

Americans with Disabilities Act Transition Plan



City of Atmore

August 2016

Section 1- ADA Transition Plan

1. A - Americans with Disability Act

On January 26, 1990 the Americans with Disabilities Act (ADA) was enacted as federal law. The legislation prescribes steps for eliminating barriers to disabled persons in public facilities, private businesses, employment, communications and transportation. The legislation affects any person with major life impairment. The Act deals with five major areas as outlined below.

EMPLOYMENT (Title I) - This title covers all aspects of employment. It directly prohibits discriminating against persons with disabilities in application, hiring, advancement, training, compensation or discipline. All government entities should have already been in compliance with these regulations through Section 504 of the 1973 Vocation Rehabilitation Act.

PUBLIC SERVICE AND TRANSPORTATION - (Title II) – This title of the ADA prohibits discrimination to disabled persons in programs, services and activities of the state and local government. This includes the provisions of making such services accessible through “barrier free” public facilities. This title requires state and local governments to adopt a transition plan identifying structural barriers and the changes necessary for their alteration or removal.

PUBLIC ACCOMMODATIONS - (Title III)- This title is concerned with the provision of access to any public accommodation provided at a privately funded and operated facility.

TELECOMMUNICATIONS (Title IV) – This title requires telephone companies to provide voice transmission relay services for speech impaired persons and to increase the availability of telecommunication devices for the deaf (TDD). This title also requires any public services messages on television to be closed-captioned for the hearing impaired.

OTHER PROVISIONS (Title V) – This title includes miscellaneous provisions such as construction standards, attorney’s fees and technical assistance.

1. B. – TITLE II TRANSITION PLAN

The ADA requires public entities with more than 50 employees to develop a transition plan. The Transition Plan must identify all structural modifications that are needed to buildings and facilities to ensure that programs, services and activities are accessible to people with disabilities. The Transition Plan must identify all structural modifications that are needed to buildings and facilities to ensure that programs, services and activities are accessible to people with disabilities. The Transition Plan must identify the steps necessary to complete the modifications and a time-frame for the needed modifications. The Transition Plan must:

1. Identify the physical barriers in buildings and facilities that limit the accessibility of programs, services and activities to individuals with disabilities.
2. Describe the modifications necessary to make the building or facility accessible.
3. Provide a schedule for making the modifications necessary to ensure compliance. If the modifications will require more than one year, identify the steps that will be taken to ensure that the program, service or activity is accessible.
4. Identify the individual responsible for the implementation of the Transition Plan.

On August 9, 2016 the City of Atmore completed its review and its evaluation of its facilities. On October 31, 2016, a Public Meeting was held at 3:00 p.m. in the council room at City Hall.

Public entities with jurisdiction over streets, roads and pedestrian facilities must also include in the Transition Plan a schedule for installing curb ramps where pedestrian walks cross curbs. Priority is to be given to installing ramps along accessible routes providing access to buildings and facilities where government programs and services are located, transportation hubs, places of public accommodation and employers. This Transition addresses the requirements for curb ramps for city facilities.

1. C. – ADA Coordinator

The City of Atmore designated Jeremy Ray ADA Coordinator

Jeremy Ray
201 East Louisville Avenue
Atmore AL 36502
251-368-2253
jeremyr@cityofatmore.com

1. D. – Grievance Procedure

Complaints received regarding the installation of curb ramps or this transition plan shall follow the grievance procedure defined by the City of Atmore's 2016 Transition Plan.

1. E. – Public Comment and Adoption

The City of Atmore's ADA Transition Plan was available for review from September 21 thru October 21 2016. Notice of the Plan was advertised in the Atmore Advance. A copy of all notices and a list of comments received will be included with the Plan. The City of Atmore's Transition plan will be updated annually. A permanent copy of this plan and all public comment will be retained in the records of the City of Atmore Clerk's office.

SECTION 2 – Review and Evaluation

1. – Existing Sidewalks and Pedestrian Facilities

Sidewalks. The City of Atmore contains approximately 17 miles of sidewalks within rights-of-way owned and maintained by the State of Alabama or the City of Atmore. The City of Atmore has evaluated and has selected sidewalks for repair, removal and replacement based on their location on routes to public facilities such as offices, schools, churches, government and commercial entities. For sidewalk improvements the city will use Public Right of Way Accessible Guidelines (PROWAG). The City of Atmore will allocate funds as they become available. The City of Atmore will also, apply for grants to assist in the improvements.

2. Curb Ramps

During the evaluation of the City of Atmore's sidewalks several areas were identified that will require installation or repair of curb ramps. All of the areas that require a curb ramp have been documented.

Sidewalk and Curb Ramp Installation/Replacement/Repair

The City of Atmore will evaluate traffic on sidewalks to determine the most heavily utilized. The city will begin installations, repair and replacement of sidewalks and curb ramps on these sidewalks first. A request form has been created for citizens with disabilities to request repair or curb ramp installation. The city will require new subdivisions and sidewalks to be in compliant per ADA standards for sidewalks and curb ramps.

3. Buildings and Facilities

The City of Atmore conducted an evaluation of municipal buildings and facilities and documented the areas that are not compliant with the ADA. For improvements for buildings and other facilities American with Disability Act Accessibility Guidelines will be enforced (ADAAG). Below is a list of some of the barriers with buildings and facilities.

- Addition of Ramps
- Public restrooms not accessible
- Inadequate number of accessible parking spaces
- Doors closure rate
- Not enough clearance in pathways
- Counter tops are excessive in height

All of the items listed are not a violation of every building or facility. The City of Atmore will concentrate on the most heavily traveled areas first.

Grievance Procedure

The City of Atmore has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the U.S. Department of Justice regulations implementing Title II of the Americans with Disabilities Act. Title II states, in part, that “no otherwise qualified disabled individual shall, solely by reason of such disability, be excluded from participation in, be denied the benefits of, or be subject to discrimination” in programs or activities sponsored by a public entity. Grievance Forms may be picked up at City Hall or acquired on the City’s Website.

Complaints should be addressed to: Jeremy Ray
 201 East Louisville Avenue
 Atmore AL 36502
 251-368-2253
 jeemyr@cityofatmore.com

1. A complaint should be filed in writing, containing the name and address of the person filing it, and briefly describe the alleged violation of the regulations.
2. A complaint should be filed within 15 days after the complainant becomes aware of the alleged violation. (Processing of allegations of discrimination which occurs before this grievance procedure was in place will be considered on a case-by-case basis.)
3. An investigation, as may be appropriate, shall follow a filing of complaint. The investigation shall be conducted by the City of Atmore’s ADA Coordinator. These rules contemplate informal but thorough investigation, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.
4. A written determination, as to the validity of the complaint and a description of the resolution, if any, shall be issued by the ADA Coordinator and a copy forwarded to the complainant no later than 15 days after its filing.
5. The ADA Coordinator shall maintain the files and records of the City of Atmore relating to the complaints filed.
6. 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 within 15 days to the Mayor of the City of Atmore.
7. The right of a person to prompt an equitable resolution of the complaint filed hereunder shall 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. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies.
8. These rules shall be constructed to protect the substantive rights of interested persons to meet appropriate due process standards, and to assure that the City of Atmore complies with the ADA and implementing regulations.

Attachment A: Curb Ramp Request Form

Attachment B: Transition Plan Explanation

Attachment C: ADA Grievance Form