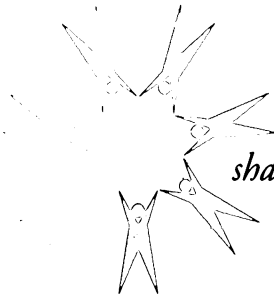


Department of Human Service Programs



sharing resources...building community

OFFICE OF THE
CITY CLERK
13 AUG 31
10 00

Jill Herold
Assistant City Manager

Ellen Samoroff
Deputy Director

TO: Robert W. Healy, City Manager
FROM: Jill Herold, Assistant City Manager for Human Services
SUBJECT: Council Order #10, dated 8/3/00

Childcare

Commission for
Persons with Disabilities

DATE: August 30, 2000

Community and Youth

Community
Learning Center

In response to the above referenced Council Order, the following is offered for your review:

Coordinating Council for
Children, Youth and Families
(Kids' Council)

The Americans with Disabilities Act of 1990 gives federal civil rights protections to individuals with disabilities similar to those provided to individuals on the basis of race, color, sex, national origin, age, and religion. ADA guarantees equal opportunity for individuals with disabilities in public accommodations, employment, transportation, state and local government services, and telecommunications.

Council on Aging
Elderly Services

Low Income
Fuel Assistance

Since the enactment of the ADA, the City of Cambridge has been committed to its full and fair implementation. The City is dedicated to a policy of nondiscrimination and equal opportunity for all people with disabilities in Cambridge. The Commission for Persons with Disabilities has played an essential role in facilitating ADA compliance throughout the City. This report provides an overview of the City's progress in implementing ADA in three areas:

Multi-Service Center;
Homeless Services

Office of Workforce
Development

- 1) municipal buildings and facilities,
- 2) City sidewalks, curb ramps, and crosswalks, and
- 3) places of public accommodation.

Planning & Development

Recreation

Accompanying the descriptions of progress in each area, we provide recommendations for continuing citywide ADA implementation.



Access to Municipal Buildings and Facilities

Cambridge City government has a long tradition of providing substantial and meaningful access to its buildings and facilities. This commitment dates back to the City's implementation of Section 504 of the Rehabilitation Act of 1973, and has extended to the City's implementation of ADA requirements. As the City constructs new facilities, or performs major renovations to existing facilities, we adhere closely to all state and federal accessibility code requirements. In addition, over the past four years, the City has allocated \$50,000 in capital funding annually to improve access to municipal buildings and facilities. Furthermore, last year the City allocated \$350,000 in capital monies to provide comprehensive ADA improvements to the Harrington elementary school, a project still in early design phase.

Some highlights of the City's ADA improvements to City facilities include:

- Four completely barrier-free elementary schools (Aggasiz, Haggerty, Morse, and (soon) Fitzgerald Schools)
- Barrier-free Citywide Senior Center
- Deployment of telecommunication devices for the deaf at nine municipal buildings
- Construction of an accessible entrance and restroom at the O'Connell branch library
- Upgrades to elevator controls and machinery in four municipal buildings to meet ADA standards, including 51 Inman Street, 57 Inman Street, 831 Massachusetts Avenue, and the Central Square branch library.
- Creation of an accessible unisex restroom at the Central Square branch library
- Completion of an accessible entryway and restroom at Cambridge Cemetery Administration building

While substantial progress has been made, the Commission recommends that the City continue to allocate a minimum of \$50,000 in capital improvement funds annually to proceed with barrier removal at other City buildings and facilities.

Access to City Sidewalks, Curb Ramps, and Crosswalks

Even prior to the enactment of the ADA in 1990, the City had an aggressive program of providing curb ramps to facilitate sidewalk access for pedestrians with disabilities. The

Americans with Disabilities Act—Ten Years of Progress
Report on the Status of ADA Implementation in Cambridge
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City's Public Works Department has consistently constructed and upgraded curb ramps at intersections whenever a major street/sidewalk construction project has been conducted. In addition, for the past five years, Public Works has devoted \$75,000 annually to constructing and upgrading curb ramps at locations that would not otherwise have received street/sidewalk construction resources.

At the beginning of 1999, the Public Works Department initiated a curb ramp survey project. The goal of this project is to survey every curb ramp in the city, using state-of-the-art GPS survey equipment, and map the results on the city's geographic information systems database. Interim results of this survey work indicate over 45% of curb ramps surveyed are steeper than ADA standards allow, over 22% are not properly aligned with their crosswalks, and nearly 6% are rated in poor structural condition.

When completed, the survey project will enable us to generate graphical and statistical reports on curb ramp conditions throughout the City. As a result of these reports, we should be able to derive a more accurate understanding of where the most urgent curb ramp problems exist and whether existing resources are adequate to resolve these problems. Approximately 50% of the curb ramps in the City still need to be surveyed. The Commission recommends that the City complete the survey work, keep the GIS database updated as construction progresses, and implement the curb ramp construction work necessary to ensure full access for pedestrians with disabilities.

Access to Places of Public Accommodation

Over the past several years, the Commission for Persons with Disabilities has been working closely with the business community in Cambridge to promote accessibility and awareness of disability issues. Through its Access Cambridge project, the Commission educates Cambridge businesses and private sector organizations about their responsibilities under the ADA and informs businesses about the opportunities available through full ADA compliance. In addition, the Commission assists businesses in completing accessibility surveys and provides ADA technical assistance and disability awareness workshops.

Compiling the results of over 150 Cambridge restaurant surveys into our access database, the Commission has found over 75 percent of eating and drinking establishments surveyed have significant barriers to access for people with disabilities. Many of these barriers could be removed by the business owner without much difficulty or expense, the Commission found. In fact, such "readily achievable" barrier removal has been required since 1992 by Title III of the Americans with Disabilities Act.

In response to these findings, the Commission has been working with restaurants and other businesses on a case-by-case basis to encourage them to voluntarily remove barriers

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to access. As a result of these efforts, over 20 Cambridge businesses have removed barriers to access over the past two years alone. However, this is a slow and time-consuming process, and the Commission lacks the resources necessary to achieve comprehensive citywide compliance.

Since the ADA is a federal civil rights statute, primary enforcement rests with the U.S. Department of Justice and the federal court system, following complaints from individuals. Unfortunately, due to a dearth of federal resources, enforcement of Title III has been lacking. Department of Justice now has a backlog of ADA cases numbering in the thousands.

To address this shortcoming, the Commission recommends adopting, as part of the municipal code, a requirement that stores, restaurants, and other places of public accommodation perform "readily achievable" barrier removal. Currently, the Commission is discussing with the City's Human Rights Commission the possibility of amending the existing Human Rights ordinance to include nondiscrimination language that mirrors the requirements of Title III of the ADA. By adopting such a local requirement, the City could establish a local mechanism for compliance with the readily achievable barrier removal mandate.

Conclusion

While much has been accomplished since the enactment of the Americans with Disabilities Act ten years ago, much work still needs to be done. The Commission for Persons with Disabilities is committed to continuing its work with the public and private sectors in Cambridge to promote equal opportunity for all people with disabilities.

SEP 15 11:21
OFFICE OF THE CITY MANAGER

August 15, 2000

To: Robert W. Healy, City Manager

From: Bob Bersani, Inspectional Services

Subject: Council Order #10, dated 7/31/00 RE:REPORT ON THE PROGRESS OF THE IMPLEMENTATION OF THE ADA IN CAMBRIDGE

The State Building Code provides for the enforcement of accessibility requirements by the Commissioner of Inspectional Services under Chapter 11 of this Code wherein it states that ... "780 CMR 1101.0 M.G.L. c. 22, para. 13A provides that all public buildings shall be designed to be accessible to, functional for, and safe for the use by physically handicapped persons, in conformance with the Massachusetts Architectural Access Board's(AAB) Rules and Regulations(521 CMR 1.00) which are promulgated by the Architectural Access Board, Executive Office of Public Safety."

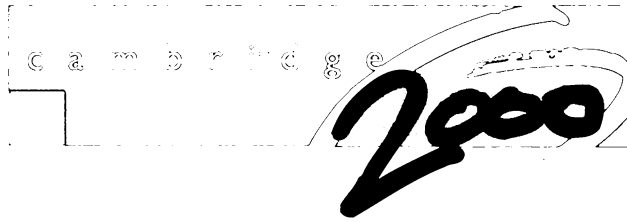
The main difference between the Architectural Access Board(AAB) and the Americans with Disabilities Act(ADA) regulations is the sections of these laws dealing with employee area accessibility. The Federal law requires that **employee areas be accessible** and the State version does not have this requirement. There are other variations between these regulations. In certain cases the ADA would be more beneficial to the disabled person and, in other cases, the AAB regulation may be more beneficial. The AAB has introduced legislation for several years to bring the AAB language into sync with that of the ADA without success. The AAB is continuing its efforts in that direction.

The Inspectional Services Department does not enforce the requirements of the ADA. It is my understanding that this Act is enforced by the Department of Justice. However, as all building owners are subject to the provisions of both the AAB regulations and the ADA, we make a concerted effort to advise architects of the ADA provisions when they are more beneficial to the disabled person as compared to the AAB regulations.

Very truly yours,


R. R. Bersani

Cc
Jill Herold
Ralph Dunphy



5.

CITY OF CAMBRIDGE • EXECUTIVE DEPARTMENT

Robert W. Healy, City Manager

Richard C. Rossi, Deputy City Manager

September 11, 2000

To The Honorable, The City Council:

Please find attached a response to Awaiting Report Item No. 00-61, regarding a report on the progress of the implementation of the Americans with Disabilities Act in Cambridge, received from Assistant City Manager for Human Services Jill Herold and Inspectional Services Commissioner Robert Bersani.

Very truly yours,

Robert W. Healy
City Manager

RWH/mec
Attachments



2000 Things 2 Do in 2000

Consent Agenda #5

Relative to AW Rpt. #00-62,
regarding a report on the progress of
the implementation of the Americans
with Disabilities Act in Cambridge.

In City Council September 11, 2000

PLACED ON FILE