



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

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Final Plan November 2019

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## **Executive Summary**

In an effort to make the City of Tigard's services, programs, building facilities, parks, trails, and public right-of-way accessible to all, the City has updated its American with Disabilities Act (ADA) Self-Evaluation and Transition Plan. The Plan demonstrates the City of Tigard's commitment to providing equal access to all its public programs, services, facilities, and activities for citizens with disabilities. It is focused on the City's entire inventory of programs and facilities provided to the public. The project steps included:

- Evaluating services, policies, and practices;
- Identifying modifications needed to services, policies, and practices;
- Identifying physical obstacles that limit the accessibility of facilities for individuals with disabilities;
- Describing the methods to be used to make the facilities accessible;
- Providing a schedule for making modifications to improve access;
- Identifying the public officials responsible for implementation of the Transition Plan; and
- Involving people with disabilities in the preparation of the Plan.

This plan is consistent with the City of Tigard's Strategic Plan vision to become "The most walkable community in the Pacific Northwest, where people of all ages and abilities enjoy healthy and interconnected lives."

## **Project Scope and Plan Development Process**

The process developed for the preparation of the ADA self-evaluation included an internal programmatic accessibility questionnaire of City staff to determine current levels of service and the extent to which policies and programs could be creating barriers to accessibility for persons with disabilities. Staff provided information on the nature of programs, forms, and methods used to advertise each program's services and activities.

A public involvement process assisted in the development of this updated Self-Evaluation and Transition Plan. At the beginning of the project an ADA Focus Group was formed. The Focus Group was introduced to the project and provided input into the barriers they had experienced in City programs and/or facilities, and were given the opportunity to ask questions about the scope of the project. At the next meeting the Focus Group gave input into the criteria for removal of barriers. Additionally, City staff from all departments provided input into the barriers they were working to resolve, those barriers needing attention and ways the city could continue to make progress in removing access barriers.

The Transition Plan is the result of a detailed audit of the City of Tigard's facilities, parks, trails, and city right-of-way. The Transition Plan outlines the necessary steps to meet the obligations of title II of the ADA and will provide a framework for the systematic removal of barriers based on established program priorities.

## **Summary of Findings**

The results of the self-evaluation showed several areas the City can begin making services, programs and activities more accessible for people with disabilities. Along with providing training for staff on the requirements of the ADA, the City is committed to providing reasonable accommodations to programs and services. The City will continue its ongoing efforts to remove barriers in its facilities, parks, trails and right-of-way.

## **Implementation Plan**

The City of Tigard has many programmatic and project elements underway that support this plan and the goal of providing accessible programs and connections. A summary of work underway or completed in Fiscal Year 2018/19 follows.

### ***Rights of Way (ROW), Parks and Trails***

- Street system overlays implemented as part of the annual pavement management program include upgrading and replacement of curb ramps that do not meet current Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way (PROWAG). In summer 2018, 40 curb ramps were replaced or upgraded. In summer 2019 it is planned that 16 curb ramps will be replaced.
- Public facilities infrastructure permits for development projects that include construction or improvements to City ROW require that applicable facilities meet current ADA/PROWAG requirements.
- City capital improvement projects for streets, sidewalks and parks facilities are designed and constructed to applicable ADA standards. In Fiscal Year 2018/19, projects in planning, design or construction with ADA elements included: Hunziker Core/Wall Street, Tech Center Drive, SW 121st Avenue Sidewalks/Bike Lanes, Commercial Street Sidewalk, Durham/Boones Ferry Adaptive Signalization, Tigard Street Heritage Trail and Plaza, Fanno Creek Trail (multiple segments), SW 124th/Ann Culvert Replacement and sidewalk, Main Street Green Street Phase 2, Tiedeman Crossing/Fanno Creek Trail, and Roy Rogers Road.

### ***City Buildings***

In 2016 the City completed a condition assessment of its properties that included a high-level evaluation of ADA barriers, which was followed in 2018 by a comprehensive facilities assessment of its properties to determine the presence of ADA barriers. Barrier removal activities since the 2016 evaluations include:

- Replacement of the motors in the ADA entry Library doors and adjustment of the closure timing;
- Pressure measurement and adjustment of all interior and exterior doors in City facilities;
- Grab bars added in women's restrooms;
- Addition of ADA accessible public counters in City Hall; and
- Installation of ADA compliant counter in Red Rock Creek Conference Room.

### ***City Programs***

- Captioning added to City Council meeting video via U-Tube;
- New assistive listening devices purchased; and
- Training was provided to Library staff on service animals in City buildings.

### **Next Steps**

It is the City's intent to review all barriers during the first three years of Plan implementation and address those barriers that can be resolved through programmatic modifications and maintenance tasks. Additionally, an ADA barrier removal tracking tool will be developed to track progress on the removal of barriers and to report out to the community on the City's progress.

### **Reporting and Plan Adjustments**

The final ADA Self-Evaluation and Transition Plan will be posted on the City website. City of Tigard staff will prepare an annual report summarizing the actions taken in the previous year and adjustments made to the plan. The report will be presented to City Council and posted on the City website. Substantive updates to the plan document will be posted annually on the City website.

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## **Acknowledgements**

Many individuals were involved with the development of the City of Tigard's ADA Self-Evaluation and Transition Plan.

### **City Leadership**

Jason Snider, Mayor

Tom Anderson, Councilor

John Goodhouse, Councilor

Heidi Lueb, Councilor

Liz Newton, Councilor

Marty Wine, City Manager

Former Mayor John Cook

Former Councilor Marc Woodard

### **Project Leadership**

Lori Faha, P.E., City Engineer

Nadine Robinson, Central Services Director

### **City Staff**

Representatives from all departments participated by responding to the ADA programmatic accessibility questionnaire and participating in internal meetings.

### **ADA Focus Group**

Bob Cerbone

Lisa Detweiler

Natasha Lynch

Vicki March

Tristan Roberts

Michael Stevens

### **Consultant Team**



MIG, Inc.

815 SW 2nd Avenue, Suite 200

Portland, OR 97204

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## **Plan Organization**

**Section 1 – Introduction** provides an overview of the planning process and the legislative mandate governing the process.

**Section 2 – Self-Evaluation** details the evaluation of City policies, services, programs, and activities and is based on responses to a program accessibility questionnaire, which was completed by staff, and a review of City documents and policies.

**Section 3 – Transition Plan** describes the evaluation of architectural barriers and is the result of a detailed evaluation of City facilities—such as buildings, parking lots, parks, trails, and public right-of-way—where programs, activities, and services are available to the public.

**Section 4 – ADA Coordinator, Notice Policy, and Grievance Procedure** includes the City’s notice under the ADA and its ADA Grievance Procedure.

**Section 5 – Definitions and Acronyms** defines the commonly used terms and acronyms in this Plan and the ADA.

**Section 6 – Resources** contains a directory of disability organizations, guidelines, and resources for addressing the recommendations included in this Plan.

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## 1 Introduction

The Americans with Disabilities Act (ADA) Self-Evaluation and Transition Plan will support the City of Tigard in fulfilling the requirements set forth in title II of the ADA. The ADA states that a public entity must reasonably modify its policies, practices, and procedures to avoid discrimination against people with disabilities. This Plan will assist the City in identifying policy, program, and physical barriers to accessibility, and will guide the City in developing barrier removal solutions.

### 1.1 Legislative Mandate

The ADA is a comprehensive civil rights law for people with disabilities passed by Congress on July 26, 1990. It provides protection against discrimination in both employment and the provision of goods and services. The purpose of the ADA 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.

Title II of the ADA covers programs, activities, and services of public entities. Under the requirements of the ADA,

*No qualified individual with a disability shall, on the basis of disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any public entity.<sup>1</sup>*

Under the requirements of the ADA, the City of Tigard may not specifically, either directly or through contractual arrangements

- 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 offered to others or compel people to participate in separate or different activities based on disability;
- make selections in determining the location of facilities that have the effect of excluding or discriminating against persons with disabilities; or
- deny access to people with disabilities who require the assistance of a service animal in any area of the City’s facilities where the public is normally allowed.

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<sup>1</sup> DOJ, Title II Regulations Subpart B § 35.130 General prohibitions against discrimination

Further, 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.<sup>2</sup>

This Plan and certain documents incorporated by reference establishes the City of Tigard's ADA Self-Evaluation and Transition Plan.

## **1.2 Accessible Programs and Facilities**

The City, as a public entity, is subject to the ADA's title II *Requirements for State and Local Government Programs and Services* and is responsible for the provision of accessible programs and facilities that are available without discrimination toward people with disabilities.

A fundamental tenet of title II of the ADA is "the principle that individuals with disabilities must be provided an equally effective opportunity to participate in or benefit from a public entity's aids, benefits, and services."<sup>3</sup> A public entity's services, programs, or activities, when viewed in their entirety, must be readily accessible to and usable by individuals with disabilities. This principle is referred to as program accessibility. Though it applies to all existing facilities of a public entity, a public entity is not necessarily required to make each of its existing facilities accessible. As a public entity, the City is required to ensure program accessibility for the programs it provides to the public.

### **1.2.1 Maintaining Accessible Facilities**

In addition to providing programmatic access, the City is obligated to maintain all accessible facilities in working order. Exceptions are provided for temporary disruptions. The ADA contains the following language regarding the maintenance of accessible features.

*Public entities must maintain in working order equipment and features of facilities that are required to provide ready access to individuals with disabilities. Isolated or temporary interruptions in access due to maintenance and repair of accessible features are not prohibited.*

*Where a public entity must provide an accessible route, the route must remain accessible and not blocked by obstacles such as furniture, filing cabinets, or potted plants. An isolated instance of placement of an object on an accessible route, however, would not be a violation, if the object is promptly removed. Similarly, accessible doors must be unlocked when the public entity is open for business.*

*Mechanical failures in equipment such as elevators or automatic doors will occur from time to time. The obligation to ensure that facilities are readily accessible to and usable*

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<sup>2</sup> DOJ, Title II Regulations Subpart A § 35.105 Self-evaluation

<sup>3</sup> ADA Title II Technical Assistance Manual II-3.3000

*by individuals with disabilities would be violated, if repairs are not made promptly or if improper or inadequate maintenance causes repeated and persistent failures.<sup>4</sup>*

### **1.3 Discrimination and Accessibility**

Absence of discrimination requires that both physical and program accessibility are provided. 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 are provided an equally effective opportunity to participate in or benefit from a public entity's programs and services. It includes physical accessibility, but also entails all the policies, practices, and procedures that permit people with disabilities to participate in programs and to access important information.

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 and services, transportation, policies, and communication. Program accessibility may be achieved by either structural or non-structural methods.

The City of Tigard may achieve program accessibility by several methods:

- structural methods such as altering an existing facility;
- acquisition or redesign of equipment;
- assignment of aids to beneficiaries; and/or
- provision of services at alternate sites.

When choosing a method of providing program access, the City is required to prioritize the method that results in the most integrated setting appropriate to encourage interaction among all users, including individuals with disabilities.

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<sup>4</sup> ADA Title II Technical Assistance Manual II-3.10000

## **1.4 ADA Self-Evaluation Process**

Programs, activities, and services offered by the City to the public must be accessible to people with and without disabilities. Accessibility applies to all aspects of programs or services provided by the City. The ADA Self-Evaluation for programmatic access identifies and makes recommendations to correct policies and practices that are inconsistent with title II regulations and result in limitations to access for people with disabilities. As part of the Self-Evaluation process, the City:

- identifies City programs, activities, and services;
- reviews the policies, practices, and procedures that govern the administration of the City's programs, activities, and services;
- provides opportunity for public comment;
- makes the report available to the public; and
- corrects programs, activities, and services that are not consistent with the regulations.

In 2018, the City 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 people with disabilities. Recommended actions for City programs, activities, and services can be found in Section 2 of this Plan.

## **1.5 ADA Transition Plan Process**

The ADA Transition Plan is a document that outlines a strategy for the City to progress toward compliance with the ADA Standards. The Transition Plan identifies barriers for people with disabilities and a schedule to remove those barriers over time. The City's Transition Plan must include:

- a list of barriers in City facilities that limit the accessibility of programs, activities, or services to individuals with disabilities,
- a detailed outline of feasible methods to remove these barriers and make the facilities accessible,
- a schedule for taking the necessary steps to remove barriers to accessibility,
- the opportunity for the public to provide comment on the Plan, and
- the name of the individual responsible for the Plan's implementation.

The City completed a physical audit of City-owned building, parking, park, trail, and public right-of-way facilities in 2018 to locate barriers to access and to identify recommendations and alterations to meet state and federal accessibility standards. The City's Transition Plan can be found in Section 3 of this Plan.



## **1.6 Public Outreach for the Plan**

A public entity is required to accept comments from the public on its ADA Self-Evaluation and Transition Plan and is encouraged to consult with individuals with disabilities and organizations that represent them to assist in the self-evaluation process. Many individuals with disabilities have unique perspectives on a public entity's programs, activities, and services.

For this planning process, the City formed a focus group representing various disability interest areas. Focus group meetings were held on April 18, 2018, November 29, 2018, and July 10, 2019 to introduce the project, receive questions and comments related to the Plan, and to provide feedback on the development of the draft ADA Self-Evaluation and Transition Plan. The meeting summaries from these meetings are included as Appendix A: Public Outreach.

In addition to the focus group, the Public Review Draft of the Plan was shared with the Committee for Community Engagement to generate ideas for sharing the document and receiving public feedback. The Plan was posted on the City's website and hard copies were made available at the Tigard Library, Senior Center, and select City offices for public comment. After completion of the public comment period, final edits will be made to the document and the Plan will be presented to the City Council for adoption and/or acceptance.

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## **2 Self-Evaluation**

Programs, activities, and services offered by the City of Tigard to the public must be accessible to people with and without disabilities. 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. City policies and practices were reviewed to ensure that they do not adversely affect the full participation of individuals with disabilities. This process included a review of the City’s current policies, services, programs, and activities based on staff responses to an online program accessibility questionnaire, and a review of the policies and practices that govern the administration of City programs, activities, and services based on information from the City’s website.

The recommendations contained in this section will serve as a basis for the implementation of specific strategies that will improve access to City programs, as required by law.

### **2.1 Programmatic Modifications**

The ADA Title II Coordinator, or designee, will follow-up with each department to review the recommendations contained in the self-evaluation. 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 program manager to address the removal of the barrier in the most reasonable and accommodating manner in accordance with applicable law.

### **2.2 Program Accessibility: Required Actions and Implementation Strategies**

The findings from the program accessibility questionnaire are organized into categories based on the requirements of title II of the ADA:

- Accessible and Adaptive Equipment
- Contracting, Licensing, or Other Arrangements
- Customer Service
- Emergency Procedures
- Facilities
- Notice Requirements
- Printed Information
- Program Eligibility Requirements and Admission
- Program Participation
- Public Meetings
- Special Events and Private Events on Public Properties
- Telephones and Communication Devices
- Television and Audiovisual Information
- Tours and Trips
- Training and Staffing
- Transportation Services
- Website

The online programmatic accessibility questionnaire was available from April and May 2018. A total of 33 staff members completed the questionnaire, representing all City departments. The following overview includes brief descriptions of questionnaire categories, required actions for each topic area, and recommendations for implementation. More information about the categories can be found in the “ADA Best Practices Toolkit for State and Local Governments.”<sup>5</sup> Legislative citations and links to the toolkit are provided in footnotes throughout this section.

### **2.2.1 Accessible and 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.<sup>6</sup> For example, a pen, note pad, and clipboard provided to a person with a hearing or speech impairment to write notes on or electronic equipment such as an accessible computer station are considered adaptive equipment.

#### ***Required Actions***

1. **It is required** to provide and maintain, in working order, accessible equipment for people with disabilities when equipment is provided to the public.<sup>7</sup>

#### ***Implementation Strategies***

- Collaborate with community organizations that serve people with disabilities to develop and maintain a resource list of assistive technology and accessible equipment.
- Review equipment provided by the City for use by the public, such as computers, copy machines, telephones, or other technologies, to identify potential barriers to accessibility and corresponding solutions.
- Establish and maintain a toolkit of adaptive aids and resources for staff who interact with the public. Include information about both onsite and contracted services.
- Include accessibility as a criterion for purchasing equipment such as furniture, site furnishings, and office systems. Whenever possible, evaluate furniture and building material purchases for compatibility with a wide range of disabilities and sensitivities.

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<sup>5</sup> For the full toolkit, visit <https://www.ada.gov/pcatoolkit/toolkitmain.htm>. “The Tool Kit should be considered a helpful supplement to – not a replacement for – the regulations and technical assistance materials that provide more extensive discussions of ADA requirements. It also does not replace the professional advice or guidance that an architect or attorney knowledgeable in ADA requirements can provide.”

<sup>6</sup> See <https://www.ada.gov/pcatoolkit/chap1toolkit.htm>.

<sup>7</sup> DOJ, Title II Regulations Subpart B § 35.133 Maintenance of accessible features

## 2.2.2 Contracting, Licensing, or Other Arrangements

Many public agencies rely on the use of contractors, licensees, consultants, and other entities for the delivery of services. These entities are considered an extension of the City's services and are required to adhere to the same ADA regulations as the City.

### ***Required Actions***

1. **It is required** that contractors, licensees, consultants, and other entities providing or delivering services for the City adhere to the same ADA regulations as the City.<sup>8</sup>

### ***Implementation Strategies***

- Ensure contractors, licensees, and other entities providing services to the public are aware of their obligation to make City programs and activities accessible.
- Monitor public programs and activities provided by contractors, licensees, and other entities to ensure continued accessibility.
- Provide a checklist and information to inform contractors, licensees, and other entities who provide services to the public of their responsibility for accessibility under the ADA.

## 2.2.3 Customer Service

In-person interaction with the public is one of the primary functions of most City departments. To meet ADA standards for in-person interactions, staff should be aware of the formal and informal procedures for accommodating people with disabilities, including appropriate responses to requests for program modifications and guidelines for accommodating service animals.

### ***Required Actions***

1. **It is required** to continue the policy of not charging an additional fee to the person requesting a program modification or alternative format due to their disability.<sup>9</sup>
2. **It is required** to allow service animals in City facilities.<sup>10</sup>
3. **It is required** to continue to make appropriate modifications to regular practices to accommodate the needs of individuals with disabilities when providing customer service.<sup>11</sup>

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<sup>8</sup> DOJ, Title II Regulations Subpart B § 35.130 General prohibitions against discrimination

<sup>9</sup> DOJ, Title II Regulations Subpart B § 35.130 General prohibitions against discrimination

<sup>10</sup> Only dogs are recognized as service animals under title II of the ADA. In limited cases, miniature horses that are individually trained to perform tasks for people with disabilities may qualify to provide services. Emotional support, therapy, comfort, or companion animals are not considered service animals under the ADA. See DOJ, Title II Regulations Subpart B § 35.136 Service animals.

<sup>11</sup> DOJ, Title II Regulations Subpart B § 35.130 General prohibitions against discrimination

### ***Implementation Strategies***

- Develop a process for determining reasonable modifications as they are requested. The process should address the following considerations:
  - Ensure the public has easy access to information about how to make a request for modifications and who to contact.
  - Ensure all staff can direct a person making a request to the appropriate staff member.
  - Ensure requests can be accepted from someone on behalf of the person with a disability and are not be required to be in writing.
  - Ensure staff is trained to appropriately respond to requests, including an understanding of when requests should be fulfilled immediately and when more information and planning is required to provide a modification.
  - Ensure staff retains documentation of requests and how they are fulfilled.
- Publicize the City’s ADA grievance procedure to ensure that individuals with a disability can formally communicate with the City if they are not satisfied with the results of the request process.
- Track the outcomes of all accessibility requests to look for global issues that can be addressed, to evaluate the success of program modifications, and to identify problems that can be solved proactively to improve customer service.
- Develop a formal process for changing standard operating procedures when needed to fulfill a modification request.
- Develop guidelines to ensure the inclusion of service animals at City facilities. Appropriate exclusions are limited but might include when a service animal is out of control and the handler does not take effective action to control it, if a particular service animal is not housebroken, or if admitting service animals would fundamentally alter the nature of a service or program.
- Assess the composition and needs of the population of people with disabilities in the city. This can be accomplished by developing relationships with community members with disabilities and organizations that serve people with disabilities.
- Conduct outreach to people with disabilities to improve communication, increase participation, and incorporate them in the process of developing guidance on planning, programs, and possible modifications.

## 2.2.4 Emergency Procedures

The City's emergency planning and procedures are required to include plans for people with disabilities.<sup>12</sup> Issues that have the greatest impact on people with disabilities include:

- Notification;
- Evacuation;
- Emergency transportation;
- Access to medications, refrigeration, and back-up power;
- Access to their mobility devices or service animals while in transit; and
- Access to information.

### *Required Actions*

1. **It is required** to include strategies for people with disabilities in various types of emergency situations when developing guidelines and a plan for emergency evacuations.<sup>13</sup>
2. **It is required** to train staff to safely evacuate people with disabilities in various types of emergency situations when developing guidelines and a plan for emergency evacuations.<sup>14</sup>

### *Implementation Strategies*

- Incorporate the following elements into emergency planning:
  - 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; and
  - Establish floor captains.
- Continue to test the City's emergency evacuation procedures with periodic drills, both announced and unannounced. Enlist people with different disabilities to role-play during emergency simulations.
- Review existing procedures dealing with emergencies to ensure that people with disabilities can be alerted and that they can alert emergency service providers.
- Work with disability organizations to explore the use of technologies such as audible exit signs for orientation and direction or vibrating paging systems.
- Provide training for public safety personnel and other key staff to enable them to communicate in basic ASL if there is an emergency condition. For example, this training

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<sup>12</sup> See <https://www.ada.gov/pcatoolkit/chap7emergencymgmt.htm>.

<sup>13</sup> 42 U.S.C. § 12132; see generally, DOJ, Title II Regulations Subpart B § 35.130, Subpart D § 35.149.

<sup>14</sup> 42 U.S.C. § 12132; see generally, DOJ, Title II Regulations Subpart B § 35.130, Subpart D § 35.149.

would be provided to police and building inspectors involved in post-disaster emergencies.

- Ensure that emergency teams are aware of people with disabilities in their communities who may require special assistance in an emergency.
- Provide ASL interpreters at emergency facilities on an as-needed basis. To accomplish this, form a pool of interpreters as a resource from which to draw upon.
- Review suggestions for evacuation plans and procedures on the U.S. Access Board website at <http://www.ada.gov/emergencyprepguide.htm> and the [Emergency](#).
- Review suggestions for evacuation plans and procedures provided by the federal government, such as the “Procedures for Employees with Disabilities in Office Occupancies” document published by FEMA and the U.S. Fire Administration.

### **2.2.5 Facilities**

City facilities should be accessible to people with different types of disabilities. The identification of structural barriers in buildings, parks, and the public rights-of-way is a required element of an ADA transition plan.

#### ***Required Actions***

1. **It is required** to ensure that interested people can obtain information regarding the existence and location of accessible facilities and elements within facilities.<sup>15</sup>

#### ***Implementation Strategies***

- Provide information about the accessibility of City-owned and operated facilities on City publications, including City websites. Relevant information includes the locations of accessible entrances, accessible bathrooms, accessible parking, and accessible routes from transit and parking to program locations.
- Provide information about the accessibility of non-City facilities hosting City programs and services.
- Provide information about the accessibility of City-owned facilities that are leased to other entities.
- Record and monitor requests relating to facility access. The ADA Coordinator can analyze accessibility requests periodically to look for global issues that can be addressed and problems that can be solved proactively.

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<sup>15</sup> DOJ, Title II Regulations Subpart E § 35.163 Information and signage



### 2.2.6 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. It is the obligation of the head of the public entity to determine the most effective way of providing notice to the public about their rights and the public entity's responsibilities under the ADA. Publishing and publicizing the ADA notice is not a one-time requirement. State and local governments should provide the information on an ongoing basis, whenever necessary.<sup>16</sup>

#### ***Required Actions***

1. **It is required** to maintain the position of ADA Coordinator.<sup>17</sup>
2. **It is required** to continue publishing a notice regarding the City's commitment to providing accessible services.<sup>18</sup>
3. **It is required** to continue to ensure effective communication and that interested persons can obtain information as to the existence and location of accessible services, activities, and facilities.<sup>19</sup>

#### ***Implementation Strategies***

- Establish a consistent advance-notice requirement for people requesting modifications for all departments, programs, and services.
- Republish and rebroadcast radio, newspaper, television, or mailings of the notice periodically, as applicable.
- Increase outreach to people with disabilities and the organizations that serve them to provide information about possible modifications and the accessibility of services, programs, and activities.
- Ensure staff is aware of the public locations of the nondiscrimination statement and the procedure for filing a disability discrimination complaint.

### 2.2.7 Printed Information

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 media, or other formats as requested.<sup>20</sup>

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<sup>16</sup> See <https://www.ada.gov/pcatoolkit/chap2toolkit.htm>.

<sup>17</sup> See <https://www.ada.gov/pcatoolkit/chap2toolkit.htm>; DOJ, Title II Regulations Subpart A § 35.107 Designation of responsible employee and adoption of grievance procedures.

<sup>18</sup> DOJ, Title II Regulations Subpart A § 35.106 Notice

<sup>19</sup> DOJ, Title II Regulations Subpart E § 35.163 Information and signage

<sup>20</sup> See <https://www.ada.gov/pcatoolkit/chap3toolkit.htm>.

### **Required Actions**

1. **It is required** to provide accessible alternative formats to printed information upon request.<sup>21</sup>
2. **It is required** to address all requests for other alternative formats for lengthy documents on an individual basis.<sup>22</sup>
3. **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.<sup>23</sup>
4. **It is required** to provide assistance upon request in filling out forms or when alternative formats are unavailable or infeasible.<sup>24</sup>
5. **It is required** to provide printed information in simple language for persons with cognitive disabilities upon request.<sup>25</sup>

### **Implementation Strategies**

- Provide training to staff on producing printed information in alternative formats for people with various disabilities to ensure that requests are handled in a uniform and consistent manner. When a requested format is not possible due to the nature of a specific document, City staff should seek alternative ways to communicate the information contained in the document.
- Develop and implement standard templates for producing accessible City materials that are consistent with City branding and style.
- Review information on developing accessible printed materials provided in the Resources section of this Plan.
- Include images of people with disabilities when images of people are included in City printed materials.
- Continue including 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 large print, braille, or electronic format. Requests can be made by calling Nadine Robinson, ADA Coordinator, at (503) 718-2481, or by using the 711 Telecommunications Relay Service, or email [Nadine@tigard-or.gov](mailto:Nadine@tigard-or.gov). Whenever possible, please allow five working days for your request to be processed.*

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<sup>21</sup> DOJ, Title II Regulations Subpart E § 35.160 General

<sup>22</sup> DOJ, Title II Regulations Subpart E § 35.160 General

<sup>23</sup> DOJ, Title II Regulations Subpart B § 35.130 General prohibitions against discrimination

<sup>24</sup> DOJ, Title II Regulations Subpart B § 35.130 General prohibitions against discrimination

<sup>25</sup> DOJ, Title II Regulations Subpart E § 35.160 General

### **2.2.8 Program Eligibility Requirements 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 modifications.

#### ***Required Actions***

1. **It is required** to include individuals with disabilities in regular programs without requiring the use of different or separate aids, benefits, or services, even if they are as effective as those provided to other individuals.<sup>26</sup>
2. **It is required** to include individuals with disabilities in regular programs to the maximum extent possible.<sup>27</sup>
3. **It is required** that when interviews are required for program participation, they are held in an accessible location and that alternative formats or auxiliary aids are provided upon request.<sup>28</sup>

#### ***Implementation Strategies***

- Include a nondiscrimination statement on application or registration forms.
- Include a notice of alternative formats for application or registration forms.

### **2.2.9 Program Participation**

The public must be able to access all programs, service, and activities regardless of disability, unless a modification would result in a fundamental alteration to the nature of a service, program, or activity or impose undue financial and administrative burdens.<sup>29</sup>

#### ***Required Actions***

1. **It is required** to include individuals with disabilities in regular programs without requiring the use of different or separate aids, benefits, or services, even if they are as effective as those provided to other individuals.<sup>30</sup>
2. **It is required** to include individuals with disabilities in regular programs to the maximum extent feasible.<sup>31</sup>

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<sup>26</sup> DOJ, Title II Regulations Subpart B § 35.130 General prohibitions against discrimination

<sup>27</sup> DOJ, Title II Regulations Subpart B § 35.130 General prohibitions against discrimination

<sup>28</sup> DOJ, Title II Regulations Subpart B § 35.130 General prohibitions against discrimination; Subpart E § 35.160 General

<sup>29</sup> DOJ, Title II Regulations Subpart E § 35.164 Duties

<sup>30</sup> DOJ, Title II Regulations Subpart B § 35.130 General prohibitions against discrimination

<sup>31</sup> DOJ, Title II Regulations Subpart B § 35.130 General prohibitions against discrimination

3. **It is required** to provide reasonable modifications to program participants with disabilities to include them in regular programs to the maximum extent possible.<sup>32</sup>
4. **It is required** to 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.<sup>33</sup>
5. **It is required** that when the City determines it is necessary to exclude or limit the participation of people with disabilities to ensure the safe operation of programs or services, it continues to base those determinations on real risks, not on speculation, stereotypes, or generalizations.<sup>34</sup>

### ***Implementation Strategies***

- Increase outreach to persons with disabilities and the organizations that serve them to ensure program accessibility. The City should also inform the public of the possible modifications that can be provided to make programs, services, and activities accessible.

### **2.2.10 Public Meetings**

Public meetings are a regularly occurring activity for public agencies. The main objective of any public meeting is to impart and solicit information on public issues of importance to the local government. Where these meetings are held are an important consideration in meeting the requirements of the ADA.

### ***Required Actions***

1. **It is required** to hold public meetings in accessible facilities to accommodate the participation of people with various disabilities.<sup>35</sup>
2. **It is required** to provide agendas and other meeting materials in alternative formats upon request.<sup>36</sup>
3. **It is required** to provide flexibility in the time limit on speaking for individuals with communication difficulties.<sup>37</sup>

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<sup>32</sup> DOJ, Title II Regulations Subpart B § 35.130 General prohibitions against discrimination

<sup>33</sup> DOJ, Title II Regulations Subpart B § 35.130 General prohibitions against discrimination; see section 3 Undue Burden

<sup>34</sup> DOJ, Title II Regulations Subpart B § 35.130 General prohibitions against discrimination

<sup>35</sup> DOJ, Title II Regulations Subpart E § 35.160 General

<sup>36</sup> DOJ, Title II Regulations Subpart E § 35.160 General

<sup>37</sup> DOJ, Title II Regulations Subpart E § 35.160 General

4. **It is required** to have assistive listening devices available for public meetings where the sound at the meeting is amplified.<sup>38</sup>

### ***Implementation Strategies***

- Establish a consistent advance-notice requirement for requests for modifications at public meetings.
- Display a notice on meeting agendas indicating the availability of accessibility modifications and other elements of meeting participation.
- Prepare a list of accessible meeting spaces to facilitate the scheduling of meetings or the relocation of meetings upon request.
- Maintain a list of on-call American Sign Language interpreters who may be brought to meetings to assist individuals with hearing impairments.
- Develop a checklist and provide instruction to staff on ensuring the accessibility of meetings. Guidelines should include examples of the types of modification requests that may be made by people with different types of disabilities, including assistive listening systems, sign language interpreters, readers, descriptive services, and other assistive technologies like real-time captioning. Other considerations include the layout of the room and the locations of the sign-in and refreshments tables, bathrooms, and other elements to ensure these features are accessible.
- Move disability-related agenda items to the beginning of agendas when possible. Some people with disabilities are unable to stay late at meetings because they use para-transit, have fixed schedules, and/or need to use personal care attendants.
- Assign a member of staff as a greeter at public meetings and events. Identify this person as a resource for people who may require assistance.

### **2.2.11 Special Events and Private Events on Public Properties**

All events on public property should be accessible to people with disabilities. When a public agency rents its properties to a third party for special events, the responsibility for maintaining an accessible environment is temporarily deferred to the tenant.

### ***Required Actions***

1. It is required to maintain in operable working condition those features of a facility that are required to be readily accessible and usable by persons with disabilities<sup>39</sup> to ensure the accessibility of events held on public property.

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<sup>38</sup> DOJ, Title II Regulations Subpart E § 35.160 General; 2010 Standards 219.2 Required Systems

<sup>39</sup> DOJ, Title II Regulations Subpart B § 35.133 Maintenance of accessible features

### ***Implementation Strategies***

- Inform private organizations that sponsor events at City facilities about applicable ADA requirements.
- Provide a checklist and information during the application process to inform organizers of their responsibility for accessibility under the ADA.
- For public events managed by a third party, the City will establish a procedure to require the third party to address as appropriate ADA accessibility obligations including but not limited to communications, parking, accessible routes, and architectural elements.

### **2.2.12 Telephones and Communication Devices**

Even with technological advances such as cell phones, texting, and instant messaging, provision of alternative communication technologies such as teletypewriters (TTY), telecommunication display devices (TDDs), or telecommunication relay services (TRS) remain a requirement for communicating with the public.<sup>40</sup>

### ***Required Actions***

1. **It is required** that when the City communicates by telephone, it can communicate as effectively with a person with a hearing or speech impairment.<sup>41</sup>
2. **It is required** that staff is proficient in the use of alternative communication technologies or able to direct the public to knowledgeable staff.<sup>42</sup>
3. **It is required** that publications that list phone numbers include alternative contact information for people with hearing and/or speech impairments.<sup>43</sup>

### ***Implementation Strategies***

- Explore options for Video Remote Interpreting Services (VRI) for communicating with people with hearing and/or speech impairments. There are many situations where a live interpreter is required, but VRI is a convenient, flexible, lower-cost alternative.

### **2.2.13 Television and Audiovisual Information**

Televised and audiovisual information is a means for disseminating public information through presentations produced by City departments. All televised and audiovisual information including PowerPoint presentations must be accessible to persons with disabilities. As more

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<sup>40</sup> See <https://www.ada.gov/pcatoolkit/chap3toolkit.htm>.

<sup>41</sup> DOJ, Title II Regulations Subpart E § 35.161 Telecommunications

<sup>42</sup> DOJ, Title II Regulations Subpart E § 35.161 Telecommunications

<sup>43</sup> DOJ, Title II Regulations Subpart E § 35.161 Telecommunications; § 35.163 Information and signage

communication is being done remotely through the internet, it will be increasingly important that all communication tools maintain accessibility as technology changes.<sup>44</sup>

### ***Required Actions***

1. **It is required** to provide alternative formats of televised and audiovisual presentations produced by the City upon request.<sup>45</sup>

### ***Implementation Strategies***

- Review City presentations, videos, and recordings of meetings to identify potential barriers to accessibility and corresponding solutions.<sup>46</sup>
- Encourage presenters to read the slides and describe the graphic content when presenting PowerPoint or other visual presentations.
- Include images of people with disabilities when images of people are included in City audiovisual materials.

## **2.2.14 Tours and Trips**

Many public agencies provide or facilitate tours and trips as part of their service. These tours and trips are subject to title II regulations. The City is responsible for ensuring that the tour can be experienced by people with disabilities, by making accommodations or modifications.

### ***Required Actions***

1. **It is required** to modify tours and trips upon requested to enable people with mobility, visual, speech, hearing, and cognitive disabilities to participate.<sup>47</sup>

### ***Implementation Strategies***

- Incorporate opportunities to request accessibility modifications in registration materials for tours or trips.
- Provide information to participants in advance of a tour or trip regarding the destination, transportation, and other characteristics of the event so that informed requests for modifications can be made.
- Evaluate the destination of the tour or trip and the means of transportation to determine accessibility and any modifications that may be required. If a tour route or a portion of a route is inaccessible and modifications are requested, reroute the tour or

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<sup>44</sup> See <https://www.ada.gov/pcatoolkit/chap3toolkit.htm>.

<sup>45</sup> DOJ, Title II Regulations Subpart E § 35.160 General

<sup>46</sup> Closed captioning is not required for all televised or audiovisual presentations, but it is a common way of making them accessible to people who are unable to hear the audio portion, and in some instances, it might be the only accessible format.

<sup>47</sup> DOJ, Title II Regulations Subpart B § 35.130 General prohibitions against discrimination

provide program modifications that will allow the tour to be experienced (for example: photographs, videos with closed captioning).

### **2.2.15 Training and Staffing**

As a part of the City's on-going staff development and training, the incorporation of disabilities awareness, standards, and resources is encouraged for all staff interfacing with the public or who maintain the facilities used by the public.

#### ***Required Actions***

1. **It is required** that City staff is knowledgeable about providing accessible services, programs, and activities for the public and that accessible facilities are maintained in working order.<sup>48</sup>

#### ***Implementation Strategies***

- Provide all City staff with ongoing awareness and sensitivity training.
- Develop a comprehensive disability access training program. Educate City staff about their responsibilities under the ADA. The City's ADA Coordinator or department supervisors should be responsible for ensuring that staff members receive training. Staff members who have contact with the public should receive additional training about the process of providing modifications and assistive devices to make their programs, activities, and services accessible. Ensure that training also includes information about responding to a variety of disabilities and the availability of program-specific adaptations, assistive devices, and modifications.
- Develop standard guidelines for training materials. These guidelines should include standard language that appropriately describes the City's policy on inclusion and nondiscrimination. Staff members should receive training in using the guidelines effectively.
- Offer training to staff members have contact with the public and wish to learn basic ASL communication skills. Training should emphasize basic communication and should not be viewed as a substitute for utilizing qualified ASL interpreters when requested.
- Train maintenance staff regarding accessibility compliance and building codes to maintain facilities in an accessible condition.
- Incorporate assistance for people with disabilities into training for building evacuation procedures.

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<sup>48</sup> DOJ, Title II Regulations Subpart E § 35.160 General; Subpart B § 35.130 General prohibitions against discrimination



### 2.2.16 Transportation Services

Many public agencies provide public transportation services. The public accommodation standards for these services are set forth by the Federal Transit Administration.<sup>49</sup>

#### **Required Actions**

1. **It is required** to make reasonable modifications in policies, practices, or procedures for transportation programs when the modifications are necessary to avoid discrimination on the basis of disability or to provide program accessibility to services.<sup>50</sup>

#### **Implementation Strategies**

- Periodically review transportation programs to proactively ensure accessibility. Develop strategies for modifications as appropriate.

### 2.2.17 Website

As people turn to the Internet as their primary source of information regarding services, programs, activities, and facilities, the City's website at <http://www.tigard-or.gov/> takes on increased importance as a communications tool. Providing public access to City publications online is an effective means of reaching persons with disabilities.<sup>51</sup> 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.<sup>52</sup>

#### **Required Actions**

1. **It is required** to take appropriate steps to ensure that the City's online communication with people with disabilities is as effective as other communications with the public.<sup>53</sup>

#### **Implementation Strategies**

- Continue to publish the Policy of Nondiscrimination, including on the Basis of Disability, on the City's website.

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<sup>49</sup> DOT, Title 49, Subtitle A, Part 38 - Americans with Disabilities Act Accessibility Specifications for Transportation Vehicles. See specifications for transportation vehicles at <https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=2efb7bdb786c2e63145ea6e1cf788693&mc=true&r=PART&n=pt49.1.38>.

<sup>50</sup> DOJ, Title II Regulations Subpart B § 35.130 General prohibitions against discrimination; DOT, Title 49, Subtitle A, § 38.1 Purpose

<sup>51</sup> See <https://www.ada.gov/websites2.htm>; <https://www.ada.gov/pcatoolkit/chap5toolkit.htm>.

<sup>52</sup> Section 508 of the Rehabilitation Act requires that federal agencies' electronic and information technology is accessible to people with disabilities. Many state and local public agencies adopt these standards as best practices. Title 29, Chapter 16, § 794d Electronic and information technology.

<sup>53</sup> DOJ, Title II Regulations Subpart E § 35.160 General

- Conduct web accessibility analyses to periodically measure the accessibility of the City's websites. Consider adopting standards that meet or exceed Section 508 of the Rehabilitation Act guidelines for the accessibility of electronic information. Outreach to people with disabilities can help identify website barriers and ensure the website includes adequate information about the City's commitment to providing accessible services.
- Acquire the technological resources or staffing expertise to create accessible documents for posting on the City website.
- Assign one department the authority to provide standards and oversight for outside vendors who create webpages and for departments who post their own documents. This can support consistent and accessible web pages.
- Provide information on the City website about the accessibility of City facilities.

## 2.3 Services, Policies, and Practices Summary of Recommendations

The review and evaluation of services, policies, and practices was completed in 2018.<sup>54</sup> The comprehensive review of each service, policy, and practice offered by the City, as required by the ADA, as well as recommendations for implementing specific improvements, is included as part of this document as Appendix B: ADA Self-Evaluation Summary.

The content of the full report is compiled in a Program Inventory Excel workbook that is intended to be the City's ongoing record of the remediation of barriers to providing accessible programs, services, and activities. This section provides a general overview of the recommendations and is organized into three general categories:

**Access Recommendations:** includes recommendations that will ensure people with disabilities have access to City programs, events, and facilities.

**Communication Recommendations:** includes recommendations that will ensure that City communication of all types is accessible to people with disabilities.

**Policy Recommendations:** includes recommendations for changes in policy language and/or inclusiveness of policies.

### 2.3.1 Access Recommendations

- Provide information about the accessibility of facilities where City programs, activities, and services are provided.
- Provide information about requesting modifications, alternative formats of materials, auxiliary aids, and accessible services.
- Ensure that fee structures for records, recordings, etc. do not discriminate against people with disabilities.
- Ensure that people with disabilities have access to public records and are aware that assistance is available upon request.
- Ensure that City events, programs, and services are accessible to people with disabilities. This includes events, programs, and services offered directly by the City, and offerings on behalf of the City by non-City organizations.
- Provide programmatic modifications upon request. This includes assistance with forms, access to public information, relocation of services to accessible locations, and other alternatives as needed.
- Ensure that City events with amplified sound, including movies and concerts at parks, are accessible for people with disabilities.

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<sup>54</sup> This included a review of the City's standards and specifications, available under separate cover from the City's ADA Coordinator.

### **2.3.2 Communications Recommendations**

- Ensure that online services, forms, questionnaires, and documents are accessible for people with disabilities or that alternatives are provided upon request.
- Ensure that materials are available in alternative formats upon request. Provide personal assistance where alternatives are not available.
- Conduct accessibility checks for the City website and all documents, presentations, and videos posted to the City website and ensure the City's website is accessible in multiple browsers.
- Ensure that documents are formatted in a way that is accessible for screen readers.
- Provide fillable PDF forms wherever possible.
- Ensure that information contained in complex documents, maps, tables, charts, and calendars is available in alternative formats upon request.
- Ensure that videos, including live and archived recordings of meetings, are accessible for people with disabilities. In some cases, transcripts or captions might be necessary.
- Provide email and TTY contact information where other contact information is provided. Ensure that multiple forms of contact information are provided for requesting a modification.

### **2.3.3 Policy Recommendations**

- Ensure information about programs and registration are available in alternative formats upon request.
- Ensure that policy of not accepting payment or reservations by phone for certain programs and services does not discriminate against people with disabilities.
- Ensure that parking and traffic control plans retain and provide accessible parking spaces and circulation.
- Ensure that staff training incorporates information about interacting with and assisting people with disabilities.
- Use person-first language when referring to people with disabilities.
- Ensure that policies regarding animals, including livestock, do not inhibit ownership of service animals.

### **3 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 ensure their facilities meet the standards for program accessibility. Program accessibility means that a program, activity, or service provided to the public is accessible when viewed in its entirety. Simply put, a Transition Plan assists in turning inaccessible facilities into environments that are accessible to and useable by individuals with disabilities.

The process of developing an ADA Transition Plan includes the identification of access barriers within the built environment. The Transition Plan for the removal of structural 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.

This Transition Plan is organized into two parts: 1) buildings, parks, trails, and parking lots (Section 3.3), and 2) the public right-of-way (Section 3.4), which includes curb ramps, sidewalks and associated hazards, and pedestrian signals under the City's maintenance responsibility.

#### **3.1 Schedule for Facility Improvements**

Title II regulations state that if a transition plan will take more than one year to fully implement, it must contain interim steps to provide program accessibility. This plan proposes a preliminary 15-year strategy for removing barriers at City buildings, parks, trails, and parking lots, and within the public right-of-way. The City reserves the right to modify barrier removal priorities to allow flexibility in accommodating community requests, petitions for reasonable modifications from people with disabilities, changes in City programs, and funding opportunities and constraints. The City plans to focus on refining its programs, priorities, and schedule over the next three years and will make updates to the priority tables contained in this report on an annual basis. The barrier removal strategy incorporates flexibility in the process and allows the City to respond to new opportunities as they arise. The City's ADA Coordinator will be responsible for ensuring barrier removal. For the most current status of the remediation of barriers, contact the ADA Coordinator.

#### **3.2 Accessibility Standards**

At the time of the evaluations, the ADA 2010 Standards, 2014 Oregon Structural Specialty Code (OSSC) Chapter 11 Accessibility, 2015 Architectural Barriers Act (ABA) Standards for Outdoor Developed Areas, 2011 Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way (PROWAG), 2009 Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD), and the 1991 ADA Standards for Accessible Design (ADAAG) were used to

identify barriers at City facilities. The barrier evaluations conducted provide an assessment of current conditions as viewed by current code and provide a baseline for future barrier removal.

### 3.3 Facility Evaluations

The barrier assessments for buildings, parks, trails, and public parking facilities included all public interior and exterior elements of a site. The assessment identified physical barriers in each facility that limit accessibility and compared each facility to the 2010 ADA, 2014 OSSC, and the 2015 ABA. Summaries of the identified barriers are included with this document as Appendix C: ADA Barrier Analysis Summary Report. The evaluations were undertaken by a consultant team equipped with measuring devices, City facility data, and evaluation checklists. Diagrams and GIS maps of each site were annotated during the evaluation process and were included in the ADA Facility Assessment Report, available from the City.<sup>55</sup> The elements included in the evaluations are as follows:

- Built-in Elements
- Doors/Gates
- Drinking Fountains
- Elevators
- Hazards
- Other Features
- Outdoor Constructed Features
- Parking Areas
- Paths of Travel\*
- Picnic Areas
- Play Equipment Areas
- Program Specific\*\*
- Restrooms
- Rooms
- Signs
- Telephones

\* Paths of travel encompass corridors/aisles, curb ramps, ramps, stairways, trails, and walks.

\*\*Program specific barriers include features that are typically unique to certain facilities, such as bathing facilities, eating areas, judicial facilities, kitchens, and libraries.

#### 3.3.1 Barrier Categorization

The removal of accessibility barriers is guided by a categorization process referenced in the ADA regulations. 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. The categorization process includes the following programmatic categories:

- **Category 1** identifies barriers that affect accessibility at the entrance to a facility, or a pedestrian route to the portion of a facility where program activities take place (for example: parking, walks, ramps, stairs, doors).

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<sup>55</sup> The ADA Facility Assessment Reports are available under separate cover by contacting the City's ADA Coordinator. The ADA Facility Assessment Reports are a snapshot in time of the facility at the time of evaluation. The reports do not reflect the dates or history of construction or alterations of City facilities. In some cases, the items contained in the reports are not required to be remediated because those items were compliant at the time of construction or alteration, or other options are available to the City to provide similar accessible programs, activities, and services. The reports do not necessarily reflect actions that the City must undertake, but rather constitute a list of elements that were not consistent with accessibility standards current at the time of the evaluation.

- **Category 2** identifies barriers that affect accessibility of program use areas (for example: trails, transaction counters, conference rooms, public offices, restrooms).
- **Category 3** identifies barriers that affect access to amenities serving program areas (for example: drinking fountains, telephones, site furnishings, vending machines).
- **Category 4** identifies areas or features that may not be required to be modified for accessibility (for example: a pathway that does not connect to an accessible feature, an area where no public programs or activities occur, or the program or activity provided at this location is available in an accessible location).

This categorization was applied to each identified barrier at City buildings, parks, trails, and public parking lots. Some barriers will require further evaluation by City staff for programmatic solutions. These barriers were assigned two category values (for example: 2 or 4), indicating the barrier will need to be assigned one of the values but not both.

### 3.3.2 Priorities for Barrier Removal at City Facilities

To develop a phasing schedule for the removal of barriers at the City's facilities, prioritization criteria were developed with input from the ADA focus group and prioritization meetings conducted with City staff. All facilities in which the City provides programs, activities, and services were reviewed based on the following criteria:

- **Level of Use by the Public:** Facilities that receive a high level of public use receive a higher priority.
- **Program Uniqueness:** Some programs are unique to a building, facility, or population and cannot occur at another location.
- **Identified Accessibility Needs:** Efforts should focus on City facilities where there have been accessibility complaints.
- **Geographic Distribution:** By selecting a range of facilities that are distributed throughout the City, the City can ensure maximum access for all residents.
- **Public Gathering and Meeting Spaces:** Facilities that are used by the community and City for public meetings, special events, and gatherings.
- **Community Rights and Responsibilities:** Facilities where services are provided to exercise citizen rights—participation in City Council and Commission meetings, access to elected officials, facilities where taxes are paid, permits and licenses are obtained, etc.

### 3.3.3 Phasing Schedule for City Facility Improvements

This Plan proposes a 15-year strategy for removing barriers at City facilities that limit program accessibility. Barriers identified at City facilities will be removed systematically based on

established program priorities. It is the intent of the City to address and remove barriers to accessibility at its facilities based on the need for programmatic access.

The City reserves the right to modify barrier removal priorities to allow flexibility in accommodating community requests, petitions for reasonable modifications from people with disabilities, changes in City programs, and funding opportunities and constraints. It is the goal of this Plan to provide access to the programs, activities, and services provided by the City. ADA regulations state that if a transition plan will take more than one year to fully implement, it must contain interim steps to provide program accessibility. Interim measures will be explored and implemented to provide better access for the public pending the implementation of major physical barrier removal projects. Interim measures in this Plan may include:

- relocating a program to an accessible facility,
- the installation of directional signs,
- the installation of a power door or lift,
- adjustments to operating mechanisms,
- temporary modifications that increase access, or
- other actions that enable better access.

The City will accomplish barrier removals in its buildings and sites either through policy and procedure modifications to remove programmatic barriers, or maintenance and construction projects to remove structural barriers. The information contained in the ADA facility assessment reports has been incorporated into barrier analysis Excel workbook with companion facility GIS data, which is intended to be the living Transition Plan and the City's ongoing record of the remediation of barriers. The tracking tool will be updated over time as the City removes barriers or finds programmatic solutions to barriers. The record is maintained by the City's ADA Coordinator. For the current status of the remediation of barriers, contact the City's ADA Coordinator.

The barrier removal schedule is summarized in tables on the following pages. It is the City's intent to review all barriers during the first three years of Plan implementation and address those barriers that can be resolved through programmatic modifications and maintenance tasks. The City will then revise the schedule for removal of the remaining barriers. It is also assumed that as facility barriers are evaluated in greater detail as part of future projects and complaints, a percentage of the barriers will fall within the safe harbor provisions, explained later in this section. The City will then revise and update the inventory of barriers and, when applicable, revise the schedule for the removal of remaining barriers.

The following tables are organized by type of facility and represent an initial 15-year plan for barrier removal. The initial schedules were developed based on staff discussions and priorities including each facility's level of use by the public, and types and critical nature of services provided.



**Table 3-1: Transition Plan Phasing Schedule for City Buildings<sup>56</sup>**

Facility	Years 1-3	Years 1-5	Years 1-10	Years 1-15+
Civic Center: City Hall	●	●	●	
Civic Center: Permit Center	●	●	●	
Civic Center: Police	●	●	●	
Civic Center: Exterior	●	●	●	
Dirksen Nature Park Educational Building	●	●		
Fanno Creek House	●	●		
Library	●	●	●	
Public Works Building	●	●	●	
Senior Center	●	●	●	

**Table 3-2: Transition Plan Phasing Schedule for City Parks<sup>57</sup>**

Facility	Years 1-3	Years 1-5	Years 1-10	Years 1-15+
Ash Avenue Dog Park	●		●	
Bonita Park	●			●
Bull Mountain Park	●			●
Commercial Park	●			●
Community Garden	●			●
Cook Park	●	●		
Dirksen Nature Park	●	●		
East Butte Heritage Park	●		●	
Elizabeth Price Park	●		●	
Englewood Park	●			●
Fanno Creek Park	●		●	
Jack Park	●			●
Jim Griffith Memorial Skate Park	●		●	
Liberty Park	●			●
Main Street Park	●			●
Northview Park	●			●
Potso Dog Park	●	●		

<sup>56</sup> The most current information on the status of all barrier identification and mitigation is contained in the City’s ADA Barrier Analysis Tool maintained by the City’s ADA Title II Coordinator.

<sup>57</sup> Windmill Park is a corner location with no facilities to evaluate under the scope of the ADA is not included in the transition plan phasing schedule.

**Table 3-2: Transition Plan Phasing Schedule for City Parks<sup>57</sup>**

Facility	Years 1-3	Years 1-5	Years 1-10	Years 1-15+
Senn Park	●			●
Summerlake Park	●	●		
Woodard Park	●			●

**Table 3-3: Transition Plan Phasing Schedule for City Trails**

Facility	Years 1-5	Years 6-10	Years 11-15	Years 1-15+
Englewood East/N Dakota to Tigard Trail	●			●
Fanno Creek Trail (Library)	●	●		
Fanno Creek Trail	●	●		
Pathfinder-Genesis Trail	●		●	

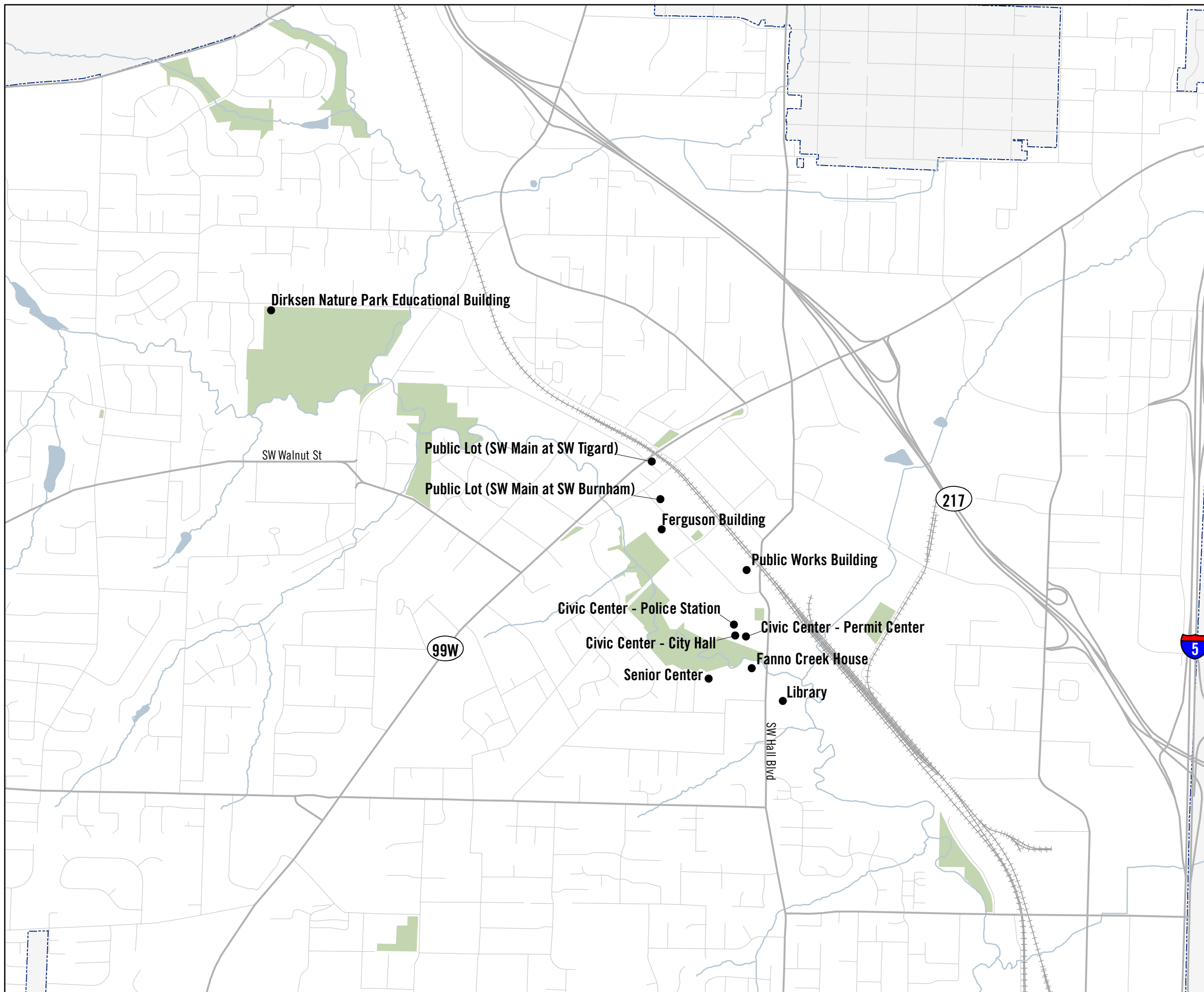
**Table 3-4: Transition Plan Phasing Schedule for City Parking Lots**

Facility	Years 1-5	Years 6-10	Years 11-15	Years 1-15+
SW Main at SW Burnham	●	●	●	
SW Main at SW Tigard	●	●	●	



Tigard ADA Self-Evaluation & Transition Plan

**Evaluated Buildings and Parking Lots**



Context

- Street
- Railroad
- Water Feature
- Park
- City Limits



June 2019

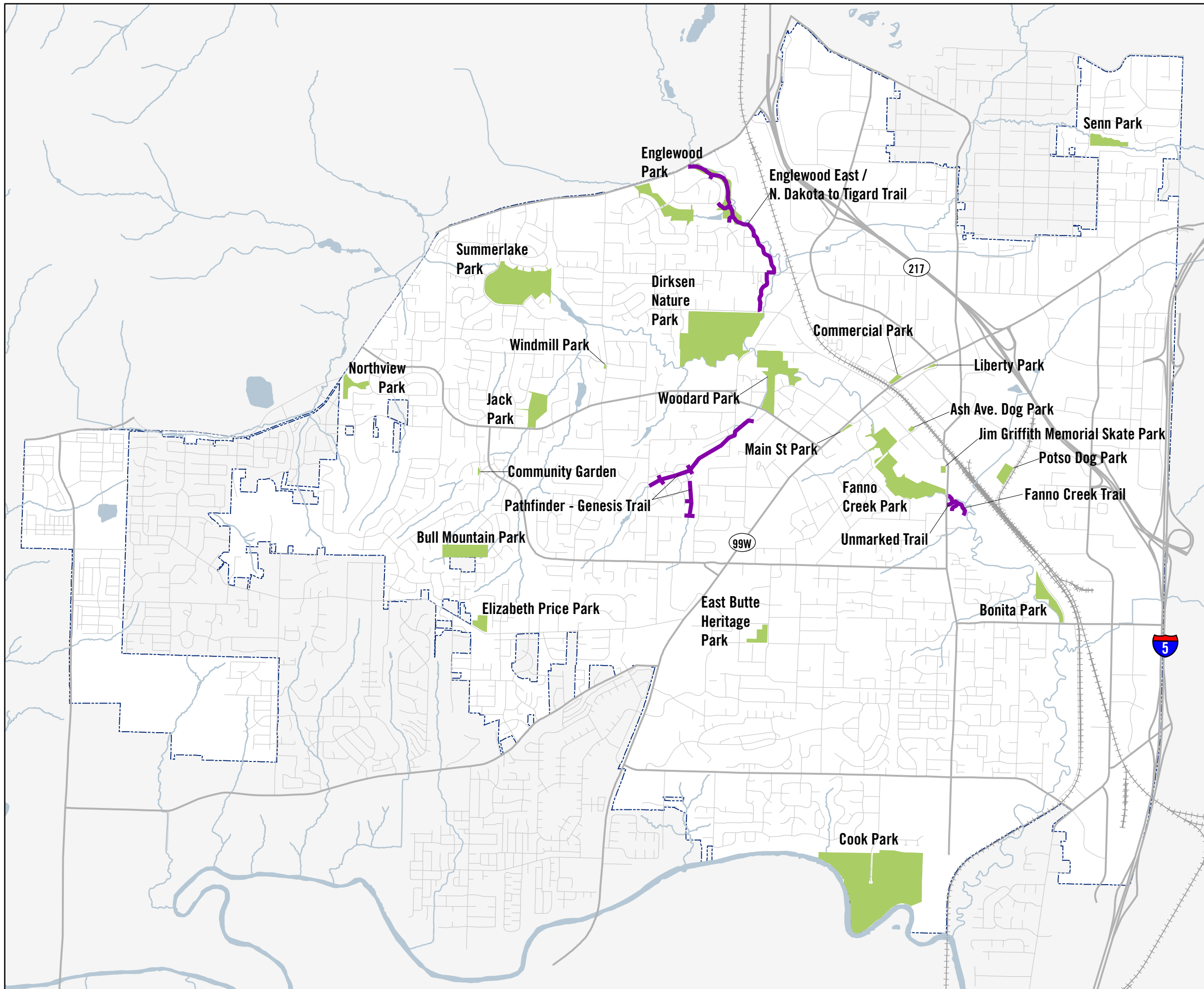


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## Tigard ADA Self-Evaluation & Transition Plan

### Evaluated Parks and Trails

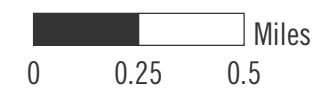


- Trail
- Park

- Context
- Street
  - Railroad
  - Water Feature
  - Park
  - City Limits



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### **3.4 Public Right-of-Way**

The ADA addresses accessible public right-of-way where sidewalks are provided by the City. The ADA does not mandate the installation of sidewalks but does require curb ramps at intersections where existing pedestrian walkways are provided.<sup>58</sup> Under title II of the ADA, the 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 unsafe at some locations. Alternative routes to buildings that make use of existing curb ramps may be acceptable under the concept of program accessibility 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 (see Section 3.5.4 and 3.5.5).

In 2002, the United States Court of Appeals for the Ninth Circuit, which has jurisdiction over Oregon, held for the first time that sidewalks constitute a service, program, or activity of a public entity.<sup>59</sup> Sidewalks are, therefore, subject to the ADA's program accessibility regulations. Before this decision, the law was unclear about whether transition plans for public entities should address barrier removal from sidewalks. When originally written, the ADA specifically addressed curb ramps; this court decision added sidewalks.

#### **3.4.1 Public Right-of-Way Evaluations**

Right-of-way facilities under Tigard's responsibility were evaluated in 2018 using criteria from the 1991 ADAAG, 2010 ADA, 2011 PROWAG, and 2009 MUTCD accessibility standards. The evaluations included curb ramps, pedestrian access routes, and pedestrian signals. The pedestrian access route data includes crosswalks, railroad crossings, sidewalks, and hazards found along walkways and is referenced more generally as sidewalks in the remainder of this document. This section describes each type of facility evaluated and summarizes the barrier findings as follows:

- A matrix showing geospatial proximity priorities by category;
- Descriptions of the barrier categorizations; and
- Maps showing the locations of identified barriers.

---

<sup>58</sup> DOJ, Title II Regulations Subpart D §35.151(i)

<sup>59</sup> Barden v. City of Sacramento, 292 F.3d 1073 (9th Cir. 2002)

### 3.4.2 Public Right-of-Way Prioritization

The draft schedule for removing barriers in the City’s public right-of-way was developed using guidelines identified in title II of the ADA.

*If a public entity has responsibility or authority over streets, roads, or walkways, its transition plan shall include a schedule for providing curb ramps or other sloped areas where pedestrian walks cross curbs, giving 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.<sup>60</sup>*

Based on these guidelines, the prioritization criteria include the following:

- Locations of citizen complaint/request (ADA Title II Program Access);
- Locations serving government offices and public facilities;
- Locations serving transportation;
- Locations serving high use pedestrian corridors;
- Locations serving commercial districts and employers; and
- Locations serving other areas.

Matrices on the following pages, starting with Table 3-5, illustrate the prioritization criteria for curb ramp, sidewalks, and pedestrian signal barrier removal projects in the City’s public right-of-way. Each facility evaluated was assigned a rank based on its barrier priority and category. The priority is based on the information described above and the barrier category is based on the condition of the facility. The descriptions for each category are provided after each matrix.

The highest ranked facilities are shaded in purple, medium ranked in blue, and lower ranked in gold. The facilities with no assigned rank have no access deficiencies identified and are shaded in green. The columns in the matrix indicate the assigned priority and are in order of importance from left to right, with the left column having the highest importance. The rows indicate the category of condition assigned to each facility during the evaluation process, with the top row having the highest importance. Note that categories are hierarchical: higher-level categories (that is, one and two) may include lower-level category conditions (that is, three and four), but lower-level categories cannot include higher-level category conditions.

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<sup>60</sup> DOJ, Title II Regulations Subpart D §35.150(d)(2) Transition plan



### **3.4.3 Phasing Schedule for Public Right-of-Way Improvements**

The City proposes a 15-year strategy for the removal of barriers in the public right-of-way. Opportunities for funding the removal of access barriers in the public right-of-way include:

- Projects for new construction;
- Projects for roadway alterations;
- Maintenance and repair projects and programs;
- Dedication of a fund for ADA barrier removal;
- Requirement for private developers to remove access barriers when development affects facilities within the right-of-way; and
- Actively seeking out and applying for grant funding specific to removal of access barriers when available.

The City currently has a pavement management program that schedules roadway rehabilitation and maintenance on an annual basis. The City plans to review public right-of-way barriers during the implementation of this Plan and address those barriers that can be resolved as part of the ongoing pavement maintenance and rehabilitation program. As part of the review, the City will revise the Transition Plan schedule for the removal of barriers. The Transition Plan schedule will also be updated as projects for new construction and roadway alterations arise.

### **3.4.4 Roadway Alterations and Maintenance: Triggers for Barrier Removals**

The DOJ, in coordination with the U.S. Department of Transportation, specifies that public entities are required to provide curb ramps or upgrade curb ramps whenever roadways are altered. An alteration is a change that affects or could affect the usability of all or part of a building or facility.<sup>61</sup> Alterations of streets, roads, or highways include activities such as reconstruction, rehabilitation, resurfacing, widening, and projects of similar scale and effect.<sup>62</sup> Maintenance activities on streets, roads, or highways, such as filling potholes, are not alterations and do not trigger barrier removal.<sup>63</sup> The following lists distinguishes between roadway alterations and maintenance activities.

---

<sup>61</sup> DOJ, Title II Regulations Subpart D § 35.151(b)(1) Alterations

<sup>62</sup> 2010 ADA Standards, 106.5

<sup>63</sup> July 8, 2013 DOJ/Department of Transportation Joint Technical Assistance on the Title II of the Americans with Disabilities Act Requirements to Provide Curb Ramps when Streets, Roads, or Highways are Altered through Resurfacing.

***Alteration***

- Addition of new layer of asphalt
- Cape seals
- In-place asphalt recycling
- Microsurfacing and thin-lift overlay
- Mill and fill / mill and overlay
- New construction
- Open-graded surface course
- Rehabilitation and reconstruction
- Resurfacing of a crosswalk

***Maintenance***

- Chip seals
- Crack filling and sealing
- Diamond grinding
- Dowel bar retrofit
- Fog seals
- Joint crack seals
- Joint repairs
- Pavement patching
- Painting or striping
- Scrub sealing
- Slurry seals
- Spot high-friction treatments
- Surface sealing

The City intends to replace or upgrade all non-compliant curb ramps under its maintenance responsibility during roadway alteration projects.

**Table 3-5: Curb Ramp Geospatial Proximity Priority Matrix**

		A	B	C	D	E	F
Priorities (Category)	Priority Description	Location of Citizen Complaint or Request (ADA Title II Program Access)	Location Serving Government Offices & Public Facilities	Location Serving Transportation	Location Serving High-Use Pedestrian Corridor	Location Serving Commercial Districts, Employers	Location Serving Other Areas
1	See Category 1 Description	A1 High Priority	B1	C1	D1	E1	F1
2	See Category 2 Description	A2	B2	C2	D2	E2	F2
3	See Category 3 Description	A3	B3 Medium Priority	C3	D3	E3	F3
4	See Category 4 Description	A4	B4 Low Priority	C4	D4	E4	F4
5	No deficiencies identified	A5	B5	C5	D5	E5	F5

\*The priorities listed under columns B, C, E, and F are specified under title II 28 CFR Section 35.150 (d).

### 3.4.5 Curb Ramp Barrier Descriptions

#### **Category 1:**

- The curb ramp is built-up in the travel lane.
- The curb ramp is significantly damaged or deteriorated and is unsafe.
- There is a sidewalk with no curb ramp access or there is an obstruction to accessing the curb ramp.
- The curb ramp has no detectable warning.
- The curb ramp has no receiving ramp.

#### **Category 2:**

- The facility is located along an arterial roadway and is a high use pedestrian corridor:
  - Curb ramp has turning space that does not meet any existing standards.
  - The curb ramp does not have a firm, stable, and slip resistance surface and/or has openings greater than a half-inch or parallel with the direction of travel.
  - Width of ramp is less than 36 inches.
  - The curb ramp is not located within marked crossings (when present).
  - A three-by-four-foot clear space at the bottom of the ramp outside of the travel lane is not provided.
  - End of walk midblock
  - End of walk ramp with non-conforming curb ramp design
  - Sidewalk transition to roadway midblock with non-conforming features.

#### **Category 3:**

- Parallel curb ramp with constrained turning space on two or more sides is less than four-by-five feet.
- Turning space is less than four-by-four feet.
- A four-by-four-foot clear space at the bottom of the ramp outside of the travel lane is not provided.
- Running slope of ramp exceeds 8.33 percent or five percent for a blended transition.
- Cross slope of ramp exceeds two percent.
- Counter slope of the curb ramp is greater than five percent.
- Grade break is not perpendicular to ramp.
- The curb ramp has a lip or vertical discontinuity greater than a half-inch.
- The facility is located along a collector roadway and:
  - Curb ramp has turning space that does not meet any existing standards.
  - The curb ramp does not have a firm, stable, and slip resistance surface and/or has openings greater than a half-inch or parallel with the direction of travel.
  - Width of ramp is less than 36 inches.
  - The curb ramp is not located within marked crossings (when present).
  - A three-by-four-foot clear space at the bottom of the ramp outside of the travel lane is not provided.
  - End of walk midblock
  - End of walk ramp with non-conforming curb ramp design
  - Sidewalk transition to roadway midblock with non-conforming features

**Category 4:**

- Slope of ramp flared sides (if applicable) exceeds 10 percent.
- Diagonal curb ramp design without existing physical constraints.
- The curb ramp has a lip or vertical discontinuity less than a half-inch.
- The detectable warning surface does not meet ADAAG or PROWAG standards.
- End of walk due to road terminating
- Trailhead with non-conforming features
- Curb ramp with no adjacent pedestrian walkway
- The facility is located along a neighborhood or local roadway and:
  - Curb ramp has turning space that does not meet any existing standards.
  - The curb ramp does not have a firm, stable, and slip resistance surface and/or has openings greater than a half-inch or parallel with the direction of travel.
  - Width of ramp is less than 36 inches.
  - The curb ramp is not located within marked crossings (when present).
  - A three-by-four-foot clear space at the bottom of the ramp outside of the travel lane is not provided.
  - End of walk midblock
  - End of walk ramp with non-conforming curb ramp design
  - Sidewalk transition to roadway midblock with non-conforming features.

**Category 5:**

- No deficiencies identified.

**Table 3-6: Curb Ramp Barrier Summary**

Category	Priority	Instances	Percent of Total	Schedule Year
<b>High Priority</b>				
1	B1	32	1.1%	1-15
1	C1	277	9.4%	1-15
1	D1	239	8.1%	1-15
1	E1	4	0.1%	1-15
2	B2	6	0.2%	1-15
2	C2	63	2.1%	1-15
<b>Subtotal</b>		<b>621</b>	<b>21.1%</b>	-
<b>Medium Priority</b>				
1	F1	248	8.4%	1-15
2	D2	28	1.0%	1-15
2	E2	3	0.1%	1-15
2	F2	6	0.2%	1-15
3	B3	44	1.5%	1-15
3	C3	469	15.9%	1-15
3	D3	487	16.5%	1-15
3	E3	9	0.3%	1-15
<b>Subtotal</b>		<b>1,294</b>	<b>44.0%</b>	-

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Category	Priority	Instances	Percent of Total	Schedule Year
<b>Low Priority</b>				
3	F3	455	15.5%	1-15
4	B4	35	1.2%	1-15
4	C4	156	5.3%	1-15
4	D4	89	3.0%	1-15
4	E4	13	0.4%	1-15
4	F4	249	8.5%	1-15
<b>Subtotal</b>		<b>997</b>	<b>33.9%</b>	-
<b>No Deficiencies</b>				
5	B5	2	0.1%	-
5	C5	9	0.3%	-
5	D5	4	0.1%	-
5	F5	16	0.5%	-
<b>Subtotal</b>		<b>31</b>	<b>1.1%</b>	-
<b>Total for All Projects</b>		<b>2,943</b>	<b>100.0%</b>	-

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Tigard ADA Self-Evaluation & Transition Plan

### Curb Ramp Barrier Removal Projects: High and Medium Priority

Barrier Removal Rank

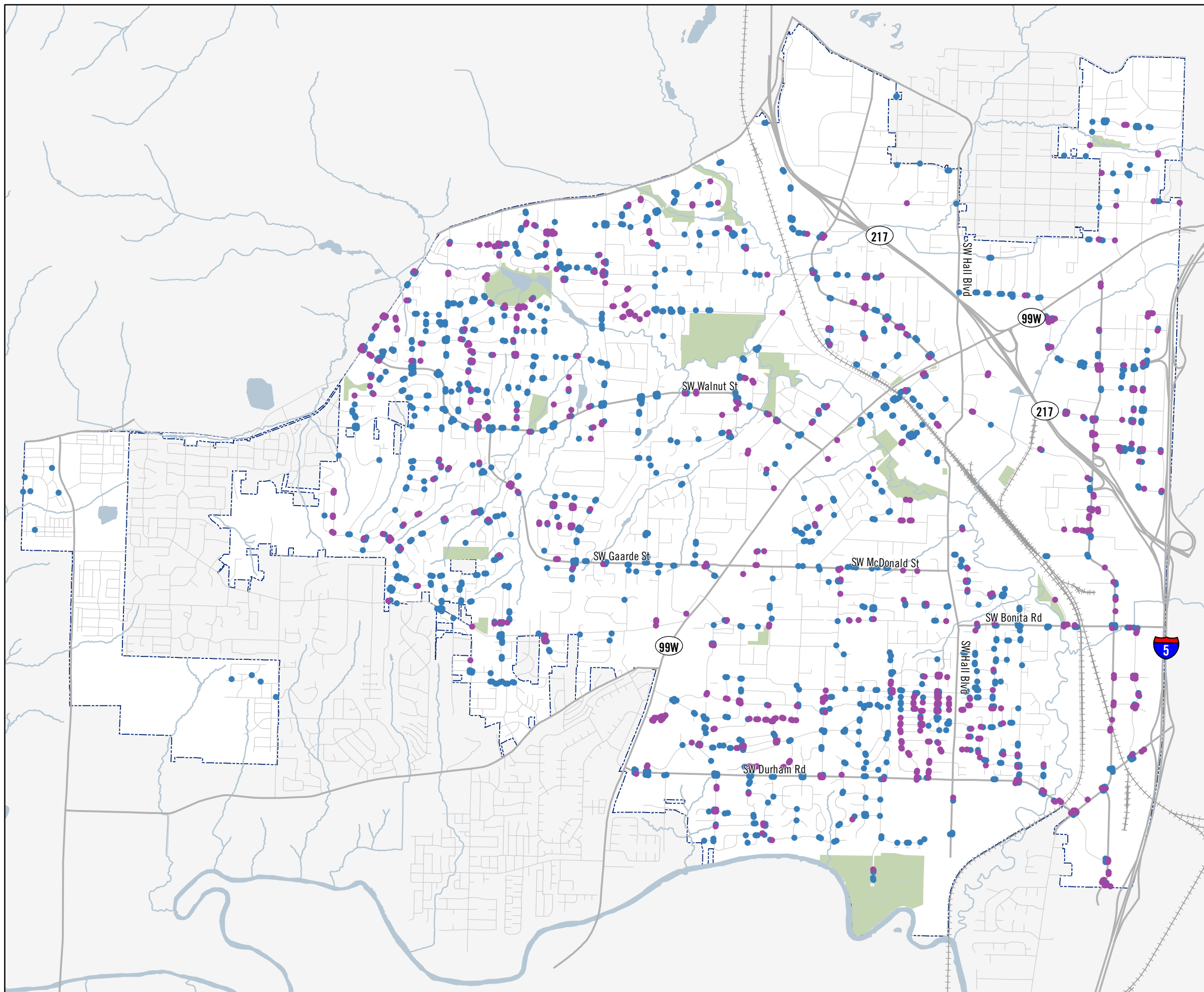
- High Priority
- Medium Priority

Context

- Street
- +—+— Railroad
- Water Feature
- Park
- City Limits



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### Curb Ramp Barrier Removal Projects: Low Priority and No Deficiencies Identified

Barrier Removal Rank

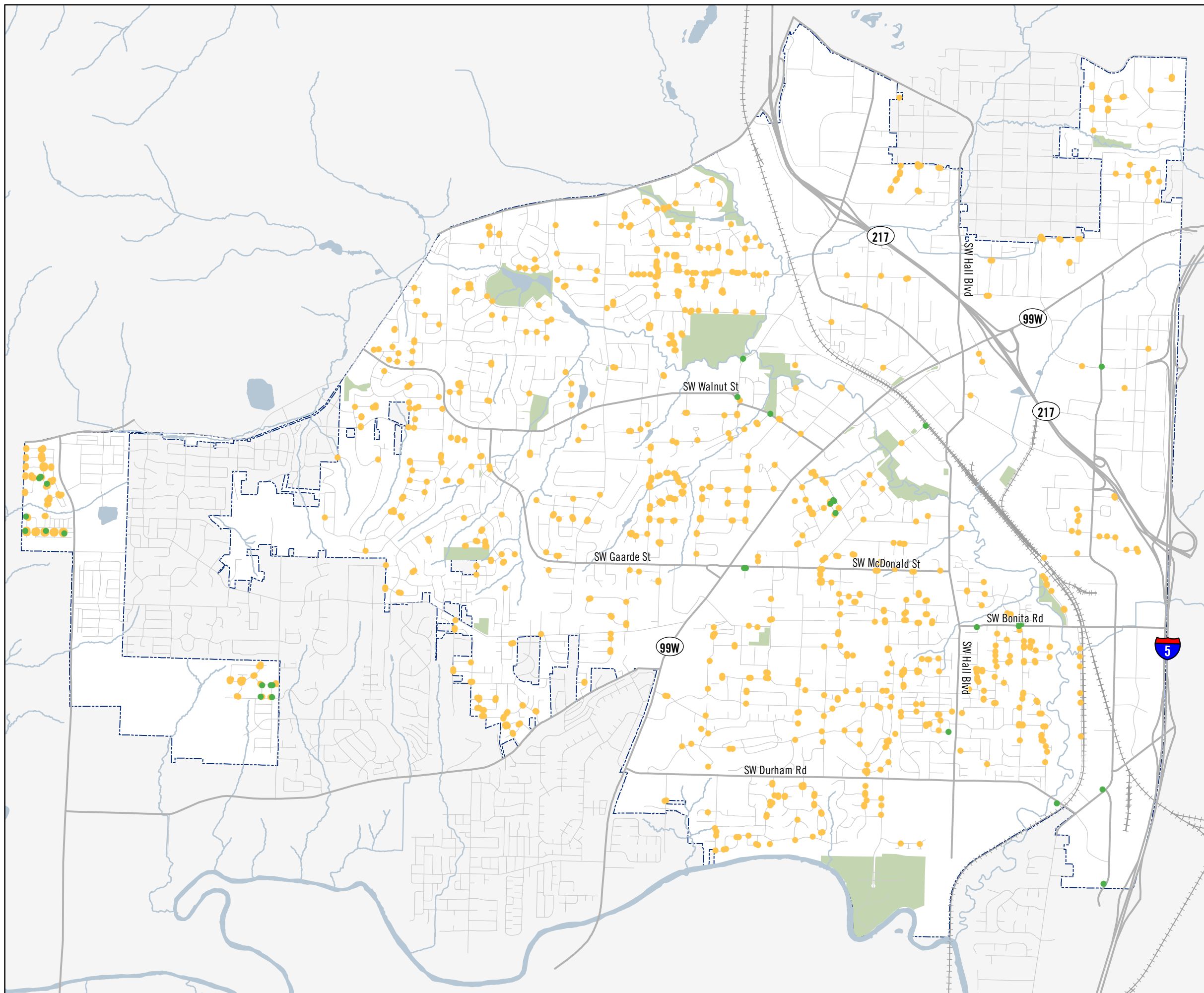
- Low Priority
- No Deficiencies Identified

Context

- Street
- +—+— Railroad
- Water Feature
- Park
- City Limits



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**Table 3-7: Sidewalk Geospatial Proximity Priority Matrix**

		A	B	C	D	E	F
Priorities (Category)	Priority Description	Location of Citizen Complaint or Request (ADA Title II Program Access)	Location Serving Government Offices & Public Facilities	Location Serving Transportation/High-Use Pedestrian Corridor	Location Serving High-Use Pedestrian Corridor	Location Serving Commercial Districts, Employers	Location Serving Other Areas
1	See Category 1 Description	A1 High Priority	B1	C1	D1	E1	F1
2	See Category 2 Description	A2	B2	C2	D2	E2	F2
3	See Category 3 Description	A3	B3 Medium Priority	C3	D3	E3	F3
4	See Category 4 Description	A4	B4 Low Priority	C4	D4	E4	F4
5	No deficiencies identified	A5	B5	C5	D5	E5	F5

\*The priorities listed under columns B, C, E, and F are specified under title II 28 CFR Section 35.150 (d).

### 3.4.6 Sidewalk Barrier Descriptions

#### **Category 1:**

- Sidewalk condition is poor with cracking, spalding, heaving, or other condition.
- The sidewalk width is less than 48 inches due to fixed and/or movable obstacles.
- Running slope of crosswalk is greater than five percent.
- Cross slope of crosswalk is greater than four percent.
- A detectable warning surface is not provided at railroad crossing.
- Railroad flangeway gap is greater than three inches.

#### **Category 2:**

- The facility is located along an arterial roadway and:
  - The sidewalk cross slope exceeds four percent.
  - Cross slope of crosswalk is between 3.1 percent and four percent.
  - Detectable warning surface placement at rail crossing is greater than 15 feet.
  - The sidewalk width is less than five feet without a passing space.
  - Running slope of sidewalk exceeds grade of road and is greater than five percent.
  - The sidewalk cross slope at driveway entries exceeds two percent.
  - The sidewalk has vertical changes of level that exceed a one inch.

#### **Category 3:**

- Cross slope of crosswalk is between 2.1 percent and three percent.
- Sidewalk condition is average with minor defects and wear.
- The sidewalk has vertical changes of level that exceed a half-inch but are less than one inch.
- Detectable warning surface placement at rail crossing is greater than six feet and less than 15 feet.
- The sidewalk cross slope exceeds 2.4 percent but is less than four percent.
- The sidewalk has overhanging or protruding objects along its route.
- The sidewalk has horizontal openings greater than a half-inch wide and/or openings parallel to the path of travel.
- The facility is located along a collector roadway and:
  - The sidewalk cross slope exceeds four percent.
  - Cross slope of crosswalk is between 3.1 percent and four percent
  - Detectable warning surface placement at rail crossing is greater than 15 feet.
  - The sidewalk width is less than five feet without a passing space.
  - Running slope of sidewalk exceeds grade of road and is greater than five percent.
  - The sidewalk cross slope at driveway entries exceeds two percent.
  - The sidewalk has vertical changes of level that exceed a one-inch.

**Category 4:**

- The sidewalk has vertical changes of level that exceed a quarter-inch or up to a half-inch with a bevel.
- The sidewalk surface is not firm and slip resistant.
- The sidewalk cross slope exceeds two percent but is less than 2.4 percent.
- The facility is located along a neighborhood or local roadway and:
  - The sidewalk cross slope exceeds four percent.
  - Cross slope of crosswalk is between 3.1 percent and four percent
  - Detectable warning surface placement at rail crossing is greater than 15 feet.
  - The sidewalk width is less than five feet without a passing space.
  - Running slope of sidewalk exceeds grade of road and is greater than five percent.
  - The sidewalk cross slope at driveway entries exceeds two percent.
  - The sidewalk has vertical changes of level that exceed a one inch.

**Category 5:**

- No deficiencies identified.

**Table 3-8: Sidewalk Barrier Summary**

Category	Priority	Instances	Percent of Total	Schedule Year
<b>High Priority</b>				
1	B1	35	0.1%	1-15
1	C1	763	2.7%	1-15
1	D1	575	2.0%	1-15
1	E1	8	0.0%	1-15
2	B2	10	0.0%	1-15
2	C2	207	0.7%	1-15
<b>Subtotal</b>		<b>1,598</b>	<b>5.6%</b>	-
<b>Medium Priority</b>				
1	F1	1,073	3.8%	1-15
2	D2	93	0.3%	1-15
2	E2	1	0.0%	1-15
2	F2	10	0.0%	1-15
3	B3	309	1.1%	1-15
3	C3	4,198	14.7%	1-15
3	D3	3,622	12.7%	1-15
3	E3	66	0.2%	1-15
<b>Subtotal</b>		<b>9,372</b>	<b>32.8%</b>	-



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Category	Priority	Instances	Percent of Total	Schedule Year
<b>Low Priority</b>				
3	F3	5,318	18.6%	1-15
4	B4	223	0.8%	1-15
4	C4	2,966	10.4%	1-15
4	D4	2,729	9.6%	1-15
4	E4	48	0.2%	1-15
4	F4	5,511	19.3%	1-15
<b>Subtotal</b>		<b>16,789</b>	<b>58.8%</b>	-
<b>No Deficiencies</b>				
5	B5	37	0.1%	-
5	C5	330	1.2%	-
5	D5	183	0.6%	-
5	E5	11	0.0%	-
5	F5	221	0.8%	-
<b>Subtotal</b>		<b>782</b>	<b>2.7%</b>	-
<b>Total for All Projects</b>		<b>28,541</b>	<b>100.0%</b>	-

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### Sidewalk Barrier Removal Projects: High Priority

Barrier Removal Rank

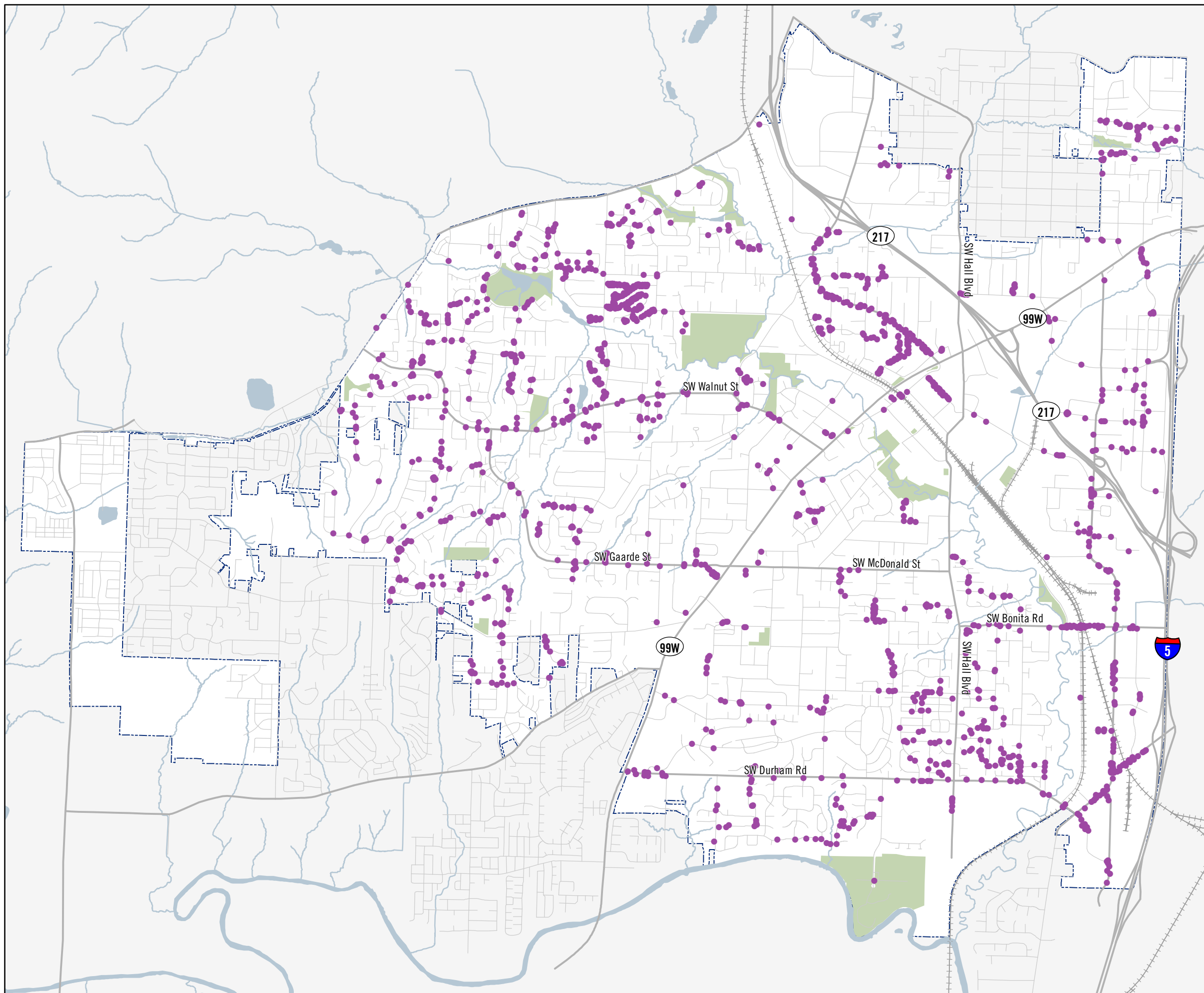
- High Priority

Context

- Street
- +—+— Railroad
- Water Feature
- Park
- City Limits



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### Sidewalk Barrier Removal Projects: Medium Priority

Barrier Removal Rank

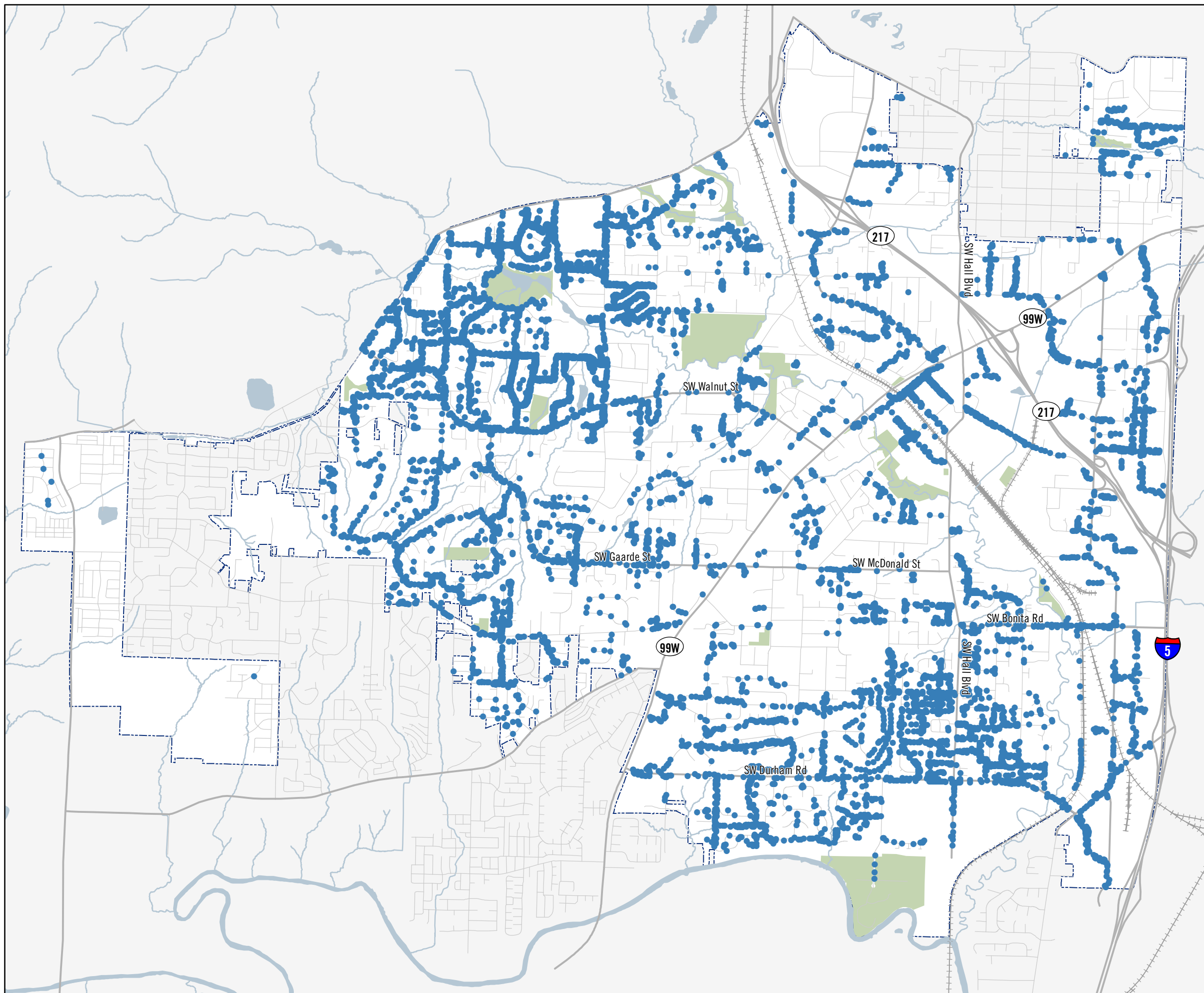
- Medium Priority

Context

- Street
- +—+— Railroad
- Water Feature
- Park
- City Limits



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**Sidewalk Barrier Removal Projects:  
Low Priority and No Deficiencies**

Barrier Removal Rank

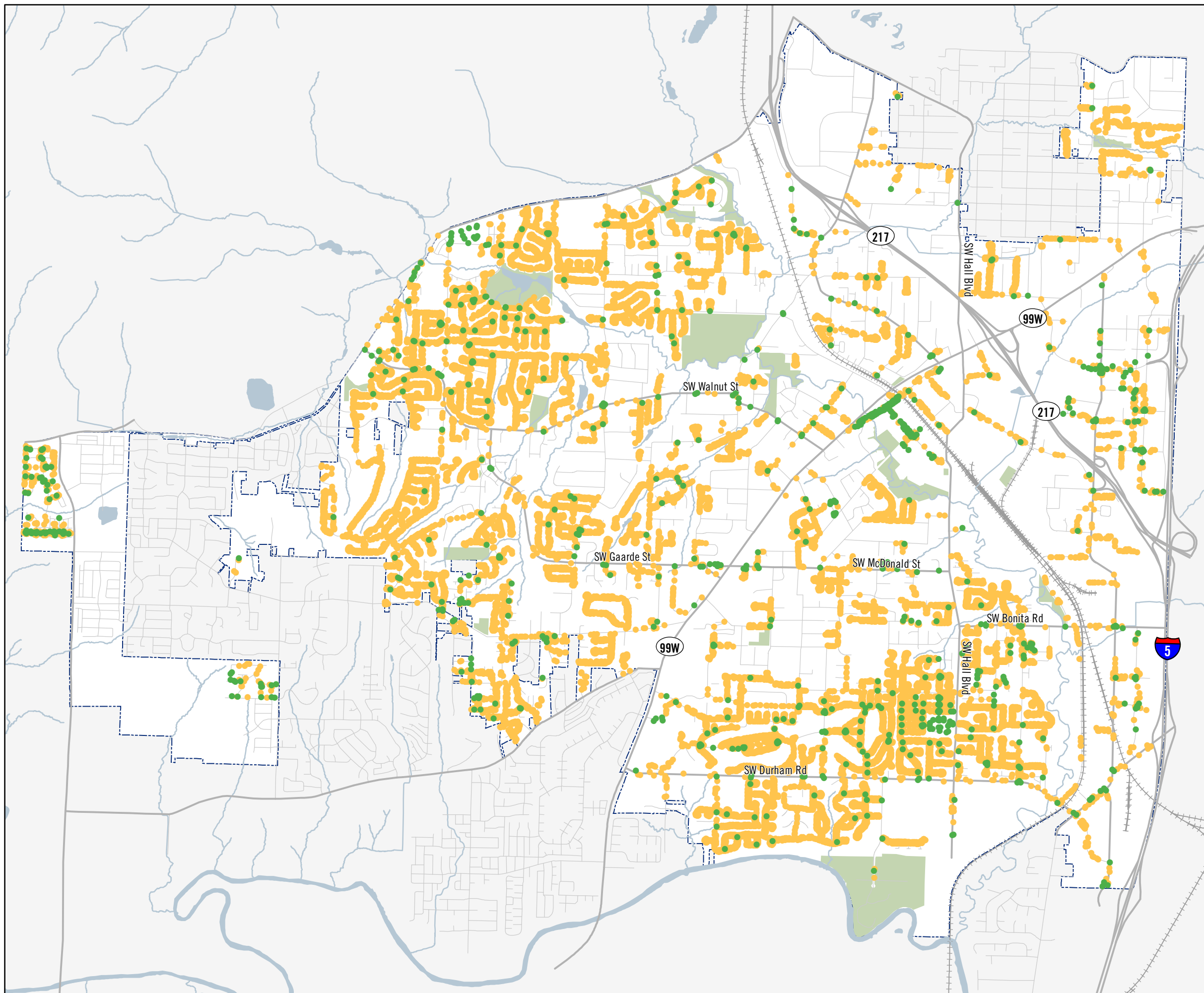
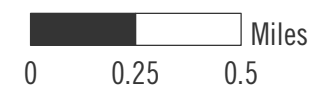
- No Deficiencies Identified
- Low Priority

Context

- Street
- +—+— Railroad
- Water Feature
- Park
- City Limits



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**Table 3-9: Pedestrian Signal Geospatial Proximity Priority Matrix**

		A	B	C	D	E	F
Priorities (Category)	Priority Description	Location of Citizen Complaint or Request (ADA Title II Program Access)	Location Serving Government Offices & Public Facilities	Location Serving Transportation/High Use Pedestrian Corridor	Location Serving High Use Pedestrian Corridor	Location Serving Commercial Districts, Employers	Location Serving Other Areas
1	See Category 1 Description	A1  High Priority	B1	C1	D1	E1	F1
2	See Category 2 Description	A2	B2	C2	D2	E2	F2
3	See Category 3 Description	A3	B3	C3	D3	E3	F3
4	Pedestrian Signal No Deficiencies	A4	B4	C4	D4	E4	F4

\*The priorities listed under columns B, C, E, and F are specified under title II 28 CFR Section 35.150 (d).

### 3.4.7 Pedestrian Signal Barrier Descriptions

#### **Category 1:**

- Accessible pedestrian signal<sup>64</sup> is not provided.
- Pedestrian crossing time is insufficient.

#### **Category 2:**

- The facility is located along an arterial or collector roadway and:
  - Level clear space at push button not provided.
  - Reach to push button from clear space is obstructed.
  - Operating force of pushbutton exceeds five pounds of force.
  - The pushbutton does not have a sign adjacent to or integral with the pushbutton.
  - Pushbutton sign does not clearly indicate which crosswalk signal is actuated.
  - Pushbutton pilot light (if applicable) does not activate.
  - A locator tone is not provided.
  - A tactile arrow is not provided or does not provide vibrotactile walk indications.
  - Pushbutton locator tone activates at incorrect time.
  - Pushbutton locator tone duration and intensity needs adjustment.
  - Audible features of accessible pedestrian signal needs adjustment.
  - Speech walk or wait message of accessible pedestrian signal needs adjustment.
  - Extended pushbutton feature needs adjustment.

#### **Category 3:**

- Pushbutton is located more than 10 feet from curb, shoulder, or pavement.
- Pushbutton is farther than five feet from the crosswalk line farthest from the intersection (when applicable).
- Pushbutton height is not within 42 to 48 inches above the ground.
- Pushbutton and arrow are not parallel with the direction of travel.
- Distance between two pushbuttons on the same corner is less than 10 feet.
- The facility is located along a neighborhood or local roadway and:
  - Level clear space at push button not provided.
  - Reach to push button from clear space is obstructed.
  - Operating force of pushbutton exceeds five pounds of force.
  - The pushbutton does not have a sign adjacent to or integral with the pushbutton.
  - Pushbutton sign does not clearly indicate which crosswalk signal is actuated.
  - Pushbutton pilot light (if applicable) does not activate.
  - A locator tone is not provided.
  - A tactile arrow is not provided or does not provide vibrotactile walk indications.

---

<sup>64</sup> As defined by the Manual on Uniform Traffic Control Devices, which required audible and vibrotactile features.

**Category 3 (continued):**

- Pushbutton locator tone activates at incorrect time.
- Pushbutton locator tone duration and intensity needs adjustment.
- Audible features of accessible pedestrian signal needs adjustment.
- Speech walk or wait message of accessible pedestrian signal needs adjustment.
- Extended pushbutton feature needs adjustment.

**Category 4:**

- No deficiency identified

**Table 3-10: Pedestrian Signal Barrier Summary Category 1**

Category	Priority	Instances	Percent of Total	Schedule Year
<b>High Priority</b>				
1	B1	4	2.6%	1-5
1	C1	124	81.6%	1-15
1	D1	24	15.8%	1-15
<b>Subtotal</b>		<b>152</b>	<b>100.0%</b>	-
<b>Total for All Projects</b>		<b>152</b>	<b>100.0%</b>	-

Table 3-11 describes the subset of information collected for each of the pedestrian signals. The category 2 attributes are identified in the Manual of Uniform Traffic Control Devices as a standard and the category 3 attributes are identified as guidance.

**Table 3-11: Pedestrian Signal Barrier Summary Category 2 and Category 3**

Category	Priority	Instances	Percent of Total	Schedule Year
<b>Category 2</b>				
2	B2	3	2.0%	1-15
2	C2	104	68.4%	1-15
2	D2	21	13.8%	1-15
<b>Subtotal</b>		<b>128</b>	<b>84.2%</b>	-
<b>Category 3</b>				
3	B3	1	0.7%	1-15
3	C3	20	13.2%	1-15
3	D3	3	2.0%	1-15
<b>Subtotal</b>		<b>24</b>	<b>15.8%</b>	-
<b>Total for All Projects</b>		<b>152</b>	<b>100.0%</b>	-



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### Pedestrian Signal Barrier Removal Projects

Barrier Removal Rank

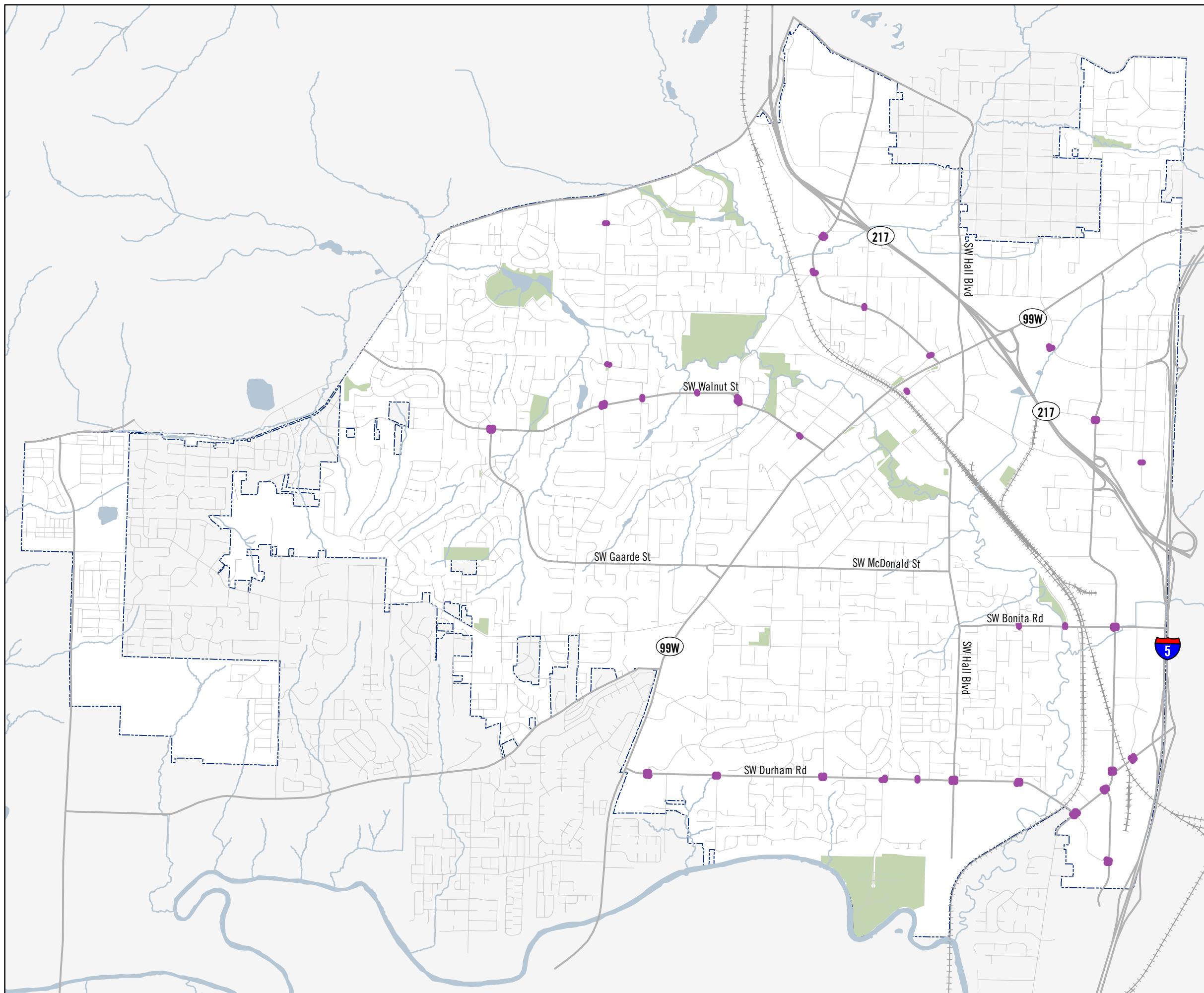
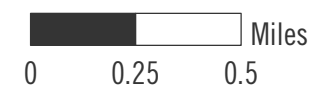
- High Priority

Context

- Street
- +—+—+ Railroad
- Water Feature
- Park
- City Limits



June 2019



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### **3.5 Barrier Removal Considerations for Plan Implementation**

Title II of the ADA requires a public entity to “operate each service, program or activity so that the service, program or activity, when viewed in its entirety, is readily accessible to and usable by individuals with disabilities.”<sup>65</sup> This requirement does not:

- necessarily require a public entity to make each of its existing facilities accessible to and usable by individuals with disabilities;
- require a public entity to take any action that would threaten or destroy the historic significance of an historic property; or
- require a public entity to take any action that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity or impose undue financial and administrative burdens.

The responsibility for ensuring barrier removal will reside with the City’s ADA Coordinator. This process will be accomplished with two strategies: policy and procedure modifications to remove programmatic barriers, and maintenance and construction projects to remove structural barriers. Two conditions that determine when barriers must be removed: to provide access to programs, activities, and services, and when a facility is altered.

#### **3.5.1 Program Accessibility**

A state or local government's programs, when viewed in their entirety, must be readily accessible to and usable by individuals with disabilities. People with disabilities cannot be excluded due to the inaccessibility of a public entity’s facilities. This standard, known as program accessibility, applies to facilities of a public entity that existed on January 26, 1992. Public entities do not necessarily have to make each of their existing facilities accessible, and structural changes to existing facilities may not be required where other methods are effective in achieving program access. As mandated by title II of the ADA, this Transition Plan presents a schedule for removing facility barriers to accessing the City’s programs, activities, and services.

#### **3.5.2 Facility Alterations**

Although structural changes may not be mandated for program accessibility, the City is required to remove physical barriers when it alters a facility. Alterations are defined in the ADA standards as a change in a building or facility that affects or could affect its usability. Many types of projects are considered alterations, including remodeling, renovation, rehabilitation, reconstruction, restoration, resurfacing of circulation paths or vehicular ways, and changes or rearrangement of structural parts, elements, or walls. Normal maintenance, reroofing, painting or wallpapering, or changes to mechanical and electrical systems are not considered alterations unless they affect a facility’s usability. For example, a project limited to an HVAC system that

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<sup>65</sup> DOJ, Title II Regulations Subpart D § 35.150 Existing facilities

includes the addition of thermostats would affect a facility's usability because it involves elements such as operable parts that are covered by the standards.

The standards ensure that the opportunities for accessibility presented by an alteration are taken. How and to what extent the standards apply is determined by the scope of a project and the elements and spaces altered. Only those elements or spaces altered are required to comply, but alterations made to areas containing a primary function, that is, a major activity for which a facility is intended, also require an accessible path of travel. Path of travel elements are restrooms, doors, telephones, drinking fountains, the route itself, and several other items.

The City is not required to remove barriers identified within a City-owned facility as part of the Transition Plan:

- where programmatic modifications can be made to provide an equivalent experience,
- where there are nearby and available equivalent accessible features,
- where there are no public programs or activities provided at that portion of the site, or
- when safe harbor<sup>66</sup> conditions are met.

It is also possible that an alteration is technically infeasible, in which case compliance is not required. Technical infeasibility refers to "something that has little likelihood of being accomplished because existing structural conditions would require removing or altering a load-bearing member that is an essential part of the structural frame; or because other existing physical or site constraints prohibit modification or addition of elements, spaces, or features that are in full and strict compliance with the minimum requirements."<sup>67</sup> Where technical infeasibility is encountered, compliance is still required to the maximum extent technically feasible.<sup>68</sup> For example, if providing accessibility for people with one type of disability is not feasible, accessibility must still be provided for people with other types of disabilities to the maximum extent feasible.

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<sup>66</sup> The concept of safe harbor is explained later in this chapter under 'Safe Harbor Provisions'

<sup>67</sup> 2010 ADA Standards, 106.5

<sup>68</sup> 2010 ADA Standards, 202.3



### 3.5.3 Public Right-of-Way Alterations and New Construction

In an alteration or new construction project in the public right-of-way, the City must incorporate ADA accessibility standards to the maximum extent feasible.<sup>69</sup> As part of the Plan's implementation, the City Engineering Division should document all design exceptions. The ADA title II toolkit incorporates the following guidance about sidewalks and curb ramps:<sup>70</sup>

- When pre-ADA streets or sidewalks are altered, space limitations may restrict the ability to install accessible curb ramps. In these cases, the installed curb ramps must comply with the ADA to the maximum extent feasible, but there are still requirements to meet.
- In rare instances when it is technically infeasible to install a fully compliant curb ramp during alterations to pre-ADA roadways and walkways because of physical or site constraints, state and local governments must still provide accessibility to the maximum extent feasible. Before reaching a conclusion about technical infeasibility, public entities should consider the extent to which physical or site constraints can be addressed by alternative curb ramp designs. The burden of proving technical infeasibility lies with the state or local government that constructed it.
- When highways, streets, and roads are built or altered post-ADA, they must have curb ramps at certain locations: wherever there are curbs or other barriers to entry from a pedestrian walkway or sidewalk, wherever there are curbs or other barriers to entry at any designated pedestrian crosswalks that are located mid-block, wherever sidewalks or walkways intersect with highways, streets, or roads and pedestrians may legally cross the vehicular way, and at public transportation stops.
- For pre-ADA highways, streets, roads, and sidewalks that have not been altered, public entities may choose to construct curb ramps at every point where a pedestrian walkway intersects a curb, but they are not necessarily required to do so. Alternative routes to buildings may be acceptable where people with disabilities must travel only a marginally longer route than the general public.

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<sup>69</sup> DOJ, Title II Regulations Subpart D §35.151(b) Existing facilities

<sup>70</sup> See <https://www.ada.gov/pcatoolkit/chap6toolkit.htm>.

### 3.5.4 Safe Harbor Provisions

The 2010 Standards introduced the concept of safe harbor, a new exception that allows facilities built prior to March 15, 2012 that were in compliance with the 1991 ADA Standards to remain as-is until a public entity plans an alteration to the structural feature. For example, the 1991 Standards allowed 54 inches maximum for a side reach range, while the 2010 Standards lowered the side reach range to 48 inches maximum. Existing items, built prior to March 15, 2012, that are positioned at the 54-inch height would fall under the safe harbor provision until the time of planned alterations.<sup>71</sup>

*This safe harbor is not a blanket exemption for facilities. If a public entity undertakes an alteration to a primary function area, only the required elements of a path of travel to that area that already comply with the 1991 Standards are subject to the safe harbor. If a public entity undertakes an alteration to a primary function area and the required elements of a path of travel to the altered area do not comply with the 1991 Standards, then the public entity must bring those elements into compliance with the 2010 Standards.<sup>72</sup>*

This exception applies to elements that might otherwise have to be modified under:

- the program access requirement for public entities,
- the readily achievable barrier removal requirements for places of public accommodation, or
- the path of travel requirement for any alteration that affects the usability of a primary function area in any covered facility.

If a public entity constructed or altered required elements of a path of travel in accordance with the specifications in either the 1991 Standards or the Uniform Federal Accessibility Standards before March 15, 2012, the public entity is not required to retrofit such elements to reflect incremental changes in the 2010 Standards solely because of an alteration to a primary function area served by that path of travel.<sup>73</sup>

The 2010 Standards also identify structural elements that do not fall under the safe harbor provision.<sup>74</sup> The following elements are not eligible for element-by-element safe harbor

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<sup>71</sup> DOJ, Title II Regulations Subpart D § 35.150(b)(2)(i) Safe harbor

<sup>72</sup> DOJ, Title II Regulations Subpart D § 35.151(b)(4)(ii)(C) Path of travel--safe harbor

<sup>73</sup> DOJ, Title II Regulations Subpart D § 35.150(b)(2)(ii) Safe Harbor

<sup>74</sup> DOJ, Title II Regulations Subpart D § 35.150(b)(2)(ii) Safe Harbor

because technical or scoping specifications for them were not addressed in the 1991 ADA but were added as supplemental requirements prior to 2010:

- Residential facilities dwelling units, sections 233 and 809.
- Amusement rides, sections 234 and 1002; 206.2.9; 216.12.
- Recreational boating facilities, sections 235 and 1003; 206.2.10.
- Exercise machines and equipment, sections 236 and 1004; 206.2.13.
- Fishing piers and platforms, sections 237 and 1005; 206.2.14.
- Golf facilities, sections 238 and 1006; 206.2.15.
- Miniature golf facilities, sections 239 and 1007; 206.2.16.
- Play areas, sections 240 and 1008; 206.2.17.
- Saunas and steam rooms, sections 241 and 612.
- Swimming pools, wading pools, and spas, sections 242 and 1009
- Shooting facilities with firing positions, sections 243 and 1010.
- Miscellaneous:
  - Team or player seating (section 221.2.1.4),
  - Accessible route to bowling lanes (section. 206.2.11), and
  - Accessible route in court sports facilities (section 206.2.12).

Pedestrian signals are not included in the 1991 or 2010 ADA Standards, but are addressed in the 2011 PROWAG and the previous draft documents from 2005 and 2002. Unlike the safe harbor concept contained within the 2010 ADA Standards, the proposed guidelines do not require modifications to existing pedestrian signals until the signal controller and software are altered, or the signal head is replaced.<sup>75</sup>.

### **3.5.5 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 services, programs, or activities; would create a hazardous condition resulting in a direct threat to a program participant or others; or would represent an undue financial and administrative burden. A determination of undue financial or administrative burden can only be made under specified circumstances and procedures and carries with it the obligation of taking other actions that would ensure, to the maximum extent possible, that individuals with disabilities receive the benefits and services of the program or activity. The decision that compliance would result in such alteration or burdens must be made by the head of a public entity or his or her designee after considering all resources available for use in the funding and operation of the service, program, or activity, and must be accompanied

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<sup>75</sup> United States Access Board, Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way, 2011 – R209.2 Alterations

by a written statement of the reasons for reaching that conclusion. If an action would result in such an alteration or such burdens, a public entity shall take any other action that would not result in such an alteration or such burdens but would nevertheless ensure that individuals with disabilities receive the benefits or services provided by the public entity.<sup>76</sup>

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<sup>76</sup> DOJ, Title II Regulations Subpart D § 35.150(a)(3) General

## 4 ADA Coordinator, Notice Policy, and Grievance Procedure

### 4.1 ADA Coordinator Roles and Responsibilities

The ADA Coordinator is responsible for organizing and communicating the City's efforts to comply with and fulfill its responsibilities under title II of the ADA, as well as all other applicable state and federal laws. The ADA Coordinator's responsibilities also include investigating complaints that the City has engaged in any action prohibited by title II. At the time of the preparation of this Plan, the City's designated ADA Coordinator is Nadine Robinson. The City will continue to provide the name, office address, and telephone number of its ADA Coordinator to interested persons.

### 4.2 Notice Under the Americans with Disabilities Act

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

**Employment:** The City of Tigard does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the Americans with Disabilities Act (ADA).

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

**Modifications to Policies and Procedures:** The City will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all City programs, services, and activities. For example, individuals with service animals are welcomed in City offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a City program, service, or activity, should contact the person or department who scheduled the event as soon as possible but no later than 48 hours before the scheduled event. In the event the person is unavailable, please contact Nadine Robinson, ADA Coordinator, at 503-718-2481 or [Nadine@tigard-or.gov](mailto:Nadine@tigard-or.gov).

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

Complaints that a City program, service, or activity is not accessible to persons with disabilities should be directed to:

Nadine Robinson, ADA Coordinator  
13125 SW Hall Blvd., Tigard, Oregon 97223  
503-718-2481 Voice | 503-684-2772 TTY  
Email – [Nadine@tigard-or.gov](mailto:Nadine@tigard-or.gov)

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

### **4.3 ADA Grievance Procedure**

The City of Tigard has adopted a grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the U.S. Department of Justice regulations implementing Title II of the Americans with Disabilities Act. Complaints should be addressed to: Nadine Robinson, ADA Coordinator, City of Tigard, 13125 SW Hall Blvd., Tigard, Oregon, 97223, (Phone 503-718-2481 or TTY 503-684-2772) who has been designated to coordinate ADA compliance efforts.

2. A complaint regarding access or discrimination should be filed in writing or verbally. It must contain the name and address of the person filing it, and briefly describe the alleged violation of the regulations.
3. A complaint should be filed within thirty days after the complainant becomes aware of the alleged violation.
4. An investigation, as may be appropriate, shall follow a filing of a complaint. The ADA Coordinator or designee shall conduct the investigation. This procedure anticipates informal but thorough investigations, affording all interested persons and their representative, if any, an opportunity to submit evidence relevant to the complaint.
5. The ADA Coordinator shall issue a written determination as to the validity of the complaint and a description of the resolution, if any, within 30 calendar days.
6. If the complaint cannot be resolved to the satisfaction of the complainant by the ADA Coordinator, it shall be forwarded to the Hearings Officer. The City will retain the services of a Hearings Officer. The Hearings Officer shall establish ground rules or procedures for hearing complaints, requests, or suggestions from disabled persons regarding access to and participation in public facilities, services, activities, and functions in the City. The Hearings Officer shall hear complaints in sessions open to the public, after adequate notice, in an unbiased, objective manner, and issue a written decision within 30 calendar days of notification.

7. If the complaint can't be resolved to the satisfaction of the Complainant by the Hearings Officer, it shall be forwarded to the City Council. The Council at a public meeting shall hear the complaint. A determination shall be made within 30 calendar days from the date of the hearing. The decision of the City Council is final.
8. The ADA Coordinator shall maintain the files and records of the City of Tigard relating to the complaints filed.
9. The right of a person to a prompt and equitable resolution of the complaint filed, hereunder, shall not be impaired by the person's pursuit of other remedies, such as the filing of an ADA complaint with the responsible federal department or agency. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies.
10. These rules shall be construed to protect the substantive rights of interested persons to meet the appropriate due process standards, and to assure that the City of Tigard complies with the ADA and implementing regulations.
11. Timelines referred to above concerning the scheduling of hearings may be extended if, after reasonable effort and justification, the hearing cannot be conducted within the 30-calendar day limitation period.
12. All decisions shall be sent by regular mail to the complainant within 30 calendar days of the date of the hearing and shall be retained in the program file. Phone notification shall also be made in cases involving visually impaired individuals.
13. The ADA Coordinator may modify this grievance and appeal process in order to assure equal access to programs, services and activities for people with disabilities.
14. Nothing in this grievance process is meant to be used for any personnel, EEO, or labor agreement grievance procedure for the City of Tigard. Contact the City Human Resources Department for further information regarding Title I grievances.

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## 5 Definitions and Acronyms

The following is a summary of many definitions found in the ADA. Please refer to the ADA for the full text of definitions and explanations.<sup>77</sup>

### 5.1 List of Definitions

**Accessible.** A site, building, facility or portion thereof is deemed accessible when it is approachable and usable by persons with disabilities in compliance with technical standards adopted by the relevant Administrative Authority.

**Administrative Authority.** A governmental agency that adopts or enforces regulations and guidelines for the design, construction, or alteration of buildings and facilities.

**ADA Coordinator.** The individual responsible for coordinating the efforts of the government entity to comply with title II and investigating any complaints that the entity has violated title II. Also known as Disability Access Manager or Accessibility Manager.

**Alteration in the Public Right-of-Way.** A change to an existing facility that affects or could affect pedestrian access, circulation, or use. Alterations include, but are not limited to, resurfacing, rehabilitation, reconstruction, historic restoration, or changes or rearrangement of structural parts or elements of a facility.

**Alternative Text.** Refers to the text equivalent for an image appearing in an online document. It is read by screen readers in place of the image so that the content and function of the image is accessible to people with visual or certain cognitive disabilities.

**Auxiliary Aids and Services.** Refers to ways to communicate with people who have communication disabilities such as blindness, vision loss, deafness, hearing loss, a combination of vision and hearing loss or speech or language disorders. The key to deciding what aid or service is needed to communicate effectively with people with disabilities and their companions is to consider the nature, length, complexity and context of the communication as well as the person's normal method(s) of communication. Auxiliary aids and services include the use of interpreters, notetakers, readers, assistive listening systems, captioning and TTYs or the provision of alternate formats such as braille, ASCII text, large print, recorded audio and electronic formats like CDs and DVDs.

**Blended Transition.** A raised pedestrian street crossings, depressed corners, or similar connections between the pedestrian access route at the level of the sidewalk and the level of the pedestrian street crossing that have a grade of five percent or less.

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<sup>77</sup> 28 C.F.R. § 35.104 Definitions.

**Clear Ground Space.** The minimum unobstructed ground space required to accommodate a single, stationary wheelchair and occupant. Clear ground space provides a location for a wheelchair user to approach and make use of an element.

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

**Cross Slope.** The grade that is perpendicular to the direction of pedestrian travel. On a sidewalk, cross slope is measured perpendicular to the curb line or edge of the street or highway.

**Curb Line.** A line at the face of the curb that marks the transition between the curb and the gutter, street, or highway.

**Curb Ramp.** A ramp that cuts through or is built up to the curb. Curb ramps can be perpendicular or parallel, or a combination of parallel and perpendicular ramps.

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

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

**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 modifications to known physical or mental limitations of an otherwise qualified individual with a disability unless it can be shown that the modification 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.

**Effective Communication.** Communication with people who have vision, hearing and/or speech disabilities that is equally effective as communication with people without disabilities.

**Element.** An architectural or mechanical component of a building, facility, space, site, or public right-of-way.

**Facility.** All or any portion of buildings, structures, improvements, elements, and pedestrian or vehicular routes located in the public right-of-way.

**Fundamental Alteration.** A modification that is so significant that it alters the essential nature of the goods, services, facilities, privileges, advantages, or accommodations offered. If a public entity can demonstrate that the modification would fundamentally alter the nature of its service, program, or activity, it is not required to make the modification. If a public accommodation (private entity) can demonstrate that a modification would fundamentally alter the nature of the goods, services, facilities, privileges, advantages, or accommodations it provides, it is not required to make the modification.

**Grade.** The degree of inclination of a surface. See Slope. In public right-of-way, grade is the slope parallel to the direction of pedestrian travel.

**Grade Break.** The line where two surface planes with different grades meet.

**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.

**International Symbol of Accessibility (ISA).** The ISA is recognized worldwide as a symbol identifying accessible elements and spaces. Standards issued under the ADA and ABA Standards reference and reproduce the ISA to ensure consistency in the designation of accessible elements and spaces. Uniform iconography promotes legibility, especially for people with low vision or cognitive disabilities. Guidance on use of the ISA under the ADA is available at <https://www.access-board.gov/attachments/article/1898/ISA-guidance.pdf>.



**Maintenance.** Routine or periodic repair of all pedestrian facilities to restore them to the standards to which they were originally designed and built. Maintenance does not change the original purpose, intent, or design of public sidewalks, shared-use paths, curb ramps, crosswalks, pedestrian islands, or other public walkways.

**Operable Part.** A component of an element used to insert or withdraw objects, or to activate, deactivate, or adjust the element. The technical requirements for operable parts apply to

operable parts on accessible pedestrian signals and pedestrian pushbuttons and parking meters and parking pay stations that serve accessible parking spaces.

**Other Power-Driven Mobility Device (OPDMD).** Any mobility device powered by batteries, fuel, or other engines that is used by individuals with mobility disabilities for locomotion and designed to operate in areas without defined pedestrian routes.

**Path of Travel.** A path of travel is a continuous, unobstructed way of pedestrian passage by means of which a newly constructed or altered area may be approached, entered and exited and which connects an area with an exterior approach (including sidewalks, streets and parking areas), an entrance to the facility and other parts of a facility. An accessible path of travel may consist of walks and sidewalks, curb ramps and other interior or exterior pedestrian ramps; clear floor paths through lobbies, corridors, rooms and other improved areas; parking access aisles; elevators and lifts; or a combination of these elements. Within the context of alterations, path of travel also includes restrooms, telephones, and drinking fountains serving the altered area.

**Pedestrian Access Route.** A continuous and unobstructed path of travel provided for pedestrians with disabilities within or coinciding with a pedestrian circulation path in the public right-of-way.

**Pedestrian Circulation Path.** A prepared exterior or interior surface provided for pedestrian travel in the public right-of-way

**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.

The following conditions are not physical or mental impairments: transvestitism; illegal drug use; homosexuality or bisexuality; compulsive gambling; kleptomania; pyromania; pedophilia; exhibitionism; voyeurism; pregnancy; height; weight; eye color; hair color; left-handedness; poverty; lack of education; a prison record; and poor judgment or quick temper, if not symptoms of a mental or physiological disorder.

**Practicable.** Capable of being put into practice or being accomplished within the context of the facility and within the limits of the applicable ABA *Conditions for Exception, 1019*. Feasible.

**Primary Function.** A major activity for which a facility is intended. Areas that contain a primary function include, but are not limited to, the dining area of a cafeteria, the meeting rooms in a conference center, as well as offices and other work areas in which the activities of the public entity using a facility are carried out.

**Program Accessibility.** A public entity's services, programs, or activities, when viewed in their entirety, must be readily accessible to and usable by individuals with disabilities.

**Public Entity.** Any state or local government; any department, agency, special-purpose district, or other instrumentality of a state or local government.

**Public Right-of-Way.** Public land or property, usually in interconnected corridors, that is acquired for or dedicated to transportation purposes.

**Qualified Historic Facility.** A facility that is listed in or eligible for listing in the National Register of Historic Places, or designated as historic under an appropriate state or local law.

**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.

**Reasonable Modification.** A public entity must modify its policies, practice or procedures to avoid discrimination unless the modification would fundamentally alter the nature of its service, program or activity.

**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.

**Running Slope.** The grade that is parallel to the direction of pedestrian travel.

**Scoping.** Requirements that specify what features are required to be accessible and, where multiple features of the same type are provided, how many of the features are required to be accessible.

**Service Animal.** Service animals are dogs (and in certain circumstances, miniature horses) that are individually trained to perform tasks for people with disabilities. Examples of such work or tasks include guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and protecting a person who is having a seizure, reminding a person with mental illness to take prescribed medications, calming a person with Post-Traumatic Stress Disorder (PTSD) during an anxiety attack, or performing other duties. Service animals are working animals, not pets. The work or task a dog has been trained to provide must be directly related to the person's disability. Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA. Guidance on the use of the term *service animal* in the 2010 Standards is published online at [https://www.ada.gov/service\\_animals\\_2010.htm](https://www.ada.gov/service_animals_2010.htm).

Title II regulations now include assessment factors to assist public entities in determining whether miniature horses can be accommodated as service animals in their facilities:

1. whether the miniature horse is housebroken;
2. whether the miniature horse is under the owner's control;
3. whether the facility can accommodate the miniature horse's type, size and weight;
4. whether the miniature horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility.

**Slope.** Ground surface that forms a natural or artificial incline. Slope is typically conveyed as either a percentage or a ratio that represent the change in elevation between two points of an incline divided by the horizontal distance between the two points.

- Cross Slope. The slope that is perpendicular to the direction of travel.
- Running Slope. The slope that is parallel to the direction of travel

**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.

**Technical Standards.** Specify the design criteria for accessible features, including the specific numbers, conditions, and measurements that are required.

**Technically Infeasible.** With respect to an alteration of a building or a facility, something that has little likelihood of being accomplished because existing structural conditions would require removing or altering a load-bearing member that is an essential part of the structural frame; or because other existing physical or site constraints prohibit modification or addition of elements, spaces or features that are in full and strict compliance with the minimum requirements.

**Telecommunications Display Device (TDD).** A telecommunications display device for the deaf (TDD) is an electronic device for text communication via a telephone line, used when one or more of the parties has hearing or speech difficulties. Other names for TDD include TTY.

**Telecommunications Relay Service (TRS) or 711.** The free, nationwide telecommunications relay service, reached by calling 711, uses communications assistants who serve as

intermediaries between people who have hearing or speech disabilities who use a text telephone (TTY) or text messaging and people who use standard voice telephones. The communications assistant tells the telephone user what the other party is typing and types to tell the other party what the telephone user is saying. TRS also provides speech-to-speech transliteration for callers who have speech disabilities.

**Text Telephone (TTY).** Teletypewriters or text telephones have a keyboard and a visual display for exchanging written messages over the telephone. The ADA established a free, nationwide relay network to handle voice-to-TTY and TTY-to-voice calls, which is reached by calling 711. TTY is a more general term for teletypes but is often referred to as TDD.

**Vertical Surface Discontinuities.** Vertical differences in level between two adjacent surfaces.

**Video Relay Service (VRS).** Video relay service (VRS) is a free, subscriber-based service for people who use sign language and have videophones, smart phones, or computers with video communication capabilities. For outgoing calls, the subscriber contacts the VRS interpreter, who places the call and serves as an intermediary between the subscriber and a person who uses a standard voice telephone. The interpreter tells the telephone user what the subscriber is signing and signs to the subscriber what the telephone user is saying.

**Wheeled Mobility Device.** A manually operated or power-driven device designed primarily for use by an individual with a mobility disability for the main purpose of indoor or of both indoor and outdoor locomotion. Also referred to as a manual wheelchair, a power wheelchair, or an electric scooter.

## **5.2 List of Acronyms**

ABA – Architectural Barriers Act

ADA – Americans with Disabilities Act

ADAAG – ADA Accessibility Guidelines

ASL – American Sign Language

CFR – Code of Federal Regulations

DOJ – U.S. Department of Justice

ISA – International Symbol of Accessibility

MUTCD – Manual on Uniform Traffic Control Devices

OPDMD – Other Power-Driven Mobility Device

PROWAG – Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way

TDD – Telecommunications Display Device

TRS – Telephone Relay Service or 711

TTY – Text Telephone

VRI – Video Remote Interpreting Services

VRS – Video Relay Service



## **6 Resources**

### **6.1 Oregon and National Organizations Supporting People with Disabilities**

#### ***Access Recreation***

Access Recreation is a Portland, Oregon ad hoc committee that developed guidelines for minimum information that should be provided about hiking trails and outdoor facilities to benefit hikers with disabilities, and which can be applied to websites, printed materials, and at trail sites. The committee is made up of representatives from federal, state, and local park agencies and organizations that support people with disabilities.

[http://accessrecreation.org/home/Access\\_Recreation\\_Home.html](http://accessrecreation.org/home/Access_Recreation_Home.html)

#### ***Adaptive Sports Northwest***

Adaptive Sports Northwest provides adaptive sports and recreation opportunities to those in Oregon and southwest Washington, and seeks to tap the potential of possibility in each participant. The organization has partnerships with the United States Paralympic Committee, Wheelchair & Ambulatory Sports USA, and Disabled Sports USA.

<http://www.adaptivesportsnw.org/>

#### ***Aging and Disability Resource Connection of Oregon (ADRC)***

ADRC is a statewide resource providing information about local public and privately paid services to address aging or disability needs. The organization's trained professional staff can help with immediate needs or planning for the future.

<https://adrcoforegon.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>

#### ***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 (AFB)***

AFB 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/>

***Autism Society of Oregon***

This affiliate of the Autism Society, the nation’s leading grassroots autism organization, exists to improve the lives of all affected by autism by increasing public awareness about the day-to-day issues faced by people on the spectrum, advocating for appropriate services for individuals across the lifespan, and providing the latest information regarding treatment, education, research, and advocacy.

<http://autismsocietyoregon.org/>

***Center on Technology and Disability***

Funded by the U.S. Department of Education's Office of Special Education Programs, the Center on Technology and Disability provides a wide range of resources on assistive technology, from introductory fact sheets and training materials to in-depth discussion of best practices and emerging research.

<http://www.ctdinstitute.org/>

***Disability Resources, Inc. (DRI)***

DRI 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/>

***Disability Rights Oregon (DRO)***

DRO promotes and defends the rights of individuals with disabilities. DRO is a non-profit law office that provides advocacy and legal services to people with disabilities who have an issue related to their disability and that falls within their goals and priorities. Each year DRO sets its goals and priorities, with help from the disability community, to guide the work they do and to further their mission and vision. <https://droregon.org/>

***Institute for Human Centered Design***

The Institute (formerly known as Adaptive Environments) is a non-profit organization committed to advancing the role of design in expanding opportunity and enhancing experience for people of all ages and abilities. The organization provides education and consultation to public and private entities about strategies, precedents and best practices that go beyond legal requirements for human centered design for places, things, communication and policy that integrate solutions with the reality of human diversity.

<http://humancentereddesign.org/>

***National Association of the Deaf (NAD)***

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 Council on Disability (NCD)***

NCD is an independent federal agency charged with advising the President, Congress, and other federal agencies regarding policies, programs, practices, and procedures that affect people with disabilities.

<https://ncd.gov/>

***National Federation of the Blind (NFB)***

NFB is a national organization advocating on behalf of persons who are blind or have low vision. NFB provides 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).

<http://www.nfb.org/>

***National Organization on Disability***

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/>

***Northwest ADA Center, National Institute on Disability and Rehabilitation Research***

The ADA National Network Centers are a national platform of ADA professionals and experts charged with assisting businesses, state and local governments, and people with disabilities as they manage the process of changing our culture to be user friendly to disability and the effect the variety of health conditions can have on society. The Northwest ADA Center is a part of the Department of Rehabilitation Medicine at the University of Washington, and collaborates with the Center for Technology and Disability Studies, a program within the Center for Human Development and Disability and the Department of Rehabilitation Medicine.

<http://nwadacenter.org/>

***Oregon Disabilities Commission (ODC)***

Initially formed in 1983 and re-formed in 2005, ODC is a governor-appointed commission housed in the Department of Human Services. The commission is composed of 15 members broadly representative of major public and private agencies that are experienced in or have demonstrated particular interest in the needs of individuals with disabilities.

<http://www.oregon.gov/DHS/SENIORS-DISABILITIES/ADVISORY/ODC/Pages/index.aspx>

***Oregon Technology Access Program (OTAP)***

OTAP provides training, information, technical assistance, and resources regarding the uses of technology for children with disabilities. Services are available to anyone concerned with the needs of Oregon's children with disabilities from birth to age 21. The program is sponsored by the Oregon Department of Education.

<http://www.otap-oregon.org>

***Paralyzed Veterans of America (PVA)***

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 provides information on useful sports publications and a list of contacts.

<http://www.pva.org>

***State Independent Living Council (SILC)***

SILC is a federally mandated, governor-appointed body, designed to ensure that people with disabilities have a major role in designing Oregon's Independent Living program services. The Independent Living Services Program is a nonresidential, consumer-directed model of peer support, information and referral, skills training, and advocacy for people with disabilities.

<http://www.oregon.gov/DHS/SENIORS-DISABILITIES/SILC/pages/index.aspx>

***TVW Inc.***

TVW helps people with disabilities prepare for, find, attain, and maintain employment to become more self-sufficient and independent. The organization operates a work-place readiness training program that includes vocational training, communication skills in the workplace, interviewing, attire, appropriate language, and more. Career development services include discovery, vocational assessments, job development, and job coaching.

<http://www.tv-workshop.com/>

***United Cerebral Palsy Association (UCP)***

UCP's mission is to advance the independence, productivity and full citizenship of people with cerebral palsy and other disabilities, through a commitment to the principles of independence, inclusion, and self-determination.

<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/>

## **6.2 Guidance Documents and Organizations—General**

***A Planning Guide for Making Temporary Events Accessible to People with Disabilities***

ADA National Network. 2015. <https://adata.org/publication/temporary-events-guide>

***AbleData (assistive technology)***

<http://www.abledata.com/abledata.cfm>

***Accessible Public Event Checklist***

San Francisco, City and County. 2018. <http://sfgov.org/mod/accessible-public-event-checklist>

***ASSISTIVETECH.NET -- The National Public Website on Assistive Technology***

<http://www.assistivetech.net/>

***Disabled Sports USA***

Challenge Magazine. <http://www.disabledsportsusa.org/about/news/challenge-magazine/>

***Federal Communications Commission (FCC)***

Telecommunications Access for People with Disabilities. 2017.

<http://transition.fcc.gov/cgb/consumerfacts/section255.pdf>

Telecommunications Relay Service – TRS. 2017.

<https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs>

***National Center on Accessibility***

Indiana University, Bloomington. <http://www.ncaonline.org/resources/>

***North Carolina State University: The Center for Universal Design***

<https://projects.ncsu.edu/ncsu/design/cud/>

***Pacific ADA Center***

<http://www.adapacific.org/>

***Planning Accessible Meetings and Events***

American Bar Association Commission on Disability Rights. 2015.

[https://www.americanbar.org/content/dam/aba/administrative/mental\\_physical\\_disability/Accessible\\_Meetings\\_Toolkit.authcheckdam.pdf](https://www.americanbar.org/content/dam/aba/administrative/mental_physical_disability/Accessible_Meetings_Toolkit.authcheckdam.pdf)

***Program Access: Beyond Bricks and Mortar***

National Center on Accessibility. Skulski, Jennifer and Gary Robb. Indiana University, Bloomington. 2006. <http://www.ncaonline.org/resources/articles/program-access.shtml>

***TTY and TTY Relay Services***

National Association of the Deaf (NAD).

<https://www.nad.org/resources/technology/telephone-and-relay-services/tty-and-tty-relay-services/>

***What to Know Before You Go: The Big Questions to Ask Before Arriving at Your Accessible Recreation Destination***

National Center on Physical Activity and Disability.

<https://www.nchpad.org/277/1750/What~to~Know~Before~You~Go~The~Big~Questions~to~Ask~Before~Arriving~at~Your~Accessible~Recreation~Destination>

### **6.3 Guidance Documents and Articles—Web Design**

***National Center for Accessible Media (NCAM)***

NCAM is a research and development facility dedicated to addressing barriers to media and emerging technologies for people with disabilities in their homes, schools, workplaces, and communities. NCAM is part of the Media Access Group at Boston public broadcaster WGBH, which includes two production units, The Caption Center and Descriptive Video Service® (DVS®). Tools and guidelines for creating accessible media can be downloaded from the NCAM website at [http://ncam.wgbh.org/invent\\_build/web\\_multimedia/tools-guidelines](http://ncam.wgbh.org/invent_build/web_multimedia/tools-guidelines).

***Utah State University, Center for Persons with Disabilities, WebAIM***

WebAIM (Web Accessibility in Mind) has provided comprehensive web accessibility solutions since 1999. WebAIM is a non-profit organization based at the Center for Persons with Disabilities at Utah State University. Documents and training materials, including the following publications, can also be downloaded from WebAIM website (<http://www.webaim.org/>).

- Color Contrast Checker. <https://webaim.org/resources/contrastchecker/>
- Web Accessibility Evaluation Tool (WAVE). <http://wave.webaim.org/>
- Section 508 Checklist. <https://webaim.org/standards/508/checklist>
- Web Accessibility for Designers. <https://webaim.org/resources/designers/>

***Web Accessibility Initiative (WAI)***

WAI develops guidelines widely regarded as the international standard for Web accessibility, support materials to help understand and implement Web accessibility, and resources, through international collaboration. The Web Content Accessibility Guidelines (WCAG) was developed with a goal of providing a single shared standard for web content accessibility that meets the needs of individuals, organizations, and governments internationally. Documents and training

materials, including the following publications, can also be downloaded from the WAI website (<https://www.w3.org/WAI/>).

### ***Web Content Accessibility Guidelines (WCAG) 2.0***

Caldwell, Ben, Michael Cooper, Loretta Guarino Reed, and Gregg Vanderheiden (eds.) 2008.

<https://www.w3.org/TR/WCAG20/>

## **6.4 Guidance Documents and Articles—Signage**

### ***APH Tactile Graphic Image Library***

American Printing House for the Blind, Inc. (APH). <http://www.aph.org/tgil/>

### ***Effective Color Contrast: Designing for People with Partial Sight and Color Deficiencies***

Arditi, Aries. 2005 <http://li129-107.members.linode.com/accessibility/design/accessible-print-design/effective-color-contrast/>

### ***G18: Ensuring that a contrast ratio of at least 4.5:1 exists between text (and images of text) and background behind the text***

Techniques for WCAG 2.0. W3C Working Group Note. Cooper, Michael, Andrew Kirkpatrick, and Joshue O Connor (eds). October 2016. <https://www.w3.org/TR/WCAG20-TECHS/G18.html>

### ***Signage and the 2010 ADA Standards v2.1***

Luminant Design LLC. 2011. <http://www.luminantdesign.com/ada.html>

### ***Requirements in the 2010 Standards for Accessible Design***

Society for Experiential Graphic Design (SEGD). Signage 2012.

[https://segd.org/sites/default/files/SEGD\\_2012\\_ADA\\_White\\_Paper\\_Update.pdf](https://segd.org/sites/default/files/SEGD_2012_ADA_White_Paper_Update.pdf)

### ***Harpers Ferry Center Accessibility Committee***

U.S. Department of the Interior, National Park Service

Harpers Ferry Center serves as the Interpretive Design Center for the National Park Service. It works to ensure that the highest level of accessibility that is reasonable is incorporated into all aspects of interpretive media, planning, design, and construction. This includes ensuring that all new interpretive media are accessible to and usable by all people with disabilities. It also means all existing practices and procedures are evaluated to determine the degree to which they are currently accessible to all visitors, and modifications are made to assure conformance with applicable laws and regulations. The Center's website includes resources, guidelines, updates, photographs of best practices, and more.

- Wayside Exhibits: A Guide to Developing Outdoor Interpretive Exhibits. 2009. <https://www.nps.gov/hfc/pdf/waysides/wayside-guide-first-edition.pdf>
- Programmatic Accessibility Guidelines for National Park Service Interpretive Media, v2.3. 2017. <https://www.nps.gov/hfc/accessibility/guidelines/>

## **6.5 Guidance Documents and Articles—Creating Accessible Documents**

### ***A Guide to Making Documents Accessible to People Who Are Blind or Visually Impaired***

Sutton, Jennifer. 2002. <http://www.sabeusa.org/wp-content/uploads/2014/02/A-Guide-to-Making-Documents-Accessible-to-People-Who-are-Blind-or-Visually-Impaired.pdf>

### ***Best Practices and Guidelines for Large Print Documents used by the Low Vision Community***

American Council of the Blind (ACB). 2011. <http://acb.org/large-print-guidelines>

### ***Braille Transcription Resource List***

National Federation of the Blind. <https://nfb.org/braille-transcription-resource-list>

### ***Create and verify PDF accessibility (Acrobat Pro)***

Adobe. <https://helpx.adobe.com/acrobat/using/create-verify-pdf-accessibility.html>

### ***Creating Accessible PDFs with Adobe Acrobat Professional***

U. S. Department of Veterans Affairs, Section 508 Support Office. 2016. <https://www.section508.va.gov/support/tutorials/pdf/index.asp>

### ***GSA Government-wide Section 508 Accessibility Program***

Guidance on creating and testing accessible documents includes:

- Create Accessible Electronic Documents  
<https://www.section508.gov/content/build/create-accessible-documents>
- Section 508 Basic Authoring and Testing Guides, MS Word 2010 and MS 2013. 2015.  
<https://www.section508.gov/content/build/create-accessible-documents>
- Basic Authoring and Testing Checklists, MS Word 2010 and MS 2013. 2015.  
<https://www.section508.gov/content/build/create-accessible-documents>
- Baseline Tests for Accessible Electronic Documents—MS Word 2010 and MS 2013. 2015. <https://www.section508.gov/content/build/create-accessible-documents>

### ***Guidelines and Standards for Tactile Graphics (Web Version).***

Braille Authority of North America and the Canadian Braille Authority. 2012. <http://www.brailleauthority.org/tg/web-manual/tgmanual.html>

### ***Smithsonian Guidelines for Accessible Publication Design***

Smithsonian Institution. 2001. <https://www.si.edu/Content/Accessibility/Publication-Guidelines.pdf>

### ***SSA Guide: Producing Accessible Word and PDF Documents, Version 2.1***

Social Security Administration, Accessibility Resource Center (SSA-ARC). 2010. [https://www.ssa.gov/accessibility/files/The\\_Social\\_Security\\_Administration\\_Accessible\\_Document\\_Authoring\\_Guide\\_2.1.2.pdf](https://www.ssa.gov/accessibility/files/The_Social_Security_Administration_Accessible_Document_Authoring_Guide_2.1.2.pdf)



## 6.6 Guidance Documents—Historic Properties

### ***Common Questions about Title II of the Americans with Disabilities Act (ADA)***

DOJ. Civil Rights Division. <https://www.ada.gov/pubs/t2qa.txt>

### ***Technical Preservation Brief 32: Making Historic Properties Accessible***

U.S. Department of the Interior, National Park Service. Jester, Thomas C and Sharon C. Park. 1993. <https://www.nps.gov/tps/how-to-preserve/briefs/32-accessibility.htm>

## 6.7 Guidance Documents and Organizations—Emergency Preparedness Planning for People with Disabilities

### ***Emergency Management Institute (EMI)***

<http://training.fema.gov/EMI/>

### ***Fact Sheet: Access and Functional Needs Support***

FEMA, US Department of Homeland Security, FEMA. 2018. [https://www.fema.gov/media-library-data/1529082373683-6d3fdc61cee23005b6624ebbace52324/Access\\_Function.pdf](https://www.fema.gov/media-library-data/1529082373683-6d3fdc61cee23005b6624ebbace52324/Access_Function.pdf)

### ***Interagency Coordinating Council on Emergency Preparedness and Individuals with Disabilities (ICC)***

<http://www.disabilitypreparedness.gov/>

### ***Fire Prevention 52: Fire Safety for People with Disabilities***

National Park Service. <https://www.nps.gov/articles/p52-fire-safety-for-people-with-disabilities.htm>.

### ***Emergency Evacuation Planning Guide for People with Disabilities***

National Fire Protection Association. 2016. <https://www.nfpa.org/-/media/Files/Public-Education/By-topic/Disabilities/EvacuationGuidePDF.ashx?la=en>

## 6.8 Federal Laws and Standards

### ***2010 ADA Standards for Accessible Design***

2010. [www.ada.gov/regs2010/2010ADAStandards/2010ADAstandards.htm](http://www.ada.gov/regs2010/2010ADAStandards/2010ADAstandards.htm)

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

2003. [https://www.ada.gov/websites2\\_prnt.pdf](https://www.ada.gov/websites2_prnt.pdf)

### ***ADA and ABA Accessibility Guidelines (ADAAG), (36 CFR Parts 1190 and 1191)***

Final Rule published in the Federal Register, July 23, 2004; as amended through May 7, 2014. <https://www.access-board.gov/attachments/article/412/ada-aba.pdf>

### ***ADA Best Practices Tool Kit for State and Local Governments***

2008. <https://www.ada.gov/pcatoolkit/abouttoolkit.htm>

**ADA Guide for Small Towns.**

2000. <http://www.ada.gov/smtown.htm>

**ADA Information for Law Enforcement.**

2008. <http://www.ada.gov/policeinfo.htm>

**ADA Requirements: Effective Communication**

2014. <https://www.ada.gov/effective-comm.pdf>

**ADA Requirements: Service Animals**

2010. [https://www.ada.gov/service\\_animals\\_2010.pdf](https://www.ada.gov/service_animals_2010.pdf)

**ADA Requirements: Wheelchairs, Mobility Aids, and Other Power-Driven Mobility Devices**

2014. <https://www.ada.gov/opdmd.pdf>

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

2008. <https://www.ada.gov/emergencyprepguide.htm>

**Americans with Disabilities Act (ADA) Accessibility Guidelines for Buildings and Facilities; Architectural Barriers Act (ABA) Accessibility Guidelines, Correction**

Final Rule published in the Federal Register, November 12, 2013.

<https://www.federalregister.gov/documents/2013/11/12/2013-26780/americans-with-disabilities-act-ada-accessibility-guidelines-for-buildings-and-facilities>

**Americans with Disabilities Act (ADA) Title II Regulations: Nondiscrimination on the Basis of Disability in State and Local Government Services**

2010. [https://www.ada.gov/regs2010/titleII\\_2010/titleII\\_2010\\_regulations.pdf](https://www.ada.gov/regs2010/titleII_2010/titleII_2010_regulations.pdf)

**Architectural Barriers Act (ABA)**

Pub. L. 90–480 (42 U.S.C. §§4151 et seq.). 1968. <https://www.access-board.gov/the-board/laws/architectural-barriers-act-aba>

**Architectural Barriers Act Accessibility Guidelines; Outdoor Developed Areas (AGODA) (36 CFR Part 1191)**

Final Rule published in the Federal Register, September 26, 2013. <https://www.access-board.gov/attachments/article/1500/outdoor-rule.pdf>

**Architectural Barriers Act Standards**

2015. <https://www.access-board.gov/attachments/article/1029/ABAstandards.pdf>

**Commonly Asked Questions About the ADA and Law Enforcement.**

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.***

2006. <http://www.ada.gov/lawenfcomm.htm>

***Frequently Asked Questions about Service Animals and the ADA***

2015. [https://www.ada.gov/regs2010/service\\_animal\\_qa.html](https://www.ada.gov/regs2010/service_animal_qa.html)

***Guidance on Use of the International Symbol of Accessibility Under the Americans with Disabilities Act and the Architectural Barriers Act***

2017. <https://www.access-board.gov/attachments/article/1898/ISA-guidance.pdf>

***Model Policy for Law Enforcement on Communicating with People Who are Deaf or Hard of Hearing.***

2006. <http://www.ada.gov/lawenfmodpolicy.htm>

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

1997. <http://www.ada.gov/copsq7a.htm>

***The ADA and City Governments: Common Problems.***

2000. <http://www.ada.gov/comprob.htm>

***U.S. Access Board—Architectural and Transportation Barriers Compliance Board***

The full texts of federal laws and regulations that provide the guidelines for the design of accessible facilities and programs are available from the U.S. Access Board. Single copies of publications are available free and can be downloaded 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 format, disk, audiocassette, and braille.

***U.S. Department of Justice, Civil Rights Division, Disability Rights Section***

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 format, audiotape, braille, and computer disk for people with disabilities. Documents, including the following publications, can also be downloaded from the DOJ website (<http://www.ada.gov/>).

## **6.9 State and Local Laws, Standards, and Ordinances**

***Oregon Department of Human Services, Aging and People with Disabilities***

The mission of the Oregon Department of Human Services, Aging and People with Disabilities is to make it possible for seniors and people with disabilities to become independent, healthy and safe with opportunities for community living, employment, family support and services that promote independence, choice and dignity.

<http://www.oregon.gov/DHS/spwpd/Pages/index.aspx>

### ***State of Oregon***

The State of Oregon adopted design guidelines for accessible facilities, which can be found in the Oregon Structural Specialty Code Chapter 11 (OSSC). OSSC contains general building design and construction requirements relating to fire and life safety, structural safety, and access compliance. OSSC provides 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. The Oregon Building Code Division follows the 2012 International Building Code (IBC) with amendments and provisions specific to the State of Oregon.

Because building codes are updated every few years, the City should regularly review changes and update policies and procedures related to accessibility to ensure compliance with current code.

- Chapter 11 - Accessibility, Oregon Structural Specialty Code  
[http://ecodes.biz/ecodes\\_support/free\\_resources/Oregon/14\\_Structural/PDFs/Chapter%2011%20-%20Accessibility.pdf](http://ecodes.biz/ecodes_support/free_resources/Oregon/14_Structural/PDFs/Chapter%2011%20-%20Accessibility.pdf)

### ***Washington County Disability, Aging, and Veteran Services (DAVS)***

This division of the Department of Health and Human Services provides programs and services to maintain and enhance the quality of life for Washington County seniors, veterans, and people with disabilities. DAVS offers support for family caregivers, assists with Medicare, connects individuals with limited income and resources to key benefits, and provides short-term intervention to help isolated seniors navigate and access services, among other programs.  
<https://www.co.washington.or.us/hhs/davs/>