ADA Transition Plan – Technical Assistance Training #3: Public Outreach, Transition Plan Implementation, Transition Plan Progress Monitoring, and Website Compliance

February 13, 2019

Agenda

- Public Outreach Best Practices
- Transition Plan Implementation Considerations
- Transition Plan Progress Monitoring Options
- Website Compliance

Public Outreach Best Practices

Public Outreach Best Practices

- Effective Communication
- ADA Advisory Committee
- In-person public engagement
- Online public engagement

Effective Communication

- Required under Title II unless agency can show that providing effective communication would fundamentally alter the nature of the service or program

- Whatever is written or spoken must be as clear and understandable to people with disabilities as it is for people who do not have disabilities

Auxiliary Aids and Services

- Devices or services that enable effective communication for people with disabilities
- Type of aid or service necessary depends on length and complexity of the communication and format
- Required when requested by a person with a disability
- Must consult with the individual to determine what is effective for him or her

Auxiliary Aids and Services

- qualified interpreters
- notetakers
- screen readers
- computer-aided real-time transcription (CART)
- written materials
- telephone handset amplifiers
- assistive listening systems
- hearing aid-compatible telephones
- computer terminals
- speech synthesizers
- communication boards
- text telephones (TTYs)
- open or closed captioning
- closed caption decoders
- video interpreting services
- videotext displays
- description of visually presented materials
- exchange of written notes
- TTY or video relay service
- email
- text messaging
- instant messaging
- qualified readers
- assistance filling out forms
- taped texts
- audio recordings
- Brailled materials
- large print materials
- materials in electronic format (compact disc with materials in plain text or word processor format)

Written Communication

- Provide alternative formats (Braille, large print text, emails or CDs, audio recordings) with the information
- Consider the context, importance of the information, and length and complexity of materials
- Alternative formats should be requested by a person with a disability prior to the event, but reading information aloud may be effective if notice is not provided

Effective Communication Exceptions

- Primary consideration must be given to the individual's choice of auxiliary aid or service
- The requesting person's choice does not have to be followed if:
  - The public entity can demonstrate that another equally effective means of communication is available
  - Use of the means chosen would result in a fundamental alteration in the service, program, or activity
  - The means chosen would result in an undue financial and administrative burden

Qualified Interpreters

- When an interpreter is requested by a person who is deaf or hard of hearing, the interpreter must be qualified

- Qualified interpreters must:
  - Be able to convey communications effectively, accurately, and impartially
  - Use any necessary specialized vocabulary

- Certification is not required

Qualified Readers

- When a reader is requested by a person who is blind or has low vision, the reader must be qualified

- Qualified readers must:
  - Read the information accurately and in a manner that the person requiring assistance can understand
  - Be capable of assisting the individual in completing forms by accurately reading instruction and recording information on each form

Effective Communication Planning

- Identify local resources for auxiliary aids and services
- Find out how you can produce documents in Braille or acquire other aids or services
- Contract with qualified interpreter services and other providers so that interpreters and other aids and services will be available on short notice

Effective Communication Planning

- Use the DOJ checklist

- Provide employee training. All employees who interact with the public over the telephone or in person need to know their role in ensuring effective communication.

ADA Advisory Committee

- Representatives from local disability organizations
- Committee members should represent a wide range of disabilities

In-Person Public Engagement

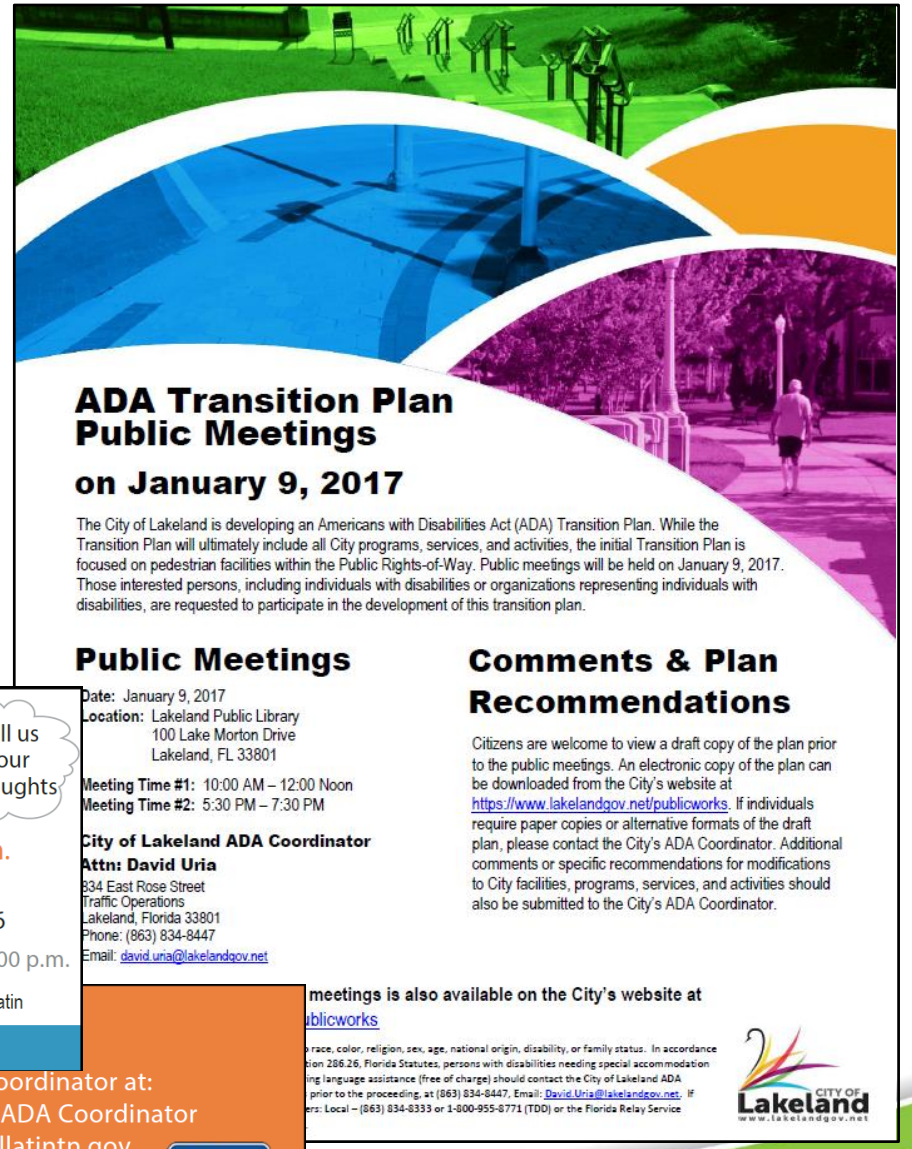
- Consider meeting format
  - Public Meeting – formal presentation
  - Public Workshop – open house

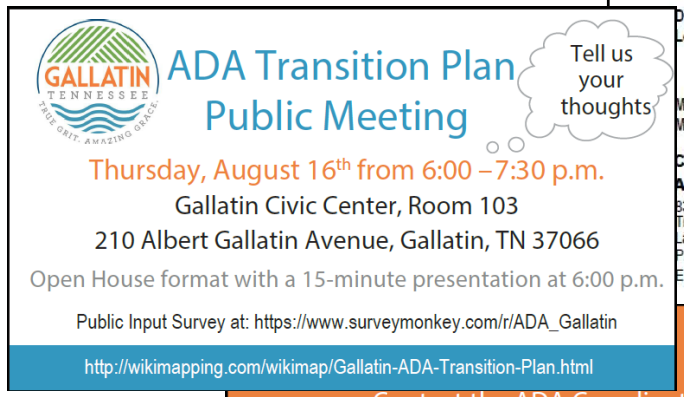
- Seek public input before, during, and after Transition Plan development

- How to Make Your Presentations Accessible to All

Meeting Advertisement

- Electronic and paper flyers
- Newspaper
- Radio
- Website
- Social media
- Business cards
- Disability organization distribution lists

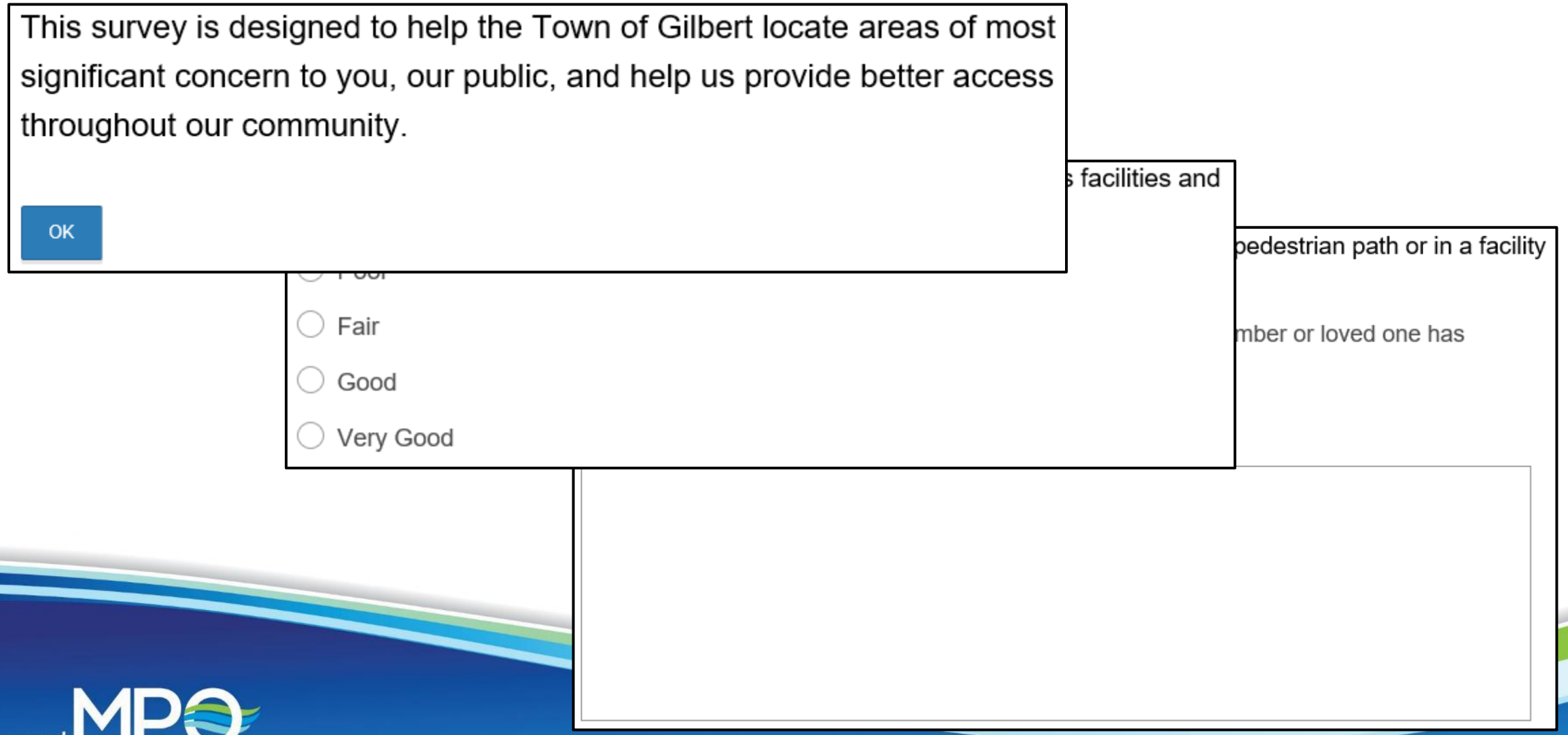




Public Access Survey

- Receive feedback on how agency is doing regarding accessibility
- Identify specific programs, services, activities, or facilities of concern
- Examples:
  - Hard copies
  - SurveyMonkey
  - Agency Website

Public Access Survey



Public Access Survey

11. Are there any Town programs, services, or activities that you would like to participate in or utilize but cannot due to accessibility challenges?

- ○ Yes
- ○ A family member or loved one would
- ○ No

Please identify the specific Town program, service, or activity and describe challenges below.

12. Have you encountered any communication barriers within a Town building or park which prevented you from utilizing or participating in a program, service, or activity?

- ○ Yes
- ○ A family member or loved one has
- ○ No

Please identify location or locations below.

13. Have you encountered any physical barriers or obstructions within a Town building which prevented you from utilizing or participating in a program, service, or activity?

- ○ Yes
- ○ A family member or loved one has
- ○ No

Please identify location or locations below.

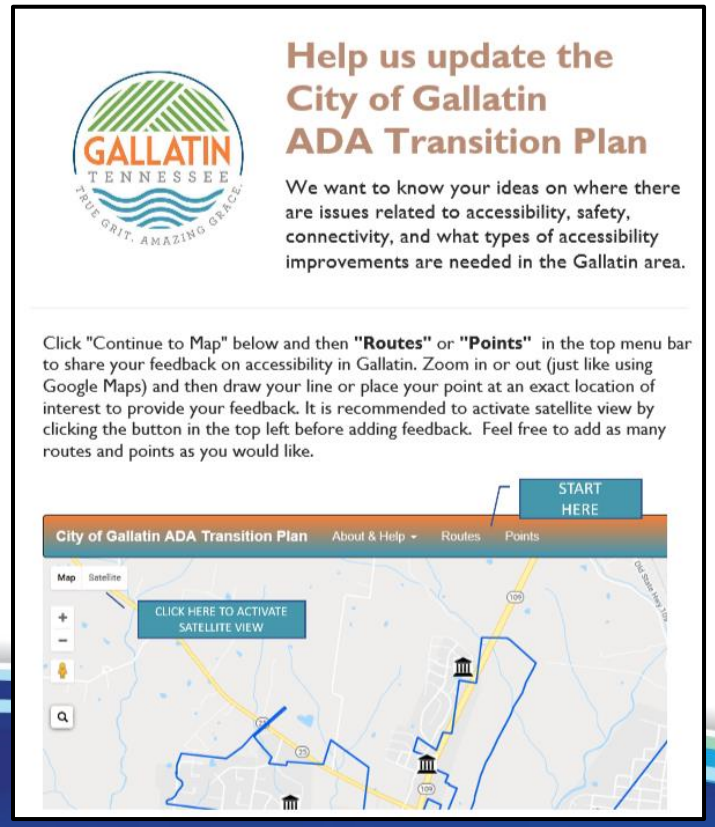
Issue Mapping

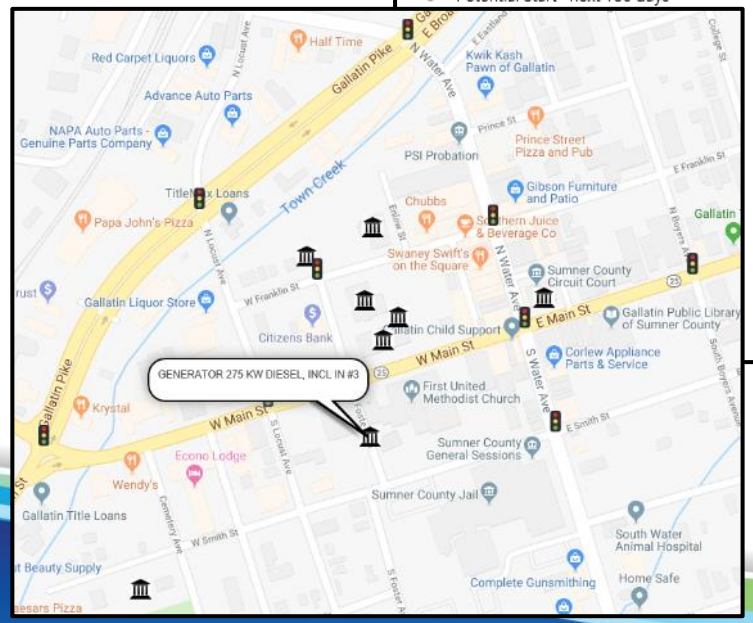
- Identify specific facilities of concern, particularly in the public rights-of-way

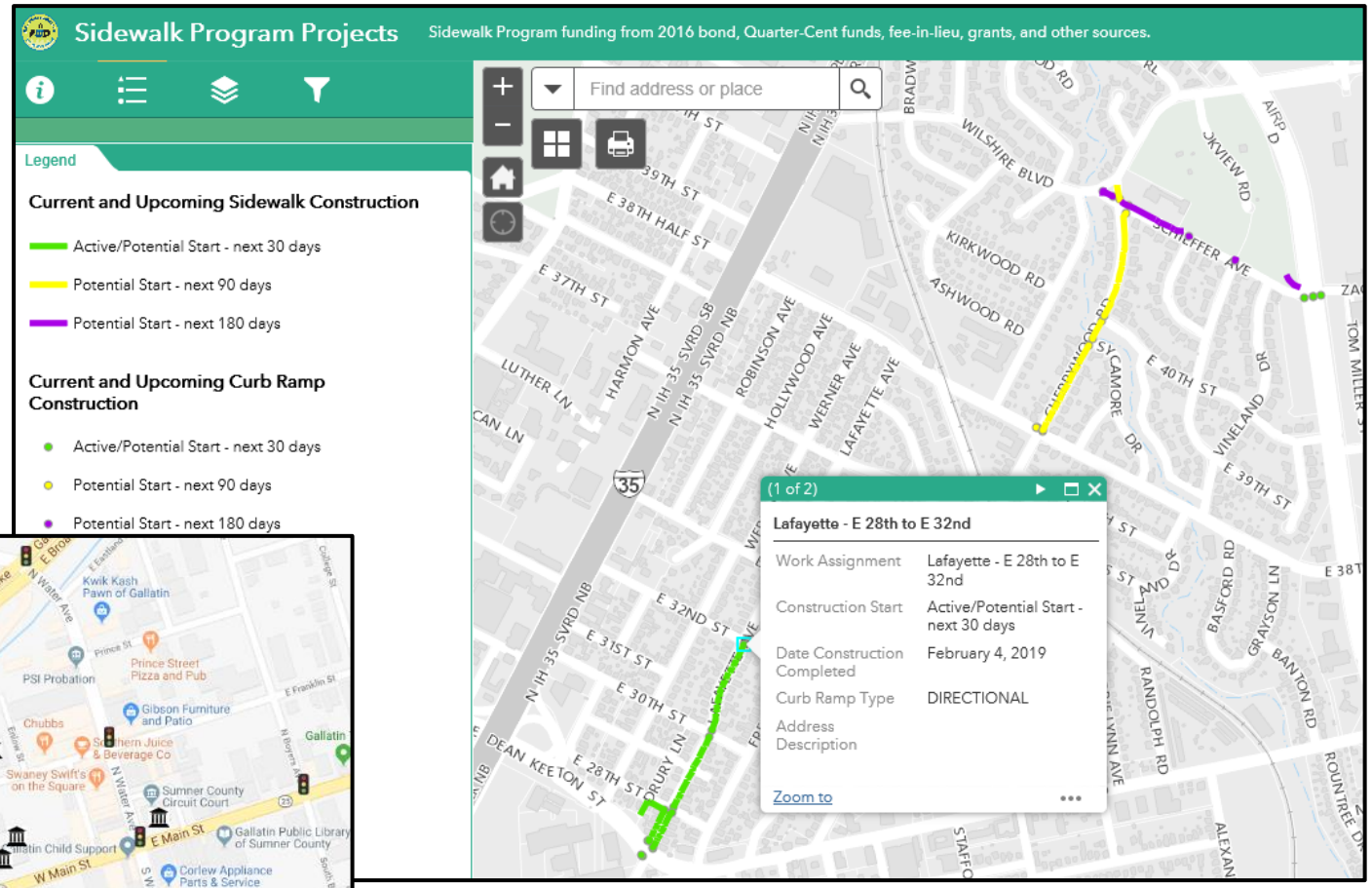
- Examples:
  - WikiMap
  - ArcGIS Online Map / Story Map

Issue Mapping

WikiMap

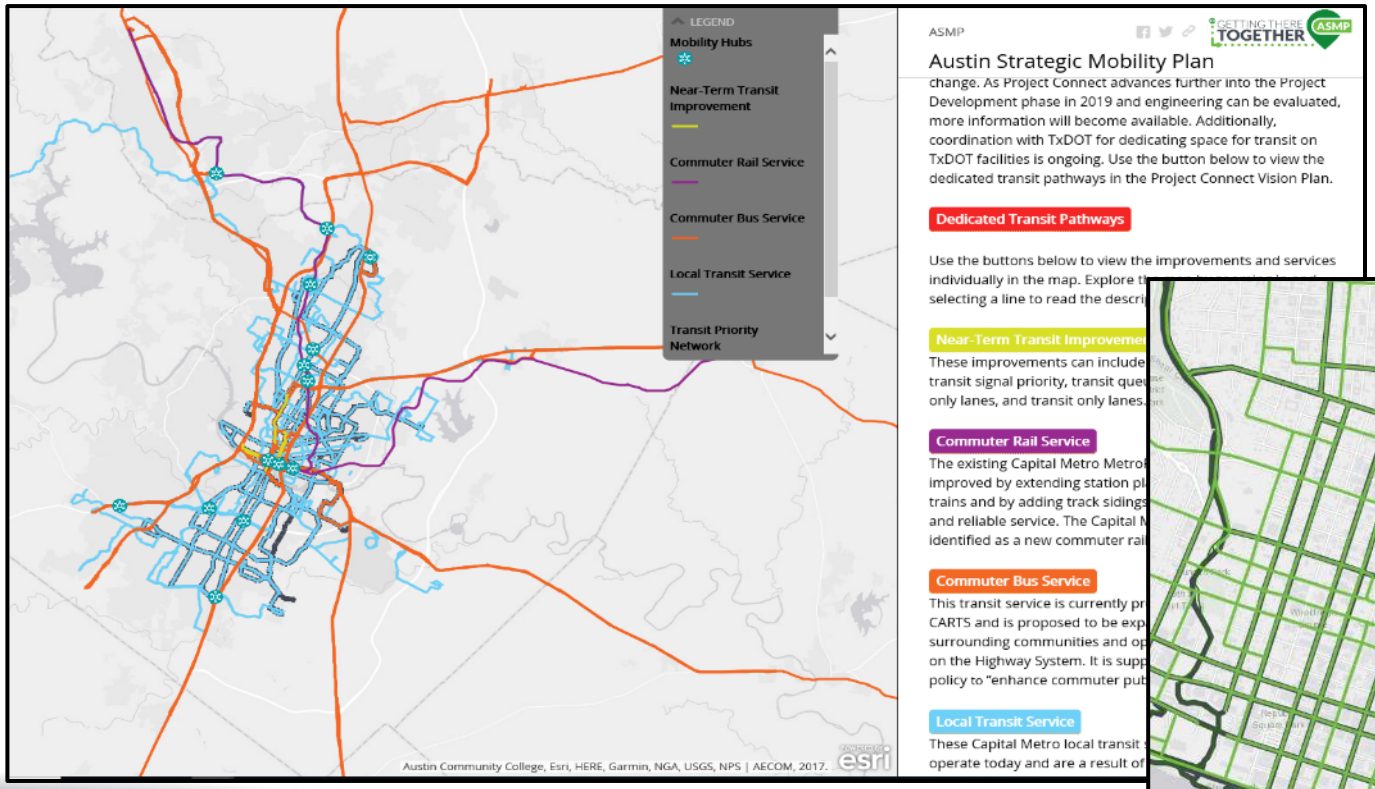






ArcGIS Online Map

Issue Mapping



ArcGIS Story Maps integrate maps with narrative text, images, and multimedia content

Photo Boards

Photo Boards

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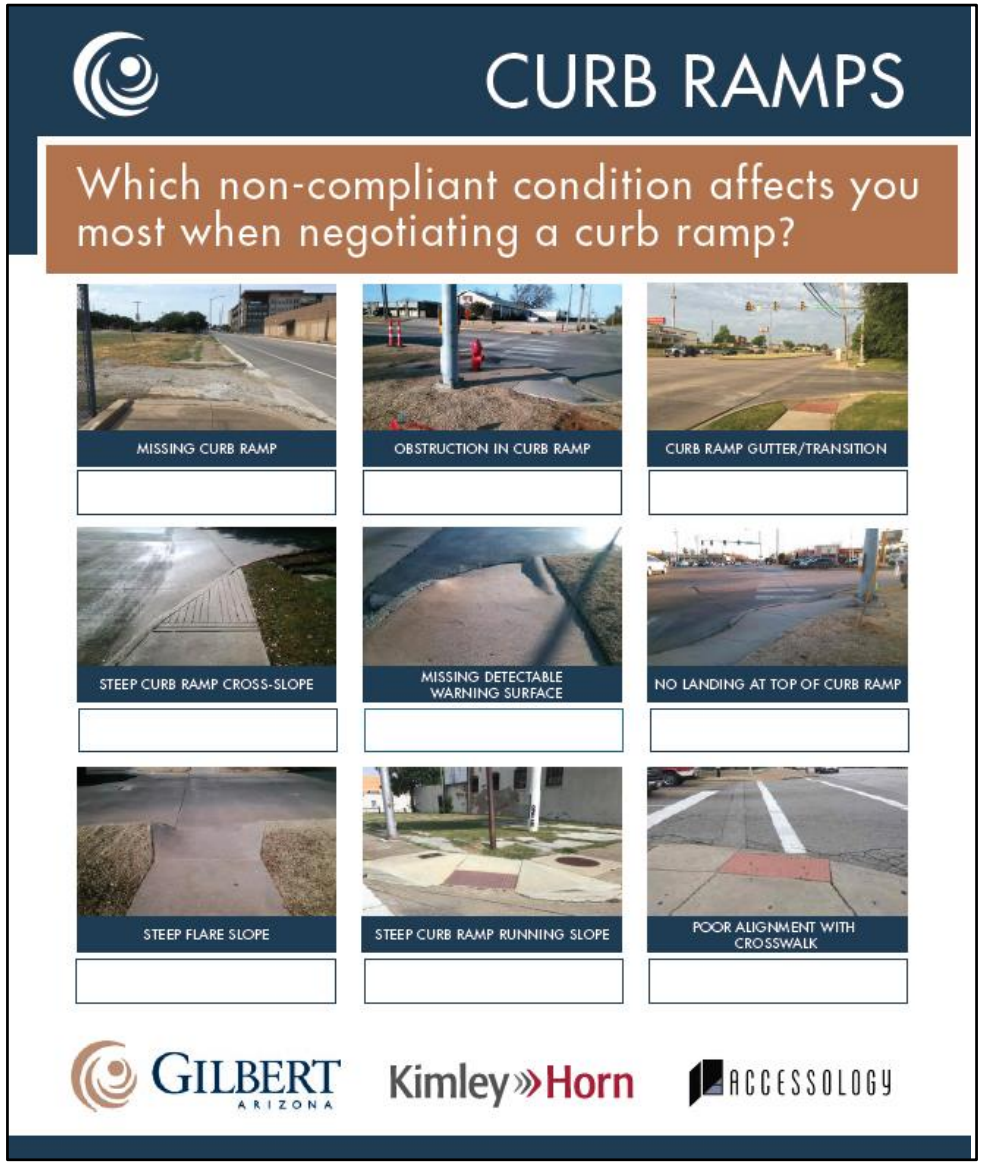


Photo Boards

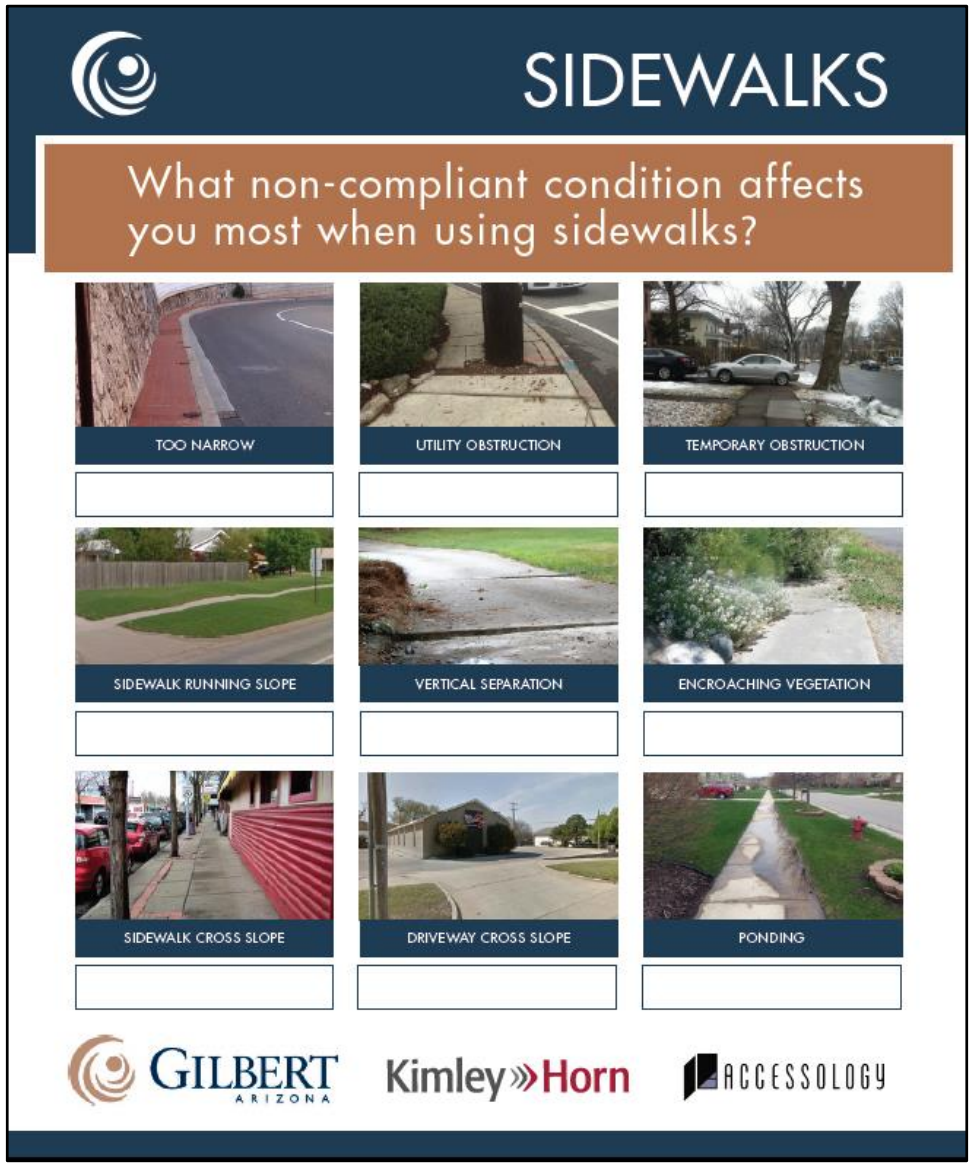


Photo Boards

Photo Boards

Online Public Engagement

- Broward MPO: Speak Up Broward
  - Website
  - Traveling Booth
  - Calendar
  - Facebook
  - Twitter

ADA Webpage

- Grievance procedure and form (fillable online format)
- Public notice under the ADA
- ADA/504 Coordinator contact information
- ADA Transition Plan and related policy documents
- Public involvement opportunities
- Request forms (accommodations, APS, sidewalks, curb ramps, etc.)
- Accessibility technical resources (standards, guidance documents, news, training opportunities)

Example ADA Webpages

- Delaware DOT
- Alaska DOT
- Colorado DOT
- City of Edmond, Oklahoma
- City of Fort Lauderdale, Florida

Transition Plan Implementation Considerations

Transition Plan Implementation Considerations

- Coordination with other agencies
- Declaration of support/adoption of Transition Plan
- Implementation schedule duration
- Project implementation prioritization
- Funding strategies
- Overlap with other agency programs (e.g., Capital Improvements Program)

Coordination with Other Agencies

- Facilities located along geographic limits
- Shared ownership facilities
- Lease agreements and rental properties
- Integration with Transition Plan efforts for:
  - Neighboring Communities
  - County
  - State

Declaration of Support/Adoption of Transition Plan

- Well-publicized, public declaration of support or adoption of a Transition Plan sets a positive tone that facilitates staff involvement and promotes support and cooperation
- Governing agencies are not required to adopt their Transition Plan
- If an agency decides to adopt their Transition Plan, support from upper level staff is recommended

Declaration of Support/Adoption of Transition Plan

Benefits of adopting Transition Plan

- Consistent and strategic funding of accessibility-related improvements
- Assurance that plan will be implemented and kept up to-date
- Integration of Transition Plan into existing agency practices and procedures for scheduling work and implementing improvements

Example ADA Transition Plan Adoption by Council

RESOLUTION NO. R1811-66

RESOLUTION ADOPTING ADA TRANSITION PLAN

BE IT RESOLVED BY THE CITY OF GALLATIN, TENNESSEE, The City of Gallatin will not discriminate against qualified individuals with disabilities in the area of services, facilities, programs or activities;

BE IT FURTHER RESOLVED BY THE CITY OF GALLATIN, TENNESSEE, that The City of Gallatin has completed a self-evaluation as required by the Americans with Disabilities Act (ADA) of 1990;

BE IT FURTHER RESOLVED BY THE CITY OF GALLATIN TENNESSEE, that the next step in complying the Americans with Disabilities Act of 1990 is to adopt an ADA Transition Plan for the City of Gallatin;

BE IT FURTHER RESOLVED BY THE CITY OF GALLATIN, TENNESSEE, that the ADA Transition Plan be adopted and implemented immediately. A copy of the entire Transition Plan will be preserved in the City Recorder's office and also the City Attorney's office.

BE IT FURTHER RESOLVED BY THE CITY OF GALLATIN, TENNESSEE, that this resolution shall take effect from and after its final passage, the public welfare requiring such.

IT IS SO ORDERED.

PRESENT AND VOTING

AYE:

NAY:

DATED:

_____
MAYOR PAIGE BROWN

ATTEST:

_____
CONNIE KITTRELL
CITY RECORDER

Implementation Schedule Duration

- Deadline to complete Self-Evaluation and Transition Plan for structural changes: **July 26, 1992**
- Deadline to implement all improvements identified in Transition Plan: **January 26, 1995**
- Schedule must reasonable for the size of the agency

Program Prioritization

Project Implementation Prioritization

Legend

Sidewalk Priority

- Compliant
- High
- Medium
- Low

Funding Strategies

- Federal Funding
- State Funding
- Local Funding
- Private Funding

Federal Funding

- BUILD – Better Utilizing Investments to Leverage Development Transportation Discretionary Grants
- INFRA – Infrastructure for Rebuilding America Discretionary Grant Program
- TIFIA – Transportation Infrastructure Finance and Innovation Act (loans)
- FTA – Federal Transit Administration Capital Funds
- ATI – Associated Transit Improvement (1% set-aside of FTA)
- CMAQ – Congestion Mitigation and Air Quality Improvement Program
- HSIP – Highway Safety Improvement Program
- NHPP – National Highway Performance Program

Federal Funding

- STBG – Surface Transportation Block Grant Program
- TA – Transportation Alternatives Set-Aside (formerly Transportation Alternatives Program)
- RTP – Recreational Trails Program
- SRTS – Safe Routes to School Program / Activities
- PLAN – Statewide Planning and Research (SPR) or Metropolitan Planning funds
- NHTSA 405 – National Priority Safety Programs (Nonmotorized safety)
- FLTTP – Federal Lands and Tribal Transportation Programs (Federal Lands Access Program, Federal Lands Transportation Program, Tribal Transportation Program, Nationally Significant Federal Lands and Tribal Projects)

Federal Funding

All presented links for federal funding can be found here:

FHWA Pedestrian and Bicycle Funding Opportunities
https://www.fhwa.dot.gov/environment/bicycle_pedestrian/funding/funding_opportunities.cfm

State Funding

FDOT Local Agency Program (LAP)

- Provides sub-recipient towns, cities, and counties a process to develop, design, and construct transportation facilities with federal funds
- LAP agencies prioritize and fund local projects through their respective MPO or governing board and are then eligible for reimbursement for the services provided to the traveling public through compliance with applicable federal statues, rules, and regulations
- Federal-Aid Highway Program funds are only available to local agencies that perform the required certification process that evaluates whether the local agency has the sufficient qualifications and ability to “undertake and satisfactorily complete the work”

Local Funding

- Community Development Block Grants (CDBG)
- Community Improvement District (CID)
- General fund (sales tax and bond issue)
- Scheduled/funded CIP projects that are funded through bonds
- Sidewalk or Access Improvement Fee
- Special tax districts
- Tax Allocation District (TAD)
- Tax Increment Financing District (TIF)
- Transportation Reinvestment Zone
- Transportation User Fee / Street Maintenance Fee

Local Funding - Examples

Palm Beach Metropolitan Planning Organization (MPO) Funding Opportunities:

- Local Initiatives (LI) Program
- Transportation Alternatives (TA) Program

Private Funding

- Local or national foundations
- Endowments
- Private development – important for agency to require private developers to improve pedestrian facilities
- Private individuals

Overlap with Other Agency Programs

When considering funding for ADA-related improvements, there needs to be deliberate integration with existing agency practices including:

- Capital Improvement Projects
- Other projects with identified funding sources
- Long-range planning documents

Overlap with Other Agency Programs

- For existing and planned agency capital improvement projects, findings from the ADA Transition Plan should be included in the project scope to the extent feasible. Though the project may not be focused on accessibility, the scope should not be tailored to "work-around" accessibility-related improvements.

- When scheduling improvement projects, consider how accessibility issues may impact prioritization of planned projects

Transition Plan Progress Monitoring Options

Transition Plan Progress Monitoring Options

- Staff training
- On-going maintenance evaluations
- Transition Plan updates
- Progress reporting

Staff Training

- Disability employment training for Human Resources staff and managers/supervisors
- Disability awareness and ADA overview for customer contact staff
- Maintenance staff training
- 2010 ADA Regulations
- ADA and Public Transportation
- Public Accommodations and Commercial Facilities (Title III)

Staff Training

- Telecommunications
- Title V Miscellaneous Provisions
- Emergency personnel training
- Barrier free design
- ADA Transition Plans
- Fair Housing design guidelines
- 2010 ADA Standards for Accessible Design
- Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way (PROWAG)

On-going Maintenance Evaluations

- Accessible routes must be maintained in an accessible condition
- A maintenance evaluation program should be established to identify changes since the initial evaluations were completed
- Changes to the existing conditions should be documented in the Transition Plan

Transition Plan Updates

Transition Plan should be a “living document” and updated regularly to reflect changes to existing conditions:

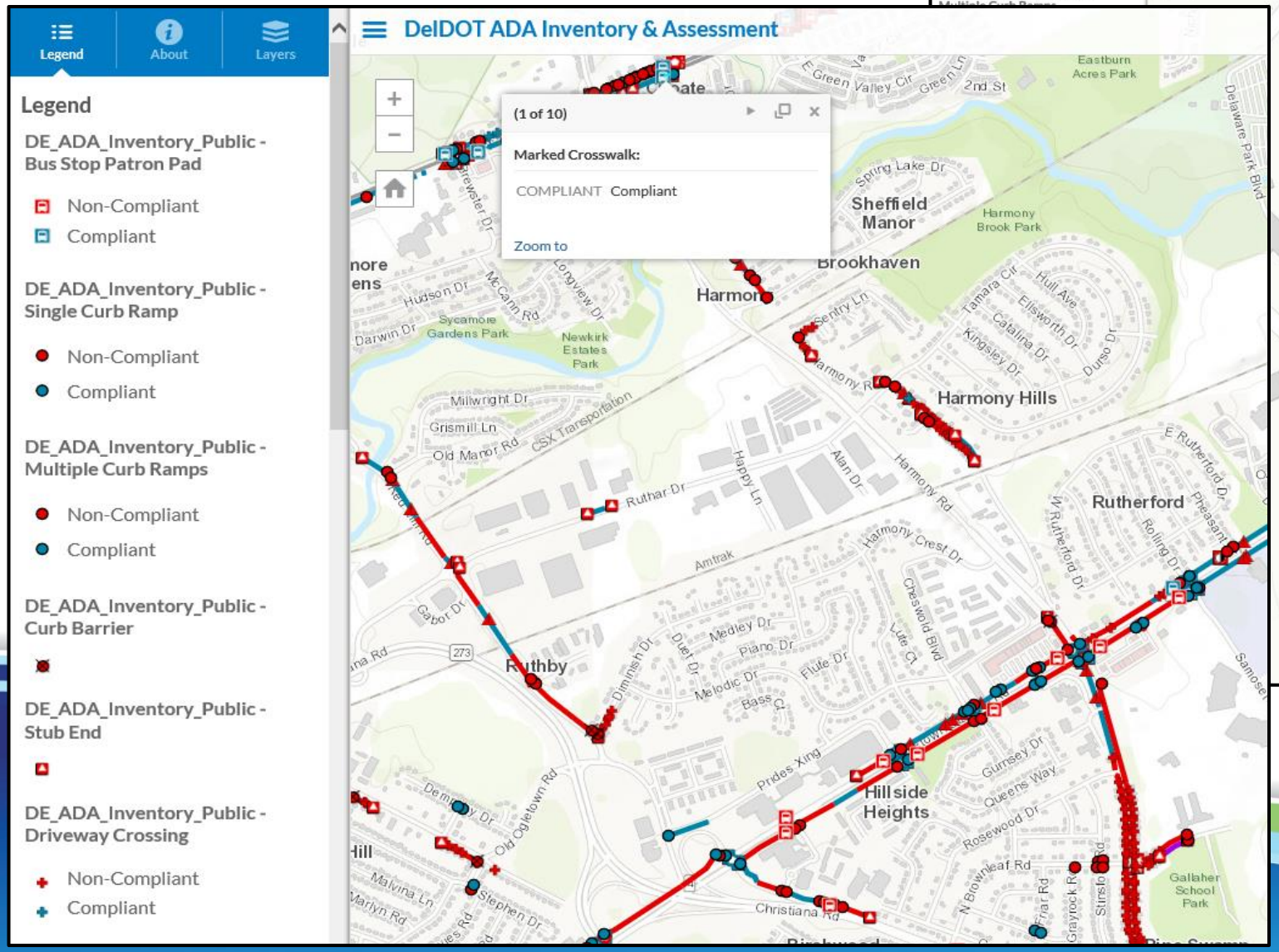
- Findings of maintenance evaluations
- Findings of inspections from new construction

Progress Reporting

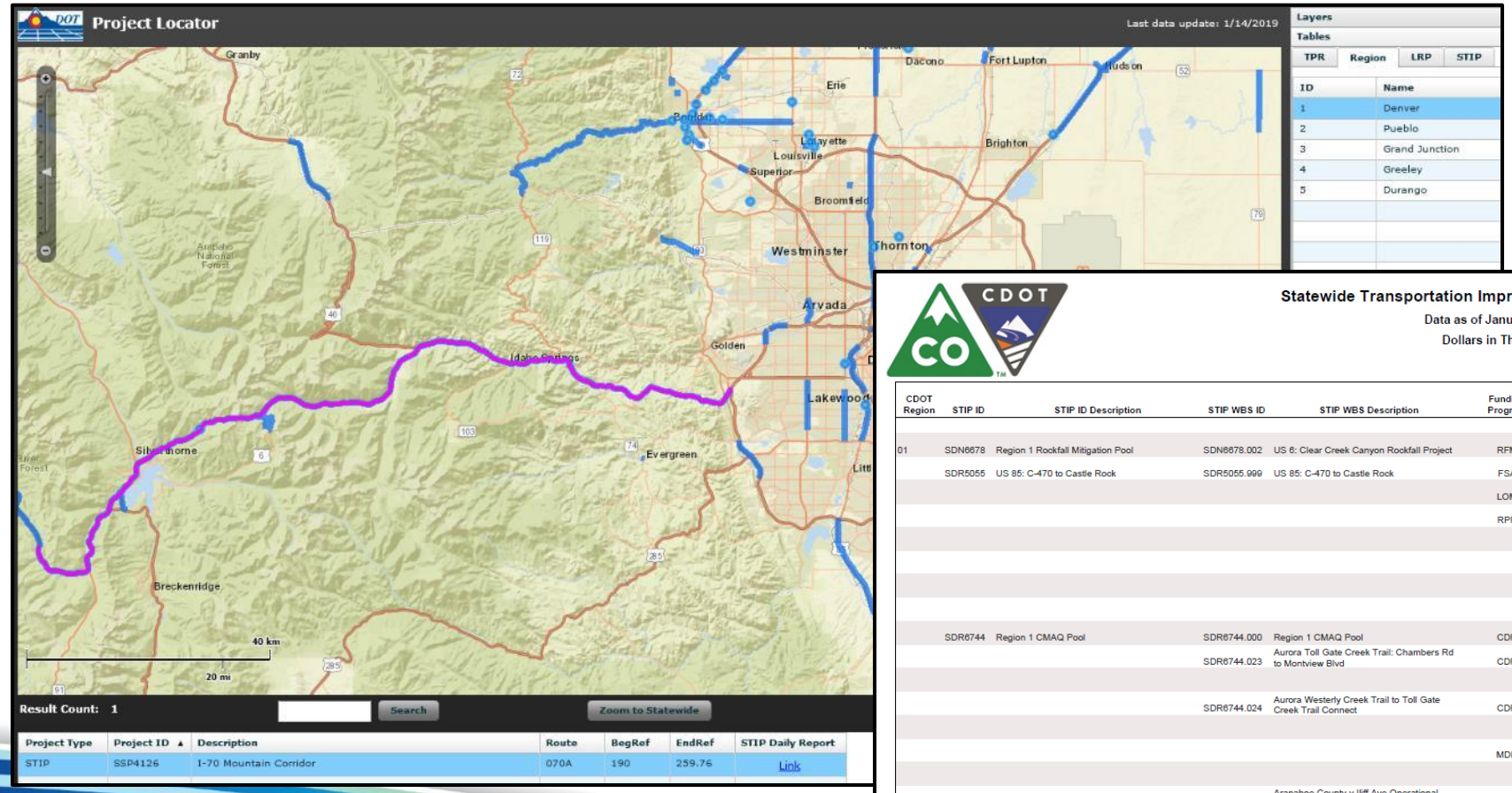
- Interactive maps
  - ADA inventories and assessments
  - Long-range planning project locations

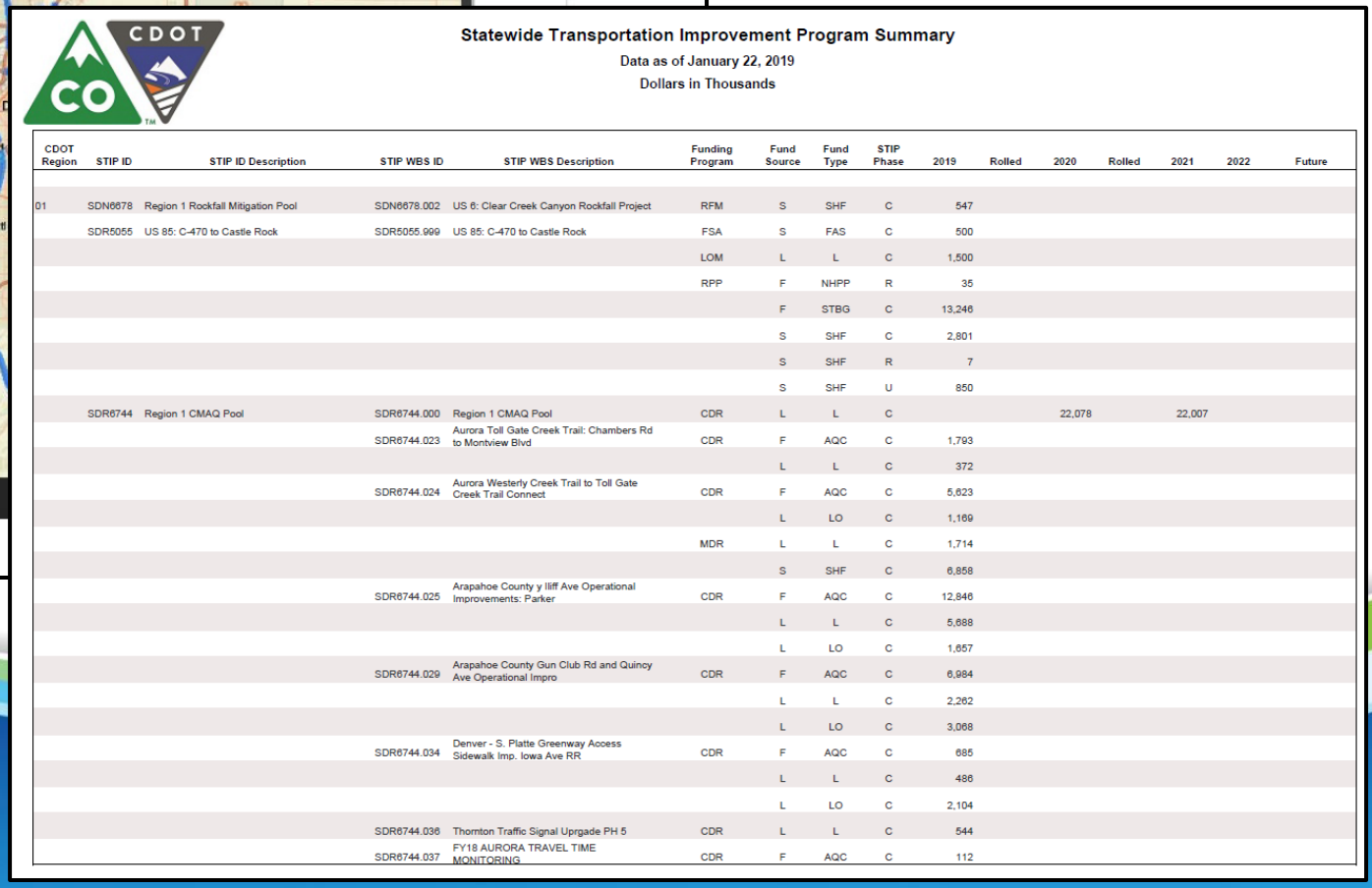
- Performance management tools

Progress Reporting



Progress Reporting





Statewide Transportation Improvement Program Summary

Data as of January 22, 2019

Dollars in Thousands

CDOT Region	STIP ID	STIP ID Description	STIP WBS ID	STIP WBS Description	Funding Program	Fund Source	Fund Type	STIP Phase	2019	Rolled	2020	Rolled	2021	2022	Future
01	SDN6678	Region 1 Rockfall Mitigation Pool	SDN6678.002	US 6: Clear Creek Canyon Rockfall Project	RFM	S	SHF	C	547						
	SDR5055	US 85: C-470 to Castle Rock	SDR5055.999	US 85: C-470 to Castle Rock	FSA	S	FAS	C	500						
					LOM	L	L	C	1,500						
					RPP	F	NHPP	R	35						
						F	STBG	C	13,246						
						S	SHF	C	2,801						
						S	SHF	R	7						
						S	SHF	U	850						
	SDR6744	Region 1 CMAQ Pool	SDR6744.000	Region 1 CMAQ Pool	CDR	L	L	C			22,078		22,007		
			SDR6744.023	Aurora Toll Gate Creek Trail: Chambers Rd to Montview Blvd	CDR	F	AQC	C	1,793						
						L	L	C	372						
			SDR6744.024	Aurora Westerly Creek Trail to Toll Gate Creek Trail Connect	CDR	F	AQC	C	5,623						
						L	LO	C	1,169						
					MDR	L	L	C	1,714						
						S	SHF	C	6,858						
			SDR6744.025	Arapahoe County y Iliff Ave Operational Improvements: Parker	CDR	F	AQC	C	12,846						
						L	L	C	5,688						
						L	LO	C	1,657						
			SDR6744.029	Arapahoe County Gun Club Rd and Quincy Ave Operational Impro	CDR	F	AQC	C	6,984						
						L	L	C	2,262						
						L	LO	C	3,068						
			SDR6744.034	Denver - S. Platte Greenway Access Sidewalk Imp. Iowa Ave RR	CDR	F	AQC	C	685						
						L	L	C	486						
						L	LO	C	2,104						
			SDR6744.036	Thornton Traffic Signal Upgrade PH 5	CDR	L	L	C	544						
			SDR6744.037	FY18 AURORA TRAVEL TIME MONITORING	CDR	F	AQC	C	112						

Broward MPO
Metropolitan Planning Organization

Website Compliance

Website Compliance

- Legal Concerns
- Legislation
- Standards
- Action Plan

Legal Concerns

- According to the Florida League of Cities:
  - Web accessibility lawsuits have increased from 57 in 2015 to over 1,200 in the first six months of 2018
  - FL and NY have had the most lawsuits

- ADA predates the first website, but does that mean ADA does not cover websites?

Dear [redacted]

I was on the site [redacted] today, trying to learn about the governmental functioning of the [redacted] through the documents you provide within your site.

I am legally blind, so I depend on a screen reader to help me understand electronic documents. My screen reader would not work with your electronic documents. I was specifically interested in documents related to the budget of the [redacted] (electronic documents) for 2018, 2017, 2016 and 2015 and all City Council agendas and back up material for year 2018, 2017 and 2016. Would you please make these documents accessible in your site so that they will work with screen readers?

Your site has many other electronic documents other than the specific ones which I have asked for above. In addition to the specific documents listed here, can you also make the other electronic documents within your site accessible so that they will work with screen readers so I don't have to take the steps to ask for each document in a mail request?

Please send me a reply via mail as soon as possible.

Thank you,

[redacted]

Legislation

- Section 504 of the Rehabilitation Act
- Title II of the ADA
- Section 508 of the Rehabilitation Act
- Advance Notices of Proposed Rulemaking

Section 504 of the Rehabilitation Act (1973)

- Requires that no otherwise qualified individual with a disability, on the basis of that disability, be excluded from participation in or be denied the benefit of the services, programs, activities, or to otherwise be discriminated against (29 U.S.C. § 794)

- Defines “program or activity” to mean all of the operations of a department, agency, special purpose district, or other instrumentality of a state or local government

Title II of the ADA (1990)

Mandates no qualified individual with a disability shall, on the basis of a disability, be excluded from full and equal participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subject to discrimination by an public entity

(42 U.S.C §12132)

Section 508 of the Rehabilitation Act (2018)

- Mandates that federal agencies “develop, procure, maintain, or use” information and communication technology (ICT) in a manner that ensures federal employees with disabilities have comparable access to, and use of, such information and data relative to other federal employees, unless doing so would impose an undue burden
- Requires federal agencies to ensure that members of the public with disabilities have comparable access to publicly-available information and data unless doing so would impose an undue burden on the agency
- The Access Board is charged with developing and maintaining standards that establish technical and functional performance criteria for ICT accessibility

Section 508 of the Rehabilitation Act (2018)

- Section 508 only applies to federal agencies unless adopted at state level

- Florida passed legislation requiring all Florida state government websites to comply with Section 508

Advance Notices of Public Rulemaking

- 2010: Nondiscrimination on the Basis of Disability; Accessibility of Web Information and Services of State and Local Government Entities and Public Accommodations" (RIN 1 190-AA6I) (75 FR 43460)

- 2016: Nondiscrimination on the Basis of Disability: Accessibility of Web Information and Services of State and Local Government" (RIN 1 190-AA65) (81 FR 28658)

Advance Notices of Public Rulemaking

- 2017: DOJ withdrew Advance Notices of Public Rulemaking
- Absence of specific regulation does not serve as a basis for noncompliance with a statute's requirements (e.g., effective communication)
- Noncompliance with a voluntary technical standard for website accessibility does not necessarily indicate noncompliance with the ADA

Applicable Standards

Web Content Accessibility Guidelines (WCAG)

- WCAG 2.0: December 11, 2008
- WCAG 2.1: June 5, 2018
- Both are existing standards and WCAG 2.1 does not supersede WCAG 2.0
- Content that conforms to WCAG 2.1 also conforms to WCAG 2.0

WCAG 2.0 - Four Principles of Accessibility

1. Perceivable
2. Operable
3. Understandable
4. Robust

WCAG 2.0 - Perceivable

Information and user interface components must be presentable to users by sight, hearing, or touch

- Provide text alternatives for any non-text content so that it can be changed into other forms people need, such as large print, Braille, speech, symbols, or simpler language
- Provide alternatives to time-based media
- Create content that can be presented in different ways (for example simpler layout) without losing information or structure
- Make it easier for users to see and hear content including separating foreground from background

WCAG 2.0 - Operable

User interface components and navigation must be operable

- Make all functionality available from a keyboard
- Provide users enough time to read and use content
- Do not design content in a way that is known to cause seizures or physical reactions
- Provide ways to help users navigate, find content, and determine where they are
- Make it easier for users to operate functionality through various inputs beyond keyboard

WCAG 2.0 - Understandable

Information and the operation of user interface must be understandable

- Make text content readable and understandable
- Make webpages appear and operate in predictable ways
- Help users avoid and correct mistakes

WCAG 2.0 - Robust

Content must be robust enough that it can be interpreted reliably by a wide variety of user agents, including assistive technologies

- Maximize compatibility with current and future user agents, including assistive technologies

Assistive Technologies - Screen Readers

Allows blind or visually impaired users to read the text that is displayed on the computer screen with a speech synthesizer or Braille display

Screen Reader Software

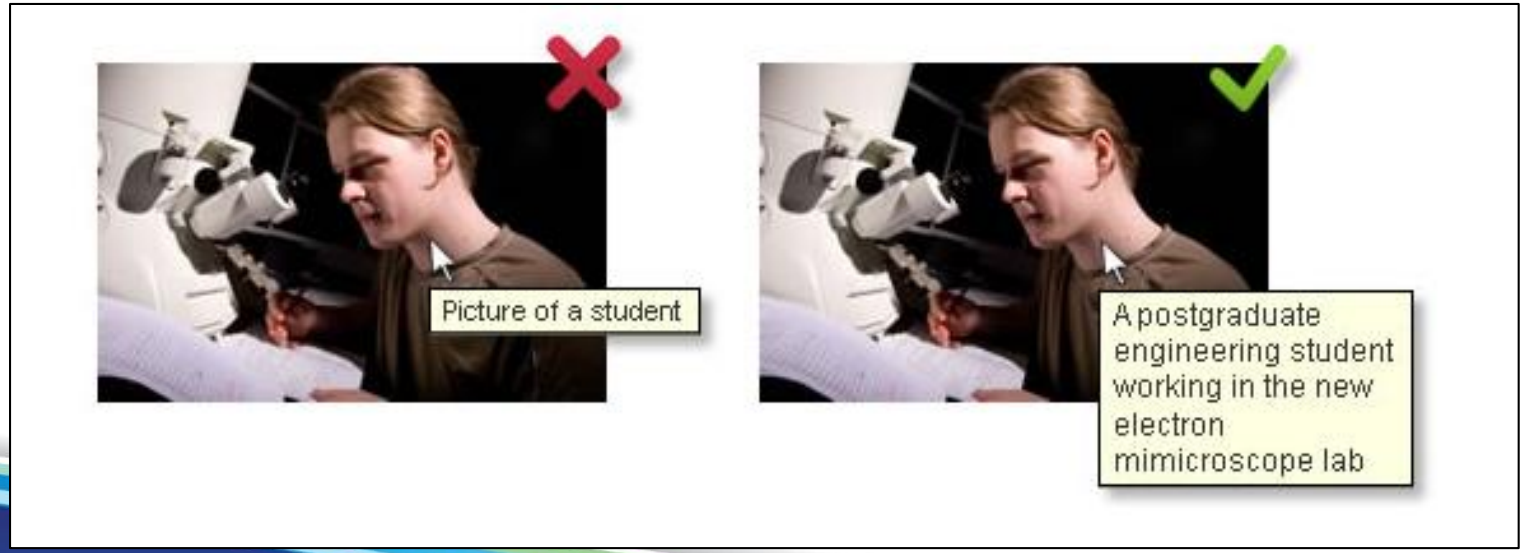
- American Foundation for the Blind Screen Reader Product List

- Example: NVDA (Nonvisual Desktop Access)
  - https://www.nvaccess.org/
  - Open-source Windows screen reader
  - Free

Image Accessibility

Social Security Administration Guide: Alternative Text for Images:

https://www.ssa.gov/accessibility/files/SSA_Alternative_Text_Guide.pdf



PDF Accessibility

Step-by-step instructions for creating accessible PDFs in Microsoft Word:

https://www.hhs.gov/web/section-508/making-files-accessible/create-accessible-pdfs/index.html

PDF Accessibility

Converting scanned PDFs to Optical Character Recognition (OCR) in Adobe Acrobat Pro DC:

1. Open the scanned document
2. Select ‘Enhance Scans’ in Tool menu
3. Click ‘Recognize Text’ pulldown menu
4. Select ‘In This File’
5. Adjust setting options as needed
6. Click ‘Recognize Text’

Three Levels of Accessibility Compliance

Measure of accessibility and feasibility

Level	Description
A	Minimum level of conformance
AA	Enhanced criteria for conformance
AAA	Maximum level of access but not possible to satisfy all Level AAA criteria for some content

Website Accessibility Action Plan

Create an action plan to fix web content that is currently inaccessible and implement procedures to ensure that web content is accessible

Accessibility Statement

Minimum Content:

- A commitment to accessibility for people with disabilities
- The accessibility standard applied, such as WCAG 2.1
- Contact information in case users encounter problems

Example:
http://www.islamorada.fl.us/about_us/ada_accessibility_statement/index.php

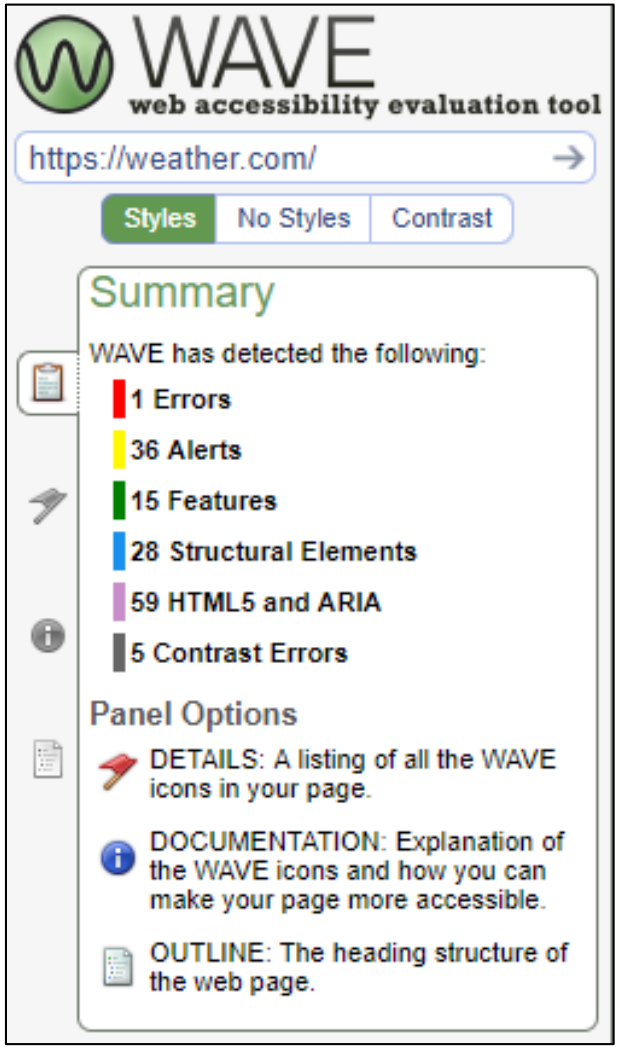
Accessibility Statement

Recommended Content:

- Any known limitations, to avoid frustration of your users
- Measures taken by your organization to ensure accessibility
- Technical prerequisites, such as supported web browsers
- Environments in which the content has been tested to work
- References to applicable national or local laws and policies

Automated Compliance Testing

- Quickly identify potential accessibility issues
- Compliance testing requires human judgement
- Resources:
  - Web Accessibility Evaluation Tools List
  - Selecting Web Accessibility Evaluations Tools
- Example: WAVE Accessibility Tools
  - https://wave.webaim.org/
  - Ability to detect errors and alerts on website
  - Live Demo: https://weather.com/



Manual Compliance Testing

- Use a third (unbiased) party; similar to an expert witness
- Automated tools can be used to assist in manual testing

Contact Information

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ADA Transition Plan – Technical Assistance Training #3: Public Outreach, Transition Plan Implementation, Transition Plan Progress Monitoring, and Website Compliance

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