

2017

Section I
ADA Transition Plan
Executive Summary

City of Helena



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Executive Summary

A. Legislative Mandate

This report describes the process of the self-evaluation and the requirements for developing the Transition Plan by which policies, programs, and facilities were evaluated for compliance with the ADA; presents the findings of that evaluation; and provides recommendations for ensuring accessibility.

The development of a transition plan is a requirement of the federal regulations outlined in Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990.

- Section 504 of the Rehabilitation Act of 1973 requires that all organizations receiving federal funds make their programs available without discrimination toward people with disabilities.
- The Americans with Disability Act (ADA) of 1990 and as amended in 2010 is a civil rights law that prohibits the discrimination against individuals with disabilities in all areas of public life, including jobs, schools, transportation, and all public and private places that are open to the general public. The purpose of the law is to make sure that people with disabilities have the same rights and opportunities as everyone else. The ADA is divided into five titles that relate to different areas of public life: Title I - Employment, Title II - State and Local Governments, Title III – Public Accommodations, Title IV - Telecommunications, and Title V – Miscellaneous Provisions. Descriptions of Titles I – V & Proposed 2011 PROWAG are included in **Appendix A**.

The City of Helena 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 City and its programs, services, or facilities; and all requirements specified in the 2010 ADA Standards and use the 2011 Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way (PROWAG) as best practices in the absence of an applicable standard in the R-O-W.

Title II of the ADA has the broadest impact on the City. This ADA Self-Evaluation and Transition Plan are being prepared to fulfill the requirements set forth in Title II of the Americans with Disability Act. This plan replaces 1993 self-evaluation and transition plan developed by the City of Helena and will be used to help guide the City in future planning and implementation of necessary accessibility improvements.

Under Title II, the ADA requires all state, county and local governments to:

- Designate a responsible employee to coordinate ADA compliance
- Provide notice of ADA requirements (see **Appendix B**).
- Establish an ADA grievance procedure
- Conduct a self-evaluation review of facilities, programs and services
- Develop a transition plan when accessibility deficiencies are identified in the self-evaluation

This ADA Self Evaluation and Transition Plan has been prepared as partial fulfillment of the requirements set forth in Title II of the Americans With Disabilities Act (ADA). This report will assist the City of Helena, its City Commission, department heads, program directors, and employees in identifying policy, program, and physical barriers to accessibility and in developing barrier removal solutions that will facilitate the opportunity of access to all individuals.

This report and certain documents incorporated by reference establish the ADA Self- Evaluation and Transition Plan for the City of Helena.

B. Discrimination and Accessibility

There are two kinds of accessibility: program accessibility and physical accessibility. Absence of discrimination requires that both types of accessibility be provided.

Programmatic accessibility includes physical accessibility, but also entails all of the policies, practices, and procedures that permit people with disabilities to participate in programs and to access important

information. Program accessibility requires that individuals with disabilities be provided an equally effective opportunity to participate in or benefit from a public entity's programs and services. Program accessibility may be achieved by either structural or non-structural methods. Non-structural methods include acquisition or redesign of equipment, assignment of aides to beneficiaries, and provision of services at alternate sites.

Physical accessibility requires that a facility be barrier-free. Barriers include any obstacles that prevent or restrict the entrance to or use of a facility. The ADA establishes requirements to ensure that buildings and facilities are accessible to and usable by people with disabilities. Design guidelines to achieve accessibility have been developed and are maintained by the U.S. Access Board under the jurisdiction of the ADA. The adopted design guidelines establish minimum accessibility requirements for new construction and alterations to these facilities.

Programs offered by the City to the public must be accessible. Accessibility includes advertisement, orientation, eligibility, participation, testing or evaluation, physical access, provision of auxiliary aids, transportation, policies, communication and access to information. Program accessibility requires that individuals with disabilities be provided an equally effective opportunity to participate in or benefit from a public entity's programs and services.

When choosing a method of providing program access, the City will give priority to the one that results in the most integrated setting appropriate to encourage interaction among all users, including individuals with disabilities. In compliance with the requirements of the ADA, the City provides equality of opportunity, but does not guarantee equality of results.

C. Undue Burden

The City does not have to take any action that the City can demonstrate would result in a fundamental alteration in the nature of its program or activity, would create a hazardous condition, or would represent an undue financial and administrative burden. This

determination can only be made by the ADA Coordinator and must be accompanied by a statement citing the reasons for reaching that conclusion.

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

D. Self-Evaluation and Transition Plan Development Process

The process developed and implemented to complete the City of Helena's ADA Self-Evaluation and Transition Plan included meetings with the ADA Compliance Committee, department heads, staff and stakeholder groups; distribution of program accessibility questionnaires to all city departments to obtain information on programs, services and activities provided; site audits of City owned facilities and parks were conducted to identify physical access barriers; and a public involvement process including meetings, advertisements and website information were used to obtain input from the public and to review the Transition Plan recommendations.

Self-Evaluation by Departments

In the fall of 2016 program accessibility questionnaires were completed by all city departments to obtain information on programs, services and activities provided. The survey responses for each department can be found in **Appendix E**.

City Owned Facilities and Parks Site Audits

In the spring and summer of 2015 staff from the City of Helena and Recreation Accessibility Consultants conducted a physical audit of all City owned facilities and parks to determine what recommendations and alterations might be necessary in order to meet ADA Accessibility Guidelines.

Upon completion of the site audits the information was used by RAC staff for preparation of the City of Helena Facilities & Parks 2017 ADA Transition Plan. This Transition Plan includes a list of physical barriers, recommendations for barrier removal including cost estimate, a recommended priority schedule for barrier removal and name of individual responsible for the plan's implementation.

In addition RAC was hired to evaluate existing City transit stops and new fixed route system. RAC then provided a summary of identified accessible barriers and recommendations to address accessibility for the City's transit routes.

The City of Helena Facilities and Parks 2017 ADA Transition Plan can be found in **Appendix F** and the City of Helena Area Transit Service Bus Stop ADA Transition Plan can be found in **Appendix G**.

Finally, The City of Helena ADA Compliance Committee and staff from RAC conducted a public outreach meeting on February 17, 2016 to provide a summary of the City owned facilities and parks Transition Plan and receive feedback on the Transition Plan priorities and any other concerns related to accessibility.

E. Transition Plan

The ADA sets forth specific requirements for preparation of an acceptable Transition Plan for physical barrier removal. At a minimum, the elements of the plan should include:

- A list of the physical barriers in the City's facilities that limit the accessibility of its programs, activities, or services to individuals with disabilities;
- A detailed outline of the methods to be used to remove these barriers and make the facilities accessible;
- A schedule for taking the steps necessary to achieve compliance with the ADA, Title II; and
- The name of the individual responsible for the plan's implementation.

The self-evaluation process for City owned facilities and parks was completed by City staff from both Facilities and Parks Departments and staff from Recreation Accessibility Consultants. The site audits conducted identified barriers that limited or prevent physical access to city programs, services and activities. The audits also identified what alterations might be necessary in order to meet ADA accessibility compliance.

Upon completion of the site audits the information was used by RAC staff for preparation of the City of Helena Facilities & Parks 2017 ADA Transition Plan. This Transition Plan includes a list of physical barriers, recommendations for barrier removal including cost estimate, a recommended priority schedule for barrier removal and name of individual responsible for the plan's implementation.

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Because the City of Helena has a large number of facilities and parks, it is impossible to immediately renovate all facilities that have barriers to program access. In order for the City to assure accessibility is being achieved the Transition Plan may be modified from time-to-time in accordance with the recommendations of the disabled community, input from the ADA Compliance Committee and balanced with the needs of the City and budgetary constraints of the City of Helena. Finally the Transition Plan and supporting elements will aid in the planning and implementation of necessary program and facility modifications over the next 11 years.

It must be noted that the new City of Helena Self-Evaluation and Transition Plan pertains only to city-owned or administered facilities, parks, 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.

The new Transition Plan and supporting documents for City owned facilities, parks and public transportation (Helena Area Transit Service – HATS) will replace the current Transition Plan adopted in 1993, and will be used to help guide future planning and implementation of necessary accessibility improvements.

F. ADA Coordinator and Grievance Procedure

ADA regulations require the City to provide the following:

- Designate a responsible employee to coordinate ADA compliance
- Have an internal grievance procedure for the prompt resolution of complaints by a person with a disability who is denied City services or the benefits of any City program or activity because of that person's disability.

The Helena City Commission designated the Community Development Director or their designee as the City's ADA Coordinator and established a formal grievance procedure with the passage of Resolution # 19473 in June 2007. The designated ADA Coordinator for the City of Helena and Grievance procedure text from Resolution #19473 can be found in **Section V** of this report.