

CITY OF LEXINGTON ADA TRANSITION PLAN

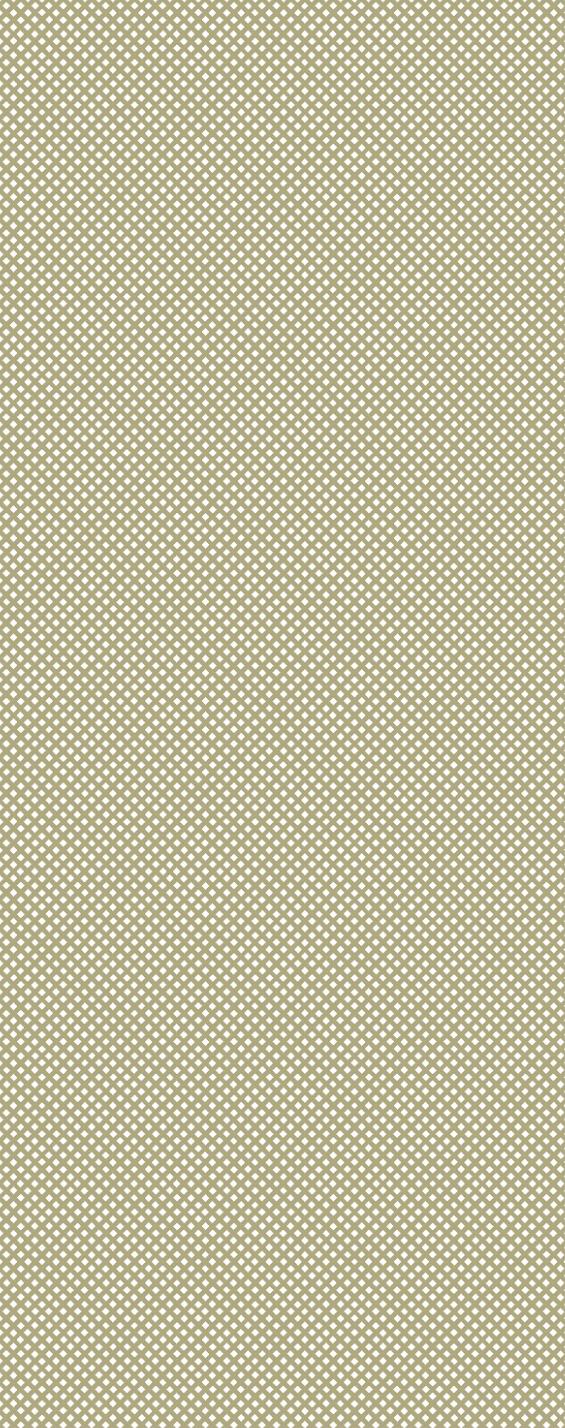
CCI Project # 01438-0000



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November
2019



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ACKNOWLEDGEMENTS

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SECTION I: EXECUTIVE SUMMARY

ADA TRANSITION PLAN

The City of Lexington conducted an accessibility self-evaluation and an Americans with Disabilities Act (ADA) Transition plan. The object of this action is to assess the community's state of compliance with ADA regulations, to identify needs, and to develop a plan for the transition to compliance.

In October 2018, the City of Lexington contracted Cannon & Cannon, Inc. to provide professional consultation in an effort to ensure that transitioning to compliance was effective and efficient. Cannon & Cannon, under the supervision of the City of Lexington, cataloged and assessed a physical inventory of the existing infrastructure, developed a transition plan to meet compliance and verified that standards, codes, policies and procedures utilized for all future projects meet or exceed the legal requirements regarding accessibility.

This effort builds upon previous work toward ADA compliance. The City of Lexington has made the initial steps in these efforts including the naming of an ADA Coordinator and developing a grievance program.

PURPOSE AND NEED

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:

- Employment
- State and Local Services
- Public Accommodations
- Telecommunications
- Miscellaneous Provisions

Title II of ADA pertains to the programs, activities, and services public entities provide. As a provider of public services and programs, the City of Lexington 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 of Lexington 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.

PUBLIC PARTICIPATION

Currently, the City of Lexington is in its early stages of ensuring ADA Compliance for all of its citizens. At the time of this report, the only public meeting held was an initial transition plan in November, 2018.

Recommendations for involving the community-at-large include:

- Surveys distributed via mailings, community events, etc.
- Holding public meetings inviting the public to share their concerns with accessibility to City services.
- Forming an ADA Citizens Advisory Committee to assist in recommendations and communication regarding existing situations and proposed projects.

SUMMARY OF FINDINGS

A self-evaluation was conducted for the City of Lexington. This process examined administrative practices and facility compliance with ADA requirements. During the self-evaluation ADA deficiencies were discovered. We estimate approximately \$907,855 in current needs.

Administratively, the City of Lexington has an ADA Coordinator and has developed a grievance policy. We did find the need for additional ADA references in ordinances, regulations, and policies.

IMPLEMENTATION

The City of Lexington has already begun the process of removing barriers for accessibility to facilities.

The City of Lexington completed two projects through TDOT allocated funds addressing multimodal and TA's for sidewalks and they are currently in the process of submitting an LPRF grant for an ADA compliant accessible playground.

With these previous efforts and by putting this transition plan in place, the City of Lexington will continue and enhance the implementation of accessibility compliance.

SECTION 2: ADMINISTRATIVE INFORMATION

ADA AND ITS RELATIONSHIP TO OTHER LAWS

The City of Lexington conducted an accessibility self-evaluation and an Americans with Disabilities Act (ADA) Transition plan. The object of this action is to assess the community's state of compliance with ADA regulations, to identify needs, and to develop a plan for the transition to compliance.

This effort builds upon previous work toward ADA compliance. The City of Lexington has made the initial steps in these efforts including the naming of an ADA Coordinator and developing a grievance program.

REQUIREMENTS

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

- 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.
 - 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.
- 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

THE COMMITMENT BY THE CITY OF LEXINGTON

In addressing the Purpose and Need of meeting accessibility needs and fulfilling the necessary requirements, the City of Lexington developed and is implementing an ADA Transition Plan that incorporates three primary focal points:

1. *Fiscal Responsibility*

The citizens of the City of Lexington deserve the respect that all funds used in the development and implementation of the ADA transition plan will utilize the most ethical and cost-effective means to meet the plans goals.

2. *Full Accessibility*

The City of Lexington's citizens represent a diverse group of people with different strengths and different challenges. We recognize that the community's diversity is both cherished and respected. And as such, it will be reflected in the plan's outlined improvements to accessibility.

3. *"For the People" Mentality*

This Transition Plan is not designed to serve as a simple checklist to document compliance. It is a sincere effort to provide better "customer service" to the people by improving accessibility. During the transition and throughout future policies and approaches, the focus will remain on seeking ways to better serve our citizens.

STATEMENT OF ACCESSIBILITY

It is a practical impossibility to ensure that every service, program, or activity can provide full accessibility for every conceivable disability. However, the City of Lexington is committed to making reasonable modifications in policies, practices, or procedures when it's necessary to

avoid discrimination on the basis of disability. However, some modifications are not feasible if it is demonstrated that by doing so it would fundamentally alter the nature of the service, program, or activity. The City of Lexington will not place surcharges on individuals with disabilities to cover the cost involved in making programs accessible.

ADA CAPITAL IMPROVEMENT PLAN

The ADA Capital Implementation Plan describes the extent to which the City operated projects are necessary to implement the ADA Transition Plan.

Types of projects included in the ADA Capital Implementation Plan can be categorized as follows:

- Resident-requested, missing, or non-compliant curb ramps.
- Parking, access and use of public buildings for citizens with disabilities.
- Curb ramp, sidewalk and other accessibility retrofits included with other facility projects.

The pace at which ADA corrections can occur is a function of available budget. The Public Works Department is responsible for the maintenance of City facilities and the maintenance and budgeting of roadway projects. The Public Work Department's 2019 budget is \$3,380,611, including personnel, supplies and materials, and other items. With limited funding, it is imperative that a reasonable approach be taken to retrofit facility projects.

The removal of barriers is the highest priority of the ADA Compliance Program. Curb ramps should be installed at all locations where they are missing and necessary for the full usage of the overall pedestrian path of travel. Older non-conforming curb ramps that pose

potential hazards to wheelchair users should be repaired, upgraded, or replaced. Some of these curb ramps may be ineffective or even dangerous due to steep slopes, narrow widths, and grade transitions.

The ADA Capital Implementation Plan includes a detailed and prioritized list of approximately 19 facility locations and items of work, which have been reviewed by the City. This implementation plan, which targets higher priority uses, anticipates a 20 to 30-year implementation period to achieve compliance with program accessibility requirements. This schedule's estimation of costs would propose a commitment of approximately \$61,000 per year (adjusted for anticipated inflation). Additional ADA work, such as new construction and additional curb ramps beyond the minimum program access requirements, will continue beyond the timeframe identified above.

Each department maintains budgets for their facilities. Typically, facility expenditures are for operations and maintenance. Several facility related items were identified in the evaluation process. The implementation of ADA related improvements will need to be coordinated. For example, several locations may require like retrofits. It may be advantageous to have a single project to make retrofits for several locations. Furthermore, projects should be funded based on the repair priority. With this said, there are some low cost, lower priority, requirements that may be accelerated.

SECTION 3: SELF-EVALUATION

OVERVIEW

The City of Lexington is required, under Title II of the Americans with Disabilities Act (ADA) and 28CFR35.105, to perform a self-evaluation of its current transportation infrastructure policies, practices, and programs. This will identify how current policies and practices impact accessibility and assess whether or not any of them adversely affect reasonable accommodation of individuals with disabilities. In addition to the policy review, field compliance assessments were conducted along roadway and around and within facilities to document the state of compliance.

A common problem in many jurisdictions is the lack of an unimpeded path of travel, or Pedestrian Access Route (PAR), that meets accessibility standards and goals. The self-evaluation examines this route and identifies potential PAR improvements. This includes primarily parking spaces, ramps, sidewalks, doorway access, service counters, signage, and restrooms. The Transition Plan will identify existing barriers to accessibility and any necessary mitigation or re-construction to provide a compliant PAR.

This Transition Plan is a dynamic document that is updated on a regular basis, charting progress, until all accessibility barriers are removed. The Plan is designed to achieve the following:

- a) Identify barriers that limit the accessibility of public services
- b) Describe methods to make the services accessible

- c) Provide a prioritized schedule for modifications
- d) Identify the individuals who have been designated to oversee the implementation of the Transition Plan
- e) Remove complete ADA activities from pending projects.

It should be noted that accessibility is not only for individuals with needs related to mobility disabilities, but also for individuals with needs related to speech, cognitive, vision and hearing disabilities. There are many potential barriers to accessibility of City services.

METHODOLOGY

As part of the assessment, two major components were evaluated, Administrative practices and public buildings/facilities. The methodology of assessment for each component is described below. Additionally, potential solutions were determined as well as programmatic budget numbers for the type of construction.

A prioritization system was developed to help prioritize ADA projects. Variables considered include existence of barriers, requests by citizens with disabilities, proximity to public buildings, and level of priority.

Administrative

As part of the self-evaluation, programs, policies, and standards were evaluated. The assessment included the review of these programs and documents for coverage of basic ADA requirements. Deficiencies were noted and suggested corrective actions were noted.

Even though all designs will implement the most up-to-date codes and standards, it is equally important that the construction of these designs are constructed according to all applicable codes, ADA standards, and best practices, including PROWAG. Therefore, it is essential that for the success of an effective compliance program that construction activities will be monitored, documented, and reported in a detailed and consistent manner.

Right-of-ways

The City of Lexington maintains approximately 12 miles of sidewalk including approximately 249 existing curb ramps. An evaluation ranking was determined using an algorithm that used ratings based on degree of barrier presented, feasibility of construction, proximity to public facilities, and importance to the Pedestrian Accessible Route.

Recommended corrections were then sorted into four priority categories, with Priority 1 representing the most urgent of needs.

Buildings and Facilities

A thorough evaluation was conducted for a multiple agency owned and/or used buildings and facilities. Each location was inspected based on the "ADA Checklist for Existing Facilities" produced by the Institute for Human Centered Design. The checklist was developed into a database and data collection took place in the field on tablet computers. Furthermore, the checklist was broken up into levels of priority including:

- Priority 1: Accessible approach and entrance
- Priority 2: Access to goods and services
- Priority 3: Access to public toilet rooms
- Priority 4: Access to other items such as water fountains and public telephones.

Field Assessment Summary

In the summer of 2019, Cannon and Cannon, Inc. conducted an inventory and compliance assessment of public facilities maintained by the City of Lexington consisting of the evaluation of the following 19 facilities:

- Baseball Complex
- City Hall
- City Hall Utilities
- City Pool
- City Soccer Sportsplex
- Civic Center
- Court Clerk's Office
- Ernest Ray Thomas Sr. Memorial Park
- Fire Department Headquarters
- Fire Station No. 2
- Fire Station No. 3
- Museum
- Basketball and Tennis Courts (Park)
- Parks Department Office
- Picnic Pavilion
- Police Department Headquarters
- Polling Locations
- Public Works Building

A detailed evaluation of these facilities can be found in Appendix A. The list of projects will be updated periodically and will be updated with needed corrections.

SECTION 4: ADMINISTRATIVE REVIEW – CODES, POLICIES AND PRACTICES

OVERVIEW

Agency Codes, Policies, and Practices can have a significant impact on citizens with disabilities. As a result, these items have been reviewed as part of the ADA self-assessment. This section describes items reviewed, suggestions for improvement, and additional policy recommendations.

CODES, POLICIES, AND PRACTICES

A review of Codes was conducted. A primary concern was the designation of an ADA Coordinator and the existence of an ADA Grievance Policy. The objective is to ensure that new or rehabilitated construction is ADA compliant. Additionally, documents such as Human Resources policies and Subdivision requirements were reviewed. The subdivision regulations were reviewed for required ADA compliant infrastructure. Properly designed and inspected developments save the respective agency from inheriting liability for non-compliant construction.

Documents reviewed for the City of Lexington include the following: City Human Resource Handbook, Subdivision Regulations, Parking Regulations, and Municipal Code.

POLICY

The City of Lexington's goal is to continue to provide accessible pedestrian design features as part of the capital improvement project budgets. The agency has established ADA design standards and procedures as listed in Appendix F. These standards and procedures will be kept up to date with nationwide and local best management practices.

The agency will consider and respond to all accessibility improvement requests. All accessibility improvements that have been deemed reasonable will be scheduled consistent with transportation priorities. The agency will coordinate with external agencies to ensure that all new or altered pedestrian facilities within the agency jurisdiction are ADA compliant to the maximum extent feasible.

Requests for accessibility improvements can be submitted to the ADA Coordinator. Contact information for the ADA coordinator is located in Appendix E.

Disability Discrimination Policy and Grievance Procedure

A general discrimination policy via Title VI and ADA Grievance Procedure do exist. The pathway lies through the links under the City Recorder's office. While this may be logical for employee access, it is not an apparent pathway for citizens to access this information. It is recommended to have the page links modified so that access to this information is apparent. The creation of a separate page would be very user-friendly.

Having this information included in the "Frequently Asked Questions" page and having that page linked under the City Hall menu would provide an additional pathway to this information that is in line with current internet user behavior.

The grievance procedure is required to be submitted in writing and includes guidance if alternate means of submittal is required. It is recommended to provide a simple form that can be easily filled out and submitted to ensure all pertinent data is submitted and consistent means of evaluation for all complaints.

City of Lexington Application for Accommodation Request

Currently no Application for Accommodation is available. It is recommended that the form described above for the Grievance Procedure be modified to allow it to double as an application for accommodation.

Infeasibility Evaluation Protocol

The City of Lexington should develop a formal infeasibility evaluation protocol. The use of this protocol should be limited to project

locations in which it is technically infeasible to comply with ADA regulations.

The infeasibility designation should satisfy pre-determined criteria. The determination should delineate the factors, costs and all compliance considerations that impacted the decision.

Lexington's Website and General Communication

1. The City's website should address access by citizens with visual impairment.
2. The City should provide TDD services for citizens with hearing impairment.
3. The City should provide an ADA Grievance Procedure, Application for Accommodation and Discrimination Policy for the General Public that is easily accessed on the website.

RECOMMENDATIONS

The following is a list of recommended actions for the respective agency to consider:

City of Lexington Subdivision Regulations

1. Article VI – General Requirements and Standards of Design; Section B.5
 - a. Add reference to ADA Requirements. Suggest wording to the effect of “All Sidewalks and curb ramps shall be ADA compliant as described in the PROWAG.”
2. Article VI – Nonresidential Subdivision Standards; Section J.2.c
 - a. Add reference to ADA Requirements. Suggest wording to the effect of “All Sidewalks and curb ramps shall be ADA compliant as described in the PROWAG.”
3. Article VII – Prerequisites to Final Subdivision Approval; Section A
 - a. Add reference to ADA Requirements. Suggest wording to the effect of “All Sidewalks and curb ramps shall be ADA compliant as described in the PROWAG.”
4. Article VII – Sidewalks, Walking Trails, Curb Cuts, Driveway Aprons and Handicap Ramps; Section I.8
 - a. Add reference to ADA Requirements. Suggest wording to the effect of “All Sidewalks and curb ramps shall be ADA compliant as described in the PROWAG.”
 - b. Ideally basic PROWAG requirements would be discussed.
5. Article VIII – Legal Status Provisions; Section D
 - a. Add wording to include the enforcement of ADA requirements
 - b. Add a fee structure for penalties for missing or non-compliant work related to ADA/PROWAG compliance
6. Article IX – Variances, Appeals and Amendments; Section A
 - a. Add wording to include the enforcement of ADA requirements

City of Lexington Municipal Code

1. Title 4 – Municipal Personnel
 - a. Add a chapter for the Americans with Disabilities Act Program to include a description of the program, statement of compliance with applicable ADA titles, program goals, requirement for an ADA Coordinator, and Reference to Grievance and Accommodation efforts.
2. Title 12 – Building, Utility, Etc. Codes; Chapter 1
 - a. Add a Section for ADA Code regarding buildings. Compliance to be based on PROWAG requirements and the most recent ADA Standards for Accessible Design
3. Title 16 – Streets, Sidewalks, Etc.
 - a. Add a Chapter for ADA/PROWAG Code regarding construction along roadway.

City of Lexington Parking Regulations

1. Chapter IX – Special Provisions Governing Parking, Loading, Signs, Site Plan Review and Temporary Structures
 - a. 11-903 Handicapped Parking; Section A
 - A. Recommend modifying to current guidelines of “One in every six accessible parking spaces shall be van accessible...”
 - b. 11-906 Sign Regulations Provisions Purpose
 - A. Suggest wording to the effect of “All signs shall meet the requirements of ADA Standards for Accessible Design in terms of visibility, height, and impact on width of Pedestrian Accessible Route.

City of Lexington Personnel Policy

As the linked Personnel Policy is a copy of Title 4 “Municipal Personnel” of the City of Lexington Municipal Code, addressing the related recommendations would allow that portion of the Municipal Code to serve as a stand-alone Personnel Policy document.

SECTION 5: IMPROVEMENT SCHEDULE

PRIORITY AREAS

The City of Lexington has identified specific locations as priority areas for accessibility improvement projects. The priority for improvements is based on the following weighted factors:

- Existence of barriers – the location has a physical barrier for accessibility by citizens with disabilities
- Prioritization Level based on the Institute for Human Center Design ADA Checklist.
- Constructability – relative measure of the relative ability to construct improvements.
- Pedestrian Routes – project will improve accessibility along established pedestrian routes or locations frequently used by pedestrians.
- Public Input – Improvements requested by citizen/s with disabilities.

Right of Way and Facility improvements for the City of Lexington are based on the priority ratings established with the ADA Self-Evaluation. Additionally, public input from citizens should also be a consideration in the prioritization and establishment of ADA projects.

EXTERNAL AGENCY COORDINATION

Other agencies are responsible for pedestrian facilities within the jurisdiction of the City of Lexington. The City will coordinate with those agencies to track and assist in the facilitation of the elimination of accessibility barriers along their routes.

SCHEDULE

The City of Lexington has set the following schedule goals for improving the accessibility of its pedestrian facilities within the City's jurisdiction:

- After 5 years, 70% of accessibility features that were constructed after January 26, 1991, would be ADA compliant.
- After 10 years, 80% of accessibility features within the priority areas identified by City staff would be ADA compliant.
- After 20 years, 100% of accessibility features within the jurisdiction of the City of Lexington would be ADA compliant.

METHODOLOGY

The City of Lexington will utilize the priority system developed by the Institute for Human Centered Design ADA Checklist for upgrading facilities to the current ADA standards. High priority projects will be incorporated into the Capital Improvement Program (CIP) on a case by case basis as determined by the City of Lexington officials. The City's CIP, which includes a schedule and budget for specific improvements, will be approved by the City elected body. A listing of accessibility needs can be found in Appendix B.

SECTION 6: PUBLIC PARTICIPATION AND INPUT

ADA COORDINATOR

In accordance with 28 CFR 35.107(a), the City of Lexington has identified an ADA Title II Coordinator to oversee the policies and procedures. Contact information for this individual is located in Appendix E.

The City of Lexington recognizes that public participation is an important component in an effective ADA program. Input from the community will be gathered to further help define priority areas for improvements within these jurisdictions.

GRIEVANCE PROCEDURE

Under the Americans with Disabilities Act, each agency is required to publish its responsibilities in regards to the ADA. If users of the City of Lexington's facilities, services, and programs believe the City has not provided reasonable accommodation, they have the right to file a grievance.

In accordance with 28 CFR 35.107(b), the City has developed a grievance procedure for the purpose of the prompt and equitable resolution of citizens' complaints, concerns, comments, and other grievances. A copy of this grievance procedure is attached in Appendix D.

SECTION 7: MONITORING AND STATUS REPORTING

This document will continue to be updated as conditions within the City of Lexington evolve. The appendices in this document will be updated periodically, while the main body of the document will be updated less frequently (within three to five years) with a future update schedule to be developed at that time. With each main body update, a public comment period will be established to continue the public outreach.

A tracking system for ADA improvements was developed. Staff should update the database as project locations receive corrective actions. Additionally, the City should update line item unit price estimates. We recommend the periodic data entry and cost estimate information is completed in ample time for the annual budget. Likewise, the database should be used with facility rehabilitation projects.

FUTURE IMPROVEMENTS

As the City of Lexington looks to the future, there are several street and/or pedestrian improvements that are anticipated in order to have a complete pedestrian system. The sidewalks are desired to be completed along both SR 20 and SR 22 within the city limits with no gaps in the system.

This will provide a connection from the Beech Lake Recreational Area and eastern commercial district to the downtown area. A similar vision to complete the sidewalk system exists for South Broad Street (SR22) southward to the southern city limits.

Another component of the future pedestrian plan is to extend a completed sidewalk system for pedestrian access from East Church Street

(SR 20) in downtown along SR 114 (Natchez Trace Drive) approximately two miles to the Amis City Park. This will connect the largest residential area in Lexington, along with schools, churches, and major industries to the downtown area and the other pedestrian facilities under way or planned.

APPENDICES

- A. Self-Evaluation Summary Results
- B. Schedule / Budget Information
- C. Public Outreach
- D. Grievance Procedure
- E. Contact Information
- F. Agency ADA Design Standards and Procedures
- G. Disability and Impairment Concepts & Definitions
- H. Glossary of Terms

APPENDIX A: SELF-EVALUATION RESULTS

This initial self-evaluation of pedestrian facilities yielded the following results:

Findings Summary

- 19 Facilities
 - Priority 1 – 40 Issues
 - Priority 2 – 56 Issues
 - Priority 3 – 13 Issues
 - Priority 4 – 4 Issues

- Right-of-Way Elements
 - Priority 1 – 100 Issues
 - Priority 2 – 148 Issues
 - Priority 3 – 48 Issues
 - Priority 4 – 42 Issues

APPENDIX B: SCHEDULE / BUDGET INFORMATION

UNIT PRICES

Construction costs for upgrading facilities can vary depending on each individual improvement and conditions of each site. Costs can also vary on the type and size of project associated with the improvements. Listed below are estimates of costs for some typical accessibility improvements based on if the improvements are included as part of a retrofit type project, or as part of a larger comprehensive capital improvement project.

Right-of-Way Elements

Correction	Units	Potential Cost
Bevel Sidewalk Heaves	Linear Foot of Sidewalk	\$5
Cross-Slope Repair	Linear Foot	\$325
Detectable Warnings	Square foot	\$40
Entrance/Ramp Slope Modification	Each	\$2,500
Misc Structural	Lump Sum	Varies
Obstruction Bypass	Each	\$10,000
Ramp Construction	Each	\$3,000
Running-Slope Modification	Each	\$20,000
Sidewalk Construction	Linear Foot	\$65
Sidewalk Widening	Linear Foot	\$34

Facility Elements

Correction	Units	Low Cost	Medium Cost	High Cost
Door Replacement	Each	\$500	\$1,000	\$2,000
Entry Construction	Each	\$750	\$1,500	\$3,000
Equipment	Each	\$750	\$1,500	\$3,000
Hardware	Each	\$150	\$375	\$750
Interior Construction	Each	\$3,000	\$6,000	\$12,000
Ramp:Const/Modify	Each	\$1,500	\$3,000	\$6,000
Relocate/Reconfigure	Each	\$75	\$150	\$300
Restroom Remodel	Each	\$1,500	\$3,000	\$6,000
Sidewalk	Each	\$1,500	\$3,000	\$6,000
Signage	Each	\$100	\$200	\$400
Striping	Each	\$375	\$750	\$1,500
Surface: Regrade	Each	\$750	\$1,500	\$3,000

The reader should be advised that these estimates are programmatic and based simply on field observation. Repairs should be made based on a design considering all field factors. Actual cost will be subject to material and labor price fluctuations, inflation, and other market factors. It is advised that costs are estimated annually.

PRIORITY RANKINGS

Based on the results of the self-evaluation, the estimate costs associated with eliminating accessibility barriers within the targeted priority areas is as follows:

Right-of-Way

Each Right-of-Way element was ranked on a scale of 0-3 in terms of its relative barrier to accessibility, proximity to public facilities, type of roadway and construction feasibility. To represent the relative importance in respect to accessibility, the barrier rating is weighted by a factor of 6 and proximity is weighted by a factor of 2.

Priority 1	\$ 400,680
Priority 2	\$ 179,525
Priority 3	\$ 33,900
<u>Priority 4</u>	<u>\$ 56,275</u>
Total ROW Estimate:	\$ 670,380

Facilities

Each location was inspected based on the “ADA Checklist for Existing Facilities” produced by the Institute for Human Centered Design. It is advised that the City should correct the highest priority first. However, and with that in mind, some of the lower priority, lower cost corrections may be considered for earlier completion of higher priority work is already being addressed at or near the same location.

Priority 1	\$ 112,375
Priority 2	\$ 79,700
Priority 3	\$ 39,750
<u>Priority 4</u>	<u>\$ 5,650</u>
Total Facility Estimate:	\$ 237,475

ENTIRE JURISDICTION

City of Lexington

Based on the results of the self-evaluation, the estimate costs associated with providing ADA accessibility within the entire jurisdiction is \$747,830. This amount signifies a significant investment that the City of Lexington is committed to making in the upcoming years. A systematic approach to providing accessibility will be taken in order to absorb the cost into the annual budget for improvements to the City of Lexington Facilities.

APPENDIX C: PUBLIC OUTREACHLEXINGTON TN ADA COMPLIANCE AND INFORMATIONAL MEETING
NOVEMBER 29, 2018

Introductions

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Mr. Greg Bird, Lexington ADA Coordinator
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What is ADA – Americans with Disabilities Act
ADA, the Act/Law (signed into law July 26, 1990)
Title I – Employment
Title II – State and Local Governments
Title III – Public Accommodation
Title IV – Telecommunications (includes Websites)
Title V – Miscellaneous

For Title II, we are primarily focusing on Program Accessibility and Communications, functions provided by Local Government. Program Accessibility means that, through new construction and alternations, facilities and functions are accessible to all citizens in a feasible manner.

Communications means that efforts are made to assure all citizens effectively communicated with Americans with Disabilities ACT Accessibility Guidelines ADAAG Draft Public Rights of way Accessibility Guidelines PROWAG (Deals with ADA within the ROW)

Technically Feasibility or Infeasible?

- Structurally impractical due to terrain
- Jeopardizes structural integrity
- Threatens the historic significance of a facility
- Still need to provide access to the maximum extent feasible
- Document all exception requests and decisions

Why is ADA Important?

Everyone benefits

TN Disability Rate 15.8% USA Disability Rate 10.4%

Temporary Disabilities impact many others

Encourages visitors/economic development

It's the LAW, but has not always been followed

Lexington is conducting a self-evaluation in compliance with the Tennessee Dept of Transportation (TDOT)

- Local Government wants to budget for and make necessary modifications
- Provide opportunities for citizen participation in the self-evaluation process (What we are doing tonight)
- Include individuals and organizations in the process
- Prepare a Transition Plan that identifies problems and corrective actions that provides a schedule for addressing project
- Corrective actions can be very expensive and require a programmatic approach to funding the corrective actions identified in a Transition Plan
- The Transition Plan is a living document that can be amended based on changing conditions or a change in priorities

Transition Plan

- List of physical obstacles that limit accessibility
- Description of methods to remove barriers
- Schedule for taking the necessary steps
- Name of official responsible for implementation
- Schedule for providing/modifying curb ramps
- Record of opportunity to participate in the plan

A Focus of the Transition Plan (TDOT Review) related to City-controlled public facilities

- Sidewalks
- Pedestrian Paths
- Curb Ramps (mainly at intersections)
- Street Crosswalks
- Driveway Crossings
- Ped-activated signal systems

Self-Evaluation Focus

Approx. 16 miles of Sidewalks

- Curb Ramps
- Driveways
- Pedestrian Signals

Facilities (Including Parking, Accessibility, Door Pressure, Water Foundations, Restrooms, Etc.)

- City Hall
- Civic Center
- City Museum
- Parks
- Municipal Building (Fire/Police)
- Fire Stations

-
- Utility Office
 - Polling Stations
 - Cemetery

Communications

- City Website
- Public Meetings, such as this one

WHAT ARE YOUR CONCERNS?

- LOCATIONS
- ACTIVITIES
- FACILITIES
- SUGGESTIONS

Your Name: _____

Address: _____

Phone No.: _____

Email: _____

Comments/Suggestions:

.....

Thank you for attending and showing interest in the City of Lexington.
Please note the location of the exits,

The restrooms are located _____

There is an accessible restroom _____

We know your time is valuable and we don't want to extend the meeting longer than we need to, but we also want to provide you as much time as you need to express your comments or concerns.

This is an information meeting and we are going to solve problems tonight. However, we do want to know what you think needs to be addressed within the scope of this ADA Self-Evaluation/Transition Plan. When we get to the comment portion of the meeting, if anyone needs assistance, we can take your comment via a voice recorder or assist you with written comments.

APPENDIX D: ADA DOCUMENTS & PROCEDURES

As part of the ADA requirements the City has posted the following notice outlining its ADA requirements:

- ADA Public Notice
- ADA Grievance Procedure
- ADA Complaint Form
- Notice Under the Americans with Disabilities Act

 ADA PUBLIC NOTICE

Public Notice

The City of Lexington

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 City of Lexington will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

Employment: The City of Lexington 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: The City of Lexington 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 of Lexington'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: The City of Lexington 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 City of Lexington 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 the City of Lexington, should contact the office of ADA Coordinator Greg Bird at 33 First Street, 731-968-6657, as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the City of Lexington 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 the City of Lexington is not accessible to persons with disabilities should be directed to ADA Coordinator Greg Bird at 33 First Street, 731-968-6657.

The City of Lexington 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.

ADA GRIEVANCE PROCEDURE

City of Lexington
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 City of Lexington. The City of Lexington'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:

Greg Bird, ADA Coordinator
33 First Street
Lexington, TN 38351
731-968-6657
greg.bird@lexingtontn.gov

Within 15 calendar days after receipt of the complaint, the ADA Coordinator or his/her designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, the ADA Coordinator 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 City of Lexington and offer options for substantive resolution of the complaint.

If the response by the ADA Coordinator 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 of Lexington Mayor.

Within 15 calendar days after receipt of the appeal, the Mayor will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the Mayor 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 the ADA Coordinator or his/her designee, appeals to the Mayor, and responses from these two offices will be retained by the City of Lexington for at least three years.

ADA COMPLAINT FORM

CITY OF LEXINGTON
ADA COMPLAINT FORM

The Americans with Disabilities Act (ADA) of 1990 states that no person in the United States shall be subjected to discrimination in any program, service, or activity due to a qualifying disability. This form may be used to file a complaint with the City of Lexington based on alleged violations of the ADA. You are not required to use this form; a letter that provides the same information may be submitted to file your complaint. Complaints should be filed within 180 days of the alleged discrimination. If you could not reasonably be expected to know the act was discriminatory within the 180-day period, you have 60 days after you became aware to file your complaint. If you need assistance completing this form, please contact the ADA Coordinator as identified below.

Name: _____ Date: _____

Street Address: _____

City: _____ State: _____ Zip Code: _____

Telephone: (home) _____ (work) _____

Other Individual(s) discriminated against, if different than above (use additional pages, if needed).

Name: _____ Date: _____

Street Address: _____

Town: _____ State: _____ Zip Code: _____

Telephone: (home) _____ (work) _____

Please explain your relationship with the individual(s) indicated above:

Name of agency and department or program that discriminated:

Agency or department name: _____

ADA COMPLAINT FORM

CITY OF LEXINGTON
ADA COMPLAINT FORM
Continue

Name of individual (if known): _____

Date(s) of alleged discrimination: _____

Date discrimination began _____ Last or most recent date _____

Please explain as clearly as possible what happened in the space below. Provide the name(s) of witness(es) and others involved in the alleged discrimination (attach additional sheets, if necessary, and provide a copy of written material pertaining to your case).

Signature: _____

Please return completed form to:

Mr. Greg Bird, ADA Coordinator
33 First Street
Lexington, TN 38351
Office -731-968-6657
Fax -731-968-3238
greg.bird@lexingtontn.gov

The City of Lexington prohibits retaliation or intimidation against anyone because that individual has either taken action or participated in action to secure rights protected by the ADA. Please inform the person listed above if you feel you were intimidated or experience perceived retaliation in relation to filing this complaint.

APPENDIX E: CONTACT INFORMATION

CITY OF LEXINGTON ADA COORDINATOR

Name: Greg Bird
Address: City of Lexington
33 First Street
Lexington, TN 38351
Phone: (731)-968-6657
E-mail: greg.bird@lexingtontn.gov

APPENDIX F: AGENCY ADA DESIGN STANDARDS AND PROCEDURES

Design Procedures

A vital component of an effective ADA program is to ensure that newly constructed infrastructure is compliant with ADA standards. Typically, there are a number of existing non-complaint ADA concerns facing local governments. Well established and documented construction standards is a necessity. Without established and monitored construction practices, the odds the agency accepting non-complaint construction is greatly increased. When this happens, the agencies' compliance burden is greatedened.

Below are a few concepts that should be considered with revisions to existing design standards. Additionally, TDOT standard drawings is a quick way to aide in the establishment of development standards. Example standard drawings are attached in this appendix.

Intersection Corners

Curb ramps or blended transitions 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 an intersection corner to achieve full accessibility within the scope of any project. Those limitations will be noted and those intersection corners will remain on the transition plan. As future projects or opportunities arise, those intersection corners shall continue to be incorporated into future work. Regardless if full compliance can be achieved or not, each intersection corner shall be made as compliant as possible in accordance with the judgment of City staff.

Sidewalks / Trails

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 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.

Traffic Control Signals

Traffic control signals 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 individual traffic control signal locations to achieve full accessibility within the scope of any project. Those limitations will be noted and those locations will remain on the transition plan. As future projects or opportunities arise, those locations shall continue to be incorporated into future work. Regardless if full compliance can be achieved or not, each traffic signal control location shall be made as compliant as possible in accordance with the judgment of City staff.

Other policies, practices and programs

Policies, practices and programs not identified in this document will follow the applicable ADA standards.

Design Standards

The City of Lexington utilizes PROWAG, as adopted by the Tennessee Department of Transportation (TDOT), as its design standard.

APPENDIX G: DISABILITY AND IMPAIRMENT CONCEPTS & DEFINITIONS

The following are several key concepts that make up the definition of disabilities and impairments according to the ADA. It is intended for general application and is not exhaustive. For a full listing of definitions, concepts and examples please refer to the complete text of the Americans with Disabilities Act.

Who is protected?

An individual with a disability is a person who:

Has a physical or mental impairment that substantially limits one or more major life activities;
 Has a record of such an impairment; or
 Is regarded as having such an impairment.

The ADA measures an impairment as when the condition is most severe. If you are only sometimes impaired, the ADA will look at when your symptoms show the most.

There are two essential parts to having a disability:

You must have a physical or mental impairment; and
 The impairment must substantially keep you from doing major life activities.

Where is protection mandated?

The Americans with Disabilities Act (ADA) protects people with disabilities from discrimination. Those areas with protection are:

- State and local government services
- Places of public accommodation
- Employment
- Telecommunications
- Transportation

The ADA covers employers with 15 or more employees, including state and local governments.

How are people protected?

If the individuals' disabilities prevent them from performing the essential functions of the program or activity, it is necessary to determine whether reasonable program modifications would enable these individuals to perform the essential functions of the program or activity.

A reasonable program modification is any change in program or activity or in the way things are customarily done that enables an individual with a disability to enjoy equal program opportunities. Adjustments may include altering activity registrations, modifying program environment or, for known disabilities, potentially modifying facilities.

What are disabilities according to the ADA?

To have a disability under the ADA, you must have a qualified physical or mental impairment. Not everything that keeps you from doing activities is an impairment covered by the ADA. The ADA uses a broad definition of disability.

Some examples of physical or mental impairments covered by the ADA:

- AIDS, and its symptoms
- Alcoholism
- Asthma
- Blindness or other visual impairments
- Cancer
- Cerebral palsy
- Depression
- Diabetes
- Epilepsy
- Hearing or speech impairments
- Heart Disease
- Migraine Headaches
- Multiple sclerosis
- Muscular dystrophy
- Orthopedic impairments
- Paralysis
- Pregnancy with complications
- Thyroid gland disorders
- Tuberculosis
- Loss of body parts

Some temporary, short-term impairments with little or no lasting effects are not qualified. The ADA does not protect against discrimination based on different lifestyles. Being addicted to drugs is not a disability. This applies to unlawful drugs like cocaine and to the abuse of prescription drugs.

Examples of conditions that are not considered impairments:

- Short-term or seasonal viral and bacterial infections
- Muscular or skeletal injuries that are expected to heal completely
- Addictive or compulsive behaviors
- Pregnancy without complications
- Lack of good decision-making skills
- Cultural factors such as education, socio-economic status, age, or sexual preferences.

APPENDIX H: GLOSSARY OF TERMS

This appendix is to serve a brief glossary of commonly used Americans with Disabilities Act (ADA) terms. For additional terms, see <https://adata.org/glossary-terms#A>

ABA: See Architectural Barriers Act.

ADA: See Americans with Disabilities Act.

ADA Transition Plan: A governmental agency's plan that identifies accessibility needs, the process to fully integrate accessibility, and ensures all facilities, services, programs, and activities are accessible to all individuals.

ADAAG: See Americans with Disabilities Act Accessibility Guidelines.

Accessible: A facility that provides access to people with disabilities using the design requirements of the ADA.

Accessible Pedestrian Signal (APS): A device that communicates information about the WALK phase in audible and vibrotactile formats.

Alteration: A change to a facility in the public right-of-way that affects or could affect access, circulation, or use. An alteration must not decrease or have the effect of decreasing the accessibility of a facility or an accessible connection to an adjacent building or site.

Americans with Disabilities Act (ADA): The Americans with Disabilities Act; Civil rights legislation passed in 1990 and effective July 1992. The ADA sets design guidelines for accessibility to public facilities, including sidewalks and trails, by individuals with disabilities.

Americans with Disabilities Act Accessibility Guidelines (ADAAG): contains scoping and technical requirements for accessibility to buildings and public facilities by individuals with disabilities under the Americans with Disabilities Act (ADA) of 1990.

APS: See Accessible Pedestrian Signal.

Architectural Barriers Act (ABA): 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.

Capital Improvement Program (CIP): The CIP for the Transportation Department includes an annual capital budget and a five-year plan for funding the new construction and reconstruction projects on the City's transportation system.

Disability – A physical or mental impairment that substantially limits one or more major life activities, a record of such an impairment, or being regarded as having such an impairment.

Detectable Warning: A surface feature of truncated domes, built in or applied to the walking surface to indicate an upcoming change from pedestrian to vehicular way.

DOJ: See United States Department of Justice

Federal Highway Administration (FHWA): A branch of the US Department of Transportation that administers the federal-aid Highway Program, providing financial assistance to states to construct and improve highways, urban and rural roads, and bridges.

Major Life Activities: Major life activities include the operation of any major bodily function. For example, things that affect the immune system, bowels, bladder, digestive, endocrine, reproductive functions, etc. Basic daily functions also count such as: eating, sleeping, standing, walking, speaking, bathing, dressing, shaving, preparing a meal, etc. It also includes problems with learning, reading, thinking, interacting, and working.

Pedestrian Access Route (PAR): A continuous and unobstructed walkway within a pedestrian circulation path that provides accessibility.

Pedestrian Circulation Route (PCR): A prepared exterior or interior way of passage provided for pedestrian travel.

PROWAG: An acronym for *Public Rights-of-Way Accessibility Guidelines* issued in 2005 by the U. S. Access Board. This guidance addresses roadway design practices, slope, and terrain related to pedestrian access to walkways and streets, including crosswalks, curb ramps, street furnishings, pedestrian signals, parking, and other components of public rights-of-way.

Qualified individual with a disability – A person with a disability who satisfies the requisite skill, experience, education and other job-related requirements of the employment position such individual holds or desires, and who, with or without reasonable accommodation, can perform the essential functions of such position.

Reasonable accommodation – A modification or adjustment to a job, the work environment, or the way things usually are done that enables a qualified individual with a disability to enjoy an equal employment opportunity. For example:

- Modifications or adjustments to a job application process that enable a qualified applicant with a disability to be considered for the position such qualified applicant desires; or
- Modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable a qualified individual with a disability to perform the essential functions of that position; or
- Modifications or adjustments that enable a covered entity's employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by its other similarly situated employees without disabilities.

Right of Way: A general term denoting land, property, or interest therein, usually in a strip, acquired for the network of streets, sidewalks, and trails creating public pedestrian access within a public entity's jurisdictional limits.

Section 504: The section of the Rehabilitation Act that prohibits discrimination by any program or activity conducted by the federal government.

Uniform Accessibility Standards (UFAS): Accessibility standards that all federal agencies are required to meet; includes scoping and technical specifications.

United States Access Board: An independent federal agency that develops and maintains design criteria for buildings and other improvements, transit vehicles, telecommunications equipment, and electronic and information technology. It also enforces accessibility standards that cover federally funded facilities.

United States Department of Justice (DOJ): The United States Department of Justice (often referred to as the Justice Department or DOJ), is the United States federal executive department responsible for the enforcement of the law and administration of justice.