

CITY OF ANTIOCH

Americans with Disabilities Act Transition Plan



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City of Antioch, Public Works Department

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SECTION 1: Introduction and Executive Summary

The Americans with Disabilities Act (ADA) of 1990, is a law enacted to provide comprehensive civil rights protections to persons with disabilities and to prohibit discrimination against people with disabilities in a range of areas, including employment, transportation, public accommodations, communications and access to state and local government programs and services. The ADA is a companion civil rights law to the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973. The Rehabilitation Act, the first disability civil rights law enacted in the United States, prohibits discrimination against people with disabilities in programs that receive federal financial assistance, and set the state for enactment of the ADA.

The ADA is divided into six parts covering:

- 1) Employment (Title I), *all employers with 15 or more employees are covered by the law.*
- 2) Public Services (Title II), *State and Local Government Activities – people with disabilities must have equal opportunity to benefit from all City programs, services and activities. Requires the City to follow standards for buildings and accessibility, and to make reasonable modifications to policies, practices and procedures where necessary except under a few conditions*
- 3) Public Accommodations (Title III), *prohibits discrimination on the basis of disability in the activities of places of public accommodations (businesses that are generally open to the public and that fall into one of 12 categories listed in the ADA, such as restaurants, movie theaters, schools, day care facilities, recreation facilities, and doctors' offices) and requires newly constructed or altered places of public accommodation—as well as commercial facilities (privately owned, nonresidential facilities such as factories, warehouses, or office buildings)—to comply with the ADA Standards.*
- 4) Telecommunication (Title IV) *establishes Telecommunications Relay Services – set up TTYs, etc. for callers with hearing and speech disabilities; also requires closed captioning of Federally funded public service announcements.*
- 5) Miscellaneous Provisions (Title V), *provides that state and local laws that mandate equal or greater protection to individuals with disabilities are not superseded or limited by the ADA.*
- 6) Nondiscrimination (Title VI of the Civil Rights Act), *protects people from discrimination based on race, color, and national origin in programs and activities receiving federal financial assistance. It also ensures that agencies receiving*

federal funding provide meaningful language access to persons who are limited English proficient.

Title II, Subtitle A, Part 35, issued by the Department of Justice in 1991, addresses non-discrimination on the basis of disability in state and local government (public entity) services, and is this document's guiding principle and focus. Title II extends the prohibition on discrimination established by Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794, to all activities of state and local governments regardless of whether these entities receive Federal financial assistance. 42 U.S.C. 12131B65. The law states that no qualified individual with a disability shall, on the basis of disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any public entity.

As a public entity, the City of Antioch's goal pursuant to these guidelines is to evaluate its services, programs, activities, policies and practices to determine compliance, to ensure that discrimination is eliminated where fiscally feasible, and to maintain program accessibility. This document establishes a City of Antioch ADA Transition Plan and serves as notice of the City's commitment to abide by and implement the guiding principles of the applicable laws. Furthermore, the ADA Implementation and Transition Plan will serve as a blueprint for annual updates and common sense compliance solutions related to accessibility and nondiscrimination.

SECTION 2: Introduction and Administrative Information

The overall purpose of the City's ADA Implementation and Transition Plan is to maintain compliance with federal and state accessibility laws and to update the City's policies and practices for implementing physical accessibility improvements at facilities and along intersections and sidewalks within the City's public rights-of way. The plan may be updated to include additional nondiscrimination requirements included in Title VI.

The ADA states its intent is not to apply lesser standards than are required under other federal, state or local laws. Therefore, the law that is the most stringent has precedence. This intent has particular application with respect to a public entity's obligations under Section 504 or under Title 24 of the California Code of Regulations, which in some cases, exceed ADA requirements with respect to structural and physical changes.

Title II mandates that public entities may not require eligibility criteria for participation in programs and activities that would screen persons with disabilities, unless it can be proven that such requirements are necessary for the mandatory provision of the service or program. Additionally, while a public entity is not required to make all of its existing facilities accessible, nor is it required to remove all architectural barriers in all of its facilities, it is required to provide access to all of its programs.

The City will seek to make improvements and modifications on a case-by-case basis, as required or requested. In addition to making physical improvements, the City will consider administrative solutions, including modifying a particular program, to achieve required access. With every improvement, the City will reasonably adjust its policies and procedures to avoid discrimination. However, if the City can demonstrate that a modification would fundamentally alter the nature of our service, or create a hazardous condition for others, the City would most likely not make such modifications.

Title II also discusses the use of auxiliary aids necessary to enable persons who have visual, hearing, mobility or similar impairments to gain access to programs and activities provided by the City, in order to make an appropriate reasonable accommodation. At this time, the City has not received many requests for auxiliary services. The City will look into means of integrating such accommodation as the need arises. One key exception to these requirements would be because of undue hardship which is defined in the ADA as an "action requiring significant difficulty or expense" when considering the nature and cost of the accommodation in relation to the size, resources and structure of the specific operation. While the City may explore other options to remove barriers, undue hardship

is determined on a case-by-case basis, and available funding. When there is a choice of methods available to provide access, our policy will be, when prudent, for priority to be given to existing or current projects and modifications that result in providing the most integrated setting while encouraging interaction among all users, especially individuals with disabilities (28 CFR 35.151). Furthermore, in compliance with the ADA requirements, while the City commits to providing equality of opportunity, it does not guarantee equality of results.

As a public entity, the City has various responsibilities under Title II of the ADA. The City's ADA Transition Plan is required by the Department of Justice rules to address the following aspects of accessibility:

- a. If a public entity has responsibility or authority over streets, roads or walkways, its ADA Implementation and Transition Plan shall include a schedule for providing curb ramps or other sloped areas where pedestrian walks cross curbs, giving priority to walkways serving entities covered by the ADA, including State and local government offices and facilities, transportation, places of public accommodation, and employers, followed by walkways serving other areas;
- b. The City's ADA Implementation and Transition Plan shall identify physical obstacles in the public entity's facilities that limit the accessibility of its programs or activities to individuals with disabilities;
- c. The City's ADA Implementation and Transition Plan shall describe the methods that will be used to make the facilities accessible; and
- d. The City's ADA Implementation and Transition Plan shall specify the schedule for taking the steps necessary to achieve compliance with the ADA, and if the time period of the ADA Transition Plan is more than one year, generally identify steps that will be taken during each year of the transition period.

The City intends is to evaluate all areas of potential deficiency, make changes where necessary, and seek the input of the local disabled community where feasible. This process is continuous and ongoing.

As part of the requirements under the ADA, any public entity with fifty or more employees must establish a grievance procedure and a transition plan if structural changes are necessary for achieving program accessibility and must also designate at least one employee to coordinate ADA compliance. The responsible individual in this position is tasked with coordinating the implementation of ADA requirements, planning and

coordinating overall compliance, including investigating complaints of alleged noncompliance and removing barriers related to accessibility to facilities, streets, sidewalks and public rights-of-way. The City's ADA Plan Coordinator or Designee is:

Public Works Director/City Engineer
City of Antioch
P.O. Box 5007
Antioch, CA 94531
Telephone (925) 779-6950
email: publicworks@ci.antioch.ca.us

The ADA Plan Coordinator will follow-up with each department to coordinate aspects of implementation of this plan. 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 Plan Coordinator will work with the respective Department Head or Program Manager to address the removal of the barrier in the most reasonable and accommodating manner.

SECTION 3: Public Interaction, Participation and Outreach

The ADA requires public entities to make available to applicants, participants, residents and other interested parties information regarding the ADA Implementation and Transition Plan and its applicability to the services, programs or activities of the public entity, and to apprise the public of the protections against discrimination afforded to them by the ADA. With this requirement, the City will provide opportunities for stakeholders, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the updating the ADA Transition Plan by submitting comments or complaints, and making specific recommendations via the City's Comment Form at <https://www.antiochca.gov/comment-forms/general-comments/>, via email @ publicworks@ci.antioch.ca.us or using the ADA Complaint Notification Form.

The ADA Implementation and Transition Plan is set up to encourage and facilitate participation from residents of the City of Antioch. Our approach to engagement is to not only inform the public when and where the need arises, but also to gather information that can guide sound decision-making related to participation, demographics, geographic diversity and quality feedback.

The City will implement standards for determining reasonable modifications to provide program accessibility. Because the City has a number of facilities, it is challenging to remove all barriers at once. The following is the planned approach:

- a. Requests for reasonable modification in programs or services are made to the department responsible for the program or service, in consultation with the ADA Plan Coordinator.
- b. The department offering the program or service will make every effort to meet with the individual with a disability to identify which aspects of the program limit participation and what modifications can be made, and discuss the results with the Plan Coordinator before implementing.
- c. The department offering the program or service will document each modification that was offered and the response of the person with the disability to the modification(s) offered. This documentation should be filed with the ADA Coordinator's office; and
- d. If individuals with a disability are not satisfied with the results of this process, they may file a disability complaint, via See-Click-Fix, City Comment Form or email; or contact the ADA Plan Coordinator.

The City intends to identify and address barriers to accessibility in public buildings and rights-of-way. The moment a proposed modification to enhance accessibility and/or

participation by individuals with disabilities in City programs or services is received, the City will conduct an assessment considering the following:

- a. The potential benefit that can be accomplished by the requested modification;
- b. The immediate and future costs of the requested modification;
- c. Alternative modifications which provides reasonable access;
- d. Whether the proposed modification would impose an undue financial or administrative burden;
- e. Whether the requested modification would require a fundamental alteration in the nature of the program or service at issue; Safe Harbor Provisions in the 2010 ADA regulations introduced the concept of "safe harbor", which allows facilities built prior to March 15, 2012 that comply with the 1991 ADA Standards to remain as-is until the structural feature is altered. For example, the 1991 Standards allowed a 54 inches maximum for a side reach range, and the 2010 Standard lowered the side reach range to 48 inches maximum. Items positioned at the 54 inch height would fall under safe harbor if built before March 15th, 2012 until the time of an alteration; and
- f. The impact of the requested modification on other City programs or services."

SECTION 4: Facilities, GIS and Rights-of-Way Projects

The City will use as a guide, the ranking identified by the ADA as priorities. The following priorities will be adhered as the basis for improvements:

- a. Priority 1: Requests from persons with disabilities. This may include requests for improvements from community members with disabilities who wish to access shopping areas, medical facilities, bus stops, transportation, and other facilities or areas to accommodate their activities of daily living.
- b. Priority 2: Locations along pedestrian cores or corridors, arterial streets, or collector streets, serving state and local governmental and public use. These projects may include those areas deemed to fall within the criteria established by the ADA for programmatic access to state and local services for persons with disabilities, and generally include the areas along major pedestrian corridors serving governmental and public use land-use zones. The final exact locations of work would be determined after review, and on a case-by-case basis.
- c. Priority 3: Locations along routes to school, at transit stops, senior centers, or proximity to community facilities. These projects may include those areas deemed to fall within the criteria established by the ADA for programmatic access to public and commercial services expected to serve persons with disabilities. The final exact locations of work would be determined after a review, and on a case-by-case basis.
- d. Priority 4: Projects based on other capital improvement plans. These types of ADA/accessibility projects would be associated with other capital improvement projects instituted for various reasons.
- e. Priority 5: Other locations, as requested, including residential areas.

Facilities:

The City continues to assess and prioritize improvements at all of its facilities to allow full participation by individuals with disabilities. Recently, the City completed the process of assessing and surveying its City Hall building, a high public use site, to identify barriers and ensure alignment with appropriate ADA accommodations. High public use sites are facilities that offer essential programs, services and activities, with high public access, interaction or other unique experiences. The City will be assessing other sites as soon as possible to ensure compliance with ADA requirements.

When challenges to accessibility exist, in order to facilitate unobstructed in-person interactions, the City's focus is to find practical solutions for each challenge. If it is not possible to ensure accessibility through alternate means, the City has the responsibility to identify physical barriers to program access and develop a plan that identifies, prioritizes and sets forth the scheduling to make accessibility modifications. Among the City's priorities are to avoid creating new architectural barriers and prevent barriers that may discriminate against individuals with disabilities as they seek to participate in activities.

Barriers found where people carry out one or more of the major activities for which a facility is used or intended must be moved or modified to allow full participation. Priority will be given to high public use sites to enable the City to concentrate its scarce resources on high-use, high-risk facilities first, in order to minimize exposure to accessibility complaints and/or litigation. Risk, refers to the degree that the lack of access would impact core programs to persons with disabilities. The City intends to address barriers to accessibility in its owned and leased facilities, within a reasonable time frame, depending on the immediate necessity, degree of complexity, and overall funding. When determining which category (High Public Use versus Low Public Use site) each facility is classified under with respect to accessibility requirements the following criteria will be considered:

- Facilities with core municipality/civic functions or that provide access to city government activities, (e.g., City Council meetings, facilities that issue permits, licenses, etc);
- Sites that receive high volume attendance (e.g., Gymnasium, Senior Center, Community Centers, organized classes, etc.);
- Sites which typically draw high frequency of events and activities (e.g., Animal Control); and,
- Public rights-of-way.

The following locations in the City are a combination of medium to high public use sites where typical in-person interactions take place. The City will be conducting physical audits or assessments in order to identify potential facility barriers, make recommendations for removing any barriers and meet state and federal accessibility standards, within the next year. In conducting these assessments, the four (4) priorities for accessibility listed in the Department of Justice ADA Title III regulations and described in the [ADA Checklist for Existing Facilities](#) will be fully incorporated:

Priority 1 – Accessible approach and entrance

Priority 2 – Access to goods and services

Priority 3 – Access to public toilet rooms

Priority 4 – Access to other items such as water fountains and public telephones

The list of facilities to be assessed initially include:

TABLE 1: (City Facilities & ADA Accessibility and Accommodation)

ADDRESS	DEPARTMENT	SERVICE(S)	ADA Parking [√/-]	ADA Ramp or Facility Access [√/-]
200 H Street	City Hall: City Manager's Office City Attorney's Office City Clerk's Office	Meetings and Business opportunities, election issues, etc.	√	√
	Community Development	Building inspections, plan reviews, report code enforcement issues, etc.	√	√
	Development & Engineering / Capital Improvement	Building construction, capital improvement projects	√	√
	Economic Development	Business opportunities	√	√
	Finance	Open and close accounts for utilities, pay bills, purchase business and other licenses, pay fees, etc.	√	√
	Human Resources	Job opportunities, internal customers	√	√
4703 Lone Tree Way	Antioch Community Center	Recreational activities, facility rentals, socialization, etc.	√	√
415 W 2 nd Street	Antioch Senior Center	Recreational activities, referral services, socialization, etc.	√	√

213 F Street	Nick Rodriguez Center	Recreational activities, facility rentals, socialization, etc.	√	√
300 L Street	Antioch Police & Animal Service Shelter	Enforcement encounters, alarm permits, reports, etc. Adopt and surrender pets, medical intervention, licenses, etc.	√	√

Barrier assessments will provide an evaluation of current conditions viewed by current code and will provide a baseline for future barrier removal(s).

The City’s Low Use Public Sites are facilities with low-levels of public contact or those primarily used by City employees. Low Public Use sites include but are not limited to the City Corporation Yard located at 1201 W 4th Street.

At this time, all budgeted funding is being allocated toward assessment activities listed above. It is anticipated that the annual CIP would identify priority projects, and additional funding.

Rights-of-Way:

Title II of the ADA requires that public entities having responsibility for or authority over streets, roads, sidewalks, and/or other areas meant for pedestrian use, to develop a Transition Plan.

The City’s ADA Transition Plan for public rights-of-way is required to address the following aspects of accessibility:

- a. The ADA Transition Plan shall include a schedule for providing curb ramps or other sloped areas where pedestrian walks cross curbs, giving priority to walkways serving entities covered by the ADA, government offices and facilities, transportation, places of public accommodation, and employers, followed by walkways serving other areas
- b. The ADA Transition Plan shall identify physical obstacles in the City’s facilities that limit the accessibility of its programs or activities to individuals with disabilities

- c. The ADA Transition Plan shall describe the methods that will be used to make the facilities accessible
- d. The ADA Transition Plan shall specify the schedule for taking the steps necessary to achieve compliance with the ADA and, if the time period of the ADA Transition Plan is longer than one year, identify steps that will be taken during each year of the transition period

To meet accessibility requirements for these stakeholders, the City's CIP Unit identifies the following projects as key steps to implement the ADA Transition Plan:

- Curb ramp, sidewalk and intersection retrofit projects deemed essential for mitigation of barriers based upon public requests
- Curb ramp, sidewalk and intersection retrofit projects included with annual street overlay or other street or sidewalk construction projects
- Curb ramp, sidewalk and intersection retrofit projects, in conjunction with construction by private parties
- Street and sidewalk construction or retrofit projects planned for typical street projects
- Signal projects/modifications/retrofit projects
- Roadway widening projects

The City installs curb ramps with its annual maintenance and street resurfacing projects and other CIP projects which are programmed yearly through the five-year CIP process. Curb ramps are installed at all locations where they are non-existent and necessary for the full usage of the overall pedestrian path of travel, including at mid-block crosswalks. Older non-conforming curb ramps are repaired, upgraded or replaced through priority and availability of funding or upon request. In almost all cases, concrete barriers are removed, and accessible paths of travel are constructed. The specific locations are determined annually with the street program, with placeholder funding for projects in later years.

A new multi-year street maintenance program is being established to schedule specific street maintenance/street resurfacing project locations with curb ramps over a 7 year or more look-ahead basis. Curb ramps that are non-existent will be the highest priority and replaced if sufficient funds exist. Given current economic conditions, it is anticipated that approximately \$500,000 per year allocated to accessibility within the right of way using gas tax or Measure J tax revenues. Since street maintenance is an ongoing process that

is expected to occur within every ten years or so, locations that contain non-conforming ramps will be pushed out to the next scheduled resurfacing project in that area or until all curb ramps have been constructed thorough out the City. The primary goal is for all sidewalks to be accessible with curb ramps, and ultimately for all sidewalks to accessible with conforming curb ramps. Although Measure J and gas tax is not sufficient for a robust street maintenance program, funds currently exist such that accessibility projects can continue to be included in the CIP.

In addition to curb ramp construction and replacement, crosswalks, pedestrian signals and sidewalks, each selected intersection will be evaluated as reports are received, for compliance with the ADA Codes and Standards and upgraded where necessary.

The City will work to maintain an updated inventory of sidewalks, curb ramps, marked crosswalks, City-owned and leased facilities as projects are undertaken and completed. It is anticipated that all curb ramps will be categorize and tracked within a GIS layer within the next 10 years.

SECTION 5: Applicable Codes, Regulations and Standards

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

The Americans with Disabilities Act (ADA): The Americans with Disabilities Act of 1990 (ADA) is a federal law that prohibits discrimination on the basis of disability in employment, state and local government, public accommodations, commercial facilities, transportation, and telecommunications. The ADA works in tandem with the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973.

Americans with Disabilities Act Accessibility Guidelines (ADAAG): The Americans with Disabilities Act Accessibility Guidelines (ADAAG) document contains scoping and technical requirements for accessibility to buildings and facilities by individuals with disabilities under the ADA. These scoping and technical requirements are to be applied during the design, construction, and alteration of buildings and facilities covered by Titles II and III of the ADA.

Section 504 of the Rehabilitation Act of 1973 (ABA): Section 504 of the Rehabilitation Act of 1973 is a Federal law that protects qualified individuals from discrimination based on their disability. The nondiscrimination requirements of the law apply to employers and organizations that receive financial assistance from any Federal department or agency; 24 CFR Part 8.

28 CFR 35 refers to Title 28 of the Code of Federal Regulations Part 35, 36: This is the section of administrative law that interprets and defines Subtitle A of Title II of the ADA. These rules direct public entities to complete actions like designating an ADA liaison and performing a self-evaluation to determine if the entities programs, policies and practices are compliant with ADA regulations, as

well as other actions to achieve ADA compliance. Title II requirements that will be addressed:

- section 35.105 self-evaluation;
- section 35.133 maintenance requirement;
- section 35.151 requirements for new facilities and alterations to old facilities; also refer to Safe Harbor provisions.

The Access Board: The Architectural and Transportation Barriers Compliance Board, known as the Access Board, is an independent federal agency devoted to accessibility for people with disabilities. Created in 1973 to ensure access to federally funded facilities, the Access Board is now a leading source of information on accessible design.

Fair Housing Act: For housing construction that City permits and funds; prohibits discrimination in housing and housing-related transactions because of disability.

Public Rights of Way Accessibility Guidelines: The Public Rights-of-Way Accessibility Guidelines (PROWAG), developed by the Access Board, are draft guidelines that address accessibility in the public right-of-way. Sidewalks, street crossings, and other elements of the public right-of-way present unique challenges to accessibility for which specific guidance is considered essential. Despite the fact that these newest guidelines are still in draft form, it is generally expected that PROWAG will eventually be approved and become the new national standard.

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

Voting Accessibility for the Elderly and Handicapped Act: requires accessible polling places in federal elections for elderly individuals and people with disabilities. Where no accessible location is available to serve as a polling place, voters must be provided an alternate means of voting on Election Day.

SECTION 6: Notices of Policy Regarding Discrimination

The City of Antioch does not discriminate on the basis of disability in admission to, access to, or operations of its programs, services, or activities. The City also does not discriminate based on disability in its hiring or employment practices. This notice is provided as required by the Americans with Disabilities Act of 1990.

Questions, concerns, complaints, or requests for additional information regarding the ADA, and admission or access to, or operations of its programs, services, or activities may be forwarded to the City's designated ADA Coordinator.

Questions, concerns, complaints, or requests for additional information regarding the City's hiring and employment practices may be forwarded to the City's Administrative Services Director:

Nickie Mastay
Administrative Services Director
City of Antioch
P.O. Box 5007
Antioch, CA 94531
Telephone: (925) 779-7021
Email: hr@ci.antioch.ca.us

The City operates its programs and services without regard to race, color, and national origin in accordance with Title VI of the Civil Rights Act. Any person who believes he or she has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with the City's Administrative Services Director.

This ADA Implementation and Transition Plan is a living document that will be regularly updated as the City works to ensure nondiscrimination and remove barriers to programs, services and activities. It is made available on the City's website at: www.Antiochca.gov.

APPENDIX

