

Ada County Highway District Americans with Disabilities Act Self-Evaluation and Transition Plan

March 2019



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Acknowledgements

Many individuals were involved in the development of the Ada County Highway District ADA Self-Evaluation and Transition Plan.

ACHD Leadership

Bruce S. Wong, Director

Jim Hansen, District 1 Commissioner

Rebecca Arnold, District 2 Commissioner,
President

Mary May, District 3 Commissioner, 1st
Vice-President

Kent Goldthorpe, District 4 Commissioner

Sara Baker, District 5 Commissioner, 2nd
Vice-President

ADA Advisory Committee

Betty Chatburn

Dana Ard

Deborah M. Allen

Jacob Hassard

Karel M. Olsen

Kevin Jernigan

Mel Leviton

Melanie Hertling

Steven Snow

ACHD Staff

Bill Gall

Christy Foltz-Ahlich

Chuck Spencer

Dale Kuperus

David Wallace

Edinson Bautista

Josh Saak

Justin Lucas

Ryan Head

Scott Spears

Tom Ferch

Consultants



815 SW 2nd Avenue, Suite 200
Portland, OR 97204

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Table of Contents

Executive Summary	1
<i>Legal Requirements</i>	<i>1</i>
<i>Background</i>	<i>2</i>
<i>Plan Content</i>	<i>2</i>
1.0 Legal Requirements	5
1.1 <i>Legislative Mandate</i>	<i>5</i>
1.2 <i>Discrimination and Accessibility</i>	<i>7</i>
1.3 <i>ADA Self-Evaluation and Transition Plan Requirements</i>	<i>8</i>
2.0 ADA Self-Evaluation of Policies, Procedures, and Programs	11
2.1 <i>Programmatic Modifications</i>	<i>11</i>
2.2 <i>Program Accessibility Questionnaire</i>	<i>12</i>
2.3 <i>Policy and Program Review</i>	<i>20</i>
2.4 <i>Standard Drawing & Specifications: Required or Recommended Actions</i>	<i>23</i>
3.0 ADA Transition Plan	25
3.1 <i>Schedule for Facility Improvements</i>	<i>25</i>
3.2 <i>Accessibility Standards</i>	<i>26</i>
3.3 <i>Building Facilities</i>	<i>26</i>
3.4 <i>Public Right-of-Way</i>	<i>27</i>
3.5 <i>Addressing Identified Barriers</i>	<i>51</i>
3.6 <i>Schedule for Right-of-Way Barrier Removal</i>	<i>52</i>
4.0 ADA Policy and Complaint Procedure	57
4.1 <i>Notice Under the Americans with Disabilities Act</i>	<i>57</i>
4.2 <i>ADA Grievance Procedure</i>	<i>58</i>
5.0 Definitions	61

Appendices

Appendix A: Public Engagement Summary

Appendix B: Self-Evaluation Implementation

Appendix C: Standard Plan and Specification Review

Appendix D: Self-Evaluation Questionnaire Questions

Appendix E: GIS Data Analysis Methodology

Appendix F: Updated Grievance Procedure and Form

Appendix G: Locations of Existing or Planned Accessible Pedestrian Signals

Appendix H: Integrated Five-Year Work Plan, 2018-2022 Project List

Appendix I: Program Accessibility Guidelines, Standards, and Resources

List of Tables

Table 1. Policy and Program Review Recommendations

Table 2. Curb Ramp Barrier Summary & Transition Plan Phasing Schedule

Table 3. Sidewalk Barrier Summary & Transition Plan Phasing Schedule

List of Maps

Map 1. Curb Ramp Barrier Removal Project Priorities: High and Medium

Map 2. Curb Ramp Barrier Removal Project Priorities: Low

Map 3. Curb Ramp Barrier Removal Project Priorities: No Deficiencies Identified

Map 4. Sidewalk Barrier Removal Project Priorities: High and Medium

Map 5. Sidewalk Barrier Removal Project Priorities: Low

Map 6. Sidewalk Barrier Removal Project Priorities: No Deficiencies Identified

Executive Summary

The ACHD ADA Self-Evaluation and Transition Plan (the Plan) provides a framework for the continuous improvement of Ada County Highway District's (ACHD) programs and facilities for people with disabilities. 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.

The Plan outlines a strategy for ACHD to progress toward compliance with the American's with Disabilities Act (ADA), identifying physical barriers for persons with disabilities and a schedule to remove those barriers over time. Based on legal requirements, the Plan must:

- List barriers;
- Identify feasible solutions to each barrier;
- Establish a timeline for removing barriers;
- Identify the person responsible for compliance; and
- Involve people with disabilities in the preparation of the Plan.¹

Legal Requirements

The ADA is a comprehensive civil rights law for persons with disabilities.² 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.

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. 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, including physical and programmatic. Accessibility applies to all aspects of a program or service, including advertisement, orientation, eligibility, participation,

¹ DOJ, Title II Regulations Subpart D § 35.150 (d) Transition plan

² Congress passed the ADA on July 26, 1990.

testing or evaluation, physical access, provision of auxiliary aids and services, transportation, and policies.

Background

The Ada County Highway District (ACHD) has jurisdiction and responsibility for all public roads and streets within Ada County, Idaho, except state highways and interstate freeways. Under Idaho law, pedestrian (typically sidewalks) and bicycle system components of most public streets also fall within ACHD's jurisdiction.

In an effort initiated by ACHD, the ACHD Commission adopted the Pedestrian Bicycle Transition Plan (PBTP) on December 14, 2005 with a primary emphasis on addressing federal pedestrian planning guidelines and the regulatory requirements of the ADA. The PBTP was intended to accommodate the most recent ADA policies and rules, providing a comprehensive program to enhance the Ada County urban area pedestrian and bicycle system. Based on the ADA requirements for inventory and self-evaluation, ACHD targeted a significant portion of the overall planning effort to complete a walking inventory of the entire street-side pedestrian system within the Ada County urban areas. Since the adoption of the PBTP, ACHD has worked diligently to plan, develop, and construct improvements to the pedestrian system that bring the sidewalks and curb ramps in Ada County into compliance with the ADA.

Plan Content

This Plan supports ACHD in its efforts to ensure the accessibility of its programs, services, and facilities. The planning process included a self-evaluation and identification of physical barriers at ACHD buildings and right-of-way facilities. The self-evaluation:

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

Development of the Plan also included coordination with the ACHD ADA Advisory Committee. The Committee met at key milestones of the planning process to support plan development.

The Self-Evaluation and Transition Plan includes five sections:

- Section 1 – Legal Requirements, provides an overview of the legislative mandate and transition plan requirements;
- Section 2 - Self-Evaluation of Policies, Procedure, and Programs describes the review of ACHD policies, services, programs, and activities, based on responses to a program accessibility questionnaire completed by staff and a review of ACHD documents and policies;
- Section 3 – ADA Transition Plan describes the evaluation of barriers based on a detailed evaluation of ACHD’s buildings and public right-of-way where programs, activities, and services are available to the public;
- Section 4 – ADA Policy and Complaint Procedure includes ACHD’s notice under the ADA and ACHD’s updated ADA Grievance Procedure.
- Section 5 – Definitions provides commonly used terms within this document and in the ADA.

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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.

ADA 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.

2.0 ADA Self-Evaluation of Policies, Procedures, and Programs

The self-evaluation included a review of policies and practices that govern the administration of ACHD programs, activities, and services to ensure that they do not adversely affect the full participation of individuals with disabilities. Public documents available on the ACHD website were reviewed, including regulations, administrative manuals and guides, policy directives, memoranda, standards, and specifications. A review of current ACHD policies, services, programs, and activities was also conducted based on meetings with staff and responses to the program accessibility questionnaire. The questionnaire was available online in January and February 2018. The recommendations developed from this evaluation will serve as a basis for the implementation of specific strategies that will improve access to ACHD programs.

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 services, transportation, and policies. ACHD is required to communicate effectively with people who have communication (vision, hearing, or speech) disabilities. The goal is to ensure that communication with people with these disabilities is equally effective as communication with people without disabilities. The requirements apply to written documents provided at the program delivery site or on the website, telephone communications, and televised and audiovisual programs. This may include providing auxiliary aids and services such as alternative formats for written materials or qualified interpreters for people who are deaf or have hearing loss, speech, or language disorders. Programs, activities, and services offered by ACHD to the public must be accessible as required by law.

2.1 Programmatic Modifications

The ADA Title II Coordinator, or designee, will follow-up with each department to review the recommendations contained in the self-evaluation. In those situations where a policy, program, or procedure creates a barrier to accessibility that is unique to a department or a certain program, the ADA Coordinator, or designee, will coordinate with the program manager to address the removal of the barrier in the most reasonable and accommodating manner in accordance with applicable law.

2.2 Program Accessibility Questionnaire

The findings from the self-evaluation questionnaire were organized into categories based on the requirements of title II of the ADA. Each category includes a brief description and a list of barrier removal actions. Some actions are always required, such as posting a notice of nondiscrimination, while other actions are only required when requested, such as providing alternative formats like large print agendas.

Implementation strategies for each category are provided in Appendix B and additional accessibility resources can be found in Appendix I.

Accessible/Adaptive Equipment

Adaptive equipment includes devices, controls, appliances, or items that make it possible for persons with disabilities to improve their ability to function independently and participate in programs, services, and activities offered by ACHD. It can range from a pen and clipboard to accessible electronic equipment and computer stations.

Barrier Removal Actions

- Provide and maintain, in working order, accessible equipment for people with disabilities when equipment such as computers are provided to the public.¹⁰
- Provide auxiliary aids where programs are administered to facilitate basic communications access using alternative formats.¹¹

Customer Service

In-person interaction with the public is one of the primary functions of most ACHD departments. To meet ADA standards for in-person interactions, staff should be aware of the formal procedures for accommodating people with disabilities, including appropriate responses to requests for program modifications and guidelines for accommodating service animals.¹²

¹⁰ DOJ, Title II Regulations Subpart B § 35.133 Maintenance of accessible features

¹¹ DOJ, Title II Regulations Subpart E § 35.160 General

¹² Only dogs are recognized as service animals under title II of the ADA. In limited cases, miniature horses that are individually trained to perform tasks for people with disabilities may also qualify to provide services. Emotional support, therapy, comfort, or companion animals are not considered service animals under the ADA.

Barrier Removal Actions

- Make appropriate modifications to regular practices to accommodate the needs of individuals with disabilities when providing customer service.¹³
- Continue the policy of not charging an additional fee to people requesting a program modification due to their disability.¹⁴
- Continue the policy of allowing service animals in ACHD facilities.¹⁵

Notice Requirements

Title II regulations require ACHD to inform the public of the rights and protections provided by the ADA for access to public programs, services, and activities. It is the obligation of the head of the public entity to determine the most effective way of providing notice to the public about their rights and the public entity's responsibilities under the ADA. Publishing and publicizing the ADA notice is not a one-time requirement. State and local governments should provide the information on an ongoing basis, whenever necessary.

Barrier Removal Actions

- Maintain the position of the ADA coordinator.¹⁶
- Make available to all interested individuals the office address of the ADA Coordinator.¹⁷
- Continue to publish a notice regarding ACHD's commitment to providing accessible services. Proposed updates to the existing notice are provided in Section 4 of this plan.¹⁸

¹³ DOJ, Title II Regulations Subpart B § 35.130 General prohibitions against discrimination

¹⁴ DOJ, Title II Regulations Subpart B § 35.130 General prohibitions against discrimination

¹⁵ DOJ, Title II Regulations Subpart B § 35.136 Service animals

¹⁶ DOJ, Title II Regulations Subpart A § 35.107 Designation of responsible employee and adoption of grievance procedures

¹⁷ DOJ, Title II Regulations Subpart A § 35.107 Designation of responsible employee and adoption of grievance procedures

¹⁸ DOJ, Title II Regulations Subpart A § 35.106 Notice

- Maintain a grievance procedure for providing prompt and equitable resolution of complaints alleging any action prohibited under title II of the ADA. Proposed updates to the current grievance procedure and form are provided in Section 4 and Appendix F of this plan.¹⁹
- Ensure effective communication so that interested persons can obtain information as to the existence and location of accessible services, activities, and facilities.²⁰

Printed Information

To meet the ADA's communication standards, ACHD departments must be able to provide information, when requested, in alternative formats such as using easy-to-understand language, braille, large-print format, audiotape or CD, computer disk, or other formats.

Barrier Removal Actions

- Provide alternative formats to printed information upon request.²¹
- Address requests for alternative formats for lengthy documents on an individual basis.²²
- Ensure that additional costs for alternative forms of communication are not assigned to the person with a disability requesting the alternative format.²³
- Provide assistance, upon request, in filling out forms when alternative formats are unavailable or infeasible.²⁴

Television and Audiovisual Information

Televised and audiovisual information is a means for disseminating public information through presentations produced by ACHD departments. All televised and audiovisual information must be accessible to persons with disabilities, especially as technology changes.

¹⁹ DOJ, Title II Regulations Subpart A § 35.107 Designation of responsible employee and adoption of grievance procedures

²⁰ DOJ, Title II Regulations Subpart E § 35.163 Information and signage

²¹ DOJ, Title II Regulations Subpart E § 35.160 General

²² DOJ, Title II Regulations Subpart E § 35.160 General

²³ DOJ, Title II Regulations Subpart B § 35.130 General prohibitions against discrimination

²⁴ DOJ, Title II Regulations Subpart B § 35.130 General prohibitions against discrimination

Barrier Removal Actions

- Provide alternative formats to televised and audiovisual presentations produced by ACHD, upon request.²⁵

Website

As people turn to the Internet as their primary source of information regarding services, programs, activities, and facilities, the ACHD website at <http://www.achdidaho.org/> takes on increased importance as a communications tool. Providing public access to ACHD publications online can be an effective means of reaching persons with disabilities. New standards for electronic and information technology in the Rehabilitation Act Amendments of 1998 provide the technical and functional performance criteria for accessibility.²⁶

Barrier Removal Actions

- Take appropriate steps to ensure that ACHD's online communication with people with disabilities is as effective as other communications with the public.²⁷

Telephones and Communication Devices

Even with cell phones, texting, and instant messaging, provision of alternative communication technologies such as teletypewriters (TTY), telecommunication display devices (TDDs), or relay services (711) are still required for conducting communications with the public.

Barrier Removal Actions

- Ensure that staff members are proficient in the use of alternative communication technologies such as TTY, TDDs, or TRS, or are able to direct the public to knowledgeable staff.²⁸

²⁵ DOJ, Title II Regulations Subpart E § 35.160 General

²⁶ Section 508 of the Rehabilitation Act requires that federal agencies' electronic and information technology is accessible to people with disabilities, including employees and members of the public. Many state and local public agencies are adopting these standards as best practices. See Title 29, Chapter 16, § 794d Electronic and information technology.

²⁷ DOJ, Title II Regulations Subpart E § 35.160 General

²⁸ DOJ, Title II Regulations Subpart E § 35.161 Telecommunications

- Ensure that ACHD publications that list phone numbers also include information on how people who are deaf or who have hearing loss or speech disorders can communicate with departments by phone.²⁹

Training and Staffing

As a part of ACHD 's ongoing staff development and training, the incorporation of disabilities awareness, standards, and resources is encouraged for all staff interfacing with the public or who maintain the facilities used by the public.

Barrier Removal Actions

- Ensure that staff is knowledgeable about providing accessible services, programs, and activities to the public, and that accessible facilities are maintained in working order.³⁰

Program Participation

The public must be able to access programs, activities, and services, regardless of disability.

Barrier Removal Actions

- Provide reasonable modifications to program participants with disabilities to ensure they are included in regular programs to the maximum extent possible.³¹
- Ensure that individuals with disabilities are not excluded from regular programs and are not required to accept different or separate aids, benefits, or services, even if they are as effective as those provided to others.³²
- Modify standard policies, practices, and procedures to avoid discrimination unless the modification would fundamentally alter the nature of the program, result in an undue financial or administrative burden, or create a hazardous situation for the participant or others.³³

²⁹ DOJ, Title II Regulations Subpart E § 35.161 Telecommunications; § 35.163 Information and signage

³⁰ DOJ, Title II Regulations Subpart E § 35.160 General; Subpart B § 35.130 General prohibitions against discrimination

³¹ DOJ, Title II Regulations Subpart B §35.130 General prohibitions against discrimination

³² DOJ, Title II Regulations Subpart B §35.130 General prohibitions against discrimination

³³ DOJ, Title II Regulations Subpart B §35.130 General prohibitions against discrimination

- Ensure that determinations to exclude or limit the participation of people with disabilities due to safety considerations are based on real risks, not on speculation, stereotypes, or generalizations.³⁴

Program Eligibility Requirements and Admission

The public must be able to access programs, activities, and services, regardless of disability. Admission criteria, ability to complete forms, and participation in interviews must be available to all members of the public by providing reasonable modifications.

Barrier Removal Actions

- Ensure that interviews for program participation are held in accessible locations and that modifications, alternative formats, and auxiliary aids are provided upon request.³⁵
- Ensure that program eligibility requirements or criteria do not screen out people with disabilities from participating in any service, program, or activity, unless the criteria are necessary for the provision of the service, program, or activity being offered.³⁶

Public Meetings

Public agencies regularly hold public meetings. The main objective of any public meeting is to impart and solicit information on issues of importance to the local government. Where these meetings are held is an important consideration in meeting the requirements of the ADA.

Barrier Removal Actions

- Continue holding public meetings in accessible facilities.³⁷
- Provide agendas and other meeting materials in alternative formats upon request.³⁸
- Provide flexibility in the time limit on speaking or testifying for individuals with communication difficulties at public meetings.³⁹

³⁴ DOJ, Title II Regulations Subpart B §35.130 General prohibitions against discrimination

³⁵ DOJ, Title II Regulations Subpart B §35.130 General prohibitions against discrimination; Subpart E § 35.160 General

³⁶ DOJ, Title II Regulations Subpart B §35.130 General prohibitions against discrimination

³⁷ DOJ, Title II Regulations Subpart E § 35.160 General

³⁸ DOJ, Title II Regulations Subpart E § 35.160 General

³⁹ DOJ, Title II Regulations Subpart E § 35.160 General

- Provide assistive listening devices available for public meetings where the sound at the meeting is amplified.⁴⁰

Transportation Services

Many public agencies provide public transportation services. The public accommodation standards for these services are set forth by the Federal Transit Administration.⁴¹

Barrier Removal Actions

- Make reasonable modifications in policies, practices, or procedures when necessary to avoid discrimination on the basis of disability or to provide program accessibility to public transportation services.⁴²

Tours and Trips

Many public agencies provide or facilitate tours and trips as part of their service. These tours and trips are subject to title II regulations. ACHD is responsible for ensuring that the tour can be experienced by people with disabilities, by making accommodations or modifications.

Barrier Removal Actions

- Modify tours and trips, upon request, to enable people with mobility, visual, speech, hearing, and cognitive disabilities can participate.⁴³

Contracting, Licensing, or Other Arrangements

Many public agencies rely on the use of contractors, licensees, consultants, and other entities for the delivery of services. These entities are considered an extension of ACHD's services and are required to adhere to the same ADA regulations as ACHD. ACHD provides guidance for consultants on capital projects, including a set of documents to ensure ADA compliance during construction projects.

⁴⁰ DOJ, Title II Regulations Subpart E § 35.160 General; 2010 Standards 219.2 Required Systems

⁴¹ Title 49, Subtitle A, Part 38 - Americans with Disabilities Act Accessibility Specifications for Transportation Vehicles. See specifications for transportation vehicles at <https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=2efb7bdb786c2e63145ea6e1cf788693&mc=true&r=PART&n=pt49.1.38>.

⁴² DOJ, Title II Regulations Subpart B § 35.130 General prohibitions against discrimination; Title 49, Subtitle A, § 38.1 Purpose

⁴³ DOJ, Title II Regulations Subpart B § 35.130 General prohibitions against discrimination

Barrier Removal Actions

- Ensure that contractors, licensees, consultants, and other entities providing or delivering services for ACHD adhere to the same ADA regulations as ACHD.⁴⁴

Emergency Evacuation Procedures

Planning for emergencies and evacuations from ACHD facilities must include plans for people with disabilities. ACHD is responsible for ensuring that staff are aware of these procedures and are trained to implement them during an emergency.

Barrier Removal Actions

- Ensure that plans for emergency evacuations from ACHD facilities include guidelines for assisting people with disabilities.⁴⁵ These plans should:
 - Address what to do when an alarm is triggered;
 - Establish meeting places for assistance and evacuation chairs;
 - Provide direction on what to do if assistance is not available; and
 - Establish floor captains.
- Ensure that plans for emergency evacuations from ACHD facilities include staff training for assisting people with disabilities.⁴⁶

Facilities

The identification of structural barriers in buildings and the public rights-of-way is a required element of an ADA Transition Plan. To meet this requirement, ACHD evaluated its two buildings and collects accessibility-specific data on its sidewalks and curb ramps.

Barrier Removal Actions

- Ensure that the public can obtain information regarding the existence and location of accessible services, activities, and facilities.⁴⁷

⁴⁴ DOJ, Title II Regulations Subpart B § 35.130 General prohibitions against discrimination

⁴⁵ 42 U.S.C. § 12132; see generally, DOJ, Title II Regulations Subpart B § 35.130, Subpart D § 35.149 Discrimination prohibited

⁴⁶ 42 U.S.C. § 12132; see generally, DOJ, Title II Regulations Subpart B § 35.130, Subpart D § 35.149 Discrimination prohibited

⁴⁷ DOJ, Title II Regulations Subpart E §35.163 Information and signage

Special Events and Private Events on Public Properties

All events on public property should be accessible to people with disabilities. When a public agency rents or provides its properties to a third party for special events, the responsibility for maintaining an accessible environment is temporarily deferred to the tenant.

Barrier Removal Actions

- Maintain ACHD facilities in an accessible order to help ensure the accessibility of events held by public and private organizations.⁴⁸

2.3 Policy and Program Review

Public documents including regulations, administrative manuals and guides, policy directives, memoranda, standards, and specifications were reviewed. Table 1 lists recommendations for implementing specific improvements for providing access to ACHD programs as required by the ADA. Appendix B lists the policies and programs reviewed.

Table 1. ACHD Policy and Program Review Recommendations

Policy/Program	Recommendations
Contact Information	<ul style="list-style-type: none"> • Provide email and TTY contact information where other contact information is provided.
Use of the Word Handicap	<ul style="list-style-type: none"> • Use of the word “handicap” is generally to be avoided: <ul style="list-style-type: none"> ○ When referring to a person, recommend use of disability, disabled, or person with a disability. ○ When referring to parking, recommend use of accessible parking.

⁴⁸ DOJ, Title II Regulations Subpart B § 35.133 Maintenance of accessible features

Policy/Program	Recommendations
Documents	<ul style="list-style-type: none"> • Ensure that documents are formatted for accessibility with screen readers and people with vision disabilities. • Incorporate language about availability of documents in alternative formats. • Ensure alternative formats of images, documents, and digital files are available upon request. • Complete accessibility checks for PDFs to ensure readability. • Ensure that accessibility features are maintained in PDFs that are optimized and/or reduced. • Develop alternatives to scanned documents, which might create challenges for screen readers.
Applications, Forms, and Permits	<ul style="list-style-type: none"> • Provide information for applicants who may need modifications, assistance in the application process, or assistance filling out forms or permits. • Provide fillable PDF forms wherever possible. • Ensure that documents are formatted for accessibility with screen readers.
Public Records	<ul style="list-style-type: none"> • Ensure that people with disabilities have access to public records, particularly by ensuring that the Public Records Request form is available in alternative formats upon request. • Include language for requesting modifications in public records policies.
Images in Digital Documents and Online	<ul style="list-style-type: none"> • Add alternative text to images and charts in PDFs and on the ACHD website, especially when they are critical elements of the information being conveyed. • Incorporate pictures of people with disabilities where pictures of people are included.

Policy/Program	Recommendations
Maps	<ul style="list-style-type: none"> • Ensure information contained in maps is available in alternative formats upon request. • Incorporate alternative text into PDF maps.
Meeting Accessibility	<ul style="list-style-type: none"> • Ensure that off-site meetings are held at accessible locations. • Include a notice on agendas or the website about the accessibility of meeting facilities.
Committees	<ul style="list-style-type: none"> • Ensure that efforts for pedestrians also consider people with disabilities, including those using mobility devices.
Request for Modifications	<ul style="list-style-type: none"> • Include a notice on agendas or the website about meeting modifications. • Establish an advance notice requirement for modification requests.
Videos	<ul style="list-style-type: none"> • Ensure that videos are accessible for people with disabilities. In some cases, this might require captions or transcriptions.
Policy Manual	<ul style="list-style-type: none"> • Permit the Presiding Officer to change the order of public commenters to accommodate speakers with disabilities. • Ensure that the Clerk is available to assist people with disabilities during the sign-in process at public meetings. • Ensure that the requirement to make a comment from the speaker’s rostrum does not inhibit participation for people with disabilities. • Add accessibility of goods to considerations for procurement. • Develop an evacuation plan for visitors with disabilities. • Ensure that modifications are made for all people with disabilities upon request, rather than only those with hearing or visual impairments.

Policy/Program	Recommendations
Commuteride	<ul style="list-style-type: none"> Assess the Commuteride vanpool fleet for accessibility. Vanpools are considered a “Demand Responsive” type of transportation under federal transit laws.
Notice of Nondiscrimination	<ul style="list-style-type: none"> Include notice of nondiscrimination under the ADA on the ACHD website.
Filing an ADA Complaint	<ul style="list-style-type: none"> Simplify the content and language in the complaint procedure. Update to conform to DOJ standards as provided in Section 4 and Appendix F of this plan. Incorporate a statement notifying potential complainants that alternative means of filing are available to people with disabilities who require such an alternative to written complaints.

2.4 Standard Drawings & Specifications

The recommendations made to the following documents were based on a review of standard plans and specifications provided by ACHD and found on the ACHD’s website:

- 2017 ACHD Supplemental Specifications to the 2017 ISPWC;
- ACHD 2017 Standard Special Provisions;
- ACHD Policy Manual Sections 3100, 5100, 5188, 5188 Appendices, 6000, and 7200;
- ACHD Safe Sidewalk Program;
- Memorandum to ACHD’s Design Consultants: ADA During Construction for Three Separate Conditions;
- Memorandum to ACHD’s Design Consultants: Project Development - ADA During Construction; and
- Traffic Standards/Specifications Requirements for ACHD Roadways.

The standards for the public right-of-way are supplemented with best practice guidance from the 2011 Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way (PROWAG). ACHD will seek to implement best practices such as PROWAG where deemed feasible and practical by qualified engineering staff.

After the adoption of this plan, ACHD will pursue an implementation phase by undertaking a complete review of policies and practices relating to construction sites. This will help ACHD update its policies and practices to achieve consistent compliance with the requirements of the ADA and the MUTCD for both ACHD and third-party construction sites. During this implementation phase, training will be conducted for everyone performing construction activities in the public right-of-way. Complete markups of ACHD standards with associated recommendations are provided in Appendix C of this document.

3.0 ADA Transition Plan

Title II of the ADA requires that public entities having responsibility for or authority over facilities, streets, roads, sidewalks, and/or other areas meant for public use develop a Transition Plan to ensure their facilities meet the standards for program accessibility. Program accessibility means that a program, activity, and/or service is accessible when viewed in its entirety. Simply put, a Transition Plan transitions inaccessible facilities into environments that are accessible to and functional for individuals with disabilities.

The process of developing an ADA Transition Plan includes the identification of access barriers within the built environment. The Transition Plan for the removal of structural barriers to program access must contain the following information:

- Identification of the barriers to program access;
- Identification of the specific barrier removal action(s);
- Identification of a schedule for barrier removal; and
- Identification of responsibility for ensuring barrier removal.

This Transition Plan has two parts: facilities, including buildings and parking lots; and the public right-of-way, including curb ramps, sidewalks, and pedestrian signals that fall within ACHD's area of responsibility.

3.1 Schedule for Facility Improvements

Title II regulations state that if a transition plan will take more than one year to fully implement, it must contain interim steps to provide program accessibility. ACHD reserves the right to modify barrier removal priorities to accommodate community requests, petitions for reasonable modifications from persons with disabilities, changes in ACHD programs, and funding opportunities and constraints. The barrier removal strategy incorporates flexibility in the process and allows ACHD to respond to new opportunities as they arise.

ACHD will accomplish barrier removal in its facilities and public right-of-way based on two strategies: policy and procedure modifications to remove programmatic barriers, and maintenance and construction projects to remove structural barriers. ACHD's ADA Title II Coordinator will be responsible for ensuring barrier removal. For the most current status of the remediation of barriers, contact the ADA Title II Coordinator.

3.2 Accessibility Standards

The 2010 ADA Standards and 2017 ICC A117.1 Standards for Accessible and Usable Buildings and Facilities were used to identify barriers at ACHD facilities. The standards for the public right-of-way are supplemented with best practice guidance from the 2011 PROWAG. PROWAG guidelines were developed by the U.S. Access Board and are currently under review by the U.S. Department of Justice. Therefore, the Federal Highway Administration only recommends the PROWAG technical guidelines as best practices for accessibility in the public right-of-way. While the 1991 and the 2010 ADA Standards for Accessible Design are intended primarily for building and site construction, PROWAG offers design solutions that are more suited for right-of-way construction. ACHD will seek to implement best practices such as PROWAG where deemed feasible and practical by qualified engineering staff. The barrier evaluations assessed current conditions as viewed by current code and provide a baseline for future barrier removal.

3.3 Building Facilities

During the site evaluations of the buildings, all portions of exterior and interior features of the Administration Building and Commuteride office used by the public were evaluated. The assessment identified physical barriers in each facility that limit accessibility and compared each facility to the 2010 ADA and the 2017 ICC. The site evaluations were accomplished using a consultant team equipped with measuring devices, facility data, and evaluation checklists. Diagrams and maps of each site were annotated during the evaluation process.

Barriers identified at ACHD facilities will be addressed through the redevelopment of the Administration Building, resulting in an accessible facility that meets ADA standards. As part of this redevelopment, ACHD will incorporate the Commuteride administration division into the main administration building, after which the current Commuteride office will no longer be open to the public. Interim measures will be explored and implemented to provide programmatic access to the public pending the implementation of these redevelopment projects. Residents concerned about access to ACHD programs, events, or facilities during the interim period should contact ACHD's ADA Coordinator for modifications to ensure accessibility.

ACHD will revise and update the inventory of facility barriers as remediation is completed, and, as applicable, revise the Transition Plan schedule for the removal of remaining barriers on a regular basis. ACHD reserves the right to modify barrier removal priorities to allow flexibility in accommodating community requests, petitions for reasonable modifications from persons with disabilities, changes in ACHD programs, and funding opportunities and constraints.

3.4 Public Right-of-Way

The ADA addresses accessible public right-of-way where sidewalks are the responsibility of the public agency. The ADA does not mandate the installation of sidewalks but does require a schedule for providing curb ramps or other sloped areas where pedestrian walkways cross curbs at streets, roads, or intersections.

In 2002, the United States Court of Appeals for the Ninth Circuit, whose jurisdiction includes Idaho, held for the first time that sidewalks constitute a service, program, or activity of a city, and sidewalks are therefore subject to the ADA's program accessibility regulations.⁴⁹ Before this decision, the law was unclear about whether municipalities' transition plans should address barrier removal from sidewalks. When originally written, the ADA specifically addressed curb ramps; subsequently the courts have added sidewalks.

Under title II of the ADA, a public entity is not necessarily required to construct curb ramps at every point where a sidewalk intersects a curb. Traffic safety considerations may make construction of ramps at some locations undesirable. Alternative routes to buildings that make use of existing curb ramps may be acceptable under the concept of program accessibility where individuals with disabilities need only travel a marginally longer route. In addition, the undue financial or administrative burden limitation recognized by title II of the ADA may limit the number of curb ramps that the public entity is required to provide.

⁴⁹ Barden v. City of Sacramento, 292 F.3d 1073 (9th Cir. 2002)

ACHD's approach to scheduling barrier removal in the public right-of-way will incorporate two steps. First, barrier removal ranks will be assigned to each barrier. Second, as potential projects are identified, they will be evaluated using the established criteria to generate a list of proposed projects for future years. The list will be further refined considering other factors that impact project delivery such as environmental requirements, right-of-way requirements, constructability, and a logical sequence to the projects to maximize the provided funding for ADA projects. This list will be used to incorporate the projects into ACHD's Integrated Five-Year Work Plan (IFYWP).

A determination of the conditions of curb ramps and sidewalks was based in part on an analysis of existing GIS data. A complete inventory and reassessment of these elements was not undertaken during this planning effort, but curb ramps and sidewalks will be consistently assessed for compliance as adjacent work is undertaken in the right-of-way. If curb ramps or sidewalks believed to be accessible are found to be inaccessible through ACHD assessment or public request, they will be added to the transition plan schedule for remediation. The GIS Data Analysis Methodology is provided in Appendix E.

Curb Ramps

Table 2, Map 1, and Map 2 summarize the assigned barrier removal ranks for ACHD's curb ramps. The current inventory includes 1,273 high ranked curb ramps, 696 medium ranked curb ramps, and 7,608 low ranked curb ramps. ACHD intends to remove existing barriers primarily in conjunction with ongoing street maintenance and capital improvement projects.

- Curb ramps ranked high will be addressed within the next one to 10 years.
- Curb ramps ranked medium will be addressed within the next one to 20 years.
- Curb ramps ranked low will be addressed within the next one to 30 years.
- Curb ramps with no deficiencies will be addressed on an as needed basis.

It is assumed that as curb ramps are evaluated in greater detail as part of future projects and complaints. Through the implementation of this plan, ACHD is encouraged to evaluate its inventory of diagonal curb ramps. ACHD recognizes that a percentage of ramps will fall within the "safe harbor" provisions, as described in Section 3.5. These "safe harbor" ramps will help to reduce the deficient ramp inventory. ACHD will then revise the curb ramp transition plan schedule for removal of the remaining barriers, update the curb ramp inventory, and revise the transition plan schedule for the removal of remaining barriers on a regular basis.

Sidewalks

Table 3, Map 4, and Map 5 summarize the assigned barrier removal ranks for ACHD's sidewalks. The current inventory includes 58.6 miles of high ranked projects, 225.3 miles of medium ranked projects, and 766.6 miles of low ranked projects.

- Sidewalks ranked high will be addressed within the next one to 10 years.
- Sidewalks ranked medium will be addressed within the next one to 20 years.
- Sidewalks ranked low will be addressed within the next one to 30 years.
- Sidewalks with no deficiencies will be addressed on an as needed basis.

Pedestrian Signals

ACHD's inventory of accessible pedestrian signals has two classifications for prioritization – high priority and secondary priority – as determined by ACHD's ADA Advisory Committee. After adoption of the Self-Evaluation and Transition Plan, ACHD will pursue an implementation phase of its ADA Compliance Plan by undergoing a complete review of its current practices relating to accessible pedestrian signals and ACHD will conduct an accessibility assessment of the pedestrian signal inventory. A decision matrix will be developed based on the MUTCD and PROWAG to analyze each criterion for pedestrian signal construction and maintenance. This effort may be considered for adoption by the ACHD Commission as a formal ACHD policy. Until this review is completed, updates to pedestrian signals will be incorporated annually into the IFYWP based on the prioritization completed by the ADA Advisory Committee. After the review, pedestrian signals will be incorporated into the IFYWP based on the findings of the review. The current inventory of the locations of prioritized signals, other existing signals, and planned accessible signals is provided in Appendix G.

Right-of-Way Prioritization

Criteria for prioritizing barrier removal were developed using title II regulation § 35.150(d)(2).

If a public entity has responsibility or authority over streets, roads, or walkways, its transition plan shall include a schedule for providing curb ramps or other sloped areas where pedestrian walks cross curbs, giving priority to walkways serving entities covered by the Act, including State and local government offices and facilities, transportation, places of public accommodation, and employers, followed by walkways serving other areas.

The prioritization criteria include the following:

- Locations of citizen complaint/request (ADA title II Program Access) - this includes formal and informal complaints and requests for barrier removal within the public right-of-way;
- Locations serving government offices and public facilities – this includes any facility serving a public facility for example a school, city building, park, post office, county building, etc.;
- Locations serving transportation – this includes parking facilities, transit stops and facilities, and other means of public transportation;
- Locations serving commercial districts and employers – this includes places of public accommodation which include restaurants, hotels, retail stores, etc. and employment areas such as office parks, industrial areas, etc.; and
- Locations serving other areas – this includes locations not meeting the above criteria.

Matrices on the following pages illustrate the prioritization criteria for curb ramp and sidewalk barrier removal projects under ACHD’s responsibility in the public right-of-way. Each facility evaluated is assigned a rank based on the prioritization criteria and a barrier category based on the facility’s existing condition. The barrier categories are described on the page following each matrix.

The facilities were ranked as high, medium, or low. Each rank was color referenced, with the high rank shaded in purple, the medium rank in yellow, and the low rank in green. The facilities with no assigned rank have no access deficiencies identified and are not shaded. The columns in the matrix indicate the assigned priority and are in order of importance from left to right, with the left column having the highest importance. The rows indicate the category of condition assigned to each facility during the evaluation process, with the top row having the highest importance.

Table 2. Curb Ramp Barrier Summary & Transition Plan Phasing Schedule

Category	Priority	Total Ramps	Percent Total	Schedule Year
High Priority				
1	A1	5	0.0%	1-10
1	B1	27	0.1%	1-10
1	C1	23	0.1%	1-10
1	D1	19	0.1%	1-10
2	B2	373	1.4%	1-10
2	C2	717	2.7%	1-10
2	A2	22	0.1%	1-10
4	A4	87	0.3%	1-10
Subtotal	-	1,273	4.8%	-
Medium Priority				
2	D2	485	1.8%	1-20
3	B3	58	0.2%	1-20
3	C3	82	0.3%	1-20
3	D3	71	0.3%	1-20
Subtotal	-	696	2.6%	-
Low Priority				
1	E1	225	0.8%	1-30
2	E2	6,700	25.2%	1-30
3	E3	480	1.8%	1-30
4	B4	12	0.0%	1-30
4	C4	18	0.1%	1-30
4	D4	21	0.1%	1-30
4	E4	152	0.6%	1-30
Subtotal	-	7,608	28.6%	-
No Deficiencies Identified				
5	B5	1,146	4.3%	n/a
5	C5	2,729	10.3%	n/a
5	D5	2,986	11.2%	n/a
5	E5	10,170	38.2%	n/a
Subtotal	-	17,031	64.0%	-
Totals	-	26,608	100.0%	-

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Curb Ramps		ADA 35.150(d) Geospatial Proximity Priorities*				
		A	B	C	D	E
Priorities (Category)	Priority Description	Location of Citizen Complaint / Request (ADA Title II Program Access)	Location Serving Government Offices & Public Facilities	Location Serving Transportation	Location Serving Commercial Districts, Employers	Location Serving Other Areas
1	See Category 1 Description	A1 High Priority	B1	C1	D1	E1
2	See Category 2 Description	A2	B2	C2	D2	E2
3	See Category 3 Description	A3	B3 Medium Priority	C3	D3	E3
4	See Category 4 Description	A4	B4 Low Priority	C4	D4	E4
5	No deficiencies identified	A5	B5	C5	D5	E5

*The priorities listed under columns B, C, D, and E are specified under title II 28 CFR § 35.150 (d).

Curb Ramp Barrier Descriptions

Category 1:

- The curb ramp is constructed with asphalt.
- The curb ramp condition is very poor.

Category 2:

- The curb ramp condition is below average.
- Top landing is less than three-by-three feet or there is no top landing.
- Width of ramp is less than 36 inches.
- Curb ramp is built prior to 2010 and is not located within marked crossings (when present).
- Curb ramp is built prior to 2010 and the bottom landing width is less than 36 inches.
- Running slope of ramp exceeds 8.33 percent.

Category 3:

- The curb ramp condition is average.
- Top landing is 36 to 47 inches.

Category 3 (cont.):

- Width of ramp is 36 to 47 inches.
- Curb ramp is built prior to 2010 and the bottom landing width is 36 to 47 inches.
- Curb ramp is built prior to 2010 and the bottom landing slope is greater than two percent.

Category 4:

- Cross slope of ramp exceeds two percent
- Curb ramp is built prior to 2010 and flared sides (if applicable) exceed 10 percent.
- Curb ramp is built prior to 2010 where the bottom of the ramp is not flush.

Category 5:

- Curb ramp built 2010 or later and/or no deficiencies identified.



Ada County Highway District
ADA Self-Evaluation & Transition Plan

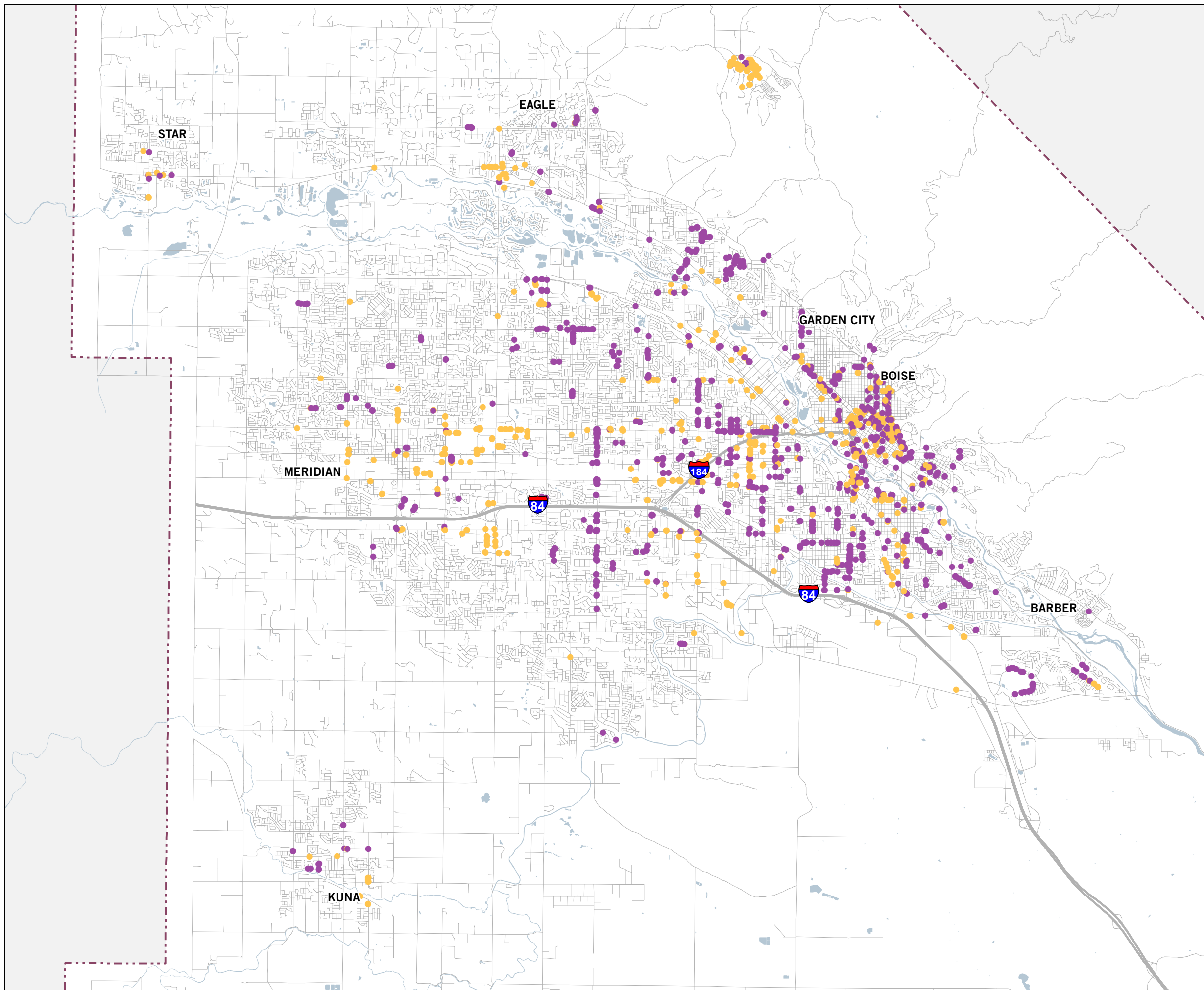
Curb Ramp Barrier Removal Project Priorities: High and Medium

Barrier Removal Rank

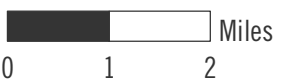
- High
- Medium

Context

- Streets
- Water Feature
- - - County Boundary



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Ada County Highway District
ADA Self-Evaluation & Transition Plan

Curb Ramp Barrier Removal Project Priorities: Low

Barrier Removal Rank

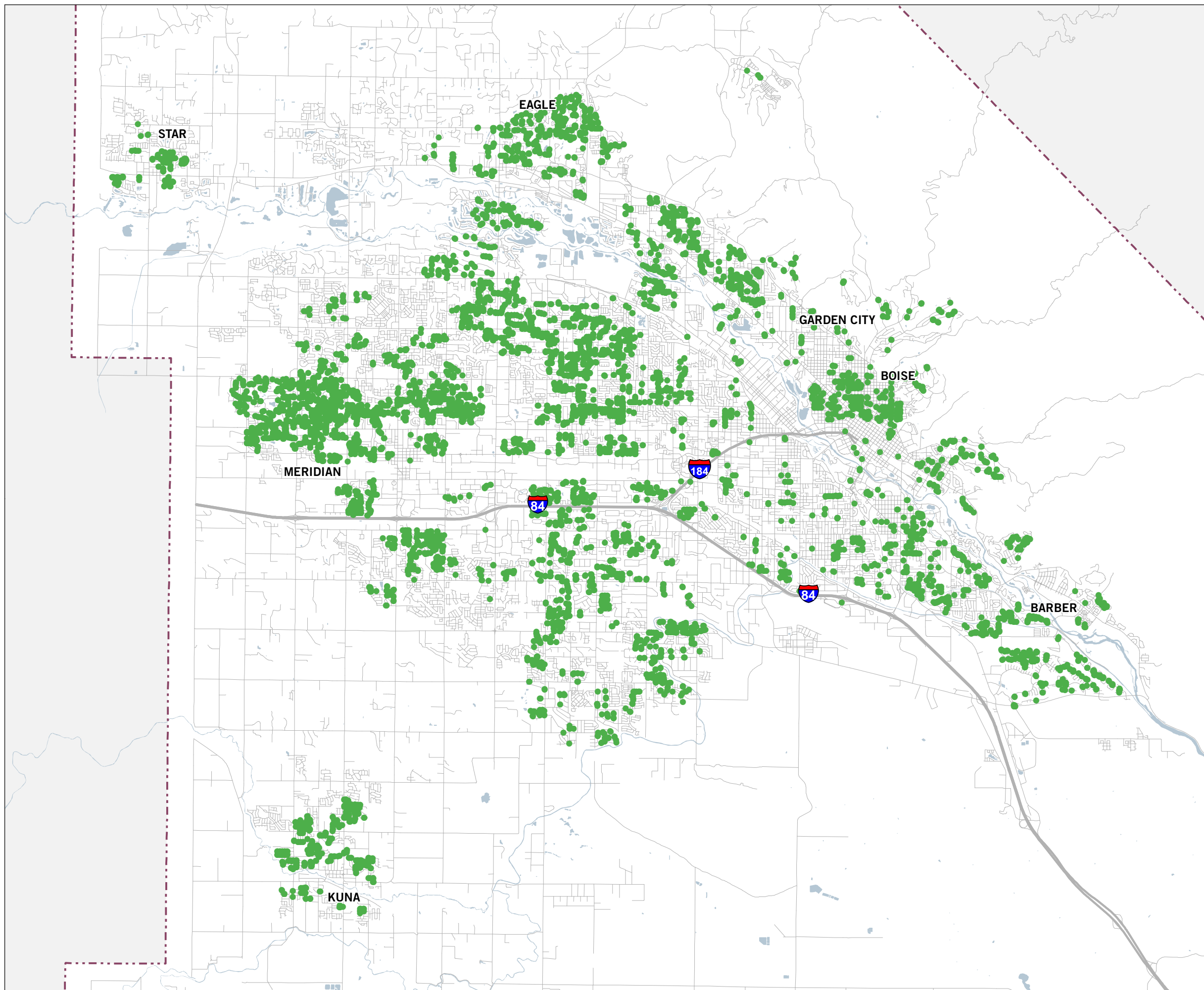
● Low

Context

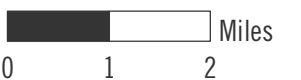
— Streets

■ Water Feature

⋯ County Boundary



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Ada County Highway District
ADA Self-Evaluation & Transition Plan

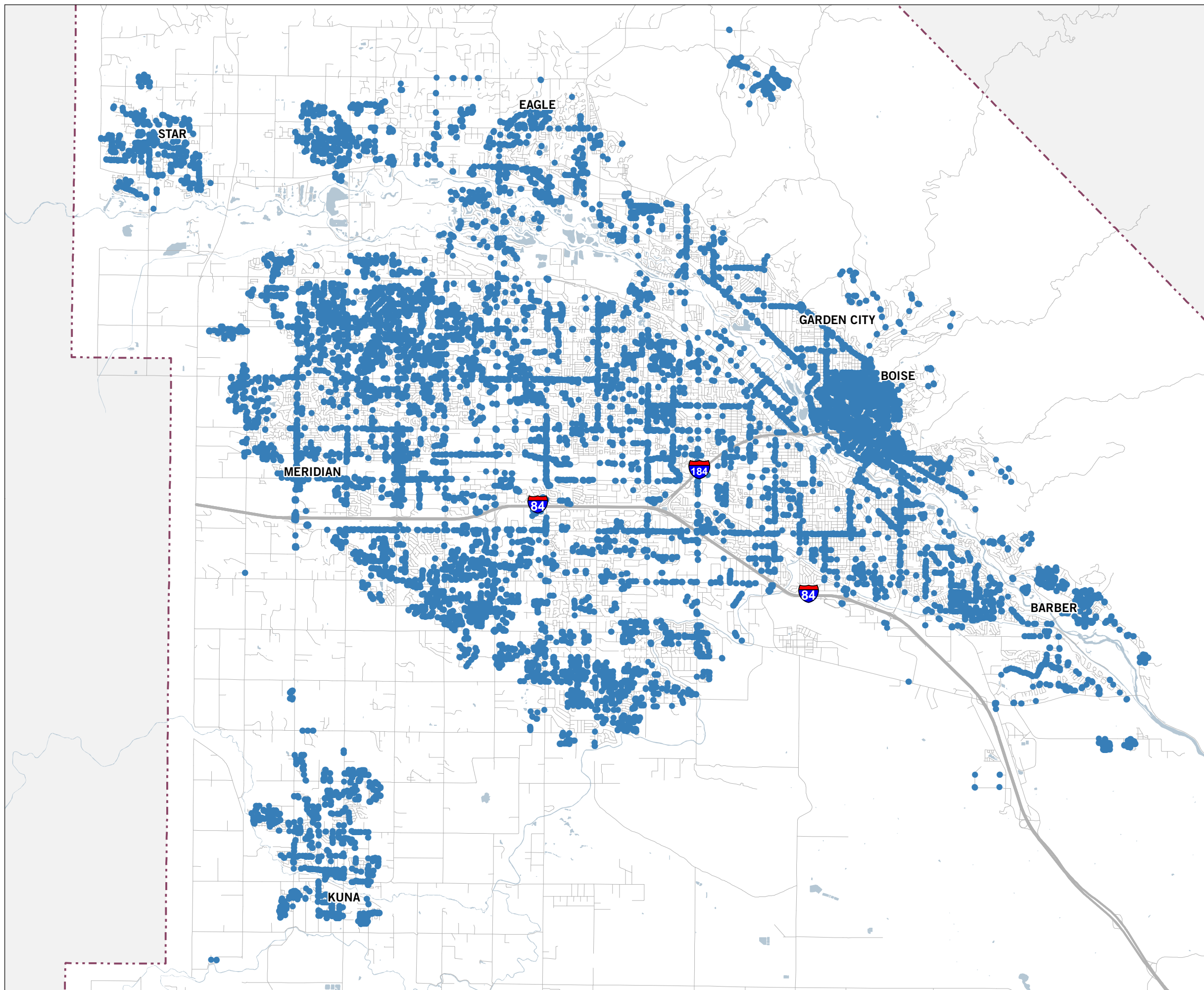
Curb Ramp Barrier Removal Project Priorities: No Deficiencies Identified

Barrier Removal Rank

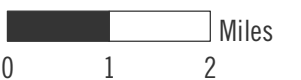
- No Deficiencies Identified

Context

- Streets
- Water Feature
- - - County Boundary



10.22.2018



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Table 3. Sidewalk Barrier Summary & Transition Plan Phasing Schedule

Category	Priority	Total Miles	Percent Total	Schedule Year
High Priority				
1	A1	1.0	0.0%	1-10
1	B1	14.7	0.6%	1-10
1	C1	36.9	1.4%	1-10
2	A2	1.4	0.1%	1-10
3	A3	4.6	0.2%	1-10
Subtotal	-	58.6	2.2%	-
Medium Priority				
1	D1	5.8	0.2%	1-20
2	B2	61.5	2.3%	1-20
2	C2	114.6	4.3%	1-20
2	D2	43.4	1.6%	1-20
Subtotal	-	225.3	8.5%	-
Low Priority				
1	E1	87.4	3.3%	1-30
2	E2	361.3	13.7%	1-30
3	B3	28.4	1.1%	1-30
3	C3	40.1	1.5%	1-30
3	D3	22.5	0.9%	1-30
3	E3	226.9	8.6%	1-30
Subtotal	-	766.6	29.0%	-
No Deficiencies Identified				
4	B4	146.3	5.5%	n/a
4	C4	134.4	5.1%	n/a
4	D4	224.3	8.5%	n/a
4	E4	1,090.2	41.2%	n/a
Subtotal	-	1,595.1	60.3%	-
Totals	-	2,645.6	100.0%	-

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Sidewalks		ADA 35.150(d) Geospatial Proximity Priorities*				
		A	B	D	E	F
Priorities (Category)	Priority Description	Location of Citizen Complaint / Request (ADA Title II Program Access)	Location Serving Government Offices & Public Facilities	Location Serving Transportation	Location Serving Commercial Districts, Employers	Location Serving Other Areas
1	See Category 1 Description	A1 High Priority	B1	C1	D1	E1
2	See Category 2 Description	A2	B2 Medium Priority	C2	D2	E2
3	See Category 3 Description	A3	B3 Low Priority	C3	D3	E3
4	No deficiencies identified	A4	B4	C4	D4	E4

*The priorities listed under columns B, C, D, and E are specified under title II 28 CFR § 35.150 (d).

Sidewalk Barrier Descriptions

Category 1:

- Sidewalk built prior to 2010 and the width is less than 48 inches.
- The sidewalk is built prior to 2010 and heaving and cracking is noted as significant.
- The sidewalk condition is considered poor.

Category 2:

- The sidewalk is built prior to 2010 and heaving and cracking is noted as moderate.
- The sidewalk is constructed of asphalt.
- The sidewalk condition is considered average.
- The sidewalk is built prior to 2010 and the number of vertical protrusions along a block is five or more.
- The sidewalk is built prior to 2010 and the number of driveway entries that exceeds two percent cross slope is four or more driveways.

Category 3:

- The sidewalk is built prior to 2010 and heaving and cracking is noted as minor.
- The sidewalk is built prior to 2010 and the number of vertical protrusions along a block is one to four.
- The sidewalk is built prior to 2010 and the number of driveway entries that exceeds two percent cross slope is one to three driveways.

Category 4:

- Sidewalk built 2010 or later and/or no deficiencies identified.



Ada County Highway District
ADA Self-Evaluation & Transition Plan

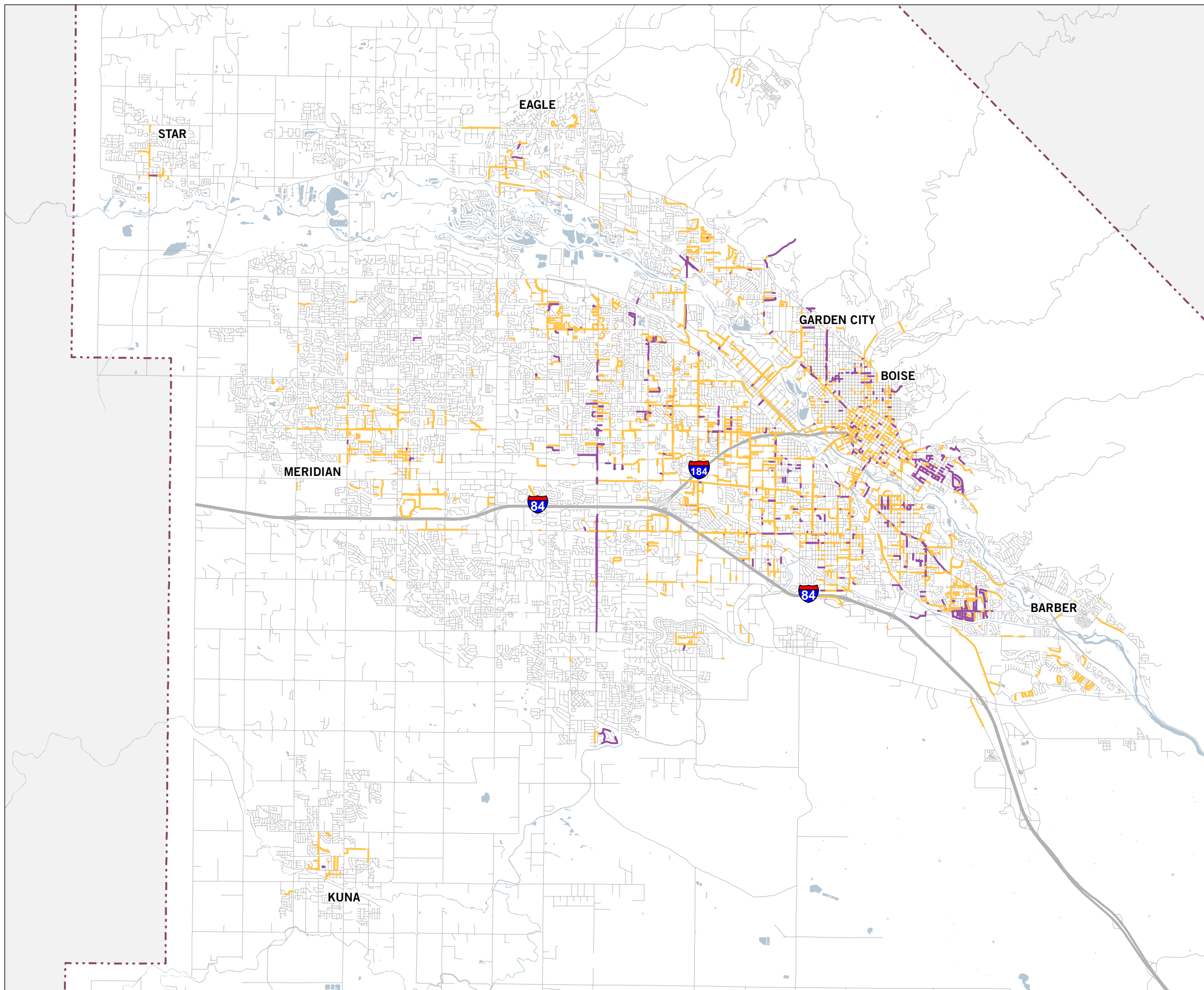
Sidewalk Barrier Removal Project Priorities: High and Medium

Barrier Removal Rank

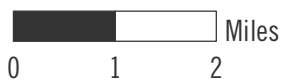
- High Priority
- Medium Priority

Context

- Streets
- Water Feature
- County Boundary



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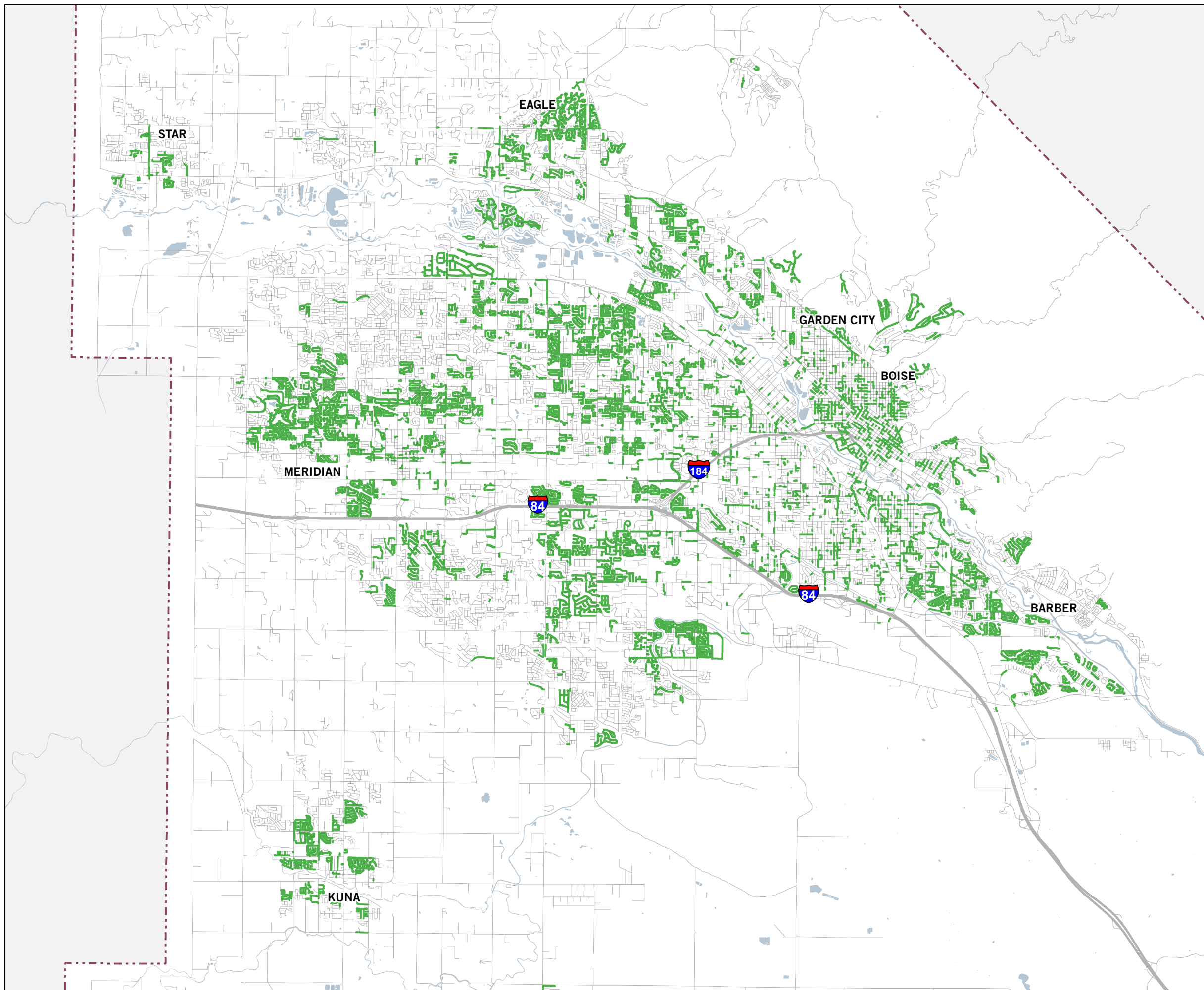


Ada County Highway District
ADA Self-Evaluation & Transition Plan

Sidewalk Barrier Removal Project Priorities: Low

Barrier Removal Rank
Low Priority

Context
Streets
Water Feature
County Boundary



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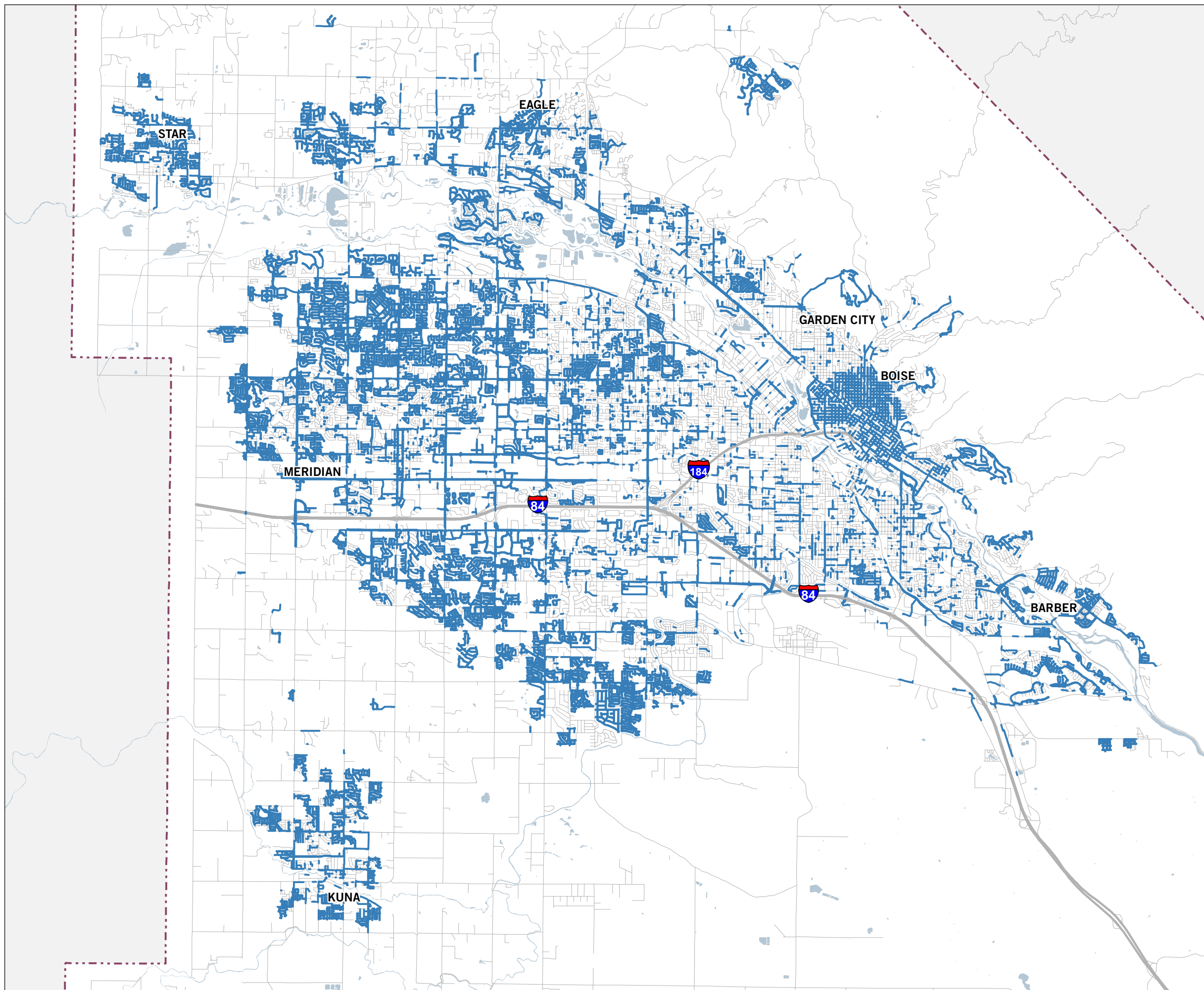


Ada County Highway District
ADA Self-Evaluation & Transition Plan

Sidewalk Barrier Removal Project Priorities: No Deficiencies Identified

Barrier Removal Rank
— No Deficiencies Identified

Context
— Streets
■ Water Feature
- - - County Boundary



10.22.2018



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3.5 Addressing Identified Barriers

Program Accessibility

A public entity must ensure that individuals with disabilities are not excluded from services, programs, and activities because existing buildings are inaccessible. A state or local government's programs, when viewed in their entirety, must be readily accessible to and usable by individuals with disabilities. This standard, known as "program accessibility," applies to facilities of a public entity that existed on January 26, 1992. Public entities do not necessarily have to make each of their existing facilities accessible. They may provide program accessibility by a number of methods including alteration of existing facilities, acquisition or construction of additional facilities, relocation of a service or program to an accessible facility, or provision of services at alternate accessible sites.

Undue Burden

ACHD is not required to take any action that it can demonstrate would result in a fundamental alteration in the nature of its program or activity, would create a hazardous condition resulting in a direct threat to the participant or others, or would represent an undue financial and administrative burden.

A determination of undue financial or administrative burden can only be made by the head of a department or his or her designee and must be accompanied by a written statement of the reasons for reaching that conclusion. The determination that undue burdens would result must be based on all resources available for use by ACHD. If an action would result in such an alteration or such burdens, ACHD must take any other action that would not result in such an alteration or such burdens but would nevertheless ensure that individuals with disabilities receive the benefits and services of the program or activity.

Safe Harbor Provisions

The 2010 ADA regulations introduced the concept of "safe harbor," which allows facilities built prior to March 15, 2012 that comply with the 1991 ADA Standards to remain as-is until the structural feature is altered.⁵⁰ The exception applies to elements that might otherwise have to be modified under: 1) the program access requirement for public entities; 2) the readily achievable barrier removal requirement for places of public accommodation; or 3) the path of travel requirement for any alteration that affects the usability of a primary function area in any covered facility.

⁵⁰ DOJ, Title II Regulations Subpart D § 35.150 (b) (2) Safe harbor

If pedestrian facilities such as curb ramps and transit stops were built or altered in the past 20 years to become compliant with the 1991 ADA Standards, no further changes to those elements are mandated until the structural feature is altered, even though the 2010 standards have different requirements. However, certain exceptions to "safe harbor" do exist – roadway alterations as described in the *Roadway Alterations and Maintenance Triggers for Barrier Removals* section of this chapter are required to bring all curb ramps up to the current standard and "safe harbor" does not apply.

3.6 Schedule for Right-of-Way Barrier Removal

Because ACHD is responsible for many sidewalks and curb ramps, it is infeasible to immediately remove all barriers. Barriers will be removed systematically, countywide, to ensure equality among ACHD's programs. It is ACHD's intent to address barriers by 2050, contingent upon ACHD Commission approval, depending on the immediate necessity, degree of complexity, and overall cost. ACHD's goal during the first year of barrier removal will be to mitigate barriers at 300 curb ramps and along four miles of sidewalk. ACHD will then work to increase the amount of dedicated funding each year to address an additional 10 percent of barriers each year. This will actively shorten the transition plan phasing schedule to a timeline of 15-20 years. If current funding levels are retained but not increased in the short-term, ACHD will upgrade the facilities identified as high priority in the first 10 years following the Plan's adoption to address the most immediate needs. The facilities designated as medium and low priority will be addressed systematically in the following 20 and 30 years, respectively, after adoption of the Plan. Wherever possible, ACHD will coordinate barrier remediation at transit stops with Valley Regional Transit.

Strategies for Funding and Scheduling Right-of-Way Barrier Removal

Opportunities for funding the removal of access barriers will be actively sought. These include:

- Capital projects for new construction;
- Capital projects for roadway alterations;
- Maintenance and repair projects and programs;
- Dedication of a fund for ADA barrier removal;
- Requiring private developers to remove access barriers when development affects facilities within the right-of-way; and
- Actively seeking out and applying for grant funding specific to removal of access barriers when available.

ACHD's rolling IFYWP schedules rehabilitation and maintenance of public right-of-way facilities. ACHD plans to review barriers in the right-of-way during the implementation of this Plan and address those barriers that can be resolved as part of the IFYWP. As part of the review, ACHD will revise the Transition Plan schedule for the removal of barriers. The project list for the period of 2018-2022 is provided in Appendix H.

The following programs will be used as a means of bringing noncompliant facilities into compliance:

- **Capital Maintenance Program:** This program focuses primarily on addressing known roadway maintenance needs. As part of any roadway resurfacing or reconstruction project deemed an alteration under the ADA, ACHD will upgrade adjacent pedestrian ramps identified as noncompliant.
- **Bridge Program:** This program focuses primarily on addressing known bridge replacement needs. As part of any bridge replacement project, ACHD will ensure noncompliant facilities associated with programmed projects are brought into compliance.
- **Traffic Program:** This program includes funding for addressing known safety and accessibility considerations related to traffic operations. Projects are prioritized by ACHD's ADA Advisory Committee, including upgrades to pedestrian signals and other traffic control equipment.
- **Community Programs:** This program is dedicated to pedestrian and bicycle projects in Ada County. Projects include addition or completion of sidewalks, new enhanced pedestrian crossing opportunities, enhanced bike facilities, and ADA compliance projects. This program includes ACHD's Safe Sidewalk program, which receives dedicated funding every year to address deteriorated and noncompliant pedestrian facilities. These efforts include projects to fill gaps in the sidewalk network to improve accessibility.
- **Road and Intersection Programs:** This program focuses on widening roads and intersections to address known capacity and safety considerations. For each project, ACHD is committed to constructing sidewalks, bike facilities, and, as appropriate, enhanced pedestrian crossing opportunities. As part of these projects, ACHD will address any identified noncompliant pedestrian ramps or sidewalks within the project area, bringing them into full compliance with the ADA.

Roadway Alterations and Maintenance: Triggers for Barrier Removal

The Department of Justice, in coordination with the U.S. Department of Transportation, specifies that public agencies are required to provide curb ramps or upgrade curb ramps whenever roadways are altered. An alteration is a change that affects or could affect the usability of all or part of a building or facility.⁵¹ Alterations of streets, roads, or highways include activities such as reconstruction, rehabilitation, resurfacing, widening, and projects of similar scale and effect.⁵² Maintenance activities on streets, roads, or highways, such as filling potholes, are not alterations.⁵³ The following list distinguishes between roadway alterations and maintenance activities.

Alteration

- Addition of new layer of asphalt
- Cape seals
- In-place asphalt recycling
- Microsurfacing and thin-lift overlay
- Mill and fill / mill and overlay
- New construction
- Open-graded surface course
- Rehabilitation and reconstruction
- Resurfacing of a crosswalk

Maintenance

- Chip seals
- Crack filling and sealing
- Diamond grinding
- Dowel bar retrofit
- Fog seals
- Joint crack seals
- Joint repairs
- Pavement patching
- Painting or striping
- Scrub sealing
- Slurry seals
- Spot high-friction treatments
- Surface sealing

⁵¹ DOJ, Title II Regulations Subpart D § 35.151(b)(1) New construction and alterations

⁵² 2010 ADA Standards, 106.5 Defined terms

⁵³ “Department of Justice/Department of Transportation Joint Technical Assistance on the Title II of the Americans with Disabilities Act Requirements to Provide Curb Ramps when Streets, Roads, or Highways are Altered through Resurfacing.” July 8, 2013.

Maximum Extent Feasible in the Public Right-of-Way

In an alteration or new construction project, ACHD must incorporate the ADA accessibility standards to the maximum extent feasible.⁵⁴ As part of the Plan's implementation, the Lead Engineer should document all design exceptions:

When pre-ADA streets or sidewalks are altered, there may be space limitations that restrict how much they can be altered to install accessible curb ramps. In these cases, the curb ramps installed must meet the accessibility requirements of the ADA to the maximum extent feasible. Scoping requirements in the ADA Standards establish limitations for the running slope of the ramp run of curb ramps installed during alterations to pre-ADA streets and walkways.⁵⁵

The Civil Rights Division recognizes that there will be very rare instances when it will be technically infeasible for a curb ramp installed during alterations to pre-ADA roadways and walkways to be constructed in full and strict compliance with the requirements of ADA Standards § 4.1.6(3)(a) and § 4.7 because of physical or site constraints. In such circumstances, state and local governments must install curb ramps that provide accessibility to the maximum extent feasible.⁵⁶ Before reaching a conclusion about technical infeasibility, state and local governments need to consider the extent to which physical or site constraints can be addressed by alternative curb ramp designs. The burden of proving technical infeasibility lies with the state or local government that constructed it.

When highways, streets, and roads are built or altered post-ADA, they must have curb ramps at certain locations. Curb ramps must be located wherever there are curbs or other barriers to entry from a pedestrian walkway or sidewalk, including any intersection where it is legal for a pedestrian to cross the street, whether or not there is any designated crosswalk. Curb ramps must also be located wherever there are curbs or other barriers to entry at any designated pedestrian crosswalks that are located mid-block. Likewise, when sidewalks or walkways are built or altered post-ADA, they must include curb ramps or other sloped areas wherever they intersect with highways, streets, or roads and pedestrians may legally cross the vehicular way as well as at public transportation stops.

⁵⁴ DOJ, Title II Regulations Subpart D §35.151 (b) New construction and alterations

⁵⁵ ADA Standards § 4.1.6 (3) (a)

⁵⁶ ADA Standards § 4.1.6 (1) (j)

By contrast, for pre-ADA highways, streets, roads, and sidewalks that have not been altered, state and local governments may choose to construct curb ramps at every point where a pedestrian walkway intersects a curb. However, they are not necessarily required to do so. Under a more flexible standard called “program access,” alternative routes to buildings may be acceptable where people with disabilities must travel only a marginally longer route than the general public.

4.0 ADA Policy and Complaint Procedure

A review was conducted of the current ACHD procedures for ADA-based complaints. These procedures were compared to the “ADA Best Practices Tool Kit for State and Local Governments” to assess alignment with best practices identified by the U.S. Department of Justice.⁵⁷ The assessment indicated that ACHD does not publish a notice as recommended, and the existing grievance procedure needed an update to align with best practices. This section provides the text of the notice and the updated grievance procedure. Appendix F includes the new grievance procedure and associated form.

4.1 Notice Under the Americans with Disabilities Act

In accordance with the requirements of title II of the Americans with Disabilities Act of 1990 ("ADA"), the Ada County Highway District will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

Employment: Ada County Highway District does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under title I of the ADA.

Effective Communication: Ada County Highway District will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in Ada County Highway District’s programs, services, and activities, including qualified sign language interpreters, documents in braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

Modifications to Policies and Procedures: Ada County Highway District will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in Ada County Highway District offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of Ada County Highway District, should contact the office of the ADA Coordinator as soon as possible but no later than 48 working hours before the scheduled event.

⁵⁷ See <https://www.ada.gov/pcatoolkit/chap2toolkit.htm>.

The ADA does not require the Ada County Highway District to take any action that would fundamentally alter the nature of its programs or services or impose an undue financial or administrative burden. Complaints that a program, service, or activity of Ada County Highway District is not accessible to persons with disabilities should be directed to:

Rachel Chipman, Accessibility Compliance Coordinator
Traffic Engineering Department
Ada County Highway District
3775 Adams Street
Garden City, ID 83714
Phone: (208) 387-6301
Fax: (208) 387-6391
Email: rchipman@achdidaho.org
TTY: (800)-377-3529

Ada County Highway District will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

4.2 ADA Grievance Procedure

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the Ada County Highway District (ACHD). ACHD's Personnel Policy governs employment-related complaints of disability discrimination.

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

The complaint should be submitted by the complainant and/or their designee as soon as possible but no later than 180 calendar days after the alleged violation to:

Rachel Chipman, Accessibility Compliance Coordinator
Traffic Engineering Department
Ada County Highway District
3775 Adams Street
Garden City, ID 83714
Phone: (208) 387-6301
Fax: (208) 387-6391
Email: rchipman@achdidaho.org
TTY: (800)-377-3529

Within 10 calendar days after receipt of the complaint, Rachel Chipman or her designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, Rachel Chipman or her designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, braille, or audio recording. The response will explain the position of the Ada County Highway District and offer options for substantive resolution of the complaint.

If the response by Rachel Chipman or her designee does not satisfactorily resolve the issue, the complainant and/or their designee may appeal the decision within 10 calendar days after receipt of the response to the ACHD Director or their designee.

Within 15 calendar days after receipt of the appeal, the ACHD Director or their designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the ACHD Director or their designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by Rachel Chipman or her designee, appeals to the ACHD Director or their designee, and responses from these two offices will be retained by the Ada County Highway District for at least three years.

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5.0 Definitions

The following is a summary of many definitions found in this document and within the ADA. Please refer to the Americans with Disabilities Act for the full text of definitions and explanations.⁵⁸

Accessible. A site, building, facility, or portion thereof is deemed accessible when it is approachable and usable by persons with disabilities in compliance with technical standards adopted by the relevant Administrative Authority.

Administrative Authority. A governmental agency that adopts or enforces regulations and guidelines for the design, construction, or alteration of buildings and facilities.

ADA Coordinator. The individual responsible for coordinating the efforts of the government entity to comply with title II and investigating any complaints that the entity has violated title II. Also known as *Accessibility Compliance Coordinator, Disability Access Manager* or *Accessibility Manager*.

Alteration in the Public Right-of-Way. A change to an existing facility that affects or could affect pedestrian access, circulation, or use. Alterations include, but are not limited to, resurfacing, rehabilitation, reconstruction, historic restoration, or changes or rearrangement of structural parts or elements of a facility.

Auxiliary Aids and Services. Refers to ways to communicate with people who have communication disabilities such as blindness, vision loss, deafness, hearing loss, a combination of vision and hearing loss, or speech or language disorders. The key to deciding what aid or service is needed to communicate effectively with people with disabilities and their companions is to consider the nature, length, complexity, and context of the communication as well as the person's typical method(s) of communication. Auxiliary aids and services include the use of interpreters, notetakers, readers, assistive listening systems, captioning, and TTYs, or the provision of alternate formats such as braille, ASCII text, large print, recorded audio, and electronic formats like CDs and DVDs.

Blended Transition. Raised pedestrian street crossings, depressed corners, or similar connections between the pedestrian access route at the level of the sidewalk and the level of the pedestrian street crossing, which have a grade of five percent or less.

⁵⁸ DOJ, Title II Regulations Subpart A § 35.104 Definitions

Clear Ground Space. The minimum unobstructed ground space required to accommodate a single, stationary wheelchair and occupant. Clear ground space provides a location for a wheelchair user to approach and make use of an element.

Complaint. A complaint is a claimed violation of the ADA.

Cross Slope. The grade that is perpendicular to the direction of pedestrian travel. On a sidewalk, cross slope is measured perpendicular to the curb line or edge of the street or highway.

Curb Line. A line at the face of the curb that marks the transition between the curb and the gutter, street, or highway.

Curb Ramp. A ramp that cuts through or is built up to the curb. Curb ramps can be perpendicular or parallel, or a combination of parallel and perpendicular ramps.

Disability. The term 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; or
- A record of such impairment; or
- Being regarded as having a disability or such impairment.

Discrimination on the Basis of Disability.⁵⁹ 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 modifications to known physical or mental limitations of an otherwise qualified individual with a disability unless it can be shown that the modification would impose an undue burden on the entity's operations;

⁵⁹ DOJ, Title II Regulations Subpart B § 35.130 General prohibitions against discrimination

- 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.

Effective Communication. Communication with people who have vision, hearing, and/or speech disabilities that is equally effective as communication with people without disabilities.

Element. An architectural or mechanical component of a building, facility, space, site, or public right-of-way.

Facility. All or any portion of buildings, structures, improvements, elements, and pedestrian or vehicular routes located in the public right-of-way.

Fundamental Alteration. A modification that is so significant that it alters the essential nature of the goods, services, facilities, privileges, advantages, or accommodations offered. If a public entity can demonstrate that the modification would fundamentally alter the nature of its service, program, or activity, it is not required to make the modification. If a public entity can demonstrate that a modification would fundamentally alter the nature of the goods, services, facilities, privileges, advantages, or accommodations it provides, it is not required to make the modification.

Grade. The degree of inclination of a surface. See Slope. In public right-of-way, grade is the slope parallel to the direction of pedestrian travel.

Grade Break. The line where two surface planes with different grades meet.

Having a 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.

International Symbol of Accessibility (ISA). The ISA is recognized worldwide as a symbol identifying accessible elements and spaces. Standards issued under the ADA and ABA reference and reproduce the ISA to ensure consistency in the designation of accessible elements and spaces. Uniform iconography promotes legibility, especially for people with low vision or cognitive disabilities.

Maintenance. Routine or periodic repair of all pedestrian facilities to restore them to the standards to which they were originally designed and built. Maintenance does not change the original purpose, intent, or design of public sidewalks, shared-use paths, curb ramps, crosswalks, pedestrian islands, or other public walkways.

Operable Part. A component of an element used to insert or withdraw objects, or to activate, deactivate, or adjust the element. The technical requirements for operable parts apply to operable parts on accessible pedestrian signals and pedestrian pushbuttons, and parking meters and parking pay stations that serve accessible parking spaces.

Other Power-Driven Mobility Device (OPDMD). Any mobility device powered by batteries, fuel, or other engines that is used by individuals with mobility disabilities for locomotion and designed to operate in areas without defined pedestrian routes.

Path of Travel. A path of travel is a continuous, unobstructed way of pedestrian passage by means of which a newly constructed or altered area may be approached, entered and exited and which connects an area with an exterior approach (including sidewalks, streets, and parking areas), an entrance to the facility, and other parts of a facility. An accessible path of travel may consist of walks and sidewalks, curb ramps and other interior or exterior pedestrian ramps; clear floor paths through lobbies, corridors, rooms, and other improved areas; parking access aisles; elevators and lifts; or a combination of these elements. Within the context of alterations, path of travel also includes restrooms, telephones, and drinking fountains serving the altered area.

Pedestrian Access Route. A continuous and unobstructed path of travel provided for pedestrians with disabilities within or coinciding with a pedestrian circulation path in the public right-of-way.

Pedestrian Circulation Path. A prepared exterior or interior surface provided for pedestrian travel in the public right-of-way.

Physical or Mental Impairments.⁶⁰ 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 neuromotor disabilities; learning disabilities; diabetes; heart disease; nervous conditions; cancer; asthma; Hepatitis B; HIV infection (HIV condition); 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;

⁶⁰ 28 CFR Appendix B, Test C Being regarded as having such an impairment

poverty; lack of education; a prison record; and poor judgment or quick temper, if not symptoms of a mental or physiological disorder.

Practicable. Capable of being put into practice or being accomplished within the context of the facility and within the limits of the applicable ABA *Conditions for Exception, 1019*. Feasible.

Primary Function. A major activity for which a facility is intended. Areas that contain a primary function include, but are not limited to, the dining area of a cafeteria, the meeting rooms in a conference center, as well as offices and other work areas in which the activities of the public entity using a facility are carried out.

Program Accessibility. A public entity's services, programs, or activities, when viewed in their entirety, must be readily accessible to and usable by individuals with disabilities.

Public Entity. Any state or local government; any department, agency, special-purpose district, or other instrumentality of a state or local government.

Public Right-of-Way. Public land or property, usually in interconnected corridors, that is acquired for or dedicated to transportation purposes.

Qualified Historic Facility. A facility that is listed in or eligible for listing in the National Register of Historic Places, or designated as historic under an appropriate state or local law.

Qualified Individual with a Disability. A 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 entity.

Reasonable Modification.⁶¹ A public entity must modify its policies, practice, or procedures to avoid discrimination unless the modification would fundamentally alter the nature of its service, program, or activity.

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 exists.

Running Slope. The grade that is parallel to the direction of pedestrian travel.

⁶¹ DOJ, Title II Regulations Subpart B § 35.130 General prohibitions against discrimination

Scoping. Requirements that specify what features are required to be accessible, and, where multiple features of the same type are provided, how many of the features are required to be accessible.

Service Animal. Service animals are dogs (and in certain circumstances, miniature horses) that are individually trained to perform tasks for people with disabilities. Examples of such work or tasks include guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and protecting a person who is having a seizure, reminding a person with mental illness to take prescribed medications, calming a person with Post-Traumatic Stress Disorder (PTSD) during an anxiety attack, or performing other duties. Service animals are working animals, not pets. The work or task a dog has been trained to provide must be directly related to the person's disability. Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA. Guidance on the use of the term *service animal* in the 2010 Standards is published online at https://www.ada.gov/service_animals_2010.htm.

Title II regulations now include assessment factors to assist public entities in determining whether miniature horses can be accommodated as service animals in their facilities:

- Whether the miniature horse is housebroken;
- Whether the miniature horse is under the owner's control;
- Whether the facility can accommodate the miniature horse's type, size, and weight; and
- Whether the miniature horse's presence will compromise legitimate safety requirements necessary for safe operation of the facility.

Slope. Ground surface that forms a natural or artificial incline. Slope is typically conveyed as either a percentage or a ratio that represent the change in elevation between two points of an incline divided by the horizontal distance between the two points.

- **Cross Slope:** The slope that is perpendicular to the direction of travel.
- **Running Slope:** The slope that is parallel to the direction of travel.

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 other people.

Major life activities are functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

In determining whether 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.

Technical Standards. Specify the design criteria for accessible features, including the specific numbers, conditions, and measurements that are required.

Technically Infeasible. With respect to an alteration of a building or a facility, something that has little likelihood of being accomplished because existing structural conditions would require removing or altering a load-bearing member that is an essential part of the structural frame; or because other existing physical or site constraints prohibit modification or addition of elements, spaces, or features that are in full and strict compliance with the minimum requirements.

Vertical Surface Discontinuities. Vertical differences in level between two adjacent surfaces.

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