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Mark J. Mazz, AIA

Hyattsville ADA Transition Plan

Prepared by Mark J. Mazz, AIA
and Arnold & Arnold

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Forward

The requirements of the ADA are subject to various and possibly contradictory interpretations. Mark J. Mazz, AIA, therefore, used its reasonable professional efforts and judgment to interpret applicable ADA requirements. Mark J. Mazz, AIA does not warrant or guarantee that the City of Hyattsville will comply with all interpretations of the ADA as they apply to this Project.

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I. Introduction

The Americans with Disabilities Act (ADA) became federal law on July 26, 1990. It requires the City of Hyattsville to modify its policies and practices and to make its programs, services, and activities accessible to persons with disabilities. The US Department of Justice (DOJ), the enforcement agency, requires the City to identify all its administrative and structural noncomplying items to programs, services and activities (programs). The process must be explained in two documents that are to be made available to the public. They are the Self-Evaluation and the Transition Plan. The City is conducting the Self-Evaluation. It has hired Mark J. Mazz, AIA and Arnold & Arnold to physically survey the City facilities and develop the Transition Plan.

On September 15, 2010, DOJ amended the ADA regulations and standards. The regulations can be found at

http://www.ada.gov/regs2010/titleII_2010/titleII_2010_withbold.htm

and the standards at

http://www.ada.gov/regs2010/2010ADASTandards/2010ADASTandards_prt.pdf.

Although some of the amended parts took effect immediately, most revisions take effect March 15, 2012. The most significant changes that affect the city of Hyattsville involve play areas and detention facilities.

The original Transition Plan was to be completed by July 26, 1992. The revisions to the regulations do not require the Transition Plan to be updated. However, it is a useful tool to assess the City's compliance with the ADA. Mark J. Mazz, AIA and Arnold & Arnold conducted an accessibility survey and developed this transition plan.

DOJ requires that the Transition Plan include:

1. A list of physical noncomplying items
2. A plan that outlines the methodology for removing the noncomplying items
3. A schedule for achieving programmatic accessibility
4. The name of the responsible official for the plan's implementation

Incorporating these items, and reorganizing for clarity, this Transition Plan:

1. Identifies the responsible official
2. States the City's goals and objectives for complying with the ADA
3. Provides background information on the ADA
4. Explains the Methodology
5. Proposes an implementation procedure

II. Responsible Official

DOJ specifically requires naming the individual assigned to the task of complying with the ADA. The City of Hyattsville has assigned the following person:

Jim Chandler, LEED AP
Director
Community & Economic Development
City of Hyattsville
4310 Gallatin Street
Hyattsville, MD 20781
301-985-5013
jchandler@hyattsville.org

III. Goals and Objectives

It is the City's goal to make their programs accessible to, and usable by, persons with disabilities. The objectives of this Transition Plan are:

1. Develop a plan to modify items that do not comply with the design and construction requirements of the ADA Standards.
2. Generate projected costs to be used for integrating accessibility modifications into a plan for capital improvements.
3. Develop budget and timeline recommendations for making facilities accessible.

IV. Background

The Americans with Disabilities Act (ADA) is Civil Rights legislation and not a building code. Therefore, enforcement is through the federal court system. Unlike building codes, the ADA requires retroactive modifications to existing public facilities to assure access to all programs.

The ADA has three particular **Titles** of concern:

1. Title I: Employment
2. Title II: Public Services
3. Title III: Public Accommodations

“Title I: Employment” requires that modifications be made to accommodate the needs of employees with disabilities. These modifications cannot be made in advance. They typically are unique to the needs of the individual.

“Title II: Public Services” requires that the City provide access to all their programs, when view in it entirety. This includes non-architectural issues such as providing an auxiliary aid or service necessary to ensure effective communication with individuals with hearing, vision, or cognitive disabilities. The non-architectural issues are addressed in the Self-Evaluation. All programs that did not require structural modifications were to comply with the ADA by January 26, 1992. Additionally, by July 26, 1992, the City was required to have surveyed their existing facilities for physical barriers to access. The City was required to develop a Transition Plan that documents how they plan to become programmatically accessible by January 26, 1995. Anything built or altered after January 26, 1992 must comply with the ADA Standards.

“Title III: Public Accommodations” requires the removal of barriers in places of public accommodation. Currently, the City is not leasing space to any places of public accommodations. Therefore, Title III is not applicable to this Transition Plan.

Unfortunately, there are no “checks” in the system because the ADA is not a building code. Therefore, honest, easily correctable mistakes, which typically are caught in the “permits” stage, might not be caught until years later when modifications can become very expensive to make. Regarding existing conditions and modifications, the building code has specific requirements. The ADA requirements are not as specific. The extent of the modifications is dependent upon access to programs and the needs of individuals with disabilities.

V. Methodology

1. DATA COLLECTION

- a. The facilities were surveyed between December 1, 2011 and February 1, 2012.
- b. Employee-only spaces were not surveyed.
- c. None of the facilities surveyed were historically significant.

2. DATA ANALYSIS/ORGANIZATION

- a. Unless noted otherwise, we assumed that all the facilities existed before, and were not modified since, January 26, 1992.

b. Suggested Priorities:

- i. Prioritization is based upon current use. As programs change, these priorities are subject to change. Therefore, the priorities should be considered a “snapshot” in time; requiring updates as priorities and programs change.

ii. Suggested Priorities reflect:

1. DOJ’s suggested priorities for barrier removal
2. Degree to which the noncomplying feature is a potential safety issue
3. Degree to which the noncomplying feature is out of compliance
4. Perceived need for capital expenditures

- c. Proposed Solutions are provided for each noncomplying feature.

- d. Projected costs were provided for each proposed solution.

3. DOCUMENTATION

- a. All noncomplying items were tabulated by location. Proposed solutions and costs were assigned.
- b. Noncomplying items were correlated with small plans.

4. REVIEW AND REVISION

- a. This document was reviewed by the City.
- b. Recommended solutions/alternatives for implementing the Transition Plan were adjusted as necessary.

5. PROGRAM PUBLICATION

This Document will satisfy the Department of Justice's requirement for a Transition Plan. It is a "working document," which can be used for the following:

- a. Provide support documentation for the development of a Capital Budget.
- b. Develop an implementation plan based upon the source and availability of funds.
- c. Provide a framework for evaluating accessibility concerns of outside agencies using the facilities.
- d. Implement the design and construction of accessibility modifications.
- e. Provide a record of noncomplying features that are removed.

VI. Recommendations

Specific recommendations are included in the charts. There are also some general recommendations.

1. The charts contain the noncomplying items that was found. The chart provides physical, non-administrative solutions. Ideally, all these items should be modified. However, in existing facilities, the City only needs to remove the barriers to programs. Here are some examples:
 - a. Drinking fountains must be provided for persons in wheelchairs and for persons who have difficulty bending or stooping. In lieu of raising, lowering, or installing an additional drinking fountain, the City could install cup dispensers and maintain a supply of disposable cups.
 - b. Not all polling places are accessible. In lieu of modifying the polling places, the City could create a centrally located accessible polling place and provide accessible transportation upon request.

- c. When a facility has more than one set of toilet rooms, bring into compliance the most used set of toilet rooms and provide directional signage at the other toilet rooms.

2. Inevitably, there will be times that particular citizens will require modifications before the schedule date for the improvement. We recommend that the City budget approximately 10% of the accessibility modifications allocation to responding to these needs promptly. This fund can allow the City to respond quickly to potentially litigious situations.

3. Ideally, paths should slope no more than 5% (1:20). However, when impractical, then maximum slopes of 8.33% (1:12) with landings, handrails, and edge protection should be provided.

4. The City should establish procedures to maintain accessibility. Here are a few suggestions:

- a. Every 6 months, check and adjust pressure and speed of all door closers. Replace closers that cannot be adjusted properly with models that are rated to do so.
- b. In the Spring, grind any abrupt changes in level along walkways that this Report identifies as accessible routes.

5. Access to programs for individuals with disabilities is an ongoing concern. The needs of the community change. Participant input over time is valuable feedback. As technology advances, more accessibility will become achievable and new problems will arrive. Additionally, adjustments must be made as the federal court system defines more specifically the scope of the Americans with Disabilities Act. Therefore, this Transition Plan must be considered a dynamic working tool with periodic reassessments considered as the norm.

6. When renovating the areas of primary function (community rooms, offices, etc.) the Department of Justice (DOJ) requires that additional noncomplying items to be removed along the path of travel up to a value of 20% of the renovation costs. Therefore, for all projects, the City should incorporate the removal of noncomplying items in adjacent areas.

7. Agreements with architectures and engineers should require the consultants to:

- a. State in the construction documents that the project was designed in compliance with the Maryland Accessibility Code (MAC) and the 2010 ADA Standards

- b. Provide a drawing, or detailed description, that:
 - i. Locates the accessible route
 - 1. From the public right of way, parking, and passenger drop-offs
 - 2. To the new construction or renovation areas
 - 3. Through employee areas when applicable
 - ii. In renovations to primary function areas, identifies any accessibility work to be accomplished along the path of travel
 - iii. In new construction, locates the accessible means of egress
 - iv. Documents the use of equivalent facilitation
- c. Incorporate a peer review process where the A/E has a third party review the construction documents for compliance with the MAC and the 2010 ADA Standards.

8. Develop special bidding procedures for barrier removal projects. Inexperienced contractors are unaware of the dramatic increase in administrative costs and coordination talents required, and therefore, underbid. If the contractor manages to complete the work satisfactorily, the experience will cause the price to increase thereby removing the experienced contractor from future consideration.

VII. Statement of Probable Construction Cost

Unit costs for each proposed solution were developed using “Means Facilities Cost Data, the 2011 edition” and 26 years of design and construction observation experience on similar projects. We assumed all design and construction is done by outside contracts. Each estimated unit cost includes the labor, material, and allowances for following factors (compounded):

Insurance and Bonds	1.045
Cutting and Patching	1.07
Dust Protection	1.1
Protection of Existing Structure	1.06
A/E Fees	1.15
Clean-Up	1.01
Working Around Occupant	1.145
Multiplying Factor:	1.73

For future adjustments to the projected costs, consider the following:

1. Inflation from January 1, 2012 to the proposed bid-due date(s)
2. Project groupings less than \$100,000 or greater than the \$250,000 construction project size.
3. Recommended adjustments based on project size are:

< \$10,000	Add 25%
\$10- 25,000	Add 15%
\$25- 50,000	Add 10%
\$50- 100,000	Add 5%
\$100- 250,000	-
\$250- 500,000	Subtract 5%
\$500- 1,000,000	Subtract 10%
> \$1,000,000	Subtract 15%

4. Depending on the construction schedule and market conditions, the following three factors can require an adjustment to the total construction cost:

Economic Conditions	-2% to +5%
Labor Availability	-1% to +10%
Subcontractor Availability	-5% to +12%
TOTAL	-8% to +27%

5. Ability to work during regular hours without interruptions:

Work concurrently with a facility operation	up to +25%
Work after hours	up to +50%

VIII. Noncomplying Items by Facilities

Proposed solutions are written to give a general sense of what needs to be corrected. However, not all aspects of the noncomplying item may be stated. For example, if a door needs to be replaced the generic solution will not state that the doorknob must also be replaced or that the closer requires adjusting. Or, if a lavatory is lowered, the drain, which protrudes into the clear space, should also be replaced.

Whenever only one of a particular item is made accessible, signs must be installed directing individuals from the inaccessible items to the accessible ones. The budgetary costs cover this item. However, it is impossible to quantify signs without designing the solutions.

Barrier removal for ADA compliance cannot violate other codes in the process. Before reducing plumbing fixture counts, relocating or re-swinging doors, or replacing door hardware, verify that such actions do not violate the plumbing and life safety codes.

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