

Municipalities and Accessibility



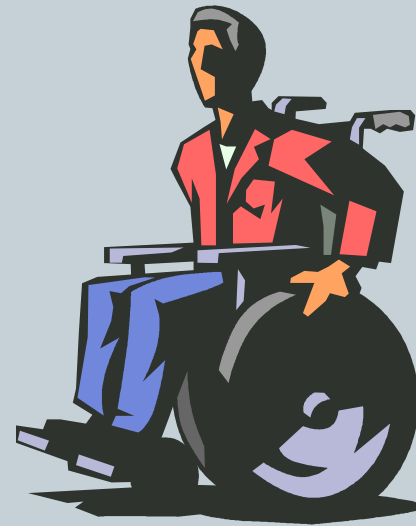
**PRESENTATION TO THE INNER CORE
COMMITTEE**

JANUARY 4, 2012

The Rehabilitation Act of 1973: Sec. 504



- The first major piece of legislation relating to handicapped access.
- Applies if you receive even \$1.00 of Federal funds.
- Many of the Section 504 requirements are now included in the ADA.



Americans with Disabilities Act



- Act was signed into law in 1990.
- It is considered civil rights legislation whose purpose is “to provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities...”

Americans with Disabilities Act



- Title I: Employment
- Title II: State and Local Government
- Title III: Private Entities
- Title IV: Telecommunications
- Title V: Miscellaneous

Sec. 504 and ADA requirements



- Designate an ADA coordinator.
- Provide notice of ADA requirements.
- Establish a grievance procedure.
- Conduct a self-evaluation by 1/26/93.
- Keep self-evaluation on file for 3 years.
- Develop a transition plan by 7/26/92.

MA Architectural Access Board (AAB)



- This is the state building code regulations that apply to accessibility.
- Covers areas of a building open to the public.
- Allows for variances.
- MA regulations in general have been more advanced than the federal regulations which are just now catching up.

Designate an ADA Coordinator



- State and local governments with 50 or more employees are required to designate one.
- Responsible for coordinating the efforts of the government entity to comply with Title II and to investigate any complaints.
- Must be a paid employee.

Provide notice of ADA Requirements



NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT

- In accordance with the requirements of title II of the Americans with Disabilities Act of 1990 ("ADA"), the **[name of public entity]** will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.
- **Employment:** **[name of public entity]** does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under title I of the ADA.
- **Effective Communication:** **[Name of public entity]** will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in **[name of public entity's]** programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.
- **Modifications to Policies and Procedures:** **[Name of public entity]** will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in **[name of public entity]** offices, even where pets are generally prohibited.
- Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of **[name of public entity]**, should contact the office of **[name and contact information for ADA Coordinator]** as soon as possible but no later than 48 hours before the scheduled event.
- The ADA does not require the **[name of public entity]** to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.
- Complaints that a program, service, or activity of **[name of public entity]** is not accessible to persons with disabilities should be directed to **[name and contact information for ADA Coordinator]**.
- **[Name of public entity]** will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

Establish a Grievance Procedure



- **[Name of public entity]
Grievance Procedure under The Americans with Disabilities Act**
 - This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the **[name of public entity]**. The **[e.g. State, City, County, Town]**'s Personnel Policy governs employment-related complaints of disability discrimination.
 - The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.
 - The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:
 - **[Insert ADA Coordinator's name]
ADA Coordinator [and other title if appropriate]
[Insert ADA Coordinator's mailing address]**
 - Within 15 calendar days after receipt of the complaint, **[ADA Coordinator's name]** or **[his/her]** designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, **[ADA Coordinator's name]** or **[his/her]** designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the **[name of public entity]** and offer options for substantive resolution of the complaint.
 - If the response by **[ADA Coordinator's name]** or **[his/her]** designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the **[City Manager/County Commissioner/ other appropriate high-level official]** or **[his/her]** designee.
 - Within 15 calendar days after receipt of the appeal, the **[City Manager/County Commissioner/ other appropriate high-level official]** or **[his/her]** designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the **[City Manager/County Commissioner/ other appropriate high-level official]** or **[his/her]** designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.
- All written complaints received by **[name of ADA Coordinator]** or **[his/her]** designee, appeals to the **[City Manager/County Commissioner/ other appropriate high-level official]** or **[his/her]** designee, and responses from these two offices will be retained by the **[public entity]** for at least three years.

Conduct a Self-Evaluation



- Evaluate whether all programs and services are accessible.
- Evaluate all public buildings for physical accessibility.
- Curb cut analysis.
- Employment self-evaluation.
- Community must keep self-evaluation on file for three years.

Develop a Transition Plan



- Transition plan lays out how the community will address deficiencies identified in the self-evaluation.
- There is no requirement for submitting the transition plan to the state and no one reviews or approves them.
- Transition plan covers program changes as well as physical alterations.

Enforcement



- Local complaints: Can be filed with municipality by any citizen or by trained Community Access Monitors.
- Dept. of Justice program: “Project Civic Access”
- DOJ can come to a municipality and ask to see policies and procedures.
- If these are not in place, they can enter into a settlement agreement with that municipality.
- Brookline, Nantucket and Springfield and most recently, in Saugus.
- <http://www.ada.gov/civicfac.htm>

Effective Communications



- State and local governments are required to take steps to ensure that their communications with people with disabilities are as effective as communications with others.
- Involves the use of auxiliary aids and services including but not limited to:
 - Interpreters
 - Computer-aided real-time transcription (CART)
 - Assistive listening systems
 - Text telephones (TTY) and video relay services
 - Braille or audio recordings.
 - Materials in electronic format.
 - E-mail and text messaging.

Effective Communications – Meeting Notices



- To request language assistance, American Sign Language interpreters, assistive listening devices, handouts in alternate formats, or information on the meeting, please contact Antoinette Whitmore at: antoinette.whitmore@state.ma.us, 617.973.8454.
- Sample language from an MBTA flyer for a meeting on the Assembly Square T station.

MAPC Accessibility Issues



A Wheelchair Tour of MAPC



- <http://youtu.be/3CwP6oIKIPQ>



MAPC Accessibility Issues



MAPC Accessibility Issues



Proposed Guidelines for Public Rights-of-Way



- Proposed guidelines address access to newly constructed and altered public streets and sidewalks.
- Covers:
 - Tactile warnings at transitions.
 - Accessible pedestrian signals.
 - Signalization at rotaries.
 - Objects that protrude into circulation paths.
 - Pedestrian access routes.
 - Transit stops and shelters.
 - On-street parking and passenger loading zones.
 - Street furniture and other elements.