



Americans with Disabilities Act (ADA)

Program Update

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2017 Council Initiative

Address Quality of Place Issues

Champion: Human Resources, Director Chris Smith

Strategy L: Complete an ADA self assessment and transition plan that addresses access to services, activities, buildings and rights-of-way.

Timeframe: 2017

Deliverables:

1. Complete an ADA self assessment that addresses access to services, activities and buildings.
2. Develop charter for ADA advisory committee.
3. Complete transition plan.

What is the ADA

- The ***Americans with Disabilities Act (ADA)*** is a civil rights law that prohibits discrimination against individuals with disabilities in all areas of public life, including jobs, schools, transportation, and all public and private places that are open to the general public.
- The purpose of the law is to make sure that people with disabilities have the same rights and opportunities as everyone else.

What is the ADA

- The **ADA** gives civil rights protections to individuals with disabilities similar to those provided to individuals on the basis of race, color, sex, national origin, age, and religion. It guarantees equal opportunity for individuals with disabilities in public accommodations, employment, transportation, state and local government services, and telecommunications.
- The **ADA** is divided into five titles (or sections) that relate to different areas of public life.

ADA Historical Timeline

- The **ADA** was signed into law on July 26th, 1990 after passing the US Senate in 1989 and US House in 1990.
- Regulations were issued by title in 1991, effective date in parenthesis:
 - Title I, Employment (1992)
 - ****Title II, State & Local Government (1992)***
 - Title III, Public Accommodations (1992)
 - Title IV, Telecommunications (1993)

ADA Historical Timeline

- Transportation regulations in Titles II and III were updated in 2006, 2010 and 2011.
- The ***ADA Amendments Act (ADAAA)*** was signed in 2008 and became effective in 2009.
- The ***ADAAA*** updated regulations were for Titles II and III were published in 2010.
- Updated regulations in Title I were published in 2013.

ADA by Title

****Title II (State and Local Government)***

Nondiscrimination on the Basis of Disability in State and Local Government Services

Title II of the ADA prohibits discrimination against qualified individuals with disabilities in all programs, activities, and services of public entities. It applies to all state and local governments, their departments and agencies, and any other instrumentalities or special purpose districts of state or local governments. It clarifies the requirements of section 504 of the Rehabilitation Act of 1973, as amended, for public transportation systems that receive federal financial assistance, and extends coverage to all public entities that provide public transportation, whether or not they receive federal financial assistance. It establishes detailed standards for the operation of public transit systems, including commuter and intercity rail (e.g., AMTRAK).

What does this all mean to the City of Longview

- Complying with the ADA can prevent the following:
 - Lawsuits
 - Judgments
 - Financial penalties
 - Mandated timelines for compliance
 - Redirection of funding
 - Loss of funding for federal grants

Pending Settlement:

City of Seattle, WA

- [Seattle Times Article - Seattle may have to spend millions making sidewalks more accessible to people with disabilities](#)
- 3 individuals with disabilities filed a class action lawsuit against the city, and the city denied the majority of the allegations.
- Agreement in principle has been reached in the major terms of the settlement.
- Lawsuit does not seek money, but forcing the city into building more curb ramps.
- In 2014, City of Los Angeles agreed to spend \$1.4 billion over a 30 year period to build curb ramps and fix sidewalks.
- In 2007, City of Chicago agreed to spend \$50 million over a 5 year period to build curb ramps and fix sidewalks.

Case Law: City of Sacramento, CA

- City of Sacramento settles sidewalk case, avoiding Supreme Court , [Barden v City of Sacramento Settlement Document](#)
- The U.S. Supreme Court without comment rejected the appeal by Sacramento to overturn the Ninth Circuit ruling that city sidewalks were covered by the Americans with Disabilities Act of 1990 and therefore have to be accessible.
- For the term of the Agreement, the City of Sacramento will dedicate funding in an amount equal to twenty percent (20%) of its transportation fund annually to the installation of compliant curb ramps at intersections and to the removal of access barriers along pedestrian rights of way.
- This agreement was a commitment for up to 30 years.

Settlement: City of Bend, OR

- [Bend Bulletin Article - No end in sight for Bend making sidewalks ADA-compliant](#)
- [City of Bend OR, Press Release on July 29th, 2014 - DOJ closes ADA case against City of Bend](#)
- Settlement gave city 10 years to fix buildings, sidewalks and curb ramps ADA compliant. At 11.5 year mark, 3,200 curb ramps of 8,500 were ADA compliant.
- Still have 1,000's of projects backlogged, DOJ no longer monitoring, but city is not letting up on fixes.

City of Longview: Improving its compliance with ADA under Title II

- Detailed process with multiple components.
- Need to go through a city wide, self evaluation process to include reviewing policies, programs & services.
- Inventory development identifying barriers and recommendations for alterations to meet accessibility standards.
- Inventory would identify, estimate cost, timeline to remove potential barriers. A method of prioritization should be considered when planning the removal of barriers.
- Stakeholder engagement, public involvement and use of website for providing information.
- Develop & implement a transition plan.
- Train staff on the implementation of the transition plan.

Defined: What is a Self Evaluation

- A self-evaluation is a public entity's assessment of its current policies and practices. The self-evaluation identifies and corrects those policies and practices that are inconsistent with title II's requirements.
- All public entities should have completed a self-evaluation by January 26, 1993.
- A public entity that employs 50 or more employees must retain its self-evaluation for three years.

Purpose of a Self Evaluation

- Identify barriers in programs, activities, services and public transportation that can prevent persons with disabilities from access.
- This process includes reviewing and evaluating city policies and practices.
- Identifying barriers within public right-of-way, which may include: curbs, sidewalks, pedestrian crossings and signals, parking lots, bus stops and multi use trails
- Identifying barriers to public facilities and government services.
- This is accomplished through completing an inventory of all programs, activities, services and public transportation that the city offers.
- It is critical that each department contribute in this process so all programs, activities, services and public transportation can be captured in the process .

What does a successful Self Evaluation look like

- Agency committing the funding and staff resources to generate the necessary inventory of programs, activities, services and public transportation that the city offers.
- Examples of how that is currently being accomplished:
 - Inspections & surveys with city staff
 - Geographic Information System (GIS)
 - Contract services
- Use of checklists can help with this process

What does a successful Self Evaluation look like

- Use of checklists helps with this process
 - Title II – Checklist for ADA Coordinator, Notice & Grievance Procedure
 - Title II – Checklist for General Effective Communication
 - Title II – Checklist for 9-1-1 and Emergency Communication Services
 - Title II – Checklist for Website Accessibility
 - Title II – Checklist for Curb Ramps & Pedestrian Crossings
 - Title II – Checklist for Emergency Management

What does a successful Self Evaluation look like?

- An inventory has been conducted where facility modifications have been identified to eliminate barriers of accessibility to programs, activities, services and public transportation.
- Creates a foundation in development of the city transition plan.

What is our current status with the Self Evaluation process

- ADA Self Evaluation plan has been developed with goals, sub-goals, key performance indicators, staff member responsible and % complete.
- ADA Self Evaluation plan needs additional enhancements, creating additional contacts & liaisons with each city department.

Defined: What is a Transition Plan

- Title II of the ADA requires that public entities having responsibility for or authority over facilities, streets, roads, sidewalks, parks and/or other areas meant for public use, develop a transition plan to make their facilities meet the standards for program accessibility.
- A transition plan, transitions inaccessible facilities into environments that are accessible to and functional for individuals with disabilities.

A Transition Plan, At Its Core

- A final transition plan combines the findings of facility evaluations, public right-of-way evaluations, policy assessments and program evaluations.
- Each facility report contains a complete list of architectural barriers and barrier removal actions.
- Not all barriers must be removed in order to provide program access.
- A priority should be to eliminate barriers to program access.
- Prioritizing projects for barrier elimination as funding allows.

A Transition Plan Sample

- Transition Plan could be divided into 4 parts
 - Public Right-of-Ways: Includes sidewalks and curb ramps, push buttons and signals (pedestrian crossings and signals)
 - Programs & Services: Accessibility to all programs & services.
 - Transportation Access: RiverCities Transit
 - Facilities: Includes buildings, parks and their related grounds & parking lots
- There are many different models/examples that could be used.

ADA Self Evaluation

Update from Public Works

Craig Bozarth

- City wide inventory of sidewalks and curb ramps in right-of-way has been completed.
- GIS system is updated to include inventory.

ADA Self Evaluation

Update from Public Works

Craig Bozarth

Next steps:

- Complete push button and signal inventory
- Prioritize sidewalk, curb ramp and push button improvements
- Prepare cost estimate
- Prepare schedule to implement improvements

ADA Self Evaluation

Update from Parks & Recreation

Jennifer Wills

- Current status of ADA self assessment of Parks & Recreation
- Next Steps
- Project Accomplishments

ADA Self Evaluation

Update from Human Resources

Chris Smith & Brian Loos

- HR department is taking the lead to coordinate city wide effort to pull together the development of the transition plan.
- Designate an ADA/504 Coordinator, making name and contact information available. (Completed)
 - Human Resources/Safety & Risk Management
- Adopt and publish a complaint/grievance procedure.
 - Complaint process published
 - Grievance procedure (in draft form) & approval to be published.

Next Steps

- ADA department liaisons: Document identifying person, role & responsibilities has been created. Needs to be enhanced to include each department.
- Significant gaps still needing to be addressed through the self evaluation process.
 - Facilities plan
 - Services & activities access (all departments need to conduct this self evaluation)
 - Utilize the Title II checklists to assist with the self evaluation process.
 - Refine the process to resolve a grievance with existing complaint procedure
 - Website access to provide notice to the public about compliance.

Next Steps & Questions

- Consideration for establishment of an ADA advisory committee under a governing charter. Seeking councils input on this process. Draft charter document has been developed.
- Create the transition plan document with supporting self-evaluation documentation. Public input and involvement is critical to the process of developing the transition plan.
- Transition plan should showcase accomplishments, and timeline when barriers are planned to be and actually removed.
- Due to the amount of information needing to be collected in the self evaluation process, recommend a phased approach to develop the transition plan.

CoL - ADA Coordinator Contact Information

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