



OLDSMAR
TOP OF THE BAY



ADA TRANSITION PLAN

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Abbreviations

ABA - Architectural Barriers Act

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

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

Introduction

Transition Plan Need and Purpose

The Americans with Disabilities Act (ADA), enacted on July 26, 1990, is a civil rights law prohibiting discrimination against individuals on the basis of disability. ADA consists of five titles outlining protections in the following areas:

1. Employment
2. State and local government services
3. Public accommodations
4. Telecommunications
5. Miscellaneous Provisions

Title II of ADA pertains to the programs, activities and services public entities provide. As a provider of public transportation services and programs, the City of Oldsmar must comply with this section of the Act as it specifically applies to public service agencies. Title II of ADA provides that, “...no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.” (42 USC. Sec. 12132; 28 CFR. Sec. 35.130)

As required by Title II of ADA, 28 CFR. Part 35 Sec. 35.105 and Sec. 35.150, the City has conducted a self-evaluation of its facilities within public rights of way and has developed this Transition Plan detailing how the organization will ensure that all of those facilities are accessible to all individuals.

ADA and its Relationship to Other Laws

Title II of ADA is companion legislation to two previous federal statutes and regulations: the Architectural Barriers Acts of 1968 and Section 504 of the Rehabilitation Act of 1973.

The Architectural Barriers Act of 1968 (ABA) is a Federal law that requires facilities designed, built, altered, or leased with Federal funds to be accessible. The Architectural Barriers Act marks one of the first efforts to ensure access to the built environment.

Section 504 of the Rehabilitation Act of 1973 is a Federal law that protects qualified individuals from discrimination based on their disability. The nondiscrimination requirements of the law apply to employers and organizations that receive financial assistance from any Federal department or agency. Title II of ADA extended this coverage to all state and local government entities, regardless of whether they receive federal funding or not.

Agency Requirements

Under Title II, the City of Oldsmar must meet these general requirements:

- Must operate their programs so that, when viewed in their entirety, the programs are accessible to and useable by individuals with disabilities (28 C.F.R. Sec. 35.150).
- May not refuse to allow a person with a disability to participate in a service, program or activity simply because the person has a disability (28 C.F.R. Sec. 35.130 (a)).
- Must make reasonable modifications in policies, practices and procedures that deny equal access to individuals with disabilities unless a fundamental alteration in the program would result (28 C.F.R. Sec. 35.130(b) (7)).
- May not provide services or benefits to individuals with disabilities through programs that are separate or different unless the separate or different measures are necessary to ensure that benefits and services are equally effective (28 C.F.R. Sec. 35.130(b)(iv) & (d)).
- Must take appropriate steps to ensure that communications with applicants, participants and members of the public with disabilities are as effective as communications with others (29 C.F.R. Sec. 35.160(a)).
- Must designate at least one responsible employee to coordinate ADA compliance [28 CFR Sec. 35.107(a)]. This person is often referred to as the "ADA Coordinator." The public entity must provide the ADA coordinator's name, office address, and telephone number to all interested individuals [28 CFR Sec. 35.107(a)].
- Must provide notice of ADA requirements. All public entities, regardless of size, must provide information about the rights and protections of Title II to applicants, participants, beneficiaries, employees, and other interested persons [28 CFR Sec. 35,106]. The notice must include the identification of the employee serving as the ADA coordinator and must provide this information on an ongoing basis [28 CFR Sec. 104.8(a)].
- Must establish a grievance procedure. Public entities must adopt and publish grievance procedures providing for prompt and equitable resolution of complaints [28 CFR Sec. 35.107(b)]. This requirement provides for a timely resolution of all problems or conflicts related to ADA compliance before they escalate to litigation and/or the federal complaint process.

Self-Evaluation and Summary of Findings

The City of Oldsmar's ADA Transition Plan will include the results of a comprehensive review of the programs, services, and activities provided to employees and the public. The Plan will also include the findings from facility evaluations of all City-owned/maintained buildings and associated parking lots, parks and associated parking lots, park sidewalk and associated curb ramps, intersections, public rights-of-way sidewalks and associated curb ramps, and transit stops.

Programs, Services, and Activities Review

Under the ADA, the City of Oldsmar is required to complete a Self-Evaluation of the City'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 City's programs, services, and activities, as well as the policies and practices the City uses to implement its various programs and services.

To comply with requirements of the plan, the City may need to 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 needed to provide effective communication.

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

Programs, services, and activities offered by the City 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 City does not have to take any action that will result in an alteration in the fundamental 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 City, such as the City Manager or 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 City 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.

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 City of Oldsmar has appointed Michelle Kutch as ADA/504 Coordinator for Title I and Title II. Below is her contact information.

Michelle Kutch
HR Director
Oldsmar City Hall
100 State St. W.
Oldsmar, FL 34677
Office: 813-749-1110
Relay: 7-1-1
MKutch@myoldsmar.com

ADA/504 Coordinator: Possible Solutions

The ADA Coordinator's 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 City. This includes posting this information on the website.

Roles and Responsibilities of the ADA/504 Coordinator

Below is a list of qualifications for ADA/504 Coordinators that are recommended by the DOJ:

- 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.

ADA Grievance Policy, Procedure, and Form with Appeal Process for the Americans with Disabilities Act

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 City level, rather than require the complainant to resort to resolution at the federal level.

Title II

Local governments with 50 or more employees are required to adopt and publish procedures for resolving grievances in a prompt and fair manner that may arise under Title II of the ADA. Neither Title II nor its implementing regulations describe what ADA grievance procedures must include; however, the DOJ suggests the follow content:

- A description of how and where a compliant under Title II may be filed with the government entity;
- If a written compliant is required, a statement notifying potential complainants that alternative means of filing will be available to people with disabilities who require such an alternative;
- A description of the time frames and processes to be followed by the complainant and the government entity;
- Information on how to appeal an adverse decision; and
- A statement of how long compliant files will be retained.

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 stakeholders in the entity's 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. The DOJ suggests including brief statements about:

- Employment;
- Effective communication;
- Making reasonable modifications to policies and programs;
- Not placing surcharges on modifications or auxiliary aids and services; and
- Filing complaints.

The notice should also include the name and contact information of the ADA/504 Coordinator. 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.

ADA Liaison Committee

The ADA Liaison Committee is comprised of representatives from each City department. These individuals work closely with 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.

Program, Services, and Activities Inventory

The City of Oldsmar has compiled a list of all City PSAs required to be reviewed for compliance with Title II of the ADA. The City will evaluate the current status regarding ADA requirements including

eligibility requirements, participation requirements, facilities used, staff training, tours, transportation, communication, notifications, public meetings, the use of contracted services, purchasing, maintenance of accessible features, and emergency procedures.

The Self-Evaluation of these PSAs will be completed over an estimated five (5) year period and updates to the City's Transition Plan will be made to include findings and possible solutions for identified barriers. The following sections detail the identified PSAs for review.

Boards and Commissions

- | | |
|------------------------------------|-------------------------------|
| 1. Board of Adjustment | 5. Planning Board |
| 2. The Code Enforcement Board | 6. Veterans Advisory Board |
| 3. Firefighters Pension Board | 7. Charter Review Committee |
| 4. Leisure Services Advisory Board | 8. Ordinance Review Committee |

Departments

- | | |
|----------------------------|-----------------------------|
| 1. City Manager | 5. Parks and Recreation |
| 2. Administrative Services | 6. Library |
| 3. City Clerk | 7. Planning & Redevelopment |
| 4. Fire Rescue | 8. Public Works |

Documents / Forms / Videos

All documents, forms, and videos available to the public should be reviewed. Examples include lease agreements, planning documents, contracts, department-specific handbooks, standard operating procedures, meeting agendas, and meeting minutes, online forms, applications, PDF forms, checklists, and videos.

Employment Practices

- Employment practices
- City job descriptions for discriminatory language and identification of essential, secondary, and non-essential job functions
- Hiring and new employee procedures
- Recruiting procedures
- Training programs

Ordinances

A review of the City ordinances for consistency with current accessibility requirements and standards will be completed periodically by the Ordinance Review Committee. The current City of Oldsmar Code of Ordinances is posted online at the address below:

https://library.municode.com/fl/oldsmar/codes/code_of_ordinances.

Emergency Preparedness Manual

The City of Oldsmar Emergency Preparedness Manual should be evaluated for employee evacuation and emergency operations for consistency with current accessibility requirements and standards.

Design Standards

The City of Oldsmar has adopted the Florida Building Code and the International Building Code. The City is not responsible for these codes. City standards should be evaluated for consistency with the 2010 ADA Standards, Title 24 of the 2012 Florida Accessibility Code for Building Construction, and PROWAG.

Website

A review of the City website for compliance with Section 508 of the Rehabilitation Act of 1973 and Web Content Accessibility Guidelines (WCAG) 2.0 should be completed.

Facilities Review

The FHWA has provided guidance on the ADA Transition Plan process in their “INFORMATION AND ACTION: ADA Transition Plan Process” memo dated November 17, 2015. While this memo specifically addresses State Departments of Transportations, FHWA also recommends this guidance for local municipalities until municipality-specific guidance is developed by FHWA. Provided in the memo is a checklist for elements to be included in an ADA Transition Plan and other ADA requirements that agencies must fulfill.

Items included in the FHWA checklist related to the public rights-of-way are:

- Inventory of Barriers (identification of physical obstacles)
 - Identify intersection information, including curb ramps and other associated accessibility elements.
 - Require an Action Plan to develop an inventory of sidewalks (slopes, obstructions, protruding objects, changes in level, etc.), signals (including accessible pedestrian signals), bus stops (bus pads), buildings, parking, rest areas (tourist areas, picnic areas, visitor centers, etc.), mixed use trails, linkages to transit.
 - Discuss jurisdictional issues/responsibilities for sidewalks.
- Schedule
 - Show a strong commitment toward upgrading ADA elements identified in the inventory of barriers in the short-term (planned capital improvement projects).
 - Show a strong commitment over time toward prioritizing curb ramps at walkways serving entities covered by the ADA.
 - Schedule should include prioritization information, planning, and investments directed at eliminating other identified barriers over time.
 - Dedicate resources to eliminate identified ADA deficiencies.

- Implementation Methods
 - Describe the methods that will be used to make the facilities accessible and include the governing standard (e.g., 2010 ADA Standards, 2011 PROWAG).

The City of Oldsmar has compiled a list of all City-owned and/or maintained facilities to be evaluated for compliance with 2010 ADA Standards, Title 24 of the 2012 Florida Accessibility Code for Building Construction, and PROWAG. The City's Action Plan to complete the evaluation of these facilities will be completed in an estimated five (5) year period and updates to the City's Transition Plan will include findings and possible solutions for identified barriers.

Existing Facility Inventory

Buildings

All buildings with public access not previously evaluated will be evaluated for compliance with the 2010 ADA Standards and Title 24 of the 2012 Florida Accessibility Code for Building Construction, including access into the building, signage, drinking fountains, telephones, bathrooms, and counter heights. Approximately four (4) miles of on-site sidewalk and all associated curb ramps, ramps, stairs, and other paths of travel required to be ADA compliant will also be evaluated.

If a City of Oldsmar employee requests accommodation to be able to work at one of the buildings without public access, the City will evaluate the property at the time of the request.

Parks

The City of Oldsmar is responsible for 11 parks. All parks not previously evaluated will be evaluated for compliance with the 2010 ADA Standards.

Sidewalk and Trails

Based on an existing sidewalk inventory developed by the City, the City of Oldsmar maintains approximately 120 miles of sidewalk corridors, including pedestrian street and driveway crossings. All City-maintained pedestrian paths of travel along the sidewalk corridors will be evaluated for compliance with PROWAG, including sidewalk, curb ramps, pedestrian crossings at driveway openings, and pedestrian crossings at cross street. At intersections where an existing sidewalk does not cross the curb and curb ramps are not installed, no evaluations are needed. Locations where curb ramps are missing, but are required, will also be identified and included in the Transition Plan. 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 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.”

Sidewalks and trails will attempt to be constructed or upgraded to achieve compliance within all capital improvement projects. There may be limitations which make it technically infeasible for segments of sidewalks or trails to achieve full accessibility within the scope of any project. Those limitations will be noted, and those segments will remain on the transition plan. As future projects or opportunities arise, those segments shall continue to be incorporated into future work. Regardless of if full compliance can be achieved or not, every sidewalk or trail shall be made as compliant as possible in accordance with the judgment of City staff.

To aid the transition of sidewalks within the City into full ADA compliance, and to ensure that sidewalks remain compliant, scheduled inspections of the sidewalks are to occur. The total length of sidewalks within the City have been divided into geographic regions. One of these regions is to be inspected every year. Any non-compliant areas of sidewalk are to be noted and reported, after which a schedule will be made to fix the non-compliant areas as soon as feasible by the City. With this schedule, every sidewalk within the city shall be inspected a minimum of one time every 20-year period. Additionally, any non-compliant sidewalks can be reported at any time and will be scheduled for improvements on a case-by-case basis.

Parking Lots

All parking lots and paths from parking lots not previously evaluated will be evaluated for compliance with the 2010 ADA Standards and Title 24 of the 2012 Florida Accessibility Code for Building Construction.

Self-Evaluation Action Plan

The second step in completing a Self-Evaluation is developing an Action Plan to evaluate all existing buildings, parks, signalized intersections, sidewalk corridors, unsignalized intersections along the sidewalk corridor path of travel (including cross streets and driveways), and transit stops based on the 2010 ADA Standards, Title 24 of the 2012 Florida Accessibility Code for Building Construction, and the most recent version of PROWAG. This Action Plan should include the identification of evaluation criteria, the development of evaluation methodology and reporting output, and a schedule to complete the evaluations. Best practices for each of these items are detailed in the following sections. Once an Action Plan has been developed, the existing facility Self-Evaluations should be started.

Evaluation Criteria

For each facility type, the following elements should be evaluated for consistency with 2010 ADA Standards, Title 24 of the 2012 Florida Accessibility Code for Building Construction, PROWAG, and the 2009 MUTCD, where incorporated into PROWAG by reference.

Evaluation Methodology

Several technologies are currently available to aid in the data collection process. At a minimum, it is recommended that the equipment used to collect the data be consistent with the evaluation criteria measurement accuracy provided in the applicable standards. For example:

Facilities

- Slopes to the nearest tenth of a percent
- Dimensions (countertop heights, maneuvering spaces, clearance, etc.) to the nearest inch
- Vertical discontinuities to ¼ inch
- Force required to open doors to the nearest pound

Public Rights-of-Way

- Slopes to the nearest tenth of a percent
- Sidewalk, curb ramp, and crosswalk dimensions to the nearest inch
- Cross street widths, driveway widths, and sidewalk segment lengths to the nearest foot
- Vertical discontinuities to ¼ inch
- Push button location dimension to the nearest inch

The data collection process should allow for isolating the measurements for each element listed in the 2010 ADA Standards, Title 24 of the 2012 Florida Accessibility Code for Building Construction, PROWAG, and the 2009 MUTCD. Field data output should be available in GIS shapefile format with geospatially referenced photos of evaluated elements.

Reporting Capabilities

When selecting a technology to aid with data collection, the City should take into consideration whether a reporting system has been developed to process the raw data. For the data to be readily usable by the City for developing their ADA Transition Plan, the reporting system should provide the following output:

- Compliance status of each element evaluated based on the 2010 ADA Standards, Title 24 of the 2012
- Florida Accessibility Code for Building Construction, and PROWAG;
- Possible solutions to remove any barriers and bring the element into compliance;
- Estimated cost of possible solutions; and
- Prioritization of the individual facility, independent of other locations of the same facility type.

There is not a one size fits all solution to progress monitoring and the City should make a citywide collaborative effort to understand what existing City project information needs to be integrated with

the ADA Self-Evaluation reporting data, or vice versa, to make the progress monitoring useable by City staff in maintaining the City's ADA Transition Plan.

Upcoming Capital Improvement Projects (CIP) – If curb ramps will be completely removed and replaced as part of an upcoming project, the ADA compliance of the new construction should be confirmed during construction inspections and resources would be better spent evaluating curb ramps that are not planned for reconstruction.

The final step is to execute the Self-Evaluation Action Plan. The Action Plan may be modified as needed during and in between Self-Evaluation phases to account for lessons learned or budget changes.

Next Steps

This document serves as the ADA Transition Plan for the City of Oldsmar. The City intends to complete the Self-Evaluation of programs, services, activities, and facilities identified in this document over the next five (5) years.

The next steps for the City of Oldsmar are:

1. Develop an Action Plan for completing a Self-Evaluation for all City programs, services, activities, and facilities.
2. Complete a Self-Evaluation for all City programs, services, activities, and facilities. Facility evaluations should also include the following:
 - a. Facility reports with the compliance status of each element evaluated based on the 2010 ADA Standards, Title 24 of the 2012 Florida Accessibility Code for Building Construction, and PROWAG;
 - b. Possible solutions to remove any barriers and bring the element into compliance;
 - c. Estimated costs of possible solutions; and
 - d. Prioritization of the individual facility, independent of other locations of the same facility type.
3. Develop an Implementation Plan, including schedule for completing the recommended facility improvements and funding sources to be used.
4. If a phased Self-Evaluation approach is used, complete remaining Self-Evaluation phases and update the City's ADA Transition Plan after each additional phase.
5. Continue to update the City's ADA Transition Plan as projects are implemented and citizen requests/complaints are received.
6. Determine the best approach for receiving public input on the ADA Transition Plan.