

City of Madison



ADA Self-Evaluation and Transition Plan
August 29, 2016

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1. INTRODUCTION

The Americans with Disabilities Act (ADA) is a civil rights law that mandates equal opportunity for individuals with disabilities. The ADA prohibits discrimination in access to jobs, public accommodations, government services, public transportation, and telecommunications. The City of Madison has undertaken an evaluation of its policies, programs, and facilities to determine the extent to which individuals with disabilities may be restricted in their access to City services, activities, and facilities.

This plan describes the process developed to complete the evaluation of Madison's activities, provides policy and program recommendations, and presents a Transition Plan for the modification of facilities, public rights-of way, and programs to ensure accessibility. This Plan also includes a comprehensive ADA Accessibility Audit report completed in 2016 applicable to all city parks, greenways, and facilities, which will be the basis for upgrades and corrections intended to facilitate maximum accessibility. The barrier removal tasks completed pursuant to the ADA Accessibility Audit report will be completed in accordance with the priorities in Section 3.4.2 below.

This document will guide the planning and implementation of necessary program and facility modifications over the next several years. The ADA Self-Evaluation and Transition Plan is significant in that it establishes the City's ongoing commitment to the development and maintenance of policies, programs, and facilities that include all of its citizenry.

1.1 Federal Accessibility Requirements

The development of a transition plan is a requirement of the federal regulations implementing the Rehabilitation Act of 1973, which requires that all organizations receiving federal funds make their programs available without discrimination to persons with disabilities. The Act, which has become known as the "civil rights act" of persons with disabilities, states that:

No otherwise qualified [disabled] individual in the United States shall, solely by reason of [disability], be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. (Section 504)

Subsequent to the enactment of the Rehabilitation Act, Congress passed the Americans with Disabilities Act on July 26, 1990. The Department of Justice's Title II regulation adopts the general prohibitions of discrimination established under Section 504 and incorporates specific prohibitions of discrimination for the ADA. Title II provides protections to individuals with disabilities that are at least equal to those provided by the nondiscrimination provisions of Title V of the Rehabilitation Act. This legislative mandate, therefore, prohibits the City from denying persons with disabilities the opportunity to participate in general services, programs, or activities, even if the City offers permissibly

separate or different activities. The City may not discriminate directly, indirectly, or through contractual arrangements.

1.2 Title II Requirements

The City of Madison is obligated to observe all requirements of Title I in its employment practices; Title II in its policies, programs, and services; any parts of Titles IV and V that apply to the City and its programs, services, or facilities; and all requirements specified in the Americans with Disabilities Act Access Guidelines of 2004 (ADAAG) that apply to facilities and other physical holdings. Title II has the broadest impact on the City. A self-evaluation is required and intended to examine programs, activities, and services, identify problems or physical barriers that may limit accessibility by the disabled, and describe potential compliance solutions.

Included in Title II are administrative requirements for all government entities employing more than fifty (50) people. These administrative requirements are:

- Designation of a person responsible for overseeing Title II compliance
- Development of an ADA compliance procedure
- Completion of a self-evaluation
- Development of a transition plan if the self-evaluation identifies any structural modifications necessary for compliance. The transition plan must be retained for three years.

1.2.1 ADA Coordinator

This position is responsible for ensuring that all facilities, programs, services, and activities of the City of Madison are accessible to and usable by individuals with disabilities. The City's ADA Coordinator is:

Dustin Riddle
City of Madison
100 Hughes Road
Madison, Alabama 35758
Dustin.riddle@madisonal.gov
256.772.2894

To request an ADA accommodation or file an ADA grievance, contact the ADA Coordinator and follow the established procedures outlined in Section 1.2.2 pursuant to Administrative Instruction No. 113 (See Appendix A).

1.2.2 ADA Accommodation and Grievance

A. Requesting an ADA Accommodation or Barrier Removal

Requests for accommodations or barrier removals should be made to the ADA Coordinator. Requests must include the name, address, and telephone number of the individual requesting the accommodation. The request should contain the location of the program, service, activity, or facility where the accommodation is required and a description of why the accommodation is needed. Within fifteen (15) calendar days of the written request, the ADA Coordinator will respond to the individual requesting the accommodation. If the response by the ADA Coordinator does not satisfactorily resolve the issue, the individual making the request may file a formal grievance. All requests for accommodations received by the ADA Coordinator will be kept by the City of Madison for at least three (3) years.

B. Filing an ADA Grievance

The City of Madison has adopted a formal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by Title II of the ADA. This procedure is available for any individual who wishes to file a complaint alleging discrimination on the basis of their disability in the provision of services, activities, facilities, and programs by the City. The availability and use of this grievance procedure via submission of a complaint form does not preclude filing a complaint of discrimination with any appropriate state or federal agency. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies.

I. The Written Complaint

The complaint should contain as much information as possible about the alleged discrimination. The Complainant or his/her representative should file a complaint form with the ADA Coordinator no later than sixty (60) days from the date of the alleged discrimination. The complaint should be in writing. However, other arrangements for submitting a request, such as personal interviews, tape recordings, and assistance completing the form are available upon request. The ADA Coordinator will notify the Complainant in writing of any additional information that is needed to complete the complaint. If the Complainant fails to complete the complaint form, the ADA Coordinator shall close the complaint without prejudice.

II. Consideration of Grievance

The ADA Coordinator will oversee the investigation of the complaint. Within thirty (30) days of receipt of the complaint, the ADA Coordinator or his or her designee will respond to the complaint in writing or a reasonable alternative format if requested. The response will explain the position of the City with respect to the complaint and offer options for a reasonable solution.

III. Appeal to the Mayor

If the response by the ADA Coordinator does not satisfactorily resolve the issue, the complainant may appeal the decision within fifteen (15) calendar days after receipt of the response, to the Mayor or an appointed representative. Within fifteen (15) calendar days after receipt of the appeal, the Mayor, or an appointed representative, shall meet with or contact the complainant to discuss the complaint and possible resolutions. Within fifteen (15) calendar days after the meeting, the Mayor, or an appointed representative, shall respond in writing or in a format accessible to the complainant of final resolutions to the complaint. All decisions by the Mayor are final, and there will be no right of appeal to the City Council. All written complaints received by the ADA Coordinator, appeals to the Mayor and responses from the ADA Coordinator and the Mayor, will be kept by the City of Madison for at least seven (7) years.

C. Accommodation and Grievance Response

In responding to requests for structural improvements brought through the ADA Accommodation and Grievance process, the ADA Coordinator is limited to the funds in established Capital Improvement Projects and other miscellaneous funds. In the event that these allocated funds are insufficient or already spent, designated, or otherwise allocated, subsequent improvements will be prioritized and scheduled in subsequent fiscal years.

1.2.3 ADA Self-Evaluation & Transition Plan

The Self-Evaluation is the City's assessment of its current policies, practices, and procedures. It identifies and corrects those policies and practices that are inconsistent with the requirements of Title II of the ADA. In keeping with these requirements and as part of the Self-Evaluation, the City of Madison will:

- Identify its current programs, activities, and services
- Review the current policies, practices, and procedures that govern the administration of its programs, activities, and services. The ADA also sets forth specific requirements for preparation of an acceptable Transition Plan. At a minimum, the elements of the plan should include:
 - A list of the current physical barriers in City facilities that limit the accessibility of its programs, activities, or services to individuals with disabilities.
 - A detailed outline of the methods to be used to remove these barriers and meet the current standards and accessibility regulations.
 - A schedule for taking the steps necessary to achieve compliance with Title II of the ADA.
 - The name of the individual responsible for the plan's implementation.

This report and certain documents incorporated by reference establish the ADA Self-Evaluation and City of Madison ADA Self-Evaluation and Transition Plan.

2. DEFINITIONS

As used in this Transition Plan, the following terms shall have the meaning ascribed to them in this Section, which is consistent with the provisions of existing federal and state law, including the regulations promulgated thereunder. Except to the extent expressly stated to the contrary, any term not expressly defined in this Section or elsewhere in this Transition Plan that has an expressly defined meaning in either the ADA or the regulations promulgated thereunder (“Regulations”) shall have the meaning ascribed to it by the ADA or the Regulations, in that order of preference. All other terms shall be interpreted according to their plain and ordinary meaning.

ADA: “ADA” means the Americans with Disabilities Act as contained at 42 U.S.C. §12101 et seq.

ADAAG: “ADAAG” means and refers to the Americans with Disabilities Act Access Guidelines of 2004, codified at Appendix A to 28 Code of Federal Regulations Part 36 and at Appendix A to 49 Code of Federal Regulations part 37. “ADAAG Standards” means and refers to physical conditions that meet the new construction and/or alterations standards set forth in the ADAAG guidelines.

PROWAG: “PROWAG” means and refers to the Public Right-of-Way Accessibility Guidelines.

Auxiliary Aids and Services: The term “auxiliary aids and services” includes qualified interpreters or other effective methods of making orally delivered materials available to individuals with hearing impairments; qualified readers, taped texts, or other effective methods of making visually delivered materials available to individuals with visual impairments; and acquisition or modification of equipment or devices; and other similar services and actions.

Compliance Period: “Compliance Period” means and refers to the period of time for which this Transition Plan will be in effect. The Transition Plan shall become effective upon Approval of the City Council and may remain in effect for up to thirty (30) years. The City may dissolve the Transition Plan at any time upon a showing that is in full compliance or upon a showing that it has met or exceeded the monetary obligations specified in this Transition Plan. Alternatively, the Transition Plan will remain in effect until it dissolves automatically thirty (30) years after Approval of the City Council.

Compliant Curb Ramp: “Compliant Curb Ramp” means and refers to a curb ramp that is constructed to comply with local and/or federal law (whichever provides the higher access standard) in place at the time of construction. In the case of a location where it is Structurally Impracticable or Technically Infeasible to build a fully compliant curb ramp, or where construction of a fully compliant curb ramp would constitute a Fundamental Alteration of a service, program, or activity of the City or an Undue Burden on the City, a curb ramp that complies with access standards, or was constructed to the standards existing at the time of construction, or to the maximum extent feasible, will constitute a Compliant Curb Ramp as

long as the requirements set forth in this Transition Plan for justifying the reasons for the City to avoid full compliance are met.

Curb Ramp: “Curb Ramp” is used interchangeably with “curb cut.”

Detectable Warnings: “Detectable Warnings” means and refers to truncated domes which provide a tactile surface at the transition between the curb and the street or other hazardous vehicular crossings, assisting pedestrians with Vision Disabilities in determining when there may be the threat of vehicular traffic.

Disability: “Disability” means, with respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such impairment; or being regarded as having such impairment.

Discrimination on the Basis of Disability: “Discrimination on the Basis of Disability” means to, limit, segregate, or classify a citizen in a way that may adversely affect opportunities or status because of the person's disability; limit, segregate, or classify a participant in a program or activity offered to the public in a way that may adversely affect opportunities or status because of the participant's disability; participate in a contract that could subject a qualified citizen with a disability to discrimination; use any standards, criteria, or methods of administration that have the effect of discriminating on the basis of disability; deny equal benefits because of a disability; fail to make reasonable accommodations to known physical or mental limitations of an otherwise qualified individual unless it can be shown that the accommodation would impose an undue burden on the City's operations; use selection criteria that exclude otherwise qualified people with disabilities from participating in the programs or activities offered to the public; and fail to use tests, including eligibility tests, in a manner that ensures that the test results accurately reflect the qualified applicant's skills or aptitude to participate in a program or activity.

Fundamental Alteration: “Fundamental Alteration” means and refers to an action that, if taken by the City, would result in a fundamental alteration in the nature of the service, program, or activity of the City. If the City claims that any action otherwise required by this Transition Plan would constitute a Fundamental Alteration, the City shall have to demonstrate that such alteration would result. The decision that an action would constitute a Fundamental Alteration must be made by the ADA Coordinator and City Engineer, or his or her designee, after considering all funds and alternatives available and must be accompanied by a written statement of the reasons for reaching that conclusion.

Mobility Disability: “Mobility Disability” means and refers, with respect to an individual, to any physical or mental impairment or condition that substantially limits an individual's ability to move his or her body or a portion of his or her body and includes, but is not limited to, orthopedic and neuro-motor disabilities, as well as any other impairment or condition that limits an individual's ability to walk, maneuver around objects, ascend or descend steps or slopes, and operate controls. An individual with a Mobility Disability may use a wheelchair or motorized scooter for mobility, or may be Semi-Ambulatory.

Pedestrian Facilities: “Pedestrian Facilities” means and refers to all sidewalks over which the City of Madison has responsibility or authority as well as all Curb Ramps and crosswalks serving such sidewalks and any other pathways used by pedestrians along public rights-of-way, including pedestrian pathways through public parking lots.

Physical or Mental Impairments: “Physical or mental impairments” may include, but are not limited to vision, speech, and hearing impairments; emotional disturbance and mental illness; seizure disorders; mental retardation; orthopedic and neuro-motor disabilities; learning disabilities; diabetes; heart disease; nervous conditions; Cancer; Asthma; Hepatitis B; HIV infection/conditions; and drug addiction if the addict has successfully completed or is participating in a rehabilitation program and no longer uses illegal drugs. The following conditions are not physical or mental impairments: transvestitism; illegal drug use; homosexuality or bisexuality; compulsive gambling; kleptomania; pyromania; pedophilia; exhibitionism; voyeurism; pregnancy; height; weight; eye color; hair color; left-handedness; poverty; lack of education; a prison record; and poor judgment or quick temper if not symptoms of a mental or physiological disorder.

Record of Impairment: An individual is disabled if he or she has a history of having an impairment that substantially limits the performance of a major life activity; or has been diagnosed, correctly or incorrectly, as having such impairment.

Regarded as Having a Disability: An individual is disabled if she or he is treated or perceived as having an impairment that substantially limits major life activities, although no such impairment exist.

Statutory Defenses: “Statutory Defenses” means and refers to the City’s right to assert under this Transition Plan that removal of any barrier or installation of a Compliant Curb Ramp is not required because such barrier removal or curb ramp installation would be Technically Infeasible, or Structurally Impracticable, or that it would constitute an Undue Burden or Fundamental Alteration.

Structurally Impracticable: “Structurally Impracticable” means and refers to circumstances in which the unique characteristics of terrain prevent the incorporation of accessibility features. If it is structurally impracticable to provide full access at any location along pedestrian rights-of-way, the City shall comply with access requirements to the extent that it is not structurally impracticable to do so. (See ADAAG § 4.1.1(5)(a)).

Substantial Limitations of Major Life Activities: An individual is disabled if she or he has a physical or mental impairment that (a) renders her or him unable to perform a major life activity, or (b) substantially limits the condition, manner, or duration under which she or he can perform a particular major life activity in comparison to others. Major life activities are functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. In determining whether a physical or mental impairment substantially limits the condition, manner, or duration under which an individual can perform a particular major life activity in comparison to other people, the following factors shall be considered: The nature and severity of the impairment; The

duration or expected duration of the impairment; and The permanent or long-term impact (or expected impact) of or resulting from the impairment.

Technically Infeasible: “Technically Infeasible” means, with respect to an alteration of a building, facility, or Pedestrian Facility, that it has little likelihood of being accomplished because existing physical or site constraints or a lack of public right of way prohibit modification or addition of elements, spaces, or features which are in full and strict compliance with the minimum requirements for new construction and which are necessary to provide accessibility. (See ADAAG § 4.1.6(1)(j)).

Third Party Entity: “Third-Party Entity” means an entity other than the City of Madison that controls certain barriers or elements of barriers in a Pedestrian Rights-of-Way. Transit agencies and local utilities are examples of Third Party Entities.

Undue Burden: “Undue Burden” means and refers to an action that, if taken by the City of Madison, would result in an undue financial and administrative burden. In order to demonstrate that removal of a barrier would constitute an Undue Burden, the decision must be made by the ADA Coordinator and City, Engineer, or his or her designee, after considering all resources available from various funding sources for removal of barriers and must be accompanied by a written statement of said reasons for reaching that conclusion. In preparing such a statement, the City may consider the usability of the existing facilities.

Qualified Individual with a Disability: “Qualified Individual with a Disability” means an individual with a disability who, with or without reasonable modification to rules, policies, or practices; the removal of architectural, communication, or transportation barriers; or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by the City.

3. ADA SELF-EVALUATION AND TRANSITION PLAN: REVIEW & DEVELOPMENT PROCESS

The ADA is a comprehensive civil rights law for persons with disabilities in both employment and the provision of goods and services. The ADA states that its purpose is to provide a “clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities.” Congress emphasized that the ADA seeks to dispel stereotypes and assumptions about disabilities and to assure equality of opportunity, full participation, independent living, and economic self-sufficiency for people with disabilities. The City’s ADA Self-Evaluation and Transition Plan is prepared in fulfillment of the requirements set forth in Title II of the ADA. The ADA states that a public entity must reasonably modify its policies, practices, or procedures to avoid discrimination against people with disabilities. This evaluation will assist the City in identifying current policy, program, and physical barriers to accessibility and in developing barrier removal solutions that will facilitate the opportunity of access to all individuals. This report describes an overview of the process by which policies, programs, and facilities have, or will be evaluated for compliance with the ADA; presents the findings of that evaluation, or intention to reach a finding; and provides recommendations for ensuring accessibility for all aspects that have

been evaluated. This part provides an overview of the process and development of the Self-Evaluation and Transition Plan.

3.1 Discrimination and Accessibility

There are two types of accessibility: physical accessibility and program accessibility. Absence of discrimination requires that both types of accessibility be provided. The ADA establishes requirements to ensure that buildings and facilities are accessible to and usable by people with disabilities. Design guidelines to achieve accessibility have been developed and are maintained by the U.S. Access Board under the jurisdiction of the ADA. The ADA Accessibility Guidelines (ADAAG) cover a wide variety of facilities (including buildings, outdoor recreation areas, and curb ramps) and establish minimum accessibility requirements for new construction and alterations to these facilities. The City may achieve physical accessibility by ensuring that a facility is barrier-free and meets ADAAG technical requirements and standards. Barriers include any obstacles that prevent or restrict the entrance to or use of a facility. Programmatic accessibility includes physical accessibility, but also entails all policies, practices and procedures that permit people with disabilities to participate in programs and to access important information. Program accessibility requires that individuals with disabilities be provided an equally effective opportunity to participate in or benefit from a public entity's programs and services. The City may achieve program accessibility by a number of methods, both structural and nonstructural, used individually or in coordination with each other:

- Structural methods such as altering an existing facility
- Acquisition or redesign of equipment
- Assignment of aides
- Providing services in an alternate method of location that promotes accessibility

When choosing a method of providing program access, the City will give priority to the one that results in the most integrated setting appropriate to encourage interaction among all users, including individuals with disabilities. In compliance with the requirements of the ADA, the City provides equality of opportunity but does not guarantee equality of results.

3.2 Undue Burden

The City does not have to take any action that it can demonstrate would result in a fundamental alteration in the nature of a program or activity, would create a hazardous condition for other people, or would represent an undue financial and administrative burden. This determination can only be made by the ADA Coordinator and City Engineer, or his or her designee and must be accompanied by a statement citing the reasons for reaching that conclusion. The determination that an undue financial burden would result must be based on an evaluation of all resources available for use in a program. For example, if a barrier removal action is judged unduly burdensome, the City must consider other options for providing access that would ensure that individuals with disabilities receive the benefits and services of the program or activity.

3.3 Policies, Procedures and Programs

In 2016, the City began an evaluation of its facilities, policies, programs and procedures to determine current levels of service and the extent to which its facilities, policies and programs created barriers to accessibility for persons with disabilities. It is the intent of the City to address citywide programmatic accessibility barriers by providing policies in the following areas:

- Non-discrimination on the basis of disability
- Facilities, programs, and services
- Public meetings
- Communications
- Staff training

Additionally, when a policy, program, or procedure creates an accessibility barrier that is unique to a department or a certain program, the City's ADA Coordinator will coordinate with the department head or program manager to address the matter in the most reasonable and accommodating manner.

3.3.1 Development Process

Services and programs offered by the City of Madison to the public must be accessible. Accessibility applies to all aspects of a program or service, including advertisement, orientation, eligibility, participation, testing or evaluation, physical access, provision of auxiliary aids, and transportation. The process of making City facilities and programs accessible to all individuals will be an ongoing one and the City will continue to review accessibility issues such as resolution of complaints and reasonable modifications to programs. The City will also periodically evaluate the success of improving access to programs by the practices and procedures developed during the Self-Evaluation Update process.

The evaluation of the services and programs of the City of Madison includes the following activities:

- Review and update of general and departmental policies
- Program accessibility questionnaire
- Review of published rules and regulations

3.4 Facilities Transition Plan

The City conducted a complete survey of architectural barriers in its buildings and facilities in 2016. The surveys have provided the City an overview of the architectural barriers that prevent people with disabilities from using its facilities and participating in its programs.

3.4.1 Facility Survey Development Process

The survey process has been accomplished by outside legal counsel and former Building Official and ADA Coordinator Jimmy Morgan. The surveyors were equipped with measuring devices and facility diagrams. The surveys identify physical barriers in City facilities based on ADA standards. The elements and their related features addressed in each facility survey included:

- Parking Area
- Passenger Loading Zone
- Curb Ramp
- Walk
- Exterior Ramp
- Exterior Stairway
- Site Furnishings
- Swimming Pool
- Game and Sports Area
- Play Equipment Area
- Viewing Area
- Drinking Fountain
- Telephone
- Hazard
- Sign
- Door
- Corridor or Aisle
- Building Level
- Interior Stairway
- Elevator
- Interior Ramp
- Multiple User Restroom
- Single User Restroom
- Bathing Facility
- Room
- Eating or Dining Area
- Dressing or Locker Room
- Picnic Area

3.4.2 Priorities for Removal/Remediation of Architectural Barriers

The City is committed to removing and remediating existing barriers to access for disabled individuals who are the consumers of the services, programs, and activities of the City. To that end, the City has conducted a full audit of its physical infrastructure as well as an audit of its policies. The City has initiated a plan to devote a portion of every budget to ADA removal during the Compliance Period, with the goal of retrofitting its facilities as soon

as possible. Recognizing that the City has limited funds and cannot immediately make all buildings and facilities fully accessible, City staff will utilize the following criteria as the basis for prioritizing the removal/remediation of architectural barriers noted by the Pedestrian Transition Plan and the ADA Accessibility Audit Report attached to this plan:

- Quantity and frequency of public use
- Cost of repairs and feasibility of repairs, including required downtime and impact of restricting access during particular seasons
- Uniqueness of the facility, i.e., whether the programs offered in a particular facility can be shifted to an alternative, accessible location
- Age or condition of the facility, which should not be a major criterion, but which can be a factor if the building is scheduled to be vacated or demolished
- Geographic distribution of services throughout the City
- Critical nature of the programs offered at the facility, e.g. police, medical care, etc.
- Frequency of use by disabled patrons and complaints by disabled patrons concerning inability to use areas or participate in programs, services, or activities

The ADA Coordinator will be in charge of determining priorities for barrier removal projects except where otherwise noted. The ADA Coordinator may reprioritize in his or her discretion in the event that legal developments or other circumstances suggest that a particular remediation project take precedence over a previously planned project.

3.5 Sidewalk and Curb Ramp Transition Plan

In 2016, the City Engineer performed a review of the City's Pedestrian Facilities for accessibility. This survey information was then used to produce a plan to bring all Pedestrian Facilities into compliance with ADAAG and PROWAAG standards. Since the initial survey, the City has had an increase in both residential and commercial development requiring a review of City sidewalks to meet the growing needs of its disabled community. The Transition Plan for Pedestrian Facilities combines the findings of the review of policies, procedures, and design standards regarding sidewalks and curb ramps with the City's ongoing sidewalk and curb ramp inventory. Although the City has already instituted a number of programs to increase pedestrian accessibility via street-related capital improvement projects it will expand these programs where possible in order to meet its overall goals. The City Engineer established a plan for correcting such issues based upon a priority system. The plan will be revised as necessary and costs for implementing the plan will be estimated. The plan will be integrated into the each project scope and schedule with a timeline for implementation, and the City Engineer will be responsible for overseeing the work.

4. DEPARTMENTAL PROGRAMS AND SERVICES SELF-EVALUATION AND RECOMMENDED ACTIONS

This self-evaluation is an on-going, dynamic document that will need periodic review and updating. In its continuing efforts to maintain compliance, the City has several

mechanisms in place to provide for an ongoing update of the self-evaluation. The City's designated ADA Coordinator is empowered with oversight responsibility for implementation of the requirements of the ADA. Updates and implementation activities will be documented in the City's Transition Plan by summarizing activities and progress.

4.1 City-Wide Programs, Activities, and Services Recommendations

4.1.1 Customer Service

The following actions are recommended to ensure that the City's customer service policies and practices provide individuals with disabilities equal access to all services and activities offered by the City:

- Make appropriate modifications to regular practices to accommodate the needs of individuals with disabilities when providing customer service. Departments may not charge any additional fees to persons with disabilities for modifying programs.
- Work to provide accessible facilities such as parking, including van accessible parking, paths of travel, entry doors, signage, and transaction counters at customer service locations. If alternative locations for providing accessible services are required, provide those services in the most integrated setting, without stigmatizing the user.
- Consider requests to provide standard equipment at each site where programs are administered to facilitate basic communications access using alternative formats. Equipment may include, but not be limited to, paper and pencil, hearing devices, an enlarging copy machine, and access to TDD/TTY, or relay service technology.
- Allow the use of service animals to assist persons in accessing programs, activities, and services in City facilities and City offered programs. Because service animals are not always dogs, staff should be aware of the definition of a service animal, as well as the protocol and etiquette for service animals.
- Develop criteria for determining reasonable modifications to provide program accessibility, which may include acquisition or redesign of equipment, assignment of aides to persons with disabilities, and provision of services at alternative accessible sites. The City's approach should include the following steps:
 - Requests for reasonable accommodations and modifications should be directed to the ADA Coordinator and the department responsible for the program or services.
 - Identify which aspects of the program limit participation and what modification(s) can be made.
 - The department offering the program or service shall document the modification(s) offered and the response of the person with the disability to the modification(s) offered. This documentation shall be filed with the ADA Coordinator.
 - If individuals are not satisfied with the results of this process, they should be directed to the City's ADA grievance procedures.

4.1.2 Notices and Information

Notices, printed information, televised and audiovisual information, City and departmental websites, public telephones, and communication devices are all included in this Section and treatment.

A. Notice

Title II regulations require the City to inform the public of the rights and protections provided by the ADA. To effectuate this requirement, it is recommended that the City include in all City publications regarding City services, programs, or activities the following notice (or a similar notice) regarding the City's commitment to providing accessible services:

Documents are available in alternative formats, on request. In compliance with the Americans with Disabilities Act, a person requiring an accommodation, auxiliary aid, or service to participate in this program should contact the sponsoring department or ADA Coordinator [INSERT NAME AND CONTACT INFORMATION] in advance as soon as possible, but no later than 72 hours before the scheduled event. Best efforts to fulfill the request will be made.

The following non-discrimination language should appear on hard copies and web-based City publications that provide general information about City services, programs, or activities, as well as advertisements for employment and board membership openings:

POLICY ON NON-DISCRIMINATION ON THE BASIS OF DISABILITY

The City of Madison does not discriminate on the basis of disability in the admission or access to its programs or activities. The City's ADA Coordinator, [INSERT NAME AND TITLE], has been designated to coordinate compliance with the nondiscrimination requirements contained in the Department of Justice regulations implementing Subtitle A of Title II of the Americans with Disabilities Act (42 U.S.C. §12101, et seq.), which prohibits discrimination by public agencies on the basis of disability. The ADA Coordinator can be contacted at [INSERT CONTACT INFORMATION].

B. Printed Information

In order to meet the ADA's communication standards, City departments must be able to provide information, when requested, in alternative formats such as using easy-to-understand language, Braille, large print format, audiotape, computer disk, or other formats. To satisfy these requirements, the following actions are recommended:

- Provide information to staff on how to handle production of materials in alternative formats and ensure that requests are handled in a uniform and consistent manner.
- Include the following notice or similar language on all materials printed by the City that are made available to the public:

This publication may be made available in alternative formats, such as Braille, large print, audiotape, or computer disk. Requests can be made via the ADA Coordinator, [INSERT NAME AND CONTACT INFORMATION]. Please allow 72 hours for your request to be processed.

- Provide any City-produced documentation in a variety of formats upon request. Provide staff assistance, upon request, to assist in filling out forms or when alternative formats are unavailable or infeasible.
- Consider offering TTY services at City facilities.

C. Advertisements for City Programs, Services, and Activities

Public notifications regarding meetings, conferences, and other events must include information regarding making a reasonable accommodation request which extends beyond auxiliary aids to physical accessibility of meeting locations. It is recommended that the City take necessary steps to ensure that accommodations are available for those with disabilities and that those steps have been noticed to the public.

D. City of Madison Website

The internet is a key tool for communicating with community members. It is imperative that documents found on the City's website are downloadable or otherwise accessible. To achieve this goal, it is recommended as follows:

- With the assistance of the ADA Coordinator, the IT department needs to complete a review of the City website and suggest possible improvements.
- Ensure that website pages created independently by City Departments conform to accessibility standards.
- Ensure City staff members are creating and attaching accessible PDF and other electronic files for posting on City website.
- Consider installing a reader.

E. Televised Public Information

Recommended Actions:

- Upon request, consider using closed captioning or other alternatives to audio presentations for televised Council meetings in order to ensure that persons with hearing impairments can benefit from these presentations. [28 C.F.R. §§ 35.104, 35.160, 35.161.]
- For persons who are blind or have low vision, consider adding a detailed audio description to describe visual images.
- Publicize efforts to improve communications and outreach to increase effective participation of community members with disabilities by informing of alternative formats and reasonable accommodations upon request.

F. Public Communication Devices

Recommended Actions:

- Installation of a TDD/TTY device at Madison Municipal Complex and Madison Police Department with published numbers on all publications to improve services. Employees should receive instructions on usage.
- Purchase, use, and maintenance of auxiliary aides for municipal court, city council meetings, and related public events and services at Madison Municipal Complex.

4.1.3 Training & Staffing

Recommended Actions:

- Provide all City staff members with on-going ADA training. The City's ADA Coordinator should be responsible for ensuring that Department Heads and staff are aware of ADA training opportunities. Reference materials that address special modifications should be included in this training.
- Provide training to City staff members who have contact with the public about how to provide modifications and use assistive devices to make their programs, activities, and services accessible.
- Ensure that customer service training includes information about communicating with and providing modifications for persons with a variety of disabilities.
- Educate all City staff about their responsibilities under the ADA.
- Depending on operational needs, consider offering training to employees who wish to learn basic American Sign Language (ASL) communication skills. This training should emphasize basic communication skills and should not be viewed as a substitute for employing qualified ASL interpreters when requested.
- Train staff with respect to accessibility compliance and building codes.

- Provide City staff members with training in general building evacuation procedures for assisting persons with hearing, speech, visual, mobility, and learning disabilities in an emergency.

4.1.4 Public Meetings

Recommended Actions:

- Schedule public meetings at accessible locations if possible. Characteristics of an accessible location include, but are not limited to, the following:
 - wheelchair accessible path-of-travel to the meeting room
 - accessible restrooms
 - accessible parking
 - an accessible route from transit and parking to the meeting facility
 - temperature control
 - alternative signage
 - the ability to provide access to fresh air for persons with chemical sensitivities
- When a fully-accessible site is not available, make reasonable modification so that an individual with a disability can participate. These modifications may include phone-in participation, video recording, and meeting transcripts.
- Make information available to City staff on the types of modification requests that may be made by persons with different types of disabilities. Provide information about auxiliary aids such as different types of assistive listening systems, sign language interpreters, readers, descriptive services, and other assistive technologies.
- Display a notice on meeting agendas indicating the availability of accessibility modifications.
- Provide agendas and other meeting materials in alternative formats, when requested.
- Provide flexibility in the time limit on speaking for individuals with communication difficulties.
- Provide assistive listening devices at public meetings, when requested.
- Maintain a list of on-call American Sign Language interpreters who may be brought to meetings to assist individuals with hearing impairments.

ADA Coordinator's Note: *When practical and as available, meetings conducted in other facilities within the City where auxiliary hearing devices are needed may be relocated to the City Council Chambers in order to use devices with direct link to microphone system.*

4.2 Department & Program Self-Evaluation Survey

Programs, activities, and services offered by the City of Madison to the public must be accessible. Accessibility applies to all aspects of the program or service, including advertisement, orientation, eligibility, participation, testing or evaluation, physical access, provision of auxiliary aids, transportation, policies, and communication. This section details the review of current City wide policies, services, programs, and activities based on City staff

response to the program accessibility questionnaires collected during the self-evaluation process as reported by City departments.

4.2.1 Department Survey Summaries

The recommendations contained in this section will serve as a basis for the future implementation of specific improvements for providing access to City programs. All departments, divisions, and programs will utilize these recommendations to facilitate the participation of persons with disabilities in programs, activities, and services. All staff members shall review and implement findings in **Section 5.1 City-Wide Programs, Activities, and Services: General Recommendations** as well as the following department-specific recommendations.

A. Legal Department

Findings: The Legal Department does not currently have written policy regarding ADA compliance.

Recommendation: The City Attorney will update contract and agreement templates and other documents to ensure that all recipients of funds from the City comply with Federal Accessibility requirements or guidelines.

B. City Clerk

Findings: The City Clerk's Office does not currently have written policy regarding ADA compliance.

Recommendations:

- The City Clerk's Office should ensure that all accessible doors are in operation prior to evening meetings.
- Consider installation of a TDD line in City Hall with a published number on all publications to improve services for those with hearing disabilities. A member of this department should receive instructions on usage.
- Post ADA notice near City Clerk's service counter.
- Staff is instructed to review City's Auxiliary Aid & Access Barrier Removal and Grievance/Complaint Form.
- Provide centrally-located key to audiovisual room in order to allow staff to use any available Auxiliary Aids after hours.

C. Mayor

Findings: The Mayor's Office does not currently have written policy regarding ADA compliance.

Recommendations:

- Department staff must be made aware of auxiliary hearing devices, which may be available through the ADA Coordinator or the City Clerk to assist with enabling persons to fully participate in City programs and services. Other services and aids such as Braille, large print, qualified readers or interpreters should be available upon request through the uniform process to request access barrier removal or auxiliary aids
- Post ADA notice at entrance and all public meetings.
- Staff should be instructed to review City's Auxiliary Aid & Access Barrier Removal and Grievance: Complaint Form.

D. Parks and Recreation

Findings: The Parks and Recreation Department does not currently have written policy regarding ADA compliance.

Recommendations:

- Make department staff aware that auxiliary hearing devices may be obtained from the ADA Coordinator in order to enable persons to fully participate in City programs and services.
- Other services and aids such as Braille, large print, qualified readers, or interpreters must be available upon request through the established process to request access barrier removal or auxiliary aids.
- Post ADA notice at entrance and all public meetings and activities.
- Instruct staff to review City's Auxiliary Aid & Access Barrier Removal and Grievance/Complaint Form.
- In situations where either private or public organizations, including City-sponsored events, are held in City facilities, require compliance with applicable ADA requirements.
- Consider installation of a TTY relay service and reference a published number on all publications to improve services for those with hearing disabilities. A member of this department should receive instructions on usage.
- Ensure that, when transportation is provided for City services and programs, accessible vehicles are available, upon advance request.
- Specialized training with regard to caring for children with disabilities should be offered to all supervisors and managers, if available.
- Senior Center staff should institute check-out procedures to ensure auxiliary hearing devices, if provided, are returned to the office.

E. Planning Department

Findings: The Planning Department does not currently have written policy regarding ADA compliance.

Recommendations:

- Department staff must be made aware that auxiliary hearing devices, if available, may be accessed through the ADA Coordinator to assist with enabling persons to fully participate in City programs and services. Other services and aids, such as Braille, large print, qualified readers, or interpreters, should be made available upon request through the established process to request access barrier removal or auxiliary aids.
- Post ADA notice at all public meetings.
- Consider installation of a TDD line in City Hall with a published number on all publications to improve services for those with hearing disabilities. A member of this department should receive instructions on usage.
- Staff should be instructed to review City's Auxiliary Aid & Access Barrier Removal and Grievance/Complaint Form.

F. Fire Department

Findings: The Fire Department does not currently have written policy regarding ADA compliance.

Recommendations:

- When preparing programs for delivery to the public, department staff should be made aware that auxiliary hearing devices, if available, can be accessed through the ADA Coordinator to assist with enabling persons to fully participate in City programs and services. Other services and aids such as Braille, large print, qualified readers or interpreters should be considered upon request through the uniform process to request access barrier removal or auxiliary aids.
- Post ADA notice at entrance or front desk area.
- Review department policies for compliance with ADA.
- Staff should be instructed to review City's Auxiliary Aid & Access Barrier Removal and Grievance/Complaint Form.

G. Police Department

Findings: The Police Department does not currently have written policy regarding ADA compliance.

Recommendations:

- Consider the installation of a TDD line at the Madison Police Department with a published number on all publications to improve services for those with hearing disabilities. Front desk staff should receive instructions on usage.
- Review department policies for compliance with ADA.
- Staff should be instructed to institute check-out procedures to ensure aid devices are returned.
- Staff should be instructed to review City's Auxiliary Aid & Access Barrier Removal and Grievance/Complaint Form.
- Post ADA notice in the department lobby.

H. Finance Department

Findings: The Finance Department does not currently have written policy regarding ADA compliance.

Recommendations:

- Department staff should be made aware that auxiliary hearing devices, if available, can be accessed through the ADA Coordinator to assist with enabling persons to fully participate in City programs and services. Other services and aids such as Braille, large print, qualified readers or interpreters should be considered upon request through the established process to request access barrier removal or auxiliary aids.
- Consider the installation of a TDD line in City Hall with a published number on all publications to improve services for those with hearing disabilities. A member of this department should receive instructions on usage.
- Staff should be instructed to review City's Auxiliary Aid & Access Barrier Removal and Grievance/Complaint Form.

I. Building Department

Findings: The Building Department does not currently have written policy regarding ADA compliance.

Recommendations:

- Department staff should be made aware that auxiliary hearing devices, if available, can be accessed through the ADA Coordinator to assist with enabling persons to fully participate in City programs and services. Other services and aids such as Braille, large print, qualified readers or interpreters should be considered upon request through the established process to request access barrier removal or auxiliary aids.
- Staff should be instructed to review City's Auxiliary Aid & Access Barrier Removal and Grievance/Complaint Form.

J. Human Resources

Findings: The Human Resources Department has written policies against discrimination based on disability in Section 2, "Equal Employment Opportunity," of the *Personnel Policies and Procedures of the City of Madison*.

Recommendations:

- Staff is instructed to review City's Auxiliary Aid & Access Barrier Removal and Grievance/Complaint Form.
- Suggest staff reevaluate current policies to ensure ADA compliance.

K. Public Works

Findings: The Public Works Department does not currently have written policy regarding ADA compliance.

Recommendations:

- Staff should be instructed to review City's Auxiliary Aid & Access Barrier Removal and Grievance/Complaint Form.
- Staff should institute procedures to document public right-of-way corrections. At a minimum, documentation should include the dates when items were inspected and determined to be properly corrected; identification of the project associated with such corrections; the building permit number; and, if applicable, identification of the associated Capital Improvement Project.
- Staff should be instructed to institute street closure procedures within the City and provide as a condition of public right-of-way projects.
- Street Crew managers/supervisors should receive specialized training with regard to the creation of barriers within the public right-of-way and liability concerns with regard to proper signage.

L. Municipal Court

Findings: The Court Department does not currently have written policy regarding ADA compliance.

Recommendations:

- The Court Department should ensure that all accessible doors are in operation prior to court being in session.
- Consider installation of a TDD line in City Hall with a published number on all publications to improve services for those with hearing disabilities. A member of this department should receive instructions on usage.
- Consider posting ADA notice near Magistrate's service counter.

- Consider instructing staff to review City’s Auxiliary Aid & Access Barrier Removal and Grievance/Complaint Form.
- Consider providing centrally-located key to audiovisual room in order to allow staff to use Auxiliary Aids during court sessions or other court-related meetings.

5. FACILITY, PARK, AND GREENWAY SELF-EVALUATION: FINDINGS AND RECOMMENDED ACTIONS

Required structural changes to facilities, parks, and greenways are addressed by the ADA Survey prepared by attorney David J. Canupp which is appended to this report as Appendix C and incorporated herein by this reference.

6. PEDESTRIAN FACILITIES

Changes to pedestrian facilities are covered by a separate document, the ADA Transition Plan for Pedestrian Facilities, adopted on August 29, 2016.

Appendix A

Grievance, Auxiliary Aid & Access Barrier Removal Form

Instructions: Please complete and sign the form and submit it within 60 calendar days of any incident to:

Dustin Riddle – ADA Coordinator

Physical Address:
City of Madison
100 Hughes Road
Madison, AL 35758

Mailing Address:
City of Madison
100 Hughes Road
Madison, AL 35759

1. Type of Grievance (check all that apply)

- Accommodation Request
- Program/Service
- Facility Accessibility
- Other:

CONTACT INFORMATION

2. Reporting Individual:

Full Name:	
Address:	
City, State, Zip Code:	
Phone:	Alternate Phone:
Email:	

3. Authorized Representative of Reporting Individual (if any):

Full Name:	
Address:	
City, State, Zip Code:	
Phone:	Alternate Phone:
Email:	

DETAILS OF COMPLAINT / INCIDENT

4. Date/Time of Incident:

5. Department/Facility/Location Involved:

6. Describe the incident/complaint with enough detail so the nature of the grievance can be understood. Add additional pages if necessary.

7. Have attempts been made to resolve the complaint through a City Department? If yes, please describe the efforts that have been made.

8. What remedy are you seeking?

Signature

Date

Attach additional pages as necessary. If you need assistance, require an accessible format, or have questions about this form, please contact the City of Madison ADA Coordinator at: dustin.riddle@madisonal.gov or (256) 772-2894.

Appendix B

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT

In accordance with the requirements of title II of the Americans with Disabilities Act of 1990, The **City of Madison, Alabama**, will not discriminate against qualified individuals with disabilities on the basis of disability in the provision of City services, programs, or activities.

Policy and Procedure: The **City of Madison, Alabama**, will attempt to make any and all reasonable modifications to City policies, procedures and programs to ensure that people with disabilities are provided equal opportunity to utilize all City programs, services and activities

Any person requiring an aid for effective communication or a modification of established policy or procedure in order to participate in City programs, services, or activities is asked to contact the **City of Madison ADA Coordinator** as soon as possible, but in no case later than one week prior to the scheduled event or activity.

The Americans with Disabilities Act does not require the **City of Madison, Alabama** to take any action that fundamentally alters the nature of its programs or services, or impose undue administrative or financial burden.

Appendix C

ADA Accessibility Audit report