

Americans with Disabilities Act (ADA)
Self-Evaluation and Transition Plan Update

CITY OF CAÑON CITY



PREPARED BY:
TED DELL, ADA COORDINATOR
CITY OF CAÑON CITY
128 MAIN STREET
CAÑON CITY, CO 81212

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Introduction

The Americans with Disabilities Act (ADA, as amended) is a civil rights law that mandates equal opportunity for individuals with disabilities. The ADA prohibits discrimination in access to jobs (Title I), government services and public transportation (Title II), public accommodations (Title III), and telecommunications (Title IV). The City of Cañon City has undertaken a comprehensive re-evaluation of its policies, programs, and facilities to determine the extent to which individuals with disabilities may be restricted in access to City services, activities, and facilities.

The City of Cañon City is dedicated to ensure that no qualified person with a disability be excluded from participating in, or denied the benefits of, the programs, services, and activities provided by the City based on a disability. City employees are expected to be aware of and respectful of various types of disabilities individuals may have. In 1993 the City of Cañon City developed its original ADA Self-Evaluation and Transition Plan. A previous plan update was completed in 2000. This update describes the process developed to complete the re-evaluation of Cañon City's activities, provides policy and program recommendations and presents a Transition Plan Update for the modification of facilities, public rights-of-way and programs to ensure accessibility.

Transition Plan

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

In order to be effective, the Transition Plan needs to be utilized in yearly planning of projects and funding decisions, and also needs to be periodically reviewed for compliance and validity. It should be noted that the suggested remedies noted within this document are subject to further investigation and should not be binding. It is important the deficiencies be addressed in such a manner that the end result is compliance. The Transition Plan should be viewed as a "living document" and updated regularly to reflect changes in real world conditions and to address any possible new areas of noncompliance. Changes to site conditions can create new access problems that were not evident when the plan was drafted. Regular updates to the plan will also result in monitoring compliance and the effectiveness of priorities set in the Plan itself. Over time, as City programs and facilities are expanded and/or altered by needs of the citizens, this will be expanded upon to ensure accessibility to programs and facilities within the City.

Items listed in this document are to be used as a starting point for planning. Identified departments will be tasked with making corrections to deficiencies. The City has many resources available to interpret these regulations and it is expected that they are utilized. The City desires to make the most effective repair as efficiently as possible. The timeframes outlined in this document are not final and are subject to adjustment based on funding and complexity of the project. It should also be noted that there are undoubtedly more options to meeting compliance than those presented. Further investigation might reveal a more practical solution to the problem. Again, utilization of resources, internal and external to the City, will be most valuable.

ADA Coordinator

The City must designate at least one responsible employee to coordinate ADA compliance. The benefits of having an ADA Coordinator are that:

- It makes it easier for members of the public to identify someone to help them with questions and concerns about disability discrimination,
- It provides a single source of information so questions by the City staff and from outside the City can be answered quickly and consistently, and
- It provides an individual who can focus on and who can be instrumental in moving compliance plans forward.

The person who is appointed to this position must be familiar with the City's operation, trained in the requirements of the ADA and other laws pertaining to discrimination, and able to deal effectively with local governments, advocacy groups, and the public. It is assumed that the coordinator is given sufficient time free of other responsibilities to carry out the Coordinator's functions.

Public Participation

The opportunity for the disabled community and other interested parties to participate in developing the Transition Plan is an integral part of the process. The City of Cañon City held an initial public meeting in November 2010 to lay the ground rules for the creation of this plan. In addition, there was a public meeting for review and comment on this document in July 2011 followed by a 30 day comment period. Ongoing public input will be achieved by direct communication with the ADA Coordinator through contact information obtained through various means of communication.

Standards, Specifications, and Design Details

The Architectural and Transportation Barrier Compliance Board (alternatively called the Access Board) has developed accessibility guidelines for pedestrian facilities in the public right-of-way. The Federal Highway Administration has recognized these as its currently recommended best practices. The City incorporates these accessibility guidelines into their own system of standards, specifications, and design details with modifications to meet local conditions. Development of design standards and design details within the City allows for consistency in the application of ADA requirements for new facilities.

Notice and Grievance Procedure:

(ADA Coordinator, City Attorney)

1. The City will adopt the attached Notice ([Attachment A](#)); distribute it to all department heads; publish the Notice in a local newspaper of general circulation serving the City; post the Notice on its Internet Home Page; and post copies in conspicuous locations in its public buildings. It will refresh the posted copies, and update the contact information contained on the Notice, as necessary. Copies will also be provided to any person upon request.
2. The City will adopt the attached ADA Grievance Procedure ([Attachment B](#)), distribute it to all department heads, and post copies of it in conspicuous locations in each of its public buildings. It will refresh the posted copies, and update the contact information contained on it, as necessary. Copies will also be provided to any person upon request.

General Effective Communication Provisions:

(ADA Coordinator, City Administrator, Human Resources)

3. Within twelve months (12) of approval of this document, the City will identify sources of qualified sign language and oral interpreters, real-time transcription services, and vendors that can put documents in Braille, and will develop a written procedure, with time frames, for fulfilling requests from the public for sign language or oral interpreters, real-time transcription services, and documents in alternate formats (Braille, large print, cassette tapes, accessible electronic format (e.g., HTML), etc.).
4. The City will take steps to ensure that all appropriate employees are trained and practiced in using the Colorado Relay System to make and receive calls.
5. Within 24 months of approval of this document, the City will evaluate means of communication regarding public meetings and broadcasts of public meetings to insure that appropriate auxiliary aids are available. The City will then create and implement a plan to ensure appropriate auxiliary aids and services are being provided.

General Effective Communication Provisions 9-1-1:

(ADA Coordinator, Police Chief)

6. 9-1-1 System: Within twelve months (12) of approval of this document, the City will ensure that :
 - Each 9-1-1 call station is equipped with a TTY or computer equivalent
 - Review and/or develop procedures for answering 9-1-1 calls that include training all call takers to use a TTY to take 9-1-1 calls, to recognize a “silent” open line as a potential TTY call and respond by TTY, and to ensure that TTY calls are answered as quickly and accurately as other calls received.

LAW ENFORCEMENT AND EFFECTIVE COMMUNICATION

(ADA Coordinator, City Administrator, Police Chief, City Attorney Human Resources)

7. Within twelve months (12) of approval of this document, the City will adapt for its own use and implement a "Police Department Policy Statement on Effective Communication with People Who are Deaf or Hard of Hearing" ([Attachment C](#)) and distribute to all police officers the "Guide for Law Enforcement Officers When in Contact with People Who are Deaf or Hard of Hearing" ([Attachment D](#)).
8. Within nine months (9) of the effective date of approval of this document, the City will contract with one or more local qualified oral/sign language interpreter agencies to ensure that the interpreting services will be available on a priority basis, twenty-four (24) hours per day, seven days (7) a week, to its police department or make other appropriate arrangements (such as contracting directly with or hiring qualified interpreters).
9. Within nine months (9) of approval of this document, the City will ensure that each police department is equipped with a working TTY to enable persons who are deaf, hard of hearing, or who have speech impairments to make outgoing telephone calls. Where inmate telephone calls are time-limited, the City will adopt policies permitting inmates who use TTY's a longer period of time to make those calls, due to the slower nature of TTY communications compared with voice

EMPLOYMENT

(Human Resources, City Administrator)

10. Within twenty-four months (24) of approval of this document, the City will review its employment policies, and amend as necessary, for compliance with the regulations of the U.S. Equal Employment Opportunity Commission implementing title I of the Americans with Disabilities Act of 1990, codified at 29 C.F.R. Part 1630. At minimum, those policies will provide that the City:
 - Will not discriminate on the basis of disability in its hiring or employment practices;
 - Will not ask a job applicant about the existence, nature, or severity of a disability.
 - Applicants may be asked about their ability to perform specific job functions. Medical examinations or inquiries may be made, but only after a conditional offer of employment is made and only if required of all applicants for the position; will make reasonable accommodations for the known physical or mental limitations of a qualified applicant or employee with a disability upon request unless the accommodation would cause an undue hardship on the operation of the City's business. If an applicant or an employee requests a reasonable accommodation and the individual's disability and need for the accommodation are not readily apparent or otherwise known, the City may ask the individual for information necessary to determine if the individual has a disability-related need for the accommodation;

- Will maintain any employee's medical records separate from personnel files and keep them confidential; and
- Will make an individualized assessment of whether a qualified individual with a disability meets selection criteria for employment decisions. To the extent the City's selection criteria have the effect of disqualifying an individual because of disability; those criteria will be job-related and consistent with business necessity.

POLLING PLACES

(ADA Coordinator, City Clerk)

11. Within twenty-four (24) months of the approval of this document:

- Using the survey instrument ([Attachment E](#)), the City will survey all polling places to identify barriers to access by people with disabilities in the parking, exterior route to the entrance, entrance, interior route to the voting area, and voting area. For each such polling place, the City will then either (1) ensure that all barriers to access by people with disabilities have been removed or (2) identify an alternate polling place with no barriers to access by people with disabilities. The City will ensure that barriers at each polling place are either removed or a substitute accessible polling place is in operation before the next election occurring more than 30 months after the approval of this document.
- The City will survey its voter registration locations for accessibility to persons with disabilities by using the form provided at ([Attachment E](#)). If barriers to access are identified, the City will implement a plan to provide program access, which may include allowing persons to register to vote through alternative means or at alternative locations and make all voter registration materials available in alternate formats, including Braille, large print, audio tape, and accessible electronic format (*e.g.*, HTML).
- The City will provide opportunities for same-day balloting for voters with disabilities whose assigned polling place do not have accessible parking, exterior route to entrance, entrance, interior route to the voting area, and voting area. The method for providing these opportunities may include allowing the individual to vote at another nearby location that is accessible, allowing individuals with disabilities to vote by an absentee ballot that is accepted if postmarked on the day of the election (or picked up by election officials at the home of the voter on the same day as the election), providing curbside voting at the inaccessible polling place, or any other method that ensures that voters with disabilities have the same degree of information available to them when casting their ballots as others. If curbside assistance is provided and a polling place official is not stationed outside to provide assistance to people with disabilities in curbside voting, it must include a reliable, effective mechanism by which individuals with disabilities can summon election officials to provide curbside assistance without leaving their vehicles and ensure prompt response and assistance with curbside voting from polling officials.

12. Within the month prior to the next election that utilizes the City’s polling places, the City will train poll workers on the rights of people with disabilities and the practical aspects of assuring those rights. The training will cover, at minimum, the need to maintain the physical accessibility of polling locations; how to assist people with disabilities, as necessary; and how to operate any non-standard voting equipment or accessible features of standard equipment (particularly new, accessible equipment).

WEB-BASED SERVICES AND PROGRAMS

(ADA Coordinator, IT Department, City Clerk)

13. Within nine months (9) of the approval of this document, and on an annually basis thereafter, the City will distribute to all persons – employees and contractors – who design, develop, maintain, or otherwise have responsibility for content and format of its website(s) or third party websites used by the City the technical assistance document, “Accessibility of State and Local Government Websites to People with Disabilities,” which is ([Attachment F](#)) to this Agreement (it is also available at www.ada.gov/websites2.htm).

14. Within nine months (9) of the approval of this document , the City will do the following:

- Establish, implement, and post online a policy that its web pages will be accessible and create a process for implementation;
- Ensure that all new and modified web pages and content are accessible;
- Develop and implement a plan for making existing web content more accessible;
- Provide a way for online visitors to request accessible information or services by posting a telephone number or e-mail address on its home page;
- Periodically enlist people with disabilities to test its pages for ease of use; and
- Integrate a page in to the City’s website that contains information useful to employees and the public in regards to accessibility. The information will be a resource to be used by any City employees that have a request for service. The page will contain, at a minimum;
 - ADA Coordinator contact info
 - Notice and Grievance Procedure
 - Contact information for communication aids (Relay Service, interpreters, transcription services, etc)
 - City policy regarding prioritization of replacement of sidewalks, curb ramps, and other facilities in the right-of-way.

- Request forms, complaint forms, and other documents needed to maintain compliance.

NEW CONSTRUCTION, ALTERATIONS, AND PHYSICAL CHANGES TO FACILITIES

(All City Departments Undertaking Physical Changes to Facilities)

15. The City will ensure that all buildings and facilities constructed by or on behalf of the City, and any alterations made to City facilities, are constructed in full compliance with the requirements of 28 C.F.R. § 3
 - From September 15, 2010, to March 15, 2012, State and local governments (public entities) have the option of choosing to follow the 1991 Standards, the UFAS, or the 2010 Standards when making architectural changes to provide program access. The elevator exception in the 1991 Standards may not be used.
 - On or after March 15, 2012, public entities must comply with the 2010 Standards in making architectural changes to achieve program accessibility and for all new construction and alterations.
16. The City will make modifications to physical features of City owned buildings and facilities found to be non-compliant; see [Attachment G](#). The matrix describes the type of deficiency, proposed remedy, approximate cost, and approximate date of completion for each City owned property. This survey was completed by using the 1991 ADA standards. The effective date of Title II of the ADA is January 26, 1992. Facilities built prior to this date were required to be modified in a timely manner to provide accessibility. Facilities constructed or modified after this date are required to be in full compliance with the 1991 ADA regulations. However, any new construction or modifications commencing on or after March 15, 2012 will have to meet the requirements of the 2010 ADA Standards. Items listed within the “Planned Remedy” column of the matrix would bring noted deficiencies into compliance with the 1991 Standards. Elements that are compliant with the 1991 Standards will **not** automatically have to be updated to the 2010 Standards.
17. The City currently requires accessibility to be addressed when a building permit is issued for a structure. The City of Cañon City’s Building Department has adopted as it’s building code the *2006 International Building Code* (amended; see Municipal Code) and consequently adopts, by reference, the *ICC/ANSI A117.1 Accessibility Standards*. This building code, along with City of Cañon City’s Municipal Code, is the basis for determining when a proposed project will be required to meet the current accessibility standards. The Building Department is responsible for plan review and inspection of facilities constructed under the building permit system. Within twenty-four (24) months of the adoption of this document, the City will review it’s adopted building codes and policies to ensure that compliance with updated regulations.

PARKS AND OUTDOOR SPACES
(ADA Coordinator, Parks Director, City Engineer)

18. The City will continue to be proactive in assessing the accessibility of outdoor spaces. Outdoor spaces will include, but not be limited to, parks, trails, and mountain parks owned by the City. Previously there have been few requirements pertaining to specific features of the types of facilities. Existing regulations did not address specific elements. Compliance had to be inferred by applying pertinent sections of the Standards to specific elements (stair and handrail requirements, for example). The 2010 ADA Standards now address these types of facilities in a more specific manner. Combined with guidance produced by the Access Board and Federal Highway Administration (FHWA), outdoor spaces will become more accessible as the regulations and guidance are used to guide replacement of older features located within these facilities as well as designing new features as parks and trails are expanded.

19. The mountain parks present unique situations that are difficult to address. These facilities should be accessible while preserving the unique nature of the mountainous areas. A previous effort has been attempted to provide accessible restrooms and other features at these sites. The restrooms have been constructed with accessibility in mind. However, they are not 100 percent compliant. Instead of addressing each element within the park individually, it is necessary to evaluate the park as a whole. The most practical solution to bringing the mountain parks into compliance is to identify the site within each park that would benefit the most from reconstruction. Reconstruction should include new restrooms, shelter, and amenities. By constructing a truly compliant site within each park, and distinguishing it from others by signage, the park, as a whole would then become compliant. It should be noted that by creating a compliant site does not relieve the burden of maintaining and improving accessibility at established features. Within twenty four (24) months of adoption of this document, the City will develop a written policy pertaining to maintenance schedule with regards to road and ground surface maintenance as well as general park maintenance.

RIGHT-OF-WAY IMPROVEMNETS

(ADA Coordinator, City Engineer)

20. Within twelve(12) months from the approval of this document, the City's Engineering Department will:

- Develop, through the use of GIS and CAD technology, a map of the City depicting accessible ramps. The map will identify existing, compliant ramps as well as sites that either have non-compliant ramps or non-existing ramps. The map will also depict travel corridors as identified in the *City of Cañon City's Major Thoroughfare Plan* and location of civic centers. This tool will be posted on the proposed accessibility web page for viewing by City personnel as well as the public. This map will be periodically updated to reflect completed improvements or other changes and updates.
- Review its current policies and procedures regarding construction in the right-of- way and make changes as necessary. The review will include, but not be limited to: Standard Construction Specifications, Sidewalk Replacement Program, Capital Improvement Projects, Miscellaneous Concrete Projects, etc.
- Implement a prioritization schedule as outlined in [Attachment H](#). The prioritization schedule will be posted to the City's proposed accessibility web page to be viewed by all visitors to web site. It is meant to be used as a tool in determining where monies should be spent and used as a guideline when planning future projects.

MISCELLANEOUS PROVISIONS

21. Within twelve (12) months of the approval of this document, the City will develop or procure a two-hour training program on the requirements of the ADA and appropriate ways of serving persons with disabilities. The City will use the ADA technical assistance materials developed by the Department of Justice and will consult with interested persons, including individuals with disabilities, in developing or procuring the ADA training program. The City will deliver its training program to all City employees who have direct contact with members of the public.
22. Before the next approval of any contracts with organizations or private companies that lease City owned property for their primary operations, a review of the contract should be conducted by the City Administrator and/or the City Attorney to assess the City's liability related to ADA title II.

References

- **FEDERAL HIGHWAY ADMINISTRATION OFFICE OF CIVIL RIGHTS** *QUESTIONS AND ANSWERS ABOUT ADA AND SECTION 504*, January 2008 http://www.fhwa.dot.gov/civilrights/ada_ga.htm
- **U.S. DEPARTMENT OF JUSTICE** *ADA BEST PRACTICES TOOLKIT FOR STATE AND LOCAL GOVERNMENTS* June 2008. <http://www.ada.gov/pcatoolkit/toolkitmain.htm> .
- **UNITED STATE DEPARTMENT OF JUSTICE**, *THE AMERICANS WITH DISABILITIES ACT, TITLE II TECHNICAL ASSISTANCE MANUAL, COVERING STATE AND LOCAL GOVERNMENT PROGRAMS AND SERVICES*, November 1993. <http://www.ada.gov/taman2.html>
- **PUBLIC RIGHTS-OF-WAY ACCESS ADVISORY COMMITTEE** and ITE Publication Special Report: *ACCESSIBLE PUBLIC RIGHTS-OF-WAY, PLANNING AND DESIGNING FOR ALTERNATIONS*. <http://access-board.gov/prowac/alterations/guide.htm>
- **US ACCESS BOARD**, *REVISED GUIDELINES FOR ACCESSIBLE PUBLIC RIGHTS-OF-WAY*. November 2005. <http://www.access-board.gov/PROWAC/draft.htm>
- **FHWA** *DESIGNING SIDEWALKS AND TRAILS FOR ACCESS PART 2*. <http://www.fhwa.dot.gov/environment/sidewalk2> .
- **U.S. DEPARTMENT OF JUSTICE** *REVISED ADA REGULATIONS IMPLEMENTING TITLE II AND TITLE III*. <http://www.ada.gov/regs2010/ADAregs2010.htm>
- **U.S. DEPARTMENT OF JUSTICE** *2010 STANDARDS FOR ACCESSIBLE DESIGN* http://www.ada.gov/2010ADASTandards_index.htm
- **U.S. DEPARTMENT OF JUSTICE** *1991 ADA STANDARDS FOR ACCESSIBLE DESIGN* <http://www.ada.gov/stdspdf.htm>
- **UNITED STATES ACCESS BOARD** *DRAFT FINAL GUIDELINES FOR FEDERAL OUTDOOR DEVELOPED AREAS* <http://www.access-board.gov/outdoor/draft-final.htm>
- <http://www.ada.gov> and on the ADA technical assistance CD-ROM available without cost from the toll-free ADA Information Line at 1-800-514-0301 (voice) and 1-800-514-0383 (TTY).