



Town of Colonie

ADA Transition Plan

[DRAFT]



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Introduction

Overview

This ADA Transition Plan (the Plan) was created to ensure that the Town of Colonie (the Town) builds and maintains reasonable, accessible paths of travel in its public rights-of-way for everyone, regardless of age or ability.

All existing pedestrian infrastructure (sidewalks, multi-use paths, curb ramps, and pedestrian signals) in the public right-of-way was evaluated and scored for this Plan. This Plan identifies the present condition of the pedestrian infrastructure within the Town's municipal boundary and the proposed improvements required to ensure accessibility and compliance with federal legislation.

Legal Requirements

The federal legislation, known as the Americans with Disabilities Act (ADA), enacted on July 26, 1990, provides comprehensive civil rights protections to persons with disabilities in the areas of employment, state and local government services, and access to public accommodations, transportation, and telecommunications.

Title II specifically applies to "public entities" (state and local governments) and the programs, services, and activities they deliver. Title II, Article 8, requires public entities to take several steps designed to achieve compliance. The plan shall, at a minimum, include:

- A list of the physical barriers and their locations in a public entity's facilities that limit the accessibility of its programs, activities, or services to individuals with disabilities;
- A detailed outline of the methods to be utilized to remove these barriers and make facilities accessible;
- The schedule for taking the necessary steps to achieve compliance with Title II;
- Public complaint/grievance procedure; and
- The name/position of the Town Clerk and/or official responsible for the plan's implementation.

This transition plan provides a method for the Town to schedule and implement ADA required improvements to existing streets and sidewalks.

Jurisdiction

Defining jurisdictional boundaries and their responsible entities is central to the successful implementation of the Plan. The three authorities having jurisdiction (AHJ) of roadways within the Town's limits are the Town of Colonie, Albany County, and the State of New York.

The legal responsibility of maintaining and improving non-conforming or deficient facilities does not necessarily fall to the owner of the right-of-way. According to New York State Highway Law (TOWN§140(18)), sidewalks may be installed by a county or the State of New York with the

permission of the local municipality. However, notwithstanding an agreement to the contrary, once installed, the local municipality is obligated to maintain those sidewalks. Table 1 identifies the entity responsible for the maintenance and improvement of non-conforming facilities in this Plan.

Table 1: Responsible Entity for Maintenance of Pedestrian Facilities

	Right of Way Ownership		
	Town of Colonie	Albany County	New York State
Facility Type	Responsible Entity		
Sidewalks	Town of Colonie	Town of Colonie	Town of Colonie
Curb Ramps	Town of Colonie	Town of Colonie	Town of Colonie
Pedestrian Crossing Signals	Town of Colonie	Albany County	New York State

However, non-compliant curb ramps in State and county rights-of-way are typically repaired or replaced during roadway paving.

Installation of Conforming Facilities during Roadway Alteration Projects

The *Department of Justice/Department of Transportation Joint Technical Assistance on the Title II of Americans with Disabilities Act Requirements to Provide Curb Ramps when Streets, Roads, or Highways are Altered through Resurfacing* (<https://www.ada.gov/doj-fhwa-ta.htm>) states that when pedestrian walkways intersect a curb but no curb ramp exists, the entity facilitating the roadway alteration is responsible for the provision of a curb ramp. The same principle exists if an entity is undertaking a roadway alteration project that requires the removal of other pedestrian facilities such as sidewalks. If the facility is removed, it must be reinstalled and conform to the most current accessibility standards.

Identified Obstacles to the Public Right-of-Way

The Town's consultant for the Plan, Creighton Manning, conducted an evaluation of obstacles present in pedestrian facilities within the rights-of-way in the Town's municipal boundary. Facilities were split up by two categories: Sidewalks and Curb Ramps. Each category was evaluated separately and assigned its own condition ratings, from 1 to 4, based on the criteria in Appendix A. The criteria were adopted from the Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way (PROWAG).

Detailed Evaluation

Field data for the facilities assessment and evaluation was collected on a mobile device using the ESRI application Field Maps. The Town provided the sidewalk inventory from its geographic information system (GIS).

The pedestrian facilities assessed include sidewalks, multi-use paths, and key intersection features such as curb ramps and pedestrian signals. The data from the assessment and the resulting ratings are represented by both maps (Appendix C) and tables (Tables 2 and 3).

Sidewalk and Multi-Use Path Accessibility and Condition

The Town has a total of approximately 229,640 linear feet (43.5 miles) of sidewalk and multi-use paths. A majority of the sidewalks and multi-use paths are classified as “Fully Accessible” or “More Accessible”. These paths are located predominantly around recently developed areas. Only 3% of the sidewalks and multi-use paths are classified as “Not Accessible”. The lower accessibility ratings may be attributed to sidewalks and multi-use paths being built prior to the adoption of current standards. See the totals in Table 2.

Table 2: Sidewalk and Multi-Use Path Condition Assessment

	1 – Not Accessible	2 – Less Accessible	3 – More Accessible	4 – Fully Accessible
Length of Sidewalk or Multi-Use Path (feet)	6,800	52,800	82,670	87,370

Curb Ramp Accessibility and Condition

Intersections between sidewalks and roadways were observed and checked for the presence of a detectable warning device, adequate ramp widths, and ADA compliant slopes. A total of 858 curb ramps were observed. A majority of the existing curb ramps are “Fully Accessible” or “More Accessible”. The primary deficiency of the evaluated curb ramps is the absence of detectable warning surfaces or non-compliant slopes. See Table 3 for the rating totals.

Table 3: Curb Ramp Condition Assessment

	1 – Not Accessible	2 – Less Accessible	3 – More Accessible	4 – Fully Accessible
Number of Curb Ramps	61	237	297	263
Percentage of Total	7%	27%	35%	31%

Pedestrian Signal Accessibility

Signalized intersections were observed for the presence of pedestrian signals at marked crossings. Pedestrian signals alert motorists and pedestrians that pedestrians have the right of way to cross the signalized road or intersection. Of the 298 curb ramps evaluated at signalized intersections, a total of 274 curb ramps (92%) had pedestrian signals.

Methods to Removing Barriers – Policies & Priorities

The Town of Colonie utilizes many different approaches to removing barriers in the public right-of-way, including proactively identifying and eliminating the barrier, responding to public complaints and ensuring the appropriate design and build-out of new construction following the most recent design guidelines.

The Town bases barrier removal priorities on two factors: location and the accessibility condition of the facility.

Location Priority

According to ADA Title II regulations, the transition plan shall give “priority to walkways serving entities covered by the Act, including State and local government offices and facilities, transportation, places of public accommodation, and employers, followed by walkways serving other areas” (§ 35.150 Existing Facilities (d)(2)). Following this guidance, the Town identified its location priorities as listed below, with 1 being highest priority.

1. Facilities serving government facilities (including schools);
2. Facilities serving commercial and employment centers;
3. Facilities serving residential areas.

Public Complaint Process

Those wishing to file a complaint or a request regarding accessibility of a sidewalk or curb ramp should contact the Town Clerk by email. The complaint must be submitted no later than 60 calendar days from date of the alleged violation. The Town Clerk will contact the complainant to discuss possible resolutions within 30 business days and follow up with a written response to explain the position of the Town and offer substantive resolutions to the complaint.

The complainant has 30 business days to notify the Town if dissatisfied with the initial determination and resolution by the Town. The complainant may file an appeal with the Commissioner of Public Works or Public Works Operations Supervisor. The Town will contact the complainant within 10 business days of appeal receipt to discuss the complaint and possible resolutions and follow up in writing with a final resolution on the complaint. All documents related to the complaints must be retained by the Town for a period of at least three years.

For more information on the name and contact information for the current Town Clerk, visit the Town website at www.colonie.org.

New Construction & Alterations

To ensure the correct design of curb ramps, sidewalks, and crosswalks in new construction and alterations, the Town of Colonie, through the adoption of this Plan, adopted the *Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities* (ADAAG) (www.access-board.gov) as supplemented by the 2011 PROWAG. These are the primary regulatory standards that govern the design and construction of all future pedestrian facilities in the Town.

If pedestrian facilities can't fully meet the standards outlined in the ADA Guidelines for alteration projects, a determination of each structural implacability or technical infeasibility must be thoroughly documented in the permanent project record.

Work Plan Schedule

The Town of Colonie's Work Plan (Appendix C) demonstrates its commitment to improving the accessibility of its public facilities. The Town is responsible for the improvement of the facilities identified in the work plan. However, if another jurisdiction is altering a roadway within the Town's municipal boundary, that agency is responsible for the replacement of removed pedestrian facilities or for the construction of a curb ramp to the adjacent sidewalk if one doesn't exist.

Based upon current conditions and available funding, the Town intends to bring all sidewalk segments rated as "Not Accessible" or "Less Accessible" in the Work Plan (Appendix C) to compliance within a 15-year period. As identified during the location prioritization process, pedestrian facilities in the public right of way adjacent to government facilities and commercial corridors will be prioritized before facilities serving other areas. Curb ramps will be addressed with their corresponding sidewalk segments or during road paving and resurfacing projects.

As described in NYSDOT's current Transition Plan, NYSDOT performs frequent road maintenance and alterations. For the purpose of this Plan, areas lacking the provision of curb ramps in state rights-of-way are identified as being undertaken by NYSDOT. The improvement of these facilities will correspond to the approved NYSDOT capital improvement program.

Monitoring & Updates

Transition Plan Management

The Town of Colonie's Transition Plan will require routine review and revisions. The Town will review and update the Plan as necessary every five (5) years at minimum. If new regulations are adopted or new guidelines become available that don't alter the intent of the Plan, the Town will add appendices to the Plan containing them.

Members of the public that wish to see changes made to the plan are encouraged to submit their comments and concerns in writing to the Town Clerk for consideration in the next update.

Public Input

A public input period for comment on this Plan is in effect from June 29, 2023 to July 28, 2023. The plan is available for review at the following locations:

- Town of Colonie Department of Public Works office at the Public Operations Center, 347 Old Niskayuna Road, Latham, NY 12110
- William K Sanford Town Library, 629 Albany Shaker Road, Loudonville, NY 12211
- Digitally on the Town's website at www.colonie.org

Comments must be sent to the Town by email to ReepmeyerK@colonie.org prior to the end of the public input period for consideration.

Appendix A

Appendix A – Evaluation Criteria

Sidewalk Condition Evaluation

Rating	Accessibility Condition	Description	
1	Not Accessible	Accessibility for persons with disabilities is impossible or very difficult. Examples include: • Less than 4-feet wide • Major cross-slope problems • Severe cracking, heaving (more than ½-inch) • Flooding or drainage issues • Obstructions	
2	Less Accessible	Not to current standards. Accessibility is possible, but there are problems. Examples include: • 4-feet wide • Minor cross-slope problems • Surface is not smooth/slip-resistant (brick, slate) • No cracks/gaps/heaves more than ½-inch • Minor obstructions (but at least 3-feet of space)	
3	More Accessible	Facilities are accessible, are in need of additional improvements to be fully compliant. Examples include: • Issues identified under Rating 2, but to a much lesser extent rendering the facility ineligible to be rated as fully accessible	
4	Fully Accessible	Full accessibility to persons with disabilities and meet current standards. Examples include: • 5-feet wide • Max. cross slope of 2% • Firm, stable, and slip resistant surface (concrete, asphalt) • No cracks/gaps/heaves more than ¼-inch • No obstructions (utility poles, vegetation, grates)	

Appendix A – Evaluation Criteria

Curb Ramp Condition Evaluation

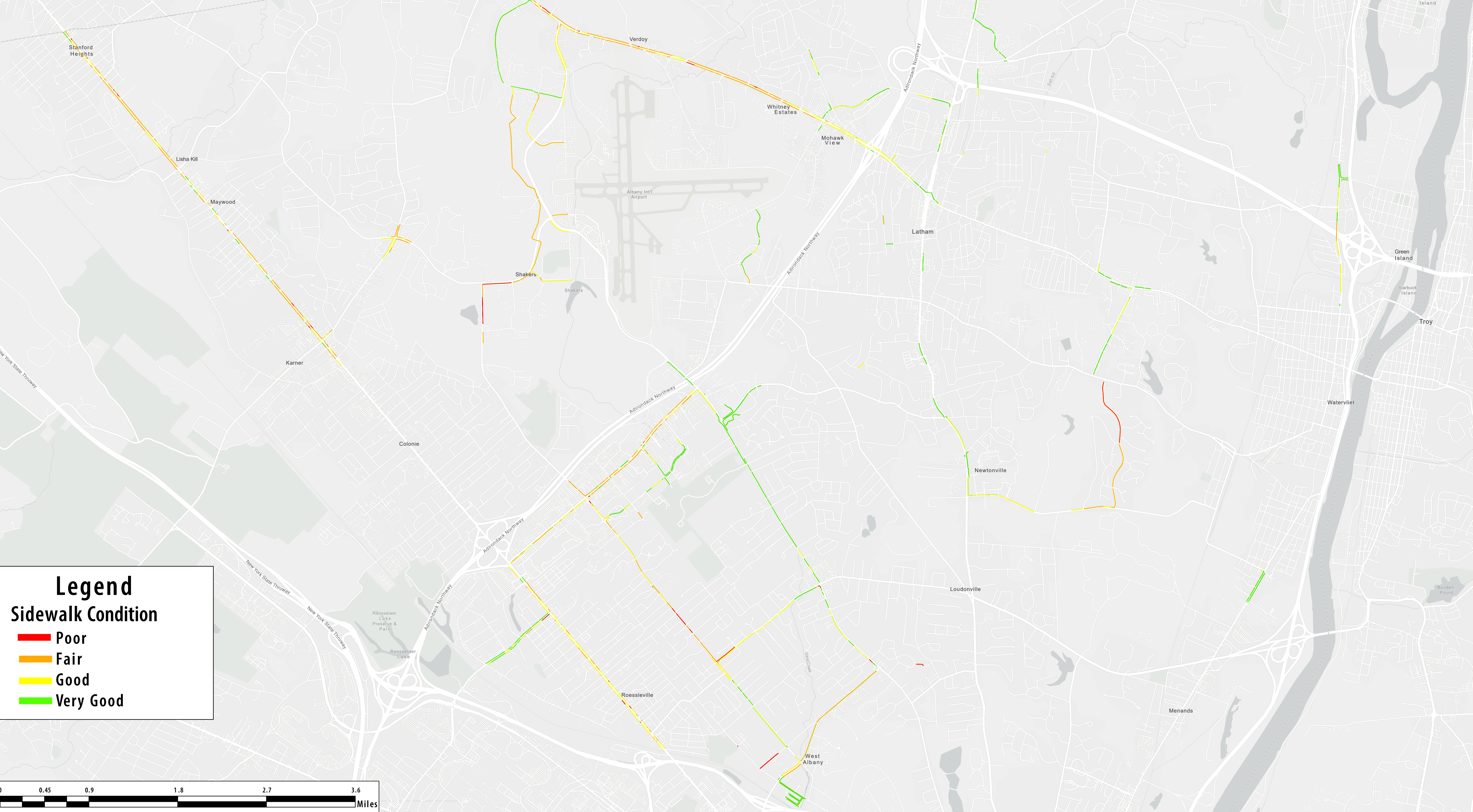
Rating	Accessibility Condition	Description	
1	Not Accessible	Accessibility for persons with disabilities is impossible or very difficult. Examples include: • No detectable warning AND other issues • Major excessive slope/cross-slope • Cracks/gaps/heaves in excess of ½-inch • Less than 4-feet clear space at top & bottom	
2	Less Accessible	Not to current standards. Accessibility is possible, but there are problems. Examples include: • No detectable warning • Minor excessive slope/cross-slope • No cracks/gaps/heaves more than ½-inch • 4-feet clear space at top & bottom • Maintenance/drainage issues (dirt/leaves/gravel)	
3	More Accessible	Facilities are accessible, are in need of additional improvements to be fully compliant. Examples include: • Curb ramp otherwise compliant, but missing detectable warning	
4	Fully Accessible	Full accessibility to persons with disabilities and meet current standards. Examples include: • Smooth/stable/slip-resistant surface (concrete, asphalt) • No cracks/gaps/heaves more than ¼-inch • Detectable warning surface • 5-feet clear space at top & bottom • Max. running slope of 8.33%	

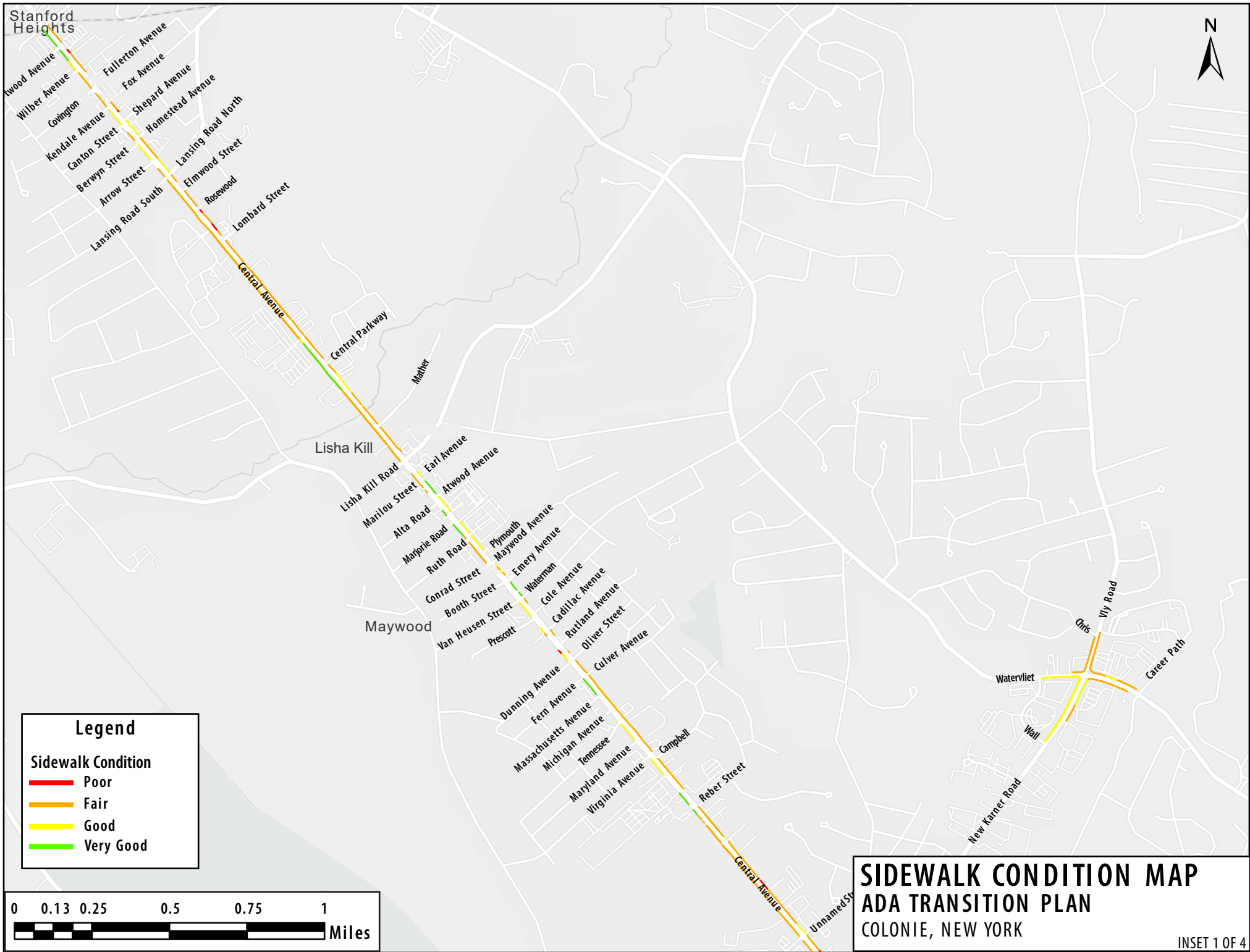
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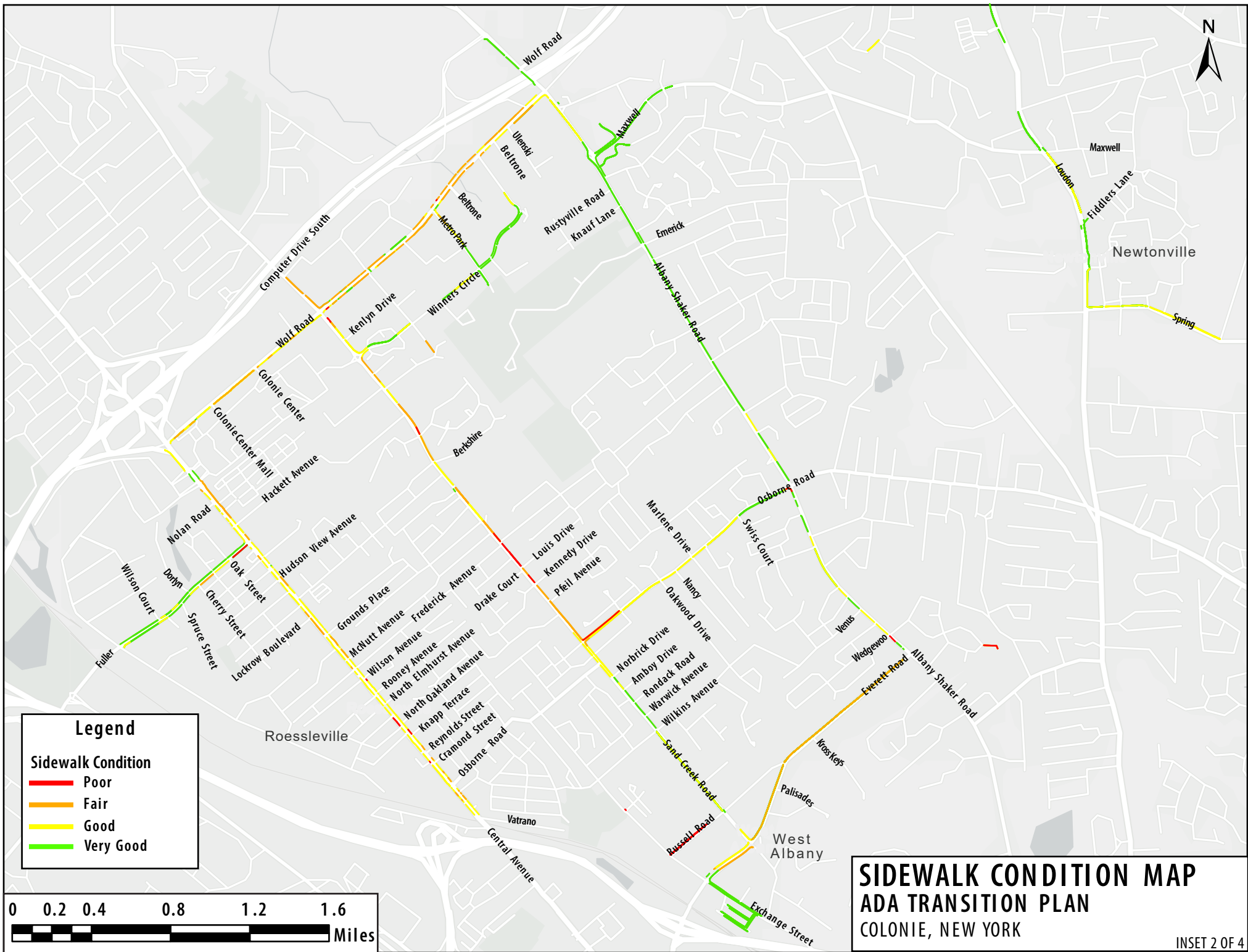
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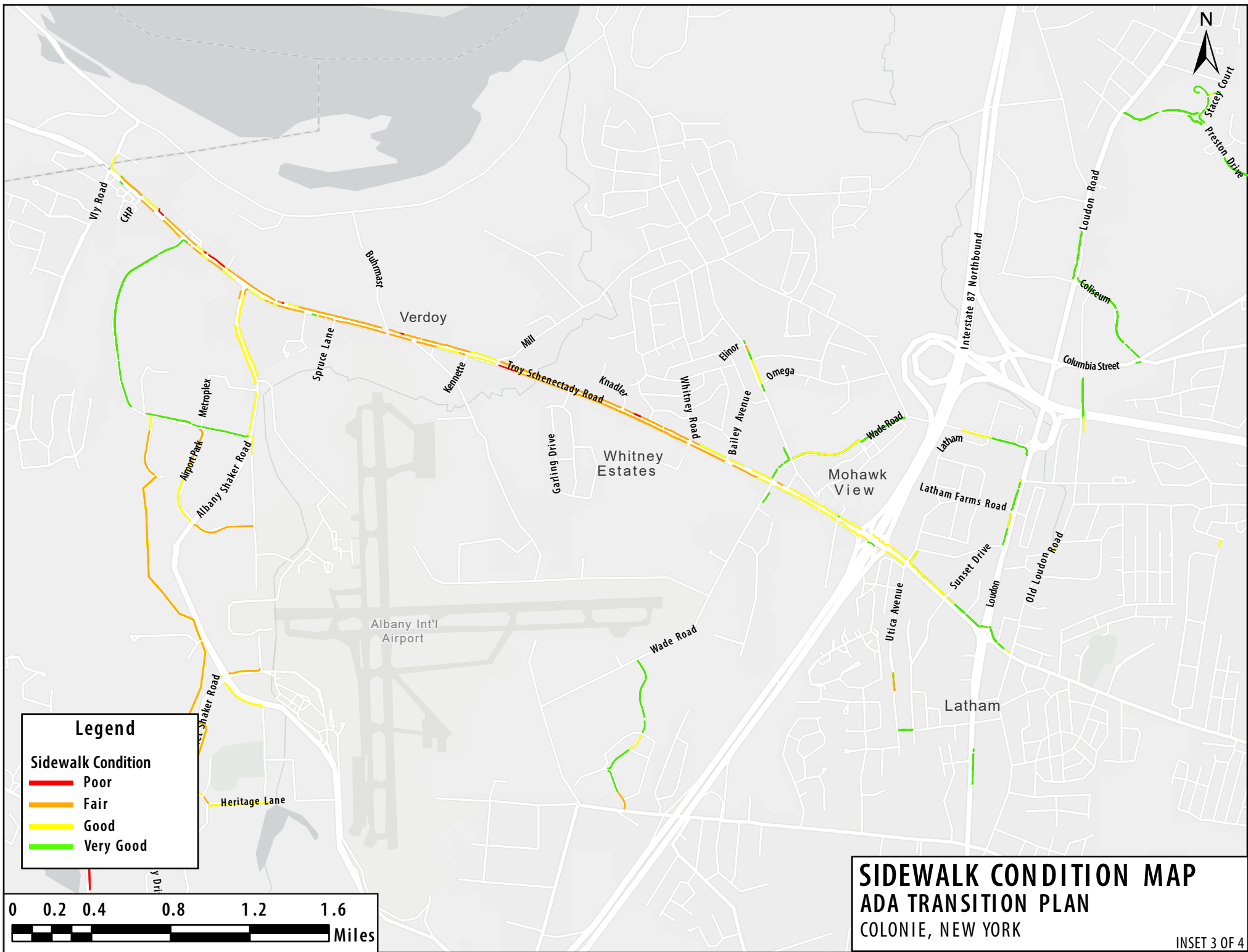
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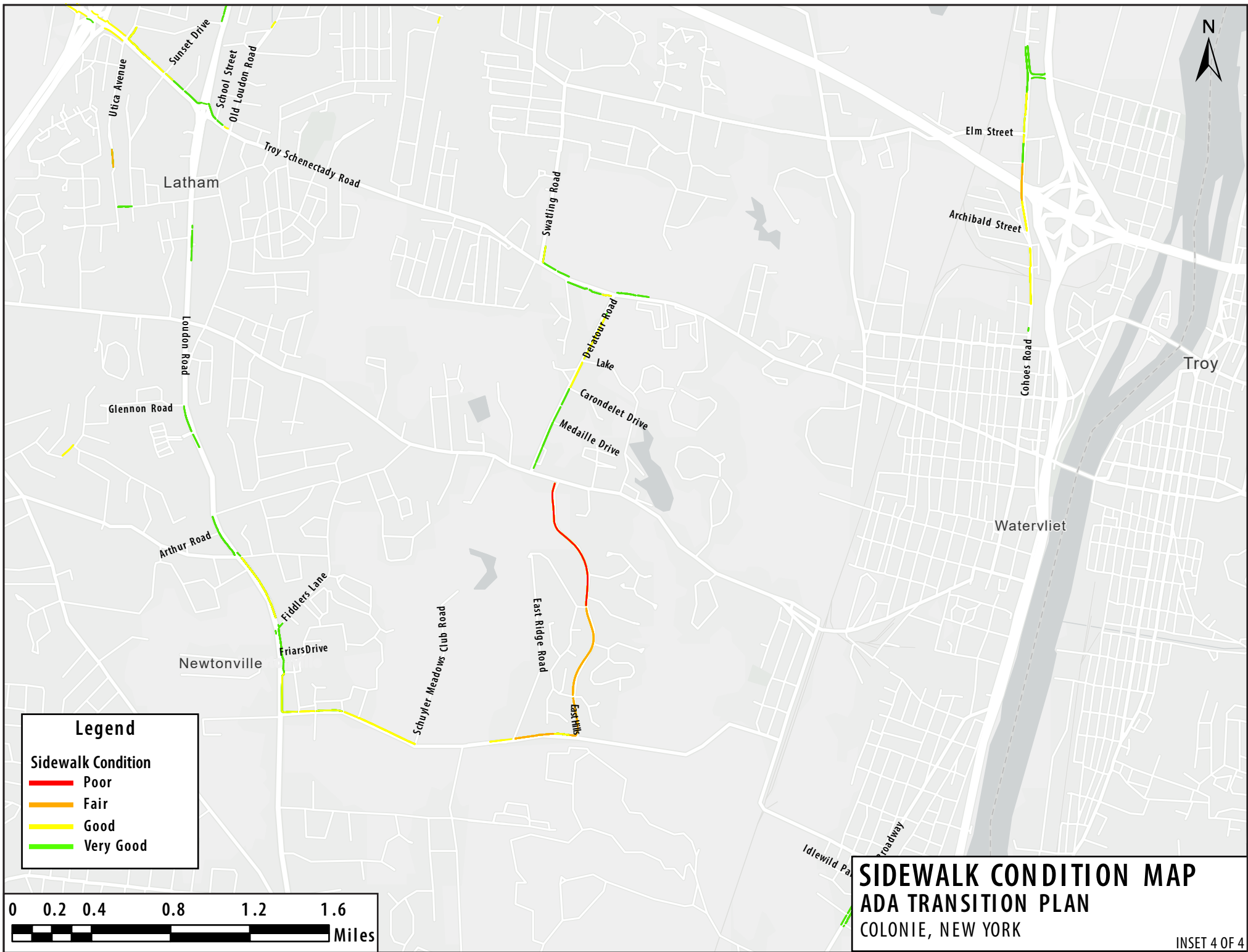
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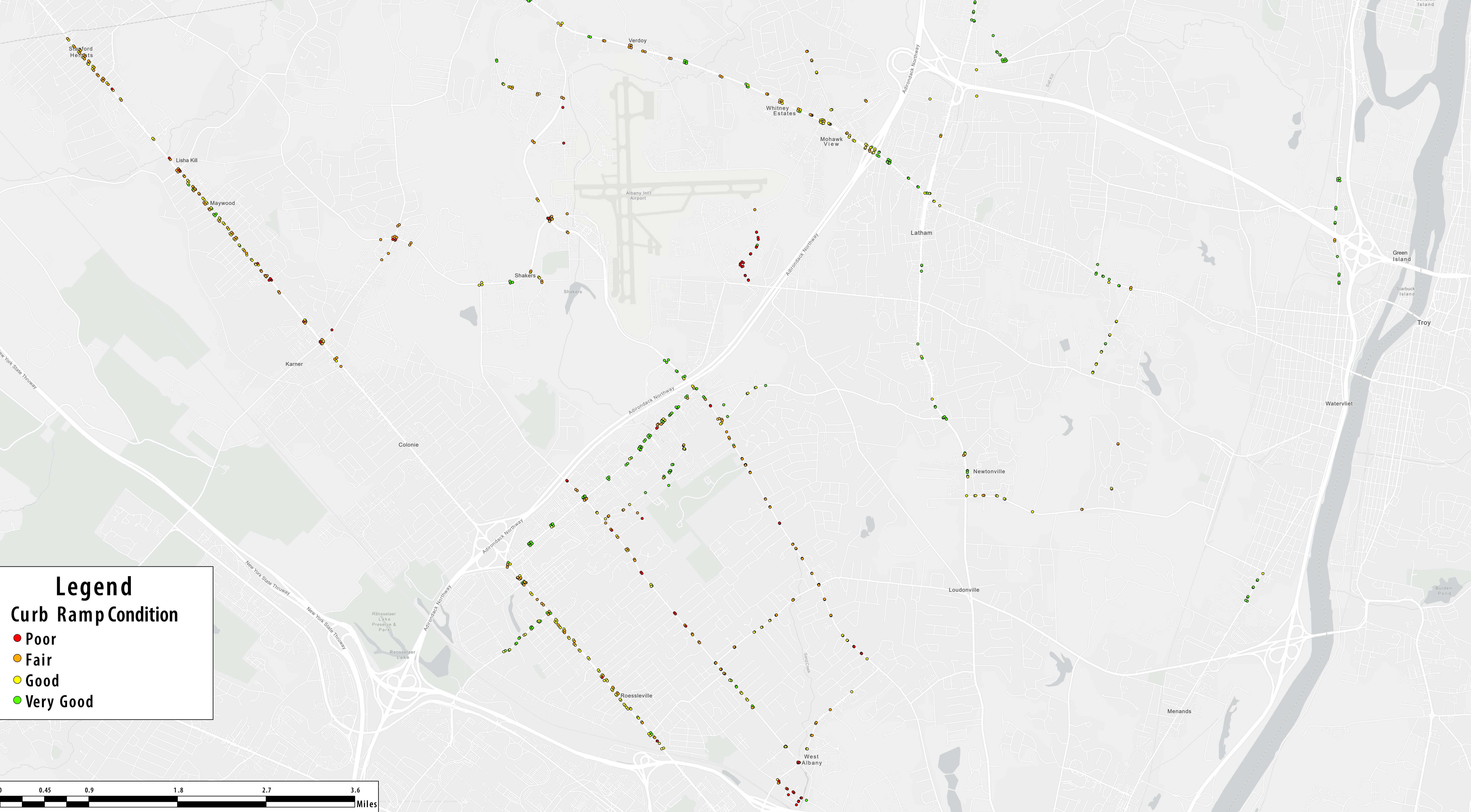


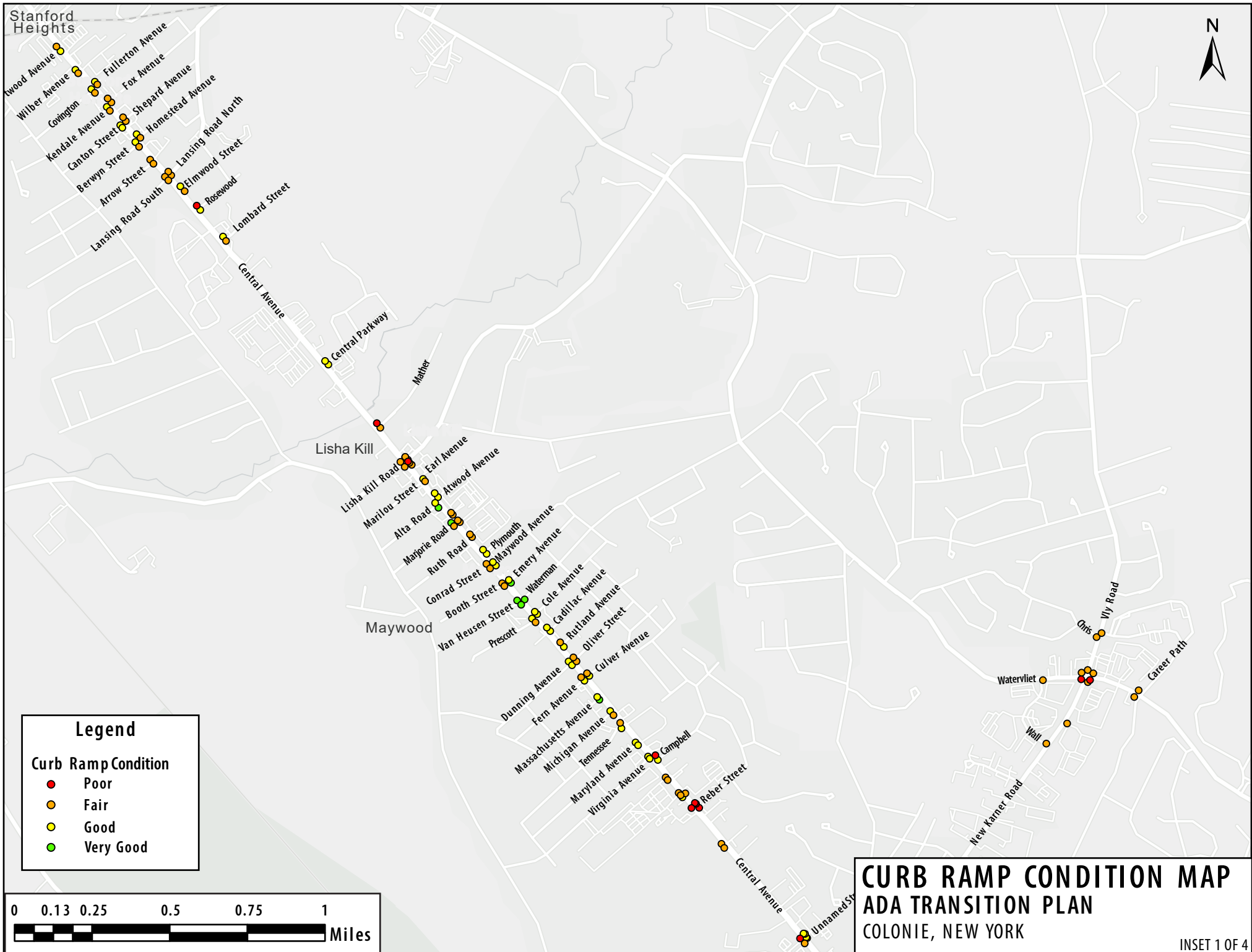


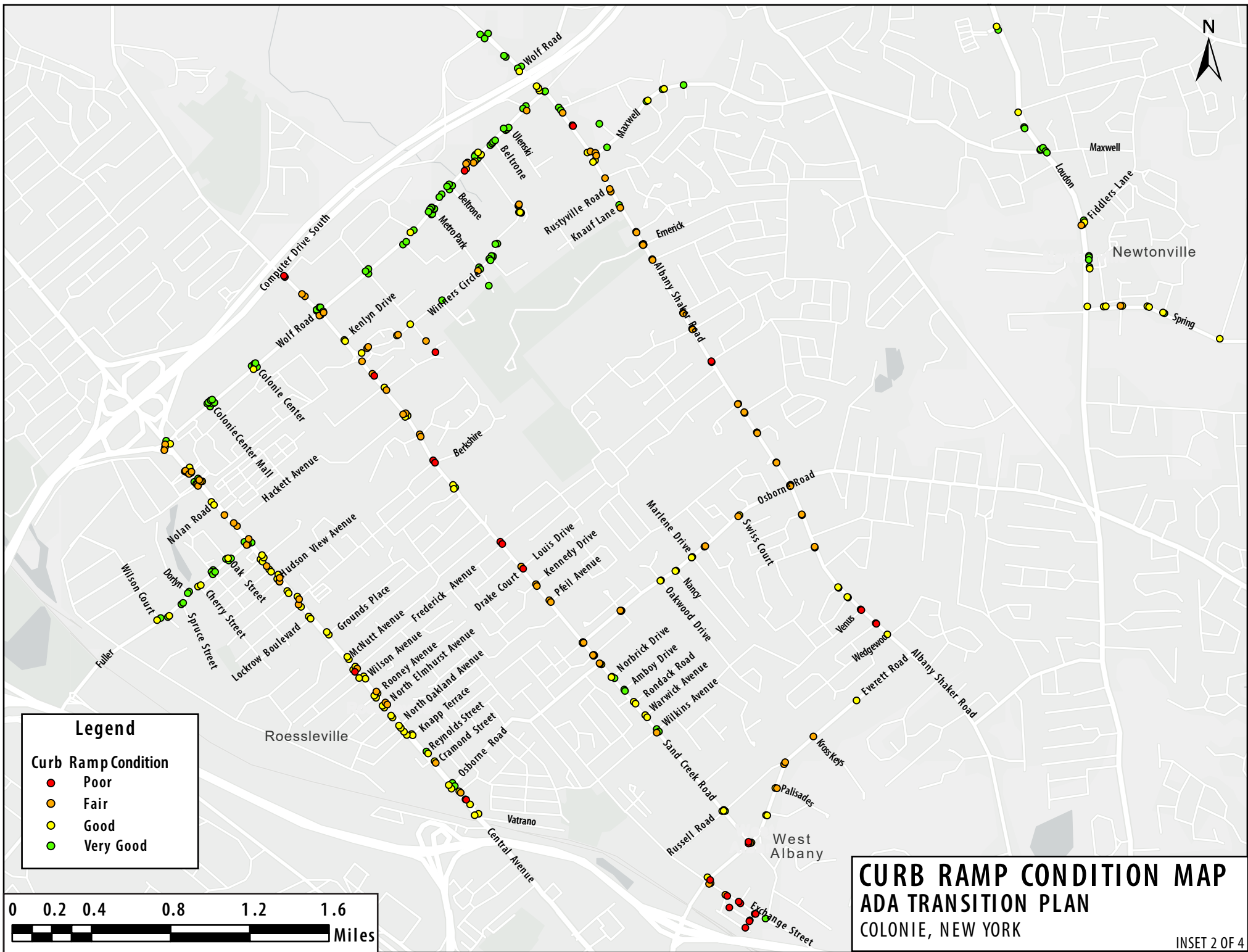
CURB RAMP CONDITION MAP

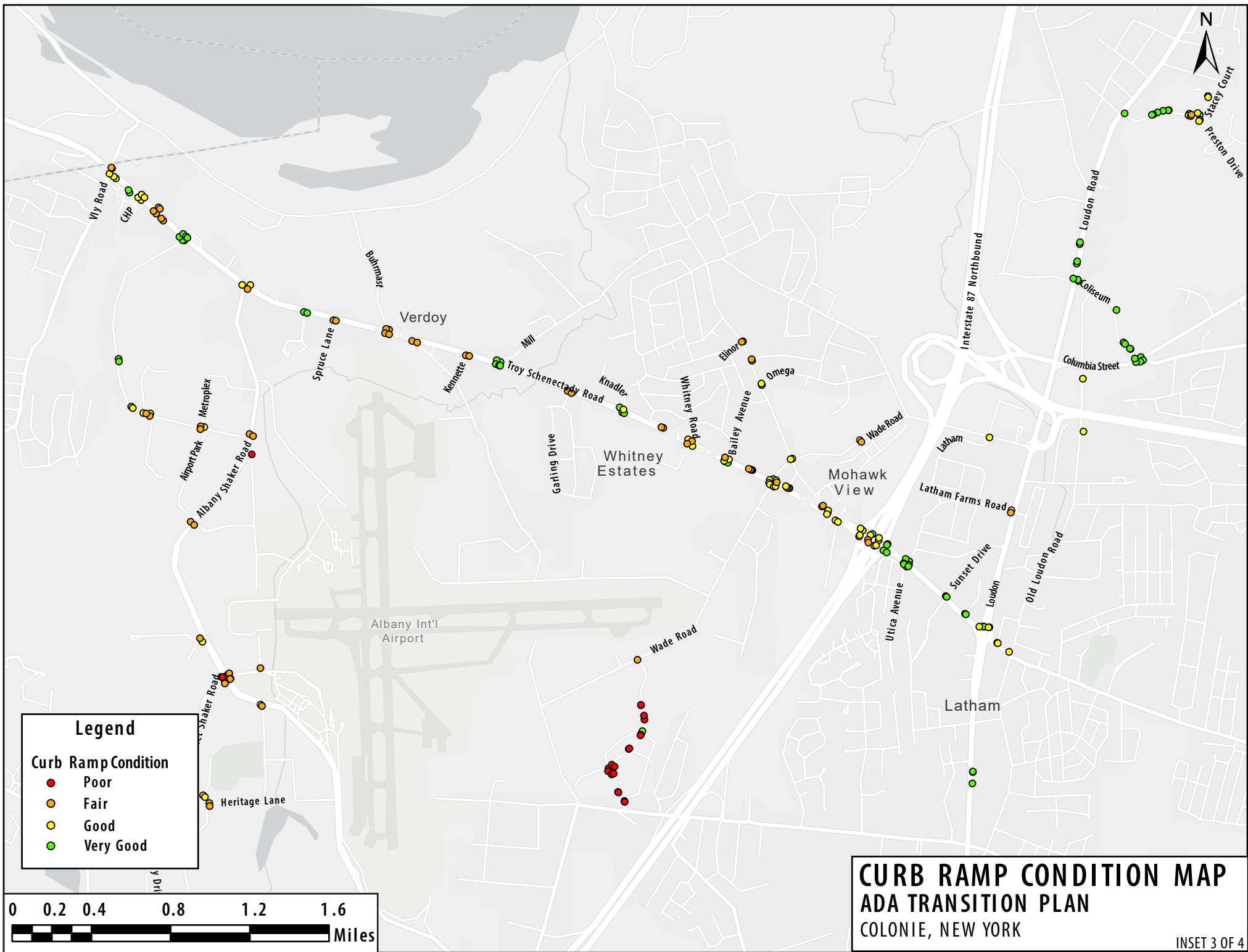
ADA TRANSITION PLAN

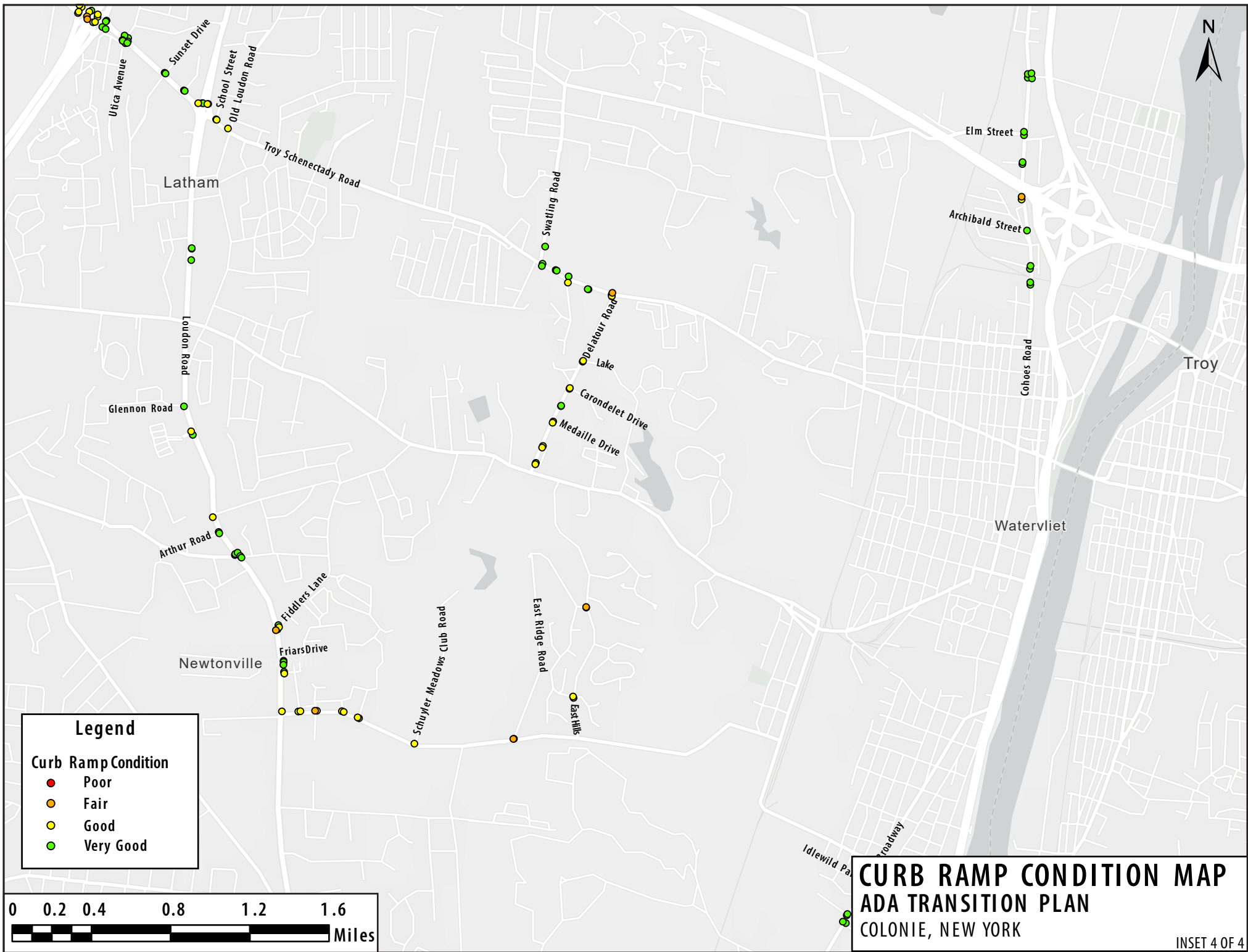
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Appendix C

Appendix C – ADA Transition Work Plan

The Town is committed to replacing the lowest rated, non-compliant sidewalks and curb ramps as the Town budget allows. The maps in Appendix B will be used during the Town's annual paving schedule to replace existing non-compliant curb ramps. Non-compliant sidewalks and curb ramps that are located on County and NYSDOT owned roadways will be replaced at the discretion of the roadway owner.

The tables below prioritize sidewalk and pathway segments owned and maintained by the Town to be replaced by existing condition and location priority rating.

Rating 1 – Poor Condition					
Road Name	Side of Road	From	To	Type	Location Priority Rating
Cloverfield Drive MUP	East	Cloverfield Drive	St Pius X Catholic School	Multi-Use Path	1
Sand Creek Rd	East	Kennedy Dr	Campagna Dr	Sidewalk	1
East Hills Blvd	West	Watervliet Shaker Rd	Stoneridge Dr	Sidewalk	3
Russell Rd	West	Exchange St	Sand Creek Rd	Sidewalk	3

Rating 2 – Fair Condition					
Road Name	Side of Road	From	To	Type	Location Priority Rating
Forts Ferry Rd	East	Citation Dr	Nelson Ave	Sidewalk	1
Sand Creek Rd	East	Aviation Rd	W Hearthstone Dr	Sidewalk	1
Sand Creek Rd	East	Berkshire Dr	Windsor Dr	Sidewalk	1
Sand Creek Rd	East	Iris Ln	Crisafulli Dr	Sidewalk	1
Sand Creek Rd	East	Marriner Ave	McNutt Ave	Sidewalk	1
Airline Dr	North	Heritage Ln	Hill House Rd	Sidewalk	2
Airport Park Blvd	South	Albany Shaker Rd	Old Albany Shaker Rd	Sidewalk	2
Airport Park Blvd	West	British American Blvd	600' South of British American Blvd	Sidewalk	2
Cornell Rd	North	British American Blvd	End of Cornell Rd	Sidewalk	2
Sand Creek Rd	East	Wolf Rd	Computer Drive S	Sidewalk	2
Metro Park Rd	North	Wolf Rd	Fleet Feet Driveway	Sidewalk	2
New Karner Rd	West	Watervliet Shaker Rd	Chris Dr	Sidewalk	2
Metro Park Rd MUP	West	Metro Park Rd	Alyssa Ct	Multi-Use Path	2
Airline Dr MUP	North	Airline Dr	Cornell Rd	Multi-Use Path	2
East Hills Blvd	West	Spring Street Rd	Stoneridge Dr	Sidewalk	3
Sand Creek Rd	East	Osborne Rd	Kennedy Dr	Sidewalk	3
Spring Street Rd	North	East Hills Blvd	East Ridge Rd	Sidewalk	3
Utica Ave MUP	North	Utica Ave	History Hills Ct	Multi-Use Path	3

Appendix D



TOWN OF COLONIE ADA POLICY STATEMENT

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT

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

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

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

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

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

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

Complaints that a program, service, or activity of the Town of Colonie is not accessible to persons with disabilities should be directed to the Town Clerk.

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

Appendix E

Town of Colonie Grievance Procedure under the Americans with Disabilities Act

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

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

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

Town Clerk
534 New Loudon Road, Latham, NY 12110

Within 30 business days after receipt of the complaint, the Town Clerk or designee will contact the complainant to discuss the complaint and the possible resolutions. Within 10 business days, the Town Clerk or designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the Town of Colonie and offer options for substantive resolution of the complaint.

If the response by the Town Clerk or designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 30 business days after receipt of the response to the Commissioner of Public Works or the Public Works Operations Supervisor.

Within 10 business days after receipt of the appeal, the Town will contact the complainant to discuss the complaint and possible resolutions and follow up in writing with a final resolution to the complainant.

All written complaints received by the Town Clerk or designee, appeals, and responses from the Town will be retained by Town for at least three years.