

TRANSITION PLAN PROJECTS IN PROCESS OR COMPLETED

INTRODUCTION & BACKGROUND

In 2009 the city of Helena started the process of updating the current Transition Plan. Many improvements have been completed and many more are in process. All of the updates are intended to assure equal access is provided to all of the city of Helena's public facilities, programs, services and activities for citizens with disabilities. The projects completed or in process include:

- A [map of accessible routes](#) from parking lots and structures was completed for the downtown in 2009.
- Inventory of ADA curb ramps in the city was completed in 2010.
- A [Priority Funding Map](#) that identifies high usage pedestrian routes for curb ramp updates was developed by the ADA Committee in 2011. This map also includes the inventory of curb ramps in the city.
- Improvements have been made by the facilities maintenance staff and include items such as but not limited to: appropriate signage, clearing pathways or routes of travel, counter height adjustments where applicable, etc.).
- Updated the Volunteer Sidewalk Program (<http://www.helenamt.gov/public-works/engineering/neighborhood-transportation.html>)
- Revised the [Sidewalk Snow Removal Ordinance](#).
- The City has updated its [ADA complaints/grievance process and appeals procedures](#).
- Other accessibility improvements have been made as part of the regular administrative duties of city staff such as: providing documents in alternate formats, training, employment policies and procedures, and website improvements, etc.).

Items such as those listed above are typically the first to be completed; larger capital improvement projects affecting facilities, parks, and streets are generally completed when necessary funding is available for renovations or prioritized capital improvement projects.

In March of 2015, the city of Helena contracted the services of Recreation Accessibility Consultants (RAC) to develop a new Transition Plan for the city. As part of the update process, the city of Helena and RAC conducted a new Self-Evaluation to determine what types of access barriers exist for individuals with disabilities.

According to the Americans with Disabilities Act, local governments must develop a transition plan describing how it will ensure its facilities, services, programs, and activities are accessible.

The new Self-Evaluation and Draft Transition Plan establishes the city of Helena's ongoing commitment to providing equal access to all its public facilities, programs, services, and

activities for citizens with disabilities. The draft Transition Plan will replace the 1993 Transition Plan (1993 Self-Evaluation [Part I](#) and [Part II](#) and the 1993 Transition Plan [Part I](#), [Part II](#), and [Part III](#)), and will be used to help guide future planning and implementation of necessary accessibility improvements. For additional information please refer to the city's website <http://www.helenamt.gov/cd/planning/ada.html>.

PUBLIC OUTREACH

ADA Self-Evaluation and Draft Transition Plan: The Self-Evaluation is the city's internal assessment of the accessibility of its facilities, programs, services and activities. It includes site assessment surveys of all public facilities, and parks owned by the city of Helena.

According to the requirements of the ADA, a Transition Plan must include a list of necessary improvements to be made based on the results of the Self-Evaluation, including estimated time frames and costs for each.

Public Outreach: Previous versions of this plan have been available on the city's website since 2007. This current update has also been posted on the city's website and is available for public input and comment through February 17, 2016.

Identified Stakeholder Groups:

- General public
- City of Helena ADA Advisory Committee
- City County Parks Board
- Prickly Pear Land Trust
- Helena Open Lands Management Advisory Committee (HOLMAC)
- Montana Independent Living Program
- Center for Mental Health
- A.W.A.R.E. Inc.
- Helena Industries
- Disability Rights Montana
- Montana Council on Developmental Disabilities
- Rocky Mountain Development Council (RMDC)
- Helena Housing Authority
- Helena Food Share
- United Way of Lewis and Clark County
- St. Peter's Hospital
- Helena School District
- Helena College University of Montana
- US Federal Highway Administration
- Montana Department of Transportation (MDOT)

REGULATORY REQUIREMENTS

The draft Transition Plan is being developed in accordance with federal requirements outlined in Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, and 2010 Amendments Act (ADA).

FEDERAL REQUIREMENTS: Section 504 of the Rehabilitation Act of 1973: Often referred to as the civil rights act for people with disabilities, the Rehabilitation Act requires that all organizations receiving federal funding make their programs available to people of all abilities. It states: *No otherwise qualified [disabled] individual in the United States shall, solely by reason of [disability], be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.*

Americans with Disabilities Act of 1990 and 2010 Amendments Act (ADA) – Titles I and II: The U.S. Congress signed the ADA in 1990, and it went into effect in 1992. The Americans with Disabilities Act of 1992 was amended in 2010 and went into effect in 2012. The ADA is a civil rights law that prohibits discrimination against individuals with disabilities in access to jobs, public accommodations, government services and programs, public transportation and telecommunications.

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.

Title II of the ADA: Adopts the general prohibitions against discrimination contained in Section 504 of the Rehabilitation Act of 1973, but applies to all state and local governments, regardless of whether or not they receive federal funding. It prohibits the city from denying persons with disabilities the equal opportunity to participate in its services, programs or activities, either directly or indirectly through contractual arrangements.

The administrative requirements contained in Title II that apply to the city are:

- Designation of an ADA Coordinator responsible for overseeing Title II compliance.
- Development of an ADA grievance/complaint procedure.
- Completion of a self-evaluation of facilities, programs, and services.
- Development of a transition plan if the self-evaluation identifies any accessibility deficiencies.

STATE & LOCAL REQUIREMENTS: The state of Montana officially adopted the 2012 Edition of the International Building Code (IBC) as its building code (State of Montana, ARM 24.301). The IBC includes provisions ensuring that public facilities are accessible to and usable by persons with disabilities. Pursuant to requirements of Title 3, Chapter 2 of City Code, the city of Helena also adopted the IBC as its building code in April 2015.

RELATIONSHIP TO OTHER PLANS: The draft Transition Plan pertains only to city-owned or administered facilities, programs, services, and activities. Lewis and Clark county and other cities and towns located within the county are responsible for developing and implementing their own Self-Evaluation and Transition Plans.

ADA COORDINATOR

The Community Development Director or designee was designated as the ADA Coordinator in June 2007 ([Resolution #19473](#)). This position is responsible for ensuring that all programs, services and activities of the City of Helena are accessible to and usable by individuals with disabilities. The city's ADA Coordinator is:

H. Elroy Golemon
City of Helena Community Development Department
316 North Park Avenue.
Helena, MT 59623
Email: citycommunitydevelopment@helenamt.gov
Phone: (406) 447-8490, or 711 (MT Relay)
Fax: (406) 447-8490

CITY OF HELENA ADA GRIEVANCE PROCEDURE

The Helena City Commission is desirous of establishing grievance procedures to be followed by any person or persons who wish to submit a complaint regarding access or alleged discrimination relating to Title I and Title II of the Americans with Disabilities Act of 1990.

The city is desirous of providing for prompt and equitable resolution of complaints alleging any action prohibited by Title I and Title II of the Americans with Disabilities Act of 1990, which provides comprehensive civil rights protection in the areas of employment, state and local government services programs, and telecommunications to individuals with disabilities.

Section 1. The Helena City Commission hereby designates the Community Development Director or designee as the official ADA Coordinator for the city of Helena and the Human Resource Director or designee as the assistant ADA Coordinator to oversee the planning, training and implementation of compliance activities and to handle grievances.

Section 2. A complaint must be filed within 30 days after the complainant knows or should have known of the alleged violation. The time may be extended for good cause shown.

Section 3. A complaint must be filed in writing and contain: Name and address of the individual or representative filing the complaint, a description of the alleged discriminatory action in sufficient detail to inform the entity of the nature and date of the alleged violation, and signed by

the complainant or authorized representative. Complaints filed on behalf of third parties must describe or identify the alleged victims of the discrimination.

A [complaint form](#) can be obtained by contacting the city's ADA Coordinator at (406) 447-8490, or from the city website: <http://www.helenamt.gov>. Complaints should be addressed to the City ADA Coordinator, 316 North Park Avenue, Room 445, Helena, MT 59623.

Persons with disabilities requiring accommodations to participate in the city's meetings, services, programs, or activities should contact the city's ADA Coordinator, Elroy Golemon, as soon as possible to allow sufficient time to arrange for the requested accommodation, at any of the following: Phone: (406) 447- 8490; TTY Relay Service [1-800-253-4091](tel:1-800-253-4091) or 711; Email: Citycommunitydevelopment@helenamt.gov; Mailing Address & Physical Location: 316 North Park, Avenue, Room 445, Helena, MT 59623

Section 4. An investigation must follow a filing of a complaint. The ADA Coordinator conducts the investigation. The investigation may be informal but must be thorough, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to the complaint.

Section 5. A written determination as to the validity of the complaint and description of the resolution, if any, must be issued by the city and a copy forwarded to the complainant no later than 30 days after its filing.

Section 6. The ADA Coordinator shall maintain the files and records of the city of Helena relating to the complaints filed as required by law.

Section 7. The complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the resolution. The request for reconsideration should be made in writing within 30 days to the ADA Compliance Committee, in care of the city of Helena ADA Coordinator, 316 North Park Avenue, Room 445, Helena, MT 59623.

Section 8. The ADA Compliance Committee shall review grievances forwarded by the ADA Coordinator that are being appealed; and make a determination as to validity of the complaint and resolution. The ADA Compliance Committee shall issue a written determination of the appeal and a copy forwarded to the complainant no later than 30 days from the date of the review.

Section 9. The right of a person to a prompt and equitable resolution of the complaint filed hereunder may not be impaired by the person's pursuit of other remedies such as filing of an ADA complaint with the responsible federal department or agency. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies.

All complaint/grievance information submitted to the city of Helena for investigation will be kept on file for 2 years after the case is closed as outlined in the city of Helena Records Retention Schedule.

PROGRAMS & SERVICES

All city departments are required to provide full and equal access to all its services and programs for people with disabilities. The following is a summary of the citywide program and service updates that have been completed or are in process:

Employment: The city of Helena is an Equal Employment Opportunity (EEO) employer. Therefore, the city of Helena does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the Americans with Disabilities Act (ADA).

Effective Communication: The city of Helena will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the city's programs, services, and activities by providing alternate formats for making information and communication accessible to people who have speech, hearing, or vision impairments.

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

Auxiliary aids or services for effective communication, or a modification of policies or procedures to participate in a city program, service, or activity are available upon request. The request should be made as soon as possible but no later than 48 hours before the scheduled event.

According to the ADA, the city does not have to take any action that it can demonstrate would result in a fundamental alteration in the nature of a program or activity, would create a hazardous condition for other people, or would represent an undue financial and administrative burden.

The determination that an undue financial burden would result must be based on an evaluation of all resources available for use in a program. For example, if a barrier removal action is judged unduly burdensome, the City must consider other options for providing access that would ensure that individuals with disabilities receive the benefits and services of the program or activity.

This determination can only be made by the department head or their designee and must be accompanied by a statement citing the reasons for reaching that conclusion and incorporated into the transition plan. In addition, a copy of the statement must be provided to the ADA Coordinator.

Complaints that a city of Helena program, service, or activity is not accessible to persons with disabilities should be directed to the ADA Coordinator. A copy of the city of Helena's [ADA](#)

[Grievance form](#) can be obtained from the city website at <http://www.helenamt.gov>. In addition, any questions or concerns regarding program accessibility can be submitted to the city ADA Coordinator, 316 North Park Avenue, Room 445, Helena, MT 59623; or by phone at 406-447-8490; or by e-mail at citycommunitydevelopment@helenamt.gov.

The city of Helena 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.

This notice and other documents are also available on line in the following format: Adobe's Portable Document Format. Please click on the hyperlink to obtain copies of these PDF documents. Notice in PDF (Portable Document Format). These Documents can also be provided in these other formats upon request: Notice in MS Word|Notice in Text Format.

Requesting Accommodation or Alternate Formats: Requests for **accommodation** at a city meetings or events or **materials in alternate formats** should include:

- The requestor's name, address, email, and telephone number (if any)
- A description of the program, service, or activity where the accommodation is required
- The name or description of the city document or materials to be reformatted
- What type of format is desired (e.g. Braille, audio recording, computer disk, etc.)
- The location of the program, service, or activity
- A brief description of why the accommodation or alternate format is needed

Customer Service: The City has embraced and encouraged use of electronic communications tools, like the Internet and email, to interact with and provide information to its customers. Accessibility items completed or in process include:

- Ensure that pathways are clear of temporary or permanent barriers such as tables, chairs, coat racks, easels, signs, equipment, or boxes.
- Ensure that all permanent directional and room identification signage use large fonts, high contrast colors, non-reflective materials, raised lettering, and Braille translations where appropriate and are clear of visual or physical obstructions.
- Install signage at any non-accessible entrance to a public facility with directions to the nearest accessible entrance.

Public Meetings/Hearings and Other Events: The City works hard to ensure its public meetings, hearings and events are open and accessible to all citizens, regardless of disability. ADA accessibility items completed or in process include:

- All departments that host public meetings, hearings, or other public events must be able to provide accommodations to people with disabilities as requested. Instructions about how to accommodate these requests should be provided to all employees.

- Ensure that doorways and primary paths of travel at a meeting or event location are clear of obstructions or barriers, such as signs, boxes, chairs, and electrical cords.
- Include the following statement (or something similar) at the end of any email, news release, advertisement, or mailed invitation sent out about a city-sponsored meeting or event:

Persons with disabilities requiring accommodations to participate in the city's meetings, services, programs, or activities should contact the city's ADA Coordinator, Elroy Golemon, as soon as possible to allow sufficient time to arrange for the requested accommodation, at any of the following: Phone: (406) 447- 8490; TTY Relay Service [1-800-253-4091](tel:1-800-253-4091) or 711; Email: Citycommunitydevelopment@helenamt.gov; Mailing Address & Physical Location: 316 North Park, Avenue, Room 445, Helena, MT 59623

Website (www.helenamt.gov): The city of Helena is in the process of updating its website. The update of the site must include a variety of accessibility-related improvements, including text size and color, providing alternate text on photos and other graphics consistently, and providing accessible PDF documents. Accessibility items completed or in process include:

- Ensure that all fillable electronic forms are accessible by computer screen-reading software for those with sight limitations.
- The Webmaster may want to purchase screen reading software like that used by people with such disabilities, in order to test the accessibility of certain key web pages, forms, and documents.
- Post links to PDF documents only if they were created using Adobe Acrobat from the original editable document.

Helena Civic Television (HCTV): Montana law exempts HCTV from providing closed captioning service at this time due to the size of population served by their broadcasts and operational budget makes providing captioning cost prohibitive at this time.

However, HCTV has had numerous discussions on how to caption future Helena City Commission and Lewis & Clark County Commission hearings and other important civic broadcasts.

Contracting/Purchasing: The city currently uses criteria that do not discriminate based on disability when selecting contractors, consultants, or vendors for city projects or services. However, federal regulations also require that any outside contractors receiving city funding, or receiving federal funding through the city, comply with the requirements and regulations of Title II of the ADA and Section 504 of the Rehabilitation Act. Accessibility items completed or in process include:

- Include a statement in all requests for proposals, contracts or other bid solicitation documents, or web pages explaining that businesses, organizations, or individuals contracting with the city of Helena must comply with Title II of the ADA and Section 504 of the Rehabilitation Act of 1973.

- Require all city contractors, consultants, or vendors sign a statement attesting to their intent to comply with Title II of the ADA and Section 504 of the Rehabilitation Act of 1973. This statement can be added to existing contract documents or can be a separate form.

Staff Training: The Americans with Disabilities Act identifies a need for regular and recurring employee training about a variety of subjects related to the requirements and regulations of the ADA. This information can be provided to employees through written procedures and other self-directed training tools (e.g. PowerPoint presentations, videos, etc.), through online training courses or through formal classroom training. The Rocky Mountain ADA Center is a resource for ADA training topics. Current and future training and education topics may include:

- Responding to requests for materials in alternate formats
- Responding to requests for accommodations at public meetings and events
- Providing accessible web content (alternate text, fonts, PDFs, etc.)
- General information about the ADA and its legal requirements as it pertains to the city

Public Streets: The city of Helena has over 210 miles of paved streets and 11 miles of unpaved streets to maintain and upgrade. It has been a priority for the city to improve accessibility for all pedestrians by requiring the installation of sidewalks with new construction and major subdivisions and when needed, ordering the repair of existing sidewalks. The city has implemented several programs and policies and developed funding mechanisms to address the tremendous system needs including:

- Ensuring all new transportation capital projects include pedestrian access and meet the current ADA design standards and guidelines.
- Updated the Snow Removal Ordinance.
- Completing updates of the Street Design Standards to address changes and clarifications on ADA design from the Federal Access Board to better incorporate pedestrian facilities.
- Providing funding in all pavement management overlay projects for building missing or repairing existing ADA sidewalk ramps.
- Requiring that all new developments and site expansions or improvements include ADA facilities.
- Continue to seek alternate funding options to complete the projects identified in the Capital Improvements Plan.

Curb Ramp Inventory & Priority Routes: In 2011, the city of Helena completed a street intersection curb ramp inventory for all streets in the city. The curb ramp inventory indicates there are over 4,015 potential curb ramp locations within the city limits. Data for the Curb Ramp Inventory was collected at each intersection to indicate whether or not there were any existing curb ramps, and whether or not existing curb ramps met the ADA design standards including slope, lip, ramp width, and landing area. This data allowed the city to create a list of missing curb ramps and a list identifying what elements of existing curb ramps were out of compliance. The 2011 Street Intersection Curb Ramp Inventory indicated the following eight (8) curb ramp classifications:

1. Red (Map Key Color): No ADA ramp, has sidewalks: **769 Curb Ramps**
2. Yellow: No ADA ramp, no sidewalks: **1,150 Curb Ramps**
3. Black: Has ADA ramp, slope and/or landing that are not at current standard, has trip hazard or deteriorating condition: **591 Curb Ramps**
4. Pink: Has ADA ramp, slope and/or landing that are not at current standard, but are in good condition: **959 Curb Ramps**
5. Green: At current standard, but no truncated dome installed: **146 Curb Ramps**
6. Orange: At current standard, has no immediately connecting sidewalk: **6 Curb Ramps**
7. White: Undeveloped (No curb or other issues): **289 Curb Ramps**
8. Blue: Constructed to ADA standard: **105 Curb Ramps**

Total curb ramps in inventory: 4,015

The ADA Committee used the curb ramp inventory information and following criteria to identify the five (5) priority routes and develop a Funding Priority Map.

The criteria used by the ADA Committee to determine the 5 priority routes were:

- Proximity to government facilities
- Streets with higher traffic volumes
- Streets located along emergency snow routes
- Streets with public transit service
- Streets with pedestrian attractors like schools, parks, and shopping

Based upon the Curb Ramp Inventory and criteria, the ADA Committee identified the following five (5) priority routes:

1. Broadway Street, between North Park Avenue and North Montana Avenue
2. Helena Avenue, between Neill Avenue (Mini-Malfunction Junction) and Railroad Avenue
3. Downtown Area, east-west generally between North Park and Benton Avenues and Cruse Avenue and north-south between Neill Avenue to the intersection of South Park and Cruse Avenues. A leg section extends northward from Neill Avenue to Lyndale Avenue along North Last Chance Gulch
4. 11th Avenue, between Cruse Avenue and North Montana Avenue
5. North Roberts, between 8th Avenue and Billings Avenue

The Curb Ramp Inventory and Priority Funding Map have proved to be valuable tools for curb ramp installation and repair projects. Projects completed or in process since the development of the curb ramp inventory and priority map include the following:

- Priority route #1 (Broadway Street, between North Park Avenue and North Montana Avenue) was part of a Montana Department of Transportation (MDOT) project that focused on repairing sidewalks and ADA ramps along this corridor.

- Priority route #5 (North Roberts, between 8th Avenue and Billings Avenue): A Safe Routes to Schools Grant was used to make curb ramp and sidewalk improvements along this corridor.
- In 2013, the city secured a \$600,000 grant from MDOT to repair or replace 48 curb ramps in portions of the downtown area. Construction on these ramps was initiated by MDOT on the Downtown Curb Ramp Project in the fall of 2015.
- Since 2011, the city has repaired, replaced, or installed approximately **475 ADA curb ramps** through various means such as street improvement or maintenance projects and the Volunteer Sidewalk Replacement Program.
- In 2011, the city completed the installation of accessibility improvements to the Last Chance Gulch crossing (Walking Mall) at Broadway.

Curb Ramp Funding: The total estimated cost to make all the curb ramp improvements in the city is approximately \$9.5 million. This figure does not include other related upgrades, such as sidewalk repair, driveway replacement, installation of audible crossing signals, annual inflation, or price changes for materials and labor.

With the exception of possible grant funding opportunities the City dedicates \$50,000 each budget year specifically for curb ramp improvements and sets aside another \$25,000 for curb ramp improvements with other street improvement projects; and completes as many projects as possible with limited funding.

In addition to the limited budget, the City continually looks for additional funding opportunities and has periodically obtained funding for these projects from other sources, including grants from local, state, and federal programs.