ADA Audio Conference Series
March 18, 2014

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Customize Your View  

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Overview of sessions

- Part One: Getting Started
- Part Two: A Hands-on Approach to Self-Evaluations
- Part Three: Bringing It All Together: Transition Plans, Barrier Removal Plans, and Action Plans

Refresh

- Goal is compliance
- Regulations and requirements
- Areas of examination and terminology
  - Equal opportunity – includes communication, policies, practices
    - “Policies and practices”
  - Physical access – buildings, facilities, equipment
    - “Program accessibility”
Last time

- Critical decisions
- Stages of self-evaluation
  - Plan
  - Gather information
  - Analyze and report
  - Plan for remediation
- Preparing for a transition plan/barrier removal plan

Action plan builds on critical decisions made earlier

- Type of analysis
- Level of reporting
  - Town/city or
  - Department or
  - Each program, service or activity
- Granularity/level of detail
- All at once, or in phases
- Electronic information or not
- Checklist or narrative or combination
Things to do

- Draft recommendations
  Have departments draft their own pieces?
- Meet with departments
- Public input
- Final plan

Organizing an action plan

- By department
- By program
- By category of activity
  - Communication
  - Meetings
  - Separate programs
  - Procurement
  - Emergency evacuation
- By type of recommendation
Possible types of recommendations

- Centralized policy changes, including for program access
- Centralized procedures
- Centralized training
- Department-specific action steps

What about facilities?

- Remember: physical changes go in the transition plan
- Other facility-related changes go in the action plan
  - Centralized booking of accessible space
  - Moving furniture, classes, events
  - Maintaining accessible features
  - Training
Example: maintenance

Accessible features must be maintained in operable working condition.
- Lifts
- Clear space
- Grab bars
- Parking
- Automatic doors
- Sidewalks

Typical action steps (1)

- Direct staff to discontinue practices that are discriminatory (“red flags”)
  - Asking companions to assist with communication (e.g., to interpret, read) or provision of services (e.g., health care)
  - Asking forbidden questions about service animals
  - Denying interpreters, auxiliary formats
- Create and/or publicize --
  - Title II notice of nondiscrimination
  - Identity of ADA Coordinator
  - Grievance procedures
Typical action steps (2)

- Develop an administrative order setting out --
  - Responsibilities of ADA Coordinator
  - Responsibilities of department liaisons
  - Processes for obtaining interpreters, alternate formats, accessible meeting space, etc.
  - Process/form for making decisions as to fundamental alteration, undue burden
  - Means of monitoring activities by contractors
  - Ensuring broadcasts and videos are accessible

Typical action steps (3)

- Train emergency responders on interaction with people with disabilities
- Train staff in large facilities to assist people trying to find a service.
- Train staff on how to use telecommunication relay services
Keep on it

- Assign tasks to individuals, departments, program managers
- Assign deadlines
- Ensure accountability
- Make it part of the job description
- Fund the follow-up
Program Access
Through
Transition Planning
(And Other ADA Title II Facilities Requirements)

When do program access requirements apply under Title II?

- Program access requirements related to facility access apply in addition to requirements for new construction and alterations, and in addition to self evaluation requirements related to communications, policies, and procedures.
- When no new construction or alterations are taking place, there is still an obligation to remove barriers to program access.
How do you achieve program access?

- Provide programs, services, or activities in accessible places so that your program, when seen as a whole is accessible, but be careful about distance, convenience, and integration.
- Remove barriers in those areas that people with disabilities will need to go to participate in your programs, activities and services.

Program access is more flexible than the Standards but may require more:

- A facility with heavy exterior doors will probably need to have at least one automatic door opener.
- You may be required to have more accessible parking spaces than required by the Standards.
Program access does not require:

- That you take actions that would change the fundamental nature of the program.
- That you take steps that would create an undue financial and administrative burden.
- Undue financial burden must be decided at the top when looking at the entire budget and is a much higher obligation than the readily achievable obligation of Title III.

Transition Planning Considerations

I. Overview of the requirements of the law for physical & program access
II. Breadth and scope of coverage
III. Types of physical barriers
IV. Alternative methods
V. What must be included in the plan
VI. Which Standards?
VII. Logical approaches to providing physical access
Transition Planning Considerations

VIII. Facility selection for program access
IX. Surveying facilities for program access
X. Information needed
XI. Barrier prevention and monitoring
XII. Leased facilities
XIII. TP practicalities
XIV. Funding the work

I. Overview of requirements for physical and/or program access

a. New Construction commenced after January 26, 1992
b. Alterations commenced after January 26, 1992
c. Facilities where programs, activities, and services take place (with some exceptions)
   1. Unaltered areas of existing facilities
   2. Leased facilities
   3. Facilities controlled by others
II. Typical breadth of facility types covered

a. City and town halls and administrative centers
b. Courthouses
c. Jails, Prisons, and detention centers
d. Police stations
e. Fire stations
f. Sheriffs’ departments

II. Typical breadth of facility types covered (cont’d)

a. Polling places
b. Parking decks
c. Health care delivery centers
d. Childcare centers
e. Teen activities centers
f. Senior activities centers
g. Emergency shelters
II. Typical breadth of facility types covered (cont’d)

n. Animal shelters
o. Libraries
p. Museums
q. Fairgrounds
r. Convention centers
s. Auditoriums and theaters
t. Baseball and football stadiums
u. Visitors centers

v. Parks, also including
   i. Public Gardens
   ii. Recreation centers
   iii. Golf courses
   iv. Ice skating rinks
   v. Public swimming and wading pools
   vi. Playgrounds
   vii. Ball fields
II. Typical breadth of facility types covered (cont’d)

v. Parks, also including (cont’d)
   viii. Bleachers
   ix. Tennis centers
   x. Band shells
   xi. Gazebos
   xii. Marinas and fishing facilities
   xiii. Nature trails
   xiv. Shared use paths

w. Airports, public transportation stops, and transit stations
x. Public rights of way elements
y. Waste disposal/landfill facilities open to public use
z. All other public entity owned and/or controlled public facilities
III. Types of physical obstacles listed most frequently in DOJ Agreements

a. Parking  
b. Curb ramps  
c. Routes from public transportation, accessible parking, streets and/or sidewalks to accessible entrances  
d. Routes through the facilities  
e. Doors and door hardware  
f. Ramps and handrails  
g. Stairs and handrails  

III. Types of physical obstacles listed most frequently in DOJ Agreements (cont’d)

h. Elevator cabs and lobbies  
i. Platform lifts  
j. Rest rooms, accessible plumbing fixtures, and accessories  
k. Showers and bathing facilities  
l. Dressing and locker rooms  
m. Alarms  
n. Signage (all required types)
III. Types of physical obstacles listed most frequently in DOJ Agreements (cont’d)

o. Drinking fountains
p. Telephones
q. Service and ticket sales counters
r. Concession stands and gift shops
s. Wheelchair seating in assembly areas
t. Access to stages and performing areas
u. Assistive listening systems
v. Libraries

IV. Physical access v. alternative methods

a. Physical access is not required to every facility where alternative methods are as effective in providing program access, but, where structural changes are required, a transition plan is required.
IV. Physical access v. alt. methods (cont’d)

b. Alternative methods for compliance in existing facilities may include
   i. Redesigning equipment
   ii. Reassigning services to accessible buildings
   iii. Assigning aides to beneficiaries or home visits
   iv. Delivery of services at alternate sites
   v. Alteration of existing facilities
   vi. Construction of new, accessible facilities
   vii. Use of accessible rolling stock or other conveyances
   viii. Other methods to achieve “readily accessible to and usable by”

V. Regulatory “requirements” of what must be included in a transition plan

a. Identify all physical obstacles (barriers) in the facilities that limit program access
b. Detail the methods that will be used to make the facilities accessible
 c. Schedule the steps to be taken each year to achieve compliance
  d. Name of official responsible for implementation
VI. Determine which Standards will be used to identify barriers

a. 2010 ADA Standards  
b. 1991 ADA Stds. or UFAS (for Safe Harbor)  
c. State and/or Local Standards (SH ?)  
d. Rehab. Act - Section 504 program access standard  
e. Public right of way  
f. Shared use paths  
g. Outdoor developed areas

VII. Logical approach Option “A” for identifying barriers and removing them for physical access

a. Identify every program offered and evaluate each program for barriers. Remove, then:
   i. Train program-setting employees to recognize and avoid barriers when moving and adding programs and services and when scheduling all public activities and events  
   ii. Update transition plan, secure funding, and eliminate barriers every time programs move or are added to inaccessible facilities or areas within facilities
VII. Logical approach Option “B” for identifying barriers and removing them for physical access

b. Identify areas in every facility where programs are offered and then identify all barriers in those areas. Remove them, then:
   i. Train program-setting employees to schedule programs, services, public activities and events only in areas of facilities that are already physically accessible
   ii. Update transition plan, secure funding, and eliminate barriers only when programs move or are added to the few remaining inaccessible facilities or areas within facilities

VIII. Select facilities where programs will be offered to achieve program access

a. Verify ALL programs, services, and activities will be accessible
b. If not all accessible at every location, geographically dispersed at convenient locations
VIII. Select facilities where programs will be offered to achieve program access (cont’d)

c. If not all accessible, consider how facilities are used

1. Example – two auditoriums: BOTH must be accessible
2. Example – twenty swimming pool facilities: SOME must be accessible
   i. Swim meets must be held only at accessible pools
   ii. Swimming lessons must be offered at accessible pools

IX. Survey facilities to identify physical obstacles (barriers) that limit program access

(Details on this process are covered in other programs.)
X. Additional information needed about each facility, each barrier, and each solution

Additional information is needed about each facility, each barrier, and each solution and care must be taken to organize that information to communicate the barriers information effectively, to make decisions consistently and appropriately, and to efficiently coordinate and implement the plan.

X. a. Facility information

i. Facility name (and numerical identifier if one is used)
ii. Facility type (if one is used)
iii. Date of initial occupancy and last major renovation (if any)
iv. Address of facility
v. ADA contact/coordinator at facility
vi. ADA contact’s phone number
vii. Date facility was surveyed to identify barriers to be removed
viii. Name and phone number(s) of ADA surveyor(s)
X. a. Facility information (Cont’d)

ix. Surveyor’s notes about any difficulties encountered during survey and any questions that need to be answered before the facility is ready for inclusion in final transition plan

x. If desired, which spaces, features, and/or elements of the facility are already accessible and need no further work

xi. Executive summary of physical barriers identified

xii. Overall photograph(s) of the facility for general reference

X. a. Facility information (Cont’d)

xiii. After physical barrier removal is complete:

1. Date last physical barrier was removed
2. Name of individual certifying all work was completed as noted below
3. Certifier’s contact information
4. General notes and exceptions
X. b. Physical barrier information

i. Unique barrier identification number

ii. Exact location of physical barrier
   1. Described in words
   2. Marked on a floor or site plan

iii. Description of existing condition that is non-compliant

iv. Description of what is required for program access

v. Reference(s) and figure numbers from the Standards

vi. Photograph(s) of the barrier showing the problem in context and in detail

X. b. Physical barrier information (cont’d)

vii. Analysis codes for prioritizing barrier removal if not all will be fixed immediately

   1. **Use Code** (How much is the area or element used by the Public and/or who controls it?)

   **Possible Examples:**
   - **HP** – High Public use
   - **GP** – General Public use
   - **MP** – Minimal Public use
   - **EV** – Evacuation route or emergency exit
   - **L** – Landlord controlled area or element
   - **G** – Other Governmental entity or agency
   - **T** – Tenant controlled area or element
vii. Analysis codes for prioritizing barrier removal if not all will be fixed immediately (cont’d)

2. **DOJ Code** (simplified priorities from Title III regulations)
   - 1 - Access into the facility (out of the weather)
   - 2 - Access to programs, activities, and services
   - 3 - Access to toilet rooms
   - 4 - Access to other elements
   - 5 - Duplicate of other space or element being fixed

3. **Severity Code** (How bad is this specific barrier now?)
   - A - Safety consideration for people with disabilities
   - B - Blocks access to a significant number of people with disabilities
   - C - Major inconvenience to a significant number of people with disabilities and blocks access for some
   - D - Minor inconvenience to most people with disabilities, major to few, blocks almost none
   - E - Fails stricter state requirement (optional)
   - F - Fully compliant element (optional)
X. c. Detailed methods to achieve compliance

i. Description of proposed physical solution

ii. Cost estimates or level of effort required for proposed method of correction

iii. Any additional requirements of State Standards that will apply

iv. Possible alternative method(s)...

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X. c. Detailed methods to achieve compliance (cont’d)

v. If an alternative or administrative method will be used in lieu of physical barrier removal:
   1. Cost estimate or level of effort for proposed alternative method
   2. How the alternative or administrative method will be communicated to and coordinated with those responsible for implementing it
   3. Identify any difficulties expected with continued dependence on this method
   4. Name and position of individual(s) approving alternative
   5. Decisionmakers’ contact information
vi. After decision re: physical fix or alternative method
   1. Who will be responsible for the work
      a. Specific department, and/or
      b. Operations staff
      c. Custodial/Housekeeping staff
      d. Maintenance staff
         i. Locksmith
         ii. Landscaper
         iii. Carpenter
         iv. Plumber
         v. Electrician
         vi. Other

e. Capital improvements group

f. Legal
   i. Landlord
   ii. Tenant
   iii. Other government agency

vii. After physical barrier removal is complete:
   1. Date barrier was removed
   2. Name of individual certifying that work was completed as noted below
   3. Certifier’s contact information
X. c. Detailed methods to achieve compliance (cont’d)

viii. After physical barrier removal is complete:
(Cont’d)

4. Notes and exceptions
   a. Differences between initial transition plan and actual physical work completed
   b. Reasons for changes to physical barrier removal
   c. Who approved changes
   d. Date of approval

X. d. Streets, sidewalks, and curb ramps plan

i. Decide whether to use an automated system or a manual method for identifying barriers

ii. If a manual method, use survey forms with diagrams to assess all existing conditions consistently and develop/select solutions in the field when possible

iii. Survey only once and collect all information needed for decisions and management of process

iv. Setting priorities (discussed during last session)
X. e. Organizing and communicating the information

i. Difficulties with hard copy data, plans, & spreadsheets
ii. Database with standard analysis options and tailored reports
iii. Database live on a secure internet server with layered access for specific user types
iv. Photos (before and after)
v. Site and floor plans of facilities, parks, etc
vi. Geographic information systems to manage PROW and site data and document process (GIS)
vii. Map(s) showing all facilities with accessible ones noted
viii. Map(s) showing most accessible routes (keep updated)

XI. Barrier prevention and monitoring

i. Conducting plan reviews of new projects during design and verifying construction in the field
ii. Checking alterations projects
iii. Watching and training maintenance staff
iv. Training and overseeing custodial staff
v. Coordinating with operations personnel
vi. Working with public service representatives
vii. Following up with vendors and suppliers
viii. Verifying access to new and changing programs
XII. Leased facilities

i. Under title II, a state or local government should attempt to lease accessible facilities. If they can not, then the program access requirements will apply to the facility that is leased.

ii. Necessary changes will need to be negotiated with the landlord.

iii. Refusal on the part of the landlord does not make the changes technically infeasible.

XIII. TP practicalities

i. Access to programs vs. facility access

ii. Setting priorities when the budget is limited

iii. Which survey details will you collect?

iv. Coordinating accessible facility solutions with the operations, maintenance, procurement, and various program providers to assure consistent “program access” in practice

v. Tracking and communicating what you are doing, what you’ve done, and how to use it
XIV. Funding the work

a. Stop the processes that are creating new barriers
   i. Training ALL design and construction team members
   ii. ADA plan reviews of new construction and alterations
   iii. Reviews and approvals of standard accessible products
   iv. Training and support for maintenance and operations teams

b. Look for opportunities and methods to piggyback ADA work onto other projects
   i. Ongoing maintenance work
   ii. New construction, additions, and alterations projects

c. Seek new funding sources
   i. Donations and partnership projects
   ii. State funding sources
   iii. Federal funding sources (CDBG, FEMA, Direct, etc.)
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The next scheduled session is:

“Googling: Job Applicants”

April 15, 2014

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