

## **City of Oakland**

Mayor's Commission on Persons with Disabilities (MCPD)

### **Special Ad Hoc Committee Meeting on the Self-Evaluation and Transition Plan Update**

Monday, October 2, 2017

5:30 p.m. – 7:00 p.m.

Hearing Room Three, First Floor

One Frank H. Ogawa Plaza (City Hall), Oakland, CA 94612

For additional information or to request accommodations, call  
(510) 238-6919 (Voice) or 711 (California Relay Service)

### **Agenda**

- I. Call to Order
- II. Roll Call
- III. Public Comments\*  
*Any person may directly address the Commission on any items within the jurisdiction of this Commission. Speakers wishing to address a specific item on the agenda may do so at the time the item is being considered.*
- IV. ADA Self-Evaluation & Transition Plan (SETP) Project Status; *Christine Calabrese, City ADA Coordinator*
- V. ADA Title II Program Management and BlueDAG Software as a Service System; *Josh Hovinga, Chief Operating Officer, BlueDAG*

- VI. Draft ADA Title II Policy Package (**Exhibit A**); *Sherri Rita, ADA Programmatic Access Coordinator*
  - A. Citywide Disability Access Policy
  - B. Effective Communications Policy
  - C. Service Animal Policy
- VII. Updated Transportation Policies and Plans; *Christine Calabrese*
  - A. Department of Transportation Strategic Plan
  - B. Pedestrian Master Plan
  - C. Draft Accessible On-Street Parking Policy (**Exhibit A**)
  - D. Curb Ramp Transition Plan Update; *Mike Skowronek, SETP Project Manager, and Richard Harmon, Survey Coordinator, Michael Baker International*
- VIII. ADA Buildings and Facilities Transition Plan Status; *Christine Calabrese*
  - A. Draft 1997 Plan Status
  - B. Draft ADA Transition Plan Capital Improvement Program Summary
  - C. Fiscal Year 2017 – 19 Look Ahead
- IX. Adjourn

\*Public Comments: To offer public comments at this special ad hoc committee meeting, please register with Sherri Rita, ADA Programmatic Access Coordinator, before the start of the MCPD meeting at 5:15 p.m. Please note that the MCPD will not provide a detailed response to your comments but may schedule your issue for a future meeting. The MCPD Public Comment period is limited to 15 minutes and each individual speaker is limited to 5 minutes. If more than 3 public speakers register, however, then each speaker will be limited to 3 minutes. If more than 5 public speakers register, then each speaker will be limited to 2 minutes. Exceptions to these rules may be granted at the discretion of the Chairperson.



This meeting is wheelchair accessible. To request ASL interpreting, materials in alternative formats, captioning or assistive listening device, or any other disability related accommodation, please call Sherri Rita at 238-6919 (711 for California Relay Service) at least three (3) business days before the meeting. Please refrain from wearing scented products to this meeting so persons who may experience chemical sensitivities can attend. Thank you.



# Oakland Department of Transportation

ADA Programs Division

## Memorandum

DATE: October 2, 2017  
To: Mayor's Commission on Persons with Disabilities (MCPD)  
Attn: Frank Sperling, Chairperson  
CC: Wlad Wlassowsky, Interim Assistant Director, DOT  
From: Christine Calabrese, ADA Programs Division Manager  
RE: Self-Evaluation and Transition Plan Project Status

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### SUMMARY

More than a quarter century since the City of Oakland published its first Citywide Access Policy, the ADA Programs Division in concert with departmental stakeholders and with MCPD oversight is revamping the City's ADA Title II compliance system. This major effort commenced in late 2015 and the City ADA Coordinator anticipates completing all key project activities in Fall 2017.

**ADA Programs Management:** The Division is modernizing its program management systems and subscribing to BlueDAG, a cloud-hosted software as a service system for end-to-end management of ADA Title II evaluation and compliance initiatives.

**ADA Programmatic Self-Evaluation Update:** ADA Programs reviewed a draft update of the City's ADA programmatic self-evaluation with the MCPD in late 2016. The following new and revised policies are also subject to MCPD review and, when taken together, represent some of the major results of the City's voluntary ADA Title II self-assessment:

- Updated City Disability Access Policy
- New Departmental Access Coordinator Policy
- Update ADA Title II Grievance Procedures
- Updated ADA Effective Communication Policy
- New Service and Assistance Animal Policy

**ADA Physical Access Compliance System Update:** The City ADA Coordinator in close coordination with the Oakland Department of Transportation (DOT) and Oakland Public Works (OPW), is updating and integrating Oakland's physical access compliance systems with the City's infrastructure maintenance and improvement programs. In addition to providing review and oversight to ADA Programs, the MCPD has directly participated on community advisory panels for the DOT Pedestrian Master Plan and the Infrastructure Bond Measure KK development.

The City published its ADA Transition Plan in 1997. As of June 2017, the Oakland City Council allocated a total of over \$18 million for ADA Transition Plan programs and many other City capital improvement programs significantly improved disability access to buildings and facilities, such as Measure DD.

The City ADA Coordinator in concert with the MCPD has since 1997 annually reviewed the Plan and the MCPD has approved all ADA Transition Plan capital project allocations (except those initiated in response to disability discrimination complaints). ADA Transition Plan capital improvement projects completed to date include Plan priorities but also reflect the inventory and use of physical assets, community priorities and partnering opportunities during the interval of project selection.

**Building and Facility Access:** Major ADA Transition Plan improvement projects were completed at the Oakland Public Library Main Branch, Oakland Museum of California, Oakland Jail, Davie Tennis Stadium, Temescal and Lions Pools, Oakland Parks and Recreation Inclusive Recreation Center at Arroyo Viejo Park, Rockridge-Temescal Greenbelt, Sheffield Village Recreation Center, Edoff Memorial Bandstand, Morcom Rose Garden, Woodminster Amphitheater, and many tot lot sites across the City.

The following new and updated plans and programs when taken together represent the City's current plans for renewing and improving access to public buildings and facilities for all.

- 1997 ADA Buildings & Facilities Transition Plan Status
- City Infrastructure Bond Measure KK
- Fiscal Year 2017-19 Capital Improvement Program

**Transportation Access:** The following new and updated policies and plans when taken together represent the City's ongoing program for making the public right of way under the City's jurisdiction or control accessible for individuals with disabilities:

- DOT Strategic Plan
- DOT Pedestrian Master Plan
- Updated ADA Curb Ramp Inventory and Transition Plan
- Updated Accessible On-Street Parking Policy

## BACKGROUND

Oakland adopted its Citywide Access Policy (Administrative Instruction #123) in 1992 and its ADA Buildings and Facilities Transition Plan in 1996. Since then, the City has developed subsidiary policies, programs and plans for access compliance, such as the Web Site Access Policy (2009) and the ADA Curb Ramp Transition Plan (2009).

The original ADA Transition Plan capital improvement program was intended to be completed within three years, with an estimated cost for full implementation of \$16-20 million in 1996 dollars. From Fiscal Year 1996-97 through Fiscal Year 2014-15, the Oakland City Council allocated over \$10 million of local funds to the ADA capital program, and the City made

significant annual allocations for ADA Transition Plan improvements under various bond measures and grant programs, such as Measure B (curb ramp installation, sidewalk repair, etc.). Moreover, many other scheduled ADA improvements were made as part of other City capital programs, such as Measure DD.

The Oakland City Council allocated \$500,000 in Fiscal Year 2015-16 General Purpose Funds for the ADA Self-Evaluation and Transition Plan Update Project. This is a project of the citywide ADA Programs Division, which is housed in the Department of Transportation (DOT). Citywide Americans with Disabilities Act (ADA) policies and compliance programs are developed and monitored by the ADA Programs Division, except for employment matters. The ADA Programs Division provides technical assistance, training, plan review, compliant investigation, and program development and implementation services citywide and supports the access compliance network largely through the recruitment and training of Departmental Access Coordinators.

The Division also staffs the Mayor's Commission on Persons with Disabilities (MCPD). ADA Programs, while placed under the DOT, also reports directly to the City Administrator's office with respect to non- transportation matters. It is through this relationship with the City Administrator that ADA Programs is authorized to coordinate City-wide access initiatives and receive support from Departmental Access Coordinators.

The Project Sponsor is the Oakland City Council and other primary Stakeholder groups include: the Oakland Mayor; City Administrator and City Attorney; City Department Heads and Departmental Access Coordinators; and the MCPD. The MCPD provides external disability community oversight of the City ADA Transition Plan Update. A Technical Advisory Group, which consists of Department Heads (or designee), Departmental Access Coordinators, and other subject matter experts provides internal review. The DOT Director provides final review of the updated ADA Curb Ramp Transition Plan and subsidiary transportation access improvement plans, policies and standards. The City Administrator provides final approval of new or revised Administrative Instructions. The City ADA Coordinator provides final review of new or revised subsidiary policies.

The ADA Self Evaluation and Transition Plan Update Project staff team is supervised by Stephanie Hom, Deputy City Administrator. The Project Manager is Christine Calabrese, ADA Programs Division Manager and City ADA Coordinator, who has the overall authority for managing and executing this project per this Project Master Plan and any subsidiary plans. The Project Coordinator is Sherri Rita, ADA Programmatic Access Coordinator. The ADA Programs Division is supported by lead consultant Michael Baker International and subcontractors Bruckner Associates and BlueDAG.

## PROJECT SCOPE, DELIVERABLES & STATUS

This Project team is employing the most effective tools and technologies available to conduct a policy gap analysis; modernize the City's ADA Title II program management systems; reestablish and retrain Departmental Access Coordinators; update building and facility asset inventories and management programs; and develop updated ADA policies, practices and procedures.

**Phase I:** The ADA Self Evaluation and Transition Plan Update Project evaluated existing ADA policies and procedures; programs, activities and services (excluding employment); and physical asset management programs for conformance with current regulations. The results of this evaluation were recommendations for improving upon existing and adding new elements to the citywide ADA (programmatic and physical) compliance framework. Also in this phase, disability community stakeholder feedback was gathered on priorities and methods for programmatic and physical access barrier removal. Finally, the Citywide Departmental Access Coordinator (DAC) Network was re-established, which provided for single points of contact across departments and programs to help with the citywide programmatic Self-Evaluation update, and to serve as day-to-day liaisons to the ADA Programs Division in coordinating ADA compliance at the departmental or program level. To date, the DAC Network has convened for six trainings on various topics related to disability access compliance, and will continue to meet for these continuing education opportunities on a quarterly basis.

Phase I products delivered and reviewed by the MCPD in Fall 2016 included:

- Updated ADA / 504 Self-Evaluation Report.
- Public Right of Way (PRoW) Gap Analysis Report.

**Phase II.** The Project is now implementing Phase I recommendations:

- Modernize ADA Title II program management systems:

*The Project is currently procuring, customizing and integrating BlueDAG, a cloud-hosted software as a service system (SaaS) for end-to-end management of ADA Title II evaluation and compliance initiatives.*

- Update the citywide ADA Title II policy framework:

*The Project updated the citywide Disability Access Policy (Administrative Instruction 123), and updated or created new subsidiary policies.*

*The ADA Programs Division will provide ongoing staff training and technical assistance to implement the updated policy framework. On September 27, the Departmental Access Coordinator Network reviewed the final draft Disability Access Policy, subsidiary policies, as well as the ADA Curb Ramp Transition Plan update in progress.*

- Update Public Right-of-Way Access Compliance Programs:

*A new desktop (visual) curb ramp survey is 50% complete. The updated ADA Curb Ramp Transition Plan will be published in late 2017 and will identify current access barriers, recommend a prioritization and timeline for barrier removal, provide cost estimates for barrier removal activities, and strategies for funding and implementing the*

*Plan. The prior (2015) updated (2017) inventory will be integrated with the BlueDAG SaaS system.*

*New subsidiary public right of way access compliance program components developed under the Project to date include the updated Access On-Street Parking Policy that is awaiting DOT Director approval, as well as the Department of Transportation (DOT) Strategic Plan (2016) and Pedestrian Master Plan (2017) that feature equity and disability access compliance frameworks.*

- 1997 ADA Buildings and Facilities Transition Plan Status Reports:

*The Project is documenting work completed under ADA Buildings and Facilities Transition Plan and the ADA Transition Plan Capital Improvement Program since their inception in 1997. Draft reports are attached. These products are currently being integrated with the BlueDAG SaaS system.*

## PROJECT BUDGET

Table 1. ADA Self Evaluation and Transition Plan Project Budget

Project/Account	FY	Budget	Expenditures	Balance
1.1010.92214.54919.P444960.YS10	14-15	100,000	\$100,000	0
1.4400.92214.54919.P492910.YS10	15-16	500,000	\$134,867	\$365,133
TOTALS		\$600,000	\$234,867	\$365,133

In June 2015, the Oakland City Council authorized the ADA Programs Division to contract with Michael Baker, International, to assist with an ADA Self-Evaluation and Transition Plan Update. Per Resolution No. 85659, Council authorized an initial contract of \$100,000 to conduct an analysis and generate recommendations for improving upon current policies and systems for managing ADA compliance (Phase I). Council also authorized increasing the contract to \$600,000 contingent on its allocation of an additional \$500,000 in the Fiscal Year 2015-2017 budget towards implementation of the Phase I findings and recommendations for improving the City's ADA compliance systems, including but not limited to conducting updated physical access surveys of City assets. (Project #P444960).

Table 1 lists all ADA Transition Plan Update Project funding that is being used to implement this project.



Table 2: Rolled Up Task List

Phase I:

- |  |           |
|--|-----------|
| • ADA Self-Evaluation Update and PRow Gap Analysis | \$100,000 |
|--|-----------|

Phase II:

- |  |                 |
|--|-----------------|
| • BlueDAG SaaS procurement, customization, 5-yr subscription | \$315,000       |
| • ADA Curb Ramp Transition Plan Update                       | \$104,000       |
| • Buildings and Facilities Transition Plan Update            | \$39,000        |
| • Project management services                                | \$13,000        |
| • As-needed consultant services                              | <u>\$29,000</u> |

Grand Total	\$600,000
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Incorporated by Reference:

2017 DOT Strategic Plan  
2016 DOT Pedestrian Master Plan  
2009 ADA Curb Ramp Transition Plan

Attachments:

- A. Draft Updated City Disability Access Policy
- B. Draft New Departmental Access Coordinator Policy
- C. Update ADA Title II Grievance Procedures
- D. Draft Updated ADA Effective Communication Policy
- E. New Service and Assistance Animal Policy
- F. Draft Updated Accessible On-Street Parking Policy
- G. 1997 ADA Buildings & Facilities Transition Plan Status Matrix (supplemental item)
- H. ADA Transition Plan Capital Improvement Program Summary Matrix (supplemental item)

# CITY OF OAKLAND

## ADMINISTRATIVE INSTRUCTION

<b>SUBJECT</b>	<b>Disability Access Policy (DRAFT)</b>	<b>NUMBER</b>	123
<b>REFERENCE</b>	Section 504 of the Rehabilitation Act of 1973, as amended; Title II of the Americans with Disabilities Act of 1990, as amended; U.S. Department of Justice ADA Title II Regulations, as amended; Fair Housing Amendments Act of 1988 A.I. ### (DACs) A.I. 4502 Resolution 61055 C.M.S.	<b>EFFECTIVE</b>	10/13/2017
<b>SUPERSEDE</b>	AI 123, dated August 21, 1992 AI 138, dated July 1, 1994		

### I. PURPOSE

The purpose of this Administrative Instruction (AI) is to describe the City of Oakland's policies, practices and procedures for complying with Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990 (ADA), and related federal and state laws protecting individuals with disabilities from discrimination and guaranteeing equal access for individuals with disabilities in local government programs, activities, and services.

This updated AI reflects and supports the current City disability access compliance organization, related policies, practices, and procedures, and conforms to the regulatory requirements of and amendments to the federal and state laws since the original instruction dated August 21, 1992, as they affect City programs, activities, and services. This AI does not exceed or supersede state and federal regulations or jurisdiction over a given project or program, unless otherwise noted.

This updated AI also clarifies that the provisions of the ADA and other laws protecting individuals with disabilities from employment discrimination are not implemented under this AI. Employment-related complaints of discrimination on the basis of disability shall follow the policies and procedures described in City Administrative Instruction 71, Equal Employment Opportunity / Anti-Discrimination / Non-Harassment Policy and Complaint

Procedure, and any subsequent policies specifically addressing equal employment opportunities with the City.

## II. POLICY

In accordance with Section 504 of the Rehabilitation Act of 1973 (Section 504), Title II of the Americans with Disabilities Act of 1990 (ADA), and related state laws, it is the policy of the City of Oakland (City) that no qualified individual with a disability shall, on the basis of disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of the City, or be subjected to discrimination directly or through contractual, licensing, or other arrangements, by the City and that the City shall adhere to U.S. Department of Justice regulations implementing Title II of the ADA.

- A. **Notice.** The City and all its Departments shall make available to applicants, participants, beneficiaries, and other interested persons information regarding the provisions of this AI and its applicability to the services, programs, or activities of the public entity, and make such information available to them in such manner as the City ADA Coordinator finds necessary to apprise such persons of the protections against discrimination assured them by law. Appendix A.
- B. **Grievance procedure.** The City and all its Departments shall publish and adhere to the City's ADA grievance procedure for providing prompt and equitable resolution of complaints alleging any action that would be prohibited by this AI. Appendix B.
- C. **Integrated settings.** City programs, activities and services shall be provided in integrated settings, unless separate or different measures are necessary to ensure equal opportunity. Integrated programs shall be given preference. When programs specifically designed for people with disabilities are offered, an individual with a disability cannot be required to participate in these programs or denied the opportunity to participate in regular programs.
- D. **Eligibility criteria.** No City programs, activities and services shall utilize eligibility criteria or standards which discriminate, or that would result in discrimination solely on the basis of disability.
- E. **Reasonable Modifications.** City Departments shall reasonably modify their policies, practices and procedures as necessary to allow qualified individuals with disabilities to participate in their programs, activities, and services.
- F. **Service animals.** Service animals, as defined by current applicable state and federal regulations shall be permitted to accompany their handlers or trainers into City buildings, facilities, meetings and events, and onto the premises of contractors providing City programs, activities and services. Appendix C.
- G. **Mobility devices.** The City shall permit individuals with mobility disabilities to use wheelchairs and manually-powered mobility aids such as walkers, crutches, canes, braces, or other similar devices designed for use by individuals with mobility

- disabilities in any areas open to pedestrian use, and shall make reasonable modifications to policies, practices, and procedures to permit individuals with mobility disabilities to use other power-driven mobility devices, whether or not such devices were designed primarily for use by individuals with mobility disabilities, unless the device cannot be operated in accordance with legitimate safety requirements.
- H. **Existing facilities.** The City shall operate each service, program, or activity so that the service, program, or activity, when viewed in its entirety, is readily accessible to and usable by individuals with disabilities.
  - I. **Maintenance of accessible features.** The City shall maintain in operable working condition those features of facilities and equipment that are required to be readily accessible to and usable by persons with disabilities by Title II of the ADA, such as: elevators; wheelchair lifts; curb ramps and accessible sinks, toilets, and showers.
  - J. **Information and signage.** The City shall ensure that interested persons, including persons with impaired vision or hearing, can obtain information as to the existence and location of accessible services, activities, and facilities.
  - K. **Surcharges.** City departments and contractors shall not impose any fees or surcharges on individuals with disabilities, their family members, or disability organizations to cover the costs of providing auxiliary aids and services or any other ADA compliance measures.
  - L. **Retaliation.** The City shall not discriminate against any individual because such individual has opposed any act or practice that violates this AI or because such individual made a charge, testified, assisted, or participated in any manner in an investigation, proceeding or hearing related to this AI. The City shall not coerce, intimidate, threaten or interfere with anyone exercising or enjoying a right under this AI, or anyone assisting another in the exercise or enjoyment of a right under this AI.
  - M. **Effective Communication.** The City shall take appropriate steps to ensure that communications with applicants, participants, members of the public, and companions with disabilities are as effective as communications with others, and as per the most current ADA and Effective Digital and Other Communications Policy.
  - N. **Web Site Accessibility.** City web sites shall be accessible in conformance with the World Wide Web Consortium (W3C) / Web Accessibility Initiative (WAI) Web Content Accessibility Guidelines (WCAG) 2.0, Conformance Level AA. Appendix D.
  - O. **City sponsored meetings and special events access.** It is the policy of the City that City sponsored meetings and special events be accessible to people with disabilities. Public notices of City sponsored meetings and special events shall include information concerning the accessibility of the meeting or event location, the availability of auxiliary aids and services upon request, and contact information to be used for requesting such aids and services. Appendix E

- P. **Portrayal of and writing about people with disabilities.** It is the policy of the City that people with disabilities shall not be portrayed in a manner which is offensive or demeaning in its written, audiovisual or electronic materials. Appendix F
- Q. **New construction and alterations.** It is the policy of the City that new construction and alterations to City of Oakland buildings and facilities, and private housing developments receiving City funds, shall be in conformance with the most recent ADA Standards for Accessible Design; Title 24 of the California Code of Regulations; and related state and federal accessibility regulations.
- R. **Historic preservation programs.** City historic preservation programs shall ensure that, to the maximum extent practicable, people with disabilities are afforded physical and programmatic access to buildings and facilities as provided by the ADA and related state and federal accessibility regulations.
- S. **Nondiscrimination by City contractors.** The City shall require contractors to comply with state and federal disability nondiscrimination laws, as outlined in this AI. Appendix G

### III. EXCEPTIONS

1. **Fundamental alteration/undue burden.** As determined by the City Administrator or his/her designee on a case by case basis, this AI does not require the City to take any action that it can demonstrate would result in the fundamental alteration in the nature of a City program, activity or service, or would cause an undue financial or administrative burden for the City.
2. **Direct Threat.** The ADA does not require the City to permit an individual to participate in or benefit from the services, programs, or activities of that public entity when that individual poses a direct threat to the health or safety of others. See Definitions Section below.
3. **Safety.** City programs may impose legitimate safety requirements necessary for the safe operation of services, programs, or activities, but such requirements must be based on actual risk and not on speculation, stereotypes, or generalizations about individuals with disabilities.
4. **Personal devices and services.** This AI does not require the City to provide individuals with disabilities personal devices, such as wheelchairs; individually prescribed devices, such as prescription eyeglasses or hearing aids; readers for personal use or study; or services of a personal nature including assistance in eating, toileting, or dressing, unless such devices or services are provided to others.

### IV. DEFINITIONS

**Term**

**Definition**

Americans with Disabilities Act (ADA)

For purposes this AI, refers specifically to Title II of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131) and any subsequent amendments; prohibits discrimination on the basis of disability by public entities.

Auxiliary Aids and Services

Services, equipment, devices, and actions that are required in order to afford an individual with a disability an equal opportunity to participate in and enjoy the benefits of a service, program, or activity of the City. Includes, but is not limited to provision of qualified interpreters, assistive listening devices, captioning, qualified readers, and information in alternate formats.

City ADA Coordinator

Employee designated by City Administrator as mandated by Title II of the ADA to coordinate the City's efforts to comply with Title II requirements, including investigation of any complaint or actions that may constitute noncompliance with this AI or related laws and regulations.

Departmental Access Coordinator (DAC)

Employee designated by Department Head to coordinate Department-level compliance with AI 123 and State and Federal disability civil rights laws and regulations.

Direct Threat

A significant risk to the health or safety of others that cannot be eliminated through modification of policies, practices or procedures, or by the provision of auxiliary aids and services, as determined by an individualized assessment based on reasonable judgment that relies upon

current medical knowledge or the best available objective evidence.

Disability

A physical or mental impairment that limits one or more major life activities; a record of such an impairment; or being regarded as having such an impairment.

Discrimination

Denial of benefits or exclusion from City services, programs, or activities on the basis of disability. Includes but is not limited to discrimination against individuals with disabilities through third parties, provision of different, separate, or less effective aids, benefits, or services to individuals with disabilities; using criteria or methods of administration that have the effect of discriminating against individuals with disabilities; selecting locations for programs, activities, or services that have the effect of excluding or segregating individuals with disabilities; and failure to make reasonable modifications in policies, practices, or procedures when necessary to avoid discrimination on the basis of disability.

Effective/Effective Communication

Individuals with disabilities receive an equal opportunity to derive the same result, benefit, or level of achievement from City programs, activities, and services as provided to persons without disabilities. Includes the provision of auxiliary aids and services to afford qualified individuals with disabilities and their companions an equal opportunity to participate in and enjoy the benefits of a service, program, or activity of the City.

Fundamental Alteration

A modification to policies, practices, or procedures that is so significant

	that it alters the essential nature of the goods, services, facilities, privileges, advantages or accommodations offered by the City program, as determined in writing by the City Administrator or designee.
Grievance Procedure	The City's procedure for providing prompt and equitable resolution of complaints alleging any action that is prohibited by this Instruction.
Integrated Setting	Settings that enable individuals with disabilities to interact with non-disabled persons to the fullest extent possible.
Maintenance of Accessible Features	Features of facilities and equipment used in City programs, activities, and services that are required to be readily accessible to and usable by individuals with disabilities are to be maintained in operable working condition.
Mobility Devices	Include manual and power wheelchairs, walkers, crutches, braces, and other power-driven devices not designed exclusively for use by individuals with disabilities, but used by individuals with mobility disabilities for purposes of locomotion. Other power driven devices (such as golf cars or electronic personal assistance mobility devices such as the Segway® PT) will be permitted as a reasonable modification if they can be safely operated by an individual with a mobility impairment under the City's adopted, legitimate safety requirements.
Qualified Individual with a Disability	Individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of



	architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by the City.
Reasonable Modification	Changes to policies, practices, and procedures that are required in order to avoid discrimination on the basis of disability that do not impose an undue burden on the City, or fundamentally alter the nature of the service, program, or activity.
Retaliation	Prohibited, discriminatory action against an individual with a disability or group of individuals with disabilities because that individual or group made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing, or exercised the rights described in this AI.
Service Animal (DOJ)	Any dog or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability, and that is housebroken and under the control of the handler.
Surcharges	A prohibited, additional charge placed on an individual with a disability or group of individuals with disabilities to cover the cost of measures taken to comply with this AI, such as the provision of auxiliary aids and services.
Undue Burden	A modification to policies, practices, or procedures that would involve significant difficulty or expense, as

determined in writing by the City Administrator or designee.

Video Remote Interpreting (VRI)

Service that uses video conference technology over dedicated lines or wireless technology offering high-speed, wide-bandwidth video connection that delivers high-quality video images in compliance with 28 C.F.R. §35.160(d).

**V. PROCEDURES**

<b><u>Responsible Party</u></b>	<b><u>Action</u></b>
City Administrator	1. The City Administrator shall designate at least one employee to coordinate the City's efforts to comply with and carry out its responsibilities under this AI, including any investigation of any complaint communicated to the City alleging its noncompliance with this part or alleging any actions that would be prohibited by this part, excluding employment matters. The City Administrator shall make available to all interested individuals the name, office address, and telephone number of the employee or employees designated pursuant to this paragraph.
	2. Makes final decision when City is considering whether a proposed action would result in a fundamental alteration or undue burden, and when City is determining whether an individual with a disability should be excluded from participation in a program, service, or activity because of direct threat.
	3. The City Administrator, through the City ADA Coordinator, will from time to time evaluate the City's policies, practices, and procedures and the effects thereof, and monitor its programs, activities and services, for conformance to ADA Title II regulations and related state and federal standards. The City Administrator, through the City ADA Coordinator, shall work with Departments to remediate identified areas of non-compliance in a timely manner.
City ADA Coordinator	1. Reports to and receives direction from the City

	Administrator or designee.
	2. Coordinates the City's efforts to comply with and carry out its responsibilities under this AI, Title II of the ADA and related disability rights laws, including investigation of any complaint communicated to the City alleging its noncompliance with these laws or alleging any actions that would be prohibited by these laws.
	3. Develops and publishes grievance procedures to provide for prompt and equitable resolution of ADA complaints.
	4. Works with Department Heads and City Administrator when considering whether a proposed action would result in a fundamental alteration or undue burden, and in determining whether an individual with a disability should be excluded from participation in a City program, service, or activity because of direct threat.
	5. Informs staff and members of the public of the provisions of this Instruction and related City policies, laws, and regulations, and their rights and responsibilities.
	6. Provides technical assistance and coordinates training to Departmental Access Coordinators, department staff, and contractors to assist with compliance with this AI and related City policies, laws and regulations includes.
	7. Oversees the activities of Departmental ADA Coordinators (DACs).
	8. In coordination with the Public Works Director, Department of Transportation Director, and the Planning and Building Director or their designees, adopts or develops, updates, and enforces accessibility standards for City infrastructure improvement programs and ensures that new construction and alteration projects conform to the most stringent applicable federal, state and local requirements.
	9. In coordination with the Public Works Director, Department of Transportation Director, and the Planning and Building Director or their designees, develops and oversees physical access programs, activities and services.
	10. In coordination with the Public Works Director,

	Department of Transportation Director, and the Planning and Building Director or their designees, reviews all City infrastructure improvement programs and projects for compliance with applicable federal accessibility regulations.
	11. Administers a centralized citywide Auxiliary Aids and Services Program which arranges for on-call, on-site and Video Remote sign language interpreting services, and for materials in alternative formats including Braille and audio. Appendix H.
	12. Maintains a Citywide TTY line and conducts periodic tests of TTY equipment and service.
	13. Loans portable Assistive Listening Systems to City departments upon request.
	14. Coordinates input and review of City ADA compliance programs by individuals with disabilities. Plans access compliance programs in consultation with individuals and organizations knowledgeable about implementation of disability civil rights laws and regulations and the needs of individuals with disabilities
	15. Serves as City's staff liaison to the Mayor's Commission on Persons with Disabilities.
Mayor's Commission on Persons with Disabilities	1. Advises, reviews and comments on programs, services and activities of the City of Oakland, funding opportunities and of matters affecting persons with disabilities in the community, and otherwise promotes total integration of persons with disabilities into the community in accordance with Ordinance No. 13334 C.M.S.
	2. Acts as the City's designated advisory body for implementation of this Instruction.
Department Heads	1. Ensures that all programs, activities and services of the Department comply with this Instruction and related policies, practices and procedures issued by the City ADA Coordinator and referenced herein.
	2. Designate at least one Departmental ADA Coordinator (DAC) with thorough knowledge of Departmental programs, activities, and services and who shall have ongoing responsibilities to assist the Department Head to interpret and implement this Instruction, support Departmental staff in complying with the requirements of this Instruction, and to liaise with the City ADA Coordinator.

	3. Ensures that staff selects the most integrated setting for programs, services, and activities, including special events, so that qualified individuals with disabilities can interact with non-disabled persons to the fullest extent possible.
	4. Ensures that programs, activities, and services, when viewed in their entirety, are readily accessible to and usable by individuals with disabilities.
	5. Ensures staff provide services to qualified individuals with disabilities that are as effective as those provided to non-disabled persons.
	6. Facilitates the implementation of reasonable modifications in policies, practices, and procedures to allow for the full and equal participation of qualified individuals with disabilities in Departmental programs, activities, and services.
	7. Relocates or redesigns programs, activities, and services, as needed in order to avoid physical access barriers that would result in segregation or exclusion of individuals with disabilities, and as needed to facilitate the participation of individuals with disabilities in preferred programming.
	8. Ensures staff makes information available in alternative formats such as large print, Braille, audio, and screen-reader compatible electronic formats, upon request. Includes the California Relay Service phone number (711) in addition the Department voice phone number in all information to the public.
	9. Provides notice of availability of auxiliary aids and services and other disability-related accommodations in Departmental programs, activities, and services (including contact information for making such arrangements) on all program materials, including but not limited to websites, brochures, flyers, applications, forms, posters, postcards, newsletters, meeting and special event notices, and other media.
	10. Determines where and how best to provide Notice of Non-Discrimination on the Basis of Disability, the City's ADA Grievance Procedure, and contact information for the DAC and the City ADA Coordinator. These locations shall include at a minimum the Department website. Appendix A

	11. Complies with this AI and related city policies in selecting locations for special events, and in advertising and administering special events, to allow full participation of individuals with disabilities, with or without accommodations, including making temporary physical modifications at sites or implementing procedural adjustments as needed to accommodate and welcome individuals with disabilities. Appendix E.
	12. Ensures that the Department adheres to the most current ADA and Effective Digital and Other Communications Policy.
	13. Imposes no additional surcharges on qualified individuals with disabilities when taking measures to comply with this Instruction.
	14. Promptly notifies maintenance services when accessible features such as elevators and automatic door openers are not functioning and work with maintenance services to conduct periodic testing in order to anticipate repair needs and avoid long periods of nonoperation.
	15. Supports the DAC(s) and staff in carrying out their duties under this Instruction and in receiving ongoing training on disability civil rights requirements that apply to City programs, activities, and services.
	16. Works with City ADA Coordinator in investigating and resolving complaints of discrimination on the basis of disability; assessing whether a requested program modification imposes an undue burden or constitutes a fundamental alteration; and in all other actions necessary to comply with this Instruction and related City policies, laws, and regulations.
	17. Before declining to take action that might result in a fundamental alteration in the nature of the Departmental service, program, or activity, or that might impose an undue financial or administrative burden on the City, seeks a written finding confirming that the proposed action would constitute a fundamental alteration or undue burden from the City Administrator, and if so confirmed, take any other action that would not result in such an alteration or burden, but that would nevertheless ensure, to the maximum extent possible, individuals with disabilities receive the benefits or services

	provided by the Department.
	18. Reasonably modifies volunteer programs and eligibility requirements, as needed, in order to allow participation of volunteers with disabilities, and provides information on volunteer program materials regarding how to request disability-related accommodations or auxiliary aids or services.
	19. Informs contractors and volunteers regarding the requirements of this AI and related city policies, laws and regulations through training and technical assistance.
	20. Provides Departmental contractors information about this AI and its application to third-party services provided on behalf of the City, and ensures that the City ADA Grievance Procedure is made available at all third-party service sites.
	21. Monitors Departmental contractors and other third parties delivering Departmental programs, activities, and services to assist with compliance with this Instruction, and related state and federal laws and regulations.
Departmental Access Coordinators (DACs)	1. Coordinates Departmental ADA compliance activities in collaboration with the City ADA Coordinator.
	2. Serves as the contact point at the departmental level (or specific programs as designated) for information dissemination, program modification, provision of auxiliary aids and services, and complaint investigation.
	3. Informs City ADA Coordinator of complaints of discrimination on the basis of disability within three business days of receipt.
	4. Confers with the City ADA Coordinator before denying any request for a disability-related program modification, and when circumstances allow, before excluding an individual with a disability based on direct threat.
	5. Reviews all departmental materials disseminated to the public to ensure that such materials portray individuals with disabilities in a nondiscriminatory manner.
	6. Provide technical assistance to contractors and other third parties delivering Departmental programs, activities, and services to assist with compliance

	with this Instruction and related City policies, laws, and regulations.
	7. Works with Department Head and staff to determine where and how best to publish the Notice of Non-Discrimination on the Basis of Disability, the City's ADA Grievance Procedure, and contact information for the DAC and the City ADA Coordinator. Appendix A.
	8. Attends quarterly DAC meetings and trainings as scheduled to facilitate coordination with the City ADA Coordinator and increase disability civil rights compliance subject matter expertise.
	9. Provides an annual report, and additional reports as may be requested, to the MCPD regarding departmental compliance with this Instruction and related city policies, laws and regulations that promote the participation of individuals with disabilities in city programs, activities, and services.
City Attorney	1. Advises the City Administrator and City ADA Coordinator in carrying out their responsibilities under this AI, including conducting formal investigations of claims made as part of potential or filed litigation, or administrative complaints alleging noncompliance with the ADA or related laws and regulations.
	2. Serves as the lead agency for resolving all formal disability civil rights litigation claims and administrative complaints for damages or injunctive relief.
City Clerk/KTOP	1. Provides auxiliary aids and services for all City Council meetings, in coordination with the City ADA Coordinator as needed; manages the City's real-time closed captioning contract for live and rebroadcast of City Council and other televised public meetings on the City's public television station, KTOP; and makes City Council documents available in alternative accessible formats.
	2. Ensures that the City Council Chamber and Hearing Rooms One and Two are equipped with a permanently installed and maintained Assistive



	Listening System. Arranges for periodic testing and maintenance of these systems. Coordinates with KTOP to ensure that Assistive Listening Devices are available upon demand by individuals with disabilities.
	3. Informs staff and members of boards and commissions of the requirements of this Instruction and related city policies.
	4. Ensures compliance with the technical requirements for recording and broadcasting with closed captioning.
	5. Periodically tests Assistive Listening Systems and to ensure that Assistive Listening Devices are available upon demand by individuals with disabilities.
	6. Provides microphones and sound systems for KTOP recorded events, such as City Council and Council Committee meetings, and for other public meetings in City Hall upon request.
Communications	1. Develops, enforces, and provides training and technical assistance on citywide web content and electronic document accessibility standards that comply with the most current Effective Digital and Other Communications for Persons with Disabilities Policy. Appendix D.
Contracts & Compliance	1. Ensures that all City contracts include Schedule C-1, Declaration of ADA Compliance, and Schedule C-2, Declaration of ADA Compliance for Facility Use and Special Events Agreements, as appropriate, and coordinates the provision of technical assistance materials to City staff and City contractors regarding this Instruction and related laws and regulations.
Fire Department	1. Ensures that emergency plans and exercises, including but not limited to the City Mass Care and Shelter Plan, integrate the provision of services and actions that address the access and functional needs of members of the public throughout all emergency notification, response, and recovery activities,

	including but not limited to rescue, communications, sheltering, and transportation. Appendix J.
	2. Ensures that emergency alerts are receivable in text and voice formats, and that broadcast television announcements or press conferences during an emergency are accompanied by captioning, American Sign Language interpretation, and audio description of critical visual elements.
Housing & Community Development Department (HCD)	1. Ensures that private developers who receive City assistance, including pass through funds, demonstrate compliance of construction projects with applicable federal and state accessibility regulations
	2. Ensures that capital improvement projects managed by HCD are built in accordance with federal and state accessibility regulations.
	3. Ensure the equitable and proactive marketing of housing programs and available housing opportunities to individuals with disabilities, especially with respect to programs that provide housing modifications and other services primarily for the benefit of residents with disabilities and seniors, and housing specifically designed to accommodate residents with disabilities.
Library	1. As required to ensure equal access to Library programs, activities and services, supports system wide availability of information, materials, and programming in multiple formats; develops and implements extended services programs; and installs and maintains software and other assistive technologies for use in the libraries to enable patrons with different types of disabilities to use computer stations, read print materials, and participate in general and specialized library programming.

Parks & Recreation	1. In addition to welcoming individuals with disabilities in regular programming, provides specialized developmental and recreational programs as required to support full inclusion of individuals with disabilities in the gamut of Parks and Recreation programs, activities, and services.
	2. Ensures all marketing materials (including but not limited to online and hardcopy media) includes information about inclusion programs.
	3. Ensures that third parties participating in the Facilities Rental Program for events open to the public comply with the requirements of Schedule C2, Declaration of ADA Compliance for Facility Use and Other Special Events Agreements.
Planning & Building	1. Reviews all City capital improvement projects that require building permit(s) for conformance with applicable accessibility regulations contained within the California Building Code.
	2. Administers the Reasonable Accommodations Ordinance (Appendix I), by modifying or waiving City planning and zoning regulations, practices, or procedures, as required in order to avoid discrimination on the basis of disability.
Police	1. Provides training and technical assistance regarding police interactions with individuals with disabilities, including but not limited to individuals in mental health crisis, individuals with disabilities being taken into custody with their mobility devices or service animals, and effective communication with individuals who are Deaf, hard of hearing, or have other disability-related communications differences, such as individuals on the Autism spectrum.
	2. Establishes Text-to-9-1-1 capability.
	3. Ensures that Police 9-1-1 and non-emergency telephone systems answer TTY calls in a timely and effective manner. Periodically tests 9-1-1 and non-emergency systems response to TTY calls.
	4. Maintains on-call American Sign Language interpreter services contract for use during

	emergency and non-emergency business.
Public Works	1. Ensures that buildings and facilities under its authority under its authority are made and maintained in compliance with applicable federal and state accessibility standards and guidelines.
	2. Conducts routine and emergency maintenance and repair of accessible features of all City buildings and facilities under its authority; conducts periodic testing of accessible features such as elevators and automatic door openers in order to anticipate repair needs and avoid prolonged periods of nonoperation.
	3. In concert with the City ADA Coordinator, adopts or develops, updates, and enforces accessibility standards for City infrastructure improvement programs and ensures that new construction and alteration projects conform to the most stringent applicable federal, state and local requirements.
	4. In concert with the City ADA Coordinator, develops and oversees physical access compliance programs, activities and services, such as tot lot resurfacing programs.
	5. Submits all plans for new construction or alteration of City buildings and facilities, including public right-of-way improvements, to the City ADA Coordinator for review and approval.
	6. Flags Call Center requests from individuals with disabilities, or those relating to accessibility features such as physical access barriers in City buildings or facilities, for priority referral and response by the applicable Public Works program.
	7. Establishes procedures for providing notice to the public regarding construction projects, their location, materials/chemicals being used, and dates.
	8. Establishes procedures for providing notice to the public regarding City-administered pesticide/herbicide application locations, substances to be used, and dates.
	9. Maintains and distributes product specification lists for building, finishing, and furniture products that should be used to the maximum extent feasible in City and City-funded projects, for purposes of minimizing exposure of persons with chemical sensitivity or environmental illness to harmful

	substances.
	10. Provides for safe accessible temporary paths of travel in compliance with applicable state and federal standards for construction work zones and construction sites, and monitors contractors to ensure compliance with these standards.
	11. Ensures that all improvements to City tot lots include installation or refurbishment of existing rubber or other monolithic play surfacing (no loose fill surfacing.)
Transportation	1. Ensures that right of way assets under its authority are made and maintained in compliance with applicable federal and state accessibility standards and guidelines.
	2. Reviews all projects that require public right of way (PRoW) permit(s) for conformance with applicable Accessibility Regulations contained within the California Building Code.
	3. In concert with the City ADA Coordinator, adopts or develops, updates, and enforces accessibility standards for City infrastructure improvement programs and ensures that new construction and alteration projects conform to the most stringent applicable federal, state and local requirements.
	4. In concert with the City ADA Coordinator, develops and oversees physical access programs, activities and services, including the Curb Ramp Transition Plan, ADA Sidewalk Repair, and On-Street Accessible Parking programs. Appendix K, L and M.
	5. Submits all plans for new construction or alteration of City buildings and facilities, including public right-of-way improvements, to the City ADA Coordinator for review and approval.
	5. Provides for safe accessible temporary paths of travel in compliance with applicable state and federal standards for construction work zones and construction sites, and monitors contractors to ensure compliance with these standards.

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## VI. ADDITIONAL INFORMATION

For more information about compliance with the ADA and related disability civil rights laws in City programs, activities, and services, or to report a complaint of disability discrimination, please contact:

City ADA Coordinator  
One Frank H. Ogawa Plaza, 3<sup>rd</sup> Floor  
Oakland, CA 94612  
510-238-5219 (V)  
510-238-2007 (TTY)  
510-238-3304 (Fax)  
[adaprograms@oaklandnet.com](mailto:adaprograms@oaklandnet.com)

## VII. APPENDICES

The following City of Oakland policies, plans, and forms are incorporated into this Instruction by reference. The most recent of these documents can be found online at the ADA Programs Division Website or obtained from the City ADA Coordinator.

- Appendix A: Notice of Non-Discrimination on the Basis of Disability
- Appendix B: ADA Grievance Procedure and Form
- Appendix C: Service and Other Assistance Animal Policy
- Appendix D: ADA and Effective Electronic and Other Communications Policy
- Appendix E: ADA and Special Events Policy
- Appendix F: *Writing About Disabilities: Best Practices (Reserved)*
- Appendix G: Contract Schedules C-1 and C-2
- Appendix H: Auxiliary Aids and Services Policy and Request Forms
- Appendix I: Reasonable Accommodations Ordinance, Policy, and Application
- Appendix J: Mass Care and Shelter Plan Functional Needs Annex
- Appendix K: ADA Curb Ramp Transition Plan
- Appendix L: ADA Sidewalk Repair Policy
- Appendix M: On-Street Accessible Parking Policy

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City Administrator



## **Notice of Compliance with the Americans with Disabilities Act**

In accordance with the requirements of the Americans with Disabilities Act (ADA) of 1990 (as amended), the California Fair Employment & Housing Act (FEHA), the Rehabilitation Act of 1973 (as amended), and other applicable laws and codes, the City of Oakland will not discriminate against individuals on the basis of disability in its services, programs or activities.

Complaints that a program, activity or service of the City of Oakland is not accessible should be directed to the **City ADA Coordinator**:

### **ADA Programs Division**

**1 Frank H. Ogawa Plaza, 11th Floor / Oakland, CA 94612**

**Phone: (510) 238-5219 / TTY: (510) 238-2007**

**Email: [adaprograms@oaklandnet.com](mailto:adaprograms@oaklandnet.com)**

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

**Effective Communication:** The City of Oakland will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities, including sign language interpreters, documents in Braille and other ways of making information and communication accessible to people with disabilities so they can participate equally in the City's programs, services and activities.

**Modification to Policies and Procedures:** The City of Oakland will make reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services and activities. For example, individuals with service animals behaving within applicable standards are welcome in City offices and facilities, even when pets are generally prohibited.

Anyone who requires auxiliary aids and services for effective communication, or a modification of policies or procedures to participate in a City program, service or activity should contact the Departmental Access Coordinator for the Department offering the service or event, as soon as possible, but no later than 3 business days/72 hours before the scheduled event.

Neither the ADA nor state laws require the City of Oakland to take actions that would fundamentally alter the nature of its programs, activities or services, or impose an undue financial or administrative burden.

The City of Oakland will not place a surcharge on a particular individual with a disability or a group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy.



# CITY OF OAKLAND



1 FRANK H. OGAWA PLAZA OAKLAND, CALIFORNIA 94612-2033

ADA Programs Division  
One Frank Ogawa Plaza, 3<sup>rd</sup> Floor  
Oakland, CA 94612

PHONE (510) 238-5219  
FAX (510) 238-3304  
TTY (510) 238-2007

City of Oakland  
**Grievance Procedure for Complaints Arising Under Title II of the  
Americans with Disabilities Act (ADA)**  
(Excluding Employment)

This Grievance Procedure is established to meet the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the City of Oakland ("the City"). Complaints of disability discrimination involving other public entities or private businesses will not be accepted by the ADA Programs Division. ***Please note: do not use this form to file a complaint alleging employment disability discrimination against City employees or job applicants. Instead, please contact the Equal Opportunity Programs Division at 510-238-6468 or by email at: [amccullough@oaklandnet.com](mailto:amccullough@oaklandnet.com).***

Filing a grievance: Please complete this form as fully as possible. The complaint should be submitted by the individual alleging discrimination on the basis of disability or an authorized representative as soon as possible but no later than 60 calendar days after the alleged discrimination. If you require this form in an alternative format, or need other assistance to submit your complaint, then contact the ADA Programs Division at 510.238.5219 or by e-mail at [adaprograms@oaklandnet.com](mailto:adaprograms@oaklandnet.com).

City response to grievance: Within 10 business days after receipt of the complaint, the ADA Coordinator, or a designee, will contact the complainant or representative to discuss the complaint and possible resolutions. Within 30 business days of receipt of the complaint, unless the period is extended by agreement with the complainant or representative, the ADA Coordinator, or designee, will respond in writing, in a format accessible to the complainant. The response will explain the position of the City and, what actions if any the City will take to resolve the complaint.

Appeal: If the response by the ADA Coordinator, or designee, does not satisfactorily resolve the issue, the complainant and/or a designee may appeal the decision within 10 business days after receipt of the response to the City Administrator.

City response to appeal: Within 10 business days after receipt of the appeal, the City Administrator, or a designee, will interview the complainant to discuss the complaint and possible resolutions. Within 20 business days after the interview, the complainant will receive a response either affirming or modifying the determination of the City ADA Coordinator.

All documented complaints received by the ADA Coordinator, appeals to the City Administrator, and responses from these offices will be retained by the City of Oakland for at least three years.

The City will not retaliate against you for filing a grievance. Any form of retaliation related to the filing of this complaint is prohibited and should be reported immediately to the ADA Coordinator.

Please be advised that some of the information you supply on this complaint form may be subject to public disclosure under the California Public Records Act. However, the City will make every reasonable effort to ensure that confidentiality is maintained throughout the complaint, investigation, and corrective action process, to the extent consistent with the law. Additionally, in the event that the City decides that your complaint requires further investigation, witnesses may be interviewed, and the accused party/parties will be given an opportunity to respond to your allegations.

Please submit your ADA grievance form to:

**ADA Coordinator  
ADA Programs Division  
One Frank Ogawa Plaza, 11<sup>th</sup> Floor  
Oakland, CA 94612  
Voice: 510-238-5219  
TTY: 510-238-2007  
Email: [adaprograms@oaklandnet.com](mailto:adaprograms@oaklandnet.com)**

**PLEASE NOTE:** If you have made a request for a curb ramp, sidewalk repair, or disabled parking zone and are not satisfied with the results, please use this grievance process. If you have not yet made a request, you must do so first. To [Make a request for a Sidewalk Repair, Curb Ramp, or Disabled Parking Zone, you may click here for application materials. You may also make a request by calling 510.615.5566 or sending an e-mail to \[pwacallcenter@oaklandnet.com\]\(mailto:pwacallcenter@oaklandnet.com\).](#)

City of Oakland

# Grievance Form

## Complaint of Access Violation or Discrimination on Basis of Disability

*City employees and job applicants wishing to file a complaint of disability discrimination should contact the Equal Opportunity Programs Division at 510-238-3500 (voice); 510-238-4749 (fax). Do **not** use this form. The City's Personnel Policy governs employment-related complaints of disability discrimination.*

Please fill out the information below as fully as possible. Feel free to use the back of these pages or additional pages if necessary.

### **What is the nature of your complaint?**

- ☐ Sidewalk Repair Denial    ☐ Curb Ramp Denial    ☐ Disabled Parking Zone Denial
- ☐ Other ADA issue: (Briefly describe) \_\_\_\_\_

### **Your information**

Name: \_\_\_\_\_

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

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone numbers: Home: \_\_\_\_\_ Work: \_\_\_\_\_

Cell: \_\_\_\_\_ TTY: \_\_\_\_\_

Email: \_\_\_\_\_

Check all preferred methods of communication:

☐ Voice telephone    ☐ TTY    ☐ CRS    ☐ Email    ☐ U.S. Mail

Other: \_\_\_\_\_

What is your relationship to the complainant? ☐ Self    ☐ Family member/guardian

☐ Advocate    ☐ Other: \_\_\_\_\_

### **Are you filing this grievance on behalf of someone else?**

If so, please enter their information here:

Name: \_\_\_\_\_

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

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone numbers: Home: \_\_\_\_\_ Work: \_\_\_\_\_

Cell: \_\_\_\_\_ TTY: \_\_\_\_\_

Email: \_\_\_\_\_

Check all preferred methods of communication:

☐ Voice telephone    ☐ TTY    ☐ CRS    ☐ Email    ☐ U.S. Mail

Other: \_\_\_\_\_

**Who Your Complaint Is Against**

☐ City Employee   and/or   ☐ City Department

Name: \_\_\_\_\_

Job title: \_\_\_\_\_

City Department: \_\_\_\_\_

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

Telephone number: \_\_\_\_\_

**Complaint Information**

Date of incident: \_\_\_\_\_

Time of incident: \_\_\_\_\_

Location of incident: \_\_\_\_\_

**Description of complaint** (Please describe fully the nature of your complaint.)

**Witness Information** (If other people witnessed the incident, please list their names and contact information here.)

Name: \_\_\_\_\_

Job title and department (if City employee): \_\_\_\_\_

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

Telephone number/email/other contact information: \_\_\_\_\_

Name: \_\_\_\_\_

Job title and department (if City employee): \_\_\_\_\_

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

Telephone number/email/other contact information: \_\_\_\_\_

## Evidence and Documentation

Please list and provide any physical evidence, written or recorded documents, or any other information that directly supports your specific claim. You may also attach photographs or other documents in support of your claims.

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

4. \_\_\_\_\_

5. \_\_\_\_\_

6. \_\_\_\_\_

**What actions would you want the City to take in response to your complaint?**

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**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

# CITY OF OAKLAND

## ADA PROGRAMS DIVISION

Subject: **Service and Assistance Animals Policy**  
Effective Date: August 1, 2017  
Supersedes: N/A  
Responsible Departments: ADA Programs Division

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### **I. Policy**

The City of Oakland policy welcoming persons with disabilities into all its public programs, activities, services, buildings and facilities is set forth in Administrative Instruction 123, the City ADA (Americans with Disabilities Act) or Disability Policy. This subsidiary policy provides additional guidance regarding the City's responsibilities towards individuals with disabilities who rely on service or other assistance animals for disability-related support while participating in City programs, activities, and services.

Except as modified in Section V., below, individuals with disabilities have the right to be accompanied by their service or other assistance animal, as defined in IV., below, when participating in City programs, activities, and services, and in all City buildings and facilities open to the public, owned or leased, including buildings and facilities managed by third parties containing City-sponsored programs.<sup>1</sup> Additionally, persons who are licensed or otherwise authorized to train service animals, as defined in California Civil Code section 54.1, are allowed access to City programs, activities, and services, and in all City buildings and facilities open to the public, owned or leased, including buildings and facilities managed by third parties containing City-sponsored programs.

Under no circumstances will individuals with disabilities or service animal trainers be assessed a surcharge, deposit, or other fee when taking the measures required by this policy.<sup>2</sup> Individuals with disabilities or service animal trainers can be held liable for any damage done to City buildings or facilities caused by the service or assistance animal, and the animal may be excluded if it cannot be controlled by the handler or is not housebroken. At all times the

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<sup>1</sup> 28 C.F.R. §35.136 (Department of Justice ADA regulations); 49 C.F.R. §27.7(e) and §37.5 (Department of Transportation Rehabilitation Act and ADA Regulations); 24 C.F.R. §100.204 (Housing and Urban Development Fair Housing Act regulations).

<sup>2</sup> 28 C.F.R. §35.136(h); [Service Animals and Assistance Animals for People with Disabilities in Housing and HUD-Funded Programs](#). This includes not applying a pet deposit or other fee that might be imposed on a pet owner, as a service/assistance animal or service animal in training is not a pet. Service and assistance animals and service animals in training are not exempt from local vaccination, licensing, and registration requirements, but a service or assistance animal handler cannot be required to show that the animal is registered specifically as service or assistance animal, even if such local registration is available. [Frequently Asked Questions about Service Animals and the ADA](#). Trainers of service dogs in training may be asked to produce tags showing local registration as a service dog. Cal. Civil Code §54.1(c).

handler is responsible for the care and supervision of the service animal, service animal in training, or assistance animal.<sup>3</sup>

Some City Departments, Bureaus or Divisions are required by existing practices in response to settlement agreements resolving litigation, administrative, or informal complaints, to have specific policies and procedures in place for accommodating individuals with disabilities and their service or assistance animals. These Departments shall ensure that their policies and procedures are reviewed for alignment with AI 123 and this subsidiary Policy, and updated as necessary.

All other Departments shall ensure that procedures are in place to successfully implement this Policy throughout its locations, programs, activities, and services, and that contractors, grantees, and staff are provided training and technical assistance as needed.

## **II. Responsible Parties**

- A. The City Administrator through the ADA Programs Division is responsible for citywide enforcement of this Policy throughout all City programs, activities, services, and in all of the City's leased or owned buildings and facilities open to the public. The ADA Programs Division is responsible for investigating complaints, providing technical assistance and training support to Departmental Access Coordinators and other staff, contractors, and grantees in implementing this Policy, and updating this Policy as may be needed.
- B. Departmental Access Coordinators are responsible for understanding the application of this Policy to their set of programs, activities, services, buildings, and facilities, including departmental contractors and grantees, and seeking technical assistance and training as needed for successful implementation.
- C. The Housing and Community Development Department is responsible for complying with its obligations under the Americans with Disabilities Act (ADA) and Fair Housing Amendments Act (FHAA), as described in this Policy, in the administration of its housing programs including but not limited to Rent Board proceedings, housing developments, and other housing assistance programs.
- D. The Human Services Department is responsible for complying with its obligations under the ADA, FHAA, and the Department of Transportation (DOT) ADA and Rehabilitation Act regulations, as set forth in this Policy, in the administration of its transit and paratransit programs, shelter programs, and all other programs serving the public.
- E. The Oakland Zoo is responsible for updating and publishing its policies and practices for accommodating individuals with disabilities who are accompanied by their service animals at the Zoo, and licensed or otherwise authorized trainers accompanied by their

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<sup>3</sup> 28 C.F.R. §35.136(h); [Service Animals and Assistance Animals for People with Disabilities in Housing and HUD-Funded Programs](#).

service animals in training, in accordance with this general Policy, and making reasonable modifications to its programs, activities, and services as needed.

- F. Oakland Animal Services** is responsible for updating and publishing its policies and practices for accommodating volunteers and patrons with disabilities who are accompanied by their service animals, and licensed or otherwise authorized trainers accompanied by their service animals in training, at OAS facilities or events in accordance with this general Policy, and making reasonable modifications to its programs, activities, and services as needed.

### **III. Background**

Administrative Instruction 123, the ADA Policy, sets forth the general requirements for all City programs, activities, and services for compliance with the ADA and related laws protecting the rights of individuals with disabilities to full and equal access to state and local government services. This subsidiary policy consolidates the City's obligations under both the ADA and the Fair Housing Amendments Act (FHAA), as modified by California law, with respect to the treatment of service or assistance animals accompanying persons with disabilities.<sup>4</sup> This Policy is intended to provide additional direction with regard to making accommodations for individuals with disabilities who must rely on service or assistance animals in order to be able to access City programs, activities, or services. This policy also describes the right of service animal trainers to access City programs, activities, and services under California law.

### **IV. Definitions**

- A. **Service Animal**: means any dog, or miniature horse, that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether trained or untrained, are not service animals. The work or tasks must be directly related to the individual's disability. Crime deterrence, emotional support, or companionship does not constitute work or tasks under this definition.<sup>5</sup>

With respect to transportation facilities, a service animal may be any animal individually trained to work or perform tasks for an individual with a disability.<sup>6</sup>

- B. **Service Animal in Training**: as defined by the California Civil Code, means any dog that is being individually trained to the requirements of an individual with a disability.<sup>7</sup>

- C. **Assistance Animal**: as defined by HUD, means any animal that works, provides assistance, or performs tasks for the benefit of a person with a disability, or provides emotional support that alleviates one or more identified symptoms or effects of a person's disability.<sup>8</sup> Assistance animals are not subject to training requirements, but may include animals that meet the service animal definition above.

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<sup>4</sup> 28 C.F.R. §35.136; 49 C.F.R. §27.7(e) and §37.5; 24 C.F.R. §100.204.

<sup>5</sup> 28 C.F.R. §35.104.

<sup>6</sup> 49 C.F.R. §37.3.

<sup>7</sup> Cal. Civ. Code §§54.1(b)(6)(C)(iii); 54.1(c).

<sup>8</sup> 28 C.F.R. §35.136(h); [Service Animals and Assistance Animals for People with Disabilities in Housing and](#)



- D. **Reasonable Accommodation**: in housing programs, means is a change, exception, or adjustment to a rule, policy, practice, or service that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling, including public and common use spaces.<sup>9</sup> For purposes of this policy, as explained in Section V., below, all City housing programs, including residential facilities, shelters, and housing assistance programs are subject to making reasonable accommodations for persons with disabilities and their service or assistance animals.
- E. **Reasonable Modification**: means a change, exception, or adjustment to policies, practices, or procedures that may be necessary for a person with a disability to participate in a City program, activity, or service.<sup>10</sup>
- C. **Fundamental Alteration**: is a change that is so significant that it alters the essential nature of the goods, services, facilities, privileges, advantages, or accommodations offered.<sup>11</sup>
- D. **Direct Threat**: means a significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices, or procedures, or by the provision of auxiliary aids and services.<sup>12</sup>

## V. Procedures

### A. **Access to City Programs, Activities, and Services**

In general, service animals (dogs, and in some circumstances, miniature horses) and service animals in training (dogs only) are permitted to accompany individuals with disabilities or their licensed or otherwise authorized trainer into City leased and owned buildings and facilities, and when participating in City programs, activities, and services, including those administered by third parties.<sup>13</sup>

#### 1. Housing Programs

As per the FHAA, housing programs are required to reasonably accommodate tenants with disabilities who require a modification to existing policies, practices, or procedures in order to enjoy a dwelling based on a disability-related need. This includes modifying a no-pet policy in order to accommodate an assistance animal as defined in Section IV., above, in a City housing facility, shelter, or other type of residential facility. Other types of housing-related programs, such as Rent Board proceedings and other housing assistance programs are also subject to making

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[HUD-Funded Programs.](#)

<sup>9</sup> 24 C.F.R. §100.204.

<sup>10</sup> 28 C.F.R. §35.130(b)(7); 49 C.F.R. §27.7(e) and §37.5.

<sup>11</sup> 42 U.S.C. §12201(f).

<sup>12</sup> 28 C.F.R. §35.104.

<sup>13</sup> 28 C.F.R. §35.136; 28 C.F.R. §35.130(b).

reasonable accommodations for participants to be accompanied by their assistance animals while participating in these programs.<sup>14</sup>

## **2. Transportation Programs**

Service animals, and service animals in training, as defined in Section IV. above, are permitted on City transportation vehicles and facilities, including vehicles and facilities managed by third parties.

## **3. Programs, Activities, and Services Involving Other Animals**

In City programs involving other animals, such as the Oakland Zoo and Oakland Animal Services, supplemental policies and procedures shall be established to implement this policy to the fullest extent possible, without fundamentally altering the nature of the programs, activities, and services. Measures to be taken to ensure program integrity may include but is not limited to mapping locations where service animals or service animals in training are restricted to protect the welfare of other animals, and other reasonable modifications that will allow individuals with disabilities and licensed or otherwise authorized trainers to benefit from the program, activity, or service while accompanied by their service animal or service animal in training.<sup>15</sup>

### **B. Verifying a Service Animal, Service Animal in Training, or Assistance Animal**

If it is not readily apparent that an animal is a service animal, service animal in training, or assistance animal, staff may take the following measures in order to verify whether the animal meets the applicable definitions set forth in Section IV, above.

1. **General Programs.** In general program settings, the City is required to allow access to service animals that are dogs, or when circumstances permit, miniature horses, that are individually trained to perform work or a task for the benefit of a person with a disability. Staff may ask the following questions:<sup>16</sup>

- a. Is your dog (or miniature horse) required due to disability?
- b. What work or task has your dog (or miniature horse) been trained to perform?

If there is a concern about whether a particular facility can in fact accommodate a miniature horse, staff may additionally assess the type, size, weight, level of handler control, whether the horse is housebroken, and

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<sup>14</sup> Any established policies and procedures for accommodating service or assistance animals should re-examined in light of this general Policy and AI 123 for full alignment.

<sup>15</sup> *Ibid.*

<sup>16</sup> 28 C.F.R. §35.136(f).

whether there are legitimate safety requirements that would be impacted by the horse's presence at the facility.<sup>17</sup>

Staff are not permitted to ask about the nature of the individual's disability, or seek documentation such as certification, a license, or other proof that the dog or miniature horse is a service animal.<sup>18</sup>

As per California law, the City only permits service animals in training that are dogs to accompany their licensed or otherwise authorized trainers while participating in its programs, activities, and services. Staff may request that the trainer produce a tag to prove that the dog is a service animal in training.<sup>19</sup>

2. **Housing Programs.** In housing programs, as described in V.A., above, the City is required to reasonably accommodate individuals with disabilities who are accompanied by assistance animals, such as by waiving a no-pet policy or pet deposit requirement. In housing programs, assistance animals may be any species and do not have to be individually trained. Staff may ask the following questions and/or request supporting documentation to verify an animal is an assistance animal when the animal's role is not readily apparent:

- a. Do you have a disability?
- b. Is this animal an assistance animal that you require due to your disability?

Staff may not ask for access to medical records or providers, or require detailed or extensive information or documentation of the disability.<sup>20</sup>

3. **Transportation Programs.** In City transportation programs, service animals that are individually trained are permitted access to vehicles and facilities, and are not restricted to dogs. Staff may ask the same questions listed for General Programs in 1., above.

### **C. Grounds for Exclusion**

Every reasonable effort should be made to allow an individual accompanied by a service or assistance animal as defined in this policy to participate in City programs, activities, and services. Efforts shall include reasonably modifying policies, practices, and procedures to avoid conflicts between the presence of a service or assistance animal, and the overall purpose and benefits of the program.

Allergies, or fear of animals among other program participants will not generally be grounds for the exclusion of a service or assistance animal. Staff may make

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<sup>17</sup> 28 C.F.R. §35.136(i).

<sup>18</sup> 28 C.F.R. §35.136(f).

<sup>19</sup> Cal. Civ. Code §54.1(c).

<sup>20</sup> [Service Animals and Assistance Animals for People with Disabilities in Housing and HUD-Funded Programs](#)

program modifications to mitigate the impact on other program participants due to the presence of the animal.

1. **Lack of Control.** A service animal or service animal in training generally may be excluded from accessing City programs, activities, services, buildings, and facilities when the handler is unable to exercise control of the animal, or if the animal is not housebroken<sup>21</sup>. There is no requirement that the service animal be leashed as long as the animal is otherwise under the handler's control. The individual with a disability must be permitted to participate in the service, program, or activity without the service animal on the premises.<sup>22</sup>
2. **Fundamental Alteration.** A service or assistance animal, or service animal in training, may be excluded from a City program, activity, or service if its presence would fundamentally alter the nature of the program, activity, or service.<sup>23</sup> Such circumstances should be rare, and always individually assessed, but might include situations when the presence of the animal may affect the safety or welfare of other animals, such as an exhibit of predatory or endangered animals at the Oakland Zoo, or an adoption event hosted by Oakland Animal Services.
3. **Direct Threat.** As stated above, a service or assistance animal or service animal in training must be under the control of the handler at all times. Before excluding a service or assistance animal or service animal in training based on direct threat, staff must make an individualized assessment, based on reasonable judgment that relies on the best available objective evidence, of the nature, duration, and severity of the risk of injury, the probability that injury will in fact occur, and whether modifications or the provision of auxiliary aids or services may mitigate the perceived risk. Stereotypes about particular species or breeds cannot form the basis of a finding of direct threat.<sup>24</sup>

Any decision to exclude an alleged service animal, service animal in training, or assistance animal from a City program, activity, or service must be made in writing by the Department Head or designee, as set forth in AI 123, the City ADA Policy.

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<sup>21</sup> Animals that are housebroken can experience illness so accidents can occur; this possibility should be considered before excluding the animal from the premises. Similarly, a dog's limited barking should not serve as evidence alone of being out of control as the barking may be brought under control. [Title II 2010 Guidance and Section By Section Analysis](#), page 87.

<sup>22</sup> 28 C.F.R. §35.136(c).

<sup>23</sup> 42 U.S.C. §12201(f). "At a zoo, service animals can be restricted from areas where the animals on display are the natural prey or natural predators of dogs, where the presence of a dog would be disruptive, causing the displayed animals to behave aggressively or become agitated. They cannot be restricted from other areas of the zoo." [Frequently Asked Questions about Service Animals and the ADA](#).

<sup>24</sup> 28 C.F.R. §35.139.

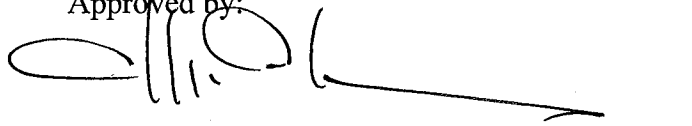
Please direct all questions regarding this policy and its administration to:

ADA Programs Division  
c/o City Administrator's Office  
1 Frank H. Ogawa Plaza, 3<sup>rd</sup> Floor  
Oakland, CA 94612  
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Prepared by:  
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Reviewed by:  
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Approved by:

A handwritten signature in black ink, consisting of a large loop followed by several vertical strokes and a long horizontal line extending to the right.

City ADA Coordinator

# CITY OF OAKLAND

## ADA PROGRAMS DIVISION

Subject: **ADA Effective Communications Policy (DRAFT)**  
Effective Date: September 1, 2017  
Supersedes: City Web Site Access Policy, July 1, 2009  
Responsible Departments: ADA Programs Division  
Chief Information Officer  
Citywide Communications Director

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### I. Policy

The City of Oakland shall ensure that it complies with all applicable provisions of Title II of the Americans with Disabilities Act of 1990 (ADA) protecting the civil rights of persons with disabilities in state and local government services, and that all of its programs, activities and services, when viewed in their entirety, are readily accessible to and usable by individuals with disabilities. Consistent with this policy, all City communications shall be as effective for individuals with disabilities so that they derive the same result, benefit, or level of achievement in City programs, activities, and services as provided to persons without disabilities. All communications, web and non-web based, shall be designed to be accessible to users with disabilities in conformance with the Web Content Accessibility Guidelines 2.0, Level AA or above (WCAG 2.0 AA+) and so that that all people, regardless of their physical, sensory, or cognitive differences, shall have access to the City's electronic and other communications and related services.

### II. Definitions

- A. Communications is to be defined broadly for purposes of this Policy to include but not be limited to the following:
1. Web content
  2. Non-web content and software
  3. Electronic and paper documents
  4. In-person and virtual meetings
  5. Phone and in-person communications
  6. Special events
  7. E-mail
  8. Video
  9. Audio
  10. Text
  11. Images
  12. Signage
- B. Effective Communications as provided by the Americans with Disabilities Act is defined as communications that allow individuals with disabilities to receive an equal opportunity to derive the same result, benefit, or level of achievement when

participating in City programs, activities, and services as provided to persons without disabilities, and includes the provision of information in alternative formats and Auxiliary Aids and Services.

C. Alternative Formats include but are not limited to the following:

1. Large Print
2. Braille
3. Recorded audio in lieu of print materials
4. Captioning of live or recorded video
5. Sign Language for meetings, in-person or phone communications
6. Video transcripts
7. Print in lieu of electronic versions of forms
8. Electronic in lieu of print versions of forms
9. Text to describe images
10. Images to describe text content

D. Auxiliary Aids and Services are services, equipment, devices, and actions that are required in order to afford an individual with a disability an equal opportunity to participate in and enjoy the benefits of a service, program, or activity of the City. Includes but is not limited to provision of qualified interpreters in person or via Video Remote Interpreting, assistive listening devices, captioning, qualified readers, and information in alternative formats. The ADA Programs Division administers a centralized Auxiliary Aids and Services Program that arranges for sign language interpreters, captioning, Braille, and text to audio transcription upon request by City Departments for programs, activities, and services offered to the general public.

E. Video Remote Interpreting (VRI) is a service that uses video conference technology over dedicated lines or wireless technology offering high-speed, wide-bandwidth video connection that delivers high-quality video images pursuant to 28 C.F.R. 35.160(d). VRI services are available at select high in-person public contact locations Citywide and are administered via the ADA Programs Division's centralized Auxiliary Aids and Services Program. VRI is not a substitute for in-person sign language interpretation services and is used only for brief, routine, non-complex and emergency communications when an in-person interpreter cannot be timely secured.

F. California Relay Service is also known as the Telecommunications Relay Service (TRS) and is funded by the Federal Communications Commission. It is accessed by dialing "711." TRS uses operators, called communications assistants (CAs), to facilitate telephone calls between people with hearing and speech disabilities and other individuals. A TRS call may be initiated by either a person with a hearing or speech disability, or a person without such disability. When a person with a hearing or speech disability initiates a TRS call, the person uses a teletypewriter (TTY) or other text input device to call the TRS relay center, and gives a CA the number of the party that he or she wants to call. The CA places an outbound traditional voice call to that person, then serves as a link for the call, relaying the text of the calling party in voice to the called party, and converting to text what the called party voices back to the calling party.

The CA will generally begin the call with "Hello. This is the relay service..." The ADA and this Policy require that such calls are answered in the same manner as any other phone call.

- G. WCAG 2.0 AA+ refers to the Web Content Accessibility Guidelines (WCAG) 2.0 developed by the Worldwide Web Consortium's Web Access Initiative, and covers a wide range of recommendations for making Web content more accessible. Levels of conformance range from A to AAA, with AA being the generally accepted standard for municipalities for purposes of complying with Title II of the Americans with Disabilities Act. The higher the conformance level the higher the number of WCAG success criteria that is met. This Policy adopts conformance level AA or above for the City of Oakland.

### **III. Responsible Parties**

- A. The City Administrator ultimately enforces citywide compliance with this policy, and as consistent with Administrative Instruction 123.
- B. The Chief Public Information Officer (Citywide Communications Director) is responsible for establishing and implementing workflows for reviewing website design and content, electronic content management standards (web and non-web based), style guidance, tools, and templates to assist content authors comply with this Policy. Workflows will at a minimum be designed to ensure all Citywide electronic communications and applications are routinely reviewed for conformance to this policy before going live.

The Public Information Officer/Citywide Communications Director shall designate one or more Departmental Access Coordinators pursuant to Administrative Instruction 123 as responsible for conducting or coordinating this review. In addition to these routine reviews, the Public Information Officer/Citywide Communications Director, in coordination with the City ADA Coordinator and the Mayor's Commission on Persons with Disabilities, is required to conduct an annual audit of the City website and applications for conformance with this policy and report on progress towards full compliance, as described under VI. Procedures, below.

- C. The City Clerk is responsible for establishing and implementing workflows for providing documents, KTOP broadcast and archived video, legislative information, board and commission applications and web content, and other communications with the public in conformance with the policy, including the provision of captioning for televised Council and board and commission meetings.
- D. The City ADA Coordinator in the ADA Programs Division, under the direction of the City Administrator is responsible for developing and updating this policy, supporting staff training efforts, administering a centralized Auxiliary Aids and Services Program, and reviewing grievances by the public about failure to conform to this Policy.



- E. Departmental Access Coordinators (DACs) are responsible for providing technical assistance and facilitating staff training to ensure effective implementation of this Policy.
- F. The City Attorney, City Auditor, Oakland Public Library, and Oakland Animal Services independently manage their web site content. These departments and any other City agency or entity that chooses to independently manage their web content are responsible to ensure that they comply with all provisions of this policy.
- G. The Chief Information Officer is responsible for ensuring that software and applications that are developed or procured by the City for delivery of public services or use by members of the public comply with Section 508 of the Rehabilitation Act and the most current Information and Communication Technology (ICT) Standards and Guidelines. 36 C.F.R. §§1193, 1194.

### **III. Background**

This Policy arises from the ADA requirement that State and local governments provide individuals with disabilities equal access to their programs, services, or activities, (28 C.F.R. §35.149, 28 C.F.R. §35.150), and communicate with individuals with disability in a manner that is equally effective as communication with others. 28 C.F.R. § 35.160. This Policy explains how the City will fulfill this effective communication mandate in both digital and non-digital formats.

In 2009, the City adopted an ADA Web Access Policy, which exclusively addressed the design standards applicable to web-based communications for purposes of complying with the Americans with Disabilities Act of 1990. The 2009 policy is now amended and superseded to recognize the broad range of communications, electronic and non-electronic, web-based and non-web based, to which accessible design principles should apply. In addition to the City's web-based communications, the ADA's effective communication mandate requires that the City also ensure that its non-web based and non-digital communications are provided in alternative formats, that all communications are compatible with the range of assistive technologies used by individuals with disabilities, and that auxiliary aids and services are provided as needed to facilitate communications, enabling individuals with disabilities to enjoy full and equal access to the City's programs, activities, and services. To this end, the principles for making electronic content accessible to persons with disabilities can and should be applied to other types of communications whenever possible.

This Policy also memorializes the City's adoption of WCAG 2.0 AA+ as the City's standards for disability access compliance in its web and other electronic information communications technologies. This Policy increases the level of conformance from Level A (as was provided by the 2009 policy) to Level AA or above. This updated policy also recognizes the emergence of applications and other non-web information communication technologies, and as described in the paragraph above, the applicability of WCAG 2.0 principles to virtually all types of communications.

Raising the required level of conformance in the City's electronic communications is consistent with the Department of Justice's course towards adoption of final technical

regulations for web content subject to Title II of the ADA. In response to its 2010 Advance Notice of Proposed Rulemaking seeking comments on whether or not to adopt the WCAG 2.0 as the technical requirements for Title II website accessibility, and if so, at what conformance level, the DOJ acknowledged that majority of comments overwhelmingly supported adopting WCAG 2.0 Level AA conformance. In its 2016 Supplemental Advance Notice of Proposed Rulemaking, the DOJ indicated that it is now indeed considering proposing WCAG 2.0 Level AA as the technical standard for public entity Web sites.<sup>1</sup>

Furthermore, the Access Board, the federal agency charged with drafting regulations for the implementation of Section 508 of the Rehabilitation Act, governing federal agency information and communications technologies, published a proposed rule in 2015 adopting WCAG 2.0 Level AA as the technical standards for any electronic and information communications technologies developed, procured, maintained, or used by federal agencies. Both of these proposed rules, once finalized and adopted by the DOJ, will result in federal, state, and local government entities being required to conform to WCAG 2.0 AA standards in order to avoid violation of Section 508 and/or Title II of the ADA. Meanwhile, the DOJ's more recent settlement agreements in response to finding state and local government website accessibility violations explicitly reference WCAG 2.0 Level AA as the standard for settlement compliance.<sup>2</sup>

#### IV. Procedures

**A. Web Accessibility Standards.** Effective August 1, 2017, all new or modified City web site content, at a minimum, will conform to World Wide Web Consortium (W3C) / Web Accessibility Initiative (WAI) Web Content Accessibility Guidelines (WCAG) 2.0, Conformance Level AA or above.<sup>3</sup> Consistent with WCAG 2.0, the following are the general principles that are to govern the creation and maintenance of the City's web site content:

1. Information and user interface components must be presentable to users in ways they can perceive, including but not limited to the provision of text alternatives for non-text content; appropriate color contrast; user audio and text sizing controls; live captioning of streaming content; captioning, transcription, and sign language interpretation for pre-recorded content; and instructions that do not rely upon sensory characteristics such as shape, size, color, or sound.
2. User interface components and navigation must be operable, including but not limited to ensuring all functionality is available using a keyboard interface without requiring specific timing for individual keystrokes; providing sufficient time for users to read and use content; not designing content in a manner that is known to cause seizures; titling web pages and links to describe their purpose; and using section headings to describe content.
3. Information and the operation of user interface must be understandable, including but not limited to providing readable and understandable text content; identifying jargon, abbreviations, and pronunciation to describe text content that may

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<sup>1</sup> [Supplemental Advance Notice of Proposed Rulemaking, Nondiscrimination on the Basis of Disability: Accessibility of Web Information and Services of State and Local Government Entities.](#)

<sup>2</sup> See, e.g., [Project Civic Access Agreement with Cedar Rapids, Iowa](#) (2015).

<sup>3</sup> [Web Content Accessibility Guidelines \(WCAG\) 2.0](#)

otherwise be ambiguous or idiomatic; providing text content that does not exceed the lower secondary education level or providing a non-text alternative if the text content cannot be otherwise presented; and providing opportunities for users to review and correct input errors.

4. Content must be robust enough that it can be interpreted reliably by a wide variety of user agents (browsers, software, etc.), including assistive technologies, and future user agents and assistive technologies.

It is the responsibility of City departments that independently manage web site content (those that use a content management system or tools other from those selected for citywide use by the City Administrator), to implement WCAG 2.0 conformance level AA+ requirements consistent with this Policy in the design and function of all web pages within their control.

- B. Notification.** All City web pages shall include an access button directing users to accessibility instructions. The international symbol for accessibility shall be used as the access button with appropriate alternative text. The following instructions, at a minimum, must be available to users who click on the accessibility icon:

**Access Instructions for Users with Disabilities:**

Welcome to the City of Oakland website. At this time, the City is working towards full Web Accessibility Initiative (WAI) Web Content Accessibility Guidelines (WCAG) 2.0, Conformance Level AA or above on all its pages. If you have any suggestions for improving the accessibility features of our website, please contact the City ADA Coordinator at [adaprograms@oaklandnet.com](mailto:adaprograms@oaklandnet.com).

Additional accessibility instructions may also be provided and updated as needed to provide more specific instructions to users of different operating systems, browsers, and assistive technologies.

Use of this notification shall not relieve departments of the responsibility to ensure that newly created or modified web content complies with WCAG 2.0 AA+, and shall only be applicable to content that cannot be readily provided in conformance with all WCAG AA success criteria.

- C. Staff Training.** Web content contributors shall be provided with annual training in the application of WCAG 2.0 principles within the content management system. Trainings will be coordinated by the Citywide Communications Director, and shall aim to provide the knowledge and tools to contributors to ensure maximum compliance with WCAG 2.0 Level AA guidelines or above.

- D. Annual Accessibility Audit; Approvals for New or Modified Web Page Content.** The Citywide Communications Director will facilitate an annual user review of selected web pages for conformance with this Policy. Factors for selecting pages for this annual accessibility audit will include, but not be limited to, user analytics, recent complaints or feedback, substantial modifications to a page or pages in last year, and

time since last page audit. Testers shall include individuals from the disability community who will employ a full array of known assistive technologies and formats that are used by persons with disabilities to access online content, and the Mayor's Commission on Persons with Disabilities.

**E. Annual Report to Mayor's Commission on Persons with Disabilities.** The Citywide Communications Director or designee shall present an annual report regarding the status of the implementation of this Policy and specifically what progress was made towards full WCAG 2.0 AA+ compliance in the City's web content and use or development of other information and communications technologies.

**F. Updates to WCAG.** The City recognizes that the Web Content Accessibility Guidelines (WCAG) are subject to periodic modifications and updates. As modifications to WCAG or new recommendations from W3C WAI or the Department of Justice become available to the public regarding web site or other information communications technology accessibility, the City ADA Coordinator and the Citywide Communications Director shall review this policy and determine appropriate changes.

**G. Other Communications.** Whenever possible, the WCAG 2.0 shall be applied to non-web communications and technologies.<sup>4</sup> At a minimum, the ADA and this Policy requires that all communications with individuals with disabilities be as effective as with other members of the public. The following is a non-exhaustive list of examples of communications that may not be web-based but nevertheless require conformance with this Policy:

1. Audio and Video (live and pre-recorded): All original audio and video for the public shall be provided with captioning, unless the audio is provided as an alternative to visual elements.
2. Forms: shall be furnished in alternative formats to members of the public upon request; electronic versions posted online or available through an application must be usable by persons with disabilities in conformance with this Policy.
3. Portable Document Format (PDF) Documents: PDF documents for public use shall be created in conformance with this Policy; scanned documents that just create images of text will be in violation of this Policy. This policy encourages the use of HTML in lieu of or in addition to PDF format for online posting.
4. E-mail: E-mail communications shall be designed in conformance with this Policy.
5. Software & Applications: Software and applications that are acquired or developed by the City to be used by the public to access City programs, activities, and services must be usable by persons with disabilities in conformance with this Policy.
6. Images: Alternative text for images shall be provided unless the image is provided as a text alternative.

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<sup>4</sup> [Guidance on Applying WCAG 2.0 to Non-Web Information and Communications Technologies](#) (WCAG2ICT)

7. Meetings and Special Events: Auxiliary aids and services to allow full and equal participation by persons with disabilities shall be made available as needed as per this Policy and Administrative Instruction 123; meeting notices and event marketing materials shall provide information for members of the public to make disability-related inquiries and accommodations requests in advance.

- a. Assistive listening systems: In assembly areas that can accommodate at least 50 people or contain an audio-amplification system, and that provide for fixed seating, the City shall maintain a permanently installed assistive listening system. For other assembly areas, a permanently installed assistive listening system, or an adequate number of electrical outlets or other supplementary wiring necessary to support a portable assistive listening system shall be provided.

The minimum number of receivers to be provided shall be equal to 4 percent of the total number of seats, but in no case less than two. The City shall install signage to notify individuals of the availability of a listening system.

8. Telephone: Communications by telephone shall be as effective for callers who are Deaf, hard of hearing, or who have speech impairments as with other callers. Telephone numbers on websites and other communications shall always be accompanied by the California Relay Service (711) number for use by persons who are Deaf, hard of hearing, or who have speech impairments.

Telephone emergency services, including 911 services, shall provide direct access to individuals who use TTY's and computer modems.

#### H. **Effective Communication with Persons who are Deaf or Hard of Hearing.**

1. Sign Language Interpretation: It is the Policy of the City of Oakland to arrange for in-person sign language interpretation services upon request for members of the public who are Deaf or hard of hearing and require such services to participate in City programs, activities, and services. The City shall not require an individual with a disability to bring another individual to interpret for him or her.
  - a. The City shall not rely on an adult accompanying an individual with a disability to interpret or facilitate communication except –
    - i. In an emergency involving an imminent threat to the safety or welfare of an individual or the public where there is no interpreter available; or
    - ii. Where the individual with a disability specifically requests that the accompanying adult interpret or facilitate communication, the accompanying adult agrees to provide such assistance, and reliance on that adult for such assistance is appropriate under the circumstances.
    - iii. The City shall not rely on a minor child to interpret or facilitate communication except in an emergency involving an imminent threat to the safety or welfare of an individual or the public where there is no interpreter available.

2. Video Remote Interpreting: Only in emergencies or for brief, non-complex transactions can staff use Video Remote Interpreting (VRI) services in order to effectively communicate with individuals who are Deaf or hard of hearing. When using VRI services the City shall insure that it provides –
- a. Real time, full motion video and audio over a dedicated high-speed, wide-bandwidth video connection or wireless connection that delivers high-quality video images that do not produce lags, choppy, blurry, or grainy images, or irregular pauses in communication;
  - b. A sharply delineated image that is large enough to display the interpreter's face, arms, hands, and fingers, and the participating individual's face, arms, hands, and fingers, regardless of his or her body position;
  - c. A clear, audible transmission of voices; and
  - d. Adequate training to City staff and other users of the technology so that they may quickly and efficiently set up and operate the VRI.

Please direct all questions regarding this policy and its administration to:

ADA Programs Division  
c/o City Administrator's Office  
1 Frank H. Ogawa Plaza, 3<sup>rd</sup> Floor  
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Prepared by:  
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ADA Programs Division

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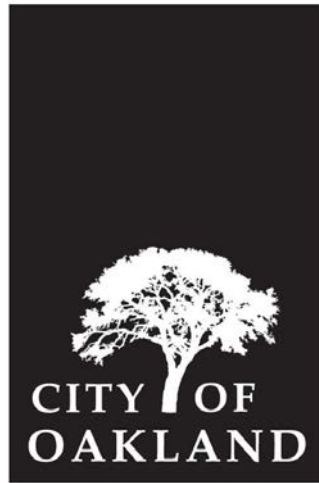
Andrew C. Peterson,  
Chief Information Officer

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Christine Calabrese  
CITY ADA COORDINATOR

# CITY OF OAKLAND, CALIFORNIA

## ADA CURB RAMP TRANSITION PLAN



### **ADA PROGRAMS DIVISION**

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April 1, 2009

*This document will be made available in alternative formats upon request*

*Please contact:*

*City ADA Coordinator*

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*[adaprograms@oaklandnet.com](mailto:adaprograms@oaklandnet.com)*



## **ACKNOWLEDGEMENTS**

### **City of Oakland Administration**

Mayor Ronald V. Dellums  
City Attorney John Russo  
City Auditor Courtney Ruby  
Council President Jane Brunner (District 1)  
District 2 Council Person Pat Kernighan  
District 3 Council Person Nancy Nadel  
District 4 Council Person Jean Quan  
District 5 Council Person Ignacio De La Fuente  
District 6 Council Person Desley Brooks  
District 7 Council Person Larry Reid  
Council Member at Large Rebecca Kaplan  
Interim City Administrator Dan Lindheim  
City Clerk LaTonda Simmons

### **ADA Curb Ramp Transition Plan Team**

Christine Calabrese, City ADA Coordinator, City Administrator's Office  
Michael J. Neary, Community and Economic Development Agency Deputy Director  
Gus Amirzehni, Principal Civil Engineer, CEDA Engineering and Design  
Wladimir Wlassowsky, Principal Civil Engineer, CEDA Engineering and Design  
Marcel Uzegbu, Supervising Civil Engineer, CEDA Engineering and Design  
Jason Patton, Bicycle and Pedestrian Program Manager, CEDA Transportation Services  
Kendra Scalia, ADA Program Analyst II, City Administrator's Office  
Patrick Phelan, Senior Drafting Technician (GIS), CEDA Engineering and Design

### **ADA Advisory Group**

*The Mayor's Commission on Persons with Disabilities (MCPD) acts as the City's designated advisory body for ADA compliance. April 2009 Roster:*

Commissioner Petrina Alexander	Commissioner Tamar Raine
Commissioner Eugenie Marie Barton	Commissioner Lorraine Rosenblatt
Commissioner Lynne Cutler	Commissioner Safi wa Nairobi
Commissioner Lori Ann Dotson	
Commissioner Chris Finn (Chair)	
Commissioner Lateef McLeod	
Commissioner Laura Martell	
Commissioner Michal C. Moore	
Commissioner Merlin Nw	
Commissioner Bill Pelter	

## **CREDITS**

The City of Oakland acknowledges the City of Sacramento, California, for its pioneering efforts in developing a comprehensive transition plan for curb ramps. Sacramento's curb ramp plan provided a strong basis for Oakland to work from when developing this plan and certain of Sacramento's curb ramp policies are adopted herein.

## **ADOPTION OF PLAN**

On May 5, 2009, the City of Oakland City Council passed a resolution adopting the City of Oakland Americans with Disabilities Act (ADA) Curb Ramp Transition Plan dated April 1, 2009. City Council Resolution Number 81954.

**CITY OF OAKLAND**  
**ADA Curb Ramp Transition Plan**



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**APPENDICIES**

1. ADA - Final Rules, Title II, July 26, 1991 (incorporated by reference)
2. City Curb Ramp Database (incorporated by reference)

**ATTACHMENTS** (Available Upon Request)

1. Contact List (of interested parties consulted during the public comment period)
2. ADA Curb Ramp Grievance Procedure
3. On-Call Curb Ramp Policy
4. City of Oakland Curb Ramp Prioritization Map

## **1.1 INTRODUCTION TO THE ADA**

The Americans with Disabilities Act (ADA), the world's first comprehensive civil rights law for people with disabilities, was enacted on July 26, 1990. The ADA is a companion civil rights legislation to the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973. The ADA prohibits discrimination on the basis of disability in employment, state and local government, public accommodations, commercial facilities, transportation, and telecommunications. It also applies to the United States Congress.

To be protected by the ADA, one must have a disability or have a relationship or association with an individual with a disability. An individual with a disability is defined by the ADA as a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such impairment, or a person who is perceived by others as having such impairment. The ADA does not specifically name all of the impairments that are covered.

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

### **Title I: EMPLOYMENT**

Title I requires employers with 15 or more employees to provide qualified individuals with disabilities an equal opportunity to benefit from the full range of employment-related opportunities available to others. For example, it prohibits discrimination in recruitment, hiring, promotions, training, pay, social activities, and other privileges of employment. It restricts questions that can be asked about an applicant's disability before a job offer is made, and it requires that employers make reasonable accommodation to the known physical or mental limitations of otherwise qualified individuals with disabilities, unless it results in undue hardship.

### **Title II: STATE AND LOCAL GOVERNMENT (PUBLIC SERVICES)**

Title II covers all activities of state and local governments regardless of the government entity's size or receipt of Federal funding. Title II requires that State and local governments give people with disabilities an equal opportunity to benefit from all of their programs, services, and activities, such as public meetings, employment, recreation programs, aging, health and human services programs, libraries, museums, and special events.

State and local governments are required to follow specific architectural standards in the new construction and alteration of their buildings and facilities. They also must relocate programs or otherwise provide access in inaccessible older buildings, and communicate effectively with people who have hearing, vision, or speech disabilities. Public entities are not required to take actions that would result in undue financial and administrative burdens. They are required to make reasonable modifications to policies, practices, and procedures where necessary to avoid discrimination, unless they can demonstrate that

## **1.1 INTRODUCTION TO THE ADA**

doing so would fundamentally alter the nature of the service, program, or activity being provided. A transition plan is intended to outline the methods by which physical or structural changes will be made to effect the non-discrimination policies described in Title II. It is under this title that the Curb Ramp Transition Plan is prepared.

### **Title III: PUBLIC ACCOMMODATIONS**

Title III requires places of public accommodation to be accessible to and usable by persons with disabilities. The term “public accommodation” as used in the definition is often misinterpreted as applying to public agencies, but the intent of the term is to refer to any privately funded and operated facility serving the public.

### **Title IV: TELECOMMUNICATIONS**

This Title 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**

This title contains several miscellaneous regulations, including construction standards and practices, provisions for attorney’s fees, and technical assistance provisions.

## **1.2 CITY RESPONSIBILITIES UNDER TITLE II OF THE ADA**

Title II mandates that a public entity such as the City of Oakland operate each service, program, or activity so that the service, program, or activity, when viewed in its entirety is readily accessible to and usable by individuals with disabilities. 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.

Title II dictates that a public entity must evaluate its services, programs, policies, and practices to determine whether they are in compliance with the nondiscrimination requirements of the ADA. The regulations detailing compliance requirements were issued in July 1991. A self-evaluation is required and intended to examine activities and services, to identify and correct any that are not consistent with the ADA. The entity must then proceed to make the necessary changes resulting from the self-evaluation. The ADA also requires that a transition plan be prepared, to describe any structural or physical changes required to make programs accessible.

As described in Title 28 of the Code of Federal Regulations, Section 35.150(a) (also referred to as the ADA Rules), a public entity is not necessarily required to make each of its existing facilities accessible to and usable by individuals with disabilities. Nor does it require a public entity to take any action that would threaten or destroy the historical significance of an historic property. If the public entity can demonstrate that a modification would fundamentally alter the nature of its service, program, or activity, or cause undue financial and administrative burdens, it is not required to make that particular modification.

### **1.3 THE ADA TRANSITION PLAN REQUIREMENT**

In the event that structural changes to facilities will be undertaken to achieve program accessibility, a public entity that employs 50 or more persons must develop, within six months of January 26, 1992, a transition plan setting forth the steps necessary to complete such changes. That plan is to identify physical obstacles in the public entity's facilities that limit the accessibility of its programs or activities to individuals with disabilities; describe in detail the methods that will be used to make the facilities accessible; specify the schedule for taking the steps necessary to achieve compliance; and indicate the official responsible for implementation of the plan. In January 1996, the City prepared its transition plan with respect to buildings and facilities.

In addition to those requirements set forth above, in the event a public entity has responsibility or authority over streets, roads, or walkways, the transition plan is to include a schedule for providing curb ramps or other sloped areas where pedestrian walks cross curbs, giving priority to walkways serving entities covered by the ADA, including State and local government offices and facilities, transportation, places of public accommodation, and employers, followed by walkways serving other areas [28 C.F.R. § 35.150(d)(2)].

The City's ADA Curb Ramp Transition Plan addresses these latter requirements for curb ramps, or other sloped areas, limited to public sidewalks within the City's control. The Plan complements the City's ADA Transition Plan for Buildings and Facilities (1996) and supersedes Section 3.9 therein pertaining to priorities for curb ramp installation at existing street corners. The Plan incorporates by reference the City Curb Ramp Database.

The ADA does not designate a specific code or standard for curb ramps to be provided or modified pursuant to 35.150 (d)(2). Title II gives government agencies a choice between the Uniform Federal Access Standards (UFAS) and the American with Disabilities Act Accessibility Guidelines (ADAAG) as a standard for renovations. For the purpose of the Curb Ramp Transition Plan, each curb ramp or curb ramp site is evaluated based on the requirements of ADAAG.



## **1.4 ADA COMPLIANCE COORDINATORS**

The Community and Economic Development Agency (CEDA), Design and Construction Services Division (DCSD), currently administers City curb ramp improvement programs. The City ADA Coordinator and Mayor's Commission on Persons with Disabilities (MCPD) provide oversight and guidance for City ADA compliance activities, including curb ramp improvement programs.

The official responsible for implementation of the City's ADA Transition Plan with respect to curb ramps, is the Right of Way Access Coordinator, located in DCSD. The CEDA Deputy Director shall designate the Right of Way Access Coordinator. The current designee is:

Mr. Marcel Uzegbu  
Supervising Civil Engineer  
Engineering, Design and Right-of-Way Management  
250 Frank H. Ogawa Plaza, 4<sup>th</sup> Floor  
Oakland, CA 94612  
510-238-6257  
muzegbu@oaklandnet.com

The official responsible for citywide compliance with ADA Title II requirements is the City ADA Coordinator, located in the City Administrator's Office. The City ADA Coordinator staffs the MCPD and is responsible to draft the City's ADA Transition Plans. The City Administrator designates the City ADA Coordinator. The current designee is:

Ms. Christine Calabrese  
City ADA Coordinator  
City Administrator / ADA Programs  
One Frank H. Ogawa Plaza, 3<sup>rd</sup> Floor  
Oakland, CA 94612  
510-238-4754  
ccalabrese@oaklandnet.com

## **1.5 PUBLIC COMMENT AND GRIEVANCE PROCEDURES**

The City has provided opportunities for interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the development of the ADA Curb Ramp Transition Plan by submitting comments and making specific recommendations.

On October 13, 2008, the Mayor's Commission on Persons with Disabilities (MCPD) approved a draft of the Plan by a motion of the full commission. A draft copy of the Plan was available for public inspection from December 1, 2008 through January 5, 2009. A list of interested parties consulted during the public comment period is contained in Attachment 1. The City will maintain on file a list of persons consulted with respect to the Plan, the surveys, and a description of modifications made, for a minimum period of 3 years beyond the formal adoption of this document.

The City has adopted and published grievance procedures providing for prompt and equitable resolution of complaints alleging any action that would be prohibited by Title II. The City's ADA Curb Ramp Grievance Procedure and related forms are contained in Attachment 2.

Complaints of alleged noncompliance and grievances concerning curb ramps should be directed to the Right of Way Access Coordinator in the Community and Economic Development Agency (see Section 1.4).

## **1.6 MONITORING AND TRACKING**

The Right of Way Access Coordinator shall:

- Coordinate inspection of 8-10% of curb ramp installations to ensure that curb ramps are constructed or reconstructed properly and within acceptable tolerances;
- Prepare a quarterly curb ramp activities report for the Mayor's Commission on Persons with Disabilities (MCPD) in conjunction with the City ADA Coordinator, who staffs the MCPD. Quarterly reports shall be published in January, April, July and October of each year, for a minimum period of 3 years beyond the formal adoption of this document;
- Prepare an annual curb ramp program report for a neutral monitor selected by the City for a minimum period of 3 years beyond the formal adoption of this document; and
- Ensure that all curb ramps installed by the City or by others (under permit) are logged in the City Curb Ramp Database.

## **2.0 OTHER CITY TRANSITION PLAN PARTS**

This transition plan relates solely to curb ramps. (ADA Rules, Section 35.150 (d)(2).)

### **2.1. Buildings and Facilities Transition Plan**

The City previously prepared and implemented a transition plan with respect to City buildings and facilities in 1996. (ADA Rules, Section 35.150 (d)(3).) The transition plan for buildings and facilities lists curb ramp needs at off-street facilities. A copy of the ADA Transition Plan for Buildings and Facilities may be obtained from the City ADA Coordinator (see Section 1.4).

### **2.2. Sidewalk Transition Plan**

In 2002, the United States Court of Appeals for the Ninth Circuit, whose jurisdiction includes California, held for the first time that sidewalks constitute a service, program or activity of a city and sidewalks are therefore subject to the ADA title II program accessibility regulations. *Barden v. Sacramento*, 292 F.3d 1073 (9<sup>th</sup> Cir.2002). Before this ruling it was unclear if local government transition plans should address barrier removal from sidewalks, other than missing or unsafe curb ramps.

The City is drafting a ADA transition plan that catalogs, prioritizes, and schedules improvements necessary to remove sidewalk access barriers. The Citywide Sidewalk Condition and ADA Survey (2006) inventoried access barriers including sidewalk damage, tree-related barriers (low wells, hanging limbs), obstructions, excessive travel direction and cross slopes, and sudden drop-offs. A land use was attributed to each survey segment (city block). This Geographic Information System (GIS) based inventory provides a detailed picture of non-compliance and allows for targeted use of funds earmarked for sidewalk improvements.

The City has had in place for many years a sidewalk repair program, which utilizes specific criteria for determining whether or not a sidewalk requires repair, including the condition of the sidewalk. City inspectors are available to inspect sidewalks to determine if repairs are necessary, either upon request by a property owner or any concerned citizen. Persons with disabilities may contact the City's Right of Way Access Coordinator with any questions or to schedule a sidewalk inspection (see Section 1.4).

## **3.0 CURB RAMP PLAN**

### **3.1. Introduction**

The ADA requires that a public entity include in its transition plan a schedule for the installation of curb ramps or other sloped areas at locations where pedestrian walks (sidewalks) cross curbs. The purpose of this section is to summarize curb ramp needs in the City of Oakland and to outline the recommended procedures for the prioritization, implementation and scheduling of remedial work to provide ADA complying curb ramps for public sidewalks (only those within the City's control).

### **3.2. Curb Ramp Inventory**

The statistics contained in this transition plan were compiled from a Geographic Information System (GIS) database specially developed for the City of Oakland. The City Curb Ramp Database was developed in October 2002 upon completion of a citywide inventory of over 17,500 possible locations (street corners). The database was updated in August 2008 to capture curb ramps constructed or permitted by the City since October 2002.

The complete curb ramp database is quite large and could not feasibly be included in the text of the Transition Plan. The database is available for public inspection at the office of the Community and Economic Development Agency (CEDA), Engineering, Design and Right of Way Division—3 business day advance notice is requested. Please contact the Right of Way Access Coordinator (see Section 1.4).

### **3.3. Curb Ramp Standards**

Curb ramps shall be installed at all locations, including mid-block crosswalks, where they are missing and necessary for access to sidewalks. Although the ADA does not specifically mandate replacement of all existing curb ramps that may not reflect new construction standards (as described in Federal Register, Volume 56, No. 144, ADA Rules and Regulations, Section 35.150), non-conforming curb ramps will be replaced under this plan. A high priority is to reconstruct curb ramps at locations where existing ramps have a condition that may impede a path of travel to a City program or activity. Examples are vertical displacement of the curb ramp, broken or cracked concrete, deteriorated conditions, steep slopes, narrow widths, high gutter lips, and offset locations.

City curb ramp standards shall meet or exceed current federal, state and local accessibility regulations and standards. The Right of Way Access Coordinator is responsible to develop and update City standards for curb ramp construction and reconstruction. Copies of the City's standard curb ramp details are available from the ADA Public Right of Way Coordinator (see Section 1.4).

### **3.0 CURB RAMP PLAN**

#### **3.4. Priorities for Curb Ramp Construction and Replacement**

The City's is endeavoring to ensure equal access to the public right of way (sidewalks and crosswalks) for pedestrians with disabilities by identifying all areas of potential deficiency and by making necessary structural improvements. The assignment of priorities for curb ramp construction and reconstruction is intended to guide the selection of locations, to incorporate federal guidance, and to address specific concerns of the local disability community.

The priorities for curb ramp construction and replacement are grouped into three classifications. The first classification and highest priority is requests by qualified persons with disabilities. The second classification evaluates the specific curb ramp with respect to its physical location within the city and to predominating land uses adjacent to the curb ramp location. The third classification evaluates the curb ramp with respect to its physical attributes.

##### **Priority Classification One: Requests from Qualified Persons with Disabilities**

Soon after passage of the ADA, the City recognized that it would take some time to complete a curb ramp transition plan, which requires construction of ramps at over 17,500 locations (street corners). In Fiscal Year 1990-91, the City launched the On-Call Curb Ramp Program to ensure access for people with disabilities living and working in Oakland during the lengthy transition period. This Program is currently funded by the City's ADA Capital Improvement Program (general fund) and by Measure B Gas Tax revenues.

The On-Call Curb Ramp Program constructs curb ramps on an individual basis in response to requests from qualified persons with disabilities. Generally, requests come from residents with disabilities who wish to get to from their home or work place to transportation, school, medical facilities or other areas to accommodate their activities of daily living. This program installed over 900 curb ramps between 1991 and 2007.

The City will continue its policy of installing curb ramps upon request by qualified individuals with disabilities at locations not otherwise scheduled and budgeted for improvement. These requests will have the highest priority. The City will set aside funds for on-call curb ramp requests on an annual basis in an amount consistent with prior year demand. The City's On-Call Curb Ramp Policy and related forms are provided in Attachment 3.

### 3.0 CURB RAMP PLAN

#### Priority Classification Two: Curb Ramp Location Priorities

From 1991 to 2004, the City received funding commitments and spent approximately \$3.5 million for construction of over 1,600 curb ramps. Funding was provided primarily by the Federal Highway Administration (FHWA), through the Intermodal Surface Transportation Efficiency Act (ISTEA) and subsequently the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21). Matching funds were provided by the City through a number of sources—primarily Measure B Sales Tax and Transportation Development Act, Article 3 (TDA) funds. Curb ramp locations were selected using surveys conducted by the City in 1984 and 1994; priorities set forth in the City’s ADA Buildings and Facilities Transition Plan, Section 3.9; and input from the MCPD. In a separate project targeting curb ramps in proximity of transit stops, the City spent approximately \$100,000 in FY 1999-00 to install an additional 112 ramps.

The City will establish a program for curb ramp construction and reconstruction called the Citywide Curb Ramp Program. The following location (land use) priorities for curb ramp infill activities are based upon U.S. Department of Justice ADA Title II Regulations, the City of Oakland General Plan (1998), and best practices of other jurisdictions.

#### Curb Ramp Location Priorities

##### Tier 1: Transit streets and centers <sup>1</sup>

- A. Regional transit streets (60 foot buffer);
- B. Transit centers (1,000 ft. buffer)<sup>2</sup>;
- C. Local transit streets (60 foot buffer)<sup>3</sup>.

##### Tier 2: Public facilities (with 60 foot buffer unless otherwise noted)

- A. City buildings (city offices, museums, libraries, senior centers, recreation centers, fire stations, etc.);
- B. State and county buildings, including county medical centers;
- C. Schools (community colleges; high school, junior high and elementary school programs with magnet programs for children with disabilities; and all other public schools);

---

<sup>1</sup> Land Use and Transportation Element of the Oakland General Plan (1998)

<sup>2</sup> BART stations; Amtrak (Jack London Square); Eastmont Transit Center, and Oakland/Alameda Ferry

<sup>3</sup> Hegenberger/73<sup>rd</sup> Ave, College Ave, Bancroft Ave, Park Blvd, 23<sup>rd</sup> Ave, 35<sup>th</sup> Ave, 40<sup>th</sup> St.

### 3.0 CURB RAMP PLAN

(cont.)

- D. Large public housing (OHA) sites and critical homeless services;
- E. City parks and open space;
- F. East Bay Regional parks and open space (100 foot buffer);
- G. Other public facilities (reserved).

Tier 3: Privately-owned public accommodations<sup>4</sup> (60 foot buffer)

- A. Commercial zoning areas (C1-xx) and Kaiser (KX) — (with an emphasis on doctor, medical and health offices; service sites of disability organizations; and major employment sites);
- B. Special zoning areas limited to medical centers not listed above (S1); transit oriented development (S15); and housing and business mix (HBX1-3);
- C. Medium to high density housing and high rise apartments (R50 – R90);
- D. Other public accommodations (reserved).

Tier 4: Locations that do not fall into any of the above groups but are within 100 feet of a sidewalk route.

Tier 5: Locations that do not fall into any of the above groups and are greater than 100 feet from a sidewalk route. These locations are neither counted as “possible locations” nor scheduled for improvement.

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<sup>4</sup> Zoning designations are per the City of Oakland General Plan and Zoning Map, January 2008  
**City of Oakland**  
**ADA Curb Ramp Transition Plan**  
**April 2009**



### **3.0 CURB RAMP PLAN**

#### **Priority Classification Three: Curb Ramp Attributes**

This attribute classification will be used in conjunction with the location prioritization above. It sets priorities for curb ramp construction and replacement based upon lack of ramps and physical condition and placement of existing curb ramps, with one being the top priority, and five being the lowest priority.

1. The highest priority is to reconstruct curb ramps at locations where existing curb ramps have a condition that may impede a path of travel to a City program or activity. Examples are vertical displacement of the curb ramp, broken or cracked concrete, deteriorated conditions, steep slopes, narrow widths, high gutter lips, and offset locations.
2. A new curb ramp will be installed at locations without a curb ramp, where required in order to provide access to a sidewalk. (This priority may be used in place of priority number 1 to provide a continuous path of travel.)
3. When utility conflicts, physical barriers or other constraints exist at a location, a curb ramp will be reconstructed where required in order to provide access to a sidewalk.
4. To the maximum extent practicable, an existing curb ramp will be reconstructed when it does not meet current federal or state standards.
5. When a curb return has one existing curb ramp and conditions allow for the construction of an additional curb ramp at the same return, and provided that traffic controls allow for a safe path of travel, an additional curb ramp will be installed where required in order to provide access to a sidewalk.

### **3.0 CURB RAMP PLAN**

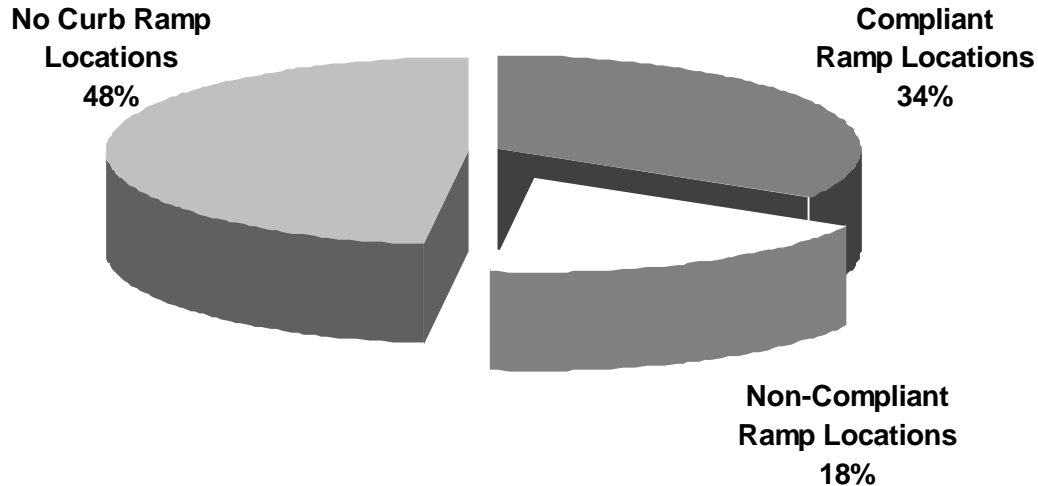
#### **3.5. Annual Schedule for Curb Ramp Construction and Reconstruction**

The City of Oakland has committed itself to the following schedule and methods for the annual construction or reconstruction of curb ramps:

1. The City of Oakland will construct or reconstruct, on average, 500 or more curb ramps annually until the City is ADA compliant.
  - Approximately 100 of these curb ramps will be at locations requested by persons with disabilities (on-call program).
  - At least 50 of these curb ramps will be at locations where streets have been overlayed between 1992 and 2008, until all required curb ramps have been constructed or reconstructed at those locations. To the extent practicable, the City will follow the priorities set forth above when installing curb ramps along streets that have been overlayed during this time period, and all other curb ramps will be installed according to those priorities.
  - Curb ramps will be installed on an infill basis (Citywide Curb Ramp Program) as funding allows.
  - Curb ramps must be installed where streets are overlayed with new asphalt surfacing.
  - Curb ramps will be installed or reconstructed as required under other City street improvement projects.
  - Curb ramps located adjacent to City facilities will be constructed or reconstructed as part of projects to improve these facilities, where applicable.
2. Additionally, the City anticipates that an average of 150 curb ramps per year will be constructed or reconstructed in the public right of way by others:
  - Curb ramps will be constructed or reconstructed as a condition of private development.
  - The State of California has installed curb ramps along the portions of state highways that have recently been repaved. More curb ramps may be installed along state highways in the City in conjunction with future improvement of these facilities.
  - Utility companies are required to install new curb ramps at corners where they excavate.

### 3.0 CURB RAMP PLAN

#### 3.6. Status and Cost Estimate for Curb Ramp Plan as of August 2008



*As of August 2008, the curb ramp database showed that about 5972 (34%) of a total of approximately 17,776 possible locations (street corners) have ADA compliant curb ramps. About 8,535 (48%) of possible locations have no curb ramp(s) and about 3,269 (18%) have non-compliant ramps.*

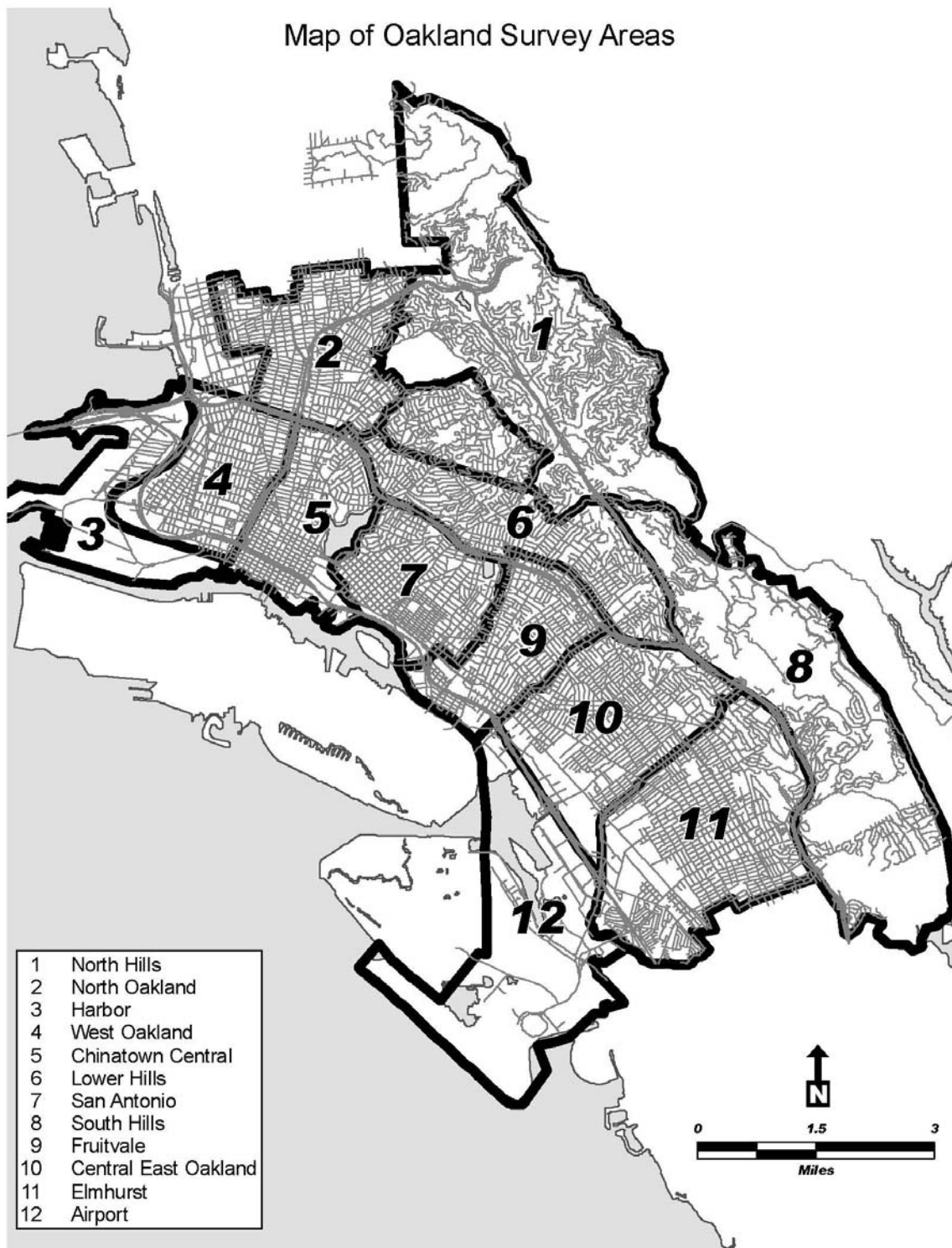
#### Number of Ramps Needed and Cost Estimate as of August 2008

	<u>Total Locations</u>	<u>Dual Ramp Multiplier</u>	<u>Total Ramps Needed</u>	<u>Cost Per Ramp</u>	<u>Cost Estimate</u>
New Construction (No Ramp)	8,535	1.5	12,803	\$2,500	\$32 million
Reconstruction (Non-compliant)	3,269	1.8	5,884	\$2,500	\$15 million
TOTALS	11,804		18,687		\$47 million

*At the planned rate of 650 new or reconstructed ramps per year, it would take 29 years to complete the curb ramp plan.*

### 3.0 CURB RAMP PLAN

#### 3.7. Statistical Summaries from the City Curb Ramp Database



### 3.0 CURB RAMP PLAN

#### Curb Ramp Summary by Survey Area as of August 2008

Survey Area	Possible Locations <sup>1</sup>	Compliant Ramp <sup>2</sup>	No Ramp <sup>3</sup>	Non-compliant Ramp <sup>4</sup>
1. North Hills	606	61	515	30
2. N Oakland	2292	992	800	500
3. Harbor	65	17	26	22
4. W Oakland	1524	638	349	537
5. Downtown*	1627	618	314	695
6. Lower Hills	1808	552	1158	98
7. San Antonio	2082	545	1190	347
8. South Hills	795	144	584	67
9. Fruitvale	1586	565	707	314
10. E Oakland	2153	553	1282	318
11. Elmhurst	2846	958	1556	332
12. Airport	147	85	54	8
13. Not Assigned	<u>245</u>	<u>244</u>	<u>0</u>	<u>1</u>
Totals	17776	5972	8535	3269

\*Chinatown/Central

#### Notes:

1. Number of Possible Locations by Survey Area
2. Number of ADA Compliant Ramp Locations (Curb Ramps to be Retained by the City) by Survey Area
3. Number of No Curb Ramp Locations (Where New Curb Ramps Will be Constructed) by Survey Area
4. Number of Non-Compliant Ramp Locations (Where Existing Curb Ramps Will Be Replaced) by Survey Area

### 3.0 CURB RAMP PLAN

#### Curb Ramp Status by Land Use Area as of August 2008

Land Use Area	Possible Locations <sup>1</sup>	Compliant Ramp <sup>2</sup>	No Ramp <sup>3</sup>	Non-Compliant Ramp <sup>4</sup>
Tier 1: Transit Facilities	3633	2026	575	1031
Tier 2: Public Facilities	1657	535	765	359
Tier 3: Public Accommodations	6275	1931	3017	1327
Tier 4: Other	<u>6211</u>	<u>1480</u>	<u>4178</u>	<u>552</u>
Totals	17776	5972	8535	3269

Notes:

1. Number of Possible Locations by Land Use (Tiers 1-4)
2. Number of ADA Compliant Ramp Locations (Curb Ramps to be Retained by the City) by Land Use (Tiers 1-4)
3. Number of No Curb Ramp Locations (Where New Curb Ramps Will be Constructed) by Land Use (Tiers 1-4)
4. Number of Non-Compliant Ramp Locations (Where Existing Curb Ramps Will Be Replaced) by Land Use (Tiers 1-4)

**CITY of OAKLAND**  
DEPARTMENT of TRANSPORTATION

Subject: **Accessible On-Street Parking Policy (DRAFT)**  
Effective Date: September 1, 2017  
Supersedes: On-Street Disabled Parking Zone Policy (July 1, 2009)  
Reference: U.S. Access Board Public Right of Way Accessibility  
Guidelines (2011)  
Caltrans Design Information Bulletin #82-05 and the Caltrans  
Highway Design Manual  
Responsible Divisions: Parking and Mobility Management  
ADA Programs

---

I. Purpose

This policy sets out Department of Transportation (DOT) policies, practices and procedures for on-street accessible, or disabled, parking compliance and management. The policy is a necessary part of the Department's access compliance program pursuant to Administrative Instruction #123, the City Access Policy.

II. Responsible Parties

The Parking and Mobility Division Manager is responsible to administer this policy and the on-call residential and non-residential disabled parking zone programs, to manage the City's on-street parking inventory in conformance with the applicable federal, state and local accessibility laws and regulations, and to help ensure that all public right of way improvement projects initiated or permitted by the City conform to this policy.

The City ADA Coordinator in the ADA Programs Division is responsible to develop this policy, to review grievances by on-call disabled parking zone program applicants and other qualified people with disabilities about decisions made by the Parking and Mobility Division under this policy, and to help ensure that all public right of way improvement projects initiated or denied by the City conform to this policy.

Please direct all questions regarding this policy and its administration to:

Division Manager  
Parking and Mobility Division  
Department of Transportation  
250 Frank H. Ogawa Plaza, Suite 1333  
Oakland, CA 94612  
(510) 238-7670 (Voice)  
(510) 238-2007 (TTY)

### III. Background

The City has the authority to regulate on-street residential parking pursuant to California Vehicle Code Chapter 9 of Division 11 and Oakland Municipal Code Chapter 10.28 covering Stopping, Standing and Parking.

The Americans with Disabilities Act of 1990 (ADA) as amended prohibits discrimination on the basis of disability by public entities in its services, programs and activities. The general prohibitions against discrimination set forth in 28 CFR, Part 35.130(a) states: “No qualified individual with a disability shall, on the basis of disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any public entity.” Further, 28CFR Part 35.130(b)(1)(iii) states: “A public entity, in providing any aid, benefit, or service, may not, directly or through contractual, licensing, or other arrangements, on the basis of disability, provide a qualified individual with a disability with an aid, benefit, or service that is not as effective in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others.” Since the City makes on-street parking facilities available to the general public, it should make the same or equivalent facilities available to people with disabilities.<sup>1</sup>

Current federal ADA regulations do not specifically address on-street parking facilities. Nevertheless, in 2014, the United States Court of Appeals for the Ninth Circuit affirmed a district finding that Title II of the ADA requires local governments to provide accessible on-street parking in the absence of regulatory design specifications for on-street parking facilities.<sup>2</sup> In December 2015, the City Engineer adopted a policy to adhere to the latest State of California, Department of Transportation (Caltrans) guidelines and standards when constructing or reconstructing ADA features in the public right of way under the City’s control or jurisdiction and, when Caltrans standards do not address scoping and technical requirements for making a particular right of way feature accessible under the ADA, to reference the United States Access Board’s Proposed Right of Way Accessibility Guidelines (PROWAG).<sup>3</sup>

### IV. Policy

The Department of Transportation (DOT) shall ensure that all public right of way (PRoW) improvement programs under its jurisdiction or control include construction or reconstruction of on-street accessible, or disabled, parking facilities in accordance with this policy. PRoW alterations shall not decrease or have the effect of decreasing the accessibility for persons with disabilities. This policy shall extend to private entities, utility companies and others working under permit with the City.

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<sup>1</sup> U.S. Department of Transportation, Federal Highway Administration, Office of Civil Rights letter to Californian’s for Disability Rights, September 29, 2005.

<sup>2</sup> U.S. Court of Appeals for the Ninth Circuit, Opinion No. 12-56280, D.C. No. 2:11-cv-06644-DDP-JCG, *Fortune v. City of Lomita*, September 5, 2014.

<sup>3</sup> Oakland Public Works, Bureau of Engineering and Construction, Technical Bulletin #2, December 2015.



The DOT shall operate additional discretionary programs under which on-street disabled parking zones may be installed upon request by qualified individuals with disabilities, by the City ADA Coordinator, and by public accommodations as defined by the ADA.

The Parking and Mobility Manager will make the final decision on the design and location of on-street accessible parking and passenger loading facilities and will balance accessibility requirements with other site specific factors. In certain cases, the Manager may implement alternative measures to ensure equal access for persons with disabilities to on-street parking, such as providing off-street accessible parking spaces in City garages and lots where available.

#### 1. Non-Residential Areas.

##### **A. New construction and alteration projects.**

Scoping. Where on-street parking is provided on the block perimeter and the parking is marked or metered, accessible (disabled) parking spaces shall be provided in accordance with the table below, pursuant to PROWAG §214.

Where parking on part of the block perimeter is altered, the minimum number of accessible parking spaces required is based on the total number of marked or metered parking spaces on the block perimeter. Metered parking includes parking metered by parking pay stations. Where parking pay stations are provided and the parking is not marked, each 6.1 m (20.0 ft.) of block perimeter where parking is permitted shall be counted as one parking space.

<b>On-Street Accessible Parking Spaces</b>	
<b>Total Number of Marked or Metered Parking Spaces on the Block Perimeter</b>	<b>Minimum Required Number of Accessible Parking Spaces</b>
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% of total

Passenger Loading Zones. Where passenger loading zones other than transit stops are provided, at least one accessible passenger loading zone shall be provided for each 30 m (100.0 ft.) of continuous loading zone space or fraction thereof, pursuant to PROWAG §215.

Location and configuration.

The public right-of-way (PRoW) under the City's jurisdiction or control is typically constrained by existing development, underground and above ground utilities, mature trees, narrow sidewalks, and existing curb-to-curb widths severely limiting the ability to provide mid-block accessible parking and passenger loading zones in accordance with adopted accessibility standards. Most PRoW improvement projects will be considered as alterations and fall under the following PROWG standards:

R309.2.1.1 Alterations. In alterations where the street or sidewalk adjacent to the parking spaces is not altered, an access aisle shall not be required provided the parking spaces are located at the end of the block face.

R309.2.2 Narrow Sidewalks. An access aisle is not required where the width of the adjacent sidewalk or the available right-of-way is less than or equal to 4.3 m (14.0 ft.). When an access aisle is not provided, the parking spaces shall be located at the end of the block face.

The typical on-street accessible parking and passenger loading zone in Oakland is a parallel parking space located at the end of the block face, adjacent to a compliant crosswalk curb ramp.

End of block spaces should be made usable by vans that have rear lifts and cars that have scooter platforms. The sidewalk adjacent to accessible parallel parking and passenger loading zones should be free of signs, street furniture, and other obstructions to permit deployment of a van side-lift or ramp or the vehicle occupant to transfer to a wheelchair or scooter.

The project shall strive for maximum geographic distribution of accessible parking and passenger loading facilities. A best practice is to collocate accessible on-street parking and passenger loading facilities with public accommodations frequented by older adults and people with disabilities. Another best practice is to time limit standing and or to prohibit parking (unattended) vehicles in accessible passenger loading zones.

**B. Existing non-residential streets and sidewalks.** Qualified people with disabilities and representatives of places of public accommodations (businesses, medical facilities, places of worship, etc.) may request installation of on-street disabled parking zones (DPZ) on non-residential streets. Non-residential DPZ (NR-DPZ) will be established where a demonstrated need for such space is shown. The following criteria will be considered in determining whether a demonstrated need is shown:

1. Off-street parking is unavailable or where available is not accessible to persons with disabilities, as required by State and/or Federal laws.
2. Parking in the proposed location and on surrounding city streets is frequently not available requiring persons with disabilities to park an unreasonable distance (approximately 250 feet) from the business or requiring usage of routes that are not accessible to persons with disabilities as required by State and/or Federal laws.
3. NR-DPZ shall conform to all applicable standards. The surface of proposed on-street accessible parking locations including access aisles should not exceed a 5% slope (1:20) in any direction, and no other hazardous surface condition should exist in the immediate area.
4. Establishment of new NR-DPZ should not result in the net loss of existing metered parking spaces.
5. There is no existing NR-DPZ in the same block within 150 feet of the applicant's address in any direction.

## 2. City Buildings and Facilities

**A. New Construction or Alteration Projects.** For City of Oakland buildings and facilities with right-of-way frontage(s), at least one on-street disabled parking zone (DPZ) shall be installed under new construction or alteration projects.

Exception: Buildings and facilities that provide compliant off-street accessible parking for the public are exempt from this requirement.

**B. Existing Buildings and Facilities.** The City ADA Coordinator may request installation of on-street DPZ at existing City buildings and facilities as required to fulfill state or federal mandates, or to resolve disability access complaints.

## 3. Residential Areas

Qualified people with disabilities may request installation of on-street residential disabled parking zones (RDPZ). The RDPZ Applicant must meet all the following requirements:

1. Have a disability as defined by the Americans with Disabilities Act of 1990 that prevents him or her from walking long distances and be in possession of a Disabled Person License Plate or a permanent Disabled Person Placard ID Card, with adequate ID, as required by the California Vehicle Code Section 5007, 22511.55 or 22511.59.
2. Be a full-time resident of the address in question. The Applicant shall provide two forms of proof of residency including 1) a rental agreement or homeowner's insurance agreement and 2) one other form of proof, i.e. utility bill or driver's license.

3. Be the property owner or have the written permission of the property owner to install the RDPZ.
4. Provide a vehicle registration in his/her own name or provide vehicle registration of his/her primary live-in caretaker who resides full-time at the Applicant's address. Vehicle registration address must match the proposed RDPZ address.
5. Off-street parking (driveway, garage and/or parking lot) is unavailable or where available, such parking is not accessible to persons with disabilities, as further described below:

A. Garage Specifications:

- a. If the Applicant owns a lift-equipped van, the Applicant either has no garage or the garage width is less than 17 feet (interior width).
- b. If the Applicant owns a passenger vehicle, the Applicant either has no garage or the garage width is less than 14 feet (interior width).

B. Driveway Specifications:

- a. If the Applicant owns a lift-equipped van the Applicant either has no driveway or the driveway width is less than 17 feet, and/or the slope of the driveway is greater than 5% (1:20).
  - b. If the Applicant owns a passenger vehicle, either the Applicant has no driveway or the driveway width less than 14 feet, and/or the slope of the driveway is greater than 5% (1:20).
6. There is no existing RDPZ in the same block within 150 feet of the applicant's address, in any direction.
  7. The surface of accessible parking spaces on streets and access aisles from street parking does not exceed a 5% slope (1:20) in any direction and no other hazardous surface condition exists in the immediate area, such as a speed bump.
  8. The Applicant's residence is adjacent to a compliant corner curb ramp or the applicant's driveway substantially complies with Caltrans curb ramp standards.

**Exception:** If a compliant corner curb ramp does not exist or if the Applicant's driveway does not substantially comply with current Caltrans standards, a RDPZ may still be installed if the Applicant meets all other eligibility requirements and signs a statement of understanding that the RDPZ does not fully comply with accessibility regulations. The City will not install corner curb ramps, and will not permit or install mid-block curb ramps, for the purposes of installing RDPZ.

If the RDPZ Applicant meets all the criteria, the following requirements must be met and conditions agreed to before implementation:

1. The Applicant is under duty to inform the City if the RDPZ is no longer required and the City has the option of removing such RDPZ.

2. The Applicant must observe and obey all parking regulations covered in the Oakland Municipal Code Chapter 10.28. A copy of the O.M.C. is available for review at the Office of the City Clerk, One Frank H. Ogawa Plaza, Oakland, California, 94612 or online at [www.oaklandnet.com](http://www.oaklandnet.com)
3. A disabled parking space shall not be misused. Any misuse shall result in the removal of the space. Misuse shall be determined by the Transportation Services Manager, in his or her discretion. In ascertaining whether a disabled space has been misused, the Manager shall consider the following factors:
  - a. the extent of the Applicant's disability;
  - b. the length of time in which the Applicant has left the vehicle in the space without operating it;
  - c. misuse of the Applicant's disabled placard or license plates;
  - d. any violation by the Applicant of O.M.C. Chapter 10.28, applicable sections of the California Vehicle Code (CVC) or this policy;
  - e. any other factors the Transportation Services Manager deems reasonable and relevant to the issue.
4. The disabled parking space is not a private space and may be used by other vehicles licensed to park in a disabled parking zone on a first-come first-served basis.
5. The authority to enforce parking laws are the responsibility of the Oakland Police Department and the Parking Enforcement Division; complaints received regarding illegally parked vehicles are always taken in the order in which they are called in and prioritized based on the level of service required.
6. The space shall not to be used for long-term storage of vehicles. The vehicle must be kept in good repair and shall be operational, as outlined in the California Vehicle Code. For this policy, long-term storage of vehicles is defined as any vehicle parked or left standing on a public street in the same location and not driven or moved in excess of fourteen consecutive calendar days.

If the RDPZ Applicant disagrees with any decision made by the Parking and Mobility Manager, then the Applicant shall have the right to appeal to the City ADA Coordinator.

ADA Programs Division  
1 Frank H. Ogawa Plaza, 11th Floor  
Oakland, CA 94612  
Phone: (510) 238-5219 (711 for relay services)  
Fax: (510) 238-3304  
Email: [adaprograms@oaklandnet.com](mailto:adaprograms@oaklandnet.com)

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Approved by:

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Ryan Russo, DOT Director                      Date