

2009-2010 Civil Grand Jury

City and County of San Francisco

**AMERICANS WITH DISABILITIES ACT:
IS SAN FRANCISCO IN COMPLIANCE?**

Report Released: APRIL 2010

Purpose of the Civil Grand Jury

California state law requires that all 58 counties impanel a Grand Jury to serve during each fiscal year (Penal Code section 905, California Constitution, Article I, Section 23). In San Francisco, the presiding judge of the Superior Court impanels two grand juries. The Indictment Grand Jury has sole and exclusive jurisdiction to return criminal indictments. The Civil Grand Jury scrutinizes the conduct of public business of county government.

The function of the Civil Grand Jury is to investigate the operations of the various officers, departments and agencies of the government of the City and County of San Francisco. Each civil grand jury determines which officers, departments and agencies it will investigate during its term of office. To accomplish this task, the grand jury is divided into committees, which are assigned to the respective departments, or areas, which are being investigated. These committees visit government facilities, meet with public officials and develop recommendations for improving City and County operations.

The 19 members of the Civil Grand Jury serve for a period of one year from July through June 30 the following year, and are selected at random from a pool of 30 prospective grand jurors. During that period of time it is estimated that a minimum of approximately 500 hours will be required for grand jury service. By state law, a person is eligible if a citizen of the United States, 18 years of age or older, of ordinary intelligence and good character, and has a working knowledge of the English language.

Applications to serve on the Civil Grand Jury are available by contacting the Civil Grand Jury office:

- by phone (415) 551-3605 (weekdays 8:00-4:30)
- in person at the Grand Jury Office, 400 McAllister Street, Room 008, San Francisco, CA 94102.
- online by completing the [application](#) at

<http://www.sfsuperiorcourt.org/Modules/ShowDocument.aspx?documentid=1988>

State Law Requirement

Pursuant to state law, reports of the Civil Grand Jury do not identify the names or identifying information about individuals who provided information to the Civil Grand Jury.

Departments and agencies identified in the report must respond to the Presiding Judge of the Superior Court within the number of days specified, with a copy sent to the Board of Supervisors. As to each finding of the Civil Grand Jury, the response must either (1) agree with the finding, or (2) disagree with it, wholly or partially, and explain why. Further, as to each recommendation made by the Civil Grand Jury, the responding party must either report (1) that the recommendation has been implemented, with a summary explanation of how it was implemented; (2) the recommendation has not been implemented, but will be implemented in the future, with a time frame for the implementation; (3) the recommendation requires further analysis, with an explanation of the scope of that analysis and a time frame for the officer or agency head to be prepared to discuss it (less than six months from the release of this report); or (4) that recommendation will not be implemented because it is not warranted or reasonable, with an explanation of why that is. (California Penal Code, Sections 933, 933.05.)

PURPOSE OF THIS REPORT

The purpose of this report is to review the status of Title II compliance of the Americans with Disabilities Act (ADA 1990) by the City and County of San Francisco, and to support the Mayor's Office on Disability (MOD) in achieving that mandate within a reasonable time. Title II requires the facilities, programs, activities, and services of State and local governments to be made accessible to persons with disabilities.

I. SUMMARY

The 2009/2010 Civil Grand Jury initiated an investigation to determine what has been done to comply with the 1990 Americans with Disabilities Act (ADA) and what, if anything, remains undone in order to complete the compliance with the Act.

The Jury identified three areas where support is needed in order for full compliance to be achieved:

1. The citizens' grievance procedures
2. The Facilities Transition Plan (FTP)
3. Training programs for City staff, especially for the public contact personnel at the San Francisco Police Department (SFPD) and Municipal Transportation Agency (MTA)

There are many areas in which further work needs to be done, nevertheless much has been accomplished, and the Civil Grand Jury finds it appropriate to extend its compliments for the dedication, effort, and achievement of the personnel in the Mayor's Office on Disability (MOD) and the Department of Public Works (DPW). Their efforts have brought San Francisco global recognition for leadership and achievement of accessibility for its disabled residents and visitors.

II. INTRODUCTION

It has been twenty years since the ADA was passed. The 2009/2010 Civil Grand Jury investigated the status of Title II compliance in the City and County of San Francisco. Within the past ten years, the current Mayor's Disability Council (MDC) and the Mayor's Office on Disability (MOD) were established. Both are dedicated to achieving a broad array of responses to the 1990 mandates. Studies and evaluations were conducted, response plans devised, programs annually funded, and virtually every department and service of the City became involved.

A tremendous amount of work has been accomplished to date, but more remains. The primary focus of the Jury was to determine what remains undone, and whether San Francisco is on a reasonable track for the completion of compliance projects.

III. METHODOLOGY

Information was gathered by extensive review of material available on the Internet, examination of studies and documents, and through confidential interviews with highly placed individuals in the Offices of the Mayor, the City Controller, the MTA (MUNI), the DPW, the City Attorney, and the San Francisco Police Department. Observations by and personal experiences of San Francisco residents were also taken into consideration.

IV. DISCUSSION OF INVESTIGATION

Title II of the 1990 Americans with Disabilities Act (ADA) mandated local governments undertake reasonable accommodation(s) to render facilities and programs accessible to persons with disabilities. By 1999 the current Mayor's Disability Council (MDC) was established and the Mayor's Office on Disability (MOD) re-created to direct the efforts of the City and County of San Francisco to comply with those mandates. The 2000 census indicates some 150,000 San Francisco residents are disabled; that is nearly one San Franciscan in five, and the proportion could significantly increase as the population ages. San Francisco is in the forefront of compliance activities, and is consulted regularly by other jurisdictions both in the United States and internationally. The MOD became a focus of the investigation as it is responsible for a very broad range of duties: advising and training the staff of every city department; assisting in the design and direction of the Facilities Transition Plan (FTP - San Francisco's program for architectural barrier removal); implementing a new process for disabled citizen's input (a new grievance procedure); and advocacy for the full incorporation of disabled persons to all public programs and services.

The 2000/2001 San Francisco Civil Grand Jury investigated the Mayor's Office on Disability and the Mayor's Disability Council. Since the release of that report, the recommendations have been addressed and/or adopted. The recommendations were concerned with the structure and authority of the MDC and MOD, and the completion and publishing of the self-evaluation for City departments (late 2001) and the transition plan (mid-2002). These materials formed a basis for the report Toward Unobstructed Access (mid-2004) that became the foundation for compliance achievement. A brief timeline of disability actions dating back to 1984 can be found in the 2000/2001 Civil Grand Jury report.

The activities of the MOD span a very broad range of practice and disciplines with only three staff members and a budget of \$600,000 per annum. The Jury reviewed three activities for further discussion. These are:

- 1 - The citizens' grievance procedure
- 2 - The Facilities Transition Plan (FTP)
- 3 - Training programs for City staff, especially at SFPD and MTA

While the ADA does not specify any compliance completion date, San Francisco may be vulnerable to litigation where required accessibility has yet to be achieved. There is then

a sense of urgency to complete as much as possible as soon as possible. Settlements of past lawsuits (such as ADA Task Force, et al., v. CCSF, 1997 (settled 1999), Cherry v. City College of San Francisco, 2001 (settled 2006), King v. CCSF, 2007 (settled 2009)) have required the expenditure of millions of dollars toward Title II compliance, court costs, and attorneys' fees. The 1997 case settled for \$18,000,000, the 2001 case settled for \$20,000,000, and the 2007 case settled for \$4,000,000 (per year).

The City of Seattle was sued five years ago for their level of Title II compliance and settled on a twenty-year plan to achieve the ADA mandates. Caltrans also has been taken to court and was directed to reach compliance in thirty years. There are civil cases large and small currently working their way through the courts aimed at the Title II compliance of the City, and many departments are involved as expert witnesses in defending the City. These cases could be costly but may readily be settled due to the extensive efforts underway to meet and surpass the Title II mandates.

1) Grievance Procedures

The ADA requires public entities to adopt "procedures providing for prompt and equitable resolution of complaints alleging" violations of the ADA. The City has developed an alternative to filing a complaint with the U.S. Department of Justice (DOJ) for residents to raise ADA Title II issues involving the programs and facilities of San Francisco called the Grievance Procedure. Complaints are taken, investigated, verified, and forwarded to the appropriate agency for resolution. Assistance for the City agency is available through the MOD for their response to the complaint, as well as the client raising the concern.

The MOD receives over 110 contacts from citizens each month. The majority of these contacts turn out to be requests for information, referrals, and general ADA questions or services. However, 10% are written complaints which require a significant investment of time by staff. The process includes conversation with the complainant, evaluation, and verification of the complaint by staff trained in the specific needs of the disabled. Only legitimate issues are presented to the appropriate departments, thus avoiding unnecessary work hours by individual departments.

In order to accomplish timely responses to the current numbers of complaints, the MOD stated the need for 1.5 full time equivalents (FTEs) for intake, verification, and direction of each case. An average of ten hours is needed per case. The staff dedicated to the handling of the grievance procedure was eliminated in the 2009/2010 budget. As the grievance procedure becomes more widely publicized, the number of contacts will increase. Staffing levels will need to increase accordingly.

2) Facilities Transition Plan

The Facilities Transition Plan (FTP) has evolved from architectural barrier removal projects dating from the early 1970s, and has been updated periodically. The latest revision covering curb ramps and sidewalks was released in 2008. As stated in the 2008

FTP, there are 46,500 locations in the city. Only about 10,800 have curb ramps considered safe and usable. The remaining locations either have no ramps or ramps that need reconstruction to meet current standards. The San Francisco Capital Plan for 2009-2018 contains a schedule for the funding to address an inventory of over 17,728 corners in every district. To date the pace and funding levels have been maintained with no deferrals. Both the MOD and the Department of Public Works (DPW) stress the need for consistent levels of funding in order to maintain momentum and expertise. Any reduction of monies, however temporary, will likely result in the elimination of staff positions and cause unreasonable delays. When funding returns a new staff would have to relearn the practices and specifications already developed. The MOD assists in the design and some of the funding for the curb ramps and the DPW performs the construction work. The DPW has estimated a cost of almost \$14,000 per corner for curb cuts (see comments). The average number of curb cuts per corner is 1.8 (one cut for each crossing direction) which totals an average of \$56,000 for a four point intersection. This seems like a large amount of money, but each site requires individual assessment and design work by teams of skilled personnel as utility conduits, drainage grates, and physical layout of intersections are not standard. The task is very labor intensive due to the very nature of the work itself.

The major obstacle to accelerating the completion of curb ramps is financial. The departments performing the modifications are balancing staff levels with available funding in a direct correlation. As funding increases, so will the staff (and their level of expertise), and the number of locations brought into compliance. In order to achieve the goal with regard to curb cuts of the FTP in ten to fifteen years, the DPW would have to enlarge and train its staff. To achieve the goal of the FTP in less than ten years is possible but would require the DPW to outsource a significant portion of the work to private parties. The use of private contractors for curb cuts is likely to raise the cost of a curb cut significantly (DPW, 2010).

There are side benefits to staff expansion. These would include positive effects on the Better Streets Plan (a comprehensive set of street design guidelines to meet social, recreational, transportation, and ecological goals), and water runoff projects. They would also allow increased attention and resolution of the most complex and difficult sites to commence, increase and broaden the expertise in design, management, and execution of all public works projects. This experience and expertise is salable to other jurisdictions (consultations, etc.) and has the potential to generate revenue. San Francisco is seen as a global leader in accessibility and departments such as the MOD and DPW are consulted regularly by outside jurisdictions concerned with a broad range of accessibility issues and categories.

Another major barrier for disabled persons is the condition of sidewalks. Cracks, rough and missing pavements, tree stumps, missing street trees and/or the grates at the base of the trees, flags (pavement sections of a sidewalk) displaced by tree roots, inconsistent curb heights, and loose or missing utility covers are among the most common obstacles for foot travelers. Often property owners do not make the repairs even after official notification to do so, leaving the task to the DPW. The work will be done and the

property owners will be charged for the cost of the repairs either directly or by an assessment on their property tax bills. This process impacts the financial state of the DPW, as costs must be floated until payments are made by the property owner, necessitating the development and maintenance of a significant separate fund for that purpose.

In 2005 the DPW conducted a survey of 450 blocks to assess the sidewalk issue and by extrapolation determined the cost of repairs city wide to be in the range of \$250,434,000. The vast majority of the financial responsibility for sidewalk repair lies with property owners, State, and Federal jurisdictions. It is estimated that the City would be responsible for only \$10,000,000 to \$20,000,000 of that total. The cost estimate for full curb ramp completion is also in the range of \$250,000,000, totaling over \$500,000,000 in capital spending for street accessibility accommodations. These figures far exceed the amounts currently budgeted, and will most likely require a dedicated bond issue to make up what is not covered by the many and varied sources of available funds.

Planned and contemplated transit network adjustments (routes altered, eliminated or condensed, relocated stops, etc.) give an opportunity to correct the inconsistent layout of public transit boarding areas and site suitability, although this issue is not often reviewed very well. New construction and works performed by utility companies reduce the financial exposure of the City (DPW, 2010).

An additional responsibility of the DPW is the function of enforcement for the incursions to the public right of way. These include scaffolding, street tables/chairs, merchant signage, etc., whether permanently or temporarily installed, even parked cars in some situations. More than half of the complaints received by the DPW for sidewalk incursions violations are due to temporary conditions. Contractors who have been 'unaware' of the requirements for temporary obstructions of or closure to public rights of way readily make the necessary adjustments when instructed to do so. Information pertaining to the regulations is included with the permits required for sidewalk incursions and was updated in 2008.

Currently the enforcement of these issues for the entire city and county is covered by a team for complaint-based street encroachment projects, and a team for scheduled sidewalk improvement programs. The Bureau of Street Use and Mapping (in DPW) reports over 1000 complaints are on file at any given time, and with the advent of the San Francisco's 311 service, the numbers of new filings is increasing. On March 15, 2010 the backlog of complaints was 1152, and the Bureau is unable to respond to inspections and complaint processing in a timely fashion. With 1800 miles of sidewalk and over 400 complaints about streetscape issues per week the Bureau needs at least seventeen inspectors, several more than the present number, just to keep pace with investigations, site visits, education of persons seeking sidewalk incursion, and clearing the backlog of filings. Many businesses and contractors encroach on the right of way without obtaining a permit. Permit fees are used to support the enforcement and outreach tasks. Permits cost anywhere from \$55 to \$1000 (and up to \$3800 for a major encroachment). Over 20,000 permits are awarded each year (DPW).The Blind and Low Vision Priorities Project

(BLVPP, 2007) reports that despite existing DPW regulations, 60.6% of blind respondents and 32.8% of low vision respondents frequently encounter intrusions into the path of travel. Survey and focus group participants who are blind and low vision recommend that San Francisco increase the responsiveness of the DPW and DPT to complaints; develop and publicize a clear system for tracking intrusions or obstacles and addressing them or removing them; and enforce related policies and rules about keeping public pathways clear (focusing on the general public, business owners, homeowners, car owners, and city contractors) (BLVPP 2009; sec. III pp. 3).

3) City Staff Training

The third area of concern is the education of city staff and departments, particularly the MTA and SFPD. Both departments have large numbers of employees with a great deal of public contact. Both departments already have means to update and sensitize their staff to the particular needs of disabled persons, and have some materials in their continuing education programs. Nevertheless, disabled persons continue to experience serious or dangerous failures of service, sometimes due to employee carelessness and sometimes by poor architectural design. Mandatory review of improved training materials combined with testing and some sort of certification granted upon successful completion would go a long way toward mitigating these negative experiences.

Blind and low vision MUNI riders cannot get consistent stop and line or route information announced by the operator when the digital voice announcement system (DVAS, an automated system) is either uninstalled, inoperable, drowned out by noise in the vehicle, or even turned off. The light rail vehicles' (LRVs) DVAS for route and stop announcements does not operate when the cars are above ground, making it imperative the operator use the onboard public address system. Despite hundreds of complaints over the last ten to twelve years, MUNI has not corrected this failure. Vehicles are stopped without regard for obstacles in the path of off-boarding passengers or curb heights beyond the ability of persons with limited joint movement to negotiate. In addition, boarding platforms should occasionally be considered necessary for disabled passengers not specifically confined to wheelchairs. And transit operators should never fail to notify a passenger of a requested stop. While evidence for the information above is anecdotal and not part of a systematic or scientific study, it does indicate a continuing need for improved service response to disabled persons. The BLVPP contains an entire section dedicated to public transit. A very high priority is given to audible information (either automated or by operator). The MTA rules and instructions handbook for vehicle operators specifically requires that announcements be made in any one of various forms and situations. The following chart of a survey from the BLVPP shows a ranking of useful adaptations for public transit:

Table 4: Most Useful for Public Transportation

(n = 177)

Approaches for Accessible Transit %

“Talking” buses or MUNI trains 72.9%

A driver who is helpful and freely gives information 53.1%

Bus stops or MUNI train stops that announce what bus is coming 22.6%

Bus stops or MUNI train stops that tell you what routes stop there 15.8%

Route and schedule information available by phone or Internet 11.3%

Other public transit workers who are helpful 9.6%

Other 7.9%

Don't know/no opinion 0.6%

* Because respondents could select multiple response options, percentages add up to greater than 100%.

The BLVPP also states the number one priority of respondents (41.7 %) involves issues pertaining to transportation, travel, and pathways. “Most of the solutions proposed by those affected would not require new technological fixes or dramatic policy changes. Rather, the community urged better staff education and enforcing compliance with existing regulations.” (BLVPP 2007, sec III pp 2)

When asked about these abuses and flagrant violations of reasonable accommodation, even the very highest levels of MTA personnel responded by merely quoting departmental policy and failed to answer the specific concerns about the poor service experienced by disabled passengers over many years and indicated by numerous examples (MTA, January 2010).

The SFPD fares somewhat better. The claims that police actively discourage disabled persons from filing reports when their civil rights have been violated have been declining. However, many victims still relate that the police will only write a report upon the insistence of the person experiencing a violation. This may be due to the attempt of the police to reach some sort of resolution at the scene. Most often the perception of reluctance by the SFPD to act appears to be a combination of incomplete familiarity with ADA and local laws, the importance to the victim, and available actions to be taken on the part of the police to address the situation. This may indicate that the department would benefit from targeted educational programs and clear enforcement policies from the Chief.

For example, injuries to service animals from attacks by pet dogs (most often off leash) have been viewed as ‘property damage’ and not typically as an assault on the handler. An impatient transit rider who squeezed past a blind person off boarding a bus tripped over and broke his white cane and did not render help or offer to cover the cost of a new cane (\$100). The Police refused to get involved, calling it a civil case, and would not even give the blind person the name of the assailant. The low level of enforcement for many “petty crimes” such as bicycles riding on the sidewalk, off leash pets, litter, and other activities result in the regular occurrence of avoidable obstructions and safety hazards that commonly endanger disabled persons.

A new ADA Coordinator has been named at SFPD. It is imperative that this person be given the tools and support to continue the work already accomplished and expand sensitivity training programs.

When questioned about the actions of SFPD with disabled persons, the MOD relates that in their experience with complainants, evidence of systematic disfavor in tending to the calls for assistance by disabled persons was not found, but there is a need for further sensitivity training in the areas of ADA civil rights protections and the importance for the enforcement of those protections. The MOD does see evidence for systematic ignorance of the rights and needs of users of service and support animals, but generally not in the police response to assistance calls from them. The ADA is particularly vague when it comes to the definition of and qualifications for service and support animals which significantly contributes to the frustration and ambiguity felt by both the SFPD and legitimate service animal handlers involved in situations where violations are alleged. This issue is being addressed on a national level, albeit slowly.

The department does have specialized units which respond to a variety of specific concerns, and many of these programs can form the basis for a program for officer education and response improvement. For example, the dangerous dog unit performs a highly useful role in targeting the specific issues arising from irresponsible pet ownership. A video was produced in 2005 with donated funds and in cooperation with Guide Dogs for the Blind (San Rafael, CA) and Guide Dog Users Inc. to inform police officers of the significance and effect of [dog] attacks on working service animals.

The MOD is working with these departments to develop training programs. Currently the approach is to aim for the top (directors and managers) to ensure buy-in and an understanding of the importance. The goal is to eventually have the resources for an on-line training curriculum that would require a mandatory refresher every two years. The on-line courses would include quizzes, tests that must be passed, perhaps some sort of certification, and record keeping of completion. The jury supports this approach as an effective and economical method of training a large group of city employees. Many local and state programs can serve as models for the approach, which can save development costs by adapting already successful methodologies.

V. CONCLUSION

The investigation revealed that extensive legislation has been written and enacted by Federal, State, and local governments. A great deal of work has already been done to respond to the legislation. While both the planning and the execution of all City departments' compliance activities vary in complexity and extent, most are making significant progress and understand the importance of the accommodations currently underway. Many talented, dedicated, and diligent persons are accomplishing their goals to eliminate barriers and render San Francisco a fully accessible city, both architecturally and programmatically. In a world where embodiment is the norm, mobility and

communication in all its forms is essential to survival. Any impairment thereof threatens one's very existence.

The Jury wishes to commend the dedicated performance exhibited by so many employees in addressing the Title II mandates and their impact on every department and service in the City. Many external jurisdictions see San Francisco as leading the state, country, and beyond in addressing accessibility and the incorporation of a large segment of its population previously excluded from equal membership in their community. The ADA is an unfunded mandate which makes financial backing for timely compliance achievement both a priority and a challenge. San Francisco has many talented and capable leaders given the task to find ways to bring the requirements and resources together to achieve as much accessibility as possible as soon as possible. Our disabled residents deserve nothing less and have been waiting far long enough.

VI. FINDINGS

VII. RECOMMENDATIONS

<p>1. San Francisco is vulnerable to litigation for non compliance with Title II mandates of the ADA.</p>	<p>1. The City Attorney’s Office should assess the liability and risk to the City for the incomplete level of Title II compliance, and report its findings to the Mayor and BOS by October 31, 2010.</p>
<p>2. In response to the ADA mandates, a Grievance Procedure has been developed for intake, investigation, and referral of citizens’ Title II compliance issues. Complaints that are referred to the appropriate departments have already been processed and verified as valid, and assistance to the affected departments in producing appropriate responses is available. This process significantly reduces the cost of the investigation of a complaint and the construction of a viable response by that department. The level of complaints is expected to increase by as much as three fold as the availability of the grievance process becomes better known in the community. The budget for this work was reduced for the current fiscal year (2009-2010) resulting in the lengthening of the time to complete the process and generating a backlog of cases. The sooner a complaint is processed, the less liability and risk exposure there is for the City. Delays drive up the costs of response and can encourage litigation.</p>	<p>2. San Francisco should expand the Grievance Procedure to the level necessary for the “prompt and equitable” resolution of ADA complaints.</p>
<p>3. Currently only issues involved with Title II compliance are handled by the Grievance Process. The likelihood of disabled citizens requiring an alternative for and assistance in filing concerns outside of Title II is extremely high. The only alternative for the aggrieved is litigation at great expense in both time and resources, or filing a complaint with the DOJ. It is estimated to cost about \$750,000 to expand the Grievance Procedure to cover private sector complaints.</p>	<p>3. By January 2011, the MOD in association with City departments’ ADA Coordinators should initiate a study to determine the feasibility of the expansion of the grievance procedure to incorporate private sector ADA compliance issues as an alternative to litigation.</p>

<p>4. The Facilities Transition Plan (FTP) is comprehensive and is updated periodically. Over two thirds of the plan has been accomplished, with work on the final portion underway. The capital plan for the City allows for the continued work, especially regarding curb cuts and sidewalk issues, but extends the costs over the next twenty to twenty five years. Current cost estimates total over \$500,000,000 with more than half of the sum originating from public sources. These sources are varied, and come from Federal, State, and local coffers via myriads of programs, many with specific use criteria. Even with all known sources, the expenditures far exceed available funds. Of critical importance is the need to maintain consistent levels of funding, without which experienced staff will be lost with detrimental impact on their programs.</p>	<p>4. San Francisco should obtain and distribute the needed funding through all available and creative means including targeted bond issues to accelerate the achievement of compliance goals in ten years. Consistent funding levels must be maintained in order to retain, develop, and expand the pool of valuable experienced personnel.</p>
<p>5. The City incurs significant risk and liability from the insufficient monitoring of incursions to the public right of way and the maintenance of a clear-path-of-travel. The DPW is responsible for the investigation and enforcement of temporary and permanent sidewalk incursions involving the entire City. The majority of infractions are due to temporary barriers incorrectly erected. Over 1000 complaints are on file at any given time, and more than 400 new complaints are received weekly. The team of inspectors has been unable to keep pace with and process these complaints. Delays in the correction of incursions can lead to lawsuits.</p>	<p>5. The City should pursue full enforcement and monitoring of incursions to the public rights of way, especially with regards to temporary sidewalk incursions. Staffing levels must be maintained to address and complete inspections and investigations promptly and to eliminate backlogged cases.</p>
<p>6. The SFPD and MTA (MUNI) (DPT) have large numbers of employees whose work involves a great deal of public contact. Assistance and sensitivity training for the service to and interaction with disabled persons in a manner which is effective and respectful of their rights, has yet to be fully developed. A successful completion certificate would result in a higher degree of subject retention and grant a sense of accomplishment when awarded. The MOD is working with these departments in order to do so, but lacks</p>	<p>6. By June 2011, the City should develop training programs in areas of assistance and sensitivity to the needs of disabled persons, especially at MTA and SFPD. These programs should be implemented by December 31, 2011.</p>

<p>the financial wherewithal needed for its accomplishment. Many viable models exist which can be adapted to fit training goals, reducing development and implementation costs.</p>	
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VIII. REQUEST FOR RESPONSE

Responses to the recommendations in this report are required by the Board of Supervisors and city offices and departments in accordance with the following list and state law. Responses are to be in writing and addressed to the Honorable James McBride, Presiding Judge, Superior Court of California, City and County of San Francisco, San Francisco Civic Center Courthouse, 400 McAllister Street, San Francisco, California, 94102.

- Board of Supervisors:* 90 days
- Office of the Mayor:* 60 days
- Mayor’s Office on Disability:* 60 days
- Mayor’s Disability Council:* 60 days
- Office of the DPW:* 60 days
- Office of the MTA:* 60 days
- San Francisco Police Department:* 60 days
- The Office of the City Attorney:* 60 days

REQUIRED RESPONSES TO RECOMMENDATIONS

Recommendation	1	2	3	4	5	6
<i>Response 90 Days</i>						
BOS	X	X		X	X	X
<i>Response 60 Days</i>						
Mayor	X	X	X	X	X	X
MOD		X	X	X		X
MDC		X	X	X		X
DPW			X	X	X	
MTA			X	X		X
SFPD			X			X
City Attorney	X					

IX. COMMENTS

SAN FRANCISCO GOALS and PRIORITIES

The following is a list of items important to the disabled community:

- Expand the ability for people with disabilities to live as integrated members of the community by attention to community services and accessible housing.
- Require 80% of new housing to be adaptable (easily converted to access, and visitable by all people with disabilities).
- Provide tools to increase education on disability rights issues not only for city workers, but for all persons affecting the physical environment for and services provided to the disabled population – even focused trainings on service and support animals (better awareness of the rights and responsibilities of handlers)
- Incorporate disability concerns in new green and environmental efforts – sensitivity to mobility needs.
- Make San Francisco a leader in employing people with disabilities starting with a city wide survey to establish a baseline of the current level of employment
- Expand approaches to include the needs of people with disabilities in transit, parking, and alternative means of transportation.
- Programmatic access requires eternal vigilance to effect desired improvements in access to services and departmental culture sensitization with regards to flexibility and individual attention as warranted for accommodation.

BLVPP REPORT

The BLVPP report has been used extensively in this report due to its uniqueness. It is a systematic and scientific study surveying accessibility issues among a specific group of disabled persons, and in many ways reflects the overall trends and frustrations experienced by persons with other disabilities. The primary issues in the deaf and hard of hearing community are around communication (although very few complaints are directed at the City due to the availability of accommodation found here). Persons requiring mobility devices have achieved significant recognition of their needs, but the extent of work required for accommodation is large. In a world where embodiment is the norm, mobility and communication in all its forms is essential to survival. Any impairment thereof threatens one's very existence.

EXPERIENCED STAFF ADVANTAGES

As the design and construction work of the FTP progresses, the staffs of the MOD, DPW, and other departments become increasingly experienced in those adaptations. Improving the time lines of the completion of adaptation programs will require additional staff positions be created and filled. There are significant side benefits to the expansion of

staff, beyond the completion of accommodation in far less time than currently planned. These include, but are not limited to:

- Acceleration of review/approval processes for all DPW projects
- Increase the implementation of the Better Streets Plan
- Greatly improve water runoff projects
- Allow deferred work on the most difficult accessibility areas to begin
- Greatly help in updating policies and practices throughout the DPW, especially where accessibility issues are involved
- Develop a resource of more specialized teams
- Revenue generation potential through consultation fees, etc. as our reputation of leadership and accomplishment grows beyond the county and the nation.

CURB CUT EXPENSE

The cost of curb cuts varies from about \$4,000 to upwards of \$40,000 depending on the characteristics of the site. Factors that increase the cost include 1) surveying each site for elevation and grade data; 2) engineering review and drawings; 3) flat and level landings are required at the top and base of each ramp which are not subject to standing water or pavement degradation, and which are in tolerance where access points of buildings occur; 4) contrasting colors and textures of surfaces necessitating that different concrete mixtures be used; 5) police/fire call boxes, utility boxes, and runoff catch basins (which can add as much as \$10,000) frequently must be relocated; 6) erection of compliant barricades and detours for vehicles and pedestrians; 7) work must be scheduled around commute times – even over night to minimize disruption (often at premium pay); 8) coordinating with other City departments and outside agencies to schedule and complete their portions; 9) changes to sidewalk configuration (such as bulb-outs) require variances, easements, and property owner notices (as sidewalk maintenance is the responsibility of the adjacent property owner, and these changes can increase their liability, etc.); 10) good engineering gives good results which last a very long time – a process which has not always been done in the past.

Factors that relate to the reconstruction of curb cuts include: 1) changing standards (from 1970s to 2003, both Federal and State specifications set and amended); 2) subsurface soil failure which causes cracks, uneven surfaces, sloped landings, and runoff ponding; 3) insufficient site preparation at earlier installations; 4) damage from heavy vehicles riding up and over curbs; 5) poor workmanship and/or product failure at existing installation; 6) unanticipated effects of new construction or other changes to streetscapes, etc.

These are just some of the numerous and complex issues involved with access ramps, and is by no means an exhaustive list. Each site is unique, and requires a high level of expertise and craftsmanship. A ramp appears simple enough at the outset, but can become very involved during execution.

X. INFORMATION SOURCES

Departments Consulted:

Bay Area Rapid Transit (BART) Board of Directors
Department of Public Works
Mayor's Disability Council
Mayor's Office on Disability
Municipal Transportation Agency
Office of the City Attorney
Office of the City Controller
Public Utilities Commission
San Francisco Police Department

Documents/Videos:

Americans with Disabilities Act, Title II (1990)
ADA MOD 10 Years of Success (September 2009)
ADA Transition Plan for Curbs & Sidewalks (2010)
ADA Transition Plan Projects List (Master) (2009)
Blind and Low Vision Priorities Project (2007)
Capital Plan 2009-2018
CCSF Ten Year Capital Spending Plan (2006)
Disability Status: 2000 Census Brief (2003)
Enforce Assistance Dog Protection Laws (How to Respond to Guide or Service Dog Attacks) 2005
Mayor's Office on Disability/Mayor's Disability Council Report (Civil Grand Jury 2000-2001)
MOD Grievance Procedure
MTA Announce!
SF Better Streets Plan (2006/2010)
Toward Unobstructed Access (June 2004)

LIST OF ACRONYMS

ADA	Americans with Disabilities Act
BLVPP	Blind and Low Vision Priorities Project
BSP	Better Streets Plan
CCSF	City and County of San Francisco
DOJ	Department of Justice (Federal)
DPT	Department of Parking and Traffic
DPW	Department of Public Works
DVAS	Digital Voice Announcement System
FTP	Facilities Transition Plan
LRV	Light Rail Vehicle
MDC	Mayor's Disability Council
MOD	Mayor's Office on Disability
MTA	Municipal Transportation Agency
SFPD	San Francisco Police Department