



BCA BUILDING CONTRACTORS ASSOCIATION
OF SOUTHWESTERN IDAHO, INC.

"A Tradition of Building Excellence for Over 60 Years"

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July 18, 2023

Ada County Highway District
Ryan Head, Deputy Director
3775 N. Adams Street
Garden City, Idaho 83714

RE: ACHD Policy Revisions 7200 – 7400

Dear Deputy Director Head and ACHD Board of Commissioners,

On behalf of the Building Contractors Association of Southwestern Idaho (BCASWI), I appreciate the opportunity provide comments and go on record expressing concerns of our members regarding ACHD's proposed Ordinance number 250.

We very much appreciate you delaying consideration of the ordinance at your June 7 meeting to gather more stakeholder input and opportunity for review. We also appreciate the ACHD staff willingness to meet with our members in an effort to plot a reasonable path forward. The BCASWI values our relationship with ACHD and our history of working collaboratively with your agency and urge you to postpone adoption of the ordinance as we continue our dialog with staff regarding implementation.

From a big picture perspective, our members still have significant concerns about ACHD's adoption, by reference, of the accessibility guidelines in PROWAG based primarily on unclear cost analysis, and due to the fact the guidelines have yet to be adopted by the federal government. There are elements of the guidelines that we like, and, after meeting with ACHD staff, have gained some comfort on others.

In general, we view any new regulatory proposals that could affect the cost of housing with a careful, critical eye. A recently updated study by the National Association of Home Builders shows that on a nation-wide basis, government regulations imposed by all levels of government accounts for 23.8% of the sales price of a new home (and 40.3% of the cost of multi-family housing). At a time when housing prices in Idaho – and particularly the Treasure Valley – are at near all-time highs, adding regulatory costs only worsens the affordability problem in our region.

Our first concern with ACHD's consideration of the U.S. Access Board Public Rights-Of-Way Accessibility (PROWAG) provisions is the absence of legitimate cost estimates for adopting said provisions. In the compliance audit report of your consultant, MIG, there is a chart showing estimated costs of complying with some elements of PROWAG. Those estimates, however, are very generic, and in some cases based on decades-old data. It is impossible for ACHD or private developers to gain even a remote understanding of what the real cost in today's dollars might be to comply with those provisions. We know it will cost more – for ACHD as well as any privately constructed development – but it is impossible to quantify exactly how much more. The fiscal impacts should be properly analyzed, and legitimate cost/benefit analysis of PROWAG adoption should be conducted to provide the Commissioners and the public with information upon which to base a fiscal impact decision.

Secondly, at the federal level, PROWAG standards are still only *proposed* standards that have not been accepted by official government entities as a replacement or enhancement to the Americans with Disabilities Act. We are aware that proponents have argued such adoption is imminent and therefore ACHD would be ahead of the game – and one of the very first in the nation – to adopt the standards. We are also aware the PROWAG proposal has been in the works since at least 2011, with continuing reviews and revisions. If the federal government ever does adopt PROWAG as the standard, it will undoubtedly be modified and revised from its current form. It seems premature for ACHD to adopt the current standards in its entirety.

Staff has shown, and we have identified, some provisions of PROWAG that may be an improvement over existing policy. We recommend an effort to specifically identify the applicable sections and add them to ACHD's Policy Manual as opposed to adopting the PROWAG guidelines by reference.

We have identified some provisions contained in proposed policy changes we believe to be improvements as well. Some examples include:

- more flexibility regarding slope in intersections and on detached sidewalks
- seeking to avoid/reduce access conflicts
- livable streets design and performance measures

We have also been pleased, through our discussions with staff, with a possible resolution of conflicts with pedestrian ramps and driveways at 'T' intersections.

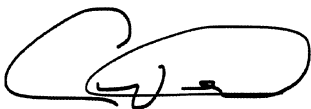
ACHD staff seems convinced the proposed policy changes provide even more flexibility for them to work cooperatively with our members in the instance where conflicts arise and design/construction flexibility is needed. For our part, we would like to see clearer language in the policy that guarantees this is the case and still provides for variances and/or waivers. Our past experience working cooperatively with staff in the instance where conflicts arise has been quite valuable and welcome and we look forward to working with you to adopt similar policies into the proposed changes.

BCASWI has no objections to complying with appropriate and well-vetted accessibility guidelines and playing our part in meeting accessibility goals. We believe ACHD staff has been thoughtful in their approach to ensuring programs, services, and facilities are accessible and usable for all. We hope to continue to work collaboratively with ACHD to find the best solutions for Ada County's transportation system and accessibility standards.

While we still have broad concerns about additional regulation without understanding a clear cost/benefit comparison, we do see benefits to specific elements of the guidelines. On behalf of the Building Contractors Association of Southwestern Idaho we respectfully urge you to postpone adoption of the PROWAG accessibility standards by reference and blend those beneficial elements into the ACHD Policy Manual.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Cody Weight", with a stylized flourish at the end.

Cody Weight, President
Building Contractors Association of Southwestern Idaho