

**CDTC ADA Working Group – Meeting #8**  
**December 18 2018 at 1pm**  
**CDTC Offices**  
**Meeting Agenda**

1. Introductions
2. Review/acceptance of Meeting #7 Notes
3. September Policy Board Presentation by Kara Hogan, FHWA
  - a. Regional consensus of where and how to enforce property owner sidewalk maintenance
  - b. Regional consensus on which public entities own sidewalks where
4. NYS Sidewalk jurisdiction laws
5. Regional Scan of Transition Plan Progress
6. Group Updates: ADA Transition Plan progress
7. CDTC Self-Analysis status
8. Next Meeting – June 2019? Tuesday, June 18<sup>th</sup>, 1pm?

CDTC ADA Working Group – Meeting #8 Notes  
1 PM, December 18, 2018  
Notes

Attending: Valerie Deane, NYSDOT Region 1; Peter Knutson, City of Schenectady; Chris Wallin, City of Schenectady; Bradley Birge, City of Saratoga Springs; Dave Wheatley, City of Watervliet; Carrie Ward, CDTC; Rima Shamieh, CDTC

1. Meeting #7 Notes – there were no suggested changes; the group accepted the notes as written.
2. September Policy Board Presentation by Kara Hogan, FHWA  
K. Hogan asked our region to try to come to a consensus on: 1) where and how to enforce property owner sidewalk maintenance and 2) which public entities own sidewalks where. The second question is most challenging in rural towns and villages with sidewalks.

Enforcement of sidewalk maintenance is a real issue because there is a perception that it is not politically feasible. Suggestions included getting municipalities on the same page before involving NYSDOT, and bringing these questions to the NYSAMPO Complete Streets working group, which is already working on ADA Transition Plans.

It was determined that staff will research and compile the local laws relating to sidewalk maintenance. Once compiled, staff will determine appropriate ways to group municipalities to work toward consensus – for example by County or by rural/suburban/urban.

3. NYS Sidewalk jurisdiction laws  
  
C. Ward provided excerpts of the relevant laws for Towns (NYS Highway Law Section 140, 18), Villages (NYS Highway Law Section 46) and Cities (NYS Highway Law Section 349-c, 2.2), which all point to local municipal responsibility for sidewalks along state highways. Each city representative at the meeting shared their understanding of the responsibilities in their jurisdictions regarding who owns the sidewalks on the different types of roads.
4. Regional Scan of Transition Plan Progress  
Carrie distributed a handout noting progress on local plans.
5. Group Updates: ADA Transition Plan progress  
  
P. Knutson and C. Wallin described the new special assessments that will be taking effect in the City of Schenectady in 2019. Property owners will be able to request sidewalk replacement by the city for an entire section of a street. The city would rebuild the sidewalks and assess each property a fee to offset the cost, for 10 years. The city will issue a \$1 million bond for 2019 to launch the program, which will be paid back over time by the special assessments.

The Independent Living Center of the Hudson Valley and Rensselaer ARC has been helping the City of Troy to develop a policy.

D. Wheatley has just taken on the Watervliet ADA transition plan and has not begun work yet. Carrie explained that CDTC encourages the use of a 1-5 condition rating for sidewalk facilities, which in conformance with NYSDOT's methodology and approved by FHWA. There is also the SAPFIM methodology that came out of a Florida International University pilot project. CDTC does not recommend it because it has a lot of data points to collect, but Troy will look into it. V. Deane commented that often collecting a modest amount of data is more realistic. C. Ward will request Warren County's methodology for scoring sidewalks.

V. Deane also noted that NYSDOT Main Office ADA is collecting presence/absence of sidewalks, guiderails and signs on federal-aid eligible roads when they are out collecting pavement condition data, which is now collected electronically.

6. CDTC Self-Analysis status

The Planning Committee approved the draft, which was posted for public comment. C. Ward received an offer from two members of the Independent Living Center of the Hudson Valley to review the draft and visit the building to do a "roll-through," which they will do on Wednesday, Dec 19.

7. Next Meeting – Tuesday, June 18<sup>th</sup>, 1pm

**Towns** - [NYS Highway Law Section 140](#), 18:

18. Maintain all sidewalks in the town constructed by the state adjacent to state highways and all sidewalks in the town constructed by the county adjacent to county roads and, when authorized by the town board, cause the removal of snow therefrom, and the cost thereof shall be paid from the miscellaneous or other town funds.

**Villages** - [NYS Highway Law Section 46](#): (bolding not original)

After the completion and acceptance of the work of constructing, reconstructing or improving of a state highway passing through a village, the state shall maintain and have jurisdiction over the pavement area of such highway and may assume maintenance responsibility and have jurisdiction over such other highway right of way areas as the commissioner of transportation shall determine, by official order, are necessary for the maintenance and protection of such highway facility. No additional points of access to, or exit from, such highway facility shall be made without prior written approval by the commissioner of transportation. **Any sidewalks, sewers, 1 water mains, curbs, paved gutters, conduits, facilities and appurtenances that are provided pursuant to this section, shall be maintained or shall be continued to be maintained, as the case may be, by the village in which they are located**, or by the agency or other unit owning or having control and jurisdiction thereof except the state shall maintain any drainage ditches and storm sewer facilities which are constructed primarily to service the state highway facility.

**Cities** - [NYS Highway Law Section 349-c](#), 2.2: (bolding not original)

2. With relation to any city named in this article, but not including the city of New York:

2.1. The commissioner is authorized to provide in such designs, plans, specifications and estimates, for bridges, culverts, drainage, shoulders, gutters, curbs, sidewalks and any other facilities and appurtenances as he may determine.

2.2. The commissioner shall construct, reconstruct or improve such extensions or continuations, including said facilities and appurtenances, in the same manner as other state highways, facilities and appurtenances are constructed, reconstructed and improved pursuant to this chapter. After designs, plans and specifications thereof have been completed and approved by the city and the commissioner, the city may, however, elect to construct such section or sections and acquire property therefor at its own expense in the manner provided by the city charter or otherwise. For all the purposes of this section, the jurisdiction of the commissioner shall extend over the entire property affected by the provisions hereof, as such jurisdiction has been obtained, or as such jurisdiction may hereafter be obtained pursuant to the provisions of this chapter. **Such sidewalks, facilities and appurtenances shall be maintained or shall be continued to be maintained, as the case may be, by the city in which they are located, or by the agency or unit owning or having control and jurisdiction thereof.**

## Transition Plan Tracking

Entity	Location of Transition Plan	Description/Notes
NYSDOT	<a href="https://www.dot.ny.gov/programs/ada-management/ada-transition-plan">https://www.dot.ny.gov/programs/ada-management/ada-transition-plan</a>	Completed.
CDTA		Not responsible for public rights of way.
Albany County	<a href="http://www.albanycounty.com/Libraries/Human_Resources/Title_VI_Plan_20160915.sflb.ashx">http://www.albanycounty.com/Libraries/Human_Resources/Title_VI_Plan_20160915.sflb.ashx</a>	Updated transition plan but doesn't include sidewalks. Appendix C isn't actually the transition plan.
City of Albany	<a href="http://www.albanyny.gov/Government/Departments/HumanResources/DisabilityAccess.aspx">http://www.albanyny.gov/Government/Departments/HumanResources/DisabilityAccess.aspx</a>	Complaint Form, Grievance Procedure, Notice online. Created ADA Advisory Committee to ensure communication with stakeholders of the disabled community. Working on transition plan.
Town of Bethlehem	<a href="http://www.townofbethlehem.org/799/ADA-Transition-Plan">http://www.townofbethlehem.org/799/ADA-Transition-Plan</a>	Adopted Transition Plan 5-2018, includes inventory
City of Cohoes	Asset Mgmt Plan: <a href="http://www.ci.cohoes.ny.us/Cit-e-Access/towncouncil/?tid=34&amp;tpid=6356&amp;mid=36467&amp;view=A">http://www.ci.cohoes.ny.us/Cit-e-Access/towncouncil/?tid=34&amp;tpid=6356&amp;mid=36467&amp;view=A</a>	Complete Streets section in code says will do within 5 years. Has pavement conditions. Hired firm to do asset mgmt. plan
Rensselaer County		Has draft inventory and Transition Plan that includes pedestrian infrastructure.
City of Troy	<a href="http://www.troyny.gov/mayor-madden-announces-appointment-of-city-ada-coordinator/">http://www.troyny.gov/mayor-madden-announces-appointment-of-city-ada-coordinator/</a>	No plan but has coordinator
Saratoga County	<a href="http://www.saratogacountyny.gov/wp/wp-content/uploads/2013/08/ADA-Transition-Plan-2015-Final.pdf">http://www.saratogacountyny.gov/wp/wp-content/uploads/2013/08/ADA-Transition-Plan-2015-Final.pdf</a> ; <a href="http://www.saratogacountyny.gov/wp/wp-content/uploads/2016/04/TitleVIPlan.pdf">http://www.saratogacountyny.gov/wp/wp-content/uploads/2016/04/TitleVIPlan.pdf</a>	Has inventory, notes if compliant or not (no rating) and says will fix all within 5 years of 1/2016
Town of Malta	<a href="http://www.malta-town.org/documentcenter/view/1100">http://www.malta-town.org/documentcenter/view/1100</a>	Inventory not done, but outdoor items scheduled for completion before 2018 winter.
City of Mechanicville	Grievance Procedure: <a href="http://www.mechanicville.com/DocumentCenter/View/856">http://www.mechanicville.com/DocumentCenter/View/856</a>	Has Grievance Procedure
Town of Clifton Park	<a href="http://www.cliftonpark.org/index.php/document-center/employment-information/1965-clifton-park-title-vi-plan/file">http://www.cliftonpark.org/index.php/document-center/employment-information/1965-clifton-park-title-vi-plan/file</a>	Title VI Plan adopted July 2017. Reference ADA Transition Plan; specifies list of noncompliant sidewalks and facilities will be

		generated within 1 year. Has condition inventory of crosswalks.
Schenectady County		Expect done by December 2018.
City of Schenectady	<a href="http://www.cityofschenectady.com/504/Title-VI-Policy">http://www.cityofschenectady.com/504/Title-VI-Policy</a>	Has plan but no condition inventory
City of Saratoga Springs	<a href="http://www.saratoga-springs.org/2235/Americans-With-Disabilities-Act">http://www.saratoga-springs.org/2235/Americans-With-Disabilities-Act</a>	Transition Plan <a href="#">Phase I</a> adopted 12-2017. 2016 Adopted <a href="#">Notice</a> , <a href="#">Resolution</a> , <a href="#">Grievance Procedures</a> , and Coordinator
Town of East Greenbush	<a href="https://www.eastgreenbush.org/application/files/7915/2692/9334/Title_VI_-_ADA_Transition_Plan.pdf">https://www.eastgreenbush.org/application/files/7915/2692/9334/Title_VI_-_ADA_Transition_Plan.pdf</a>	Transition Plan adopted May 2018, condition inventory to be done by November 2018.