

**TOWN OF WAKEFIELD
DEPARTMENT OF PUBLIC WORKS**

**Americans with Disabilities Act
Transition Plan for
Public Rights Of Way**



**Department of Public Works
Town Hall
One Lafayette Street
Wakefield, MA 01880**

November 2019

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1. INTRODUCTION & LEGISLATIVE MANDATE

After the implementation of the Rehabilitation Act of 1973, which requires that all organizations receiving federal funds make their programs available without discrimination toward people with disabilities, congress passed the Americans with Disabilities Act in 1990. The Americans with Disabilities Act (ADA) is a comprehensive civil rights law for people with disabilities in both employment and provision of goods and services such as, but not limited to, public accommodation, transportation, and telecommunications. As stated by the ADA, its purpose is to provide a “*clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities.*”

[Title II](#) of the ADA mandates that state and local governments and/or public entities ensure that persons with disabilities can fully participate in all services, programs or activities. These federal and state statutes also prohibit discrimination in services performed by contractors or sub-contractors on the town’s behalf, such as work within the town’s rights of way (ROW).

This revised ADA Self-Evaluation and Transition Plan, specific to pedestrian access within the public ROW, is being prepared as outlined in [Title II](#) of the ADA. Accessible pedestrian access routes and civic life by people with disabilities is a fundamental right the Town of Wakefield recognizes and is the ultimate goal of the ADA.

Although the Town has routinely demonstrated its commitment to ensure compliance and inclusiveness by investing resources in improvements, a recent review of the Plan, as required by ADA, proved that a more comprehensive analysis was necessary to ensure the document is up to date and in line with the most recent laws, regulations, and design standards as it relates to the public ROW.

The self-evaluation process and revising the Transition Plan creates the opportunity for public entities and the town to identify barriers to accessibility and develop action plans to remove existing barriers. Additionally, this report describes the overall process and findings of the self-evaluation for programs, policies, and practices of the Wakefield Department of Public Works (WDPW) for the maintenance and improvement to the Town’s ROW infrastructure as well as a comprehensive review of the individual public ROW infrastructure including sidewalks, curb ramps, signals and on-street parking. An overview of the requirements for developing a Plan per federal regulations is provided. Subsequent sections describe the self-evaluation process, summarize findings, provide recommendations and identify plans to remove barriers over time.

2. SELF-EVALUATION OF POLICIES, PRACTICES, & PROCEDURES

This self-evaluation report on WDPW's policies, practices, and procedures (PP&P) is based on guidance found in the [US Department of Justice Title II Technical Assistance Manual](#). The self-evaluation within this report only focuses on the PP&P that pertain to WDPW given that the study was limited to the ROWs and WDPW jurisdiction.

The findings based on a review of PP&P demonstrate WDPW's commitment to ensuring compliance with the [ADA](#), [ADAAG](#), [PROWAG](#), [MAAB](#), and the town's Standards. Although many PP&P have long been established, some others have been updated or are preparing for adoption. In order to ensure Wakefield moves toward an organizational culture of compliance, strategies are presented in some areas that could assist the WDPW with accessibility improvements for people with disabilities. These strategies are intended to initiate discussion on how to expand on WDPW's PP&P to improve the quality of life for those with disabilities while also meeting the Department needs and responsibilities.

2.1 Notice of ADA Compliance

All public entities, regardless of size, must provide information about the rights and protections of [Title II](#) to applicants, participants, beneficiaries, employees, and other interested persons. The Town of Wakefield includes such notice in its [Employment Manual](#), dated 1/1/2019, §4.0 Federal, State, and Other Employment Policies, Laws, and Rules. As the policy states, "*The Town of Wakefield is committed to the fundamental principles of equal employment opportunity for all current and prospective employees.*". Although WDPW's commitment to ADA protections is a widely accepted practice, [Employee Resources](#) have been provided on the town website that outlines [Fair Employment Guidelines](#) and notices have been posted throughout Town Hall. In addition, a section on the [town's website](#) has been dedicated to dispersing important ADA information to the public and guiding residents through a process to handle any issues they may have.

2.2 Town ADA Coordinator

As required by the ADA, public agencies with 50 or more employees must designate at least one responsible employee to coordinate ADA compliance and investigate complaints. The public entity must provide the ADA coordinator's name, office address, and telephone number to interested parties. The Town Administrator, Stephen Maio, has designated the Wakefield Town Engineer to act in this capacity for all matters pertaining to the Wakefield Department of Public Works and the Public Right of Way.

ADA Coordinator – WDPW

William Renault, P.E., Town Engineer

Town Hall

1 Lafayette Street

Wakefield MA 01880

Phone: 781-246-6308

2.3 Standards in Design

As required by ADA, pedestrian access routes (PARs) and pedestrian access facilities (PAFs) such as sidewalks and curb ramps, or portions thereof within the town's ROW that are constructed or altered shall be designed and constructed in such manner that they are readily accessible to and usable by individuals with disabilities in accordance with [ADA](#), [ADAAG](#), [PROWAG](#), and [MAAB](#). To the maximum extent practicable, all projects constructed within the Town of Wakefield conform to the Wakefield Public Works Design and Construction Standards & Details, in which an updated version is expected to be adopted winter 2019.

2.4 Provisions during Construction

It is understood that construction activities within the ROW will impact PARs and impede pedestrian travel from time to time. The [PROWAG](#) states: *"When a pedestrian circulation path is temporarily closed by construction, alterations, maintenance operations, or other conditions, an alternate pedestrian access route complying with the [MUTCD](#) shall be provided."* In order to ensure that alternative PARs comply with standards, the WDPW has included written criteria for Alternate Pedestrian Access Routes within its permitting process and in the aforementioned Standards. In short, no closures, disruptions, or relocations of PARs are permitted without providing the most convenient and compliant alternative possible. Alternate PARs shall be provided when existing PARs are temporarily closed, disrupted, or relocated due to construction, alterations, maintenance operations, and other conditions for the protection of safety and welfare of the public.

Alternate PARs shall comply with sections [6D.01](#), [6D.02](#), and [6G.01](#) of the [MUTCD](#) 2009 edition. These accommodations are required to be submitted in the form of a Traffic Management Plan (TMP). The TMP is submitted with a Right Of Way & Utility Systems Permit for private work within the ROW or as required as part of the contractual obligation in the event the Town is the project proponent.

2.5 ADA Maintenance Policy

The Town of Wakefield and the WDPW recognize that the importance of maintenance of PARs and pedestrian access facilities PAFs such as sidewalks and curb ramps to provide service. As a matter of practice, WDPW ensures that PARs and PAFs are readily accessible to those with disabilities and the general public through spot repairs and minor improvements. The town has a [Service Request](#) system in place where both staff and residents are able to enter issues into an internal database. The internal database is constantly addressed and periodically reviewed for future prioritization and to plan construction efficiency. Maintenance areas within planned capital project limits or requiring larger scale improvements are prioritized within the Town's capital plan. WDPW plans to develop a written.

Snow removal is also a main component of PAR maintenance. The WDPW reviews its Sidewalk Plowing Program policy every year to ensure it is clearing sidewalks consistent with the maximum extent possible. Sidewalks included on the Snow Plow Routes are evaluated each year

taking into account Sidewalk Priority Rating procedure (ie. proximity to schools), issues learned from residents through the Service Request System, and according to WDPW staff size and its ability to accomplish the work. Also, see Appendix D below for more information on Wakefield's Sidewalk Plowing Program Policy.

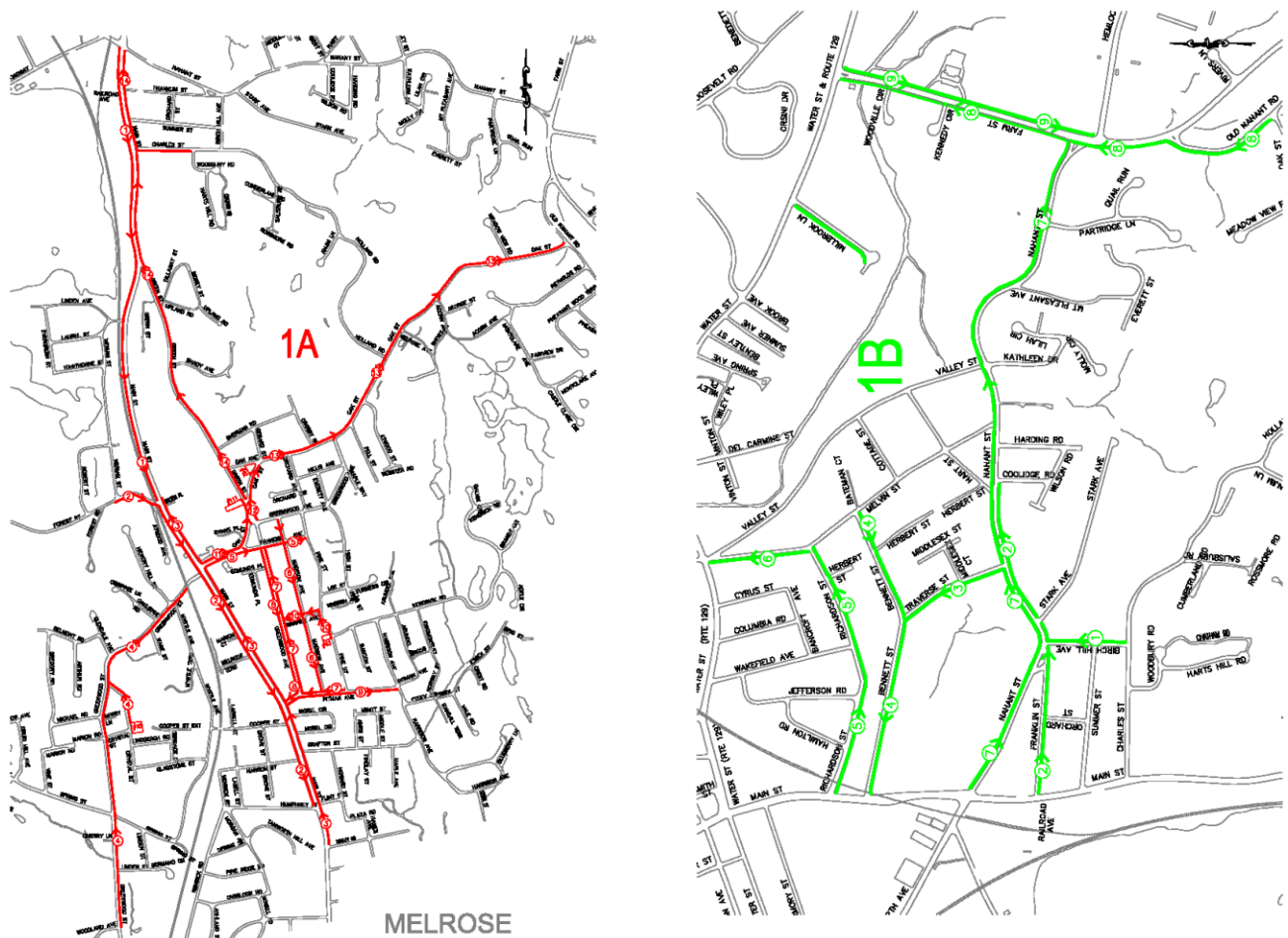


Figure 1: Sidewalk Plow Routes

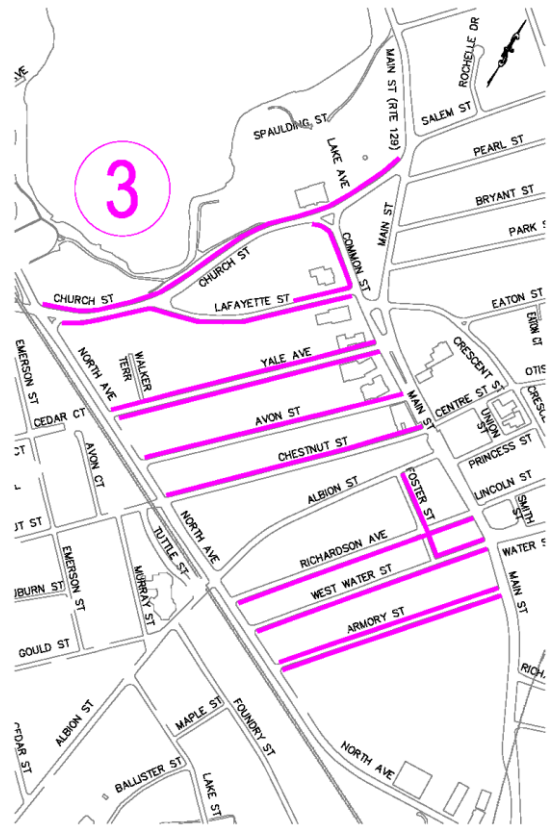


Figure 1: Sidewalk Plow Routes

2.6 ADA Variance Policy

There are almost always unique circumstances where complete compliance with all the applicable [Title II ADA Regulations and Standards](#) may not be possible. The 2010 [ADA Title II Regulations](#) define this circumstance as “structural impracticability”. The 2004 [ADAAG](#) published by the [U.S. Access Board](#), defines this circumstance as “technically infeasible”. In relation to WDPW practices in the public ROW, it is recognized that there are times when full compliance with federal and state laws and the Standards cannot be achieved due to technical infeasibility or would result in excessive and unreasonable costs without any substantial benefit to individuals with disabilities, collectively referred to as “needing a variance”.

Both the [ADA](#) and [ADAAG](#) regulations clearly acknowledge that if complete compliance with the [ADA](#), [ADAAG](#), [PROWAG](#), [MAAB](#), and the Town Standards is determined to be unachievable due to technical infeasibility the site conditions, reasons leading to this determination must be documented and approved as detailed in the variance policy prior to proceeding with the Project.



Figure 2: *An example of a potential variance needed because the existing floor elevation is higher than the sidewalk and not enough room to construct a ramp.*

WDPW has written the Technical Infeasibility Determination Process and Policy to review and approve such variances. The policy is an appendix to the aforementioned Standards. The policy is meant to ensure that all pedestrian facilities within the town's right-of-way are designed, altered, and/or constructed, for the use of public entities, in accordance with the [ADA](#), [ADAAG](#), [PROWAG](#), [MAAB](#), and the Standards and to ensure that the construction and design is compliant to the **maximum extent practicable** as determined by the Town Engineer and [Massachusetts Architectural Access Board \(MAAB\)](#). The policy covers both private work within the ROW and work by the town and its contractors.

2.7 ADA Grievance Policy

As required by the ADA, public agencies that employ 50 or more persons shall adopt and publish a grievance policy/procedure providing for prompt and equitable resolution of complaints that act as a barrier to accessibility.

The [Grievance Procedure](#), signed by Stephen Maio, Town Administrator on 9/26/2019, was adopted as a first step in resolving issues at the local level prior to involving state or federal departments. A [Grievance Procedure Form](#) is provided to residents on the special "Accessibility" webpage on the Town's website and clearly describes how to work with the town to resolve any possible issues.



Figure 3: The Town's Accessibility Webpage

This following [Grievance Procedure](#) is meant as a first step in resolving issues at a local level prior to involving state or federal departments. This [Procedure](#) has been established to meet the requirements of the Americans with Disabilities Act. It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in employment practices and policies or the provision of services, activities, programs and benefits by the Town of Wakefield.

The complaint shall 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. Reasonable accommodations, such as personal interviews or an electronic recording of the complaint, will be made available for persons with disabilities who are unable to submit a written complaint.

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

ADA Coordinator

William Renault, P.E., Town Engineer

Town Hall

1 Lafayette Street

Wakefield, MA 01833

781-246-6308

The following timeline may be extended by mutual agreement of the complainant and the ADA Coordinator or Town Administrator:

1. Within 15 calendar days after receipt of the complaint, the ADA Coordinator will meet with the complainant to discuss the complaint and possible resolutions.
2. Within 15 calendar days after the meeting, the ADA Coordinator will respond in writing and, where appropriate, in a format accessible to the complainant such as audio recording. The response will explain the position of the Town of Wakefield and offer options for substantive resolution of the complaint.

If the response by the ADA Coordinator does not satisfactorily resolve the issue, the complainant and/or his/her designee may proceed with the following steps:

1. Appeal the decision to the Town Administrator within 15 calendar days after receipt of the response.
2. Within 15 calendar days after receipt of the appeal, the Town Administrator will meet with the complainant to discuss the complaint and possible resolutions.
3. Within 15 calendar days after the meeting the Town Administrator will respond in writing and, where appropriate, in a format accessible to the complainant such as audio recording, with a final resolution of the complaint.

If the response by the Town Administrator does not satisfactorily resolve the issue, the complainant and/or his/her designee may "File an ADA Complaint" through the steps found on the following website: www.ada.gov.

All complaints received by the ADA Coordinator, appeals to the Town Administrator and responses from the ADA Coordinator and Town Administrator will be kept by the Town of Wakefield for at least three years.

2.8 Accessibility to Public Meetings and Effective Communication

As required by the [ADA](#), WDPW shall ensure that all public meetings and sponsored events are readily accessible to persons with disabilities. WDPW's practices are consistent with this guidance by ensuring that all of its public meetings, hearings, or comment periods are readily accessible. These locations are accessible and equipped with wheelchair accessible paths of travel, accessible restrooms, elevators, accessible parking etc.

According to [ADA](#) "A public entity shall take appropriate steps to ensure that communications with applicant, participants and members of the public with disabilities are effective as communication with others". Currently, everything on the Town's website including WDPW webpages, is fully equipped with the most up to date technology to accommodate persons with disabilities. As the town learns of more current or improved methods, it will make a best effort to apply them. As a matter of practice, WDPW ensures that communications with members of the public with disabilities are effective by offering auxiliary aids and services when requested in advance by qualified individuals with disabilities. Examples of these services for individuals who are hearing impaired include TTY/TDD. WDPW is receptive to exploring and providing service for qualified individuals with disabilities by providing large print material, material in electronic format on CD or email, audio recordings and assistance in filling out forms or a variety of other methods of effective communication upon request.

In order to more effectively communicate WDPW's commitment to accessibility in both areas of location and communication, the following shall appear with public notices: *"In compliance with the Americans with Disability Act, this location is accessible to people with disabilities. The WDPW shall provide reasonable accommodations and/or language assistance free of charge upon request. If you are a person with a disability and require information or materials in an alternate format; or if you require any other accommodation, please contact the WDPW Town Engineer William Renault at (781)246-6308 or email wrenault@wakefield.ma.us at least 5 days in advance of the event. Advanced notification will enable the WDPW to make reasonable arrangement to remove any accessibility barriers."*

2.9 Determination of Undue Burden

As required by the [ADA](#), the WDPW makes periodic and reasonable modifications to policies, practices, and procedures that have been determined to deny equal rights to those with disabilities unless the proposed modification would fundamentally alter the program's result. The WDPW is responsible for fiscal equity and authorization in the planning, design, construction, operation and maintenance of public ROW and the infrastructure therein. As previously stated, these activities are done so with careful consideration of the laws and regulations found in the [ADA](#), [ADAAG](#), [PROWAG](#), [MAAB](#), and the Town's Standards.

The [ADA](#) permits municipalities such as Wakefield to defer upgrades of existing programs and facilities if it causes “undue financial and administrative burden.” It states: “*A public entity does not have to take any action that it can demonstrate would result in a fundamental alteration in the nature of its program or activity or in undue financial and administrative burdens. This determination can only be made by the head of the public entity or his or her designee and must be accompanied by a written statement of the reasons for reaching that conclusion. The determination that undue burdens would result must be based on all resources available for use in the program. If an action would result in such an alteration or such burdens, the public entity must take any other action that would not result in such an alteration or such burdens but would nevertheless ensure that individuals with disabilities receive the benefits and services of the program or activity.*”

As described in Title II [[28 CFR §35.150\(a\)\(3\)](#)], the WDPW should explore a definitive system to equitably address accommodation requests from a qualified person with a disability and to appropriately determine when such a request would fundamentally alter the program and result in an undue burden. This decision that pedestrian access would be unduly burdensome must be made by the head of a public agency, accompanied by a written statement of the reasons for the decision.

3. SELF-EVALUATION OF INFRASTRUCTURE

The [ADA](#) requires every state and local government to prepare a self-evaluation plan to identify any barriers to accessibility. The WDPW undertook a comprehensive self-evaluation on its sidewalks, curb ramps, signals, and parking areas to assess its program accessibility responsibilities in the ROW.

This section of the report is a comprehensive analysis of the town’s pedestrian access routes (PARs) which includes sidewalks and ramps, signals, and accessible parking. The data collected and self-evaluation will allow the town to:

- 1) determine the extent of physical barriers;
- 2) document the location and feature relationship of barriers;
- 3) include all data in the town’s centrally located Geographic Information Systems (GIS) database;
- 4) develop a prioritization schedule for accessibility improvements.

The following pages summarize the findings of the self-evaluation, and include graphics that demonstrate feature locations and conditions.

3.1 Data Collection & Methods of Analysis

Historically, the [ADA](#) inventory process in the public ROW was labor intensive and cost-prohibitive while still offering inexact information. As technology has significantly improved in recent years, the town has utilized these new techniques to ensure the most accurate and up-to-date information on accessibility barriers. In order to accomplish this, the town retained BETA Group, Inc. (BETA) to help gather and organize data throughout town to help generate the self-evaluation of PAR and facilities. In order to perform the study, BETA augmented the town's existing sidewalk inventory by including a condition rating and locating any structural issues. BETA was also tasked to inventory the curb ramps in town, collecting data such as a condition rating, material, detectable warning panels, crosswalk, and any visible obstructions. The inventory was done in the field using GPS enabled tablet PC's to accurately locate the features and to record the attributes. A Geographic Information System (GIS) database was developed to store the recorded information so that the analysis could be performed by BETA and also so that the information could be delivered to the Town in a format compatible with the town's GIS systems. This will allow the town to periodically analyze the data and revise capital planning seamlessly with existing capital improvement planning.

Once the field data collection and quality control were performed, the raw data was post processed so that it could be utilized in the town's centralized GIS database for analysis and reporting. GIS will be the key software in the data management, capital improvement planning, and periodically revising the transition plan as required by ADA.

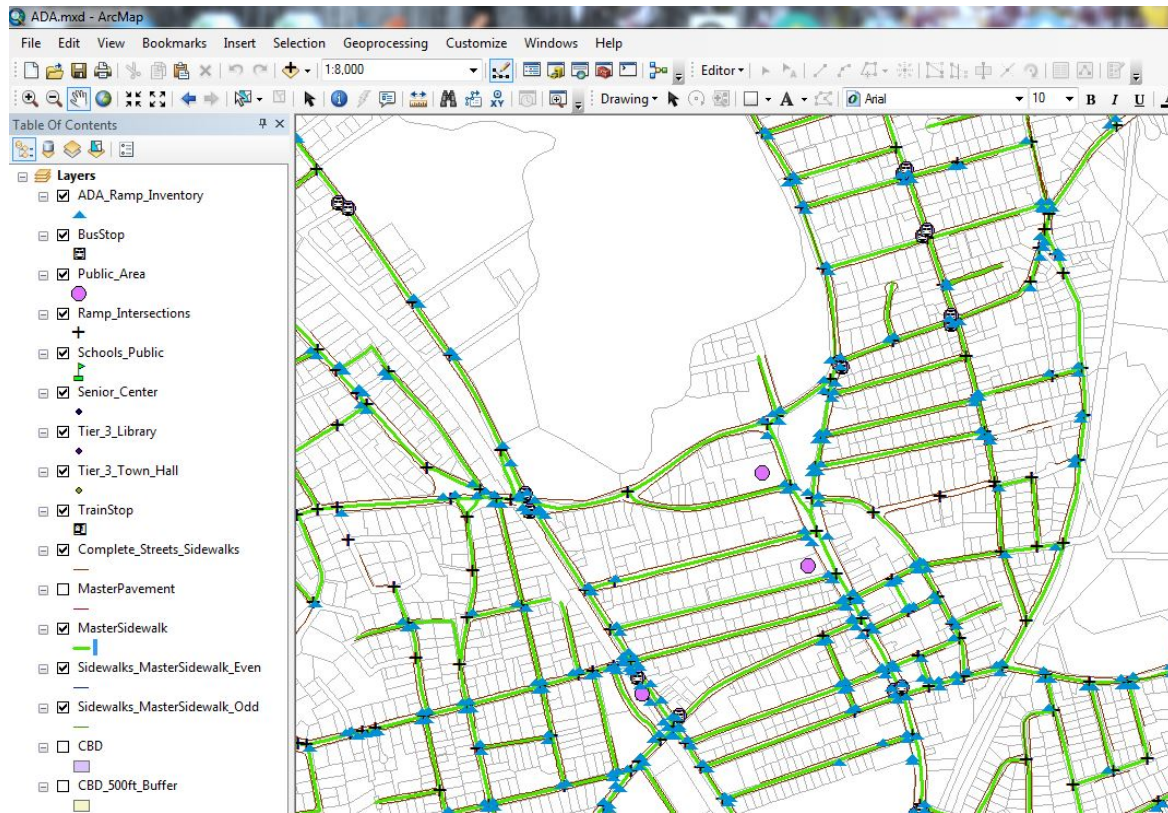


Figure 4: GIS User Interface

3.2 Sidewalk Inventory

a) Existing Sidewalk Summary: As part of the town's pavement management system, Wakefield has long maintained an inventory of its sidewalk network of over 111 miles. In order to track changes in the overall condition of the town's sidewalk network, every sidewalk was assigned a Sidewalk Condition Index (SCI) so that the town can target areas in need of repair as well as provide a metric for overall network improvement. The SCI was assigned based on the condition rating:

- Excellent = 100
- Good = 85
- Fair = 70
- Poor = 55

In this inventory, descriptive information existed in only summary form for each sidewalk segment. A sidewalk segment is defined as a contiguous length of sidewalk with similar characteristics. Each sidewalk segment was characterized with the following information:

- Length
- Average Width

- Material
- General Condition (Excellent, Good, Fair, or Poor)

This rating system puts the sidewalks on a compatible scale to the Town's Pavement Management System.

Sidewalk Condition

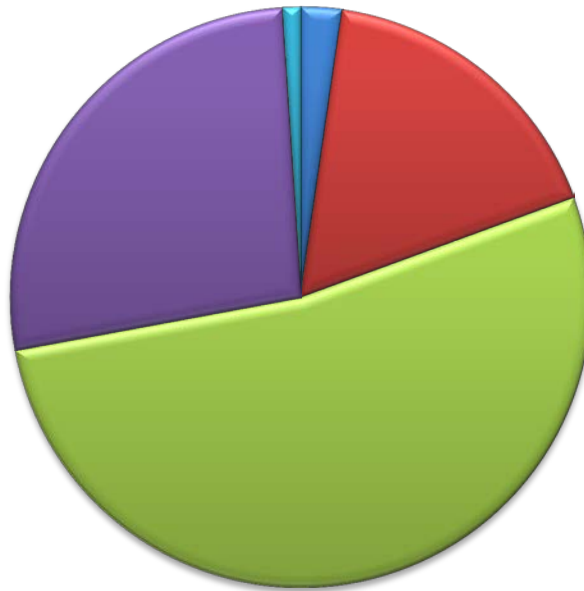


Figure 5: Sidewalk Percentage by Condition
DATA PENDING CONSULTANT'S SUBMITTAL

b) New Inventory Summary: To comply with ADA requirements the sidewalks must meet specific standards with respect to slope, surface obstructions, overhead obstructions, level changes/trip hazards, etc. These features were not being captured with the previous inventories and field surveys. For this reason, BETA was tasked with walking the entire sidewalk network to survey and document the town's sidewalk network.

Sidewalk Deficiencies & Tripping Hazards

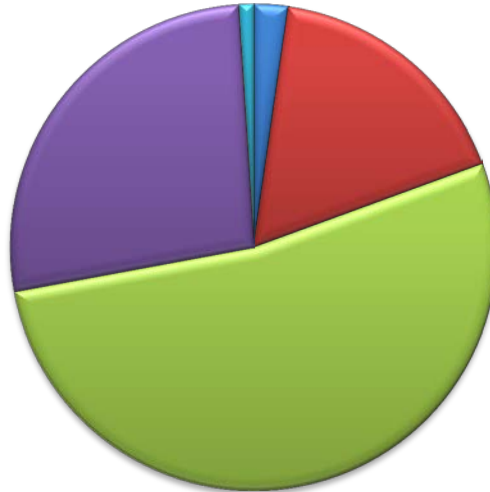


Figure 6: Sidewalk Deficiencies, Issues & Tripping Hazards
DATA PENDING CONSULTANT'S SUBMITTAL

Sidewalk Material

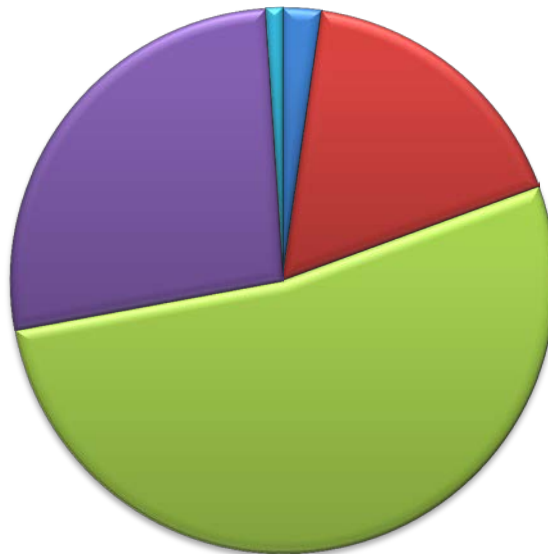


Figure 7: Summary of Sidewalk Material
DATA PENDING CONSULTANT'S SUBMITTAL

c) Sidewalk Priority Index: In order to prioritize the backlog of PAR deficiencies, Wakefield and BETA jointly developed the following prioritization plan. The prioritization is based on 3 factors: *ANALYSIS PENDING CONSULTANT'S DATA SUBMITTAL*

1. Sidewalk Condition Priority Factor (CPF) (50%)
2. Location Priority Factor (LPF) (25%)
3. Sidewalk/Ramp Compliance Priority Factor (SWCF) (25%)

The Sidewalk Condition Index (SCI & CPF) is based directly on the General Condition Rating

- Excellent = 0
- Good = 33
- Fair = 66
- Poor/Reconstruct = 100

The Location Priority Factor (LPF) was determined by locating sidewalks with a prescribed radius of high pedestrian traffic generators, such as schools, commercial areas, churches, etc...

- ½ mile radius of pedestrian generator = 100
- 1 mile radius of pedestrian generator = 66
- Other Sidewalks = 33

The Sidewalk Compliance Priority Factor (SWCF) is equal to the percentage of the sidewalk with a non-compliant cross slope. The equation for Sidewalk Priority Index (SPI) is thus

$$\text{SPI} = .5 (\text{CPF}) + .25 (\text{LPF}) + .25 (\text{SWCF})$$

This prioritization formula will serve as the first step in prioritizing projects as the town develops its Transition Plan.

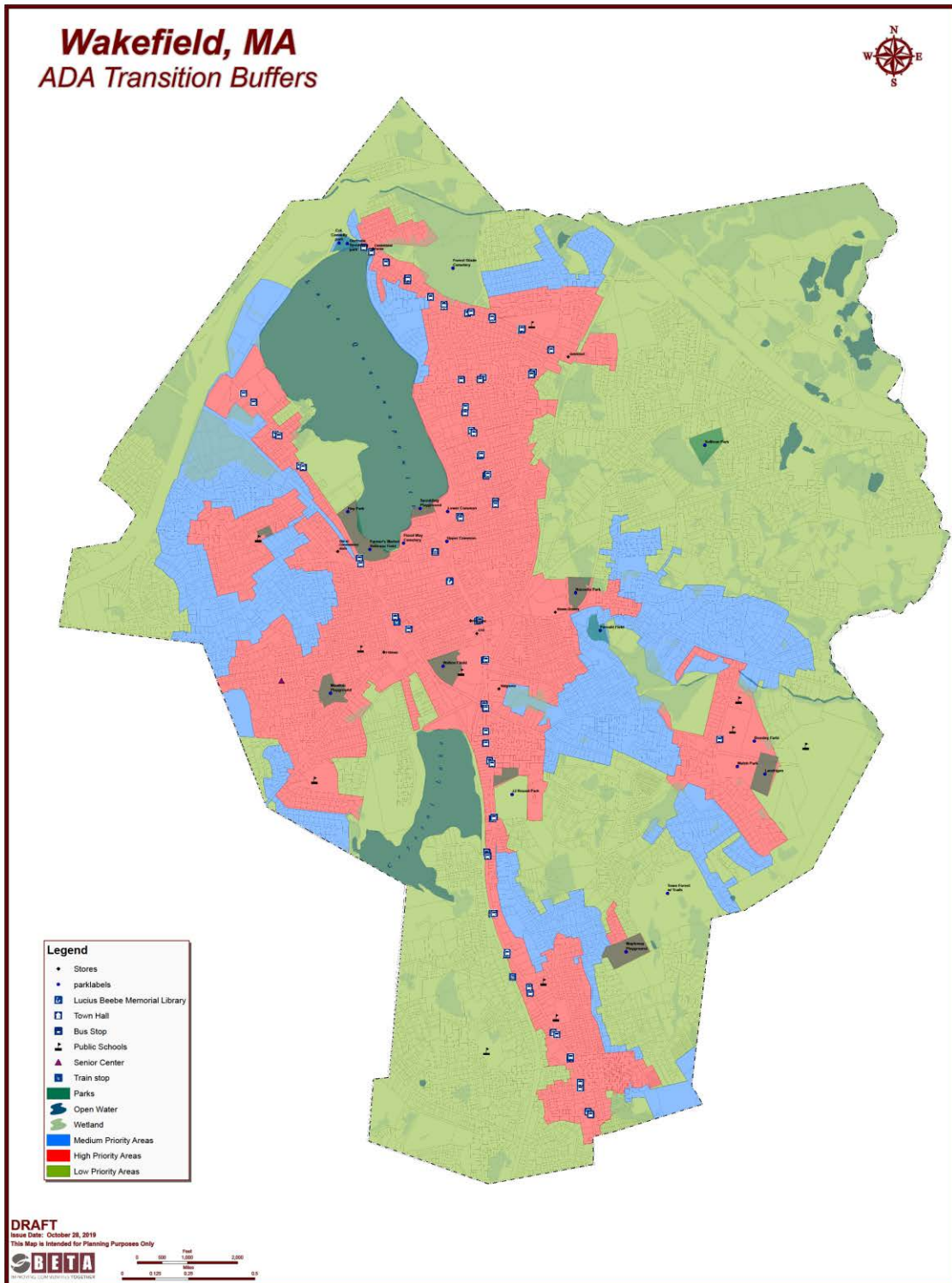


Figure 8: Sidewalk Priority Map
FINAL MAP PENDING CONSULTANT'S SUBMITTAL

3.3 Accessible Ramp Inventory

a) Ramps are the primary structural feature that provides access to and from sidewalks across vehicular travel ways. For this reason, ramps are one of the most vital PAFs within the network to provide accessibility. BETA first performed an inventory and evaluation of the town's curb ramps in 2008. Since that time, BETA and town staff have supplemented and updated the original study with additional surveys. For the purposes of this self-evaluation, no new ramp data was collected since the supplementary surveys were complete and up-to-date. The pre-existing ramp inventory is described and summarized below.

Ramp Material consisted of the following types:

- Bituminous Concrete
- Portland Cement Concrete
- Brick
- Stone Dust
- Other (Gravel, Grass)

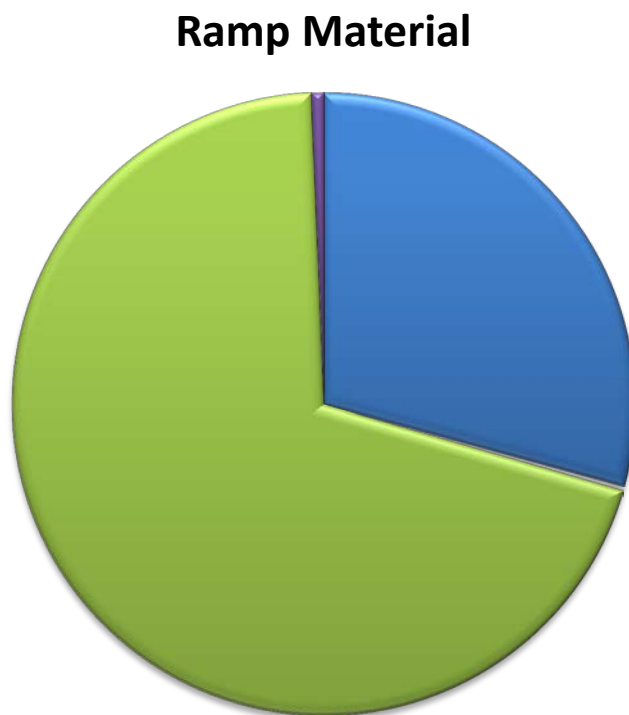


Figure 9: Ramp Material

DATA PENDING CONSULTANT'S SUBMITTAL

The ramp's condition value was established to quickly categorize ramp conditions into a repair

strategy schema. Ramps were graded by the following:

- Excellent (like new condition)
- Good (light wear)
- Fair (considerable wear, cracking, or distortion)
- Poor (wear, cracking or distortion significantly impacts serviceability)

Ramp Condition



Figure 10: Ramp Condition

DATA PENDING CONSULTANT'S SUBMITTAL

The ramp's compliance (ADA, PROWAG, etc.) was measured for a variety of fields. The features collected for each ramp were as follows:

- Ramp Material
- Ramp Condition
- Detectable Warning Strip – are textured pads that provide pedestrians who are visually impaired a mechanism to warn them they are transitioning from a pedestrian to vehicular way.
- Crosswalk – whether they are present or not.
- Visible Obstructions

3.4 Accessible Pedestrian Signal Inventory

Wakefield has five (15) pedestrian accessible signalized intersections. Accessible Pedestrian Signals (APS) are integrated devices that communicate information about the WALK vs. DON'T WALK pedestrian phases at signalized intersections in both visual and non-visual formats. Pedestrian signals and all connecting pathways shall be designed, constructed, operated and maintained so that all pedestrian can navigate the PAR safely and independently. "APS: A Guide to Best Practices" serves as a single source of information on most issues surrounding APS. It incorporates PROWAG and MUTCD ([Chapter 4E](#)) specifications in new construction and reconstruction where pedestrian signals are installed.

The Town of Wakefield retained the services of Vanasse Hangen Brustlin Inc (VHB) to perform a "Traffic Signal Evaluation" throughout the town (Table 1). The report, dated January 2017, detailed (15) intersections in town that included a complete inventory of equipment, deficiencies, recommended improvements. The WDPWED has submitted for a grant to evaluate intersection #9 (Vernon Street at Lowell Street) to set as a standard and then systematically update the other deficiencies at the following intersections to an acceptable standard.

Table 1: 15 Traffic Signal Intersections

1. Main Street at Greenwood Street/Oak Street
- Replace pedestrian signal heads with solid hand/man display and countdown units
- Fix the detection issue on Greenwood Street (Phase 8)
- Install ADA pedestrian push buttons
- Consider adding a flashing yellow arrow
- Update wcr's to current standards
2. Main Street at Pitman Avenue
- Provide detection on the Main Street for a fully actuated intersection
- Replace pedestrian signal heads with solid hand/man display and countdown units
- Install ADA pedestrian push buttons
- Update pavement markings to current standards
- Provide wheelchair ramps
- Reposition crosswalk on Pitman Avenue
- Provide pedestrian push button and pedestrian signal head for the northwest corner of the intersection. This would require modifications to the driveway.
3. Main Street at Nahant Street/North Avenue
- Replace pedestrian signal heads with solid hand/man display and countdown units
- Fix pedestrian signal head so Walk and Don't Walk are not displayed at the same time.
- Install ADA pedestrian push buttons
- Add grout to the mast arm base in the SE corner

-	Fix Pre-emption strobe.
4.	North Avenue at Albion Street
-	Replace pedestrian signal heads with solid hand/man display and countdown units
-	Install ADA pedestrian push buttons
-	Look into making timing adjustments for North Avenue NB & SB. More time is needed for this approach.
-	Implement a “dynamic max” to accommodate influxes/decreases of traffic volume along Main Street
-	Recommended exiting the lockout to phases 2 & 6 only
-	Update wcr’s to current standards
5.	North Avenue at Church Street/Prospect Street
-	Replace pedestrian signal heads with solid hand/man display and countdown units
-	Install ADA pedestrian push buttons.
-	Implement a “dynamic max” to accommodate influxes/decreases of traffic volume along North Avenue
-	Update wcr’s to current standards
-	Add tracking for left turn lanes on North Avenue onto Church Street and Prospect Street
-	Install a Blank-out No Turn On Red sign for the Church Street approach.
6.	North Avenue at Linda Street/Wolcott Street
-	Replace pedestrian signal heads with solid hand/man display and countdown units
-	Install ADA pedestrian push buttons
-	Update wcr’s to current standards
-	Provide overhead signal indications on all approaches
7.	North Avenue at Quannapowitt Avenue
-	Replace pedestrian signal heads with solid hand/man display and countdown units
-	Install ADA pedestrian push buttons
-	Update wcr’s to current standards
-	Fix detector rack in the cabinet and/or bad loops
-	Remove dual entry on phases 2 & 3 and put on phases 3 & 7 instead.
-	Evaluate existing closed system including MassDOT/Town of Reading locations
8.	Albion Street at Broadway Street/Doyle Avenue
-	Replace pedestrian signal heads with solid hand/man display and countdown units
-	Install ADA pedestrian push buttons
-	Update controller and cabinet assembly
-	Update 8” signal heads to 12” signal heads
-	Update wcr’s to current standards

-	Install new loop detectors and amplifiers
9. Vernon Street at Lowell Street	
-	Provide a new controller and cabinet assembly
-	Connect/Replace the video detection to the controller
-	Replace the tether on the span wire.
10. Water Street/West Water Street at Main Street	
-	Replace pedestrian signal heads with solid hand/man display and countdown units
-	Install ADA pedestrian push buttons
-	Update wcr's to current standards
-	Look into eliminating parking on Water Street
-	Update different Time of Day (TOD) programs
-	Evaluate elimination of No Turn on Red
-	Provide coordination, a responsive system or an adaptive system control for this intersection.
-	Test and replace interconnect cable as needed.
11. Water Street at Crescent Street	
-	Replace pedestrian signal heads with solid hand/man display and countdown units
-	Install ADA pedestrian push buttons
-	Update wcr's to current standards
-	Provide coordination or an adaptive system control for the intersection
-	Get local controller fixed/replace
-	Fix detection issue on Phase 8 (Driveway)
12. Water Street at Vernon Street	
-	Replace pedestrian signal heads with solid hand/man display and countdown units
-	Install ADA pedestrian push buttons
-	Update wcr's to current standards
-	Provide curb reveal on the northeast corner with ADA compliant WCR's.
-	Provide coordination or an adaptive system control for this intersection.
13. Water Street at Cyrus Street/Shaw's Driveway	
-	Replace pedestrian signal heads with solid hand/man display and countdown units
-	Provide coordination or an adaptive system control for this intersection.
14. Water Street at Farm Street	
-	Replace pedestrian signal heads with solid hand/man display and countdown units
-	Install ADA pedestrian push buttons

- Update wcr's to current standards
- Reinstall loops on Water Street
- Implement a dynamic max to accommodate school traffic
- Look into removing "No Turn on Red" signs.
15. Main Street at Church Street/ Salem Street
- Replace pedestrian signal heads with solid hand/man display and countdown units
- Install ADA pedestrian push buttons
- Update wcr's to current standards
- Implement a dynamic max
- Consider making timing adjustments for a better overall operation.

3.5 Public Outreach:

The WDPW Engineering Division, including Wakefield's ADA Coordinator, attended a meeting with the Wakefield Commission on Disability Issues (WCDI) on June 3, 2019 and presented the Self Evaluation results and the preliminary ADA Transition Plan. The meeting was attended by all commission members and it was agreed by all to better work together to improve our current Policies, Practices, and Procedures. The WDPW & WCDI will move forward by meeting regularly, openly share ideas and keep each other posted with any new information.

The newly formatted town website was deployed on 8/26/2019 which includes the new section for the [Town of Wakefield's Accessibility Program](#). The WDPW plans to work with the WCDI on ways to deploy this valuable information to the town residents.

1. TRANSITION PLAN

The Transition Plan portion of this report utilizes the results of the self- evaluation to help define a schedule of implementation over time.

SCHEDULE PENDING CONSULTANT'S SUBMITTAL

The overall Pedestrian Access Route (PAR) network in the Town of Wakefield is believed to be in fair condition. The overall pedestrian ramp network in the Town of Wakefield is also believed to be in fair condition. Future diligence with respect to ADA standards will be necessary to improve town- wide ramp conditions.

It's important for the Town to have a balanced strategy to address the deteriorating and non-compliant sidewalk and ramp infrastructure.

4.1 Designation of Public Works ADA Official

The Town Engineer has been assigned by the Town Manager to be the person responsible for implementing the Transition Plan relative to improving ADA compliance for pedestrian access in the public ROW.

The current contact is:

William Renault, P.E.
Town Engineer
Town Hall
1 Lafayette Street
Wakefield MA 01880
Phone: 781-246-6308

4.2 Barrier Removal Prioritization

The barriers identified in the previous sections shall be removed over time. The policy barriers and improvements are minor in nature and will take high prioritization. The WDPW expects to remove these barriers and make the improvements to its Policies, Practices and Procedures. Due to the backlog of infrastructure improvements necessary to be compliant, those barriers will be evaluated periodically but at least once a year, to ensure that barriers are being removed effectively and efficiently. It is understood and should be noted that the prioritization ranking that will be generated for the town's infrastructure is a calculated guide and not meant to circumvent sound planning and engineering judgment. This ensures that the areas of highest priority will be given the attention it deserves. The need to revise the plan accordingly is required and WDPW expects that this comprehensive self-evaluation in conjunction with the current emphasis WDPW places on accessibility, the Town will achieve 100% compliance.

4.3 Funding Opportunities

FUNDING ANALYSIS PENDING CONSULTANT'S SUBMITTAL

Eliminating the barriers is limited only by resources and feasibility. The backlog noted above demonstrates the estimated level of investment necessary. The Town will move towards compliance utilizing existing funding mechanisms. The following table provides a list of funding sources for accessibility improvements:

Funding Source
Roadway Funding (Various Sources)
Sidewalk Capital Funding
ADA Compliance Capital Funding
Sustainable Infrastructure
Traffic Signal Improvements

The Town will evaluate utilizing available state and federal funding through the Transportation Improvement Program (TIP) or Complete Streets Program to construct the needed improvements. The Town plans to further refine the project scopes and explore these funding options through the Transition Plan. The Town will also continue to seek funding opportunities for ADA compliance work.

4.4 Cost Estimates and Implementation Schedule

ESTIMATES PENDING CONSULTANT'S SUBMITTAL

To estimate the cost of repairing sidewalk, WDPW and its consultant BETA made the following assumptions.

Full repair of all "Poor" Sidewalks

All Fair and Good Sidewalks would be partially repaired based on the "Percent Repair Needed" Field

- All Poor and Non-Compliant Ramps would be reconstructed
- All Pinch Points and Obstructions would be corrected

Work Type
Sidewalk Full Repair
Sidewalk Partial Repair
Pinch Points (non-vegetative)
Overhead Obstruction (non-vegetative)
Non-Compliant, Poor, Missing Ramps

Pinch Point Types
Drainage Structure
Hydrant
Mailbox
Other
Ramp Clearance
Sign Pole
Tree
Utility Pole
Utility/Electrical Box

The Town of Wakefield Engineering Division plans to evaluate the data recently provided and estimate a cost to bring the current sidewalk network to full ADA and PROWAG compliance. Based on funding opportunities and actual costs for large scale capital improvements projects at a current annual funding allowance, the WDPWED will calculate how many approximate years it will take to be compliant with current standards, exclusive of project cost escalation and infrastructure deterioration.

APPENDIX A

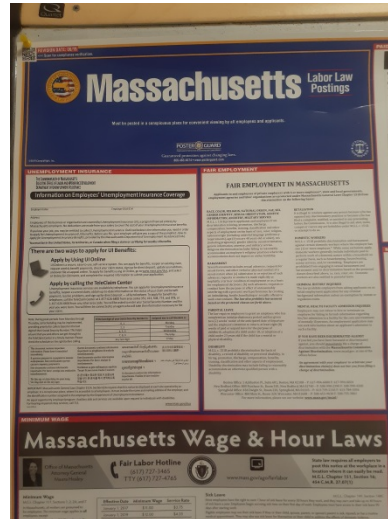
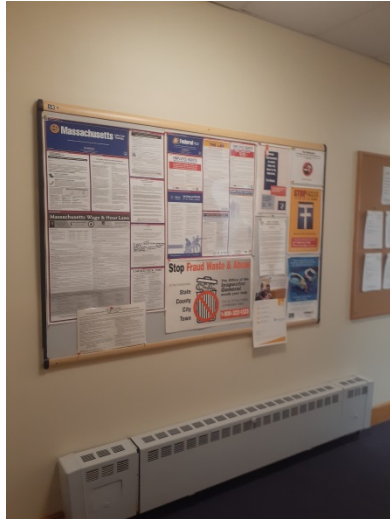
Definitions & Acronyms

ADA – Americans with Disabilities Act
AAB – Architectural Access Board
ADAAG – ADA Accessibility Guidelines
MAAB – Massachusetts Architectural Access Board
MUTCD – Manual Uniform Traffic Control Devices
P.E. – Professional Engineer
PAF – Pedestrian access facilities
PAR – Pedestrian Access Routes
PPP – Policies, Practices, and Procedures
PROWAG – Public Right of Way Guidelines
ROW – Right of Way
TMP – Traffic Management Plan
WDPW – Wakefield Department of Public Works

APPENDIX B

Employment and Services for Disabled Persons

The Town has posted Non-Discrimination requirements in multiple ways; posted on bulletin boards in the town hall, in our [employee handbook](#), and on the town website's [Human Resources page](#).



APPENDIX C

Wakefield Public Works Design & Construction Standards & Details Section 4 - PEDESTRIAN ACCESSIBILITY GUIDELINES

4.1 General

- A. Pedestrian Access Routes (PARs) are continuous unobstructed paths designated for pedestrian use that connects accessible elements, spaces, and other Pedestrian Access Facilities (PAFs) within the town's right-of-way.
- B. In accordance with federal American with Disabilities Act (ADA), state (28 CFR 35.151 & 2004 ADAAG), Public Right of Way Accessibility Guidelines (PROWAG), Massachusetts Architectural Access Board (MAAB), and these Standards, all PAFs or a portion thereof within the town's right of way that is constructed or altered shall be designed and constructed in such manner that the PAFs or portion thereof is readily accessible to and usable by individuals with disabilities.

4.2 Design

4.2.1 Criteria

- A. The design and construction of **new** pedestrian facilities within the public right-of-way shall conform to the ADA, ADAAG, MAAB, PROWAG and these Standards.
- B. The re-design and reconstruction of **existing** pedestrian facilities within the public right-of-way shall conform to the ADA, ADAAG, MAAB, PROWAG and these Standards.
- C. It is recognized that there are times when full compliance with federal and state laws and these Standards cannot be achieved due to structural impracticality, technical infeasibility, or would result in excessive and unreasonable costs without any substantial benefit to individuals with disabilities. See the “**Technical Infeasibility Determination Process and Policy**” in Appendix E for maintaining compliance in such scenarios.

4.2.2 Plan Review/Content

- A. Any project requiring approval by a Town Board or Commission which proposes new PAFs or the reconstruction of PAFs, design plans or details shall be submitted to said Board or Commission for distribution to WDPW-Engineering Division and approval by the Town Engineer or his/her designee.
- B. Any project **not** requiring approval by a Town Board or Commission which proposes new PAFs or the reconstruction of PAFs, design plan(s) or details shall be submitted to WDPW-Engineering Division directly with the ROW permit application. The plan(s) shall be reviewed and conditionally approved by the Town Engineer or his/her designee.

through the issuance of a ROW permit.

- C. The plan, or portion thereof, shall require a technical review and comply, at a minimum, with the sections of 1.2.1 (A-F) of the Standards. The applicant is responsible to submit the plan with satisfactory detail which provides sufficient documentation that a determination of compliance can be adequately established by the town. Often, this will include greater detail than the minimum thresholds outlined in the aforementioned section.
- D. All design plans shall provide the following information in addition to the requirements of section 1.2.1 of these Standards:
 - 1. The design plans shall provide all proposed dimensions including cross slopes(perpendicular to path of travel), running slopes (parallel to path of travel), lengths, widths, transitions, top and bottom of curb elevations, existing and proposed spot grades within the PAF at critical grade changes, etc. necessary to verify that the design is compliant. Please refer to RS-26 for a typical plan detail of a curb ramp.
 - 2. It is recognized that there are times when PAFs must transition into pre-existing non- compliant features. These transition areas shall be clearly labeled as such and shall be designed in accordance with all federal, state, and local laws, regulations and standards.
 - 3. All design material for PAFs or other public access facilities proposed to be constructed and/or altered shall be clearly labeled.
- E. A note shall be placed on all plans stating: *“The Town of Wakefield Department of Public Works Engineering Division shall be notified a minimum of 48 hours prior to the installation of materials to inspect and verify that the lines and grades of any form work needed to construct the pedestrian facilities (i.e. curb ramps, concrete sidewalks, etc.) are in reasonable conformance with the design plans. This inspection does not constitute acceptance of such infrastructure by the Town of Wakefield.”*

4.3 Pedestrian Access Facilities

4.3.1 Sidewalks

- A. Shall comply with R302 of the PROWAG and the Standards herein.
- B. Sidewalks shall be constructed of either cement concrete, bituminous concrete, and in some instances stone dust.

- C. The continuous width of a sidewalk shall be five (5) foot minimum, exclusive of the width of curb.
- D. Cross slopes of sidewalks shall be 1.5 percent and may not exceed 2 percent.
- E. A sidewalk's running grade shall be consistent and match as closely as possible to the street grade.

4.3.2 Pedestrian Street Crossing

- A. Pedestrian street crossing shall comply with the **“Town of Wakefield Crosswalk Policy and Design Guidelines”** and the standards herein.
- B. Pedestrian street crossings without yield or stop control shall have a cross slope not to exceed 5 percent perpendicular to the PAR.
- C. Pedestrian street crossings with yield or stop control shall have a cross slope not to exceed 2 percent perpendicular to the PAR.

4.3.3 Alternate Pedestrian Access Routes

- A. No closures, disruptions, or relocations of PARs are permitted without providing the most convenient and compliant alternative possible. Advanced notification of temporary closures, disruptions, or relocations of PARs shall be provided to the WDPW Engineering Division as part of the traffic management plan required as part of the right-of-way permit application.
- B. Alternate PARs shall be provided when existing PARs are temporarily closed, disrupted, or relocated due to construction, alterations, maintenance operations, and other conditions for the protection of safety and welfare of the public. Alternate PARs shall comply with sections 6D.01, 6D.02, and 6G.01 of the MUTCD 2009 edition.
 - 1. The alternate PAR shall be constructed to provide convenience and accessibility that replicates the existing PAR that is being blocked, obstructed, or relocated to the maximum extent practicable.
 - 2. A smooth, continuous suitable surface shall be provided throughout the temporary PAR, free of obstructions, uneven surfaces, curbing, and sudden grade changes.
- C. If pedestrian barricades and channelizing devices are used, such devices shall comply with sections 6F.63, 6F.68, and 6F.71 of the MUTCD 2009 edition.
 - 1. Devices used to channelize pedestrians shall be detectable to users of long canes and visible to persons having low vision to the maximum extent

practicable.

2. Pedestrian channelizing devices shall be constructed with baseboard with a maximum gap of 2 inches from the ground and a railing no lower than 32 inches. Please refer to RS-27 for a typical plan detail of a pedestrian channeling device.

4.3.4 Curb Ramps

- A. Provides a transition between PARs across streets, driveways, islands, etc.
 1. Shall comply with R304 of the PROWAG and the Standards herein.
 2. The turning space and ramp portion of the curb ramps shall be constructed of Portland Cement Concrete.
 3. Refer to details RS-10, RS-11, RS-12, RS-13, RS-13A, and RS-14 for “typical” curb ramp design. For non-typical curb ramps, refer to section 4.2.B of these standards.
 4. A 4ft minimum by 4ft minimum turning space shall be provided at the top of curb ramps and shall be permitted to overlap other turning spaces. Turning spaces with constraints on one or more sides, the turning space shall be 5ft minimum in the direction of the constraint.
 5. The running slope of a curb ramp shall be a maximum of 8.3 percent. The running slope shall not exceed a ramp length of 15ft. When installing a parallel ramp in the direction of the roadway travel, the running slope shall not exceed 15ft when attempting to match existing grade. The slope shall be a consistent and unvarying in grade.
 6. There shall be a 4ft by 4ft (4’ X 4’) clear space beyond the bottom of the grade break and shall be provided within the pedestrian street crossing. The clear space shall be outside of the parallel vehicle travel lane and within a crosswalk.

4.3.5 Blended Transitions

- A. Similar to curb ramps, blended transitions provide an accessible route between PARs across street, driveways, islands, etc.
 1. Shall comply with R304.4 and 304.5 of the PROWAG and the standards herein.
 2. The running slopes of blended transitions shall be 5 percent maximum.
 3. The cross slope of blended transitions shall be 2 percent maximum.

4.4 Detectable Warning Surfaces

4.4.1 Purpose

- A. A standardized surface feature built in or applied to walking surfaces and/or ramps to warn visually impaired people of hazards on a PAR. (ADAAG)

4.4.2 Fabrication

- A. The detectable warning panels shall be constructed of cast iron.
- B. Shall be “un-dipped” or non-coated to provide an oxidized (weathered) steel appearance.
- C. Shall consist of truncated domes aligned in square or radial grid pattern. (Refer to detail RS-13 of the construction detail section herein)

4.4.3 Installation

- A. Detectable warning panels shall contrast visually with the ramp, street, or adjacent PAR.
- B. Detectable warning surfaces shall extend 2ft in depth in the direction of travel and span across the width of the ramp runs, blended transition, or turning spaces.
- C. The placement of detectable warning surfaces shall comply with R305.2

4.5 On-Street Parking Spaces

- A. To ensure that there is a minimum number of accessible parking spaces which are strategically located and properly designed in order to accommodate those with disabilities.
 - 1. Shall comply with R214 and R309 of the PROWAG and Standards herein.
 - 2. Where on-street parking is provided on the block perimeter and the parking is marked or metered, accessible parking spaces shall be provided in accordance with the following table:

CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

MIKE KENNEALY
SECRETARY OF HOUSING AND
ECONOMIC DEVELOPMENT



Commonwealth of Massachusetts
Division of Professional Licensure
Office of Public Safety and Inspections
Architectural Access Board

1000 Washington St., Suite 710 • Boston • MA • 02118
V: 617-727-0660 • www.mass.gov/aab • Fax: 617-979-5459

EDWARD A. PALLESCHI
UNDERSECRETARY OF
CONSUMER AFFAIRS AND
BUSINESS REGULATION

DIANE M. SYMONDS
COMMISSIONER, DIVISION OF
PROFESSIONAL LICENSURE

Total Number of Marked or Metered Parking Spaces on the Block Perimeter	Minimum Required Number of Accessible Parking Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 and over	4 percent of total

- Where parking on part of the block perimeter is revised or altered, the minimum number of accessible parking spaces required shall be provided. The minimum number is based on the total number of marked or metered parking spaces on the block perimeter regardless of the amount of accessible spaces are present at the time of construction. This may require a project proponent to make improvements within the block outside of the original project limit of work.
- Shall adhere to the provisions for pavement marking in section 3B.19 of the MUTCD.
- Accessible parking spaces must be identified by signs displaying the International Symbol of Accessibility (R211.3 and R411).
- Accessible parking spaces should be “centrally” located, to allow for easily accessing key destinations within the block (i.e. schools, public buildings, etc.).
- The sidewalk adjacent to accessible parallel parking spaces should be free of signs, street furniture, and other obstructions to permit the deployment of a side-lift or ramp. Accessible parallel parking spaces located at the end of the block face should be usable by vans that have rear lifts and cars that have scooter platforms.

The town has Narrow Sidewalk widths (less than 14.0 ft.) in public street parking areas. Accessible parking spaces shall adhere to section R309.2.2 of the PROWAG.

APPENDIX D

Sidewalk Plowing Program Policy

There are two groups responsible for the clearing of sidewalks related to snow and ice; one being the sidewalk plowing tasked to the Department of Public Works and the other being property owners responsible for ensuring that specific sidewalks throughout the center of town remain clear and safe to pass.

The Town of Wakefield updated its Bylaw at Regular Town Meeting on 11/14/2011 to expand sidewalks to be cleared of snow and ice throughout the town center. The new bylaw banned moving sidewalk snow to the street, better defined fees, and officially state that the Wakefield Police Dept has the ability to enforce and implement those fees. This update directly improves accessibility throughout the center of town.

[Adopted 6-1-1992 ATM by Art. 37 as Ch. VI, Secs. 12 and 14 of the 1992 Bylaws; amended in its entirety 11-14-2011 RTM by Art. 3]

§ 175-8 Responsibility of owner or tenant; violations and penalties.

The owner or tenant of any business establishment, or the owner or tenant of land, abutting on the following named streets and ways, to wit: Main Street, west side from Railroad Avenue to Lafayette Street and east side from Franklin Street to Crescent Street; Albion Street, both sides from Main Street to North Avenue; North Avenue, east side from Richardson Avenue to Avon Street; Princess Street, both sides from Main Street to Crescent Street; Centre Street, both sides from Main Street to Crescent Street; Lincoln Street, north side from Main Street to Crescent Street; Water Street, south side from Main Street to Columbia Road; and Tuttle Street, east side from Albion Street to Chestnut Street, shall remove all snow and ice from the portion of the sidewalk adjoining such land and/or business establishment within 12 hours after said snow or ice fell or was formed thereon, provided that such ice may be made even and covered with sand or other proper material to prevent slipping in lieu of being removed. Each violation of the provisions of this section shall be punished by a fine of \$100 for the first offense, \$200 for the second offense within one year, and \$300 for a third or subsequent offense within one year. This section shall be enforced by the Police Department.

§ 175-9 Deposit on public ways.

No person shall move or remove snow or ice from private lands to any public street, sidewalk or common land of the Town. Each violation of the provisions of this section shall be punished by a fine of \$100 for the first offense, \$200 for the second offense within one year, and \$300 for a third or subsequent offense within one year. This section shall be enforced by the Police Department.

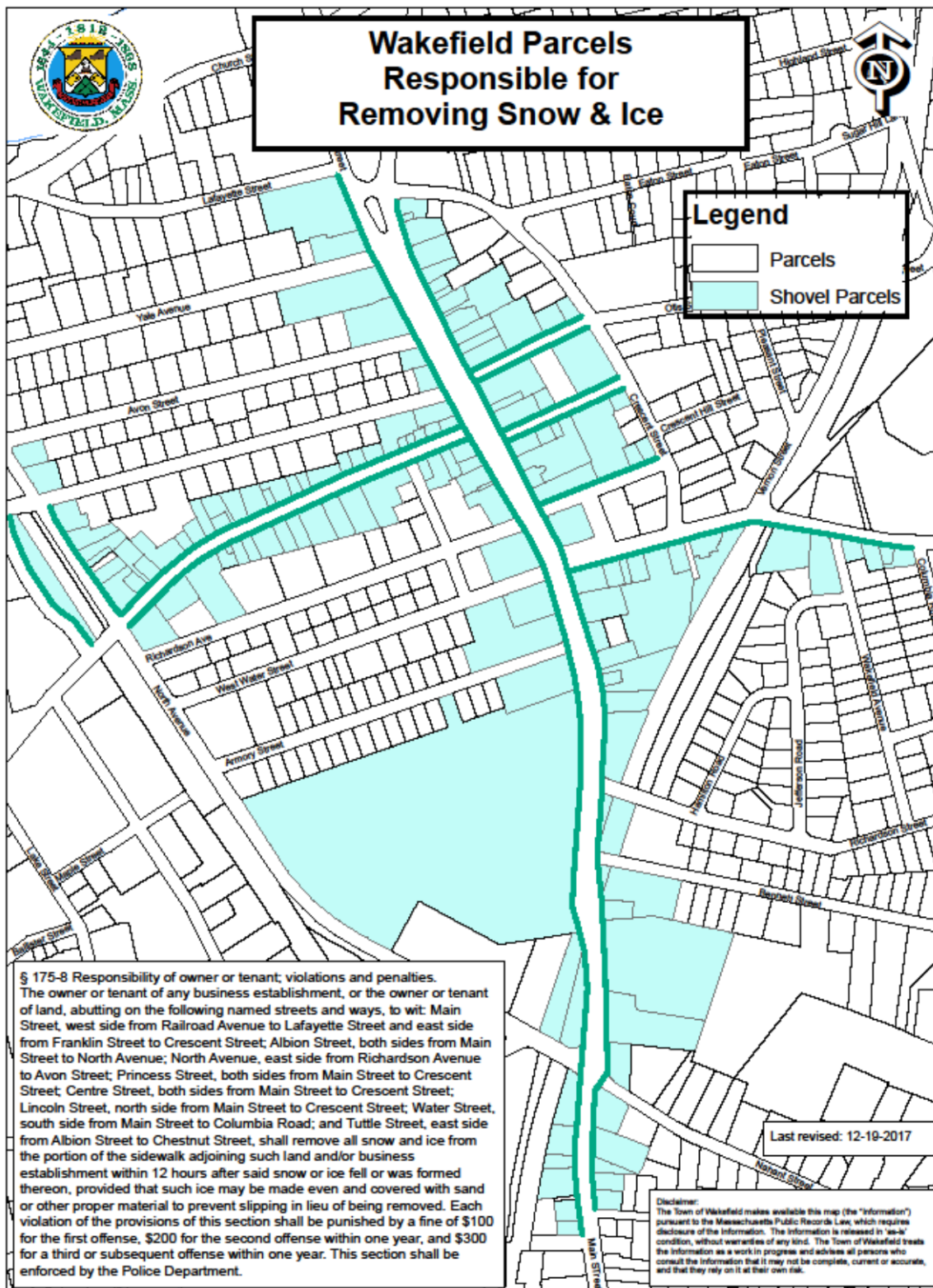


Figure 10: Map corresponding to Snow & Ice Bylaw for sidewalks

APPENDIX E

Technical Infeasibility Determination Process & Policy

General

- A. In accordance with federal (ADA), state (28 CFR 35.151 & 2004 ADAAG) and the aforementioned Standards, each facility or portion thereof within the Town's right of way, for the use of a public entity that is constructed or altered shall be designed and constructed in such manner that the facility or portion thereof is readily accessible to and usable by individuals with disabilities.
- B. It is recognized that there are times when full compliance with federal and state laws and the Standards cannot be achieved due to structural impracticality, technical infeasibility, or would result in excessive and unreasonable costs without any substantial benefit to individuals with disabilities, collectively referred as "needing a variance".
- C. State and federal regulations, while often similar, are not always identical. To simplify the process, the Commonwealth of Massachusetts-Department of Public Safety- Architectural Access Board Application for Variance (Curb Cuts/sidewalks), herein referred to as the "Variance Application", as modified in the attached copy to recognize PROWAG regulations is the basic application form for all variance requests in the right of way. For access to the application please visit:
<https://www.mass.gov/guides/applying-for-an-aab-variance>

Purpose

- A. To ensure that all pedestrian facilities within the town's right-of-way are designed, altered, and/or constructed, for the use of public entities, in accordance with the ADA, ADAAG, PROWAG, MAAB, and the Standards and to ensure that the construction and design is compliant to the maximum extent practicable as determined by the Town Engineer and Massachusetts Architectural Access Board (MAAB).
- B. To document WDPW's "in-house" procedure and policy to procure a variance from the regulations and standards as outlined below.
- C. To provide guidance to private developers or contractors working within the right of way of the town's procedure to permit a variance from federal and state regulations as well as these Standards.

Variance Process for "In-house" Design/Construction Projects

- A. All variance requests shall be made as soon as a non-compliant condition is recognized, preferably during the design phase. Sometimes the condition may not become apparent until construction is underway. Regardless of the project stage at which the non-compliant condition becomes apparent, it is the town's responsibility to prepare the Variance Application required to request approval from the MAAB.
- B. The Variance Application and the supporting documentation shall be submitted in both paper hard copy and compact disc (CD) format. The supporting documentation shall include plans (11x17 format), photographs, written estimate of the cost of work required to achieve full compliance, and a narrative addressing the deficiencies or other areas of non-compliance that

provides an explanation for supporting the proposed design.

C. Variances shall be approved prior to work commencing. In situations where a non-compliant condition is recognized during the construction stage, variances shall be approved prior to completion of a non-compliant facility or portion thereof.

D. As-built conditions and final inspections will be documented and the information shall be retained by WDPWED ensuring that construction was completed in reasonable

Variance Process for Private Design/Construction Projects

A. The process for variance requests shall be made as soon as a non-compliant condition is recognized, preferably in the design phase to avoid costly delays. Sometimes the condition may not become apparent until construction is underway. Regardless of the project stage at which the non-compliant condition becomes apparent, it is the project proponent's responsibility to prepare the Variance Application.

B. The project proponent shall submit a pre-application sketch plan to WDPWED. The sketch plan shall require a technical review and comply, at a minimum, with the applicable sections of 1.2.1 of the Standards. The proponent is responsible to submit the plan with satisfactory detail which provides sufficient documentation that a determination of technical infeasibility can be adequately established by the town. Often, this will include greater detail than the minimum thresholds outlined in the aforementioned section.

C. The project proponent shall submit a pre-application narrative to WDPWED. The narrative shall clearly outline the deficiencies or deviations from any ADA, ADAAG, PROWAG, MAAB regulations or the Standards and provide an explanation for supporting the proposed design variance based on impracticality, technical infeasibility, or would result in excessive and unreasonable costs.

D. The project proponent shall submit a pre-application cost comparison to WDPWED. The evaluation shall compare the cost estimate to construct the facility to full compliance with the cost estimate of the proposed design. The estimate shall be itemized utilizing estimated quantities and a unit cost.

E. The project proponent shall allow a minimum of two week review period by WDPWED. The pre-application plan and narrative will be reviewed for completeness and a written (email, letter, etc.) correspondence will be provided with one of three determinations:

1. Negative Determination – The project proponent will redesign the subject facility that complies with federal and state regulations as well as the Standards.
2. Resubmittal Required – The project proponent will provide a re-submittal of the information with revisions as requested by WDPWED.
3. Positive Determination – The project proponent will file the Variance Application as outlined in the procedure below.

Variance Application Procedure

A. The Variance Application, filing fee (check/money order made payable to the "Commonwealth of Massachusetts", and the supporting documentation shall be submitted in both paper hard copy and compact disc (CD) format. The supporting documentation shall include plans (11x17 format),

photographs, written estimate of the cost of work required to achieve full compliance, and a narrative addressing the deficiencies or other areas of non-compliance that provides an explanation for supporting the proposed design.

B. The application, both hard copy and CD, shall be submitted to the following:

1. Commonwealth of Massachusetts Department of Public Safety, Architectural Access Board
2. Town Engineer
3. Town Building Inspector
4. Town of Wakefield – c/o Commission on Disability Issues
5. Disability Resource Center, 27 Congress Street, Suite 107, Salem, MA 01970

C. The project proponent shall then submit a copy of the MAAB's decision along with a complete right of way permit application to WDPWED. For access to the application please visit:

<https://app.smartsheet.com/b/publish?EQBCT=fd297576b75045dfb9a231f0ba7010a7>

D. Work may commence only when the conditional right of way permit is issued by WDPWED. The typical five (5) day right of way permit turnaround period will not apply to permits seeking a variance.



**Commonwealth of Massachusetts
Division of Professional Licensure
Office of Public Safety and Inspections
Architectural Access Board**

1000 Washington St., Suite 710 • Boston • MA • 02118
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**APPLICATION FOR VARIANCE
Curb cuts/sidewalks**

Docket: _____
(Staff Only)

INSTRUCTIONS:

- 1) Answer all questions on this application to the best of your ability.
 - a. Information on the Variance Process can be found at:
<https://www.mass.gov/guides/applying-for-an-aab-variance>.
- 2) Attach whatever documents you feel are necessary to meet the standard of impracticability laid out in 521 CMR 4.1. You must show that either:
 - a. Compliance is technologically infeasible, or
 - b. Compliance would result in an excessive and unreasonable cost without any substantial benefit for persons with disabilities.
- 3) Please ensure that attached documents are no larger than 11" x 17".
- 4) Sign the Application.
- 5) If the applicant is not the owner of the building or his or her agent, include a signed letter from the owner granting permission for you to apply for variance.
- 6) Burn copies of the application and all attached documents onto a Compact Disc (CD or DVD only, no flash drives will be accepted).
- 7) Provide full copies of the application and all attached documentation, on both Paper and CD/DVD to the:
 - a. Local Building Department,
 - b. Local Commission on Disability (if applicable in the town where the project is located) (A list of all active Disability Commissions can be found at: <https://www.mass.gov/commissions-on-disability>), and
 - c. The Independent Living Center (ILC) for your area.
(Your ILC can be found at: <http://www.masilc.org/findacenter>.)
- 8) Provide to the Board:
 - a. A completed copy of the application and all attached documents,
 - b. A copy of the CD/DVD,
 - c. The completed, signed, and notarized Service Notice (included as Page 5 of this application).
 - d. A check or money order in the amount of \$50 dollars, made out to the Commonwealth of Massachusetts.

In accordance with M.G.L., c.22, § 13A, I hereby apply for modification of or substitution for the rules and regulations of the Architectural Access Board as they apply to the building/facility described below on the grounds that literal compliance with the Board's regulations is impracticable in my case.

1. State the exact location of the area in question (e.g. Northwest corner of Main St. and Broadway) (use additional sheets if necessary):

2. State the name and address of the **owner** of the project:

Email: _____

Telephone: _____

3. Describe the project (e.g. complete reconstruction of Rt. 20 from Main St. to Broadway):

4. Check the work performed or to be performed:

☐ New Construction ☐ Repair

☐ Reconstruction/Remodeling/Alteration

5. Briefly describe the extent and nature of the work performed or to be performed (use additional sheets if necessary):

6. Are you seeking temporary relief? Yes ☐ No ☐

a. If temporary relief is sought, what is the proposed deadline?

7. State each section of the Architectural Access Board's Regulations for which a variance is being requested. **(Please note the Board will NOT consider requests for relief from Section 3, please list the specific items triggered by Section 3 where relief is being sought):**

SECTION NUMBER

LOCATION OR DESCRIPTION

_____	_____
_____	_____
_____	_____
_____	_____

If requesting relief to 5 or more sections, use the Large Variance Tally Sheet available on the "Forms and Applications" page of the Board's website (<http://www.mass.gov/aab>)

8. For each variance requested, state in detail the reasons why compliance with the Board's regulations is impracticable (*use additional sheets if necessary*), including but not limited to: the necessary cost of the work required to achieve compliance with the regulations (i.e. written cost estimates); and plans justifying the cost of compliance.

9. Which section of the Board's Jurisdiction (see Section 3 of the Board's Regulations) has been triggered?

3.2 ____ 3.3.1a ____ 3.3.1b ____ 3.3.2 ____ 3.4 ____ Other (List Section) ____

10. Has the project been out bid? _____

Has the contract been awarded? _____

8a. If the contract has been awarded, what date was it awarded?

8b. Has the project been completed?

8c. If work has been completed, state the date work began:

Completion date: _____

11. State the estimated cost of the total project: _____

12. Has any other work been performed at this location within the past 36 months? _____

13. Is this project funded by the Massachusetts Department of Transportation? ____

14. Has the project been accepted by the City or Town? _____
If yes, state the date that the project was accepted: _____

15. To the best of your knowledge, has a complaint ever been filed on this project relative to accessibility? ____yes ____no

16. State the name and address of the architectural or engineering firm, including the name of the individual architect or engineer responsible for preparing drawings of the facility:

Email: _____

Telephone: _____

17. State the name and address of the building inspector responsible for overseeing this project:

Email: _____

Telephone: _____

Date: _____

Signature of owner or authorized agent *(required)*

PLEASE PRINT:

Name

Organization (If Applicable)

Address

Address 2 (optional)

City/Town
Code

State

Zip

E-mail

Telephone

SERVICE NOTICE

I, _____, as _____
(name) (relationship to the applicant)
for the Petitioner _____ submit a
(name of the applicant)
variance application filed with the Massachusetts Architectural Access Board on _____.
(date submitted)

HEREBY CERTIFY UNDER THE PAINS AND PENALTIES OF PERJURY THAT I SERVED OR CAUSED TO BE SERVED, A COPY OF THIS VARIANCE APPLICATION ON THE FOLLOWING PERSON(S) IN THE FOLLOWING MANNER:

<u>NAME AND ADDRESS OF PERSON OR AGENCY SERVED</u>		<u>METHOD OF SERVICE</u>	<u>DATE OF SERVICE</u>
1 Building Department			
2 Local Commission on Disability (If Applicable)			
3 Independent Living Center			

AND CERTIFY UNDER THE PAINS AND PENALTIES OF PERJURY THAT THE ABOVE STATEMENTS TO THE BEST OF MY KNOWLEDGE ARE TRUE AND ACCURATE.

Signature: Appellant or Petitioner _____

On the _____ Day of _____ 20 _____
PERSONALLY APPEARED BEFORE ME THE ABOVE NAMED

(Type or Print the Name of the Appellant)

NOTARY PUBLIC

MY COMMISSION EXPIRES



Before you send in your application, have you:

- ☐ Answered all questions on the application;
- ☐ Signed the application and included up to date contact info;
- ☐ Made a copy of your entire application, including all attached documents, on CD or DVD;
 - Flash drives are not permitted.
- ☐ Sent copies of the completed application, all attached documents, and CD/DVD to:
 - ☐ The local Building Department,
 - ☐ The local Commission on Disability, and
 - ☐ The Independent Living Center (ILC) for the region in which the property is located;
- ☐ Filled out the Service Notice (page 5 of the application) including all parties and the method and date of service for each, and had it signed and notarized; and
- ☐ Included a \$50 check made out to the “Commonwealth of Massachusetts”.

Please Note: Failure to follow these instructions (as found on page 1 of the application) could result in your request not being docketed until such time as we have received a fully completed application.

APPENDIX F

Municipal Grievance Procedure Relating to the Americans with Disability Act

Town of Wakefield - Department of Public Works Engineering Division
Town Hall
1 Lafayette Street
Wakefield, MA 01880
(781) 246-6309



This following grievance Procedure is meant as a first step in resolving issues at a local level prior to involving state or federal departments. This Procedure has been established to meet the requirements of the Americans with Disabilities Act. It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in employment practices and policies or the provision of services, activities, programs and benefits by the Town of Wakefield.

The complaint shall 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. Reasonable accommodations, such as personal interviews or an electronic recording of the complaint, will be made available for persons with disabilities who are unable to submit a written complaint.

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

ADA Coordinator

William Renault, P.E., Town Engineer
Town Hall
1 Lafayette Street
Wakefield, MA 01833
781-246-6308

The following timeline may be extended by mutual agreement of the complainant and the ADA Coordinator or Town Administrator:

3. Within 15 calendar days after receipt of the complaint, the ADA Coordinator will meet with the complainant to discuss the complaint and possible resolutions.
4. Within 15 calendar days after the meeting, the ADA Coordinator will respond in writing and, where appropriate, in a format accessible to the complainant such as audio recording. The response will explain the position of the Town of Wakefield and offer options for substantive resolution of the complaint.

If the response by the ADA Coordinator does not satisfactorily resolve the issue, the complainant and/or his/her designee may proceed with the following steps:

4. Appeal the decision to the Town Administrator within 15 calendar days after receipt of the response.
5. Within 15 calendar days after receipt of the appeal, the Town Administrator will meet with the complainant to discuss the complaint and possible resolutions.
6. Within 15 calendar days after the meeting the Town Administrator will respond in writing and, where appropriate, in a format accessible to the complainant such as audio recording, with a final resolution of the complaint.

If the response by the Town Administrator does not satisfactorily resolve the issue, the complainant and/or his/her designee may “File an ADA Complaint” through the steps found on the following website: www.ada.gov.

All complaints received by the ADA Coordinator, appeals to the Town Administrator and responses from the ADA Coordinator and Town Administrator will be kept by the Town of Wakefield for at least three years.

Stephen P. Maio
Town Administrator

Date

Town of Wakefield - Department of Public Works Engineering Division
Town Hall
1 Lafayette Street
Wakefield, MA 01880
(781) 246-6309



Municipal Grievance Form

Relating to the Americans with Disability Act

(Please fill out this form completely. Sign and return to the address above no later than 60 calendar days after the alleged violation.)

Complainant: _____

Address: _____

City, State and Zip Code: _____

Telephone: Home: _____ Business: _____

Person Discriminated Against (if other than the complainant):

Address: _____

City, State, and Zip Code: _____

Telephone: Home: _____ Business: _____

Where did the discrimination occur? _____

When? Date: _____

Describe the acts of discrimination providing the name(s) where possible for the individuals who discriminated: _____

Signature: _____

Date: _____

Signature of Wakefield ADA Coordinator:

Date Received: _____