

CITY OF BRENTWOOD TENNESSEE

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City of Brentwood

Americans with Disabilities Act (ADA)

Self-Evaluation and Transition Plan

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List of Abbreviations/Acronyms

- AA – Affirmative Action
- AASHTO – American Association of State Highway and Transportation Officials
- ABA – Architectural Barriers Act of 1968
- ADA – Americans with Disabilities Act of 1990
- ADAAG – Americans with Disabilities Act Accessibility Guidelines
- CDBG – Community Development Block Grant
- CFR – Code of Federal Regulations
- D.A.R.E. – Drug Abuse Resistance Education
- DOJ – U.S. Department of Justice
- DOT – U.S. Department of Transportation
- EEOC – Equal Employment Opportunity Commission
- EMS – Emergency Medical Services
- FHWA – U.S. DOT Federal Highway Administration FTA – U.S. DOT Federal Transit Administration
- G.E.D. – General Educational Development
- GIS – Geographic Information System
- ISA – International Symbol of Accessibility
- PDF – Portable Document Format
- PROWAG – Public Rights-of-Way Accessibility Guidelines
- RA – Rehabilitation Act of 1973
- ROW – Right-of-Way
- RTF – Rich Text Format
- SETP – Self-Evaluation and Transition Plan
- TBD - To Be Determined
- TDD – Telecommunications Devices for Deaf Persons
- TDOT – Tennessee Department of Transportation
- TTY – Teletypewriter
- UFAS – Uniform Federal Accessibility Standards

Executive Summary

The Americans with Disabilities Act (ADA) is a comprehensive Federal civil rights statute enacted in 1990. Comprised of five major parts, or “titles”, the ADA’s stated purpose was to provide a “clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities”. It is estimated by the U.S. Census Bureau that over 50 million U.S. residents have a disability, and over 50% of senior citizens age 65 or older have a disability. Title II requires that all public entities perform a self-evaluation, prepare a transition plan, make the transition plan available for three years, publish a notice of non-discrimination, designate an ADA Coordinator, and develop a formal complaint form and grievance procedure. The City of Brentwood has completed this self-evaluation of all City facilities inside and outside of the public right-of-way (ROW), programs, and procedures and prepared a Transition Plan that outlines the necessary steps to be fully compliant with the requirements of Title II of the ADA. The City will strive to ensure that all residents and visitors are able to access all services, programs, and activities and will promptly investigate any formal grievance filed according to the approved grievance procedures. Additionally, the City will include annual budgetary allotments to make required improvements that will eventually make the various facilities fully accessible, with emphasis given to the improvements that most impact the ability of persons with disabilities to access facilities or programs. Where access cannot be provided, alternate means to provide the same opportunities to persons with disabilities will be provided.

In performing this self-evaluation, all means of pedestrian traffic within the City’s Right of Way (ROW), including sidewalks, crosswalks, and curb ramps were evaluated and documented. Only areas open to the public were assessed at the following City facilities:

- Park Facilities (Multiple Facilities city-wide)
- Ravenswood Mansion
- Safety Center East (Public Accessible areas only)
- Service Center (Public Accessible areas only)
- Fire Station No. 2 (Public Accessible areas only)
- Cool Springs House
- City Hall (Public Accessible areas only)
- Public Library

Areas of these facilities open to the public generally include parking lots, walks, park amenities, and areas within buildings that are not restricted to employees. Some buildings or areas of certain buildings

have infrequent public access and were evaluated under the same guidelines. The decision to exclude areas of City facilities, or entire facilities, restricted to employees does not negate the need of the City to ensure full accessibility is provided to employees with disabilities, consistent with the requirements of Title I of the ADA.

In addition to City facilities, the self-evaluation reviewed existing City policies and procedures within each department. A survey questionnaire was distributed to each department, followed by interviews or other data gathering if needed to better understand the responses or the operation of each department. Key items reviewed within each department included ADA-specific training of employees, potential obstacles to accessibility and accommodation of persons with disabilities, review of publications produced by each department, and staff suggestions to help them accommodate persons with disabilities. Following this review, recommendations were made to improve accessibility of programs for each department. A copy of the survey responses is included in the Appendix C.

It is the goal of the City to make facilities for all services, programs and activities fully accessible within 10 years, however this will be largely dependent on several economic factors and any future changes to the ADA Accessibility Guidelines (ADAAG) or other unforeseen requirements. The City has committed to provide training for staff on the requirements of the ADA and make accommodations for employees with disabilities, many of which can be done without costly architectural renovations. The Transition Plan will be reviewed and updated periodically to ensure the City is fully compliant with ADAAG standards.

The results of the self-evaluation identified a number of barriers at City facilities, in and out of the right-of-way. The estimated cost to correct the deficiencies outside of the right-of-way is \$59,750. The total cost to correct the deficiencies noted within the right-of-way is \$1,777,000. The degree to which these barriers limited accessibility and their priority for corrective action was subjectively categorized as “high”, “medium”, or “low”. “High” priority included barriers that effectively prohibited access to a facility, present a safety hazard or are in an area of high pedestrian traffic.

All improvements were further categorized into ten one-year phasing programs to spread the cost for implementation out and address the most serious deficiencies at the most used areas of the city. The actual implementation schedule, budgeting, and prioritization is up to the administration and is likely to

be impacted by any complaints/grievances received, new regulations and requirements, and availability of funding.

1.0 Introduction and Overview

1.1 Introduction

The Americans with Disabilities Act of 1990 (ADA), enacted on July 26, 1990, is a Federal civil rights statute, under the jurisdiction of the United States Department of Justice (DOJ), which provides civil rights protection to qualified individuals with disabilities in the areas of employment, public accommodations, state and local government services, transportation, and telecommunications. The law states its purpose is “to provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities”. Similar protections are provided by Section 504 of the Rehabilitation Act of 1973. The ADA was signed into law by President George Bush on July 26, 1990, extending civil rights protections to individuals with physical or mental disabilities in the following areas:

1. Title I – Employment (all Title II employers and employers with 15 or more employees)
2. Title II – Public Services (state and local government including public school districts and public transportation)
3. Title III – Public Accommodations and Services operated by Private Entities
4. Title IV – Telecommunications
5. Title V – Miscellaneous

The City of Brentwood is classified as a “public entity” pursuant to Title II of the ADA. The City is also required to comply with Title I, which requires state and local government entities to practice nondiscrimination in all parts of the employment process. The DOJ is the lead agency that oversees the ADA.

1.2 Purpose

The Code of Federal Regulations (CFR) is the codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the Federal government. It is divided into 50 titles that represent broad areas subject to Federal regulation. Each volume of the CFR is updated once each calendar year and is issued on a quarterly basis.

Relative to the ADA, on July 26, 1990, the DOJ issued rules implementing Title II, which is codified at 28 CFR Part 35, which applies to the City of Brentwood. Title II requires state and local governments to make their programs and services accessible to persons with disabilities. This requirement extends not

only to physical access at government facilities, programs, and events, but also to policy changes that state and local governmental entities must make to ensure that all people with disabilities can take part in, and benefit from, the programs and services of state and local governments. The ADA regulations [ref. U.S. DOJ, 28 CFR Part 35, Subpart A, 35.105 and 35.150(a) and (d)] require state and local governments to conduct a self-evaluation of their programs and services to identify barriers to access. One of the fundamental reasons for performing the self-evaluation is to identify potential problems before they occur, so that discrimination complaints won't be necessary. By identifying the policies, programs, services, and activities that do not comply, the City can take action to remove those barriers to ensure that the City is not discriminating against individuals with disabilities. Title II of the ADA stipulates that the City is required to perform six administrative responsibilities:

1. Publicize the name and contact information of the designated ADA Coordinator responsible to oversee compliance [28 CFR 35.107 (a)]
2. Administer and write self-evaluation of the programmatic barriers in services offered by the local government [28 CFR 35.105]
3. Publicize and inform applicants, participants, and beneficiaries of the City's policy of nondiscrimination on the basis of disability related to City services, programs, and activities [28 CFR 35.106]
4. Establish a complaint/grievance procedure to respond to complaints of noncompliance from the public [28 CFR 35.107 (b)]
5. Develop a transition plan if structural changes are necessary for achieving program accessibility [28CFR 35.150 (a) and (d)]
6. Retain the self-evaluation and provide it for public inspection for three years [28 CFR35.105 (c)]

The City of Brentwood is committed to complying with the tenets of Title II of the ADA of 1990, and other Federal and state statutes and regulations intended to make City-owned and operated facilities, programs, services, and activities accessible to persons with disabilities. This ADA Self-Evaluation and Transition Plan (SETP) establishes a new benchmark for compliance with ADA and identifies a plan to remove barriers.

1.3 Transition Plan Overview

While the City of Brentwood has always strived to comply with the requirements of ADA and had many of the elements in place, in 2016, the City of Brentwood committed to completing a comprehensive Self Evaluation and Transition Plan (SETP) to identify and remove any barriers to individuals with disabilities. In order to prepare the SETP the following actions were conducted:

- Facility audit (interior and exterior)
- City ROW audit
- Self-evaluation of City programs, services and activities
- Designation of an ADA Coordinator
- Development of grievance procedures
- Public Input
- Prioritize facilities improvements for accessibility
- Develop written transition plan
- Adoption of the transition plan

Facility audits were performed only in those areas open to the public. Areas within City-owned facilities that are not accessible to the public must also be accessible for employees with disabilities. Accessibility in employee work areas will be assessed on a case-by-case basis based on the needs of the individual and nature of their disability. The City is committed to ensuring that all workspaces are accessible pursuant to the requirements of each job and making the necessary modifications when needed.

In addition, facilities within the public right-of-way (ROW) were inventoried. The City has a standing policy on improving sidewalks and curb ramps within the ROW to be ADA-compliant as part of Capital Improvement Program (CIP). Recommendations included in this plan are intended to serve as the transition plan and framework for corrective actions. All of the recommendations in this plan for structural or program related improvements are subject to review, revision, and approval of the City Board of Commissioners, as well as, appropriation of funding by the same Board in order to implement the improvements. This transition plan is an on-going, dynamic document that will need periodic review and updating. In particular, additional evaluations will be required when updates are made to the ADA or supporting statutes or when existing accessibility guidelines change, or new guidelines are established.

To maintain compliance, the City has several mechanisms in place to provide for an ongoing update of the transition plan:

- Designated ADA Coordinator is empowered with oversight responsibility.
- Implementation activities will be part of the City's annual CIP.
- Training of support staff.

1.4 Legislative Background & Frame Work

Significant precursory legislation to the ADA includes the Architectural Barriers Act of 1968 (ABA) and Section 504 of the Rehabilitation Act of 1973 (RA). Congress' first significant effort to address discrimination on the basis of disability was its enactment of the ABA, which provided that all buildings constructed, altered, leased, or financed by the U.S. Government shall be accessible to, and usable by, individuals with physical disabilities. Section 504 of the Rehabilitation Act states: "No otherwise qualified individual with a disability in the United States shall, solely by reason of his disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance or under any program or activity conducted by any Executive Agency". It also requires Federal agencies to provide accessible programs and facilities. The ADA was modeled on Section 504. The ADA applies to state and local government entities, public accommodations, public transportation, and commercial establishments. The key points of understanding for ADA are:

- The ADA is fundamentally civil rights legislation. This legislation protects the rights of people with disabilities in employment, transportation, public accommodation, and access to services offered to the public.
- The ADA addresses facility access and access to programs and services. Buildings are required to be accessible and the activities that are offered inside and outside those buildings also must be accessible.

The primary focus of this report is to assess the compliance of City of Brentwood facilities, programs, policies, services, and activities related to Title II of the ADA. Title II of the ADA was effective on January 26, 1992. Governmental entities must ensure effective communication, including the provision of

necessary auxiliary aids and services, so that individuals with disabilities can participate in civic functions. Public entities are not required to take actions that would result in undue financial and administrative burdens. However, they are required to make reasonable modifications to policies, practices, and procedures where necessary to avoid discrimination, unless they can demonstrate that doing so would fundamentally alter the nature of the service, program, or activity being provided. One important way to ensure that Title II's requirements are being met in cities of all sizes is through self-evaluation, which is required by the ADA regulations. Self-evaluation enables local governments to pinpoint the facilities, programs and services that must be modified or relocated to ensure that local governments are complying with Title II requirements of the ADA. A public entity that employs 50 or more employees must retain its self-evaluation for a minimum of three (3) years.

1.5 Facility Access versus Program Access

The ADA addresses two types of accessibility:

- Facility accessibility
- Program accessibility

Facility accessibility requires that a building or structure be physically accessible. Individuals with disabilities cannot be provided access to programs, services, and activities if a building is inaccessible. Program accessibility includes facility accessibility, but also means that a person with a qualified disability receives the same benefits from a program or service and has an equal opportunity to participate as any other participant. The ADA requires all City programs, but not all City buildings, to be accessible. There is some flexibility with regard to program accessibility. Not every building (or each part of every building) needs to be accessible. Structural modifications are required only when there is no alternative available for providing program access. The City is required to provide program access, which means that programs, services and activities when viewed in their entirety, are readily accessible to and usable by individuals with disabilities.

In accordance with Title II program accessibility requirements, the City is required to:

- Provide equal access to programs, services, and activities as provided to other members of the community. [28 CFR 35.130(a)-(b)(1) (vii)]
- Provide programs, services and activities in an integrated setting, unless separate or different measures are necessary to ensure equal opportunity. [28 CFR 35.130(b)(2); (d)]

- Absorb any costs necessary to ensure nondiscriminatory treatment, such as making modifications required to provide program accessibility or providing qualified interpreters. [28 CFR 35.130(f)]
- Allow a person with a disability to participate in a program, service or activity regardless of disability. [28 CFR 35.130(g)]
- Eliminate unnecessary eligibility standards or rules that deny individuals with disabilities an equal opportunity to enjoy programs, services or activities unless necessary for the provisions of the program, service or activity. [28 CFR 35.130(b)(8)]
- Modify policies, practices, or procedures that deny equal access to individuals with disabilities [28 CFR 35.130(b)(7)]
- Furnish auxiliary aids and services when necessary to ensure effective communication. [28 CFR 35.160(b)(1)-(2)]
- Provide appropriate signage and structural communication to inform and alert individuals with visual, mobility, and hearing disabilities. [28 CFR 35.163]
- Eliminate physical barriers to programs, services, and activities by remodeling existing facilities, constructing new facilities, or moving programs, services or activities to an accessible location. [28 CFR 35.150(b)(1)]
- Ensure that newly constructed or altered buildings and facilities are free of physical and communication barriers that restrict accessibility of people with disabilities. [28CFR 35.151]

1.6 Undue Burden

The City does not have to take any action that it can demonstrate would result in a fundamental alteration in the nature of a program or activity, would create a hazardous condition for other people, or would represent an undue financial and administrative burden. A fundamental alteration is a change to such a degree that the original program, service, or activity is no longer the same. The determination that an undue financial burden would result must be based on an evaluation of all resources available for use in a program. For example, if a barrier removal action is judged unduly burdensome, the City must consider other options for providing access that would ensure that individuals with disabilities receive the benefits and services of the program or activity.

1.7 ADA Self-Evaluation and Transition Plan Requirements

The purpose of this ADA SETP is to document the City's review of access to facilities, programs, services, and activities in order to determine if there are any discriminatory or potentially discriminatory

practices, policies, or procedures. In accordance with the Title II requirements for self-evaluation, the City:

1. Identified all of the public entity's programs, activities, and services. [28 CFR 35.105(a)]
2. Reviewed all the policies and practices that govern the administration of the City's programs, activities, and services. [28 CFR 35.105(a)] If structural changes are identified to provide program accessibility as part of the self-evaluation, the ADA identifies specific elements to be included in the transition plan. At a minimum, the elements of the transition plan are:
 1. A list of the physical barriers in the City's facilities that limit the accessibility of its programs, activities, or services to individuals with disabilities. [28 CFR 35.150 (d)(3)(i)]
 2. A detailed outline of the methods to be utilized to remove these barriers and make the facilities accessible. [28 CFR 35.150 (d)(3) (ii)]
 3. The schedule for taking the necessary steps to achieve compliance with Title II of the ADA. If the time period for achieving compliance is longer than one year, the plan should identify the interim steps that will be taken during each year of the transition period. [28 CFR 35.150 (d)(3)(iii)]
 4. The name of the official responsible for the plan's implementation. [28 CFR 35.150 (d)(3)(iv)]

1.8 Self-Evaluation and Transition Plan Process

A work plan and method to assess City-owned and operated facilities, programs, policies, services, and activities for compliance with the ADA was implemented. This work plan included:

1. Facility and Right-of-Way inspections (interior and exterior)
2. Departmental Review of City programs, services and activities
3. Designating an ADA Coordinator and Development of grievance procedures
4. Public Review and Comment
5. Prioritize facilities improvements for accessibility
6. Formally Adopt the SETP

1.9 Facility Audit

The audit process began with interior and exterior audits of buildings, facilities, and parks in those areas open to the public. This review identified physical and architectural barriers and provided recommendations to comply with Federal accessibility requirements. To aid inspectors in conducting

the audit, the city utilized a Checklist for Existing Facilities published by the Adaptive Environments Center, Inc.. The list of facilities that received an accessibility audit included:

- City Hall (Public Accessible areas only)
- Service Center (Public Accessible areas only)
- Safety Center East (Public Accessible areas only)
- Fire Station No. 2 (Public Accessible areas only)
- Park Facilities (Multiple Facilities city wide)
- Public Library
- Ravenswood Mansion
- Cool Springs House

Copies of the worksheets completed for each facility are included in Appendix B.

1.10 City of Brentwood Facilities

There are numerous facilities that provide services, programs, and activities throughout the city. These Facilities and the description of the departments or features housed within them are as follows:

City of Brentwood City Hall

City Hall houses multiple administrative functions including: City Manager, Finance, Technology, Planning & Codes, Human Resources, Community Relations, City Recorder and City Attorney. The building also serves as the headquarters for the Police and Fire Departments. City Hall is located at 5211 Maryland Way, Brentwood, Tennessee. City Hall also includes the Commission Chambers, where most public meetings are held as well as various other public meetings, voting during elections as well as City Court. It should be noted that at the time this document was prepared planning was underway to construct a new Police Headquarters building which will be designed to be fully ADA compliant.

Service Center

The Service Center houses the city's Public Works, Engineering, Parks and Recreation and the Water Services Departments. The facility also includes Fire Station No. 3, a salt storage building and various maintenance buildings. Only a small portion of the facilities are accessible to the public. The facility is located at 1750 General George Patton Drive in southern Brentwood.

Safety Center East

The Safety Center East is primarily a Fire Station (No. 4), but also includes a public meeting space and restrooms that are accessible to the public. The facility also includes Fire Department training areas and a second road salt storage facility. The Safety Center is located at 1300 Sunset Road in east Brentwood.

Fire Station No. 2

Fire Station No. 2 is strictly a standalone fire station. There is very limited public access. The facility is located at 1301 Wilson Pike.

Parks Facilities

Brentwood has numerous parks with varying amenities throughout the city. Each park was inspected individually with particular emphasis on parking areas and restroom facilities. Some of the parks are passive parks with few or no amenities. The parks inspected included:

- Smith Park – 1825 Wilson Pike
- Crockett Park – 1500 Volunteer Parkway
- River Park – 1100 Knox Valley Drive
- Owl Creek Park – 9751 Concord Road
- Powell Park – Corner of Virginia Way and Granny White Pike
- Granny White Park – 610 Granny White Pike
- Flagpole Park – 1560 Mallory Lane
- Wikle Park – 7043 Wikle Road East
- Deerwood Arboretum – 320 Deerwood Lane
- Primm Park – 8331 Moores Lane
- Tower Park – 949 Heritage Way
- Maryland Way Park – 5055 Maryland Way
- Concord Park – 1100 Knox Valley Drive

Public Library

The Brentwood library is our most popular public amenity. The library is open seven days a week and features many varied programs and activities. The library includes a children's area, teen area, meeting rooms, computer training room, restrooms, parking areas as well as the varied media offerings including books, video, public computer stations with internet access. The library is located at 8109 Concord Road and is situated within Concord Park.

Ravenswood Mansion

Ravenswood mansion is a renovated historic home primarily used as an event venue. The home was constructed in 1825 and was used as a residence until the early 2000's. The home was substantially renovated in 2013 and opened to the public in 2014. The home is situated within the confines of Marcella Vivrette Smith Park. When the home was renovated a handicap access as well as accessible restrooms and parking were added.

Cool Springs House

The Cool Springs House is a renovated historic home primarily used as an event venue. The home was originally built in the 1830's with several significant additions and renovations over the years. The City of Brentwood assumed ownership of the home in 1993 when it was moved to Crockett Park where it remains to this day. While the home is not fully ADA compliant, to make it so is not practical or desired. The city has added an ADA compliant ramp for access and works with clients that request accommodations to ensure the home can be enjoyed by all residents.

2.0 Definitions

The words, phrases and definitions summarized below are included in the ADA. Refer to the ADA 28 CFR 35.104 for full definitions. A list of common terms and definitions are included below.

2010 Standards: the 2010 ADA Standards for Accessible Design (ADAAG), which consist of the 2004 ADAAG and requirements contained in 35.151.

Access Board: an independent Federal agency devoted to accessibility for people with disabilities. The Access Board developed the accessibility guidelines for the ADA and provides technical assistance and training on these guidelines.

Accessible: refers to a site, facility, work environment, service, or program that is easy to approach, enter, operate, participate in, and/or use safely and with dignity by a person with a disability.

Affirmative Action (AA): a set of positive steps that employers use to promote equal employment opportunity and to eliminate discrimination. It includes expanded outreach, recruitment, mentoring, training, management development and other programs designed to help employers hire, retain and advance qualified workers from diverse backgrounds, including persons with disabilities. Affirmative action means inclusion, not exclusion. Affirmative action does not mean quotas and is not mandated by the ADA.

Americans with Disabilities Act (ADA): a comprehensive, Federal civil rights law that prohibits discrimination against people with disabilities in employment, state and local government programs and activities, public accommodations, transportation, and telecommunications.

ADA Accessibility Guidelines (ADAAG): scoping and technical requirements to be applied during the design, construction, and alteration of buildings and facilities covered by titles II and III of the ADA to the extent required by regulations issued by Federal agencies, including the DOJ and the Department of Transportation (DOT).

Auxiliary Aids and Services: under Titles II and III of the ADA, includes a wide range of services and devices that promote effective communication or allows access to goods and services. Examples of auxiliary aids and services for individuals who are deaf or hard of hearing include qualified interpreters, note takers, computer-aided transcription services, written materials, telephone handset amplifiers, assistive listening systems, telephones compatible with hearing aids, closed caption decoders, open and closed captioning, telecommunications devices for deaf persons (TDDs), videotext displays, and exchange of written notes. Examples for individuals with vision impairments include qualified readers, taped texts, audio recordings, Braille materials, large print materials, and assistance in locating items. Examples for individuals with speech impairments include TDDs, computer terminals, speech synthesizers, and communication boards.

Civil Rights Act of 1991: Federal law that capped compensatory and punitive damages under Title I of the ADA for intentional job discrimination. The law also amended the ADA's definition of an employee, adding "with respect to employment in a foreign country, such term includes an individual who is a citizen of the United States."

Complaint: a written statement, alleging violation of the ADA, which contains the complainant's name and address and describes the City's alleged discriminatory action in sufficient detail to inform them of

the nature and date of the alleged violation. It shall be signed by the complainant or by someone authorized to do so on his or her behalf. Complaints filed on behalf of classes or third parties shall describe or identify (by name, if possible) the alleged victims of discrimination.

Covered Entity: under the ADA, “covered entity” is an entity that must comply with the law. Under Title I, covered entities include employers, employment agencies, labor organizations, or joint labor-management committees. Under Title II, covered entities include state and local government instrumentalities, the National Railroad Passenger Corporation, and other commuter authorities, and public transportation systems. Under Title III, covered entities include public accommodations such as restaurants, hotels, grocery stores, retail stores, etc., as well as privately owned transportation systems.

Direct Threat: a significant risk to the health or safety of others that cannot be eliminated by reasonable accommodation.

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

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

Employer: a person engaged in an industry affecting commerce who has 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, and any agent of such person, except that, for two years following the effective date of this subchapter, an employer means a person engaged in an industry affecting commerce who has 25 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding year, and any agent of such person. Exceptions:

The term “employer” does not include the United States, a corporation wholly owned by the government of the United States, or an Indian tribe; or a bona fide private membership club (other than a labor organization) that is exempt from taxation under section 501(c) of Title 26 [the Internal Revenue Code of 1986].

Equal Employment Opportunity Commission (EEOC): the Federal agency charged with enforcing Title I of the ADA.

Essential Job Functions: the fundamental job duties of the employment position that the individual with a disability holds or desires. The term “essential functions” does not include marginal functions of the position.

Equal Employment Opportunity: an opportunity to attain the same level of performance or to enjoy equal benefits and privileges of employment as are available to an average similarly-situated employee without a disability.

Existing Facility: refers to buildings that were constructed before the ADA went into effect. A public building constructed before the effective date of Title III does not have to be fully accessible unless the removal of barriers, including structural ones, is readily achievable.

Historic Properties: those properties that are listed or eligible for listing in the National Register of Historic Places or properties designated as historic under State or local law.

Job Analysis: a formal process in which information about a specific job or occupation is collected and analyzed.

Job Description: a detailed summary, usually written, of the major components of a job. A typical job description consists of six major components: essential job functions, knowledge and critical skills, physical demands, environmental factors, the roles of the ADA and other Federal laws such as the Occupational Safety Health Act, and any explanatory information that may be necessary to clarify job duties or responsibilities.

Job Related and Consistent with Business Necses: standard used to determine whether a qualification standard or employment policy concerns an essential aspect of the job and is required to meet the needs of the business.

Light Duty: generally, “light duty” refers to temporary or permanent work that is physically or mentally less demanding than normal job duties. Some employers use the term “light duty” to mean simply excusing an employee from performing those job functions that s/he is unable to perform because of an impairment. “Light duty” also may consist of particular positions with duties that are less physically or mentally demanding created specifically for the purpose of providing alternative work for employees who are unable to perform some or all of their normal duties. Further, an employer may refer to any position that is sedentary or is less physically or mentally demanding as “light duty”. The term is often associated with workers compensation programs.

Major Life Activity: term used in the ADA definition of disability. It refers to activities that an average person can perform with little or no difficulty, such as walking, seeing, speaking, hearing, breathing, learning, performing manual tasks, caring for oneself, and working. These are examples only. Other activities such as sitting, standing, lifting, or reading are also major life activities.

Marginal Job Functions: functions that are not considered essential to a job. Employers must consider removing marginal job functions as an accommodation under the ADA, but do not have to remove essential functions as an accommodation.

Medical Examination: a procedure or test that seeks information about an individual’s physical or mental impairments or health. The following factors should be considered to determine whether a test (or procedure) is a medical examination: (1) whether the test is administered by a health care

professional; (2) whether the test is interpreted by a health care professional; (3) whether the test is designed to reveal an impairment or physical or mental health; (4) whether the test is invasive; (5) whether the test measures an employee's performance of a task or measures his/her physiological responses to performing the task ; (6) whether the test normally is given in a medical setting; and, (7) whether medical equipment is used. In many cases, a combination of factors will be relevant in determining whether a test or procedure is a medical examination. In other cases, one factor may be enough to determine that a test or procedure is medical.

Mitigating Measures: medical treatment or devices that lessen the effects of an impairment, such as medication, a prosthesis, or a hearing aid. When determining whether a person has a disability under the ADA, the effect of mitigating measures is to be considered.

Physical or Mental Impairment: a physical or mental limitation that may include, but are not limited to: vision, speech, and hearing impairment; 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: tranvestism, illegal drug use; homosexuality or bisexuality; compulsive gambling; kleptomania; pyromania; pedophilia; exhibitionism; voyeurism; pregnancy; height; weight; eye color; hair color; left-handedness; poverty; lack of education; a prison record; and poor judgment or quick temper if not symptoms of a mental or physiological disorder.

Public Accommodations: entities that must comply with Title III. The term includes facilities whose operations affect commerce and fall within at least one of the following 12 categories: places of lodging (e.g., inns, hotels, motels) (except for owner-occupied establishments renting fewer than six rooms); establishments serving food or drink (e.g., restaurants and bars); places of exhibition or entertainment (e.g., motion picture houses, theaters, concert halls, stadiums); places of public gathering (e.g., auditoriums, convention centers, lecture halls); sales or rental establishments (e.g., bakeries, grocery stores, hardware stores, shopping centers); service establishments (e.g., laundromats, dry-cleaners, banks, barber shops, beauty shops, travel services, shoe repair services, funeral parlors, gas stations, offices of accountants or lawyers, pharmacies, insurance offices, professional offices of health care providers, hospitals); public transportation terminals, depots, or stations (not including facilities relating to air transportation); places of public display or collection (e.g., museums, libraries, galleries); places of recreation (e.g., parks, zoos, amusement parks); places of education (e.g., nursery schools, elementary, secondary, undergraduate, or postgraduate private schools); social service center establishments (e.g., day care centers, senior citizen centers, homeless shelters, food banks, adoption agencies); and places of exercise or recreation (e.g., gymnasiums, health spas, bowling alleys, golf courses).

Public Entity: entities that must comply with Title II. The term is defined as: any state or local government; any department, agency, special purpose district, or other instrumentality of a state or local government; or certain commuter authorities as well as Amtrak. It does not include the Federal government.

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

Readily Achievable: easily accomplishable and able to be carried out without much difficulty or expense. In determining whether an action is readily achievable, factors to be considered include nature and cost of the action, overall financial resources and the effect on expenses and resources, legitimate safety requirements, impact on the operation of a site, and, if applicable, overall financial resources, size, and type of operation of any parent corporation or entity. Under Title III, public accommodations must remove barriers in existing facilities if it is readily achievable to do so.

Reasonable Accommodation: under Title I, a modification or adjustment to a job, the work environment, or the way things usually are done that enables a qualified individual with a disability to enjoy an equal employment opportunity. Reasonable accommodation is a key nondiscrimination requirement of the ADA.

Reasonable Program Modifications: if an individuals' disabilities prevent them from performing the essential functions of the program or activity, it is necessary to determine whether reasonable program modifications would enable these individuals to perform the essential functions of the program or activity. Reasonable program modification is any change in a program or activity, or in the way things are customarily done, that enables an individual with a disability to enjoy equal program opportunities. Accommodation means modifications or adjustments:

- To a registration or application process to enable an individual with a disability to be considered for the program or activity;
- To the program or activity environment in which the duties of a position are performed so that a person with a disability can perform the essential functions of the program or activity; and
- That enables individuals with disabilities to enjoy equally the benefits of the program or activity as other similarly situated individuals without disabilities enjoy.

Modification includes making existing facilities and equipment used by individuals readily accessible and usable by individuals with disabilities. Modification applies to known disabilities only. Modification is not required if it changes the essential nature of a program or activity for the person with a disability, it creates a hazardous situation, adjustments or modifications requested are primarily for the personal benefit of the individual with a disability, or it poses an undue burden on the City.

Record of an 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 an impairment. An example: a man, who is in line for a promotion, has a history of cancer treatment, although he is now free of cancer. He is not given the promotion because his bosses are worried that, if his cancer returns, he won't be able to do the job. He does not, at this point, meet the first part of the definition of disability because he does not have a physical or mental impairment that substantially limits one or more major life activities. However, based on his "record of" an impairment, he is being discriminated against.

Regarded as Having a Disability: an individual is disabled if he or she is treated or perceived as having an impairment that substantially limits major life activities, although no such impairment exists. An example: a woman applies for a job as a customer service representative at a department store. Her face is badly scarred from an automobile accident. The interviewer doesn't want to give her the job, in spite of her skills and experience, because he thinks customers will be uncomfortable looking at her. She is not substantially limited in any major life activity, but the interviewer is "regarding her as" if she has a disability.

Service Animal: any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition.

Substantial Limitation on 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. 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.
- Title V of the Rehabilitation Act of 1973: title of the law that prohibits discrimination on the basis of a disability by the Federal government, Federal contractors, by recipients of Federal financial assistance, and in Federally conducted programs and activities.
- Transition Plan: refers to a requirement that state and local governments employing 50 or more people develop plans detailing structural changes necessary to achieve facility and program accessibility.

Undue Burden: means significant difficulty or expense incurred in the provision of accommodation. Undue burden includes, but is not limited to, financial difficulty. Undue burden refers to any modification that would be unduly costly, extensive, substantial, or disruptive, or that would fundamentally alter the nature of operation of the business of the City. Whether a particular accommodation will impose an undue hardship is determined on a case-by-case basis. If a particular modification is determined to cause an undue burden to the City, the City shall attempt to identify another modification that would not pose such a burden. If cost causes the undue burden, the City must consider whether funding for the modification is available from an outside source. If no such funding is available, the City must give the person with a disability the opportunity to provide the modification or to pay for that portion of the modification that constitutes an undue burden.

Undue Hardship: with respect to the provision of an accommodation under Title I of the ADA, significant difficulty or expense incurred by a covered entity, when considered in light of certain factors. These factors include the nature and cost of the accommodation in relationship to the size, resources, nature,

and structure of the employer's operation. Where the facility making the accommodation is part of a larger entity, the structure and overall resources of the larger organization would be considered, as well as the financial and administrative relationship of the facility to the larger organization. Employers do not have to provide accommodations that cause an undue hardship.

Uniform Federal Accessibility Standards (UFAS): one of two standards that state and local governments can use to comply with Title II's accessibility requirement for new construction and alterations. The other standard is the ADA Accessibility Guidelines.

U.S. Department of Justice: Federal agency that is responsible for enforcing Titles II and III of the ADA.

U.S. Department of Transportation: Federal agency that enforces nondiscrimination in public and private transportation. Nondiscrimination includes access to public bus, train and paratransit, as well as privately operated bus and shuttle transportation. The ADA does not cover air transportation, which is subject to the Air Carrier Access Act.

3.0 Self-Evaluation of Policies, Services, Activities, & Programs - Findings & Recommendations

This segment of the self-evaluation plan summarizes a review of current City-wide policies, services, activities, and programs based on meetings with City staff and responses to the program accessibility questionnaire received from City departments. The findings and recommendations contained in this segment will provide the basis for the implementation of specific improvements for providing access to City programs.

3.1 Program Evaluation Departmental Questionnaire

The self-evaluation of the City's services, programs, and activities required and involved the participation of every City department. Brentwood evaluated its policies, procedures and programs to determine current levels of service and the extent to which its policies and programs created barriers to accessibility for persons with disabilities. The City distributed a questionnaire to all department heads as one measure to determine the level of ADA compliance (see Appendix C). This questionnaire requested department staff address the following:

1. Are you generally familiar with the intent of the Americans with Disabilities Act (ADA)?
2. Do you know who the City of Brentwood's designated ADA coordinator is?
3. The primary goal of ADA is to remove barriers that prevent persons with disabilities from accessing the city's programs or services, in thinking of the programs and services provided by your department are you aware of any obstacles to persons with disabilities?

(Information: While this city is not necessarily required to modify facilities to accommodate persons with disabilities, we are expected to provide "reasonable" accommodation. That could mean offering a service or program at an accessible location or having a staff member provide assistance to help that individual)

4. Are you aware that there is a "complaint/grievance" procedure persons with disabilities can use if they feel they are being discriminated against because of their disability? (see City's website)
5. Does your department conduct any special training relative to dealing with ADA compliance or persons with disabilities? If so, what kind of training is provided?
6. If requested, can your department provide documents or forms in an alternate format such as enlarged print, braille, or electronic versions?

7. Do all public notices about department sponsored meetings or hearings include instructions about how to request a special accommodation?
8. Does your department provide information about any of its services, programs or activities on the department's webpage?
9. Is your departmental website "accessible"?
10. Do you have ideas on how the city can be more accommodating of persons with disabilities?

All questionnaire responses are included in Appendix C.

3.2 Overall Findings – General Policies and Practices

The City's self-evaluation can be broken down into the following general categories:

- Public Information
- Designation of ADA Coordinator Grievance/ Uniform Complaint Procedures Public Meetings
- Accommodations to Access Programs, Services and Activities
- Special Events and Private Events on City Property
- Contracted Services and Contractors Customer Service, Satisfaction, and Input Equally Effective Communication Alternate Communication Formats
- Information and Signage
- Staff Training
- Emergency Evacuation Procedures
- Curb Ramps and Sidewalks
- Employment

Using the departmental responses to the questionnaires along with additional discussion and research, specific findings and recommendations were developed. The findings and recommendations for each category are summarized in the following sections.

3.3 Public Information

The City is required to notify the public of their rights and protections under the ADA (28 CFR35.106), which states: "A public entity shall make available to applicants, participants, beneficiaries, and other interested persons information regarding the provisions of this part and its applicability to the services, programs, or activities of the public entity, and make such information available to them in such manner

as the head of the entity finds necessary to apprise such persons of the protections against discrimination assured them by the Act and this part.” In addition, notices regarding ADA should be included in a number of other situations to inform the public of their rights and opportunities to ensure accessibility, including signage directing the public to accessible routes and entrances.

Self-Evaluation Findings:

A poster entitled “Equal Opportunity is the Law”, defining the requirements of Title VII, is posted in the in plain view within all of the City Buildings. Public notices, public meeting agendas, and other information published by the City have an ADA compliance statement included along with contact information if an accommodation is needed. The Employee Handbook for Brentwood includes the following statement on page 1 under the section entitled “Equal Opportunity and Non-Discrimination Policy”: The City shall neither cause nor permit discrimination because of race, color, religion, national origin, sex, disability or age. The City shall provide equal opportunity to all people and make every effort to employ those individuals who are best qualified and capable of filling authorized vacant positions. The City staff shall not practice prejudice, favoritism, discrimination or political considerations concerning fellow employees, citizens, vendors or visitors.

The city’s website includes an accessibility tab and subpage with information on how to file a complaint or request a special accommodation. The city website was recently reviewed for “accessibility” compliance. The City’s Human Resources webpage also includes a non-discrimination statement.

Signage directing visitors to City buildings along accessible routes is lacking and the International Symbol of Accessibility (ISA) is not present or in clear view at all accessible entrances.

Recommended Action:

Public notification should always identify a contact person for individuals with disabilities who may request program modifications, or information on how a hearing or speech impaired person could communicate by telephone. Increase outreach to persons with disabilities by finding additional methods and formats to provide information about meetings and other City activities. The City should inform the public of the possible modifications required to make its services, programs, and activities accessible by posting this document on the city’s website. Non-discrimination language should continue to be displayed in all city buildings and on the website.

It is recommended that an accessibility section be added to the City's Community Guide that provides contact information for individuals with disabilities. The City's Human Resources Department should have a list of qualified individuals to contract for services to provide information in alternate accessible formats when individuals request accommodation.

Signage directing visitors to City buildings should be placed along the accessible routes and the International Symbol of Accessibility (ISA) should be placed in clear view at all accessible entrances.

3.4 Designation of ADA Coordinator

The ADA regulations require any public entity with 50 or more employees to designate at least one employee to coordinate ADA compliance (28 CFR 35.107 (a)). Federal regulations require public entities to make available to interested persons the name, office address and telephone number of the ADA Coordinator. The ADA Coordinator's role is to plan, coordinate, organize, facilitate, and promote compliance efforts. The Coordinator responds to requests for accommodations or barrier removal. The Coordinator also receives and investigates complaints and grievances.

Self-Evaluation Findings:

The City of Brentwood has designated the Human Resources Director as the ADA Coordinator.

Recommendations:

Information regarding the identity of the ADA Coordinator should continue to be provided to staff, posted at all City locations, incorporated into employee handbooks, staff and public phone directories, placed in frequently used publications, and on the City website. The designated ADA Coordinator must be familiar with the requirements of ADA and get appropriate training to ensure compliance by the City. The City should continue to publish the name, address, e-mail address and phone number of City of Brentwood ADA Coordinator in appropriate public notices, agendas, and City publications frequently distributed to the general public.

3.5 Grievance/Uniform Complaint Procedures

A public entity that employs 50 or more employees must adopt and publish grievance procedures which provide for the prompt and equitable resolution of complaints alleging any action that would be prohibited by the ADA (28CFR 35.107 (b)).

Self-Evaluation Findings:

The City of Brentwood has a complaint procedure that provides for prompt resolution of complaints. The website provides contact information for the ADA Coordinator and provides a procedure to officially submit a grievance. The instructions include options for submitting the grievance via mail or in-person. The information also includes a means to submit a grievance via audio tape. A detailed review of the grievance process is provided in Section 5.0 of this document.

Recommendations:

Recommend the information be expanded to provide a direct email link to allow a grievance to be submitted via email more easily.

3.6 Public Meetings

Public meetings are routinely held by various City departments, boards, and commissions. The ADA prohibits public entities from excluding persons with disabilities from programs, services, or activities offered by a public entity. The law does allow a public entity to use both structural and nonstructural methods to achieve accessibility to programs, services, and activities (28 CFR 35.150 (a)(1); (b)(1)).

Self-Evaluation Findings:

The following boards/commissions are the most attended meetings and a full list of meetings open to the public is available on the City's website. They meet at various times on City business and all of them are considered open meetings that can be attended by anyone:

- City of Brentwood Board of Commissioners: Commission Chambers, City Hall Building
- Park Board: Annex Room, City Hall
- Emergency Communications: City Hall
- Planning Commission – Commission Chambers, City Hall
- Board of Zoning Appeals: Commission Chambers, City Hall

The City publishes notices and agendas which include a statement regarding how requests for accommodations for persons with disabilities can be made. Board of Commissioners and Planning Commission meetings are currently broadcast on local cable access channel 19 and as of this writing equipment is being installed to provide closed captioning on those broadcasts.

Recommendations:

The City should continue to schedule and hold public meetings in the most accessible locations whenever possible. The City should develop procedures for obtaining and providing auxiliary aids such as assistive listening systems, sign language interpreters, readers, descriptive services, and other assistive technologies. The city should be prepared to provide meeting agendas in alternative formats when requested.

3.7 Accommodations to Access Programs, Services, and Activities

The ADA prohibits public entities from excluding persons with disabilities from programs, services, or activities offered by a public entity. A public entity may not adopt policies that are discriminatory or engage in practices that are discriminatory. This prohibition applies to policies that are explicitly exclusionary and to those which appear to be neutral but have discriminatory effect. The law does allow a public entity to use both structural and nonstructural methods to achieve accessibility to programs, services, and activities (28 CFR 35.130 (b)(3); 35.150 (a)(1); (b)(1)).

Self-Evaluation Findings:

There is no evidence of intentional discriminatory practices, intentional exclusion of individuals with disabilities, or practices to segregate individuals with disabilities or limit access to City programs, services, or activities. Public meetings are held in locations that are thought to be accessible to persons with mobility impairments and there is no recollection of any previous complaints of issues. City staff stands ready to afford individuals with disabilities the opportunity to have equal access to programs, services, and activities.

Recommended Action:

Information directing the public how to request accommodations should appear on all public notices, announcements, agendas as well as the city's website. Provide information to participants in advance

so that informed requests for accommodation can be made. Front line staff such as administrative assistants, receptionists, and staff that has everyday contact with the public, should receive training on interacting and accommodating individuals with disabilities. Information and training should be provided on an ongoing basis. It is recommended that the “Notice” information provided in Section 8.0 of this document be added to the City’s website under the “Accessibility” tab. It is also recommended that under the “How do I.....” tab of the website a link to the Accessibility tab be established under the heading of “How do Irequest an accommodation”.

3.8 Special Events and Private Events on City Property

The City occasionally provides an opportunity for private organizations to utilize City facilities for special or private events. Contained within the ADA are two titles that pertain to public and private entities. Public entities are not subject to Title III of the ADA. Conversely, private entities are not subject to Title II. In many situations, however, public entities have close relationships with private entities that are covered by Title III (Public Accommodations), with the result that certain activities may be at least indirectly affected by both Titles. This is the case with certain special events or private organizations that may use City facilities.

Self-Evaluation Findings:

The City occasionally provides an opportunity for private organizations to utilize City facilities for special or private events. In most cases these are private events that are not open to the public. When leasing out a city owned facility the applicant is sent a questionnaire that includes a statement about whether any special ADA accommodations are needed. The City sponsors a number of special events in various City owned facilities, both indoors and outdoors. When the city sponsors events, there are special parking considerations made for persons with disabilities including a specially designated parking area. There are also accessible restroom facilities available.

Recommended Action:

The city should ensure that a proper notice is included on leases or other documents used for leasing out city owned facilities that provides notice of the right to an accommodation. The City should provide information during the application process to inform organizers of their responsibility for accessibility under the ADA if the event will be open to the public. The City should continue to ensure facilities used

for public events are ADA compliant and/or that proper notice is provided notifying the public of the right to an accommodation. In cases where the facility is historic and is not fully ADA compliant the applicant may be given the right to choose another facility or where possible a special accommodation.

3.9 Contracted Services and Contractors

Public entities cannot use contract procurement criteria that discriminates against persons with disabilities (28 CFR 35.130 (b)(5)). In addition, selected contractors should be held to the same nondiscrimination rules as the City.

Self-Evaluation Findings:

No discriminatory or exclusionary practices are evident in the selection of contractors and contracted services.

Recommended Action:

All City contracts should be reviewed to determine that they include specific, detailed ADA language to ensure that contractors comply with the ADA.

3.10 Public Input

ADA requires a public entity to provide an opportunity to interested persons and organizations to offer feedback and input to the SETP. For three years after completion of the self-evaluation, a public entity must maintain a record of any problems identified (28 CFR 35.105).

Self-Evaluation Findings:

Public notices were advertised in the local on-line newspaper and on the city's website in an effort to have public involved in the process. This document was placed on the City Commission's agenda which provides opportunity for public comment and input. Public input was solicited via several social media platforms and on the city's website. All public comments received are included as Appendix D.

Recommended Action:

Continue to maintain the SETP on the website and in hard copy form for inspection and review by the public as needed for at least three years.

3.11 Equally Effective Communication

ADA calls for public entities to provide applicants, participants, members of the public, and companions with disabilities with communication access that is equally effective as that provided to persons without disabilities (28 CFR 35.160(a)-(d)). The regulations also require that the public entity provide the appropriate auxiliary aids and services where necessary to give people with disabilities an equal opportunity to participate in, and enjoy the benefits of a service, program, or activity of a public entity. The law stipulates that the individuals can request the auxiliary aids and services of their choice and that the City will honor the request unless a suitable substitute exists or the request is not required under the law. In addition, the City may provide qualified interpreters via video from a remote location as long as it can meet the performance requirements of 28 CFR 35.160(d).

Auxiliary Aids and Services

Self-Evaluation Findings:

The City stands ready to provide written materials and publications in Braille and large print text if requested. The library does have materials available in large text formats and other departments can do so if requested. All City Commission and Planning Commission meetings are streamed on Channel 19 local cable networks and the videos are posted on the city's website for viewing within 24 hours of the meeting. If requested, auxiliary aids will be provided to allow individuals with disabilities to enjoy the city's services and programs.

Recommended Action:

The City should provide closed caption services to the channel 19 broadcast of public meetings and be prepared to provide minutes and agendas in alternative formats if requested. Additionally, the city should be prepared to provide auxiliary aids to individuals if requested.

Interpreter Services

Self-Evaluation Findings:

The city has not been asked for interpreter services but stands ready to do so if requested.

Recommended Action:

Interpreters should be provided upon request. The City should explore the viability of providing qualified sign interpreters from a remote location and transmitting the disabled participant's response to the interpreter in accordance with 28 CFR 35.160(d).

Telecommunications Devices for the Deaf

Self-Evaluation Findings:

Brentwood's dispatch is the PSAP (Public Safety Answering Point) for the City of Brentwood and is responsible for taking all 911 calls. They dispatch Police, Fire and notify other departments of needs during emergency and non-emergency situations. 911 Communications is fully staffed 24/7 with a system equipped to take TDD calls. The system will auto-detect, or if the call was not detected, the dispatcher can manually start the TDD call. The City's website provides information for TDD service as well as alternative language services. The dispatch center also uses Computer Aided Dispatch (CAD) that provide a feature called "Caution Note Permit Utility" that provides the capability of inputting special information that can be made available when responding to emergencies at a specific address. All dispatchers are regularly trained in all aspects of 911 services including a required minimum of five hours of interpersonal communication skills training which includes diversity issues related to race, nationality, age, speech/hearing impairments and non-English speaking callers.

Recommended Action:

All dispatchers should continue to be trained in the protocol and use of TDD/TTY Communications and telecommunications relay systems (28 CFR 35.161 (b)) on an ongoing basis as well as taking calls from persons with disabilities. The TDD/ TTY should be maintained in a working and operable condition at all times. The dispatch non-emergency number can also receive TDD calls and it is recommended the city publish that number as the city's TDD number in publications, on the website and other media for individuals with disabilities.

Website

Self-Evaluation Findings:

The City of Brentwood provides basic information on a website to define the City's various functions, departments, and boards. The website is accessible by individuals with disabilities and recent training was conducted on website accessibility for all staff involved in maintaining the website. During the

training, staff used web accessibility analysis tools to assess the accessibility of the various pages on the website. The city website also includes information pertaining to the ADA coordinator and how to request accommodation and how to file a grievance.

Recommended Action:

The City should continue to take proactive steps to ensure its web pages provide for access for the cross-section of disabilities covered under the ADA and should ensure that web pages do not exclude individuals when describing programs, services, or activities. The City's website should periodically be reviewed to ensure accessibility is maintained and that where feasible information is available alternative formats.

3.12 Alternate Communication Formats

A public entity has a responsibility to provide information in alternative formats to comply with 28 CFR 35.160. This section of the ADA requires state and local government entities to communicate effectively with individuals who are deaf, hard-of-hearing, or have a speech, vision, or learning disability.

Communication access involves providing content in methods that are understandable and usable by people with reduced or no ability to: speak, see, hear and limitations in learning and understanding.

Some alternative formats can be produced in-house at minimal costs, i.e. large print, disks, and e-mail attachments. Other formats, such as Braille and audio-formats, may need to be produced by a vendor.

Alternate communication formats that are likely to be requested include, but are not limited to: audio-formats, Braille, large print, captioned films and video, electronic text/disk/CD-ROM, or sign interpreted films and video.

Self-Evaluation Findings:

Most City departments and offices produce printed information that is distributed and available to the public. City staff are available to assist with filling out forms, as requested, or when alternative formats are not available. The City of Brentwood dispatch center has TDD/TDY equipment as well as alternative language capability. The library has content available in alternative formats including braille, large print, written as well as audio formats. Most city buildings have copy machines capable of reproducing large format documents.

Recommended Action:

The City should be prepared to provide documents in accessible alternate formats if requested. It is also suggested that staff continually seek means to provide improved access to the city's programs and services by those individuals with disabilities.

3.13 Fees and Surcharges

Public entities may not charge a fee or add a surcharge to a fee to cover the cost of making its facilities, programs, services, or activities accessible to persons with disabilities (28 CFR 35.130(f)).

Self-Evaluation Findings:

There was no evidence of fees charged to individuals with disabilities that were not charged to individuals without disabilities to access programs, services, and activities.

Recommended Action:

The City should continue to monitor and review policies and practices to ensure that fees and surcharges are not charged to individuals with disabilities that were not charged to individuals without disabilities

3.14 Information and Signage

A public entity is required to ensure that individuals with disabilities are directed to an accessible entrance to a building and to the location and existence of accessible services, activities, and facilities. The ISA shall be used at each accessible entrance of a facility (28 CFR 35.163). Paragraph (b) requires the public entity to provide signage at all inaccessible entrances to each of its facilities that directs users to an accessible entrance or to a location with information about accessible facilities.

Self-Evaluation Findings:

Accessible directional and informational signs are not provided at some City facilities. Most inaccessible entrances do not provide signage directing users to accessible entrances.

Recommended Action:

An accessible signing strategy for City facilities should be developed for interior and exterior directional, informational, and permanent room signs.

3.15 Staff Training

On-going compliance with the ADA can only be achieved if City staff receives training and education about the rights of persons with disabilities and the obligations of public entities and its employees under Title II of the ADA. Although training is not required by the ADA, training regarding the requirements of the ADA is recommended.

Self-Evaluation Findings:

Some City Departments have had and continue to schedule various training courses in regard to the ADA requirements. Some Departments have made adaptations to their programs regarding accessibility.

Recommended Action:

The City should provide training regarding ADA and related civil rights legislation. Suggested training topics include, but are not limited to:

- Requirements of the ADA
- Consequences of Non-Compliance
- Acceptable Terminology and Phrases
- Grievance/Complaint Procedures
- Reasonable Accommodations
- Awareness and Sensitivity
- Disability Etiquette
- Barriers to Access – Programmatic and Physical
- Auxiliary Aids and Services
- TDD/TTY

3.16 Emergency Evacuation Procedures

The city's Emergency Operation Plan should address how people with disabilities will be transported and housed in the event of an emergency situation. People with disabilities should be afforded the same level of services in an emergency as those without disabilities.

Self-Evaluation Findings:

The City has an established Emergency Operations Plan (EOP) that was developed in cooperation with the county and state emergency planning agencies. These plans and procedures include assembly locations for persons with disabilities. The City of Brentwood Emergency Management team coordinates all emergency management activities to protect the people, property, economy and environment of City of Brentwood. Following an event the team's role is to conduct a city-wide damage assessment in order to qualify for Federal or state disaster recovery funds that may become available. Brentwood's emergency management team works with all city, county, and public safety agencies to develop and maintain a city comprehensive Emergency Operations Plan.

Recommended Action:

The City should review and update, as necessary, response procedures to include evacuation procedures to evacuate people with disabilities from all buildings, as well as from the community.

Excellent resources can be found at:

- www.ada.gov/emergencyprepguide.htm
- <http://www.access-board.gov/evac.htm>

Coordinate with TEMA to identify evacuation routes and shelters and ensure that vehicles used to evacuate residents are accessible, as well as all of the emergency shelters. The City should provide additional training and information regarding emergency evacuation procedures, particularly with regard to the evacuation of persons with disabilities. Take the necessary steps to ensure that the city is aware of persons with disabilities in the community who may require special assistance in the event of an emergency and encourage residents with special needs to register with the City's CAD system to ensure that proper assistance can be provided if needed.

3.17 Curb Ramps and Sidewalks

Brentwood contains over 400 hundred miles of public streets with portions of the ROW being under the control of the Tennessee Department of Transportation (TDOT). Title II of the ADA (28 CFR Section

35.150 (d)) requires that state and local governmental entities develop a Transition Plan specific to curb ramps or other sloped areas at locations where walkways cross curbs. A curb ramp (or sometimes referred to as a curb cut) is a short sidewalk ramp cutting through a curb or built up to it. Curb ramps are a relatively small but important part of making sidewalks, crossings at intersections, and other pedestrian routes accessible to people with disabilities. The ADA requires state and local governments to make pedestrian crossings accessible to people with disabilities by providing curb ramps (28 CFR 35.150 (d)(2); 35.151(a), (b), and (i)). There is no requirement under Title II of the ADA or proposed Public Rights-of-Way Accessibility Guidelines (PROWAG) that sidewalks be made accessible or be provided where they are not currently provided. The law stipulates that the public entity provide curb ramps, or other sloped areas where pedestrian walks cross curbs, that are accessible. New construction or alterations would require that non-compliant sidewalks be improved to the extent possible.

Self-Evaluation Findings:

Street reconstruction and underground utility projects typically include repair of sidewalk and construction of ADA compliant curb ramps. Design and inspection of sidewalk and ADA curb ramps is the responsibility of the Brentwood Public Works Department. The City bases its standards on TDOT's curb ramp design standards, including a library of standard technical specifications and construction detail drawings, which establish minimum standards for improvements and assure ADA compliance. These specifications identify the requirements for detectable warnings, maximum slope, landings, and other geometric features. The purpose of TDOT construction standards is to regulate and ensure the construction of improvements result in the coordinated and compliant development of curb ramps, sidewalk, and pedestrian facilities throughout the City.

Recommended Action:

The city has over a thousand curb ramps within its ROWs and conducted a survey of those curb ramps. Approximately 50% of those curb ramps are non-compliant with ADA standards. The City has developed a program for repair and/or reconstruction of non-compliant curb ramps. The City has allocated funding within the city's Capital Improvements Program (CIP) to incrementally upgrade all curb ramps within the city. The program includes a combination of upgrading in association with our annual paving program, dedicated projects and specialty projects using grant funding. A detailed prioritized list of ROW improvements including location and estimated cost is included in the Appendix A.

3.18 Employment

Title I of the ADA requires public entities not to discriminate against persons with disabilities in all parts of the recruitment and employment process (28 CFR 35.140 and 29 CFR 1630.4).

Self-Evaluation Findings:

Brentwood's Human Resources Department primarily provides services to job applicants, City employees, and retirees. Brentwood's Human Resources Director is the ADA Coordinator. The City Employee Handbook includes an ADA policy and all employees are required to sign that they have received a copy of the handbook. The City has posted Federal and state equal employment opportunity notices and posters in all appropriate employee areas and has indicated that all advertisements for job announcements state that the City is an "Equal Opportunity Employer". The department provides reasonable accommodations to applicants or employees with a disability upon request. The application states that "Applicants are considered for all positions without regard to race, color, religion, gender, creed, national origin, age, marital or veteran status, or the presence of a non-job related medical condition or disability." Job applications contain a section entitled "Special Employment Notice to Disabled Veterans, Vietnam Era Veterans and Individuals with Physical or Mental Handicaps" asking applicants questions related to their veterans or disability status.

Recommended Action:

The City should continue to practice the City policies of nondiscrimination as required by ADA. In 2008, the EEOC stated that use of the term "handicap" is outdated and should be replaced with "disability". City publications and terminology used should be reviewed and updated accordingly. The words "individuals with disabilities" or "persons with disabilities" should replace "handicapped". The term "disabled person" should also be avoided. Publications should be updated as they are reprinted.

4.0 Transition Plan

The Transition Plan describes how the City will be transitioning to compliance with the ADA. Public entities, like Brentwood, are required to provide access to City programs, services and activities for all of the recipients. Thus, the City must provide access for individuals with disabilities and document areas of noncompliance. Additional documentation is provided as barriers are removed. If structural changes

are identified to provide program accessibility as part of the self- evaluation, ADA identifies specific elements to be included in the transition plan. At a minimum, the elements of the Transition Plan are:

- 1) A list of the physical barriers in the City's pedestrian routes and facilities that limit the accessibility of its programs, activities, or services to individuals with disabilities [28 CFR 35.150 (d)(3)(i)]
- 2) A detailed outline of the methods to be utilized to remove these barriers and make the pedestrian routes and facilities accessible [28 CFR 35.150 (d)(3)(ii)]
- 3) The schedule for taking the necessary steps to achieve compliance with Title II of the ADA. If the time period for achieving compliance is longer than one year, the plan should identify the interim steps that will be taken during each year of the transition period [28 CFR 35.150 (d)(3)(iii)]
- 4) The name of the official responsible for the plan's implementation. [28 CFR 35.150 (d) (3)(iv)]

The transition plan is a reaction to the findings of the facility audits, assessments of City policies, services, programs, and activities, and input from the public. Recommended actions for City policies and programs can be found in section 3.0. The specific architectural and site improvement modifications required to make programs accessible are listed in City of Brentwood Facility Reports (see Appendix B). Facilities reports include buildings, parks, and their related grounds. Each facility report contains a list of architectural barriers and barrier removal actions. The portion of the transition plan to bring infrastructure within the City right-of-way (curb ramps and sidewalks) into compliance is within the City's area of responsibility, which includes curb ramps, sidewalks, public pedestrian rights-of- way, and signalized intersections.

4.1 Public Outreach

Public participation on the final contents of the Transition Plan is required by law. A draft Transition Plan was made available at the Brentwood Service Center and on the city's website and the public was invited to offer comments at the public adoption meeting. Additionally, public input was invited on multiple social media platforms and our website using a Public Input form. The public comments were incorporated in the final report. All comment forms submitted have been included as Appendix D. The final Transition Plan was then submitted to the City for adoption at its regular City Board of Commissioners meeting on November 25, 2019. The plan will be available, as required for three years and any additional comments or input received will be incorporated into future revisions to the plan.

4.2 Priorities for Barrier Removal

In creating priorities, it is the City's intent to evaluate all areas of potential deficiency, and to make structural changes where necessary and where equal accommodation cannot be made in another manner. The timing of the improvements by site within each transition phase will be determined by the a number of factors. In general, the required physical improvements to meet ADA specifications along pedestrian routes and City facilities were split into three priority groups:

- High priority improvements
- Medium priority improvements
- Low priority improvements

All barriers are not equal in the impact they have on persons with disabilities. Following evaluation of all pedestrian routes, facilities, and programs, a prioritization had to be done to identify a ranking system to utilize when determining which capital improvements need to be considered first and those that could be implemented in subsequent years.

1. High priority barriers prohibit access for disabled persons, make access difficult, or present safety hazards. Other factors that were considered in placing a barrier in this category is the level of use expected as well as the likelihood that a person with a disability would encounter the barrier.

Obviously, those in higher use areas are more likely to be encountered.

2. Medium priority barriers partially prohibit access or make access somewhat difficult for disabled persons. One of the factors considered in ranking barriers was the level of use expected and the likelihood a disabled person may encounter the obstacle. Barriers in this category have a moderate potential to become an actual obstacle to an individual with a disability.

3. Low priority barriers typically do not limit access to facilities or services for disabled persons. For low priority barriers, alternative routes or treatments are typically available or assistance can be provided to overcome the barrier. It is not likely that the presence of a low priority barrier would cause a danger to a

disabled person, the use is low and/or the likelihood of a person with a disability actually encountering the barrier is low.

The costs to remove barriers by priority for each site are shown in Appendix B. In addition, a time frame had to be identified to determine an average annual budget to consider. For the purposes of this report, a 10-year time frame was utilized. Using this, it is conceivable that at the end of 10 years, all non-compliant ADA issues would be addressed throughout all City-owned facilities. This assumes that standards and guidelines are not modified. This further assumes that funding is available each budget cycle to make the necessary improvements. In some instances, it may be advantageous to construct all improvements at a facility site at once rather than correct the high priority barriers first and come back at a later date to correct the medium or low priority barriers. The total cost of for corrections to some barriers requires that they be spread out over phases. The City of Brentwood has the right to modify the priorities based on funding levels and changes in City programs activities and services, to have flexibility in accommodating community requests and complaints. Interim resolutions, such as assigning aids, temporary signing for alternate routes or sites, and modifications of programs, activities, and services may be implemented at the City's discretion to handle existing insufficiencies or access complaints received.

All costs noted in Appendix are 2019 estimates and subject to change based on market conditions, economic conditions, inflation, material selection, etc. Based on the self-evaluation, a total of approximately \$59,750 in facility improvements would be required (2019 costs) and a total of approximately \$1,777,000 in pedestrian route improvements within the right-of-way, to achieve ADA compliance.

Note that the cost of some improvements could not be completed due to lack of information (survey), various options being available for routes, etc. The cost to make those items accessible is noted as "TBD". If the City of Brentwood were to set a goal for implementing all of the recommended improvements within a 10-year time frame, it would require an average annual budget of approximately \$183,675 to bring all of the City facilities evaluated in this report up to current ADA standards (no inflation included). These costs do not include any costs associated with training of staff, staff time related to training or overseeing implementation, etc. Each phase approximately follows the required yearly budget to be compliant in 10 years. Note that actual phasing, transitioning of improvements, etc.

can be impacted by a number of factors that may be unknown currently, as well as economic conditions, grant opportunities, etc. The City is committed to becoming ADA compliant within the confines of preserving existing programs and services to all and budgetary limitations.

4.3 Transition Plan Phasing

A phased implementation of the required corrections to remove physical barriers at City owned facilities is required and recommended. The City has limited funds and cannot immediately make all facilities fully accessible. Prior to setting priorities, baseline criteria needed to be established to develop a starting point for ranking the deficient facilities identified during the self-evaluation. Site priorities and pedestrian routes were determined by evaluating level of use and proximity to anticipated concentrations of pedestrians such as schools, parks, commercial areas, etc. Few public complaints have been received concerning City-owned facilities. Complaints were not used as criteria to determine the phasing of improvements for any particular site, though future complaints will be included in the priority funding schedule for improvements. Any complaints received will be given high priority and addressed as soon as possible in accordance with ADA policy.

The recommended phasing of the required corrections to bring all City-owned facilities into compliance with the ADA requirements described in the Self-Evaluation involves a 10-year timeframe. Any changes to the ADA policy after the sites were surveyed are not reflected in these basic cost estimates.

Complaints received may also help determine the priorities of the improvements. If the City receives complaints about access at a particular site that is not slated for upgrades for several years, the plan will be adjusted to accommodate the implementation of improvements to be sooner or as necessary. Based on the ten-year time frame below are the suggested annual budgets for each of the ten years:

Years 1 - \$ 100,000

Years 2 - \$ 200,000

Years 3 - \$ 200,000

Years 4 - \$ 250,000

Years 5 - \$ 200,000

Years 6 - \$ 200,000

Years 7 - \$ 200,000

Years 8 - \$ 200,000

Years 9 - \$ 200,000

Years 10 - \$ 200,000

These suggested amounts are for planning purposes and will likely change as corrections are made, the plan revised and budgeting constraints change over time.

4.4 Plan Updates and Enforcement

It is the City's responsibility, as required by the ADA mandate, to regularly update the Transition Plan based on the latest requirements of the ADA laws and to document constructed improvements and facilities that are brought up to current ADA standards

Changes to City of Brentwood's policies and programs should be factored into future updates to this plan. As barriers are removed, regulations change or as other changes occur that impact this plan, updates to the plan will be necessary.

5.0 ADA Grievance/Complaint Procedure

The City of Brentwood has designated the Human Resources Director as its ADA Coordinator. The ADA Coordinator is responsible for coordinating the efforts of the City to comply with Title II and for investigating any complaints that the City have violated Title II of the ADA. It is desired that individuals with complaints, questions or concerns bring them to the attention of the ADA Coordinator or other Department Head in an informal manner and that they be resolved at that level. It is the City's policy that every employee makes reasonable efforts to accommodate the needs of the disabled. If an employee is not able to address the concern within their authority to act the issue may be elevated to a formal complaint. Notification of complaints, grievances or issues should be submitted as soon as possible, but no later than 60 calendar days after the date of the alleged violation or discriminatory act. Anonymous formal complaints or grievances will not be accepted, though if the nature is such that a potential hazard is reported, it should be investigated. Formal notification of complaints, grievances or issues must be submitted to the City in writing and shall contain specific information about the alleged violation or discrimination. Specific information shall include name, address, contact number of the

complainant and the date, location and complete description of the issue or problem. The matter will be documented and logged and assigned to the proper department for follow-up. Alternative means of filing complaints, grievances or issues may be accepted as shown below; however, all complaints, grievances, or issues must provide all the information required consistent with the format of the official designated form:

- *Telephone*: Contact the ADA Coordinator at (615) 371-0060 during normal business hours. A message may also be left on voicemail after-hours.
- *E-mail*: An e-mail message containing all of the required elements as stated above can be sent to mike.worsham@brentwoodtn.gov
- *Fax*: A fax containing all of the required elements as stated above can be sent by fax to (615) 371-4767.
- *Regular mail*: Written notice, preferably on a City-provided notice form or containing all of the required elements as stated above, can be sent to:

City of Brentwood ADA Coordinator
5211 Maryland Way
Brentwood, TN 37024

Questions concerning the notification and follow up process may be addressed to the ADA Coordinator at (615) 371-0060. Within 15 working days of the initial notification, the ADA Coordinator will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, ADA Coordinator, or his/her designee, will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of City of Brentwood and offer options for substantive resolution of the complaint. If the response provided by the ADA Coordinator does not satisfactorily resolve the issue, the complainant may appeal the decision to the City of Brentwood City Manager within 15 calendar days after receipt of the response. Within 15 calendar days after receipt of the appeal, the City Manager will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the City of Brentwood City Manager will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint. Every reasonable attempt will be made by City of Brentwood to remedy the disability complaints, grievances, or issues in a timely manner subject to staff and budget constraints. This grievance procedure is available on the city's website under the "accessibility" page.

6.0 ADA Tool Kit

6.1 Introduction

In order to facilitate access to all City programs and Departments, the City will maintain program accessibility guidelines, standards and resources. This information is available to all employees and volunteers. The City will add to these guidelines when necessary to address its needs and include information and technological devices that help staff and volunteers members communicate with individuals with a variety of disabilities. The City will periodically review the components of this section, as new technologies are developed in order to ensure that the best types of modifications are included. This section also contains the accessibility standards of care that govern new construction and alterations to facilities. If you need any additional assistance, please contact:

City of Brentwood Human Resources Director,

ADA Coordinator

Phone: (615) 371-0060

E-mail: mike.worsham@brentwoodtn.gov

6.2 Federal Accessibility Standards and Regulations U.S. Department of Justice

The U.S. DOJ provides many free ADA materials including the ADA text. Printed materials may be ordered by calling the ADA Information Line [(800) 514-0301 (Voice) or (800) 514-0383 (TDD)]. Publications are available in standard print as well as large print, audiotape, Braille, and computer disk for people with disabilities. Documents, including the following publications, can also be downloaded from the DOJ website (www.ada.gov/). Unless noted, the ADA publications have not been updated to reflect the recent revisions to the ADA regulations that took effect on March 15, 2011.

- *ADA Regulation for Title II*. This publication (http://www.ada.gov/regs2010/ADAREgs2010.htm#titleII_final_2010) describes Title II of the ADA, Pub. L. 101-336, which prohibits discrimination on the basis of disability by public entities. Title II of the ADA protects qualified individuals with disabilities from discrimination on the basis of disability in the services, programs, or activities of all state and local governments. This rule adopts the general prohibitions of discrimination established under Section 504, as well as the requirements for making programs accessible to individuals with disabilities and for providing equally effective communications. It also sets forth Standards for what constitutes discrimination on the basis of mental or physical disability, provides a definition of disability and qualified individual with a disability, and establishes a complaint mechanism for resolving allegations of discrimination.
- *Title II Technical Assistance Manual (1993) and Supplements*. This 56-page manual (www.ada.gov/publicat.htm#Anchor-Title-49425) explains in lay terms what state and local

governments must do to ensure that their services, programs, and activities are provided to the public in a nondiscriminatory manner. Many examples are provided for practical guidance.

- *Accessibility of State and Local Government Websites to People with Disabilities*. This is a 5-page publication providing guidance (www.ada.gov/websites2.htm) on making state and local government websites accessible

U.S. Access Board

The full texts of Federal laws and regulations that provide the guidelines for the design of accessible facilities and programs are available from the U.S. Access Board. Single copies of publications are available free and can be downloaded from the Access Board's website (www.accessboard.gov/pubs). In addition to regular print, publications are available in large print, disk, audiocassette, and Braille. Multiple copies of publications can be ordered by sending a request to pubs@access-board.gov. In addition to the guidelines, guidance material is also available to assist staff in understanding and implementing Federal accessibility guidelines. The following publications are currently available from the U.S. Access Board.

Guidelines and Standards for Facilities

Federal guidelines and standards are subject to periodic revision based on research findings and guidance from advisory committees. The City should have a regular practice of reviewing research materials posted to the U.S. Access Board's website and updating local guidelines and practices as new standards are adopted or existing standards are revised.

- *ADA Accessibility Guidelines (ADAAG)*. This document (www.ada.gov/2010ADAstandards_index.htm) contains scoping and technical requirements for accessibility to buildings and facilities by individuals with disabilities under the ADA. These scoping and technical requirements are to be applied during the design, construction, and alteration of buildings and facilities covered by Titles II and III of the ADA to the extent required by regulations issued by Federal agencies, including the DOJ and the DOT, under the ADA.
- *State and Local Government Facilities: ADAAG Amendments*. The Access Board is issuing final guidelines to provide additional guidance to the DOJ and the DOT in establishing accessibility standards for new construction and alterations of state and local government facilities covered by Title II of the ADA. The guidelines will ensure that newly constructed and altered state and local government facilities are readily accessible to and usable by individuals with disabilities in terms of architecture, design, and communication.
- *Building Elements for Children: ADAAG Amendments*. The Access Board is issuing final guidelines to provide additional guidance to the DOJ and the DOT in establishing alternate specifications for building elements designed for use by children. These specifications are based on children's dimensions and anthropometries and apply to building elements designed specifically for use by children ages 12 and younger.
- *Play Areas: ADAAG Amendments*. The Access Board is issuing final accessibility guidelines to serve as the basis for standards to be adopted by the DOJ for new construction and alterations of play areas covered by the ADA. The guidelines include scoping and technical provisions for ground level and

elevated play components, accessible routes, ramps and transfer systems, ground surfaces, and soft contained play structures.

- *Recreation Facilities: ADAAG Amendments.* The Access Board is issuing final accessibility guidelines to serve as the basis for standards to be adopted by the DOJ for new construction and alterations of recreation facilities covered by the ADA. The guidelines include scoping and technical provisions for amusement rides, boating facilities, fishing piers and platforms, golf courses, miniature golf, sports facilities, and swimming pools and spas.

Guidance Material and Advisory Reports for Facilities

The following publications provide additional information on specific aspects of the above guidelines and standards for facilities. Employees are encouraged to refer to these publications to obtain more detailed and up-to-date information when evaluating and implementing accessibility improvements to facilities.

- *Using ADAAG Technical Bulletin.* This bulletin was developed to serve the specific needs of architects and other design professionals who must apply the ADAAG to new construction and alterations projects covered by Titles II and III of the ADA. It is also intended to clarify accessibility regulations generally, including those that apply to existing facilities covered by the ADA.

- *Visual Alarms Technical Bulletin.* In passing the ADA, Congress specifically directed the Access Board to provide greater guidance regarding communications accessibility. Thus the ADAAG require that where emergency warning systems are provided in new or altered construction, they must include both audible and visible alarms that meet certain technical specifications. This bulletin was developed to provide more technical information about the types of visual fire alarms available and how and where their use is required. (www.access-board.gov/adaag/about/bulletins/alarms.htm)

- *Text Telephones Technical Bulletin.* Text telephones are machinery or equipment that employs interactive graphic (i.e., typed) communications through the transmission of coded signals across the standard telephone network. Text telephones can include, for example, devices known as TDDs (telecommunications display devices or telecommunications devices for deaf persons) or computers. This bulletin was developed to provide more technical information about the types of text telephones available and how and where their use is required. (www.access-board.gov/adaag/about/bulletins/ttys.htm)

- *Ground and Floor Surfaces Technical Bulletin.* Over 27 million Americans report some difficulty in walking. Of these, eight million have a severe limitation and one-fifth of this population is elderly. Ambulatory persons with mobility impairments - especially those who use walking aids - are particularly at risk of slipping and falling even on level surfaces. The information in this bulletin is intended to provide designers with an understanding of the variables that affect the measurement and performance of materials specified for use on walking surfaces and to better describe the requirements of an accessible route.

- *Parking Technical Bulletin.* Accessible parking requires that sufficient space be provided alongside the vehicle so that persons using mobility aids, including wheelchairs, can transfer and maneuver to and from the vehicle. Accessible parking also involves the appropriate designation and location of spaces and their connection to an accessible route. This bulletin was developed to provide more detailed

information about the requirements for accessible parking including the Configuration, location, and quantities of accessible parking spaces. (www.access-board.gov/adaag/about/bulletins/parking.htm)

- *Assistive Listening Systems Technical Bulletins*. Assistive listening systems are devices designed to help people with hearing loss improve their auditory access in difficult and large-area listening situations. Typically, these devices are used in such venues as movie houses, theaters, auditoriums, convention centers, and stadiums, where they are piggybacked on a public address system. They may also be used in smaller listening locations like courtrooms, museums, classrooms, and community centers. This bulletin provides information about the types of systems that are currently available and tips on choosing the appropriate systems for different types of applications. (www.access-board.gov/adaag/about/bulletins/als-index.htm)

- *Accessibility Guidelines for Outdoor Developed Areas*. The Regulatory Negotiation Committee on Accessibility Guidelines for Outdoor Developed Areas was established in June 1997. The accessibility guidelines proposed by the Committee include consideration of the latest information, design, and construction practices in existence. Proposed Section 16 of ADAAG requires all areas of newly designed or newly constructed and altered portions of existing trails connecting to designated trailheads or accessible trails to comply with this section. This proposed section also provides design guidelines for all newly constructed and altered camping facilities, picnic areas, and beach access routes. It is recognized that compliance with this section will not always result in facilities that will be accessible to all persons with disabilities. These guidelines recognize that often the natural environment will prevent full compliance with certain technical provisions, which are outlined in this publication (www.access-board.gov/outdoor/status.htm).

Guidelines for Transportation

- *ADAAG for Transportation Vehicles*. This publication provides minimum guidelines and requirements for accessibility standards for transportation vehicles required to be accessible by the ADA, including over-the-road bus and tram systems. (www.access-board.gov/transit/html/vguide.htm)

- *ADAAG for Transportation Vehicles; Over-the-Road Buses*. This publication outlines the amendments to the accessibility guidelines for over-the-road buses (OTRB) made by the Architectural and Transportation Barriers Compliance Board and the DOT to include scoping and technical provisions for lifts, ramps, wheelchair securing devices, and moveable aisle armrests. Revisions to the specifications for doors and lighting are also adopted. The specifications describe the design features that an OTRB must have to be readily accessible to and usable by persons who use wheelchairs or other mobility aids. (www.access-board.gov/transit/otrb/otrbfinl.htm)

- *American Association of State Highway and Transportation Officials (AASHTO)*. AASHTO is the organization that maintains the “Green Book” for design of roads and highways and has begun to address accessibility of pedestrian networks. Several AASHTO publications, which can be ordered from the AASHTO website (<http://transportation.org/>), address accessible circulation systems, including: AASHTO Guide for the Planning, Design, and Operation of Pedestrian Facilities (1st edition) and Guide for the Development of Bicycle Facilities (3rd edition).

- *Federal Transit Administration (FTA)*. FTA regulates and enforces requirements of the ADA covering transportation facilities and systems. FTA maintains a technical assistance line on ADA questions (888-446-4511) and on their website (www.fta.dot.gov).

Guidance Material for Communication

- *Standards for Electronic and Information Technology*. The Access Board is issuing final accessibility standards for electronic and information technology covered by Section 508 of the Rehabilitation Act Amendments of 1998. Section 508 requires the Access Board to publish standards setting forth a definition of electronic and information technology and the technical and functional performance criteria necessary for such technology to comply with section 508. (www.access-board.gov/sec508/standards.htm). Section 508 also requires that individuals with disabilities, who are members of the public seeking information or services from a Federal agency, have access to and use of information and data that is comparable to that provided to the public who are not individuals with disabilities, unless an undue burden would be imposed on the agency. (www.section508.gov/)

- *Bulletin on the Telecommunications Act*

Accessibility Guidelines. As technology continues to improve our means of telecommunication, it can pose challenges to accessibility on one hand, while on the other hold the key to innovative access solutions. Section 255 of the Telecommunications Act requires telecommunications products and services to be accessible to people with disabilities. This is required to the extent access is “readily achievable,” meaning easily accomplishable, without much difficulty or expense. Telecommunications products covered include: wired and wireless telecommunication devices, such as telephones (including pay phones and cellular phones), pagers, and fax machines; other products that have a telecommunication service capability, such as computers with modems, and equipment that carriers use to provide services, such as a phone company’s switching equipment. (www.access-board.gov/adaag/about/bulletins/telecomm.htm) Federal guidelines and standards are subject to periodic revision based on research findings and guidance from advisory committees. The City should have a regular practice of reviewing research materials posted to the U.S. Access Board’s website and updating local guidelines and practices as new standards are adopted or existing standards are revised.

6.3 Resources for Providing Accessible Programs & Facilities

- *ADA Document Portal*: This website (www.adaportal.org) provides links to more than 7,400 documents on a wide range of ADA topics. The ADA Document Portal is supported by the 10 ADA & IT Technical Assistance Centers.
- *DisabilityInfo.Gov*: A one-stop interagency portal for information on Federal programs, services, and resources for people with disabilities, their families, employers, service providers, and other community members.
- *National Center on Accessibility (NCA)*: The Center (<http://ncaonline.org>) is a cooperative effort between the National Park Service (NPS) and Indiana University to provide information and technical assistance, primarily on recreation access. An example of the research activities of the NCA is the National Trails Surface Study. Initiated in 2005, this longitudinal study is primarily the result of questions that the National Center on Accessibility has, for many years and continues to receive from organizations, agencies and individuals who desire to make their trails accessible; are interested in an

unobtrusive surface that blends and is friendly to the environment; and provides a quality trail experience for people with and without disabilities.

- *National Center on Physical Activity and Disability*: The Center (www.ncpad.org) provides information and resources on physical activity to help people with disabilities find ways to become more active and healthy. The Center also provides information on how to provide access to fitness centers, schools, recreation facilities, camps, and health and leisure services.
- *National Park Service*: NPS has many programs that address the issue of providing accessible recreation services to people with disabilities. These include Wilderness Accessibility for People with Disabilities ([http:// planning.nps.gov/wilderness/toolbox3.cfm](http://planning.nps.gov/wilderness/toolbox3.cfm)) and Director's Order #42-Accessibility, which establishes the purpose and role of the NPS Accessibility Program (www.nps.gov/accessibility.htm), lists applicable laws, standards, and authorities, implementation strategies, roles, and responsibilities. It also addresses NPS policies and provides links to additional information sources.

6.4 Technical Resources

The City should utilize the many disability related resources available through the internet. Begin at AbleData (www.abledata.com), maintained by the National Institute on Disability and Rehabilitation Research of the U.S. Department of Education. The site provides up-to-date links to assistive technologies and disability-related resources. AbleData's mission is to provide objective information on such assistive products as:

- *Architectural elements*: Products that make the built environment more accessible, including indoor and outdoor architectural elements, vertical lifts, lighting, and signs.
- *Blind and low vision*: Products for people with visual disabilities, including computers, educational aids, information storage, kitchen aids, labeling, magnification, office equipment, orientation and mobility, reading, recreation, sensors, telephones, tools, travel, typing, and writing (Braille).
- *Communication*: Products to help people with disabilities related to speech, writing and other methods of communication, including alternative and augmentative communication, signal systems, telephones, typing, and writing.
- *Computers*: Products to allow people with disabilities to use desktop and laptop computers and other kinds of information technology including software, hardware, and computer accessories.
- *Controls*: Products that provide people with disabilities with the ability to start, stop, or adjust electric or electronic devices including environmental controls and control switches.
- *Deaf and hard of hearing*: Products for people with hearing disabilities, including amplification, recreational electronics, signal switches, and telephones.
- *Deaf and blind*: Products for people who are both deaf and blind.
- *Education*: Products to provide people with disabilities with access to educational materials and instruction in school and in other learning environments including classroom and instructional materials.

- *Recreation*: Products to assist people with disabilities with their leisure and athletic activities including crafts, electronics, gardening, music, photography, and sports.
- *Seating*: Products that assist people to sit comfortably and safely including seating systems and therapeutic seats.
- *Transportation*: Products to enable people with disabilities to drive or ride in cars, vans, trucks and buses including mass transit vehicles and facilities and vehicle accessories.
- *Wheeled mobility*: Products and accessories that enable people with mobility disabilities to move freely indoors and outdoors including wheelchairs (manual, sport, and powered), wheelchair alternatives (scooters), wheelchair accessories, and carts.
- *Workplace*: Products to aid people with disabilities at work including agricultural equipment, office equipment, tools, and work stations. with its employees. When supervisors and co-workers use disability etiquette, employees with disabilities feel more comfortable and work more productively. Practicing disability etiquette is an easy way to make all people feel more comfortable and welcomed in their environment. There is no reason to feel awkward when dealing with a person who has a disability. This section provides some basic tips for City staff to follow. If a City employee is ever unsure how to best serve a person with a disability, just ask them.

7.0 ADA Etiquette

Ask Before You Help

Just because someone has a disability, don't assume he/she needs your help. If the setting is accessible, people with disabilities can usually get around fine without assistance. Adults with disabilities want to be treated as independent people. Offer assistance only if the person appears to need it. If they do want help, ask what type of help they would like before you offer any assistance. What you think they may need may not be what they really need.

Do Not Touch!

Some people with disabilities depend on their arms for balance. Grabbing them – even if you mean well could knock them off balance and create an injury. This is especially true of a person using a cane, crutches, or walker. When someone is in a wheelchair, never pat their head or touch their wheelchair (or scooter) without permission. This equipment is part of their personal space and touching it is considered rude.

Respect the Individual

Always speak directly to the person with the disability NOT to their companion, aide, or sign language interpreter. Making small talk with a person who has a disability is great; just talk to him/her like you would anyone else. Respect his/her privacy and don't ask questions about their disability unless they invite the discussion. If you are with a child who asks, don't make the situation awkward for everyone; let the person with the disability respond directly to the child. They are used to children's questions.

Make No Assumptions

People with disabilities are the best judge of what they can or cannot do. Do not make any decisions for them about participating in any activity or what they may or may not be able to do. Simply respond to their questions and let them make their own decisions. Depending on the situation, it may be a violation of the ADA to exclude someone because of a wrong decision on what they're capable of doing.

Respond Graciously To Requests

When people who have a disability ask for an accommodation at a city or City owned property, it is not a complaint. It shows they feel comfortable enough in your establishment to ask for what they need. If they get a positive response, they will enjoy their transaction and feel comfortable to come back again and again. Unless they are asking for something outlandish, provide what is asked for. If they request something unreasonable, contact your ADA Coordinator for a direction toward a resolution.

Terminology

PUT THE PERSON FIRST! Always say "person with a disability" rather than "disabled person". This recognizes that they are a person first, not a disability first. If someone has a specific disability, it would be a "person who is blind", a "person who is deaf", or a "person with dwarfism". Each person may have their own preferred terminology, and if you're not sure what to use, just ask them. Most, however, will recognize the effort when you just refer to them as "people". Avoid outdated, politically incorrect terms like "handicapped" or "crippled". Be aware that many people with disabilities dislike jargon and euphemistic terms like "physically challenged" and "differently abled". Say "wheelchair user" instead of "confined to a wheelchair" or "wheelchair bound". The wheelchair is what enables the person to get around, but they are neither confined by it nor bound to it. The wheelchair is liberating, not confining. With any disability, avoid negative, disempowering words like "victim" or "sufferer". Say "person with AIDS" instead of "AIDS victim" or person who "suffers from AIDS". It's okay to use idiomatic expressions when talking to people with disabilities. For example, saying "It was good to see you" and "See you later" to a person who is blind is completely acceptable. They will use the same terminology and it's inappropriate to respond with questions like, "How are you going to see me later?" People in wheelchairs will say things like, "Let's go for a walk" and it's okay for you to say it too. The situation will only become awkward if you make it so. Many people who are Deaf communicate with sign language and consider themselves to be members of a cultural and linguistic minority group. They refer to themselves as Deaf (with a capital D) and may be offended by the term "hearing impaired." Others may not object to the term, but in general it is safest to refer to people who have hearing loss but communicate through a spoken language as "people with hearing loss" and those who have a profound hearing loss as "people who are Deaf".

Community Groups, Organizations, Associations and Commissions

There are a large number of groups nationally, regionally, and within each state that provide specialized services, information, and advocacy for persons with all disabilities. A few are included below:

- *Ability Resources, Inc.: Ability Resources Inc.* (www.ability-resources.org/home.html) was founded in 1976. Their mission is to assist people with disabilities in attaining and maintaining their personal independence. One way this can be achieved is in the creation of an environment in which people with disabilities can exercise their rights to control and direct their own lives.

- *American Council of the Blind*: ACB (www.acb.org) is a national organization advocating on behalf of persons who are blind or have low vision. ACB also publishes *A Guide to Making Documents Accessible to People Who Are Blind or Visually Impaired*. ACB is located at 1155 15th St. NW, Suite 1004, Washington, DC 20005 (800.424.8666) or by e-mail at info@acb.org.
- *American Association of People with Disabilities*: The American Association of People with Disabilities (www.aapd.com/) is the largest non-profit, non-partisan, cross disability organization in the United States.
- *National Association of the Deaf*: NAD is a national consumer organization representing people who are deaf and hard of hearing. NAD provides information about standards for American Sign Language Interpreters and the Captioned Media Program on its website (www.nad.org).
- *National Federation of the Blind*: NFB is a national organization advocating on behalf of persons who are blind or have low vision. NFB provided online resources (www.nfb.org) for technology for the blind, including a technology resource list, a computer resource list, screen access technology, sources of large print software for computers, and sources of closed-circuit TV (CCTV's).
- *National Organization on Disability*: The National Organization on Disability promotes the full and equal participation and contribution of America's 54 million men, women and children with disabilities in all aspects of life. NOD maintains an on- line directory of information and links including transportation-related resources (www.nod.org).
- *Paralyzed Veterans of America*: PVA is a national advocacy organization representing veterans. PVA's Sports and Recreation Program promotes a range of activities for people with disabilities, with special emphasis on activities that enhance lifetime health and fitness. PVA's website (www.pva.org/sports/sportsindex.htm) provides information on useful sports publications and a list of contacts.
- *United Spinal Association*: United Spinal Association is a membership organization serving individuals with spinal cord injuries or disease. Formerly known as the Eastern Paralyzed Veterans Association, the organization expanded its mission to serve people with spinal cord injuries or disease regardless of their age, gender, or veteran status. Information on accessibility training and consulting services and recreational opportunities for people with spinal cord injuries or disease is available on their website (www.unitedspinal.org).
- *World Institute on Disability*: WID is an international public policy center dedicated to carrying out research on disability issues and overcoming obstacles to independent living. WID maintains an on-line information and resource directory on technology, research, universal design, and the ADA. (www.wid.org/resources).

8.0 NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT

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

Employment: City of Brentwood 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: City of Brentwood will, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in City of Brentwood 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: City of Brentwood 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 City of Brentwood 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 City of Brentwood, should contact the office of Human Resources Director, City of Brentwood, [Phone: (615) 371-0060] as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the City of Brentwood 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 City of Brentwood is not accessible to persons with disabilities should be directed to, City of Brentwood Human Resources Director, [Phone: (615) 371-0060]

The City of Brentwood is committed to accommodating individuals with disabilities whenever possible. Furthermore, the city is making our programs, policies and facilities compliant with ADA requirements through the implementation of this plan and future revisions.

Appendix A
RIGHT-OF-WAY SURVEY FINDINGS/PHASING PLAN

Appendix B
FACILITIES SURVEY FINDINGS/PHASING PLAN

Appendix C
DEPARTMENT HEAD QUESTIONNAIRE

Appendix D

PUBLIC INPUT/COMMENTS

A draft Transition Plan was made available at the City of Brentwood Service Center for public review and comment and public comments were invited at a City Commission meeting. The availability of the report and a request for comments were published on several social media outlets, a local on-line news website and on the City of Brentwood website. All public comments received are included here in Appendix D. Any future input received will be incorporated during updates and included in this section of the Appendix.