

2019



# ADA TRANSITION PLAN

CITY OF MIAMI GARDENS

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# ADA Transition Plan

## Introduction

The City of Miami Gardens has developed an Americans with Disability Act (ADA) Transition Plan to better serve its community and develop policies and practices for implementing physical pedestrian improvements within the public right of way of the City of Miami Gardens. The goal is to provide safe and usable pedestrian facilities for all pedestrians, and to assure compliance with all federal, state and local regulations and standards.

The Americans with Disabilities Act (ADA), enacted on July 26, 1990, is a federal civil rights law that provides protection for all persons with disabilities against discrimination by public and private entities. The ADA extends similar earlier protections provided by Section 504 of the Rehabilitation Act of 1973. This legislation mandates that qualified disabled individuals shall not be excluded from participation in, denied the benefit of, or be subjected to discrimination under any program, service or activity. The Act also protects employees with disabilities, with certain protections and requires employers to make reasonable accommodations for applicants and employees with disabilities.

The City of Miami Gardens values diversity and welcomes input from all parties, regardless of cultural identity, background or income level. Moreover, the City believes that the best programs and services result from careful consideration of the needs of all the communities and when those communities are involved in the transportation decision-making process. Thus, the City does not tolerate discrimination in any programs, services, or activities. Pursuant to Title VI of the Civil Rights of 1964 and other federal and state authorities, the City will not exclude from participation in, deny the benefits of, or subject to discriminate anyone on the grounds of race, color, national origin, sex, age, disability, religion, or family status.

ADA is divided into five parts, covering the following areas:

### Title I: Employment

Under Title I, employers, including governmental agencies, must ensure that their practices do not discriminate against person with disabilities in the application, hiring, advancement, training, compensation or discharge of an employee, or in other terms, conditions and rights of employment.

### Title II: Public Services

Title II prohibits state and local government from discriminating against person with disabilities or from excluding participation in or denying benefits of programs series or activities to persons with disabilities. It is under this Title that this ADA Transition Plan has been prepared. The ADA Transition Plan is intended to outline the methods by which physical or structural changes will be made to affect the non-discrimination policies described in Title II.

### Title III: Public Accommodations

Title III requires places of public accommodation to be accessible and usable by persons with disabilities. The term public accommodation as it applies to public agency refers to any privately funded and operated facility serving the public.

### Title IV: Telecommunications

Title IV covers regulations regarding private telephone companies, and requires common carriers offering telephone services to the public to increase the availability of interstate and intrastate telecommunications relay services to individuals with hearing and speech impairments.

### Title V Miscellaneous Provisions

Title V contains several miscellaneous regulations, including construction standards and practices, provision for attorney's fees and technical assistance provisions. This plan provides the action items necessary to ensure compliance with ADA Statutes based on the City of Miami Gardens' Self-Assessment Evaluation.

The City has various responsibilities under Title II of the ADA. Title II of the ADA is similar to Section 504 of the Rehabilitation Act of 1973 but differs in that Section 504 applies only to government agencies that receive federal financial assistance. The purpose of Section 504 is to ensure that no otherwise qualified individual with disabilities shall, solely by reason of disability, be discriminated

against under any program or activity receiving federal financial assistance. The City of Miami Gardens has been operating under the requirements of Section 504 for many years.

The public entity also is required to designate a person to be responsible for coordinating the implementation of ADA requirements and for investigating complaints of alleged noncompliance. As such, the City of Miami Gardens' designated ADA Coordinator is:

Glenn Gruber, Public Works - Engineering  
ADA Program Access Coordinator  
City of Miami Gardens  
18605 NW 27 Avenue  
305-622-8000  
ggrubber@miamigardens-fl.gov  
305-622-8042  
TDD NUMBER 1-800-955-8771.

## ADA Transition Plan Requirements

According to ADA, a public agency is required to prepare an ADA Transition Plan if physical or structural modifications to facilities are required to provide access to programs or services. Title II of the ADA Regulates government agencies, with its primary goal being to ensure that all their programs and services are accessible to individuals with disabilities. The ADA Transition Plan is limited to evaluating physical barriers; however, an analysis of the programs and services is important to determine what physical changes are necessary. The ADA Transition Plan documents what action the City will take to alter its facilities. The ADA requires that the ADA Transition Plan be submitted for public review before final approval and adoption by the appropriate regulatory agency.

Generally, the ADA Transition Plan lists existing barriers in the public rights-of-way under the City's jurisdiction, and schedules which barriers to remove to provide access for individuals with disabilities to the City programs. The City is required to provide access to all of its programs, but is not required to remove all architectural barriers in all of its facilities. In addition to making physical improvement, government agencies can choose from various administrative solutions such as relocating or modifying a particular program, to obtain overall program access.

The ADA Transition Plan is required by Department of Justice (DOJ) rules to address the following aspects of accessibility:

- 1) If a public entity has responsibility or authority over streets, roads or walkways, this ADA Transition plan shall include a schedule for providing curb ramps or other sloped areas where pedestrian walks across curbs, giving priority to walkways serving entities covered by the ADA, including State and local government offices and facilities, transportation, place of public accommodation, and employer, followed by walkways serving other areas.
- 2) The ADA Transition Plan shall identify physical obstacles in the public entity's facilities that limit the accessibility of its programs or activities to individuals with disabilities
- 3) The ADA Transition Plan shall describe the methods that it will use to make the facilities accessible; and
- 4) The ADA Transition Plan shall specify the schedule for taking the steps necessary to achieve compliance with the ADA and if the time period of the ADA Transition Plan is longer than one year, identify steps that will be taken during each of the transition periods.

## Program Accessibility

The Rules and Regulations of the ADA describe the requirements for program accessibility (Code of Federal Regulations, Title 28, Part 35, Subpart D). A public entity shall operate each service, program or activity, when viewed in its entirety, so that it is accessible to and usable by individuals with disabilities. The ADA does not require the public entity to make all its existing facilities accessible,

nor does it require a public entity to take any action that would fundamentally alter the nature of a service, program or activity. Also, it does not require implementation of the ADA that would result in undue financial and administrative burdens. In such cases where documentation is provided in keeping with strict procedures outlined in the ADA, there are various methods that may be appropriate for providing programs accessibility in lieu of making actual physical changes to facilities.

The first step in determining what structural changes to existing facilities are necessary to develop an understanding of the specific public program and activities occurring at existing facilities within the City. This section attempts to describe the programs and activities in the public right of way. It should be noted that this section is not intended to be a self-evaluation as described in the ADA. A self-evaluation includes an analysis of programs and services offered by a public entity.

The activity of using the public right of way may be considered a program in two different ways:

- 1) Streets, sidewalks and curb ramps may be part of a continuous path of travel between activities or programs at various public and private facilities located on adjacent properties.
- 2) Streets, sidewalks and curb ramps may themselves represent a program or public pedestrian activities that are essential to the usage and enjoyment of a city's built environment.

The Department of Justice's Title II Technical Assistance manual points out that the public entity's programs related to streets, sidewalks and curb ramps may be prioritized with respect to relative importance and frequency of usage. It further describes that program accessibility wouldn't require all streets, sidewalks and curb ramps to be fully accessible as required by current codes. A determination of what public rights-of-ways are programmatically required to be accessible may vary from jurisdiction to jurisdiction.

## Public Participation

The ADA states that a public entity is required to make available to applicants, participant, residents and other interested parties information regarding the ADA Transition Plan and its applicability to their services programs or activities of the public entity, and to apprise the public of the protection against discrimination afforded to them by the ADA. A public entity is required to provide an opportunity for interested person, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the development of the ADA Transition Plan by submitting comments and making specific recommendations. The ADA also requires that a copy of the draft ADA Transition Plan shall be made available for public inspection during formal public review period.

A copy of this Transition Plan will be published on the City's Website located at <https://www.miamigardens-fl.gov/> and the public will be invited to provide comments. The plan will be updated, as needed, based on the comments received. Comments on the plan can be provided to City's ADA Coordinator in writing by letter, by email, in person or by phone. The City of Miami Gardens will maintain a log of all comments registered. The ADA Transition plan will be sent to the whole City for public input through the City's Website.

## Design and Regulation of Improvements

The City of Miami Gardens will adhere to the ADA design standards put forth by the Florida Department of Transportation Design Standards, and requirements of the Florida Building Code. The technical provisions of the Design Standards as well as the Florida Department of Transportation's Plans Preparation Manual, as related to ADA accessibility to public facilities, is adopted by reference as part of this report. Reference to Americans with Disabilities Act Accessibility Guidelines (ADAAG) have been used to determine considerations for accessible design.

## ADA Self-Assessment

The following section details the self- evaluation results for the City of Miami Gardens' Evaluations were undertaken in review of facilities and policies related to public buildings and facilities, including pedestrian facilities in the right-of way and curb ramps, employment effective communication and monitoring and reporting policies.

This report presents the results of an evaluation of the City of Miami Gardens' pedestrian facilities in the public rights of way under the City's jurisdiction.

The public rights of way under the City's jurisdiction were determined by the Miami-Dade County Interlocal of the roads transferred to the City when it was incorporated in 2003.

### POTENTIAL DEFICIENCIES

The following potential deficiencies were identified:

1. Sidewalk cross slopes >2%
2. Sidewalk running slopes >5%
3. Access route obstructed/Sidewalk minimum clear width not 36", or 32" for <24"
4. Sidewalk changes in level >1/4"
5. Horizontal gaps >1/2"
6. Pedestrian access route at driveways not compliant regarding cross slope
7. Curb ramps missing
8. Curb ramp slopes and widths non-compliant
9. Detectable warnings missing, or not extending the full width of ramps
10. Connections between sidewalks and street crossings missing
11. Sidewalks that end without adequate turn around area
12. Sidewalks that do not provide a continuous route

## RESULTS

The observations made during the self-evaluation are listed in the table 1. Please note that the observations are not intended to provide a complete inventory of all deficiencies; however, as project are planned, detailed deficiencies per the above are noted and completed under the ADA Standards through the Public Works Engineering Division. Additionally, the specific location(s) of noted observations on particular streets are generally not listed.

### Barriers within the Public Right of Way

An evaluation was undertaken to address ADA accessibility for existing barriers within the public right of way in the City of Miami Gardens. The following is a summary of curbs, sidewalks, pedestrian crossings, pedestrian signals, shared use trails, parking lots and bus stops identified that would require ADA remediation.

THE CITY OF MIAMI GARDENS WILL CONSIDER THE FOLLOWING GUIDELINES WHEN DEVELOPING THE TRANSITION PLAN.

#### CRITICAL AREAS TO EVALUATE

- PUBLIC RIGHT OF WAY ACCESSING GOVERNMENT OFFICES, MEDICAL FACILITES, DOWNTOWN CORE AREAS, SCHOOL ZONES, RESIDENTIAL AREAS
- REST AREAS, PARKS, SHARED USE TRAILS
- ACCESS TO PUBLIC BUILDING (PERMIT/LICENSING OFFICES, PUBLIC MEETING ROOMS, ETC.).

The first task involved in preparing the ADA Transition Plan was observation of existing all physical barriers in the City's rights of way.

The following steps were followed:

1. Identified City right of way.
2. List potential deficiencies.

3. Observe conditions within the City's rights of way.
4. Prepare report of observed conditions.

Conditions within the City's rights of way have been observed in 2005 after the City was incorporated in 2003 and funding was established in 2013 from the ½ cents County Sales Tax that is shared and paid to the City for Transportation Capital Projects and Transit.

A summary of the conditions observed follows:

The City has an extensive network of sidewalks within the public rights of way that provide access for individuals with disabilities.

The following issues were observed:

- a. Sidewalks sections with cross slopes > 2%
- b. A few sidewalk sections with running slopes > 5%
- c. Sidewalk changes in level > ¼"
- d. Pedestrian access routes at driveways with cross slopes > 2%
- e. Missing curb ramps
- f. Missing detectable warnings
- g. Detectable warnings not extending the full width of curb ramps or flush transitions
- h. Missing connections between sidewalks and street crossings
- i. Obstructions in pedestrian access routes.
- j. Misplaced curb ramps and flush transitions.

## Transition Plan

Every fiscal year the budget provides approximately \$3 million from the ½ cents sales tax for Transportation Capital Projects to include but not limited to road re-surfacing/drainage, pavement management, sidewalk repairs/replacements/addition (corner ADA crossing are completed as part of each road improvement project. These projects will continue into the future to complete all ADA accessibility on the City's Right of Way.

Transition Plan Table 1

Location: Throughout the City			Deficiency:		Correction/ modification:		Estimated Cost:	Completion Schedule:
No.	Facility	Area	Description	Barrier	ADAAG REFER.	RECOMMENDED CORRECTION		
1	Sidewalks	Community	See Page 6: Issues Observed	Physical		Per ADA Standards	\$30 Million	30 Years
2	Bus ADA Accessibility	All City Bus/Trolley Stops	See Page 6: Issues Observed	Physical		Per ADA Standards	\$4 Million	10 Years
3	Development/Renovations					Per ADA Standards through the plan review in the Building Department	N/A	N/A
4	City Facilities (Parks and other Public Facilities)	Entire	Facility Internal	Physical		All renovations and construction	\$1 Million	3 Years

			and External			projects per ADA Standards		
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Further, the City is committed to ensuring that any development or acquisition of additional public buildings or properties with the City will undergo an evaluation to determine compliance with ADA Standards. If necessary, remedial actions would be undertaken to ensure full compliance with applicable federal, state and local statutes. The Building Department will ensure that ADA Standards are met in every plan review whether inside or outside the facility to include the parking lot and any transition to the Right of Way. In 2015, the residents approved a \$60 million bond to renovate and improve all Park facilities to include ADA improvements as needed per the ADA Standards. These Park Capital Project should be completed by 2021.

## Record Keeping

The ADA Coordinator will maintain permanent records, which include, but are not limited to, copies of the ADA complaints and lawsuits and related documentation, and records of correspondence to and from complainants, and ADA investigations. The ADA Coordinator shall be responsible for conducting annual reviews of ADA records and updating the Capital Improvements recommendations as necessary.

## Notice under the Americans with Disability Act

City of Miami Gardens does not discriminate on basis of race, color, national origin, sex, age, religions, disability and family status. Those with question or concerns about nondiscrimination, those requiring special assistance under the American with Disabilities Act (ADA) or those requiring language assistance (free of charge) should contract: Melissa Negron, Human Resources Director/Title VI/Nondiscrimination Coordinator at 305-914-9010 or email address: [mnegron@miamigardens-fl.gov](mailto:mnegron@miamigardens-fl.gov).

*City of Miami Gardens*  
Americans with Disabilities Act



## GRIEVANCE PROCEDURE

### Grievance Procedure

**The City of Miami Gardens hereby adopts this internal grievance procedure to provide for prompt and equitable resolution of complaints alleging any action that is prohibited by Title II of the Americans with Disabilities Act (hereinafter “ADA”). The City has designated the Human Resources Director as the ADA Coordinator.**

**In the event a request for access to programs, services or facilities cannot be resolved, an individual may file a grievance either orally or in writing by contacting the ADA Coordinator, City of Miami gardens, 1515 NW 167<sup>th</sup> St., Suite 5-200, Miami Gardens, FL 33169; Telephone: (305) 622-8000; Florida Relay Service at 1-800-955-8771 (TTY) or for voice, call 1-800-955-9770 (English); 1-877-955-8707 (Spanish); or 1-877-955-8707 (French Cr).**

**The City’s ADA Coordinator is available to disabled persons requiring assistance to file a grievance. The City’s communications regarding the grievance will be in a format accessible to the grievant.**

Note: The City has established an alternative procedure if the complainant alleges that the ADA coordinator or other official with responsibilities regarding the grievance procedures process is a part of the alleged discrimination [see Step 7 below].

**The procedure to file a grievance is as follows:**

**Step 1. A written grievance should be filed on the ADA Grievance Form attached hereto. If the grievance is not filed on the Grievance Form, it should nonetheless contain the following information:**

- The name, address, and telephone number of the person filing the grievance.
- The name, address, and telephone number of the person alleging the ADA violation, if other than the person filing the grievance.
- A description of the alleged violation and the remedy sought.
- Information regarding whether a complaint has been filed with the Department of Justice or other federal or state civil rights agency or court.

- If a complaint has been filed, the name of the agency or court where the complaint was filed, the date the complaint was filed, and the name, address and telephone number of a contact person with the agency with which the complaint was filed.
- An oral grievance can be filed by contacting the ADA Coordinator. The oral grievance will be reduced to writing by the ADA Coordinator utilizing the ADA Grievance Form and will be signed by grievant.

Step 2. The grievance will be either responded to or acknowledged within 15 working days of receipt.

Step 3. Within 30 calendar days of receipt, the ADA Coordinator will conduct the investigation necessary to determine the validity of the alleged violation. If appropriate, the ADA Coordinator will arrange to meet with the grievant to discuss the matter and attempt to reach an informal resolution of the grievance. Any informal resolution of the grievance will be documented in the City's ADA Grievance File.

Step 4. If an informal resolution of the grievance is not reached, a written determination as to the validity of the complaint and description of the resolution, if appropriate, shall be issued by the ADA Coordinator and a copy forwarded to the grievant no later than 45 days from the date of the City's receipt of the grievance.

Step 5. The grievant may request reconsideration if he/she is dissatisfied with the written determination. The request for reconsideration shall be in writing and filed with the City Manager, City of Miami gardens, 1515 NW 167<sup>th</sup> St., Suite 5-200, Miami Gardens, FL 33169, within 30 days after the ADA Coordinator's determination has been mailed to the grievant. The City Manager shall review the request for reconsideration and make a final determination within 30 days from the filing of the request for reconsideration.

Step 6. If the grievant is dissatisfied with City's handling of the grievance at any stage of the process or does not wish to file a grievance through the City's ADA Grievance Procedure, the grievant may file a complaint directly with the United States Department of Justice or other appropriate state or federal agency. Use of the City's grievance procedure is not a prerequisite to the pursuit of other remedies.

Step 7. Should an individual wish to file a grievance regarding the actions of the ADA Coordinator, initial contact should be with the Assistant City Manager for Administration. From there Steps 1-6 are the same. If the grievance is against the City Manager, initial contact should be as outlined in Step 1. Any appeal will go to the Assistant City Manager for Public Services, who shall have the final say in such appeal for the City.

The resolution of any specific grievance will require consideration of varying circumstances, such as the specific nature of the disability; the nature of the access to services, programs, or facilities at issue and the essential eligibility requirements for participation; the health and safety of others; and the degree to which an accommodation would constitute a fundamental alteration to the program, service, or facility, or cause an undue hardship to the City. Accordingly, the resolution by the City of any one grievance does not constitute a precedent upon which the City is bound or upon which other complaining parties may rely.

File Maintenance

**The City's ADA Coordinator shall maintain ADA grievance files for a period of three years.**

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For More Information, Contact:

**City of Miami Gardens ADA Coordinator**

**Human Resources Director**

**City of Miami Gardens**

**18605 NW 27 Avenue**

**Miami Gardens, FL 33056**

**(305) 622-8000**

**Florida Relay Service at 1-800-955-8771 (TTY)**

**(Voice: English) 1-800-955-9770**

**An individual may file a grievance either orally or in writing by contacting the ADA Coordinator.**

**The City's ADA Coordinator is available to disabled persons requiring assistance to file a grievance. The City's communications regarding the grievance will be in a format accessible to the grievant.**

Complaint Forms



ADA Coordinator/Human Resources Director, 18605 NW 27 Avenue, Miami Gardens, FL 33056  
Telephone: (305)622-8000 Fax: (305)622-8001; TTY 1-800-955-8771