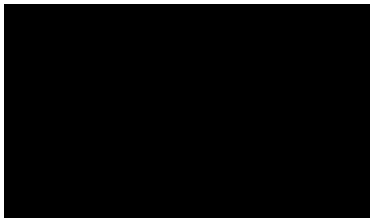


Exhibit 1



5/8/2020

Mr. Watkinson
ADA Compliance Manager
Washington State Department of Transportation
Office of Equal Opportunity
PO Box 47314
Olympia, WA 98504-7314
Attn: Complaints

Dear Mr. Watkinson,

I am following up on my email and our phone conversation to officially and formally present to your Department a new culture of civil rights violations taking place at the City of Lake Stevens from 2017 to present. In 2017, Public Works Director Eric Durpos was appointed by newly hired City Administrator Gene Brazil and newly elected Mayor John Spencer. The administration adopted a vision of “getting things done” which led to a litany of complaints from City Staff and the public about corners being cut and laws being broken. I would like to provide you with a brief summary of instances I suspect are in violation of Title II of the Americans with Disabilities Act of 1990. It is my intent to provide you with specific instances where the City both knowingly and unknowingly (due to lack of experience) violate federal law.

- I first became aware of the violations in the summer of 2017 when Mr. Durpos had several required ADA ramp replacements removed from an overlay project. I was told by the Project Engineer at the time that they were in the plans and he simply removed them from the bid or during construction to save money. Approximately twelve were removed on 123rd Street between 22nd and 26th right in front of Lake Steven Middle School; and approximately 11 were removed on Grade Rd. between 26th and Catherine Dr./30th. These ramps serve large neighborhoods and 3 schools within less than a mile.

The matter was reported in an April 12th, 2018 confidential memorandum I acquired through a PDR (Public Disclosure Request) process (attached). The memo was supposed to be a third-party investigation, but it was really an effort to document the matters and allegations internally and cover up many misdoings. The only people interviewed were the

department heads, administrator, and Mayor. No staff were interviewed. The investigation and memo were mentioned in a later Published Everett Herald news article telling the story of a hostile work environment and poor work practices. Accusation number 35 of the memo reads as follows:

35. A 2017 overlay project on 123rd NE did not bring ADA ramps to current legal standards. ADA ramps on Grade Road were also not brought up to current legal standards.

Response: The City has an annual pavement preservation program that consists of crack sealing and 2 inch HMA overlays. Roads with poor pavement ratings are repaired annually as part of this program. The City is currently creating a sidewalk program to help address ADA deficiencies within the city. In a conversation with the PW Director on March 23rd, it is possible the ADA compliance of any sidewalk ramps, or the need to install ADA ramps to be compliant with ADA requirements, was not closely reviewed, and it should be assessed for compliance. Mr. Waters recommends that if it is found that the 2017 overlay project should have updated the ADA facilities in the project area, then the City should pursue getting approval to include those corrections in the sidewalk plan to address the oversight, as long as the fix would take place in a relatively short time frame. Federal ADA rules require installing ADA ramps on sidewalks if none are present or making sure existing ADA ramps meet current standards whenever a street pavement overlay is done. If the overlay stops before or starts after the intersection (for example) then the requirement does not apply.

This means that the City and Mr. Durpos were at least made aware of ADA requirements. No corrective actions were taken to remedy the ramps that were previously removed from the project. Several violations have taken place since then.

- It is my understanding the City does not have an approved ADA Transition Plan stamped by a licensed engineer. I requested a copy of the ADA Transition Plan for verification through a PDR on 5/3/2020. On 5/7/2020 the City notified me that they would get back to me by 5/20/2020. This is a change in their behavior as I had received previous PDR's within five days of submitting the PDR. The City has referred in the past to a Sidewalk Plan but that is simply just a plan to prioritize sidewalk improvements.
- I also requested, through a PDR, the design, stamped by a licensed engineer, for work performed by Public Works Crews to address citizen safety complaints on 124th Ave. NE and at Lundeen Park off Lundeen Park Way. Again the City notified me it would take two weeks to get back to me. The Public Works Director knowingly violated City Code 14.56.140 requiring plans certified by a licensed engineer for right-of-way improvements. As a result, the improvements do not meet requirements and lack necessary documentation. This is the result of the "get it done" mentality now at the City which is being applauded and awarded by City Council members and Mayor. I am also concerned about the North Cove Park

project currently under construction as Mr. Durpos directed the construction of paths and sidewalk without design.

Noncompliant ramp built by City crews in 2019 at the corner of 124th Ave. NE and 30th Pl NE to address citizen complaints about tripping and safety issues with the sidewalks.



Noncompliant enhanced pedestrian crossing constructed mid-block for Lundeen Park near Norm Market in 2019 due to complaints about safety and pedestrian collisions.



- The City does not require or comply with ADA and pedestrian accommodation during construction for both City and private development projects. A high-profile project downtown blocked off all pedestrian access near a bus station and entrance to City Hall and a shopping center. A private single-family resident has had sidewalk removed in front of their home for months. There are no accommodations or detours provided in these cases. There was plenty of opportunity to stage the work so that pedestrians and disabled community members could be accommodated but were likely avoided to save time and money. These are just a couple examples, and this happen all the time in the City.

City contractors and crews completely shut down sidewalks and pedestrian access on Main Street at the bus stop and in front of City Hall and Jays Market.



City allows contractor to remove sidewalk in front of a single-family home development for several months during construction. It's still like this.



- The City has approved private developments that do not meet ADA requirements. A large development right next to my neighborhood has noncompliant ramps and trip hazards, noncompliant enhanced crossings with RFB's, ramps without receiving ramps, and parking that blocks ramps.

Multiples ADA violations at the new high density housing development on the corner of 127th Dr. NE and 36th Dr. NE. Parking that block ADA ramps and ADA ramps installed without ramps to receive.



Non-compliant ramps in the neighborhood create trip hazards and enhanced crossing push buttons that are not accessible.



- A project recently completed on 91st Ave. NE, which I believe had State or Federal funding, has a handful on non-compliant crossings and ramps. I am concerned that similar issues exist on the recently completed South Lakeshore Drive Pedestrian Project.

Pedestrian crossings at 91st Ave. SE and 11th Pl SE and at 9th Pl SE and at 4th St SE are not accessible or compliant.



Mr. Watkinson

5/8/2020

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- The Lake Stevens High School Renovation, a major reconstruction effort, was recently completed and the only crossing on the corner was not upgraded.

Failed to upgrade ADA ramp on 28th St. NE.



Mr. Watkinson

5/8/2020

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These are just a handful of violations I could see one evening on 5/6/2020 in less than an hour to prepare this complaint. I have no doubt that measurements with a tape measure and smart level, and touring other locations would result in even more violations.

Mr. Watkinson, I am in disbelief at the gross mismanagement and blatant disregard for federal law, City Municipal Code, and the well being of our most vulnerable community members. Given the extent, I believe this may fall along the lines of Improper Government Actions as described in RCW 42.40.040. I honestly do not understand how the City has been able to maintain good standing with State and Federal Grant Programs given their blatant disregard to these matters. It is my opinion that the City views compliance as a requirement that costs time and money instead of viewing them as a civil rights. Pedestrian safety was one of the biggest concerns voiced by citizens during last Fall's Council and Mayoral elections. I talked with some of the newly elected Councilpersons and Mayor about these matters during that time. Nothing has transpired that would lead me to believe something is being done. Perhaps they are unaware of the laws and Mr. Durpos and Mr. Brazil are misleading them. The City never used to be this way. I strongly believe the City has and will continue to discriminate against community members with disabilities and pose a threat to public safety unless something is done. I look forward to working with you to help move this matter forward and correct this behavior and mindset.

Sincerely,

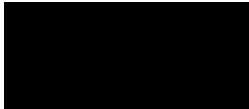


Exhibit 2



5/8/2020

Mr. Watkinson
ADA Compliance Manager
Washington State Department of Transportation
Office of Equal Opportunity
PO Box 47314
Olympia, WA 98504-7314
Attn: Complaints

Dear Mr. Watkinson,

After my formal submittal and our phone conversation, I took a couple hours to walk the South Lake Steven Multi-Use Path Project which is under construction and appears to have federal funds. According to the WSDOT Local Program website, this is recorded as Project# 0660002. Below is a list of things that raised concern as it pertains to ADA and civil rights:

- The push buttons for the enhance pedestrian crossing is located on the ramp and is not accessible for people in wheelchairs. They need to be centered on a landing.



Mr. Watkinson

5/8/2020

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- There are a number of large utility lids in the path and there does not appear to be adequate distance (4 feet) around them. It should be checked that these lids are ADA compatible.

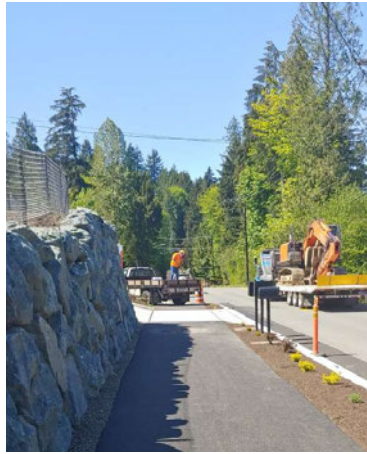


- During construction activity, the is allowing contractors to block pedestrian access and place signs in locations that are trip hazards. There are no warning signs of the sidewalk being closed or detour routes for pedestrians. This does not meet ADA requirements for construction practices. I encountered a father and son bicycling who had to turn around because they did not want to enter traffic or heavy construction activity. The contractor is Strider Construction.

Mr. Watkinson

5/8/2020

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- As part of this project, the City recently approved a \$330K change order with Strider Construction to perform a grind and overlay along the new path on South Lake Stevens Road. While I do question whether or not the City can in fact approve a substantial change order (15% of original contract) for work that is dissimilar to what was bid (that's a question for the State Auditor and Local Programs) instead of going out to bid, it is clear that ADA will be ignored at the intersections of Stitch Rd. and South Davies Rd. (stop controlled) as ramps and frontage improvements at these locations have been completed.



Mr. Watkinson

5/8/2020

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- There is an unusual dual ramp condition at 15th St. SE.



- An existing non-compliant ramp without a receiving ramp appears to exist within the proposed overlay limits at the intersection of 18th St. SE.



Mr. Watkinson

5/8/2020

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- Strider Construction was performing heavy construction on Machias Cutoff Rd. just north of South Lake Stevens Rd. without accommodating or detouring pedestrians. This is common practice anymore at the City since Mr. Durpos became the Public Works Director.



Mr. Watkinson

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Mr. Watkins, South Lake Shore Drive is heavily used by pedestrians; especially now that it appears to be open to the public. There are children riding bikes, joggers, and even a gentleman and his infant child walking with an older gentleman who had a detection cane that had to navigate all this today. Is this something that should go to WSDOT Local Programs so they can at least be aware of what is transpiring out there?

Respectfully,

[Redacted signature]

Exhibit 3

Lake Stevens Field Visit Observations Summary

WSDOT received several complaints regarding pedestrian work zone traffic control and accessibility of pedestrian crossings. A field visit was made on May 4, 2021. WSDOT did not visit all sites in constituent complaint. The scopes of the projects involved in constructing the observed conditions is unclear to WSDOT at this time. Please see the linked guidance for pedestrian traffic control and ADA accommodation within work zones. We would like to emphasize the use of 4" detection for canes, and temporary ramps for wheeled mobility aids in work zones, simply because these are frequently overlooked elements of work zone traffic control.

WSDOT Design Manual (DM):

<https://wsdot.wa.gov/Publications/Manuals/M22-01.htm>

WSDOT Standard Plans:

<https://wsdot.wa.gov/Design/Standards/default.htm#StdPlans>

WSDOT Design Support:

<https://wsdot.wa.gov/Design/Support.htm>

[Design - Project ADA Self-Assessment for Construction Projects | WSDOT \(wa.gov\)](#)

Additional Informational Guidance:

[ADA Guidance Sheet \(A\).pdf \(sharepoint.com\)](#)

[ADA ped Traffic Control \(B\).pdf \(sharepoint.com\)](#)

https://www.workzonesafety.org/training-resources/fhwa_wz_grant/atssa_ada_guide/

99th Ave SE, south of 7th Pl SE



Drop off at end of sidewalk – See DM Exhibit 1510-7, including Notes
Detectable Warning Surface Placement – See Std Plan F-45.10-02, Note 2

99th Ave SE and 6th Pl SE



No curb ramps in new sidewalk for either crossing of 99th Ave SE
Bus stop – ped generator
Existing ramps not compliant
Fresh paving through crossings – would trigger curb ramp evaluations/upgrades by impacting the crossing

See DM 1510.05(2) Alteration Projects

91st Ave. SE at 11th Pl SE and 9th Pl SE



New pavement through crossings, receiving ramps not addressed.
See DM 1510.05(2) Alteration Projects

Button Placement and Clear Space guidance:
DM Exhibits 1330-11, 1330-12a, 1330-12b, 1510-23
DM 1330.04(4) Pedestrian Equipment
DM 1510.12 Pedestrian Pushbuttons

Lundeen Park Entrance



Button orientation
Pole location – reach, level clear space

Button Placement and Clear Space guidance:
DM Exhibits 1330-11, 1330-12a, 1330-12b, 1510-23
DM 1330.04(4) Pedestrian Equipment
DM 1510.12 Pedestrian Pushbuttons



Paving joint – either the driveway crossing or the Lundeen Parkway crossing was affected, only one ramp replaced



See DM Ch 1510.05(2) Alteration Projects



Receiving ramp not brought into compliance.
 Button orientation not accessible
 Pole location – reach, level clear zone – button not accessible

Button Placement and Clear Space guidance:
 DM Exhibits 1330-11, 1330-12a, 1330-12b, 1510-23
 DM 1330.04(4) Pedestrian Equipment
 DM 1510.12 Pedestrian Pushbuttons

Lake Stevens Multi-Use Path

Push button – level clear zone (not on a ramp), reach, distance from curb

Push Button Placement and Clear Space guidance:
DM Exhibits 1330-11, 1330-12a, 1330-12b, 1510-23
DM 1330.04(4) Pedestrian Equipment
DM 1510.12 Pedestrian Pushbuttons



South Lake Stevens Road and South Davies Road



Unnecessary DWS at top of ramp
Button Height
Surface discontinuity (panel at base of stop sign as approached from the direction of the driveway shown)

For button Placement and Clear Space guidance, see:

DM 1330.04(4) Pedestrian Equipment
DM 1510.12 Pedestrian Pushbuttons
DM Exhibits 1330-11, 1330-12a, 1330-12b, 1510-23
DM 1510.07(1)(c) Surface

South Lake Stevens Road and 15th St SE



Curb ramps remaining in place behind stop bar.

20th St SE and 83rd Ave SE

Grade breaks in curb line, which affect vehicles making right turns, particularly from 83rd Ave SE northbound to 20th St SE eastbound.



Raised curbing used between landings – trip hazard. Stamped concrete in a contrasting color is the preferred treatment between at-grade DWS.

Ped curbing at back of ramp on NW corner less than 4" high, and not detectable for a portion of its length.

See DM 1220.02(4) Minimum Grades

Lake Stevens High School – 28th St NE



Receiving ramp not replaced.

See DM Ch 1510.05(2) Alteration Projects