Americans with Disabilities Act (ADA) Compliance Obligations of Counties

2nd Wednesday Webinar
February 13, 2019

by

Stephen Metzer
DLZ Ohio, Inc.
Today’s Objectives

• Why this topic is particularly relevant now

• Briefly review ADA requirements for local governments, including counties

• Focus on the ADA self-evaluation
  – How to determine your facilities and areas of facilities required to be accessible
  – Common programs, policies, and procedures
  – Outreach requirements
  – Performing the self-evaluation

• Briefly review the Transition Plan requirements, with example

• Federal resources for more information

Please note that the ADA is a complex law and today’s webinar presents only the most relevant parts and at a fairly low level of detail. The content presented should not be construed as legal advice in any way.
ODOT, and other state DOTs, is being required by FHWA to ensure Local Public Agencies are compliant with ADA

- Designate an ADA Coordinator and provide contact information to ODOT (50 employees)
- Develop and Publish a Grievance Procedure
- Perform ADA Self-Evaluation
- Prepare ADA Transition Plan

Currently no firm mandate with deadlines for compliance, ODOT hoping for high voluntary compliance to avoid this

- Several states have issued mandates with 2-2.5 year schedule for full compliance
- Failure to comply may result in federal funding eligibility being in jeopardy
The ADA

- Enacted in 1990 - First legislation that specifically protected individuals with disabilities
- Mandates that disabled individuals shall not be excluded from participation in, denied the benefit of, or be subject to discrimination under any program or activity.
- Five (5) Parts (or “Titles”) of ADA: Title II- Public Services will be discussed today (28 CFR Part 35)
Applicability of ADA to Local Units of Government

Title II or public entity means (as defined in 35.104)

– Any State or local government;
– Any department, agency, special purpose district, or other instrumentality of a State or local government; or
– The National Railroad Passenger Corporation, and any commuter authority (as defined in section 103(8) of the Rail Passenger Service Act).

• 35.105 Self-Evaluation
  – Requires evaluation of services, policies, and practices within 1 year (includes facilities)
  – Public involvement, especially to individuals with disability or their advocates
Applicability of ADA to Local Units of Government

• 35.149 Discrimination Prohibited
  – no qualified individual with a disability shall, because a public entity’s facilities are inaccessible to or unusable by individuals with disabilities, be excluded from participation in, or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any public entity.

• 35.150(d) Transition Plan
  – Required a Transition Plan by July 1992
  – Provides specific requirements of the plan (we will cover some later)

• Many other important provisions we can’t cover in detail today
The Self-Evaluation

28 CFR 35.105

Self-Evaluation Report
- Data Collection
- Database Analysis
- Barrier Ranking

Disability Community Participation

28 CFR 35.150(d)(3)

ADA Transition Plan
- Corrective Measures
- Implementation Schedule
- Financing Plan
Scoping the Self-Evaluation

It is vital that your self-evaluation be properly scoped to ensure you meet the requirements. Scoping includes a number of components:

1. What facilities need to be included?
   – ROW facilities
   – Non-ROW facilities (buildings, parks, etc.)
   – Leased facilities

2. What areas of facilities need to be included?

3. Programs

4. Policies and procedures
Scoping the Self-Evaluation

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Scoping the Self-Evaluation – ROW Facilities

- ROW facilities
  - Sidewalks (“Pedestrian Access Routes”)
Scoping the Self-Evaluation – ROW Facilities

• ROW facilities
  – Sidewalks (“Pedestrian Access Routes”)
  – Curb Ramps
Scoping the Self-Evaluation – ROW Facilities

• ROW facilities
  – Sidewalks ("Pedestrian Access Routes")
  – Curb Ramps
  – Pedestrian Signals
Scoping the Self-Evaluation – ROW Facilities

• ROW facilities
  – Sidewalks (“Pedestrian Access Routes”)
  – Curb Ramps
  – Pedestrian Signals
  – Transit Stops and Shelters
Scoping the Self-Evaluation – ROW Facilities

• ROW facilities
  – Sidewalks ("Pedestrian Access Routes")
  – Curb Ramps
  – Pedestrian Signals
  – Transit Stops and Shelters
  – On-Street Parking
    • Spaces must be:
      – Marked
      – Metered
Scoping the Self-Evaluation – ROW Facilities

- ROW facilities
  - Sidewalks (“Pedestrian Access Routes”)
  - Curb Ramps
  - Pedestrian Signals
  - Transit Stops and Shelters
  - On-Street Parking
  - Street Furnishings and Others

- Many counties have relatively few ROW facilities but it varies
Scoping the Self-Evaluation – Non-ROW Facilities

- Non-ROW facilities are highly variable and vary based on the type of Title II entity (city vs. county) and many other factors

- Municipal building(s)
- Fire station(s)
- Police station
- Courthouse
- Jail
- Polling places
- Libraries
- Health Department
- Animal shelter
- Utility service center(s)
- Water/wastewater plant
- Community center
- Parks
- Public parking lots
- County Extension
- Cemeteries
- Schools
- Hospitals/clinics
- Sports arena/stadium
- Parking garages
- Community pool
- Airport
- Landfill/recycling center
- Parks & recreation office
- Golf courses
- Senior centers
- Public works
- Museum
- Zoo
- Transit Department
- Many others possible!!
Scoping the Self-Evaluation – Non-ROW Facilities

• Examples of county facility lists

Scott Co., Indiana
• County Courthouse
• County Annex
• Sheriff/Jail/911 Center
• Highway Department
• County Fairgrounds
• Health Department
• Veterans Affairs
• 0 parks
• NO ROW FACILITIES!
• (excluded polling places)

Blount Co., Tennessee
• County Courthouse
• Animal Shelter
• Justice Center
• Operations Center
• Health Department
• Probation
• Library
• Recovery Court
• Soil Conservation
• Museum
• Senior Center
• Recreation Center
• 5 parks
• 34 polling places
• NO ROW FACILITIES!

Johnson Co., Indiana
• Animal Control
• Community Corrections
• Courthouse Annex (2)
• Courthouse/Admin. Bld.
• County Extension
• Highway Dept.
• County Fairgrounds
• Emergency Mgt.
• Juvenile Court/Probation
• History Museum
• Parks Department
• Prosecutor’s Office
• Sheriff/Jail/911 Center
• Golf Course
• 2 parks
• 105 miles of sidewalk
• 960 curb ramps
• (several exclusions)
Scoping the Self-Evaluation

It is vital that your self-evaluation be properly scoped to ensure you meet the requirements. Scoping includes a number of components:

1. What facilities need to be included? This can be the most time consuming part of scoping. You need to include all of your facilities that you own or have programs in but may be limited by 2. Complicated by leases.
   – ROW facilities
   – Non-ROW facilities (buildings, etc.)

2. What areas of facilities need to be included?

3. Programs

4. Policies and procedures
Scoping the Self-Evaluation – Area of Facilities

Employee “work areas” are excluded from Title II evaluation but have Title I requirements.

- Areas that are required to be assessed
  - All areas open to the public, even if the public is not regularly allowed
  - Employee “common use” areas
    - Break rooms/lunch rooms/kitchens/kitchenettes
    - Restricted entrances, restrooms, locker rooms, etc.
    - Common circulation paths

Common Use. Interior or exterior circulation paths, rooms, spaces, or elements that are not for public use and are made available for the shared use of two or more people.

Circulation Path. An exterior or interior way of passage provided for pedestrian travel, including but not limited to, walks, hallways, courtyards, elevators, platform lifts, ramps, stairways, and landings.

Restricted Entrance. An entrance that is made available for common use on a controlled basis but not public use and that is not a service entrance.

Employee Work Area. All or any portion of a space used only by employees and used only for work. Corridors, toilet rooms, kitchenettes and break rooms are not employee work areas.
• Floor plans can be helpful in determining areas subject to a review inside of buildings but have limitations:
  – Things change, including uses of spaces
  – Floor plans don’t usually show furnishings, fixtures, etc. accurately, if at all
  – Should not be relied upon as an accurate as-built condition, adjustments/errors during construction can modify compliance
  – Floor plans may not always be to an accurate scale
  – Not all facilities will have floor plans available
  – Things aren’t always constructed according to plans!
Scoping the Self-Evaluation – Area of Facilities

Floor plans are accurate, show 1 set of exterior doors, 2 assembly areas, 2 sets of MU restrooms, 1 kitchen/break room, 1 conference room, large atrium, several corridors, and 29 signs for exempt spaces.

- Distinct public, circulation, and employee common use areas
- Employee corridor evaluation includes signage in exempted spaces!
It is vital that your self-evaluation be properly scoped to ensure you meet the requirements. Scoping includes a number of components:

1. What facilities need to be included? This can be the most time consuming part of scoping. You need to include all of your facilities that you own or have programs in but may be limited by 2. Complicated by leases.
   - ROW facilities
   - Non-ROW facilities (buildings, etc.)

2. What areas of facilities need to be included?

3. Programs

4. Policies and procedures
Scoping the Self-Evaluation – Programs

- Programs include the various typical services provided by Title II entities to the public, including (but not limited to):
  - Property taxes, utility, and other payments
  - Voting!!
  - Parks & recreation
  - Utility service
  - Record-keeping
  - Courts
  - Planning & zoning
  - Permitting
  - Community education programs
  - Website(s)*
  - Government representation
  - Public meetings (televised??)
  - Public safety
  - Housing
  - Transportation (motorized & non-motorized)

When thinking about “programs” and “policies and procedures”, consider the programs to be the ‘**what**’ and the policies and procedures to be the ‘**how and why**’.
You community may provide a number of programs in facilities you DO NOT OWN!!:

- Voting: some precincts are in schools, churches, other facilities with good parking and space
- Parks & recreation: may provide programs at schools, nature centers, other parks, or facilities not owned
- Educational programs: some offer GED or other programs at schools or colleges/universities
- Public meetings: some public boards or commissions meet in other facilities on occasion

Obligations on both the owner and the program sponsor unless specified in leases or other agreements. At a minimum, you are responsible for access to the PROGRAM, which does not include the entire facility (and have your attorney review leases)
It is vital that your self-evaluation be properly scoped to ensure you meet the requirements. Scoping includes a number of components:

1. What facilities need to be included? This can be the most time consuming part of scoping. You need to include all of your facilities that you own or have programs in but may be limited by 2. Complicated by leases.
   – ROW facilities
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2. What areas of facilities need to be included?

3. Programs

4. Policies and procedures
Scoping the Self-Evaluation – Policies and Procedures

- Policies and procedures include:
  - Designation of ADA Coordinator: contact information should be EASY TO FIND

City of Maryville

Title II - Americans with Disabilities Act Information
Human Resources Department

Please click on the links below for information about our ADA Policy and Procedure

- Title II - Policy Statement (PDF)
- Title II - Grievance Procedure (PDF)

For more information, contact the City of Maryville ADA Coordinator

Leland Blackwood
400 West Broadway Ave.
Maryville, TN 37801
lblackwood@maryville-tn.gov
865-273-3430
Policies and procedures include:

- Designation of ADA Coordinator: contact information should be EASY TO FIND
- Employment (primarily Title I)
  - Policy Manuals
  - Job Descriptions
  - Applications for Employment
  - Job Announcements
Scoping the Self-Evaluation – Policies and Procedures

• Policies and procedures include:
  – Designation of ADA Coordinator: contact information should be EASY TO FIND
  – Employment (primarily Title I)
  – Equally Effective Communication:
    • Auxiliary aids/services available
    • Assistive Listening Systems
    • Interpreter services
    • TDD for 911
    • Others
• Policies and procedures include:
  – Designation of ADA Coordinator: contact information should be EASY TO FIND
  – Employment (primarily Title I)
  – Equally Effective Communication:
    – Alternate Communication Formats
      • Large print documents
      • Braille documents
      • Captioning
      • Others
• Policies and procedures include:
  – Designation of ADA Coordinator: contact information should be EASY TO FIND
  – Employment (primarily Title I)
  – Equally Effective Communication:
  – Alternate Communication Formats
  – Fees and Surcharges: no fees or surcharges allowed that would exceed or not be placed on persons without disability (example – copies of documents)
Policies and procedures include:

- Designation of ADA Coordinator: contact information should be EASY TO FIND
- Employment (primarily Title I)
- Equally Effective Communication:
  - Alternate Communication Formats
- Fees and Surcharges: no fees or surcharges allowed that would exceed or not be placed on persons without disability (example – copies of documents)
- Design standards, ordinances, and details
• Policies and procedures include:
  – Grievance Procedure: is one published, where can it be found, record-keeping, etc.

The Americans with Disabilities Act
Title II Grievance Procedure

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 (“ADA”). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the City of Maryville. The City of Maryville’s Personnel Policy governs employment-related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

Leland Blackwood, ADA Coordinator
400 West Broadway Ave.
Maryville, TN 37801
e-mail: lblackwood@maryville-tn.gov

Within 30 calendar days after receipt of the complaint, the ADA Coordinator will meet with the complainant to discuss the complaint and possible resolutions. Within 30 calendar days of the meeting, the ADA Coordinator will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the City of Maryville and offer options for substantive resolution of the complaint.

If the response by the ADA coordinator does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 30 calendar days after receipt of the response to the City Manager or his/her designee.

Within 30 calendar days after receipt of the appeal, City Manager or his designee will meet with the complainant to discuss the complaint and possible resolutions. Within 30 calendar days after the meeting, the City Manager or his/her designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by Leland Blackwood or his designee, appeals to the City Manager, or his designee, and responses from these two offices will be retained by the City of Maryville for at least three years.
Scoping the Self-Evaluation – Policies and Procedures

• Policies and procedures include:
  – Grievance Procedure: is one published, where can it be found, record-keeping, etc.
  – Public Meetings
    • Identify all public boards and commissions and when and where they meet, ensure accessibility of all locations
    • Determine need for assistive listening devices
    • Copies of agendas and minutes
    • Meeting notices
    • TV broadcasts – are meetings broadcast live and/or recorded??
Scoping the Self-Evaluation – Policies and Procedures

- Policies and procedures include:
  - Grievance Procedure: is one published, where can it be found, record-keeping, etc.
  - Public Meetings
  - Emergency Procedures: have specific plans for the disabled
    - Evacuation plans for individual facilities
    - Community-wide Emergency Management Plan
Scoping the Self-Evaluation – Policies and Procedures

- Policies and procedures include:
  - Grievance Procedure: is one published, where can it be found, record-keeping, etc.
  - Public Meetings
  - Emergency Procedures
  - Public information:
    - Equal Opportunity postings
    - Non-discrimination notices for meetings
    - Signage
    - Others

The City of Maryville is committed to providing equal access to City facilities, programs, meetings and services and we do comply with the Americans with Disabilities Act of 1990. In order to assist individuals with disabilities who require accommodations for participation in or access to City programs, services, and/or meetings, the City requests that individuals make requests for these accommodations at least forty-eight (48) hours ahead of the scheduled program, service, and/or meeting. To make arrangements, contact the ADA Coordinator, at (865) 273-3430 or email at lblackwood@maryville-tn.gov
Policies and Procedures – Staff Training

• All communities should educate staff about basic ADA issues
• Staff training is an often overlooked component of ensuring success
  – Specialized training recommended for:
    • ADA Coordinator
    • Law enforcement officers
    • Parks & recreation staff
    • Frontline staff that regularly interact with the public
• Suggested training topics could include:
  – Disability etiquette
  – Plan reviewers/inspectors
  – Modifications to provide reasonable accommodation
  – Communicating with customers with disabilities
  – Accepting calls placed through a relay system.
  – Others
Many disability organizations provide ADA training free of charge or for a nominal fee. The Department of Justice or the ADA National Network can provide local contact information for these organizations.

https://adata.org/ada-training
ADA requires outreach during both the Self-Evaluation and Transition Plan phases. Law is not specific how this is done:

- 35.105 Self-Evaluation

(b) A public entity shall provide an opportunity to interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the self-evaluation process by submitting comments.
Public Outreach

ADA requires, and is suggested, during both the Self-Evaluation and Transition Plan phases. Law is not specific how this is done:

- 35.105 Self-Evaluation
- 35.150(d) Transition Plan

A public entity shall provide an opportunity to interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the development of the transition plan by submitting comments.
Public Outreach

- Publish a notice in the local newspaper

**AFFIDAVIT OF PUBLICATION**

**IN**

**THE DAILY TIMES**

**NOTICE OF PUBLIC COMMENT PERIOD**

Notice is hereby given that the city of Maryville is conducting a Self-Evaluation of all City-owned facilities, public right-of-way, and programs for compliance with the Americans with Disabilities Act (ADA). Title II of the ADA requires that each of the City services, programs, and activities be readily accessible and usable by individuals with disabilities.

The City is soliciting public input, especially from persons with disabilities, their caregivers, and disability advocates, on what barriers to access or use of City facilities or programs exist or are perceived to exist. This will also be an opportunity for the community to provide suggestions and comments on how to remove barriers. All comments will be reviewed and considered for inclusion in the self-evaluation and transition plan.

Public comments may be dropped off in writing or mailed to the Human Resources office at the Maryville Municipal Building during normal business hours or provided via email to lblackwood@maryville-tn.gov. Comments will be accepted until April 30, 2018.

The City complies with the Americans with Disabilities Act. Upon request, the City will provide written materials in appropriate alternative formats, or disability-related modification or accommodation, including auxiliary aids or services, to enable individuals with disabilities to participate in public input. Please send a written request, including your name, mailing address, phone number, and a brief description of the requested accommodation at least three (3) business days prior to the close of the comment period to the ADA Coordinator, at (865) 273-3430 or lblackwood@maryville-tn.gov.

City of Maryville
April 1, 2018

State of Tennessee, County of Blount,
ss: Bryan Sandmeier being duly sworn,
deposes and says that he is the General
Manager of the Daily Times, a newspaper
published in Maryville, Blount County,
Tennessee and that the notice hereto
attached was published ______ consecutive
days/weeks in said newspaper, first
publication date being ______, 2018, the last
publication date being ___________,
2018.

Signed: ____________________________
Public Outreach

• Publish a notice in the local newspaper

• Develop a list of advocacy groups and send a letter about the project
  – National
  – Regional
  – Statewide
  – Local

Organization
• Southeast ADA Center
• Disability Rights Tennessee
• Tennessee Disability Coalition
• The Arc of Tennessee
• The Arc of the Smoky Mountains
• Statewide Independent Living Council of Tennessee
• disABILITY Resource Center
• National Federation of the Blind-Tennessee
• Tennessee Council of the Blind
• East Tennessee Council of the Blind
• STEP-Support and Training for Exceptional Parents
• Tennessee Commission on Aging and Disability
• East Tennessee AAAD
• Tennessee Association of the Deaf
Public Outreach

- Publish a notice in the local newspaper
- Develop a list of advocacy groups and send a letter about the project

Tennessee Disability Coalition
555 Woodland Street
Nashville, TN 37205

Dear Advocate for the Disabled,

Blount County Government is conducting a Self-Evaluation Study of all city-owned facilities and programs for compliance with the Americans with Disabilities Act (ADA). Title II of the ADA requires that each of the city’s services, programs, and activities be readily accessible and usable by individuals with disabilities. Title II also requires public outreach to the community, especially persons with disabilities, their caregivers, and advocacy groups for the disabled. Blount County Government is sending this letter to solicit public input and comments on barriers that exist, or are perceived to exist, to persons with disabilities to access city programs.

We welcome your input to assist us on this project. All comments will be reviewed and considered and included in the final report. Please feel free to pass the information about this project on to others that you believe might be interested in providing input or comments. The comment period will be open until adoption of the plan by the County Commission, which is tentatively scheduled to occur following a Public Hearing at a regular meeting in summer 2018. A copy of the draft Transition Plan will be made available for public review and comment prior to the Public Hearing.

Blount County Government complies with the ADA and, upon request, will provide written materials in appropriate alternative formats, or disability-related modification or accommodation, including auxiliary aids or services, to enable individuals with disabilities to participate in public meetings. Please send a written request, including your name, mailing address, phone number, and brief description of the requested materials and preferred alternative format or auxiliary aid or service at least three (3) business days prior to the close of the comment period or the Public Hearing for adoption. Please forward any comments, questions, or input to:

Don Stallons, ADA Coordinator
Blount County Government
343 Court Street
Maryville, Tennessee 37804
865-279-8772
dstallons@blounttn.org

Please let me know if you have any questions and we look forward to your comments and questions.

Sincerely,

Stephen C. Metzer, AICP, PWS
Senior Planner/ADA Specialist
Public Outreach

- Publish a notice in the local newspaper
- Develop a list of advocacy groups and send a letter about the project

Tennessee Disability Coalition
955 Woodland Street
Nashville, TN 37206

Dear Advocate for the Disabled,

Blount County Government is conducting a Self-Evaluation Study of all city-owned facilities and programs for compliance with the Americans with Disabilities Act (ADA). Title II of the ADA requires that each of the city’s services, programs, and activities be readily accessible and usable by individuals with disabilities. Title II also requires public outreach to the community, especially persons with disabilities, their caregivers, and advocacy groups for the disabled. Blount County Government is sending this letter to solicit public input and comment on barriers that exist, or are perceived to exist, to persons with disabilities to access city programs.

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Public Outreach

Use of on-line surveys, need to advertise where they can be accessed but are anonymous and tend to get good comments

<table>
<thead>
<tr>
<th>Question</th>
<th># Response(s)</th>
<th>Response Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>Have you, a family member, or someone you know encountered any difficulties accessing city facilities or programs due to the disability?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Yes (please describe below)</td>
<td>11</td>
<td>42.3%</td>
</tr>
<tr>
<td>No</td>
<td>14</td>
<td>53.8%</td>
</tr>
<tr>
<td>No Responses</td>
<td>1</td>
<td>3.8%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>26</strong></td>
<td><strong>100%</strong></td>
</tr>
<tr>
<td><strong>13 Comment(s)</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Performing the Self-Evaluation – Checklist

• Have a good checklist and know what you need to evaluate at each facility.
  – Several checklists are readily available, most have some issues you need to be aware of.
  – Primary issue is knowing what you need to look at (scoping and technical) and how to do it.
Performing the Self-Evaluation – Checklist

- DLZ has developed our own forms to address shortcomings we saw in other checklists. Continually updated, new ones added.
- Currently have 42 different forms we use iPads for non-ROW, more needed. Use data collector for ROW.
Performing the Self-Evaluation

Safety is vital for all! You need to be aware of safety hazards and minimize the potential for personal injury. Wear appropriate PPE as needed. Be aware of:

- Vehicles
- Obstructions
- Protrusions
- Grade changes
- Stairs
- Weather

- Have the necessary tools and equipment
  - Smart level
  - Measuring tape
  - Door pressure gauge or fish scale
  - Camera (use liberally!!!)
  - Data collector (optional)
  - Multiple writing utensils
  - Extra paper for notes
  - Clipboard
  - Safety equipment (if working in/around traffic)
The Transition Plan

28 CFR 35.105
Self-Evaluation Report
- Data Collection
- Database Analysis
- Barrier Ranking

Disability Community Participation

28 CFR 35.150(d)(3)
ADA Transition Plan
- Corrective Measures
- Implementation Schedule
- Financing Plan
28 CFR Part 35.150(d) Transition plan.

(3) The plan shall, at a minimum—

(i) Identify physical obstacles in the public entity’s facilities that limit the accessibility of its programs or activities to individuals with disabilities;

(ii) Describe in detail the methods that will be used to make the facilities accessible;

(iii) Specify the schedule for taking the steps necessary to achieve compliance with this section and, if the time period of the transition plan is longer than one year, identify steps that will be taken during each year of the transition period; and

(iv) Indicate the official responsible for implementation of the plan.
The Transition Plan

- Need a way of “listing” non-compliant items for all facilities (we use Excel spreadsheets).
  - Include an estimated cost for corrective action or short-term alternate to provide access
  - Prioritize based on barrier presented

<table>
<thead>
<tr>
<th>Adjust Door</th>
<th>Low</th>
<th>$100</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notes: Operating force is 7 lbs. (5 lb. max.). Door rubs on the floor.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal Guideline: 404.2.8.1, 404.2.9</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Insulate Water Lines</th>
<th>Medium</th>
<th>$100</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notes: Supply lines, valves, and exposed drain pipes are not insulated to protect against contact.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal Guideline: 606.5</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Reposition Mirror</th>
<th>Low</th>
<th>$50</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notes: Bottom edge of reflecting surface over sink is at 49-1/2&quot; ht. (40&quot; max.).</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal Guideline: 603.3</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Remove/Reposition Protruding Objects</th>
<th>Low</th>
<th>$50</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notes: Paper towel dispenser protrudes 8-1/2&quot; at 48&quot;.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal Guideline: 307.2</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Replace One Urinal</th>
<th>Medium</th>
<th>$920</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notes: Top of lip is 23-3/4&quot; high (17&quot; max. ht.). Rim projects only 11-1/2&quot; from wall (13 1/2&quot; min.). Flush control at 51&quot; high (48&quot; max.).</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal Guideline: 605.2</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
• For Transition Plan, repeat above when draft plan is available for public review and comment
  – Notify availability and where available (Admin. Building, local library, website, etc.)
  – Give deadlines for public comments
For Transition draft plan is available for public review and comment.

ADA Indiana
C/O Indiana Institute on Disability and Community
1925 North Range Road
Bloomington, Indiana 47408-9801

July 24, 2018

Dear Advocate for the Disabled,

The Town of South Whitley has conducted a Self Evaluation of all Town-owned facilities and all Town programs for compliance with the Americans with Disabilities Act (ADA) and prepared a draft Transition Plan describing the results of the self-evaluation. Title II of the ADA requires that each of the Town’s services, programs, and activities be readily accessible and usable by individuals with disabilities. Copies of the Self-Evaluation and Transition Plan are available for public review at the following locations beginning on July 25, 2018:

- Clerk’s Office, 118 E. Front Street, South Whitley (during normal business hours)
- South Whitley Community Public Library, 201 E. Front Street, South Whitley (during normal hours)
- Town web site in PDF Format - https://southwhitley.org/

Comments can be provided, in writing, by the deadline of August 8, 2018 at 12 p.m. to Kent Slater, ADA Coordinator, at Town Hall or via e-mail at kslater@southwhitley.org. All comments will be reviewed and considered and included in the appendix of the document. The Town Board will hear comments on the Transition Plan at their regularly scheduled meeting on August 14, 2018, in the Council Chambers, 118 E. Front Street. This meeting begins at 6:30 p.m. and will be an opportunity for the community to provide suggestions, ask questions, and provide comments on the draft Self-Evaluation and Transition Plan. It is the intention of the Town to adopt the Self-Evaluation and Transition Plan at the August 14, 2018, meeting.

Upon request, the Town will provide written materials in alternative formats, or disability-related modification or accommodation, including auxiliary aids or services, to enable individuals with disabilities to participate in public meetings. Please send a written request, including your name, mailing address, phone number, and brief description of the requested materials and preferred alternative format or auxiliary aid or service at least three (3) business days prior to the meeting. If auxiliary aids or services are required for individuals with disabilities, please contact:

Kent Slater, ADA Coordinator
118 E. Front Street
South Whitley, Indiana 46787
(765) 932-2672

We look forward to your comments and questions.

Sincerely,

Stephen G. Metzler, AICP, PWS
Senior Planner/ADA Specialist
Public Outreach

- For Transition Plan, repeat above when draft plan is available for public review and comment

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Example Transition Plan

- City of Greenfield, Indiana
  - 2010 census population 20,600
  - Located just east of Indianapolis
  - 14 Facilities
  - 7 Parks
  - Greenway
  - 126 miles sidewalk
  - 400 intersections
Example Transition Plan

- Results of facility evaluations summarizes costs by priority to assist with capital planning
  - Facilities ($217,220)

<table>
<thead>
<tr>
<th>Name &amp; Location</th>
<th>Ownership Status</th>
<th>Low Priority</th>
<th>Medium Priority</th>
<th>High Priority</th>
<th>Total Site Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>City Hall 10 South State Street</td>
<td>City Owned</td>
<td>$20,205</td>
<td>$11,400</td>
<td>$500</td>
<td>$32,105</td>
</tr>
<tr>
<td>City Parking Lot South &amp; Pennsylvania</td>
<td>City Owned</td>
<td>$100</td>
<td>$1,850</td>
<td>$0</td>
<td>$1,750</td>
</tr>
<tr>
<td>Police Station 116 South State Street</td>
<td>City Owned</td>
<td>$2,140</td>
<td>$510</td>
<td>$4,300</td>
<td>$6,650</td>
</tr>
<tr>
<td>Fire Station Downtown 17 West South Street</td>
<td>City Owned</td>
<td>$1,500</td>
<td>$690</td>
<td>$0</td>
<td>$2,190</td>
</tr>
<tr>
<td>Fire Station North 210 West New Road</td>
<td>City Owned</td>
<td>$5,450</td>
<td>$5,920</td>
<td>$0</td>
<td>$12,370</td>
</tr>
<tr>
<td>Animal Control 911 South State Street</td>
<td>City Owned</td>
<td>$0</td>
<td>$7,060</td>
<td>$0</td>
<td>$7,060</td>
</tr>
<tr>
<td>Cemetery and Street Department Offices 821 South State Street</td>
<td>City Owned</td>
<td>$455</td>
<td>$7,550</td>
<td>$0</td>
<td>$8,045</td>
</tr>
<tr>
<td>Power &amp; Light Department Office 333 South Franklin Street</td>
<td>City Owned</td>
<td>$7,450</td>
<td>$1,900</td>
<td>$0</td>
<td>$9,350</td>
</tr>
<tr>
<td>Sewer Department Office 809 South State Street</td>
<td>City Owned</td>
<td>$12,360</td>
<td>$5,400</td>
<td>$0</td>
<td>$17,760</td>
</tr>
<tr>
<td>Water Department Office 451 Meek Street</td>
<td>City Owned</td>
<td>$9,080</td>
<td>$3,800</td>
<td>$0</td>
<td>$12,880</td>
</tr>
<tr>
<td>Girl Scout House 230 W. North Street</td>
<td>City Owned/Tenant Leased</td>
<td>$200</td>
<td>$10,000</td>
<td>$0</td>
<td>$10,200</td>
</tr>
<tr>
<td>Memorial Building 98 East North Street</td>
<td>City Owned</td>
<td>$16,010</td>
<td>$5,920</td>
<td>$6,000</td>
<td>$30,930</td>
</tr>
<tr>
<td>Pat Elmore Center 280 Apple Street</td>
<td>City Owned</td>
<td>$26,110</td>
<td>$16,650</td>
<td>$500</td>
<td>$43,260</td>
</tr>
<tr>
<td>Riley Home, Museum, and Elizabeth Ann’s Kitchen 244 &amp; 250 West Main Street</td>
<td>City Owned</td>
<td>$14,820</td>
<td>$5,650</td>
<td>$1,500</td>
<td>$21,970</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Low Priority</th>
<th>Medium Priority</th>
<th>High Priority</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Totals</td>
<td>$116,920</td>
<td>$87,600</td>
<td>$12,800</td>
<td>$217,220</td>
</tr>
</tbody>
</table>
Example Transition Plan

• Results of facility evaluations summarizes costs by priority to assist with capital planning
  – Facilities ($217,220)
  – Parks ($312,430)

<table>
<thead>
<tr>
<th>Name &amp; Location</th>
<th>Ownership Status</th>
<th>Low Priority</th>
<th>Medium Priority</th>
<th>High Priority</th>
<th>Total Site Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beckenholcit Park</td>
<td>County Owned</td>
<td>$18,200</td>
<td>$9,100</td>
<td>$1,550</td>
<td>$28,850</td>
</tr>
<tr>
<td>285 North Franklin Road</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Brandywine Park</td>
<td>County Owned</td>
<td>$13,500</td>
<td>$55,950</td>
<td>$1,750</td>
<td>$71,200</td>
</tr>
<tr>
<td>900 East Davis Road</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commons Park</td>
<td>County Owned</td>
<td>$3,600</td>
<td>$10,750</td>
<td>$0</td>
<td>$14,350</td>
</tr>
<tr>
<td>856 West Fifth Street</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Henry B. Wilson Park</td>
<td>County Owned</td>
<td>$0</td>
<td>$9,500</td>
<td>$0</td>
<td>$9,500</td>
</tr>
<tr>
<td>Access from Collins Way</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mary Moore Park</td>
<td>County Owned</td>
<td>$2,400</td>
<td>$900</td>
<td>$0</td>
<td>$3,300</td>
</tr>
<tr>
<td>North Franklin Road (near High School)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pennsy Trail</td>
<td>County Owned</td>
<td>$17,950</td>
<td>$22,150</td>
<td>$10,750</td>
<td>$50,850</td>
</tr>
<tr>
<td>Rail Corridor from S150W to 400 E</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Riley Park</td>
<td>County Owned</td>
<td>$16,450</td>
<td>$53,550</td>
<td>$2,650</td>
<td>$72,650</td>
</tr>
<tr>
<td>East Main Street and Apple Street</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Riley Park Shelterhouse</td>
<td>County Owned</td>
<td>$12,360</td>
<td>$5,000</td>
<td>$0</td>
<td>$18,160</td>
</tr>
<tr>
<td>210 Apple Street</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Riley Park Pool and Poolhouse</td>
<td>County Owned</td>
<td>$13,035</td>
<td>$25,585</td>
<td>$500</td>
<td>$39,120</td>
</tr>
<tr>
<td>3000 Apple Street</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Thornwood Nature Preserve</td>
<td>Shared</td>
<td>$1,700</td>
<td>$1,500</td>
<td>$1,250</td>
<td>$4,450</td>
</tr>
<tr>
<td>South Morristown Parkway</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td></td>
<td><strong>$95,195</strong></td>
<td><strong>$194,785</strong></td>
<td><strong>$18,450</strong></td>
<td><strong>$312,430</strong></td>
</tr>
</tbody>
</table>
Example Transition Plan

• Results of facility evaluations summarizes costs by priority to assist with capital planning
  – Facilities ($217,220)
  – Parks ($312,430)
  – Sidewalks ($4,195,950)

Table 5.1. Summary of Sidewalk Costs.

<table>
<thead>
<tr>
<th>Sidewalk Summary</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Low Priority Sidewalk</td>
<td>$3,088,110</td>
</tr>
<tr>
<td>Medium Priority Sidewalk</td>
<td>$796,320</td>
</tr>
<tr>
<td>High Priority Sidewalk</td>
<td>$311,520</td>
</tr>
<tr>
<td>Total Estimated Sidewalk Improvement Costs</td>
<td>$4,195,950</td>
</tr>
</tbody>
</table>
Example Transition Plan

- Results of facility evaluations summarizes costs by priority to assist with capital planning
  - Facilities ($217,220)
  - Parks ($312,430)
  - Sidewalks ($4,195,950)
  - Curb Ramps ($2,388,500)

<table>
<thead>
<tr>
<th>Table 6.1. Summary of Curb Ramp Costs.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Curb Ramp Summary</td>
</tr>
<tr>
<td>Low Priority Curb Ramps</td>
</tr>
<tr>
<td>Medium Priority Curb Ramps</td>
</tr>
<tr>
<td>High Priority Curb Ramps</td>
</tr>
<tr>
<td>Total Estimated Curb Ramp Improvement</td>
</tr>
</tbody>
</table>
## Example Transition Plan

<table>
<thead>
<tr>
<th></th>
<th>Low Priority</th>
<th>Medium Priority</th>
<th>High Priority</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Buildings and Sites</td>
<td>$116,920</td>
<td>$87,500</td>
<td>$12,800</td>
<td>$217,220</td>
</tr>
<tr>
<td>Parks</td>
<td>$99,195</td>
<td>$194,785</td>
<td>$18,450</td>
<td>$312,430</td>
</tr>
<tr>
<td>Curb Ramps and Sidewalks</td>
<td>$4,316,310</td>
<td>$1,460,220</td>
<td>$807,920</td>
<td>$6,584,450</td>
</tr>
<tr>
<td>Total</td>
<td>$4,532,425</td>
<td>$1,742,505</td>
<td>$839,170</td>
<td>$7,114,100</td>
</tr>
</tbody>
</table>
Example Transition Plan

For this community, the ADA compliance program estimate is $7,114,100, but will likely be higher when considering inflation, soft costs, training costs, items that are hidden, etc. Their annual overall budget is $20 million. What is a “reasonable amount to budget, which dictates their schedule for completion? 

- Some curb ramps will be fixed during road alterations.
- Other programs may assist with sidewalks (SRTS, etc.).
- Other programs may assist with parks (DNR grants, etc.).
- Some states have grants for building accessibility improvements.
Don’t look at everything in a vacuum and be overwhelmed by the list.

- Correct the “easy” items in the highest use facilities.
- Focus on parking, accessible routes, public entrance(s), and restrooms, then move on to other items.
- Your program may not end up being equal expenditures by year. Consider economies of scale – it may be cheaper in the long run to have all plumbing work done at the same time, etc.
- Don’t forget to look at procedures that can be altered to avoid costly construction projects.

KEY IS TO **HAVE A PLAN**!!!
Resources – The USDOJ

- Maintains web site with excellent information for compliance as well as examples of what happens in cases of non-compliance (http://www.ada.gov/)
The Access Board website includes a variety of information (www.access-board.gov).
Questions??

Contact Information

Steve Metzer
sметzer@dlz.com