

SDCI Director's Report

Curb Ramp Ordinance

June 21, 2018

Summary of the Proposal

The Seattle Department of Construction and Inspections (SDCI) is proposing to amend the Land Use Code to increase accessibility for all users of pedestrian corridors (Pedestrian Access and Circulation, SMC 23.53.006).

The amendments include:

- Adding a requirement for installation of curbs, curb ramps, and accessible crossings when sidewalks are already required; and
- Adding a requirement in Urban Centers and Urban Villages for certain types of development projects that if existing sidewalks, curbs, curb ramps, and accessible crossings do not meet the Right-of-Way Improvements Manual (ROWIM) they will need to be installed if missing, or reconfigured if non-conforming.

Background

The City strives to make pedestrian networks equally accessible to all. Features such as curb ramps, sidewalks, detectable warnings (tactile, vibration, or sound emitting), and street crossings are components of accessible pedestrian networks. For many, access to pedestrian corridors is limited if they have a mobility or vision disability.

One way to increase accessibility to the pedestrian network is by installing a curb ramp or an accessible crossing. A curb ramp is a short ramp cutting through a curb or built up to it. A curb ramp includes a ramp with a tactile warning surface (usually yellow truncated domes on a pad called a detectable warning surface or DWS), landings, and sidewalk transitions. An accessible crossing is similar to a curb ramp but is used when there is no sidewalk or curb, or may be a raised crosswalk or other crossing that meets the 2010 Americans with Disabilities Act (ADA) standards.

Curb ramps and accessible crossings are integral parts of an age-friendly and accessible community. Curb ramps and accessible crossings allow for people who use mobility aids such as wheelchairs, scooters, canes, walkers, or crutches to access pedestrian corridors. Curb ramps and accessible crossings provide an accessible route that people living with disabilities can use to safely transition from a roadway to a pedestrian network and vice versa. Without curb ramps and accessible crossings, parts of sidewalks and pedestrian walkways become inaccessible for those living with mobility and vision disabilities.

The City maintains inventories on sidewalks and curb ramps that include details on the type of construction materials and features. In Seattle, there are over 34,000 blocks of improved

sidewalks, totaling over 2,300 miles. Many streets in Seattle do not have sidewalks. As of December 2017, there were approximately 800 miles of unimproved surfaces and 4 miles of gravel surfaces. The Seattle Department of Transportation (SDOT), private developers, and other agencies construct sidewalks. Approximately 20% of all new sidewalks installed between 2009 to 2015 were built as part of private development projects or improvements provided by other public agencies. As of December 2017, the city inventory includes approximately 30,000 curb ramps. Seattle has around 40,000 sidewalk ends that do not have curb ramps. However, many of these sidewalks were constructed prior to the enactment of the ADA and not every sidewalk end requires a curb ramp.

In urban centers and urban villages there are approximately 11,400 blocks of improved sidewalks. As projects come in for permitting, developers work with SDOT to determine options to bring sidewalks, curbs, curb ramps, and accessible crossings into compliance with the ROWIM.

Under federal and state regulations, when new sidewalks are constructed, curb ramps must be installed. The ADA, 28 CFR 35.151 (i)(1), states "newly constructed or altered street level pedestrian walkways must contain curb ramps or other sloped areas at intersections to streets, roads, or highways." The Revised Code of Washington (RCW) 35.68.075(1) states "the standard for construction on any county road, or city or town street, for which curbs in combination with sidewalks, paths, or other pedestrian access ways are to be constructed, shall be not less than two ramps per lineal block on or near the crosswalks at intersections."

The ROWIM and ADA provide specifications for sidewalks, curbs, curb ramps, and accessible crossings. The ROWIM is used in tandem with the Land Use Code during permitting. The ROWIM includes standards for sidewalks, curbs, curb ramps, and accessible crossings. Under the ADA, curb ramps and accessible crossings design standards are found in the Accessible Design Section (28 C.F.R. § 35.151 and 36 C.F.R. part 1191, and Appendices B and D). Under the ROWIM and RCW 35.68.075, when a curb ramp or accessible crossing is installed to serve one end of a crosswalk, it needs to be matched by another curb ramp or accessible crossing at the other end of the crosswalk, if there is not an existing curb ramp or accessibility crossing. This additional curb ramp or accessible crossing is known as a companion ramp. Installing the companion ramp allows for an individual with a mobility disability to enter the street from the sidewalk, cross the street, and access the sidewalk on the other side. The requirement to install a companion ramp depends on the site-specific conditions, existing infrastructure, and curb radius. Installing companion ramps may trigger the need to install companion ramps on the remaining block ends of the intersection. This requirement also depends on site-specific conditions, existing infrastructure, and curb radius. SDOT will make the determination of what is to be installed during review of permit applications.

The United States District Court for the Western District of Washington entered the Final Judgment and Order approving the class action settlement in *Reynoldson v. City of Seattle* on November 1, 2017. The City must comply with all Consent Decree terms through July

2035. The agreement lists a multitude of requirements, most notably that 1,250 curb ramps must be installed annually (this number includes all City departments and third parties, including private developers). As such, the City must use its best efforts to require that construction, alteration, and development projects done by third parties, such as developers and contractors, comply with state and federal laws regarding the installing, repairing, and reconfiguring curb ramps.

Proposal and Analysis

The proposed amendments to the Land Use Code are intended to increase accessibility to pedestrian networks and to make various other modifications and corrections to the affected sections of code.

SUMMARY OF PROPOSED AMENDMENTS BY SMC SECTION

SMC	CHANGE	PURPOSE
11.14.150 – Curb Ramp	Modify the curb ramp definition so that curb ramps comply with ADA standards.	Ensure that new curb ramps installed meet ADA standards.
23.53.006.A Pedestrian Access and Circulation	Include language that curbs, curb ramps, and accessible crossings meet the ROWIM and ADA standards.	Ensure that curbs, curb ramps, and accessible crossings meet the ROWIM and ADA standards to increase accessibility for users with mobility disabilities.
23.53.006.B, C, D, E Pedestrian Access and Circulation	Add curb, curb ramp, and accessible crossing installation when sidewalks are required for development projects.	Improve access to pedestrian networks by requiring the installation of curbs, curb ramps, and accessible crossings when sidewalks are required.

23.53.006.C Pedestrian Access and Circulation	Include a new provision for certain types of development projects in the Urban Centers and Urban Villages, if existing sidewalks, curbs, curb ramps, and accessible crossings do not meet the ROWIM standards, they will need to be modified or replaced to comply with the ROWIM standards.	Improve accessibility of existing pedestrian networks in the Urban Centers and Urban Villages when development is proposed.
23.53.006.F Pedestrian Access and Circulation	Allow for the SDOT Director to grant deviations for curb and curb ramp standards.	Give the SDOT Director the ability to allow alternative designs for curbs and curb ramps.
23.53.015.A Improvement Requirements for Existing Streets in Residential and Commercial Zones	Remove "curb installation" from the list of possible required improvements.	Installing curbs will be required under 23.53.006.
23.53.020.A, B, C, D, E Improvement Requirements for Existing Streets in Industrial Zones	Remove "curb installation" from the list of possible required improvements and corrected inconsistent language between the subsections.	Installing curbs will be required under 23.53.006.
23.83A.002 Definitions "A"	Establish "accessible crossing" definition.	Define accessible crossing.
23.84A.006 Definitions "C"	Direct Land Use Code users to the curb ramp definition in 11.14.150.	Have one definition of curb ramps in the Seattle Municipal Code.
23.84A.030 Definitions "P"	Clarify the definition of a pedestrian walkway.	Clarify the definition of a pedestrian walkway

CURB RAMPS AND ACCESSIBLE CROSSINGS

Currently, the Land Use Code does not require curb ramps and accessible crossings. The purpose of the amendments would require curb ramps and accessible crossings for certain types of developments.

Currently, under SMC 23.53.006, sidewalks are required for several development activities such as the dedication of new streets, lot creation through the platting process, and development abutting a street without a sidewalk within Urban Centers and Urban Villages. Under SMC 23.53.006.F, several types of development projects are not required to construct sidewalks:

- Changing uses;
- Altering existing structures;
- Adding existing structures that are exempt from environmental review;
- Constructing a detached structure accessory to a single-family dwelling unit; and
- Constructing a single-family dwelling unit on a lot.

Under this proposed amendment, projects listed as exempt from installing sidewalks will not be required to install curbs, curb ramps, and accessible crossings. No changes are proposed for the types of projects listed as exempt from the sidewalk requirement under SMC 23.53.006.F.

The proposed changes would require curbs, curb ramps, and accessible crossings only when sidewalks are already required. Additionally, the curbs, curb ramps, and accessible crossings will only be required for lots abutting the block ends (corner lots). They will not be required for lots not abutting the block ends (interior lots). When new sidewalks are being constructed this is the easiest and most affordable time for curbs, curb ramps, and accessible crossings to be installed. Based permit data from Seattle Department of Transportation, there were around 170 new construction permits in 2016 on corner lots not located in a single-family zone. Depending on the economy, it is anticipated that a similar number of projects would be required to install curb ramps.

Without the specific curb ramp requirement language in SMC 23.53.006, developers of corner lots have often stopped their sidewalk improvements just short of the intersections to avoid installing ramps. This has led to brand new sidewalks adjacent to new development, with no sidewalk or an old sidewalk at the intersection with no curb ramps, a non-compliant curb ramp, or an inaccessible crossing.

Under the Land Use Code, there is no definition for curb ramps or accessible crossings. Under the proposed amendment, Land Use Code users will be directed to an existing definition of curb ramp at SMC 11.14.150. The definition in SMC 11.14.150 will be modified so that curb ramps need to comply with ADA standards. A new definition will be created for accessible crossings in the Land Use Code. Sometimes a pedestrian walkway, not a sidewalk with curb, is existing or is proposed. Installing a curb ramp or accessible crossing would enable individuals with a mobility disability to safely transition from a roadway to a pedestrian walkway and vice versa. Finally, the definition of pedestrian walkway is being clarified.

URBAN CENTER AND URBAN VILLAGES

The Urban Center and Urban Village strategy is the foundation of Seattle's Comprehensive Plan. This strategy encourages most future jobs and housing in specific areas in the city that are best able to absorb the growth. Urban Centers and Urban Villages are places that already have active business districts, concentrations of housing, and are near transit hubs and routes. As people are encouraged to live and work close to home, a new emphasis should be placed on

safe and accessible pedestrian infrastructure to move pedestrians to and from services, jobs, and transit facilities in the neighborhood.

Some pedestrian networks in Urban Centers and Urban Villages are not accessible to everyone. Many times, the proposed development abuts existing sidewalks, curbs, curb ramps, or accessible crossings. The proposed amendments to SMC 23.53.006.C would require that the existing sidewalks, curbs, curb ramps, and accessible crossings are brought into compliance with the ROWIM standards and state and federal law. This requirement would apply to full and short subdivisions and developments that abut existing streets. Unit lot subdivisions and construction projects exempt from sidewalks under SMC 23.53.006.F would not need to meet this requirement. With the improvements to the existing sidewalks, curbs, curb ramps, and accessible crossings, this will allow for increased accessibility to pedestrian corridors especially for those living with mobility disabilities.

Comprehensive Plan Consistency

The following Seattle 2035 Comprehensive Plan policies are directly applicable to this proposal:

T 2.2	"Ensure that the street network accommodates multiple travel modes, including transit, freight movement, pedestrians, people living with disabilities, bicycles, general purpose traffic, and shared transportation options."
T 2.11	"Design sidewalks in urban centers, urban villages, and areas designated as pedestrian zones in the Land Use Code to meet the dimensional standards as specified in the ROWIM to foster vibrant pedestrian environments in these areas."
TG 3	"Meet people's mobility needs by providing equitable access to, and encouraging use of, multiple transportation options."
T 3.21	"Design and manage the transportation system, including on-street parking, so that people living with disabilities have safe and convenient access to their destinations, while discouraging use of disabled parking permits for commuter use in areas of high short-term parking demand."

Recommendation

SDCI recommends adopting the proposed amendments to the Land Use Code. This proposal increases accessibility of pedestrian networks for all, including those living with mobility disabilities, by modifying existing standards related to pedestrian access consistent with the Comprehensive Plan.