.2 Million but is not included in the above calculations because reasonable accommodations exist.

<sup>1</sup> Due to the large volume of sidewalk infrastructure and the need to prioritize funds, it is not reasonable or feasible to remove and replace all sidewalk segments with global, linear issues as a targeted standalone project or projects (undue burden). Because of this, full reconstruction costs were excluded from the program budget. The budget above reflect addressing width, obstruction, and driveway issues. The City will address linear issues requiring full reconstruction as part of other infrastructure improvement projects for those sidewalk segments.

<sup>2</sup> Compliance issues related to Park Interior Path/Sidewalk, Park Play Surfacing, Park Play Features, and Exterior or Off-System Trails will be identified and addressed through the City's grievance program or through programmed improvement projects or routine maintenance.

## APPENDIX H – PUBLIC INVOLVEMENT DOCUMENTATION

APPENDIX I – DESIGN & CONSTRUCTION EXCEPTION POLICY

# ADA Exception Form

Please fill out this form completely if an element of new construction or alteration to an existing facility seemingly cannot meet the ADA requirements or creates undue financial or administrative burden and return to the ADA Coordinator at:

Jackie Bonavida  
Human Resources - Risk Management Division  
4800 West 92nd Avenue  
Westminster, Colorado 80031

*This form applies to facilities in public right-of-way of the City of Westminster or property owned by the City of Westminster.*

Project: \_\_\_\_\_

City Project No.: \_\_\_\_\_ Location/Intersection: \_\_\_\_\_

New Construction:  Alteration to Existing Facility:

ADA requirement seemingly not being satisfied or creating undue burden: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Reason for perceived non-compliance: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Reasonable accommodation provided: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Sketch of area (if needed) or indicate if attached

City Representative/Title: \_\_\_\_\_ Date: \_\_\_\_\_

If you have questions about this form please contact the ADA Coordinator at (303) 658-2156.

APPENDIX J – GRIEVANCE PROCEDURE & FORM

# **City of Westminster**

## **Grievance Procedure under the Americans with Disabilities Act**

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the City of Westminster. The City's Personnel Policy governs employment-related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

**Jackie Bonavida**  
**HR Administrator-Risk and ADA Coordinator**  
**4800 West 92nd Avenue**  
**Westminster, Colorado 80031**

Within 15 business days after receipt of the complaint, the ADA Coordinator or his/her designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 business days of the meeting, the ADA Coordinator or his/her designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the City of Westminster and offer options for substantive resolution of the complaint.

If the response by the ADA Coordinator or his/her designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 business days after receipt of the response to the City Manager or his/her designee.

Within 15 business days after receipt of the appeal, the City Manager or his/her designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 business days after the meeting, the City Manager or his/her designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by the ADA Coordinator or his/her designee, appeals to the City Manager or his/her designee, and responses from these two offices will be retained by the City of Westminster for at least three years.

City of Westminster administrative office hours are Monday through Thursday, 7:00AM to 6:00PM and offices are closed on Fridays.

## CITY OF WESTMINSTER ADA GRIEVANCE FORM

Under Title II of the Americans with Disabilities Act (ADA) the City of Westminster is required to make City facilities, services and programs accessible to people with disabilities and in compliance with the ADA. If you feel that you have not been able to access Westminster City government because of an accessibility issue, or have been discriminated against based on your disability, please fill out this form. Your complaint will be investigated and you will be contacted with the results, or how to further proceed. This form and process are designed to provide you with the opportunity to quickly and effectively resolve any issue(s) as they relate to the ADA and the City of Westminster. For organizations or businesses outside the City's responsibility please contact the Department of Justice at 1-800-514- 0301.

Instructions: Please fill out this form completely. Sign and return to: City of Westminster, Risk Management, 4800 W 92<sup>nd</sup> Ave., Westminster CO 80031. This information will not be shared with anyone outside the City organization unless instructed otherwise by you. Please note that this grievance procedure is for facilities, services and programs owned and or operated by the City of Westminster.

Your name (complainant): \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Numbers: Home \_\_\_\_\_ Work \_\_\_\_\_ Cell \_\_\_\_\_

Reason for grievance/complaint, or why you feel you have been discriminated against. Please be specific and provide as much information as possible i.e. location, date, time, names, etc.

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Your signature \_\_\_\_\_

If you have questions about this form, please contact Risk Management at 303-658-2158 or email [RiskManagement@westminsterco.gov](mailto:RiskManagement@westminsterco.gov)

Please allow us 15 business days to investigate and respond to your complaint. Risk Management administrative office hours are Monday through Thursday, 7:00AM to 6:00PM and offices are closed on Fridays.

APPENDIX K – SUMMARY OF WORK COMPLETED TOWARDS  
TRANSITION PLAN IMPLEMENTATION

**FACILITIES**

Year	Barriers Removed (each)
2022	Swim & Fitness Center – elevator installed
2022	Municipal Courts - ADA lift installed
2022	City Hall - cane detection railing installed
2022	Irving Street Library – entrance concrete replaced

**CURB RAMPS**

Year	# of Curb Ramps (each)

**SIDEWALK**

Year	Sidewalk (LF)

**PEDESTRIAN PUSH BUTTONS**

Year	# of Push Buttons (each)
2023	HSSIP – purchased two PPBs for each intersection (total #?)
2022	TAP grant – RRFBs (total #?)

**PARK FACILITY**

<b>Year</b>	<b># of Barriers Removed (each)</b>
<b>2022</b>	<b>Location? – New Nature Play Playground installed</b>
<b>2022</b>	<b>Westminster Station Park – fully accessible</b>
<b>2022</b>	<b>McKay Lake – new fishing pier construction</b>

**TRAILS**

<b>Year</b>	<b>Trail (LF)</b>
<b>2022</b>	<b>Big Dry Creek Trail – Wadsworth to I-25 all concrete</b>