Chapter 5
ADA Transition Plan

INTRODUCTION

Under Title II of the ADA, as specified in 28 CFR Section 35.150, state and local governments must perform self-evaluations on their current facilities. Those that employ 50 or more persons must also develop a Transition Plan to address deficiencies. The Transition Plan is intended to achieve the following:

- Identify physical obstacles that limit the accessibility of facilities to individuals with disabilities
- Describe methods to be used to make the facilities accessible
- Provide a schedule for making the access modifications
- Identify the public officials responsible for implementation of the Transition Plan

The plan is required to be updated periodically until all accessibility barriers are removed.

STEPS TOWARD ACHIEVING COMPLIANCE

In addition to creating the Transition Plan, there are other steps to ensure that the City of Santa Fe is working effectively to meet ADA accessibility requirements for pedestrian facilities. Several steps have already been completed or are currently underway by the city. The following section describes these steps and provides a status update in regard to the City of Santa Fe’s progress.

Step #1: Designating an ADA Coordinator

An ADA Coordinator addresses questions and concerns regarding accessibility for people with disabilities and facilitates activities for implementing compliance plans. The ADA Coordinator should be familiar with the operating procedures of all relevant city departments, trained in ADA requirements and regulations, and be able to communicate effectively with local government officials and the public.

The City of Santa Fe currently has an active ADA Coordinator. The ADA Coordinator is tasked with the following responsibilities¹:

- Reviewing ADA guidelines and city services and programs as they relate to the ADA

¹ [http://www.santafenm.gov/ada_compliance](http://www.santafenm.gov/ada_compliance)
• Providing ADA guidance, training, and support to city staff
• Ensuring that publications, notices, postings, and meetings are accessible to people with disabilities
• Developing and posting the city’s ADA Policy Statement
• Developing and posting the city’s ADA Grievance Policy
• Completing a self-evaluation
• Developing a Transition Plan
• Serving as staff liaison to the mayor’s Committee on Disability

**Step #2: Providing Notice regarding ADA Requirements**

Providing notice is a continuing responsibility. Disability advocates, public transit riders, and other organizations are common groups that should be kept informed regarding ADA requirements. The U.S. Department of Justice has provided a model for posting ADA requirements at city facilities. More information on this model can be found at the following website: [https://www.ada.gov/pcatoolkit/chap2toolkit.htm](https://www.ada.gov/pcatoolkit/chap2toolkit.htm). People with disabilities and other interested community members should have ample opportunity to participate in the development of the Transition Plan. Special events, newsletters, and websites provide excellent opportunities for dissemination of information and public input.

The City of Santa Fe currently provides public notice regarding rights of the public under the ADA and the responsibilities of the city under the ADA as required. Additionally, the mayor’s Committee on Disability holds monthly meetings providing a forum for the public to address any concerns that may exist regarding accessibility. The committee also conducts community outreach by setting up booths at major community events.

**Step #3: Establish a Grievance Procedure**

City departments are required to publish procedures for resolving grievances regarding accessibility in the public right-of-way. Procedures should establish a system for efficiently and fairly resolving complaints of disability. The U.S. Department of Justice has provided a model for departments to follow: [https://www.ada.gov/pcatoolkit/noticetoolkit.pdf](https://www.ada.gov/pcatoolkit/noticetoolkit.pdf).

The City of Santa Fe currently has a grievance procedure in place. An individual who wishes to file an ADA grievance in Santa Fe must directly contact the city’s ADA Coordinator or fill out an ADA Grievance Form and submit it to the ADA Coordinator. The ADA Grievance Procedure and Grievance Form can be found at: [http://www.santafenm.gov/grievance_policy_and_procedure](http://www.santafenm.gov/grievance_policy_and_procedure)
Step #4: Develop Internal Standards, Specifications, and Design Details

The U.S. Access Board has developed accessibility guidelines for pedestrian facilities. A municipality can adopt these guidelines into their own local system of standards, specifications, and design details. This procedure ensures consistency and compliance in the implementation of new pedestrian facilities.

The City of Santa Fe has adopted design standards from the New Mexico Department of Transportation that allow for consistency in the application of ADA requirements for new facilities and infrastructure. These standards may be found in Appendix A or at: [http://www.dot.state.nm.us/content/dam/nmdot/Plans_Specs_Estimates/Standard_Drawings/608.pdf](http://www.dot.state.nm.us/content/dam/nmdot/Plans_Specs_Estimates/Standard_Drawings/608.pdf)

Step #5: The ADA Transition Plan

Based upon the National Cooperative Highway Research Program’s (NCHRP) Project 20-07 (232), ADA Transition Plans: A Guide to Best Management Practice, a Transition Plan should consist of the following elements:

1. A list of physical barriers that limit the accessibility or individuals with disabilities.

   The City of Santa Fe, with the assistance of KFH Group, has compiled a comprehensive list of physical barriers along sidewalks, curb ramps, and intersections covering all public right-of-way facilities within the city limits.

2. A detailed description of the methods to remove these barriers and make the facilities accessible.

   The extent of all ADA work necessary to remove barriers and create accessible pathways may be found in Chapter 1: ADA Standards & Guidelines.

3. A schedule for taking the necessary steps.

   The proposed schedule for implementing necessary accessibility improvements can be found in the ADA Capital Transition Plan section of this chapter.

4. The name of the official responsible for implementation.

   The City of Santa Fe’s ADA Coordinator is David A. Chapman. Mr. Chapman is available at 505-955-2012 or dachapman@santafenm.gov. Mr. Chapman is responsible for all facets of ADA compliance within the city including implementation of the Transition Plan.
5. A schedule for providing curb ramps.

The schedule for providing curb ramps is included in the overall priority schedule which may be found in the ADA Capital Transition Plan section.

6. A record of the opportunity given to the disability community and other interested parties to participate in the development of the plan.

Over the course of the development of the Transition Plan, four status reports were given to the mayor’s Committee on Disability and the Public Works Capital Improvement Plan Land Use Committee. During those meetings members of the disability community and community at-large provided guidance for the development of the Transition Plan. Additionally, the prioritization process setup for implementing accessibility improvements has placed a high priority on community grievances so as not to disenfranchise any member of the community who did not have an opportunity to participate in the development of the plan.

**Step #6: Schedule and Budget for Improvements**

The Transition Plan should include a schedule of repairs and reconstructions necessary to meet accessibility requirements in each year following the Transition Plan.

Through the Transition Plan, Santa Fe has developed a list of potential funding sources in addition to funds allocated from the city to provide accessibility improvements. The self-assessment and prioritization process contained within this plan will assist the City of Santa Fe in prioritizing specific improvements in an effective and time-efficient manner.

**Step #7: Monitoring the Progress**

The Transition Plan needs to be utilized in yearly planning of projects and funding decisions in order to be effective. The plan should be reviewed periodically for compliance and validity. It should be viewed as a “living document” and updated regularly to reflect changes in real world conditions and to address possible new areas of non-compliance.

As the city begins to analyze the data collected from the self-assessment and implement improvement projects, a system for continuous monitoring will be needed. The final section of this chapter goes into greater detail regarding recommended monitoring activities.
ON-GOING CAPITAL IMPROVEMENT PROGRAMS

ADA Improvement Fund

Dedicated funding for the ADA Improvement program is the process of being introduced into the upcoming capital improvement budget. The potential funding allocation is seeking up to $250,000 per fiscal year. This fund has the potential to target areas which are low on the priority list of street resurfacing or other city led improvement projects.

Street Maintenance Program

Including sidewalk construction or improvement as part pavement resurfacing projects is a key strategy. The city provides a streets and drainage maintenance program which oversees concrete construction and maintenance activities. Federal court judgments, most notably Kinney v. Yerusalim (1993), require that curb ramps must be constructed or improved to meet ADA guidelines when they are adjacent to street overlay projects. The city has in the past, and continues to construct the required curb ramps and sidewalks as part of this program.

The definition of alterations requiring such improvements has been addressed by technical assistance issued jointly by the U.S. Department of Justice and the U.S. Department of Transportation: ²

“Resurfacing is an alteration that triggers the requirement to add curb ramps if it involves work on a street or roadway spanning from one intersection to another, and includes overlays of additional material to the road surface, with or without milling. Examples include, but are not limited to the following treatments or their equivalents: addition of a new layer of asphalt, reconstruction, concrete pavement rehabilitation and reconstruction, open-graded surface course, micro-surfacing and thin lift overlays, cape seals, and in-place asphalt recycling.”

On the other hand, “maintenance activities on streets, roads, or highways, such as filling potholes, are not alterations.”

Resurfacing only part of a crosswalk, however, does trigger the curb ramp requirement: “Crosswalks constitute distinct elements of the right-of-way intended to facilitate pedestrian traffic. Regardless of whether there is curb-to-curb resurfacing of the street or roadway in general, resurfacing of a crosswalk also requires the provision of curb ramps at that crosswalk.”

² “https://www.fhwa.dot.gov/civilrights/programs/doj_fhwa_ta.cfmb
Private Development Projects

Typically, private construction projects have a direct impact on the pedestrian improvements within the public right-of-way. As a condition of the approval of a building permit, the city typically requires the construction or improvement of pedestrian facilities including sidewalk connections and curb ramps. Following the completion of the Transition Plan, it is recommended that building permit reviews include a review of the pedestrian infrastructure surrounding the site in question.

POTENTIAL FUNDING SOURCES

Bonds

Municipal or infrastructure bonds could allow investors to help finance pedestrian pathway improvements. Bonds are a voter-approved mechanism that allow debt which is paid back through taxes, such as property taxes or gross receipts tax revenue.3 4

If the city does not want to pursue this option, a new organization could be formed for this purpose. New Mexico statutes allow the formation of:

- Public Improvement Districts5 which can be funded by proceeds received from the sale of bonds of the district; annual property taxes or special levies; user, landowner and other fees and charges; and other sources such as local contributions, state and federal grants, and private contributions.

- Infrastructure Development Zones6 which can issue bonds, borrow money, charge fees, tolls, and penalties or charge for services, programs or facilities furnished by the infrastructure development zone.

- Tax Increment Development District7 which can issue bonds, borrow money and levy property taxes.

Taxes / Levies

Sidewalks, like roadways, are shared resources and it is reasonable to fund them through a special tax or levy.

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An example of a small city that successfully passed a tax funding measure for sidewalks is Olympia, Washington. In 2004, voters approved the creation of the “Parks & Pathways” program that finances parks, recreation facilities, and sidewalks through a three percent increase to the private utility tax.

In 2006, voters in the much larger City of Seattle passed a nine-year “Bridging the Gap” levy for transportation maintenance and improvements, complemented by a commercial parking tax. This levy funded sidewalk development and repairs, curb ramp installation, crosswalk restriping, improved walking routes to school, improved pedestrian signals, and other types of infrastructure projects. It also created Seattle's Safe Routes to School Program and Neighborhood Street Fund Program, which helps neighborhoods get larger projects built, and they funded development of the city’s first Pedestrian Master Plan.

**Transportation User Fees**

Surcharges or sales taxes could be added to Santa Fe parking fees, or other existing transportation-related charges such as vehicle registration fees or revenue producing projects.8

Fines for parking or traffic violations may include a surcharge to improvement pedestrian facilities. This was recommended for the City of Austin in its own Sidewalk Master Plan.9

Enforcement Fees are also an option for pedestrian or sidewalk related violations. For example, the City of Austin’s Safe Routes program funding relies upon a surcharge of $25 per speeding ticket and $5 per parking ticket in a school zone. These funds go directly to street crossing improvements and crossing guards.

Another recommendation is a Commercial Driveway Assessment. This program would assess commercial property owners to pay for driveway repairs required to provide ADA compliant routes, with options for the landowner on payment terms and construction delivery methods.

**Grants**

**Community Development Block Grants**

The federal Community Development Block Grant (CDBG) program, under the Department of Housing and Urban Development (HUD), provides funding to address a wide range of unique community development needs. Classified as an entitlement community by HUD, the City of Santa Fe develops its own programs and funding priorities in support of the objectives

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9http://austintexas.gov/sites/default/files/files/Public_Works/Street_%26_Bridge/Sidewalk_MPU_Adopted_06.16.2016_reduced.pdf
of its own five-year Consolidated Plan.\textsuperscript{10} This plan identifies housing and community needs, priorities, goals and strategies.

The city’s Community Development Commission allocates funding to eligible subrecipients for projects that support affordable housing, neighborhood revitalization, economic development, and provision of improved community facilities and services. Included among the eligible activities is the provision of public facilities and improvements (including streets). Sidewalk construction or improvement could potentially be part of a subrecipient project.

\textit{Congestion Mitigation and Air Quality Improvement (CMAQ) Program}

FHWA’s Congestion Mitigation and Air Quality Improvement (CMAQ) Program was reauthorized under the Fixing America’s Surface Transportation (FAST) Act. CMAQ provides funding for state and local governments for transportation projects and programs to help meet the requirements of the Clean Air Act. CMAQ funds may be used for projects that are likely to reduce air pollution. This could include pedestrian infrastructure projects that encourage people to walk or use transit instead of driving. Because Santa Fe is in attainment of all National Ambient Air Quality Standards for ozone, carbon monoxide, or particulate matter, funding under this program is not specifically allocated to the Santa Fe urbanized area. However, NMDOT is allocated federal funding ($11.5 million in FY 2017) and determines how to award this funding for local projects. NMDOT is currently in the process of determining how to prioritize and program CMAQ funds in the wake of changes to circumstances in another region in the state.\textsuperscript{11}

\textit{Highway Safety Improvement Program (HSIP)}

The FHWA Highway Safety Improvement Program (HSIP), reauthorized under the FAST Act, funds for safety projects, are consistent with the state’s strategic highway safety plan (SHSP), that correct or improve a hazardous road location or feature or address a highway safety problem. Eligible projects can include roadway improvements that provide separation between pedestrians and motor vehicles, including medians and pedestrian crossing islands and other safety improvements.

\textit{Surface Transportation Block Grant (STBG) Program}

With the passage of the FAST Act, the Surface Transportation Block Grant Program (STBG) replaced the former Transportation Alternatives Program (TAP). The STBG program includes a set-aside for transportation alternatives (TA Set-Aside), including pedestrian facilities, infrastructure projects for improving non-driver access to public transportation and enhanced mobility, recreational trail projects, safe routes to school projects, and more. TA Set-Aside

\textsuperscript{10} http://www.santafenm.gov/funded_projects
\textsuperscript{11} http://www.santafenm.gov/media/archive_center/BTAC_CMAQ_Memo_09-14-16.pdf
funds are allocated on a formula basis to states (to distribute competitively) and sub-state areas (based on population). As a small urbanized area, Santa Fe’s allocation would be determined through a state-determined process. NMDOT continues to refer its transportation alternatives funding program as the TAP, and awards these funds locally through a competitive process. (Applications for TAP funding in FY 2018 and 2019 were due October 28, 2016.) NMDOT TAP-funded projects require a local match of 14.56% of the total project costs.

Local governments are eligible for TA Set-Aside funds, as are regional transportation authorities, transit agencies, natural resource and public land agencies, school districts, tribal governments, nonprofit entities responsible for the administration of local transportation safety programs (such as a safe routes to school program), and other local or regional governmental entities (except for states or MPOs) with responsibility for, or oversight of, transportation or recreational trails. Therefore, there are multiple approaches through which a community could pursue STBG funds. For example, safe routes to school projects can include infrastructure-related projects.

Transportation Investment Generating Economic Recovery (TIGER) Grant Program

The U.S. DOT TIGER grant program is a nationally competitive program that funds innovative projects, including multi-modal and multi-jurisdictional projects, which are difficult to fund through traditional federal programs. In 2016, TIGER awards focused on capital projects that generate economic development and improve access to reliable, safe and affordable transportation for communities. As an example, a project funded in 2016 in Pittsburgh, PA to cap an interstate highway to connect neighborhoods will include improvements to sidewalks, crosswalks, and walkways. Another example is a project awarded to the Utah Transit Authority to improve connectivity and access to its transit system, including building crosswalks, trail connections, sidewalks, sidewalk condition improvements, curb extensions, curb cuts, raised crosswalks, pedestrian hybrid beacons, and detectable warnings.

Federal Transit Administration (FTA) Grant Programs

Pedestrian facilities that improve access to transit can potentially be funded under several Federal Transit Administration (FTA) grants. These include:

- **Section 5307 Urbanized Area Formula Program** – Eligible projects, under the category of “associated transit improvements,” include pedestrian access and walkways and enhanced access for people with disabilities to public transportation. Specifically, pedestrian paths located within 0.5 miles of a transit stop or station are eligible, while projects outside this distance may be eligible if they are within the distance that a person could be expected to safely and conveniently walk to a particular stop or station. Federal Section 5307 funds are allocated to FTA designated recipients in large
urbanized areas and to states for small urbanized areas. States administer the grant application process and award subrecipient grants to the small urbanized transit operators. The City of Santa Fe is the FTA/NMDOT subrecipient for the Santa Fe Trails system.

- **Section 5339 Buses and Bus Facilities Formula Program** – Eligible projects include transit facilities (such as transfer facilities, bus malls, transportation centers, intermodal terminals, intercity facilities which are part of a joint development project, and park-and-ride stations), and passenger amenities such as passenger shelters and bus stop signs. These types of projects could potentially include construction of stretches of sidewalks and accessibility improvements. Federal Section 5339 funds are allocated to FTA designated recipients in large urbanized areas and to states for rural and small urbanized areas. For small urbanized areas, states administer the grant application process and award subrecipient grants to the small urbanized transit operators. The City of Santa Fe is the FTA/NMDOT subrecipient for the Santa Fe Trails system.

- **Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Program** – Eligible projects include those that improve access to fixed-route service and decrease reliance by individuals with disabilities on ADA-complementary paratransit service (such as the construction of accessible sidewalks to bus stops). Federal Section 5310 funds are allocated to FTA designated recipients in large urbanized areas and to states for other areas, for which states administer the grant application process and award subrecipient grants. Eligible subrecipients include private non-profit organizations, public entities that certify to the governor that no non-profit corporations or associations are readily available in an area to provide the service, and public entities approved by the state to coordinate services for seniors and individuals with disabilities. While the federal program allows for sidewalk improvement projects under this program, the reality in many states is that the demand for vehicles for non-profit agencies exceeds available funding, and such traditional Section 5310 projects are typically prioritized in state funding decisions.

**Neighborhood Cost Sharing**

Neighborhoods have a vested interest in having good pedestrian facilities; a neighborhood in which it is easy and safe to walk offers a higher quality of life, and pedestrian infrastructure improvements have a direct impact on this. Asking the residents and businesses in a neighborhood to help finance these improvements is not unreasonable. Neighborhood associations may be able to impose special assessments on homeowners and business to fund improvements. Partnerships with neighbor associations and other community groups could help the city leverage grant funding by sharing in the local match and making a proposed project more competitive – and vice-versa - should a neighborhood association be pursuing its own grant.
As an example, Austin, Texas has, as one of several components of its Neighborhood Partnering Program, a cost share program that “assists neighborhood groups in developing, resourcing, and executing small to medium-sized improvement projects in the city’s right of way or on city-owned property. Cost sharing can be achieved through cash contributions, in-kind contributions, or donated labor (sweat-equity).”\(^\text{12}\)

**Impact Fees**

An impact fee is a one-time fee on a new development (or redevelopment project) to recover costs from the impact of the developments, including the costs to build roadways and sidewalks. However, these fees may be limited to areas where sidewalks do not currently exist.\(^\text{13}\)

**Public/Private Partnerships**

Public private partnerships could involve shared funding of sidewalk projects from neighborhood associations, business districts, businesses whose customers (or patients or students) and employees are likely to use the sidewalk, foundation grants, and real estate developers.

**POTENTIAL COMMUNITY BASED EFFORTS**

While many of the compliance issues in Santa Fe will require costly curb ramp and sidewalk construction, a number of the issues that were recorded could be remedied through citizen participation. For example, many of the accessibility barriers include overgrown vegetation (low hanging limbs, overgrown shrubs, etc.), soil erosion onto the sidewalk, and large debris items. Working with the organizers of Keep Santa Fe Beautiful or other community organizations could present a low or no-cost option to remove many of these barriers.

**Keep Santa Fe Beautiful**

Keep Santa Fe Beautiful is a “nonprofit volunteer program dedicated to environmental education, litter awareness and prevention and beautification programs.” Keep Santa Fe Beautiful and the City of Santa Fe sponsor the annual Great American Cleanup, No Mas Fall Cleanup days, and the city’s Adopt-a-Median program.

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\(^\text{12}\) [http://www.austintexas.gov/neighborhoodpartnering]
\(^\text{13}\) [http://law.justia.com/codes/new-mexico/2015/chapter-5/article-8/section-5-8-5/]
Chapter 5: ADA Transition Plan

ADA CAPITAL IMPLEMENTATION PLAN

The ADA Capital Implementation Plan lays the ground work for the ADA Transition Plan’s specific goals and timeline for future construction. The goals of the plan take into account all of the various types of work required including curb ramps, crosswalk markings, pedestrian crossing signals, sidewalk barrier removal, and sidewalk installation. Until specific funding sources are identified and allocated, the suggested improvement projects can only be considered as potential projects.

It is recommended that the City of Santa Fe take a proactive approach to bring its pedestrian infrastructure into ADA compliance. Currently, allocated funding should be used to improve the highest priority locations of the ADA Capital Implementation Plan. The city should be very engaged in identifying and programming future funding to accelerate construction activities.

Potential Projects

Detail project information is available through the curb ramp, intersection, and sidewalk databases. Appendix D provides a summary of those databases with detailed information on improvements needed to bring the city into full ADA compliance. Table 5-1 provides a summary of potential projects beginning in fiscal year 2019 and continuing to fiscal year 2038; a twenty-year horizon.

While full ADA compliance will not be achieved within a 20-year time frame, the highest priority projects could conceivably be accomplished. Providing a planning horizon beyond twenty years is generally not advisable as many factors and priorities will change over such an extended time period.

The City of Santa Fe plans to allocate up to $250,000 per fiscal year to implement the projects listed within the Transition Plan. The city also plans to coordinate with other city-led improvement projects and apply for competitive funding to expedite the time-frame for the compliance process. The total annual funding allocations per fiscal year were capped below $250,000 so that issues identified through the city’s grievance procedures may be improved.

The specific locations and prioritization of improvement projects should be subject to review by the city, the mayor’s Committee on Disability, and the public. The scope of the recommended projects should also be evaluated by the city’s Public Works and Engineering Departments.
## Table 5-1: Summary Table of ADA Transition Plan Projects

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Note: Estimated costs were developed using the city’s 16/18/B On-Call Roadway and Trails Construction Services Sheet.
Figure 5-1: Proposed ADA Transition Plan Projects
CONTINUOUS MONITORING

The City of Santa Fe is engaged in ongoing construction of curb ramps, intersections, and sidewalks throughout the city. The data that has been captured in this plan represents a snapshot of that on-going activity. Just as it is important to ensure that proper guidelines and compliance standards are followed in the construction of these assets, it is also crucial to monitor activities. Monitoring asset data in a diverse and ever-changing environment is vital in maintaining an effective compliance program.

Field Monitoring

As pedestrian improvements are completed a trained inspector should conduct a field assessment to ensure that the new infrastructure is ADA compliant. Monitoring improvements that originate from city projects should be fairly simple to track with effective coordination between departments. Private development, adjacent to the PROW, may be somewhat more difficult to track but should also be included in field monitoring activities.

Asset Database Management

Once improvements have been made and a field assessment has been completed, the updated assets should be entered into the master curb ramp, intersection, and sidewalk databases. The ADA Transition Plan has developed the three databases to include a wealth of information regarding the characteristics of pedestrian assets and any ADA compliance issues. Once issues have been removed they should also be removed from the database; in turn, when new curb ramps, intersections, or sidewalks are completed they should be added to the respective databases.

Maintaining databases of this size may be challenging with various departments and personnel working together. To streamline this process, it is a best practice to establish a procedure for adding new information and removing old information once construction and field monitoring activities have been completed. Furthermore, access to the database should be limited to specific personnel. For example, the city could delegate one or two city staff members to the update process or require the field inspectors to update data they have collected.

Maintaining an up-to-date database will allow city officials access to the most current conditions should they be needed. A properly maintained database could also be made available to the general public who could submit updates and work requests to remedy accessibility issues.