



# ADA Self-Evaluation and Transition Plan



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## Abbreviations

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ADA - Americans with Disabilities Act

ADAAG – Americans with Disabilities Act Accessibility Guidelines

CFR - Code of Federal Regulations

CIP - Capital Improvement Projects

DOJ - United States Department of Justice

EITA – Electronic and Information Technology Accessibility

FHWA - Federal Highway Administration

MUTCD - Manual on Uniform Traffic Control Devices

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

PSA – Program, Services, and Activities

TDOT – Tennessee Department of Transportation

TTY - Teletypewriter

WAVE – Web Accessibility Evaluation Tool



## 1.0 Introduction

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### 1.1 Legislative Mandate

The Americans with Disabilities Act (ADA) is a civil rights law that mandates equal opportunity for individuals with disabilities. The ADA prohibits discrimination in access to jobs, public accommodations, government services, public transportation, and telecommunications. Title II of the ADA also requires that all programs, services, and activities (PSAs) of public entities provide equal access for individuals with disabilities.

The Town of Smyrna has undertaken a comprehensive evaluation of its PSAs to determine the extent that individuals with disabilities may be restricted in their access.

### 1.2 ADA Self-Evaluation and Transition Plan Development Requirements and Process

The Town of Smyrna is obligated to observe all requirements of Title I in its employment practices; Title II in its policies, programs, and services; any parts of Titles IV and V that apply to the Town and its programs, services, or facilities; and all requirements specified in the 2010 ADA Standards and 2011 Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way (PROWAG) that apply to facilities and other physical holdings.

Title II has the broadest impact on the Town. Included in Title II are administrative requirements for all government entities employing more than 50 people. These administrative requirements are:

- Completion of a Self-Evaluation;
- Development of an ADA complaint procedure;
- Designation of at least one (1) person who is responsible for overseeing Title II compliance; and
- Development of a Transition Plan to schedule the removal of the barriers uncovered by the Self-Evaluation process. The Transition Plan will become a working document until all barriers have been addressed.

**This document describes the process developed to complete the evaluation of the Town of Smyrna's PSAs and facilities, provides possible solutions to remove programmatic barriers, and presents a Transition Plan for the modification of facilities and public rights-of way to improve accessibility, which will guide the planning and implementation of necessary program and facility modifications over the next 30 years. The ADA Self-Evaluation and Transition Plan is significant in that it establishes the Town's ongoing commitment to the development and maintenance of PSAs and facilities that accommodate all its citizenry.**

### 1.3 Discrimination and Accessibility

Program accessibility means that, when viewed in its entirety, each program is readily accessible to and usable by individuals with disabilities. Program accessibility is necessary not only for individuals with mobility needs, but also to individuals with sensory and cognitive disabilities.

Accessibility applies to all aspects of a program or service, including but not limited to physical access, advertisement, orientation, eligibility, participation, testing or evaluation, provision of auxiliary aids, transportation, policies, and communication.



The following are examples of elements that should be evaluated for barriers to accessibility:

### 1.3.1 *Physical Barriers*

- Parking
- Path of travel to, throughout, and between buildings and amenities
- Doors
- Service counters
- Restrooms
- Drinking fountains
- Public telephones
- Path of travel along sidewalk corridors within the public rights-of-way
- Access to pedestrian equipment at signalized intersections
- Non-compliant sidewalks or curb ramps

### 1.3.2 *Programmatic Barriers*

- Building signage
- Customer communication and interaction
- Emergency notifications, alarms, and visible signals
- Participation opportunities for Town sponsored events

### 1.3.3 *Ongoing Accessibility Improvements*

Town PSAs and facilities evaluated during the Self-Evaluation will continue to be evaluated on an ongoing basis, and the ADA Transition Plan will be revised to account for changes that have been or will be completed since the initial Self-Evaluation. This Plan will be posted on the Town's website for review and consideration by the public.

### 1.3.4 *Town of Smyrna Approach*

**The purpose of the Transition Plan is to provide the framework for achieving equal access to the Town of Smyrna's PSAs within a reasonable timeframe.** The Town's elected officials and staff believe that accommodating persons with disabilities is essential to good customer service, ensures the quality of life Smyrna residents seek to enjoy, and guides future improvements. This Plan has been prepared after careful study of all the Town's programs, services, activities, and evaluations of a select number of Town facilities.

The Town of Smyrna should make reasonable modifications in PSAs when the modifications are necessary to avoid discrimination based on disability, unless the Town can demonstrate that making the modifications will fundamentally alter the nature of the program, service, or activity. The Town of Smyrna will not place surcharges on individuals with disabilities to cover the cost involved in making PSAs accessible.



## 2.0 Public Outreach

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The Town hosted a public meeting August 27th, 2019 at 5:30 PM, to provide a summary of the transition planning process and receive feedback on any concerns related to accessibility. In addition, the Town contacted local disability organizations to form an ADA Advisory Committee and hosted an ADA Advisory Committee kick-off meeting on October 23rd, 2018 at 1:30 PM and a progress meeting on May 29th, 2019 at 10:30 AM. The Town will continue to solicit feedback from the public on the Transition Plan.

The public meeting and ADA Advisory Committee meeting notes are provided in Appendix A.



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## 3.0 Self-Evaluation and Summary of Findings

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The Town of Smyrna's ADA Transition Plan reflects the results of a comprehensive review of the PSAs provided to employees and the public. The review identifies programmatic barriers to individuals with disabilities interested in accessing the PSAs offered by the Town.

### 3.1 Programs, Procedures, and Policies Review

Under the ADA, the Town of Smyrna is required to complete a Self-Evaluation of the Town's facilities, programs, policies, and practices. The Self-Evaluation identifies and provides possible solutions to those policies and practices that are inconsistent with Title II requirements. To be compliant, the Self-Evaluation should consider all the Town's PSAs, as well as the policies and practices the Town uses to implement its various programs and services.

To comply with requirements of the plan, the Town must take corrective measures to achieve program accessibility through several methods, including, but not limited to:

- (1) Relocation of programs to accessible facilities;
- (2) Modifications to existing programs so they are offered in an accessible manner;
- (3) Structural methods such as altering an existing facility;
- (4) Policy modifications to ensure nondiscrimination; and
- (5) Auxiliary aids provided to produce effective communication.

When choosing a method of providing program access, the Town should attempt to give priority to the method that promotes inclusion among all users, including individuals with disabilities.

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

However, the Town does not have to take any action that will result in a fundamental alteration in the nature of a program or activity, create a hazardous condition for other people, or result in an undue financial and/or administrative burden. This determination can only be made by the ADA/504 Coordinator and/or an authorized designee of the Town, such as the Town Mayor or his/her designee and must be accompanied by a written statement detailing the reasons for reaching the determination.

The determination of undue burden must be based on an evaluation of all resources available for use. If a barrier removal action is judged unduly burdensome, the Town must consider all other options for providing access that will ensure that individuals with disabilities receive the benefits and services of the program or activity. This process must be fully documented.



### 3.1.1 Departmental Surveys and Interviews

The interactive survey process was conducted following the review of the Town's website. Program, services, and activities questionnaires were submitted to each Town department. The questionnaires were tailored to the PSAs offered by each department and used to finalize the determination of ADA compliance for each department's PSA. The responses were reviewed and possible solutions for issues identified have been integrated throughout the ADA Transition Plan. See Appendix B for copies of the completed Departmental Survey and Interview Findings Summaries in their entirety.

#### Survey of All Departments: Self-Evaluation Findings

- Department contacts are aware that ADA obligations exist. However, they were not aware of the specific requirements.
- Some Department contacts were unaware of a Town-wide ADA grievance policy and procedure.
- Some Department staff were not aware of who the ADA/504 Coordinator is for the Town and their contact information.
- Department contacts were aware that the Town does not have a process on how to obtain alternate formats of Town documents or the types of formats available.
- Department contacts are aware **of the Town's Public Notice Under the ADA.**
- ADA specific training is not a common practice throughout the Town.
- An ADA Liaison Committee has been established. However, no specific training has been conducted to ensure all Liaisons are aware of their roles and responsibilities.
- Department contacts were unaware of policies and procedures or guidelines in place regarding ADA compliant purchasing and procurement.
- Most Department contacts indicated they do not use ADA checklists to ensure ADA compliance.
- Department contacts were unaware of a consistent Town-wide non-discrimination statement that is required to be included in all information distributed by the Town.

#### Survey of All Departments: Possible Solutions

The possible solutions associated with each of the departmental surveys and interviews have been incorporated into Sections 3.1.2 – 3.1.19 of this document, as applicable for all Town programs, policies, and procedures.



### 3.1.2 Department-Specific Information

During the departmental survey and interview process, additional information was gathered for each department. A discussion of additional programmatic elements found during the research and evaluation process for each department is included in the following section.

#### *Administration Department*

##### Administration Department: Self-Evaluation Findings

- The Town does not have an alternate format policy and procedure for providing access to existing public records.

##### Administration Department: Possible Solutions

- The Town should develop an alternate format policy and procedure for providing access to existing public records. See Section 3.1.12 Alternate Format Policy, Procedure, and Request Form.

#### *Codes and Building Safety Department*

##### Codes and Building Safety Department: Self-Evaluation Findings

- The Department issues business licenses, permits, inspections, enforcement, and information products to residents and visitors of the Town. However, the Department only uses a checklist for plan reviews.

##### Codes and Building Safety Department: Possible Solutions

- The Department should develop and use specific ADA checklists or guidance to ensure ADA compliance. These checklists or guidance should include information regarding the Americans with Disabilities Act Accessibility Guidelines (ADAAG). While this is not a specific ADA requirement, the Town is obligated to provide equal access to programs, services, and activities and this guidance would provide the Department staff with the necessary tools to ensure ADA compliance.

#### *Event Center*

##### Event Center: Self-Evaluation Findings

- The Event Center has not been evaluated for ADA compliance.
- The Event Center does not use ADA checklists to ensure ADA compliance.
- Event Center staff has not attended ADA-specific training.
- The Event Center does not include ADA-specific language in Event Center contracts.



### Event Center: Possible Solutions

- The Event Center should be evaluated for ADA compliance. The self-evaluation findings and possible solutions should be included within the Town of Smyrna Transition Plan document.
- The Town should develop and use specific ADA checklists or guidance to ensure ADA compliance for the Event Center. These checklists or guidance should include information regarding the Americans with Disabilities Act Accessibility Guidelines (ADAAG). While this is not a specific ADA requirement, the Town is obligated to provide equal access to programs, services, and activities and this guidance would provide the Town staff with the necessary tools to ensure ADA compliance.
- The Town should provide annual ADA specific training to staff regarding Title I and Title II. This training should include policies and procedures developed from this transition plan process, employee rights and obligations regarding employment-related training, as well as training for ADA elements within Town facilities. While training is not a specific ADA requirement, as a Title II entity, the Town is obligated to provide equal access to programs, services, and activities. Furthermore, this training would provide individuals with the tools needed to ensure ADA compliance. See Section 3.1.16 Employment Practices Review.
- The Department should develop and use guidance to review purchasing contracts and agreements for ADA **language that clarifies the Town's obligations and responsibilities under the ADA**. See Section 3.2.4 Non-Discrimination Language for Contracts, Agreements, and Waivers.

### *Finance Department*

#### Finance Department: Self-Evaluation Findings

- The Department does not use a procurement policy and procedure or guidance that reviews information and technology purchases for ADA compliance before purchase.
- The Department does have guidance on reviewing purchasing contracts and agreements for ADA language.

#### Finance Department: Possible Solutions

- The Department should develop a procurement policy and procedure or guidelines for Town staff to use that reviews information and technology purchases for ADA compliance before purchase. While this policy and procedure is not a specific ADA requirement, it is recommended the Town develop this policy and procedure to combine with information and technology policies and procedures to ensure ADA compliance with Section 508 of the Rehabilitation Act. See Section 3.1.8 ADA Grievance Policy, Procedure, and Form with Appeals Process for Section 508 of the Rehabilitation Act.
- The Department should develop and use guidance to review purchasing contracts and agreements for ADA **language that clarifies the Town's obligations and responsibilities under the ADA**. See Section 3.2.4 Non-Discrimination Language for Contracts, Agreements, and Waivers.



## *Fire Department*

### Fire Department: Self-Evaluation Findings

- The Department offers facility tours but does not use checklists to ensure that all tours are ADA compliant.
- The Department does not have guidance in place for Department staff to use to ensure that the Department is providing ADA accessible community programs, services, and activities.

### Fire Department: Possible Solutions

- The Department should develop and use specific ADA checklists or guidance to ensure that all tours are ADA compliant. These checklists or guidance should include information regarding tour operations and facility compliance. While this is not a specific ADA requirement, the Town is obligated to provide equal access to programs, services, and activities and this guidance will provide Department staff with the necessary tools to ensure ADA compliance.
- The Department should use policies and procedures (identified for development in this Transition Plan) to develop specific ADA guidance for Department staff to use to ensure that the Department is providing ADA accessible programs, services, and activities. This may include providing alternate formats, providing equal access to Department services or events, etc. While this is not a specific ADA requirement, the Town is obligated to provide equal access to programs, services, and activities and this guidance will provide Department staff with the necessary tools to ensure ADA compliance.

## *Golf Course*

### Golf Course: Self-Evaluation Findings

- The Golf Course does not use ADA accessibility checklists to ensure ADA compliance.

### Golf Course: Possible Solutions

- The Golf Course should develop and use specific ADA checklists or guidance to ensure that all golf course services that are provided are ADA compliant. These checklists or guidance should include information regarding equipment operations and facility compliance. While this is not a specific ADA requirement, the Town is obligated to provide equal access to programs, services, and activities and this guidance will provide Department staff with the necessary tools to ensure ADA compliance.

## *Human Resources Department*

### Human Resources Department: Self-Evaluation Findings

- The Department provides new employee orientation monthly. During the orientation process, new employees are not provided ADA-specific training, information regarding their rights and obligations under the ADA, or contact information for the Town ADA/504 Coordinator for Title I or Title II. For Self-Evaluation findings regarding the employment practices, see Section 3.1.16 Employment Practices Review.
- The Department does not provide annual ADA training for employees regarding Title I and Title II.



#### Human Resources Department: Possible Solutions

- The Department should integrate ADA-specific training within the new employee orientation program. This **training should include information regarding employee's rights and obligations under the ADA and information** regarding the ADA/504 Coordinators. While training is not a specific ADA requirement, as a Title II entity, the Town is obligated to provide equal access to programs, services, and activities. This training will provide guidance to employees regarding their rights under the ADA, as well as the tools needed to ensure ADA compliance. The new employee orientation program should also include policies and procedures (identified for development in this Transition Plan) concerning the Town of Smyrna Employee Handbook. For possible solutions regarding personnel rules, see Section 3.1.16 Employment Practices Review.
- The Department - **in conjunction with Town's ADA/504 Coordinators for Title I and Title II** - should administer annual ADA training for employees. While training is not a specific ADA requirement, as a Title II entity, the Town is obligated to provide equal access to programs, services, and activities. This training will provide guidance to employees regarding their rights under the ADA and the tools needed to ensure ADA compliance. See Section 3.1.16 Employment Practices Review.

#### *Information Services Department*

##### Information Services Department: Self-Evaluation Findings

- The Department provides reasonable accommodations when requested. However, the Department does not have a Reasonable Accommodation Policy, Procedure, and Request Form.

##### Information Services Department: Possible Solutions

- **The Department should utilize the Town's adopted Reasonable Accommodation Policy, Procedure, and Request Form.** See Section 3.1.6 Reasonable Accommodation and Modification Request Policy, Procedure, and Request Form.

#### *Legal Department*

##### Legal Department: Self-Evaluation Findings

- The Legal Department does not review Town contracts and agreements for ADA language.

##### Legal Department: Possible Solutions

- The Department should develop and use guidance to review Town contracts and agreements for ADA language **that clarifies the Town's obligations and responsibilities under the ADA.** See Section 3.2.4 Non-Discrimination Language for Contracts, Agreements, and Waivers.

#### *Media Services Department*

##### Media Services Department: Self-Evaluation Findings

- The Department, in conjunction with the Administration Department, manages the overall website but works **closely with other departments and the Town's website provider to achieve compliance.** However, training for the departments is not provided.



### Media Services Department: Self-Evaluation Findings (cont.)

- The Department provides reasonable accommodations when requested. However, the Department does not have a reasonable accommodation policy, procedure, and request form.
- Department staff does not attend or provide training regarding ADA compliant media services.
- **No specific guidance was found regarding the Town's social media functions on the Town's website or in Town-provided documents.**

### Media Services Department: Possible Solutions

- All Town departments who take on the responsibility of updating the website with department content should attend annual training to ensure ADA compliance. See Sections 3.1.16 Employment Practices Review and 3.1.8 ADA Grievance Policy, Procedure, and Form with Appeals Process for Section 508 of the Rehabilitation Act.
- **The Department should utilize the Town's adopted Reasonable Accommodation Policy, Procedure, and Request Form.** See Section 3.1.6 Reasonable Accommodation and Modification Request Policy, Procedure, and Request Form.
- The Town should provide annual ADA specific training to staff regarding media services. This training should include policies and procedures developed from this transition plan process, employee rights and obligations regarding employment-related training. While training is not a specific ADA requirement, as a Title II entity, the Town is obligated to provide equal access to programs, services, and activities. Furthermore, this training would provide individuals with the tools needed to ensure ADA compliance. See Section 3.1.16 Employment Practices Review.
- The Town should develop a social media policy and procedure. This policy and procedure should provide guidelines for Town staff to utilize to ensure ADA accessibility in all Town social media applications. The policy and procedure should provide the following information:
  - An accessibility statement that states that all Town-managed social media **sites meet the Town's web** accessibility policy. This statement should also provide a link to the Town adopted web accessibility policy under Section 508 of the Rehabilitation Act;
  - Alternate ways to contact the Town;
  - Ensure that all posted images, videos, and audio files include the link back to the web page that contains the image, video or audio with full caption or transcript;
  - Avoid acronyms, abbreviations, and text shortcuts;
  - Ensure platforms provides keyboard shortcuts for keyboard-only users;
  - If the post is linking to a pdf document, ensure that the pdf is accessible; and
  - For blogs, ensure proper HTML markup is used such as headings, paragraphs, and lists to help orient users and ensure clarity of content.

While a social media platform policy and procedure is not a specific ADA requirement, it is strongly recommended that the Town develop this policy and procedure to combine with information and technology policies and procedures to ensure ADA compliance with Section 508 of the Rehabilitation Act. Digital Gov provides a Federal Social Media Accessibility Toolkit here: <https://digital.gov/resources/federal-social-media-accessibility-toolkit-hackpad/>



## *Municipal Court*

### Municipal Court: Self-Evaluation Findings

- **The Town of Smyrna's Municipal Court utilizes ADA policies and procedures through the Tennessee States Courts.** The following information was reviewed:
  - ADA Coordinator Contacts,
  - Public Notice of the ADA,
  - Request for Reasonable Modification Form,
  - Judicial Branch ADA Policy,
  - Judicial Branch Non-Discrimination Policy,
  - Sample ADA signage for courthouses,
  - ADA resources for Interpreters for the deaf and hard of hearing, and
  - ADA resources for attorneys with deaf clients.However, no information was found regarding the following:
  - Service animals,
  - ADA grievance policy, procedure, and form with appeals process for Section 508 of the Rehabilitation Act,
  - Retaliation or coercion policy,
  - Alternate formats,
  - **Responsibility/acceptance disclaimer for other entities' links, forms, documents, and videos,** policies and procedures for ADA transition plan updates and corrections, and
  - Effective communication efforts and policy.

### Municipal Court: Possible Solutions

- **The Town of Smyrna's Municipal Court should adopt policies and procedures in accordance with this transition plan process.**
  - See Section 3.1.7 Service Animal Guidance.
  - See Section 3.1.8 ADA Grievance Policy, Procedure, and Form with Appeals Process for Section 508 of the Rehabilitation Act.
  - See Section 3.1.9 Retaliation or Coercion Policy.
  - See Section 3.1.12 Alternate Format Policy, Procedure, and Request Form.
  - See **Section 3.1.13 Responsibility / Acceptance Disclaimer for other Entities' Links, Forms, Documents, and Videos.**
  - See Section 3.2.5 Effective Communication Efforts and Policy.

## *Parks and Recreation Department*

### Parks and Recreation Department: Self-Evaluation Findings

- The Department defers to the Town for ADA grievances for Title I. However; the Department does not have an ADA grievance policy, procedure, or form with an appeals process in place for Title II.
- The Department defers to the Town for reasonable accommodation policy, procedure, and form for Title I. However; the Department does not have a reasonable modification policy, procedure, or form in place for Title II.
- The Town does not have an alternate format policy and procedure for providing access to existing public records.



Parks and Recreation Department: Self-Evaluation Findings (cont.)

- The Department does not use checklists to ensure ADA compliance.
- The Department does not have an out-of-order policy and procedure or guidelines in place.
- The Department does not have a maintenance policy and procedure or guidelines in place.
- The Department does not maintain logs regarding ADA complaints and requests for accommodations/modifications.
- The Department does not have guidelines in place to address ADA compliance at special events.
- The Department does not include ADA specific language in Department contracts, agreements, or waivers.

Parks and Recreation Department: Possible Solutions

- **For the Department's ADA grievance policy, procedure, and form with appeals process for Title I and Title II.** See Section 3.1.5 ADA Grievance Policy, Procedure, and Form with Appeals Process.
- **For the Department's reasonable accommodation policy, procedure, and form for Title I and Title II,** see Section 3.1.6 Reasonable Accommodation and Modification Request Policy, Procedure, and Request Form.
- The Town should develop an alternate format policy and procedure for providing access to existing public records. See Section 3.1.12 Alternate Format Policy, Procedure, and Request Form.
- The Department should develop and use specific ADA checklists or guidance to ensure ADA compliance. These checklists or guidance should include information regarding the Americans with Disabilities Act Accessibility Guidelines (ADAAG). While this is not a specific ADA requirement, the Town is obligated to provide equal access to programs, services, and activities and this guidance would provide the Department staff with the necessary tools to ensure ADA compliance.
- The Department should develop an out-of-order policy and procedure or guidelines to assist Town staff in ensuring that ADA elements are repaired and in working condition in a timely manner. While the development of this policy and procedure or guidance is not a specific ADA requirement, as a Title II entity, the Town is obligated to ensure all ADA elements are in working order and are readily accessible. This policy and procedure or guidelines will provide guidance to employees and the tools needed to ensure ADA compliance.
- The Department should develop a maintenance policy and procedure or guidelines to assist Town staff in maintaining ADA elements in ADA compliance. While the development of this policy and procedure or guidance is not a specific ADA requirement, as a Title II entity, the Town is obligated to ensure all ADA elements are maintained in an accessible manner and are readily accessible. This policy and procedure or guidelines will provide guidance to employees and the tools needed to ensure ADA compliance.
- The Department should develop and maintain logs regarding ADA complaints and requests for accommodations/modifications that include an internal complaint number, details about the complaint, and details regarding the resolution.



#### Parks and Recreation Department: Possible Solutions (cont.)

- The Department should develop ADA-specific guidelines for special events. While the development of these guidelines is not a specific ADA requirement, the Town is obligated to provide equal access to programs, services, and activities. These guidelines will provide guidance to employees and provide the tools needed to ensure ADA compliance. The Mid-Atlantic ADA Center provides guidance here: <https://www.adainfo.org/content/access-events-article>
- The Department should develop and use guidance to include language within Department contracts and **agreements that clarify the Town's obligations and responsibilities** under the ADA. See Section 3.2.4 Non-Discrimination Language for Contracts, Agreements, and Waivers.

#### *Planning and Zoning Department*

##### Planning and Zoning Department: Self-Evaluation Findings

- Department staff has attended limited training regarding the ADA.
- Department staff does not use specific checklists regarding ADA compliance.

##### Planning and Zoning Department: Possible Solutions

- The Town should provide annual ADA specific training to staff regarding Title I and Title II. This training should include policies and procedures developed from this transition plan process, employee rights and obligations regarding employment-related training, as well as training for ADA elements within the public rights-of-way. While training is not a specific ADA requirement, as a Title II entity, the Town is obligated to provide equal access to programs, services, and activities. Furthermore, this training would provide individuals with the tools needed to ensure ADA compliance. See Section 3.1.16 Employment Practices Review.
- The Department should develop and use specific ADA checklists or guidance to ensure ADA compliance. These checklists or guidance should include information regarding the Americans with Disabilities Act Accessibility Guidelines (ADAAG) and the Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Rights-of-Way (PROWAG). While this is not a specific ADA requirement, the Town is obligated to provide equal access to programs, services, and activities and this guidance would provide the Department staff with the necessary tools to ensure ADA compliance.

#### *Police Department*

##### Police Department: Self-Evaluation Findings

- Department staff is not required to attend annual ADA specific training.
- The Department does not have an ADA grievance policy, procedure, and form with appeals process in place for Title I or Title II.
- The Department does not have a reasonable accommodation/modification policy, procedure, and form.
- The Department does not have an alternate format policy and procedure in place.



#### Police Department: Self-Evaluation Findings (cont.)

- The Department does not have guidelines in place regarding assisting individuals with disabilities.
- The Department does not maintain logs regarding ADA complaints (Title I and Title II) and requests for accommodations or modifications.

#### Police Department: Possible Solutions

- Department staff should attend annual ADA-specific training. This training should include how to deal with individuals with disabilities, adopted Town ADA policies and procedures, service animals, handling the property of persons with disabilities, etc. While training is not a specific ADA requirement, as a Title II entity, the Town is obligated to provide equal access to programs, services, and activities. This training would provide guidance to employees regarding their rights under the ADA and the tools needed to ensure ADA compliance.
- The Department should defer to the **Town's** ADA grievance policy, procedure, and form with appeals process for Title I and II. See Section 3.1.5 ADA Grievance Policy, Procedure, and Form with Appeal Process.
- The Department **should defer to the Town's** reasonable accommodation/modification policy, procedure, and form. See Section 3.1.6 Reasonable Accommodation and Modification Request Policy, Procedure, and Request Form.
- The Department should defer to the adopted Town-wide alternate format policy, procedure, and request form. See Section 3.1.13 Alternate Format Policy, Procedure, and Request Form.
- The Department should develop ADA specific guidelines to assist individuals with disabilities. While these guidelines are not a specific ADA requirement, the Town is obligated to provide equal access to programs, services, and activities. These guidelines would provide guidance to employees and provide the tools needed to ensure ADA compliance.
- The Department should maintain confidential complaint/request files and ADA complaint/request logs. Logs for both Title I and Title II should include detailed information.
  - Logs for Title I shall be confidential and should include an internal complaint number, extensive details about the complaint and process, as well as details regarding the resolution.
  - Logs for Title II shall be confidential and should include an internal complaint number, extensive details regarding the complaint resolution.

#### *Public Works Department*

#### Public Works Department: Self-Evaluation Findings

- Department staff does not attend or provide training regarding ADA compliance.
- The Department has not formally adopted the Proposed Guidelines for Pedestrian Facilities in the Public Rights-of-Way (PROWAG).



#### Public Works Department: Self-Evaluation Findings (cont.)

- The Department does not use ADA-specific guidance when designing projects or reviewing plans with accessible elements.
- The Town does not have ADA-specific requirements for design consultants.
- ADA checklists are not used to determine ADA compliance.
- The Department does not have a maintenance policy and procedure or guidelines in place.
- The Department does not have an out-of-order policy and procedure or guidelines in place.

#### Public Works Department: Possible Solutions

- The Town should provide annual ADA specific training to staff regarding Title I and Title II. This training should include policies and procedures developed from this transition plan process, employee rights and obligations regarding employment-related training, as well as training for ADA elements within the public rights-of-way. While training is not a specific ADA requirement, as a Title II entity, the Town is obligated to provide equal access to programs, services, and activities. Furthermore, this training would provide individuals with the tools needed to ensure ADA compliance. See Section 3.1.16 Employment Practices Review.
- While the PROWAG has not yet been finalized, it is recommended that the Town formally adopt PROWAG as a Town standard practice and also develop ADA-specific guidance about PROWAG. This guidance should be used Department-wide and throughout the Town, as needed. While Town adoption of PROWAG is not specifically an ADA requirement, it is strongly recommended to ensure ADA compliance.
- The Town should develop ADA-specific requirements for design consultants to follow when working on a project that includes ADA elements. These requirements should include training on PROWAG requirement and Town expectations. While this is not an ADA-specific requirement, this is recommended to ensure that consultants take responsibility and are designing ADA elements within the Town in ADA compliance.
- The Town should develop and use checklists to ensure ADA compliance. While this is not a specific ADA requirement, this checklist would benefit the Town by ensuring that all meeting locations are accessible to the public.
- The Department should develop a maintenance policy and procedure or guidelines to assist Town staff in maintaining ADA elements in ADA compliance. While the development of this policy and procedure or guidance is not a specific ADA requirement, as a Title II entity, the Town is obligated to ensure all ADA elements are maintained in an accessible manner and are readily accessible. This policy and procedure or guidelines will provide guidance to employees and the tools needed to ensure ADA compliance.
- The Department should develop an out-of-order policy and procedure or guidelines to assist Town staff in ensuring that ADA elements are repaired and in working condition in a timely manner. While the development of this policy and procedure or guidance is not a specific ADA requirement, as a Title II entity, the Town is obligated to ensure all ADA elements are in working order and are readily accessible. This policy and procedure or guidelines will provide guidance to employees and the tools needed to ensure ADA compliance.



### ***Treasurer and Town Clerk's Office***

#### Treasurer and Town Clerk's Office: Self-Evaluation Findings

- Department staff does not attend or provide training regarding ADA compliance.

#### Treasurer and Town Clerk's Office: Possible Solutions

- The Town should provide annual ADA specific training to staff regarding Title I and Title II. This training should include policies and procedures developed from this transition plan process, employee rights and obligations regarding employment-related training. While training is not a specific ADA requirement, as a Title II entity, the Town is obligated to provide equal access to programs, services, and activities. Furthermore, this training would provide individuals with the tools needed to ensure ADA compliance. See Section 3.1.16 Employment Practices Review.

### *Utilities Department*

#### Utilities Department: Self-Evaluation Findings

- Department staff does not attend or provide training regarding ADA compliance.

#### Utilities Department: Possible Solutions

- The Town should provide annual ADA specific training to staff regarding Title I and Title II. This training should include policies and procedures developed from this transition plan process, employee rights and obligations regarding employment-related training, as well as training for ADA elements within the public rights-of-way. While training is not a specific ADA requirement, as a Title II entity, the Town is obligated to provide equal access to programs, services, and activities. Furthermore, this training would provide individuals with the tools needed to ensure ADA compliance. See Section 3.1.16 Employment Practices Review.

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### 3.1.3 ADA/504 Coordinator (Title I / Title II)

Under the ADA Title II, when a public entity has 50 or more employees based on an entity-wide employee total count, the entity is required to designate at least one (1) qualified responsible employee to coordinate compliance with ADA requirements. The name, office address, and telephone number of this individual must be available and advertised to employees and the public. This allows for someone to assist with questions and concerns regarding disability discrimination to be easily identified.

#### ADA/504 Coordinator: Self-Evaluation Findings

The Town of Smyrna has appointed Jeff Craig as the ADA/504 Coordinator for Title I and Tom Rose as the ADA/504 Coordinator for Title II. Below is their contact information. However, this information is not published on the Town website or in other Town documents:

#### Title I:

Jeff Craig, ADA/504 Coordinator  
315 S. Lowry Street  
Smyrna, TN 37167  
Phone: 615-459-9742  
Tennessee Relay: 7-1-1  
[jeff.craig@townofsmyrna.org](mailto:jeff.craig@townofsmyrna.org)

#### Title II:

Tom Rose, ADA/504 Coordinator  
315 S. Lowry Street  
Smyrna, TN 37167  
Phone: 615-459-9766  
Tennessee Relay: 7-1-1  
[tom.rose@townofsymrna.org](mailto:tom.rose@townofsymrna.org)

#### Municipal Courts

Sonya Stephenson, ADA/504 Coordinator  
303 N. Church Street  
Murfreesboro, TN 37130  
Phone: 615-494-4480  
Tennessee Relay: 7-1-1  
[sstephenson@rutherfordcounty.org](mailto:sstephenson@rutherfordcounty.org)

#### ADA/504 Coordinator: Possible Solutions

This information should be prominently displayed in common areas that are accessible to all employees and areas open to the public. Also, the ADA/504 Coordinator contact information must be included in all materials that are distributed from the Town. This includes posting this information on the website.



### 3.1.4 Roles and Responsibilities of the ADA/504 Coordinator

Below is a list of qualifications for ADA Coordinators that are recommended by the U.S. Department of Justice:

- **Familiarity with the entity's structures, activities, and employees;**
- Knowledge of the ADA and other laws addressing the rights of people with disabilities, such as Section 504 of the Rehabilitation Act;
- Experience with people with a broad range of disabilities;
- Knowledge of various alternative formats and alternative technologies that enable individuals with disabilities to communicate, participate, and perform tasks;
- Ability to work cooperatively with local entities and people with disabilities;
- Familiarity with any local disability advocacy groups or other disability groups;
- Skills and training in negotiation and mediation; and
- Organizational and analytical skills.

#### Roles and Responsibilities of the ADA/504 Coordinator: Self-Evaluation Findings

**No information regarding the roles and responsibilities of the ADA/504 Coordinator is provided on the Town's website or in Town documents.**

#### Roles and Responsibilities of the ADA/504 Coordinator: Possible Solutions

The Town should document the roles and responsibilities of the ADA/504 Coordinator. These roles and responsibilities should be consistent with the Department of Justice's guidance for "An Effective ADA Coordinator" (<https://www.ada.gov/pccatoolkit/chap2toolkit.htm>). This guidance was developed as a part of this project. See Appendix C for a copy.

### 3.1.5 ADA Grievance Policy, Procedure, and Form with Appeals Process for the ADA

#### *Title I*

Title I of the ADA prohibits private employers, state and local governments, employment agencies, and labor unions from discriminating against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training, and other terms, conditions, and privileges of employment. The ADA covers employers with 15 or more employees based on an entity-wide employee total count, including state and local governments.

The purpose of the ADA grievance procedure is to provide a mechanism for the resolution of discrimination issues at the Town level, rather than require the complainant to resort to resolution at the federal level.

#### ADA Grievance Policy, Procedure, and Form with Appeals Process for the ADA (Title I): Self-Evaluation Findings

- No information was found regarding an ADA grievance policy, procedure, and form with appeals process for the Americans with Disabilities Act (Title I).
- No information was found regarding a complaint log for the ADA grievance policy, procedure, and form with appeals process for the Americans with Disabilities Act (Title I).



ADA Grievance Policy, Procedure, and Form with Appeals Process for the ADA (Title I): Possible Solutions

- An ADA grievance policy, procedure, and form with appeals process for Title I should be developed. These documents should be adopted **Town-wide, posted on the Town's website**, and publicized in common areas that are accessible to all employees and areas open to the public.
- The Town should maintain an ADA complaint log. This log shall be confidential and should include an internal complaint number, details about the complaint, and specifics regarding the resolution.

*Title II*

Local governments with 50 or more employees are required to develop, adopt, and publish procedures for resolving grievances in a prompt and fair manner that may arise under Title II of the ADA.

ADA Grievance Policy, Procedure, and Form with Appeals Process for the ADA (Title II): Self-Evaluation Findings

- **An ADA grievance policy and procedure with appeals process is provided on the Town's website.** The policy and procedure are consistent with the U.S. Department of Justice's recommended grievance policy, procedure, and appeals process.
- **An ADA grievance form was found on the Town's website.** The form is missing the following information:
  - Information for the person discriminated against (if filing for another person);
  - Information for the government or organization or institution which is believed to have committed discrimination;
  - Information to provide individuals who discriminated (names, the contact information of individuals who discriminated);
  - Information for if the complainant has made efforts to resolve the complaint through the internal grievance process or the government, organization or institution, and the status; and
  - Information for if the complainant has filed with another bureau of the Department of Justice or any other Federal, State, or local civil rights agency or court, and if so their information.

ADA Grievance Policy, Procedure, and Form with Appeals Process for the ADA (Title II): Possible Solutions

- An ADA grievance policy and procedure **with appeals process is provided on the Town's website.** The Town should ensure that the current policy and procedure is adopted **Town-wide, posted on the Town's website in an** area that is easy to locate, and publicized in common areas that are accessible to all employees and areas open to the public.
- The existing Title II ADA grievance form should be revised to include the following information:
  - A Town-wide non-discrimination statement;
  - Information for the person discriminated against (if filing for another person);
  - Information for the government or organization or institution which is believed to have committed discrimination;
  - Information to provide individuals who discriminated (names, the contact information of individuals who discriminated);
  - Information for if the complainant has made efforts to resolve the complaint through the internal grievance process or the government, organization or institution, and the status; and
  - Information for if the complainant has filed with another bureau of the Department of Justice or any other Federal, State, or local civil rights agency or court, and if so their information.



ADA Grievance Policy, Procedure, and Form with Appeals Process for the ADA (Title II): Possible Solutions (cont.)

- The Town should maintain an ADA complaint log. This log shall be confidential and should include an internal complaint number, details about the complaint, and details regarding the resolution.

*3.1.6 Reasonable Accommodation and Modification Request Policy, Procedure, and Request Form*

*Title I*

The reasonable accommodation request process plays a very important role when ensuring that the Town of Smyrna does not discriminate based on a disability. A reasonable accommodation is any modification to a job, the work environment, or the way things are usually done that allows an individual with a disability to apply for a job, perform job functions, or enjoy equal access to benefits available to other individuals in the workplace.

Reasonable Accommodation Request Policy, Procedure, and Request Form (Title I): Self-Evaluation Findings

**No reasonable accommodation request policy, procedure, and request form are provided on the Town's website or in Town documents.**

Reasonable Accommodation Request Policy, Procedure, and Request Form (Title I): Possible Solutions

The Town should develop a reasonable accommodation request policy, procedure, and form. This policy and procedure should describe the reasonable accommodation, provide details on how to file a request, and participate in the interactive process. **The request form should include the requestor's contact information, type of accommodation** being requested, and specific details regarding the need for a reasonable accommodation. The Equal Employment Opportunity Commission provides enforcement guidance for reasonable accommodation and undue hardship under the ADA here: <https://www.eeoc.gov/policy/docs/accommodation.html>.

*Title II*

The reasonable modification request process allows an individual from the public to request a modification that will provide equal access to any Town program, service, and/or activity. A public entity must reasonably modify its policies, practices, or procedures to avoid discrimination unless the modification will fundamentally alter the nature of its program, services, or activity.

Reasonable Modification Request Policy, Procedure, and Request Form (Title II): Self-Evaluation Findings

No reasonable modification request policy, procedure, and request form is **provided on the Town's website or in Town** documents.

Reasonable Modification Request Policy, Procedure, and Request Form (Title II): Possible Solutions

The Town should develop a reasonable modification request policy, procedure, and request form. This policy and procedure should describe the reasonable modifications, provide details on how to file a request and participation in **the interactive process. The request form should include the requestor's contact information, type** of modification being requested, specific details regarding the specific Town program, services, or activity needing a reasonable modification. The U.S. Department of Justice provides guidance for reasonable modifications here: <https://www.ada.gov/taman2.html>.



### 3.1.7 Service Animal Guidance

A reasonable accommodation is any modification or adjustment to a job or the work environment that will enable a qualified applicant or employee with a disability to participate in the application process or to perform essential job functions. A reasonable accommodation also includes any modification or adjustment to a provided program, service, or activity that the entity provides to ensure accessibility for the public. A reasonable accommodation may also include the use of a service animal. Service animals are used for a variety of reasons, so each accommodation request and modification may be different.

#### Service Animal Guidance: Self-Evaluation Findings

No information was found regarding service animal guidance for requests for reasonable accommodations or modifications from qualified applicants, employees, or the public.

#### Service Animal Guidance: Possible Solutions

The Town should develop Town-wide guidance for staff to reference when dealing with service animals as reasonable accommodations or modifications for applicants, employees, and the public. Each Town Department should integrate this guidance into their Department-specific standard operating procedures. In doing so, this policy and procedure **should be customized to fit each Department's situations and provide guidance as to when a service animal is an effective reasonable accommodation or modification.**

- The U.S. Equal Employment Opportunity Commission created enforcement guidance for Reasonable Accommodations and undue hardship under the ADA (<https://www.eeoc.gov/policy/docs/accommodation.html>).
- The U.S. Department of Justice created a publication providing guidance on service animals and the ADA: U.S. Department of Justice Service Animal Guidance ([https://www.ada.gov/service\\_animals\\_2010.htm](https://www.ada.gov/service_animals_2010.htm)).

### 3.1.8 ADA Grievance Policy, Procedure, and Form with Appeals Process for Section 508 of the Rehabilitation Act

Section 508 of the Rehabilitation Act of 1973 requires that all electronic and information technologies developed and used by any federal government agency must be accessible to individuals with disabilities. This includes websites, video and audiotapes, electronic books, televised programs, and other such media. Individuals with disabilities may still have to use special hardware and/or software to access the resources. This law pertains to the federal government, but each state can adopt these regulations for state use. The State of Tennessee has not officially adopted these technology requirements. **However, the Town of Smyrna should utilize the State's stance on website and other digital media policies and procedures.** The State of Tennessee Electronic and Information Technology (EIT) accessibility statement can be found here: <https://www.tn.gov/web-policies/accessibility.html>

#### ADA Grievance Policy, Procedure, and Form with Appeals Process for Section 508 of the Rehabilitation Act: Self-Evaluation Findings

No information was found regarding the Town's Section 508 of the Rehabilitation Act policy, procedure, and form with appeals process.



### ADA Grievance Policy, Procedure, and Form with Appeals Process for Section 508 of the Rehabilitation Act: Possible Solutions

- The Town should develop an ADA grievance policy, procedure, and form with appeals process for Section 508 of the Rehabilitation Act. The form **should include the complainant's contact information, description of the** electronic and information technology in question, and specific details regarding the non-conforming aspects and remedy that is being requested.
- The policy, procedure, and form with appeals process should be adopted Town-wide, **posted on the Town's** website, and publicized in common areas that are accessible to all employees and the public.
- The Town should maintain an ADA complaint log. This log shall be confidential and should include an internal complaint number, details about the complaint, and details regarding the resolution.

#### *3.1.9 Retaliation or Coercion Policy*

Individuals who exercise their rights under the ADA, or assist others in exercising their rights, are protected from retaliation. The prohibition against retaliation or coercion applies broadly to any individual or entity that seeks to prevent an individual from exercising their rights or to retaliate against individuals for having exercised their rights.

#### Retaliation or Coercion Policy: Self-Evaluation Findings

The Town currently has retaliation language located on Page 8 of the Town of Smyrna Employee Manual and Page 30.D of the Police Department Manual. However, these manuals do not contain information on coercion.

#### Retaliation or Coercion Policy: Possible Solutions

The Town should revise the existing language to include language for coercion. This revised information should be adopted Town-wide and must be accessible to all employees and the public. The U.S. Equal Employment Opportunity Commission guidance on retaliation and related issues can be found here:

<https://www.eeoc.gov/laws/guidance/retaliation-guidance.cfm>.

#### *3.1.10 Non-Discrimination Language*

All public entities must ensure that no qualified individuals with disabilities be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program, service, or activity administered by that entity.

To do so, public entities must develop two (2) separate policies:

1. Non-Discrimination Statement Policy, which documents the requirement to include a non-discrimination statement in any Town publication or document distributed to employees or to the public.
2. Non-Discrimination Clause Policy, which documents the requirement to include a non-discrimination statement in all funding agreements that the Town employs to pass federal funds to other agencies, entities, or municipalities, but not contractors.



## *Non-Discrimination Statement Policy*

### Non-Discrimination Statement Policy: Self-Evaluation Findings

Several different variations of non-discrimination statements were found. However, none of the statements found are consistent or used Town-wide.

### Non-Discrimination Statement Policy: Possible Solutions

- The Town should develop consistent Town-wide non-discrimination statements for Title I - employment activities and Title II - programs, services, and activities administered by the Town. These statements should include language that provides contact information for the ADA/504 Coordinator regarding an accommodation, modification, or alternate formats. While these statements are not a specific ADA requirement, the U.S. Department of Justice (DOJ) requires that all Title II entities adopt and distribute a public notice about the relevant provisions of the ADA to all people who may be interested in its programs, services, and activities. It is recommended to put a non-discrimination statement in all information distributed by the Town to comply with 28 CFR 35.106: [https://www.ada.gov/regs2010/titleII\\_2010/titleII\\_2010\\_regulations.htm#a35106](https://www.ada.gov/regs2010/titleII_2010/titleII_2010_regulations.htm#a35106)
- The Town should incorporate both non-discrimination statements into a stand-alone policy that provides guidance to Town staff on the application of non-discrimination statements for Title I and Title II. This policy should be accessible to all employees and used in Town materials that are distributed by the Town.

## *Non-Discrimination Contract Clause*

### Non-Discrimination Contract Clause: Self-Evaluation Findings

No information regarding a non-**discrimination contract clause** was found on the Town's website or in Town provided documents.

### Non-Discrimination Contract Clause: Possible Solutions

- The Town should develop a consistent non-discrimination contract clause. This clause should include language within applicable Town contracts that would ensure that no person or groups of persons shall, on the grounds of race, color, sex, religion, national origin, age, disability, retaliation, or genetic information, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in all Town programs, services, or activities. While this clause is not a specific ADA requirement, the U.S. Department of Justice (DOJ) requires that all Title II entities adopt and distribute a public notice about the relevant provisions of the ADA to all people who may be interested in its programs, services, and activities. It is recommended to put a non-discrimination statement in all information distributed by the Town to comply with 28 CFR 35.106: [https://www.ada.gov/regs2010/titleII\\_2010/titleII\\_2010\\_regulations.htm#a35106](https://www.ada.gov/regs2010/titleII_2010/titleII_2010_regulations.htm#a35106)
- The Town should develop staff guidance regarding the application of a non-discrimination contract clause. This policy would only be accessible to applicable Town staff who may initiate federally funded contracts or any joint use agreements with other entities.



### 3.1.11 Public Notice Under the ADA

The ADA public notice requirement applies to all state and local governments covered by Title II, including entities with fewer than 50 employees. The target audience for the public notice includes applicants, beneficiaries, and other **people interested in the entities' programs, services, and activities. This notice is required to include information** regarding Title II of the ADA and how it applies to the programs, services, and activities of the public entity. Publishing and publicizing the ADA notice is not a one-time requirement. State and local government entities should provide the information on an ongoing basis, whenever necessary.

#### Public Notice Under the ADA: Self-Evaluation Findings

**No information regarding a Public Notice Under the ADA for the Town of Smyrna was found on the Town's website or in Town provided documents.**

#### Public Notice Under the ADA: Possible Solutions

The Town should develop a Public Notice Under the ADA. This notice should be adopted by the Town, posted on the web, and publicized in common areas that are accessible to all employees and areas open to the public. The U.S. Department of Justice provided guidance regarding a Public Notice Under the ADA here: <https://www.ada.gov/pcatoolkit/chap2toolkit.htm>.

### 3.1.12 Alternate Format Policy, Procedure, and Request Form

Under the ADA, a public entity is responsible for providing ADA accessible communications. This includes any documents or information that is distributed by the Town of Smyrna. If a request for an alternate format is received, the Town must have an action plan to accommodate the request. For example, the Department of Justice does not expect entities to have Braille copies of all documents; however, Braille copies are expected to be readily available. Readily available means that once a request is received, a policy and procedure is in place to make a reasonable accommodation or modification to the document or information requested. This document must be provided to the requestor in a reasonable amount of time.

#### Alternate Format Policy, Procedure, and Request Form: Self-Evaluation Findings

**No information regarding an alternate format request policy, procedure, and form was found on the Town's website or in Town provided documents.**

#### Alternate Format Policy, Procedure, and Request Form: Possible Solutions

The Town should develop an alternate format request policy, procedure, and form. This policy and procedure shall **guide staff regarding the process of obtaining an alternate format and utilizing the Town's vendor database, if** available, to obtain vendor information for alternate formats. This policy and procedure should be adopted Town-wide and should be accessible to all employees and the public. **The request form should include the requestor's contact** information, existing document information, and type of alternate format being requested.



### 3.1.13 *Responsibility / Acceptance Disclaimer for other Entities' Links, Forms, Documents, and Videos*

Under the ADA, a public entity is responsible for providing ADA accessible alternate formats, including any documents or information that is distributed by the Town of Smyrna obtained from another entity. For example, there **is a link to an external site on Town's website that leads to additional information**. However, it may not be feasible for the Town to obtain the original from the source for the purpose of creating an alternate format. Therefore, the Town should add a disclaimer where external sources are referenced stating that the Town of Smyrna is not responsible for ADA compliance of external content and any requests for alternate formats of external content should be directed to the source entity.

#### Responsibility / Acceptance Disclaimer for other Entities' Links, Forms, Documents, and Videos: Self-Evaluation Findings

No information or policy regarding an ADA-specific disclaimer **was found on the Town's website or in Town provided documents**.

#### Responsibility / Acceptance Disclaimer for other Entities' Links, Forms, Documents, and Videos: Possible Solutions

**The Town should develop a disclaimer statement to communicate the Town's perspective on ADA compliance regarding content on another entity's site, links, forms, documents, and videos that are represented on the Town's website.** This statement should be posted on the website and publicized in common areas that are accessible to all employees and areas open to the public.

### 3.1.14 *Policies and Procedures for ADA Plan Updates and Corrections (Title I and Title II)*

Tracking ADA Transition Plan updates and corrections for Title I and Title II is important in showing progress toward barrier removal and should be done using a systematic approach to ensure all updates and corrections are documented.

#### Policies and Procedure for ADA Transition Plan Updates and Corrections (Title I and Title II): Self-Evaluation Findings

No policies and procedures for ADA transition plan updates and corrections for Title I and Title II were found on the **Town's website or in Town-provided documents**.

#### Policies and Procedure for ADA Transition Plan Updates and Corrections (Title I and Title II): Possible Solutions

The Town should develop customized policies and procedures for ADA transition plan updates and corrections for Title I and Title II. While this is not a specific ADA requirement, these policies and procedures would provide Town staff guidance through the internal process for updating and correcting issues found during the ADA transition plan process.



### 3.1.15 ADA Liaison Committee

The ADA Liaison Committee is comprised of representatives from each Town department. These individuals work closely with the ADA/504 Coordinator to resolve issues regarding the needs of their department and the programs under their management. The ADA/504 Coordinator works closely with the ADA Liaison Committee to coordinate the implementation of plans, programs, policies, and procedures.

The ADA Liaison Committee is comprised of representatives from each Town department. These individuals work closely with the ADA/504 Coordinator to resolve issues regarding the needs of their department and the programs under their management. The ADA/504 Coordinator works closely with the ADA Liaison Committee to coordinate the implementation of plans, programs, policies, and procedures.

#### ADA Liaison Committee: Self-Evaluation Findings

The Town has established an ADA Liaison Committee.

#### ADA Liaison Committee: Possible Solutions

- **The Town's ADA Liaison Committee should meet periodically to ensure that the Town is practicing a good faith effort to achieve ADA compliance.**
- The Town should consider renaming Sonya Stephenson as the ADA Liaison for Municipal Court, as Ms. Stephenson is considered the ADA/504 Coordinator for the Municipal Courts.
- The ADA Liaison Committee information should be publicized in common areas that are accessible to employees and areas open to the public. This includes posting this information on the Town website.

### 3.1.16 Employment Practices Review

All public entities must ensure that no qualified individual with disabilities be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program, service, or activity administered by that entity, including employment. Public entities must provide an equal opportunity for employment.

The Town Employee Manual, Police Department Manual, Town policies and procedures, employment, training and orientation processes, volunteer programs, forms, and documents were reviewed, and additional information was obtained from the departmental survey process. This information was reviewed for consistency with current accessibility requirements and standards.



### Town Employee Manual: Self-Evaluation Findings

- The Town Employee Manual was reviewed for ADA compliance. See below for findings.
  - The employee manual does not reference specific ADA policies and procedures.
  - Page 8 - Other Forms of Harassment
    - This section is intended as a general harassment procedure and states that anyone who believes that have been harassed to contact the Human Resources Department Director or the Town Manager. **It does not mention the Town's ADA/504 Coordinator.** In addition, the section provides a vague complaint process but does not provide detail of timeframes or a separate ADA specific policy or procedure.
    - This section also states that retaliation in any form against an employee is prohibited, but coercion is not mentioned.
  - Page 34 - Disability

**This section states, "Employees shall report any request for accommodation due to some disability to the Department Head. The employee shall state the disability and discuss with their Department Head and/or the Human Resources Director what job functions the employee can and cannot do. The employee shall state ideas and suggestions as to what type of accommodation will allow the employee to perform the essential functions of the job, if any. An employee is not entitled to demand an accommodation, but the Town of Smyrna may consider the employee's suggestions. The Town will make every effort to make accommodations as long as the request does not create an undue hardship for the Town."**

    - This section does not mention the ADA/504 Coordinator's involvement in the interactive process, which the interactive process is not specifically mentioned.
    - This section has incomplete language regarding reasonable accommodations.

### Town Employee Manual: Possible Solutions

- This policy should be revised to include references regarding the Town's ADA policies and procedures developed from this transition plan process.
  - The employee manual does not reference specific ADA policies and procedures. The document should reference all ADA policies and procedures for Title I, as well as the nondiscrimination statement for Title I.
  - Page 8 - Other Forms of Harassment
    - This section should be revised to clarify that this policy is for harassment and include information for a separate ADA Title I compliant policy and procedure. See Section 3.1.5 ADA Grievance Policy, Procedure, and Form with Appeals Process for the Americans with Disabilities Act.
    - This section should also be revised to include language for coercion. See Section 3.1.9 Retaliation or Coercion Policy.
  - Page 34 - Disability
    - This section should be revised to include information regarding the interactive process and the ADA/504 Coordinator's involvement.
    - This section should be revised to include additional information regarding reasonable accommodations. (e.g., the Town will make every effort to make accommodations that are reasonable, most effective and does not create an undue hardship for the Town).



### Police Department Manual: Self-Evaluation Findings

- Section 1: Administration
  - There are no definitions/terms regarding the ADA.
  - **No information for the ADA/504 Coordinator's is included.**
- Section 2: Operational
  - Page 167.II.A
    - The words "mental retardation" is used. This word is considered dated and offensive.
    - No guidance regarding the ADA is included in this section.
- Section 3: Personnel
  - Page 28 Harassment
    - This section includes a complaint procedure but is not specific to the ADA
    - This section includes information regarding retaliation. However, no information is included about coercion.
- Section 4: Training
  - No information included regarding ADA training.
- Section 5: Standard Operational Procedures
  - No guidance regarding the ADA is included in this section.

### Police Department Manual: Possible Solutions

- Section 1: Administration
  - This section should be revised to include definitions/terms regarding the ADA. The U.S. Department of Justice and the ADA National Network provide guidance here:
    - <https://www.ada.gov/>
    - <https://adata.org/glossary-terms>
- Section 2: Operational
  - Page 167.II.A
    - The words "mental retardation" should be revised as ADA compliant equivalent language. See Appendix D for Equivalent Language Guidance.
    - This section should include everyday operational information regarding the ADA. This may include how to assist a person with a disability and how-to accommodate someone who may need a sign language interpreter. The U.S. Department of Justice provides guidance here: [https://www.ada.gov/q&a\\_law.htm](https://www.ada.gov/q&a_law.htm)
- Section 3: Personnel
  - Page 28 Harassment
    - This section should be revised to include language that references **the Town's ADA grievance** policy and procedure. See Section 3.1.5 ADA Grievance Policy, Procedure, and Form with Appeals Process for the Americans with Disabilities Act.
    - This section should also be revised to include language for coercion. See Section 3.1.9 Retaliation or Coercion Policy.



Police Department Manual: Possible Solutions (cont.)

- Section 4: Training
  - The Town should provide annual ADA specific training to staff regarding media services. This training should include policies and procedures developed from this transition plan process, employee rights and obligations regarding employment-related training, as well as training for ADA elements within the public rights-of-way. While training is not a specific ADA requirement, as a Title II entity, the Town is obligated to provide equal access to programs, services, and activities. Furthermore, this training would provide individuals with the tools needed to ensure ADA compliance. See Section 3.1.16 Employment Practices Review.
- Section 5: Standard Operational Procedures
  - This should be revised to include departmental standard operational procedures. This may include specific details and guidance on how to assist a person with a disability and how-to accommodation someone who may need a sign language interpreter. The U.S. Department of Justice provides guidance here: [https://www.ada.gov/q&a\\_law.htm](https://www.ada.gov/q&a_law.htm)

Town of Smyrna's Hiring, Testing, and Recruitment Information Review: Self-Evaluation Findings

- The Human Resources Department administers the hiring process for most Departments. However, the Police Department administers the hiring and promotional process, in conjunction with the Human Resources Department.
- The provided non-discrimination statements are not consistent Town-wide and are not what is recommended.

Town of Smyrna's Hiring, Testing, and Recruitment Information Review: Possible Solutions

- The Human Resources Department should develop hiring process guidelines. These guidelines should include information on ADA compliant hiring process and should be available to all departments who administer hiring for their department. While these guidelines are not an ADA requirement, these guidelines would assist Town staff in being consistent in the hiring process to achieve ADA compliance. The U.S. Equal Employment Opportunity Commission and the U.S. Department of Justice provide guidance here:
  - <https://www.eeoc.gov/>
  - <https://www.ada.gov/>
- The Town should develop a Town-wide Non-Discrimination Statement Policy for Title I and Title II. See Section 3.1.10 Non-Discrimination Language.



#### Town of Smyrna's New Employee Orientation: Self-Evaluation Findings

- The Human Resources Department provides new employee orientation every month. This orientation provides guidance on the Town Personnel Rules only, which includes non-discriminatory language.
- The new employee orientation does not include specific Town ADA policies and procedures or the ADA/504 Coordinator's names or contact information.
- **The Town's ADA/504 Coordinators are not a part of the new employee orientation process.**
- New employees are not provided information regarding their rights and obligations under the ADA. However, information regarding a review of non-discriminatory language is included.

#### Town of Smyrna's New Employee Orientation: Possible Solutions

- The Human Resources Department should develop new employee orientation guidelines. These guidelines should include a review of employees ADA rights and obligations, introduction to the Title I and Title II ADA/504 Coordinators, as well as typical employment functions and benefits.
- The Human Resources Department should provide new employees with the newly revised Town Personnel Rules that includes adopted ADA policies and procedures from this transition plan process.
- The Town should provide annual ADA specific training to all Town staff regarding Title I and Title II. This training should include employee rights and obligations regarding employment-related training, as well as training for ADA elements within the public rights-of-way. While training is not a specific ADA requirement, as a Title II entity, the Town is obligated to provide equal access to programs, services, and activities. This training would provide guidance to employees regarding their rights under the ADA and the tools needed to ensure ADA compliance.

#### Town of Smyrna's Training Program Review: Self-Evaluation Findings

- No specific annual ADA training program is provided for Town staff regarding Title I or Title II.

#### Town of Smyrna's Training Program Review: Possible Solutions

- The Town should provide annual ADA specific training to staff regarding media services. This training should include policies and procedures developed from this transition plan process, employee rights and obligations regarding employment-related training, as well as training for ADA elements within the public rights-of-way. While training is not a specific ADA requirement, as a Title II entity, the Town is obligated to provide equal access to programs, services, and activities. Furthermore, this training would provide individuals with the tools needed to ensure ADA compliance.



### Town of Smyrna's Volunteer Program Review: Self-Evaluation Findings

- The Town does not have an organized volunteer program. However, currently, the Police Department does have two volunteers. The Town does not provide specific physical or mental eligibility requirements, orientation, or a volunteer manual.

### Town of Smyrna's Volunteer Program Review: Possible Solutions

- The Human Resources Department should oversee **the Town's volunteer program and develop guidelines** for each Department to utilize to ensure program consistency for ADA compliance as each Department administers its volunteer program. These guidelines should include a review of the volunteer manual, **volunteer's ADA rights** and obligations, introduction to the Title I and Title II ADA/504 Coordinators, as well as typical Town functions.
- The Human Resources Department should develop a Town-wide Volunteer Manual. Each Department should develop inserts for their department to be incorporated into the volunteer manual. These inserts should include all specific physical and mental eligibility requirements to ensure that volunteers can disqualify themselves from the program, if needed, and include volunteer job descriptions.

#### *3.1.17 Job Description Review*

The ADA does not require an employer to develop or maintain job descriptions. Nevertheless, employers can certainly benefit from having well-**written job descriptions that spell out the "essential functions" for each employment position.** When job descriptions are written, they must be non-discriminatory.

A written job description can help employers identify whether an applicant will be able to perform the essential tasks required for a position. During the interview process, employers are not allowed to ask if an individual has a disability that would prevent them from performing certain job tasks. Employers may, however, ask applicants whether they **can perform the "essential functions" of a position, such as the ability to meet attendance expectations or to operate a particular machine.** If an applicant notifies the employer that he or she is unable to perform an essential job function because of a disability, the employer must then consider whether it is possible to reasonably accommodate the disability.

Twenty-five (25) job descriptions were reviewed. The following section provides a summary of the findings and possible solutions. A complete summary of the job description reviews is provided in Appendix D.

### Job Description Review: Self-Evaluation Findings

- Job descriptions do not have recommended headings for clarification.
- Job descriptions contain discriminatory language. When describing actual job duties, there are some physical demands. However, specific language must be used so that someone with a disability can disqualify themselves.
- Job descriptions do not have disclaimer language to inform employees and applicants that the description is subject to change.
- Some job descriptions do not provide physical requirements. These requirements are needed to assist individuals in determining their qualifications.



#### Job Description Review: Self-Evaluation Findings (cont.)

- **Some job descriptions state that a driver's license** is required but does not specify if this requirement is a bona fide occupational qualification (BFOQ).
- Job descriptions do not include a non-discrimination statement regarding Title I, employment activities.

#### Job Description Review: Possible Solutions

- Job descriptions should separate information under specific headings for better clarification. Under these headings, the Town may use as many sub-headings as necessary to cover all aspects of the job description. These recommended headings are Job Title, Job Summary, Essential Functions, Non-Essential Functions, and Job Specifications.
- When listing physical demands in a job description, the wording must be such that someone with a disability can disqualify themselves. ADA compliant equivalent language must be used. For example: **Instead of "carry" or "lift," use "move," "transport," "position," "install," "remove," "hoist," or "transfer."** See Appendix D for Equivalent Language Guidance.
- The Town should include disclaimer language on all job descriptions to notify employees and applicants that the description is subject to change.
- All job descriptions should provide physical requirements to ensure clarity.
- When a driver's license is a requirement, the Town must ensure this is a BFOQ. If this is not necessary as a part of the essential job functions, this should be revised to require a state-issued identification instead of a **state-issued driver's license**.
- Job descriptions should be revised to include a non-discrimination statement regarding Title I, employment activities. See Section 3.1.10 Non-Discrimination Language. This statement should include language that provides contact information for the ADA/504 Coordinator regarding an accommodation, modification, or alternate formats. While these statements are not a specific ADA requirement, the U.S. Department of Justice (DOJ) requires that all Title II entities adopt and distribute a public notice about the relevant provisions of the ADA to all people who may be interested in its programs, services, and activities. It is recommended to put a non-discrimination statement in all information distributed by the Town to comply with 28 CFR 35.106: [https://www.ada.gov/regs2010/titleII\\_2010/titleII\\_2010\\_regulations.htm#a35106](https://www.ada.gov/regs2010/titleII_2010/titleII_2010_regulations.htm#a35106).

#### *3.1.18 Town Ordinance Review*

Three (3) Town ordinances were reviewed for consistency with current accessibility requirements and standards.

#### Town Ordinance Review: Self-Evaluation Findings

- Title 3: Municipal Court
  - Town-wide non-discrimination statement is not included.
  - No information is provided regarding ADA policies and procedures.



### Town Ordinance Review: Self-Evaluation Findings (cont.)

- Title 4: Municipal Personnel
  - Town-wide non-discrimination statement is not included.
  - No information is provided regarding the ADA/504 Coordinators for Title I and Title II or the ADA Liaison Committee.
  - Chapter 4: Occupational Safety and Health Program -
    - This chapter does not mention compliance with federal and state requirements as a part of a safe and healthy work environment. This would include ADA compliance.
    - This chapter does not mention to consult with the Town's ADA/504 Coordinators to ensure ADA compliance.
- Title 16: Streets and Sidewalks
  - Town-wide non-discrimination statement is not included.
  - This title only mentions sidewalks and no other pedestrian elements such as curb ramps.
  - Chapter 1: Miscellaneous
    - Section 16-101 only mentions sidewalks and no other pedestrian elements such as curb ramps.
    - Section 16-104 references the building code for projecting signs, awnings, and the like. Once the Town adopts PROWAG, this section should be revised.
    - Section 16-107 this section talks about littering streets, alleys, sidewalks, and public property is prohibited. However, it does not mention who is responsible for maintenance.
    - Section 16-109 This section does not address maintaining pedestrian elements in ADA compliance.
    - Section 16-110 This section does not mention ADA compliant special events.
    - Section 16-113 This section does not include language regarding maintenance of pedestrian elements.
  - Chapter 2: Excavations
    - Section 16-206 This section does not mention the responsibility for the restoration of pedestrian elements.

### Town Ordinance Review: Possible Solutions

- Title 3: Municipal Court
  - The Town should develop a consistent Town-wide non-discrimination statement policy. It is recommended that the ordinance introduction section include this Town-wide non-discrimination statement to ensure that all readers know that the Town does not discriminate. Please note, this introduction section was not a part of the review. See Section 3.1.10 Non-Discrimination Policy.
  - **This title should be revised to include references regarding the Town's ADA policies and procedures for municipal court and the Town.**
- Title 4: Municipal Personnel
  - The Town should develop a consistent Town-wide non-discrimination statement policy. It is recommended that the ordinance introduction section include this Town-wide non-discrimination statement to ensure that all readers know that the Town does not discriminate. Please note, this introduction section was not a part of the review. See Section 3.1.10 Non-Discrimination Policy.
  - This title should be revised to include information for the ADA/504 Coordinators for Title I and Title II and the ADA Liaison Committee.



### Town Ordinance Review: Possible Solutions (cont.)

- Chapter 4: Occupational Safety and Health Program -
  - This chapter should be revised to include information regarding federal and state requirements as a part of a safe and healthy work environment, such as ADA guidance that the Town utilizes.
  - This chapter should be revised to include language directing a consultation with the Town's ADA/504 Coordinators to ensure ADA compliance.
  
- Title 16: Streets and Sidewalks
  - The Town should develop a consistent Town-wide non-discrimination statement policy. It is recommended that the ordinance introduction section include this Town-wide non-discrimination statement to ensure that all readers know that the Town does not discriminate. Please note, this introduction section was not a part of the review. See Section 3.1.10 Non-Discrimination Policy.
  - This title should be revised to include information regarding other pedestrian elements such as curb ramps.
  - Chapter 1: Miscellaneous
    - Section 16-101 should be revised to include curb ramps or pedestrian elements such as sidewalk and curb ramps.
    - Section 16-104 should be revised to include information regarding PROWAG once the Town has adopted it.
    - Section 16-107 should be revised to include information on who is responsible for maintaining pedestrian elements in ADA compliance. In addition, this section should also reference Section 16-109.
    - Section 16-109 should be revised to include information on who is responsible for maintaining pedestrian elements in ADA compliance
    - Section 16-110 should be revised to include information regarding ADA compliant special events such as specific requirements or a reference to a Town drafted document for special event guidance. The Mid-Atlantic ADA Center provides guidance here: <https://www.adainfo.org/content/access-events-article>
    - Section 16-113 should be revised to include information on who is responsible for maintaining pedestrian elements in ADA compliance.
  - Chapter 2: Excavations
    - Section 16-206 should be revised to include information on who is responsible for the restoration of pedestrian elements.

### *3.1.19 Previous ADA Complaints (Title I & II) Review*

All public entities must ensure that no qualified individual with disabilities be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program, service, or activity administered by that entity.

A review of previous ADA complaints from the past five (5) years is necessary to ensure that all complaints have been addressed and updated in the Transition Plan.

### Previous ADA Complaints Review (Title I & II): Self-Evaluation Findings

The Town is aware of one Title II complaint over the past five (5) years.



### Previous ADA Complaints Review (Title I & II): Possible Solutions

- The Town should continue to maintain confidential complaint/request files and ADA complaint/request logs. Logs for both Title I and Title II should include detailed information.
  - Logs for Title I shall be confidential and should include an internal complaint number, extensive details about the complaint and process, as well as details regarding the resolution.
  - Logs for Title II shall be confidential and should include an internal complaint number, extensive details regarding the complaint and process, which would include locations and pictures, and details regarding the complaint resolution.

## 3.2 Programs, Services, and Activities (PSA) Review

All PSAs were researched and evaluated for ADA compliance. All PSAs mentioned in Section 3.1 were integrated into this section (Section 3.2). This review was based on what is accessible to the public on the Town of Smyrna website, as well as department-specific questions that were submitted to the Town.

### *3.2.1 Boards, Commissions, Committees, and Councils Review*

The Town website provides various information regarding the **Town's** boards, commissions, committees, and councils. These groups are listed below:

- Arts Commission
- Athletics Committee
- Beer Board
- Board of Adjustment & Appeals
- Historic Zoning Commissions
- Industrial Development Board
- Town Council
- Packaged Liquor Boards
- Parks Advisory Board
- Planning Commission
- Sister City Committee
- Smyrna Charity Assistance Fund Board
- Storm Water Committee

### Boards, Commissions, Committees, and Councils Review: Self-Evaluation Findings

- Most meetings are open to the public and are believed to be held in accessible facilities. However, ADA checklists are not always used to determine compliance.
- **All agendas are posted on the Town's website. However, they are not available in alternate formats, nor does the Town have an alternate format policy and procedure.**
- The Town does not have a Town-wide non-discrimination statement.
- The disability community does not appear to be included in the member selection process. However, public comment opportunities are available.
- Member openings and meeting notices are advertised in various formats. However, the Town does not have an alternate format policy and procedure.
- The Member appointment process and eligibility requirements apply. However, these requirements are not available for view by employees and the public.



### Boards, Commissions, Committees, and Councils Review: Self-Evaluation Findings (cont.)

- ADA specific training is not provided to members.

### Boards, Commissions, Committees, and Councils Review: Possible Solutions

- The Town should develop and use checklists to ensure ADA compliance for ADA compliant meeting locations. While this is not a specific ADA requirement, this checklist would benefit the Town by ensuring that all meeting locations are accessible to the public.
- The Town should develop an alternate format policy, procedure, and request form. See Section 3.1.12 Alternate Format Policy, Procedure, and Request Form.
- The Town should develop a Town-wide Non-Discrimination Statement Policy for Title II and include this statement in all meeting agenda and minutes. See Section 3.1.10 Non-Discrimination Language.
- The Town should provide opportunities for the disability community to provide input regarding the member selection process, when applicable. This may include advertising the need for input with local disability organizations. See Section 2.0 Public Outreach.
- The Town should post the member appointment process and eligibility requirements for view by employees and the public.
- The Town should provide annual ADA specific training to all members regarding Title I and Title II. This training should include policies and procedures developed from this transition plan process, employee rights and obligations regarding employment-related training, as well as training for ADA elements within the public rights-of-way. While training is not a specific ADA requirement, as a Title II entity, the Town is obligated to provide equal access to programs, services, and activities. Furthermore, this training would provide individuals with the tools needed to ensure ADA compliance.

### *3.2.2 Documents, Forms, and Videos Reviewed*

The Town website provides various documents, forms, and videos that are available to the public. For a complete listing of documents, forms, and videos reviewed, see Appendix D.

### Documents and Forms Videos Reviewed: Self-Evaluation Findings

- The Town does not have alternate formats readily available for every document, form, or video.
- The Town does not have a policy or procedure in place to address alternate formats. Alternate formats are auxiliary aids, services, or devices that enable effective communication for individuals with disabilities.
- The Town **does not have a disclaimer statement to communicate the Town's perspective on ADA compliance** regarding content on another entity's site, links, forms, documents, videos, or podcasts that are represented on **the Town's website**.
- The Town does not have a Town-wide Non-Discrimination Statement Policy for Title II that includes this statement in the information that is distributed by the Town.



### Documents and Forms Reviewed: Possible Solutions

- Each Department liaison should develop a list of all documents and forms for their Department. The list should include the document or form name, location(s) where it can be found (office location, website link), what alternate formats are available, and how the formats can be obtained. This list should be updated continuously as documents and forms are created and revised. The forms should be reviewed for ADA compliance. Section 508 Compliant PDF Checklist is provided here:  
<https://508compliantdocumentconversion.com/compliance-regulations/pdf-compliance-checklist/>
- The Town should develop an alternate format policy, procedure, and request form. See Section 3.1.12 Alternate Format Policy, Procedure, and Request Form.
- **The Town should develop a disclaimer statement to communicate the Town's perspective on ADA compliance regarding content on another entity's site, links, forms, documents, videos or podcasts that are represented on the Town's website. See Section 3.1.13 Responsibility / Acceptance Disclaimer for Other Entities' Links, Forms, Documents, Videos, and Podcasts.**
- The Town should develop guidelines to assist staff in providing closed captioning or transcripts for videos that are available to all employees and the public. These guidelines shall include the process to add closed captioning or use the vendor database to purchase closed captioning or transcription services.
- The Town should develop a consistent Town-wide non-discrimination statement policy. See Section 3.1.10 Non-Discrimination Policy.

### 3.2.3 *Cursory Website Review*

A cursory review of the Town website was completed using the WAVE Accessibility Tool. This review consisted of **evaluating various links located on the Town's website**. See below for a listing of 10 key evaluation points that were reviewed.

- Informational images for alternative text
- Decorative images for alternative text
- Video or audio content that does not have captioning
- Forms on website
- Text resizing
- Lynx Browser
- Navigating the website without the use of a mouse
- Site map
- Ensuring link text makes sense out of context
- Automated program
- Audio CAPTCHA Accessibility Criteria



### Cursory Website Review: Self-Evaluation Findings

- Informational Images for Alternate Text:  
When placing the cursor over the changing picture banner at the top of the page, no text boxes appear to accurately describe any of the changing pictures.
- Automated program:  
An accessibility evaluation tool that embeds online accessibility feedback into web content. The following was found:
  - 8 Errors
  - 364 Alerts
  - 20 Features
  - 107 Structural Elements
  - 22 HTML5 and ARIA
  - 0 Contrast Error

### Cursory Website Review: Possible Solutions

- Informational Images for Alternate Text:  
The images should have text boxes showing when placing the cursor over the changing picture banner at the top of the page. These text boxes should describe the picture and the description should describe the subsequent pages that are being communicated by the image.
- Automated program:  
The automated accessibility evaluation tool provides details regarding online accessible web content. This review suggests there are elements that are compliant, as well as elements that need to be brought into compliance. The Town should evaluate the entire website for ADA compliance. See below website link for more information regarding an explanation of WAVE and how you can make your page more accessible.  
<http://wave.webaim.org/report#/https://www.townofsmyrna.org/home>
- A complete summary of the cursory website review is provided in Appendix D.

### *3.2.4 Non-Discrimination Language for Contracts, Agreements, and Waivers*

All public entities must ensure that no qualified individual with disabilities be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program, service, or activity administered by that entity. In doing so, public entities should provide a statement in all agreements and contracts with the Town to ensure non-discrimination for both parties and to clarify accessibility obligations.

A complete list of documents reviewed is provided in Appendix D.

### Non-Discrimination Language for Contracts, Agreements, and Waivers: Self-Evaluation Findings

All documents reviewed did not contain ADA language that would clarify ADA responsibilities and obligations.



### Non-Discrimination Language for Contracts, Agreements, and Waivers: Possible Solutions

The Town should develop guidelines to assist the appropriate staff in writing non-discrimination language to be included in all Town contracts and agreements. This non-discrimination language would need to be assessed by legal counsel on a case-by-case basis. These guidelines shall include language that clarifies responsibilities regarding ADA maintenance, alterations, and construction.

#### *3.2.5 Effective Communication Efforts and Policy*

The ADA requires that all Title II entities communicate effectively with people who have communication disabilities by providing auxiliary aids and services. The goal is to ensure that communication with individuals with disabilities is equally effective as communication with people without disabilities.

Auxiliary aids and services are ways to communicate with individuals with disabilities. The type of auxiliary aids and services are assessed on a case-by-case basis. Auxiliary aids and services must be provided free of charge and provided in accessible formats, in a timely manner, and must be provided in a way that ensures individual privacy and independence. Examples of common auxiliary aids and services include, but are not limited to:

- Sign Language Interpreters
- Written materials
- Closed Captioning
- Real-time captioning
- Audio recordings
- Materials and displays in braille
- Large print materials
- Accessible electronic and information technology
- Assistive listening devices and systems

### Effective Communication Efforts and Policy: Self-Evaluation Findings

The Town does not have Town-wide specific guidelines or policies and procedures regarding effective communication.

### Effective Communication Efforts and Policy: Possible Solutions

The Town should develop guidelines regarding effective communication efforts. These efforts should be effective by providing auxiliary aids and services to individuals who have communication disabilities. These guidelines should be **consistent with the U.S. Department of Justice's guidance for "Effective Communication."** This guidance can be found here: <https://www.ada.gov/pcatoolkit/chap2toolkit.htm>



### 3.2.6 Design Standard Review

The Town of Smyrna Code of Ordinances Chapter 12, Design Review Manual (2014), Land Development Handbook (December 2007), Subdivision Regulations (July 2009) and Design Guidelines for the Front Street Historic District (January 2017) were reviewed for compliance with 2010 Standards for Accessible Design, and 2011 PROWAG.

#### Design Standard Review: Self-Evaluation Findings

The Town Code of Ordinances, section 12-101 states that the 2012 edition of the International Building Code has been adopted and incorporated by reference. Chapter 12 of the International Building Code includes all requirements for accessibility and are consistent with those established under the 2010 Standards for Accessible Design.

The Town Code of Ordinances, section 12-301 states that the current version of the Standard Specifications for Bridge and Road Construction of the Tennessee Department of Transportation is adopted and incorporated by reference.

The Design Review Manual, Land Development Handbook, Subdivision Regulations or the Design Guidelines for the Front Street Historic District include any language that refers to accessibility related codes or standards. At a minimum, the design standards in place should refer to any adopted codes (2012 International Building Code).

#### Design Standard Review: Possible Solutions

A complete list of possible solutions is provided in Appendix E.

## 3.3 Facilities Review

### 3.3.1 Buildings

Ten (10) buildings within the Town of Smyrna were evaluated. All buildings included in the evaluation are listed in Table 1 and shown on the map in Appendix F.

Table 1. Summary of Buildings Reviewed

Buildings	
1. Town Hall	315 South Lowry Street
2. Judicial Center	400 Enon Springs Road East
3. Rutherford County EMS	440 Enon Springs Road East
4. Fire Station #1	401 Enon Springs Road West
5. Fire Station #2	444 Fitzhugh Boulevard
6. Fire Station #3	630 Enon Springs Road East
7. Fire Station #4	145 South Lowry Street
8. Fire Station #5	2200 Rock Springs Road
9. Fire Station #6	3640 Morton Lane
10. Meeting Hall	140 Richardson Street



Buildings: Self-Evaluation Findings

Areas that were evaluated for each building included parking lots, path of travel from the parking lot to the building, access into the building, signage, drinking fountains, telephones, bathrooms, and counter heights. A complete list of issues is provided in the building facility reports (see Appendix G). Common issues identified included:

- Non-compliant accessible parking
- Non-compliant public areas
- Non-compliant restrooms/drinking fountains
- Non-compliant exterior accessible route

Buildings: Possible Solutions

A complete list of possible solutions is provided in the building facility reports (see Appendix G).

3.3.2 Parks

Sixteen (16) parks within the Town of Smyrna were evaluated. All parks included in the evaluation are listed in Table 2 and shown on the map in Appendix F.

Table 2. Summary of Parks Reviewed

Parks	
1. Assembly Hall	110 Front Street
2. Smyrna Train Depot and Gazebo	98 Front Street
3. Gregory Mill Park	390 Enon Springs Road East
4. Hilltop-Rosenwald Park	565 Mason Tucker Drive
5. Lee Victory Recreation Park	110 Sam Ridley Parkway East
6. Outdoor Adventure Center/Parks and Rec Office/Smyrna Event Center	100 Sam Ridley Parkway East
7. Paul Johns Neighborhood Park	2900 Iona Drive
8. Pioneer Park	203 Pioneer Drive
9. J.J. McWilliams Old Rock School Park	402 Enon Springs Road West
10. Rotary Soccer Park	300 Soccer Way
11. Sharp Springs Park	311 Jefferson Pike
12. Smyrna Golf Course	101 Sam Ridley Parkway East
13. Todd Lane Baseball Complex	210 Todd Lane
14. Volunteer Park	8 <sup>th</sup> Avenue
15. Westfork Neighborhood Park	130 Wade Herrod Road
16. Rotary Soccer Annex	300 Soccer Way

Parks: Self-Evaluation Findings

Areas that were evaluated for each park included parking lots, path of travel from the parking lot to the park amenities, access into facilities, signage, drinking fountains and restrooms. A complete list of issues is provided in the park facility reports (see Appendix G). Common issues identified included:



- Non-compliant accessible parking
- Non-compliant walking paths
- Non-compliant park amenities
- Non-compliant restrooms/drinking fountains

#### Parks: Possible Solutions

A complete list of possible solutions is provided in the park facility reports (see Appendix G).

#### 3.3.3 *Paved Trails*

The paved trail corridor evaluations documented conditions and measurements along the pedestrian path of travel, which includes the paved trail, curb ramps, and pedestrian crossings at unsignalized intersections with cross streets. Approximately eleven (11) miles of trail were evaluated. A map of the evaluated greenway corridors is provided in Appendix F.

#### Paved Trails: Self-Evaluation Findings

A complete list of issues is provided in the paved trail facility reports (see Appendix G). Common issues identified included:

- Heaving
- Obstruction

#### Paved Trails: Possible Solutions

A complete list of possible solutions is provided in the paved trail facility reports (see Appendix G).

#### 3.3.4 *Signalized Intersections*

Thirty (30) signalized intersections within the Town of Smyrna were evaluated. Signalized intersection evaluations cataloged the conditions and measurements along the pedestrian path of travel, which includes street crossings, curb ramps, sidewalk adjacent to the curb ramps, and pedestrian signal equipment and adjacent clear spaces.

All signalized intersections included in the evaluation are listed on a map included in Appendix F.

#### Signalized Intersections: Self-Evaluation Findings

Common curb ramp issues included excessive landing running slopes and cross slopes, excessive flare cross slopes, no presence of color contrast or texture contrast, and excessive curb ramp running slopes and cross slopes. Table 3 provides a summary of the curb ramp issues at signalized intersections.

About forty (40) percent of pedestrian crossings at signalized intersections did not have pedestrian signal heads or pedestrian push buttons. Pedestrian push buttons and signal heads were recommended to be installed at all signalized intersection pedestrian crossings where they did not exist. Common issues associated with the existing pedestrian push buttons included non-existent or inaccessible push button clear spaces, excessive push button clear cross slopes, push buttons installed at locations inconsistent with the current *Tennessee Manual on Uniform Traffic Control Devices (Tennessee MUTCD)* guidance, and excessive push button heights. Table 4 provides a summary of the push button issues.



Signalized Intersections: Possible Solutions

A complete list of possible solutions can be found in the signalized intersection reports provided in Appendix G.

Table 3. Summary of Curb Ramp Issues at Signalized Intersections

Curb Ramp Element	Number Evaluated	Number Compliant	Percent Compliant
Curb ramp does not have traversable sides	11	11	100.0%
Curb ramp lands in crosswalk	33	31	93.9%
Curbed sides at 90°	11	10	90.9%
<b>Curb ramp width ≥ 48"</b>	54	48	88.9%
<b>Curb ramp turning space (landing) cross slope ≤ 2%</b>	25	20	80.0%
<b>Flare cross slope ≤ 10%</b>	54	40	74.1%
Curb ramp present where curb ramp is needed	78	54	69.2%
<b>Curb ramp turning space (landing) running slope ≤ 2%</b>	25	17	68.0%
No ponding in curb ramp, turning space (landing), or flares	54	36	66.7%
<b>48" crosswalk extension exists</b>	41	23	56.1%
Flush transition to roadway exists	54	30	55.6%
<b>Curb ramp cross slope ≤ 2%</b>	54	27	50.0%
Curb ramp turning space (landing) exists	54	25	46.3%
<b>Curb ramp running slope ≤ 8.3%</b>	54	25	46.3%
No obstruction in curb ramp, turning space (landing), or flares	54	23	42.6%
<b>Curb ramp counter slope ≤ 5%</b>	54	20	37.0%
Detectable warning surface color contrasts with adjacent curb ramp surface	54	3	5.6%
Presence of detectable warning surface	54	3	5.6%



Table 4. Summary of Push Button Issues

Push Button Element	Number Evaluated	Number Compliant	Percent Compliant
Push button orientation is parallel to crossing direction	54	49	90.7%
<b>Push button height ≤ 48"</b>	54	41	75.9%
<b>Push button offset from curb ≤ 10'</b>	54	35	64.8%
<b>Clear space run slope ≤ 2%</b>	8	5	62.5%
<b>Push button offset from crosswalk ≤ 5'</b>	47	29	61.7%
<b>Clear space cross slope ≤ 2%</b>	8	4	50.0%
Pedestrian head exists where pedestrian head is needed	127	54	42.5%
Push button exists where push button is needed	128	54	42.2%
<b>Push button diameter is 2"</b>	54	21	38.9%
Clear space exists and can be accessed	54	7	13.0%

### 3.3.5 Sidewalk Corridors

The sidewalk corridor evaluations documented conditions and measurements along the pedestrian path of travel, which includes the sidewalk, railroad crossings, curb ramps, pedestrian crossings at driveway openings, and pedestrian crossings at unsignalized intersections with cross streets. Approximately seventy-nine (79) miles of sidewalk were evaluated. The included sidewalk corridors were selected due to their high level of pedestrian activity as well as their proximity to pedestrian traffic generators. A map of the evaluated sidewalk corridors is provided in Appendix F.

#### Sidewalk Corridors: Self-Evaluation Findings

Common issues along the sidewalk corridors were vertical surface discontinuities that caused excessive level changes, permanent obstructions in the sidewalk such as power poles or utilities, and temporary obstructions in the sidewalk or path of travel such as weeds and low hanging branches. Where excessive vegetation was present, field crews attempted to assess the condition of the underlying sidewalk. Where possible, the condition of the underlying sidewalk was recorded; however, the Town of Smyrna may find additional issues with the sidewalk once the temporary obstruction is removed.

Common curb ramp issues at unsignalized intersections along the sidewalk corridors included curb ramps having excessive landing running slopes and cross slopes, no presence of color contrast or texture contrast, landings having excessive running slopes and cross slopes, and excessive flare cross slopes. A summary of the unsignalized intersection curb ramp issues is provided in Table 5. Non-compliant curb ramps, sidewalk, and pedestrian paths of travel along driveways and street crossings at unsignalized interactions were recommended to be removed and replaced.

The ADA of 1990, Section 35.150, Existing Facilities, requires that the Transition Plan include a schedule for providing curb ramps or other sloped area at existing pedestrian walkways, which applies to all facilities constructed prior to 1992. For any sidewalk installations constructed from 1992 to March 15, 2012, the curb ramps should have been installed as part of the sidewalk construction project per the 1991 Standards for Accessible Design, Section 4.7



**Curb Ramp, which states, “curb ramps complying with 4.7 shall be provided wherever an accessible route crosses a curb.”** For sidewalk installations constructed on or after March 15, 2012, similar guidance is provided in the 2010 Standards for Accessible Design, Section 35.151 of 28 Code of Federal Regulations (CFR) Part 35, New Construction and Alterations, which states, **“newly constructed or altered street level pedestrian walkways must contain curb ramps or other sloped area at any intersection having curb or other sloped area at intersections to streets, roads, or highways.”**

#### Sidewalk Corridors: Possible Solutions

To meet the federal requirements for curb ramp installations, the following recommendations were made:

- Where sidewalk leads up to the curb at an intersection, both parallel and perpendicular to the project corridor, two (2) directional curb ramps were recommended to be installed where geometry permitted. PROWAG requires two (2) directional curb ramps be installed during modifications unless there are existing physical constraints.
- Where sidewalk parallel to the project corridor leads up to the curb at a driveway, directional curbs ramps were recommended to be installed to serve the driveway crossing.
- Where diagonal curb ramps were installed with the intent to serve a side-street crossing only, receiving curb ramps are still required to be installed on the opposite side of the major street. However, an engineering study should be performed prior to the installation of the receiving curb ramps to determine if the major street crossing is safe to accommodate. If the engineering study determines the major street crossing is unsafe to accommodate, the existing diagonal curb ramps should be removed and replaced with directional curb ramps in addition to the other requirements noted in Section 3.5 Federal Highway Administration (FHWA) Guidance on Closing Pedestrian Crossings.

The following possible solutions were made to improve pedestrian safety and are incorporated into the unsignalized intersection and driveway reports. These improvements are based on engineering judgement but are not required by federal accessibility standards.

- For all existing, unmarked pedestrian street crossings at unsignalized intersections, the installation of crosswalk markings is recommended. Pedestrian street crossings are defined by the curb ramp installation recommendations on the previous page. The 2009 MUTCD states that on approaches controlled by STOP or YIELD signs, crosswalk markings should be installed where engineering judgement dictates markings are needed to provide guidance for pedestrians who are crossing roadways by defining and delineating paths on approaches where traffic stops. Additionally, in conjunction with signs and other measures, crosswalk markings help to alert road users of a designated pedestrian crossing point across roadways at locations that are not controlled by traffic control signals or STOP or YIELD signs.
- For pedestrian crossings across commercial driveways, detectable warning surfaces are recommended to be installed on curb ramps or sidewalk approaches on either side of the driveway. PROWAG states that detectable warning surfaces should not be provided at crossings of residential driveways since the pedestrian right-of-way continues across residential driveway aprons. However, where commercial driveways are provided with yield or stop control, detectable warning surfaces should be provided at the junction between the pedestrian route and the vehicular route.

A complete list of possible solutions can be found in the sidewalk, unsignalized intersection, and railroad crossing facility reports provided in Appendix G.



Table 5. Summary of Curb Ramp Issues at Unsignalized Intersections

Curb Ramp Element	Number Evaluated	Number Compliant	Percent Compliant
<b>Curb ramp width <math>\geq</math> 48"</b>	917	893	97.4%
Curb ramp lands in crosswalk	150	146	97.3%
Curbed sides at 90°	794	765	96.3%
Curb ramp does not have traversable sides	794	762	96.0%
No ponding in curb ramp, turning space (landing), or flares	917	782	85.3%
Curb ramp turning space (landing) exists	917	754	82.2%
<b>Curb ramp counter slope <math>\leq</math> 5%</b>	917	726	79.2%
No obstruction in curb ramp, turning space (landing), or flares	917	717	78.2%
<b>Curb ramp turning space (landing) cross slope <math>\leq</math> 2%</b>	754	557	73.9%
Curb ramp turning space (landing) running slope $\leq$ 2%	754	540	71.6%
<b>Curb ramp running slope <math>\leq</math> 8.3%</b>	917	625	68.2%
<b>Flare cross slope <math>\leq</math> 10%</b>	123	74	60.2%
<b>Curb ramp cross slope <math>\leq</math> 2%</b>	917	543	59.2%
Curb ramp present where curb ramp is needed	1,631	917	56.2%
<b>48" crosswalk extension exists</b>	173	79	45.7%
Flush transition to roadway exists	917	393	42.9%
Presence of detectable warning surface	917	198	21.6%
Detectable warning surface color contrasts with adjacent curb ramp surface	917	198	21.6%



### 3.4 Maintenance Versus Alterations

The United States Department of Justice (DOJ) has issued a briefing memorandum on clarification of maintenance versus alteration projects. Information contained in the briefing memorandum is below. We recommend this clarification with regard to when curb ramp installation is required as part of a project be distributed to the appropriate Town of Smyrna staff.

*The Americans with Disabilities Act of 1990 (ADA) is a civil rights statute prohibiting discrimination against persons with disabilities in all aspects of life, including transportation, based on regulations promulgated by the United States Department of Justice (DOJ). DOJ's regulations require accessible planning, design, and construction to integrate people with disabilities into mainstream society. Further, these laws require that public entities responsible for operating and maintaining the public rights-of-way do not discriminate in their programs and activities against persons with disabilities. FHWA's ADA program implements the DOJ regulations through delegated authority to ensure that pedestrians with disabilities have the opportunity to use the transportation system's pedestrian facilities in an accessible and safe manner.*

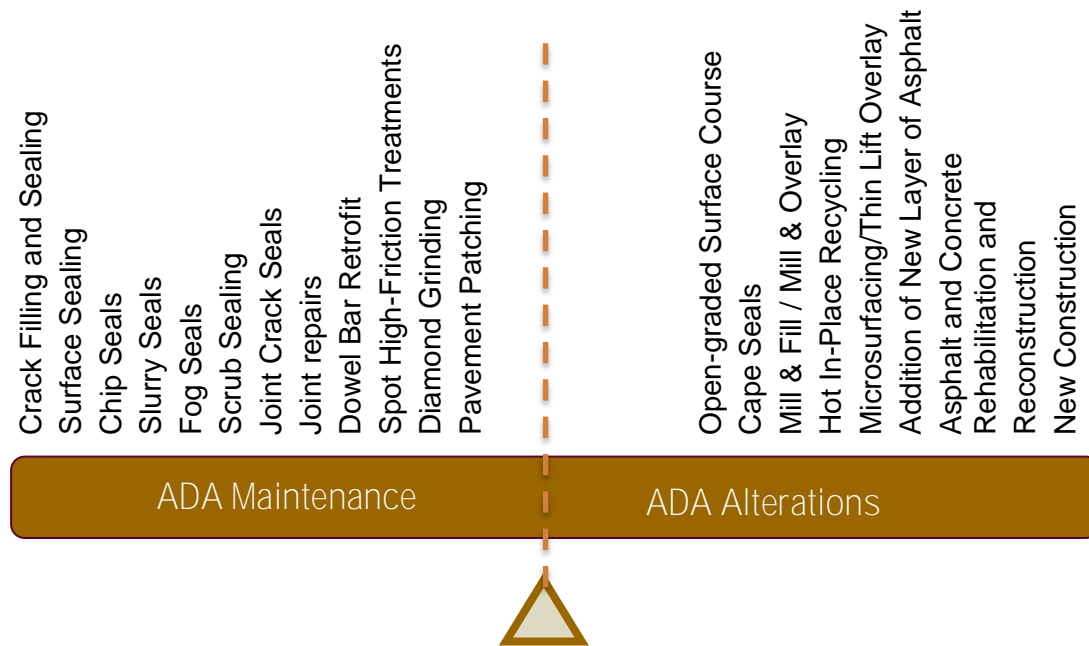
*FHWA and DOJ met in March 2012 and March 2013 to clarify guidance on the ADA's requirements for constructing curb ramps on resurfacing projects. Projects deemed to be alterations must include curb ramps within the scope of the project.*

*This clarification provides a single Federal policy that identifies specific asphalt and concrete-pavement repair treatments that are considered to be alterations – requiring installation of curb ramps within the scope of the project – and those that are considered to be maintenance, which do not require curb ramps at the time of the improvement. Figure 1 provides a summary of the types of projects that fall within maintenance versus alterations.*

*This approach clearly identifies the types of structural treatments that both DOJ and FHWA agree require curb ramps (when there is a pedestrian walkway with a prepared surface for pedestrian use and a curb, elevation, or other barrier between the street and the walkway) and furthers the goal of the ADA to provide increased accessibility to the public right-of-way for persons with disabilities. This single Federal policy will provide for increased consistency and improved enforcement.*



Figure 1. Maintenance versus Alteration Projects



Source: DOJ Briefing Memorandum on Maintenance versus Alteration Projects

### 3.5 FHWA Guidance on Closing Pedestrian Crossings

An alteration that decreases or has the effect of decreasing the accessibility of a facility below the requirements for new construction at the time of the alteration is prohibited. For example, the removal of an existing curb ramp or sidewalk (without equivalent replacement) is prohibited. However, the FHWA has indicated a crossing may be closed if an engineering study (performed by the Town and not included in the scope of this Transition Plan) determines the crossing is not safe for any user. The crossing should be closed by doing the following:

- A physical barrier is required to close a crossing at an intersection. FHWA has determined that a strip of grass between the sidewalk and the curb IS acceptable as a physical barrier.
- A sign should be used to communicate the closure.

The agency wishing to close certain intersection crossings should have a reasonable and consistent policy on when to do so written in their Transition Plan or as a standalone document. If safety concerns are established by an engineering study, a pedestrian crossing should not be accommodated for any user. The Town of Smyrna should also develop and implement a policy on how to close those crossings that are accommodated based on the existing conditions at the crossing location (e.g., existing sidewalk leading up to the curb in the direction of the crossing or existing curb ramp or crosswalk serving the crossing), but should not be due to safety concerns.



## 3.6 Prioritization

The following sections outline the prioritization factors and results of the prioritization for buildings, parks, signalized intersections, sidewalks, unsignalized intersections, and paved trails. Each facility type has a different set of parameters to establish the prioritization for improvements. These prioritization factors were taken into consideration when developing the implementation plan for the proposed improvements.

### 3.6.1 Prioritization Factors for Facilities

Buildings and parks were prioritized on a 12-point scale, which is defined in Table 6. This prioritization methodology was developed by the Consultant Team to aid the Town in determining how the buildings should be prioritized for improvements based on the severity of non-compliance with ADA.

Signalized intersections were prioritized on a 13-point scale. The 13-point scale, which is used to prioritize both signalized and unsignalized intersections, is defined in Table 7. This prioritization methodology was developed by the Consultant Team to aid the Town in determining which signalized intersections should be prioritized for improvements over other signalized intersections based on the severity of non-compliance with ADA.

Sidewalk corridors were prioritized on a 3-point scale **and were given a priority of either “High”, “Medium”, “Low”** based on the severity of non-compliance, which is defined in Table 8. Compliant segments of the sidewalk corridor **were given a priority label of “Compliant”**.

*[The remainder of this page intentionally left blank.]*



Table 6. Prioritization Factors for Buildings/Parks

Priority	Criteria
1 (high)	Complaint known or imminent danger present
2 (high)	<ul style="list-style-type: none"> <li>Element is more than twice the allowable requirement. No known complaint.</li> <li>AND (for exterior conditions) location is near a hospital, school, transit stop, government building, or other pedestrian attractor.</li> </ul>
3 (high)	<ul style="list-style-type: none"> <li>Element is more than twice the allowable requirement. No known complaint.</li> <li>AND (for exterior conditions) location is not near a hospital, school, transit stop, government building, or other pedestrian attractor.</li> </ul>
4 (high)	Issues with parking or exterior conditions (DOJ level 1) – moderately out of compliance
5 (medium)	Issues with access to goods and services (DOJ level 2) – severely out of compliance
6 (medium)	Issues with: <ul style="list-style-type: none"> <li>Access to goods and services (DOJ level 2) – moderately out of compliance;</li> <li>Parking or exterior conditions (DOJ level 1) – minimally out of compliance; OR</li> <li>Restrooms (DOJ level 3) – severely out of compliance</li> </ul>
7 (medium)	Issues with: <ul style="list-style-type: none"> <li>Access to goods and services (DOJ level 2) – minimally out of compliance;</li> <li>Restrooms (DOJ level 3) – moderately out of compliance; OR</li> <li>Drinking fountains or public phones (DOJ level 4 &amp; 5) – severely out of compliance</li> </ul>
8 (medium)	Issues with drinking fountains or public phones (DOJ level 4 & 5) - moderately out of compliance
9 (low)	Issues with restrooms (DOJ level 3) – minimally out of compliance
10 (low)	Issues with drinking fountains or public phones (DOJ level 4 & 5) - minimally out of compliance
11 (low)	<ul style="list-style-type: none"> <li>Client is a Title II agency; AND</li> <li>Elements out of compliance, but may be able to be handled programmatically or do not need to be handled unless or until the agency hires a person with a disability</li> </ul>
12 (low)	Element is fully compliant with an older standard (safe-harbored), but will need to be brought into compliance with current standards if altered



Table 7. Prioritization Factors for Signalized and Unsignalized Intersections

Priority	Criteria
1 (high)	Complaint filed on curb ramp or intersection or known accident/injury at site
2 (high)	Existing curb ramp with any of the following conditions: <ul style="list-style-type: none"> <li>• Running slope &gt; 12%</li> <li>• Cross slope &gt; 7%</li> <li>• Obstruction to or in the curb ramp or landing</li> <li>• Level change &gt; ¼ inch at the bottom of the curb ramp</li> <li>• No detectable warnings</li> </ul> AND within a couple of blocks of a hospital, retirement facility, medical facility, parking garage, major employer, disability service provider, event facility, bus/transit stop, school, government facility, public facility, park, library, or church, based on field observations.
3 (high)	<ul style="list-style-type: none"> <li>• No curb ramp where sidewalk or pedestrian path exists</li> </ul> AND within a couple of blocks of a hospital, retirement facility, medical facility, parking garage, major employer, disability service provider, event facility, bus/transit stop, school, government facility, public facility, park, library, or church, based on field observations.
4 (high)	No curb ramps, but striped crosswalk exists
5 (medium)	Existing curb ramp with any of the following conditions: <ul style="list-style-type: none"> <li>• Running slope &gt; 12%</li> <li>• Cross slope &gt; 7%</li> <li>• Obstruction to or in the curb ramp or landing</li> <li>• Level change &gt; ¼ inch at the bottom of the curb ramp</li> <li>• No detectable warnings</li> </ul> AND NOT within a couple of blocks of a hospital, retirement facility, medical facility, parking garage, major employer, disability service provider, event facility, bus/transit stop, school, government facility, public facility, park, library, or church, based on field observations.
6 (medium)	<ul style="list-style-type: none"> <li>• No curb ramp where sidewalk or pedestrian path exists</li> </ul> AND NOT within a couple of blocks of a hospital, retirement facility, medical facility, parking garage, major employer, disability service provider, event facility, bus/transit stop, school, government facility, public facility, park, library, or church, based on field observations.
7 (medium)	Existing diagonal curb ramp (serving both crossing directions on the corner) is non-compliant and should be replaced with two curb ramps, one serving each crossing direction on the corner.
8 (medium)	Existing curb ramp with any of the following conditions: <ul style="list-style-type: none"> <li>• Cross slope &gt; 5%</li> <li>• Width &lt; 36 inches</li> <li>• Median/Island crossings that are inaccessible</li> </ul>
9 (low)	Existing curb ramp with either running slope between 8.3% and 11.9% or insufficient turning space
10 (low)	Existing diagonal curb ramp without a 48-inch extension into the crosswalk
11 (low)	Existing pedestrian push button is not accessible from the sidewalk and/or curb ramp
12 (low)	Existing curb ramp with returned curbs where pedestrian travel across the curb is not protected
13 (low)	All other intersections not prioritized above



Table 8. Prioritization Factors for Sidewalk Corridors

Criteria	Priority		
	1 (high)	2 (medium)	3 (low)
Cross slope of sidewalk is greater than 2%	Value > 3.5%	3.5% ≥ Value > 2.0%	
Width of sidewalk is less than 48 inches	<b>Value ≤ 36.0"</b>	36.0" < Value < 42.0"	42.0" < Value < 48.0"
Obstruction present along sidewalk	Obstruction - Permanent	Obstruction - Temporary	
Heaving, sinking, or cracking present on sidewalk	Heaving Sinking Cracking		
Ponding on sidewalk		Ponding	
Missing sidewalk			Missing Sidewalk
Signalized cross street cross slope is greater than 5%	Value > 9.0%	9.0% ≥ Value ≥ 7.0%	7.0% > Value > 5.0%
Unsignalized cross street cross slope is greater than 2%	Value > 6.0%	6.0% ≥ Value ≥ 4.0%	4.0% > Value > 2.0%
Cross street running slope is greater than 5%	Value > 7.0%	7.0% ≥ Value ≥ 6.0%	6.0% > Value > 5.0%
Driveway sidewalk width is less than 48 inches	<b>Value ≤ 36.0"</b>	36.0" < Value < 42.0"	42.0" < Value < 48.0"
Driveway (or sidewalk if applicable) cross slope is greater than 2%	Value > 6.0%	6.0% ≥ Value ≥ 4.0%	4.0% > Value > 2.0%
Driveway (or sidewalk if applicable) condition is poor or poor dangerous	Elevation change greater than 1/2 inch or gaps greater than 1 inch	Elevation change between 1/4 inch and 1/2 inch or gaps between 1/2 inch and 1 inch	
Railroad crossing excessive sidewalk vertical discontinuity	Elevation change greater than 1/4 inch or gaps greater than 1 inch)		
Railroad crossing pre-fabricated plate is plastic or does not exist	Yes – Plastic or No		
Railroad crossing flangeway gap is greater than 3 inches	Value > 3.0"		
Railroad crossing is missing detectable warning surface(s)	Yes / No		



Table 9, Table 10, and Table 11 provide summaries of the prioritization classifications for signalized intersections, sidewalks, and unsignalized intersections, respectively.

Table 9. Prioritization Summary Signalized Intersections

Priority	Number of Intersections
0 (compliant)	9
1 (high)	0
2 (high)	10
3 (high)	0
4 (high)	0
5 (medium)	8
6 (medium)	1
7 (medium)	0
8 (medium)	0
9 (low)	1
10 (low)	0
11 (low)	1
12 (low)	0
13 (low)	0
Total	30

Table 10. Prioritization Summary for Sidewalk Corridors

Line type	Length (miles) by Priority				
	1 (high)	2 (medium)	3 (low)	Compliant	Total
Sidewalks	11.40	15.86	0.87	47.11	75.23
Driveways	1.99	2.53	2.33	4.12	10.97
Cross Streets	0.17	0.33	1.05	2.29	3.84
Total	13.56	18.73	4.24	53.52	90.04



Table 11. Prioritization Summary for Unsignalized Intersections

Priority	Number of Intersections
0 (compliant)	16
1 (high)	0
2 (high)	128
3 (high)	9
4 (high)	4
5 (medium)	302
6 (medium)	60
7 (medium)	0
8 (medium)	1
9 (low)	19
10 (low)	1
11 (low)	0
12 (low)	0
13 (low)	153
Total	693



### 3.7 Conclusion

This document serves as the ADA Transition Plan for the Town of Smyrna. In developing the Transition Plan, PSAs were reviewed for compliance with ADA guidelines and a Self-Evaluation was conducted on the following facilities:

- 10 buildings;
- 15 parks;
- 11 miles of paved trails and all unsignalized intersections and driveways along the trails;
- 30 signalized intersections; and
- 79 miles of sidewalk and all unsignalized intersections and driveways along the sidewalk corridors.

The possible solutions were prioritized and an implementation plan was developed to provide guidance for the Town's **improvement projects in the coming years**. Public outreach was also conducted to aid in the development of the plan.

The Town is taking the actions referenced below and will continue to look for and remedy barriers to access to ensure that Smyrna citizens who are disabled are given access to the Town's PSAs.

To confirm follow-up on corrective actions required under the Transition Plan, the Town will institute an ADA Action Log, documenting its efforts at compliance with the ADA. At a minimum, the Action Log will identify items that are not ADA compliant and will include anticipated completion dates. After the adoption of the Transition Plan by the governing body of the Town, the ADA Action Log will be updated on an annual basis. The ADA Action Log should be available upon request. See example of ADA Action Log provided in Appendix H.

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## 4.0 Staff Training

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Training was provided to Town staff to address some of the issues identified in the departmental surveys and interviews. The following training sessions were provided by the Consultant Team:

- September 11, 2019 – (ADA0030) Orientation for ADA Liaison Teams: (3 hours)
- September 11, 2019 – (ADA0020) Disability Awareness and ADA Overview Customer Contact Staff: (3 hours)
- September 12, 2019 – (ADA0110) Emergency Personnel Training: (3 hours)
- September 12, 2019 – (ADA0020) Disability Awareness and ADA Overview Customer Contact Staff: (3 hours)

Descriptions of each training course are provided below:

### (ADA0030) Orientation for ADA Liaison Teams: (3 hours)

Accessology will train your staff to understand how to review and evaluate their department's existing policies and procedures for the Self-Evaluation process, required under Title II of the ADA. Findings and recommendations are based on staff evaluations and responses, and a work plan is developed for improving access for persons with disabilities. This is specific to policies and practices to ensure non-discrimination from department to department.

Town Staff in Attendance: 9

### (ADA0020) Disability Awareness and ADA Overview Customer Contact Staff: (3 hours)

Overview of the access criteria and requirements mandated for State and local government staff interacting with the public. Best practices for sensitive and respectful interactions are explained. Communication topics include correct language and etiquette, appropriate use of terminology, and dealing with service animals in public places. The training concludes with a brief overview of maintaining accessibility for people with disabilities.

Town Staff in Attendance: 45

### (ADA0110) Emergency Personnel Training: (3 hours)

This training is specific to the Fire Department and Police Department personnel on handling customers with **disabilities. What can and can't be said and what can and can't be done in the process of interrogating, holding and processing people with disabilities.**

Town Staff in Attendance: 10

### (ADA0020) Disability Awareness and ADA Overview Customer Contact Staff: (3 hours)

Overview of the access criteria and requirements mandated for State and local government staff interacting with the public. Best practices for sensitive and respectful interactions are explained. Communication topics include correct language and etiquette, appropriate use of terminology, and dealing with service animals in public places. The training concludes with a brief overview of maintaining accessibility for people with disabilities.

Town Staff in Attendance: 48



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## 5.0 Facility Costs

### 5.1 Facilities Cost Projection Overview

To identify funding sources and develop a reasonable implementation schedule, cost projection summaries for only the facilities evaluated were developed for each facility type. To develop these summaries, recent bid tabulations from the Tennessee Department of Transportation (TDOT) construction projects, along with Consultant Team experience with similar types of projects, were the basis for the unit prices used to calculate the improvement costs. A contingency percentage (20%) was added to the subtotal to account for increases in unit prices in the future in addition to an engineering design percentage (15%). All costs are in 2019 dollars. Table 12 provides a summary of the estimated costs to bring each facility into compliance.

Table 12. Summary of Facility Costs

Facility Type	Priority			
	High	Medium	Low	Total
Buildings	\$65,340	\$591,199	\$218,430	\$874,969
Parks	\$732,578	\$1,673,528	\$74,553	\$2,480,659
Paved Trails	\$498,376	\$781,975	\$34,149	\$1,314,500
Paved Trails Unsignalized Intersections	\$72,700	\$0	\$77,500	\$150,200
Signalized Intersections	\$724,800	\$656,800	\$90,000	\$1,471,600
Public Rights-of-Way Sidewalk	\$3,322,098	\$4,233,403	\$877,099	\$8,432,600
Public Rights-of-Way Unsignalized Intersections	\$1,766,800	\$6,184,200	\$407,900	\$8,358,900
Town Totals	\$7,182,692	\$14,121,105	\$1,779,631	\$23,083,428

### 5.2 Implementation Schedule

Table 13 details the barrier removal costs and proposed implementation schedule by facility type for all Town-owned facilities evaluated. This 30-year plan will serve as the implementation schedule for the Transition Plan. The Town of Smyrna reserves the right to change the barrier removal priorities on an ongoing basis to allow flexibility in accommodating community requests, petitions for reasonable modifications from persons with disabilities, and changes in Town programs.

It is the intent of the Town to have its ADA Coordinator work together with department heads and budget staff to determine the funding sources for barrier removal projects. Once funding is identified, the ADA Coordinator will coordinate the placement of the projects in the Capital Improvement Program (CIP) to be addressed on a fiscal year basis.



Table 13. Implementation Schedule

Facility Type	Estimated Cost	Implementation Schedule (years)	Approximate Annual Budget
Buildings	\$874,969	30	\$29,166
Parks	\$2,480,659	30	\$82,689
Paved Trails	\$1,314,500	30	\$43,817
Paved Trails Unsignalized Intersections	\$150,200	30	\$5,007
Signalized Intersections	\$1,471,600	30	\$49,053
Public Rights-of-Way Sidewalk	\$8,432,600	30	\$281,087
Public Rights-of-Way Unsignalized Intersections	\$8,358,900	30	\$278,630
Town Total	\$23,083,428		
Total Annual Budget			\$769,449

### 5.3 Funding Opportunities

Several alternative funding sources are available to the Town to complete the improvements in this Transition Plan. The funding opportunities include applying for resources at the federal and state level, consideration of local options, and leveraging private resources. The following sections detail some different funding source options.

#### 5.3.1 Federal and State Funding

Table 14 depicts the various types of federal and state funding available for the Town to apply for funding for various improvements. The following agencies and funding options are represented in the chart.

- BUILD – Better Utilizing Investments to Leverage Development Transportation Discretionary Grants
- INFRA – Infrastructure for Rebuilding America Discretionary Grant Program
- TIFIA – Transportation Infrastructure Finance and Innovation Act (loans)
- FTA – Federal Transit Administration Capital Funds
- ATI – Associated Transit Improvement (1% set-aside of FTA)
- CMAQ – Congestion Mitigation and Air Quality Improvement Program
- HSIP – Highway Safety Improvement Program
- NHPP – National Highway Performance Program
- STBG – Surface Transportation Block Grant Program
- TAP – Transportation Alternatives Set-Aside (formerly Transportation Alternatives Program)
- RTP – Recreational Trails Program
- SRTS – Safe Routes to School Program / Activities
- PLAN – Statewide Planning and Research (SPR) or Metropolitan Planning funds
- NHTSA 405 – National Priority Safety Programs (Nonmotorized safety)
- FLTTP – Federal Lands and Tribal Transportation Programs (Federal Lands Access Program, Federal Lands Transportation Program, Tribal Transportation Program, Nationally Significant Federal Lands and Tribal Projects)

Most of these programs are competitive type grants; therefore, the Town of Smyrna is not guaranteed to receive these funds. It will be important for the Town to track these programs to apply for the funds. Federal-aid funding programs have specific requirements that projects must meet, and eligibility must be determined on a case-by-case basis.



Table 14. Funding Opportunities

ACTIVITY	BUILD	INFRA	TIFIA	FTA	ATI	CMAQ	HSIP	NHPP	STBG	TA	RTP	SRTS	PLAN	NHTS	FLTP
Access enhancements to public transportation	X	X	X	X	X	X		X	X	X					X
ADA/504 Self-Evaluation / Transition Plan									X	X	X		X		X
Bus shelters and benches	X	X	X	X	X	X		X	X	X					X
Coordinator positions (state or local)						X			X	X		X			
Crosswalks (new or retrofit)	X	X	X	X	X	X	X	X	X	X	X	X			X
Curb cut and ramps	X	X	X	X	X	X	X	X	X	X	X	X			X
Paved shoulders for pedestrian use	X	X	X			X	X	X	X	X		X			X
Pedestrian plans				X					X	X		X	X		X
Recreational trails	X	X	X						X	X	X				X
Shared use paths / transportation trails	X	X	X	X	X	X	X	X	X	X	X	X			X
Sidewalk (new or retrofit)	X	X	X	X	X	X	X	X	X	X	X	X			X
Signs / signals / signal improvements	X	X	X	X	X	X	X	X	X	X		X			X
Signed pedestrian routes	X	X	X	X	X	X		X	X	X		X			X
Spot improvement programs	X	X	X	X			X	X	X	X	X	X			X
Stormwater impacts related to pedestrian projects	X	X	X	X	X		X	X	X	X	X	X			X
Trail bridges	X	X	X			X	X	X	X	X	X	X			X
Trail / highway intersections	X	X	X			X	X	X	X	X	X	X			X
Trailside and trailhead facilities	X	X	X						X	X	X				X
Training						X	X		X	X	X	X	X	X	
Tunnels / under crossings for pedestrians	X	X	X	X	X	X	X	X	X	X	X	X			X

Adapted from FHWA Pedestrian and Bicycle Funding Opportunities, Revised August 9, 2018:  
[https://www.fhwa.dot.gov/environment/bicycle\\_pedestrian/funding/funding\\_opportunities.cfm](https://www.fhwa.dot.gov/environment/bicycle_pedestrian/funding/funding_opportunities.cfm)



### 5.3.2 Local Funding

There are several local funding options for the Town to consider, including:

- Community Development Block Grants (CDBG)
- Community Improvement District (CID) – A geographically defined district in which commercial property owners vote to impose a self-tax. Funds are then collected by the taxing authority and given to a board of directors elected by the property owners.
- General fund (sales tax and bond issue)
- Scheduled/funded CIP projects that are funded through bonds
- Sidewalk or Access Improvement Fee
- Special tax districts – A district with the power to provide some governmental or quasi-governmental service and to raise revenue by taxation, special assessment, or charges for services.
- Tax Allocation District (TAD) – A defined area where real estate property tax monies gathered above a certain threshold for a certain period of time (typically 25 years) is to be used for a specified improvement. The funds raised from a TAD are placed in a tax-free bond (finance) where the money can continue to grow. These improvements are typically for revitalization and especially to complete redevelopment efforts.
- Tax Increment Financing District (TIF) – A TIF allows cities to create special districts and to make public improvements within those districts that will generate private-sector development. During the development period, the tax base is frozen at the predevelopment level. Property taxes continue to be paid, but taxes derived from increases in assessed values (the tax increment) resulting from new development either go into a special fund created to retire bonds issued to originate the development, or leverage future growth in the district.
- Transportation Reinvestment Zone
- Transportation User Fee / Street Maintenance Fee

### 5.3.3 Private Funding

Private funding may include local and national foundations, endowments, private development, and private individuals. While obtaining private funding to provide improvements along entire corridors might be difficult, it is important for the Town to require private developers to improve pedestrian facilities to current ADA requirements, whether it be by new development or redevelopment of an existing property.

## 5.4 Next Steps

The Town will begin internal coordination to address the programmatic barriers identified in the Transition Plan.

The Town will develop a budget to include the next 30 fiscal years. Projects identified in the ADA Transition Plan will be programmed within the 30-year budget based on the prioritization provided (see Section 3.6 Prioritization) and other factors determined by the Town, such as how barrier removal can be incorporated into existing Town projects identified for capital improvements.

The Town also intends to adopt 2011 PROWAG to enable Town enforcement of these guidelines throughout the design and construction process of pedestrian facilities in the public rights-of-way.



## Appendix

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### Appendix A: Public Outreach

*ADA Advisory Committee Kickoff Meeting Notes*

*ADA Advisory Committee Progress Meeting Notes*

*Public Workshop Meeting Flyer*

*Public Workshop Meeting Notes*

### Appendix B: Departmental Survey and Interview Finding Summaries

### Appendix C: Grievance Procedure

*Roles and Responsibilities of the ADA/504 Coordinator*

### Appendix D: Programs, Services, and Activities (PSA) Review

*Job Description Review*

*Equivalent Language Guidance*

*Documents, Forms, and Videos Review*

*Online Services Review*

*Cursory Website Review*

### Appendix E: Design Standard Review

### Appendix F: Facility Maps

*Buildings*

*Parks*

*Paved Trails*

*Signalized Intersections*

*Signalized Intersection – Priority Map*

*Public Rights-of-Way Sidewalk Corridors*

*Public Rights-of-Way Sidewalk Corridors – Priority Map*



## Appendix G: Facility Reports

*Buildings*

*Parks*

*Paved Trails*

*Signalized Intersections*

*Public Rights-of-Way Sidewalk Corridors*

## Appendix H: ADA Action Log