

# Americans with Disabilities Act (ADA) Transition Plan

Town of Bluffton, South Carolina

February 2023



20 Bridge Street, Bluffton, SC 29910

843.706.4500

[www.townofbluffton.sc.gov](http://www.townofbluffton.sc.gov)

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## Introduction

### Transition Plan Need and Purpose

The [Americans with Disabilities Act \(ADA\)](#) is a civil rights law prohibiting discrimination against individuals on the basis of disability. It was enacted on July 26, 1990, and was amended in 2008 with the ADA Amendments Act. The ADA consists of five titles outlining protections in the following areas:

- I. Employment
- II. State and local government services
- III. Public accommodations
- IV. Telecommunications
- V. Miscellaneous Provisions

Title II of ADA pertains to the programs, activities and services provided by public entities. Town of Bluffton must comply with this section of the Act, as it specifically applies to public service agencies. Title II of ADA states that “no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.” ([42 USC Sec. 12132](#); [28 CFR Sec. 35.130](#))

As required by Title II of ADA ([28 CFR Part 35 Sec. 35.105 and Sec. 35.150](#)), Town of Bluffton has conducted a self-evaluation of its services, programs, activities, and facilities on public property and within public rights-of-way; and has developed this Transition Plan detailing the methods to be used to ensure compliance with ADA accessibility requirements.

### ADA and its Relationship to Other Laws

Title II of ADA is companion legislation to two previous federal statutes and regulations: the [Architectural Barriers Act \(ABA\) of 1968](#) and [Section 504 of the Rehabilitation Act of 1973](#).

The Architectural Barriers Act of 1968 is a Federal law that requires facilities designed, built, altered or leased with Federal funds to be accessible. The Architectural Barriers Act marks one of the first efforts to ensure access to the built environment.

Section 504 of the Rehabilitation Act of 1973 is a Federal law that protects qualified individuals from discrimination based on their disability. The nondiscrimination requirements of the law apply to employers and organizations that receive financial assistance from any Federal department or agency. Title II of ADA extended this coverage to all state and local government entities, regardless of whether they receive federal funding or not.

## Agency Requirements

Under Title II, the Town of Bluffton must meet these general requirements:

- Must operate their programs so that, when viewed in their entirety, the programs are accessible to and useable by individuals with disabilities [[28 CFR Sec. 35.150](#)].
- May not refuse to allow a person with a disability to participate in a service, program or activity simply because the person has a disability [[28 CFR Sec. 35.130 \(a\)](#)].
- Must make reasonable modifications in policies, practices and procedures that deny equal access to individuals with disabilities unless a fundamental alteration in the program would result [[28 CFR Sec. 35.130\(b\)\(7\)](#)].
- May not provide services or benefits to individuals with disabilities through programs that are separate or different unless the separate or different measures are necessary to ensure that benefits and services are equally effective [[28 CFR Sec. 35.130\(b\)\(iv\) & \(d\)](#)].
- Must take appropriate steps to ensure that communications with applicants, participants and members of the public with disabilities are as effective as communications with others [[29 CFR Sec. 35.160\(a\)](#)].
- Must designate at least one responsible employee to coordinate ADA compliance [[28 CFR Sec. 35.107\(a\)](#)]. This person is typically referred to as the ADA Coordinator. The public entity must provide the ADA Coordinator's name, office address, and telephone number to all interested individuals [[28 CFR Sec. 35.107\(a\)](#)].
- Must provide notice of ADA requirements. All public entities, regardless of size, must provide information about the rights and protections of Title II to applicants, participants, beneficiaries, employees, and other interested persons [[28 CFR Sec. 35.106](#)]. The notice must include the identification of the employee serving as the ADA Coordinator and must provide this information on an ongoing basis [[28 CFR Sec. 104.8\(a\)](#)].
- Must establish a grievance procedure. Public entities must adopt and publish grievance procedures providing for prompt and equitable resolution of complaints [[28 CFR Sec. 35.107\(b\)](#)]. This requirement provides for a timely resolution of all problems or conflicts related to ADA compliance before they escalate to litigation and/or the federal complaint process.

## Designation of Responsibility

In accordance with [28 CFR 35.107\(a\)](#), the Town of Bluffton has designated the following person to serve as ADA Title II Coordinator, to oversee the Town's policies and procedures:

Name: Anni Evans Job Title: Human Resources Director



Contact information is provided in Appendix E.

Training is an important tool for ensuring compliance with ADA requirements. The ADA Coordinators will identify resources and opportunities for agency employees at various levels to receive ADA-related training appropriate to their job functions.

## Self-Evaluation

### Overview

Under Title II of the ADA ([28 CFR Sec. 35.105](#)), public entities are required to perform a self-evaluation of their current services, policies and practices with regard to accessibility. The goal of the self-evaluation is to verify that, in managing its programs and facilities, the agency is providing accessibility and not adversely affecting the full participation of individuals with disabilities.

The intent of the ADA self-evaluation is to review the agency's entire public program, including all facilities on public property and within public rights-of-way, in order to identify any obstacles or barriers to accessibility that need to be addressed. The general categories of items to be evaluated include:

- Communications, Information & Facility Signage.
- Building Facilities – these include offices, garages and other types of buildings.
- Pedestrian Facilities (Pedestrian Circulation Routes / Pedestrian Access Routes) – these include sidewalks, curb ramps, bicycle/pedestrian trails, traffic control signals and bus stops (and/or other transit facilities) that are located within the Town's rights-of-way.

Public entities are required to provide an opportunity for interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the self-evaluation process by submitting comments [[28 CFR Sec. 35.105\(b\)](#)].

Furthermore, a public entity that employs 50 or more persons is required, for at least three years following the completion of the self-evaluation, to maintain on file and make available for public inspection:

- A list of the interested persons consulted;
- A description of areas examined and any problems identified; and,
- A description of any modifications made.

### Process & Findings

The Town of Bluffton is in process of a self-evaluation of its services, programs, activities, and facilities on public property and within public rights-of-way with regard to accessibility.

Detailed inventories and findings from this review will be provided in Appendix A, under the headings of Communications (A1), Building Facilities (A2) and Pedestrian Facilities (A3).

An important component of the self-evaluation process is the identification of obstacles or barriers to accessibility, and the corresponding modifications that will be needed to remedy these items. The following sections provide a summary of improvements that have already been made, and obstacles that the Town plans to address as part of this Transition Plan.

## Communications, Information & Facility Signage

Title II of ADA includes the following requirements regarding Communications.

### General ([28 CFR Sec. 35.160](#))

- A public entity shall take appropriate steps to ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others.
- A public entity shall furnish appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity conducted by a public entity.
- In determining what type of auxiliary aid and service is necessary, a public entity shall give primary consideration to the requests of the individual with disabilities.

### Information and Signage ([28 CFR Sec. 35.163](#))

- A public entity shall ensure that interested persons, including persons with impaired vision or hearing, can obtain information as to the existence and location of accessible services, activities, and facilities.
- A public entity shall provide signage at all inaccessible entrances to each of its facilities, directing users to an accessible entrance or to a location at which they can obtain information about accessible facilities. The international symbol for accessibility shall be used at each accessible entrance of a facility.

Other examples of important communication items/devices include [Accessible Pedestrian Signals \(APS\)](#) used at intersections, and signs, pavement markings and other traffic control devices used to provide advance warning and positive guidance in the vicinity of construction, maintenance or utility work areas/zones that impact sidewalks, crosswalks or other pedestrian access routes. The [Pedestrian Checklist and Considerations for Temporary Traffic Control Zones](#) provides an overview of pedestrian-related considerations to enhance safety and accessibility for these types of situations. Appendix A3 of this Transition Plan provides additional information about communication items related to Pedestrian Facilities / Public Rights-of-Way.

In recent years, the Town's has implemented the following accessibility improvements with regard to communications, information and facility signage:

- *Complete renovation of Town Hall – 2018 – 2019 all inspections met ADA guidelines and requirements to provide accommodations*

The Town will conduct a detailed evaluation of its communications, information and facility signage with regard to the ADA Title II requirements. The findings from this evaluation will be provided in Appendix A1.

### Improvement Schedule

Moving forward, the Town of Bluffton may implement improvements. There are none at this time.

<i>Communications, Information &amp; Facility Signage</i>			
Item/Description	Accessibility Concern	Improvement Method	Schedule

### Building Facilities and Related Parking Lots/Facilities

The Town of Bluffton is responsible for the following buildings:

- Town Hall
- Law Enforcement Center
- Watershed Office Site
- Public Works Facility
- Police Substation
- Rotary Community Center
- Dubois Park Pavilion
- Oscar Frazier Park Pavilion
- New Riverside Barn
- Garvin-Garvey House



- Squire Pope Carriage House

In recent years, the Town's has implemented the following accessibility improvements to its building facilities:

- Complete renovation of Town Hall in 2018 - 2019

The Town's will conduct a detailed accessibility evaluation of each of its building facilities, and related parking lots/areas, based on the [ADA Checklist for Existing Facilities](#) publication. The findings from this evaluation will be provided in Appendix A2. If there are accessibility barriers/issues identified as currently existing, they will be ranked in order of priority for improvement.

### Improvement Schedule

Moving forward, the Town of Bluffton plans to implement improvements for the following items that have been identified as potential obstacles to accessibility. None noted at this time.

<i>Building Facilities and Related Parking Lots/Facilities</i>	
Schedule	Description of Accessibility Improvement Projects / Methods
Year 1 (20XX)	*
Year 2 (20XX)	
Years 3 – 5 (20XX to 20XX)	

### Pedestrian Facilities / Public Rights-of-Way

As part of the self-evaluation process, Town of Bluffton will conduct an inventory and evaluation of pedestrian facilities within its public rights-of-way, which consist of the following:

- sidewalks
- curb ramps
- crosswalks



- bicycle/pedestrian trails
- other

A detailed evaluation of these facilities with regard to accessibility compliance will be provided in Appendix A3 and will be updated every 3 years.

### Previous Practices

The Town of Bluffton will continue to strive and provide accessible pedestrian features as part of the Town's capital improvement projects.

In recent years the Town implemented accessibility improvements to its pedestrian facilities by using detectable warning surfaces at intersections.

### Methodology

The Town of Bluffton will utilize two methods for upgrading pedestrian facilities to current ADA standards. The first and most comprehensive method is through scheduled street and utility improvement projects. All pedestrian facilities impacted by these projects will be upgraded to current ADA accessibility standards. A current listing of these scheduled projects will be included in Appendix B.

The second method is through specific sidewalk and ADA accessibility improvement projects that are identified individually. These projects will be incorporated into the Capital Improvement Program (CIP) on a case-by-case basis as determined by Town of Bluffton staff. The Town CIP, which includes a detailed schedule and budget for specific improvements, is included in Appendix B.

### Policy

The Town of Bluffton's goal is to continue to provide accessible pedestrian design features as part of its capital improvement projects. The Town will seek to adopt ADA design standards and procedures. These standards and procedures will be kept up-to-date with nationwide and local best management practices.

The Town will consider and respond to all accessibility improvement requests. All accessibility improvements that are deemed reasonable will be scheduled consistent with transportation priorities. The Town will coordinate with external agencies to ensure that all new or altered pedestrian facilities within the Town jurisdiction are ADA compliant to the maximum extent feasible.

Maintenance of pedestrian facilities within the public rights-of-way will continue to follow the any policies set forth by the Town. Examples of typical maintenance items relating to

accessibility include snow removal and ice control for sidewalks, sidewalk repair, and renewal of crosswalk markings. This will be detailed in Appendix A3.

Requests for accessibility improvements can be submitted to the ADA Title II Coordinator or Transition Plan Implementation Coordinator. Contact information is provided in Appendix E.

### Priority Areas

The Town of Bluffton will identify specific locations as priority areas for planned accessibility improvement projects. At this time there are none identified. These areas would be selected due to their proximity to specific land uses such as schools, government offices and medical facilities, as well as from the receipt of public comments.

Additional priority will be given to any location where an improvement project or alteration was constructed after January 26, 1991, and accessibility features were omitted.

### External Agency Coordination

Many other agencies are responsible for pedestrian facilities within the jurisdiction of the Town of Bluffton. The Town will coordinate with those agencies to assist with identifying and facilitating elimination of accessibility barriers along their routes.

### Improvement Schedule

The Town of Bluffton may establish a schedule of goals for improving the accessibility of its pedestrian facilities within the Town's jurisdiction in the future. At this time there are none established, however, below is an example of how that may look in the future:

- Within 5 years (2020 to 2025), 100% of the pedestrian facility features constructed after January 26, 1991 are to be ADA compliant.
- Within 10 years (2020 to 2030), 80% of all pedestrian facility features (including those constructed on or before January 26, 1991) within the priority areas identified by Town staff are to be ADA compliant.
- Within 20 years (2020 to 2040), 80% of all pedestrian facility features (including those constructed on or before January 26, 1991) within the entire jurisdiction of Bluffton are to be ADA compliant.

Based on results from the self-evaluation of pedestrian facilities, the Town of Bluffton will prepare an ADA accessibility improvement schedule to address specific locations where accessibility improvements are needed. A copy of this schedule will be included in Appendix A3.

## Public Outreach

The Town of Bluffton recognizes that public participation is an important component in the development of this transition plan. Input from the community will be gathered and used to help define priority areas for improvements within the jurisdiction of the Town of Bluffton.

This document will be made available for public comment. Appendix C will provide a summary of comments received and detailed information regarding the public outreach activities.

## Public Notice of ADA Requirements and Grievance Procedure

Under the Americans with Disabilities Act, each agency is required to publish its responsibilities with regard to ADA compliance. A draft of this public notice will be provided in Appendix D.

If users of the Town of Bluffton facilities and services believe the Bluffton has not provided a reasonable accommodation, they have the right to file a grievance. In accordance with [28 CFR Sec. 35.107\(b\)](#), the Town will develop a grievance procedure for the purpose of the prompt and equitable resolution of citizens' complaints or concerns. This grievance procedure will be outlined in Appendix D.

## Progress Monitoring and Transition Plan Management

This Transition Plan is considered to be a living document that will continue to be updated as conditions within the Town evolve. The initial schedule is to formally review the complete document (main body and appendices) at least once per year and to identify any need for updates. Updates to the appendices or attachments may be made more frequently as needed. Any substantive updates to the main body of this document will include a public comment period to continue the Town's public outreach efforts.

The Town of Bluffton recognizes that ADA compliance is an ongoing responsibility which will require monitoring to identify future accessibility issues that may be encountered. For example, facilities that currently meet ADA requirements could fall out of compliance in the future due to factors such as damage, disrepair, or changes within public rights-of-way that could create new accessibility obstacles. Therefore, the ADA Title II Coordinator and Transition Plan Implementation Coordinator will establish an on-going monitoring/inspection program or process to ensure that facilities continue to comply with ADA requirements. Agency employees will also be encouraged to report any accessibility concerns or deficiencies that are identified.

## Formal Adoption of ADA Transition Plan

This ADA Transition Plan will hereby adopted by the Town of Bluffton, effective \_\_\_\_\_ of 2023.

Signed:

\_\_\_\_\_  
ADA Title II Coordinator

\_\_\_\_\_  
Date

\_\_\_\_\_  
ADA Transition Plan Implementation Coord.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Authorizing Official

\_\_\_\_\_  
Date



## Appendices

### A. Self-Evaluation

- A1. Communications, Information & Facility Signage
- A2. Building Facilities & Related Parking Lots/Facilities
- A3. Pedestrian Facilities / Public Rights-of-Way

### B. Schedule and Budget Information

### C. Public Outreach

### D. Public Notice of ADA Requirements and Grievance Procedure

### E. Contact Information

### F. Agency ADA Design Standards and Improvement/Compliance Procedures

### G. Glossary of Terms

## Appendix A – Self-Evaluation

A public entity that employs 50 or more persons is required, for at least three years following the completion of the self-evaluation, to maintain on file and make available for public inspection:

- A list of the interested persons consulted;
- A description of areas examined and any problems identified; and,
- A description of any modifications made.

### Interested Persons Consulted

Civil Rights Title VI Committee:

Kim Jones – Director of Projects and Watershed Resiliency

Heather Colin – Growth Management Director

Kimberly Gammon – Town Clerk

Felicia Roth – Director of Compliance and Contracts

Lisa Cunningham – Clerk of Court

Descriptions of areas examined, problems identified and any modifications made are listed in the following sections A1, A2 and A3.

### A1. Communications, Information & Facility Signage

The Town will conduct a detailed evaluation of its communications, information and facility signage with regard to the ADA Title II requirements. The results will be listed as follows.

#### Inventory & Findings

### A2. Building Facilities & Related Parking Lots/Facilities

The Town will conduct a detailed accessibility evaluation of each of its buildings, based on the [ADA Checklist for Existing Facilities](#) publication. The results will be listed as follows.

#### Inventory & Findings

#### Maintenance Activities and Additional Items

### A3. Pedestrian Facilities / Public Rights-of-Way

The Town will conduct a detailed accessibility evaluation of pedestrian facilities within the agency's public rights-of-way. The results will be listed as follows.

**Inventory & Findings** – this will be completed after evaluation.

**Maintenance Activities and Additional Items**

## Appendix B – Schedule and Budget Information

### Overview

Based on the accessibility obstacles/issues identified through the self-evaluation process, and the need to implement improvements in order to comply with ADA accessibility standards, the Town of Bluffton will prepare a schedule and budget estimates using the format below.

Accessibility Category	Projected Costs for Accessibility Improvements/Projects					Estimated Sub-Totals
	Year 1 (20XX)	Year 2 (20XX)	Yrs. 3 to 5 (20XX - XX)	Yrs. 6 to 10 (20XX - XX)	Yrs. 11 to 20 (20XX - XX)	
Communications <sup>1</sup>	\$_____	\$_____				\$_____
Building Facilities <sup>2</sup>	\$_____	\$_____	\$_____			\$_____
Pedestrian Facilities - After 1/26/1991 <sup>3</sup>	\$_____	\$_____	\$_____			\$_____
Pedestrian Facilities - Priority Areas <sup>4</sup>	\$_____	\$_____	\$_____	\$_____	\$_____	\$_____
Pedestrian Facilities - Entire Jurisdiction <sup>5</sup>	\$_____	\$_____	\$_____	\$_____	\$_____	\$_____

*Estimated*

*Total Cost: \$\_\_\_\_\_*

<sup>1</sup> Aim to complete all accessibility improvements needed for *Communications, Information & Facility Signage* by the end of Year 2.

<sup>2</sup> Aim to complete all accessibility improvements needed for *Building Facilities* by the end of Year 5.

<sup>3</sup> Aim to have 100% of *Pedestrian Facility features constructed after January 26, 1991* be ADA compliant by the end of Year 5.

<sup>4</sup> Aim to have 80% of *all Pedestrian Facility features (including those constructed on or before January 26, 1991) within the priority areas identified by Town of Bluffton staff* be ADA



compliant by the end of Year 10. Continue with additional improvements after Year 10 as feasible.

<sup>5</sup> Aim to have 80% of *all pedestrian facility features (including those constructed on or before January 26, 1991) within the entire jurisdiction of the Town of Bluffton* be ADA compliant by the end of Year 20.

**Discussion & Improvement Project Information** – to be completed later after budget and inventory is completed.

As indicated in the table on the previous page, the Estimated Total Cost associated with providing ADA accessibility within the categories of Communications, Building Facilities and Pedestrian Facilities is \$\_\_\_\_\_. This amount represents a significant investment that Town of Bluffton is committed to making in the upcoming years. A systematic approach to providing accessibility will be taken in order to accommodate this cost within the Town's budget for accessibility improvements.

<i>Scheduled Street and Utility Improvement Projects*</i>  Last Updated: _____		
Project / Location	Estimated Budget	Schedule

\*All pedestrian facilities impacted by these projects will be upgraded to current ADA accessibility standards.

## Appendix C – Public Outreach

If there are public comments, they will be provided in the future. There are none currently.

## Appendix D – Public Notice of ADA Requirements and Grievance Procedure

As required by the Americans with Disabilities Act, the Town has posted the following notice outlining its responsibilities with regard to ADA compliance.

### Public Notice

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990, the Town of Bluffton will not discriminate against qualified individuals on the basis of disability in Town services, programs or activities.

**Employment:** The Town 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 Americans with Disabilities Act (ADA).

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

**Modifications to Policies and Procedures:** The Town will make all reasonable modifications to policies and procedures to ensure that people with disabilities have an equal opportunity to enjoy all Town programs, services and activities. For example, individuals with service animals are welcomed in Town 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 Town program, service or activity, should contact the office of the ADA Coordinator as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the Town to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

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

## Grievance Procedure (Source: [www.ada.gov](http://www.ada.gov))

### **Town of Bluffton**

#### **Grievance Procedure under the Americans with Disabilities Act**

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

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

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

**Anni Evans**

**ADA Coordinator and Human Resources Director  
20 Bridge Street, Bluffton SC 29910**

Within 15 calendar days after receipt of the complaint, *the ADA Coordinator or [his/her]* designee 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 the Town of Bluffton and offer options for substantive resolution of the complaint.

If the response by the ADA Coordinator or *his/her* designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the Town Manager or his/her designee.

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



All written complaints received by *ADA coordinator or his/her* designee, appeals to the Town Manager or his/her designee, and responses from these two offices will be retained by the Town of Bluffton for at least three years.

## Appendix E – Contact Information

### ADA Title II Coordinator

Name: Anni Evans

Job Title: Human Resources Director

Office Address: 20 Bridge Street, Bluffton SC

Phone: 843-706-4517

Fax: 843-757-6720

E-mail: [krobinson@townofbluffton.com](mailto:krobinson@townofbluffton.com)

### ADA Transition Plan Implementation Coordinator

Name: Kim Jones

Job Title: Director of Projects and Watershed Resilience

Office Address: 20 Bridge Street, Bluffton SC

Phone: 843-706-7824

Fax: n/a

E-mail: [kjones@townofbluffton.com](mailto:kjones@townofbluffton.com)

## Appendix F – Agency ADA Design Standards and Improvement/ Compliance Procedures

### ADA Resources and Design Standards

[Federal Highway Administration \(FHWA\) - Civil Rights - ADA/Section 504](#)

[Americans with Disabilities Act Accessibility Guidelines \(ADAAG\)](#)

[Public Rights-of-Way \(PROWAG\) Notice of Proposed Rule Making, July 26, 2011](#)

[Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way \(PROWAG\)](#)

[2010 ADA Standards for Accessible Design](#)

[ADA Checklist for Existing Facilities](#)

[ADA Best Practices Tool Kit for State and Local Governments](#)

[ADA Update: A Primer for State and Local Governments](#)

[Ohio Manual of Uniform Traffic Control Devices](#)

[Americans with Disabilities Act of 1990, as Amended \(2008\)](#)

[Title 28 CFR Part 35 – Nondiscrimination on the Basis of Disability in State and Local Government Services](#)

### Improvement/Compliance Procedures

The challenge of dealing with physical or site constraints in alteration projects has been recognized by the authors of ADA accessibility standards for years. The Civil Rights Division of the U.S. Department of Justice has recognized that there could be instances where it might be technically infeasible to construct an alteration in full and strict compliance with ADA accessibility standards, because of physical or site constraints. In such circumstances, state and local agencies must provide accessibility to the maximum extent feasible. Before reaching a conclusion about technical infeasibility, state and local agencies need to consider the extent to which physical or site constraints could be addressed by alternative designs. The burden of proving technical infeasibility rests with the agency/owner that is responsible for the facility, element or feature.

### Intersection Corners

The Town will work in good faith to have curb ramps or blended transitions constructed or upgraded to achieve ADA compliance within all capital improvement projects. There may be limitations which make it technically infeasible for an intersection corner to achieve full accessibility within the scope of a project. If so, those limitations will be noted and those intersection corners will remain on the transition plan. As future projects or opportunities arise, those intersection corners shall continue to be incorporated into future work. Regardless of whether full compliance can be achieved in all cases, each intersection corner shall be made as compliant as possible in accordance with the judgment of Town staff.

### Sidewalks / Trails

The Town will work in good faith to have sidewalks and bicycle/pedestrian trails constructed or upgraded to achieve ADA compliance within all capital improvement projects. There may be limitations which make it technically infeasible for segments of sidewalks or trails to achieve full accessibility within the scope of a project. If so, those limitations will be noted and those segments will remain on the transition plan. As future projects or opportunities arise, those segments shall continue to be incorporated into future work. Regardless of whether full compliance can be achieved in all cases, each sidewalk or trail shall be made as compliant as possible in accordance with the judgment of Town staff.

### Traffic Control Signals

The Town will work in good faith to have traffic control signals constructed or upgraded to achieve ADA compliance within all capital improvement projects. There may be limitations which make it technically infeasible for individual traffic control signal locations to achieve full accessibility within the scope of a project. If so, those limitations will be noted and those locations will remain on the transition plan. As future projects or opportunities arise, those locations shall continue to be incorporated into future work. Regardless of whether full compliance can be achieved in all cases, each traffic signal control location shall be made as compliant as possible in accordance with the judgment of Town staff.

### Bus Stops

The Town will work in good faith to have bus stops constructed or upgraded to achieve ADA compliance within all capital improvement projects. There may be limitations which make it technically infeasible for individual bus stop locations to achieve full accessibility within the scope of a project. If so, those limitations will be noted and those locations will remain on the transition plan. As future projects or opportunities arise, those locations shall continue to be incorporated into future work. Regardless of whether full compliance can be achieved in all cases, each bus stop location shall be made as compliant as possible in accordance with the judgment of Town staff.



#### Other policies, practices and programs

The Town's other policies, practices and programs not identified in this document will follow the applicable ADA standards.

## Appendix G – Glossary of Terms

**ABA:** See Architectural Barriers Act.

**ADA:** See Americans with Disabilities Act.

**ADA Transition Plan:** Transportation system plan that identifies accessibility needs, the process to fully integrate accessibility improvements, and aims to ensure that all transportation facilities, services, programs, and activities are accessible to all individuals.

**ADAAG:** See Americans with Disabilities Act Accessibility Guidelines.

**Accessible:** A facility that provides access to people with disabilities using the design requirements of the ADA.

**Accessible Pedestrian Signal (APS):** A device that communicates information about the WALK phase in audible and vibrotactile formats.

**Alteration:** A change to a facility in the public right-of-way that affects or could affect access, circulation, or use. An alteration must not decrease or have the effect of decreasing the accessibility of a facility or an accessible connection to an adjacent building or site.

**Americans with Disabilities Act (ADA):** Civil rights legislation passed in 1990 and effective July 1992. The ADA sets design guidelines for accessibility to public facilities, including sidewalks and trails, by individuals with disabilities.

**Americans with Disabilities Act Accessibility Guidelines (ADAAG):** Contains scoping and technical requirements for accessibility to buildings and public facilities by individuals with disabilities under the Americans with Disabilities Act (ADA) of 1990.

**APS:** See Accessible Pedestrian Signal.

**Architectural Barriers Act (ABA):** Federal law that requires facilities designed, built, altered or leased with Federal funds to be accessible. The Architectural Barriers Act marks one of the first efforts to ensure access to the built environment.

**Capital Improvement Program (CIP):** The CIP for a public agency typically includes an annual capital budget and a five-year plan for funding the new construction and reconstruction projects on the agency's transportation system.

**Detectable Warning:** A surface feature of truncated domes, built in or applied to the walking surface to indicate an upcoming change from pedestrian to vehicular way.

**DOJ:** See United States Department of Justice.

**Federal Highway Administration (FHWA):** A branch of the U.S. Department of Transportation that administers the federal-aid Highway Program, providing financial assistance to states to construct and improve highways, urban and rural roads, and bridges.

**FHWA:** See Federal Highway Administration.

**Pedestrian Access Route (PAR):** A continuous and unobstructed walkway within a pedestrian circulation path that provides accessibility.

**Pedestrian Circulation Route (PCR):** A prepared exterior or interior way of passage provided for pedestrian travel.

**PROWAG:** An acronym for the *Guidelines for Accessible Public Rights-of-Way* issued in 2005 by the U.S. Access Board. This guidance addresses roadway design practices, slope and terrain related to pedestrian access to walkways and streets, including crosswalks, curb ramps, street furnishings, pedestrian signals, parking and other components of public rights-of-way.

**Right-of-Way:** A general term denoting land, property, or interest therein, usually in a strip, acquired for the network of streets, sidewalks and trails creating public pedestrian access within a public entity's jurisdictional limits.

**Section 504:** The section of the Rehabilitation Act that prohibits discrimination by any program or activity conducted by the federal government.

**Uniform Federal Accessibility Standards (UFAS):** Accessibility standards that all federal agencies are required to meet; includes scoping and technical specifications.

**United States Access Board:** An independent federal agency that develops and maintains design criteria for buildings and other improvements, transit vehicles, telecommunications equipment, and electronic and information technology. It also enforces accessibility standards that cover federally-funded facilities.

**United States Department of Justice:** Federal executive department responsible for enforcement of the law and administration of justice (also referred to as the Justice Department or DOJ).