



CITY OF ROHNERT PARK, CALIFORNIA

ADA Self-Evaluation and Transition Plan

PHASE 1

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Self-Evaluation and Transition Plan (Phase 1)

City of Rohnert Park

June 2018

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Note: Terms included in *Definitions* appear in **bold** the first time they appear in this document.

1. Introduction

The City of Rohnert Park's Americans with Disabilities (ADA) Self-Evaluation and Transition Plan (Phase 1)

The American with Disabilities Act (ADA) is a comprehensive civil rights law for persons with **disabilities** that provides protection against discrimination in both employment and the provision of goods and services. The ADA states that its purpose is to provide a "clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities." Congress emphasized that the ADA seeks to dispel stereotypes and assumptions about disabilities and to assure equality of opportunity, full participation, independent living, and economic self-sufficiency for people with disabilities.

1.1 Legislative Mandate

The American with Disabilities Act (ADA) is a comprehensive civil rights law for persons with **disabilities** that provides protection against discrimination in both employment and the provision of goods and services. The ADA states that its purpose is to provide a "clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities." Congress emphasized that the ADA seeks to dispel stereotypes and assumptions about disabilities and to assure equality of opportunity, full participation, independent living, and economic self-sufficiency for people with disabilities.

The development of a Transition Plan is a requirement of the federal regulations implementing Section 504 of the Rehabilitation Act of 1973. The Act, which has become known as the *civil rights act* of persons with disabilities, states that "no qualified individual with a disability in the United States shall be excluded from, denied the benefits of, or be subjected to discrimination under" any program or activity receiving federal financial assistance.

Following the enactment of the Rehabilitation Act, Congress passed the ADA on July 26, 1990. Title II of the ADA covers programs, activities, and services of public entities. The U.S. Department of Justice's (DOJ) ADA title II regulations adopt the general prohibitions of discrimination established under Section 504 and incorporate specific prohibitions of discrimination for the ADA. Title II provides protections to individuals with disabilities that are at least equal to those provided by the nondiscrimination provisions of title V of the Rehabilitation Act.

The DOJ's revised regulations for titles II and III of the ADA were published in the *Federal Register* on September 15, 2010. These regulations adopted revised, enforceable accessibility standards called the 2010 ADA Standards for Accessible Design (2010 Standards). On March 15, 2012, compliance with the 2010 Standards was required for new construction and alterations under titles II and III. The compliance date for using the 2010 Standards for **program accessibility** and barrier removal is also March 15, 2012.

Under the requirements of the 1990 ADA and the 2010 Standards, the City of Rohnert Park may not specifically, either directly or through contractual arrangements, do any of the following:

- Deny persons with disabilities the opportunity to participate as members of advisory boards and commissions
- Deny persons with disabilities the opportunity to participate in services, programs, or activities that are not separate or different from those offered others, even if the City offers permissibly separate or different activities
- In determining the location of facilities, make selections that have the effect of excluding or discriminating against persons with disabilities
- Deny access to people with disabilities who require the assistance of a **service animal** in any area of the City's facilities where the public is normally allowed to go

Further, title II of the ADA provides that public entities must identify and evaluate all programs, activities, and services and review all policies, practices, and procedures that govern administration of the entity's programs, activities, and services.

This Plan and certain documents incorporated by reference, establishes the City of Rohnert Park's ADA Self-Evaluation and Transition Plan.

Application of Regulations

Rohnert Park, as a **public entity**, is subject to the ADA's Title II Requirements for State and Local Government Programs and Services. All public entities, regardless of size, are required to complete an ADA Self-Evaluation Plan and provide public notice about the ADA's provisions. Public entities that employ 50 or more persons (such as the City) are required to complete an ADA Transition Plan, and additional title II administrative requirements (Section 35.107 of the ADA) mandate that the City identify an **ADA Coordinator** and develop and publish grievance procedures to provide fair and prompt resolution of accessibility complaints as part of its Plan.

The City is also responsible for the provision of **accessible** programs and facilities that are available without discrimination toward people with disabilities. A fundamental tenet of title II of the ADA is *"the principle that individuals with disabilities must be provided an equally effective opportunity to participate in or benefit from a public entity's aids, benefits, and services."* (28 CFR § 35.130-35.135. II-3.3000 Equality in participation/ benefits)

This principle, here referred to as **program accessibility**, is described in 28 CFR § 35.149-35.150. II-5.1000 General.

A public entity may not deny the benefits of its programs, activities, and services to individuals with disabilities because its facilities are inaccessible. A public entity's services, programs, or activities, when viewed in their entirety, must be readily accessible to and usable by individuals with disabilities. This standard, known as program accessibility, applies to all existing facilities of a public entity. Public entities, however, are not necessarily required to make each of their existing facilities accessible.

As a public entity, the City is required to ensure program accessibility for the programs it provides to the public.

1.2 Discrimination and Accessibility

This section provides an overview of physical and programmatic accessibility and the basic methods of providing access. Absence of discrimination requires that both types of accessibility be provided.

Physical accessibility requires that a facility be barrier-free. Barriers include any obstacles that prevent or restrict the entrance to or use of a facility.

Program accessibility requires that individuals with disabilities be provided an equally effective opportunity to participate in or benefit from a public entity's programs and services. Program accessibility includes physical accessibility, but also entails all the policies, practices, and procedures that permit people with disabilities to participate in programs and to access important information. Program accessibility may be achieved by either structural or non-structural methods. Non-structural methods include acquisition or redesign of equipment, assignment of aids to beneficiaries, and provision of services at alternate sites.

Programs offered by Rohnert Park to the public must be accessible. Accessibility includes advertisement, orientation, eligibility, participation, testing or evaluation, physical access, provision of **auxiliary aids and services**, transportation, policies, and communication. The City may achieve program accessibility by several methods:

- Structural methods such as altering an existing facility
- Acquisition or redesign of equipment
- Assignment of aids
- Providing services at alternate accessible sites

When choosing a method of providing program access, the City is required to prioritize the method that results in the most integrated setting appropriate to encourage interaction among all users, including individuals with disabilities. In compliance with the requirements of the ADA, the City of Rohnert Park must provide equality of opportunity.

1.3 ADA Self-Evaluation and Transition Plan Requirements and Process

The ADA Self-Evaluation and Transition Plan (Plan) is intended to provide a framework for the continuous improvement of the City's programs and facilities for people with disabilities. The Plan is a living document that should be regularly updated as programs and services change, as barriers are removed, and as new facilities come under ownership or control of the City.

Programs, activities, and services offered by Rohnert Park to the public must be accessible for people with and without disabilities. Accessibility applies to all aspects of programs or services provided by the City, including:

- Accessible/Adaptive Equipment
- Customer Service
- Emergency Evacuation Procedures
- Notice Requirements
- Printed Information
- Programs and Facilities
- Public Meetings
- Public Telephones and Communication Devices
- Special Events and Private Events on Public Properties
- Televised and Audiovisual Public Information
- Tours, Trips, and Transportation Services
- Training and Staffing
- Use of Consultants for Delivering Program Services
- Website

The ADA **Self-Evaluation** for programmatic access identifies and makes recommendations to correct those policies and practices in the above-mentioned programs and services that are inconsistent with title II regulations and result in limitations to access for persons with disabilities. As part of the Self-Evaluation, the City:

- Identifies City programs, activities, and services
- Reviews the policies, practices, and procedures that govern the administration of the City's programs, activities, and services
- Provides opportunity for public comment
- Makes the report available to the public
- Corrects any programs, activities, and services that are not consistent with the regulations

The **Transition Plan** is a document that outlines a strategy for Rohnert Park to progress toward compliance with the ADA. The Transition Plan identifies barriers for persons with disabilities and a schedule to remove those barriers over time. The Transition Plan must include:

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

1.4 Self-Evaluation

In 2017 the City evaluated its policies, programs, and procedures to determine current levels of service and the extent to which its policies and programs created barriers to accessibility for persons with disabilities. Questionnaires were distributed and received from the following departments:

- Administration
- Community Services
- Development Services
- Human Resources
- Public Safety
- Public Works
- Utilities

Findings for the City's programs, activities, and services can be found in Section 3.1 of this Plan.

1.5 Transition Plan and Facility Assessments

In 2017, the City conducted a physical audit of facilities to locate barriers to access and to identify recommendations and alterations to meet state and federal accessibility standards.

The standards used for the facility evaluations are the 2010 ADA Standards for Accessible Design and the 2016 California Building Code, which is revised every three years. The barrier evaluations provide an assessment of current conditions as viewed by current code and provide a baseline for future barrier removal.

The California Division of the State Architect has provided direction within CBC Section 11B-246 for the development of accessible outdoor developed areas (camping facilities, beaches, day use areas and vista points, picnic areas, trails, and parking lots). The CBC references the California State Parks Accessibility Guidelines, which have incorporated both the 2010 Standards and the ABA Accessibility Guidelines for Outdoor Developed Areas (AGODA) for federal lands and agencies. The CBC is directly applicable to the City.

1.6 Regulatory Framework

Legal standards and regulations ensuring the rights of persons with disabilities to actively participate in public life have been in ongoing development for more than a century. These regulations have occurred at the federal, state, and local levels and range in form from civil rights acts to building codes with **technical standards** of construction. The technical standards have evolved from a beginning solely directed toward buildings and the public right-of-way to more recent expansions into outdoor recreation areas.

Regulations and technical standards often are first made applicable to agencies of the federal government and then later mandated for state and local governments and private entities. The State of California has been an early developer and adopter of accessibility guidelines, and these state regulations have often exceeded the minimums established by the federal regulations.

Below is a brief listing and description of the federal and state laws, final rules, and regulations that implement title II of the ADA and that were used to inform this Plan.

Americans with Disabilities Act (ADA). A federal law passed in 1990, the ADA is a civil rights law that prohibits **discrimination on the basis of disability**. The ADA applies to many scopes

of life, including employment, state and local governments, public accommodations and commercial facilities, telecommunications, and transportation. Technical standards for design and construction are addressed in the 2004 *ADA and ABA Accessibility Guidelines (ADAAG)*.

ADA Standards for Accessible Design (2010 Standards). DOJ regulations providing technical standards for the built environment. These regulations are d periodically, and the 2010 Standards are current as of the time of this Plan's publication. The 2010 Standards do not include provisions for outdoor developed areas.

Americans with Disabilities Act (ADA) and Architectural Barriers Act (ABA) Accessibility Guidelines (ADAAG). In 2004 the U.S. Access Board published new design guidelines that cover access for people with disabilities under the ADA. These guidelines d access requirements for a wide range of facilities in the public and private sectors covered by the law. They also included guidelines for federal facilities covered by the ABA.

California Building Code Title 24 (CBC). The CBC provides **scoping** and technical standards for the design and construction of the built environment in the State of California. The CBC is d every three years, with the 2016 version current as of the time this Plan's publication.

The following are guidance documents used to inform this Plan.

Architectural Barriers Act (ABA). The first federal law addressing accessibility was passed in 1968. Although the ABA requirements apply only to facilities designed, built, altered, or leased with funds supplied by the U.S. government, the ABA was intended to set an example for state and local governments and private industry. Current technical standards for design and construction are addressed in the 2015 Architectural Barriers Act Standards (See ABA Standards).

Architectural Barriers Act (ABA) Standards (ABA Standards). The first accessibility guidelines issued under the ABA in 1982 initially applied to facilities designed, built, altered, or leased with federal funds. The 1991 ADA Accessibility Guidelines extended these enforceable standards to a wide range of facilities in the public and private sectors covered by the ADA. The 2013 and 2015 editions of the ABA Standards include new provisions for outdoor developed areas (see AGODA), which currently apply only to national parks and other outdoor areas developed by the federal government. The 2015 ABA Standards for outdoor developed areas have not yet been adopted by the DOJ as part of the ADA Standards for Accessible Design, which do apply to the City's programs and facilities. However, the Access Board intends for these guidelines for outdoor developed areas to be adopted and made applicable to non-federal outdoor sites covered by the ADA.

ABA Accessibility Guidelines for Outdoor Developed Areas (AGODA). AGODA, which is based on the 1999 *Regulatory Negotiation Committee on Accessibility Guidelines for Outdoor Developed Areas*, was originally issued in 2004. In 2013 the Access Board published its final rule, *Final Guidelines for Outdoor Developed Areas*, which amended the ABA Standards and Accessibility Guidelines. The Board d AGODA in 2014 with the publication of *A Summary of Accessibility Standards for Outdoor Developed Areas*, which currently applies only to national

parks and other outdoor areas directly developed by the federal government. AGODA was fully adopted into the 2015 ABA Standards and adopted by reference into the California State Parks Accessibility Guidelines.

California State Parks Accessibility Guidelines (State Parks Guidelines). These guidelines define department policy and are a reference manual on technical standards for accessible design in the California State Parks System. The guidelines are d periodically, and the 2015 version is current as of the time of publication of this Plan. State Parks Guidelines refer to the standards contained in the 2013 AGODA, the 2013 CBC, the 2010 Standards, and Section 508 of the 1973 Rehabilitation Act (amended 1998) and serve as a valuable resource for planners, designers, contractors, and maintenance staff for outdoor developed areas.

1.7 Undue Burden

The City of Rohnert Park is not required to take any action that it can demonstrate would result in a **fundamental alteration** in the nature of its services, programs, or activities; would create a hazardous condition resulting in a direct threat to program participant or others; or would represent an undue financial and administrative burden.

A determination of undue financial or administrative burden can only be made by the head of a department or his or her designee and must be accompanied by a written statement of the reasons for reaching that conclusion. The determination that undue burdens would result must be based on all resources available for use in the City. If an action would result in such an alteration or such burdens, the City must take any other action that would not result in such an alteration or such burdens, but would nevertheless ensure that individuals with disabilities receive the benefits and services of the program or activity.

1.8 Safe Harbor Provisions

Title II of the ADA requires a public entity to “operate each service, program or activity so that the service, program or activity, when viewed in its entirety, is readily accessible to and usable by individuals with disabilities.” This requirement does not:

- Necessarily require a public entity to make each of its existing facilities accessible to and usable by individuals with disabilities
- Require a public entity to take any action that would threaten or destroy the historic significance of an historic property
- Require a public entity to take any action that it can demonstrate would result in a fundamental alteration in the nature of a service, program or activity or impose undue financial and administrative burdens (see Section 1.7 of this Plan)

The 2010 Standards introduced the concept of *safe harbor*, a new exception that allows facilities that were built prior to March 15, 2012 and were in compliance with the 1991 ADA Standards to remain as-is until a public entity plans an alteration to the structural feature. For example, the 1991 Standards allowed 54 inches maximum for a side reach range, while the 2010 Standards lowered the side reach range to 48 inches maximum. Existing items positioned at the 54-inch

height would fall under the safe harbor provision until the time of planned alterations if the items were built before March 15, 2012 [28 *CFR* § 35.150(b)(2)(i)].

This exception applies to elements that might otherwise have to be modified under:

- The program access requirement for public entities or
- The **path of travel** requirement for any alteration that affects the usability of a **primary function** area in any covered facility. If a public entity has constructed or altered required elements of a path of travel in accordance with the specifications in either the 1991 Standards or the Uniform Federal Accessibility Standards before March 15, 2012, the public entity is not required to retrofit such elements to reflect incremental changes in the 2010 Standards solely because of an alteration to a primary function area served by that path of travel.¹ In California, the extent of required path of travel upgrades is subject to an annually adjusted valuation threshold based on the overall project cost of facility alterations regardless of federal safe harbor provisions.²

The 2010 Standards also identify structural elements that do not fall under the safe harbor provision [28 *CFR* § 35.150(b)(2)(ii)]. The following elements are not eligible for element-by-element safe harbor because technical or scoping specifications for them were not addressed in the 1991 ADA, but were added as supplemental requirements prior to 2010.

- Residential facilities dwelling unit
- Amusement rides
- Recreational boating facilities
- Exercise machines and equipment
- Fishing piers and platforms
- Golf facilities
- Miniature golf facilities
- Play areas
- Saunas and steam rooms
- Swimming pools, wading pools, and spas
- Shooting facilities with firing positions
- Miscellaneous: team or player seating, accessible route to bowling lanes, accessible route in court sports facilities.

Resources

- DOJ. "State and Local Government Facilities: Guidance on the Revisions to 28 CF" in *Guidance on the 2010 ADA Standards for Accessible Design* available at <https://www.ada.gov/regs2010/2010ADASTandards/Guidance2010ADASTandards.htm#title11>.

¹ Title 28, Chapter 1, § 35.151(b)(4)(ii)(C) New construction and alterations.

² 2016 California Building Code Chapter 2 Valuation Threshold.

1.9 City ADA Resources

The administrative requirements of title II of the ADA include mandates to designate an ADA coordinator, give notice about the ADA's requirements, and establish a grievance procedure. The following resources provide guidance on fulfilling these requirements.

ADA Coordinator Roles and Responsibilities

The ADA Coordinator is responsible for organizing and communicating the efforts of a government entity to comply with and fulfill its responsibilities under title II of the ADA. The ADA Coordinator's responsibilities include investigating complaints that the entity has engaged in any action prohibited by title II. As the Plan is implemented over time, the ADA Coordinator may be tasked with directly engaging the local disability community and documenting the continued monitoring of programmatic solutions and physical improvements required by the DOJ. The name, office address, and telephone number of the ADA Coordinator must be provided to interested persons.

Section 1.1 of this Plan outlines the legislative mandate for an ADA Coordinator. The following describe the characteristics of an effective ADA Coordinator who understands the City's organizational structure and the associated roles and responsibilities needed to maintain compliance with the ADA and ensure a successful Plan.

Characteristics of an Effective ADA Coordinator

- Familiarity with the City's structure, activities, and employees
- Knowledge of the ADA and other laws addressing the rights of people with disabilities, such as Sections 504 and 508 of the Rehabilitation Act, 29 U.S.C. § 794
- Expertise in ADA regulations, standards, and guidelines for accessible design and all other applicable municipal, county, state, and federal disability non-discrimination requirements
- Experience with people with a broad range of disabilities
- Ability to work cooperatively within the City government and with people with disabilities
- Familiarity with local disability advocacy groups or other disability groups
- Skills and training in negotiation and mediation
- Organizational and analytical skills

Typical Roles and Responsibilities of an ADA Coordinator

- Establishing and overseeing accessibility request and grievance procedures
- Conducting self-evaluation plans
- Coordinating the implementation of transition plans
- Monitoring and tracking ongoing progress in removing barriers
- Communicating policy to the public and within the City
- Coordinating ADA-related activities among the City's departments
- Identifying and utilizing appropriate resources
- Providing staff training and up-to-date information regarding the intent and application of ADA regulations, guidelines, and enforcement

- Determining the use of City resources, particularly in resolving complaints and providing **reasonable modifications**
- Coordinating City programs and tools for **effective communication**
- Providing guidance in making local Emergency Preparedness and Response Programs accessible to people with disabilities
- Assisting the City program to improve and increase the accessibility of its public rights-of-way

Victoria Perrault, Director of Human Resources, is also the City's ADA Coordinator.

Resources

- National Association of ADA Coordinators: <http://adacoordinators.org/>
- Chapter 2. ADA Coordinator, Notice & Grievance Procedure. In *ADA Best Practices Tool Kit for State and Local Governments*: <https://www.ada.gov/pcatoolkit/chap2toolkit.pdf> and <https://www.ada.gov/pcatoolkit/chap2toolkit.htm>
- DOJ, Civil Rights Division, Disability Rights Section. *ADA Requirements: Effective Communication*. 2014. <https://www.ada.gov/effective-comm.htm>
- ADA Coordinator Training Certification Program www.adacoordinator.org

ADA Notice Requirements

The City must publicize its efforts to comply with the ADA and provide public notice of the ADA's provisions as they apply to the City's services, programs, and activities. There are three main considerations for providing notice that should be considered by the City.

1. **Who is the target audience for the ADA notice?** The target audience for public notice includes applicants, beneficiaries, and other people interested in the City's programs, activities, or services. The audience is expansive and includes everyone who interacts – or would potentially interact – with the City, such as a person who uses a pool or wants to participate in a meeting.
2. **What information should the notice include?** The notice is required to include relevant information regarding title II of the ADA and how it applies to the City's programs, services, and activities. An effective *Notice under the Americans with Disabilities Act* would include brief statements about employment; effective communication; making reasonable modifications to policies and programs; the availability of modifications or auxiliary aids and services without charge; how to file a complaint; and contact information for the ADA Coordinator.
3. **Where and how should the notice be provided?** The head of each department or the ADA Coordinator is obligated to determine the most effective ways of providing notice on an ongoing basis, to the public about their rights and the City's responsibilities under the ADA. The information must be effectively communicated so that it is accessible to all. Examples of alternative formats for providing notice include: audiotape or other recordings, radio announcements, large-print or braille notice, use of a qualified sign language interpreter at meetings, open or closed captioned public service announcements on television, HTML format on accessible websites, and ASCII, HTML, or word processing format on CDs.

Including a *welcoming statement* to members of the public with and without disabilities in general program brochures, other marketing literature, or web pages is not required by the ADA. However, a proactive statement (such as the following example for a recreation agency) offers a more direct and open approach toward the inclusion of people with disabilities in a public entity's programs and creates greater awareness of its inclusive programs and services.

The Parks and Recreation Department is committed to the spirit and intent of the Americans with Disabilities Act. We will make every effort to ensure that youth, teens, and adults of all abilities are fully included in all our recreation programs, facilities, and parks. For questions about our accessibility program or how we may best meet your needs in any of our programs, please call our ADA Coordinator at (555) 555-5555.

Additional information and recommendations about preparing and publicizing a policy of non-discrimination based on disability are discussed in the *Notice Requirements* section of this Plan

Resources

- Model *Notice under the Americans with Disabilities Act*. Chapter 2. ADA Coordinator, Notice & Grievance Procedure. In *ADA Best Practices Tool Kit for State and Local Governments*: <https://www.ada.gov/pcatoolkit/chap2toolkit.pdf> and <https://www.ada.gov/pcatoolkit/chap2toolkit.htm>

ADA Grievance Procedure

Agencies with 50 or more employees, such as the City of Rohnert Park, must develop and publish grievance procedures to provide fair and prompt resolution of complaints under the administrative requirements of title II of the ADA. The grievance procedure should include:

- a description of how and where a complaint under title II may be filed with the City;
- if a written complaint 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 agency;
- information on how to appeal an adverse decision; and
- a statement of how long complaint files will be retained.

Once the City establishes a grievance procedure under the ADA, it should be distributed to all department heads, posted in public spaces of public buildings and on the City's website, and d when the grievance procedure and/or the contact information for the ADA Coordinator is changed. In addition, the procedure must be available in alternative formats so that it is accessible to all people with disabilities.

Resources

- Model *Grievance Procedure Under the Americans with Disabilities Act*. Chapter 2. ADA Coordinator, Notice & Grievance Procedure. In *ADA Best Practices Tool Kit for State*

and Local Governments: <https://www.ada.gov/pcatoolkit/chap2toolkit.pdf> and <https://www.ada.gov/pcatoolkit/chap2toolkit.htm>

- Northwest ADA Center Grievance Procedure <http://nwadacenter.org/toolkit/grievance-procedure>

1.10 Public Outreach for the Plan

A public entity is required to accept comments from the public on its ADA Self-Evaluation and Transition Plan and is strongly encouraged to consult with individuals with disabilities and organizations that represent them to assist in the self-evaluation process. Many individuals with disabilities have unique perspectives on a public entity's programs, activities, and services.

Public Meetings

A public meeting was held on September 13, 2017 to introduce the project and receive questions and comments related to the ADA Plan.

The Plan was posted to the City's website 30 days prior to a public presentation on May 17, 2018. Several constituents provided comment, although many of their concerns were related to evaluating and addressing accessibility for people with disabilities at federal and private properties located in Rohnert Park, which is beyond the scope of title II of the ADA and the City's ADA Self-Evaluation and Transition Plan.

Presentation materials for all community meetings related to the project are included in Appendix C of the Plan.

2. Definitions

For the purpose of this Plan, the terms defined in this section have the indicated meaning. The meaning of terms not specifically defined here or in regulations issued by the DOJ and the U.S. Department of Transportation to implement the ADA or in referenced standards shall be as defined by collegiate dictionaries in the sense that the context implies. The following terms appear in **bold** in their first use in this document.

Accessible. A site, building, facility, or portion thereof is deemed accessible when it is approachable and usable by persons with disabilities in compliance with technical standards adopted by the relevant **Administrative Authority**.

Administrative Authority. A governmental agency that adopts or enforces regulations and guidelines for the design, construction, or alteration of buildings and facilities.

ADA Coordinator. The individual responsible for coordinating the efforts of the government entity to comply with title II and investigating any complaints that the entity has violated title II. Also known as *Disability Access Manager* or *Accessibility Manager*.

Auxiliary Aids and Services. Refers to ways to communicate with people who have communication disabilities such as blindness, vision loss, deafness, hearing loss, a combination of vision and hearing loss, or speech or language disorders. The key to deciding what aid or service is needed to communicate effectively with people with disabilities and their companions is to consider the nature, length, complexity, and context of the communication as well as the person's normal method(s) of communication. Auxiliary aids and services include the use of interpreters, notetakers, readers, assistive listening systems, captioning, and **TTYs** or the provision of alternate formats such as braille, ASCII text, large-print, recorded audio, and electronic formats like CDs and DVDs.

Disability. The term *disability* means, with respect to an individual:

1. A **physical or mental impairment** that **substantially limits** one or more of the major life activities of such individual;
2. A record of such impairment; or
3. Being **regarded as having a disability** or such impairment.

Discrimination on the Basis of Disability. Discrimination on the basis of disability means to:

- Limit, segregate, or classify a citizen in a way that may adversely affect opportunities or status because of the person's disability
- Limit, segregate, or classify a participant in a program or activity offered to the public in a way that may adversely affect opportunities or status because of the participant's disability
- Participate in a contract that could subject a qualified citizen with a disability to discrimination

- Use any standards, criteria, or methods of administration that have the effect of discriminating on the basis of disability
- Deny equal benefits because of a disability
- Fail to make reasonable modifications to known physical or mental limitations of an otherwise **qualified individual with a disability** unless it can be shown that the modification would impose an undue financial or administrative burden on the City's operations, result in a fundamental alteration to the nature of the City's services, programs, or activities, or pose a direct threat to others
- Use selection criteria that exclude otherwise qualified people with disabilities from participating in the programs or activities offered to the public
- Fail to use tests, including eligibility tests, in a manner that ensures that the test results accurately reflect the qualified applicant's skills or aptitude to participate in a program or activity

Effective Communication. Communication with people who have vision, hearing and/or speech disabilities that is equally effective as communication with people without disabilities.

Fundamental Alteration. A modification that is so significant that it alters the essential nature of the goods, services, facilities, privileges, advantages, or accommodations offered. If a public entity can demonstrate that the modification would fundamentally alter the nature of its service, program, or activity, it is not required to make the modification. If a public accommodation (private entity) can demonstrate that a modification would fundamentally alter the nature of the goods, services, facilities, privileges, advantages, or accommodations it provides, it is not required to make the modification.

Having a Record of Impairment. An individual is disabled if he or she has a history of having an impairment that substantially limits the performance of a major life activity or has been diagnosed, correctly or incorrectly, as having such impairment.

International Symbol of Accessibility (ISA). The **ISA** is recognized worldwide as a symbol identifying accessible elements and spaces. Standards issued under the ADA and ABA Standards reference and reproduce the ISA to ensure consistency in the designation of accessible elements and spaces. Uniform iconography promotes legibility, especially for people with low vision or cognitive disabilities. Guidance on use of the ISA under the ADA is available at <https://www.access-board.gov/attachments/article/1898/ISA-guidance.pdf>.



Other Power-Driven Mobility Device (OPDMD). An OPDMD is any mobility device powered by batteries, fuel, or other engines that is used by individuals with mobility disabilities for locomotion and designed to operate in areas without defined pedestrian routes.

Path of Travel. A path of travel is a continuous, unobstructed way of pedestrian passage by means of which a newly constructed or altered area may be approached, entered, and exited and which connects an area with an exterior approach (including sidewalks, streets, and parking areas), an entrance to the facility, and other parts of a facility. An accessible path of travel may

consist of walks and sidewalks, curb ramps, and other interior or exterior pedestrian ramps; clear floor paths through lobbies, corridors, rooms, and other improved areas; parking access aisles; elevators and lifts; or a combination of these elements. Within the context of alterations, path of travel also includes restrooms, telephones, and drinking fountains serving the altered area.

Physical or Mental Impairments. Physical or mental impairments may include, but are not limited to, vision, speech, and hearing impairments; emotional disturbance and mental illness; seizure disorders; mental retardation; orthopedic and neuromotor disabilities; learning disabilities; diabetes; heart disease; nervous conditions; cancer; asthma; Hepatitis B; HIV infection (HIV condition); and drug addiction, if the addict has successfully completed or is participating in a rehabilitation program and no longer uses illegal drugs.

The following conditions are not physical or mental impairments: transvestitism; illegal drug use; homosexuality or bisexuality; compulsive gambling; kleptomania; pyromania; pedophilia; exhibitionism; voyeurism; pregnancy; height; weight; eye color; hair color; left-handedness; poverty; lack of education; a prison record; and poor judgment or quick temper, if not symptoms of a mental or physiological disorder.

Primary Function. A major activity for which a facility is intended. Areas that contain a primary function include, but are not limited to, the dining area of a cafeteria, the meeting rooms in a conference center, as well as offices and other work areas in which the activities of the public entity using a facility are carried out.

Program Accessibility. A public entity's services, programs, or activities, when viewed in their entirety, must be readily accessible to and usable by individuals with disabilities.

Public Entity. Any state or local government; any department, agency, special-purpose district, or other instrumentality of a state or local government.

Qualified Individual with a Disability. A qualified individual with a disability means an individual with a disability who—with or without reasonable modification to rules, policies, or practices; the removal of architectural, communication, or transportation barriers; or the provision of auxiliary aids and services—meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by the City.

Regarded as Having a Disability. An individual is *disabled* if she or he is treated or perceived as having an impairment that substantially limits major life activities, although no such impairment exists.

Reasonable Modification. A public entity must modify its policies, practices, or procedures to avoid discrimination unless the modification would fundamentally alter the nature of its service, program or activity. An example of a reasonable modification is to permit the use of a service animal by an individual with a disability at facilities that generally prohibit animals.

Scoping. Requirements that specify what features are required to be accessible and, where multiple features of the same type are provided, how many of the features are required to be accessible.

Service Animal. Service animals are dogs (and in certain circumstances, miniature horses) that are individually trained to perform tasks for people with disabilities. Examples of such work or tasks include guiding people who are blind, alerting people who are deaf, pulling a **wheeled mobility device**, alerting and protecting a person who is having a seizure, reminding a person with mental illness to take prescribed medications, calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack, or performing other duties. Service animals are working animals, not pets. The work or task a dog has been trained to provide must be directly related to the person's disability. Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA. Guidance on the use of the term *service animal* in the 2010 Standards has been published online at https://www.ada.gov/service_animals_2010.htm.

Title II regulations now include assessment factors to assist public entities in determining whether miniature horses can be accommodated as service animals in their facilities:

1. whether the miniature horse is housebroken
2. whether the miniature horse is under the owner's control
3. whether the facility can accommodate the miniature horse's type, size, and weight
4. whether the miniature horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility,

Substantial Limitations of Major Life Activities. An individual is disabled if she or he has a physical or mental impairment that (a) renders her or him unable to perform a major life activity, or (b) substantially limits the condition, manner or duration under which she or he can perform a particular major life activity in comparison to other people.

Major life activities are functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

In determining whether physical or mental impairment substantially limits the condition, manner or duration under which an individual can perform a particular major life activity in comparison to other people, the following factors shall be considered:

- The nature and severity of the impairment
- The duration or expected duration of the impairment
- The permanent or long-term impact (or expected impact) of or resulting from the impairment

Technical Requirements. Specify the design criteria for accessible features, including the specific numbers, conditions, and measurements that are required.

Technically Infeasible. With respect to an alteration of a building or a facility, something that has little likelihood of being accomplished because existing structural conditions would require

removing or altering a load-bearing member that is an essential part of the structural frame; or because other existing physical or site constraints prohibit modification or addition of elements, spaces, or features that are in full and strict compliance with the minimum requirements.

Telecommunications Display Device (TDD). A telecommunications display device for the deaf (TDD) is an electronic device for text communication via a telephone line, used when one or more of the parties has hearing or speech difficulties. Other names for TDD include TTY.

Telecommunications Relay Service (TRS) or 711. The free, nationwide telecommunications relay service, reached by calling 711, uses communications assistants who serve as intermediaries between people who have hearing or speech disabilities who use a text telephone (TTY) or text messaging and people who use standard voice telephones. The communications assistant tells the telephone user what the other party is typing and types to tell the other party what the telephone user is saying. TRS also provides speech-to-speech transliteration for callers who have speech disabilities.

Text Telephone (TTY). Teletypewriters or text telephones have a keyboard and a visual display for exchanging written messages over the telephone. The ADA established a free, nationwide relay network to handle voice-to-TTY and TTY-to-voice calls, which is reached by calling 711. TTY is a more general term for teletypes, but is often referred to as TDD.

Video Relay Service (VRS). Video relay service (VRS) is a free, subscriber-based service for people who use sign language and have videophones, smart phones, or computers with video communication capabilities. For outgoing calls, the subscriber contacts the VRS interpreter, who places the call and serves as an intermediary between the subscriber and a person who uses a standard voice telephone. The interpreter tells the telephone user what the subscriber is signing and signs to the subscriber what the telephone user is saying.

Wheeled Mobility Device. A manually-operated or power-driven device designed primarily for use by an individual with a mobility disability for the main purpose of indoor or of both indoor and outdoor locomotion. Also referred to as a manual wheelchair, a power wheelchair, or an electric scooter.

List of Acronyms

ABA – Architectural Barriers Act

ADA – Americans with Disabilities Act

ADAAG – ADA and ABA Accessibility Guidelines

AGODA – Accessibility Guidelines: Outdoor Developed Areas

ASL – American Sign Language

CBC – California Building Code

CFR – Code of Federal Regulations

DOJ – Department of Justice

DSA – California Division of the State Architect

ISA – International Symbol of Accessibility

OPDMD – Other Power-Driven Mobility Device

TDD – Telecommunications Display Device

TRS – Telephone Relay Service or 711

TTY – Text Telephone

VRI – Video Remote Interpreting Services

VRS – Video Relay Service

3. Self-Evaluation of Policy and Programmatic Accessibility

3.1 Staff Questionnaire

Programs, activities, and services offered by the City to the public must be accessible.

Accessibility applies to all aspects of a program or service, including advertisement, orientation, eligibility, participation, testing or evaluation, physical access, provision of auxiliary aids and services, transportation, policies, and communication.

This section details the review of current City-wide policies, services, programs, and activities based on meetings with staff and responses to the program accessibility questionnaire (Appendix A) from the following departments:

- Administration
- Community Services
- Development Services
- Human Resources
- Public Safety
- Public Works
- Utilities

The findings and recommendations contained in this section will serve as a basis for the implementation of specific improvements for providing access to City programs as required by law.

Programmatic Modifications

The ADA Coordinator, or designee, will follow-up with each department to review the recommendations contained in this Self-Evaluation Report. In those situations where a policy, program, or procedure creates a barrier to accessibility that is unique to a department or a certain program, the ADA Coordinator, or designee, will coordinate with the program manager to address the removal of the barrier in the most reasonable and accommodating manner in accordance with applicable law.

Findings and Recommended Actions – City-Wide Programs, Activities, and Services

This section is organized into categories based on the requirements of title II of the ADA.

- Accessible/Adaptive Equipment
- Customer Service
- Emergency Evacuation Procedures
- Notice Requirements
- Printed Information

- Programs and Facilities
- Public Meetings
- Public Telephones and Communication Devices
- Special Events and Private Events on Public Properties
- Televised and Audiovisual Public Information
- Tours, Trips, and Transportation Services
- Training and Staffing
- Use of Consultants for Delivering Program Services
- Website

Actions are listed as required or recommended based on the ADA. Some actions are always required, while other actions are only required when requested. In many cases, the City has many alternatives in selecting methods for providing accessible programs, activities, and services. Additional strategies for compliance can be found in the *ADA Best Practices Toolkit for State and Local Governments*.³ Links to specific sections of the toolkit are provided throughout this section.

Accessible/Adaptive Equipment

Adaptive equipment includes devices, controls, appliances, or items that make it possible for persons with disabilities to improve their ability to function independently and participate in programs, services, and activities offered by the City. Equal access to programs and services can range from a pen and clip board that a person who is deaf or has hearing loss or a speech disorder can use to write notes or accessible electronic equipment and computer stations.

Self-Evaluation Findings:

Three respondents reported that their departments provide public access to electronic equipment including computers at the Senior Center Computer Lab, which are accessible to and usable by individuals with disabilities. One respondent reported providing auxiliary aids such as pen and paper upon request.

Required or Recommended Actions:

1. It is required that the City continue to ensure that when electronic equipment is available for public use, it is accessible to people with disabilities.
2. It is required that the City continue to provide auxiliary aids where programs are administered to facilitate basic communications access using alternative formats. Equipment may include, but is not limited to, paper and pencil, an enlarging copy machine, and access to TTY or relay service (711) technology.

³ For the full toolkit, visit <https://www.ada.gov/pcatoolkit/toolkitmain.htm>. “The Tool Kit should be considered a helpful supplement to – not a replacement for – the regulations and technical assistance materials that provide more extensive discussions of ADA requirements. It also does not replace the professional advice or guidance that an architect or attorney knowledgeable in ADA requirements can provide.”

3. It is recommended that the City collaborate with community organizations that serve people with disabilities to develop and maintain a current resource list of assistive technology equipment and sources.
4. It is recommended that the City establish and maintain a *Resources Toolkit* of adaptive aids and human resources for use by individuals participating in City programs. Include information about the availability of specific equipment and/or individuals who are available to provide special services (for example, ASL translation) in public information materials such as brochures and the City's website.
5. It is recommended that the City include accessibility as a criterion for purchasing. Whenever possible, evaluate furniture and building materials purchases for compatibility with a wide range of disabilities and sensitivities. Select items that are easily adjustable or can be modified to accommodate a variety of physical and ergonomic needs when purchasing items such as furniture, site furnishings, and office systems. Consultation with disability organizations and persons with disabilities will assist in this task (see the *Resources* section in this Plan).
6. It is recommended that the City maintain accessible equipment already in place.

Customer Service

To meet ADA standards for in-person interactions, staff should be aware of the formal procedures for accommodating people with disabilities, including appropriate responses to requests for program modifications and guidelines for accommodating service animals.⁴

Although many people with disabilities can participate in City programs, such as public meetings, without any modifications, there are barriers that keep others from fully participating. When needed and requested, the City is responsible for providing readers for individuals with visual impairments; interpreters or other alternative communication measures for individuals with hearing impairments; personal assistance for individuals with manual impairments; equipment that is usable by individuals with disabilities (particularly individuals with hearing, visual, and manual impairments); and maintenance policies to ensure that this equipment is in operable working order. Reasonable modifications to programs can include:

- ***Program Modifications***

The public must be able to access City programs, services, and activities, regardless of disability, unless a modification would result in a fundamental alteration to the nature of a service, program, or activity or impose undue financial and administrative burdens.⁵ Admission criteria, ability to complete forms, and participation in interviews should be available to all members of the public by providing reasonable modifications.

⁴ Only dogs are recognized as service animals under Title II of the ADA. In limited cases, miniature horses that are individually trained to perform tasks for people with disabilities may also qualify to provide services. Emotional support, therapy, comfort, or companion animals are not considered service animals under the ADA.

⁵ Title 28, Chapter 1, § 35.164 Duties.

- **Staff Assistance**

City staff members who have contact with the public—in-person, by phone, or via email—often play a vital role in making it possible for people with disabilities to access City programs and services. The ADA requires public entities to make reasonable modifications to their usual ways of conducting business when requested. Many requested program modifications involve making minor adjustments in procedures or providing some extra assistance to a person with a disability.

- **Service Animals**

The City is responsible for modifying policies, practices, or procedures to permit the use of a service animal by an individual with a disability.

The City is encouraged to develop a process to ensure that requests for modifications are received by the appropriate staff, evaluated for reasonableness and feasibility, and responded to fairly and in a timely fashion

Self-Evaluation Findings:

Five respondents reported making modifications to standard operating procedures to include a person with a disability, but only one respondent reported that there is a formal procedure for evaluating and making modifications. Modifications are evaluated on a case-by-case basis, and some programs request 72 hours' notice. A respondent from one department reported that accessibility requests are tracked. No department reported having a policy of charging additional fees to modify programs or discriminating against or excluding a service animal. No respondents reported that they consult or work with outside organizations that assist people with disabilities.

Required or Recommended Actions:

1. It is required that the City continue the policy of not charging an additional fee to persons requesting program modifications for their disability.⁶
2. It is required that the City continue the policy of not excluding service animals in City facilities.⁷ An exception may be made where the presence of an animal may have a detrimental impact on natural resources.
3. It is required that the City allow the use of wheeled mobility devices or OPDMDs in City facilities.⁸ An exception may be made where the use of power-driven equipment may have a detrimental impact on public safety or natural resources.
4. It is required to continue to make appropriate modifications to regular practices to accommodate the needs of individuals with disabilities when providing customer service.⁹

⁶ Title 28, Chapter 1, § 35.130 General prohibitions against discrimination.

⁷ Title 28, Chapter 1, § 35.136 Service animals.

⁸ Title 28, Chapter 1, § 35.136 Service animals.

⁹ Title 28, Chapter 1, § 35.130 General prohibitions against discrimination.

5. It is required that the City establish an ADA grievance procedure similar to the model notice that follows.¹⁰ Additional resources are included in Section 1.9 of this Plan.

Grievance Procedure

Model Notice Provided by the Department of Justice

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 Rohnert Park. The City's personnel policies govern 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:

Victoria Perrault
ADA Coordinator and Director of Human Resources
130 Avram Avenue, Rohnert Park, CA 94928
707-588-2221

Within 15 calendar days after receipt of the complaint, Victoria Perrault or her designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, Victoria Perrault or her designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large-print format, braille, or audiotape. The response will explain the position of the City and offer options for substantive resolution of the complaint.

If the response by Victoria Perrault or 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 Manager or his/her designee.

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

¹⁰ Additional information about the ADA grievance (or disability discrimination complaint) procedure can be found at <https://www.ada.gov/pcatoolkit/chap2toolkit.htm>.

6. It is recommended that the City develop a process for determining reasonable modifications to provide program accessibility upon request by a person with a disability. As described above, modifications may include acquisition or redesign of equipment, provision of auxiliary aids to persons with disabilities, and the provision of services at alternative accessible sites.

An interactive process for receiving, evaluating, and responding to requests for modification should address the following:

- a. *Receiving requests.* The public should have easy access to information about how to make a request for modifications and who to contact. The City can provide this information on meeting notices and publicize it on their website. The City has the option of accepting requests for modifications directly by the department responsible for the program or service or by asking that all requests be directed to the ADA Coordinator. All staff should be able to direct a person making a request to the appropriate staff member. Requests should be accepted from someone on behalf of the person with a disability and should not be required to be in writing.
- b. *Responding to an easily accommodated request:* If a requested modification is easily accommodated, the City may empower staff to fulfill the request on the spot. An example of this type of request is to allow a blind person to present another form of required identification rather than a driver's license or to provide assistive listening devices at public meetings for people with hearing loss.
- c. *Responding to more complicated requests.* Some requests for modifications may require more information or planning to find a solution that provides access and protects public safety and agency resources. The City has established a minimum notice period of 72 hours for responding to and accommodating requests. For example, a member of the public with a disability may request a modification to participate in a City tour of a difficult-to-access location. The department organizing the tour could first meet with the individual with a disability to identify which aspects of the program limit participation and what modifications could be made, and then consult with the relevant program or service staff to determine a reasonable modification. The program manager could also consult with the ADA Coordinator or an outside resource agency that provides services or information regarding persons with disabilities to help find an acceptable solution.
- d. *Publicizing the ADA grievance procedure.* If individuals with a disability are not satisfied with the results of this process, they should be directed to the City's ADA grievance procedure.
- e. *Tracking requests.* The City can benefit from tracking the outcomes of all accessibility requests. The ADA Coordinator could analyze the program modifications the City offers to look for global issues that can be addressed, to evaluate the success of program modifications, and to identify problems that can be solved proactively to improve customer service.

7. It is recommended that the City:
 - a. Assess the composition and needs of the population of people with disabilities in Rohnert Park.
 - b. Take the necessary steps to improve communication and outreach to increase the effective participation of community members with disabilities in all City programs and activities, as well as for guidance on planning, programs, and possible modifications.
 - c. Establish a relationship with organizations that provide services to people with disabilities to assist in communicating effectively about accessible City programs. Keep programs up-to-date through increased community involvement and relationships with organizations that offer services to persons with disabilities.
 - d. Publicize efforts to increase participation by persons with disabilities, which might include activities such as distributing program brochures to members of the disability community.

Notice Requirements

Title II regulations require the City to inform the public of the rights and protections provided by the ADA for access to public programs, services, and activities. It is the obligation of the head of the public entity to determine the most effective way of providing notice to members of the public about their rights and the public entity's responsibilities under the ADA. Publishing and publicizing the ADA notice is not a one-time requirement. State and local governments should provide the information on an ongoing basis and the information whenever necessary.¹¹

Self-Evaluation Findings:

The majority of respondents (8 of 11) reported that they are aware of their department's non-discrimination statement including people with disabilities, and most (7 of 11) reported that the statement is posted in a location that maximizes public exposure. Seven respondents reported knowing the procedure for filing a discrimination complaint, which is posted on the City's website along with the non-discrimination statement:

http://www.rpcity.org/city_hall/departments/human_resources/a_d_a_and_accessibility_resources/.

Required or Recommended Actions:

1. It is required that the City maintain the position of the ADA Coordinator.¹²
2. It is required that the City publish the following or similar notice to interested persons regarding the City's commitment to providing accessible services and resolving accessibility-related complaints through its grievance procedure:¹³

¹¹ See <https://www.ada.gov/pcatoolkit/chap2toolkit.htm>.

¹² See <https://www.ada.gov/pcatoolkit/chap2toolkit.htm>; Title 28, Chapter 1, § 35.107 Designation of responsible employee and adoption of grievance procedures.

¹³ Title 28, Chapter 1, § 35.106 Notice.

Policy on Non-Discrimination on the Basis of Disability

Model Notice Provided by the Department of Justice:¹⁴

In accordance with the requirements of title II of the Americans with Disabilities Act of 1990 (ADA), the City of Rohnert Park will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

Employment: The City 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 will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the City's programs, services, and activities, 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 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 the City's 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 Rohnert Park, should contact Victoria Perrault at 707-588-2221 or ADAcoordinator@rpcity.org as soon as possible but no later than 72 hours before the scheduled event.

The ADA does not require the City 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 is not accessible to persons with disabilities should be directed to Victoria Perrault at 707-588-2221 or ADAcoordinator@rpcity.org.

The City 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 wheeled mobility devices.

¹⁴ Details about public notice requirements can be found at <https://www.ada.gov/pcatoolkit/chap2toolkit.htm>.

3. It is required that the City continue ensuring that interested persons can obtain information regarding the existence and location of accessible services, activities, and facilities.¹⁵
4. It is recommended that the City make all staff aware of the public locations of the non-discrimination policy and the procedure for filing a disability discrimination complaint.
5. It is recommended that the City provide different forms of contact information in the notice such as email addresses, a text telephone (TTY) number, and/or Telecommunications Relay Service (711) information.¹⁶ As discussed in the *Public Telephones and Communication Devices* section of this Plan, having use of a TTY for communications with a person who is deaf or who has hearing loss is currently required by regulation.
6. It is recommended that the City include an abbreviated non-discrimination notice (in hard copy and web publications) that provides general information about City services, programs, or activities, similar to the following:

The City does not discriminate on the basis of disability in the admissions or access to its programs or activities. An ADA Coordinator has been designated to coordinate compliance with the non-discrimination requirements contained in the Department of Justice regulations implementing Subtitle A of title II of the Americans with Disabilities Act (42 U.S.C. 12131-12134), which prohibits discrimination on the basis on disability by public agencies.

Victoria Perrault
ADA Coordinator and Director of Human Resources
130 Avram Avenue, Rohnert Park, CA 94928
707-588-2221 or ADAcoordinator@rpcity.org

7. It is recommended that if the City uses radio, newspaper, television, or mailings, the notice should be re-published and re-broadcasted periodically.

Printed Information

To meet the ADA's communication standards, the agency must be able to provide information, when requested, in easy-to-understand language and alternative formats such as braille, large-print format, audiotape or CD, computer disk, or other formats as requested.¹⁷

¹⁵ Title 28, Chapter 1, § 35.163 Information and signage.

¹⁶ DOJ, Civil Rights Division, Disability Rights Section. *ADA Requirements: Effective Communication*. 2014. <https://www.ada.gov/effective-comm.htm>.

¹⁷ See <https://www.ada.gov/pcatoolkit/chap3toolkit.htm>.

Self-Evaluation Findings:

Seven of 11 respondents reported that their departments produce printed materials made available to the public. Departments typically take responsibility for printed materials associated with their programs and sometimes responsibility is shared with central management. Documents and publications are made available to people with visual disabilities through audiotape, braille, electronic copy, large-print format, readers, and providing assistance with filling out forms. Four respondents reported that documents and publications are available in simple and easy-to-understand language for individuals with learning disabilities. Only two departments reported that images of people with disabilities are included in printed materials that include images of people.

Required or Recommended Actions:

1. It is required that the City provide alternative formats to printed information, when requested (for example, large-print format for persons with visual disabilities or in simple language for persons with cognitive disabilities).¹⁸
2. It is required that the City address all requests for other alternative formats for lengthy documents on an individual basis.¹⁹
3. It is required that the City does not assign any additional costs for alternative forms of communication to a person with a disability requesting an alternative format.²⁰
4. It is required to provide programmatic changes (such as staff assistance), upon request, to assist in filling out forms or when alternative formats are unavailable or infeasible.²¹
5. It is recommended to include the following notice on materials printed by the City that are made available to the public:

This publication can be made available in alternative formats, such as large-print, braille, or electronic format. Requests can be made by contacting *Victoria Perrault* at 707-588-2221 or ADAcoordinator@rpcity.org, or by using the 711 Telecommunications Relay Service. Please allow 72 hours for your request to be processed.

6. It is recommended that the City provide instruction to each department on how to produce printed information in alternative formats for persons with various disabilities to ensure that requests are handled in a uniform and consistent manner. Developing and implementing standard City templates for documents that are formatted for accessibility with document structure and text styles can assist in consistency of accessible materials and agency branding. Additional information for developing accessible printed materials can be found in Section 5.5 of this Plan.
7. It is recommended that the City produce documents and publications in a manner that uses easy-to-understand language, where possible.

¹⁸ Title 28, Chapter 1, § 35.160 General.

¹⁹ Title 28, Chapter 1, § 35.160 General.

²⁰ Title 28, Chapter 1, § 35.130 General prohibitions against discrimination.

²¹ Title 28, Chapter 1, § 35.130 General prohibitions against discrimination.

8. It is recommended that, when images of people in general are part of a City brochure or publication, images of persons with disabilities are included.

Televised and Audiovisual Public Information

Televised and audiovisual information is a means for disseminating public information through presentations produced by the City. All televised and audiovisual information, including PowerPoint presentations, must be accessible to persons with disabilities. As more communication is being done remotely via the internet, it is increasingly important that all communication tools maintain accessibility as technology changes.²²

Self-Evaluation Findings:

Most respondents (6 of 11) reported that they do not present audiovisual material to the public, including webinars, videos, and PowerPoint. Respondents from the two departments that do produce televised and audiovisual public information were aware of how audiovisual or televised materials are made accessible for people with disabilities (including captioning, transcription, and providing PowerPoint presentations for downloading).

Required or Recommended Actions:

1. It is required that the City provide, when requested, alternatives to audio presentations for all City programs and for all audiovisual presentations produced by the City (including City meetings broadcast on Channel 26, videos, films, and meetings) to ensure that persons who are deaf or have hearing loss can benefit from these presentations.²³
2. It is recommended that when the City presents PowerPoint or other visual presentations, the presenter read the slides and describe the graphics. This will allow people who are blind or visually impaired to receive the information being presented.
3. It is recommended that the City provide instruction to each department on how to produce audiovisual information in alternative formats for persons with various disabilities to ensure that requests are handled in a uniform and consistent manner.
4. It is recommended that when images of people in general are part of a City audiovisual presentation, images of persons with disabilities are included.

Website

As people turn to the internet as their primary source of information regarding services, programs, activities, and facilities, the City's website at <http://www.ci.rohnert-park.ca.us/> takes on increased importance as a communications tool. Providing online public access to City publications is an effective means of reaching persons with disabilities.²⁴ New accessibility standards for electronic and information technology covered by Section 508 of the Rehabilitation

²² See <https://www.ada.gov/pcatoolkit/chap3toolkit.htm>.

²³ Title 28, Chapter 1, § 35.160 General. Closed captioning is not required for all televised or audiovisual presentations, but it is a common way of making them accessible to people who are unable to hear the audio portion, and in some instances, it might be the only accessible format.

²⁴ See <https://www.ada.gov/websites2.htm> and <https://www.ada.gov/pcatoolkit/chap5toolkit.htm>.

Act Amendments of 1998 have set forth the technical and functional performance criteria necessary for such technology to be accessible.²⁵

Self-Evaluation Findings:

All City departments have a home page on the City's website. Department staff typically create and manage the content posted on their home pages, although some respondents reported that consultants also provide website s and content. Examples of website content include details about department programs, schedules, descriptions, facilities, and fees; policies, procedures, standards, and guidelines; links to other City resources; bid and permit information; City service requests; job-related information; utility information; and contact information. Most respondents reported that the website does not contain information about the accessibility of facilities, with only one respondent reporting that information about facility accessibility and the procedure for requesting auxiliary aids and services was included on the website. Most respondents (7 of 10) did not know if the website is usable by individuals with disabilities, although some reported that the website had been upgraded for improved accessibility recently. Two respondents reported that documents provided for downloading are accessible to people with disabilities, but were unaware of how to test a document's accessibility.

Required or Recommended Actions:

1. It is recommended that the City periodically review its website and department home pages to ensure continued compliance with accessible web page standards, and to meet or exceed Section 508 of the Rehabilitation Act guidelines for accessibility of electronic information.
2. It is recommended that the City continue to publish and as required the Policy of Non-Discrimination, including Discrimination on the Basis of Disability (as described in the *Notice Requirements* section of this Plan), on the City's website.
3. It is recommended that the City assign authority to one department to provide standards and oversight for outside vendors who create pages and for departments that post their own documents. This will support consistent and accessible web pages.
4. It is recommended that the City increase outreach to persons with disabilities to identify website barriers and to ensure the City website includes adequate information about the City's commitment to providing accessible services.
5. It is recommended that the City identify and implement the technological resources to create accessible PDF and graphic files and provide training to staff in creating accessible PDF and other electronic files for posting on the City's website. Additional information for developing accessible printed materials is included in Section 5.5 of this Plan.

²⁵ Section 508 of the Rehabilitation Act requires that federal agencies' electronic and information technology is accessible to people with disabilities, including employees and members of the public. Many state and local public agencies have adopted these standards as best practices. Title 29, Chapter 16, § 794d Electronic and information technology.

6. It is recommended that the City provide information on its website about the accessibility of all public facilities.

Public Telephones and Communication Devices

Even with technological advances such as cell phones, texting, and instant messaging, provision of alternative communication technologies such as **text telephones** (TTY), **telecommunication display devices** (TDDs), or **telephone and video relay services** are still required for conducting effective communications with the public.²⁶

Self-Evaluation Findings:

Five respondents reported that they communicate by telephone with people who are deaf or who have hearing loss or speech disorders; however, only one reported that staff members are trained in the use of TTY and the California Relay Service (711) or other means of communicating by phone with people who are deaf or who have hearing loss or speech disorders. The numbers for these communication systems are published in one department's materials where a phone number is listed.

Required or Recommended Actions:

1. It is required that when the City communicates by telephone, it can communicate with a person who is deaf or who has hearing loss using a TTY or equally effective communications systems, such as 711.²⁷
2. It is required that staff members can use TTY equipment or other means of communicating over the telephone (such as 711) with a person who is deaf or who has hearing loss or a speech disorder, or are able to direct a member of the public to knowledgeable staff.²⁸
3. It is required that City publications that list phone numbers also include information on how people who are deaf or who have hearing loss or speech disorders can communicate with departments by phone.²⁹
4. It is recommended that City staff members become familiar with Video Remote Interpreting Services (VRI) for communicating with people who are deaf or who have hearing loss or speech disorders. There are many situations where a live interpreter is required, such as in medical situations, but VRI can be a convenient, flexible, lower-cost alternative.
5. It is recommended that City staff become familiar with Video Relay Service (VRS), a form of Telecommunications Relay Service that enables persons with hearing disabilities who use American Sign Language (ASL) to communicate with voice telephone users through video equipment, rather than through typed text.

²⁶ See <https://www.ada.gov/pcatoolkit/chap3toolkit.htm>.

²⁷ Title 28, Chapter 1, § 35.161 Telecommunications.

²⁸ Title 28, Chapter 1, § 35.161 Telecommunications.

²⁹ Title 28, Chapter 1, § 35.161 Telecommunications; Title 28, Chapter 1, § 35.163 Information and signage.

6. It is recommended that City staff members are trained to communicate with people who are deaf or who have hearing loss or speech disorders, including training to how to operate a TTY.³⁰
7. Additional information about providing telecommunications services for people with disabilities that are as effective as those provided for people who make voice calls is available from the FCC at <http://transition.fcc.gov/cgb/consumerfacts/section255.pdf> and <https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs> and TDI Online at <http://www.tdi-online.org/>.

Training and Staffing

As a part of the City's ongoing staff development and training, the incorporation of disability awareness, standards, and resources is encouraged for all staff who interface with the public, whether in person, online, or over the telephone.

Self-Evaluation Findings:

All respondents reported having contact with the public either in person or by phone. Most respondents indicated that employees are expected to know the City's obligations to people with disabilities and are informed of their responsibilities via in-person training, emails, staff meetings, and materials distributed by Human Resources. However, only two respondents reported that staff receive training on interacting with people with disabilities.

Required or Recommended Actions:

1. It is required that City staff members are knowledgeable about providing accessible services, programs, and activities for the public, and the importance of maintaining accessible facilities in working order.³¹
2. It is recommended that the City:
 - a. Provide all staff members with ongoing awareness and sensitivity training.
 - b. Provide training to City staff members who have contact with the public about how to provide modifications and use assistive devices to make their programs, activities, and services accessible. The City should ensure that training includes information about communicating with and providing modifications for persons with a variety of disabilities as well as program-specific adaptations, assistive devices, and modifications in the City's accessibility policy manual.
 - c. Develop a comprehensive disability access training program. Educate all City staff about their responsibilities under the ADA. The City's ADA Coordinator and department supervisors should be responsible for ensuring that staff members receive training. Reference materials that address special modifications should be included in this training.

³⁰ See <https://www.ada.gov/pcatoolkit/chap4toolkit.htm>.

³¹ Title 28, Chapter 1, § 35.160 General; Title 28, Chapter 1, §35.130 General prohibitions against discrimination.

- d. Develop standard guidelines for training materials. These guidelines should include standard language that appropriately describes the City's policy on inclusion and non-discrimination, and staff members should receive training in using the guidelines effectively.
- e. Depending on operational needs, consider offering training to staff members who have contact with the public and wish to learn basic ASL communication skills. This training should emphasize basic communication skills and should not be viewed as a substitute for utilizing qualified ASL interpreters when requested.
- f. Train staff regarding basic accessibility compliance and building codes to maintain facilities in an accessible condition.
- g. Provide staff members with training in general building evacuation procedures for assisting persons with different types of disabilities in an emergency.

Public Meetings

Public meetings are a regularly occurring activity for many public agencies. The main objective of these meetings is to impart and solicit information on public issues of importance to the City. Where these meetings are held is an important consideration in meeting ADA requirements.

Self-Evaluation Findings:

Half of the respondents (5 of 10) reported that their department holds public meetings. The majority of respondents in these five departments reported that public meetings are typically held in accessible locations, although one did not know if this was a requirement. Three respondents reported that ASL interpreters or adaptive equipment such as closed captioning and listening devices for people who are deaf or have hearing loss are available when requested with 72 hours' notice.

Required or Recommended Actions:

1. It is required that the City hold public meetings in accessible facilities to accommodate the participation of people with mobility disabilities.³²
2. It is required to provide agendas and other meeting materials in alternative formats, when requested.³³
3. It is required to provide flexibility in the time limit on speaking for individuals with communication difficulties.³⁴
4. It is required to have assistive listening devices available for public meetings where the sound at the meeting is amplified.³⁵
5. It is recommended to display a notice on meeting agendas indicating the availability of accessibility modifications.

³² Title 28, Chapter 1, § 35.160 General.

³³ Title 28, Chapter 1, § 35.160 General.

³⁴ Title 28, Chapter 1, § 35.160 General.

³⁵ Title 28, Chapter 1, § 35.160 General; 2010 Standards 219.2 Required Systems.

6. It is recommended to prepare a list of accessible meeting spaces to facilitate the scheduling of meetings and/or the relocation of meetings upon request.
7. It is recommended to move disability-related agenda items to the beginning of agendas when possible. Some people with disabilities are unable to stay late at meetings because they use paratransit, have fixed schedules, and/or need to use personal care attendants.
8. It is recommended that the City maintain a list of qualified, on-call ASL interpreters who may be brought to meetings to assist individuals who are deaf or have hearing loss.
9. It is recommended that the City develop a checklist and provide instruction to City staff on ensuring the accessibility of meetings. Guidelines should include examples of the types of modification requests that may be made by persons with different types of disabilities, including assistive listening systems, sign language interpreters, readers, descriptive services, and other assistive technologies like real-time captioning. Other considerations should include an accessible path of travel to the meeting room, accessible restrooms, accessible parking, and an accessible route from transit and parking to the meeting facility. Staff should also consider the layout of the room, sign-in table, and refreshments table to ensure that these features are accessible.
10. It is recommended that a staff member be assigned as a greeter at public meetings and events and identified as a resource for persons who may require assistance.

Tours, Trips, and Transportation Services

Many public agencies provide or facilitate tours and trips as part of their program. Tours and trips are subject to title II regulations. The City is responsible for ensuring that tours or trips can be experienced by people with disabilities by making modifications upon request.

Self-Evaluation Findings:

Respondents from two departments reported that their departments provide transportation to volunteers, program participants, visitors, and others who participate in their programs and that they have procedures to make transportation accessible to persons who have visual, hearing, mobility, cognitive, or other disabilities. Three respondents reported department-sponsored trips, especially for programs offered by the Senior Center, but only one respondent was aware of any procedures or modifications to improve or provide trip accessibility. The transportation program is accessible to everyone who qualifies for the program, but participants are required to provide a personal care attendant if their disabilities prevent them from managing independent use.

Required or Recommended Actions:

1. It is required to make modifications for transportation methods, when requested, to enable a person with a disability to use the service.
2. It is required that City departments modify their tours or trips, when requested, to enable people with mobility, visual, speech, hearing, and cognitive disabilities to participate.³⁶

³⁶ Title 28, Chapter 1, § 35.130 General prohibitions against discrimination.

Tour materials must inform a person with a disability how to request an accessibility modification.

3. It is recommended that the City evaluate the destination of tours and trips as well as the means of transportation to determine accessibility, as well as any modifications that may be required. If a tour route or portion of a route is not accessible and modifications are requested, the City should reroute the tour or provide alternate modifications that will allow the tour to be experienced (for example, photographs or closed captioned videos).
4. It is recommended that the City provide information about the accessibility of tours and trips on the City's website, including the destination, transportation, and other characteristics of the event, so informed requests for modifications can be made.

Use of Consultants for Delivering Program Services

Many public agencies rely on the use of contractors, licensees, consultants, and other entities for the delivery of services. These entities are considered an extension of the City's services and are required to adhere to the same ADA regulations as the City.

Self-Evaluation Findings:

Four respondents reported using consultants, such as instructors for recreational and other classes. Consultants are typically not made aware of their obligation to facilitate participation of people with disabilities, with only one respondent aware of whether this obligation is communicated to the consultants.

Required or Recommended Actions:

1. It is required that contractors, licensees, consultants, and other entities providing or delivering services for the City adhere to the same ADA regulations as the City.³⁷
2. It is recommended that the City ensure that contractors, licensees, consultants, and other entities are aware of their obligation to make programs and activities accessible.
3. It is recommended that the City monitor programs and activities to ensure continued accessibility.
4. It is recommended that the City provide a checklist and information to inform contractors, licensees, consultants, and other entities of their responsibility for accessibility under the ADA.
5. Additional information about planning and conducting accessible meetings and events is available from the Mayor's Office on Disability of the City and County of San Francisco's Accessible Public Event Checklist at <http://sfgov.org/mod/accessible-public-event-checklist> and the American Bar Association Commission on Disability Rights at https://www.americanbar.org/content/dam/aba/administrative/mental_physical_disability/Accessible_Meetings_Toolkit.authcheckdam.pdf.

³⁷ Title 28, Chapter 1, § 35.130 General prohibitions against discrimination.

Emergency Evacuation Procedures

Life safety protocols and procedures are required to include plans for people with disabilities. The City is responsible for ensuring that staff are aware of these procedures and are trained to implement them during an emergency.³⁸

Self-Evaluation Findings:

Two respondents reported that individuals with disabilities are notified of emergency and evacuation procedures. Eight respondents reported that it is not provided or they are unaware of this notification.

Required or Recommended Actions:

1. It is required that when the City develops guidelines and a plan for emergency evacuations, these include strategies for persons with disabilities in various types of emergency situations.³⁹ These plans should:
 - Address what to do when an alarm is triggered
 - Establish meeting places for assistance and evacuation chairs
 - Provide direction on what to do if assistance is not available
 - Establish floor captains
2. It is required that when the City develops guidelines and a plan for emergency evacuations, staff members receive training on procedures to safely evacuate persons with disabilities in various types of emergency situations.⁴⁰
3. It is recommended to test the City's emergency plan by enlisting people with different disabilities to role-play during emergency simulations.
4. It is recommended to test the City's emergency evacuation procedures with periodic drills, both announced and unannounced.
5. It is recommended that the City:
 - a. Review existing emergency procedures to ensure that persons with disabilities can be alerted and that they can alert emergency service providers.
 - b. Work with disability organizations to explore the use of other technologies such as audible exit signs for orientation and direction or vibrating paging systems.
 - c. Provide training for the City's emergency team to enable them to communicate in basic ASL if there is an emergency condition and the area is being evacuated.
 - d. Take the necessary steps to ensure that the City's emergency team is aware of staff members who may require special assistance in the event of an emergency.
 - e. Specific suggestions for evacuation plans and procedures can be found through the U.S. Access Board website at <http://www.ada.gov/emergencyprepguide.htm> and the *Emergency Procedures for Employees with Disabilities in Office Occupancies* document published by FEMA and the U.S. Fire Administration.

³⁸ See <https://www.ada.gov/pcatoolkit/chap7emergencymgmt.htm>.

³⁹ 42 U.S.C. § 12132; see generally, Title 28, Chapter 1, § 35.130, § 35.149.

⁴⁰ 42 U.S.C. § 12132; see generally, Title 28, Chapter 1, § 35.130, § 35.149.

Programs and Facilities

The public must be able to access programs, services, and activities, regardless of disability, unless a modification would result in a fundamental alteration to the nature of a service, program, or activity or impose undue financial and administrative burdens.⁴¹ The identification of structural barriers in facilities such as buildings and parks is a required element of accessibility.

Self-Evaluation Findings:

Six respondents reported that their departments provide programs that are available for public participation, and most of these do not have eligibility requirements for participation. Some programs list *mental fitness* as a requirement or set a specific ratio for the participation of individuals with a disability in certain instances (such as a swim class) to ensure safety of the participant. One department requires an interview prior to an applicant's entrance into the program. Half of the departments that provide public programs require forms for admission to the program and a written application is required to volunteer on a City commission, committee, or board; however, none of these forms contain a notice that the City does not discriminate against people with disabilities. Two respondents reported receiving requests for improving accessibility at the Senior Center and for providing closed captioning at City Council meetings and community meetings.

Required or Recommended Actions:

1. It is required that the City provide reasonable modifications to program participants with disabilities to include individuals with disabilities in regular programs to the maximum extent possible.⁴²
2. It is required that the City does not exclude individuals with disabilities from regular programs or require them to accept different or separate aids, benefits, or services, even if these are as effective as those provided to other individuals.⁴³
3. It is required that the City modify standard policies, practices, or procedures to avoid discrimination unless the modification would fundamentally alter the nature of the program, result in an undue financial or administrative burden, or create a hazardous situation for the participant or others.⁴⁴
4. It is required that when specific policies that exclude or limit the participation of persons with disabilities are necessary for the safe operation of programs, those requirements are based on real risks, not on speculation, stereotypes, or generalizations.⁴⁵
5. It is recommended that the City proactively identify opportunities to increase access to all its facilities for people with different types of disabilities.
6. It is recommended that the City increase outreach to persons with disabilities and the organizations that serve them to ensure program accessibility.

⁴¹ Title 28, Chapter 1, § 35.164 Duties.

⁴² Title 28, Chapter 1, §35.130 General prohibitions against discrimination.

⁴³ Title 28, Chapter 1, §35.130 General prohibitions against discrimination.

⁴⁴ Title 28, Chapter 1, §35.130 General prohibitions against discrimination.

⁴⁵ Title 28, Chapter 1, §35.130 General prohibitions against discrimination.

7. It is recommended that the City provide information about facility accessibility on its publications, including the City's website and department home pages.
8. It is recommended that the City record and monitor requests relating to facility access. The ADA coordinator could analyze accessibility requests periodically to look for global issues that can be addressed and problems that can be solved proactively.

Special Events and Private Events on Public Properties

All events on public property should be accessible to people with disabilities. When the City rents or allows use of its properties to a third party for special events, the responsibility for maintaining an accessible environment is temporarily deferred to the tenant.

Self-Evaluation Findings:

Most respondents (7 of 10) reported that their departments organize special events for the public or helps facilitate private events on City property. Two responded that their departments ensure that both private entities and department staff are aware of their obligations to facilitate participation of individuals with disabilities in these special events or private events held on City property.

Required or Recommended Actions:

1. It is recommended that staff members who organize public special events receive training regarding their obligations to facilitate participation of individuals with disabilities in these events.
2. It is recommended that when private organizations sponsor events at City facilities, the City inform the organizer about applicable ADA requirements.
3. It is recommended that the City provide a checklist and information during the application process to inform organizers of their responsibility for accessibility under the ADA.
4. Additional information about making temporary events accessible to people with disabilities is available from the ADA National Network at <https://adata.org/publication/temporary-events-guide> and the Golden Gate National Recreation Area at <https://www.nps.gov/goga/planyourvisit/upload/Accessibility-Checklist-for-Special-Events-Version-2.pdf>.

3.2 Policy Review

The review of City policies and programs was completed in 2017. Each policy and program reviewed is listed in Table 3a with recommendations for implementing specific improvements for providing access to City of Rohnert Park programs.

Table 3a: Policy and Program Findings and Recommendations

Policy and Program	Reference	Policy Review/Recommendations
Code of Ordinances, Municipal Code, City of Rohnert Park	General	<p>It is recommended to use person first language. Rather than referring to someone as a <i>disabled person</i>, use <i>person with a disability</i>.</p> <p>It is highly recommended to avoid use of the term <i>handicap</i>.</p> <p>Section examples: 5.20.310; 10.41.010; 10.50.040; 17.16.040; 17.19.030</p>
	6.02.070-Definitions C and S.	<p>It is recommended to redefine the terms <i>assistance dog</i> and <i>service dog</i>. Per the DOJ, <i>service animals</i> are dogs, and in some cases miniature horses, that are individually trained to perform tasks for persons who have qualifying disabilities under the ADA, including physical, sensory, psychiatric, intellectual, or other mental disability. The DOJ also differentiates between <i>service animals</i> and <i>emotional support animals</i>.</p> <p>It is recommended to substitute the term <i>disabled person</i> with <i>person with a disability</i> in two instances.</p>
	6.04.90	It is recommended to use the term <i>service animal</i> in place of <i>assistance dog</i> when referring to a dog individually trained to perform tasks for a person with a disability.
	10.41.010: Use of blue curb spaces	It is recommended to substitute the term <i>disabled person's parking zone</i> with <i>accessible parking zone</i> .
	17.16.040-Parking exemptions	In Section D, it is recommended to substitute the term <i>disabled parking</i> with <i>accessible parking</i> .
Rohnert Park General Plan 2020- 8 th Edition	General	When considering <i>pedestrian friendly</i> environments and connections, ensure improved routes are accessible.
	General	Except for Housing chapter, the General Plan does not mention persons with disabilities. It is recommended to include language throughout the plan that considers residents with disabilities as part of the inclusive community concept.

Policy and Program	Reference	Policy Review/Recommendations
Rohnert Park Bicycle and Pedestrian Master Plan, September 2008	Demographics and Commute Patterns	Local Opportunities and Constraints: It is recommended to substitute the term <i>the disabled</i> with <i>people with disabilities</i> .
	Northwest Specific Plan, Southern Area	Plan Goals and Policies CD-55: <u>Commercial districts are required</u> to provide sidewalks wide enough for pedestrian use; ensure sidewalks are a minimum of 48 inches wide with 60-inch-wide passing spaces every 200 feet.
City Council Protocols, December 2016	Agenda Packets	<u>It is required</u> to ensure alternative formats are available upon request when agenda packets are provided to the public.
	Public Discussion at Hearings	It is recommended to specify the procedure for persons with disabilities who may need to request modifications to speak during a public hearing.
	Public Comments on Agenda Items	It is recommended to specify the procedure for persons with disabilities who may need to request modifications to speak on an agenda item. Notably, the 3-minute limit may be a barrier to participation.
	General	It is recommended to include a non-discrimination statement in the <i>City Council Protocols</i> document as well as a notice that the public may make requests for modifications to participate in City Council meetings and hearings.
Rohnert Park Website	Fields	Fields are available only through reservation; reservations can only be made by telephone. It is recommended to provide an alternate means of reservation for people with auditory disabilities.
Rohnert Park Website cont.	Parks and Amenities	It is recommended to provide information online regarding the accessibility of parks and facilities.
	Building Rentals	It is recommended to provide information accessible in rental guides on the accessibility of spaces and procedures for making the event accessible.
	Class Registration	It is recommended to include a notice that modifications are available and information about the modification request procedure.

Service Animals

The City does not have any policy that would discriminate against the use of a service animal.

It is recommended that the City develop a Service Animal policy. Considerations for developing a Service Animal policy as identified by the DOJ can be found in the *Resources* section of this Plan.

Other Power-Driven Mobility Devices (OPDMDs)

It is recommended that the City develop an **OPDMD** policy. Considerations for developing an OPDMD policy as identified by the DOJ can be found in the *Resources* section of this Plan.

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4. Transition Plan (Phase 1)

Title II of the ADA requires that public entities having responsibility for or authority over facilities meant for public use to develop a Transition Plan to make their facilities meet the standards for program accessibility. Program accessibility means that programs, activities, and services provided to the public are accessible when viewed in their entirety. Simply put, a Transition Plan assists in turning inaccessible facilities into environments that are accessible to and useable by individuals with disabilities.

This Transition Plan combines the findings of the facility surveys, policy assessments, and program evaluations. Specific policy and program recommendations can be found in Section 3.0. The specific structural modifications required to make programs accessible are listed in the facility reports located in the Appendix B.

4.1 Facility Evaluations

The Phase 1 ADA barrier assessment of City-owned public facilities was completed in the fall of 2017. The assessment included an evaluation of all interior and exterior features of public facilities and identified physical barriers that limit accessibility in each facility. At the time of the facility evaluations, the ADA 2010 Standards and the 2016 California Access Compliance Advisory Reference Manual (CBC) were used to identify barriers. Although building codes and standards are revised every few years, the barrier evaluations conducted in 2017 provide an assessment of current conditions as viewed by current code and a baseline for future barrier removal at public facilities. The City will develop a process for evaluating and removing barriers from City parks and public rights-of-way in future Transition Plan phases.

The site evaluations were accomplished using a team of accessibility assessors equipped with measuring devices, facility diagrams, and evaluation checklists. Diagrammatic sketches of each site were annotated during the evaluation process and were included with the facility reports to the City. These reports, which are included in Appendix B, describe the conditions observed during the evaluation period.

The information contained in these reports has been transferred to a barrier analysis workbook. The workbook is the living Transition Plan document and is the City's ongoing record of the remediation of barriers. The tracking tool will be d over time as the City removes barriers, or finds programmatic solutions to barriers. The record is maintained by the City's ADA Coordinator. For the current status of the remediation of barriers, contact the City's ADA Coordinator.

4.2 Program Barrier Removal Priorities

A meeting to prioritize the removal of barriers at each of the City's public facilities was conducted with City staff on January 30, 2018. Facilities in which the City provides programs, activities, and services to the public were reviewed and ranked based on the following criteria. Each of these criteria were deemed by the City to have importance with no single criteria having priority over another.

- **Level of use by the public:** Facilities that receive a high level of public use receive a higher priority
- **Program uniqueness:** Some programs are unique to a building or facility and cannot occur at another location
- **Geographic distribution:** By selecting a range of facilities that are distributed throughout the City, the City can ensure maximum access for all residents
- **Citizen Rights:** Facilities where services are provided to exercise citizen rights, such as participation in Council and Commission meetings or access to elected officials
- **Citizen Responsibilities:** Facilities where taxes are paid, permits and licenses are obtained, and where services are offered
- **Identified complaints:** Facilities that have a history of citizen complaints related to accessibility can be assigned a higher priority
- **Coordination with Capital Improvement Program:** Facilities with known or planned improvement projects and confirmed funding were included in the Years 1 to 5 group in the phasing schedule

As part of the prioritization process, City staff reviewed the facilities and the programs, activities, and services provided to the public at each location. Each facility was evaluated using the criteria listed above. The prioritization of the facilities informed the phasing schedule for the removal of barriers.

4.3 Categories for Barrier Removal within Facilities

City staff used the following guidelines to categorize barriers within public facilities as shown in the facility reports in Appendix B.

Category 1: Barriers that impede accessibility at the main entrance of a facility or improve a path of travel to the portion of the facility where program activities take place. Examples include:

- Connection to the public right-of-way
- Parking and passenger loading
- Entrance walks
- Entrance ramps
- Entrance stairs
- Entrance doors

Category 2: Barriers that impede access to program use areas. Examples include:

- Transaction counters
- Conference and meeting rooms
- Public offices
- Recreation features such as sports courts
- Public restrooms

Category 3: Barriers that impede access to amenities serving program areas. Examples include:

- Drinking fountains
- Public telephones
- Vending machines

Category 4: Areas or features that are not required to be modified for accessibility because no public programs are located in this area or duplicate accessible features are located nearby.

4.4 Transition Plan for Facilities

The Phase 1 Transition Plan for the removal of structural barriers at City public facilities must contain the following information:

- Identification of the physical barriers impacting program access
- Identification of the specific barrier removal action(s)
- Identification of a schedule for barrier removal or providing program access
- Identification of party responsible for the plan's implementation.

The facility reports in Appendix B of this document provide the identification of barriers and the specific barrier removal actions.

The City will accomplish barrier removals based on two strategies: 1) policy and procedure modifications to remove programmatic barriers and 2) maintenance and construction projects to remove physical barriers. In compliance with the requirements of the ADA, the City will maintain in working order features that are required to provide access to individuals with disabilities.

The responsibility for ensuring barrier removal will reside with the City's ADA Coordinator.

When architectural barriers have been identified within a facility, the City is not required to remove those barriers as part of the Transition Plan where programmatic modifications can be made, where there are nearby and available equivalent accessible features, or there are no public programs or activities provided at that portion of the site. However, when an area with a primary function is being altered, existing barriers on the path of travel to this area must be removed to the maximum extent feasible.⁴⁶ In California, the extent of required path of travel

⁴⁶ Title 28, Chapter 1, § 35.151(b)(4) New construction and alterations.

upgrades is subject to an annually adjusted valuation threshold based on the overall project cost of facility alterations regardless of federal safe harbor provisions.⁴⁷ Additional information about the valuation threshold is included in the *Resources* section of this Plan.

4.5 Phasing Schedule for Facilities

Table 4a, which was developed at the January 30 prioritization meeting, describes the priorities and phasing schedule for barrier removal in public facilities owned by the City of Rohnert Park. This preliminary schedule for Phase 1 represents an 11-year plan for barrier removal.

Barriers identified at City's facilities will be removed systematically based on program priorities. It is the intent of the City to address and remove barriers to accessibility based on the need for programmatic access, degree of complexity, and overall cost.

The City reserves the right to modify barrier removal priorities to allow flexibility in accommodating community requests, petitions for reasonable modifications from persons with disabilities, changes in City programs, and funding opportunities and constraints. Interim measures will be explored and implemented to provide programmatic access to the public pending the implementation of physical barrier removal projects.

⁴⁷ 2016 California Building Code Chapter 2 Valuation Threshold.

Table 4a: Rohnert Park Public Facilities Phase 1 Transition Plan Schedule

Public Facilities		Years
Callinan Sports & Fitness Center	Paths of travel, doors, stairs, signage, drinking fountains, counter, restrooms / locker rooms / shower rooms, and assembly area	1-5
City Center Plaza	Parking, curb ramps, paths of travel, stairs, and drinking fountain	1-5
Community Center	Parking, curb ramps, paths of travel, doors, stairs, lift, drinking fountain, counters, restrooms, kitchen, and picnic area	1-5
Honeybee Pool	Parking, curb ramp, paths of travel, doors and gates, drinking fountain, counter, restrooms / shower rooms, pool, and picnic area	1-5
Public Safety Headquarters	Doors, drinking fountain, counter, and restrooms	1-5
Senior Center	Parking, curb ramps, paths of travel, doors, drinking fountains, counters, restrooms, eating area, and picnic area (corridor)	1-5
Spreckels Performing Arts Center	Paths of travel, doors, stairs, ramp, signage, drinking fountain, counter, restrooms, assembly areas, and eating area	1-5
Animal Shelter	Parking, curb ramps, paths of travel, doors and gates, signage, counter, and restrooms	6-10
Benicia Pool	Parking, doors and gates, drinking fountain, counter, restrooms / shower rooms, pool, and picnic area	6-10
Burton Avenue Recreation Center	Passenger loading zone, ramps, paths of travel, doors, signage, drinking fountain, restrooms, and kitchen	6-10
Gold Ridge Center	Parking, curb ramp, paths of travel, doors, stairs, drinking fountain, and restrooms	6-10
Ladybug Park Recreation Room	Paths of travel, doors, restrooms, and kitchen	6-10
Magnolia Pool	Parking, curb ramps, paths of travel, doors, drinking fountain, and restrooms / shower rooms	6-10
6250 State Farm Drive	Parking, curb ramps, paths of travel, doors, and restrooms	11+
City Hall	Parking, curb ramps, paths of travel, doors, stairs, elevator, counter, and restrooms	11+
Corporation Yard	Not included in current facility evaluations	11+
Girl Scout Hut	Parking, paths of travel, doors, drinking fountain, restrooms, and kitchen	11+

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5. Resources

5.1 California and National Organizations Supporting People with Disabilities

Access Northern California

<http://wheelingcalscoast.org/index.php>

Access Northern California (ANC) is a 501(c)3 non-profit organization working to increase opportunities and improve access to travel and outdoor recreation for people with disabilities and seniors throughout Northern California. ANC maintains an online interactive Wheelchair Rider's Guide to the California Coast in partnership with the City to provide easy access to outdoor adventures for wheeled mobility device riders, parents pushing strollers, and others who need accessibility features such as a wide, fairly level, and firm path of travel. The website helps users choose the destinations that suit their needs from among the coast's many parks, trails, beaches, viewpoints, and other sites of interest that are accessible to wheeled mobility devices. It also provides links to resources for accessible travel guides, guided hikes and outings, and organizations serving park and trail users with disabilities.

Bay Area Outreach and Recreation Program (BORP)

3075 Adeline Street, Suite 155

Berkeley, CA 94703-2545

<http://www.borp.org>

telephone: (510) 849-4663

BORP is headquartered in Berkeley, California and is a leading provider and promoter of accessible sports and recreation opportunities for children and adults with physical disabilities in the greater San Francisco Bay Area. In addition to high-quality innovative sports and recreation programs, expert staff provide advocacy, trainings, referrals and consultation services and have helped initiate adaptive sports programs in several other cities across the state. BORP also conducts disability awareness trainings and adaptive sports exhibitions for a variety of community agencies and serves as a valuable resource to physical therapists, rehabilitation hospitals, parks and recreation departments and related organizations.

Healing Waters Wilderness Adventures

<http://www.hwaters.org/>

Provides outdoor trips specifically for people with HIV and AIDS.

Shared Adventures – Santa Cruz

<http://www.sharedadventures.org/>

Founded on the belief that recreation, fun, challenge and access to the outdoors are an essential part of a healthy and fulfilling life, Shared Adventures is a non-profit organization dedicated to improving the quality of life of people living with disabilities.

TDI Online

<http://www.tdi-online.org/>

TDI's mission is to promote equal access in telecommunications and media for people who have hearing loss or who are deaf, late deafened, or deaf blind. TDI encourages accessible applications of existing and emerging technologies in all sectors of the community, advises on promotes the uniformity of standards for telecommunications and media technologies, and networks and collaborates with other disability organizations, government, industry and academia.

5.2 Guidance Documents and Organizations—General

AbleData (assistive technology)

<http://www.abledata.com/abledata.cfm>

ADA National Network. A Planning Guide for Making Temporary Events Accessible to People with Disabilities. 2015.

<https://adata.org/publication/temporary-events-guide>

American Bar Association Commission on Disability Rights. Planning Accessible Meetings and Events. 2015.

https://www.americanbar.org/content/dam/aba/administrative/mental_physical_disability/Accessible_Meetings_Toolkit.authcheckdam.pdf

ASSISTIVETECH.NET -- The National Public Website on Assistive Technology

<http://www.assistivetech.net/>

Disabled Sports USA, Challenge Magazine

<http://www.disabledsportsusa.org/about/news/challenge-magazine/>

Federal Communications Commission (FCC)

Telecommunications Access for People with Disabilities. 2017.

<http://transition.fcc.gov/cgb/consumerfacts/section255.pdf>

Telecommunications Relay Service – TRS. 2017.

<https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs>

National Association of the Deaf (NAD). TTY and TTY Relay Services.

<https://www.nad.org/resources/technology/telephone-and-relay-services/tty-and-tty-relay-services/>

National Center on Accessibility. Indiana University, Bloomington.

<http://www.ncaonline.org/resources/>

National Center on Physical Activity and Disability. What to Know Before You Go: The Big Questions to Ask Before Arriving at Your "Accessible" Recreation Destination.

<https://www.nchpad.org/277/1750/What~to~Know~Before~You~Go~~The~Big~Questions~to~Ask~Before~Arriving~at~Your~~Accessible~~Recreation~Destination>

North Carolina State University: The Center for Universal Design

<https://projects.ncsu.edu/ncsu/design/cud/>

Pacific ADA Center

<http://www.adapacific.org/>

San Francisco, City and County. Accessible Public Event Checklist. 2018.

<http://sfgov.org/mod/accessible-public-event-checklist>

Skulski, Jennifer and Gary Robb. Program Access: Beyond Bricks and Mortar. National Center on Accessibility, Indiana University, Bloomington. 2006.

<http://www.ncaonline.org/resources/articles/program-access.shtml>

5.3 Guidance Documents and Articles—Web Design

National Center for Accessible Media (NCAM)

NCAM is a research and development facility dedicated to addressing barriers to media and emerging technologies for people with disabilities in their homes, schools, workplaces, and communities. NCAM is part of the Media Access Group at Boston public broadcaster WGBH, which includes two production units, The Caption Center (est. 1972) and Descriptive Video Service® (DVS®) (est. 1990). Tools and guidelines for creating accessible media can be downloaded from the NCAM website (http://ncam.wgbh.org/invent_build/web_multimedia/tools-guidelines).

State of California

The California Department of Education (CDE) adopted its first set of accessibility standards in 2001, which were based almost entirely on the Version 1.0 Checkpoints from the W3C WCAG. In 2003, the State of California enacted Government Code (GC) Section 11135, requiring all its agencies and departments to comply with federal Section 508. In 2006 the State adopted accessibility standards for web design that apply to all State of California public Internet web sites for state organizations that report to the Governor and State Chief Information Office (CIO) and which were offered as a resource to other constitutional offices as they work to make their public web sites accessible. The recommends are available for download at. Effective November 1, 2007, all California departments and agencies reporting to the Governor were requested to comply with ca.gov design, accessibility, and usability standards and best practices as included in a policy notice issued in 2007.

- California Department of Education Web Accessibility Standards. <https://www.cde.ca.gov/re/di/ws/webaccessstds.asp>
- Recommendation on Accessibility Standards for California State Web Pages. 2006. https://webtools.ca.gov/wp-content/uploads/sites/7/2012/07/IOUCA_Accessibility_Recommendation_Adopted_071406.pdf
- Policy Notice: Web Site Development Guidelines. January 23, 2007. <https://webtools.ca.gov/wp-content/uploads/sites/7/2012/07/WebPolicy.pdf>

Utah State University, Center for Persons with Disabilities, WebAIM

WebAIM (Web Accessibility in Mind) has provided comprehensive web accessibility solutions since 1999. WebAIM is a non-profit organization based at the Center for Persons with Disabilities at Utah State University. Documents and training materials, including the following publications, can also be downloaded from WebAIM website (<http://www.webaim.org/>).

- Color Contrast Checker. <https://webaim.org/resources/contrastchecker/>
- Web Accessibility Evaluation Tool (WAVE). <http://wave.webaim.org/>
- Section 508 Checklist. <https://webaim.org/standards/508/checklist>
- Web Accessibility for Designers. <https://webaim.org/resources/designers/>

Web Accessibility Initiative (WAI)

WAI develops guidelines widely regarded as the international standard for Web accessibility, support materials to help understand and implement Web accessibility, and resources, through international collaboration. The Web Content Accessibility Guidelines (WCAG) was developed with a goal of providing a single shared standard for web content accessibility that meets the needs of individuals, organizations and governments internationally. Documents and training materials, including the following publications, can also be downloaded from the WAI website (<https://www.w3.org/WAI/>).

- Caldwell, Ben, Michael Cooper, Loretta Guarino Reed and Gregg Vanderheiden (eds.) Web Content Accessibility Guidelines (WCAG) 2.0. 2008. <https://www.w3.org/TR/WCAG20/>

5.4 Guidance Documents and Articles—Signage

American Printing House for the Blind, Inc. (APH). APH Tactile Graphic Image Library.

<http://www.aph.org/tgil/>

Arditi, Aries. Effective Color Contrast: Designing for People with Partial Sight and Color Deficiencies. 2005 <http://li129-107.members.linode.com/accessibility/design/accessible-print-design/effective-color-contrast/>

California Department of Parks and Recreation. California State Parks Accessibility Guidelines. 2015.

http://www.parks.ca.gov/pages/1008/files/2015_california_state_parks_accessibility_guidelines.pdf

Cooper, Michael, Andrew Kirkpatrick and Joshue O Connor (eds). "G18: Ensuring that a contrast ratio of at least 4.5:1 exists between text (and images of text) and background behind the text." *Techniques for WCAG 2.0*. W3C Working Group Note. October 2016.

<https://www.w3.org/TR/WCAG20-TECHS/G18.html>

Luminant Design LLC. Signage and the 2010 ADA Standards v2.1. 2011.

<http://www.luminantdesign.com/ada.html>

Society for Experiential Graphic Design (SEGD). Signage Requirements in the 2010 Standards for Accessible Design. 2012.

https://segd.org/sites/default/files/SEGD_2012_ADA_White_Paper_.pdf

U.S. Department of the Interior, National Park Service

Harpers Ferry Center Accessibility Committee

Harpers Ferry Center (HFC) serves as the Interpretive Design Center for the National Park Service. HFC works to ensure that the highest level of accessibility that is reasonable is incorporated into all aspects of interpretive media, planning, design and construction. This includes ensuring that all new interpretive media are provided in such a way as to be accessible to and usable by all persons with a disability. It also means all existing practices and procedures are evaluated to determine the degree to which they are currently accessible to all visitors, and modifications are made to assure conformance with applicable laws and regulations. The HFC website (<http://www.nps.gov/hfc/accessibility/>) includes accessibility resources, guidelines and s, Department of the Interior Section 504, photographs of best practices, and more.

- Wayside Exhibits: A Guide to Developing Outdoor Interpretive Exhibits. 2009.
<https://www.nps.gov/hfc/pdf/waysides/wayside-guide-first-edition.pdf>
- Programmatic Accessibility Guidelines for National Park Service Interpretive Media, v2.3. 2017.
<https://www.nps.gov/hfc/accessibility/guidelines/>

5.5 Guidance Documents and Articles—Creating Accessible Documents

Adobe. Creating Accessible Adobe PDF Files, A Guide for Document Authors.

Adobe. Create and verify PDF accessibility (Acrobat Pro).

American Council of the Blind (ACB). Best Practices and Guidelines for Large Print Documents used by the Low Vision Community. 2011. <http://acb.org/large-print-guidelines>

Braille Authority of North America and the Canadian Braille Authority. Guidelines and Standards for Tactile Graphics (Web Version). 2012. <http://www.brailleauthority.org/tg/web-manual/tgmanual.html>

GSA Government-wide Section 508 Accessibility Program: Create Accessible Electronic Documents (A compilation of federal guidance, checklists, and testing information for creating and maintaining accessible documents in various popular electronic formats, including Word, PDF, Excel, and PowerPoint). <https://www.section508.gov/content/build/create-accessible-documents>. Guidance from the Accessible Electronic Document Community of Practice (AED COP) on creating and testing accessible MS Word documents includes:

- Section 508 Basic Authoring and Testing Guides, MS Word 2010 and MS 2013. 2015. <https://www.section508.gov/content/build/create-accessible-documents>
- Basic Authoring and Testing Checklists, MS Word 2010 and MS 2013. 2015. <https://www.section508.gov/content/build/create-accessible-documents>
- Baseline Tests for Accessible Electronic Documents—MS Word 2010 and MS 2013. 2015. <https://www.section508.gov/content/build/create-accessible-documents>

Smithsonian Institution. Smithsonian Guidelines for Accessible Publication Design. 2001. <https://www.si.edu/Content/Accessibility/Publication-Guidelines.pdf>

Social Security Administration, Accessibility Resource Center (SSA-ARC). SSA Guide: Producing Accessible Word and PDF Documents, Version 2.1. 2010. https://www.ssa.gov/accessibility/files/The_Social_Security_Administration_Accessible_Document_Authoring_Guide_2.1.2.pdf

Sutton, Jennifer. A Guide to Making Documents Accessible to People Who Are Blind or Visually Impaired. 2002. <http://www.sabeusa.org/wp-content/uploads/2014/02/A-Guide-to-Making-Documents-Accessible-to-People-Who-are-Blind-or-Visually-Impaired.pdf>

U. S. Department of Veterans Affairs, Section 508 Support Office. Creating Accessible PDFs with Adobe Acrobat Professional. 2016. <https://www.section508.va.gov/support/tutorials/pdf/index.asp>

5.6 Federal, State and Local Laws, Standards and Ordinances

There are both state and federal regulations for accessible facilities. Below are resources for both the State of California and federal facility regulations.

U.S. Department of Justice, Civil Rights Division, Disability Rights Section

The U.S. Department of Justice provides many free ADA materials including the Americans with Disability Act (ADA) text. Printed materials may be ordered by calling the ADA Information Line [(800) 514-0301 (Voice) or (800) 514-0383 (TTY)]. Publications are available in standard print as well as large-print format, audiotape, braille, and computer disk for people with disabilities. Documents, including the following publications, can also be downloaded from the DOJ website (<http://www.ada.gov/>).

- Americans with Disabilities Act (ADA) Title II Regulations: Nondiscrimination on the Basis of Disability in State and Local Government Services. 2010.
https://www.ada.gov/regs2010/titleII_2010/titleII_2010_regulations.pdf
- 1991 ADA Standards for Accessible Design, 1991
https://www.ada.gov/1991ADASTandards_index.htm
- 2010 ADA Standards for Accessible Design. 2010.
www.ada.gov/regs2010/2010ADASTandards/2010ADASTandards.htm
- Accessibility of State and Local Government Websites to People with Disabilities. 2003.
https://www.ada.gov/websites2_prnt.pdf
- ADA Best Practices Tool Kit for State and Local Governments. 2008.
<https://www.ada.gov/pccatoolkit/abouttoolkit.htm>
- ADA Requirements: Effective Communication. 2014. <https://www.ada.gov/effective-comm.pdf>
- ADA Requirements: Service Animals. 2010. https://www.ada.gov/service_animals_2010.pdf
- ADA Requirements: Wheelchairs, Mobility Aids and Other Power-Driven Mobility Devices. 2014.
<https://www.ada.gov/opdmd.pdf>
- An ADA Guide for Local Governments: Making Community Emergency Preparedness and Response Programs Accessible to People with Disabilities. 2008.
<https://www.ada.gov/emergencyprepguide.htm>

U.S. Access Board—Architectural and Transportation Barriers Compliance Board

The full texts of federal laws and regulations that provide the guidelines for the design of accessible facilities and programs are available from the U.S. Access Board. Single copies of publications are available free and can be downloaded or ordered by completing a form available on the Access Board's website (<http://www.access-board.gov/>). In addition to regular print, publications are available in: large-print format; disk; audiocassette; and braille.

- ADA and ABA Accessibility Guidelines (ADAAG), (36 CFR Parts 1190 and 1191). Final Rule published in the Federal Register, July 23, 2004; as amended through May 7, 2014.
<https://www.access-board.gov/attachments/article/412/ada-aba.pdf>

- Americans with Disabilities Act (ADA) Accessibility Guidelines for Buildings and Facilities; Architectural Barriers Act (ABA) Accessibility Guidelines, Correction. Final Rule published in the Federal Register, November 12, 2013.
<https://www.federalregister.gov/documents/2013/11/12/2013-26780/americans-with-disabilities-act-ada-accessibility-guidelines-for-buildings-and-facilities>
- Architectural Barriers Act (ABA). Pub. L. 90–480 (42 U.S.C. §§4151 et seq.). 1968.
<https://www.access-board.gov/the-board/laws/architectural-barriers-act-aba>
- Architectural Barriers Act Accessibility Guidelines; Outdoor Developed Areas (AGODA) (36 CFR Part 1191). Final Rule published in the Federal Register, September 26, 2013.
<https://www.access-board.gov/attachments/article/1500/outdoor-rule.pdf>
- Electronic and Information Technology Accessibility Standards; (36 CFR Part 1194). Final Rule published in the Federal Register, December 21, 2000. [https://www.access-board.gov/attachments/article/523/508standards\(1\).pdf](https://www.access-board.gov/attachments/article/523/508standards(1).pdf)
- Guidance on Use of the International Symbol of Accessibility Under the Americans with Disabilities Act and the Architectural Barriers Act. 2017. <https://www.access-board.gov/attachments/article/1898/ISA-guidance.pdf>
- Information and Communication Technology (ICT) Final Standards and Guidelines (36 CFR Parts 1193 and 1194). Final Rule published in the Federal Register, January 18, 2017.
<https://www.access-board.gov/attachments/article/1877/ict-rule.pdf>
- Outdoor Developed Areas: A Summary of Accessibility Standards for Federal Outdoor Developed Areas. May 2014. <https://www.access-board.gov/attachments/article/1637/outdoor-guide.pdf>
- Telecommunications Act Accessibility Guidelines. Final Rule published in the Federal Register, February 3, 1998. <https://www.access-board.gov/attachments/article/1067/255rule.pdf>
- Uniform Federal Accessibility Standards (UFAS), August 1984 (amended May 1985, April 1986)
<https://www.access-board.gov/guidelines-and-standards/buildings-and-sites/about-the-aba-standards/ufas>

State of California

- **Department of General Services, California Building Standards Commission. California Building Standards Code (California Code of Regulations, Title 24). 2016.**

<http://www.bsc.ca.gov/Codes.aspx>

The State of California has also adopted a set of design guidelines for accessible facilities, which can be found in the California Code of Regulations, Title 24, Part II, California Building Code (CBC). CBC contains general building design and construction requirements relating to fire and life safety, structural safety, and access compliance. CBC provisions provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures and certain equipment. Although California has adopted most of the ADAAG requirements, there are some differences. In general, the more restrictive requirement (whether federal or state) should be applied when designing accessible facilities. The complete Title 24 or any of its parts is available for purchase from the International Code Council (ICC),

5360 Workman Mill Road, Whittier, CA 90601, (800) 423-6587, (<http://www.iccsafe.org>) or at various bookstores that carry technical books. The CBC is d every three years and an ongoing program of regularly reviewing these changes and updating policies and procedures related to accessibility to keep them current is recommended.

- **Department of Parks and Recreation. California State Parks Accessibility Guidelines. 2015.**
http://www.parks.ca.gov/pages/1008/files/2015_california_state_parks_accessibility_guidelines.pdf

The Accessibility Guidelines are intended as a reference manual and department policy on accessible design that provide guidance for common uses in the State Park System. They are utilized in planning and implementing regular maintenance activities, construction projects, and in the development of presentations, publications, exhibits, new programs and special events. The Accessibility Guidelines are authorized for use throughout California State Parks, including the Off-Highway Motor Vehicle Recreation Division, the Division of Boating and Waterways, concessionaires, cooperating associations and locally operated parks.

- **Division of State Architect (DSA)**
 - **2016 California Access Compliance Advisory Reference Manual. 2016.**
https://www.documents.dgs.ca.gov/dsa/pubs/2016CBC_Advisory_Manual.pdf
The purpose of this book of regulations and statutes together is to clarify the obligations for architectural accessibility in California.
 - **2016 Valuation Threshold for Alterations, Structural Repairs or Additions to Existing Buildings** <http://www.dgs.ca.gov/dsa/Programs/progAccess/threshold.aspx>
The annual valuation threshold is based on the January 1981 threshold of \$50,000.00 as adjusted using the ENR 20 Cities Construction Cost Index, and as published by Engineering News-Record, McGraw-Hill Publishing Company, for January of each year. In accordance with the 2016 California Building Code Chapter 2 definition of VALUATION THRESHOLD, the 2018 valuation threshold is \$161,298.00 and will be d again in January 2019.

Natural, Cultural, and Historic Resource Protection

- California Department of Fish and Wildlife. California Environmental Quality Act (CEQA). (California Public Resources Code, Sections 21000 - 21178, and Title 14 CCR, Section 753, and Chapter 3, Sections 15000 - 15387). <https://www.wildlife.ca.gov/Conservation/CEQA/Purpose>
- California Department of Parks and Recreation Office of Historic Preservation. California State Law and Historic Preservation: Statutes, Regulations and Administrative Policies Regarding the Preservation and Protection of Cultural and Historical Resources. Technical Assistance Services #10. 2005. <http://ohp.parks.ca.gov/pages/1069/files/10%20comb.pdf>
- U.S. Fish and Wildlife Service. Endangered Species Act (16 U.S.C. 1531 et seq.) <https://www.fws.gov/endangered/laws-policies/>
- U.S. Environmental Protection Agency. National Environmental Policy Act (42 U.S.C. 4321 et seq.) <https://www.epa.gov/nepa>
- U.S. Department of the Interior, National Park Service. National Historic Preservation Act (16 U.S.C. 470 et seq.) <https://www.nps.gov/history/local-law/nhpa1966.htm>

- U.S. Department of the Interior, National Park Service. Wilderness Act (16 U.S.C. 1131 et seq.)
<https://wilderness.nps.gov/document/wildernessAct.pdf>

5.7 Service Animal Policies

Considerations for the development of a Service Animal policy and a sample policy:

Service animals provide valuable and sometimes life-saving services to their owners. While most people are familiar with guide dogs for people with visual disabilities, many people with a variety of disabilities use service dogs to assist with everyday life.

Service animals are dogs that are individually trained to perform tasks for persons who have qualifying disabilities under the ADA, including physical, sensory, psychiatric, intellectual, or other mental disability.

– DOJ's Definition of Service Animal

In 2010, the ADA d regulations covering service animals. The definition limited animals to dogs, but also included miniature horses when conditions are appropriate.

- The ADA does not require covered entities to modify policies, practices, or procedures if it would *fundamentally alter* the nature of the goods, services, programs, or activities provided to the public. Nor does it overrule legitimate safety requirements. If admitting service animals would fundamentally alter the nature of a service or program, service animals may be prohibited. In addition, if a particular service animal is out of control and the handler does not take effective action to control it, or if it is not housebroken, that animal may be excluded.
- Policies may exclude service animals in habitats that are especially vulnerable or sensitive to predator species. Wildlife cannot tell the difference between a pet dog and a service animal; many species sense dogs as predators and expend valuable energy to flee or seek cover.
- The task(s) performed by the dog must be directly related to the person's disability.
- The dog must be trained to take a specific action when needed to assist the person with a disability. The dog does not have to be professionally trained by others.
- Emotional support or companion dogs and animals are not considered service animals under the ADA or California state law
- Agency staff may ask only two specific questions: (1) is the dog a service animal required because of a disability? and (2) what work or task has the dog been trained to perform?
- The ADA does not require service animals to wear a vest, ID tag, or specific harness.
- Individuals who have service animals are not exempt from local animal control or public health requirements.
- Service animals are subject to local dog licensing and registration requirements.

Emotional support animals, including dogs that provide comfort just by being with a person, are not considered service animals. Because they have not been trained to perform a specific job or task, they do not qualify as service animals under the ADA. While the California Department of Fair Employment and Housing does recognize emotional support animals in certain situations

like housing and employment, California state law does not recognize emotional support animals as service animals for accommodation in public places.

The ADA makes a distinction between psychiatric service animals and emotional support animals. If the dog has been trained to sense that an anxiety attack is about to happen and take a specific action to help avoid the attack or lessen its impact, that would qualify as a service animal. If the dog's mere presence provides comfort, that would not be considered a service animal under the ADA.

5.8 Other Power-Driven Mobility Devices (OPDMD) Policies

Any mobility device powered by batteries, fuel, or other engines ... that is used by individuals with mobility disabilities for the purpose of locomotion and designed to operate in areas without defined pedestrian routes.

– DOJ's Definition of OPDMD

Considerations for the Development of an OPDMD Policy

People with mobility impairment often use mobility devices such as manual or powered wheel chairs, electric scooters, canes, crutches, or walkers. Mobility impairment may be temporary, periodic, or permanent. It may result from a mechanical injury such as a broken bone or a medical condition such as a stroke or heart condition. OPDMDs are intended to provide people with enhanced mobility, including on terrain where mobility devices that are intended for flat and level terrain are not effective.

The purpose of an OPDMD is to provide access to developed outdoor area facilities for persons with mobility impairments significant enough to warrant protection as a disability under the Americans with Disabilities Act. The goal of an OPDMD policy is to define parameters for this access that provides the maximum degree of access for persons with qualifying disabilities while also protecting the safety of the great many other users of open space and the environment.

The law encourages agencies to determine parameters for defining OPDMDs that are acceptable for use at their facilities. Consideration for environmental impact and public safety are paramount for the sensitive resources found on most City project sites.

Sample OPDMD Policy:

The use of a manual or motorized wheeled mobility device by an individual with limited mobility is allowed to the extent that the same would apply to a pedestrian. The information in this section is intended to treat a person using a manual or motorized wheeled mobility device as a pedestrian, and is not intended to restrict the activities of such a person beyond the degree that the activities of a pedestrian are restricted by the same regulations.

Engine Type: Not to exceed Zero Emissions during use. The engine noise level from an OPDMD may not exceed 60 dB measured on the A-weighted scale at a distance of 50 feet.

OPDMDs with Zero Emissions will exclude combustion engines and the use of gas or other fuel powered mobility devices. The noise and exhaust from gas powered engines would fundamentally alter the natural setting of many of the trails.

Size: OPDMDs may not exceed 36 inches in width.

Weight: Not to exceed 550 lbs. including operator.

The weight limit is specified because (1) heavier loads may cause damage to the non-paved trail surface and structure and (2) of the potential for being unstable on trails that do not have compacted surfaces.

Speed: Maximum speed while operating an OPDMD cannot exceed 6 mph.

To ensure the safety of other trail users as well as protecting the experience and character of the trail as a pedestrian facility, the speed limit is to be limited to a maximum pedestrian hiking speed of 6 mph. Establishing a speed limit for OPDMD use on trails is a way of balancing pedestrian anxiety about the safety of sharing a trail with motorized devices moving at higher speeds and OPDMD users' right to experience the trail while using an OPDMD. 6 mph is a speed well in excess of average pedestrian walking speed, especially on undeveloped terrain, and is sufficient to provide access to the open space trails proposed to be open to OPDMD use.

Users: The use of OPDMDs, while allowed, is restricted to persons with mobility disabilities. The use of an OPDMD by a non-disabled person is prohibited. The causes of disability may not always be apparent to members of the public or agency staff.

Proof of having a disability may be provided by:

- a. a valid, state-issued disability parking placard or card
- b. other state-issued proof of disability
- c. other federal-issued proof of disability (National Parks and Federal Recreational Lands Access Pass)
- d. verbal representation, not contradicted by observable fact

Where: Paved paths of travel, trails designated for improved accessibility, and designated multi-use trails. Multi-use is a category that includes pedestrians, bikes, and equestrians. OPDMDs are not allowed in areas closed to the general public or areas restricted due to specific circumstances of design limitations, natural resource protection or operational characteristics of the trail.

Rules for Use of OPDMDs:

The following conditions apply:

- A person must be of legal age to operate the specific OPDMD, as prescribed by federal and state law.
- A person using an OPDMD must yield the right of way to pedestrians and persons using wheel chairs.
- A person riding an OPDMD must always yield to equestrians.
- Group size is limited to no more than four OPDMDs unless otherwise approved by the agency.
- No more than one person may ride upon an OPDMD at any time.

Every OPDMD shall be equipped with the following safety mechanisms:

- Front, rear, and side reflectors.
- A system that enables the operator to bring the OPDMD to a controlled stop.
- If the OPDMD is operated between one half hour after sunset and one-half hour before sunrise, a lamp emitting a white light that, while the OPDMD is in motion, illuminates the area in front of the operator and is visible from a distance of 300 feet in front of the OPDMD.
- A sound emitting device that can be activated from time-to-time by the operator.

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