

# ALBANY CITY COUNCIL AGENDA

**Wednesday, May 8, 2024**  
**6:00 p.m.**

Council Chambers, City Hall  
333 Broadalbin Street SW

Watch on YouTube: <https://www.youtube.com/user/cityofalbany>

Please help us get Albany's work done.

Be respectful and refer to the rules of conduct posted by the main door to the Chambers and on the website.

1. Call to order and pledge of allegiance
2. Roll call
3. Special presentations
  - a. If I Were Mayor contest winners – Alex Johnson II [Verbal]
  - b. Linn County Veterans Day Parade – Christine Ferguson [Verbal]
  - c. Public Works Week recognition – Chris Bailey [Page 3]
4. Business from the public
5. Adoption of resolutions
  - a. Approving and adopting the City of Albany, ADA Transition Plan – Erik Ikenouye [Pages 4-123]  
RES NO. \_\_\_\_\_ p. 4
  - b. Exemption from competitive bidding to purchase a generator for WTP-24-01 – Nolan Nelson  
[Pages 124-127] RES NO. \_\_\_\_\_ p. 126
6. Award of contracts
  - a. ST-23-03, Fourteenth Ave, Clay St, and Geary St overlay – Carl Berg [Pages 128-131] MOTION \_\_\_\_\_
  - b. ST-24-04, 2024 slurry seal project – Andrew Monaco [Pages 132-136] MOTION \_\_\_\_\_
  - c. SS-25-01, Cox Creek interceptor sewer phase 3 – Chris Cerklewski [Pages 137-140] MOTION \_\_\_\_\_
7. Adoption of consent agenda
  - a. Appointments [Pages 141-149]
    - 1) Accepting Terry Virnig's resignation from the Budget Review Committee and Transportation Advisory Commission
    - 2) Appointing Michael Thompson to the Budget Review Committee
    - 3) Appointing Oscar Hult to the Tourism Advisory Committee
    - 4) Appointing Alex Rice to the Transportation Advisory Commission
  - b. Approval of minutes [Pages 150-159]
    - 1) February 26, 2024, city council work session
    - 2) March 11, 2024, city council work session

[albanyoregon.gov/council](http://albanyoregon.gov/council)



- 3) April 8, 2024, city council work session
- 4) April 10, 2024, city council meeting
- c. Recommendations to OLCC [Page 160]
  - 1) Approve change of ownership full on-premises commercial liquor license for Elmer's Restaurants, Inc dba Elmer's Breakfast Lunch Dinner
- d. Adoption of resolutions
  - 1) Authorize the city's participation in a grant submittal for Safe Streets and Roads for All grants – Chris Bailey [Page 161] RES NO. \_\_\_\_\_ p. 161
  - 2) Access Easement for SP-18-23 - Carl Berg [Pages 162-167] RES NO. \_\_\_\_\_ p. 162
  - 3) Emergency Access Easement for SP-18-23 - Carl Berg [Pages 168-173] RES NO. \_\_\_\_\_ p. 168
  - 4) Water Easement for SP-18-23 - Carl Berg [Pages 174-179] RES NO. \_\_\_\_\_ p. 174
  - 5) Opting into recreational immunity – Kim Lyddane [Pages 180-181] RES NO. \_\_\_\_\_ p. 181
- e. Approval of agreements
  - 1) Linn County Ambulance Service Area mutual aid agreement – Shane Wooton [Pages 182-186] RES NO. \_\_\_\_\_ p. 183

MOTION: \_\_\_\_\_

- 8. Business from the council
- 9. City manager report
- 10. Recess to executive session to discuss litigation or litigation likely to be filed in accordance with ORS 192.660 (2)(h).
- 11. Reconvene
- 12. Next meeting dates
  - Monday, May 20, 2024; 4:00 p.m. work session
  - Wednesday, May 22, 2024; 6:00 p.m. meeting
- 13. Adjournment

*This meeting is accessible to the public via video connection. The location for in-person attendance is accessible to people with disabilities. If you have a disability that requires accommodation, please notify city staff at least 48 hours in advance of the meeting at: [cityclerk@albanyoregon.gov](mailto:cityclerk@albanyoregon.gov)*

*Testimony provided at the meeting is part of the public record. Meetings are recorded, capturing both in-person and virtual participation, and are posted on the City website.*



# MEMO

TO: Albany City Council  
VIA: Peter Troedsson, City Manager *4/30*  
FROM: Chris Bailey, Public Works Director *CB*  
DATE: April 25, 2024, for the May 8, 2024, City Council Meeting

**SUBJECT:** Public Works Week Recognition  
Relates to Strategic Plan theme: Effective Government

### Action Requested:

Information only.

### Discussion:

All day, everyday Albany's citizens rely on and benefit from the services provided by our Public Works Department. Turn on the light switch? Public Works manages the electric franchise utility relationships and ensures power is provided as new areas of town develop. Wash the dishes? Public Works provide plenty of clean and safe water to meet all your needs and makes sure the wastewater flows safely from your property to the Water Reclamation Facility. Drive on a city street? Our staff makes sure the street signs are where they need to be.

This week is National Public Works Week. Public Works provides planning, design, construction, operation, and maintenance of all the public infrastructure in Albany. Our services are vital to the health, safety, and economy of our community. Only 130 dedicated employees in Public Works are responsible for building, rebuilding, improving, operating, and protecting the transportation, drinking water, wastewater, and stormwater systems that provide vital services for almost 58,000 residents.

Our employees are often content to do their jobs without seeking recognition or praise from the public that depends so heavily on them. Tonight, I'd like to spend a few minutes recognizing our Public Works professionals. I encourage you to also thank them for their work anytime you feel so inclined but especially during National Public Works Week May 19-25. Albany is a better place to live and work because of what they do.

### Budget Impact:

None.

CB:kc



RESOLUTION NO. \_\_\_\_\_

---

A RESOLUTION APPROVING AND ADOPTING THE CITY OF ALBANY, OREGON, AMERICANS WITH DISABILITIES (ADA) TRANSITION PLAN DATED MARCH 2024

WHEREAS, the City of Albany is obligated to observe all requirements of Title II of the ADA in its policies, practices, services, programs, and activities; and

WHEREAS, Title II requires state and local governments with 50 or more employees to develop a Transition Plan 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, and specify the schedule for taking the steps necessary to achieve ADA compliance; and

WHEREAS, City of Albany staff evaluated all City facilities, parks, rights of way and programs in the creation of the Transition Plan; and

WHEREAS, the City of Albany has solicited input and comments regarding the Transition Plan by members of the public as outlined by Title II of the ADA.

NOW, THEREFORE, BE IT RESOLVED that the Albany City Council hereby adopts the update to the City of Albany Self-Evaluation and Transition Plan dated March 2024.

DATED AND EFFECTIVE THIS 8TH DAY OF MAY 2024.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk





## **Combined Americans with Disabilities Act (ADA) Self-Evaluation and Transition Plan for Public Right-of-Way, Parks & Recreation, and Citywide Facilities**

City of Albany, Oregon

March 2024



*This page intentionally left blank.*

## Acknowledgments

Many individuals were involved with the development of the City of Albany Combined ADA Self-Evaluation and Transition Plan for the Public Right-of-Way, Parks & Recreation, and Citywide Facilities. Implementation of this Plan will include efforts of City Leadership and across City Departments.

### City Leadership

Alex Johnson II, Mayor

Dick Olsen, Ward 1

Matilda Novak, Ward 1

Stacey Bartholomew, Ward 2

Ray Kopczynski, Ward 2

Bessie Johnson, Ward 3

Marilyn Smith, Ward 3

### City Staff

Chris Bailey, Public Works Director

Rick Barnett, Parks & Facilities Maintenance  
Manager

Staci Belcastro, City Engineer

Chris Cerklewski, PE

Eric Ikenouye, Disability Access Coordinator

Kim Lyddane, Parks & Recreation Director

Peter Troedsson, City Manager

### ADA Stakeholder Group

Andrea Barnhurst

Howard Rhoades

Jeffrey Evans

Katie Trebes

Maddie MacGregor

Julie Lovell

Tony Ellis

### Consultant



[www.migcom.com](http://www.migcom.com)

# Combined ADA Self-Evaluation and Transition Plan

## Contents

<b>Combined Americans with Disabilities Act (ADA) Self-Evaluation and Transition Plan for Public Right-of-Way, Parks &amp; Recreation, and Citywide Facilities .....</b>	<b>i</b>
<b>Acknowledgments .....</b>	<b>iii</b>
<i>City Leadership .....</i>	<i>iii</i>
<i>City Staff.....</i>	<i>iii</i>
<i>ADA Stakeholder Group .....</i>	<i>iii</i>
<i>Consultant.....</i>	<i>iii</i>
<i>Contents.....</i>	<i>iv</i>
<b>1. Introduction .....</b>	<b>1</b>
1.1 <i>Legislative Mandate .....</i>	<i>2</i>
1.2 <i>Discrimination and Accessibility .....</i>	<i>3</i>
1.3 <i>ADA Self-Evaluation and Transition Plan Requirements and Process.....</i>	<i>4</i>
1.4 <i>Public Outreach .....</i>	<i>6</i>
<b>2. Self-Evaluation.....</b>	<b>8</b>
2.1 <i>Staff Questionnaire and Policy Review Summary.....</i>	<i>8</i>
2.2 <i>Notice.....</i>	<i>9</i>
2.3 <i>Responsible Employee and Grievance Procedure .....</i>	<i>10</i>
2.4 <i>Customer Service .....</i>	<i>12</i>
2.5 <i>Staff Training .....</i>	<i>13</i>
2.6 <i>Contracting, Licensing, or Other Arrangements .....</i>	<i>15</i>
2.7 <i>Public Meetings .....</i>	<i>16</i>
2.8 <i>Program Participation .....</i>	<i>17</i>
2.9 <i>Transportation Services .....</i>	<i>19</i>
2.10 <i>Tours and Trips .....</i>	<i>20</i>
2.11 <i>Accessible and Adaptive Equipment .....</i>	<i>21</i>
2.12 <i>Printed and Online Materials.....</i>	<i>22</i>
2.13 <i>Website.....</i>	<i>24</i>
2.14 <i>Televised and Audiovisual Information.....</i>	<i>25</i>
2.15 <i>Telecommunications.....</i>	<i>26</i>
2.16 <i>Emergency Planning .....</i>	<i>27</i>
2.17 <i>Facilities.....</i>	<i>29</i>
2.18 <i>Accessibility Practices in the Right-of-Way.....</i>	<i>30</i>
<b>3. Transition Plan.....</b>	<b>36</b>

## Combined ADA Self-Evaluation and Transition Plan

3.1	<i>Facilities in the Public Right-of-Way</i> .....	36
3.2	<i>Parks &amp; Recreation and Citywide Facilities</i> .....	80
<b>4.</b>	<b>Plan Implementation</b> .....	<b>92</b>
4.1	<i>Triggers for Barrier Removal</i> .....	92
4.2	<i>Exceptions to Barrier Removal</i> .....	96
<b>5.</b>	<b>Responsible Employee, Notice Policy, and Grievance Procedure</b> .....	<b>98</b>
5.1	<i>Disability Access Coordinator Roles and Responsibilities</i> .....	98
5.2	<i>Notice Under the Americans with Disabilities Act</i> .....	98
5.3	<i>ADA Complaint and Grievance Procedure</i> .....	99
<b>6.</b>	<b>Definitions</b> .....	<b>102</b>
<b>7.</b>	<b>Program Accessibility Guidelines, Standards, and Resources</b> .....	<b>108</b>
7.1	<i>Federal, State, and Local Laws, Standards, and Ordinances</i> .....	108
7.2	<i>Guidance Documents and Articles – Creating Accessible Documents</i> .....	110
7.3	<i>Guidance Documents and Articles – Web Design</i> .....	111
7.4	<i>Guidance Documents and Articles – Signage</i> .....	111
7.5	<i>Training Resources</i> .....	112

*This page intentionally left blank.*

## 1. Introduction

This Combined ADA Self-Evaluation and Transition Plan (SETP or the Plan) for the Public Right-of-Way, Parks & Recreation, and Citywide Facilities will support the City of Albany to fulfill the requirements set forth in Title II of the Americans with Disabilities Act (ADA). The ADA states that a public entity must reasonably modify its policies, practices, or procedures to avoid discrimination against people with disabilities. This Plan will assist the City in identifying policy, program, and physical barriers to accessibility, and will guide the City in developing barrier removal solutions.

The evaluation of policies, programs, and services is described in Section 2 – Self-Evaluation of this document. Section 2 details the review of City policies, services, programs, and activities and is based on responses to a program accessibility questionnaire, which was completed by City Staff, and a review of City documents and policies.

A description of the evaluation of physical barriers in the public right-of-way, Parks & Recreation, and citywide facilities and the strategy for the removal of barriers is included in Section 3 – ADA Transition Plan.

An overview of the topics the City should consider and address when implementing barrier removal efforts is provided in Section 4 – Barrier Removal Considerations for Plan Implementation.

Section 5 – Responsible Employee, Notice Policy, and Grievance Procedure includes the City’s notice under the ADA and the City’s ADA Grievance Procedure.

Commonly used terms within this document and in the ADA are included in Section 6 – Definitions, and Section 7 – Program Accessibility Guidelines, Standards, and Resources contains guidelines, and resources for addressing the recommendations included in this Plan.

The City of Albany has designated a Disability Access Coordinator. The Disability Access Coordinator is responsible for tracking the efforts of the City to comply with Title II and for the coordination and investigation of accessibility-related complaints. The Disability Access Coordinator is also considered a resource for City Departments to achieve ADA compliance and assist with policy and program development to ensure program accessibility (28 CFR 35.130; 28 CFR 35.149).

## 1.1 Legislative Mandate

The ADA is a comprehensive civil rights law for persons with disabilities in both employment and the provision of goods and services. The ADA states that its purpose is to provide a “clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities.” Congress passed the ADA on July 26, 1990, emphasizing that the intent of the ADA was to dispel stereotypes and assumptions about disabilities and to assure equality of opportunity, full participation, independent living, and economic self-sufficiency for people with disabilities. Title II of the ADA covers programs, activities, and services of public entities. Under the requirements of the ADA:

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 (28 CFR 35.130).

Furthermore, Title II of the ADA provides that public entities must identify and evaluate all programs, activities, and services and review all policies, practices, and procedures that govern administration of the entity's programs, activities, and services (28 CFR 35.105). This Plan, and certain documents incorporated by reference establish the City of Albany’s ADA Self-Evaluation and Transition Plan.

### Application of Regulations

As a public entity, the City of Albany is subject to the ADA’s Title II Requirements for State and Local Government Programs and Services and is responsible for the provision of accessible programs and facilities that are available without discrimination toward people with disabilities. A fundamental tenet of Title II of the ADA is “*the principle that individuals with disabilities must be provided an equally effective opportunity to participate in or benefit from a public entity's aids, benefits, and services.*” ([www.ada.gov/taman2.html#II-3.3000](http://www.ada.gov/taman2.html#II-3.3000)) This principle is referred to as program accessibility.

*A public entity may not deny the benefits of its programs, activities, and services to individuals with disabilities because its facilities are inaccessible. A public entity's services, programs, or activities, when viewed in their entirety, must be readily accessible to and usable by individuals with disabilities. This standard, known as “program accessibility,” applies to all existing facilities of a public entity. Public entities, however, are not necessarily required to make each of their existing facilities accessible ([www.ada.gov/taman2.html#II-5.1000](http://www.ada.gov/taman2.html#II-5.1000)).*

As a public entity, the City is required to ensure program accessibility for the programs it provides to the public.



## Maintaining Accessible Facilities

In addition to providing programmatic access, the City is obligated to maintain all accessible facilities in working order. Exceptions are provided for temporary disruptions. The ADA contains the following language regarding the maintenance of accessible features:

***Maintenance of Accessible Features.** Public entities must maintain in working order equipment and features of facilities that are required to provide ready access to individuals with disabilities. Isolated or temporary interruptions in access due to maintenance and repair of accessible features are not prohibited.*

*Where a public entity must provide an accessible route, the route must remain accessible and not blocked by obstacles such as furniture, filing cabinets, or potted plants. An isolated instance of placement of an object on an accessible route, however, would not be a violation, if the object is promptly removed. Similarly, accessible doors must be unlocked when the public entity is open for business.*

*Mechanical failures in equipment such as elevators or automatic doors will occur from time to time. The obligation to ensure that facilities are readily accessible to and usable by individuals with disabilities would be violated, if repairs are not made promptly or if improper or inadequate maintenance causes repeated and persistent failures ([www.ada.gov/taman2.html#II-3.1000](http://www.ada.gov/taman2.html#II-3.1000)).*

## 1.2 Discrimination and Accessibility

This section provides an overview of physical and programmatic accessibility and the basic methods of providing access. Absence of discrimination requires that both types of accessibility be provided.

- Physical accessibility requires that a facility be barrier-free. Barriers include any obstacles that prevent or restrict the entrance to or use of a facility.
- Programs offered by the City to the public must be accessible. Program accessibility requires that individuals with disabilities are provided an equally effective opportunity to participate in or benefit from a public entity's programs and services. Accessibility includes advertisement, orientation, eligibility, participation, testing or evaluation, physical access, provision of auxiliary aids and services, transportation, policies, and communication.

The City may achieve program accessibility by several methods:

- Structural methods such as altering an existing facility;
- Acquisition or redesign of equipment;
- Assignment of aids; or
- Providing services at alternate accessible sites.

When choosing a method of providing program access, the City is required to prioritize the method that results in the most integrated setting appropriate to encourage interaction among all users, including individuals with disabilities. In compliance with the requirements of the ADA, the City must provide equality of opportunity.

### **1.3 ADA Self-Evaluation and Transition Plan Requirements and Process**

The ADA Self-Evaluation and Transition Plan is intended to provide a framework for the continuous improvement of City programs and facilities for people with disabilities. The Plan is intended to be a living document that is regularly updated as programs and services change, as barriers are removed. This document includes both the programs and activities provided by the City, as well as physical elements in the public right-of-way, Parks & Recreation facilities, and other city-owned or leased facilities provided for use by the public.

The ADA Self-Evaluation identifies and makes recommendations to correct policies and practices in programs and services provided by the City that are inconsistent with Title II regulations and result in limited access for people with disabilities. As part of the Self-Evaluation, the City:

- Evaluates services, policies, and practices;
- Identifies modifications needed to services, policies, and practices; and
- Involves people with disabilities in the self-evaluation process (28 CFR 35.105).

Programs, activities, and services offered by the City to the public must be accessible for people with and without disabilities. Accessibility applies to all aspects of programs or services provided by the City, including:

- Notice;
- Responsible Employee and Grievance Procedure;
- Customer Service;
- Staff Training;
- Contracting, Licensing, or Other Arrangements;
- Public Meetings;
- Program Participation;
- Transportation Services;
- Tours and Trips;
- Accessible and Adaptive Equipment;
- Printed and Online Materials;
- Website;
- Televised and Audiovisual Information;
- Telecommunications;
- Emergency Planning;
- Facilities; and
- Accessibility Practices in the Right-of-Way

## Combined ADA Self-Evaluation and Transition Plan

The Transition Plan outlines a strategy for the City facilities to progress toward compliance with the ADA. The Transition Plan identifies physical barriers for persons with disabilities and a schedule to remove those barriers over time and must:

- List barriers;
- Identify feasible solutions to each barrier;
- Establish a timeline for removing barriers;
- Identify the person responsible for Title II compliance; and
- Involve people with disabilities in the preparation of the Plan (28 CFR 35.150.d).

### **Self-Evaluation**

The City of Albany evaluated its policies, programs, and procedures to determine current levels of service and the extent to which its policies and programs created barriers to accessibility for persons with disabilities. Recommended actions for City programs, activities, and services are incorporated as part of this Plan.

### **Transition Plan**

The City of Albany completed a physical audit of facilities in the right-of-way, Parks & Recreation, and citywide facilities to identify potential facility barriers and identify recommendations and alterations to meet state and federal accessibility standards. The types of right-of way facilities evaluated include:

- Curb ramps;
- Pedestrian access routes;
- Transit stops;
- On-street parking facilities; and
- Pedestrian push buttons and crossing times.

Parks & Recreation facilities evaluated included:

- Community and neighborhood parks;
- Recreation facilities owned by the Parks & Recreation Department; and
- Recreation facilities leased by the Parks & Recreation Department.

Other citywide facilities evaluated included:

- Buildings where City programs, activities, and services are provided;
- Publicly accessible portions of service facilities such as fire stations and wastewater treatment centers; and
- City-owned parking lots.

At the time of the facility evaluations, the following resources were used to identify barriers in physical facilities:

- 2010 ADA Standards for Accessible Design;
- 2011 Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way (PROWAG);
- 2015 Architectural Barriers Act (ABA) Standards for Outdoor Developed Areas;
- 2019 Oregon Structural Specialty Code (OSSC) Chapter 11;
- 2009 International Code Council (ICC) A117.1 Accessible and Usable Buildings and Facilities, as referenced in the OSSC; and
- 2009 Edition Manual on Uniform Traffic Control Devices, Including Revision 1, and Revision 2 dated May 2012.

Codes and standards are revised every few years. The barrier evaluations conducted provide an assessment of current conditions as viewed by current code and provide a baseline for future barrier removal.

### **1.4 Public Outreach**

Public entities are required to accept comments from interested persons on their ADA Self-Evaluation and Transition Plan, including individuals with disabilities and organizations that represent them to assist in the self-evaluation process. A page is designated on the City's website to serve as an information portal for the ADA Self-Evaluation and Transition Plan process. During development of this Plan, people with disabilities, and those that provide support or services to others with disabilities and other interested Albany residents participated in a stakeholder group. ADA stakeholder group meetings were held in June and November of 2021 for the public right-of-way portion of the plan, and July and November of 2023 for the Parks & Recreation, and citywide portion of the plan. The stakeholder meetings introduced the project and provided an opportunity for the group to ask questions, make comments, and give input on the prioritization of barriers and the draft plan. Participants shared their opinions and experiences related to City facilities, programs, and services as they relate to the ADA. Meeting agendas and notes are available on the City's website on the ADA Self-Evaluation and Transition Plan project webpage. A draft of the Plan was posted to the City website for public comment from December 2023 through the end of January 2024.

*This page intentionally left blank.*

## 2. Self-Evaluation

Under Title II of the Americans with Disabilities Act (ADA), all programs, activities, and services offered to the public by the City of Albany must be accessible for people with and without disabilities. Accessibility applies to all aspects of a program or service. Public entities are required to evaluate their programs, activities, and services, make modifications to potentially discriminatory practices, and provide the opportunity for individuals with disabilities or organizations representing people with disabilities to participate in the process. When a public entity has 50 or more employees, it is required to maintain a record of the examination, describe the issues identified, describe the modifications made, and list the interested individuals consulted as part of the process (28 CFR 35.105).

The self-evaluation process identifies policies and practices that result in limitations to access for people with disabilities and makes recommendations to correct policies and practices that are inconsistent with Title II regulations. As programs and facilities' uses change, intermittent review of accessibility should be conducted. If a public entity is the recipient of Federal Department of Transportation funds, a system for tracking program and service deficiencies and periodically reviewing and updating the self-evaluation is required (49 CFR 27.11(c)(2)(i-v)).

The City of Albany self-evaluation included three elements: a staff questionnaire, a review of City policies, and a review of the Public Works Department's standards and specifications. This report incorporates the staff questionnaire results, the policy review observations, and the evaluation of standards and specifications and makes recommendations to improve accessibility in the City's programs, activities, and services.

The Disability Access Coordinator or designee will follow up with department managers to review the recommendations. In those situations where a policy, program, or procedure creates a barrier to accessibility that is unique to a department or a specific program, the Disability Access Coordinator or designee will coordinate with the department head or program manager to address the removal of the barrier in the most reasonable and accommodating manner in accordance with applicable law.

### 2.1 Staff Questionnaire and Policy Review Summary

A program accessibility questionnaire was administered to Public Works Department staff responsible for facilities in the public right-of-way in early 2021, and to City Staff responsible for building Parks & Recreation and citywide facilities in early 2022. The questionnaire highlighted areas where the City effectively meets the needs of people with disabilities while also identifying potential gaps in department practices. A complimentary evaluation of City services, policies, and practices was also undertaken during the same period. The review includes policies and administrative rules, public documents, forms, applications, and the City's municipal code. The results of the analysis serve as the basis for implementing improved access to the City programs as required by the ADA.

## Combined ADA Self-Evaluation and Transition Plan

This section is organized into the following categories based on the requirements of Title II of the ADA:

- Notice;
- Responsible Employee and Grievance Procedure;
- Customer Service;
- Staff Training;
- Contracting, Licensing, or Other Arrangements;
- Public Meetings;
- Program Participation;
- Transportation Services;
- Tours and Trips;
- Accessible and Adaptive Equipment;
- Printed and Online Materials;
- Website;
- Televised and Audiovisual Information;
- Telecommunications;
- Emergency Planning; and
- Facilities.

The policy summaries are derived from a review of City policies and programs. The required and recommended actions that follow are derived from assessing the questionnaire responses, the policy review process, or both.

Required actions are based on legislative requirements or other best practice guidelines for accessibility. Some actions are always required, such as posting a notice of nondiscrimination, while other actions are only required when requested, such as providing alternative formats ( large print, braille, etc...). In many cases, Public Works has multiple options for providing accessible programs, activities, and services. This section also includes implementation strategies and links to the Department of Justice’s online best practices tool kit. The Tool Kit should be considered a helpful supplement to – not a replacement for – the regulations and technical assistance materials that provide more extensive discussions of ADA requirements. For the full “Best Practices Tool Kit for State and Local Governments,” refer to <https://www.ada.gov/pcatoolkit/toolkitmain.htm>.

The reviewed services, policies, and practices are incorporated into an ADA Self-Evaluation Workbook in an MS Excel format, which documents existing conditions and suggests barrier removal actions for providing access to Public Works programs. The Self-Evaluation Workbook is intended to be the working document for implementing improvements and should be maintained by the City's Disability Access Coordinator or designee. The Public Works Department will review the plan annually in conjunction with the annual review of the City’s Capital Improvement Program. Changes or updates to progress will be made at this time.

## 2.2 Notice

Title II regulations require the City to inform the public of the rights and protections provided by the ADA for access to public programs, services, and activities (28 CFR 35.106). It is the obligation of the head of the public entity to determine the most effective way of providing notice to the public about their rights and the public entity's responsibilities under the ADA. Publishing and publicizing the ADA notice is not a one-time requirement. Public agencies should provide the information on an ongoing basis and update the information whenever necessary.

### Questionnaire Summary

Most respondents indicated that they did not know if the City has a non-discrimination statement that includes people with disabilities. Some respondents indicated that they did not believe one existed. Of the respondents that are aware of the City's nondiscrimination statement, there were several ways they knew it was published. The most common way respondents knew about the nondiscrimination statement was through the City's website. Other ways respondents knew about the nondiscrimination statement included their employee handbook, meeting documents, City bulletin boards, and the City's bus schedule.

### Policy Review Summary

The City's ADA Notice is provided on the City's website within the text of the page (<https://www.cityofalbany.net/accessibility/ada-notice>).

### Required Actions

- Continue to provide public notice of the City's commitment to providing accessible services (28 CFR 35.106).
- Ensure that people claiming a violation of Title II are not retaliated against or discriminated against for making such a claim (28 CFR 35.134).

### Implementation Strategies

- Ensure staff are aware of the public locations of the nondiscrimination statement and the procedure for filing a disability discrimination or grievance complaint.
- Provide notice of the availability of program modifications, alternative formats of materials, and auxiliary aids. Include contact information for staff who can provide assistance. Establish a standardized advanced notice requirement and publicize.



## Combined ADA Self-Evaluation and Transition Plan

- Include a nondiscrimination notice in department publications, similar to the following with up-to-date Disability Access Coordinator contact information:
  - *The City of Albany does not discriminate on the basis of disability in the admissions or access to its programs or activities. A Disability Access Coordinator has been designated to coordinate compliance with the nondiscrimination requirements contained in the Department of Justice regulations implementing Subtitle A of Title II of the Americans with Disabilities Act (42 U.S.C. 12131-12134), which prohibits discrimination on the basis on disability by public agencies.*
- Republish and rebroadcast radio, newspaper, television, or mailings of the notice periodically, as applicable.
- Increase outreach to people with disabilities and the organizations that serve them to provide information about possible modifications and the accessibility of services, programs, and activities.

### **2.3 Responsible Employee and Grievance Procedure**

Title II of the ADA requires a state or local government agency that employs 50 or more people to develop and publish an ADA grievance procedure and to designate at least one employee as the Disability Access Coordinator. In Albany, the Disability Access Coordinator is responsible for the coordination of the City's efforts to implement the self-evaluation and transition plan. The Disability Access Coordinator is responsible for investigating any complaints that the City has engaged in an action prohibited by Title II and is often responsible for communicating the City's efforts to comply with and fulfill its responsibilities under Title II of the ADA.

#### **Questionnaire Summary**

Results from the questionnaire showed many respondents were unsure of what the City's ADA complaint or grievance policy is. Of the respondents that were unsure, some indicated they would forward a complaint to their supervisor, another City Department, or refer to the City Attorney. However, the majority indicated they did not know. Of the respondents that were aware of the City's grievance procedure, some referred to the City's website which outlines the grievance procedure. Others indicated that an ADA complaint should be forwarded directly to Eric Ikenouye, the Disability Access Coordinator. The majority of respondents did not know if their department has designated someone responsible for ensuring the City meets ADA obligations. The majority of the respondents indicated their department does not have someone designated to ensure ADA obligations are met.

#### **Policy Review Summary**

The City has designated a Disability Access Coordinator whose name, office address, and telephone number are provided on the City's website (<https://www.cityofalbany.net/accessibility>) and the City has published an ADA grievance procedure to ensure prompt resolution of complaints.

## Required Actions

- Continue to provide the name, office address, and telephone number of the employee or employees responsible for ensuring the City meets its ADA obligations under Title II to staff and the public (28 CFR 35.107).
- Continue to publish the grievance procedure to provide fair and prompt resolution of accessibility-related complaints (28 CFR 35.107).
- Department of Transportation fund recipients and subrecipients must keep complaints on file for one year and maintain a record, which may be in summary form, for five years (49 CFR 27.121 (b)).

## Implementation Strategies

- Refine the role and responsibilities of the Disability Access Coordinator and determine whether additional employees need to be identified to support this position.
  - Provide training for this position and employees supporting this position regarding knowledge of the ADA and other laws addressing the rights of people with disabilities.
  - Provide training on the various alternative formats and technologies that enable people with disabilities to communicate, participate, and perform tasks.
  - Ensure that the employee in this position has or receives adequate training to negotiate and mediate topics involving the grievance process.
  - Ensure that grievances are documented effectively and addressed in a timely manner.
- Maintain the citywide webpage to address and inform the public on the City's obligation under Title II of the ADA. The citywide page serves to provide a one-stop portal for access to the ADA notice, Disability Access Coordinator, requests for auxiliary aids and services, program modifications, the complaint process, self-evaluation and transition plan documents, and other city efforts regarding accessibility.
- Continue to provide an ADA barrier removal request form on the *Contact the City of Albany, Oregon* web page. This barrier removal request form can provide an opportunity for a person with a disability to report a need or concern related to programs, activities, or services provided by the City without filing a formal complaint.
- When requested, provide information identifying locations for pending or in-progress grievances that have already been reported.

## 2.4 Customer Service

In-person interaction with the public is one of the primary functions of most city departments. To meet ADA standards for in-person interactions, staff should be aware of the formal and informal procedures for accommodating people with disabilities, including appropriate responses to requests for program modifications and guidelines for accommodating service animals. Only dogs are recognized as service animals under Title II of the ADA. In limited cases, miniature horses that are individually trained to perform tasks for people with disabilities may also qualify to provide services. Emotional support, therapy, comfort, or companion animals are not considered service animals under the ADA.

### Questionnaire Summary

Nearly all questionnaire respondents reported having staff members in their department that are in contact with the public. Respondents indicated they do not receive training on interacting with people with disabilities. Some stated they were made aware of the City's ADA obligations through orientation or other means. The majority of respondents indicated that their department did not track accessibility requests, or they did not know if requests were tracked. It seems to be unclear if there is a formal procedure for making changes to standard operating procedures to accommodate people with disabilities. Some respondents said they did not know, while the rest indicated that they discuss accessibility issues as they come up with the appropriate staff.

Most questionnaire respondents did not know if their department has assigned someone to manage accessibility accommodation requests. Of the respondents that indicated their department did have someone assigned, various examples were given of who the staff person is. Most respondents referred to their supervisors or department directors while others referred to the Disability Access Coordinator, Eric Ikenouye, or the Human Resources Department.

When asked about allowing service animals to accompany people with disabilities, most of the respondents indicated their department does allow service animals to accompany people with disabilities in all places where members of the public are permitted. Other respondents indicated they did not know, and a few said that they did not allow service animals. A small segment of respondents indicated that staff in their department are aware of the two questions they may ask regarding service animals while the vast majority indicated "no" or that they were uncertain.

### Policy Review Summary

The ADA Notice page, the City's Comprehensive Plan, the municipal code, the City's website for block grant applications, and Albany Community Garden publications refer to individuals with "impairments" and the City's Comprehensive Plan refers to "the disabled," "individuals with impairments," "handicapped persons," "residents with special needs," and other similarly outdated language. A customer service approach to verbal and written communication uses appropriate and respectful vocabulary, emphasizing the person first, rather than the disability (for example, people with disabilities instead of the disabled). Definitions and terminology used by the City should conform with the ADA wherever possible (for example, use service animal instead of seeing-eye dog). Additionally, the definition of "pedestrian" in the City's code should be amended to include persons using mobility devices. The City's policy on "at large" dogs, prohibiting off-leash dogs, could

be misinterpreted to discriminate against people with disabilities who rely on service animals that are required to be off-leash.

### **Required Actions**

- Continue to make appropriate modifications to regular practices to accommodate individuals with disabilities needs when providing customer service (28 CFR 35.130).
- Continue to ensure an additional fee is not charged to people requesting a program modification due to their disability (28 CFR 35.130(f)).
- Continue to ensure that service animals are allowed in City facilities (28 CFR 35.136).
- Make reasonable modifications for people with disabilities who rely on a miniature horse that is individually trained to assist them (28 CFR 35.130(i)).

### **Implementation Strategies**

- Ensure that staff members are aware of the City's policy regarding service animals and are trained to implement this policy appropriately.
- Develop a process for determining reasonable modifications as people with disabilities request them. The process should address the following considerations:
  - Ensure the public has easy access to information about requesting modifications and understanding who to contact.
  - Ensure all staff can direct a person requesting the modification to the appropriate staff member.
  - Ensure requests can be accepted from someone on behalf of the person with a disability and that they are not required to be in writing.
  - Ensure that requests and outcomes are tracked.

## **2.5 Staff Training**

As a part of the City's ongoing staff development and training, the incorporation of disability awareness, standards, and resources are encouraged for all staff interfacing with the public or who maintain the facilities used by the public.

### **Questionnaire Summary**

A small percentage of respondents reported that staff receive training on interacting with people with disabilities. Most indicated that they did not receive training while others were unsure. Of the respondents that indicated City Staff are trained, a variety of answers were given, ranging from reading the employee handbook to discussions in staff meetings. Several respondents reported that they attend training through the Human Resources Department or attend training from outside individuals or organizations.

## Policy Review Summary

The Parks & Recreation Summer Staff Handbook does not mention specific guidance or procedures for interacting with members of the public with disabilities or the City's ADA responsibilities. The Aquatic Staff Handbook contains an entire section on ADA inclusion and the City's responsibility to make programs and facilities accessible. Updating other staff training materials with a similar section may raise staff's awareness of the ADA's requirements and how to help members of the public with disabilities use city programs and services.

## Required Actions

- Ensure that City Staff are knowledgeable about obligations, policies, and procedures for providing accessible services, programs, and activities to the public (28 CFR 35.130; 28 CFR 35.160).
- Ensure that City Staff are knowledgeable about procedures for responding to requests for modifications (28 CFR 35.160).
- Ensure that City Staff are knowledgeable about construction and maintenance of accessible facilities (28 CFR 35.133).

## Implementation Strategies

- Develop and disseminate best practice resources for staff to formalize the City's approach to addressing accessibility concerns.
- Provide training to design, inspection, and maintenance staff regarding accessibility standards and maintaining facilities in an accessible condition.
- Provide all department staff with ongoing awareness and sensitivity training.
- Develop a comprehensive disability access training program. Educate staff about their responsibilities under the ADA. The City's Disability Access Coordinator or City Supervisors should be responsible for ensuring that staff members receive training. Staff members who have contact with the public should receive additional training about the process of providing modifications and assistive devices to make their programs, activities, and services accessible to all. Ensure that training also includes information about responding to a variety of disabilities and the availability of program-specific adaptations, assistive devices, and modifications.
- Develop standard guidelines for training materials. These guidelines should include standard language that appropriately describes the City's policy on inclusion and nondiscrimination. Staff members should receive training in using the guidelines effectively.
- Offer training to staff members that have contact with the public and wish to learn ASL communication skills. Training should emphasize basic communication and should not be viewed as a substitute for utilizing qualified ASL interpreters when requested.

## 2.6 Contracting, Licensing, or Other Arrangements

All events on public property should be accessible to people with disabilities. Many public agencies rely on contractors, licensees, consultants, and other entities to deliver city services. These entities are considered an extension of the city's services and must adhere to the same ADA regulations.

### Questionnaire Summary

Most respondents indicated their department does use contractors or consultants to conduct programs and services on behalf of the City. Some indicated "no" or that they did not know if their department did this. When asked if their department ensures that contractors or consultants are aware of their accessibility obligations, the majority of respondents said they did not know. Of those that responded "yes," they reported that the City's accessibility obligations are detailed in their contracts. Most respondents reported that they did not know if their department works with any outside organizations or groups that assist people with disabilities. Others said they do not work with any outside organizations.

### Policy Review Summary

The temporary right-of-way use permitting process described in the City's code does not address accessibility obligations for groups hosting events on public property. However, the Public Works website contains a Sales/Seating Encroachment Application for temporary encroachment into the public right-of-way that effectively communicates the responsibility to maintain an accessible route through the right-of-way. The evaluation did not identify other policy barriers for this category.

### Required Actions

- Ensure that contractors, licensees, consultants, and other entities providing or delivering services adhere to the same ADA regulations as the City (28 CFR 35.130).
- Ensure the City selects procurement contractors using criteria that do not discriminate on the basis of disability (28 CFR 35.130).
- Maintain City facilities in an accessible order to help ensure the accessibility of events held by public and private organizations (28 CFR 35.133).

### Implementation Strategies

- Ensure contractors, licensees, and other entities providing services to the public are aware of their obligation to make City programs and activities accessible. Provide checklists, resources, contractual language, or other means to help them understand and meet their obligations.
- Ensure the information provided includes the minimum clearances for accessible routes during activities within the right-of-way.
- Monitor public programs and activities provided by contractors, licensees, and other entities to ensure continued accessibility. Provide staff with resources for conducting this review.
- Inform organizations that coordinate or sponsor events at City facilities about applicable ADA requirements.

## 2.7 Public Meetings

Public meetings are a regularly occurring activity for public agencies. Any public meeting's main objective is to impart and solicit information on issues of importance to the local government. Where these meetings are held is one of the essential considerations for meetings under the ADA requirements.

### Questionnaire Summary

About three quarters of respondents reported that their department holds public meetings. Most also said that they do require public meetings, hearings, conferences, and other gatherings be held in accessible locations. Responses were split between “yes” or “uncertain” regarding whether American Sign Language interpreters, readers, or adaptive equipment is provided when requested. Staff was also uncertain what options are in place to ensure that individuals with hearing disabilities who do not use sign language could effectively participate in meetings. Most respondents did not know if staff that coordinate meetings are provided with resources for ensuring meetings are accessible. Questionnaire participants did, however, report that their department provides remote/digital access to meetings and that they provide the opportunity for the public to submit oral and written testimony remotely/digitally.

### Policy Review Summary

During the self-evaluation review process, stakeholder meetings were held in a digital venue and the City offered digital options for in-person public meetings. Multiple options are available to provide public comments at meetings. However, it is unclear how an individual can request accommodation or auxiliary aids or services for participating in online or in-person meetings. A review of the digital records for meetings prior to the pandemic indicate that meeting agendas provide information that the facility of the meeting location is in an accessible location and requests for accommodation can be made with advanced notification, without specifying the minimum timeline for making the request. A review of the public comment policy at City Council meetings limits the speaking time to three minutes and does not address exceptions for people with disabilities that impact speech. Protocol for public meeting engagement should allow for modifications to the standard procedures to ensure that people with disabilities are able to participate at the same level as others.

### Required Actions

- Continue to ensure that public meetings are held in accessible facilities (28 CFR 35.160).
- Provide agendas and other meeting materials in alternative formats upon request (28 CFR 35.160).
- Provide flexibility in the time limit on speaking for individuals with communication difficulties (28 CFR 35.160).
- Ensure that assistive listening devices are available for public meetings where the sound at the meeting is amplified (28 CFR 35.160; 2010 Standards 219.2 Required Systems).



- Continue to provide the opportunity to participate in public meetings remotely using technology such as a telephone, video, or other digital means and when oral and written testimony is allowed, provide a similar means of participation remotely (OR HB 2560-A).

### **Implementation Strategies**

- When possible, share meeting content before the meeting and allow the submission of questions in advance of the meeting.
- Ensure a consistent advanced notice requirement and communicate this to both staff and the general public.
- Ensure the City allows for longer than three minutes of speaking time at City Council meetings when requested for a disability.
- Display a notice on meeting agendas and web pages providing agendas and other meeting materials, indicating the availability of alternative formats of meeting materials and other elements of meeting participation.
- Prepare a list of accessible meeting spaces to facilitate the scheduling of meetings or the relocation of meetings as needed upon request.
- Maintain a list of on-call ASL interpreters who can attend meetings upon request to assist individuals who are deaf or have hearing loss.
- Develop a checklist and provide instruction to staff on ensuring the accessibility of meetings. Guidelines should include examples of the types of modification requests that may be made by people with different types of disabilities, including assistive listening systems, sign language interpreters, readers, descriptive services, and other assistive technologies like real-time captioning. Other considerations include the layout of the room and the locations of the sign-in and refreshments tables, bathrooms, and other elements to ensure these features are accessible.
- Assign a member of staff as a greeter at public meetings and events. Identify this person as a resource for people who may require assistance.

## **2.8 Program Participation**

The public must be able to access all programs, services, and activities, regardless of disability, unless a modification would result in a fundamental alteration to the nature of a service, program, or activity, or impose undue financial and administrative burdens (28 CFR 35.164). Admission criteria, ability to complete forms, and participation in interviews must be available to all public members by providing reasonable modifications.

### **Questionnaire Summary**

Most respondents reported that their department does offer programs that are available for public participation, such as classes, camps, outdoor events, volunteer positions, and other programs. Some department programs, especially Parks & Recreation programs, use some form of eligibility requirements that include physical fitness standards, mental fitness standards, performance requirements, or safety standards. One respondent indicated that the volunteer positions their department coordinates require mobility and the ability to lift and move things.



Other departments were less clear on whether they applied eligibility requirements to their programs. Some respondents reported using criteria such as good health, residency, letters of recommendation, skills assessments, drug and alcohol tests, driving ability, minimum age requirements, or criminal history checks. Most respondents across departments did not provide ways that they ensure that these eligibility policies do not discriminate against people with disabilities. One respondent reported that one of the programs offered is through the American Red Cross and follows their standards.

### **Policy Review Summary**

Online applications for citizen advisory groups do not advertise or provide an alternative method of application for persons in need of modification. The accessibility of recreational classes and activities is not described on the City's website. Both the youth cadet and adult volunteer programs with the Albany Police Department require participants to have a driver's license. This may be discriminatory for people with certain disabilities who are otherwise qualified to engage in the activity. The Albany Arts Artist Agreement states "Unless the Albany Arts Commission agrees to provide transportation of the loaned items to and/from City Hall, it will not be responsible for the moving of items." The gallery information form states "As the artist, you are responsible for hanging and securing all pieces on display at City Hall." These policies may be discriminatory against a person with a disability. Information for accommodation should be provided on forms.

### **Required Actions**

- Provide reasonable modifications to program participants with disabilities to include them in regular programs to the maximum extent possible. Do not require the use of different or separate aids, benefits, or services, even if they are as effective as those provided to other individuals (28 CFR 35.130).
- Modify standard policies, practices, or procedures to avoid discrimination unless the modification would fundamentally alter the nature of the program, result in an undue financial or administrative burden, or create a hazardous situation for the participant or others (28 CFR 35.130).
- Ensure that if the City determines it is necessary to exclude or limit the participation of people with disabilities to ensure the safe operation of programs or services, it bases those determinations on real risks, not on speculation, stereotypes, or generalizations (28 CFR 35.130).
- Ensure that when interviews are required for program participation, they are held in an accessible location and that alternative formats or auxiliary aids are provided upon request (28 CFR 35.164; 28 CFR 35.160).
- Ensure that surcharges are not placed on people with disabilities to cover the costs of aids, modifications, or program accessibility (28 CFR 35.130).

## Implementation Strategies

- Increase outreach to people with disabilities and the organizations that serve them to ensure program accessibility. The City should also inform the public of the possible modifications that can be made to make programs, services, and activities accessible.
- Include a nondiscrimination statement and a notice of alternative formats on application or registration forms.
- Periodically review program eligibility requirements to ensure accessibility proactively. Develop strategies for modifications as appropriate.
- Review requirements of City volunteer programs to ensure that people with disabilities are included to the maximum extent possible.

## 2.9 Transportation Services

Many public agencies provide public transportation services. The public accommodation standards for these services are set forth by the Federal Transit Administration (FTA). The requirements under Title 49 CFR Parts 27, 37, 38, and 39 ([www.ecfr.gov/current/title-49](http://www.ecfr.gov/current/title-49)) include a broad spectrum of legislation that addresses nondiscrimination policies, vehicle and equipment use, programs and services, and transit routes, as well as oversight, complaints, and monitoring (FTA C 4710.1). The scope of the review of this self-evaluation addresses any potentially discriminatory practices under Title 28 CFR Part 35 – Nondiscrimination on the Basis of Disability in State and Local Government Services. The transit stop facilities owned and managed by the City of Albany are included as part of the right-of-way transition plan assessment process for this effort.

### Questionnaire Summary

Only a small segment of respondents reported that their department provides transportation such as buses or shuttles to program participants and volunteers on occasion. When asked if they have procedures to make transportation accessible to persons who have visual, hearing, mobility, cognitive, or other disabilities most of the respondents did not know. One respondent indicated they provide ADA accessible vehicles for their transportation services.

### Policy Review Summary

The PDF application form available for download for the Call-A-Ride Paratransit Service is not in a digitally accessible format for screen readers (refer to sections Printed and Online Materials and Website).

### Required Actions

- Continue to make reasonable modifications in policies, practices, or procedures for transportation programs when the modifications are necessary to avoid discrimination on the basis of disability or to provide program accessibility to services (28 CFR 35.164; Title 49, Subtitle A, § 38.1 Purpose).

## Implementation Strategies

- Periodically review transportation programs to proactively ensure accessibility. Develop strategies for modifications when appropriate.
- Periodically review the bus schedules to ensure service hours can meet the demand for individuals reliant on public transportation.

### 2.10 Tours and Trips

Many public agencies provide or facilitate tours and trips as part of their service. These tours and trips are subject to Title II regulations. The City is responsible for ensuring that people with disabilities can experience the tour by making modifications upon request.

#### Questionnaire Summary

Respondents reported that some departments offer tours or organize trips for members of the public, with some participants indicating they were not sure if their department offered tours. The types of tours offered ranged from wastewater facility tours, library tours, tours of police and fire stations, tours of park facilities, tours for seniors, and tours for children and parents. Many respondents in departments that do host tours did not know if they had procedures to make those tours and trips accessible to persons with disabilities. For respondents that indicated they do make accommodations, most indicated they do allow care providers or aids to accompany visitors and staff is willing to help, but none indicated there was a formal procedure. Wheelchairs and walkers can be accommodated, but members of the public may need to ask for accessibility accommodation in advance.

#### Policy Review Summary

It is unclear whether tours and trips in Albany provide wheelchair accessible vehicles, alternative and accessible formats for tour materials, or captioning and sign language interpretation upon request.

#### Required Actions

- Modify tours and trips upon request to enable people with disabilities to participate (28 CFR 35.130).

## Implementation Strategies

- Incorporate opportunities to request accessibility modifications in registration materials for tours or trips.
- Provide information to participants in advance of a tour or trip regarding the destination, transportation method, and other characteristics of the activity so that informed requests for modifications can be made.
- Evaluate the destination of tours or trips and the means of transportation to determine accessibility and any modifications that may be required. If a tour route or a portion of a route is inaccessible and modifications are requested, reroute the tour or provide program

modifications that will allow the tour to be experienced (for example, photographs, videos with closed captioning).

- Consider developing alternate accessible tour materials such as braille handouts or screen reader versions of pamphlets, captioned videos or audio transcripts, and having ASL interpreters available by request, and the inclusion of touchable materials and maps that can enhance the accessibility of the tour.

## **2.11 Accessible and Adaptive Equipment**

Adaptive aids are devices, controls, appliances, or items that make it possible for people with disabilities to improve their ability to function independently and participate in programs, services, and activities offered by the City. For example, a pen, note pad, and clipboard provided to a person with a speech disability to write notes for brief communication or electronic equipment such as an accessible computer station are considered adaptive equipment.

### **Questionnaire Summary**

When asked if their department provides adaptive equipment when requested at public meetings, about half of respondents indicated they did not know while the rest said “yes,” with just a couple saying “no.” Several respondents indicated that they ensure electronic equipment is accessible to and usable by individuals with disabilities. Respondents were asked to list any equipment their department provides upon request. The most common equipment listed was pen and paper, followed by vision devices such as magnifiers and screen readers. Several Parks & Recreation respondents reported that American Sign Language interpreters, readers, or adaptive equipment is provided when requested. No respondents listed assistive listening devices or communication access real time translation (CART) devices. Most respondents indicated they did not know if their department has a formal procedure for making and fulfilling requests for accessible equipment. Only one respondent indicated they were aware of a formal procedure for making and fulfilling requests. Nearly all respondents reported they did not know if their department has policies to ensure their website is functional for individuals using speaking browsers or adaptive equipment. One respondent reported they do have such policies.

### **Policy Review Summary**

Information on how to request auxiliary aides and services for participation in Public Works, Parks & Recreation, and other City programs and services is not explicitly indicated on the website nor on materials but a link to the ADA planning process and the City’s ADA page is provided.

## Required Actions

- Provide and maintain, in working order, accessible equipment for people with disabilities when equipment is provided to the public (28 CFR 35.133).
- Make reasonable modifications to avoid discrimination on the basis of disability unless the modifications would fundamentally alter the nature of the service, program, or activity (28 CFR 35.130).
- Provide appropriate auxiliary aids and services in a timely manner, giving primary consideration to the request of the individual with the disability (28 CFR 35.160).

## Implementation Strategies

- Include accessibility as a criterion for purchasing equipment such as furniture, site furnishings, and office systems. Whenever possible, evaluate furniture and building material purchases for compatibility with a wide range of disabilities and sensitivities.
- Review equipment provided by the City for use by the public, such as computers, copy machines, telephones, etc., to identify potential barriers to accessibility and corresponding solutions.
- Collaborate with community organizations that serve people with disabilities to develop and maintain a resource list of assistive technology and accessible equipment.
- Establish and maintain a toolkit of adaptive aids and resources for staff who interact with the public. Include information about both onsite and contracted services.

## 2.12 Printed and Online Materials

Many public agencies develop and distribute a wide range of materials in printed and online formats. To meet the ADA's effective communication standards, (28 CFR 35.160-164) the City must be able to provide alternative formats such as easy-to-understand language, braille, large print, audiotape or CD, computer media, or other formats, when requested. This responsibility extends to outside contractors and vendors who develop materials on behalf of the City.

In ADA Stakeholder Feedback sessions held as part of the creation of this Plan, it was noted that temporary signage and flyers advertising events often do not comply with accessibility guidelines for typeface, text size, and color contrast, making the information illegible to individuals with visual disabilities.

## Questionnaire Summary

The majority of respondents indicated that their department does produce or provide printed or online materials that are made available to the public. However, when asked if staff and external contractors who are responsible for developing materials are aware of the City's responsibility to provide accessible documents, most questionnaire participants said they did not know. Some respondents indicated "yes" with only a couple indicated "no." Respondents listed a variety of ways they make documents accessible to individuals with visual disabilities. The most common response was "don't know." But the most common ways documents are made accessible are audio recordings, digital copies, large print, and accessible electronic formats. Most respondents did not know if their department makes the content of printed and online materials available in simple,

easy-to-understand language for individuals with learning disabilities. Staff members were uncertain if their department's website or printed materials included information about the accessible features provided at relevant facilities. Most respondents were also unsure if their department included images of people with disabilities in printed and online materials that contain images of the public. Several respondents indicated that their department did include images of people with disabilities while the rest said they did not or that they did not use any photos of people in publications.

### **Policy Review Summary**

The Public Works department provides permit and license applications, request forms, maps, and general project information, all of which are available on the City's website. Public record requests are charged on a per-page basis. This could inappropriately result in an increased charge for people with disabilities who request an accessible, potentially lengthier format. Additionally, the website does not provide information about assistance for people with disabilities when making a public records request. Other items like the public records request for the Police Department are not in a fillable format like the Fire Department and City's public records request documents. Additionally, some Public Works forms provided on the website are not produced in a fillable format and may also be inaccessible. Some documents available for download do not read properly using read-aloud software functions. Inaccessible document elements can include fonts, styles, images, maps, reading order, tables, and color contrast. Other components, such as maps and complicated language, can be inaccessible for people with certain disabilities.

### **Required Actions**

- Ensure alternative formats to printed and online information are made available upon request, addressing each request on an individual basis (28 CFR 35.160).
- Ensure assistance is provided upon request in filling out forms when alternative formats are unavailable or infeasible (28 CFR 35.130).
- Continue to ensure that costs for alternative formats and modifications are not assigned to a person with a disability making the request (28 CFR 35.130).

### **Implementation Strategies**

- Include a notice on public materials printed by the City, similar to the following that contains up to date Disability Access Coordinator contact information:
  - *This publication can be made available in alternative formats, such as large print, braille, or electronic format. Requests can be made by calling the Disability Access Coordinator at [telephone] (voice) or by using the 711 Telecommunications Relay Service, or email [adacoordinator@cityofalbany.net](mailto:adacoordinator@cityofalbany.net). Please allow 72 hours for your request to be processed.*
- Develop a formal standard for the accessibility of printed and online materials and create or identify resources for achieving this standard across all departments. Ensure that this standard includes oversight for externally created materials and strategies for making existing online materials accessible.

- Develop and implement standard templates for producing accessible City materials that are consistent with City branding and style.
- Train staff to provide printed materials such as temporary signage and flyers with a baseline level of accessibility for people with visual disabilities, such as with the use of formal standards and templates described above.
- Train staff to provide printed and online information in alternative formats for people with various disabilities to ensure that requests are handled in a uniform and consistent manner. Incorporate strategies for materials with complex language or other elements such as charts, graphs, maps, and other images.
- Include images of people with disabilities when images of people are included in City printed materials.

### **2.13 Website**

As people turn to the internet as their primary source of information regarding services, programs, activities, and facilities, the City's website takes on increased importance as a communications tool. Providing public access to City publications online is an effective means of reaching people with disabilities ([www.ada.gov/websites2.htm](http://www.ada.gov/websites2.htm)). Accessibility standards for electronic and information technology covered by Section 508 of the Rehabilitation Act Amendments of 1998 have set forth the technical and functional performance criteria necessary for such technology to be accessible (Title 29, Chapter 16, § 794d). As of 2018, the technical requirements of Section 508 incorporate the Web Content Accessibility Guidelines (WCAG), including WCAG 2.0 A and AA. The WCAG guidelines are considered the best practice for web accessibility and provide the industry standards for accessible web content. In March of 2022, the DOJ updated the guidance on accessible websites for Title II entities reaffirming websites and their content must be in compliance with the ADA to provide equal access and effective communication.

In ADA Stakeholder Feedback sessions held as part of the creation of this Plan, it was noted that online bus schedules, though readable with screen reader technologies, were often difficult to decipher. The schedule tables were read in an impractical order that made it difficult for screen reader users to find the information needed to plan their trips using public transportation.

#### **Questionnaire Summary**

Most department staff affirmed that their department maintains a webpage, where a wide range of information is available such as information about programs, classes, events, contact information, mission statements, and department specific information. When it comes to who is responsible for managing the website and developing content, about half said their staff was not responsible for the website, and about half indicated that they or someone in their department is responsible for the website. One respondent indicated that website content is a shared responsibility. Most respondents did not know if their department has policies to ensure that the website is usable by individuals with disabilities. Most departments produce or provide printed or online materials that are made available to the public, but respondents indicated they did not know if staff and external contractors who develop material for their departments are aware of the City's responsibility to provide accessible documents.



## Policy Review Summary

The City's Website Accessibility page indicates that the City is working to achieve WCAG 2.0 A compliance. A preliminary assessment of the Department's webpage using WAVE (WebAIM's Web Accessibility Evaluation Tool) indicated that some links and form labels do not provide alternative text. Some links also have poor color contrast, which is important for individuals with various visual disabilities. Additionally, web formatting errors were also identified, including unordered (bulleted) lists. Some of the City's web pages have empty links, and broken ARIA (Accessible Internet Rich Application) menus.

## Required Actions

- Take appropriate steps to ensure that the City's online communication with people with disabilities is as effective as other communications with the public and ensure compliance with Section 508 digital accessibility standards (28 CFR 35.160).
- Ensure that people with disabilities are not excluded from participating in or benefiting from the City's online services, programs, or activities (28 CFR 35.160).

## Implementation Strategies

- Provide information on the City website about the accessibility of facilities.
- Acquire the technological resources or staffing expertise to create accessible digital documents for posting on the City website.
- Develop a formal standard for website accessibility and create or identify resources for achieving this standard across all departments. Ensure that this standard includes oversight for externally created web pages and incorporates strategies for making accessibility updates to existing web pages.
- Periodically conduct web accessibility analyses to measure the accessibility of the City's websites regularly. Consider adopting standards that meet or exceed WCAG 2.0 AA for the accessibility of electronic information.
- Conduct screen reader tests on public transportation schedules to ensure information is presented in a logical and usable manner.

## 2.14 Televised and Audiovisual Information

Televised and audiovisual information are a means for disseminating public information through presentations produced by the City. All televised and audiovisual information, including PowerPoint presentations, must be accessible to people with disabilities. As more communication is done remotely through the internet, it is increasingly important that all communication tools maintain accessibility as technology changes.

## Questionnaire Summary

Most respondents indicated that their department does not prepare televised and audiovisual presentations or website demonstrations/webinars for the public. Of the responses that said they do, the types of information included City Council meetings, public service announcements, virtual



story times, and book club meetings. Most respondents did not know how they make audiovisual, televised, or online presentations accessible to individuals with disabilities. Several respondents indicated they use automatic captioning through YouTube, Zoom, Facebook, or other platforms with another respondent indicating closed captioning or transcription services.

### **Policy Review Summary**

The City of Albany streamed City Council meetings on the City's YouTube and Facebook pages during the COVID-19 pandemic and continues to hold various commission meetings via Zoom. All citizen advisory groups post informational videos on the YouTube page and additional content to the City of Albany Facebook page. The Parks, Recreation, and Tree Advisory Commission also stream their meetings online via Zoom. The Parks, Recreation, and Tree Advisory Commission make meeting materials and audio recordings of meetings available on the City's website. While these platforms contain some built-in services such as captioning, communications for people with disabilities may not be as effective as with others. Content presented in these videos should also be made available in alternative accessible formats.

### **Required Actions**

- Provide alternative formats upon request to audiovisual presentations produced by the City or its contractors or vendors (28 CFR 35.160).
- Ensure that televised and audiovisual communications with people with disabilities is as effective as televised and audiovisual communications with others (28 CFR 35.160).

### **Implementation Strategies**

- Review City presentations, videos, and recordings of meetings to identify potential barriers to accessibility and corresponding solutions.
- Ensure auto-captioning of online video content is edited for accuracy.
- Encourage presenters to read the slides and describe the graphic content when presenting PowerPoint or other visual presentations.
- Ensure content presented in videos and other presentations can easily be made available in alternative accessible formats, such as transcriptions.

## **2.15 Telecommunications**

Technological advances such as cell phones, texting, and instant messaging are changing the tools that many people use to communicate. However, provision of alternative communication technologies such as teletypewriters (TTY), telecommunication display devices (TDDs), or relay services (TRS) is still required under the ADA for communicating with the public.

### **Questionnaire Summary**

Nearly all respondents indicated they do communicate by telephone with members of the public. Only a small segment of respondents reported they use a TTY to communicate with people who have hearing or speech disabilities. Most respondents did not know if their department's TTY

number or TRS numbers were included in materials where a phone number is listed. Most respondents also reported that they do not provide telephones for the public to use for making outgoing calls. One respondent reported there are staff members that respond to calls made through 711, however most respondents were not sure if any staff are assigned to respond to these calls.

### **Policy Review Summary**

Phone contact information for various Public Works divisions and staff members are located in multiple places on their website. Contact information does not include TTY or other similarly accessible telecommunications methods. The City website does provide a general TTY/711 link at the bottom of every page.

### **Required Actions**

- Ensure that staff are proficient in the use of alternative communication technologies such as TTY, TDDs, or TRS, or can direct the public to knowledgeable staff (28 CFR 35.161).
- Ensure that City publications that list phone numbers also include information on how people who are deaf or who have hearing loss or speech disorders can communicate with the City by phone (28 CFR 35.161; 28 CFR 35.163).
- Ensure that telecommunications with people with disabilities is as effective as communications with others (28 CFR 35.161; 28 CFR 35.163).
- Ensure that responses to calls from a telecommunications relay service are handled in the same manner as responding to other telephone calls (28 CFR 35.161; 28 CFR 35.163).

### **Implementation Strategies**

- Train staff in the use of alternative communication technologies.
- Explore options for Video Remote Interpreting Services (VRI) for communicating with people who are deaf, have hearing loss, or speech disorders. There are many situations where a live interpreter is required, such as in medical situations, but VRI can be a convenient, flexible, lower-cost alternative to live interpreters.

## **2.16 Emergency Planning**

Life and safety protocols and procedures are required to include plans for people with disabilities. The City is responsible for ensuring that staff are aware of these procedures and are trained to implement them during an emergency. Issues that have the greatest impact on people with disabilities include:

- Notification;
- Evacuation;
- Emergency transportation;
- Access to medications, refrigeration, and back-up power;
- Access to their mobility devices or service animals while in transit; and
- Access to information.

In planning for emergency services, the City is required to develop strategies for notifying and assisting people with the widest range of disabilities. The City is responsible for ensuring that staff are aware of these procedures and are trained to implement them during an emergency.

### **Questionnaire Summary**

Most City respondents indicated their department is responsible for planning, coordinating, or assisting in the City's response to emergency or disaster situations. Most respondents did not know whether they have a contract or arrangement with any third-party entities (such as the American Red Cross) or another local government that includes language in the contract or arrangement that requires that the third party comply with the City's Title II ADA requirements. Most staff that responded indicated they did not know or that they did not receive training in assisting people with disabilities as a part of emergency or evacuation response training from the City. Nearly all respondents did not know if they have written procedures to ensure they seek input from persons or organizations with expertise in disability issues in their emergency planning. Similar responses were given when asked if they seek input and participation from people with disabilities when staging emergency simulations or tests.

### **Policy Review Summary**

Emergency management is the responsibility of the Fire Department. Public Works provides support to emergency services as needed. Emergency Information regarding the City's emergency plan is contained in the City's Emergency Operations Plan (EOP) and the Natural Hazard Mitigation Plan. The City's EOP references issues of accessibility in general terms. The review involved comparing the plan to the Department of Justice checklist for emergency management and did not involve a review of training materials, contracts, or the facilities designated for use during an emergency. The review process was unable to verify the effective inclusion of disability topics using the checklist to evaluate the following:

- Planning for Emergency Notification and Evacuation
- Training First Responders, Staff, and Volunteers
- Physical Accessibility in Emergency Shelter Programs
- Policies and Procedures in Emergency Shelters
- Medical and Social Services
- Post-Sheltering Policies and Procedures
- Post-Emergency Repair, Rebuilding, and Resumption of Program Operations

### **Required Actions**

- Include strategies for people with disabilities in various types of emergency situations when developing guidelines and a plan for emergency evacuations (28 CFR 35.130; 28 CFR 35.149).
- Train staff to safely evacuate people with disabilities in various types of emergency situations when developing guidelines and a plan for emergency evacuations (28 CFR 35.130; 28 CFR 35.149).

- Provide direct access to telephone emergency services, including 911 services, for people who use TDD's and computer modems (28 CFR 35.162).
- If the City becomes involved in providing emergency shelters, provide emergency sheltering programs that are accessible to people with disabilities (28 CFR 35.130; 28 CFR 35.149).

### **Implementation Strategies**

- Review existing procedures dealing with emergencies to ensure that people with disabilities can be alerted and that they can alert emergency service providers.
- Work with organizations that support people with disabilities to explore the use of technologies such as audible exit signs for orientation and direction or vibrating paging systems.
- Develop plans that consider the needs of people using mobility aids such as wheelchairs, walkers, canes, crutches, or other power-driven mobility devices, or those with limited stamina. Plans should also address those who use oxygen or respirators, those who are blind or have low vision, people who are deaf or have hearing loss, people who have a cognitive disability, people with mental illness, and those with other types of disabilities.
- Test the City's emergency plan and evacuation procedures with periodic drills, both announced and unannounced. Enlist people with different disabilities to role-play during emergency simulations.
- Incorporate the following elements into emergency planning for individual facilities:
  - Address what to do when an alarm is triggered, or emergency evacuation is required;
  - Establish meeting places for assistance and evacuation chairs;
  - Provide direction on what to do if assistance is not available; and
  - Establish floor captains.

### **2.17 Facilities**

City facilities should be accessible to people with different types of disabilities. A public entity is not necessarily required to make each of its existing facilities accessible where other methods are effective in achieving program access. However, they must ensure that each service, program, or activity, when viewed in its entirety (28 CFR 35.160), is readily accessible to and usable by individuals with disabilities. The identification of structural barriers in facilities such as buildings, parks, and the public rights-of-way are a required element of an ADA Transition Plan.

### **Questionnaire Summary**

Respondents gave a variety of examples of facilities that their department uses to engage directly with the public. The facilities listed included the library, City Hall, Riverfront Community Center, the Senior Center, transit office, community pool, wastewater facilities, and various parks. The purpose for these facilities ranged from essential government functions to tours and recreation opportunities as well. Most respondents did not know if their department's website or printed materials included information about the accessibility of their facilities. Most respondents also did not know if their department has received requests for improving the accessibility of their facilities, but one respondent reported the department has received requests for improving accessibility of facilities and listed playgrounds, soft trails, and dog park parking.

## Policy Review Summary

The policy evaluation did not identify barriers for this category, but required actions are shown below to highlight the need to watch for potential future barriers for this category.

## Required Actions

- Ensure that the public can obtain information regarding the existence and location of accessible facilities, entrances, and elements within facilities (28 CFR 35.163).
- Provide and maintain, in working order, features of facilities required to be accessible and usable for people with disabilities (28 CFR 35.133).
- Ensure that people with disabilities are not excluded from programs due to the inaccessibility of City facilities (28 CFR 35.149)
- Prioritize methods of achieving facility accessibility that offer the most integrated setting appropriate for people with disabilities (28 CFR 35.149).
- Design and construct new facilities or new parts of facilities to meet accessibility requirements (28 CFR 35.151(a)).
- Ensure that alterations to facilities meet accessibility requirements to the maximum extent feasible (28 CFR 35.151(b)).
- Make reasonable modifications to permit the use of mobility devices, including other power-driven mobility devices, unless they cannot be operated in accordance with the City's adopted safety requirements for pedestrian facilities (28 CFR 35.137(b)(1)).

## Implementation Strategies

- Provide information about the accessibility of City-owned and operated facilities on City publications, including City websites. This can include details about accessible entrances, bathrooms, and other elements.
- Provide online mapping information that includes the accessibility status of right-of-way facilities identified as part of this Plan.
- Provide information about the accessibility of non-City facilities hosting City programs and services and City-owned facilities that are leased to other entities.
- Record and monitor requests relating to facility access. The Disability Access Coordinator can analyze accessibility requests periodically to look for global issues that can be addressed and problems that can be solved proactively.
- Identify or hire staff members tasked with accessibility plan review.

## 2.18 Accessibility Practices in the Right-of-Way

The self-evaluation questionnaire regarding design and construction practices indicates that Public Works has been successful in the design and construction of accessible facilities in the right-of-way. However, based on the responses this success relies heavily on the knowledge of senior staff without a set of workflows to monitor and track the City's efforts to meet its obligations under the ADA. Albany staff may face some challenges with implementing and documenting the ADA self-evaluation

and transition plan when it is completed, especially if there is turnover or changes with the current staffing.

### **Questionnaire Summary**

Some respondents indicated that they are involved with design and/or review as well as the construction or maintenance of City facilities in the right-of-way. One respondent from the Engineering Department indicated they use ADA standards when reviewing applications in the ROW to ensure accessibility; others indicated they rely on contractors for construction or maintenance of facilities in the ROW, send applications to Engineering and other reviewers to ensure accessibility standards are met, or that they would refer to city planning and development codes for procedures on reviewing installations in the ROW for ADA requirements.

### **General**

Respondents widely revealed that their workgroups use contractors or consultants to plan, design, engineer, inspect, or maintain facilities. When asked how the City ensures that ADA responsibilities are met by external partners, respondents referenced the City's standard specifications, which reflect ADA requirements, and indicated that projects are assigned to a City Engineer representative who reviews all designs for consistency. Respondents again mentioned the City's standards as a means for communicating ADA requirements to consultants, developers, and contractors. Others indicated that accessibility requirements are communicated during design meetings and include written review of plans, while some did not know how they were conveyed.

Respondents reported that they generally do not observe differences between the accessibility components in the design plans and the accessibility features as constructed. One respondent noted "tight spaces" as a common cause for why the design of the accessibility components cannot be implemented as shown in the plans. Respondents indicated that there is no formal procedure for documenting and tracking designs or installations that do not comply with ADA requirements. Some said that they have not yet seen a design or installation occur that could not achieve compliance, referencing Albany's "fairly flat landscape," and that if new facilities do not comply, they are demolished and rebuilt.

When asked for staffing recommendations to assist the City in meeting ADA requirements, respondents broadly agreed that the current staff is capable of meeting these requirements. Some suggested that ADA training would equip staff with the necessary tools and knowledge to achieve consistently accessible installations. Another respondent advocated for developing procedures and checklists to assist staff with ADA requirements. Respondents indicated that they do not depend on external consultants to resolve ADA questions, instead relying on internal expertise, specifically engineering staff.

### **Recommendations:**

Mechanisms for accountability, such as a process for assigning responsibility that ADA standards are met and documentation of variances in design is completed, is not comprehensively developed. The following are best practices for the City's consideration.

- Establish and delegate staff responsibilities for accessibility.

## Combined ADA Self-Evaluation and Transition Plan

- Disability Access Coordinator, department ADA leads, support staff as technical resources, etc.
- Provide staff training on accessibility requirements for design and inspection.
  - Include training on updated design standards, checklists, and deviation request/maximum extent feasible documentation.
  - Provide an understanding of accessibility requirements not only for developing designs but also to review designs by others.
- Develop a Decision/Review Process Flow Chart for Accessibility Requirements
- Include accessibility scope language for procurement.
  - Accessibility Requirements Package for Consultants or reference the City's Engineering Standards for detailed accessibility requirements after updating Division A General and Drafting Engineering Standards Section A3.0 with more detailed accessibility requirements.
  - Address accessibility requirements for use in contracted work, both design and construction.
- Continue to act as liaison between citizens and Oregon Department of Transportation for any specific concerns about ODOT facilities within the City of Albany.

### **Design and Review**

Regarding procedures for reviewing plans and specifications for right-of-way projects, respondents indicated that project plans are reviewed at three stages: an initial scoping meeting, a 50% review meeting, and a 90% review meeting. At each phase, the appropriate department leads are given the chance to review the project design. Respondents repeatedly referenced the City's standards and specifications when asked how the City ensures consistency in the application of accessibility standards across projects. Some respondents said Public Works requires the submittal of a proposed temporary pedestrian access route (TPAR) for all projects in the right-of-way, but more said they were unsure whether that was the case for every project. Respondents indicated that traffic control plans must include provisions for signed pedestrian detours around sidewalk closures, which are reviewed by construction inspectors and engineering staff, but no formal procedure or checklist for reviewing proposed TPAR plans was noted.

### **Recommendations:**

To ensure that facilities are continually designed to the minimum accessibility standards, develop the following plan review procedures.

- Develop a Proposed Plan Checklist for Permanent and Temporary Accessibility for Developers and City Reviewers.
- Identify requirements designers must address on their plans for permanent accessibility measures (e.g., detailed curb ramp design, spot elevations, slopes, etc.)
- Require designers to provide a temporary traffic control (TTC), and temporary pedestrian access route (TPAR) plan to confirm feasibility during construction on complex projects as directed by the City Engineer.
- Develop a Curb Ramp Decision Matrix/Flow Chart for developers and city reviewers.



- Identify triggers for curb ramp improvements as well as exceptions for installing curb ramps.
- Develop an Accessibility Deviation Request Procedure for situations where total compliance is not feasible for developers and City Staff
- Provide guidance as to what is and is not considered to be the maximum extent feasible.
- Require designers (both consultants and City Staff) to complete a form justifying any ADA features that do not meet Albany design standards.
- Establish a system for documenting and tracking maximum extent feasible requests and determinations.

### **Construction and Maintenance**

Regarding the process for reviewing installations in the right-of-way for compliance with accessibility requirements, respondents indicated that inspection staff check all elements for compliance with the applicable standard drawings or details using a smart level and tape measure. A couple of respondents mentioned inspecting concrete forms before the concrete is poured as one way to ensure installations meet requirements. Others expressed uncertainty about the procedure for reviewing installations for accessibility requirements. Responses varied when asked how it is determined if non-compliant installations were constructed to the maximum extent feasible, with some respondents deferring to the Engineering Department. Respondents indicated that non-compliant installations in the right-of-way are required to be demolished and reinstalled if a design exception has not been granted and it is feasible with existing conditions, or when altered by other construction activities (e.g., non-compliant curb ramps are replaced when the adjacent roadway is altered).

Most respondents indicated that installation of TPARs is required on all construction projects in the right-of-way, though some expressed uncertainty. Similarly, most said TPARs are inspected on all construction projects in the right-of-way, though some were doubtful. Regarding how often TPARs are inspected, responses varied, indicating they are inspected after initial installation and periodically during construction, and that any concerns are addressed immediately.

### **Recommendations:**

- To ensure consistency across projects:
  - Develop a TPAR (Temporary Pedestrian Access Route) Review Checklist.
  - Develop a TTC (Temporary Traffic Control) Review Checklist.
  - Develop a Curb Ramp Inspection Form.
  - Form to be uploaded to Albany GIS database for tracking purposes.
  - Develop an Accessible Pedestrian Signal Inspection Checklist for construction and inspection of APSs.

### **Standards and Specifications Review Summary**

To assess the department's compliance with right-of-way standards for accessibility, a review was undertaken of the City of Albany details. The review included markups of the Standard Construction Specifications, Engineering Standards, and Standard Drawings, with comments identifying



recommended revisions. The review documents are available separately and can be requested by contacting the Disability Access Coordinator.

**Recommendations:**

- Adding standards for several features not currently addressed, including:
- Details requiring accessible parking in the right-of-way;
- Details and design standards for crosswalks;
- Bus shelter placement standard plans or specific design requirements in the City's Engineering Standards to detail accessibility requirements of bus stops and bus shelters.
- Detailing required minimum width, minimum depth, and placement of detectable warnings at curb ramps.
- In locations where additional right-of-way cannot be purchased or there are other existing constraints preventing the minimum sidewalk width requirements, recommend identifying an absolute minimum of 48" clear width (or 60" min clear width) around obstructions such as signs or mailboxes in the ROW, as well as adding requirements addressing protrusion of these features from posts into the pedestrian route.
- Avoid placing manhole covers, storm drains, catch basins, and other utility structures in the pedestrian access route, such as sidewalks and crosswalks, when possible. When manhole covers, storm drains, catch basins, and other utility structures are required to be located in the pedestrian access route, confirm they adhere to PROWAG's surface requirements. When these structures prevent meeting accessibility standards, ensure maximum extent feasible (MEF) documentation is completed.
- Maintain current practice of requiring a submittal of a signed survey with plans that meets a list of minimum requirements to show there is adequate survey for design of all right-of-way improvements. Survey requirement checklist was not reviewed. Ensure survey checklist requires adequate grade information in the area of proposed curb ramps, pedestrian pushbuttons, etc. as well as adequate grade information of existing companion ramps.
- Requiring any proposed curb ramps that cannot meet all accessibility design requirements to be clearly identified on the plans with a brief MEF summary.
- Develop a curb ramp design exception request form to track and document proposed curb ramps that cannot meet minimum design requirements.
- Develop a curb ramp inspection form for the inspection of installed curb ramps to be used for accepting right-of-way improvements.
- Clarifying that traffic control includes providing a temporary pedestrian accessible route (TPAR) where sidewalks and pedestrian crossings are closed and requiring contractors to submit a TPAR plan to the City.
- Developing a crosswalk closure policy or address in the City's Engineer Standards.
- Develop standard language for contracts outlining that contractors shall consult with an engineer prior to and during preparation of curb ramps and other features to trouble shoot issues prior to placement of concrete. Include language that the contractor shall collaborate with the City to finalize curb ramp design in the field.

*This page intentionally left blank.*

### **3. Transition Plan**

The process of developing an ADA transition plan includes identifying access barriers within the built environment. This Plan is organized into two parts: facilities in the public right-of-way, and facilities outside of the right-of-way such as public parks, buildings, and parking facilities.

#### **3.1 Facilities in the Public Right-of-Way**

The City of Albany evaluated City maintained pedestrian facilities in the public right-of-way for ADA barriers in the spring and summer of 2021. The evaluation assessed curb ramps, sidewalks, pedestrian hazards, crosswalks, pedestrian pushbuttons and street crossing times, transit stops, and on-street parking for accessibility barriers. Pedestrian hazards include changes of level, driveway cross slopes greater than two percent overhanging and protruding objects, opens greater than one-half inch and/or parallel to the direction of travel, obstacles that narrow the width of the accessible route, and surfaces that are not firm, stable, and slip resistant. The evaluations were completed using City Staff and a consultant team equipped with measuring devices, City facility data, and evaluation checklists. The field observations were collected into a geospatial database. This section summarizes each of the types of facilities evaluated and summarizes the information collected.

#### **Accessibility Standards**

At the time of the facilities evaluations, the 2010 ADA Standards, 2011 Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way (PROWAG), and the 2009 r1 and r2 Manual on Uniform Traffic Control Devices (MUTCD), and the 2018 Oregon Transportation Commission (OTC) Standards for Accessible Park Spaces, incorporated as part of the 2019 Oregon Structural Specialty Code (OSSC) were used to evaluate and identify barriers at right-of-way facilities under the City's responsibility. Codes and standards are revised every few years. The barrier evaluations are conducted to assess existing conditions as viewed by the current code and provide a baseline for future barrier removal.

#### **Public Right-of-Way Prioritization**

Draft prioritization criteria for assigning the barrier removal phasing schedule were developed using Title II regulation § 35.150(d)(2).

*If a public entity has responsibility or authority over streets, roads, or walkways, its transition plan shall 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 Act, including State and local government offices and facilities, transportation, places of public accommodation, and employers, followed by walkways serving other areas.*

The draft prioritization criteria include the following:

- Locations serving government offices and public facilities;
- Locations serving transportation;
- Locations serving commercial districts and employers; and
- Locations serving other areas.

In addition to the above four criteria, the location of a citizen ADA complaint or request has been added and assigned the highest priority.

### **Priorities for Barrier Removal**

Matrices on the following pages illustrate the prioritization criteria for curb ramps, pedestrian access routes, pedestrian crossing times and pushbuttons, transit stop, and on-street parking barrier removal projects in the City's public right-of-way. Each facility evaluated was assigned a rank based on its barrier priority and category. Pedestrian access route information includes identified barriers along the sidewalks, crosswalks, and includes the identification of hazards along the pedestrian route. The priority assigned is based on the aforementioned criteria, and the barrier category is based on the condition of the facility. The descriptions for each category are provided after each matrix.

The highest-ranked facilities are shaded in dark grey, medium ranked in a lighter shade of grey, and lower-ranked in the lightest shade of grey. The facilities with no assigned rank have no access deficiencies identified and have no assigned color. The columns in the matrix indicate the assigned priority and are in order of importance from left to right, with the left column having the highest importance. The rows indicate the category of condition assigned to each facility during the evaluation process, with the top row having the highest importance. Note that categories are hierarchical: higher-level categories (i.e., one and two) may include lower-level category conditions (i.e., three and four), but lower-level categories cannot include higher-level category conditions.

The categories of barriers for curb ramps and pedestrian access routes have been organized by identified ADA barrier and by road classification. There are three road classifications within Albany including principal/minor arterial, major/minor collector, and local streets. Arterial and collector streets have a higher volume and speed of vehicular traffic when compared to local streets. The pedestrian crossing times and pushbuttons categories are organized by ADA barrier and MUTCD standard and guidance. A standard in the MUTCD is required or mandatory to be followed and guidance in the MUTCD is recommended but not mandatory (2009 Edition, Manual on Uniform Traffic Control Devices, Including Revision 1, and Revision 2 dated May 2012, Section 1A.13 Definitions of Headings, Words, and Phrases in this Manual). Each matrix is followed by a description of the barrier categories; maps illustrating the locations of identified barriers by priority; and summary tables of the barrier removal priorities.

Combined ADA Self-Evaluation and Transition Plan

Table 1.1: Curb Ramp Priority Matrix

		<b>ADA 35.150(d) Geospatial Proximity Priorities</b> Columns B, C, D, and E are specified under Title II 28 CFR § 35.150 (d)				
		A	B	C	D	E
Priorities (Category)	Priority Description	Location of Citizen ADA Complaint or Request	Location Serving Government Offices & Public Facilities	Location Serving Transportation	Location Serving Commercial Districts, Employers	Location Serving Other Areas
1	Refer to Table 1.2: Category 1 Description	High Priority A1	B1	C1	D1	E1
2	Refer to Table 1.3: Category 2 Description	A2	B2	C2	D2	E2
3	Refer to Table 1.4: Category 3 Description	A3	B3 Medium Priority	C3	D3	E3
4	Refer to Table 1.5: Category 4 Description	A4	B4 Lower Priority	C4	D4	E4
5	Refer to Table 1.5: No deficiencies identified	A5	B5	C5	D5	E5

**Table 1.2: Curb Ramp Category 1 Condition Descriptions**

Road Classification	Principal/Minor Arterial					Major /Minor Collector					Local				
	1	2	3	4	5	1	2	3	4	5	1	2	3	4	5
<b>Identified ADA Barrier</b>															
The curb ramp is built-up in the travel lane.															
The curb ramp is significantly damaged or deteriorated and is unsafe.															
There is a sidewalk with no curb ramp access or there is an obstruction to accessing the curb ramp.															
The curb ramp or pedestrian refuge island has no detectable warning.															
Non-standard ramp type with non-compliant cross slope and/or ramp slope.															
The curb ramp does not have a firm, stable, and slip resistance surface and/or has openings greater than a half-inch or parallel with the direction of travel.															
There is a grade break on the ramp surface.															
Counter slope of the curb ramp is greater than five percent.															
The width and length of the pedestrian refuge island does not meet any standard.															
The curb ramp has no receiving ramp.															

**Table 1.3: Curb Ramp Category 2 Condition Descriptions**

Road Classification	Principal/Minor Arterial					Major /Minor Collector					Local				
	1	2	3	4	5	1	2	3	4	5	1	2	3	4	5
<b>Identified ADA Barrier</b>															
The curb ramp is not located within marked crossings (when present).															
Cross slope of ramp exceeds two percent.															
Running slope of ramp exceeds 8.33 percent.															
Cross slope of ramp exceeds two percent and grade of road when located midblock or at an intersection without yield or stop control.															
Slope of ramp flared sides (if applicable) exceeds 10 percent and is part of the circulation path.															
Width of ramp is less than 48 inches.															
A clear space at the bottom of the ramp outside of the travel lane is not provided.															
Curb ramp has turning space/top landing area that does not meet any existing standards or a turning space/top landing is not provided.															
The curb ramp has a lip or vertical discontinuity greater than a half-inch.															
The detectable warning provided meets no existing standard or is damaged.															
The length of surface between detectable warnings on a pedestrian refuge island is less than 24 inches.															

**Table 1.4: Curb Ramp Category 3 Condition Descriptions**

Road Classification	Principal/Minor Arterial					Major /Minor Collector					Local				
	1	2	3	4	5	1	2	3	4	5	1	2	3	4	5
<b>Identified ADA Barrier</b>															
Curb ramp with constrained turning space is less than four-by-five feet or turning space/top landing is less than four-by-four feet or slopes exceed maximum standard.															
A clear space at the bottom of the ramp is provided outside of the travel lane but is less than four by four feet in area.															
The detectable warning provided does not meet PROWAG standard or is present but damaged.															
Slope of ramp flared sides (if applicable) exceeds 8.33 percent and is less than or equal to 10 percent and is part of the circulation path.															

**Table 1.5: Curb Ramp Category 4 Condition Descriptions**

Road Classification	Principal/Minor Arterial					Major /Minor Collector					Local				
	1	2	3	4	5	1	2	3	4	5	1	2	3	4	5
<b>Identified ADA Barrier</b>															
The width and length of the pedestrian refuge island does not meet PROWAG standard.															
End of walk due to road terminating with no exit ramp.															
End of walk midblock with no exit ramp.															
The curb ramp has a lip or vertical discontinuity less than a half-inch.															
Turning space is not designed to prevent the accumulation of water.															
Slope of ramp flared sides (if applicable) exceeds 10 percent and is not a part of the circulation path.															



Combined ADA Self-Evaluation and Transition Plan

Table 1.6: Curb Ramp Category 5 Condition Descriptions

Road Classification Category (y-axis)	Principal/Minor Arterial					Major /Minor Collector					Local				
	1	2	3	4	5	1	2	3	4	5	1	2	3	4	5
<b>Identified ADA Barrier</b>															
No deficiencies identified															
Shared diagonal perpendicular or shared parallel curb ramp design without existing physical constraints															



**Albany ADA Self-Evaluation & Transition Plan**

**Map 1: Pedestrian Access Route  
Barrier Removal Projects  
Curb Ramps**

**Barrier Removal Rank**

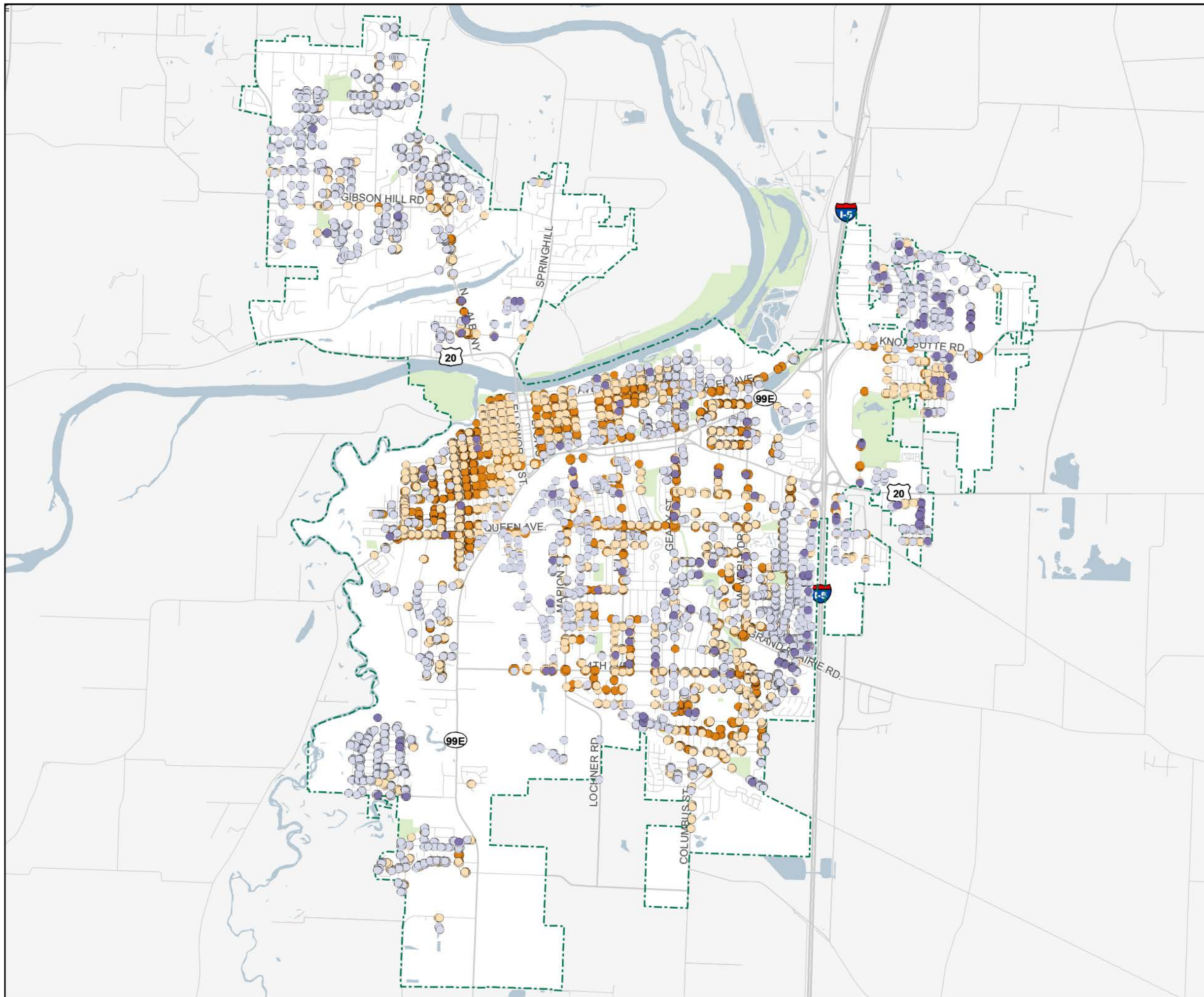
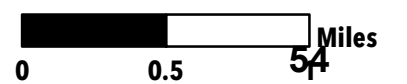
- High
- Medium
- Low
- No deficiencies identified

**Context**

- Street
- Park
- Water Feature
- City Limits



5.2022



**Table 1.7: Curb Ramp Barrier Summary by Rank**

<b>Rank</b>	<b>Total Curb Ramps</b>	<b>Percent of Total</b>
High	1,710	29.1%
Medium	2,086	35.5%
Low	1,923	32.7%
No Deficiency	153	2.6%
<b>Total</b>	<b>5,872</b>	<b>100.0%</b>

In addition to the facilities identified in Table 1.7, there are 391 locations along T-intersections that will require further traffic and design analysis to determine the need for a curb ramp installation.

Combined ADA Self-Evaluation and Transition Plan

**Table 1.8: Curb Ramp Barrier Summary by Rank and Category**

Rank	Category	Priority	Total Curb Ramps	Percent of Total
High	1	B1	49	0.8%
High	1	C1	328	5.6%
High	1	D1	10	0.2%
High	2	B2	91	1.5%
High	2	C2	1,232	21.0%
Medium	1	E1	93	1.6%
Medium	2	D2	37	0.6%
Medium	2	E2	697	11.9%
Medium	3	B3	132	2.2%
Medium	3	C3	1,084	18.5%
Medium	3	D3	43	0.7%
Low	3	E3	1,238	21.1%
Low	4	B4	30	0.5%
Low	4	C4	251	4.3%
Low	4	D4	38	0.6%
Low	4	E4	366	6.2%
No Deficiencies	5	B5	20	0.3%
No Deficiencies	5	C5	44	0.7%
No Deficiencies	5	D5	17	0.3%
No Deficiencies	5	E5	72	1.2%

Combined ADA Self-Evaluation and Transition Plan

Table 1.9: Pedestrian Access Route Priority Matrix

		<b>ADA 35.150(d) Geospatial Proximity Priorities</b> Columns B, C, D, and E are specified under Title II 28 CFR § 35.150 (d)				
		A	B	C	D	E
Priorities (Category)	Priority Description	Location of Citizen ADA Complaint or Request	Location Serving Government Offices & Public Facilities	Location Serving Transportation	Location Serving Commercial Districts, Employers	Location Serving Other Areas
1	Refer to Table 1.10: Category 1 Description	High Priority A1	B1	C1	D1	E1
2	Refer to Table 1.11: Category 2 Description	A2	B2	C2	D2	E2
3	Refer to Table 1.12: Category 3 Description	A3	Medium Priority B3	C3	D3	E3
4	Refer to Table 1.13: Category 4 Description	A4	Lower Priority B4	C4	D4	E4
5	Refer to Table 1.14: No deficiencies identified	A5	B5	C5	D5	E5



**Table 1.10: Pedestrian Access Route Category 1 Condition Descriptions**

Road Classification Category (y-axis)	Principal/Minor Arterial					Major /Minor Collector					Local				
	1	2	3	4	5	1	2	3	4	5	1	2	3	4	5
<b>Identified ADA Barrier</b>															
A detectable warning surface is not provided at the railroad crossing.															
Railroad flangeway gap is greater than three inches for freight rail or two and a half for non-freight rail.															
The sidewalk condition is poor with cracking, spalling, heaving, or other condition.															
The constructed width of the sidewalk width is less than 36 inches.															
The sidewalk cross slope is below two percent for less than one-quarter of its length.															
Running slope of crosswalk is greater than five percent.															
Cross slope of crosswalk with yield or stop control is greater than two percent.															
Cross slope of crosswalk with no yield or stop control is greater than five percent.															
Crosswalk surface is not firm, stable, and slip resistant.															
The sidewalk surface is firm, stable, and slip-resistant for less than one-quarter of its length.															
The sidewalk has a significant number of vertical changes that exceed a quarter inch –and– openings greater than a half inch or are parallel to direction of travel (more than three per 100 feet).															
The sidewalk has a significant number of overhanging–and– protruding objects (more than one per 100 feet).															
The sidewalk has a significant number of driveway entries where cross slope exceeds two percent (more than two per 100 feet).															
The sidewalk has a significant number of obstacles that narrow the width of the walk to less than four feet (more than one per 100 feet).															

Combined ADA Self-Evaluation and Transition Plan

Road Classification	Principal/Minor Arterial					Major /Minor Collector					Local				
	1	2	3	4	5	1	2	3	4	5	1	2	3	4	5
<b>Identified ADA Barrier</b>															
The sidewalk has a significant number of utility lids that are not slip-resistant (more than one per 100 feet).															

**Table 1.11: Pedestrian Access Route Category 2 Condition Descriptions**

Road Classification	Principal/Minor Arterial					Major /Minor Collector					Local				
	1	2	3	4	5	1	2	3	4	5	1	2	3	4	5
<b>Identified ADA Barrier</b>															
Detectable warning surface placement at rail crossing is less than six feet or greater than 15 feet.															
The constructed width of the sidewalk width is less than 48 inches but greater than 36 inches.															
The sidewalk has a significant number of instances where running slope exceeds grade of road and is >5.0% (more than one per 100 feet).															
The sidewalk cross slope is below two percent for one-quarter to one-half of its length.															
The sidewalk surface is firm, stable, and slip-resistant for one-quarter to one-half of its length.															
The sidewalk has a significant number of vertical changes that exceed a quarter inch –or– openings greater than a half inch or are parallel to direction of travel (more than three per 100 feet).															
The sidewalk has a significant number of overhanging –or– protruding objects (more than one per 100 feet).															
The sidewalk has a significant number of driveway entries where cross slope exceeds two percent (more than one per 100 feet).															
The sidewalk has an obstacle that narrow the width of the walk to less than four feet (fewer than one per 100 feet).															
The sidewalk has utility lids that are not slip-resistant (fewer than one per 100 feet).															



**Table 1.12: Pedestrian Access Route Category 3 Condition Descriptions**

Road Classification	Principal/Minor Arterial					Major /Minor Collector					Local				
	1	2	3	4	5	1	2	3	4	5	1	2	3	4	5
<b>Identified ADA Barrier</b>															
The sidewalk width is less than five feet without a passing space.															
The sidewalk has a number of instances where running slope exceeds grade of road and is >5.0% (fewer than one per 100 feet).															
The sidewalk cross slope is below two percent for one-half to three-quarters of its length.															
The sidewalk surface is firm, stable, and slip-resistant for one-half to three-quarters of its length.															
The sidewalk has vertical changes that exceed a quarter inch –or– openings greater than a half inch or are parallel to direction of travel (fewer than three per 100 feet).															
The sidewalk has a significant number of overhanging –or– protruding objects (fewer than one per 100 feet).															
The sidewalk has a significant number of driveway entries where cross slope exceeds two percent (fewer than one per 100 feet).															

Combined ADA Self-Evaluation and Transition Plan

**Table 1.13: Pedestrian Access Route Category 4 Condition Descriptions**

Road Classification	Principal/Minor Arterial					Major /Minor Collector					Local				
	1	2	3	4	5	1	2	3	4	5	1	2	3	4	5
<b>Identified ADA Barrier</b>															
The sidewalk cross slope is below two percent for three-quarters to its length.															
The sidewalk surface is firm, stable, and slip-resistant for three-quarters to its length.															

**Table 1.14: Pedestrian Access Route Category 5 Condition Descriptions**

Road Classification	Principal/Minor Arterial					Major /Minor Collector					Local				
	1	2	3	4	5	1	2	3	4	5	1	2	3	4	5
<b>Identified ADA Barrier</b>															
No deficiencies identified.															



**Albany ADA Self-Evaluation & Transition Plan**

**Map 2: Pedestrian Access Route  
Barrier Removal Projects  
Sidewalks**

**Barrier Removal Rank**

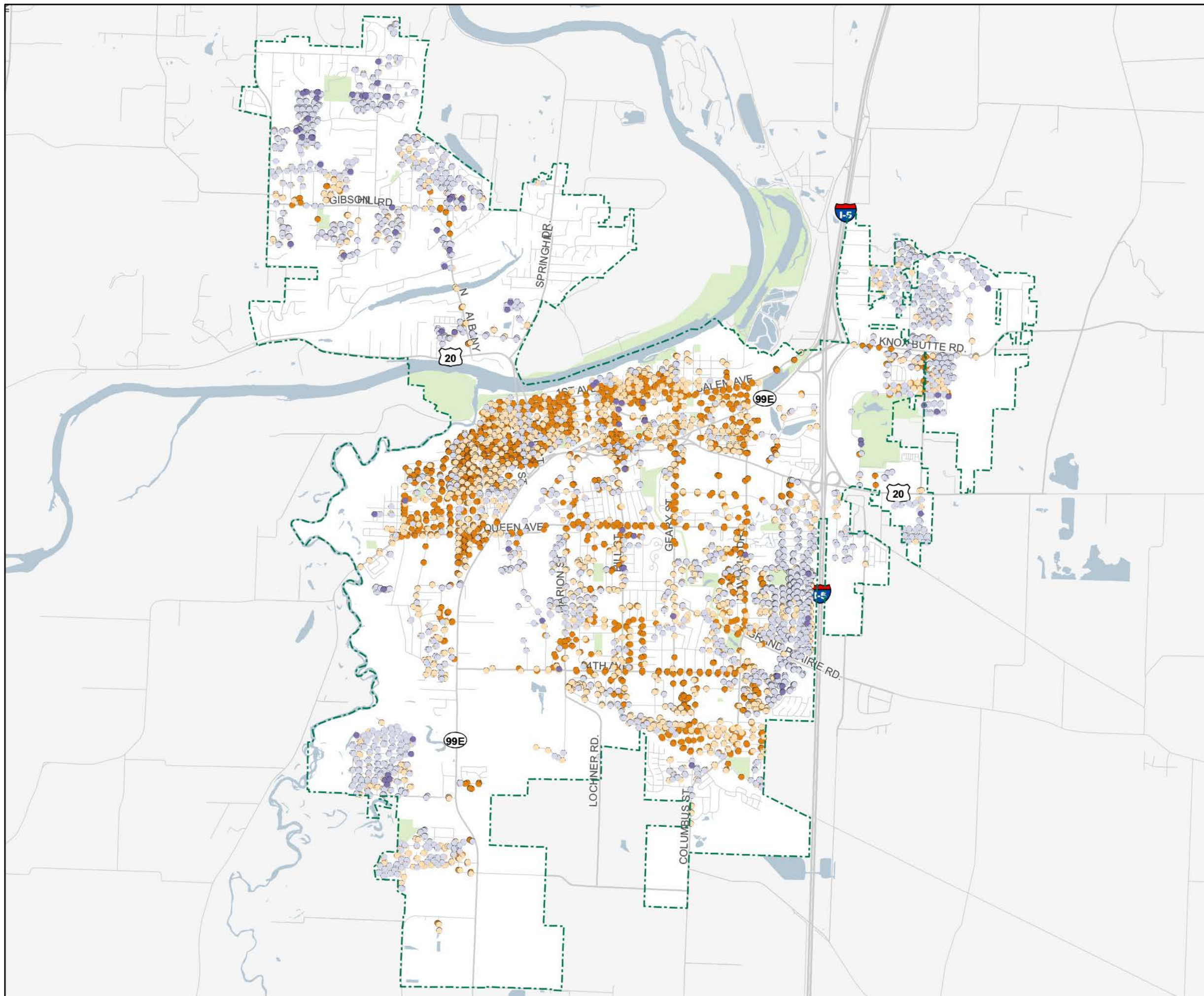
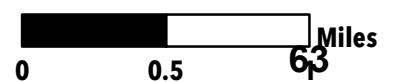
- High
- Medium
- Low
- No deficiencies identified

**Context**

- Street
- Park
- Water Feature
- City Limits



5.2022







## Albany ADA Self-Evaluation & Transition Plan

### Map 3: Pedestrian Access Route Barrier Removal Projects Crosswalks

#### Barrier Removal Rank

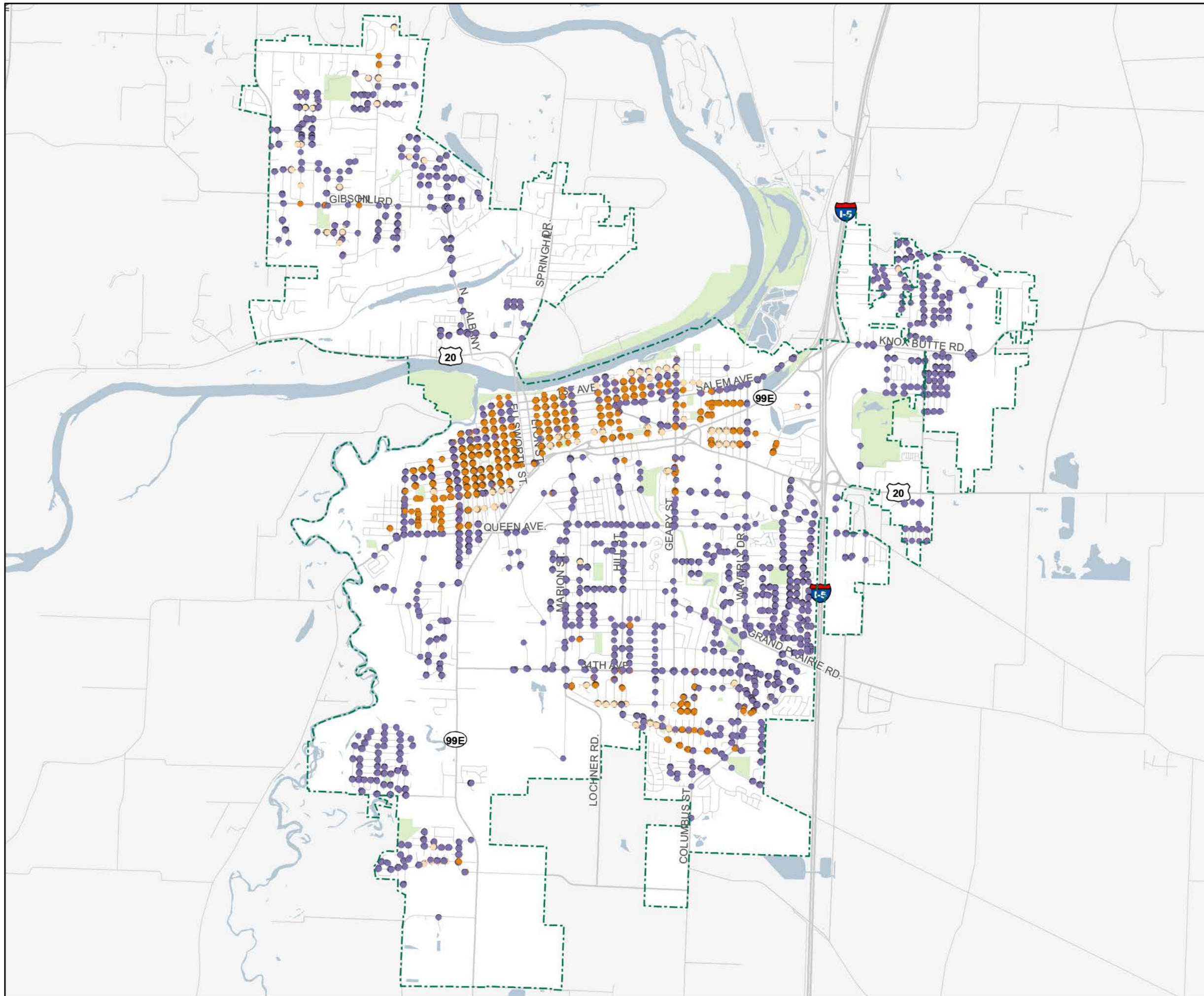
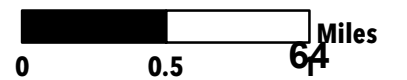
- High
- Medium
- No deficiencies identified

#### Context

- Street
- Park
- Water Feature
- - - City Limits



5.2022







**Albany ADA Self-Evaluation & Transition Plan**

**Map 4: Pedestrian Access Route  
Barrier Removal Projects  
Railroad Crossings**

**Barrier Removal Rank**

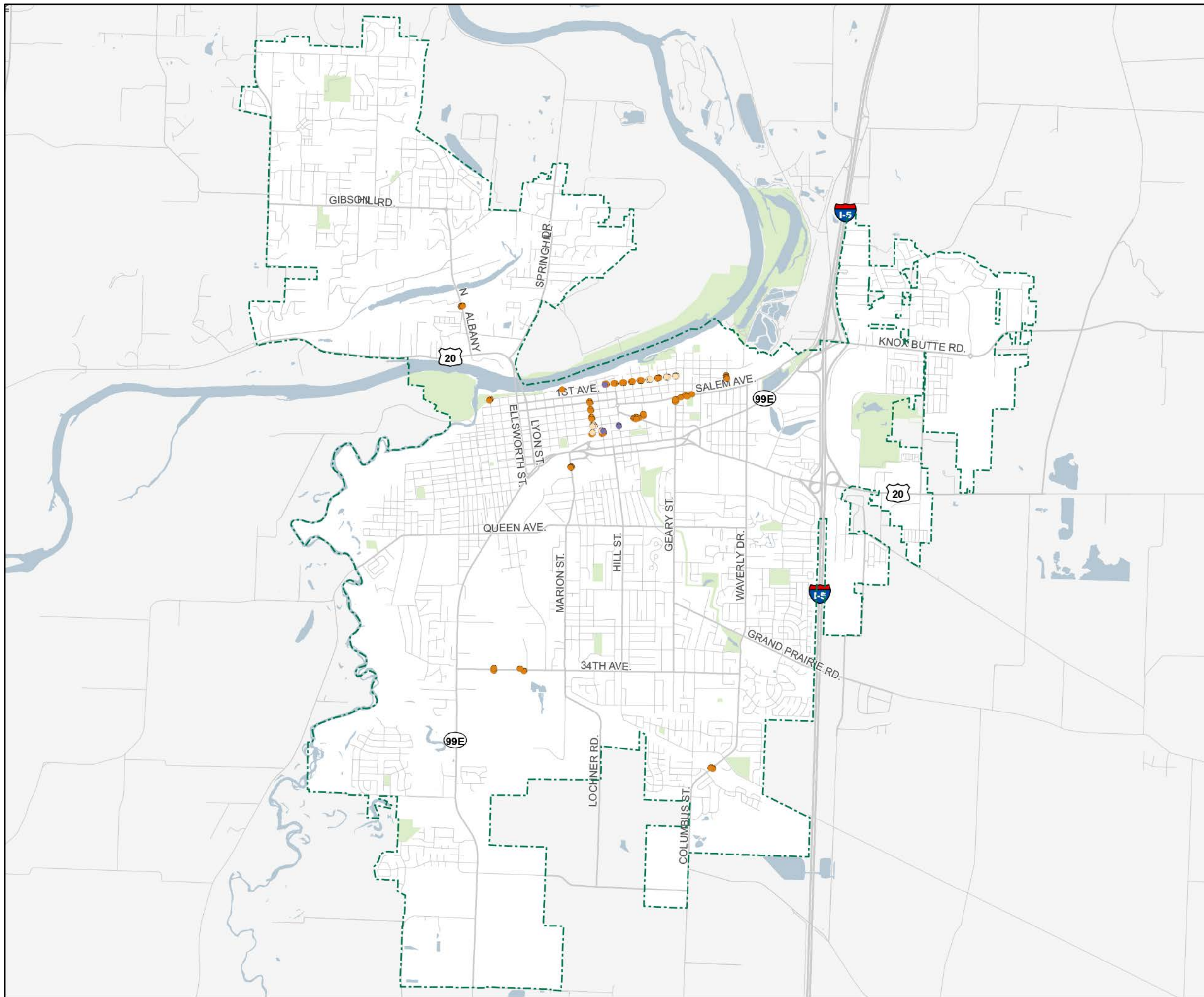
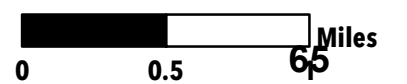
- High
- Medium
- No deficiencies identified

**Context**

- Street
- Park
- Water Feature
- City Limits



5.2022



**Table 1.15: Pedestrian Access Route Barrier Summary by Rank - Sidewalks**

<b>Rank</b>	<b>Total Sidewalk Segments</b>	<b>Percent of Total</b>
High	1,144	27.2%
Medium	1,396	33.2%
Low	1,578	37.6%
No Deficiency	84	2.0%
<b>Total</b>	<b>4,202</b>	<b>100.0%</b>

Combined ADA Self-Evaluation and Transition Plan

**Table 1.16: Pedestrian Access Route Barrier Summary by Rank and Category - Sidewalks**

Rank	Category	Priority	Total Sidewalk Segment	Percent of Total
High	1	B1	4	0.1%
High	1	C1	142	3.4%
High	2	B2	52	1.2%
High	2	C2	946	22.5%
Medium	1	E1	20	0.5%
Medium	2	D2	32	0.8%
Medium	2	E2	639	15.2%
Medium	3	B3	68	1.6%
Medium	3	C3	609	14.5%
Medium	3	D3	28	0.7%
Low	3	E3	802	19.1%
Low	4	B4	34	0.8%
Low	4	C4	223	5.3%
Low	4	D4	22	0.5%
Low	4	E4	497	11.8%
No Deficiencies	5	B5	9	0.2%
No Deficiencies	5	C5	24	0.6%
No Deficiencies	5	D5	4	0.1%
No Deficiencies	5	E5	47	1.1%

Combined ADA Self-Evaluation and Transition Plan

**Table 1.17: Pedestrian Access Route Barrier Summary by Rank - Crosswalks**

Rank	Total Crosswalks	Percent of Total
High	730	21.2%
Medium	273	7.9%
No Deficiency	2,449	70.9%
<b>Total</b>	<b>3,452</b>	<b>100.0%</b>

**Table 1.18: Pedestrian Access Route Barrier Summary by Rank and Category - Crosswalks**

Rank	Category	Priority	Total Crosswalks	Percent of Total
High	1	C1	43	1.2%
High	2	B2	72	2.1%
High	2	C2	615	17.8%
Medium	2	D2	27	0.8%
Medium	1	E1	1	0.0%
Medium	2	E2	245	7.1%
No Deficiencies	5	B5	149	4.3%
No Deficiencies	5	C5	986	28.6%
No Deficiencies	5	D5	43	1.2%
No Deficiencies	5	E5	1,271	36.8%



Combined ADA Self-Evaluation and Transition Plan

**Table 1.19: Pedestrian Access Route Barrier Summary by Rank – Railroad Crossings**

Rank	Total Railroad Crossings	Percent of Total
High	100	77.5%
Medium	25	19.4%
No Deficiency	4	3.1%
<b>Total</b>	<b>129</b>	<b>100.0%</b>

**Table 1.20: Pedestrian Access Route Barrier Summary by Rank and Category - Railroad Crossings**

Rank	Category	Priority	Total Railroad Crossings	Percent of Total
High	1	B1	5	3.9%
High	1	C1	83	64.3%
High	1	D1	6	4.7%
High	2	C2	6	4.7%
Medium	1	E1	25	19.4%
No Deficiencies	5	C5	3	2.3%
No Deficiencies	5	E5	1	0.8%

Combined ADA Self-Evaluation and Transition Plan

**Table 1.21: Pedestrian Crossing Time and Pushbuttons Priority Matrix**

		<b>ADA 35.150(d) Geospatial Proximity Priorities</b> Columns B, C, D, and E are specified under Title II 28 CFR § 35.150 (d)				
		A	B	C	D	E
Priorities (Category)	Priority Description	Location of Citizen ADA Complaint or Request	Location Serving Government Offices & Public Facilities	Location Serving Transportation	Location Serving Commercial Districts, Employers	Location Serving Other Areas
1	Refer to Table 1.22: Category 1 Description	High Priority A1	B1	C1	D1	E1
2	Refer to Table 1.22: Category 2 Description	A2	Medium Priority B2	C2	D2	E2
3	Refer to Table 1.22: Category 3 Description	A3	B3	C3	Lower Priority D3	E3
4	Refer to Table 1.22: No deficiencies identified	A4	B4	C4	D4	E4

**Table 1.22: Pedestrian Crossing Time and Pushbutton Barrier Condition Descriptions**

**Category 1:**

- Accessible pedestrian signal is not provided (PROWAG R209).
- Pedestrian crossing time is insufficient (2009 MUTCD 4E.06).

**Category 2 (2009 MUTCD Standard):**

- Level clear space at push button not provided.
- Reach to push button from clear space is obstructed.
- Operating force of pushbutton exceeds five pounds of force.
- The pushbutton does not have a sign adjacent to or integral with the pushbutton.
- Pushbutton sign does not clearly indicate which crosswalk signal is actuated.
- Pushbutton pilot light (if applicable) does not activate.
- A locator tone is not provided.
- A tactile arrow is not provided.
- Pushbutton locator tone activates or deactivates at incorrect time.
- Pushbutton locator tone duration and intensity needs adjustment.
- Audible features of accessible pedestrian signal needs adjustment.
- Speech “walk” message of accessible pedestrian signal needs adjustment.

- Extended pushbutton feature needs adjustment.

**Category 3 (2009 MUTCD Guidance):**

- Pushbutton is located more than 10 feet from curb, shoulder, or pavement.
- Pushbutton is farther than five feet from the crosswalk line farthest from the intersection (when applicable).
- Pushbutton height is not within 42 to 48 inches above the ground.
- Pushbutton and arrow are not parallel with the direction of travel.
- The distance between two pushbuttons on the same corner is less than 10 feet.

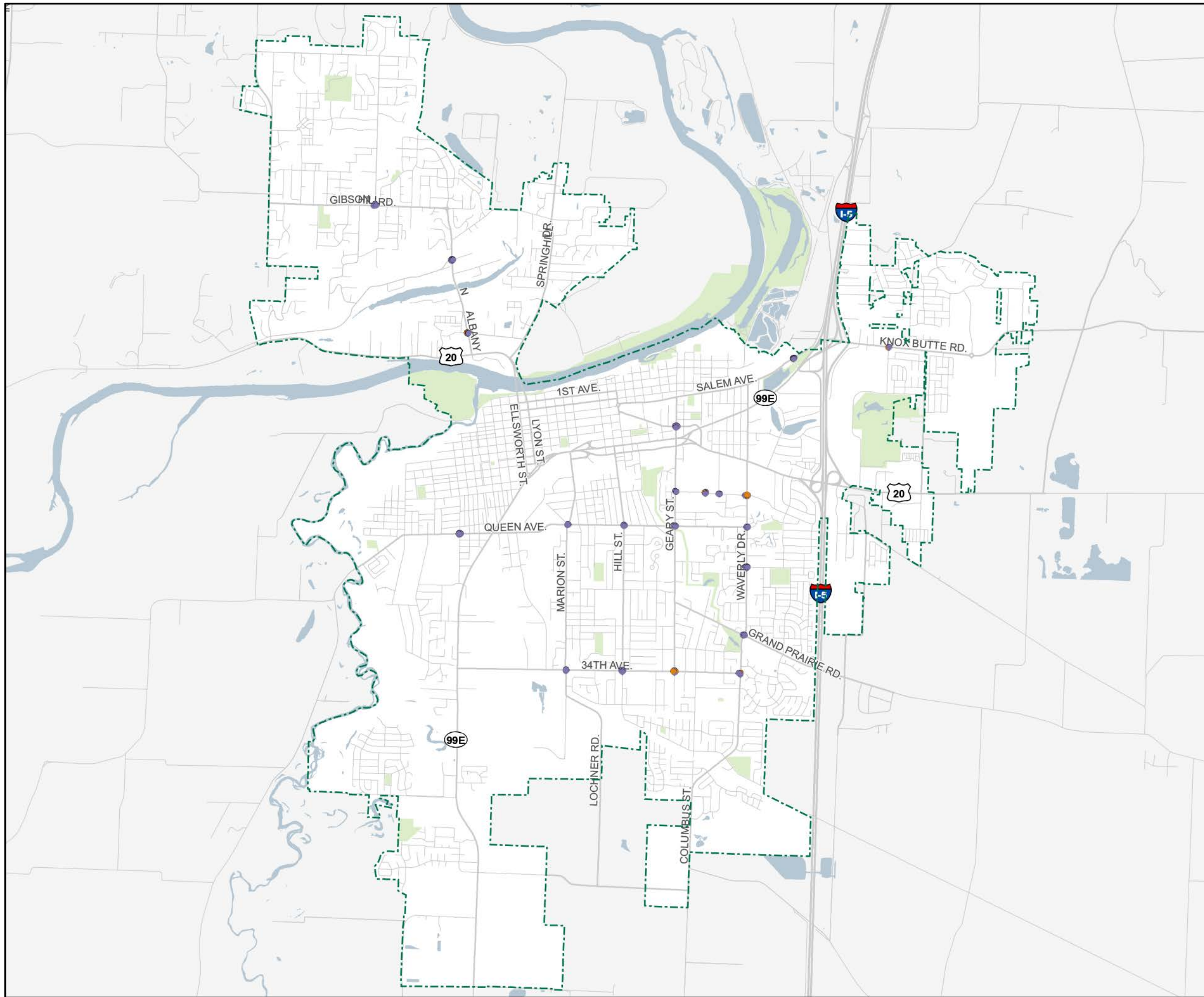
**Category 4:**

- No deficiencies identified.



**Albany ADA Self-Evaluation & Transition Plan**

**Map 5: Barrier Removal Projects  
Pedestrian Crossing Time**



**Barrier Removal Rank**

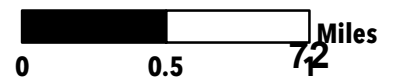
- High
- Medium
- Low
- No deficiencies identified

**Context**

- Street
- Park
- Water Feature
- City Limits



5.2022







### Albany ADA Self-Evaluation & Transition Plan

## Map 6: Barrier Removal Projects Pedestrian Pushbuttons

#### Barrier Removal Rank

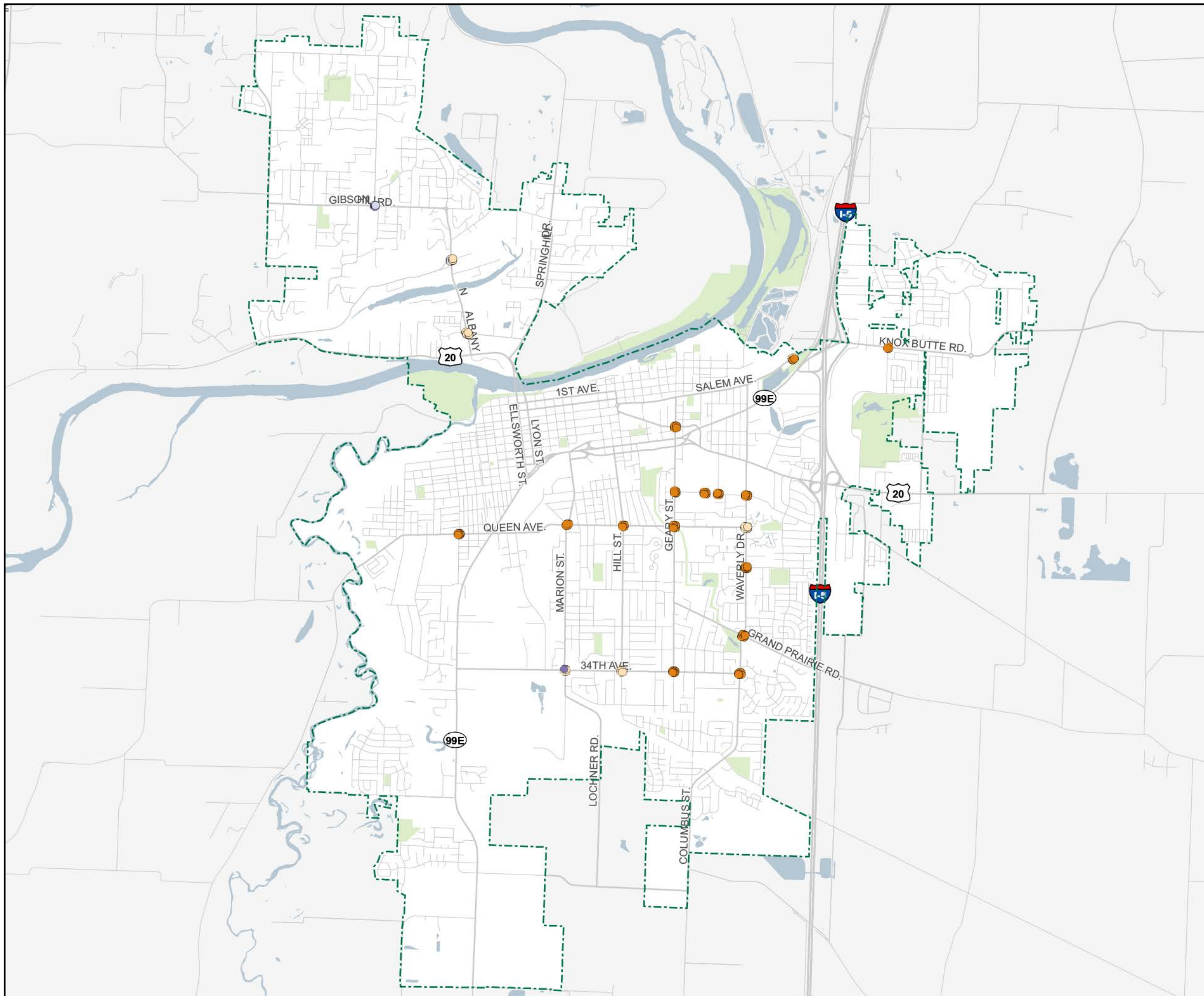
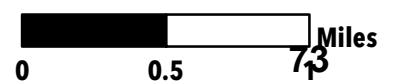
- High
- Medium
- Low
- No deficiencies identified

#### Context

- Street
- Park
- Water Feature
- - - City Limits



5.2022



**Table 1.23: Pedestrian Crossing Time Barrier Summary**

Rank	Total Pedestrian Signals	Percent of Total
High	9	11.8%
Medium	0	0.0%
Low	0	0.0%
No Deficiency	67	88.2%
<b>Total</b>	<b>76</b>	<b>100.0%</b>

**Table 1.24: Pedestrian Pushbutton Barrier Summary**

Rank	Total Pedestrian Pushbuttons	Percent of Total
High	106	69.7%
Medium	35	23.0%
Low	8	5.3%
No Deficiency	3	2.0%
<b>Total</b>	<b>152</b>	<b>100.0%</b>

Combined ADA Self-Evaluation and Transition Plan

**Table 1.25: Pedestrian Crossing Time and Pushbuttons Summary of Categories**

Rank	Category	Priority	Total Pushbuttons and Pedestrian Signals	Percent of Total	Pedestrian Crossing Time is Insufficient	Identified Issue with MUTCD Standard	Identified Issue with MUTCD Guidance
High	1	B1	11	4.8%	0	11	10
High	1	C1	104	45.6%	4	104	96
Medium	2	B2	6	2.6%	0	4	4
Medium	2	C2	24	10.5%	0	12	19
Medium	3	C3	3	1.3%	0	0	3
Medium	1	E1	2	0.9%	0	2	2
Low	2	E2	8	3.5%	0	7	4
No Deficiencies	4	B4	2	0.9%	0	0	0
No Deficiencies	4	C4	58	25.4%	0	1	0
No Deficiencies	4	E4	10	4.4%	0	0	0

Combined ADA Self-Evaluation and Transition Plan

Table 1.26: Transit Stop Priority Matrix

		<b>ADA 35.150(d) Geospatial Proximity Priorities</b> Columns B, C, D, and E are specified under Title II 28 CFR § 35.150 (d)				
		A	B	C	D	E
Priorities (Category)	Priority Description	Location of Citizen ADA Complaint or Request	Location Serving Government Offices & Public Facilities	Location Serving Transportation	Location Serving Commercial Districts, Employers	Location Serving Other Areas
1	Refer to Table 1.27: Category 1 Description	High Priority A1	B1	C1	Not applied. Transit stops are transportation facilities and as such all-transit stops are prioritized in columns A, B, or C.	
2	Refer to Table 1.27: Category 2 Description	A2	Medium Priority B2	C2		
3	Refer to Table 1.27: No deficiencies identified	A3	B3	C3		



**Table 1.27: Transit Stop Barrier Condition Descriptions**

***Category 1:***

- Accessible route connecting to the bus boarding and alighting area is not provided.
- Bus boarding and alighting has incorrect dimensions or is missing.
- Bus shelter and required clear space is not connected to the boarding and alighting area with an accessible route.
- Bus shelter does not provide a clear space.

***Category 2:***

- Bus boarding and alighting area slopes do not meet the standard.
- Bus route sign protrudes into the pedestrian clearway.
- Bus route sign does not have a non-glare finish.
- Bus route sign lacks contrast.
- Bus route sign text characters do not meet size and spacing requirements.
- Bus shelter clear space is provided but has the incorrect dimensions within the shelter.
- Bus shelter clear space does not have a firm, stable, and slip-resistant surface.

***Category 3:***

- No deficiencies identified.



**Albany ADA Self-Evaluation & Transition Plan**

**Map 7: Barrier Removal Projects  
Transit Stops**

**Barrier Removal Rank**

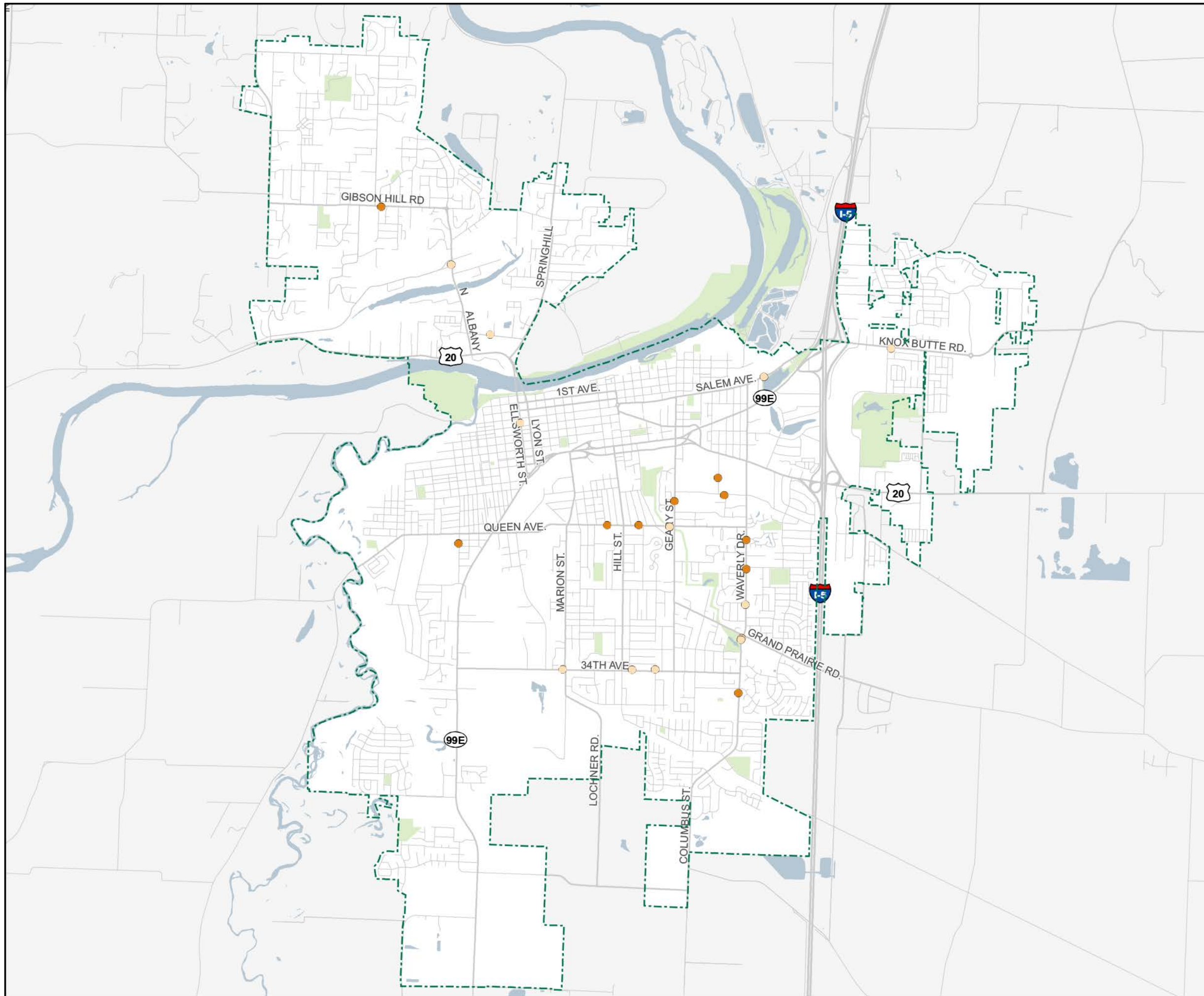
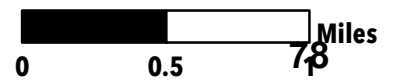
- High
- Medium
- No deficiencies identified

**Context**

- Street
- Park
- Water Feature
- City Limits



5.2022



Combined ADA Self-Evaluation and Transition Plan

**Table 1.28: Transit Stop Barrier Summary**

Rank	Total Transit Stops	Percent of Total
High	10	45.5%
Medium	9	40.9%
No Deficiency	3	13.6%
<b>Total</b>	<b>22</b>	<b>100.0%</b>

**Table 1.29: Transit Stop Summary of Categories**

Rank	Category	Priority	Total Transit Stops	Percent of Total	Identified Barrier Boarding and Alighting Area	Identified Barrier Sign	Identified Barrier Shelter
High	1	B1	2	9.0%	2	0	02
High	1	C1	8	36.4%	8	1	07
Medium	2	B2	3	13.6	2	0	12
Medium	2	C2	6	27.3	2	1	13
No Deficiency	3	B3	1	4.5%	0	0	1
No Deficiency	3	C3	2	9.0%	0	0	1

Combined ADA Self-Evaluation and Transition Plan

**Table 1.30: On-Street Parking Priority Matrix**

		<b>ADA 35.150(d) Geospatial Proximity Priorities</b> Columns B, C, D, and E are specified under Title II 28 CFR § 35.150 (d)				
		A	B	C	D	E
Priorities (Category)	Priority Description	Location of Citizen ADA Complaint or Request	Location Serving Government Offices & Public Facilities	Location Serving Transportation	Location Serving Commercial Districts, Employers	Location Serving Other Areas
1	Refer to Table 1.31: Category 1 Description	High Priority -----   A1	B1	C1	D1	E1
2	Refer to Table 1.31: Category 2 Description	A2	Medium Priority -----   B2	C2	D2	Low Priority ----   E2
3	Refer to Table 1.31: No deficiencies identified	A3	B3	C3	D3	E3

**Table 1.31: On-Street Parking Barrier Condition Descriptions**

***Category 1:***

- Parking location is not at the corner when an access aisle is not provided.
- Number of accessible parking spaces provided where marked parking is provided is insufficient.
- Access aisle not provided when pedestrian circulation width is greater than 14 feet.
- Access aisle present without a curb ramp available.
- Width of parking space is insufficient.
- Pavement parking or access aisle markings are not provided.
- Parking sign not provided.

***Category 2:***

- Access aisle does not meet the size standards.
- Access aisle surface is not firm, stable, and slip resistant.
- Pavement markings are present but do not meet the standard.
- Parking sign does not meet the standard.
- Parking sign height is too low.
- Parking sign is incorrectly located.

***Category 3:***

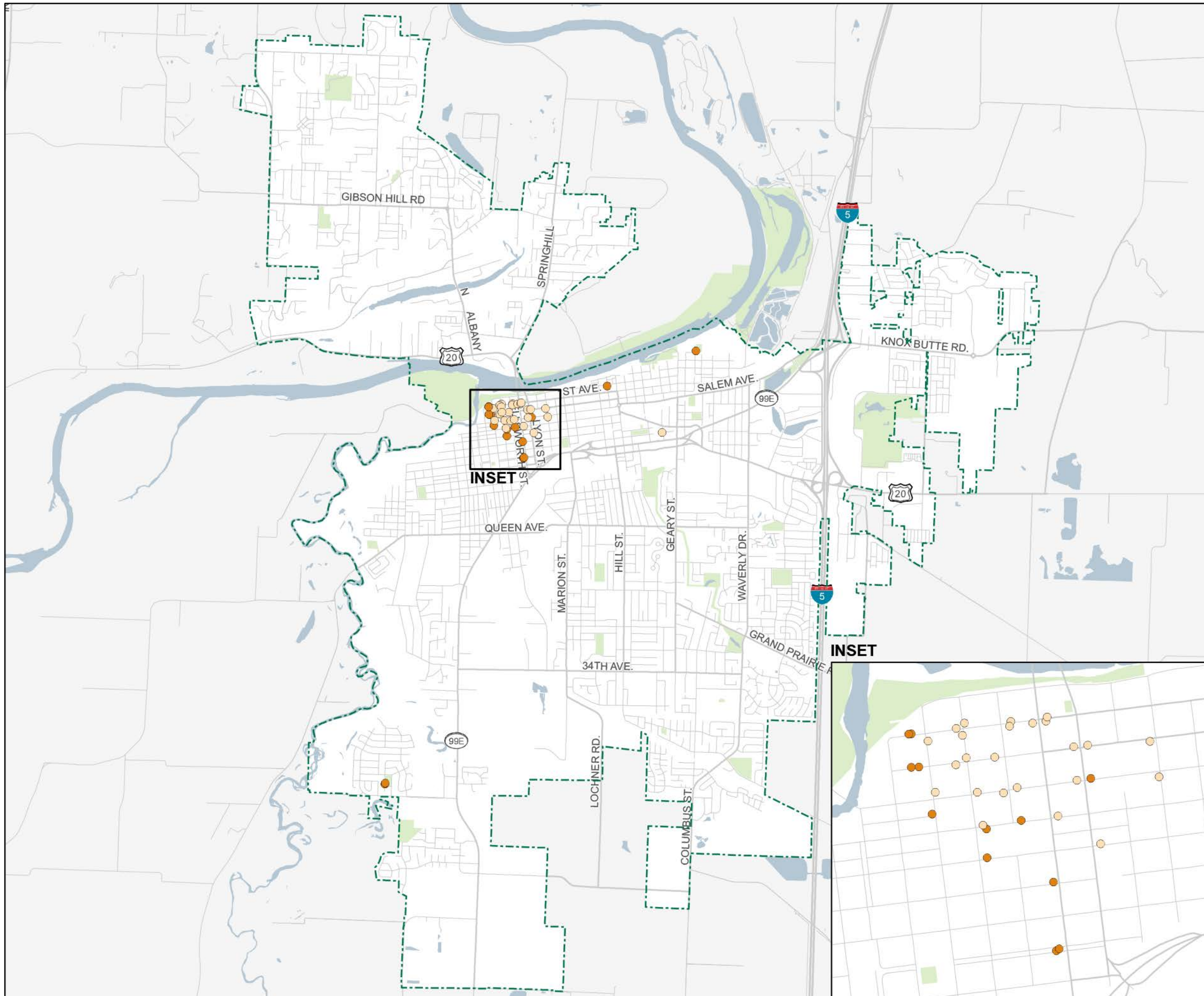
- No deficiencies identified.





**Albany ADA Self-Evaluation & Transition Plan**

**Map 8: Barrier Removal Projects On-Street Parking**



**Barrier Removal Rank**

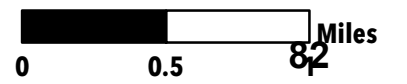
- High
- Medium
- Low
- No deficiencies identified

**Context**

- Street
- Park
- Water Feature
- City Limits



10.2022



**Table 1.32: On-Street Parking Barrier Summary**

Evaluation of available designated accessible on-street parking spaces.

Rank	Total Parking Spots	Percent of Total
High	16	39.0%
Medium	25	61.0%
Low	0	0.0%
No Deficiency	0	0.0%
<b>Total</b>	<b>41</b>	<b>100.0%</b>

**Table 1.33: On-Street Parking Summary of Categories**

Rank	Category	Priority	Total Parking Spaces	Percent of Total	Identified Barrier Parking Location	Identified Barrier Parking Space Dimension	Identified Barrier Pavement Markings	Identified Barrier Access Aisle and/or Curb Ramp	Identified Barrier Sign
High	1	B1	8	19.5%	0	2	8	1	2
High	1	B2	2	4.9%	0	0	1	0	2
High	1	C1	5	12.2%	1	0	3	2	2
High	1	C2	1	2.4%	0	0	0	0	1
Medium	2	B2	3	7.3%	0	0	3	0	3
Medium	3	B3	7	17.1%	0	0	0	0	0
Medium	2	D2	1	2.4%	0	0	1	0	1
Medium	3	D3	1	2.4%	0	0	0	0	0
Medium	3	C3	116	39.0%	0	0	0	0	5

Combined ADA Self-Evaluation and Transition Plan

Table 1.34: On-Street Parking Block Analysis

Priority	Barrier Removal Category	Feet of Unmarked Metered Parking	# Marked Spaces	# Accessible Parking Spaces Provided	# Accessible Spaces Required by R214	# Accessible Spaces Needed	Block
B1	High	70	3	0	1	1	2
B1	High	266	13	1	2	1	9
B1	High	189	9	0	1	1	11
B1	High	720	33	1	3	2	16
B1	High	46	2	0	1	1	18
B1	High	598	28	2	3	1	19
B1	High	450	19	1	2	1	21
B1	High	601	29	1	3	2	25
B1	High	474	21	1	2	1	26
B1	High	1077	50	2	5	3	30
B1	High	200	10	0	1	1	31
C1	High	100	5	0	1	1	3
C1	High	431	23	1	2	1	7
C1	High	649	31	1	3	2	14
C1	High	625	28	2	3	1	15
C1	High	432	21	1	2	1	17
C1	High	327	16	0	2	2	24
C1	High	358	17	1	2	1	27
C1	High	153	7	0	1	1	29
C1	High	220	9	0	1	1	33
C1	High	233	30	1	2	1	35
C1	High	273	17	0	2	2	37
B3	No deficiencies identified	135	12	1	1	0	6



Combined ADA Self-Evaluation and Transition Plan

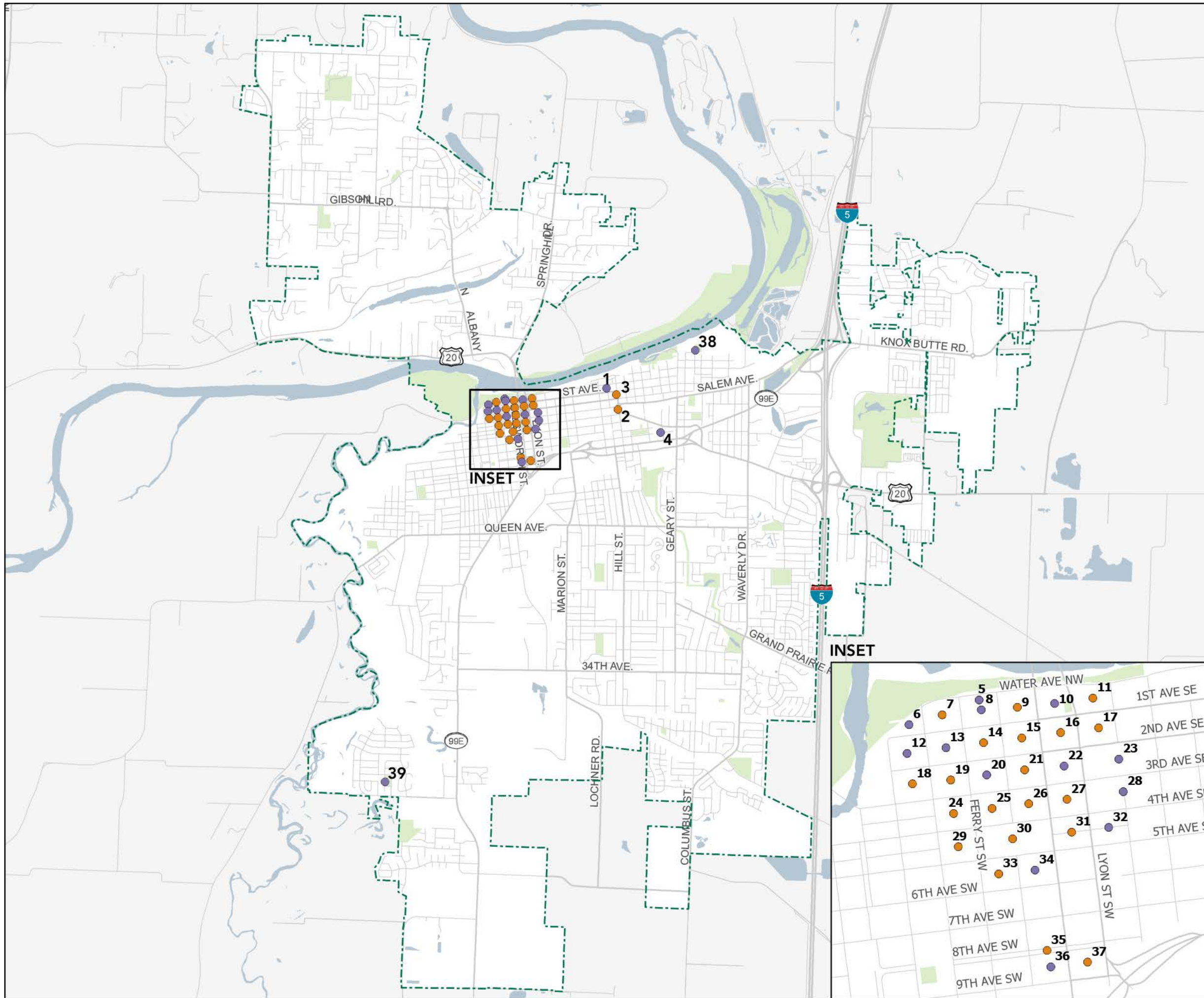
Priority	Barrier Removal Category	Feet of Unmarked Metered Parking	# Marked Spaces	# Accessible Parking Spaces Provided	# Accessible Spaces Required by R214	# Accessible Spaces Needed	Block
B3	No deficiencies identified	164	8	1	1	0	10
B3	No deficiencies identified	411	37	3	3	0	12
B3	No deficiencies identified	535	23	2	2	0	20
B3	No deficiencies identified	160	8	1	1	0	28
B3	No deficiencies identified	58	5	1	1	0	38
B3	No deficiencies identified	45	2	2	1	0	39
C3	No deficiencies identified	174	16	1	1	0	1
C3	No deficiencies identified	0	21	1	1	0	5
C3	No deficiencies identified	0	25	1	1	0	8
C3	No deficiencies identified	729	34	3	3	0	13
C3	No deficiencies identified	500	23	2	2	0	22
C3	No deficiencies identified	426	19	2	2	0	23
C3	No deficiencies identified	210	10	1	1	0	34
C3	No deficiencies identified	160	8	1	1	0	36
D3	No deficiencies identified	52	5	1	1	0	4
D3	No deficiencies identified	140	7	1	1	0	32
<b>Total*</b>				<b>41</b>	<b>69</b>	<b>29</b>	

\*Block 39 has one additional accessible space beyond the minimum required by PROWAG R214. This accounts for the difference between the number needed and the number required minus the number of accessible parking spaces provided.



**Albany ADA Self-Evaluation & Transition Plan**

**Map 9: Barrier Removal Projects  
On-Street Parking Block Count**



**Barrier Removal Rank**

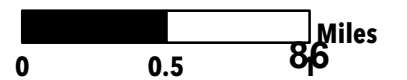
- High
- No deficiencies identified

**Context**

- Street
- Park
- Water Feature
- City Limits



5.2022



## **Schedule for Public Right-of-Way Improvements**

The transition plan for the right-of-way proposes a strategy for removing barriers through a variety of activities such as new construction, roadway alterations, maintenance, and repair projects, and policies that specifically address the removal of ADA barriers. The City can modify or adjust barrier removal priorities to provide flexibility in accommodating community requests, petitions for reasonable modifications from people with disabilities, funding opportunities and constraints, and changes in City programs. The barrier removal strategy incorporates this flexibility and allows the City to respond to new opportunities as they arise.

As part of this planning process, the City developed a GIS inventory of the barriers identified at facilities in the public right-of-way. The resulting inventory is intended to be the living transition plan tracking tool for monitoring the Plan's implementation and tracking the long-term maintenance needs of curb ramps and other facilities within the public right-of-way. The ongoing tracking and monitoring will ensure that the City progresses toward a barrier-free environment in the public right-of-way.

The schedule in this Plan sets a target of 15-years for barrier removal; the City of Albany, however, reserves the right to modify barrier removal priorities to allow flexibility in accommodating community requests, petitions for reasonable modifications from persons with disabilities, changes in City programs, and funding opportunities and constraints. Providing a detailed breakdown of projects past the 15-year timeline is subject to numerous changes over such a time span. It is anticipated that overall compliance could be achieved in 25 to 30 years. For all facilities meeting Criterion A: Location of Citizen ADA Complaint or Request will be evaluated and programmed within one year of the request or complaint.

### **Curb Ramps**

Reference Tables 1.1 through 1.8.

- Curb ramps identified as high priority B1, C1, and D1 will be addressed within the next five years. The remaining high priority B2 and C2 curb ramps will be addressed in the next one to 10 years.
- Curb ramps identified as medium priority B3 and C3 will be addressed in the next 1 to 15 years.
- The remaining ramps in medium and lower priority levels will be addressed through on-going street maintenance and improvement projects.

It is assumed that as curb ramps are evaluated in greater detail, a percentage of ramps will fall within the safe harbor provisions. These “safe harbor” ramps will help reduce the deficient ramp inventory. The City will then revise the curb ramp transition plan schedule for the removal of the remaining barriers, update the curb ramp inventory, and revise the transition plan schedule for the removal of remaining barriers on a regular basis.

### **Sidewalks**

Reference Tables 1.9 through 1.16.

- Sidewalks that will be addressed in the next 15-years are as follows:
  - All sidewalks within high priority B1, C1, B2, and C2;
  - Category 2 sidewalks meeting Criterion B: Location Serving Government Offices & Public Facilities and Criterion C: Location Serving Transportation will be addressed in the next one to 15 years.
- The remaining sidewalks in Category 2, 3, and 4 will be addressed through on-going pavement management and improvement projects and via sidewalk maintenance and repair.

### **Crosswalks and Railroad Crossings**

Reference Tables 1.9, 1.17 through 1.20.

- Crossings that will be addressed in the next 15-years are as follows:
  - Crossings within high priority B1, C1, D1 will be reviewed for further design analysis and addressed;
  - Crossings meeting Criterion B: Location Serving Government Offices & Public Facilities and Criterion C: Location Serving Transportation (B2 and C2) will be addressed in the next one to 15 years.
- The remaining crossings in Category 2, 3, and 4 will be addressed through on-going pavement management and improvement projects.

### **Pedestrian Crossing Time and Pushbuttons**

Reference Tables 1.21 through 1.25.

- The pedestrian crossing time barriers identified in this plan will be addressed within one to two years of the Plan's implementation.
- The barriers identified at pedestrian pushbutton facilities will be replaced in conjunction with associated curb ramp upgraded.
- The City intends to develop an accessible pedestrian signal and replacement policy to ensure that pushbuttons are replaced when the signal controller and software are altered, or the signal head is replaced.

### **Transit Stops**

Reference Tables 1.26 through 1.29.

At the time of the writing of this Plan, the Transit System Department is in the process of developing new bus routes to better serve the public. This will result in transit stops being added and some being eliminated. New transit stops will be designed and constructed to meet the necessary accessibility standards. The transit stops that remain in the same location will be addressed as follows.

- The City will remove the identified sign barriers within the first three years of the implementation of the Plan.
- Category 1 boarding and alighting area barriers will be addressed within the first five years of the Plan.
- Any remaining Category 2 barriers will be reviewed and addressed and scheduled for removal upon completion of the bus route realignment.

### **On-Street Parking**

Reference Tables 1.30 through 1.34.

- On-street parking spaces identified as high priority B1 and C1 will be addressed within the next five years.
- On-street parking spaces identified as medium priority B2, C2, and D3 involve sign parking sign and pavement marking barriers and these barriers will be removed during ongoing maintenance activities.

### **Approach for Barrier Removal in the Right-of-Way**

The City plans to address public right-of-way facility barriers through multiple strategies.

- The City will continue to take barrier removal requests and complete upgrades that can be completed within the adopted budget and increase revenue that will feed into replacement of curb ramps per year. The City will continue to provide a dedicated budget category for ADA barrier removal in the public right-of-way in its adopted budget. This money will be used to address barriers that are not being resolved through other mechanisms. Barrier removal addressed by this strategy will be prioritized based on the criteria in this transition plan.
- The ADA section in the Capital Improvement Program will be updated to include a summary of deficiencies identified in the transition plan and listed in the Unfunded projects list.
- The City currently has in place a pavement management program that aids in the selection of scheduled roadway rehabilitation and maintenance projects. The City plans to review public right-of-way barriers during the implementation of its Capital Improvement Program and address those barriers that can be resolved as part of the ongoing pavement maintenance and rehabilitation program.
- The summary tables included in the ADA transition plan will be checked for deficiencies for all new and reconstruction projects, in addition to field work to access the corridor in order to remove identified barriers.
- The City will consider the development of a maintenance program for sidewalks.
- The City will explore policy options that engage property owners in the maintenance of the sidewalks adjacent to their properties.
- The City will actively seek out and apply for grant funding specific to removal of access barriers when available.



### 3.2 Parks & Recreation and Citywide Facilities

The City of Albany evaluated City-maintained parks and building facilities between the summer of 2022 and spring of 2023. The evaluation covered all portions of the exterior and interior features of the sites used by the public. The assessed facilities are organized into two groups -- Parks & Recreation, and citywide facilities -- and includes buildings and parking facilities. Map 10 illustrates the location of the parks and citywide facilities listed below.

#### Parks & Recreation Facilities

- Albany Community Pool (leased)
- Albany Skatepark
- Bowman Park
- Bryant Park
- Burkhart Park
- Burkhart Square (leased)
- COOL! Pool at Swanson Park
- Cox Creek Path
- Dave Clark Riverfront Path
- Deerfield Park
- Doug Killin Friendship Park
- Draper Park
- Eads Park
- East Thornton Lake Natural Area
- Eleanor Hackleman Park
- Gibson Hill Park
- Grand Prairie Park
- Henderson Park
- Kinder Park
- Lehigh Park
- Lexington Park
- Maple Lawn Preschool & Park
- Monteith Riverpark
- Oak Creek Greenbelt
- Periwinkle Creek Bike Path
- Periwinkle Park
- Pineway Park
- Riverfront Community Center (formerly Senior Center)
- Riverview Heights Park
- Simpson Park
- Simpson Park Trail
- Sunrise Park
- Swanson Park
- Tadena Landing Park (leased)
- Tadena Landing Trail
- Tadena Park
- Teloh Calapooia Park
- Timber Linn Park
- Waverly Park
- Willamette Community Garden

## Combined ADA Self-Evaluation and Transition Plan

### Citywide Facilities

- Albany City Hall
- Albany Municipal Airport-S12
- Albany Public Library
- Amtrak Station
- Carnegie Library
- Fire Station 11
- Fire Station 12
- Fire Station 13
- Fire Station 14
- Parking Lot - Carousel (Monteith Park)
- Parking Lot - North Albany Park and Ride
- Parking Lot - North of 1st Ave.
- Parking Lot - North of Water Ave. (Monteith Park)
- Parking Lot - South of Water Ave.
- Parking Lot - Two Rivers Market
- Police Headquarters
- Talking Water Gardens
- Water Treatment Facility

The site evaluations were accomplished using a consultant team equipped with measuring devices, City facility information, and evaluation checklists. Details of the assessment results are included in the ADA Facility Assessments Reports under a separate cover. The comprehensive site evaluation ADA Facility Reports are a snapshot of the facility at the time of evaluation. The reports do not necessarily reflect actions that the City must undertake, but rather constitute a list of elements that were not consistent with accessibility standards current at the time of the evaluation. The information contained in the ADA Facility Assessment Reports has been incorporated into an ADA Barrier Analysis Excel workbook with companion facility GIS data, which serves as the City's ongoing record of the remediation of barriers, to be updated over time as the City removes barriers or finds programmatic solutions to barriers. The record is maintained by the City's ADA Coordinator or designee. In compliance with the requirements of the ADA, the City will maintain in working order features that are required to provide access to individuals with disabilities.

### Accessibility Standards

The following standards were used to evaluate and identify barriers at the parks and citywide facilities:

- 2010 Americans with Disabilities Act (ADA) Standards;
- 2015 Architectural Barriers Act (ABA) Standards;
- 2018 Oregon Transportation Commission (OTC) Standards for Accessible Parking Spaces;
- 2019 Oregon Structural Specialty Code (OSSC);
- 2009 International Code Council (ICC) A117.1 Accessible and Usable Buildings and Facilities, as referenced in the 2019 OSSC.

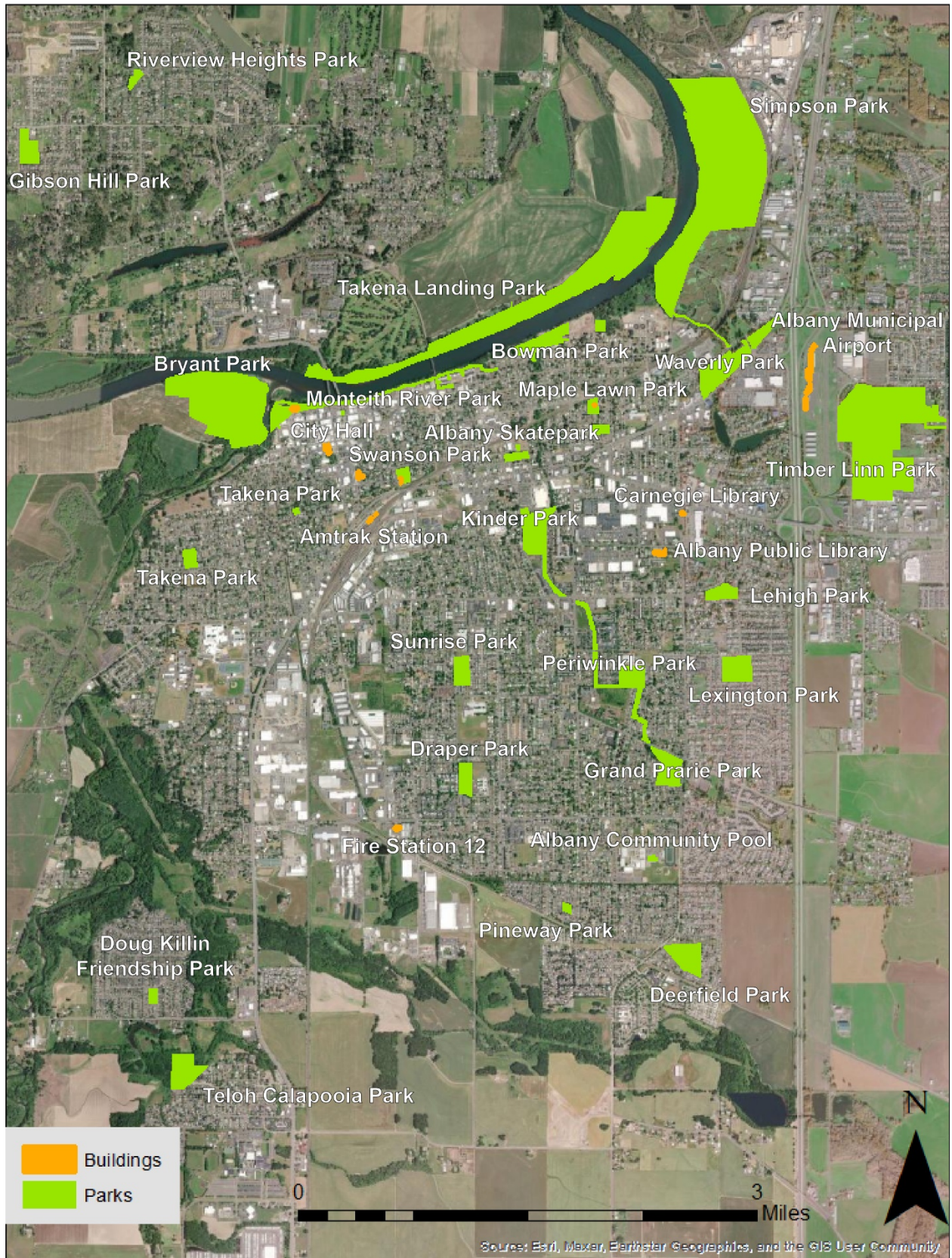
Codes and standards are revised every few years; notably, the 2022 OSSC was adopted while Albany facility evaluations were ongoing. Significant changes were made to the 2022 OSSC, primarily via an updated reference to the 2017 A117.1 standard (from the 2009 A117.1 referenced by the 2018 OSSC). The most impactful changes to the 2017 A117.1 standard, such as



## Combined ADA Self-Evaluation and Transition Plan

increases to the minimum dimensions of clear floor spaces and turning spaces, include exceptions for existing facilities that permit the use of dimensions matching those of the 2009 version of the standard that is referenced in this Transition Plan. There are, however, some new requirements from the 2017 version of the ICC A117.1 standard that may be applicable to the facilities that are the subject of this report. The barrier evaluations that are the basis of this Self-Evaluation and Transition Plan represent a snapshot of existing conditions and provide a baseline for future barrier removal. When construction activities are conducted for accessibility barrier removal, those changes will be designed to comply with the applicable standards at the time of renovation. See Section 3. Transition Plan for details on the barrier removal schedule.

MAP 10: PARKS & CITYWIDE FACILITIES MAP



### Priorities for Barrier Removal

Parks & Recreation and citywide facilities have been scheduled for remediation according to tiers and by phases. The facilities are categorized into Tiers 1-3, with Tier 1 facilities being the highest priority for remediation, based on the criteria described in the following sections. The individual barrier types have been organized into Phase A and Phase B barriers, with the intent that at each facility, Phase A barriers will be addressed first, and Phase B barriers will be addressed second. Citizen concerns may move individual elements up to an earlier remediation date. The schedule for remediation is summarized in Table 2.1, Table 2.2, and Table 2.3.

When possible, the City will look to leverage items that could be accomplished at all facilities regardless of tier or phase. For example, if the City can contract parking lot striping for all facilities that need new striping, or if signage can be bulk ordered for all facilities, then the City may move to replace all instances of one element at one time.

### Criteria for Prioritizing Parks & Recreation and Citywide Facilities

Prioritizing the removal of barriers at City facilities is an important component of developing and implementing an ADA transition plan. The following criteria were considered first in the schedule for removing barriers:

- **Citizen rights and responsibilities:** Facilities where services are provided to exercise citizen rights—participation in City Council and Commission meetings, access to elected officials, facilities where taxes are paid, permits, and licenses are obtained, etc.
- **Level of use by the public:** Facilities that have a high level of public use are a higher priority.
- **Identified complaints or requests:** Facilities that have a history of citizen complaints or requests related to accessibility can be assigned a higher priority.

After the primary criteria had been considered, secondary criteria were applied if needed to further differentiate the facilities:

- **Program uniqueness:** Some programs are unique to a building, facility, or population and cannot occur at another location.
- **Recognized user groups:** Facilities where programs that serve youth, seniors, and people with special needs are provided.
- **Recent Improvements:** Facilities with recently completed renovations were de-prioritized in favor of facilities that had not received recent upgrades.

After the facilities had been ranked according to criteria above, the City adjusted the schedule to ensure that the financial burden of improvements is distributed relatively evenly across plan years. Access to funding, such as grant opportunities that become available for a specific facility in the future, may boost the facility up in the schedule.



## **Parks & Recreation and Citywide Facility Tiers**

The prioritization effort resulted in categorization of Albany Parks & Recreation and citywide facilities into three tiers. The remediation efforts are scheduled to align with City of Albany fiscal planning periods (FP), which span 2-year increments starting and ending in July of odd number years. Remediation of barriers in Tier 1 facilities are scheduled to begin between the next fiscal year 2024-2025 and FP 2026-2027. Tier 2 facilities will be addressed between FP 2027-2029 and 2030-2031. Tier 3 facilities will be addressed between FP 2030-2031 and FP 2034-2035.

### **Tier 1 Facilities (2024-2027)**

#### Parks & Recreation

- Albany Community Pool
- Bowman Park
- Burkhart Park
- COOL! Pool
- Deerfield Park
- Eads Park
- Hackleman Park
- Henderson Park
- Lehigh Park
- Monteith Riverpark
- Riverfront Community Center
- Waverly Park

#### Citywide

- Albany Public Library (Main Branch)
- Carnegie Library
- City Hall
- City-owned Parking Lots
  - Carousel Parking (Monteith Park)
  - North Albany Park and Ride
  - Lot North of 1st Ave.
  - Lot North of Water Ave. (Monteith Park)
  - Lot South of Water Ave.
  - Lot at Two Rivers Market

### **Tier 2 Facilities (2027-2031)**

#### Parks & Recreation

- Doug Killin Friendship Park
- Draper Park
- East Thornton Lake Natural Area I
- Gibson Hill Park
- Grand Prairie Park
- Lexington Park
- Maple Lawn Preschool
- Maple Lawn Park
- Periwinkle Park
- Pineway Park
- Riverview Heights Park
- Teloh Calapooia Park

#### Citywide

- Albany Municipal Airport - S12
- Amtrak Station
- Fire Stations
  - Fire Station 11
  - Fire Station 12
  - Fire Station 13
  - Fire Station 14
- Police Headquarters

### **Tier 3 Facilities (2030-2035)**

#### Parks & Recreation

- Albany Skate Park
- Bryant Park
- Burkhart Square
- East Thornton Lake Natural Area II
- Kinder Park
- Simpson Park
- Sunrise Park
- Swanson Park
- Tadena Landing Park (leased)
- Tadena Park
- Timber Linn Memorial Park
- Willamette Community Gardens
- Paths and Trails
  - Cox Creek Path
  - Dave Clark Riverfront Path
  - Oak Creek Greenbelt
  - Periwinkle Creek Bike Path
  - Simpson Park Trail
  - Tadena Landing Trail

#### Citywide

- Talking Water Gardens
- Water Treatment Facility

Note that East Thornton Lake Natural Area is currently largely undeveloped. Changes to the site are planned to occur in two parts: Part I includes fencing, protection of historic apple trees, addition of interpretive signage, and bark mulching. Part II of the development project will add parking and a nature playground. Each new element will be installed in accordance with the accessibility standards applicable at the time of construction.

#### **Barrier Phases**

In addition to applying the prioritization criteria above to schedule barrier removal on a per-facility basis, the City also organized individual physical barriers identified at the facilities into two phases. Phase A items were selected based on those that present the greatest barriers to accessing Tier 1 facilities.

The barriers will be removed in the following order:

**Phase A Elements**

1. Parking (ex. striping, curb ramps)
2. Entrances (ex. door sizes, closure times, loose mats, and other obstructions)
3. Restrooms (ex. toilet heights, sink heights, hardware positions)
4. Customer Service access points (ex. counter heights)
5. Signage
6. Drinking Fountains (ex. height adjustments)

**Phase B Elements**

1. Site-specific elements remaining after Phase A remediation.

**Schedule for Parks & Recreation and Citywide Facilities**

The transition plan for Parks & Recreation and citywide facilities proposes an 11-year strategy for removing barriers at City facilities that limit program accessibility. The City will accomplish barrier removals in its facilities either through policy and procedure modifications to remove programmatic barriers, or maintenance and construction projects to remove structural barriers. The City will initiate maintenance and construction projects for barrier removal based on established priorities developed using the criteria described above.

The City reserves the right to modify barrier removal priorities to allow flexibility in accommodating community requests, petitions for reasonable modifications from people with disabilities, changes in City programs, and funding opportunities and constraints. The ADA Title II regulations state that if a transition plan takes more than one year to fully implement, it must contain interim steps to provide program accessibility. Because the City is working with a 5-year timeline, interim measures may be implemented to provide better access for the public pending the completion of major physical barrier removal projects. The City intends to pursue a variety of interim measures for providing interim access to programs, services and activities, including:

- Relocation of a program to an accessible facility;
- Installation of directional signs;
- Installation of a power door or lift;
- Adjustments to operating mechanisms;
- Temporary modifications that increase access; and
- Other actions that enable better access.

The Transition Plan for Parks & Recreation and citywide facilities is summarized in Tables 2.1, 2.2, 2.3, and 2.4 on the following pages. It is the City’s intent to review all barriers during the first few years of the Plan’s implementation and address those barriers that can be resolved through programmatic modifications and maintenance tasks. It is also assumed that as facility barriers are evaluated in greater detail as part of future projects and complaints, a percentage of the barriers

## Combined ADA Self-Evaluation and Transition Plan

will fall within the safe harbor provisions.<sup>1</sup> After programmatic modifications and maintenance issues are resolved, and barriers falling within safe harbor provisions are identified, the City will then update the inventory of barriers and, if applicable, revise the schedule for removal of the remaining barriers.

The transition plan phasing schedules on the following pages summarize the priorities for barrier removal at City facilities and represent a 11-year plan for barrier removal. The schedules incorporate the priorities for barrier removal in conjunction with the barrier categorizations.

---

<sup>1</sup> Facilities that are subject to safe harbor provisions under the ADA may remain in their current condition until the City plans to alter those facilities. Future accessibility improvements at these sites may be considered on a case-by-case basis. See Section 4 of this document for more discussion of safe harbor provisions.



Combined ADA Self-Evaluation and Transition Plan

**Table 2.1: Facility Phasing Schedule for City Parks & Recreation Facilities**

FACILITY	TIER	2024-2027	2027-2029	2029-2031	2031-2033	2033-2035
Albany Community Pool	1	PHASE A	PHASE B			
Albany Skatepark	3				PHASE A	PHASE B
Bowman Park	1	PHASE A	PHASE B			
Bryant Park	3				PHASE A	PHASE B
Burkhart Park	1	PHASE A	PHASE B			
Burkhart Square (leased)	3				PHASE A	PHASE B
Cool! Pool at Swanson Park	1	PHASE A	PHASE B			
Cox Creek Path	3				PHASE A	PHASE B
Dave Clark Riverfront Path	3				PHASE A	PHASE B
Deerfield Park	1	PHASE A	PHASE B			
Doug Killin Friendship Park	2		PHASE A	PHASE B		
Draper Park	2		PHASE A	PHASE B		
Eads Park	1	PHASE A	PHASE B			
East Thornton Lake Natural Area Part I	2		PHASE A	PHASE B		
East Thornton Lake Natural Area Part II	3				PHASE A	PHASE B
Eleanor Hackleman Park	1	PHASE A	PHASE B			
Gibson Hill Park	2		PHASE A	PHASE B		
Grand Prairie Park	2		PHASE A	PHASE B		
Henderson Park	1	PHASE A	PHASE B			
Kinder Park	3				PHASE A	PHASE B
Lehigh Park	1	PHASE A	PHASE B			
Lexington Park	2		PHASE A	PHASE B		
Maple Lawn Preschool	2		PHASE A	PHASE B		
Maple Lawn Park	2		PHASE A	PHASE B		

Combined ADA Self-Evaluation and Transition Plan

<b>FACILITY (continued)</b>	<b>TIER</b>	<b>2024-2027</b>	<b>2027-2029</b>	<b>2029-2031</b>	<b>2031-2033</b>	<b>2033-2035</b>
<b>Monteith Riverpark</b>	<b>1</b>	PHASE A	PHASE B			
<b>Oak Creek Greenbelt</b>	<b>3</b>				PHASE A	PHASE B
<b>Periwinkle Creek Bike Path</b>	<b>3</b>				PHASE A	PHASE B
<b>Periwinkle Park</b>	<b>2</b>		PHASE A	PHASE B		
<b>Pineway Park</b>	<b>2</b>		PHASE A	PHASE B		
<b>Riverfront Community Center</b>	<b>1</b>	PHASE A	PHASE B			
<b>Riverview Heights Park</b>	<b>2</b>		PHASE A	PHASE B		
<b>Simpson Park</b>	<b>3</b>				PHASE A	PHASE B
<b>Simpson Park Trail</b>	<b>3</b>				PHASE A	PHASE B
<b>Sunrise Park</b>	<b>3</b>				PHASE A	PHASE B
<b>Swanson Park</b>	<b>3</b>				PHASE A	PHASE B
<b>Takena Landing Park (leased)</b>	<b>3</b>				PHASE A	PHASE B
<b>Takena Landing Trail</b>	<b>3</b>				PHASE A	PHASE B
<b>Takena Park</b>	<b>3</b>				PHASE A	PHASE B
<b>Teloh Calapooia Park</b>	<b>2</b>		PHASE A	PHASE B		
<b>Timber Linn Park</b>	<b>3</b>				PHASE A	PHASE B
<b>Waverly Park</b>	<b>1</b>	PHASE A	PHASE B			
<b>Willamette Community Garden</b>	<b>3</b>				PHASE A	PHASE B

**Table 2.2: Facility Phasing Schedule for Citywide Facilities**

FACILITY	TIER	2024-2027	2027-2029	2029-2031	2031-2033	2033-2035
Albany City Hall	1	PHASE A	PHASE B			
Albany Municipal Airport-S12	2		PHASE A	PHASE B		
Albany Public Library	1	PHASE A	PHASE B			
Amtrak Station	2		PHASE A	PHASE B		
Carnegie Library	1	PHASE A	PHASE B			
Fire Station 11	2		PHASE A	PHASE B		
Fire Station 12	2		PHASE A	PHASE B		
Fire Station 13	2		PHASE A	PHASE B		
Fire Station 14	2		PHASE A	PHASE B		
Police Headquarters	2		PHASE A	PHASE B		
Talking Water Gardens	3				PHASE A	PHASE B
Water Treatment Facility	3				PHASE A	PHASE B

**Table 2.3: Facility Phasing Schedule for Parking Facilities**

FACILITY	TIER	2024-2027	2027-2029	2029-2031	2031-2033	2033-2035
Carousel Parking (Monteith Park)	1	PHASE A				
North Albany Park and Ride	1	PHASE A				
Lot North of 1st Ave.	1	PHASE A				
Lot North of Water Ave. (Monteith Park)	1	PHASE A				
Lot South of Water Ave.	1	PHASE A				
Lot at Two Rivers Market	1	PHASE A				

## 4. Plan Implementation

Title II of the ADA requires a public entity to “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.” (28 CFR 35.150) This requirement does not:

- Necessarily require a public entity to make each of its existing facilities accessible to and usable by individuals with disabilities;
- Require a public entity to take any action that would threaten or destroy the historic significance of an historic property; or
- Require a public entity to take any action that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity or impose undue financial and administrative burdens.

The City will accomplish barrier removals with two strategies: policy and procedure modifications to remove programmatic barriers to be coordinated by the City’s Disability Access Coordinator, and maintenance and construction projects to remove structural barriers to be coordinated by the Department heads over the operating areas in which the structural barriers exist.

### 4.1 Triggers for Barrier Removal

The responsibility for ensuring barrier removal will reside with the Disability Access Coordinator, or designee. Two conditions determine when barriers must be removed: to provide access to programs, activities, and services, and when a facility is altered.

#### Program Accessibility

A public entity must ensure that individuals with disabilities are not excluded from services, programs, and activities because existing buildings are inaccessible. A state or local government’s programs, when viewed in their entirety, must be readily accessible to and usable by individuals with disabilities. This standard, known as program accessibility (28 CFR 35.151(b)), applies to facilities of a public entity that existed on January 26, 1992. Public entities do not necessarily have to make each of their existing facilities accessible. They may provide program accessibility through several methods including alteration of existing facilities, acquisition or construction of additional facilities, relocation of a service or program to an accessible facility, or provision of services at alternate accessible sites.

#### Facility Alterations

The City is also required to remove physical barriers when it alters a facility. Alterations are defined in the ADA standards (§106.5) as “a change in a building or facility that affects or could affect the usability of a building or facility or portion thereof.” Many types of projects are considered alterations, including remodeling, renovation, rehabilitation, reconstruction, restoration, resurfacing of circulation paths or vehicular ways, and changes or rearrangement of structural parts, elements, or walls. Normal maintenance, reroofing, painting or wallpapering, or changes to mechanical and electrical systems are not considered alterations *unless they affect a*

*facility's usability*. For example, a project limited to an HVAC system that includes the addition of thermostats would affect a facility's usability because it involves elements (operable parts) covered by the standards.

Both the ADA under Section 35.151 (b) Alterations and the 2021 Oregon Existing Building Code (OEBC) under Section 306.7.1 Exception 4 specify that additional path of travel improvements are not required where alterations are performed solely for the purpose of barrier removal when undertaken pursuant to the requirements of the ADA.<sup>2</sup>

The standards ensure that opportunities for accessibility presented by an alteration are taken. How and to what extent the standards apply is determined by the scope of a project and the elements and spaces altered. Only those elements or spaces altered are required to comply, but alterations made to areas containing a primary function (a major activity for which a facility is intended) also require an accessible path of travel.

When altering a primary function area, the ADA requires that existing barriers in the path of travel to this area must be removed to the maximum extent that is technically feasible. Path of travel elements include, but are not limited to, restrooms, doors, telephones, drinking fountains, and the route itself. The expense for making these additional elements accessible is considered disproportionate if it exceeds 20 percent of construction costs; therefore, the additional amount an agency is required to spend on construction costs for path of travel improvements would be a maximum of 20 percent. The following is a rank-ordered list of priorities for making improvements to path of travel element:

1. An accessible entrance;
2. An accessible route to the altered area;
3. At least one accessible restroom for each gender or a single gender-neutral restroom,
4. Accessible telephones;
5. Accessible drinking fountains; and
6. When possible, additional accessible elements such as parking, storage, and alarms.

Note that in Oregon, a similar provision in the OEBC and Oregon Revised Statute (ORS) 447.241 sets the disproportionality threshold at 25% of the cost of the alteration to the primary function area. The Oregon priority list also positions parking as the first priority element, before an accessible entrance. Expenditures beyond the 20% required by the ADA may be necessary to meet both the ADA and state-level requirements.<sup>3</sup>

---

<sup>2</sup> See DOJ. State and Local Government Facilities: Guidance on the Revisions to 28 CFR 35.151 in Guidance on the 2010 ADA Standards for Accessible Design <https://www.ada.gov/regs2010>

<sup>3</sup> See [Oregon Building Codes Division Statewide Interpretation 14-01](#) for more information.

## Public Right-of-Way Alterations and New Construction

In an alteration or new construction project in the public right-of-way, the City must incorporate ADA accessibility standards to the maximum extent feasible (28 CFR 35.151(b)). As part of the Plan's implementation, the City's Public Works Department should document all design exceptions.

The ADA Title II toolkit incorporates the following guidance about sidewalks and curb ramps:

- When pre-ADA streets or sidewalks are altered, space limitations may restrict the ability to install accessible curb ramps. In these cases, the installed curb ramps must comply with the ADA to the maximum extent feasible, but there are still requirements to meet.
- In rare instances when it is technically infeasible to install a fully compliant curb ramp during alterations to pre-ADA roadways and walkways because of physical or site constraints, state and local governments must still provide accessibility to the maximum extent feasible. Before reaching a conclusion about technical infeasibility, public entities should consider the extent to which physical or site constraints can be addressed by alternative curb ramp designs. The burden of proving technical infeasibility lies with the state or local government that constructed it.
- When highways, streets, and roads are built or altered post-ADA, they must have curb ramps at certain locations: wherever there are curbs or other barriers to entry from a pedestrian walkway or sidewalk, wherever there are curbs or other barriers to entry at any designated pedestrian crosswalks that are located mid-block, wherever sidewalks or walkways intersect with highways, streets, or roads and pedestrians may legally cross the vehicular way, and at public transportation stops.
- For pre-ADA highways, streets, roads, and sidewalks that have not been altered, public entities may choose to construct curb ramps at every point where a pedestrian walkway intersects a curb, but they are not necessarily required to do so. Alternative routes to buildings may be acceptable where people with disabilities must travel only a marginally longer route than the general public.

## Roadway Alterations and Maintenance

The DOJ, in coordination with the US Department of Transportation, specifies that public agencies are required to provide curb ramps or upgrade curb ramps whenever roadways are altered. An alteration is a change that affects or could affect the usability of all or part of a building or facility (28 CFR 35.151(b)(1)). Alterations of streets, roads, or highways include activities such as reconstruction, rehabilitation, resurfacing, widening, and projects of similar scale and effect (2010 ADA Standards, 106.5). In the July 8, 2013, the *“Department of Justice/Department of Transportation Joint Technical Assistance on the Title II of the Americans with Disabilities Act Requirements to Provide Curb Ramps when Streets, Roads, or Highways are Altered through Resurfacing.”* The document further articulated maintenance activities on streets, roads, or highways, such as filling potholes, are not alterations and do not trigger barrier

## Combined ADA Self-Evaluation and Transition Plan

removal. The list below distinguishes between roadway alterations versus maintenance activities.

### **Alteration**

- Addition of new layer of asphalt
- Cape seals
- In-place asphalt recycling
- Microsurfacing and thin-lift overlay
- Mill and fill / mill and overlay
- New construction
- Open-graded surface course
- Rehabilitation and reconstruction
- Resurfacing of a crosswalk

### **Maintenance**

- Chip seals
- Crack filling and sealing
- Diamond grinding
- Dowel bar retrofit
- Fog seals
- Joint crack seals
- Joint repairs
- Pavement patching
- Painting or striping
- Scrub sealing
- Slurry seals
- Spot high-friction treatments
- Surface sealing



## 4.2 Exceptions to Barrier Removal

The City is not required to remove barriers identified within a City-owned facility as part of the transition plan:

- Where programmatic modifications can be made to provide an equivalent experience;
- Where there are nearby and available equivalent accessible features;
- Where there are no public programs or activities provided at that portion of the site; or
- When safe harbor conditions are met.

The following sections describe some specific exceptions to barrier removal requirements in further detail.

### Safe Harbor Provisions

The 2010 Standards introduced the concept of safe harbor, a new exception that allows facilities built prior to March 15, 2012, and that were in compliance with the 1991 ADA Standards to remain as-is until a public entity plans an alteration to the structural feature (28 CFR 35.150(b)(2)(i)).

*This safe harbor is not a blanket exemption for facilities. If a public entity undertakes an alteration to a primary function area, only the required elements of a path of travel to that area that already comply with the 1991 Standards are subject to the safe harbor. If a public entity undertakes an alteration to a primary function area and the required elements of a path of travel to the altered area do not comply with the 1991 Standards, then the public entity must bring those elements into compliance with the 2010 Standards (28 CFR 35.151(b)(4)(ii)(C)).*

This exception applies to elements that might otherwise have to be modified under:

- The program access requirement for public entities;
- The readily achievable barrier removal requirements for places of public accommodation; or
- The path of travel requirement for any alteration that affects the usability of a primary function area in any covered facility.

If a public entity constructed or altered required elements of a path of travel in accordance with the specifications in either the 1991 ADA Standards or the Uniform Federal Accessibility Standards before March 15, 2012, the public entity is not required to retrofit such elements to reflect incremental changes in the 2010 Standards solely because of an alteration to a primary function area served by that path of travel. The 2010 Standards also identify structural elements that do not fall under the safe harbor provision [28 CFR § 35.150(b)(2)(ii)].

## Historic Buildings and Facilities

Alterations to a qualified historic building or facility must comply with the 2010 ADA Standards.<sup>4</sup> A qualified historic property is one that is listed in or eligible for listing in the National Register of Historic Places or is designated as historic under state or local law.

Barrier removals at City historic properties should be done in full compliance with the alteration standards for other types of buildings to the maximum extent feasible. However, if following the usual standards would threaten or destroy the historic significance of a building or site feature, as determined by the State Historic Preservation Office, exceptions can apply.<sup>5</sup>

## Technical Infeasibility

It is also possible that an alteration is technically infeasible. Compliance for an alteration is not required where it is “technically infeasible.” The term is defined as “something that has little likelihood of being accomplished because existing structural conditions would require removing or altering a load-bearing member that is an essential part of the structural frame; or because other existing physical or site constraints prohibit modification or addition of elements, spaces, or features that are in full and strict compliance with the minimum requirements.”<sup>6</sup> Where technical infeasibility is encountered, compliance is still required to the maximum extent technically feasible.<sup>7</sup>

## Undue Burden

The City is not required to take any action that it can demonstrate would result in a fundamental alteration in the nature of its program or activity, would create a hazardous condition resulting in a direct threat to the participant or others, or would represent an undue financial and administrative burden (28 CFR 35.150, 28 CFR 35.164).

A determination of undue financial or administrative burden can only be made by the head of a department or his or her designee and must be accompanied by a written statement of the reasons for reaching that conclusion. The determination that undue burdens would result must be based on all resources available for use by the City. If an action would result in such an alteration or such burdens, the City must take any other action that would not result in such an alteration or such burdens but would nevertheless ensure that individuals with disabilities receive the benefits and services of the program or activity.

---

<sup>4</sup> DOJ, Title II Regulations Subpart D § 35.151(b) Alterations: ADAAG at 36 CFR part 1191; Section 4.1.7 Accessible Buildings: Historic Preservation.

<sup>5</sup> DOJ, 2010 ADA Standards for Accessible Design: §206.2.1, Ex. 1, §206.2.3, Ex. 7, §206.4, Ex. 2, and §213.2, Ex. 2.

<sup>6</sup> Access Board. “Guide to the ADA Standards – Chapter 2: Alterations and Additions” <https://www.access-board.gov/guidelines-and-standards/buildings-and-sites/about-the-ada-standards/guide-to-the-ada-standards/chapter-2-alterations-and-additions>

<sup>7</sup> DOJ. 2010 ADA Standards. 202.3 Alterations

## 5. Responsible Employee, Notice Policy, and Grievance Procedure

Title II of the ADA requires a state or local government agency that employs 50 or more people to designate at least one employee to coordinate the City's efforts to implement the plan and provide the name, office address, and telephone number of the staff responsible. Additionally, the City must establish and publish a grievance procedure (28 CFR 35.107) and provide notice to the public information on the protections against discrimination under the ADA (28 CFR 35.107).

### 5.1 Disability Access Coordinator Roles and Responsibilities

The Disability Access Coordinator is responsible for organizing and communicating the City's efforts to comply with and fulfill its responsibilities under Title II of the ADA, as well as all other applicable state and federal laws. The Disabilities Access Coordinator's responsibilities include investigating complaints that the City has engaged in any action prohibited by Title II. The City has designated an employee to fulfill these responsibilities.

### 5.2 Notice Under the Americans with Disabilities Act

Title II regulations require the City to inform the public of the rights and protections provided by the ADA for access to public programs, services, and activities. It is the obligation of the head of the public entity to determine the most effective way of providing notice to the public about their rights and the public entity's responsibilities under the ADA. Publishing and publicizing the ADA notice, such as the following, is not a one-time requirement. Public agencies should provide the information on an ongoing basis and update the information whenever necessary. The following is the City of Albany's current notice under the ADA.

#### 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 City of Albany will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

**Employment:** The City 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 City will generally, upon request with adequate notice, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the City'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 disabilities.

**Modifications to Policies and Procedures:** The City 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 City 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 City, should contact the office of the Disability Access Coordinator as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the City 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 City is not accessible to persons with disabilities should be directed to:

Eric Ikenouye, Disability Access Coordinator  
541-791-0171, [adacoordinator@cityofalbany.net](mailto:adacoordinator@cityofalbany.net)  
333 Broadalbin St SW, Albany, OR 97321

The City 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.

### **5.3 ADA Complaint and Grievance Procedure**

The following is the City of Albany's current ADA Complaint and Grievance Procedure.

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 non-employment-related services, activities, programs, or benefits by the City of Albany ("City"). Employees and applicants for employment with the City should follow the City's Personnel Policies and applicable Collective Bargaining Agreements to file employment-related complaints alleging disability discrimination.

#### **ADA Complaints**

Complaints that a program, service, or activity of the City of Albany is not accessible to persons with disabilities should be directed to Eric Ikenouye, Disability Access Coordinator, 541-791-0171, [adacoordinator@cityofalbany.net](mailto:adacoordinator@cityofalbany.net), 333 Broadalbin St SW, Albany, OR 97321

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.

#### **Grievance Procedure**

Within 15 calendar days after receipt of the complaint, the Disability Access Coordinator or designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, the Disability Access Coordinator or designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as

## Combined ADA Self-Evaluation and Transition Plan

large print, Braille, or audio tape. The response will explain the position of the City and offer options for substantive resolution of the complaint.

If the response by the Disability Access Coordinator or designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the City Manager or designee.

Within 15 calendar days after receipt of the appeal, the City Manager or designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the City Manager or designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

Timelines for responding to a complaint may be extended at any step of the process when the Disability Access Coordinator or City Manager determines that such an extension is needed to effectively investigate or resolve the complaint. Complainants will be notified of such extensions,

All written complaints received by the Disability Access Coordinator or designee, appeals to the City Manager or designee, and responses from these two offices will be retained by the City for at least five years.

*This page intentionally left blank.*

## 6. Definitions

The following is a summary of many definitions found in this document and within the ADA. Please refer to the Americans with Disabilities Act for the full text of definitions and explanations (28 CFR 35.104).

**Accessible.** A site, building, facility, or portion thereof is deemed accessible when it is approachable and usable by persons with disabilities in compliance with technical standards adopted by the relevant Administrative Authority.

**Administrative Authority.** A governmental agency that adopts or enforces regulations and guidelines for the design, construction, or alteration of buildings and facilities.

**Alteration in the Public Right-of-Way.** A change to an existing facility that affects or could affect pedestrian access, circulation, or use. Alterations include, but are not limited to, resurfacing, rehabilitation, reconstruction, historic restoration, or changes or rearrangement of structural parts or elements of a facility.

**Alternative Text.** Refers to the text equivalent for an image appearing in an online document. It is read by screen readers in place of the image so that the content and function of the image is accessible to people with visual or certain cognitive disabilities.

**Auxiliary Aids and Services.** Refers to ways to communicate with people who have communication disabilities such as blindness, vision loss, deafness, hearing loss, a combination of vision and hearing loss or speech or language disorders. The key to deciding what aid or service is needed to communicate effectively with people with disabilities and their companions is to consider the nature, length, complexity, and context of the communication as well as the person's normal method(s) of communication. Auxiliary aids and services include the use of interpreters, notetakers, readers, assistive listening systems, captioning and TTYs or the provision of alternate formats such as braille, ASCII text, large print, recorded audio and electronic formats like CDs and DVDs.

**Blended Transition.** A raised pedestrian street crossings, depressed corners, or similar connections between the pedestrian access route at the level of the sidewalk and the level of the pedestrian street crossing that have a grade of 5 percent or less.

**Clear Ground Space.** The minimum unobstructed ground space required to accommodate a single, stationary wheelchair and occupant. Clear ground space provides a location for a wheelchair user to approach and make use of an element.

**Complaint.** A complaint is a claimed violation of the ADA.

**Cross Slope.** The grade that is perpendicular to the direction of pedestrian travel. On a sidewalk, cross slope is measured perpendicular to the curb line or edge of the street or highway.

**Curb Line.** A line at the face of the curb that marks the transition between the curb and the gutter, street, or highway.

**Curb Ramp.** A ramp that cuts through or is built up to the curb. Curb ramps can be perpendicular or parallel, or a combination of parallel and perpendicular ramps.



**Disability.** The term disability means, with respect to an individual:

- A physical or mental impairment that substantially limits one or more of the major life activities of such individual;
- A record of such impairment; or
- Being regarded as having a disability or such impairment.

**Disability Access Coordinator.** The individual responsible for coordinating the efforts of the government entity to comply with Title II and investigating any complaints that the entity has violated Title II. Also known as Disability Access Manager or Accessibility Manager.

**Discrimination on the Basis of Disability.** (28 CFR 35.130) Discrimination on the basis of disability means to:

- Limit, segregate, or classify a citizen in a way that may adversely affect opportunities or status because of the person's disability;
- Limit, segregate, or classify a participant in a program or activity offered to the public in a way that may adversely affect opportunities or status because of the participant's disability;
- Participate in a contract that could subject a qualified citizen with a disability to discrimination;
- Use any standards, criteria, or methods of administration that have the effect of discriminating on the basis of disability;
- Deny equal benefits because of a disability;
- Fail to make reasonable modifications to known physical or mental limitations of an otherwise qualified individual with a disability unless it can be shown that the modification would impose an undue burden on the City's operations;
- Use selection criteria that exclude otherwise qualified people with disabilities from participating in the programs or activities offered to the public; and
- Fail to use tests, including eligibility tests, in a manner that ensures that the test results accurately reflect the qualified applicant's skills or aptitude to participate in a program or activity.

**Effective Communication.** Communication with people who have vision, hearing, and/or speech disabilities is equally effective as communication with people without disabilities.

**Element.** An architectural or mechanical component of a building, facility, space, site, or public right-of-way.

**Facility.** All or any portion of buildings, structures, improvements, elements, and pedestrian or vehicular routes located in the public right-of-way.

**Fundamental Alteration.** A modification that is so significant that it alters the essential nature of the goods, services, facilities, privileges, advantages, or accommodations offered. If a public

entity can demonstrate that the modification would fundamentally alter the nature of its service, program, or activity, it is not required to make the modification. If a public accommodation (private entity) can demonstrate that a modification would fundamentally alter the nature of the goods, services, facilities, privileges, advantages, or accommodations it provides, it is not required to make the modification.

**Grade.** The degree of inclination of a surface. Refer to Slope. In public right-of-way, grade is the slope parallel to the direction of pedestrian travel.

**Grade Break.** The line where two surface planes with different grades meet.

**Having a Record of Impairment.** An individual is disabled if he or she has a history of having an impairment that substantially limits the performance of a major life activity; or has been diagnosed, correctly or incorrectly, as having such impairment.

**International Symbol of Accessibility (ISA).** The ISA is recognized worldwide as a symbol identifying accessible elements and spaces. Standards issued under the ADA and ABA Standards reference and reproduce the ISA to ensure consistency in the designation of accessible elements and spaces. Uniform iconography promotes legibility, especially for people with low vision or cognitive disabilities. Guidance on use of the ISA under the ADA is available at <https://www.access-board.gov/files/aba/guides/ISA-guidance.pdf>

**Maintenance.** Routine or periodic repair of all pedestrian facilities to restore them to the standards to which they were originally designed and built. Maintenance does not change the original purpose, intent, or design of public sidewalks, shared-use paths, curb ramps, crosswalks, pedestrian islands, or other public walkways.

**Operable Part.** A component of an element used to insert or withdraw objects, or to activate, deactivate, or adjust the element. The technical requirements for operable parts apply to operable parts on accessible pedestrian signals and pedestrian pushbuttons and parking meters and parking pay stations that serve accessible parking spaces.

**Other Power-Driven Mobility Device (OPDMD).** Any mobility device powered by batteries, fuel, or other engines that is used by individuals with mobility disabilities for locomotion and designed to operate in areas without defined pedestrian routes.

**Path of Travel.** A path of travel is a continuous, unobstructed way of pedestrian passage by means of which a newly constructed or altered area may be approached, entered, and exited and which connects an area with an exterior approach (including sidewalks, streets, and parking areas), an entrance to the facility and other parts of a facility. An accessible path of travel may consist of walks and sidewalks, curb ramps and other interior or exterior pedestrian ramps; clear floor paths through lobbies, corridors, rooms, and other improved areas; parking access aisles; elevators and lifts; or a combination of these elements. Within the context of alterations, path of travel also includes restrooms, telephones and drinking fountains serving the altered area.

**Pedestrian Access Route.** A continuous and unobstructed path of travel provided for pedestrians with disabilities within or coinciding with a pedestrian circulation path in the public right-of-way.

**Pedestrian Circulation Path.** A prepared exterior or interior surface provided for pedestrian travel in the public right-of-way.

**Physical or Mental Impairments.** (28 CFR Appendix B, Test C) Physical or mental impairments may include, but are not limited to, vision, speech and hearing impairments; emotional disturbance and mental illness; seizure disorders; mental retardation; orthopedic and neuromotor disabilities; learning disabilities; diabetes; heart disease; nervous conditions; cancer; asthma; Hepatitis B; HIV infection (HIV condition); and drug addiction, if the addict has successfully completed or is participating in a rehabilitation program and no longer uses illegal drugs.

The following conditions are not physical or mental impairments: transvestitism; illegal drug use; homosexuality or bisexuality; compulsive gambling; kleptomania; pyromania; pedophilia; exhibitionism; voyeurism; pregnancy; height; weight; eye color; hair color; left-handedness; poverty; lack of education; a prison record; and poor judgment or quick temper, if not symptoms of a mental or physiological disorder.

**Primary Function.** A major activity for which a facility is intended. Areas that contain a primary function include, but are not limited to, the dining area of a cafeteria, the meeting rooms in a conference center, as well as offices and other work areas in which the activities of the public entity using a facility are carried out.

**Program Accessibility.** A public entity's services, programs, or activities, when viewed in their entirety, must be readily accessible to and usable by individuals with disabilities.

**Public Entity.** Any state or local government; any department, agency, special-purpose district, or other instrumentality of a state or local government.

**Public Right-of-Way.** Public land or property, usually in interconnected corridors, that is acquired for or dedicated to transportation purposes.

**Qualified Historic Facility.** A facility that is listed in or eligible for listing in the National Register of Historic Places or designated as historic under an appropriate state or local law.

**Qualified Individual with a Disability.** A qualified individual with a disability means an individual with a disability who, with or without reasonable modification 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.** (28 CFR 35.130) A public entity must modify its policies, practice, or procedures to avoid discrimination unless the modification would fundamentally alter the nature of its service, program, or activity.

**Regarded as Having a Disability.** An individual is *disabled* if she or he is treated or perceived as having an impairment that substantially limits major life activities, although no such impairment exists.

**Running Slope.** The grade that is parallel to the direction of pedestrian travel.

**Scoping.** Requirements that specify what features are required to be accessible and, where multiple features of the same type are provided, how many of the features are required to be accessible.

**Service Animal.** Service animals are dogs (and in certain circumstances, miniature horses) that are individually trained to perform tasks for people with disabilities. Examples of such work or tasks include guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting, and protecting a person who is having a seizure, reminding a person with mental illness to take prescribed medications, calming a person with Post-Traumatic Stress Disorder (PTSD) during an anxiety attack, or performing other duties. Service animals are working animals, not pets. The work or task a dog has been trained to provide must be directly related to the person's disability. Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA. Guidance on the use of the term *service animal* in the 2010 Standards has been published online at [https://www.ada.gov/service\\_animals\\_2010.htm](https://www.ada.gov/service_animals_2010.htm)

Title II regulations now include assessment factors to assist public entities in determining whether miniature horses can be accommodated as service animals in their facilities:

- Whether the miniature horse is housebroken;
- Whether the miniature horse is under the owner's control;
- Whether the facility can accommodate the miniature horse's type, size, and weight; and
- Whether the miniature horse's presence will compromise legitimate safety requirements necessary for safe operation of the facility.

**Slope.** Ground surface that forms a natural or artificial incline. Slope is typically conveyed as either a percentage or a ratio that represents the change in elevation between two points of an incline divided by the horizontal distance between the two points.

- Cross Slope: The slope that is perpendicular to the direction of travel.
- Running Slope: The slope that is parallel to the direction of travel.

**Substantial Limitations of Major Life Activities.** An individual is disabled if she or he has a physical or mental impairment that (a) renders her or him unable to perform a major life activity, or (b) substantially limits the condition, manner, or duration under which she or he can perform a particular major life activity in comparison to other people.

Major life activities are functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

In determining whether physical or mental impairment substantially limits the condition, manner, or duration under which an individual can perform a particular major life activity in comparison to other people, the following factors shall be considered:

- The nature and severity of the impairment;
- The duration or expected duration of the impairment; and
- The permanent or long-term impact (or expected impact) of or resulting from the impairment.

**Technical Standards.** Specify the design criteria for accessible features, including the specific numbers, conditions, and measurements that are required.

**Technically Infeasible.** With respect to an alteration of a building or a facility, something that has little likelihood of being accomplished because existing structural conditions would require removing or altering a load-bearing member that is an essential part of the structural frame; or because other existing physical or site constraints prohibit modification or addition of elements, spaces or features that are in full and strict compliance with the minimum requirements.

**Telecommunications Display Device (TDD).** A telecommunications display device for the deaf (TDD) is an electronic device for text communication via a telephone line, used when one or more of the parties has hearing or speech difficulties. Other names for TDD include TTY.

**Telecommunications Relay Service (TRS) or 711.** The free, nationwide telecommunications relay service, reached by calling 711, uses communications assistants who serve as intermediaries between people who have hearing or speech disabilities who use a text telephone (TTY) or text messaging and people who use standard voice telephones. The communications assistant tells the telephone user what the other party is typing and types to tell the other party what the telephone user is saying. TRS also provides speech-to-speech transliteration for callers who have speech disabilities.

**Text Telephone (TTY).** Teletypewriters or text telephones have a keyboard and a visual display for exchanging written messages over the telephone. The ADA established a free, nationwide relay network to handle voice-to-TTY and TTY-to-voice calls, which is reached by calling 711. TTY is a more general term for teletypes but is often referred to as TDD.

**Vertical Surface Discontinuities.** Vertical differences in level between two adjacent surfaces.

**Video Relay Service (VRS).** Video relay service (VRS) is a free, subscriber-based service for people who use sign language and have videophones, smart phones, or computers with video communication capabilities. For outgoing calls, the subscriber contacts the VRS interpreter, who places the call and serves as an intermediary between the subscriber and a person who uses a standard voice telephone. The interpreter tells the telephone user what the subscriber is signing and signs to the subscriber what the telephone user is saying.

**Wheeled Mobility Device.** A manually operated or power-driven device designed primarily for use by an individual with a mobility disability for the main purpose of indoor or of both indoor and outdoor locomotion. Also referred to as a manual wheelchair, a power wheelchair, or an electric scooter.

## 7. Program Accessibility Guidelines, Standards, and Resources

### 7.1 Federal, State, and Local Laws, Standards, and Ordinances

#### ***Americans with Disabilities Act (ADA) Title II Regulations***

Nondiscrimination on the Basis of Disability in State and Local Government Services.  
<https://www.ecfr.gov/current/title-28/chapter-I/part-35>

#### ***U.S. Department of Justice Civil Rights Division, Disability Rights Section***

U.S. Department of Justice Civil Rights Division, Disability Rights Section provides many free ADA materials including the Americans with Disability Act (ADA) text. Printed materials may be ordered by calling the ADA Information Line [(800) 514-0301 (Voice) or (800) 514-0383 (TTY)]. Publications are available in standard print as well as large print, audiotope, braille, and computer disk for people with disabilities. Documents, including the following publications, can also be downloaded from the Department of Justice website. <http://www.ada.gov/>

- Title II Technical Assistance Manual (1993) and Yearly Supplements.  
<http://www.ada.gov/taman2.html>
- Accessibility of State and Local Government Websites to People with Disabilities. 2003.  
<https://www.ada.gov/websites2.htm>
- ADA Best Practices Tool Kit for State and Local Governments. 2008.  
<https://www.ada.gov/pcatoolkit/abouttoolkit.htm>
- ADA Guide for Small Towns. 2000. <http://www.ada.gov/smtown.htm>
- The ADA and City Governments: Common Problems. 2000.  
<http://www.ada.gov/comprob.htm>
- ADA Requirements: Effective Communication. 2014. <https://www.ada.gov/effective-comm.htm>
- ADA Requirements: Service Animals. 2010.  
[https://www.ada.gov/service\\_animals\\_2010.htm](https://www.ada.gov/service_animals_2010.htm)
- ADA Information for Law Enforcement. 2008. <http://www.ada.gov/policeinfo.htm>
- Commonly Asked Questions About the ADA and Law Enforcement. 2006.  
[http://www.ada.gov/q&a\\_law.htm](http://www.ada.gov/q&a_law.htm)
- Communicating with People Who are Deaf or Hard of Hearing: ADA Guide for Law Enforcement Officers. 2006. <http://www.ada.gov/lawenfcomm.htm>
- Model Policy for Law Enforcement on Communicating with People Who are Deaf or Hard of Hearing. 2006. <http://www.ada.gov/lawenfmodpolicy.htm>
- Questions and Answers: The ADA and Hiring Police Officers. 1997.  
<http://www.ada.gov/copsq7a.htm>
- ADA Requirements: Wheelchairs, Mobility Aids and Other Power-Driven Mobility Devices. 2014. <https://www.ada.gov/opdmd.htm>

## Combined ADA Self-Evaluation and Transition Plan

- An ADA Guide for Local Governments: Making Community Emergency Preparedness and Response Programs Accessible to People with Disabilities. 2008.  
<https://www.ada.gov/emergencyprepguide.htm>
- Access for 9-1-1 and Telephone Emergency Services. 1998.  
<http://www.ada.gov/911ta.htm>
- The Americans with Disabilities Act and Other Federal Laws Protecting the Rights of Voters with Disabilities. 2014.  
[https://www.ada.gov/ada\\_voting/ada\\_voting\\_ta.htm](https://www.ada.gov/ada_voting/ada_voting_ta.htm)
- ADA Checklist for Polling Places. 2016.  
<https://www.ada.gov/votingchecklist.htm#toc1>

### ***U.S. Access Board***

The Access Board is an independent federal agency that promotes equality for people with disabilities through leadership in accessible design and the development of accessibility guidelines and standards. Created in 1973 to ensure access to federally funded facilities, the Board is now a leading source of information on accessible design. The Board develops and maintains design criteria for the built environment, transit vehicles, information and communication technology, and medical diagnostic equipment under the Americans with Disabilities Act of 1990 (ADA) and other laws. It also provides technical assistance and training on these requirements and on accessible design and continues to enforce accessibility standards that apply to federally funded facilities under the Architectural Barriers Act of 1968 (ABA). <https://www.access-board.gov/>

### ***State of Oregon***

The State of Oregon Department of Consumer and Business Services, Building Codes Division establishes the standards for construction through the Oregon Structural Specialty Code adopted pursuant to OAR chapter 918, division 8. As of the writing of this document, Oregon's provisions for accessibility standards for new construction are the 2022 Oregon Specialty Structural Code, Chapter 11, the ICC/ANSI A117.1-2017 Accessible and Usable Buildings and Facilities incorporated by reference, and the Oregon Transportation Commission Standards for Accessible Parking Places dated August 2018. Existing buildings fall under the 2021 Oregon Existing Building Code (OEBEC) and Oregon Revised Statute (ORS) 447.241: "Standards for renovating, altering or modifying certain buildings." Because building codes are updated every few years, the City should regularly review changes and update policies and procedures related to accessibility to ensure compliance with current code. <https://www.oregon.gov/bcd/codes-stand/pages/index.aspx>



## 7.2 Guidance Documents and Articles – Creating Accessible Documents

### **Adobe Software**

- Creating Accessible Adobe PDF Files. <https://helpx.adobe.com/acrobat/using/creating-accessible-pdfs.html>
- Create and verify PDF accessibility (Acrobat Pro). <https://helpx.adobe.com/acrobat/using/create-verify-pdf-accessibility.html>
- Accessibility by product. <https://www.adobe.com/accessibility/products.html>

### **American Council of the Blind (ACB)**

Best Practices and Guidelines for Large Print Documents used by the Low Vision Community. 2011. <http://acb.org/large-print-guidelines>

### **Braille Authority of North America and the Canadian Braille Authority**

Guidelines and Standards for Tactile Graphics (Web Version). 2012. <http://www.brailleauthority.org/tg/web-manual/tgmanual.html>

### **GSA Government-wide Section 508 Accessibility Program**

Create Accessible Electronic Documents (a compilation of federal guidance, checklists, and testing information for creating and maintaining accessible documents in various popular electronic formats, including Word, PDF, Excel, and PowerPoint). <https://www.section508.gov/create/>

### **Smithsonian Institution**

Smithsonian Guidelines for Accessible Publication Design. 2001. <https://www.si.edu/Content/Accessibility/Publication-Guidelines.pdf>

### **Social Security Administration, Accessibility Resource Center (SSA-ARC)**

SSA Guide: Producing Accessible Word and PDF Documents, Version 2.1. 2010. [https://www.ssa.gov/accessibility/files/The\\_Social\\_Security\\_Administration\\_Accessible\\_Document\\_Authoring\\_Guide\\_2.1.2.pdf](https://www.ssa.gov/accessibility/files/The_Social_Security_Administration_Accessible_Document_Authoring_Guide_2.1.2.pdf)

### **A Guide to Making Documents Accessible to People Who Are Blind or Visually Impaired. 2002.**

<http://www.sabeusa.org/wp-content/uploads/2014/02/A-Guide-to-Making-Documents-Accessible-to-People-Who-are-Blind-or-Visually-Impaired.pdf>

### **University of Washington**

Creating Accessible Documents. <https://www.washington.edu/accessibility/documents/>

### **7.3 Guidance Documents and Articles – Web Design**

#### ***National Center for Accessible Media (NCAM)***

NCAM is a research and development facility dedicated to addressing barriers to media and emerging technologies for people with disabilities in their homes, schools, workplaces, and communities. NCAM is part of the Media Access Group at Boston public broadcaster WGBH, which includes two production units, The Caption Center and Descriptive Video Service (DVS). Tools and guidelines for creating accessible digital media can be found on the NCAM website. <https://www.wgbh.org/foundation/ncam/guidelines/accessible-digital-media-guidelines>

#### ***Utah State University, Center for Persons with Disabilities, WebAIM***

WebAIM (Web Accessibility in Mind) is a non-profit organization based at the Center for Persons with Disabilities at Utah State University that has provided comprehensive web accessibility solutions since 1999. Documents and training materials, including the following publications, can be downloaded from the WebAIM website. <http://www.webaim.org/>

#### ***Web Accessibility Initiative (WAI)***

WAI develops guidelines widely regarded as the international standard for Web accessibility, support materials to help understand and implement Web accessibility, and resources, through international collaboration. The Web Content Accessibility Guidelines (WCAG) was developed with a goal of providing a single shared standard for web content accessibility that meets the needs of individuals, organizations, and governments internationally. Documents and training materials, including the following publications, can be downloaded from the WAI website. <https://www.w3.org/WAI/>

### **7.4 Guidance Documents and Articles – Signage**

#### ***APH Tactile Graphic Image Library***

American Printing House for the Blind, Inc. (APH). The website requires registration for access, and it is free. <http://www.aph.org/tgil/>

#### ***Designing for People with Partial Sight and Color Deficiencies***

Arditi, Aries. Effective Color Contrast: 2005.  
[https://pages.mtu.edu/~nilufer/classes/cs3611/interesting-stuff/designing-with-colors-1/color\\_contrast.htm](https://pages.mtu.edu/~nilufer/classes/cs3611/interesting-stuff/designing-with-colors-1/color_contrast.htm)

#### ***Signage and the 2010 ADA Standards***

Luminant Design LLC. v2.1. 2011. <http://www.luminantdesign.com/ada.html>

#### ***Signage Requirements in the 2010 Standards for Accessible Design***

Society for Experiential Graphic Design (SEGD).  
[https://segd.org/sites/default/files/SEGD\\_2012\\_ADA\\_White\\_Paper\\_Update.pdf](https://segd.org/sites/default/files/SEGD_2012_ADA_White_Paper_Update.pdf)

***U.S. Department of the Interior, National Park Service – Harpers Ferry Center Accessibility Committee***

Harpers Ferry Center (HFC) serves as the Interpretive Design Center for the National Park Service. HFC works to ensure that the highest level of accessibility that is reasonable is incorporated into all aspects of interpretive media, planning, design, and construction. This includes ensuring that all new interpretive media are provided in such a way as to be accessible to and usable by all persons with a disability. It also means all existing practices and procedures are evaluated to determine the degree to which they are currently accessible to all visitors, and modifications are made to assure conformance with applicable laws and regulations. The HFC website includes accessibility resources, guidelines and updates, Department of the Interior Section 504, photographs of best practices, and more. <http://www.nps.gov/hfc/accessibility/>

**7.5 Training Resources**

***ADA National Network***

2020. <https://adata.org/ada-training>

***Great Lakes ADA Center***

2020. <http://www.adagreatlakes.org/ProgramsAndServices/Trainings/>

***Northwest ADA Center***

2020. <http://nwadacenter.org/training>

***United States Access Board***

2020. <https://www.access-board.gov/training>

***Southeast ADA Center***

2020. <http://adasoutheast.org/training/courses.php>

***ADA Coordinator Training Certificate Program***

2020. <https://www.adacoordinator.org/default.aspx>



# MEMO

TO: Albany City Council

VIA: Peter Troedsson, City Manager *PT 4/30*  
Chris Bailey, Public Works Director *CB*

FROM: Staci Belcastro, P.E., City Engineer *SB*  
Nolan Nelson, P.E., Civil Engineer III *NN*

DATE: April 16, 2024, for the May 8, 2024, City Council Meeting

**SUBJECT:** Exemption from Competitive Bidding to Purchase a Generator for WTP-24-01, Albany-Millersburg Water Treatment Plant Generator Project

Relates to Strategic Plan theme: A Safe City; An Effective Government

## Action Requested:

Staff recommends that Council, acting as the local contract review board, approve by resolution an exemption from the competitive bidding process for the purchase of a 750 kVA Generator and related appurtenances from Cummins, Inc., through an existing interstate cooperative purchasing contract with Sourcewell, and authorize the Public Works Director to enter into a contract with Cummins, Inc. not to exceed \$297,809.43.

## Discussion:

### *Project Description*

The Albany-Millersburg Water Treatment Plant (AM-WTP) does not have standby power provisions to ensure raw water will be treated by the plant in the event of a power outage. The site is considered critical infrastructure and would be important to keep in service in the event of a disaster or emergency. Installation of a generator and related appurtenances at the plant will improve the resiliency of our drinking water production by enabling the AM-WTP to continue to treat raw water during a power outage. For site location, see Attachment 2: Vicinity Map.

### *Project Funding & Background*

In August 2021, Council approved appropriation of American Rescue Plan Act (ARPA) funding in the amount of \$1,000,000 for the purchase and installation of an emergency generator at the AM raw water intake facility, and in May 2023 Council allocated the balance of these funds to the A-M WTP Generator Project. The AM-WTP raw water intake pumps water from the Santiam River to the plant where it is treated. However, it experiences frequent power outages, reducing its ability to pump water to the plant. Construction of a generator at the raw water site should be completed by June of 2024 and will ensure that raw water can be delivered to the plant for treatment in the event of a power outage. Construction of a generator at the main plant site ensures that raw water will be treated in the event of a power outage. This project will use the remaining ARPA funds, approximately \$250,000, that were not spent on the Raw Water Generator and Water Capital funds. It is identified in the current 2024-2028 Capital Improvement Program.

Typically, equipment is purchased and provided by the general contractor, and they apply a markup on the purchase that is then passed on to the City. It is advantageous for the City to purchase the generator for this project to avoid paying the contractor mark up and minimize the impacts of the long lead time for this

[cityofalbany.net](http://cityofalbany.net)



equipment which is estimated to be over one year. The City will avoid paying the contractor markup by purchasing the generator and will see a delivery time advantage since the purchase will be made before we are under contract. Purchasing the equipment prior to bidding also protects the City should costs escalate due to current inflation rates during bidding.

Sourcewell, a local government unit and service cooperative that facilitates competitive public solicitations and contract awards in all fifty states, conducted a formal, competitive, Request for Proposals (RFP #092222) for electrical energy power generation with related parts, supplies, and services, and included cooperative purchasing language in their RFP. Sourcewell allows public entities to use the terms and conditions of their contract, pursuant to ORS Chapter 279A.220, interstate cooperative procurements, and OAR 137-046-0400 through 480. Sourcewell advertised the request for proposals in the Daily Journal of Commerce and is in compliance with federal rules, 2 CFR §§200.317-200.326, required when government agencies use federal funds for procurement. The result of the solicitation was an award of contract to Cummins, Inc.

Purchasing the generator through the cooperative purchasing agreement will provide significant time and cost savings that would not be realized if the City was to have a contractor provide the generator through a formal invitation to bid. Using this competitively bid cooperative contract will not reduce competition or give favoritism and will be in the best interest of the City.

**Budget Impact:**

The Cummins 750 kVA Generator and related appurtenances will cost \$297,809.43. This project will be funded from the American Rescue Plan Act (ARPA) (61540450-880046) and Water Capital Project Fund (61540450).

NN:SB:dm

Attachments: 2

c: Diane M. Murzynski, Contracts & Procurement Officer, NIGP-CPP, CPPO, CPPB



## RESOLUTION NO. \_\_\_\_\_

A RESOLUTION APPROVING AN EXEMPTION FROM COMPETITIVE BIDDING REQUIREMENTS; USE OF AN EXISTING INTERSTATE COOPERATIVE CONTRACT WITH SOURCEWELL AND CUMMINS, INC. TO PURCHASE A CUMMINS 750 KVA GENERATOR NOT TO EXCEED \$297,809.43; AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO ENTER INTO A CONTRACT WITH CUMMINS, INC.

WHEREAS, Sourcewell is a State of Minnesota local government unit and service cooperative that facilitates competitive public solicitations and publicly awards contracts locally and nationally for participating members to use; and

WHEREAS, Sourcewell, conducted a formal, competitive, Request for Proposals (RFP #092222) for electrical energy power generation with related parts, supplies, and services; advertised the RFP in the Daily Journal of Oregon; and awarded a contract to Cummins, Inc.; and

WHEREAS, in August 2021, Council approved appropriation of American Rescue Plan Act (ARPA) funding in the amount of \$1,000,000 for construction of a generator at the AM-WTP raw water site; and

WHEREAS, Sourcewell's contract with Cummins, Inc. allows other public entities to use the terms and conditions of their contract, pursuant to ORS Chapter 279A.220, interstate cooperative procurements, and OAR 137-046-0400 through 480; and is in compliance with federal rules, 2 CFR §§200.317-200.326; and

WHEREAS, purchasing a 750 kVA Generator and related appurtenances through the competitively bid contract between Sourcewell and Cummins, Inc. would provide significant cost and time savings, would not reduce competition, or give favoritism, and would be in the best interest of the City.

NOW, THEREFORE, BE IT RESOLVED that the Albany City Council approves an exemption from the competitive bidding process for the purchase of one 750 kVA generator and related appurtenances through an existing cooperative contract with Sourcewell and Cummins, Inc.; and

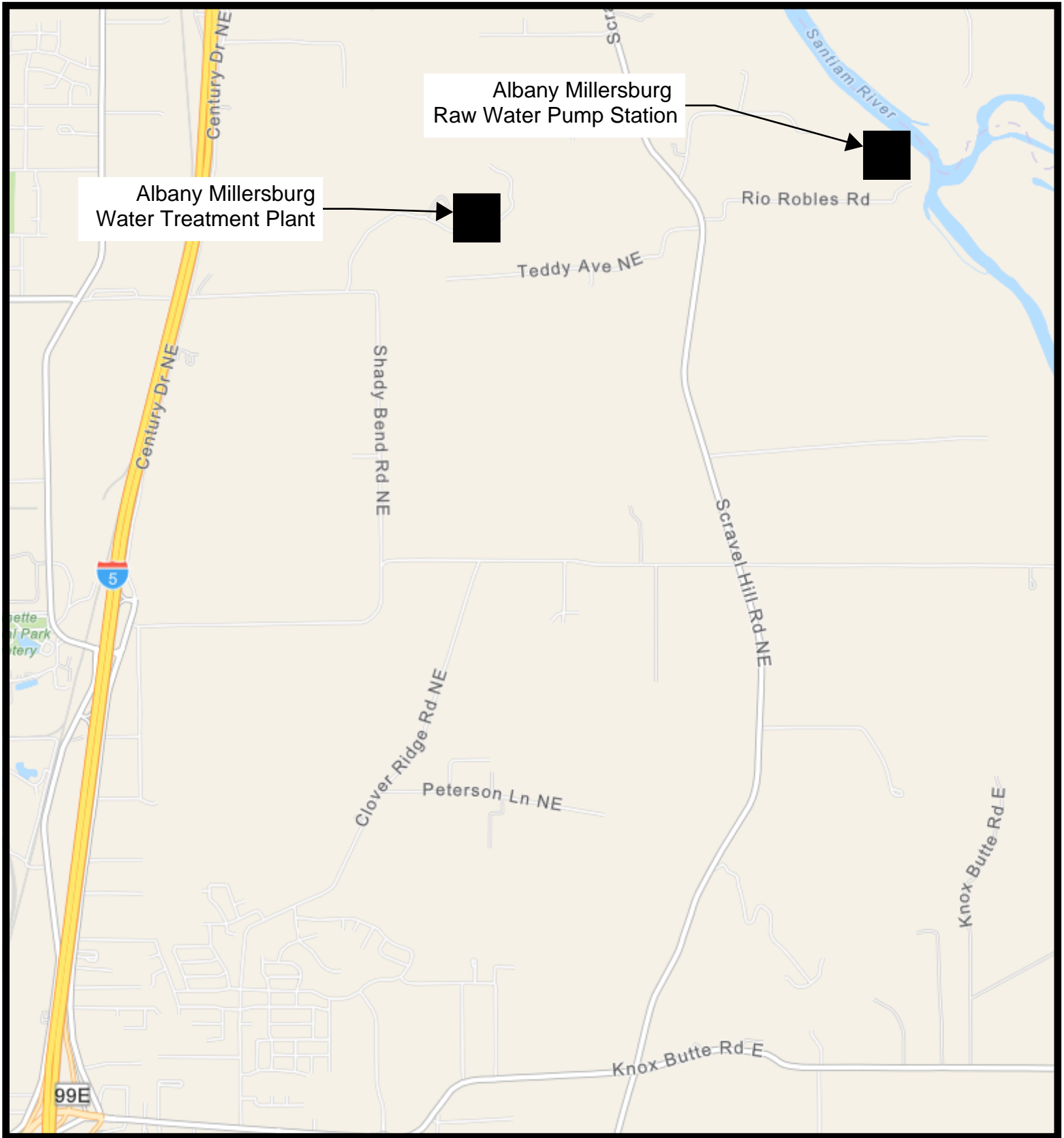
BE IT FURTHER RESOLVED that the Albany City Council authorizes the Public Works Director to enter into a contract not to exceed \$297,809.43 with Cummins, Inc. to purchase one 750 kVA generator and related appurtenances.

DATED AND EFFECTIVE THIS 8TH DAY OF MAY 2024.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk



### Attachment 2: Vicinity Map

## Albany Millersburg Water Treatment Plant & Raw Water Pump Station







# MEMO

TO: Albany City Council

VIA: Peter Troedsson, City Manager *PTA/30*  
 Chris Bailey, Public Works Director *CB*

FROM: Staci Belcastro, P.E., City Engineer *SB*  
 Carl Berg, P.E., Civil Engineer II *CB*

DATE: April 22, 2024, for the May 8, 2024, City Council Meeting

**SUBJECT:** Award of Contract for ST-23-03, Fourteenth Avenue, Clay Street, and Geary Street Overlay  
 Relates to Strategic Plan theme: Great Neighborhood

### Action Requested:

Staff recommends that Council, by motion, award this contract in the amount of \$1,968,185.00 to the low bidder, RiverBend Construction Inc. of Eugene, Oregon.

### Discussion:

On April 2, 2024, bids were opened for ST-23-03, Fourteenth Avenue, Clay Street, and Geary Street Grind and Inlay. There were five bids submitted for this project, ranging from \$1,968,185.00 to \$2,376,343.75. The Engineer's estimate was \$2,472,239.40. A bid summary is provided as Attachment 1.

#### *Project Description*

The scope of this project includes construction of an asphalt grind and overlay on approximately 8,500 linear feet of pavement. Three centrally located Arterial and Collector streets will be resurfaced including Geary Street, 14<sup>th</sup> Avenue, and Clay Street. Much of the work takes place around the Heritage Mall Shopping Center and will take place at night to avoid impacts to businesses and people who use the high traffic roads. The existing pavement is deteriorated due to age and the project will extend the pavement life and reduce maintenance costs over the long term by reducing the amount of temporary patching and other maintenance required of deteriorated pavement. Many curb ramps will also be replaced as part of this project, along with pedestrian traffic signal upgrades, to meet current Americans with Disabilities Act requirements. A Vicinity Map is included as Attachment 2.

#### *Summary of Estimated Project Costs*

Based on the project bid and anticipated related costs, a summary of the total estimated project cost is shown in the following table. Amounts are rounded to the nearest \$100.



Project Components	Estimated Cost
<b>I. Engineering Costs</b>	
a. Engineering	\$75,000
b. Construction Inspection	\$75,000
<i>Engineering Subtotal</i>	\$150,000
<b>II. Construction Costs</b>	
a. Construction Contract	\$1,968,200
b. Construction Contingency (10%)	\$197,000
c. Other Construction Costs (Survey, Testing)	\$30,000
<i>Construction Subtotal</i>	\$2,195,200
<i>Total Estimated Project Cost</i>	2,345,200
<i>Project Budget</i>	\$2,987,000
<i>Under/ (Over) Project Budget</i>	\$641,800

**Budget Impact:**

This project will be funded from the Street Capital fund (25040250).

CB:ss

Attachments (2)

- c: Kristin Preston, Operations Manager
- Robb Romeo, Transportation Manager

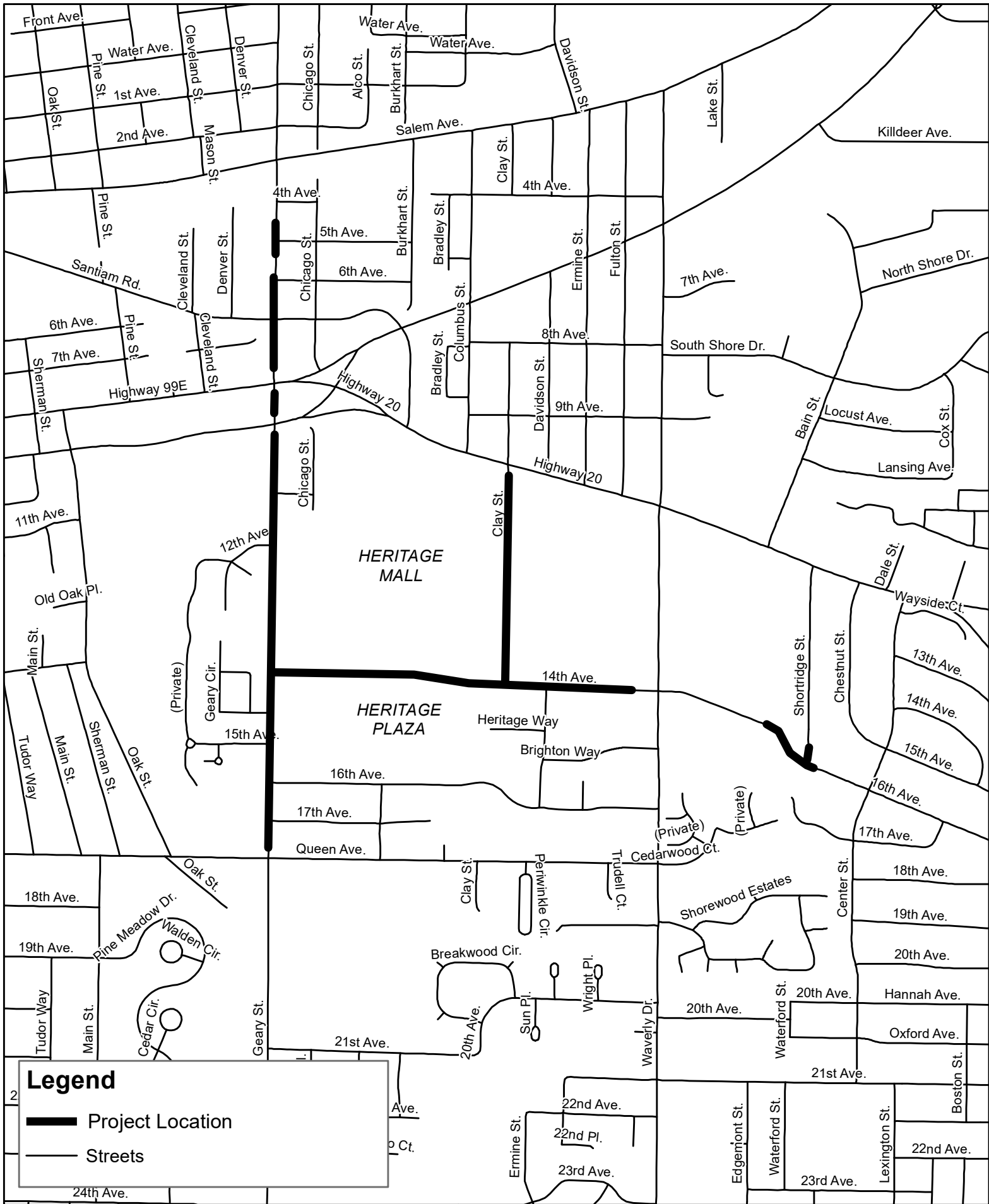


**CITY OF ALBANY, OREGON**  
**Public Works Department**  
**Construction Contract Bids**

**Project:** ST-23-03, Fourteenth Avenue, Clay Street, And Geary Street Overlay

**Bid Opening:** April 2, 2024

Engineer's Estimate	RiverBend Construction (Eugene, OR)	Roy Houck Construction, LLC (Salem, OR)	Wildish Construction Co. (Eugene, OR)	North Santiam Paving Co. (Stayton, OR)	Knife River Corp. (Tangent, OR)
\$2,472,239.40	\$1,968,185.00	\$2,009,368.50	\$2,089,202.75	\$2,225,335.45	\$2,376,343.75



## ATTACHMENT 2

ST-23-03 14th Ave, Clay St, Geary St Pavement Project  
Project Vicinity Map



# MEMO

TO: Albany City Council

VIA: Peter Troedsson, City Manager *4/30*  
Chris Bailey, Public Works Director *CB*

FROM: Staci Belcastro, P.E., City Engineer *SB*  
Andrew Monaco, Engineering Associate I *AM*

DATE: April 22, 2024, for the May 8, 2024, City Council Meeting

**SUBJECT:** Award of Contract for ST-24-04, 2024 Slurry Seal Project

## Action Requested:

Staff recommends that Council, by motion, award this contract in the amount of \$319,116.25 to the low bidder, Pave Northwest, Inc. of Marcola, OR.

## Discussion:

On April 3, 2024, bids were opened for ST-24-04, 2024 Slurry Seal Project. There were 5 bids submitted for this project, ranging from \$319,116.25 to \$394,054.24. The Engineer's estimate was \$350,000.00. A bid summary is provided as Attachment 1.

### *Project Description*

The scope of this project includes placement of slurry seal on local streets in three different neighborhoods (Schedule A in Schedule of Contract Prices). The contract also includes placement of slurry seal on five parking lots that serve parks owned and maintained by Albany Parks & Recreation (Schedule B in Schedule of Contract Prices). The contract was bid as two schedules to separate funding sources for the Public Works and Parks & Recreation Departments. Completing the work under one contract is more efficient and provides the opportunity for cost savings due to economy of scales.

Application of slurry seal is a cost-effective way to provide a new wearing surface and extend the life of asphalt. Slurry seal is generally applied to residential streets and pavement surfaces that are between 10 and 20 years old with lower traffic volumes. The streets are grouped together geographically to reduce construction costs and impacts to adjacent properties. A vicinity map showing the streets included in the project scope is provided as Attachment 2. A vicinity map showing the location of the Parks & Recreation parking lots is provided as Attachment 3.

### *Summary of Estimated Project Cost*

Based on the project bid and anticipated related costs, a summary of the total estimated project cost of ST-24-04, 2024 Slurry Seal Project is shown in the following table. Amounts are rounded to the nearest \$100.

April 22, 2024, for the May 8, 2024, City Council Meeting

Project Components	Estimated Cost
<b>I. Engineering Costs</b>	
a. Design Engineering	\$46,900
b. Construction Inspection	\$10,000
<i>Engineering Subtotal</i>	\$56,900
<b>II. Construction Costs</b>	
a. Construction Contract -Schedule A - Streets	\$274,500
a. Construction Contract Schedule B – Parking Lots	\$44,700
b. Construction Contingency (10%)	\$31,900
c. Other Construction Costs (Testing, etc.)	\$8,000
<i>Construction Subtotal</i>	\$359,100
<i>Total Estimated Project Cost</i>	\$416,000
<i>Project Budget</i>	\$470,000
<i>Under/(Over) Project Budget</i>	\$54,000

**Budget Impact:**

Improvements to streets will be funded from the Street Capital and Restoration Fund (25040250). Improvements to parking lots will be funded from Parks & Recreation Parks Maintenance Services fund (20250035-700560).

SS:AM:ss

Attachments (3)

c: Kristin Preston, Operations Manager  
 Robb Romeo, Transportation Manager  
 Jeff Babbitt, Public Works Business Manager  
 Kim Lyddane, Parks & Recreation Director  
 Rick Barnett, Parks Maintenance Manager



**CITY OF ALBANY, OREGON**  
**Public Works Department**  
**Construction Contract Bids**

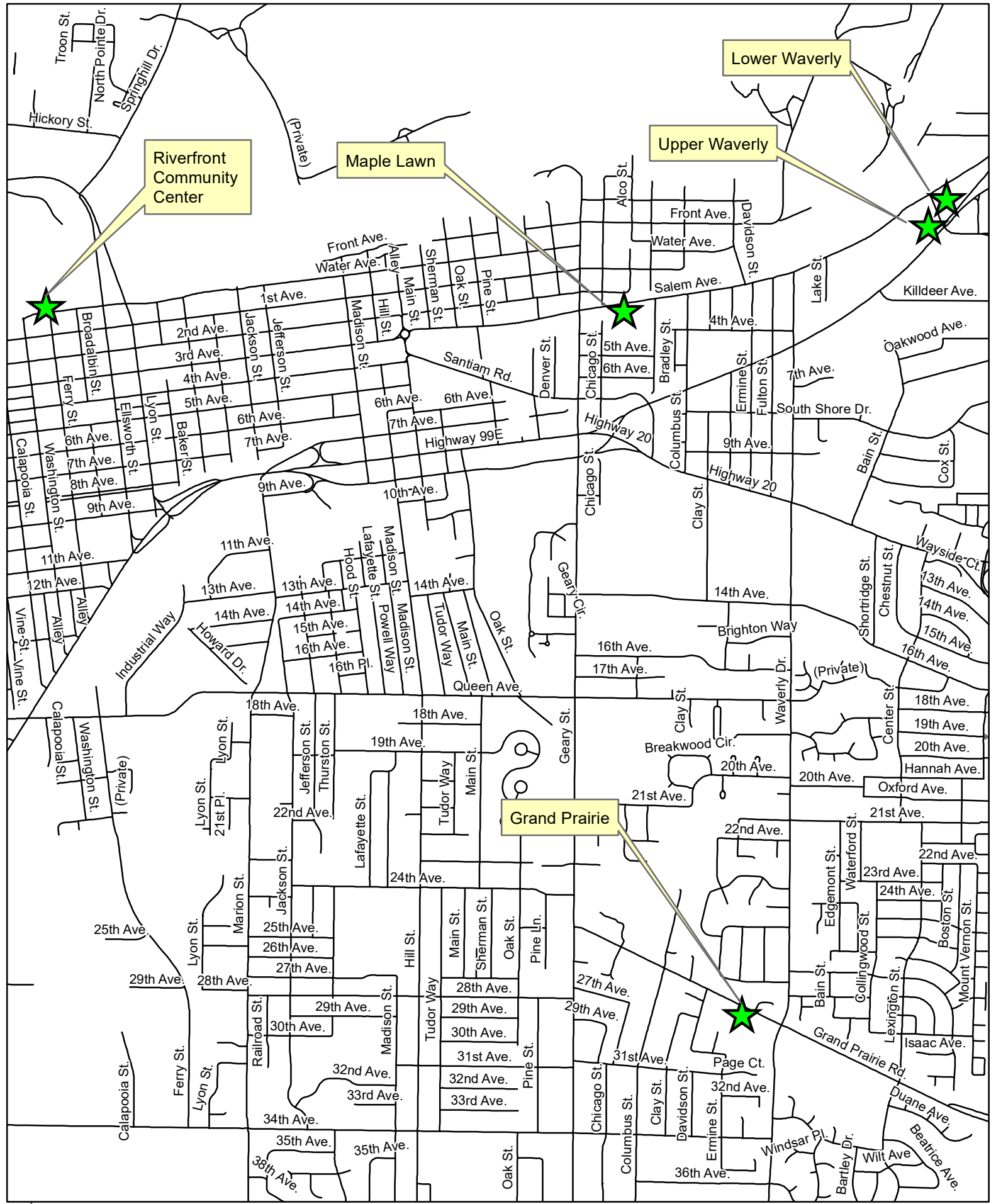
**Project:** ST-24-04, 2024 Slurry Seal Project

**Bid Opening:** April 3, 2024

Engineer's Estimate	Pave Northwest, Inc. (Marcola, OR)	Blackline Inc. (Vancouver, WA)	Doolittle Construction, LLC (Sacramento, CA)	One Way Trigger, LLC (Sacramento, CA)	VSS International, Inc. (West Sacramento, CA)
\$349,914.00	\$319,116.25	\$344,215.10	\$359,359.00	\$368,109.27	\$394,054.24

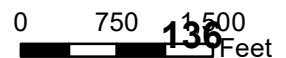






**Attachment 3**

**ST-24-04, 2024 Slurry Seal Project  
Project Vicinity Map**





# MEMO

TO: Albany City Council

VIA: Peter Troedsson, City Manager *PT*  
Chris Bailey, Public Works Director *CB*

FROM: Staci Belcastro, P.E., City Engineer *SB*  
Chris Cerklewski, P.E., Civil Engineer III *CLC*

DATE: March 14, 2024, for the May 8, 2024, City Council Meeting

**SUBJECT:** Award of Contract for SS-25-01, Cox Creek Interceptor Sewer Phase 3  
Relates to Strategic Plan theme: A Safe City

## Action Requested:

Staff recommends that Council, by motion, award this contract in the amount of \$5,976,240.00 to the low bidder, K & E Excavating, Inc. of Salem, Oregon.

## Discussion:

On Tuesday, April 9, 2024, bids were opened for SS-25-01, Cox Creek Interceptor Sewer Phase 3. There were two bids submitted for this project, ranging from \$5,976,240.00 to \$7,947,850.00. The Engineer's estimate was \$9,900,000. A bid summary is provided as Attachment 1.

### *Project Description*

This project includes construction of approximately 2,600 feet of 24-inch interceptor sewer main. This is the third phase of a multi-phased project that will replace the existing Cox Creek Interceptor sewer from Waverly Lake to North Shore Drive. The existing sewer mains are undersized and in need of replacement. Construction of the new sewer mains will increase capacity and reduce surcharging that results in unpermitted sewer overflows and will allow for continued development in the upstream sewer basins east of Interstate 5. This project also includes construction of approximately 2,300 feet of new 6-inch and 12-inch water mains that need to be replaced in advance of the sewer work. A project vicinity map is provided as Attachment 2.

### *Background and Budget Discussion*

The Cox Creek interceptor is part of the backbone of the sanitary sewer system and connects the Albany-Millersburg Water Reclamation Facility (WRF) with properties to the east extending across Interstate 5 to portions of Goldfish Farm Road. Replacing and enlarging the Cox Creek interceptor has been identified in the wastewater facility plan and the City's Capital Improvement Program (CIP) since the 1990s. The first phase of this project was constructed in the summer of 2019 and replaced the sewer pipe from the WRF to Waverly Lake. The second phase of the project was constructed in 2023 and replaced sewer pipe from Waverly Lake to Bain Street. The fourth phase of the project will replace the sewer main across the Albany Municipal Airport and Timber Linn Park east to Goldfish Farm Road. The City of Albany has recently been awarded state and federal funding to help accelerate the construction of the fourth phase.

*Summary of Total Estimated Project Cost*

Based on the project bid and anticipated related costs, a summary of the total estimated project cost is shown in the following table. The amounts have been rounded to the nearest \$100.

<b>Project Components</b>	<b>Estimated Cost</b>
<b>I. Engineering Costs</b>	
a. Engineering	\$35,000
b. Construction Inspection	\$115,000
<i>Engineering Subtotal</i>	\$150,000
<b>II. Construction Costs</b>	
a. Construction Contract	\$5,976,200
b. Contingency (10%)	\$597,600
<i>Construction Subtotal</i>	\$6,573,800
<i>Total Estimated Project Cost</i>	\$6,723,800
<i>Project Budget</i>	\$8,367,000
<i>Under/ (Over) Project Budget</i>	\$1,643,200

**Budget Impact:**

This project will be funded from the Sewer System Capital Project fund (60140350).

CLC:SB:ss

Attachments 2

- c: Kristin Preston, Operations Manager
- Craig Prosser, Wastewater Superintendent

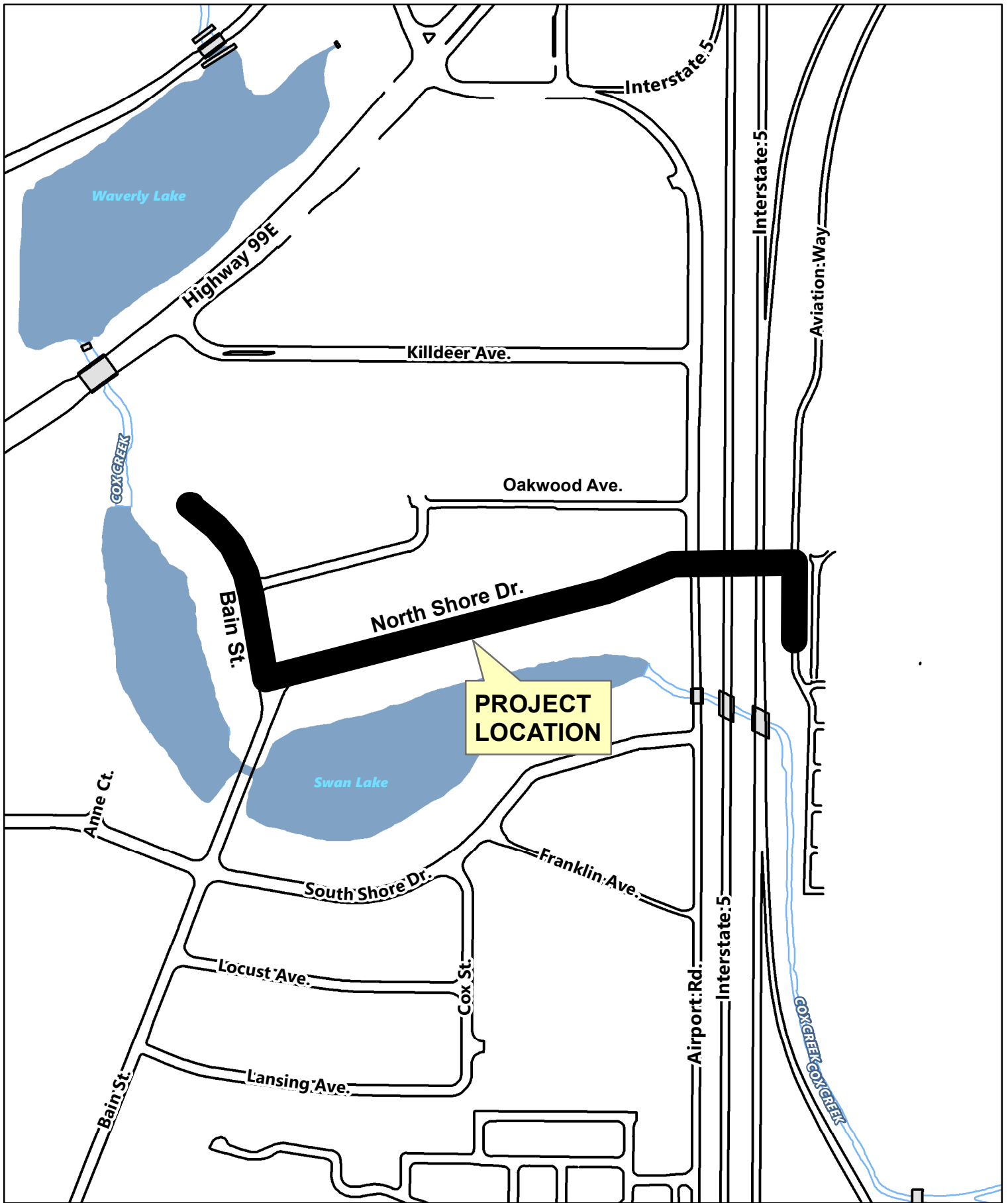


**CITY OF ALBANY, OREGON**  
**Public Works Department**  
**Construction Contract Bids**

**Project:** SS-25-01, Cox Creek Interceptor Sewer Phase 3

**Bid Opening:** Tuesday, April 9, 2024

Engineer's Estimate	K & E Excavating, Inc. (Salem, OR)	Emery & Sons Construction Group, LLC (Salem, OR)
\$9,900,000.00	\$5,976,240.00	\$7,947,850.00



**ATTACHMENT 2**  
**SS-25-01, COX CREEK INTERCEPTOR SEWER PHASE 3**





# MEMO

TO: Albany City Council  
VIA: Peter Troedsson, City Manager *4/30*  
FROM: Kinzi McIntosh, Central Services Support Specialist *KM*  
DATE: April 23, 2024, for the May 8, 2024, City Council Meeting

**SUBJECT:** Resignation from Citizen Advisory Groups  
Relates to Strategic Plan theme: An Effective Government

### Action Requested:

Council acceptance of the following resignations:

#### Budget Review Committee

- Terry Virnig (position appointed by Councilor Newton; current term expires 12/31/27)

#### Transportation Advisory Commission

- Terry Virnig (position appointed by Councilor Smith; current term expires 12/31/24)

### Discussion:

Terry Virnig has notified the City of his resignation from the Budget Review Committee and the Transportation Advisory Commission. Councilor Smith and Newton's appointment to fill this vacancy are submitted as a separate memo.

### Budget Impact:

None.

KM



# MEMO

TO: Albany City Council

VIA: Peter Troedsson, City Manager *4/30*

FROM: Kinzi McIntosh, Central Services Support Specialist *KM*

DATE: April 23, 2024, for the May 8, 2024, City Council Meeting

**SUBJECT:** Appointments to Citizen Advisory Groups  
 Relates to Strategic Plan theme: An Effective Government

**Action Requested:**

Council ratification of the following appointment:

**Budget Review Committee**

- Michael Thompson, Ward 1 (Councilor Newton’s appointment to fill a vacancy; term expires 12/31/27)

**Tourism Advisory Committee**

- Oscar Hult, Ward 1 (Councilor Novak’s appointment to fill a vacancy; term expires 12/31/24)

**Transportation Advisory Commission**

- Alex Rice, Ward 3 (Councilor Smith’s appointment to fill a vacancy; term expires 12/31/24)

**Discussion:**

Mayor and councilor appointments for any remaining vacancies on the City’s citizen advisory groups will be submitted for approval at subsequent city council meetings.

**Budget Impact:**

None.

KM

Attachments 3







# Citizen Advisory Group Application

---

**Applying To** Budget Committee

**Received** November 5, 2023

**Name** Michael Thomson

**In City Limits?** Yes (Ward 1)

---

**Are you currently employed?** No

---

**List current or most recent occupation, business, trade, or profession:**

Administrative Assistant

**Please summarize what qualifications and experience you have that would apply to this position:**

I believe in public service. In the past I have served on the City of Albany Human Relations Commission and Budget Committee. For four years, I served as a Boardmember of the Greater Albany School District.

In these positions I worked collaboratively with other members while not hesitating to offer my own viewpoint.

The Council has set forth a strategic plan which is the framework we should look to as we tackle our advisory role. Having served on the Budget Committees for the City, School District and Educational Service District, I am familiar with Oregon local budget law and process.

I currently serve as a Boardmember on the Albany Partnership for Housing & Community Development, setting policy for 140 units of low income housing.

I understand the time commitments with these volunteer roles and I would attend meetings and participate fully.

**List community/civic activities in which you are or have been active:**

Central/Takena PTA officer.  
Volunteer at Greater Albany Schools.  
Boardmember, Greater Albany Schools  
Volunteer, St. Mary's Parish  
Boardmember, Albany Partnership for Housing & Community Development  
Boardmember, Friends of Historic Albany  
City of Albany- Human Relations & Budget Committees.

**Are you a registered voter?**

Yes

**How many budget committee meetings have you attended/viewed?**

7 or more

**What is your understanding of the role of a budget committee member and what contributions do you hope to make to the committee?**

Oregons local budget law is unique. It requires local governments to have a Budget Committee made up of the elected members and citizens. They receive, review and offer the citizens a chance to give input to a budget prior to its formal adoption by the elected Board.

I follow the City Council regularly and would use the adopted strategic plan as guidance in reviewing the budget.

Albany is a growing community of over 50k. With an understanding of its past, I look to influence a future City that meets the needs of all its residents.

**What is your experience in reviewing or preparing a large-scale budget?**

I have served on the Budget Committes of the City of Albany, Greater Albany School District and the Linn-Benton-Lincoln Educational Service District.

I took the Oregon Department of Revenue training on local government budget law.

**How would you make sure that the budget aligns with the City's Strategic Plan?**

The adopted strategic plan is the guideline the elected officials have set for local government. Too often in these advisory roles I have found folks who expect every possible policy goal "on the table". That should not be the case. I would refer back to the Strategic Plan often.

**Cities face many challenges as we attempt to meet the demands of our growing communities. What role can the budget committee play in assisting the City in meeting those challenges?**

Explaining the realities of local government funding to our neighbors can be an important role the citizen members of the Budget Committee play.

**Have you reviewed the meeting schedule for this committee and can you commit to regular meeting attendance?**

Yes

**I have read and understand the following: Members receive notice of meetings via email. Agendas and communications regarding the group are sent out via email. When unable to attend in person, meetings may be attended virtually via Zoom Videoconferencing. Absenteeism or non-preparation for meetings could result in removal.**

Yes

**If there are currently no vacancies for this committee, would you like your application kept on file for the remainder of this recruitment period?**

Yes

**How did you hear about this opportunity?**

City Social Mecia



# Citizen Advisory Group Application

Applying To Tourism Advisory Committee

Received April 9, 2024

Name Oscar Hult

In City Limits? Yes (Ward 1)

Are you currently employed? Self-employed (The Natty Dresser, LLC)

List current or most recent occupation, business, trade, profession, or area of study:

Haberdasher / Owner The Natty Dresser LLC

Please summarize what qualifications and experience you have that would apply to this position:

I was the Executive Director of the Albany Downtown Association for 5 years. I have worked hand in glove with the Albany Visitors Association since about 1986 when I first moved to Albany (See the organizations that I have been involved with below). I have sat on several boards and commissions, so I know the basics of running a meeting and like to think that I contribute to getting things done, rather than just sitting in meetings. I own a destination business that draws people to Albany from as far away as Vancouver Washington, to Cottage Grove, from Redmond to Florence. I have organized and led Walking Tours of Downtown Albany, and put together the annual Albany Tweed ride which brings people to participate from as far away as Vancouver, Washington, putting heads in beds as a part of albanys National Historic Preservation Month celebration.

List community/civic activities in which you are or have been active:

- Albany Downtown Association - Volunteer, Board Member, Executive Director
- Albany Civic - Theater Board of Directors, Volunteer
- The Monteith Historical Society - Board of Directors, Volunteer
- The Albany Regional Museum - Exhibit design
- Albany Landmarks Commission - Commissioner
- River Rhythms - Sponsor
- Albany Kiwanis - Member
- Linn County Museum - Exhibit Design, Volunteer
- Thompson Mill Society - Advisor
- Brownsville City Council - Councilor

Are you currently a Transient Lodging Tax (TLT) recipient or an employee or board member of a TLT recipient or collector organization?

No

How many Tourism Advisory Committee meetings have you attended or viewed?

1-3

What is your understanding of the role of a Tourism Advisory Committee member and what contributions do you hope to make to the committee?

With nearly 40 years of experience with visitors to the Albany area, I think I can bring a realistic perspective on things that work, and things that don't.

I hope to see Albany's tourism industry grow stronger through events and promotion of our unique mix of historic buildings, destination activities (like the Carousel and museums) and Downtown's quaint shops.

Why is tourism an important part of economic development in Albany?

Tourism represents an infusion of outside money that Albany needs in order to maintain and improve our community. It gives us a great reason to promote historic preservation, and an economic reason to keep our community clean and welcoming as which has the side benefit of giving our residents a sense of pride in the city where they live and work.

- Jobs
- Infrastructure
- Historic preservation
- Quality of life

How can Albany improve its tourism industry?

Build on the events we already have in the area, the more things there are to do in the Albany area, more people will come and stay longer. Especially, when there are multiple things to do.

- Local history tours (Homes Covered bridges...)
- Unique places for shopping
- Wine tasting tours
- Exceptional dining experiences
- Concerts and local events (Art & Air, River Rhythms, Veterans Day, Tweed Ride...)

Why is Albany a good or bad place to visit?

I only look for the good...

- Unique collection of historic resources
- Clean and safe streets
- An excellent mix of local businesses
- Well organized and well run events
- Amazing local restaurants
- A beautiful and walkable downtown
- Willamette and Calapooia river front
- Conveniently located on I-5
- Surrounded by wineries and breweries
- Albany Airport
- Moderate weather - mostly
- Friendly people of Albany, and Linn County

Have you reviewed the meeting schedule for this committee and can you commit to regular meeting attendance?

Yes

I have read and understand the following: Members receive notice of meetings via email. Agendas and communications regarding the group are sent out via email. When unable to attend in person, meetings may be attended virtually via Zoom Videoconferencing. Absenteeism (excused or unexcused) or non-preparation for meetings could result in removal.

Yes

If there are currently no vacancies for this committee, would you like your application kept on file for the remainder of this recruitment period?

Yes

How did you hear about this opportunity? If social media, please specify:

I was approached by councilor Novak





# Citizen Advisory Group Application

Applying To Transportation Advisory Commission

Received April 11, 2024

Name Alexander (Alex) Rice

In City Limits? Yes (Ward 3)

Are you currently employed? No

List current or most recent occupation, business, trade, profession, or area of study:

Restoration Project Manager/ Natural Resource Management & Forestry

Please summarize what qualifications and experience you have that would apply to this position:

I have four years experience in project management working on large scale ecological restoration projects in Eastern Oregon. This involved management of large budgets and contracts. I have a background in climate change adaptation and have published on the topic in a scientific journal. I am a very avid believer in public transit and walkability/bikeability in urban design and have spent a great amount of time studying these topics independently

List community/civic activities in which you are or have been active:

I volunteered on the point in time count for 2024. I am very active with the restoration of the Cumberland Presbyterian Church to create the Cumberland Community Events and Community Center.

How many Transportation Commission meetings have you attended/viewed?

None

What is your understanding of the role of a Transportation Commission member and what contributions do you hope to make to the commission?

The advisory committee makes recommendations about transport systems, infrastructure, and planning in the city of Albany to the City Council. As a commission member I expect to discuss and make recommendations regarding road and trail maintenance as well as future planning for new development.

As a member of the commission I hope to help promote alternative modes of transportation including biking, walking, and the use of public transit to improve mobility and safety for non-motorists including the differently-abled. I hope to seek solutions which improve sustainable transportation alternatives while also respecting the needs of community members as they live, work, and go about their daily lives.

Please list any local bicycle, pedestrian, or traffic events in which you have participated:

I organized a listening session to hear out the concerns of community members over a proposal to reopen a bicycle and walking path which I had brought forth to the city council.

What do you believe are the biggest issues bicyclists, pedestrians, or drivers face in Albany?

Albany is both highly centralized and highly segmented. A number of heavily-trafficked arterial streets split the town into three to four sections. These sections are essentially islands for non-motorists who are forced to cross high traffic roads to get from one section to another. This is especially evident within the nexus of 99E and Pacific Highway, which cuts off downtown from the rest of Albany. Additionally, it can be quite difficult to move about Albany away from these arterial roads which forces pedestrians and cyclists to compete with traffic on Albany's busiest roads. There are many opportunities in Albany to "go for a walk" or "go for a bike ride" but it can be difficult to use these as legitimate forms of transportation to go about daily life. I imagine this issue is especially acute for those with mobility issues.

How can bicycle, pedestrian, or traffic safety be improved?

I think creating bicycle and pedestrian corridors could go a long way. If there were one or two well-developed north-south and east-west corridors where motorists expected to see pedestrians and cyclists and where the infrastructure was sufficiently protective mobility in Albany would be much improved. Of particular importance is creating highly visible and safe crossings on the main artery cutting off downtown from the rest of Albany as well as on Pacific Hwy where it runs roughly north-south. Strategically reducing speed limits and narrowing roadways on main arterials could also go a long way to improving driver behavior. I would also like to see true bike lanes in Albany instead of just painted shoulders. More than anything Albany simply needs more paths and sidewalks. Too many neighborhoods and streets lack sidewalks, forcing non-motorists into the street or onto busier and less safe routes.

Have you reviewed the meeting schedule for this commission and can you commit to regular meeting attendance?

Yes

I have read and understand the following: Members receive notice of meetings via email. Agendas and communications regarding the group are sent out via email. When unable to attend in person, meetings may be attended virtually via Zoom Videoconferencing. Absenteeism (excused or unexcused) or non-preparation for meetings could result in removal.

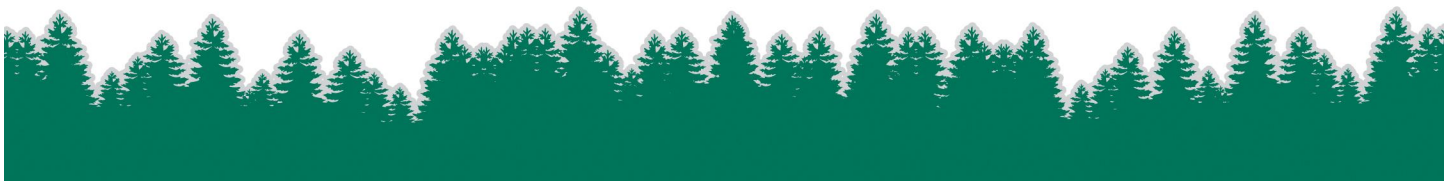
Yes

If there are currently no vacancies for this commission, would you like your application kept on file for the remainder of this recruitment period?

Yes

How did you hear about this opportunity? If social media, please specify.

City Councilor Marilyn Smith







## MINUTES

Monday, February 26, 2024

Work Session

Council Chambers, City Hall

Approved: DRAFT

### Call to Order

**4:00 p.m.**

Acting Mayor Marilyn Smith called the meeting to order at 4:00 p.m.

### Roll Call

Councilors present: Acting Mayor Marilyn Smith and Councilors Steph Newton, Matilda Novak (4:03 p.m.), Jackie Montague, Ray Kopczynski, and Ramycia McGhee

Councilors absent: Mayor Alex Johnson II (excused)

### Business from the Public

**4:00 p.m.**

None

### Mid-Period Strategic Plan Review

**4:00 p.m.**

Public Works Director/Interim Deputy City Manager Chris Bailey shared slides\* that outlined the timeline for the strategic plan. Bailey said that now was the time for minor edits to the plan and clarified that the themes in the strategic plan were originally set by council. Bailey responded to questions from Councilor Ray Kopczynski, detailing the multiple ways a project could become a goal or priority, why the city transitioned away from the International City Manager's Associations Key Performance Indicators, and the plans for how the Strategic Plan will include metrics.

Bailey shared the staff recommendations for edits to the strategic plan that were in the slides.

Acting Mayor Marilyn Smith shared her proposed changes, including sections about beautification. Councilor Steph Newton spoke about an interest in adding painted traffic intersections. Smith spoke in favor of emphasizing the work being done to address the quality of roads and Councilor Jackie Montague suggested rewording sections to focus on establishing a Pavement Condition Index (PCI) minimum for all Albany roads.

Newton suggested removing the phrase "as resources permit" from the goal about supporting cultural events and add in a numerical goal that the city would like to support annually. Bailey, Newton, Councilor Matilda Novak, and Councilor Ramycia McGhee, spoke about the goal of increasing library circulation, its origin, and how prescriptive that goal is.

City Manager Peter Troedsson, Montague, and Bailey spoke about the goal of increasing residential density in downtown, and how that goal relates to the Climate Friendly and Equitable Communities program. Troedsson suggested that a goal related to the Climate Friendly Areas be included in the next update of the strategic plan.

Newton expressed interest in creating goals regarding cycling and alternative transportation. Responding to a question from Montague, Bailey said that it is unlikely that the city would fund and



build an additional bridge across the Willamette River; however, it is important that the city maintain a strong partnership with the Albany Area Metropolitan Planning Organization (AAMPO) to make projects like the bridge feasible. Bailey and Montague discussed adding language to current goals to be inclusive of alternative transportation.

Bailey shared closing remarks including next steps.

Business from the council

**5:18 p.m.**

Kopczynski shared the experience of a constituent who said Ziply Fiber parked in their driveway for four days without permission. Troedsson recommended the constituent file a complaint with Ziply directly and Bailey asked for the constituent to contact Public Works as well.

Montague spoke about attending a recent NAACP event.

City manager report

**5:22 p.m.**

None.

ADJOURNMENT

There being no other business, the meeting was adjourned at 5:25 p.m.

Respectfully submitted,

Reviewed by,

Gabe Shepherd  
Deputy City Clerk

Peter Troedsson  
City Manager

*\*Documents discussed at the meeting that are not in the agenda packet are archived in the record. Documents from staff are posted to the website after the meeting. Documents submitted by the public are available by emailing [cityclerk@albanyoregon.gov](mailto:cityclerk@albanyoregon.gov).*



**MINUTES**

Monday, March 11, 2024  
Work Session  
Council Chambers, City Hall

**Approved: DRAFT**

Call to Order

**4:00 p.m.**

Acting Mayor Marilyn Smith called the meeting to order at 4:00 p.m.

Roll Call

Councilors present: Acting Mayor Marilyn Smith and Councilors Steph Newton, Matilda Novak, Jackie Montague, Ray Kopczynski (virtual), and Ramycia McGhee

Councilors absent: Mayor Alex Johnson II (excused)

Business from the Public

**4:00 p.m.**

None

ADA consultant update

**4:01 p.m.**

Library Director Eric Ikenouye introduced consultants Lena Roper and Darci Rudzinski from MIG who presented a slideshow\* about the proposed Americans with Disabilities Act (ADA) transition plan. Parks and Recreation Director Kim Lyddane shared progress the city has made toward achieving some of the low-cost changes identified in the plan. Roper and Ikenouye responded to clarifying questions from Councilor Jackie Montague and said that there will likely be another evaluation in three to five years to evaluate progress towards the goals in the transition plan.

Roper, responding to questions from Councilor Matilda Novak, spoke about service animals. Roper identified the questions that can be legally asked about a service animal and spoke about restrictions on service animal leashing requirements.

Responding to additional questions from Novak, Lyddane outlined how Parks and Recreation accommodates care providers on city sponsored outings and said she would find which city department uses Communication Access Realtime Translation (CART). Ikenouye spoke about coordinating with Emergency Manager/Safety Officer Chuck Perino concerning emergency evacuations.

Responding to a question from Acting Mayor Marilyn Smith, Ikenouye said that there were sadly no comments received during the comment period. Ikenouye said that the city did reach out to advocacy groups to solicit comments. Ikenouye said the plan is a living document and can be updated as feedback is received from residents.

Smith thanked city staff and the consultants for their work.

Scharpf foundation grant and endowment

**4:38 p.m.**

Lyddane spoke about the history of the water safety awareness program in Albany and about the two grants the city has been offered to operate the program in 2024. Lyddane said that the grants will be on the March 13, 2024, consent agenda for council to accept.

Local government grant program for rehabilitation of Deerfield Park

**4:39 p.m.**

Lyddane shared the history of Deerfield Park, the need for investment in the equipment at the park, and a grant opportunity that the city would like to apply for. Responding to a question from Novak, Lyddane said the current estimate is that the renovation of Deerfield Park would cost somewhere between \$1 million to \$1.3 million.

Responding to a question from Councilor Steph Newton, Lyddane said the old play structure will be recycled, though Lyddane is hoping to save the animals on the rockers for a future art project. Lyddane said the grant application will be on the March 13, 2024, consent agenda for council approval.

Intergovernmental Agreement with Oregon Youth Authority

**4:45 p.m.**

Lyddane spoke about the proposed intergovernmental agreement (IGA). Councilor Ramycia McGhee spoke in support and said the IGA is a great opportunity. Responding to a question from Montague, Lyddane said that this is the first time in at least the last four years that Albany has signed an agreement with the Oregon Youth Authority. Lyddane said the IGA will be on the consent agenda for the March 13, 2024, regular meeting.

Business from the council

**4:48 p.m.**

McGhee and Newton spoke about recent and upcoming events.

City manager report

**4:49 p.m.**

City Manager Peter Troedsson thanked Ikenouye for his work as the city's ADA coordinator.

ADJOURNMENT

There being no other business, the meeting was adjourned at 4:50 p.m.

Respectfully submitted,

Reviewed by,

Gabe Shepherd  
Deputy City Clerk

Peter Troedsson  
City Manager

*\*Documents discussed at the meeting that are not in the agenda packet are archived in the record. Documents from staff are posted to the website after the meeting. Documents submitted by the public are available by emailing [cityclerk@albanyoregon.gov](mailto:cityclerk@albanyoregon.gov).*



## MINUTES

Monday, April 8, 2024

Work Session

Council Chambers, City Hall

Approved: DRAFT

### Call to Order

**4:00 p.m.**

Mayor Alex Johnson II called the meeting to order at 4:00 p.m.

### Roll Call

Councilors present: Mayor Alex Johnson II and Councilors Steph Newton (virtual), Matilda Novak, Jackie Montague, Ray Kopczynski, Ramycia McGhee (virtual), and Marilyn Smith

Councilors absent: None

### Airport Historic Hangar Museum update

**4:00 p.m.**

Operations Manager Kristen Presten shared slides\* about the status of the Albany historic hangar and plans for its future. Keith Lohse, Executive Director of the Albany Regional Museum, spoke about his organization's vision for the historic hangar and their goal of entering into a contract to help the Aviation Museum manage finances.

Mark Baxter gave an overview of Albany's aviation history and Debbie Origer spoke about the makeup and next steps of the Aviation Museum Steering Committee, which will be developing the museum's vision, mission, and goals.

Councilors and the Mayor expressed support and excitement about the project.

Johnson II recessed the meeting from 4:25 p.m. to 4:30 p.m.

### Business from the Public

**4:30 p.m.**

Wanda Scheler said there was a need for a crosswalk at the intersection of Expo Parkway NE and Knox Butte Road E.

Kate Porsche, former Albany Economic Development Manager, and Matt Bennett were informed that they would have three minutes to speak. Porsche and Bennett said they thought they were allotted ten minutes. Porsche and Bennett spoke about Sybaris Bistro and the contributions of Sybaris and the Bennett family to Albany. They relayed a request for financial support from the City to help renovate the old train station. They referenced a packet of letters of support\* submitted to councilors via email and provided printed copies of building plans\* for the renovation.

Bob Moore asked the council to consider the Bennetts' request for financial support.

Janet Steele, President and CEO of the Albany Area Chamber of Commerce, spoke positively about Sybaris Bistro and its contributions to Albany.

Utility rate adjustments for FY 2024-2025

**4:40 p.m.**

Public Works Director/Interim Deputy City Manager Chris Bailey presented slides\* about the proposed 2024-2025 utility rate adjustment.

Councilor Matilda Novak expressed concerns about the increasing cost of labor and new regulations.

Bailey gave the following responses to questions from councilors:

- Taking on debt is not the city's first choice. However, there are some projects that the city cannot fund up front. Bailey also said there is not a way to reduce the debt the city currently has, other than paying it off. *(Novak)*
- There may be technology that would allow for the trenchless installation of stormwater pipes, like the technology for sewer pipes, though the City has not investigated that possibility. *(Montague)*
- The City of Albany does not currently charge the maximum allowable System Development charges. Bailey said she can bring information back to the council about the difference between what the City currently charges and the maximum allowable charge. *(Newton)*
- Bailey said she can bring back a report about the utilization of the utility fee low-income assistance program. *(Johnson II)*
- The utility fee low-income assistance program currently has adequate funding to cover those who are enrolled. Bailey said that, if the funding is ever inadequate to cover the program's subscribers, staff will inform the council. *(Newton)*
- The City recently changed the qualification requirements so that applicants only need to meet an income threshold. *(McGhee)*

Economic Development overview

**5:34 p.m.**

Economic Development Manager Sophie Adams, and Economic Development Program Coordinator Jennifer Wehr shared slides\* detailing some of the current work of the Economic Development Department. Councilor Steph Newton expressed interest in an Albany business registry, saying she would like to discuss the item at a future council meeting.

Transportation Advisory Commission recommendation: potential rectangular rapid flashing beacon locations

**5:57 p.m.**

Transportation Systems Analyst Ron Irish gave an overview of rectangular rapid flashing beacons (RRFBs) and the council-requested recommendations from the Transportation Advisory Commission (TrAC) about where to put RRFBs. Irish said the council has not directed any funding towards crossing improvements, and the only crossing improvements that have been built in recent years have been funded by grants or through other similar opportunities.

Responding to a question from Councilor Ray Kopczynski, Irish said that the location on Knox Butte Road E that Scheler mentioned is identified as a place for a traffic signal, not a RRFB crossing.

Councilor Marilyn Smith said she would like the pedestrian crossing at Waverly and Del Rio to be prioritized since Deerfield Park is being redeveloped.

Irish responded to questions from Councilor Jackie Montague, saying the City's new Americans with Disabilities Act (ADA) plan did not examine where new pedestrian crossings should be. He said it is possible for RRFBs to be relocated if they are no longer needed at their first location.

Business from the council

**6:13 p.m.**

Montague said it looks as though the City had promised to give Bennett ten minutes to talk about his project but changed that arrangement without informing him. Montague requested that, if Bennett wished, he be granted ten minutes at a future meeting. Montague said there needs to be a long-term city program to keep Albany's historic downtown buildings in good order.

Montague expressed concerns about language in Ordinance No. 6039, passed at the March 27, 2024, meeting. That ordinance listed as a permit requirement that "the proposed activity or use does not include elements that are unlawful in federal court". Montague sent the City Clerks a constituent's email\* about this concern for the record. City Manager Peter Troedsson said he would return with information on how the council could remove that language.

Novak said the City needs to find a way to help Bennett's project and support Sybaris. Novak said she expected Bennett to be allotted ten minutes.

Newton requested a detailed listing of the estimated costs and revenues associated with the new red light camera program. Responding to a question from Newton, Deputy City Clerk Gabe Shepherd gave an overview of how council-related documents enter the record.

Johnson II said he had offered Bennett ten minutes at a previous council meeting, but Bennett chose to use only three. Johnson II said he had not offered Bennett ten minutes at this meeting.

City Manager report

**6:27 p.m.**

Troedsson apologized for the confusion about the length of time allotted to Bennett. Troedsson said that the City Attorney will speak at Wednesday's regular meeting about the liability of gifting public funds and how a grant program could be created.

ADJOURNMENT

There being no other business, the meeting was adjourned at 6:31 p.m.

Respectfully submitted,

Reviewed by,

Gabe Shepherd  
Deputy City Clerk

Peter Troedsson  
City Manager

*\*Documents discussed at the meeting that are not in the agenda packet are archived in the record. Documents from staff are posted to the website after the meeting. Documents submitted by the public are available by emailing [cityclerk@albanyoregon.gov](mailto:cityclerk@albanyoregon.gov).*



## MINUTES

Wednesday, April 10, 2024

Meeting

Council Chambers, City Hall

Approved: DRAFT

### Call to Order and Pledge of Allegiance

Mayor Alex Johnson II called the meeting to order at 6:00 p.m. The mayor led the pledge of allegiance.

### Roll Call

Councilors present: Mayor Alex Johnson II and Councilors Matilda Novak, Steph Newton, Ray Kopczynski, Jackie Montague, Marilyn Smith, and Ramycia McGhee (virtual)

Councilors absent: None

### Special Presentation

#### a. Tree City USA Award

Parks and Recreation Department Director Kim Lyddane introduced Natural Resources Specialist Jay Sharpe. The City has won Tree City designation every year for 30 years.

#### b. Volunteer Appreciation Awards

Lyddane presented volunteer awards to Monica Weber and Cass Templeton for their work raising funds for the therapeutic spa at the City pool at South Albany High School. Tom Cope and Julie Hadley were also recognized but were not present.

Lyddane also presented awards to Adopt-A-Park program volunteers Jill Van Buren and Chuck Poirier.

### Business from the Public

**6:10 p.m.**

Ben Atchley, the pastor at Eastside Christian Church, handed out information\* and talked about activities celebrating National Day of Prayer.

Brad Dennis asked a number of questions about the new red-light cameras.

Lisa Grato, executive director of the Albany Downtown Association, gave an update on activities downtown.

Sean Lane expressed concern about language in proposed changes to the Albany Municipal Code barring activities that are "unlawful in federal court."

### Adoption of Consent Agenda

**6:23 p.m.**

#### a. Approval of minutes

1) March 27, 2024, city council meeting

#### b. Recommendations to OLCC

1) Approve new, full on-premises commercial caterer liquor license application for Grazing Oregon Charcuteries

- c. Adoption of resolutions
  - 1) Accept 2024-2025 State Historic Preservation Office grant RES NO. 7311
  - 2) Accept Fiscal Year 2023-2024 energy efficiency and conservation grant RES NO. 7312
- d. Approval of agreements
  - 1) Intergovernmental agreement with Lane Community College RES NO. 7313

MOTION: Councilor Jackie Montague moved to adopt the consent agenda as presented. Councilor Steph Newton seconded the motion, and it passed 6-0.

Business from the Council

**6:23 p.m.**

Councilor Matilda Novak read a letter\* from a constituent about the Gibson Hill Road subdivision.

Councilor Ramycia McGhee said councilors asked a lot of questions at the March 27, 2024, meeting that, along with the answers given, were not in the minutes for the meeting. City Clerk Allison Liesse said minutes are not a transcript of a meeting. Staff are aware of the questions raised at meetings and what answers are due to the council and respond as needed. City Manager Peter Troedsson said complete video of all meetings is available for those who want more information than is given in the minutes.

MOTION: Montague moved to consider amending Ordinance No. 6039 by removing the sentence forbidding activities "unlawful in federal court." Newton seconded the motion. City Attorney Sean Kidd said the language doesn't matter legally one way or another. Councilor Marilyn Smith said the sentence is inaccurate and sloppy language and should be removed.

VOTE: the council voted 6-0 to amend Ordinance 6039.

There was an amending ordinance on the dais. Kidd read the ordinance for the first time in title only.

MOTION: Montague moved to have the ordinance read a second time in title only. Smith seconded the motion, and it passed 6-0.

Kidd read the ordinance a second time in title only.

MOTION: Montague moved to adopt the ordinance amending Ordinance 6039. Councilor Ray Kopczynski seconded the motion. The motion passed 6-0 and was designated Ordinance No. 6040.

Montague asked when the City expects to have a solution to the water billing issues. Troedsson said billing will switch completely to the new system at the end of April and should run smoothly after that.

Newton asked several questions to clarify the special event permit fees related to security.

Montague expressed concern that the expense of security could discourage event sponsors.

City Manager Report

**7:02 p.m.**

Troedsson said in reference to Dennis's questions that the purpose of the new red-light cameras is to change behavior, not to raise funds. The program will cost money. If anything is left after expenses, it will be used for traffic safety improvements. Novak asked how many people have been hurt in traffic accidents in front of the schools on North Albany Road. Harnden said she will find out.



Kidd talked about the liability involved in the council giving public money to private parties without an official program and criteria for making decisions.

Troedsson said Albany has a lot of properties that are worthy of preservation, and the City has limited resources that are not being replenished. The Economic Development fund is one-time money, and the City's Economic Opportunities Analysis said we should focus on industry.

Newton recalled that she asked at a previous meeting for details of Economic Development fund spending so far. Troedsson said Finance Director Jeanna Yeager and Economic Development Manager Sophie Adams are working on the information.

Troedsson reminded the council that the April 22 work session has been canceled.

Next Meeting Dates

~~Monday, April 22, 2024; 4:00 p.m. work session~~ **Cancelled**

~~Wednesday, April 24, 2024; 6:00 p.m. meeting~~ **Cancelled**

ADJOURNMENT

There being no other business, the meeting was adjourned at 7:19 p.m.

Respectfully submitted,

Reviewed by,

Allison Liesse  
City Clerk

Peter Troedsson  
City Manager

*Documents discussed at the meeting that are not in the agenda packet are archived in the record. Documents from staff are posted to the website after the meeting. Documents submitted by the public are available by emailing [cityclerk@albanyoregon.org](mailto:cityclerk@albanyoregon.org).*



# MEMO



TO: Albany City Council

VIA: Peter Troedsson, City Manager

*BA/30*

FROM: Marcia Harnden, Chief of Police

*W*

DATE: April 18, 2024, for the May 8, 2024, City Council Meeting

**SUBJECT:** Change of Ownership, Full-On Premises, Commercial, Liquor License Application for Elmer's Restaurants, Inc., DBA Elmer's Breakfast Lunch Dinner, Located at 2802 Santiam Highway SE.

**Action Requested:**

I recommend the change of ownership, full-on premises, commercial, liquor license application for Elmer's Restaurants, Inc., DBA Elmer's Breakfast Lunch Dinner, located at 2802 Santiam Highway SE, be approved.

**Discussion:**

Elmer's Restaurants, Inc., DBA Elmer's Breakfast Lunch Dinner, has applied for a change of ownership, full-on premises, commercial, liquor license. Based on a background and criminal history investigation through Albany Police Department records, the applicant has no criminal record.

**Budget Impact:**

None.

MH:rj

Sp





RESOLUTION NO. \_\_\_\_\_

A RESOLUTION AUTHORIZING THE CITY OF ALBANY TO PARTICIPATE IN A REGIONAL GRANT APPLICATION FOR FUNDING FROM THE UNITED STATES DEPARTMENT OF TRANSPORTATION AND A COMMITMENT TO PROVIDE THE REQUIRED LOCAL MATCH.

WHEREAS, The United States Department of Transportation has a Safe Streets and Roads for All grant program which provides planning and implementation grant funds for projects that reduce preventable deaths and injuries on the nation’s roadways; and

WHEREAS, local jurisdictions including the Cascades West Council of Governments and the City of Albany are eligible applicants for these grant funds; and

WHEREAS, the Cascades West Council of Government intends to submit an application for a planning grant under the Safe Streets and Roads for All program to develop an Action Plan as required by the federal program for the Linn County region, and to manage the planning project if the grant is awarded; and

WHEREAS, development of an approved Action Plan is required in order to apply for future project implementation grants to fund safety improvements on our roadways under this grant program; and

WHEREAS, a twenty percent match from non-federal funds is required for the Safe Streets and Roads for All grant; and

WHEREAS, the City of Albany’s proportionate share of the match requirement will not exceed \$37,000; and

WHEREAS, projects identified in the Action Plan for the City of Albany will be incorporated into the city’s Transportation System Plan in order to improve the safety of our transportation system and reduce deaths and serious injuries on our roadways.

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that the City of Albany approves and endorses the city’s participation in the submittal of a grant application by the Cascades West Council of Governments to the federal Safe Streets and Roads for All grant program for the purposes of developing a regional Action Plan.

BE IT FURTHER RESOLVED that the City of Albany approves a local match of \$37,000.

DATED THIS 8TH DAY OF MAY 2024.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk



RESOLUTION NO. \_\_\_\_\_

---

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Eyecare Associates Albany Building LLC

Purpose

A 15-foot-wide access easement to provide City access to the Albany-Santiam Canal, as part of SP-18-23, Eyecare Associates Office Building east of 2125 Pacific Boulevard SW

11S04W13AA03309

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this easement.

DATED AND EFFECTIVE THIS 8TH DAY OF MAY 2024.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

## ACCESS EASEMENT

THIS AGREEMENT, made and entered into this 12 day of April, 2024, by and between Eyecare Associates Albany Building LLC, hereinafter called Grantor, and the CITY OF ALBANY, a Municipal Corporation, herein called "City."

### WITNESSETH:

That for and in consideration of the total compensation to be paid by the City, the grantor has this day bargained and sold and by these presents does bargain, sell, convey, and transfer unto the City of Albany, an easement and right-of-way, including the right to enter upon the real property hereinafter described, and to maintain and repair the access for the purpose of providing access to the Albany-Santiam canal and property over, across, through, and under the lands hereinafter described, together with the right to excavate and refill ditches and/or trenches for the location of the said access and the further right to remove trees, bushes, under-growth, and other obstructions interfering with the location and maintenance of the said access.

This agreement is subject to the following terms and conditions:

1. The right-of-way hereby granted consists of:  
See legal description on attached Exhibit A and maps on attached Exhibit B and Exhibit C.
2. The permanent easement described herein grants to the City, and to its successors, assigns, authorized agents, or contractors, the perpetual right to enter upon said easement at any time that it may see fit, for construction, maintenance, evaluation and/or repair purposes.
3. The easement granted is in consideration of \$1.00, receipt of which is acknowledged by the Grantor, and in further consideration of the public improvements to be placed upon said property and the benefits grantors may obtain therefrom.
4. The Grantor does hereby covenant with the City that they are lawfully seized and possessed of the real property above-described and that they have a good and lawful right to convey it or any part thereof and that they will forever warrant and defend the title thereto against the lawful claims of all persons whomsoever.
5. Upon performing any maintenance, the City shall return the site to original or better condition.
6. No permanent structure shall be constructed on this easement.

IN WITNESS WHEREOF, the Grantor has hereunto fixed their hand and seal the day and year written below.

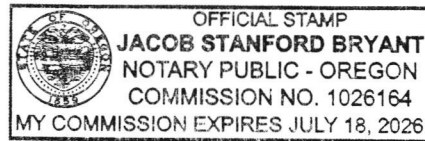
Steven P Freeburg  
Steven P Freeburg  
*member*  
Member of Eyecare Associates Albany Building LLC

STATE OF OREGON  
County of Linn

The instrument was acknowledged before me this 10<sup>th</sup> day  
of April, 2024 by  
Steven P Freeburg, member, on behalf of Eyecare Associates  
Albany Building LLC.



J Bryant  
Notary Public for Oregon  
My Commission Expires: 7/18/26



**CITY OF ALBANY:**

STATE OF OREGON            )  
County of Linn            ) ss.  
City of Albany            )

I, Peter Troedsson, as City Manager of the City of Albany, Oregon, pursuant to Resolution Number \_\_\_\_\_, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this \_\_\_\_\_ day of \_\_\_\_\_ 2023.

\_\_\_\_\_  
City Manager

ATTEST:

\_\_\_\_\_  
City Clerk

Canal Access Easement  
Legal Description  
Exhibit "A"

An area of land located in the Northeast 1/4 of the Northeast 1/4 of Section 13, Township 11 South, Range 4 West of the Willamette Meridian in Linn County and being more specifically described as follows:

Beginning at a point along the Westerly line of the land described in Linn County Deed No. 2022-19981 that bears South 00°22'40" West 8.00 feet from the Northwest corner of said land; thence South 00°22'40" West 15.00 feet; thence South 89°32'16" East 237.74 feet to the Westerly right-of-way of the Albany Santiam Canal; thence Northerly along said right-of-way North 07°01'02" West 15.13 feet; thence leaving said right-of way North 89°32'16" West 235.79 feet to the point of beginning.

The above-described area contains 3551 square feet (0.08 acres). See exhibit "B" for a map of the described area.



Udell Engineering & Land Surveying, LLC  
63 East Ash Street, Lebanon, OR 97355  
Ph: 541-451-5125 • Fax: 541-451-1366

TAX MAP: 11S-04W-12DD  
TAX LOT: 3400

NORTHWEST CORNER OF LINN  
COUNTY DEED NO. 2022-19981

TAX MAP: 11S-04W-12DD  
TAX LOT: 3402

S0°22'40"W 8.00'

S0°22'40"W 15.00'

N89°32'16"W 235.79'

POINT OF BEGINNING

S89°32'16"E 237.74'

CANAL ACCESS EASEMENT

N7°01'02"W 15.13'

TAX MAP: 11S-04W-13AA  
TAX LOT: 3302

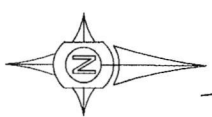
LINN COUNTY DEED NO. 2022-19981  
OWNER: EYECARE ASSOCIATES  
ALBANY BUILDING LLC  
TAX MAP: 11S-04W-13AA  
TAX LOT: 3309

TAX MAP: 11S-04W-13AA  
TAX LOT: 3304

ALBANY SANTIAM  
CANAL (50' R/W)

LEGEND  
R/W NO. BOULEVARD  
RIGHT OF WAY NUMBER BOULEVARD

SCALE:  
0' 40'



SHEET 1  
of 1

Date 9/13/2023  
Project # 23-021  
Drawn: NDJ  
Checked: BSV

EXHIBIT "B"  
EYECARE ASSOCIATES ALBANY  
BUILDING LLC  
CANAL ACCESS EASEMENT  
11S-04W-13AA 3309

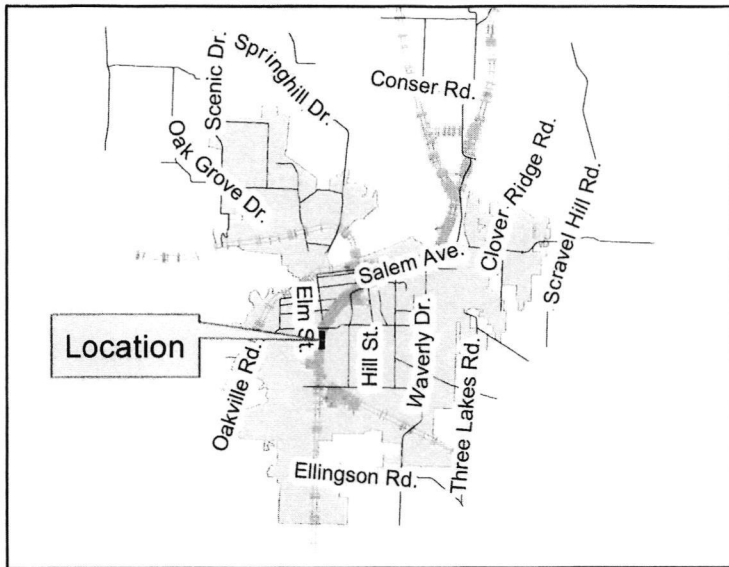
UDELL ENGINEERING &  
LAND SURVEYING, LLC  
63 EAST ASH ST.  
LEBANON, OREGON,  
97355 541-451-5125



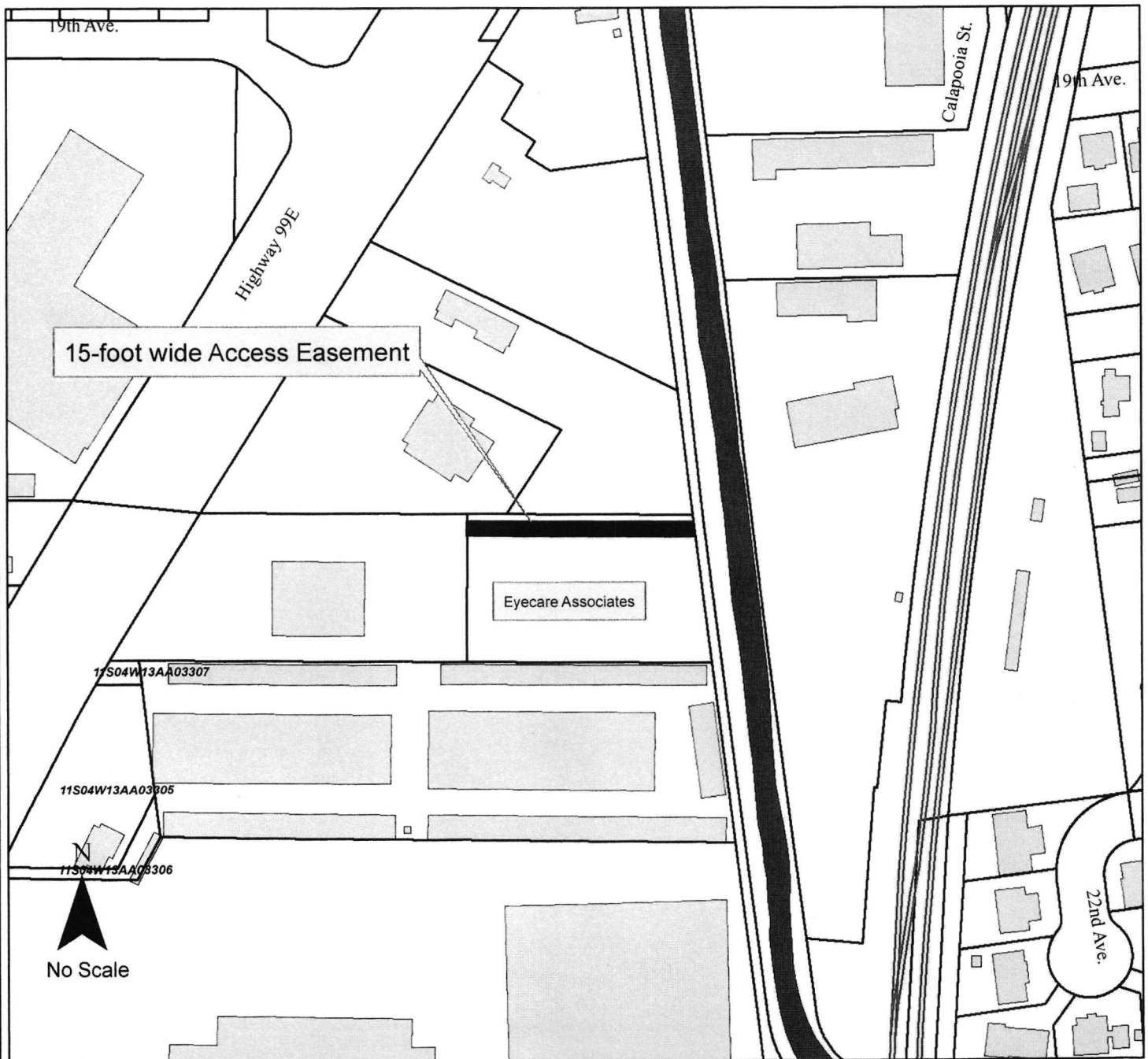
# EXHIBIT C

11S04W13AA03309

A 15 foot wide Access Easement  
as part of Eyecare Associates  
development, SP-18-23



Geographic Information Services





RESOLUTION NO. \_\_\_\_\_

---

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Eyecare Associates Albany Building LLC

Purpose

A variable width emergency access easement, as part of SP-18-23, Eyecare Associates Office Building east of 2125 Pacific Boulevard SW

11S04W13AA03309

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this easement.

DATED AND EFFECTIVE THIS 8TH DAY OF MAY 2024.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

## EMERGENCY ACCESS EASEMENT

THIS AGREEMENT, made and entered into this 10 day of April, 2024, by and between Eyecare Associates Albany Building LLC, hereinafter called Grantor, and the CITY OF ALBANY, a Municipal Corporation, herein called "City."

### WITNESSETH:

That for and in consideration of the total compensation to be paid by the City, the grantor has this day bargained and sold and by these presents does bargain, sell, convey, and transfer unto the City of Albany, an easement and right-of-way, including the right to enter upon the real property hereinafter described, and to maintain and repair the access for the purpose of providing an emergency access to the Eyecare Associates property over, across, through, and under the lands hereinafter described, together with the right to excavate and refill ditches and/or trenches for the location of the said access and the further right to remove trees, bushes, under-growth, and other obstructions interfering with the location and maintenance of the said access.

This agreement is subject to the following terms and conditions:

1. The right-of-way hereby granted consists of:  
  
See legal description on attached Exhibit A and maps on attached Exhibit B and Exhibit C.
2. The permanent easement described herein grants to the City, and to its successors, assigns, authorized agents, or contractors, the perpetual right to enter upon said easement at any time that it may see fit, for construction, maintenance, evaluation and/or repair purposes.
3. The easement granted is in consideration of \$1.00, receipt of which is acknowledged by the Grantor, and in further consideration of the public improvements to be placed upon said property and the benefits grantors may obtain therefrom.
4. The Grantor does hereby covenant with the City that they are lawfully seized and possessed of the real property above-described and that they have a good and lawful right to convey it or any part thereof and that they will forever warrant and defend the title thereto against the lawful claims of all persons whomsoever.
5. Upon performing any maintenance, the City shall return the site to original or better condition.
6. No permanent structure shall be constructed on this easement.

IN WITNESS WHEREOF, the Grantor has hereunto fixed their hand and seal the day and year written below.

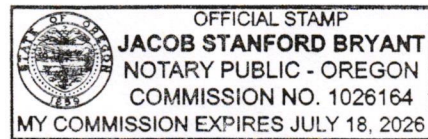
Steven P Freeburg  
Steven P Freeburg  
member  
Member of Eyecare Associates Albany Building LLC

STATE OF OREGON  
County of Linn

The instrument was acknowledged before me this 10<sup>th</sup> day  
of April, 2024 by  
Steven P Freeburg, member, on behalf of Eyecare Associates  
Albany Building LLC.



Jacob Stanford Bryant  
Notary Public for Oregon  
My Commission Expires: 7/18/26



**CITY OF ALBANY:**

STATE OF OREGON            )  
County of Linn            ) ss.  
City of Albany            )

I, Peter Troedsson, as City Manager of the City of Albany, Oregon, pursuant to Resolution Number \_\_\_\_\_, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this \_\_\_\_\_ day of \_\_\_\_\_ 2023.

\_\_\_\_\_  
City Manager

ATTEST:

\_\_\_\_\_  
City Clerk



Emergency Access Easement  
Legal Description  
Exhibit "A"

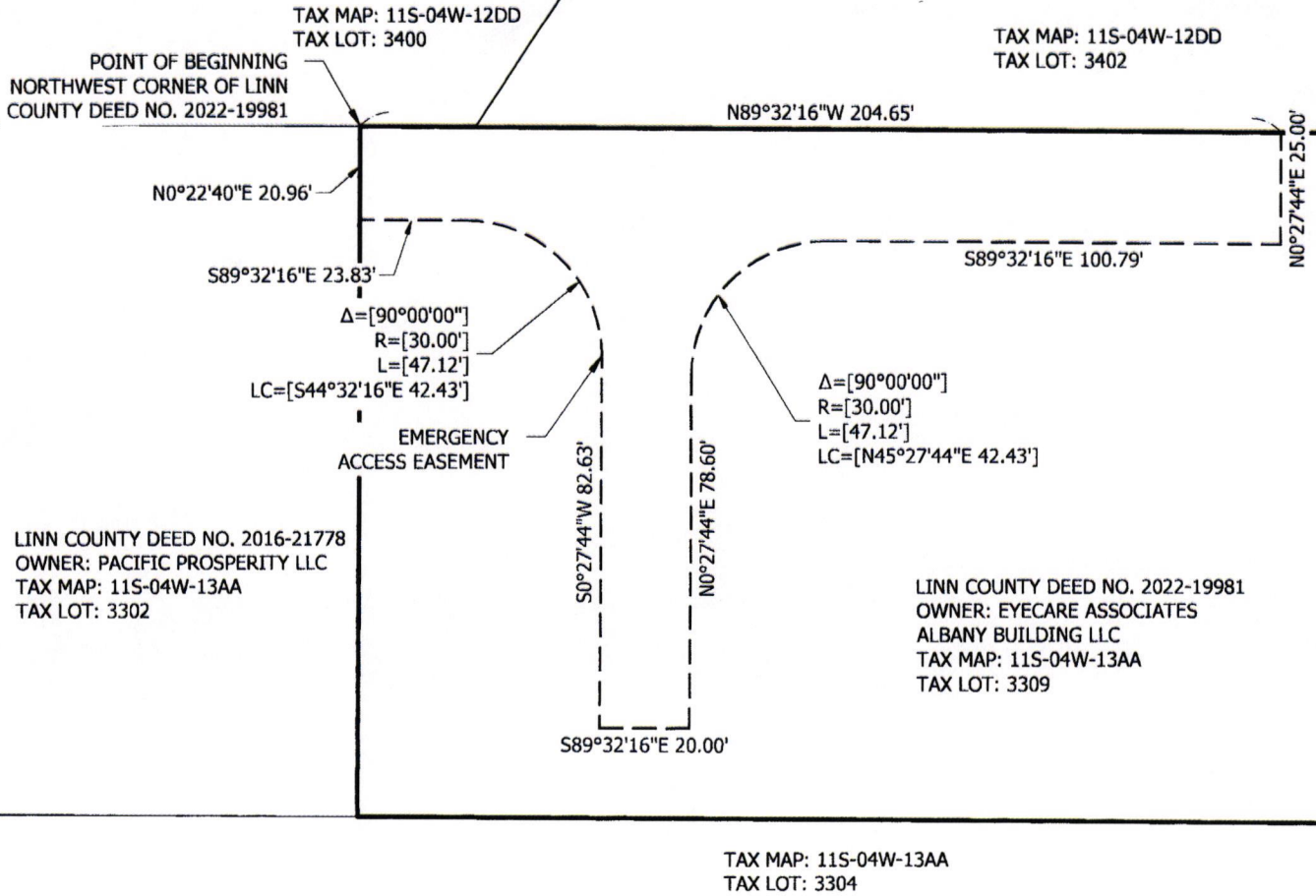
An area of land located in the Northeast 1/4 of the Northeast 1/4 of Section 13, Township 11 South, Range 4 West of the Willamette Meridian in Linn County and being more specifically described as follows:

Beginning at the Northwest corner of the land described in Linn County Deed No. 2022-19981; thence Southerly along the West line of said land South 00°22'40" West 20.96 feet; thence leaving said West line South 89°32'16" East 23.83 feet; thence along the arc of a 30.00 foot radius curve to the right 47.12 feet (chord bears South 44°32'16" East 42.43 feet); thence South 00°27'44" West 82.63 feet; thence South 89°32'16" East 20.00 feet; thence North 00°27'44" East 78.60 feet; thence along the arc of a 30.00 foot radius curve to the right 47.12 feet (chord bears North 45°27'44" East 42.43 feet); thence South 89°32'16" East 100.79 feet; thence North 00°27'44" East 25.00 feet to the North line of the land described in Linn County Deed No. 2022-19981; thence along said North line North 89°32'16" West 204.65 feet to the point of beginning.

The above-described area contains 7457 square feet (0.17 acres). See exhibit "B" for a map of the described area.



Udell Engineering & Land Surveying, LLC  
63 East Ash Street, Lebanon, OR 97355  
Ph: 541-451-5125 • Fax: 541-451-1366



**UDELL ENGINEERING &  
LAND SURVEYING, LLC**  
63 EAST ASH ST.  
LEBANON, OREGON,  
97355 541-451-5125

EXHIBIT "B"  
EYECARE ASSOCIATES ALBANY  
BUILDING LLC  
EMERGENCY ACCESS EASEMENT  
11S-04W-13AA 3309

Date 9/13/2023  
Project # 23-021  
Drawn: NDJ  
Checked: BSV



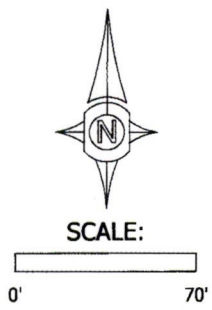
SHEET 1  
of 1

TAX MAP: 11S-04W-13AA  
TAX LOT: 3304

LINN COUNTY DEED NO. 2022-19981  
OWNER: EYECARE ASSOCIATES  
ALBANY BUILDING LLC  
TAX MAP: 11S-04W-13AA  
TAX LOT: 3309

LINN COUNTY DEED NO. 2016-21778  
OWNER: PACIFIC PROSPERITY LLC  
TAX MAP: 11S-04W-13AA  
TAX LOT: 3302

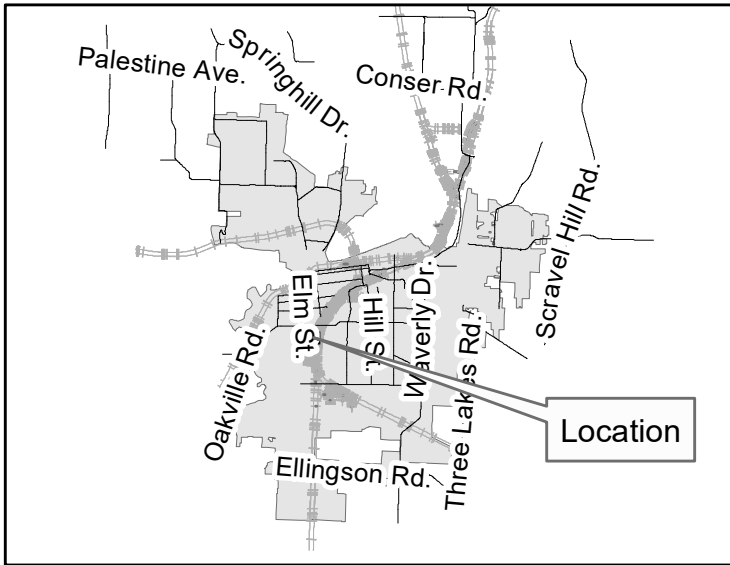
**LEGEND**  
R/W RIGHT OF WAY  
NO. NUMBER  
BLVD BOULEVARD



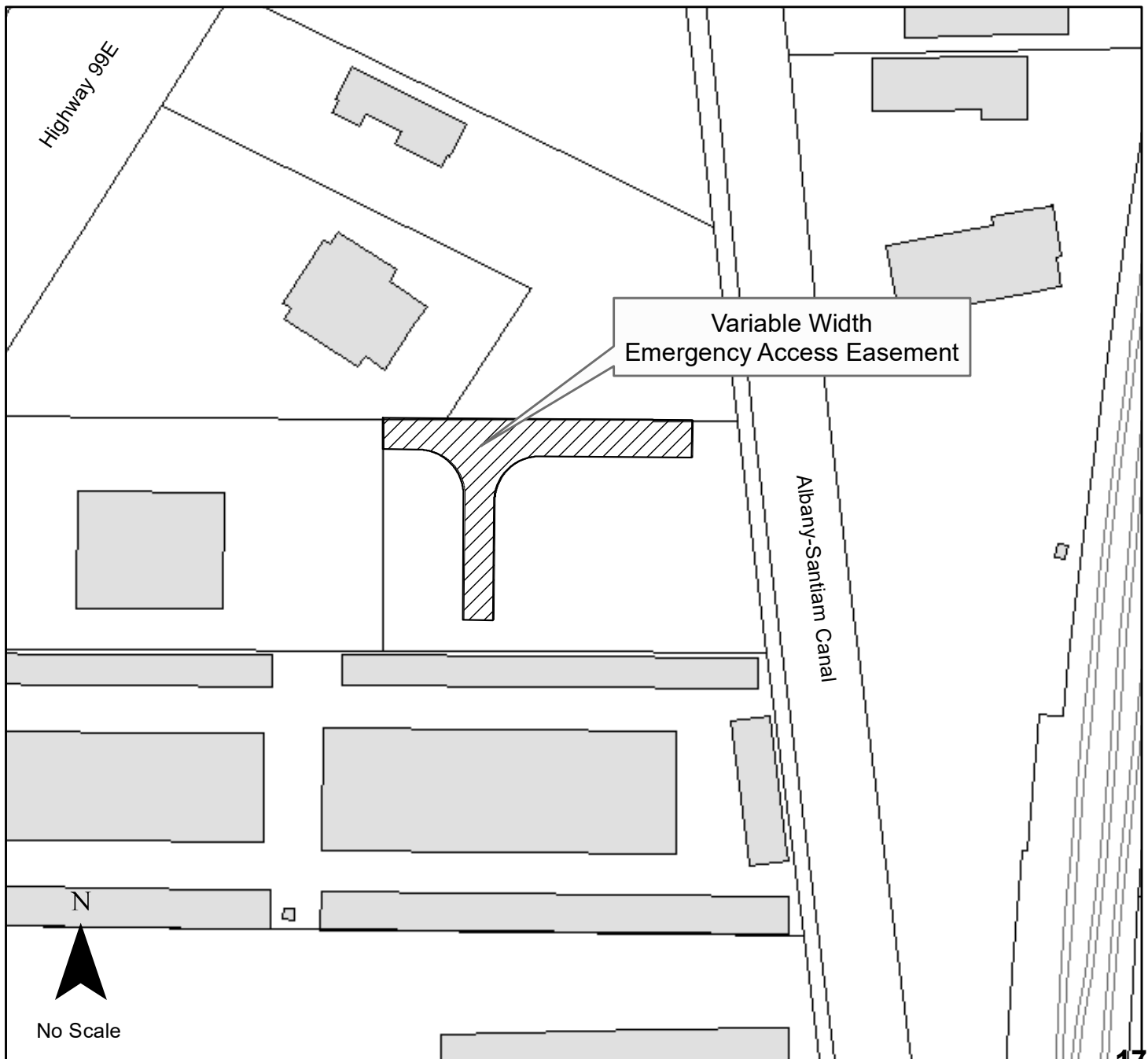
# EXHIBIT C

**11S04W13AA03309**

A variable-width Emergency Access Easement as part of Eyecare Associates development SP-18-23



*Geographic Information Services*





RESOLUTION NO. \_\_\_\_\_

---

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Eyecare Associates Albany Building LLC

Purpose

A variable width water easement over existing water mains, as part of SP-18-23, Eyecare Associates Office Building east of 2125 Pacific Boulevard SW.

11S04W13AA03309

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this easement.

DATED AND EFFECTIVE THIS 8TH DAY OF MAY 2024.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk



## WATER EASEMENT

THIS AGREEMENT, made and entered into this 10 day of April, 2024, by and between Eyecare Associates Albany Building LLC, hereinafter called Grantor, and the CITY OF ALBANY, a Municipal Corporation, herein called "City."

### WITNESSETH:

That for and in consideration of the total compensation to be paid by the City, the grantor has this day bargained and sold and by these presents does bargain, sell, convey, and transfer unto the City of Albany, an easement and right-of-way, including the right to enter upon the real property hereinafter described, and to maintain and repair public utilities for the purpose of conveying public utilities services over, across, through, and under the lands hereinafter described, together with the right to excavate and refill ditches and/or trenches for the location of the said public utilities and the further right to remove trees, bushes, under-growth, and other obstructions interfering with the location and maintenance of the said public utilities..

This agreement is subject to the following terms and conditions:

1. The right-of-way hereby granted consists of:  
  
See legal description on attached Exhibit A and maps on attached Exhibit B and Exhibit C.
2. The permanent easement described herein grants to the City, and to its successors, assigns, authorized agents, or contractors, the perpetual right to enter upon said easement at any time that it may see fit, for construction, maintenance, evaluation and/or repair purposes.
3. The easement granted is in consideration of \$1.00, receipt of which is acknowledged by the Grantor, and in further consideration of the public improvements to be placed upon said property and the benefits grantors may obtain therefrom.
4. The Grantor does hereby covenant with the City that they are lawfully seized and possessed of the real property above-described and that they have a good and lawful right to convey it or any part thereof and that they will forever warrant and defend the title thereto against the lawful claims of all persons whomsoever.
5. Upon performing any maintenance, the City shall return the site to original or better condition.
6. No permanent structure shall be constructed on this easement.

IN WITNESS WHEREOF, the Grantor has hereunto fixed their hand and seal the day and year written below.

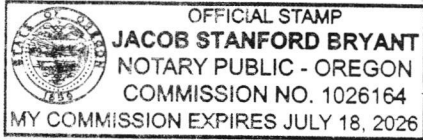
Steven P Freeburg  
Steven P Freeburg  
*member*  
Member of Eyecare Associates Albany Building LLC

STATE OF OREGON  
County of Linn

The instrument was acknowledged before me this 10<sup>th</sup> day  
of April, 2024 by  
Steven P Freeburg, member, on behalf of Eyecare Associates  
Albany Building LLC.



J. Bryant  
Notary Public for Oregon  
My Commission Expires: 7/18/26



CITY OF ALBANY:

STATE OF OREGON            )  
County of Linn            ) ss.  
City of Albany            )

I, Peter Troedsson, as City Manager of the City of Albany, Oregon, pursuant to Resolution Number \_\_\_\_\_, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this \_\_\_\_\_ day of \_\_\_\_\_ 2023.

\_\_\_\_\_  
City Manager

ATTEST:

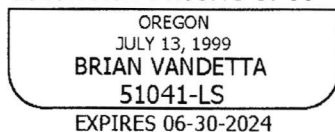
\_\_\_\_\_  
City Clerk

Waterline Easement  
Legal Description  
Exhibit "A"

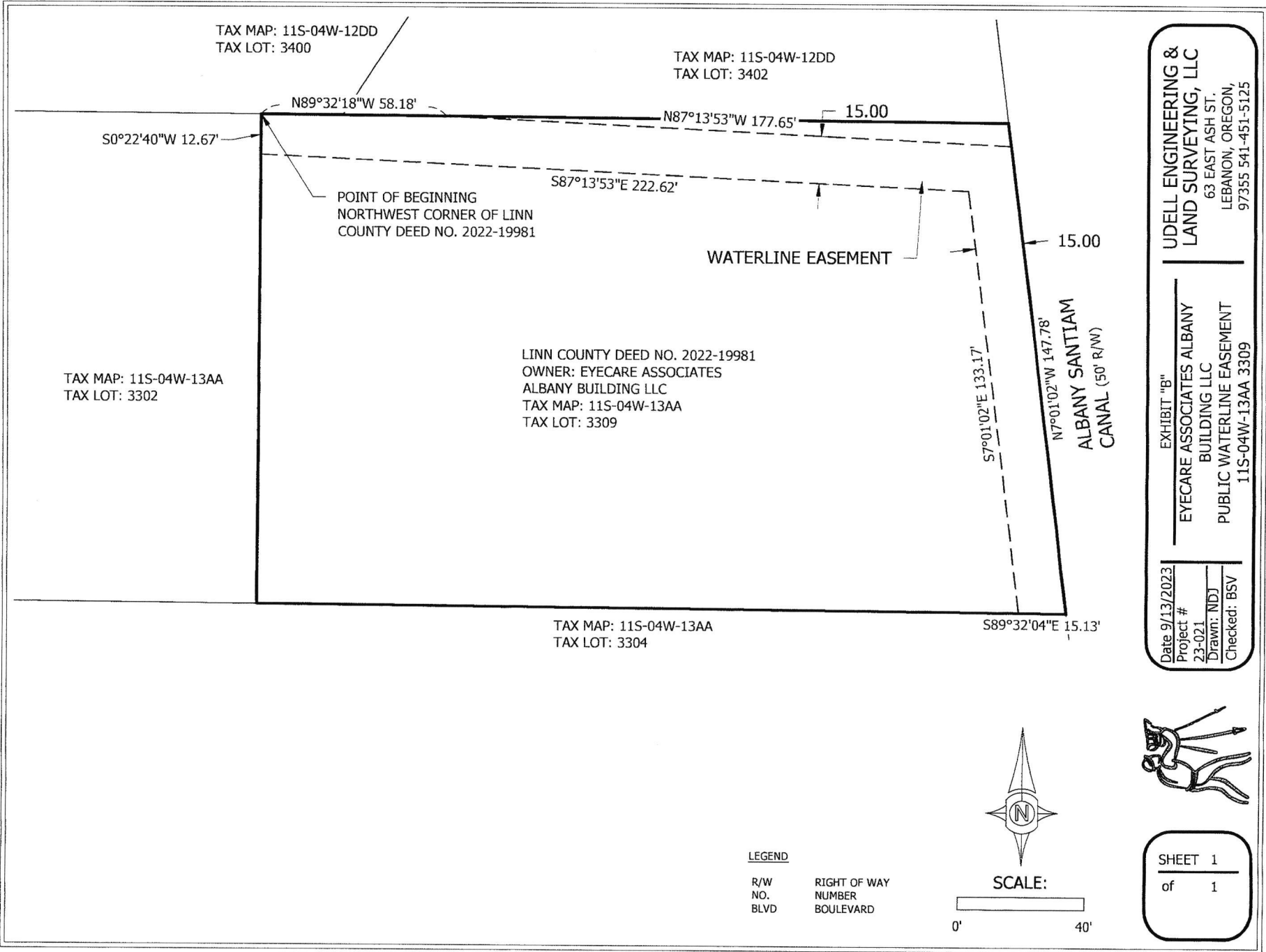
An area of land located in the Northeast ¼ of the Northeast ¼ of Section 13, Township 11 South, Range 4 West of the Willamette Meridian in Linn County and being more specifically described as follows:

Beginning at the Northwest corner of the land described in Linn County Deed No. 2022-19981; thence along the West line of said land South 00°22'40" West 12.67 feet; thence leaving the West line of said land South 87°13'53" East 222.62 feet; thence South 07°01'02" East 133.17 feet to a point along the South line of said land; thence along the South line of said land South 89°32'04" East 15.13 feet to the Southeast corner of said land along the Westerly right-of-way of the Albany Santiam Canal; thence Northerly along said right-of-way North 07°01'02" West 147.78 feet; thence leaving said right-of-way North 87°13'53" West 177.65 feet to a point along the North line of said land; thence along the North line of said land North 89°32'18" West 58.18 feet to the point of beginning.

The above-described area contains 5478 square feet (0.12 acres). See exhibit "B" for a map of the described area.



Udell Engineering & Land Surveying, LLC  
63 East Ash Street, Lebanon, OR 97355  
Ph: 541-451-5125 • Fax: 541-451-1366



TAX MAP: 11S-04W-12DD  
TAX LOT: 3400

TAX MAP: 11S-04W-12DD  
TAX LOT: 3402

S0°22'40"W 12.67'

N89°32'18"W 58.18'

N87°13'53"W 177.65'

15.00

POINT OF BEGINNING  
NORTHWEST CORNER OF LINN  
COUNTY DEED NO. 2022-19981

S87°13'53"E 222.62'

WATERLINE EASEMENT

15.00

TAX MAP: 11S-04W-13AA  
TAX LOT: 3302

LINN COUNTY DEED NO. 2022-19981  
OWNER: EYECARE ASSOCIATES  
ALBANY BUILDING LLC  
TAX MAP: 11S-04W-13AA  
TAX LOT: 3309

S7°01'02"E 133.17'  
N7°01'02"W 147.78'  
ALBANY SANTIAM  
CANAL (50' R/W)

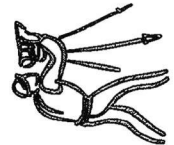
TAX MAP: 11S-04W-13AA  
TAX LOT: 3304

S89°32'04"E 15.13'

**UDELL ENGINEERING &  
LAND SURVEYING, LLC**  
63 EAST ASH ST.  
LEBANON, OREGON,  
97355 541-451-5125

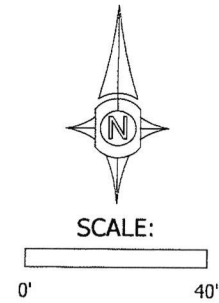
EXHIBIT "B"  
EYECARE ASSOCIATES ALBANY  
BUILDING LLC  
PUBLIC WATERLINE EASEMENT  
11S-04W-13AA 3309

Date 9/13/2023  
Project # 23-021  
Drawn: NDJ  
Checked: BSV



**LEGEND**

R/W RIGHT OF WAY  
NO. NUMBER  
BLVD BOULEVARD

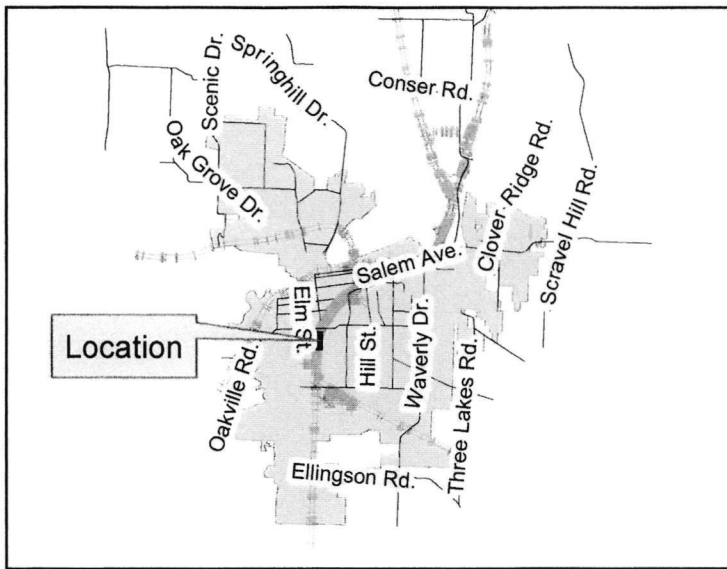


SHEET 1  
of 1

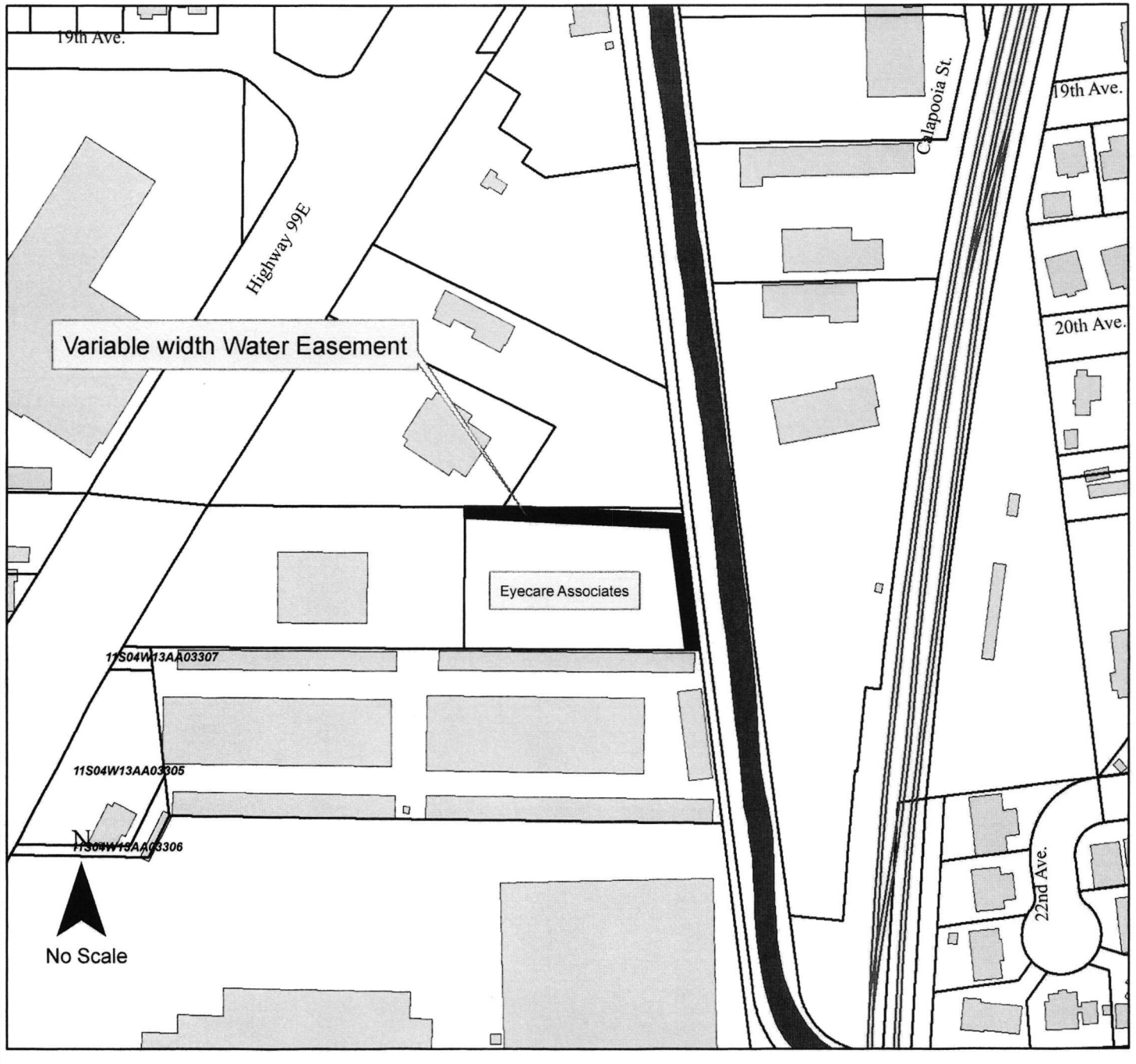
# EXHIBIT C

11S04W13AA03309

A Variable width Water Easement  
as part of Eyecare Associates  
development, SP-18-23



Geographic Information Services





# MEMO



TO: Albany City Council

VIA: Peter Troedsson, City Manager *PT 4/30*

FROM: Kim Lyddane, Parks and Recreation Director

DATE: April 24, 2024, for the May 6, City Council Work Session and May 8, City Council Meeting

**SUBJECT:** Discussion on recreational immunity.

**Action Requested:**

Staff requests that the City Council adopt a resolution to opt into recreational immunity from certain personal injury or property damage claims described in ORS 105.665, as amended by Senate Bill 1576.

**Discussion:**

Recently the Oregon Senate passed Bill 1576 to adjust ORS 105.668 which outlines Oregon’s recreational immunity law that protects public and private landowners from lawsuits if someone is injured while recreating. The new bill provides a legal definition of “recreation” to include walking, running, and bicycling. This change comes after several years of trials resulting from an individual suing the City of Newport, Oregon, because she injured herself walking on a bridge but did not consider the walk for recreational purposes. Initially a circuit court judge ruled with the City, but later the Oregon Court of Appeals sided with the plaintiff. This decision sparked concern and action from parties all across the state, as without recreational immunity, many trails, paths, and amenities would close, as the liability would be too much to bear.

ORS 105.668 applies automatically to cities with a population of 500,000 or more and allows cities with lesser population to opt in to limit liability in the manner established by the law. Staff recommend that the Council pass the attached resolution to opt into the recreational immunity outlined in ORS 05.665, as amended by Senate Bill 1576.

**Budget Impact:**

Adopting the resolution will limit future lawsuits and trials.

KL

Attachment: resolution





RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OPTING INTO RECREATIONAL IMMUNITY FROM CERTAIN PERSONAL INJURY OR PROPERTY DAMAGE CLAIMS DESCRIBED IN ORS 105.668, AS AMENDED BY SENATE BILL 1576.

WHEREAS, the Oregon Legislature enacted Senate Bill 1576 in its 2024 Regular Session; and

WHEREAS, ORS 105.668, as amended by Senate Bill 1576, limits private claims or rights of action based on negligence for personal injury or property damage resulting from “use of a trail that is in a public easement or in an unimproved right of way, or from use of structures in the public easement or unimproved right of way, by a suer on foot, on a horse or on a bicycle or other nonmotorized vehicle or conveyance” (ORS 105.668); and

WHEREAS, ORS 105.668 applies automatically to cities with a population of 500,000 or more and allows cities with a lesser population to opt to limit liability in the manner established by law; and

WHEREAS, the City of Albany has several trails located in both easements and unimproved right-of-ways including the Tadena Landing Trail, portions of the Dave Clark Trail, Oak Creek Trail, and the trails around Simpson Park; and

WHEREAS, the Council finds that the City of Albany will limit its liability from certain claims by opting into the recreational immunity provided for in ORS 105.668.

NOW, THEREFORE, BE IT RESOLVED BY THE ALBANY CITY COUNCIL as follows:

Pursuant to ORS 105.668(3)(a) and (b), the City of Albany, on behalf of itself and its officers, employees and agents, hereby opts to limit liability in the manner established by ORS 105.668(2) with respect to personal injury or property damage resulting from use of a trail that is in a public easement or in an unimproved right of way, or from use of structures in the public easement or unimproved right of way, with respect to claimants who may be users on foot, on a horse or on a bicycle or other nonmotorized vehicle or conveyance. This resolution shall take effect immediately upon its adoption by the city council and execution by the mayor.

DATED AND EFFECTIVE THIS 8TH DAY OF MAY 2024.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk



# MEMO



TO: Albany City Council

VIA: Peter Troedsson, City Manager *BT/30*

FROM: Shane Wooton, Fire Chief *SW*

DATE: April 26, 2024, for the May 8, 2024, City Council Meeting

**SUBJECT:** Linn County Ambulance Service Area Mutual Aid Agreement  
 Relates to Strategic Plan theme: A Safe City, An Effective Government

**Action Requested:**

City Council approval to renew a mutual aid agreement with ambulance service providers in Linn County for mutual aid emergency medical services.

**Discussion:**

The Fire Department participates in mutual and automatic aid agreements with emergency response agencies within Linn, Benton, and Marion Counties. Mutual aid agreements allow local jurisdictions to request and provide additional emergency resources from other jurisdictions when needed. Automatic aid agreements provide additional resources from other jurisdictions automatically at the time of an emergency. The fire department both requests and receives aid through these agreements.

The proposed mutual aid agreement is a renewal of an existing agreement in place since 1988, covering emergency medical services in Linn County. The agreement allows the provision of aid when requested and is not intended to relieve any ambulance provider from regularly providing and maintaining levels of service sufficient to meet the needs of its assigned area and the standards of the Linn County ASA Plan and ASA ordinance. It does not obligate a response if resources are needed within Albany.

**Budget Impact:**

None.

SW:rb

Attachments (1)







RESOLUTION NO. \_\_\_\_\_

A RESOLUTION AUTHORIZING EXECUTION OF A MUTUAL AID AGREEMENT WITH LINN COUNTY AMBULANCE SERVICE PROVIDERS TO PROVIDE MUTUAL AID EMERGENCY MEDICAL SERVICES

WHEREAS, the fire department participates in mutual and automatic aid agreements with emergency response agencies within Linn, Benton, and Marion Counties; and

WHEREAS, mutual aid agreements allow local jurisdictions to request and provide additional emergency resources from other jurisdictions when needed; and

WHEREAS, the proposed mutual aid agreement is a renewal of an existing agreement and allows Albany Fire Department to provide aid when requested and resources are available; and

WHEREAS, the fire department may continue to review and renew the agreement as needed.

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that the Albany Fire Chief execute a mutual aid agreement to establish a partnership with Linn County ambulance services providers for mutual aid emergency medical services (Attachment 1).

DATED AND EFFECTIVE THIS 8TH DAY OF MAY 2024.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

## **Linn County Ambulance Service Area Mutual Aid Agreement**

THIS AGREEMENT is made and entered into January 1, 2024 through December 31, 2029, by and between the undersigned hereinafter referred to as the Parties; all of which provide emergency medical services within Linn County.

WHEREAS, the Parties hereto maintain and operate emergency medical services in Linn County for the purpose of providing necessary lifesaving services and emergency transport for persons within their respective ambulance service areas (ASA); and

WHEREAS, the Parties recognize the possibility that numerous requests for medical assistance or disaster conditions in one Party's ASA could create insufficient resources to allow for the effective and efficient operation of emergency medical services in their respective ASA; and

WHEREAS, it is to the benefit of all Parties to enter into this Mutual Aid Agreement.

NOW THEREFORE, IT IS AGREED AS FOLLOWS:

1. In the event that extraordinary circumstances within one Party's ASA are such that the Party cannot provide effective and efficient emergency ambulance services, that Party may request assistance from one or more of the other Parties to this Agreement. This Agreement is not intended to relieve any ASA Provider from regularly providing and maintaining levels of service sufficient to meet the needs of its assigned area and the standards of the Linn County ASA Plan and ASA Ordinance.
2. All Parties agree to furnish personnel and equipment to the other Parties when requested by competent authority provided that the assisting Party, in its sole discretion, determines that it has available adequate personnel and equipment to reasonably provide assistance. If an agency receives more than one request for mutual aid, then the assisting Party shall determine, in its sole discretion, whether to respond to one, more than one, or to none of the requests. Any response or inability to respond under this Agreement shall not give rise to any claim by the requesting Party or any other Party to this Agreement.
3. All Parties should ideally maintain compatible radio communications capabilities with the other Parties to facilitate communications when mutual aid is requested.
4. All Parties to this Agreement shall maintain licensure as an Ambulance Service in the State of Oregon as per the requirement set forth in ORS Chapter 682 and OAR 333-250-000 through 333-250-0100.
5. It is agreed that this Agreement for mutual aid shall constitute the sole consideration for the performance hereof, and that no Party shall be obligated to reimburse any other for use of equipment or manpower. During the course of rendering aid, the manpower and equipment of each Party shall be at the risk of that Party.

6. This Agreement shall be and remain in full force and effect for a term to coincide with the term(s) of the assigned ASA Franchises and after the date of execution set out opposite the signature of each Party signatory hereto, unless earlier terminated as to a Party upon 30 days written notice by that Party to the other Parties. If there are any terminations or any changes in franchise assignments, the new Party(ies) shall be obligated to sign this Mutual Aid Agreement as required by the Linn County ASA Plan. This Agreement may be modified at any time by mutual consent of the Parties.
7. This Agreement shall not be construed to prevent any of the Parties from seeking reimbursement for personnel, materials, equipment or other expenses if otherwise authorized by law or if a state or federal officer or agency requests or orders emergency service by a participating unit or units of local government.
8. This Agreement shall not be construed to prevent or limit any of the Parties from entering supplementary mutual assistance agreements detailing the interaction of one or more of the Parties and imposing greater obligations than set forth herein.
9. Any requesting party shall, to the extent permitted by any applicable constitutional or Tort Claims Act limitation, save and hold harmless any responding party against any and all claims or actions brought against the responding party, arising out of the responding party's efforts, except to the extent that such claims or actions arise out of any willful misconduct or grossly negligent action on the part of the responding party.
10. This Agreement supersedes and replaces any previous agreements for mutual assistance within Linn County entered into by and between the Parties to this Agreement, except for any supplementary mutual assistance agreements described in Section 8 of this Agreement.
11. A fully executed copy of this Agreement shall be provided to the Linn County Ambulance Service Area Advisory Committee for filing with the Linn County Clerk's Office, and a copy shall be retained in the Linn County Ambulance Service Area Manual, which shall be made available in the Linn County Sheriff's Dispatch Office.
12. The Parties shall review this Agreement annually, as required by the Linn County ASA Plan, and modified as needed by mutual consent of the parties.

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed on the day and year set out opposite the signature of each thereof. Said executive having been therefore first authorized in accordance with law.

ASA #1 City of Albany Fire Department

\_\_\_\_\_ Date \_\_\_\_\_

ASA #2 Lebanon Fire District

\_\_\_\_\_ Date \_\_\_\_\_

ASA #3 Sweet Home Fire District

\_\_\_\_\_ Date \_\_\_\_\_

ASA #4 City of Corvallis Fire Department

\_\_\_\_\_ Date \_\_\_\_\_

ASA # 5 Lane Fire Authority

\_\_\_\_\_ Date \_\_\_\_\_

ASA #6 Santiam Ambulance

\_\_\_\_\_ Date \_\_\_\_\_

ASA #7 Idanha-Detroit Rural Fire Protection District

\_\_\_\_\_ Date \_\_\_\_\_

ASA #8 Lyons Rural Fire Protection District

\_\_\_\_\_ Date \_\_\_\_\_

ASA #9 Sisters-Camp Sherman Fire Department

\_\_\_\_\_ Date \_\_\_\_\_

ASA #10 Jefferson Fire District

\_\_\_\_\_ Date \_\_\_\_\_

ASA #11 Springfield Department of Fire and Life Safety

\_\_\_\_\_ Date \_\_\_\_\_