



November 18, 2022

Mr. Greg A. Rubstello
Ogden Murphy Wallace, LLC
901 Fifth Avenue, Suite 3500
Seattle, Washington 98164-2008
Sent via email: grubstello@omwlaw.com

Re: City of Lake Stevens Americans with Disabilities Act Non-Compliance

Dear Mr. Rubstello:

Thank you for your letter dated November 9, 2022. The Washington State Department of Transportation (WSDOT) appreciates the city's willingness to address its non-compliance with the Americans with Disabilities Act (ADA) regarding pedestrian facilities. As shared with the city in our letter dated September 22, 2022, WSDOT informed the city of its intent to withhold federal funding because of ongoing violations of the ADA, which included:

- Lack of an ADA transition plan.
- The existence of multiple non-compliant sidewalk ramps and crossings.
- The failure to comply with ADA and pedestrian accommodations during construction for both City and private development projects.
- Approval of private developments that did not meet ADA requirements.

The city subsequently responded to our letter on October 20, 2022. In this response, the city committed to:

- Training staff on providing accommodations in construction zones by November 15, 2022, and ongoing.
- Completing its ADA transition plan by March 31, 2023.
- Correcting non-compliant sidewalk ramps and crossings by September 15, 2023.
- Addressing ongoing ADA issues with private developers.

After reviewing the city's action plan, WSDOT has determined that it will not, at this time, withhold federal funding from the city. WSDOT will, however, require that the city meet its deadlines listed above and address the issues outlined in WSDOT's letter dated September 22, 2022. In addition, the city agrees to build all new pedestrian facilities in compliance with ADA standards and that existing transportation facilities will be modified to meet all ADA standards fully. Further, if doing so for existing

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facilities is impracticable, such facilities will be built to meet ADA standards to the maximum extent feasible. Failure to do so will result in WSDOT exercising its authority to withhold federal funds due to non-compliance with the ADA.

As it relates to the transition plan, WSDOT will review the City of Lake Stevens' submission to confirm it meets the requirements under 28 CFR §35.150. For additional resources for complying with this regulation, the city may find it helpful to visit the FHWA's resource center for developing ADA self-evaluation and transition plans, available at https://www.fhwa.dot.gov/resourcecenter/teams/civilrights/cr_ppp7.cfm.

I thank you for addressing these issues per the timelines above to ensure equal access for people with disabilities. I look forward to receiving the city's response agreeing to the abovementioned resolution by Monday, November 28, 2022.

If you have any questions or need additional information, please contact Shawn Murinko, ADA Manager, at 360.705.7097 or by email at MurinkS@wsdot.wa.gov.

Sincerely,



Earl Key, Esq. LL.M, M.S. CCEP, CFE
Senior Director of the Office of Civil Rights & Equity
Washington State Department of Transportation

cc: Autumn Young, Federal Highway Administration
Matt Waldrop, U.S. Attorney's Office for the Western District of Washington
Brian Nielsen, WSDOT Northwest Region
Jay Drye, WSDOT Local Programs
Jackie Bayne, WSDOT Assistant Director Office of Civil Rights & Equity
Shawn Murinko, WSDOT ADA Manager