



CITY OF KETTERING

City of Kettering Americans with Disabilities Act Self-Evaluation and Transition Plan



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City of Kettering Americans with Disabilities Act Self-Evaluation and Transition Plan

1.0 Background

This Americans with Disability Act (ADA) Self-Evaluation and Transition Plan (herein referred to as the Plan) is intended to guide the City of Kettering's efforts to provide accessible programs, services, and facilities. The purpose of the Plan is to identify deficiencies in City of Kettering's policies, procedures, practices, and physical assets. The plan also provides guidance for the removal of accessibility barriers. The Plan outlines progress to date and identifies steps necessary to bring the City of Kettering's programs into compliance with ADA regulations. The Plan is intended to be a living document that will be updated regularly to track ongoing achievements toward compliance.

1.1 Section 504 of the Rehabilitation Act of 1973

Section 504 of the Rehabilitation Act of 1973 prohibits discrimination on the basis of disability by any program or activity receiving federal financial assistance. Discrimination may consist of exclusion from participation in or denial of the benefits of programs and activities operated by a department, agency, or other instrumentality of state or local government. Section 504 applies to the City of Kettering, as well as all sub-recipients of federal funds.

1.2 Americans with Disabilities Act (ADA) of 1990

The American with Disabilities Act (ADA) of 1990 expands on the foundation laid by Section 504 by prohibiting discrimination on the basis of disability by public entities regardless of whether they receive federal financial assistance. The Act is divided into five titles describing requirements relating to (I) employment, (II) state and local government services, (III) public accommodations for Privet Entities, (IV) telecommunications, and (V) miscellaneous provisions. Title I is overseen by the City of Kettering Human Resources Department. Title II of the Act applies specifically to state and local government services and the programs and activities they administer, including features built before and after 1990. The Code of Federal Regulations (CFR) outlines regulations implementing ADA, which apply to the City of Kettering.

2.0 Foundation

As a key component of ADA compliance, the Self Evaluation, Transition Plan and its required and related elements – including its context within the transportation planning process and relevant projects covered by Title II/ Section 504, plan stakeholders, the review process, and future updates are discussed in this section.

2.1 Outreach

Public input is an essential element in the self-evaluation process and transition plan development. ADA implementing regulations require public entities to provide an opportunity to interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the self-evaluation process and development of the transition plan by submitting comments (28 CFR 35.105(b) and 28 CFR 35.150(d)(1)). Annually, the City of Kettering will request public input in identifying deficiencies and/or problem areas within the City controlled properties and ROWs.

2.2 Plan Elements/Requirements

Per 28 CFR §35.150(d)(3)(9-12-06), Title II requires the Plan to accomplish the following tasks, at a minimum:

- Identify physical obstacles in a public agency's facilities that limit the accessibility of its programs or activities to individuals with disabilities;
- Describe in detail the methods that will be used to make the facilities accessible;
- Specify the schedule for taking the steps necessary to upgrade pedestrian access to meet ADA and Section 504 requirements in each year following the Plan;
- Include a schedule for providing curb ramps or other sloped areas where pedestrian walks cross curbs, giving priority to walkways serving entities covered by Title II, including State and local government offices and facilities, transportation, places of public accommodation, and employers, followed by walkways serving other areas;
- Indicate the official responsible for the implementation of the plan; and
- Provide opportunities to interested persons and groups to participate in the Self-Evaluation and development of the Transition Plan.

2.3 Projects Covered by ADA and Section 504

Any project for construction or alteration of a facility that provides access to pedestrians must be made accessible to persons with disabilities. Projects that alter the use of the public right of way by making any changes that affect or could affect access, circulation, or use by affecting the structure, grade, or use of the roadway – must incorporate pedestrian access improvements within the scope of the project to meet the requirements of the ADA and Section 504.

Alterations include reconstruction, major rehabilitation, widening, resurfacing, signal installation and upgrades, and projects of similar scale and effect. More regular maintenance activities are not considered to be alterations, per the Department of Justice (DOJ). The FHWA considers the following to be maintenance activities: actions intended to preserve the system, forestall future deterioration, and maintain the functional condition of the roadway without

increasing the structural capacity such as nonstructural thin surface treatments, joint repair, pavement patching, shoulder repair, signing, striping, minor signal upgrades, and repairs to drainage systems.

2.4 Review Process

The Plan should be periodically reviewed by City staff through a Self-Evaluation process, which should take place both prior to and following completion of the Transition Plan. These Self-Evaluation activities are intended to gauge the level of existing compliance and determine the potential need for additional areas of inclusion for accessibility improvements. Identified deficiencies should be catalogued and included in future Transition Plan updates.

2.5 Future Plan Updates

While there is no required timeline for making future updates to a Transition Plan, the City should engage in Self-Evaluation activities as necessary to ensure that the Plan document is current and meets the needs of disabled persons. Since each plan is required to have an annual schedule that is ideally aligned with annual funding allocations through transportation planning and programming mechanisms, annual milestones should be adjusted regularly to reflect any changes in real world conditions.

2.6 References

- Rehabilitation Act of 1973 (Section 504) Americans with Disabilities Act of 1990 (ADA)
- Code of Federal Regulations (CFR) (2012)
- Department of Justice (DOJ)
 - 2010 ADA Standards for Accessible Design Americans with Disabilities Act Accessibility Guidelines (ADAAG)
 - Proposed - Public Right of Way Accessibility Guidelines (PROWAG) (2013) Federal Highway Administration (FHWA).

3.0 Administration

3.1 Requirements of ADA

Section 504 of the Rehabilitation Act of 1973 (49 CFR §27.13) and Title II of the Americans with Disabilities Act of 1990 (28 CFR §35.107) specify that any public entity with fifty (50) or more employees must designate at least one employee to coordinate compliance with the respective regulations. The City of Kettering has met this basic program requirement, which also serves as a key required element of the Transition Plan, by designating a formal ADA Coordinator. The City of Kettering has also developed several notices related to

ADA - including a grievance procedure, among others - and is planning wider dissemination of these documents internally and to the public.

3.1.1 Designation of ADA Coordinator

The City of Kettering has designated an ADA Coordinator and has made available to all interested individuals the name, office address, and contact information, which is found in Appendix B.

The ADA/504 Coordinator is charged with the responsibility for implementing, monitoring and ensuring the agency's compliance with Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990. The ADA Coordinator may delegate responsibilities to designees in their particular field of expertise and work area. Under the direction of the City Manager and in conjunction with the ADA Advisory Committee, the functions performed by the ADA Coordinator are outlined below:

- Monitoring the City's current policies and practices for implementing ADA/504.
- Identifying shortcomings in compliance and developing remedies.
- Evaluating remedial steps taken to eliminate the effects of discrimination.
- Monitoring complaint procedures that incorporate appropriate due process standards and providing for prompt and equitable resolutions of complaints filed under ADA/504.
- Ensuring City compliance with ADA/504.
- Collaborating and coordinating with the Department Directors to enable ADA/504 compliance efforts.
- Establishing and maintaining collaborative relationships with critical external stakeholders, such as disability advocacy groups and organizations.
- Monitoring the City's ADA/504 Transition Plan to ensure that all Department facilities remain in compliance with applicable accessibility standards.
- Monitoring established procedures to ensure that requested auxiliary aids are provided for persons with disabilities.
- Conducting annual reviews of ADA/504 program areas.
- Conducting ADA/504 training programs for department managers and employees.
- Monitoring the preparation of ADA/504 information for dissemination to the general public, including the "Notice to the Public" offer to provide reasonable accommodation upon request.

- Identifying, investigating, and eliminating ADA/504 discrimination when it is found to exist.

3.1.2 Notice of ADA Requirements

Under Title II, the City of Kettering must make information about ADA requirements pertaining to its services, programs, and activities available to the public.

The City of Kettering has adopted an ADA Notice of Non-Discrimination statement (Appendix C) that is provided on all public notices and documents. City of Kettering's website includes a description of the ADA program, ADA Coordinator contact information, the complaint procedure and form, and links to the Americans with Disabilities Act Accessibility Guidelines (ADAAG) and Public Right of Way Accessibility Guidelines (PROWAG) documents. The City's website provides information about City of Kettering's ADA program and opportunity for public feedback.

3.1.3 Establishment of Grievance Procedures

Public entities employing at least 50 people are required to adopt and publish grievance procedures providing prompt and equitable resolution of complaints. The City of Kettering has developed a grievance procedure and form. The current Grievance form is included in Appendix D, posted online, and available at the Kettering Government Center.

An Annual Log of ADA Complaints (Appendix E), documenting all ADA complaints, will be kept by the ADA Coordinator for each calendar year. This log will be reviewed by the ADA Advisory Committee.

3.1.4 Assurances

In order to receive federal funding, the City of Kettering must guarantee non-discrimination and ensure new projects will be ADA compliant. Presently, the City of Kettering includes a non-discrimination statement on all contracts receiving federal funds. The document requires the City of Kettering to comply with federal statutes, policies, and procedures. The document states no person on the grounds of race, color, national origin, sex, age, and handicap/disability may be excluded from federally funded programs. ADA compliance must also be met on all federally funded projects conducted by sub-recipients.

3.1.5 Personnel Training

The City of Kettering provides access to ADA training for employees. Advanced training is focused for employees whose job responsibilities require day-to-day decisions, notably those in the following departments: Human Resources, Engineering, Public Service, and Parks, Recreation, & Cultural Arts.

3.2 Interdepartmental Coordination

The City of Kettering's efforts to address and resolve ADA compliance issues recognize the importance of interdepartmental coordination. Recent efforts aimed at greater collaboration include the institution of an ADA Advisory Committee, provision of basic training and awareness within the departments, and identification of data and expertise-sharing opportunities across the City.

3.2.1 Establishment of ADA Advisory Committee

The City of Kettering has established an ADA Advisory Committee to engage an internal body of stakeholders on ADA-related issues. Collectively, members of this group span several functions within the agency based on their varied expertise. The individual representatives were selected by the City Manager. When necessary, the committee may involve other City officials and/or Subject Matter Experts as determined by the City Manager, ADA Coordinator, or their respective designees. The intent of this committee is to leverage the skills, experience, and expertise of the constituent members for matters and issues involving ADA compliance and accessibility. Current members of the ADA Advisory Committee are shown in Appendix F.

3.2.2 Training, Awareness, and Information Dissemination

The City of Kettering's ADA Advisory Committee is developing an ADA Education and Training Program designed to review ADA regulations, demonstrate ADA's application in daily work activities, show how ADA has been integrated within the City's actions and protocols, and instruct personnel on the policies and procedures for appropriately managing ADA requests and inquiries. The ADA Advisory Committee serves as a key platform for dissemination of information and Departmental coordination with respect to changing regulations and policy updates.

3.3 Plan Availability

The City of Kettering Self-Evaluation and Transition Plan is available at the Kettering Government Center. Alternate accessible formats of the document will be made available upon request or large font versions.

The Plan will be distributed to all City Departments.

3.4 Monitoring and Evaluation

3.4.1 Annual Update Report

The annual update report is a worksheet summarizing tasks completed pertaining to the Plan. The City of Kettering ADA Coordinator will prepare an Annual Update Report at the end of each fiscal year. The report will facilitate progress tracking and aid in Plan management.

3.4.2 Transition Plan Management and Updates

The ADA Coordinator is the lead point of contact for the City of Kettering Self-Evaluation and Transition Plan. The Plan will be re-evaluated and updated on a yearly basis for the first four years. Starting in 2020, the Plan will be re-evaluated and updated on periodic bases. The management and updates will be reviewed by the Advisory Committee. Modifications will be disseminated to departments for action.

4.0 Communications

Government agencies must communicate and interact effectively with the public. The City of Kettering utilizes various communication methods to aid the disabled community including auxiliary aids, services, information, and signage.

4.1 Auxiliary Aids and Services

The City of Kettering attempts to eliminate communication barriers by offering a variety of auxiliary aids and services to the disabled community upon request.

The City of Kettering strives to provide accessible information to the public and attempts to accommodate each request.

4.2 Information and Signage

Title II requires public entities to ensure disabled persons can obtain information about the existence and location of accessible services, activities, and facilities. City of Kettering's website is a key platform for providing information to the public. To ensure accessibility, information provided on the website must be compatible with appropriate software to accommodate specific disabilities. Signage is another major aid in providing public information and direction. The City of Kettering follows ADAAG guidelines to ensure signs are readable and accommodating to the disabled community.

4.3 City Web Accessibility

The City of Kettering is developing a comprehensive Web Accessibility policy statement. The objective of this policy is to improve the ease with which all citizens, including those with disabilities, can access and benefit from web-based government services and information.

5.0 Employment

The City of Kettering does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Opportunity Commission under Title I of the ADA.

5.1 Responsibility for Non-Discrimination

The Human Resource Director has primary responsibility for ensuring equal opportunity and non-discrimination in the recruitment and application process, the hiring, advancement or discharge of employees.

5.2 Reporting and Requests for Accommodation

Pursuant to City Administrative Policy No. 610, all allegations of discrimination and/or requests from applicants and/or employees with disabilities regarding reasonable accommodation in the workplace shall promptly be reported to the Human Resource Director and/or the Human Resource Managers.

6.0 Public Right of Way

Under Title II of the ADA, the City of Kettering must assure all of its physical assets are ADA compliant, including existing and newly constructed features. Right of way (ROW) features include elements such as curb ramps, sidewalks, shared use paths, crosswalks, driveway crossings, transit stops, and traffic signals.

ADA compliant ROW is designed and constructed in a manner readily accessible and usable by individuals with disabilities. Examples of non-compliant accessibility barriers include steep curb ramp slopes that might hinder a person in a wheelchair, lack of handrails along a ramp, or sidewalk discontinuities that may cause trip hazards. The following sections note applicable City of Kettering policies and guidelines, previous and ongoing inventory data collection, data tracking, and barrier elimination efforts.

6.1 Design Standards and Construction Procedures

The City of Kettering follows established standards and policies that provide

guidance for installation of accessible features on newly constructed or altered public ROW infrastructure. The primary standards and policies referenced by staff include:

- Public Right of Way Accessibility Guidelines (PROWAG):
<https://www.access-board.gov/guidelines-and-standards/streets-sidewalks/shared-use-paths/supplemental-notice>
- Americans with Disabilities Act Accessibility Guidelines (ADAAG):
<https://www.access-board.gov/guidelines-and-standards/buildings-and-sites/about-the-ada-standards/background/adaag>
- City Kettering Standard Construction Drawings and Construction and Material Specifications
<http://www.ketteringoh.org/departments/engineering/construction-drawings-and-specifications/>
- Ohio Department of Transportation Roadway Standard Construction Drawings
<http://www.dot.state.oh.us/Divisions/Engineering/Roadway/DesignStandards/roadway/Pages/StandardConstructionDrawing.aspx>

The U.S. Access Board developed ADAAG in 1991 and continues to maintain these guidelines for the design of accessible buildings and facilities. ADAAG focuses mainly on buildings and site work and generally does not address conditions unique to the public ROW. Due to the need for accessibility guidelines specific to the public ROW, the Access Board has proposed the use of PROWAG, which was most recently updated in 2013. The 2013 version serves as the current set of best practices for the design of accessible features in the public ROW. These guidelines have been identified as a current best practice by the FHWA for elements not fully addressed by ADAAG.

6.2 Pedestrian Infrastructure

A Self-Evaluation of the transportation infrastructure is necessary to indicate where physical barriers limit accessibility within the City of Kettering ROW. The Self-Evaluation results in a list of barriers from which corrective action is based. This is the foundation from which the Transition Plan is developed. The Transition Plan includes a scope, schedule and budget to guide corrective action. The actions of the Transition Plan are included in Capital Improvement projects and Operating efforts.

Due to environmental factors, accessibility may be negated over time. Such factors can include the heaving of sidewalk due to tree roots, deteriorating of the walking surface, damage due to vehicles, tree branches obstructing the pedestrian access route, etc. It will be necessary for Self-Evaluations to be performed on a re-occurring basis. In between citywide Self-Evaluation efforts, the notification of barriers will be feedback from the public and awareness of staff.

The Plan focuses on the following infrastructure components:

6.2.1 Curb Ramps

The City of Kettering has mapped all street crossings within the City using GIS, and at these locations determined the existing of curb ramps and detectable warnings. Reference Appendix I.

The City makes curb ramps compliant through several initiatives:

- Alterations to infrastructure listed by the Federal Highway Administration as of sufficient scope to require ADA compliance (resurfacing, replacement of traffic signals, etc). This work can occur prior to or as part of a project.
- Complaints received from citizens.
- Awareness of need from staff.

Priority is given to those locations serving public facilities (governmental, educational, etc), as well as those in which alternative options are less safe due to such factors as traffic volumes, traffic speeds, and sight distance. The progress of making curb ramps compliant citywide will be primarily coordinated with resurfacing projects. It is anticipated that substantial compliance will be achieved by 2037, at which time curb ramps would have been integrated in resurfacing projects that have covered the entire city street network.

6.2.2 Sidewalks

The City of Kettering has mapped all sidewalks within the City using GIS. Reference Appendix I.

The City makes sidewalks compliant through several initiatives:

- Capital Improvement Projects in which the scope of work includes repair of sidewalk.
- Complaints received from citizens.
- Awareness of need from staff.

The cost to repair sidewalk is the responsibility of the adjacent property owner. Property owners are informed of their responsibility to repair the sidewalk within a specified time frame. If corrective action is not taken by the property owner, the City will contract to make the necessary repairs and assess the property owner.

The Streets Division of the Public Service Department may make temporary repairs to minimize the barrier until it is eliminated by means of a more permanent repair or replacement of the sidewalk.

6.2.3 Shared Use Paths

The City of Kettering has mapped all shared use paths within the City using GIS. Reference Appendix I. These can be located parallel to a roadway or on their own alignment.

The City makes shared use paths compliant through several initiatives:

- Capital Improvement Projects in which the scope of work includes repair of shared use path.
- Complaints received from citizens.
- Awareness of need from staff.

The Streets Division of the Public Service Department may make temporary repairs to minimize the barrier until it is eliminated by means of a more permanent repair of the path.

6.2.4 Crosswalks

Crosswalks exist on every leg of an intersection, unless signed otherwise. The City of Kettering makes crosswalks ADA compliant for new construction, and when possible during road reconstructions. The vertical alignment of an existing roadway may not allow compliance.

6.2.5 Driveway Crossings

The City of Kettering will conduct a self-evaluation of driveway crossings on non-local streets, and the information will be compiled using GIS. The existence and maintenance of driveways are the responsibility of the adjacent property owner. Therefore, the timing of alterations to these facilities will typically be at the discretion of the property owner. Grading outside of the ROW may not allow compliance. The use of concrete drive approaches is an effective means to ensure long-term compliance.

6.2.6 Transit Stops

The City of Kettering has constructed sidewalk connections from the curb to the sidewalk at RTA bus stops. A self-evaluation will be conducted at these locations, and compiled using GIS.

6.2.7 Traffic Signals

Locations and accessibility of traffic signals has been mapped using GIS. Reference Appendix I. The City of Kettering operates traffic signals in compliance with the Ohio Manual of Uniform Traffic Control Devices. In response to requests, traffic signal operation is evaluated for upgrades to feature audible signal indications and/or full Accessible Pedestrian Signals

capabilities. By 2017, all traffic signals with pedestrian signal indications with have countdown timers.

6.3 Prioritization and Funding

Prioritization of projects and efforts to make transportation facilities accessible is essential to effectively use funding where the need is most critical and urgent. Priority is given to those locations serving public facilities (governmental, educational, etc), as well as those where alternative options are not as safe due to such factors as traffic volumes, traffic speeds, and sight distance. The Transition Plan guides the use of funding to remove physical barriers. Each year, the City develops a Capital Improvement Plan that identifies the scope, schedule and budget for City projects. Accessibility improvements are typically integrated within the scope of work of a larger transportation project. Less costly efforts can be funded through the Operating Budget.

7.0 Facilities

Under Title II of the ADA, the City of Kettering must assure all of its physical assets are ADA compliant, including existing and newly constructed features. Public facilities include City properties, buildings, equipment, etc.

ADA compliant facilities designed and constructed in a manner readily accessible and usable by individuals with disabilities. Examples of non-compliant accessibility barriers include steps or steep ramp slopes that might hinder a person in a wheelchair, lack of handrails along stairway, or non-compliant equipment such as non-accessible drinking fountains and restroom facilities. The Self-Evaluation and Transition Plan for Facilities is located in Appendix J.

7.1 Design Standards and Construction Procedures

Americans with Disabilities Act Accessibility Guidelines (ADAAG)
ADAAG

<https://www.access-board.gov/guidelines-and-standards/buildings-and-sites/about-the-ada-standards/background/adaag>

7.2 Inventory data Collection (Self-Evaluation)

A self-evaluation of physical assets is necessary to indicate where physical barriers limit accessibility within City of Kettering facilities. The self-evaluation provides a baseline against which progress can be measured, making the process critical to the success of the Transition Plan.

7.3 Barrier Mitigation

The Transition Plan provides guidance to remove barriers on City properties.

7.4 Prioritization and Funding

Prioritization is an important step in addressing physical barriers that do not comply with ADA requirements. The barrier prioritization process identifies the most critical ADA needs and assists in implementing the Transition Plan in future years. ADA implementing regulations (28 CFR 35.150{d}{2}) note transition plans should give priority to walkways serving entities covered by the Act, including state and local government offices and facilities, transportation, places of public accommodation, and employers, followed by walkways serving other areas. Both Capital and Operating funds can be used for modifications to achieve ADA compliance.

8.0 Programs

Under Title II of the ADA, the City of Kettering must assure all of its programs are accessible to those with disabilities. Such programs can include public meetings, payment of taxes, and recreation programs. The City responds to requests and complaints by making programs to the extent practical.

8.1 Inventory Data Collection (Self-Evaluation)

The City of Kettering is beginning a Self-Evaluation of programs to determine accessibility.

8.2 Transition Plan

The City of Kettering will develop a Transition Plan.

9.0 Next Steps

This Section includes a series of goals that the City of Kettering can undertake to support the phased-in approach to compliance discussed at the outset of this document. As mentioned earlier in the Plan, this Plan is intended to be a living document that will be updated regularly.

9.1 Ongoing Goals/Activities

- Work to identify and appropriate funding for barrier removal.
- Conduct site inspections of facilities as needed.
- Conduct yearly reviews by the ADA Advisory Committee to evaluate progress of the Transition Plan.

- Engaging those in the disabled community in the process and begin assembling an external advisory group/stakeholder group to be involved in future Self-Evaluation and Transition Plan efforts, as a requirement of the Transition Plan.
- Include ADA upgrades in programmed projects.
- Update the ADA inventory database.
- Amend the ADA 504/Transition Plan based on ongoing inventory efforts and accomplishments.
- Update ADA 504/Transition Plan (All sections if applicable).
- Conduct training activities on ADA compliance.

9.2 Short Term Goals (1-5 years)

- Disseminate educational materials.
- Expand training activities on ADA compliance.
- Update TTY (Text telephone) or TDD (Telecommunication Device for the Deaf) system.
- Assure auxiliary aids are available upon request.
- Develop stronger awareness by publicizing the Title II/Section 504 program and activities within the City, including establishing a presence on the City of Kettering Intranet/Internet.
- Develop a schedule for the ADA Advisory Committee of periodic meetings—including training and/or refresher courses.
- Update ADA 504/Transition Plan (All sections if applicable).
- Conduct training activities on ADA compliance.

9.3 Long Term Goals (6+ years)

The long-term goal is to achieve the highest level of compliance with ADA regulations and incorporate ADA-related activities into the day-to-day activities of the City of Kettering.