

1.0 Legal Requirements

Title II of the Americans with Disabilities Act (ADA) states that a public entity must reasonably modify its policies, practices, and procedures to avoid discrimination against people with disabilities. This ADA Self-Evaluation and Transition Plan (the Plan) supports the Ada County Highway District (ACHD) in fulfilling the requirements set forth in title II by identifying policy, program, and physical barriers to accessibility, and by guiding ACHD in developing barrier removal solutions.

1.1 Legislative Mandate

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. Congress passed the ADA on July 26, 1990. Title II of the ADA covers programs, activities, and services of public entities. Under the requirements of the ADA:

No qualified individual with a disability shall, on the basis of disability, 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.³

Further, title II of the ADA provides that public entities must identify and evaluate all programs, activities, and services and review all policies, practices, and procedures that govern administration of the entity's programs, activities, and services.⁴ This Plan and certain documents incorporated by reference establish ACHD's ADA Self-Evaluation and Transition Plan.

Application of Regulations

As a public entity, ACHD is subject to the ADA's Title II Requirements for State and Local Government Programs and Services and is responsible for the provision of accessible programs and facilities that are available without discrimination toward people with disabilities. A fundamental tenet of title II of the ADA is “*the principle that individuals*

³ DOJ, Title II Regulations Subpart B § 35.130 General prohibitions against discrimination

⁴ DOJ, Title II Regulations Subpart A § 35.105 Self-evaluation

with disabilities must be provided an equally effective opportunity to participate in or benefit from a public entity's aids, benefits, and services.”⁵ This principle is referred to as program accessibility.

A public entity may not deny the benefits of its programs, activities, and services to individuals with disabilities because its facilities are inaccessible. A public entity's services, programs, or activities, when viewed in their entirety, must be readily accessible to and usable by individuals with disabilities. This standard, known as “program accessibility,” applies to all existing facilities of a public entity. Public entities, however, are not necessarily required to make each of their existing facilities accessible.⁶

Maintaining Accessible Features

In addition to providing programmatic access, ACHD is obligated to maintain all accessible facilities in working order. Exceptions are provided for temporary disruptions. The ADA contains the following language regarding the maintenance of accessible features:

Maintenance of Accessible Features. *Public entities must maintain in working order equipment and features of facilities that are required to provide ready access to individuals with disabilities. Isolated or temporary interruptions in access due to maintenance and repair of accessible features are not prohibited.*

Where a public entity must provide an accessible route, the route must remain accessible and not blocked by obstacles such as furniture, filing cabinets, or potted plants. An isolated instance of placement of an object on an accessible route, however, would not be a violation, if the object is promptly removed. Similarly, accessible doors must be unlocked when the public entity is open for business.

Mechanical failures in equipment such as elevators or automatic doors will occur from time to time. The obligation to ensure that facilities are readily accessible to and usable by individuals with disabilities would be violated, if repairs are not made promptly or if improper or inadequate maintenance causes repeated and persistent failures.⁷

⁵ The Americans with Disabilities Act, Title II Technical Assistance Manual II-3.3000

⁶ The Americans with Disabilities Act, Title II Technical Assistance Manual II-5.1000

⁷ The Americans with Disabilities Act, Title II Technical Assistance Manual II-3.10000

1.2 Discrimination and Accessibility

Programs offered by ACHD to the public must be accessible and free from barriers. Barriers include any obstacles that prevent or restrict the entrance to or use of a facility or program, and can be physical or programmatic. Program accessibility requires that individuals with disabilities are provided an equally effective opportunity to participate in or benefit from a public entity's programs and services. Accessibility includes advertisement, orientation, eligibility, participation, testing or evaluation, physical access, provision of auxiliary aids and services, transportation, policies, and communication.

Accessibility applies to all aspects of programs or services provided by ACHD, including:

- Accessible/adaptive equipment;
- Contracting, licensing, or other arrangements;
- Customer service;
- Emergency evacuation procedures;
- Facilities;
- Notice requirements;
- Printed information;
- Program eligibility and admission;
- Public meetings;
- Public telephones and communication devices;
- Special events on public properties;
- Televised and audiovisual public information;
- Tours and trips;
- Training and staffing;
- Transportation services; and
- Website.

ACHD may achieve program accessibility by several methods:

- Structural methods such as altering an existing facility;
- Acquisition or redesign of equipment;
- Assignment of aids; and/or
- Providing services at alternate accessible sites.

When choosing a method of providing program access, ACHD is required to prioritize the method 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, ACHD must provide equality of opportunity. Program accessibility guidelines, standards, and resources are provided in Appendix I.

1.3 ADA Self-Evaluation and Transition Plan Requirements

The ADA Self-Evaluation and Transition Plan provides a framework for the continuous improvement of ACHD programs and facilities for people with disabilities. It outlines a strategy for ACHD to continue its progress toward compliance with the ADA. The Transition Plan identifies physical barriers for persons with disabilities and a schedule to remove those barriers over time and must:

- List barriers;
- Identify feasible solutions to each barrier;
- Establish a timeline for removing barriers;
- Identify the person responsible for title II compliance; and
- Involve people with disabilities in the preparation of the Plan.⁸

The Plan is intended to be a living document that is regularly updated as programs and services change, as barriers are removed, and new facilities come under ownership or control of ACHD.

Self-Evaluation

The self-evaluation identifies and makes recommendations to correct policies and practices in ACHD's programs and services that are inconsistent with title II regulations and result in limited access for persons with disabilities. As part of the self-evaluation, ACHD:

- Evaluated services, policies, and practices;
- Identified modifications needed to services, policies, and practices; and
- Involved people with disabilities in the self-evaluation process.⁹

In 2017 and 2018, ACHD evaluated its policies, programs, and procedures to determine current levels of service and the extent to which its policies and programs created barriers to accessibility for persons with disabilities. Section 2 provides barrier removal actions for ACHD programs, activities, and services.

⁸ DOJ, Title II Regulations Subpart D § 35.150 (d) Transition plan

⁹ DOJ, Title II Regulations Subpart A § 35.105 Self-evaluation

Transition Plan

ACHD completed a physical audit of its building facilities in 2018 to identify potential facility barriers and identify recommendations and alterations to meet state and federal accessibility standards. The barrier evaluations provided an assessment of current conditions and a baseline for future barrier removal. The facilities included the ACHD Administration Building and Public Parking and the ACHD Commuteride Building. At the time of the facility evaluations, barriers at ACHD facilities were identified using the 2010 ADA Standards and the 2017 ICC A117.1 Standards for Accessible and Usable Buildings and Facilities.

In 2004-2005, ACHD undertook an exhaustive inventory of its right-of-way facilities, including more than 2,800 miles of existing and missing sidewalks and 19,300 street corners with 15,500 curb ramps. The findings from this assessment were integrated into The Pedestrian-Bicycle Transition Plan, which incorporated ACHD's efforts to address the regulatory requirements of ADA. Since the initial inventory was undertaken, ACHD continuously collected and updated information about its sidewalks and curb ramps. ACHD also modified the design and construction standards for these facilities to ensure they met the 2010 ADA updated standards. In 2018, ACHD undertook an intensive effort to ensure the accuracy of its data to prioritize remaining barrier remediation.

Public Outreach

Public entities are required to accept comments from the public on their ADA Self-Evaluation and Transition Plan and are strongly encouraged to consult with individuals with disabilities and organizations that represent them to assist in the self-evaluation process. Many individuals with disabilities have unique perspectives on a public entity's programs, activities, and services. The planning process included several ways to solicit information about the project and to hear from the public.

- ACHD's website: The website includes resources and a page designated to serve as an information portal for the Transition Plan process.
- The ACHD ADA Advisory Committee: ACHD consulted with the Advisory Committee during the ADA Self-Evaluation and Transition Plan process. The committee helped prioritize the locations of accessible pedestrian signals and provided feedback at key milestones during the planning process. Members of the ADA Advisory Committee include individuals with disabilities, individuals who work for organizations that directly serve people with disabilities and the elderly, and other municipal and governmental ADA representatives. The committee also includes one citizen advocate and one member of the ACHD Commission. Appendix A provides materials and agendas from each meeting.

- Survey: During the open comment period, an online survey was made available to help identify specific community concerns, as well as physical barriers to individuals with disabilities.
- Interactive map: The project team developed an interactive map using the GIS data that allowed interest groups to navigate within the county limits and provide comment on specific locations. A survey was also available to facilitate public comments for each location. Due to the nature of the interactive map, this tool was not available in an accessible format.
- Public open houses and draft review: ACHD presented elements of the Plan at two open houses and on ACHD's website. Copies of the Plan were also posted on ACHD's website for public comment before the final presentation to the ACHD Commission.

Accessibility Compliance Coordinator

The Ada County Highway District designated Rachel Chipman as its primary ADA Title II Coordinator. The ADA Coordinator is responsible for coordinating the efforts of ACHD to comply with title II and for investigating any accessibility-related complaints. The ADA Coordinator is also responsible for coordinating ACHD efforts to comply with all other applicable state and federal accessibility requirements.