



# CITY OF ATASCADERO

AMERICANS WITH DISABILITIES ACT

**DRAFT 2019**

## Self-Evaluation and Transition Plan Update

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## **1.0 Introduction**

### **1.1 Summary**

The City of Atascadero has a strong commitment and history of providing accessible services to the community. Accessible pedestrian improvements, the removal of architectural barriers in City buildings and parks and the inclusive delivery of services have very successfully been accomplished with consideration of the needs of people with disabilities. Maintenance of existing accessible features is a continuous and on-going process, which has been and will continue to be a priority in the City of Atascadero.

This ADA Self-Evaluation and Transition Plan Update is being prepared to partially fulfill the requirements set forth in Title II of the Americans with Disabilities Act. The ADA states that a public entity must reasonably modify its policies, practices, or procedures to avoid discrimination against people with disabilities. Title II of the ADA emphasizes the accessibility of programs, activities and services.

Municipal facilities include City buildings, parks, public parking lots, and city owned and managed facilities operated by private entities. Facilities that are not addressed in this ADA Title II Plan include private businesses and offices, private schools, County, State or Federal facilities, places of worship or private clubs.

When it is not feasible to provide accessible City of Atascadero programs, activities and services by, if necessary, relocating these activities to accessible facilities or providing auxiliary aids and services, the ADA requires that the City complete a Transition Plan describing the physical modifications to facilities that will support accessible programs. This Transition Plan Update includes a review of current departmental practices wherever City services are provided to the public.

The Transition Plan described in Chapter 3 is the result of an ongoing evaluation of all City of Atascadero municipal facilities where programs, activities and services are available to the public. The facility evaluations are being conducted using the ADA 2010 Standards and California Building Codes.

Each facility report will list potential barriers, provide information about the relevant State and Federal codes and indicate a suggested barrier removal priority. These reports will assist the City of Atascadero to identify policy, programs and physical barriers to accessibility and to develop barrier removal solutions that will facilitate the opportunity of access to all individuals.

The Transition Plan update is intended to provide a framework for the continuous improvement of City facilities for people with disabilities. The Transition Plan project list will represent the priorities established by the City of Atascadero and members of the public during the development of the Plan. It is the intent of the City to address and remove barriers to accessibility in public buildings and parks based upon on the immediate necessity of programmatic access, degree of complexity, and overall cost. Barriers in public facilities throughout the City have successfully been and will continue to be removed based on priorities and project funding availability. Projects to remove barriers may be accomplished as funding opportunities arise, programs or priorities change, or there is an opportunity to realize savings by grouping construction projects.

The table contained in Chapter 3 describes the preliminary schedule for barrier removal in public facilities owned by the City of Atascadero, which represents a 6-year plan. It is the City's intent to review all barriers during the initial phases of implementation of this plan and address those barriers that can be resolved through programmatic modifications.

Many of the potential barriers identified are associated with facilities that have accessibility features that serve people with disabilities such as designated parking, accessible restrooms, access ramps, accessible door hardware and other code compliant and usable features.

The Transition Plan also contains reports of potential barriers observed in the pedestrian rights-of-way (PROW) adjacent to City facilities, parks, and public schools. The City has consistently worked to remove PROW barriers that limit program accessibility through capital improvement and development projects.

The City of Atascadero has designated the Public Works Operations Manager as its primary 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 has violated Title II of the ADA. The ADA Coordinator is also responsible for coordinating the efforts of the City to comply with Title 24 and all other applicable State and Federal physical and program accessibility requirements.

As this Transition Plan Update is currently a work in progress and before finalizing the Update, the City may endeavor to work with the California Joint Powers Authority (CJPIA) and/or others to assist the City with planning and

coordinating a public meeting to be held at Atascadero City Hall, to introduce the Plan Update and receive questions and comments related to the ADA Transition Plan from members of the public.

## **1.2 Legislative Mandate**

The American with Disabilities Act (ADA) is a comprehensive civil rights law for persons with disabilities in both employment and the provision of goods and services. The ADA states that its purpose is to provide a "clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities." Congress emphasized that the ADA seeks to dispel stereotypes and assumptions about disabilities and to assure equality of opportunity, full participation, independent living, and economic self-sufficiency for people with disabilities.

The development of a Transition Plan is a requirement of the federal regulations implementing the Rehabilitation Act of 1973, which requires that all organizations receiving federal funds make their programs available without discrimination toward people with disabilities. The Act, which has become known as the "civil rights act" of persons with disabilities, states that:

*No otherwise qualified handicapped individual in the United States shall, solely by reason of handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. (Section 504)*

Subsequent to the enactment of the Rehabilitation Act, Congress passed the Americans with Disabilities Act on July 26, 1990. Title II of the ADA covers programs, activities, and services of public entities. The Department of Justice's Title II regulation adopts the general prohibitions of discrimination established under Section 504 and incorporates specific prohibitions of discrimination for the ADA. Title II provides protections to individuals with disabilities that are at least equal to those provided by the nondiscrimination provisions of Title V of the Rehabilitation Act.

Specifically, the City may not, either directly or through contractual arrangements, do any of the following:

- Deny persons with disabilities the opportunity to participate as members of advisory boards and commissions.
- Deny persons with disabilities the opportunity to participate in services, programs, or activities that are not separate or different from those offered others, even if the City offers permissibly separate or different activities.

- In determining the location of facilities, make selections that have the effect of excluding or discriminating against persons with disabilities.

Title II of the ADA provides that public entities must identify and evaluate all programs, activities, and services and review all policies, practices, and procedures that govern administration of the entity's programs, activities, and services. The City completed the initial full survey of all facilities and Accessibility pathways in 1997. This report and certain documents incorporated by reference, establishes the City's ADA Self-Evaluation and Transition Plan update.

### **1.3 ADA Self-Evaluation and Transition Plan Requirements and Process**

The Self-Evaluation is the City's assessment of its current policies, practices, and procedures. The Self-Evaluation identifies and makes recommendations to correct those policies and practices that are inconsistent with Title II requirements. As part of the Self-Evaluation, the City:

- Identified the City's programs, activities, and services; and
- Reviewed the policies, practices, and procedures that govern the administration of the City's programs, activities, and services.

The ADA sets forth specific requirements for preparation of an acceptable Transition Plan. This plan includes:

- 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;
- A detailed outline of the methods to be used to remove these barriers and make the facilities accessible;
- Planning level cost estimates for their removal;
- A schedule for taking the steps necessary to achieve compliance with the ADA, Title II; and
- The name of the individual responsible for the plan's implementation.

### **1.4 Discrimination and Accessibility**

There are two kinds of accessibility:

- Program accessibility; and
- Physical accessibility

Absence of discrimination requires that both types of accessibility be provided. Program accessibility includes physical accessibility, but also entails all of the

policies, practices, and procedures that permit people with disabilities to participate in programs and to access important information. Physical accessibility requires that a facility be barrier-free. Barriers include any obstacles that prevent or restrict the entrance to or use of a facility. Program accessibility requires that individuals with disabilities be provided an equally effective opportunity to participate in or benefit from a public entity's programs and services. Program accessibility may be achieved by either structural or non-structural methods. Non-structural methods include acquisition or redesign of equipment, assignment of aides to beneficiaries, and provision of services at alternate sites.

Programs offered by the City to the public must be accessible. Accessibility includes advertisement, orientation, eligibility, participation, testing or evaluation, physical access, provision of auxiliary aids, transportation, policies, and communication.

The City may achieve program accessibility by a number of methods:

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

It is required that when choosing a method of providing program access, the City will give priority to the one that results in the most integrated setting appropriate to encourage interaction among all users, including individuals with disabilities. In compliance with the requirements of the ADA, the City must provide equality of opportunity.

## **1.5 Undue Burden**

The City is not required to take any action that it can demonstrate would result in a fundamental alteration in the nature of its program or activity; would create a hazardous condition resulting in a direct threat to the participant or others; or would represent an undue financial and administrative burden. The determination that an undue burden would result must be based on an evaluation of all resources available for use in the City. For example, if a barrier removal action is judged unduly burdensome, the City must consider other options for providing access to the benefits and services of the program or activity by individuals with disabilities.

## **1.6 Facility Survey**

In 2018, the City completed a physical audit of facilities to identify facility barriers and identify recommendations and alterations in order to meet state and federal accessibility standards. The list of facilities surveyed included:



- City-owned parks
- City-owned buildings
- City-owned parking lots
- City-owned public-rights-of-way adjacent to City-owned facilities and schools

## **1.7 Self-Evaluation**

In 2018, the City of Atascadero evaluated its policies, programs and procedures to determine current levels of service and the extent to which its policies and programs created barriers to accessibility for persons with disabilities.

The City currently strives to address and will continue to address any programmatic accessibility barriers consistently, Citywide, in the following areas:

- Customer Service – Policies and practices that ensure individuals with disabilities can participate in the programs, activities, and services provided by the City.
- Outreach and Information – Notices, printed information, televised and audiovisual information, the City website, public telephones, and communication devices.
- Training and Staffing – The current level of training and experience of City staff with policies and procedures regarding providing services to individuals with disabilities.
- Programs and Activities – Program eligibility and admission, public meetings, tours and trips, transportation services, the use of consultants or contractors to provide city services, emergency evacuation procedures, special events and private events on City properties, maintenance of accessible programs, and ongoing accessibility improvements.
- Accessible/Adaptive Equipment – The use of automated electronic equipment and auxiliary aids to assist individuals with disabilities participate in City programs.

## **1.8 Public Outreach**

The City will be working with the California Joint Powers Authority (CJPIA) and/or other qualified consultants, as needed, to plan and coordinate a public meeting, in order to introduce the Transition Plan Update and to receive questions, comments and input related to the Plan from members of the public.



## **2.0 Policies & Programmatic Accessibility Findings & Actions**

### **2.1 Introduction**

Programs, activities, and services offered by the City of Atascadero to the public must be accessible. Accessibility applies to all aspects of a program or service, including advertisement, orientation, eligibility, participation, testing or evaluation, physical access, provision of auxiliary aids, transportation, policies, and communication.

This section details the review of current City-wide policies, services, programs, and activities based on meetings with City staff and evaluation of existing program accessibility in each department:

- Administration – City Manager, City Clerk and City Attorney
- Building Inspection
- Economic Development
- Finance
- Fire
- Human Resources
- Information Technology
- Planning
- Police
- Public Works
- Recreation

The findings and recommendations contained in this section will serve as a basis for the implementation of specific improvements for providing access to City programs as required by law.

### **2.2 Programmatic Modifications**

The ADA Coordinator, or designee, will follow-up with each department to review the recommendations contained in this Self-Evaluation Report. In those situations where a policy, program, or procedure creates a barrier to

accessibility that is unique to a department or a certain program, the ADA Coordinator, or designee, will coordinate with the department head or program manager to address the removal of the barrier in the most reasonable and accommodating manner in accordance with applicable law.

## **2.3 Findings and Recommended Actions – City-Wide Programs, Activities, and Services**

This section is organized into categories based on the requirements of Title II of the ADA.

- Accessible/Adaptive Equipment
- Customer Service
- Notice Requirements
- Printed Information
- Televised and Audiovisual Public Information
- Website
- Public Telephones and Communication Devices
- Training and Staffing
- Program Eligibility and Admission
- Public Meetings
- Transportation Services
- Tours and Trips
- Use of Consultants for Delivering Program Services
- Emergency Evacuation Procedures
- Facilities
- Special Events on Public Properties

Actions are listed as required or recommended based on the Americans with Disabilities Act. Some actions are always required, such as posting a nondiscrimination notice in City offices, while other actions are only required when requested, such as providing alternative formats such as large print agendas. In many cases, the City has many alternatives in selecting methods for providing accessible programs, activities and services.

### **Accessible/Adaptive Equipment**

Adaptive aids are devices, controls, appliances, or items that make it possible for persons with disabilities to improve their ability to function independently and participate in programs, services, and activities offered by the City. For example, a pen, note pad and clip board provided to a person with a hearing or speech impairment to write notes on or accessible electronic equipment such as an accessible computer stations.

**Actions:**

- It is required to provide and maintain in working order accessible equipment for people with disabilities when the public is allowed or required to use equipment such as computers, copy machines, telephones or other technologies.
- It is recommended to collaborate with community organizations that serve people with disabilities to develop and maintain a current resource list of assistive technology equipment and sources.
- It is recommended to establish and maintain a “Resources Toolkit” of adaptive aids and human resources that should be available for use by individuals participating in City programs. Include information about the availability of specific equipment and/or individuals who are available to provide special services (e.g., ASL translation) in public information materials such as brochures and the City’s website.
- It is recommended to include accessibility as a criterion for purchasing. Whenever possible, evaluate furniture and building materials purchases for compatibility with a wide range of disabilities and sensitivities. Select items that are easily adjustable or can be modified to accommodate a variety of physical and ergonomic needs when purchasing items such as furniture, site furnishings, and office systems. Consultation with disability organizations and persons with disabilities (see Section 6.0 for Disability Resources) will assist in this task.

**Customer Service**

In-person interaction with the public is one of the primary functions of most City departments.

**Actions:**

- It is required to continue to make appropriate modifications to regular practices to accommodate the needs of individuals with disabilities when providing customer service.
- In order to meet this requirement it is recommended that the City develop criteria for determining reasonable modifications to provide program accessibility, which may include acquisition or redesign of equipment, assignment of aides to persons with disabilities, and provision of services at alternative accessible sites. An approach should include:
  - Requests for reasonable modification in programs or services should be made to the department responsible for the program or service.

- The department offering the program or service should meet with the individual with a disability to identify which aspects of the program limit participation and what modifications can be made.
- The department offering the program or service should consult with the relevant program or service staff to determine the reasonable modification. The department offering the program or service may also consult with the City's ADA Coordinator or other resources providing services or information regarding persons with disabilities as appropriate.
- The department offering the program or service should document the modification(s) that was offered and the response of the person with the disability to the modification(s) offered. This documentation should be filed with the City ADA Coordinator's office. All accessibility requests should be tracked. The ADA requests should be analyzed periodically to look for global issues that can be addressed and problems that can be solved proactively.
- If individuals with a disability are not satisfied with the results of this process, they should be directed to the City's ADA Grievance Procedure.
- It is required that the City continue the policy of not charging an additional fee for program modifications or alternative formats.
- It is recommended that the City:
  - Assess the composition and needs of the population of people with disabilities, and take the necessary steps to improve communication and outreach to increase the effective participation of community members with disabilities in all City programs and activities.
  - Create partnerships with organizations that provide services to people with disabilities to assist in communicating about accessible City programs. Keep programs up-to-date through increased community involvement and partnerships with organizations that offer services to persons with disabilities.
  - Publicize efforts to increase participation by persons with disabilities, which might include activities such as distributing program brochures to members of the disability community.

### **Notice Requirements**

Title II regulations require the City to inform the public of the rights and protections provided by the ADA for access to public programs, services, and activities.

**Actions:**

- It is required that the City include the following or similar notice regarding the City's commitment to providing accessible services in all City publications that provide information about City services, programs, or activities. The notice should also be placed in all City departments in a location that will maximize public exposure.

*In accordance with the Americans with Disabilities Act and California Law, it is the policy of the City of Atascadero to offer its public programs, services and meetings in a manner that is readily accessible to everyone, including individuals with disabilities. If you are a person with a disability and require information or materials in an appropriate alternative format; or if you require any other accommodation, please contact department staff. Advance notification within this guideline will enable the City to make reasonable arrangements to ensure accessibility. The City ADA Coordinator can be reached at (805) 470 3148 or by email: [adacoordinator@atascadero.org](mailto:adacoordinator@atascadero.org)*

- It is required to provide non-discrimination language on both hard copies and documents posted on the web. Include the following or similar notice regarding the City's non-discrimination policy in all City publications that provide general information about City services, programs, or activities.

*The City of Atascadero does not discriminate on the basis of disability in the admissions or access to its programs or activities. An ADA Coordinator has been designated to coordinate compliance with the non-discrimination requirements contained in the Department of Justice regulations implementing Subtitle A of Title II of the Americans with Disabilities Act (42 U.S.C. 12131), which prohibits discrimination on the basis on disability by public agencies.*

- It is required that the ADA Coordinator is able to communicate with a person with hearing impairment using a TTY system. As an interim solution, consider using the 711 California Relay Service.
- It is required that a statement regarding the availability, upon request, of alternative formats and auxiliary aids is included on announcements for City programs, and applications, including:
  - The notice of non-discrimination;
  - The department's text telephone (TTY) number and/or California Relay Service information, and the phone number and email address of the person who can provide assistance in meeting special needs; and

- A notice that requests for alternative formats or auxiliary aids is required with 72 hours' notice.
- It is recommended that the City work to increase outreach to persons with disabilities and the organizations that serve them and to inform the public of the possible modifications that can be provided to make services, programs, and activities accessible.

### **Printed Information**

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

All departments provide printed information to the public.

#### ***Actions:***

- It is required that the City provide alternative formats to printed information, when requested (for example, enlarged print format for persons with visual disabilities or in simple language for persons with cognitive disabilities).
- It is required that the City address all requests for other alternative formats or lengthy documents on an individual basis.
- It is recommended that the City provide instruction to each department on how to produce printed information in alternative formats for persons with various disabilities to ensure that requests are handled in a uniform and consistent manner.
- It is required that any additional costs for alternative forms of communication are not assigned to the person with a disability requesting the alternative format.
- It is required to include the following notice on materials printed by the City that are made available to the public:

*This publication can be made available in alternative formats, such as Braille, large print, audiotape, or computer disk. Requests can be made by calling the ADA Coordinator at (805) 470 3148 (Voice) or by using the 711 California Relay Service. Please allow 72 hours for your request to be processed.*

- It is required to provide programmatic changes (e.g., staff assistance), upon request to assist in filling out forms or when alternative formats are unavailable or infeasible.
- It is recommended that when photos are part of a brochure or publication photos of persons with disabilities are included.

## **Televised and Audiovisual Public Information**

Televised and audiovisual information is a means for disseminating public information through presentations produced by City departments. All televised and audiovisual information must be accessible to persons with disabilities. As more and more communication is being done remotely via the rapidly changing internet, it will be increasingly important that all communication tools maintain accessibility as technology changes.

### ***Actions:***

- It is required that the City provide, when requested, alternatives to audio presentations for City programs and for audiovisual presentations produced by the City (including videos, films, and City Council, and Planning and Transportation Commission meetings) in order to ensure that persons with hearing impairments can benefit from these presentations. Closed captioning is not required.
- It is recommended that when presenting PowerPoint or other visual presentations that the presenter read the slides and describe the graphics. This will allow people who are blind or visually impaired to receive the information being presented.
- It is recommended that when photos are part of an audio visual presentation, images of persons with disabilities are included.

## **Website – City and Departmental Websites**

As people now often turn to the Internet as their primary source of information regarding services, programs, activities, and facilities, the City's website, [www.atascadero.org](http://www.atascadero.org), takes on increased importance as a communications tool.

Providing public access to City publications online is an effective means of reaching persons with disabilities. New accessibility standards for electronic and information technology covered by Section 508 of the Rehabilitation Act Amendments of 1998 have set forth the technical and functional performance criteria necessary for such technology to be accessible.

## **Website**

### ***Actions:***

- It is required that the City:
  - Ensure that its website is accessible to people with disabilities, including those with visual impairment.
  - Publish the Policy of Non-Discrimination, including on the Basis of Disability, on the City's website.



- It is recommended that the City:
  - Increase outreach to persons with disabilities by having the website include more information about the City's commitment to providing accessible services.
  - Continually improve the accessibility of web pages through the use of web accessibility analysis to meet and/or exceed Section 508 of the Rehabilitation Act guidelines for accessibility of electronic information. Acquire the technological resources necessary to create accessible PDF and graphics files as described in ADA standards for electronic and information technology.
  - Assign one department the authority to provide standards and oversight for outside vendors who create pages and for departments who post their own documents. This will support consistent and accessible web pages. Monitor web pages for continued compliance with accessible web page standards.
  - Provide training to City staff members in creating accessible PDF and other electronic files for posting on City or departmental websites.
  - Use services that help web page authors provide an accessible website by identifying and repairing barriers to access for individuals with disabilities.

### **Communication Devices**

#### ***Actions:***

- It is required that staff members are able to use TTY equipment or other means of communicating over the telephone with a person with a hearing or speech impairment, such as the California Relay Service (CRS) – 711, or are able to direct members of the public to knowledgeable staff.
- It is required that publications that list phone numbers also include information on how people with hearing and/or speech impairment can communicate with departments by phone.
- It is recommended that City staff become familiar with Video Remote Interpreting Services (VRI) for communicating with people with hearing and/or speech impairment. There are many situations where a live interpreter is required, such as in medical situations, but RVI is a convenient, flexible, lower-cost alternative to live interpreters.

## **Training and Staffing**

### ***Actions:***

- It is required that City staff is knowledgeable in providing accessible services, programs and activities for the public and that accessible facilities are maintained in working order.
- It is recommended that the City:
  - Provide all City staff members with on-going awareness and sensitivity training.
  - Provide training to City staff members who have contact with the public about how to provide modifications and use assistive devices to make their programs, activities, and services accessible. Ensure that customer service training includes information about communicating with and providing modifications for persons with a variety of disabilities. Include program-specific adaptations, assistive devices, and modifications in each department's accessibility policy manual.
  - Develop a comprehensive disability access training program. Educate all City staff about their responsibilities under the ADA. The City's Risk Manager should be responsible for ensuring that staff members receive training. Reference materials that address special modifications should be included in this training.
  - Develop standard guidelines for training materials. These guidelines should include standard language that appropriately describes the City's policy on inclusion and non-discrimination, and staff members should receive training in using the guidelines effectively.
  - Consider offering training to employees who wish to learn basic American Sign Language (ASL) communication skills for staff who have contact with the public and depending on operational needs. This training should emphasize basic communication skills and should not be viewed as a substitute for utilizing qualified ASL interpreters when requested.
  - Train Maintenance Services staff with respect to accessibility compliance and building codes to maintain facilities in an accessible condition.
  - Provide City staff members with training in general building evacuation procedures for assisting persons with hearing, speech, visual, mobility, and learning disabilities in an emergency.
  - Designate one manager in each department to serve as the department's Disability Access Liaison. The Liaison will be required to complete a training program and attend periodic retraining regarding accessibility issues.

## **Program Eligibility and Admission**

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

### ***Actions:***

- It is a requirement that individuals with disabilities are not excluded from regular programs or are required to accept special services or benefits.
- It is required to include individuals with disabilities in regular programs to the maximum extent possible.
- It is required that the City modify standard policies, practices, or procedures to avoid discrimination unless the modification would fundamentally alter the nature of the program, result in an undue financial or administrative burden, or create a hazardous situation for the participant or others.
- It is required that when specific policies that would exclude or limit the participation of persons with disabilities are necessary for the safe operation of programs, those requirements are based on real risks, not on speculation, stereotypes, or generalizations.
- It is required that a non-discrimination statement is included on application or registration forms.
- When interviews are required for program participation, it is required that the meetings are held in an accessible location and that alternative formats or auxiliary aids are provided upon request.

## **Public Meetings**

### ***Actions:***

- It is required that public meetings are held in accessible facilities in order to accommodate the participation of people with mobility disabilities. An accessible location includes, but is not limited to, the following: wheelchair accessible path-of-travel to the meeting room, accessible restrooms, accessible parking, an accessible route from transit and parking to the meeting facility, temperature control, signage, and the ability to provide access to fresh air for persons with chemical sensitivities.
- It is recommended to continue to schedule public meetings at accessible locations.

- It is recommended to prepare a list of accessible meeting spaces to facilitate the scheduling of meetings and/or the relocation of meetings upon request.
- It is required to display a notice on meeting agendas indicating the availability of accessibility modifications.
- It is required to provide agendas and other meeting materials in alternative formats, when requested.
- It is required to provide flexibility in the time limit on speaking for individuals with communication difficulties.
- It is required to have assistive listening devices available at public meetings.
- It is recommended for the City to maintain a list of on-call American Sign Language interpreters who may be brought to meetings to assist individuals with hearing impairments (see Section 6).
- It is recommended to provide instruction to City staff on the types of modification requests that may be made by persons with different types of disabilities including auxiliary aids such as different types of assistive listening systems, sign language interpreters, readers, descriptive services, and other assistive technologies like "real-time captioning." Provide guidance in the layout of the room, sign-in table and refreshments table, to insure that these features are accessible.
- Consider assigning a staff member to be a greeter at public meetings and events. Identify the staff member as a resource for persons who may require assistance.
- It is recommended to develop a checklist for creating accessible meetings and selecting accessible meeting spaces, and make the list available to all City departments and programs who conduct public meetings.
- It is recommended to move disability-related agenda items to the beginning of agendas when possible. Some people with disabilities are unable to stay late at meeting because they use para-transit, or have fixed schedules, and/or need to use personal care attendants.

### **Emergency Evacuation Procedures**

#### ***Actions:***

- It is required that the City develop guidelines and a plan for the evacuation of persons with disabilities in various types of emergency situations. These plans should:
  - Address what to do when an alarm is triggered;
  - Establish meeting places for assistance and evacuation chairs;
  - Provide direction on what to do if assistance is not available;

- Establish floor captains.

Specific suggestions for evacuation plans and procedures can be found through the US Access Board at <http://www.ada.gov/emergencyprepguide.htm> and the Emergency Procedures for Employees with Disabilities in Office Occupancies document published by FEMA and the US Fire Administration.
- It is required to train City staff regarding emergency evacuation procedures with periodic drills, both announced and unannounced.
- It is recommended that the City:
  - Review existing procedures dealing with emergencies to ensure that persons with disabilities can be alerted and that they can alert emergency service providers.
  - Work with disability organizations to explore the use of other technologies such as audible exit signs for orientation and direction and vibrating paging systems.
  - It is recommended to provide training for public safety personnel to enable them to communicate in basic American Sign Language in the event that there is an emergency condition and the area is being evacuated. For example, this training would be provided to police, firefighters, lifeguards, and building inspectors involved in post disaster emergencies.
  - Take the necessary steps to ensure that emergency teams are aware of persons with disabilities in their communities who may require special assistance in the event of an emergency.
  - As needed, provide American Sign Language interpreters at emergency facilities. To accomplish this, the it is recommended that the City form a pool of interpreters as a resource from which to draw upon (see Section 6).

## **Facilities**

### ***Actions:***

- It is recommended that the City provide information about facility accessibility on department publications including the department's website.
- It is recommended that requests relating to facility access be recorded and monitored. Accessibility requests should be analyzed periodically to look for global issues that can be addressed and problems than can be solved proactively.

## **Special Events on Public Properties**

### ***Actions:***

- It is recommended that in situations where private organizations sponsor events in City facilities, the City inform the organizer about applicable ADA requirements.
- It is recommended that the City provide a checklist and information during the application process to inform organizers of their responsibility for accessibility under the ADA.

## **2.4 Policy Review: City Municipal Code**

### **Overall Recommendations:**

- Provide meeting agendas, handouts, forms, and other written materials including information that is sent via postal mail in alternative formats upon request. Alternative formats may include large print, audio tape, CD, Braille, etc.
- All public meetings must be held in accessible locations. Auxiliary aids such as American Sign Language interpreters or captioning must be provided upon request.
- When forms are required for applications, provide alternative accessible formats for a person with disabilities, when requested.
- When signatures are needed, give an alternative for a person with a disability to providing a written signature such as a signature stamp.

### **Other Recommendations:**

- **TITLE 2 - ADMINISTRATION AND PERSONNEL:** Chapter 2.08 City Commissions Generally. Membership (2.08.020)  
***Recommended action:***  
Add language that states the composition of boards should also reflect a cross section of the population in terms of people with disabilities, in addition to a cross section of the city population in terms of age, sex, economic status and ethnic background.
- **TITLE 2 - ADMINISTRATION AND PERSONNEL:** Chapter 2.08.050 Organization  
***Recommended action:***  
Add language that states all meetings of the commissions open to the public shall be held in accessible locations and alternative formats of printed materials are made available upon request.
- **TITLE 2 – ADMINISTRATION AND PERSONNEL:** Chapter 2.20.020 Purchasing System – Purchasing officer

***Recommended action:***

Add language that accessibility be considered as a factor when purchasing equipment.

- **TITLE 2 – ADMINISTRATION AND PERSONNEL:** Chapter 2.28 Emergency Plan

***Recommended action:***

Include accessibility components in city-wide Emergency Plan including shelter designation.

- **TITLE 5 - ANIMALS:** Chapter 5.04.005 Definitions

***Recommended action:***

Add language to define the term “Service Animal” and include service animals who service people with cognitive disorders such as anxiety, epilepsy, or glucose-alert dogs in addition to physical disabilities.

- **TITLE 6 – HEALTH AND SAFETY:** Chapter 6.24.130 Live animals in food establishments unlawful

***Recommended action:***

Add language that specifically allows service dogs in all areas of the facility where the public is allowed to go.

- **TITLE 8 – VEHICLES AND TRAFFIC:** Chapter 8.12 Pedestrians

***Recommended action:***

Add language that requires all crosswalks to be accessible.

- **TITLE 9 – STREETS, SIDEWALKS, AND PUBLIC PLACES:** Chapter 9.25 Special Events

***Recommended action:***

Add language that specifies all special events held in City properties must be accessible to people with disabilities.

- **TITLE 12 – BUILDING AND CONSTRUCTION:** Chapter 12.24.080 Fire Code. Fire Evacuation Plans (Section 404.3.1)

***Recommended action:***

Add language to include accessible emergency egress and escape routes.

### **3.0 ADA Transition Plan**

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

This Transition Plan combines the findings of the facility surveys, public rights-of-way surveys, policy assessments, and program evaluations. Specific policy and program recommendations can be found in Section 2.0. The specific architectural modifications required to make programs accessible are listed in the City of Atascadero—Facility Reports (please see Appendix C). Each facility report contains a complete list of architectural barriers and barrier removal actions. Not all of these barriers must be removed in order to provide program access. The first priority is to remove those barriers limiting access to programs.

This Transition Plan is divided into two parts: facilities, which includes buildings, parks, and their related grounds; and the public pedestrian rights of-way, which includes sidewalks and curb ramps in front of City-owned facilities and public schools, as well as Downtown parking lots. In compliance with the requirements of the ADA, the City will maintain in working order equipment and features that are required to provide access to individuals with disabilities.

### **3.1 Facilities**

#### **A. Program Barrier Removal Priorities**

All facilities in which the City provides programs, activities, and services were reviewed and ranked based on the following criteria. Each of these criteria is deemed by the City to have equal importance with no single criteria having priority over another:

- Level of use by the public: Does the facilities receive a high level of public use?
- Program uniqueness: Some programs are unique to a building, facility, or park and cannot occur at another location.
- Geographic distribution: By selecting a range of facilities that are distributed throughout the City, the City can ensure maximum access for all residents.



- Citizen rights: Facilities where services are provided to exercise citizen rights– voting, right to a trial, access to elected officials, etc.
- Citizen responsibilities: Facilities where taxes are paid, permits and licenses are obtained, and where services are obtained.
- Social need: Facilities that meet social needs such as homeless shelters, health clinics, etc.
- Identified complaints: Efforts should focus on identified accessibility complaints.

## **B. Prioritizing Access to Programs, activities, and services**

City staff from each department listed the programs, activities, and services provided to the public and locations where the programs are provided. Each program was evaluated using the criteria listed above.

## **C. Priorities for Barrier Removal within Facilities**

The following prioritization protocol is referenced in the ADA. The principle is to ensure that basic access is provided, access to activities is provided, amenities are accessible, and alternatives to architectural modifications are allowed when appropriate. Translating these priorities into action plans must be accomplished using a programmatic approach. For example, simply making the parking lot, entry walks and entrance door to a facility accessible (all Number 1 priorities) and not making the front counter, restrooms and meeting rooms accessible (all Number 2 priorities) will not provide true programmatic access.

A Public Meeting will be planned and held to review and take comment on the following guidelines, which will assist the City to remove barriers found in City facilities:

- **Priority One:** Facility elements that provide accessibility at the main entrance of a facility or improve a path of travel to the portion of the facility where program activities take place. Examples:
  - Connection to the public right-of-way
  - Parking and passenger loading
  - Entrance walks
  - Entrance ramps
  - Entrance stairs
  - Entrance doors
- **Priority Two:** Facility elements that improve or enhance access to program use areas. Examples:
  - Transaction counters
  - Conference and meeting rooms

- Public offices
- Recreation environments/features
- Public restrooms
- **Priority Three:** Facility elements that improve access to amenities serving program areas. Examples:
  - Drinking fountains
  - Public telephones
  - Vending machines
- **Priority Four:** Areas or features that are not required to be modified because there are no public programs located in the facility or portion of the facility, or because there are other locations that provide access to the program.

#### **D. Transition Plan for Facilities**

The Transition Plan for the removal of architectural barriers to program access must contain the following information:

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

The facility reports appended to this document provide the identification of barriers and the specific barrier removal actions. The City will accomplish barrier removals based on two strategies: policy and procedure modifications to remove programmatic barriers; and construction projects to remove architectural barriers.

The responsibility for ensuring barrier removal will reside with the City of Atascadero ADA Coordinator.

#### **E. Phasing Schedule for Facilities**

The phasing schedule reflects the ADA requirement that programs, activities and services drive the development of the Transition Plan schedule. As described above, seven criteria based on programmatic access were applied to each facility. The phasing schedule also reflects the current approved Capital Improvement Plan budget.

Barriers in City facilities will be removed systematically, City-wide, based on established program priorities. It is the intent of the City to address and remove barriers to accessibility in public buildings and parks based upon on

the immediate necessity of programmatic access, degree of complexity, and overall cost.

The City of Atascadero reserves the right to modify barrier removal priorities in order to allow flexibility in accommodating community requests, petitions for reasonable modifications from persons with disabilities, changes in City programs, and funding opportunities and constraints. It is the goal of this Transition Plan to provide access to the programs, activities, and services provided by the City.

Interim measures will be explored and implemented in order to provide programmatic access to the public pending the implementation of physical barrier removal projects.

The following tables describe the priorities and schedule for barrier removal in public facilities owned by the City of Atascadero. This tentative schedule represents a 12-year plan for barrier removal. It is the City’s intent to review all barriers during the first year of the implementation of this plan and address those barriers that can be resolved through programmatic modifications. The City will then revise the following schedule for the removal of the remaining barriers.

**Schedule for removing barriers to City programs, activities and services located in City-owned facilities**

	<b>City Parks</b>	<b>Civic Center</b>	<b>Public/City Buildings</b>	<b>Privately Operated Facility Owned by the City</b>
<b>1-3 Years</b>	Lake Park, Sunken Gardens	Colony Park Recreation Center	City Hall, Pavilion, Police Station,	Skate Park
<b>4-6 Years</b>	Paloma Park, Traffic Way Park		Corporation Yard, Fire stations 1&2,	

**3.2 Pedestrian Rights-of-Way (PROW)**

**A. Overview of the PROW**

The ADA addresses accessible pedestrian rights of way where sidewalks are provided by the City of Atascadero. The ADA does not mandate the installation of sidewalks, but does require curb ramps at intersections where

existing sidewalks are provided on both sides of the roadway. Many neighborhoods in the City do not have sidewalks.

The Circulation chapter in the City's General Plan includes recommendations on pedestrian improvements. The plan outlines the City's desire to provide safe and convenient pedestrian connections to and between Downtown, other commercial districts, neighborhoods, and major activity centers within the City, as well as with surrounding jurisdictions.

The City is currently working on a Pedestrian Master Plan. The plan will provide an inventory of sidewalks, paths, intersections, traffic calming, lighting, and other amenities. The plan will also include descriptions of ADA connectivity provided throughout the City related to curb ramps, countdown signals, sidewalk continuity and sidewalk quality. Completion of the Pedestrian Master Plan is scheduled for August, 2014.

### **B. Surveys of Existing PROW Conditions**

For the ADA Transition Plan, the City completed a study that included sidewalks and curb ramps associated with the PROW of City-owned facilities. Additionally, the study analyzed the designated accessible parking spaces in the City-owned parking lots located in the Downtown area.

### **C. Pedestrian Rights-of-Way Prioritization**

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

The City will prioritize PROW projects in the following order:

- Government offices and facilities
- Bus stops and transportation facilities
- Places of public accommodation such as commercial and business areas
- Facilities containing employers
- Other areas such as residential neighborhoods and underdeveloped regions of the City.

Additional criteria for prioritization may be developed for replacing existing curb ramps. For example:

- Repair of hazardous conditions
- Distance from a City-operated program or building
- Distance from a bus stop
- Proximity to a facility serving disabled clients
- Level of pedestrian traffic
- Lack of feasible alternate routes
- Distance from non-City owned public facilities

**D. Time Period for Pedestrian Rights-of-Way Improvements**

The City has established a 15-year time frame to remove PROW barriers that limit program accessibility. Funding improvements for pedestrian facilities is costly and competitive for State and Federal funding sources. Pedestrian improvements are often paired with other roadway improvements, Safe Routes to School projects and Capital Improvement Projects. The ADA Title II regulations states that if a Transition Plan will take more than one year to fully implement, it must contain interim steps that will be done to provide program accessibility.

<b>Facility</b>
Downtown Parking
Pedestrian ROW adjacent to City Facilities

**E. PROW Construction Details**

The City of Atascadero’ standard construction details are available on the City’s website: <http://www.atasadero.org>

The plans and specifications are consistent with state and federal accessibility requirements. Standard details pertaining to PROW standards can be found in Appendix F.

**F. Accessibility During Construction**

The City ensures that an accessible path of travel is provided during construction.

Large City Projects: The engineer or architect that designs the project describes the project conditions and includes in the design a construction detour plan for vehicles and pedestrians. Modifications may be requested by the contractor and are reviewed for accessibility before approval by the project engineer.

Large Private Projects: City engineering provides conditional approval for the project before a building permit is issued and requires that the contractor

develop and submit for engineering approval a detour plan that includes pedestrian detouring, emergency vehicles, and traffic detouring if necessary.

### **G. Street or Sidewalk Closure for Special Events**

When there is special event that requires street or sidewalk closure, an encroachment permit is required. The applicant is then responsible to ensure accessibility at their event. The City also has an outdoor display program for downtown merchants. To participate in this program, the vendor must acquire a permit. The permit includes specific instructions for providing pedestrian pass way and other clearances related to providing ADA compliance in the PROW.

### **H. Citizen Request Process**

See Section 4 for the City’s formal grievance procedure.

### **I. Street-Related Capital Improvement Projects**

The City engages in annual maintenance efforts. Street overlay and street reconstruction projects include repair of sidewalk and construction of ADA compliant curb ramps. Other CIP projects with ADA components are completed every year and there is a requirement for developers to install ADA compliant driveways, sidewalks, and curb ramps through conditions of approval.

### **Examples of Completed ADA PROW projects are as follows:**

CDBG South El Camino Real Sidewalk Infill	Completed	Construction of approximately 600' of sidewalk south of San Rafael Also added ADA compliant curb ramp and upgraded APS push button system at intersection corner. This project completed last remaining portion of the east side of ECR without sidewalk between downtown and Viejo Camino.
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# DRAFT ADA TRANSITION PLAN UPDATE IN PROGRESS

CDBG Atascadero Mall Sidewalk Infill	Completed	Construction of approximately 500' of ADA complaint sidewalk and two ADA curb ramps connecting the north edge of Atascadero Mall with the pedestrian undercrossing of 101.
CDBG Traffic Wall ADA Improvements	Completed	Replace non-compliant ADA Curb Ramps, Driveway Approaches and Sidewalk
North ECR Pavement Rehabilitation	Completed	Construction of approximately 400' of new ADA compliant sidewalk at two locations along the west edge of El Camino Real. Addition of sidewalk completes the last remaining unimproved road edge along this side of ECR from San Jacinto Road to San Benito Road. Additional ADA improvements included the replacement of all existing non-complaint ramps between San Anselmo East and San Benito Road with new ADA-compliant ramps (9 total).
Highway 41 Multi-Purpose Pathway	Completed	Construction of approximately ½ mile ADA compliant multi-use pathway between Portola Road and San Gabriel Road. Other ADA improvements include compliant curb ramps at NW intersection corner of San Gabriel/Hwy 41 and the SW corner of Portola Road/Highway 41, and compliant benches.
Centennial Bridge and Plaza Project	Completed	ADA components of larger improvement project included all ADA compliant sidewalks connecting Lewis Ave to El Camino Real, and East Mall to Colony Square, addition of four ADA parking spaces within the City Hall Parking lot, ADA compliant curb ramps at intersection of East Mall with Palma Ave and Lewis Ave.
ALPS Trailhead and Parking Lot	Construction	Construction of ADA parking facilities and pathway to adjacent ALPS Trailhead.



## **4.0 ADA Policy and Complaint Procedure**

### **ADA Grievance Procedure**

If a public entity has 50 or more employees, it is required to designate at least one responsible employee to coordinate Americans with Disabilities Act (ADA) compliance. The City of Atascadero has designated the Human Resource Manager for coordinating the efforts of the City to comply with Title II and for investigating any complaints that the City has violated Title II of the ADA. The Coordinator also is responsible for coordinating the efforts of the City to comply with Title 24 and all other applicable State and Federal physical and program accessibility requirements.

All complaints or grievances submitted to the City of Atascadero can be in writing or by telephone. The complaint must contain specific information about the alleged violation or discrimination including: name; address; telephone number of the complainant; the location, date, a complete description of the problem and must indicate if the complaint has been filed with the Department of Justice or other Federal or State agencies. Anonymous complaints or grievances will not be accepted. Complaints or grievances will be kept confidential to the greatest extent possible, unless required to be released by state or federal law, or ordered released by a court of competent jurisdiction. Alternative means of filing complaints or grievances may be accepted at the discretion of the ADA Coordinator. These may be submitted by telephone, e-mail (confidentiality cannot be assured), letter, personal interview, or tape recording, upon request. However, all complaints or grievances must provide all the information required in the City's ADA complaint form.

All complaints must be submitted by the complainant or his/her designee to the City of Atascadero ADA Coordinator. Complaints should be submitted as soon as possible, but no later than 60 calendar days, after the date of the alleged violation or discriminatory act, to the following:

City of Atascadero  
ADA Coordinator  
6500 Palma Ave  
Atascadero, CA 94422  
(805)470-3148-Voice  
[adacoordinator@atascadero.org](mailto:adacoordinator@atascadero.org)

If a complaint is regarding building or facility inaccessibility, the ADA Coordinator will forward the complaint within 7 calendar days to the Public Works Department for investigation and will formally acknowledge receipt of the complaint to the complainant.



For all other complaints or grievances, the ADA Coordinator will contact the complainant to discuss the complaint or grievance within 30 calendar days after receipt of the complaint or grievance and give the complainant the opportunity to submit evidence relevant to the complaint. Within 30 calendar days of this contact, the ADA Coordinator will respond in writing and, where appropriate, in an alternative format accessible to the complainant. The response will explain the position of the City and offer options for substantive and reasonable resolution of the complaint or grievance.

If the response by the ADA Coordinator does not satisfactorily resolve the issue, the decision may be appealed to the City Manager or his/her designee within 30 calendar days following receipt of the response.

Within 30 calendar days after receipt of an appeal, the City Manager or his/her designee will contact the complainant to discuss the complaint or grievance and possible resolutions. Within 30 calendar days of this contact, the City Manager will respond in writing and, where appropriate, in a reasonable format accessible to the complainant, with a final resolution of the complaint or grievance.

Every reasonable attempt will be made by the City of Atascadero to remedy the disability complaints or grievances in a timely manner subject to staff and budget constraints. Complainant may at any time file a complaint with the Department of Justice or other appropriate State or Federal agency. The City will notify the complainant of this right and will provide the complainant with the appropriate addresses and phone numbers. Use of the City's grievance procedure is not a prerequisite to pursuit of other remedies.

If any Title 24 Building Code or ADA complaint or grievance is under the jurisdiction of another public entity, the complainant will be notified that the City of Atascadero lacks jurisdiction.



## **5.0 Definitions**

The following is a summary of many definitions found in the ADA. Please refer to the Americans with Disabilities Act for the full text of definitions and explanations (<http://www.ada.gov/>).

### **5.1 Auxiliary Aids and Services**

The term *auxiliary aids* and services include:

- Qualified interpreters or other effective methods of making orally delivered materials available to individuals with hearing impairments;
- Qualified readers, taped texts, or other effective methods of making visually delivered materials available to individuals with visual impairments; and
- Acquisition or modification of equipment or devices; and other similar services and actions.

### **5.2 Complaint**

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

### **5.3 Disability**

The term *disability* means, with respect to an individual:

- A physical or mental impairment that substantially limits one or more of the major life activities of such individual;
- A record of such impairment; or
- Being regarded as having such impairment.

### **5.4 Discrimination on the Basis of Disability**

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.

## **5.5 Having a Record of Impairment**

An individual is disabled if he or she has a history of having an impairment that substantially limits the performance of a major life activity; or has been diagnosed, correctly or incorrectly, as having such impairment.

## **5.6 Physical or Mental Impairments**

*Physical or mental impairments* may include, but are not limited to: vision, speech, and hearing impairments; emotional disturbance and mental illness; seizure disorders; mental retardation; orthopedic and neuromotor disabilities; learning disabilities; diabetes; heart disease; nervous conditions; cancer; asthma; Hepatitis B; HIV infection (HIV condition); and drug addiction if the addict has successfully completed or is participating in a rehabilitation program and no longer uses illegal drugs.

## **5.7 Qualified Individual with a Disability**

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

## **5.8 Reasonable Program Modifications**

If the individual's disabilities prevent them from performing the essential functions of the program or activity, it is necessary to determine whether reasonable program modifications would enable an individual to perform the essential functions of the program or activity.

Reasonable program modification is any change in 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:

- All decisions and to the application or registration process;
- All services provided in connection with the program or activity; and
- Known disabilities only.

Modification is not required if:

- It changes the essential nature of a program or activity of 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.

## **5.9 Regarded as Having a Disability**

An individual is *disabled* if she or he is treated or perceived as having an impairment that substantially limits major life activities, although no such impairment exists.

## **5.10 Substantial Limitations of Major Life Activities**

An individual is disabled if she or he has a physical or mental impairment that (a) renders her or him unable to perform a major life activity, or (b) substantially limits the condition, manner, or duration under which she or he can perform a particular major life activity in comparison to other people.

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

In determining whether physical or mental impairment substantially limits the condition, manner, or duration under which an individual can perform a particular major life activity in comparison to other people, the following factors shall be considered:

- The nature and severity of the impairment;
- The duration or expected duration of the impairment; and
- The permanent or long-term impact (or expected impact) of or resulting from the impairment.

## **5.11 Undue Burden**

The City of Atascadero shall not provide an accommodation that imposes an undue burden on the operation of the City's business.

*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 of Atascadero, 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.

The following factors shall be considered in determining whether a program modification would create an undue burden: the nature and cost of the modification; the financial resources of the City available to make the modification; the impact the expense of the accommodation will have on the affected City operation; and the permanence of the alterations affecting the site.



## **6.0 Program Accessibility Guidelines, Standards & Resources**

### **6.1 Introduction**

In order to facilitate access to all City programs and departments, the City will maintain these 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.

### **6.2 Federal Accessibility Standards and Regulations**

There are both State and Federal regulations for accessible facilities. Resources for both the State of California and Federal facility regulations are listed below:

#### **U.S. Department of Justice**

The U.S. Department of Justice provides many free ADA materials including the Americans with Disability Act (ADA) text. Printed materials may be ordered by calling the ADA Information Line [(800) 514-0301 (Voice) or (800) 514-0383 (TTY)]. 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 Department of Justice website (<http://www.ada.gov/>).

- ADA Regulation for Title II: This publication describes Title II of the Americans with Disabilities Act, 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 Yearly Supplements. This 56-page manual 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. A 5-page publication providing guidance on making state and local government websites accessible.
- ADA Information for Law Enforcement. This page contains compliance assistance materials to help state and local law enforcement officers understand how to interact with victims, witnesses, suspects, and others who have disabilities.

## **U.S. Access Board Publications**

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 or ordered by completing a form available on the Access Board's website (<http://www.access-board.gov/>). In addition to regular print, publications are available in: large print; disk; audiocassette; and Braille.

## **Communications & IT**

Access to information and communication technology (ICT) is addressed by Board standards and guidelines issued under Section 508 of the Rehabilitation Act and Section 255 of the Telecommunications Act.

- Section 508 Standards: <http://www.access-board.gov/guidelines-andstandards/communications-and-it/about-the-section-508-standards>
  - Refresh of the Section 508 Standards and the Telecommunications Act Guidelines: <http://www.access-board.gov/guidelines-andstandards/communications-and-it/about-the-ict-refresh>
- Telecommunications Act Accessibility Guidelines : <http://www.accessboard.gov/guidelines-and-standards/communications-and-it/aboutthe-telecommunications-act-guidelines>

## **Buildings & Sites**

Standards issued under the Americans with Disabilities Act (ADA) address access to buildings and sites nationwide in new construction and alterations.

2010 ADA Standards for Accessible Design: This document contains scoping and technical requirements for accessibility to buildings and facilities by individuals with disabilities under the Americans with Disabilities Act (ADA) of 1990. 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 Department of Justice and the Department of Transportation, under the ADA. This document must be used in conjunction with Title 24 of the California Building Code (see State of California Accessibility Standards and Regulations).

- 2010 ADA Standards: <http://www.access-board.gov/guidelines-andstandards/buildings-and-sites/about-the-ada-standards>

### **Recreation Facilities**

Access to recreation facilities, including play areas, swimming pools, sports facilities, fishing piers, boating facilities, golf courses, and amusement rides is addressed in the ADA and ABA standards. New provisions will cover access to trails, picnic and camping sites, and beach access routes.

- Recreation Facilities: <http://www.access-board.gov/guidelines-andstandards/recreation-facilities/about-recreation-facilities>
- Outdoor Developed Areas: <http://www.access-board.gov/guidelinesand-standards/recreation-facilities/outdoor-developed-areas>

### **Streets and Sidewalks**

New guidelines the Board is developing will cover access to public rights-of-way, including sidewalks, intersections, street crossings, and on-street parking. The Board is also addressing access to shared use paths providing off-road means of transportation and recreation.

- Public Rights-of-Way: <http://www.access-board.gov/guidelines-andstandards/streets-sidewalks/public-rights-of-way>
- Shared Use Paths: <http://www.access-board.gov/guidelines-andstandards/streets-sidewalks/shared-use-paths/about-this-rulemaking>

## **6.3 Title II: U.S. Department of Justice Publications**

### **Title II Technical Assistance Manual | Supplement**

A 56-page manual that 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. (1993)

<http://www.ada.gov/taman2.html>



**The ADA and City Governments: Common Problems | PDF**

A 9-page document that contains a sampling of common problems shared by city governments of all sizes, provides examples of common deficiencies and explains how these problems affect persons with disabilities. (2000) <http://www.ada.gov/comprob.htm>

**ADA Guide for Small Towns | PDF**

A 21-page guide that presents an informal overview of some basic ADA requirements and provides cost-effective tips on how small towns can comply with the ADA. (2000) <http://www.ada.gov/comprob.htm>

**Accessibility of State and Local Government Websites to People with Disabilities | PDF**

A 5-page publication providing guidance on making State and local government websites accessible. (2003) <http://www.ada.gov/websites2.htm>

**ADA Checklist for Polling Places | PDF**

This 39-page checklist is a self-help survey that voting officials can use to determine whether a polling place has basic accessible features needed by most voters with disabilities. (2004) <http://www.ada.gov/votingchecklist.htm>

**An ADA Guide for Local Governments: Making Community Emergency Preparedness and Response Programs Accessible to People with Disabilities | PDF**

An 11-page illustrated publication that provides guidance on preparing for and carrying out emergency response programs in a manner that results in the services being accessible to people with disabilities. (2006) <http://www.ada.gov/emergencyprep.htm>

**Access for 9-1-1 and Telephone Emergency Services | PDF**

A 10-page publication explaining the requirements for direct, equal access to 9-1-1 for persons who use teletypewriters (TTYs). (1998)

<http://www.ada.gov/911ta.htm>

**Commonly Asked Questions about the ADA and Law Enforcement**

A 12-page publication providing information for law enforcement agencies in a simple question and answer format. (2006)

[http://www.ada.gov/q&a\\_law.htm](http://www.ada.gov/q&a_law.htm)

**Communicating with People Who Are Deaf or Hard of Hearing: ADA Guide for Law Enforcement Officers | PDF**

This 8-panel pocket guide provides basic information for officers about ADA requirements for communicating effectively with people who are deaf or hard of hearing. (2006)

<http://www.ada.gov/lawenfcomm.htm>

### **Model Policy for Law Enforcement on Communicating with People Who Are Deaf or Hard of Hearing | PDF**

This 4-page document serves as a model for law enforcement agencies when adopting a policy on effective communication with people who are deaf or hard of hearing. Agencies are encouraged to download and adapt the policy to suit their needs. (2006) <http://www.ada.gov/lawenfmodpolicy.htm>

### **Questions and Answers: The ADA and Hiring Police Officers**

A five-page publication providing information on ADA requirements for interviewing and hiring police officers. (1997)

<http://www.ada.gov/copsq7a.htm>

## **6.4 State of California Accessibility Standards and Regulations**

### **Title 24, California Building Code**

The State of California has also adopted a set of design guidelines for accessible facilities, which can be found in the California Code of Regulations, Title 24, Part II, California Building Code (CBC). CBC contains general building design and construction requirements relating to fire and life safety, structural safety, and access compliance. CBC provisions provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures and certain equipment. Although California has adopted most of the ADAAG requirements, there are some differences. In general, the more restrictive requirement (whether federal or state) should be applied when designing accessible facilities. The complete Title 24 or any of its parts is available for purchase from the International Code Council (ICC), 5360 Workman Mill Road, Whittier, CA 90601, (800) 423-6587, (<http://www.iccsafe.org>) or at various bookstores that carry technical books.

Since the CBC is updated every three years, the City should have an ongoing program of regularly reviewing these changes and updating policies and procedures related to accessibility to keep them current.

### **Division of State Architect**

The Division of State Architect (DSA) also provides information and resources for accessible or universal design. Publications available for downloading at DSA's website (<http://www.dgs.ca.gov/dsa>) include:

- DSA's 2011 California Access Compliance Reference Manual: The purpose of this book of regulations and statutes together is to clarify the obligations for architectural accessibility in California.

For further technical assistance contact DSA's Access Compliance Program at 1102 Q Street, Suite 5100, Sacramento, California 95811 (916) 445-8100.

### **Resources for Providing Accessible Programs and Facilities**

- ADA Document Portal: This website provides links to an ADA Collection consisting of more than 7,400 documents on a wide range of topics. The ADA Document Portal is supported by the ten ADA & IT Technical Assistance Centers (<http://www.adaportal.org/>).
- American Association of Museums: Accessible exhibit design publications are available for purchase from AAM's website, including Everyone's Welcome (available in a variety of formats), which addresses museum programs and the ADA, The Accessible Museum, which offers model programs of accessibility for older people and people with disabilities, and What Museum Guides Need to Know to provide access to blind and visually impaired visitors (<http://www.aam-us.org>).
- Beneficial Design: Beneficial Designs works toward universal access through research, design, and education. Beneficial Designs develops assistive and adaptive technology, performs rehabilitation research, contract design, legal consultation, standards development, and serves as a rehabilitation information resource. Contact Beneficial Designs, Inc. at 2240 Meridian Blvd, Suite C, Minden, NV 89423-8628, (775) 783-8822), (<http://www.beneficialdesigns.com/>).
- California State Parks Accessibility Guidelines: A State outdoor recreation resource: (<http://www.parks.ca.gov>)
- 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: The Center is a cooperative project between the National Park Service 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. This study is primarily the result of questions that NCA 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. NCA also publishes 'What is an Accessible Trail?' which summarizes the federal guidelines for outdoor developed areas and is available for downloading from its website. The NCA website also

has information on campground accessibility, accessible picnic tables, access to beaches, and inclusion of people with disabilities in aquatic venues. (<http://www.ncaonline.org/>)

- National Center on Physical Activity and Disability: The Center provides information and resources on physical activity to help people with disabilities find ways to become more active and healthier. The Center also provides information on how to provide access to fitness centers, schools, recreation facilities, camps, and health and leisure services (<http://www.ncpad.org/>).
- Smithsonian Institution: The Accessibility Program has developed the Smithsonian Guidelines for Accessible Exhibition Design (1996), which are available for downloading from their website: (<http://accessible.si.edu>).
- Further information is available from the Smithsonian Accessibility Program at the Arts and Industries Building, Room 1239 MRC 426, Washington, D.C. 20560 (202) 786-2942.

### **Resources for Assistive Technologies (General)**

The City should utilize the many disability-related resources available online.

#### **ABLEDATA**

- The National Institute on Disability and Rehabilitation Research of the U.S. Department of Education maintains a national web-based service which provides up-to-date links to assistive technologies and disability related resources (<http://www.abledata.com/>).

#### **CALIFORNIA ASSISTIVE TECHNOLOGY SYSTEM (CATS)**

- CATS is a statewide project of the California Department of Rehabilitation that promotes access to assistive technologies, related services, and information to enable people with disabilities to be successful, independent, and productive. CATS maintain several directories on their website (<http://www.atnet.org>) including:

- On-site and remote real-time captioning services
- American Sign Language (ASL) Interpreters
- Ergonomic office equipment vendors
- Augmentative and assistive communications manufacturers and vendors
- Organizations that provide low-cost and donated computers for organizations that provide services to people with disabilities
- Assistive technology vendors and service providers for:
  - Hard of Hearing/Deaf
  - Learning Disabled
  - Mobility/Physical/Orthopedic

- Speech/Language
- Visually impaired/Blind

## **ALTERNATIVE FORMAT COMMUNICATIONS**

- Resources to produce standardized publications such as applications and registration forms in Braille, audiotape, large-print text, and accessible electronic media will be assembled. Information regarding Braille Services and other accommodations for people with visual disabilities is available by contacting:
  - American Council of the Blind: ACB (<http://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, which is available online, in regular print, large print, Braille, or on cassette tape. ACB is located at 1155 15th St. NW, Suite 1004, Washington, DC 20005 (800) 424-8666 or by email at info@acb.org.
  - National Center on Accessibility: NCA publishes 'What are Alternative Formats? How Do They Apply to Programs and Services?' which is available for downloading from their website (<http://www.ncaonline.org/>).
  - National Center for Accessible Media: NCAM is a research and development facility dedicated to the issues of media and information technology for people with disabilities in their homes, schools, workplaces, and communities. Developers of Web- and CDROM-based multimedia need an authoring tool for making their materials accessible to persons with disabilities. NCAM has developed two such tools, version 1.0 and 2.01 of the Media Access Generator (MAGpie), for creating captions and audio descriptions for rich media. Media Access Generator (MAGpie) is available for downloading from NCAM's website (<http://ncam.wgbh.org>).

## **American Sign Language Interpreters**

A pool of on-call American Sign Language interpreters should be developed. This list should be routinely updated to ensure their availability. Some programs may need to have a pool of interpreters who are available on a twenty-four-hour basis to handle emergency procedures.

The required qualifications of these interpreters should be established. Many non-certified interpreters provided by local services may have excellent skills and be qualified to handle most circumstances. However, certain circumstances, such as the provision of emergency medical services, may require interpreters who are approved by the courts and can ensure a level of confidentiality.

You may want to contact each agency in advance of a need for services to determine their rates so that you are prepared to cover the communication expenses, should the need arise.

You should always request RID certified interpreters. Only in the event that certified interpreters are unavailable should you rely on non-certified interpreters.

Individuals who are hard of hearing generally do not use ASL interpreters. Always ask the individual requesting an accommodation what type of accommodation works best for them. Determining what accommodation(s) will be provided is an interactive process. Depending on the situation, accommodating an individual who is hard of hearing may include note writing, use of assistive listening devices, and/or provision of Computer Assisted Real-Time (CART) captioning.

### **Assistive Listening Systems and Devices**

Systems and devices to amplify sound for persons with hearing disabilities should be available for public meetings and events. Various technologies exist for these devices. Different types of devices are more suitable for different types of hearing disabilities. Devices should be chosen to accommodate the greatest number of individuals.

- See the on-line directory of augmentative and assistive communications manufacturers and vendors available at the California Assistive Technology System website (<http://www.atnet.org>).
- See also the Assistive Listening Systems Technical Bulletins available on the U.S. Access Board's website (<http://www.access-board.gov/>).

### **Closed Caption Machine**

To the extent practical, City departments should have access to a device for encoding closed captioning on films and videotapes used for training and other programs.

- See the on-line directory of On-site and remote real-time captioning services available at the California Assistive Technology System website (<http://www.atnet.org>).

### **Optical Readers**

Equipment that can translate printed information into an audio format should be available to the City programs.

### **Text Telephone (TTY)**

City programs should have access to a text telephone or have access to a telephone transfer service as required by the law and offered by public telephone companies.

- TDI: TDI's (formerly known as Telecommunications for the Deaf, Inc.) mission is to promote equal access in telecommunications and media for people who are deaf, hard of hearing, late deafened, or deaf blind. TDI's on-line resources include information about telecommunications access such as a TTY, pagers, telephony, VoIP, and more (<http://tdiforaccess.org/>).
- See the Text Telephones Technical Bulletin available on the U.S. Access Board's website (<http://www.access-board.gov/>).

### **Video Relay Services (VRS)**

Video Relay Service (VRS) is a form of Telecommunications Relay Service (TRS) that enables persons with hearing disabilities who use American Sign Language to communicate with voice telephone users through video equipment, rather than through typed text. Video equipment links the VRS user with a TRS operator – called a “communications assistant” (CA) – so that the VRS user and the CA can see and communicate with each other in signed conversation. Because the conversation between the VRS user and the CA flows much more quickly than with a text-based TRS call, VRS has become a popular form of TRS ([www.fcc.gov/guides/video-relay-services](http://www.fcc.gov/guides/video-relay-services)).

- Hands on Video Relay Service: (877) 467-4877 English or (877) 4674875 Spanish
- Sorenson Video Relay: Using a standard telephone, simply call the toll-free number 1-(866)-327-8877. Have the contact information of the deaf or hard-of-hearing individual (i.e. name, videophone number or IP address) ready. Remain on hold until the call is answered by the next available interpreter.
- Sprint VRS Directions: (877)709-5776 or website [www.sprintvrs.com](http://www.sprintvrs.com)

### **Enlarging Printed Materials**

A copy machine capable of enlarging printed materials should be available for staff.

### **Guide to Disabilities and Disability Etiquette**

A guide to disabilities and disability etiquette should be assembled and distributed to staff and volunteers. The guide will ensure that staff and volunteers are familiar with a variety of types of disabilities and that they are sensitive to the abilities and needs of people with disabilities in order not to offend or demean them. The guide should be periodically updated to ensure that it includes current acceptable language for talking about disabilities.

- Disability Etiquette: Interacting with People with Disabilities is available on-line at the County of Long Beach's website:

([http://www.longbeach.gov/hr/ada/disability\\_etiquette.asp](http://www.longbeach.gov/hr/ada/disability_etiquette.asp)).

## **Lending Library of Assistive Technology Equipment**

The City should establish a "Resources Toolkit" of adaptive aids and resources that will be available for use by staff and volunteers without the means to assemble their own. It is recommended that the City explore local sources of assistive technology.

- DisabilityInfo.gov's online resources for High School: Guidelines for Accessing Alternative Format, inclusion materials, educational technology, a comprehensive list including college preparatory materials, transition issues for children with special needs and more (<https://www.disability.gov/education>).
- Accessibility Connections Community Map: A Directory of Bay Area Assistive Technology Services is an on-line service available at (<http://www.cforat.org/BARD/>).
- American Association of People with Disabilities: The American Association of People with Disabilities is the largest nonprofit, nonpartisan, cross-disability organization in the United States (<http://www.aapd.com/>).
- American Foundation for the Blind: The American Foundation for the Blind is committed to improving accessibility in all aspects of life—from cell phones to ATMs, on web sites and in workplaces. Services include assistance in making products and services accessible to people with visual impairments. AFB offers expert consulting services and accessible media production. AFB provides objective product evaluations of adaptive technologies through its assistive technology product database (<http://www.afb.org/>). Local assistance is available through the American Foundation for the Blind-West, 44 Montgomery Street, Suite 1305, San Francisco, CA 94040 (415) 392-4845 or by email at [sanfran@afb.net](mailto:sanfran@afb.net).
- Adaptive Environments: This educational non-profit organization is committed to advancing the role of design in expanding opportunity and enhancing experience for people of all ages and abilities. Adaptive Environments provides education and consultation to public and private entities about strategies, precedents and best practices that go beyond legal requirements to design places, things, communication and policy that integrate solutions to the reality of human diversity (<http://www.adaptenv.org/>).
- The Arc: The Arc (formerly Association for Retarded Citizens of the United States) is the country's largest voluntary organization committed to the welfare of all children and adults with mental retardation and their families (<http://www.thearc.org>). Local information is available



from Arc Alameda County, 14700 Doolittle Drive, San Leandro, CA 94577, (510) 357-6619 or by email via the website ([www.arcalameda.org](http://www.arcalameda.org)) and The Arc San Francisco, 1500 Howard Street, San Francisco, CA 94103, (415) 2557200 or by email via the website ([www.thearc.org](http://www.thearc.org)).

- Disability Resources, Inc.: Disability Resources, Inc. is a national nonprofit organization that provides information about resources for independent living. DRI maintains an on-line directory of assistive technology resources (<http://www.disabilityresources.org/>).
- Environmental Health Network: EHN's focus is on issues of access and developments relating to the health and welfare of the environmentally sensitive and to promote public awareness of environmental sensitivities and causative factors. EHN provides information environmental and chemical sensitivities at EHN, P.O. Box 1155, Larkspur, California, 94977-1155 (415) 541-5075 and on its website (<http://ehnca.org/>).
- 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 (<http://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 on-line resources 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) (<http://www.nfb.org/>).
- 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 (<http://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: (<http://www.pva.org>) provides information on useful sports publications and a list of contacts.
- State Council on Developmental Disabilities, 1507 21st Street, Ste. 210, Sacramento, CA 95814-5299 (916) 322-8481, email: [scdd@dss.ca.gov](mailto:scdd@dss.ca.gov) or website (<http://www.scdd.ca.gov/>).

- State Office for Deaf Access, Department of Social Services, 744 P Street, MS 6-91, Sacramento, CA 95814 (916) 653-8320. email: [deaf.access@dss.ca.gov](mailto:deaf.access@dss.ca.gov) ; website <http://www.dss.cahwnet.gov>)
- State Office of Services to the Blind, California Department of Social Services, 744 P Street, MS 6-94, Sacramento, CA 95814 (916) 657-3327, email: [BlindAccess@dss.ca.gov](mailto:BlindAccess@dss.ca.gov) or website: <http://www.dss.cahwnet.gov>.
- United Cerebral Palsy Association: UCP's mission is to advance the independence, productivity and full citizenship of people with cerebral palsy and other disabilities, through our commitment to the principles of independence, inclusion and self-determination. UCP's Sports and Leisure Channel is designed for people with disabilities who are interested in sports and other leisure activities and proposes creative ideas for inclusive community recreation programs, including outdoor adventure activities for people with disabilities. Information about the Sports and Leisure Channel is available on UCP's website (<http://www.ucp.org>).
- 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 (<http://www.unitedspinal.org>).
- World Institute on Disability: WID is an international public policy center dedicated to carrying out research on disability issues. WID maintains an online information and resource directory on technology, research, universal design, and ADA (<http://www.wid.org/resources/>).

**Appendices**

**Appendix A: Facility Reports for City Buildings and Parks**

(Green indicates compliance achieved)

FACILITY	PRIORITY 1	PRIORITY 2	PRIORITY 3
Alvord Baseball Park <i>Complete</i>	Exterior Route(s); Sanitary Facility	Exterior Route(s); Parking/Drop-Off Zones; Sanitary Facility	Exterior Route(s); Parking/Drop-off Zones; Sanitary Facility
Atas. Lake Park <i>Complete</i>	Exterior Route(s); Ramps-Exterior; Stairways-Exterior; Sanitary Facility	Exterior Route(s); Parking/Drop-Off Zones; Ramps-Exterior; Sanitary Facility	Exterior Route(s); Ramps-Exterior; Stairways-Exterior; Sanitary Facility
Charles Paddock Zoo <i>Complete</i>	Exterior Route(s); Ramps-Exterior; Stairways-Exterior; Entrances/Exits; Sanitary Facility	Exterior Route(s); Ramps-Exterior; Entrances/Exits; Public Service Areas	Exterior Route(s); Ramps-Exterior; Stairways-Exterior; Entrances/Exits; Sanitary Facility
City Hall/Admin. Building <i>Complete</i>	Exterior Route(s); Stairways-Exterior; Entrances/Exits; Interior Circulation; Stairways-Interior; Elevators; Alarms; Water Fountains/Coolers; Sanitary Facility; Public Service Area(s)	Exterior Route(s); Curb Ramp; Entrances/Exits; Signage (entrances); Elevators; Water Fountains/Coolers; Sanitary Facility; Public Service Area(s); Interior Circulation;	Exterior Route(s); Stairways-Exterior; Entrances/Exits; Signage (entrances); Signage (interior); Stairways-Interior; Elevators; Water Fountains/Coolers; Sanitary Facility; Public Service Area(s); Alarms; Doors Interior
Ranger House <i>Complete</i>	Exterior Route(s)	Exterior Route(s); Entrances/Exits	Exterior Route(s); Entrances/Exits
Fire Station #1	Exterior Route(s); Ramps-Exterior; Stairways-Exterior; Entrances/Exits; Doors-Interior; Sanitary Facility	Exterior Route(s); Parking/Drop-Off Zones; Ramps-Exterior; Entrances/Exits; Sanitary Facility	Exterior Route(s); Parking/Drop-Off Zones; Entrances/Exits; Doors-Interior; Telephones; Sanitary Facility
Fire Station #2	Exterior Route(s); Entrances/Exits; Interior Circulation; Doors-Interior; Stairways-Interior; Sanitary Facility	Exterior Route(s); Signage (exterior); Parking/Drop-Off Zones; Entrances/Exits; Doors-Interior; Telephones	

**DRAFT ADA TRANSITION PLAN UPDATE IN PROGRESS**

FACILITY	PRIORITY 1	PRIORITY 2	PRIORITY 3
Lake Park Pavilion <i>Complete</i>	Exterior Route(s); Stairways-Exterior; Entrances/Exits; Interior Circulation; Doors-Interior; Water Fountains/Coolers; Sanitary Facility	Exterior Route(s); Signage (exterior); Entrances/Exits; Doors- Interior; Telephones; Sanitary Facility	Entrances/Exits; Signage (entrances); Signage (interior); Doors-Interior; Telephones; Sanitary Facility
Paloma Creek Park <i>Complete</i>	Exterior Route(s); Ramps-Exterior; Stairways-Exterior; Stairways-Interior; Water Fountains/Coolers; Sanitary Facility	Exterior Route(s); Parking/Drop-Off Zones; Water Fountains/Coolers; Sanitary Facility	Parking/Drop-Off Zones; Ramps- Exterior; Stairways- Exterior; Stairways- Interior; Telephones; Water Fountains/Coolers; Sanitary Facility
Paloma Creek Equest. Park	Stairways-Exterior	n/a	Stairways-Exterior, Entrances/Exits
Police Station	Exterior Route(s); Stairways-Exterior; Alarms; Water Fountains/Coolers; Sanitary Facility	Exterior Route(s); Entrances/Exits; Sanitary Facility	Stairways-Exterior; Entrances/Exits; Signage (entrances); Telephones; Water Fountains/Coolers; Sanitary Facility;
Traffic Way Park	Exterior Route(s); Sanitary Facility	Exterior Route(s); Sanitary Facility	Exterior Route(s); Sanitary Facility
Wastewater (Complete ??)	Stairways-Exterior	Parking/Drop-Off Zones; Entrances/Exits; Signage (entrances)	Stairways-Exterior; Entrances/Exits; Signage (entrances)

**Appendix B: PEDESTRIAN FACILITIES IN THE PUBLIC RIGHT OF WAY**

**CITY OF ATASCADERO  
PEDESTRIAN FACILITIES IN THE PUBLIC RIGHT OF WAY**

**INTRODUCTION**

The purpose of this plan is to ensure that the City creates reasonable, accessible paths of travel in the public right-of-way for everyone, including people with disabilities. The City has made a significant and long-term commitment to improving the accessibility of their pedestrian facilities. The Transition Plan identifies physical barriers and prioritizes improvements that should to be made throughout the City. This Transition Plan describes the existing policies and programs to enhance the overall pedestrian accessibility.

**TRANSITION PLAN HISTORY AND BACKGROUND**

For recent periods totaling more than fifteen years, the City of Atascadero has been active in the replacement and enhancement of City curbs and sidewalks in which Atascadero has shared the cost with citizens and Developers for sidewalk repair and replacement. All repair and replacement has been done to ADA standards. Atascadero has undergone recent sidewalk widening, curb cuts, and ramp replacements, all conforming to ADA standards during Street Scape and City Hall Renovations.

Atascadero has responded to particularized citizen need for ADA accessibility in street crossings throughout the City and will continue to do so as part of its Transition Plan.

**LEGAL REQUIREMENTS**

The federal legislation known as the American with Disabilities Act (ADA), enacted on July 26, 1990, provides comprehensive civil rights protections to persons with disabilities in the areas of employment, state and local government services, and access to public accommodations, transportation, and telecommunications Title II specifically applies to “public entities” (state and local governments) and the programs, services, and activities they deliver. Title II Article 8, requires public entities to take several steps designed to achieve compliance. The plan shall, at a minimum includes:

- A list of the physical barriers in a public entity’s facilities that limit the accessibility of its programs, activities, or services to individuals with disabilities.
- A detailed outline of the methods to be utilized to remove these barriers and make the facilities accessible.
- The schedule for taking the necessary steps to achieve compliance with Title II.
- The name of the official responsible for the plan’s implementation.

**AMERICANS WITH DISABILITIES ACT TRANSITION PLAN:**

City of Atascadero Transition plans provide a method for a public entity to schedule and implement ADA required improvements to existing streets and sidewalks. Before a transition plan can be developed, an inventory of the current curb ramps and sidewalks must be developed.

**Identified Obstacles to the Public Right-of-Way**

The City has a two-tiered system to identify and assess obstacles in the public right of way: a Preliminary Evaluation and a Detailed Evaluation. The barriers used in the evaluations are based on the *Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way* from the U.S. Architectural and Transportation Barriers Compliance Board.

**PRELIMINARY EVALUATION**

The first tier is a Preliminary Evaluation of the intersections. The purpose of this evaluation is to determine which intersections are obviously non-compliant to the ADA Guidelines and to get a comprehensive overview of the complete pedestrian network. The preliminary inventory evaluates three (3) criteria for curb ramps and three (3) criteria for sidewalks:

**Curb Ramps Sidewalks**

1. Is there a curb ramp?
2. Is there a continuous clear space for pedestrian access?
3. Does the curb ramp have a color contrasting detectable warning?
4. Does the sidewalk appear to provide adequate passing zones?
5. Does the curb ramp have a clear landing at the top of the ramp?
6. Does the sidewalk appear to be smooth without grade breaks?

The Preliminary Evaluation utilizes aerial and street-level photography to view each intersection. (GIS/Google Maps) The criteria used can be seen on these aerials and are key design components to determine ADA compliance. If the curb ramps and sidewalks do not meet the criteria, then that intersection does not need further evaluation because it is obviously noncompliant with the ADA Guidelines. If it did meet the criteria, then that intersection would be “potentially compliant” and would need a Detailed Evaluation to determine if it fully complies with the ADA Guidelines.

**DETAILED EVALUATION**

The second tier is a Detailed Evaluation of the intersections identified as “potentially compliant” during the Preliminary Evaluation. This requires fieldwork at the intersection and measuring of specific physical attributes, such as width, running slope, and gaps in the curb ramp or sidewalk, to determine compliance to the identified ADA barriers. For a description of the identified barriers see Attachment A.

**METHODS TO REMOVING BARRIERS – POLICIES & PRIORITIES**

The result from this evaluation is a detailed understanding of the ADA barriers at that intersection. The City utilizes many different approaches in removing barriers in the public right-of-way, including proactively identifying and eliminating the barrier, responding to public complaints, and ensuring the appropriate design and build-out of new construction following the most recent design guidelines.

**BARRIER REMOVAL PRIORITIES**

The City of Atascadero bases barrier removal priorities on two factors: location and the accessibility condition of the intersection.

**Location Priority**

According to the *Accessible Rights-of-Way: A Design Guide*, “the DOJ regulation imposes a specific construction requirement...specifies a priority for locating (curb ramps) at: State and local government offices and facilities; transportation; places of public accommodation; places of employment; and other locations.” Following this guidance, the City identified its location priority as follows:

1. Intersections serving government facilities,
2. Intersections serving commercial and employment centers, and
3. Intersections serving other areas.

**Accessibility Condition**

Using the data from the Preliminary Evaluation and the Detailed Evaluation, an accessibility condition, or Access Grade, can be determined. Points are assigned to the identified ADA barriers and calculated for each intersection. This will give the intersection an overall Condition Score for accessibility. The Access Grade assesses the Condition Score out of the total possible points and assigns a letter grade. This letter grade is A through E, A being the most accessible and E being the least accessible.

**Priority Rank**

In order to determine the overall priority of an intersection, or Priority Rank, the City uses the following matrix to match the location priority to the Access Grade.

**Location Priority Rank:**

1. Access Grade Locations serving Government Facilities
2. Locations serving Commercial & Employment Centers
3. Locations serving Other Areas

**CITY OF ATASCADERO  
PEDESTRIAN FACILITIES IN THE PUBLIC RIGHT OF WAY**

### **Priority Rank Levels**

The City determines the priority of improvements by identifying which of the groupings are high, medium, or low priorities. Intersections with no existing sidewalks were not provided a priority ranking, since they are not currently a part of Atascadero's pedestrian network. Should sidewalks be added to these areas, it would be a priority to ensure that they meet ADA accessibility standards.

### **PUBLIC COMPLAINT PROCESS**

The public complaint process is an integral part of the Transition Plan. Public complaints or requests may often drive the prioritization of improvements. To file a complaint or a request regarding accessibility of a sidewalk or curb ramp, the ADA Grievance form should be completed. is available at the City of Atascadero's website, [www.atascadero.org](http://www.atascadero.org). Alternatively, a person with an ADA concern may contact the ADA Coordinator in writing and describe the issue in detail, including the location. An ADA grievance must be filed within 60 days of the date the violation occurred. The ADA Coordinator will route this information to the appropriate City department for inspection and possible action. That department will then respond to the ADA Coordinator with its findings, and the ADA Coordinator will record the formal response and reply to the complainant/requestor. Atascadero's grievance process is designed to resolve all reasonable ADA complaints in an informal, mutually satisfactory manner. All complaints or requests will be kept on file and will include the response.

### **NEW CONSTRUCTION & ALTERATIONS**

In order to ensure the correct design of curb ramps, sidewalks, and crosswalks in new construction and alterations, the City has adopted the *Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way*. Whenever there is an intersection improvement project or new construction project, any affected curb ramps, sidewalks, and crosswalks will be rebuilt to these ADA design guidelines, where feasible and reasonable.

### **SCHEDULE**

As opportunity allows, the City will make efforts to improve the ADA Accessibility of pedestrian facilities in the public right-of-way. As stated in the *Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way*, "compliance is required to the extent practicable within the scope of the project." There will be times when it is technically infeasible to provide technical compliance: for example, if clear space at the top of the ramp is obstructed by a building or the slope of a hill is so extreme as to prevent a reasonable slope for a ramp in both directions. The inventory process may not account for such situations and could show a high-priority rating when all

feasible actions have been taken. Additionally, given a program as broad and comprehensive as the City's pedestrian network, the City will follow the concept of Program Access under Title II of the ADA. Program Access does not



necessarily require a public entity to make each of its existing facilities accessible to and usable by individuals with disabilities, as long as the program *as a whole* is accessible. Under this concept, the City may choose not to install a sidewalk at some locations (or to install them as a lower priority later), as long as a reasonable path of travel is available, even without the sidewalk.

## **RESPONSIBLE INDIVIDUAL**

ADA Coordinator

Nick DeBar

City of Atascadero Public Works Director

805-461-5000

[ndebar@atascadero.org](mailto:ndebar@atascadero.org)

## **ADA GUIDELINES USED IN DETAILED EVALUATION**

### **Curb Ramps**

In evaluating the accessibility of existing curb ramps, the following factors were considered:

- Is there a curb ramp?
- Is there a curb ramp where a sidewalk crosses a street?
- What type of curb ramp?
  - Perpendicular curb ramp
  - Parallel curb ramp
  - Blended transitions
- Is the width of the curb ramp at least 4 feet wide (excluding flares)?
- Are there detectable warnings properly installed where a curb ramp or blended transition connects to a street?
- Is the running slope greater than 5% but less than 8.3% (blended transition 5% maximum)?
- Is the cross slope less than 1%?
- Is the landing a minimum of 4 feet x 4 feet?
- Is the surface of the curb ramp or blended transition firm, stable, and slip resistant and clear of gratings, access covers, and other appurtenances?
- Is the grade break at the top and bottom of the ramp flush and not located on the surface of the curb ramp, landing, or gutter areas?
- Is the counter slope of the gutter or street at the foot of the curb ramp less than 5%?
- Is the clear space beyond the curb face at least 4' x 4'?
- If the curb ramp is perpendicular, is the slope of the flared sides less than 10% where a pedestrian path crosses the curb ramp or if the sides are returned, are they protected from cross travel?

### **Sidewalks**

In evaluating the accessibility of existing sidewalks, the following factors were considered:

- Is there a sidewalk at each corner?

- Is there at least 4 feet of continuous and unobstructed clear width of a sidewalk (excluding the curb width)?
- If the continuous width is less than 5 feet, are the passing spaces at least every 100 feet along the sidewalk that are 5 feet wide or greater?
- Is the cross slope of the sidewalk less than 1%?
- Where the sidewalk is adjacent to the street, does the grade of the sidewalk not exceed the general grade of the street?
- Is the surface of the sidewalk firm, stable, and slip resistant?
- Are any gaps in the surface less than ½ inch?
- Is the sidewalk clear of grates, or if there is a grate -
  - Are the openings no more than ½ inch wide and
  - Do the elongated openings run perpendicular to the direction of travel?
- Is the sidewalk clear of protruding objects? If there is a protruding object?
  - Is the leading edge of that object less than 17 inch and more than 80 inches above the ground, or
  - Is the protrusion less than 4 inches into the travel path of the sidewalk, or
  - Is a barrier is provided no more than 17 inches from the ground where the vertical clearance is less than 80 inches.

### **Crosswalks**

In evaluating the accessibility of existing crosswalks, the following factors were considered:

- Is there a crosswalk that connects two sidewalks across a street?
- Is the width of the marked crosswalk at least 6 feet?
- Does the cross slope of the crosswalk meet the following guidelines?
  - If the crosswalk is crossing a street with a stop control, is the cross slope less than 1%?
  - If the crosswalk is crossing a street without a stop control, is the cross slope less than 5%?
- Is the running slope of the crosswalk less than 5%?
- If the crosswalk crosses a median, is the length of the median at least 6 feet and does it contain detectable warnings located at curb line or edge of the roadway?
- If the intersection signalized, does it have a pedestrian signal, if so, does the pedestrian signal phase allow enough time for a walking speed of 3.5 ft/sec?

### **Public Rights-of-Way Curb Ramp Assessment Standard**

#### **Asset Data Inventory and Condition Assessment Practices**

##### **Curb Ramp Inventory**

Operator carries a handheld GPS receiver, which is equipped with a graphic interface with a data entry form. The positional accuracy of the

GPS receiver is 1-3 meters allowing the operator to easily zoom in and create points associated with specific curb ramps.

**Data Dictionary for Curb Ramps.**

**Element Options**

- Ramp type
  - Directional
  - Perpendicular
  - Parallel
  - Diagonal
- Construction
  - None (indicates no ramp where ramp is needed)
- Gutter running slope
  - Compliant (< 5%)
  - Non-compliant (> 5%)
- Gutter cross-slope
  - Compliant (< 5%)
  - Non-compliant (> 5%)
  - Transition Free of heaves, gaps, and obstructions (yes/no)
  - Clear space at bottom 4' x 4' of clear space at the bottom of a diagonal ramp, within marked crosswalk (yes/no)
- Detectable warnings
  - A 2' x 4' yellow (or other high-contrast color) panel of truncated domes located adjacent to gutter
    - transition (yes/no)
    - Marked crossings Curb ramp is wholly contained within crosswalk markings (yes/no)
- Landing slope
  - Landing slope does not exceed 2% in any direction (yes/no)
  - Landing panel
    - None (non-compliant)
    - >= 48 in. (best practices)
    - 36 - 47 in. (compliant)
    - < 36 in. (non-compliant)
- Ramp width
  - >= 48 in. (best practices)
  - 36 - 47 in. (compliant)
  - < 36 in. (non-compliant)
- Ramp slope
  - < 8.3% (compliant)
  - 8.3% - 10% (non-compliant)
  - > 10% (non-compliant)
- Ramp cross-slope
  - < 2% (compliant)
  - 2% - 4% (non-compliant)
  - > 4% (non-compliant)
- Ramp flares
  - None
  - <= 10% (compliant)
  - 10.1% - 12% (non-compliant)
  - > 12% (non-compliant)
- Returned curbs
  - None
  - (if no ramp flares) Compliant (ramp is situated such that pedestrians will not walk across returned curbs)
  - Non-compliant (returned curbs may present tripping hazard)
  - NCHRP 20-07 Task 249 (Asset Management Approaches to ADA Compliance)*

The data-sets generated in this survey effort will be integrated into the city's mapping system to facilitate the evaluation and prioritization of locations requiring ADA-related mitigation. A representative sample of the maps that the City Atascadero will produce as an output of this inventory effort is reflected below. The map reflects the data from the GPSvdata collection units.

### **Programming of Asset Improvements**

After determining which facilities do not meet standards, the next phase will be to develop a prioritized list of improvement requirements in conjunction with other stakeholders. The prioritized list of improvements will likely take into consideration factors such as proximity to transit, activity centers and social services as well as maximization of available resources by leveraging connections to other funded projects. This component of the prioritization effort will rely on Geographic Information System (GIS) software to automate the evaluation process. By overlapping a series of maps, each representing one of several characteristics, the cumulative intensity of all characteristics at a specific location can be determined. Once the list of identified improvements is prioritized, the city will program needed implementation resources through the transition plan time horizon.

The City of Atascadero already has a number of mechanisms in place to address needs as they arise, including programs that address Sidewalk Maintenance, Curb Ramp Retrofit, and Pavement Overlay. In addition, the city incorporates ADA improvements into all of its capital projects and as permit conditions for development. From its innovative and comprehensive barrier inventory system to its multi-level approach to addressing identified ADA-related concerns, the City of Atascadero is, on an on-going basis, consistently and aggressively working to ensure its pedestrian transportation facilities are accessible for all users.



**Appendix D: Grievance Procedure**

## **ADA Grievance Procedure**

### **CITY OF ATASCADERO, CA AMERICANS WITH DISABILITIES ACT (ADA) GRIEVANCE PROCEDURE FOR CITY SERVICES, PROGRAMS, OR FACILITIES**

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The City of Atascadero has adopted the following internal grievance procedure related to City Services, Programs, or Facilities. The purpose of this procedure is to ensure the responsive and equitable resolution of complaints alleging any action prohibited by the Americans with Disabilities Act (ADA) Legislation as more fully defined in United States Public Law 101-336.

Complaints related to City Services, Programs, or Facilities should be addressed to the following appointed officer of the City of Atascadero, who has been designated Americans with Disabilities Act (ADA) Coordinator for the City:

Nick DeBar  
Public Works Director  
6500 Palma Ave  
Atascadero, CA 93422

Voice: 805 470 3138

**TDD:?**

Email: [ndebar@atascadero.org](mailto:ndebar@atascadero.org)

Office Hours: **8:00 a.m. to 5:00 p.m.**  
Monday through Friday

### **Grievance Procedure**

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- Any and all grievances and/or complaints shall be submitted in writing to the office of the ADA Coordinator. The written documentation shall include:
  - The name, address, and telephone number of the complainant;
  - The names, addresses, and telephone numbers of associated witnesses;

- A narrative and/or statement, in sufficient written detail including date and time of the incident to fully define and explain the alleged violation of the ADA regulations;
  - A narrative and/or statement, in sufficient written detail, identifying proposed recommendations, from the complainant's viewpoint, to adequately resolve the alleged violation; and
  - Any other written information or documentation to more fully explain or identify the alleged violation.
- Any and all grievances and/or complaints shall be filed no later than thirty (30) days after the complainant becomes aware of an alleged violation.
  - An investigation, as may be appropriate, shall be initiated following the filing of a grievance and/or complaint. The investigation shall be under the administrative direction of the ADA Coordinator and involve appropriate City staff members as deemed necessary. This procedure contemplates informal but thorough investigations, affording the complainant, City staff and all other interested parties and their representatives, if required, an opportunity to further explain or provide additional evidence beyond that submitted or known when the complaint was filed.
  - The ADA Coordinator, at his or her discretion, may meet in person with the complainant, City staff members, or other interested parties or representatives to discuss the alleged violation, the resultant investigation and any pertinent aspects of the complaint situation.
  - A written determination as to the validity of the written grievance and/or complaint filed along with the a description of resolution, if any, shall be issued by the ADA Coordinator and a copy forwarded to the complainant via Certified Mail or Personal Service Delivery no later than thirty (30) days after the initial grievance or complaint filing. This thirty (30) day period may be extended upon the approval of the complainant and the ADA Coordinator in instances where investigation or research requires additional time for proper grievance or complaint consideration.
  - The ADA Coordinator shall maintain the files and records of any and all ADA grievances and/or complaints filed.
  - A complainant may request a reconsideration of a written grievance and/or complaint filed in instances where he or she is dissatisfied with the resolution decision made by the ADA Coordinator. A request for reconsideration shall be made in writing to the City Manager. This written request must be received by the Office of the City Manager within ten (10) days after receipt of the ADA Coordinator's determination in which the complainant is aggrieved, including the complainant's rebuttal to these conflict areas. The City Manager, at his or her discretion, may meet in person with the complainant, ADA Coordinator, City staff members or other interested parties or representatives to discuss the reconsideration issue. A written determination as to the validity of the written reconsideration request

along with a description of resolution, if any, shall be issued by the City Manager and a copy forwarded to the complainant via Certified Mail or Personal Service Delivery no later than fifteen (15) days after filing of the written reconsideration request. This fifteen (15) day period may be extended upon the approval of the complainant and the City Manager in instances where investigative or research needs require additional time for proper reconsideration review. The decision of the City Manager shall be final.

- The right of a person to the prompt and equitable resolution of a written complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of an Americans with Disabilities Act (ADA) complaint with the responsible federal Department or Agency. The utilization of the City of Atascadero's Grievance Procedure is not a prerequisite to the pursuit of other remedies.
- This Grievance Procedure related to City Services, Programs or Facilities shall be construed to protect the substantive rights of interested persons, to meet appropriate due process standards, and to assure that the City of Atascadero meets the spirit and guidelines of the Americans with Disabilities Act (ADA).