



NEW HAMPSHIRE MUNICIPAL ASSOCIATION



Americans with Disabilities Act (ADA)
Section 504 and Municipal
Governments:

Is Your City or Town Meeting its ADA
Responsibilities?

Presented by Jay Ankenbrock
New Hampshire Department of Transportation
December 16, 2015



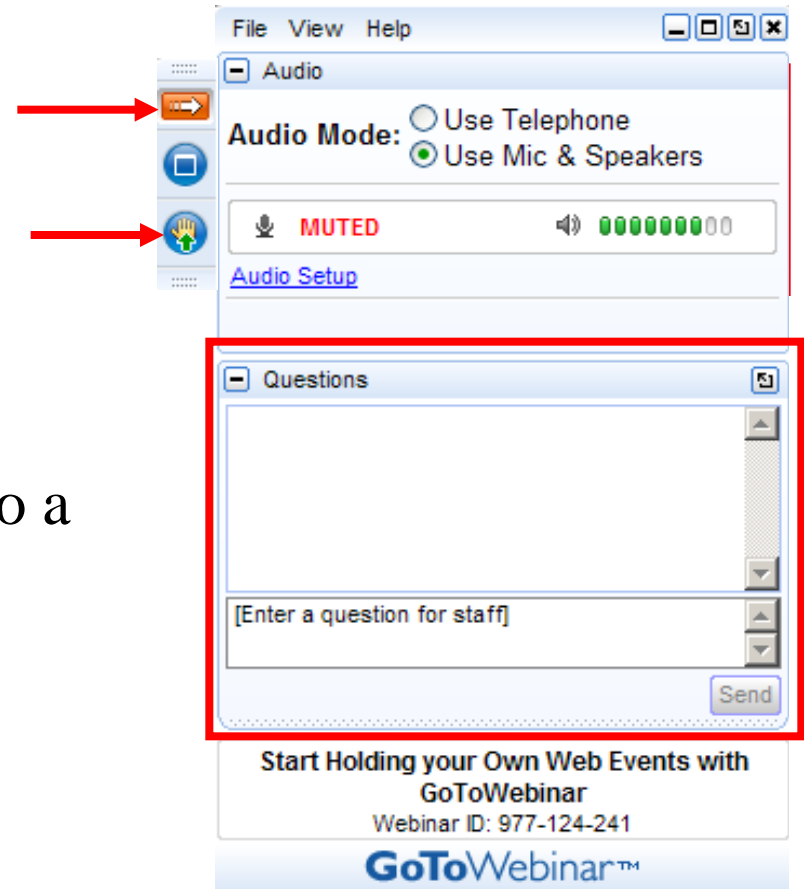
How to Participate Today



Open and close your Panel

Submit text questions

- Q&A addressed at the end of today's session
- Raise your hand in *response* to a question



The screenshot displays the GoToWebinar interface. The top panel is titled 'Audio' and includes options for 'Audio Mode' (Use Telephone or Use Mic & Speakers), a 'MUTED' indicator, and a volume control slider. Below this is the 'Questions' panel, which is highlighted with a red border. It contains a text input field with the placeholder '[Enter a question for staff]' and a 'Send' button. Two red arrows point to the 'Audio' and 'Questions' panels from the left. At the bottom of the interface, there is a banner for 'Start Holding your Own Web Events with GoToWebinar' and the text 'Webinar ID: 977-124-241'.



Today's Webinar

- Americans with Disabilities Act (ADA)
- Municipal Requirements for ADA
- ADA Transition Plan
- Self-evaluation
- Inventory Collection - SADES
- Compliance Resource Tools

ADA – General Law & Title II



- **Americans with Disabilities Act of 1990 (ADA)**-Prohibits discrimination and ensures equal opportunity for persons with disabilities in employment, state and local government services, public accommodations, commercial facilities and transportation.
- **Title II of the ADA of 1990** - Provides that no entity of state or local government shall discriminate against an individual with a disability in the provision of programs, services or activities.



State and Local Government



The ADA Consists of 5 "Titles"

- Title I: Employment
- **Title II: State and Local Government Services**
- Title III: Public Accommodations and Services Operated by Private Entities
- Title IV: Telecommunications
- Title V: ADA Miscellaneous Provisions

While the focus of this presentation is on Title II, it is important to be aware of the other Titles within the Americans with Disabilities Act of 1990.



Why Emphasis on Compliance Now?



- Incomplete achievement of key ADA goals; equal opportunity, full participation, independent living and economic self –sufficiency
- 25 years have passed since ADA law in 1990
- Weak integration of people with disabilities into the workplace
- Persistent lack of access; many curb ramps installed and sidewalks more accessible but other areas of accessibility lag behind
- Growing litigation and administrative challenges to lack of access

The ADA is a Civil Rights Statute



- Prohibiting discrimination against people with disabilities in all aspects of life
- Including transportation, public services, employment, housing, public accommodations, education, communication, worship, recreation and health services



Municipal Requirements for ADA



All municipalities shall evaluate their current services, policies, and practices, and the effects thereof, that do not or may not meet the requirements and to the extent modification of any such services, policies, and practices is required, the public entity shall proceed to make the necessary modification



$x^{(\frac{1}{2})} = \sqrt{x}$

$E=mc^2$

READY FOR A QUIZ?

QUIZ TIME



Does the ADA require employers to develop written job descriptions?

1. Yes
2. No
3. In certain cases



ADA Transition Plan

- Any public entity with 50 or more employees (full time, part-time and seasonal) is required to complete a self-evaluation and a transition plan
- Public entities with fewer than 50 employees must still conduct an evaluation of their programs and facilities to ensure accessibility
- Approximately 125 cities and towns in New Hampshire have less than 50 employees
- All public entities regardless of the number of employees must conduct a self-evaluation of their current policies and practices to identify and correct any that are not consistent with the ADA requirements





Minimum Elements of an ADA Transition Plan

- Identify an ADA Coordinator
- Identify Grievance Procedures
- Develop/Adopt Design Standards
- Identify Public Involvement Opportunities
- Identify Barriers to Access
- Identify Plan (time and budget) to Remove Barriers
- Reevaluation Schedule





Four Key Tasks of an ADA Transition Plan

1. Identify physical obstacles
2. Describe methods that will be used to make accessible
3. Specify the schedule for taking the steps necessary to upgrade access to meet ADA requirements
4. Indicate the official responsible for the implementation of the Transition Plan



ADA Title II General Requirements



ADA
TRANSITION
PLAN

2013

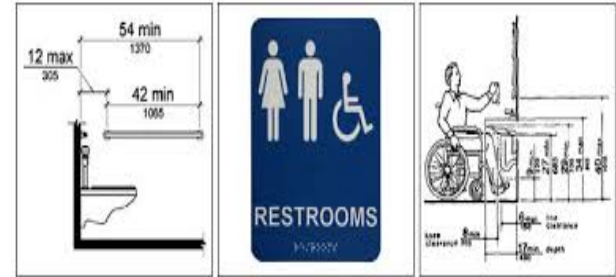
- **Designation of ADA coordinator**
 - Provide name, office address, and telephone number of the “ADA Coordinator”
 - Best practice is to post this prominently on the town website
 - Establish and post a grievance procedure





Grievance Procedure

- Written grievance should be filed with the ADA Title II Coordinator
- Complaint must be filed within 90 days of alleged occurrence
- Include name, address and phone # of person filing the grievance
- Description and location of alleged violation and remedy sought
- The grievance will be responded to or acknowledged within 10 days
- If the grievance filed does not concern NHDOT it will be forwarded to appropriate agency and notify the grievant
- Within 60 days the ADA Title II Coordinator will conduct an investigation and attempt to reach a resolution
- Can file an appeal to the NHDOT within 30 days or can file with the US DOJ or other agency



Design Standards

- The Architectural Barrier-Free Design Code for the State of NH (Abfd 300 - AB Code)
- US Department of Transportation
 - * 2006 ADA Standards for Transportation Facilities (PROWAG)
- US Department of Justice
 - * 2010 ADA Standards for Accessible Design (ADAAG)



Public Participation & Involvement

- Conduct active outreach to include all stakeholders, including the disabled community
- Discuss scope of evaluation and seek info regarding barriers to programs and services
- Provide updates and an ability for continuous input
- Provide the findings and opportunity for comment
- Document steps taken and explicit consideration of input/comments

I identify Barriers to Access



The Transition Plan must include a schedule for providing access and should include pedestrian access upgrades to:

1. Government offices, public rights of way, parks and recreation facilities
2. Curb ramps and sidewalks
3. Crosswalks
4. Bus stops/shelters and other transit facilities
5. Accessible pedestrian signals and signage



Prioritize Removal of Barriers

Where are the barriers located?

1. Municipal buildings, schools and hospitals
2. Transportation stops of facilities
3. Places of public accommodation and employers
4. Other high volume areas
5. Low volume areas



$x^{(\frac{1}{2})} = \sqrt{x}$

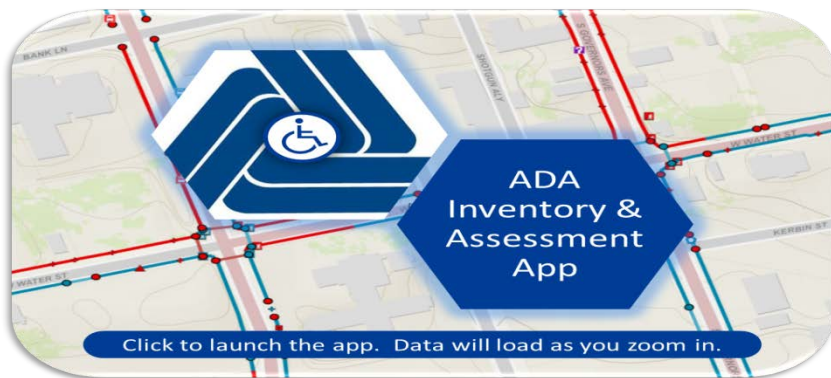
$E=mc^2$

READY FOR A QUIZ?

QUIZ TIME

What is a self-evaluation?

1. A tool that identifies and corrects polices and procedures inconsistent with Title II's requirements
2. A public entity's assessment of its current policies and practices
3. If you are a public entity that employs 50 or more employees you must retain this for 3 years
4. All of the above
5. None of the above



ADA Inventory Collection

- **Statewide Asset Data Exchange System- SADES**
- Developed by the Technology Transfer Center (T²) at UNH & other stakeholders
- Work with your RPC/MPO
- Ipad training supplied by T²
- Collected data compiled into accessible statewide composite map

Plan for Updates and Reports

Updates!

- The Transition Plan is a “living” document and needs to have a reevaluation schedule
- Should be shared with public
- The plan should keep pace with changes due to budget, program modifications, delays in contract awards, construction timelines/impacts of weather, etc.



ADA Compliance Resources



- Local Regional Planning Commission
- Governor's Commission on Disabilities (271-2772)
- ADA Best Practices Tool Kit for Local Governments (<http://www.ada.gov/pcatoolkit/abouttoolkit.htm>)
- FHWA (http://www.fhwa.dot.gov/environment/bicycle_pedestrian/publications/sidewalk2/contnets.cfm)



ADA Compliance Resources

Jay Ankenbrock

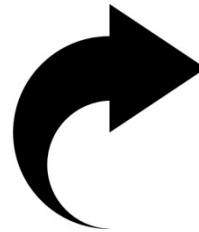
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PROD.

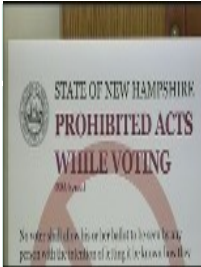
COMING ATTRACTIONS

February 3

How to Ensure a "Clean Vote" in Your Municipality

VENUE

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