

CITY OF MARYVILLE, TENNESSEE

Americans with Disabilities Act Self-Evaluation and Transition Plan



FINAL VERSION

JUNE 2019

Prepared by:



Project No. 1711.0013.00

Project Support Provided by:



TABLE OF CONTENTS

List of Abbreviations/Acronyms.....	iv
Executive Summary	v
1.0 Introduction and Overview.....	1
1.1 Introduction	1
1.2 Purpose	1
1.3 Transition Plan Overview	2
1.4 Legislative Background & Framework.....	3
1.5 Facility Access versus Program Access.....	4
1.6 Undue Burden	5
1.7 ADA Self-Evaluation and Transition Plan Requirements.....	6
1.8 Self-Evaluation and Transition Plan Process	6
1.9 Facility Audit.....	7
1.10 City Administration and Departments	7
1.11 Department Self-Evaluation.....	9
1.12 Public Outreach.....	9
2.0 Definitions	17
3.0 Self-Evaluation of City Policies, Services, Activities, and Programs - Findings & Recommendations	24
3.1 Program Evaluation Interdepartmental Memo	24
3.2 Overall Findings – General Policies and Practices.....	24
3.3 Public Information	25
3.4 Designation of ADA Coordinator.....	26
3.5 Grievance/Uniform Complaint Procedures	26
3.6 Public Meetings.....	27
3.7 Accommodations to Access Programs, Services, and Activities	29
3.8 Special Events and Private Events on City Property	29
3.9 Ordinances, Design Standards, and Other Documents	30
3.10 Contracted Services and Contractors	32
3.11 Customer Service, Satisfaction, and Input.....	32
3.12 Equally Effective Communication	32
3.13 Alternate Communication Formats	36
3.14 Fees and Surcharges	36
3.15 Information and Signage.....	37
3.16 Staff Training.....	37
3.17 Emergency Evacuation Procedures.....	39
3.18 Employment.....	40
3.19 Department Self-Evaluation Findings and Recommendations	43
3.20 Facility Self-Evaluation Findings and Recommendations.....	44
4.0 Self-Evaluation of Pedestrian Facilities with the Public Right-Of-Way – Project Approach..	47
4.1 Data Collection and Methodology	47
4.2 Database Analysis	47

4.3	Barrier Ranking.....	48
4.4	Additional Right-Of-Way Elements	49
4.5	Future Improvements	54
5.0	Self-Evaluation of Pedestrian Facilities with the Public Right-Of-Way – Sidewalk Inventory...	56
5.1	Pedestrian Access Route.....	56
5.2	Width	56
5.3	Grade (Running Slope)	57
5.4	Cross Slope	57
5.5	Changes in Level / Surface Condition.....	58
5.6	Obstructions, Protrusions, and Utility Considerations	60
5.7	Overall Compliance	61
5.8	Sidewalk Barrier Ranking Analysis	62
6.0	Self-Evaluation of Pedestrian Facilities with the Public Right-Of-Way – Curb Ramp Inventory	63
6.1	Curb Ramp Types	63
6.2	Ramp Width	66
6.3	Ramp Running Slopes.....	66
6.4	Ramp Cross Slopes	67
6.5	Landings/Turning Spaces	68
6.6	Flares	69
6.7	Ramp Grade Breaks and Clear Space	70
6.8	Detectable Warnings.....	71
6.9	Drainage	74
6.10	Obstructions, Protrusions, Vertical Discontinuities, and Horizontal Openings	75
6.11	Overall Compliance	78
6.12	Curb Ramp Barrier Analysis.....	78
7.0	Transition Plan	80
7.1	Phasing of Corrections	80
7.2	Public Outreach.....	81
7.3	Priorities for Barrier Removal	81
7.4	Transition Plan Phasing.....	85
7.5	Plan Updates and Enforcement	86
7.6	Summary of Transition Plan Costs	87
8.0	ADA Tool Kit.....	88
8.1	Introduction	88
8.2	Federal Accessibility Standards and Regulations.....	88
8.3	Resources for Providing Accessible Programs & Facilities.....	92
8.4	Technical Resources.....	92

FIGURES

Figure 1-1 – Maryville Location Map

Figure 1-2 – Maryville Facilities Location Map

APPENDICES

Appendix A – Building Facilities and Parks Physical Barrier Summaries

Appendix B – Public Right-of-Way Facilities Summaries

Appendix C – City Questionnaires

Appendix D – Public Outreach

Appendix E – Forms and Notices

List of Abbreviations/Acronyms

AA – Affirmative Action
AASHTO – American Association of State Highway and Transportation Officials
ABA – Architectural Barriers Act of 1968
ADA – Americans with Disabilities Act of 1990
ADASAD – 2010 Americans with Disabilities Act Standards for Accessible Design
CDBG – Community Development Block Grant
BEOP – Blount County Basic Emergency Operations Plan
CFR – Code of Federal Regulations
D.A.R.E. – Drug Abuse Resistance Education
DOJ – U.S. Department of Justice
DOT – U.S. Department of Transportation
DW – Detectable Warnings
EEOC – Equal Employment Opportunity Commission
EMS – Emergency Medical Services
FHWA – U.S. DOT Federal Highway Administration
FTA – U.S. DOT Federal Transit Administration
G.E.D. – General Educational Development or General Educational Diploma
GIS – Geographic Information System
HR – Human Resources Department
HTML - Hyper Text Markup Language
ISA – International Symbol of Accessibility
IT – Information Technology
MOT – Maintenance-of-Traffic
NCA – National Center on Accessibility
PAR – Pedestrian Access Route
PCA – Pedestrian Circulation Area
PDF – Portable Document Format
PROWAG – 2011 Proposed Accessibility Guidelines for Pedestrian Facilities within Public Right-of-Way
RA – Rehabilitation Act of 1973
ROW – Right-of-Way
SETP – Self-Evaluation and Transition Plan
TDD – Telecommunications Devices for Deaf Persons
TDOT – Tennessee Department of Transportation
TTY – Teletypewriter
UFAS – Uniform Federal Accessibility Standards

Executive Summary

The Americans with Disabilities Act (ADA) is a comprehensive Federal civil rights statute enacted in 1990. Comprised of five major parts, or “titles”, the ADA’s stated purpose was to provide a “clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities”. It is estimated by the U.S. Census Bureau that over 50 million U.S. residents have a disability, and over 50% of senior citizens age 65 or older have a disability. Title II requires that all public entities with 50 or more employees perform a self-evaluation, prepare a transition plan, make the transition plan available for three years, publish a notice of non-discrimination, designate an ADA Coordinator, and develop a formal complaint form and grievance procedure.

The City of Maryville (City) has completed a self-evaluation of all City facilities, including facilities within the public right-of-way (ROW), programs, and procedures and prepared this Transition Plan. Maryville has made efforts over the years to improve accessibility, including the completion of this Self-Evaluation and Transition Plan (SETP). This Transition Plan outlines the necessary steps to become compliant with the requirements of Title II of the ADA. The City will strive to ensure that all residents and visitors are able to access all services, programs, and activities, and will promptly investigate any formal grievance filed according to the grievance procedures outlined. Additionally, the City will strive to include annual budgetary allotments to make required improvements that will eventually make the various facilities fully accessible, with emphasis given to the improvements that most impact the ability of persons with disabilities to access facilities or programs. Where access cannot be attained, an alternate means to offer the same opportunities to persons with disabilities will be provided.

In performing this self-evaluation, the City identified areas open to the public and employee common-use areas at facilities providing programs and services. These areas were assessed at the following City facilities:

City Facilities (Owned, Leased, or Hosting Programs)

- Maryville Municipal Center
 - Police
 - Fire Station 1
- Fire Station 2
- Fire Station 3
- Animal Shelter
- Broadway Avenue Parking Garage
- Harper Avenue Parking Garage #1
- Harper Avenue Parking Garage #2
- Operations Center/Fleet Maintenance
- Police Impound
- Recycling Centers (2)
- Public Parking Lots (3)
- Wastewater Treatment Plant

- Water Treatment Plant

City Parks

- Amerine Park
- Bicentennial Park
- College Hill Park
- Greenway Parking Lots
- Maryville-Alcoa Greenway
- John Sevier Park & Pool
- Pearson Springs Park
- Pet Safe Dog Park
- Pistol Creek Wetlands & Pavilion
- Sandy Springs Park
- Theater in the Park Pavilion/Jack Greene Park

Public areas included parking lots, walks, park/site amenities, and areas within buildings that are not restricted to employees, such as restrooms, meeting spaces, reception areas, stairways, elevators, and hallways. Some buildings or areas of certain buildings have infrequent public access and were evaluated under the same guidelines. Typical employee common-use areas evaluated included break rooms, employee

restrooms, locker rooms, conference rooms, etc. Spaces dedicated as employee work areas are exempt from the self-evaluation process, but that does not obviate the need of the City to ensure full accessibility is provided to employees with disabilities, consistent with the requirements of Title I of the ADA.

In addition to City facilities, the self-evaluation reviewed existing City policies and procedures within each department. The focus of this review began with distribution of a questionnaire to each department, followed by interviews or other data gathering if needed to better understand the responses or the operation of each department. Key items reviewed within each department included ADA-specific training of employees, past interaction and accommodation of persons with disabilities, review of publications produced by each department, and staff suggestions to help them accommodate persons with disabilities. Following this review, recommendations were made to improve accessibility of programs for each department.

It is the goal of the City to make facilities for all services, programs, and activities fully accessible within 30 years, though this will be largely dependent on a number of economic factors and future changes to the ADA Standards for Accessible Design (ADASAD) or other unforeseen requirements that would necessitate additional improvements to City facilities. The City has committed to provide training for staff on the requirements of the ADA and make accommodations for employees with disabilities, many of which can be done without costly architectural renovations. The Transition Plan will be reviewed and updated periodically to ensure the City is fully compliant with ADASAD standards and Title II.

The self-evaluation identified a number of architectural barriers at City facilities. The estimated cost to correct these deficiencies is over **\$791,870**. In addition, approximately **\$1,533,614** in deficiencies on the Maryville-Alcoa Greenway and **\$13,537,760** in pedestrian right-of-way facility deficiencies were identified based on the evaluation by subconsultant LDA Engineering. In some cases the cost of corrective action could not be defined due to additional investigation being needed that is outside the scope of an ADA self-evaluation. Investigation of structural walls, plumbing and other utilities within walls, compliance with plumbing and other codes, etc. are examples of additional investigations that might make estimating costs impossible as part of this plan. The degree to which these barriers limited accessibility and their priority for corrective action was subjectively categorized as “High”, “Medium”, or “Low”. “High” priority included barriers that effectively prohibited access to a service or program or present a safety hazard. “Medium” priority included barriers that either partially prohibited access or made it quite difficult. “Low” priority barriers typically do not limit access but are not compliant with standards. In some cases the priority was adjusted based on the type of facility and proximity to high use areas. The improvements will be categorized into a 30-year phasing program to spread out the cost for implementation and address the most serious deficiencies at the most used City facilities. The actual implementation schedule, budgeting, and prioritization is up to the administration and is likely to be impacted by complaints, new regulations and requirements, and availability of funding. Note that these costs are to resolve accessibility issues by making architectural improvements and in many instances, there are procedural changes or other modifications that can be made to provide equal access to City programs. Additions and some modifications are not required until renovations are completed. These modifications are noted within this report.

The statements and findings contained in this Transition Plan and supporting information are the opinion of DLZ based on our knowledge and interpretation of ADA requirements. Nothing in this document should be considered as legal advice. Clients are urged to seek appropriate legal assistance as needed on ADA issues.

1.0 Introduction and Overview

1.1 Introduction

The [Americans with Disabilities Act of 1990](#) (ADA), enacted on July 26, 1990, is a Federal civil rights statute, under the jurisdiction of the United States Department of Justice (DOJ), which provides civil rights protection to qualified individuals with disabilities in the areas of employment, public accommodations, state and local government services, transportation, and telecommunications. The DOJ is the lead agency that oversees the ADA. The ADA itself is not enforceable by any state or local governmental unit code official. The law states its purpose is “to provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities”. Similar protections are provided by Section 504 of the Rehabilitation Act of 1973. The ADA was signed into law by President George Bush on July 26, 1990, extending civil rights protections to individuals with physical or mental disabilities in the following areas:

1. **Title I** – Employment (all Title II employers and employers with 15 or more employees)
2. **Title II** – Public Services (state and local government, including public school districts and public transportation)
3. **Title III** – Public Accommodations and Services operated by Private Entities
4. **Title IV** – Telecommunications
5. **Title V** – Miscellaneous

Maryville is located in east-central Tennessee (Figure 1) in central Blount County, approximately 15 miles south of Knoxville. The City has a population of approximately 27,465 (2010 census) and contains a total land area of approximately 16 square miles. It is classified as a “public entity” pursuant to Title II of the ADA. The City is also required to comply with Title I, which requires state and local government entities to practice nondiscrimination in all parts of the employment process.

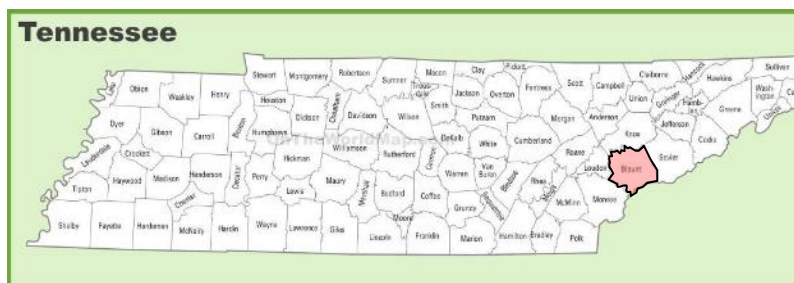
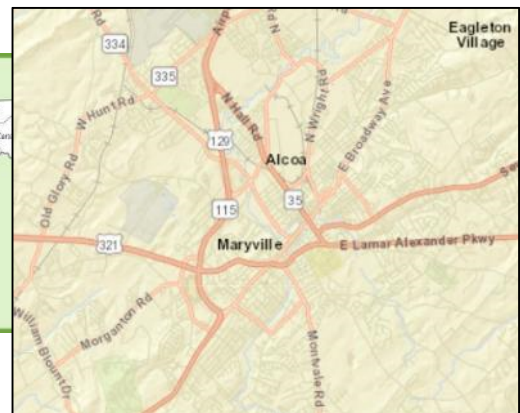


Figure 1-1 – City of Maryville Location Map



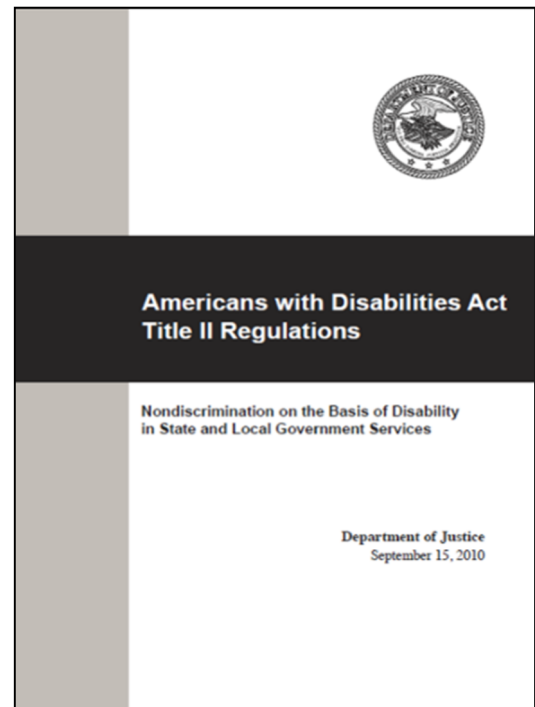
1.2 Purpose

The Code of Federal Regulations (CFR) is the codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the Federal government. It is divided into 50 titles that represent broad areas subject to Federal regulation. Each volume of the CFR is updated once each calendar year and is issued on a quarterly basis.

Relative to the ADA on July 26, 1990, the DOJ issued rules implementing Title II, which is codified at [28 CFR Part 35](#), which applies to Maryville. Title II requires state and local governments to make their programs and services accessible to persons with disabilities. This requirement extends not only to physical access at government facilities, programs, and events, but also to policy changes that state and local governmental entities must make to ensure that all people with disabilities can take part in, and benefit from, the programs and services of state and local governments.

The ADA regulations [ref. U.S. DOJ, [28 CFR Part 35, Subpart A, 35.105 and 35.150\(a\) and \(d\)](#)] require state and local governments to conduct a self-evaluation of their programs and services to identify barriers to access. One of the fundamental reasons for performing the self-evaluation is to identify potential problems before they occur, so that discrimination complaints won't be necessary. By identifying the policies, programs, services, and activities that do not comply, the City can take action to remove those barriers to ensure that the City is not discriminating against individuals with disabilities. Title II of the ADA stipulates that Maryville is required to perform six administrative responsibilities:

1. Publicize the name and contact information of the designated ADA Coordinator responsible to oversee compliance [[28 CFR 35.107 \(a\)](#)]
2. Administer and write a self-evaluation of the programmatic barriers in services offered by the local government and provide an opportunity to interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the self-evaluation process by submitting comments [[28 CFR 35.105](#)]
3. Publicize and inform applicants, participants, and beneficiaries of the City's policy of nondiscrimination on the basis of disability related to City services, programs, and activities [[28 CFR 35.106](#)]
4. Establish a complaint/grievance procedure to respond to complaints of noncompliance from the public [[28 CFR 35.107 \(b\)](#)]
5. Develop a transition plan if structural changes are necessary for achieving program accessibility [[28 CFR 35.150 \(a\) and \(d\)](#)]
6. Retain the self-evaluation and provide it for public inspection for three years [[28 CFR 35.105 \(c\)](#)]



The City is committed to complying with the tenets of Title II of the ADA of 1990, and other Federal and state statutes and regulations intended to make City-owned and operated facilities, programs, services, and activities accessible to persons with disabilities. This ADA Self-Evaluation and Transition Plan (SETP) establishes a new benchmark for compliance with ADA and identifies a plan to remove barriers.

1.3 Transition Plan Overview

The City of Maryville became aware of the need to be in full compliance with the requirements of the ADA by the Tennessee Department of Transportation (TDOT), who sent letters to all local public agencies requiring them to have a compliant ADA Transition Plan by December 2019 to remain eligible for federal funding. The

City responded by forming an ADA Committee, comprised of representatives from several key departments to determine a plan of action for compliance. This led to development of a Request for Qualifications from consultants to provide ADA compliance services, with the City contracting with DLZ National, Inc. to assist in preparing a SETP in late 2017.

A work plan to assess City-owned and operated facilities, programs, policies, services, and activities for compliance with ADA was initiated to complete the ADA SETP. Facility audits were performed only in those areas open to the public for this project, along with employee common-use areas. Other areas within City-owned facilities that are not accessible to the public must also be accessible for employees with disabilities as a requirement of Title I. Accessibility in employee work areas will be assessed on a case-by-case basis based on the needs of the individual and nature of their disability. The City is committed to ensuring that all workspaces are accessible pursuant to the requirements of each job and making the necessary modifications and reasonable accommodations when needed for a disabled employee to perform essential job functions. City pedestrian facilities within the public City right-of-way (ROW) were included.

All the recommendations in this plan for structural or programmatic solutions to facilitate the opportunity of access to all individuals are subject to review, revision, and approval of the City Council and appropriation of funding to implement the improvements. These recommendations are intended to serve as the transition plan and framework for implementation.

This transition plan is an on-going, dynamic document that will need periodic review and updating. In particular, additional evaluations will be required when updates are made to the ADA or supporting statutes, existing accessibility guidelines change, or new guidelines are established. In its efforts to maintain compliance, the City has several mechanisms in place to provide for an ongoing update of the transition plan:

- Designated ADA Coordinator is empowered with oversight responsibility for implementation of the requirements of the ADA.
- Implementation activities will be part of the City's annual Capital Improvement Plan.

1.4 Legislative Background & Framework

For more than 40 years, Maryville has been subject to many of the non-discrimination provisions contained in the ADA. Significant precursory legislation to the ADA includes the [Architectural Barriers Act of 1968](#) (ABA) and [Section 504 of the Rehabilitation Act of 1973](#) (RA).

Congress' first significant effort to address discrimination on the basis of disability was its enactment of the ABA, which provided that all buildings constructed, altered, leased, or financed by the U.S. Government shall be accessible to, and usable by, individuals with physical disabilities.

Section 504 of the Rehabilitation Act states: "No otherwise qualified individual with a disability in the United States shall, solely by reason of his disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance or under any program or activity conducted by any Executive Agency". It also requires Federal agencies to provide accessible programs and facilities.

The ADA was effective on January 26, 1992, and modeled after Section 504. The ADA applies to state and local government entities, public accommodations, public transportation, and commercial establishments. The key points of understanding for ADA are:

- The ADA is fundamentally civil rights legislation. This legislation protects the rights of people with disabilities in employment, transportation, public accommodation, and access to services offered to the public.
- The ADA addresses facility access and access to programs and services. Buildings are required to be accessible and the activities that are offered inside and outside those buildings also must be accessible.
- Outdoor recreation standards as they relate to ADA for a variety of facilities were included in the 2010 ADA Standards for Accessible Design (ADASAD). Standards for amusement rides, boating and fishing facilities, exercise machines and equipment, golf and miniature golf facilities, play areas, and swimming/wading pools and spas went into effect on March 15, 2012 for all new or altered facilities.

The primary focus of this report is to assess the compliance of Maryville facilities, programs, policies, services, and activities related to Title II of the ADA.

Governmental entities must ensure effective communication, including the provision of necessary auxiliary aids and services, so that individuals with disabilities can participate in civic functions. Public entities are not required to take actions that would result in undue financial and administrative burdens. However, they are required to make reasonable modifications to policies, practices, and procedures where necessary to avoid discrimination, unless they can demonstrate that doing so would fundamentally alter the nature of the service, program, or activity being provided.

One important way to ensure that Title II's requirements are being met in communities of all sizes is through self-evaluation, which is required by the ADA regulations. Self-evaluation enables local governments to pinpoint the facilities, programs, and services that must be modified or relocated to ensure that local governments are complying with Title II requirements of the ADA. A public entity that employs 50 or more employees must retain its self-evaluation for a minimum of three (3) years.

1.5 Facility Access versus Program Access

The ADA addresses two types of accessibility:

- Facility accessibility
- Program accessibility

Facility accessibility requires that a building or structure be physically accessible. Individuals with disabilities cannot be provided access to programs, services, and activities if a building is inaccessible. Program accessibility includes facility accessibility, but also means that a person with a qualified disability receives the same benefits from a program or service and has an equal opportunity to participate as any other participant. The ADA requires all City programs, but not all City buildings, to be accessible. The regulation implementing Title II, 28 CFR Part 35 (as amended September 15, 2010) contain two "safe harbor" provisions. Under the first "safe harbor" provision, elements of existing facilities that already comply with either the 1991 ADA Standards or Uniform Federal Accessibility Standards (UFAS) are not required to comply with the 2010 ADA Standards unless they were altered on or after March 15, 2012. Under the second "safe harbor" provision elements comprising a path of travel to an altered primary function area are not required to comply with the 2010 ADA Standard merely as the result of an alteration to a primary function area, provided those elements comply with the 1991 ADA Standard or UFAS.

There is some flexibility with regard to program accessibility. Not every building (or each part of every building) needs to be accessible. Structural modifications are required only when there is no alternative available for providing program access.

The City is required to provide program access, which means that programs, services, and activities when viewed in their entirety, are readily accessible to and usable by individuals with disabilities. When choosing a method of providing program access, the City will give priority to the one that results in the most integrated setting appropriate to encourage interaction among all users, including individuals with disabilities. In accordance with Title II program accessibility requirements, the City is required to:

- Provide equal access to programs, services, and activities as provided to other members of the community. [\[28 CFR 35.130\(a\)-\(b\)\(1\) \(vii\)\]](#)
- Provide programs, services and activities in an integrated setting, unless separate or different measures are necessary to ensure equal opportunity. [\[28 CFR 35.130\(b\)\(2\); \(d\)\]](#)
- Absorb any costs necessary to ensure nondiscriminatory treatment, such as making modifications required to provide program accessibility or providing qualified interpreters. [\[28 CFR 35.130\(f\)\]](#)
- Allow a person with a disability to participate in a program, service or activity regardless of disability. [\[28 CFR 35.130\(g\)\]](#)
- Eliminate unnecessary eligibility standards or rules that deny individuals with disabilities an equal opportunity to enjoy programs, services or activities unless necessary for the provisions of the program, service or activity. [\[28 CFR 35.130\(b\)\(8\)\]](#)
- Modify policies, practices, or procedures that deny equal access to individuals with disabilities [\[28 CFR 35.130\(b\)\(7\)\]](#)
- Furnish auxiliary aids and services when necessary to ensure effective communication. [\[28 CFR 35.160\(b\)\(1\)-\(2\)\]](#)
- Provide appropriate signage and structural communication to inform and alert individuals with visual, mobility, and hearing disabilities. [\[28 CFR 35.163\]](#)
- Eliminate physical barriers to programs, services, and activities by remodeling existing facilities, constructing new facilities, or moving programs, services or activities to an accessible location. [\[28 CFR 35.150\(b\)\(1\)\]](#)
- Ensure that newly constructed or altered buildings and facilities are free of physical and communication barriers that restrict accessibility of people with disabilities. [\[28 CFR 35.151\]](#)

1.6 Undue Burden

The City does not have to take any action that it can demonstrate would result in a fundamental alteration in the nature of a program or activity, would create a hazardous condition for other people, or would represent an undue financial and administrative burden. A fundamental alteration is a change to such a degree that the original program, service, or activity is no longer the same. For example, assume that a community sponsors college-level classes that may be used toward a college degree. To be eligible to enroll, an individual must have either a high school diploma or a General Educational Development certificate ("G.E.D"). If someone lacks a diploma or G.E.D. because of a cognitive disability, it is unlikely that the community would have to alter the requirement to provide equal access. Modifying the rule would change the class from college level to something less than college level and would fundamentally alter the original nature of the class.

The determination that an undue financial burden would result must be based on an evaluation of all resources available for use in a program. For example, if a barrier removal action is judged unduly

burdensome, the City must consider other options for providing access that would ensure that individuals with disabilities receive the benefits and services of the program or activity.

1.7 ADA Self-Evaluation and Transition Plan Requirements

The purpose of this ADA SETP is to document the City's review of access to facilities, programs, services, and activities by individuals with disabilities in order to determine if there are any discriminatory or potentially discriminatory practices, policies, or procedures.

In accordance with the Title II requirements for self-evaluation, the City:

- 1) Identified all the public entity's programs, activities, and services. [\[28 CFR 35.105\(a\)\]](#)
- 2) Reviewed all the policies and practices that govern the administration of the City's programs, activities, and services. [\[28 CFR 35.105\(a\)\]](#)

If structural changes are identified to provide program accessibility as part of the self-evaluation, the ADA identifies specific elements to be included in the transition plan. At a minimum, the elements of the transition plan are:

- 1) 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. [\[28 CFR 35.150 \(d\)\(3\)\(i\)\]](#)
- 2) A detailed outline of the methods to be utilized to remove these barriers and make the facilities accessible. [\[28 CFR 35.150 \(d\)\(3\)\(ii\)\]](#)
- 3) The schedule for taking the necessary steps to achieve compliance with Title II of the ADA. If the time period for achieving compliance is longer than one year, the plan should identify the interim steps that will be taken during each year of the transition period. [\[28 CFR 35.150 \(d\)\(3\)\(iii\)\]](#)
- 4) The name of the official responsible for the plan's implementation. [\[28 CFR 35.150 \(d\)\(3\)\(iv\)\]](#)

1.8 Self-Evaluation and Transition Plan Process

A work plan and method to assess City-owned and operated facilities, programs, policies, services, and activities for compliance with the ADA was implemented to complete the ADA SETP. This work plan included:

- Facility audits (interior and exterior)
- Self-evaluation of City programs, services, and activities
- Public outreach to advocacy groups
- Facilitate designating an ADA Coordinator
- Develop grievance procedures
- Identify required/suggested training for City staff
- Prioritize facilities improvements for accessibility
- Develop transition plan
- Public involvement
- Adoption

Recommendations are intended to serve as the transition plan and framework for implementation. All the recommendations in this plan for structural or programmatic solutions to facilitate the opportunity of access to all individuals are subject to review, revision, and approval of the City Council.

1.9 Facility Audit

In 2018, audits of building and facility interiors, exterior site features, and facilities within the public ROW were performed. These audits included only those areas of each facility that are open to the public and employee common-use areas. This review identified physical and architectural barriers and provided recommendations to comply with Federal accessibility requirements.

Photographs of architectural and site conditions at the time of the inspection for all building amenities were taken for the record. The specific site and architectural improvements recommended to remove barriers and improve accessibility are listed in the appendices.

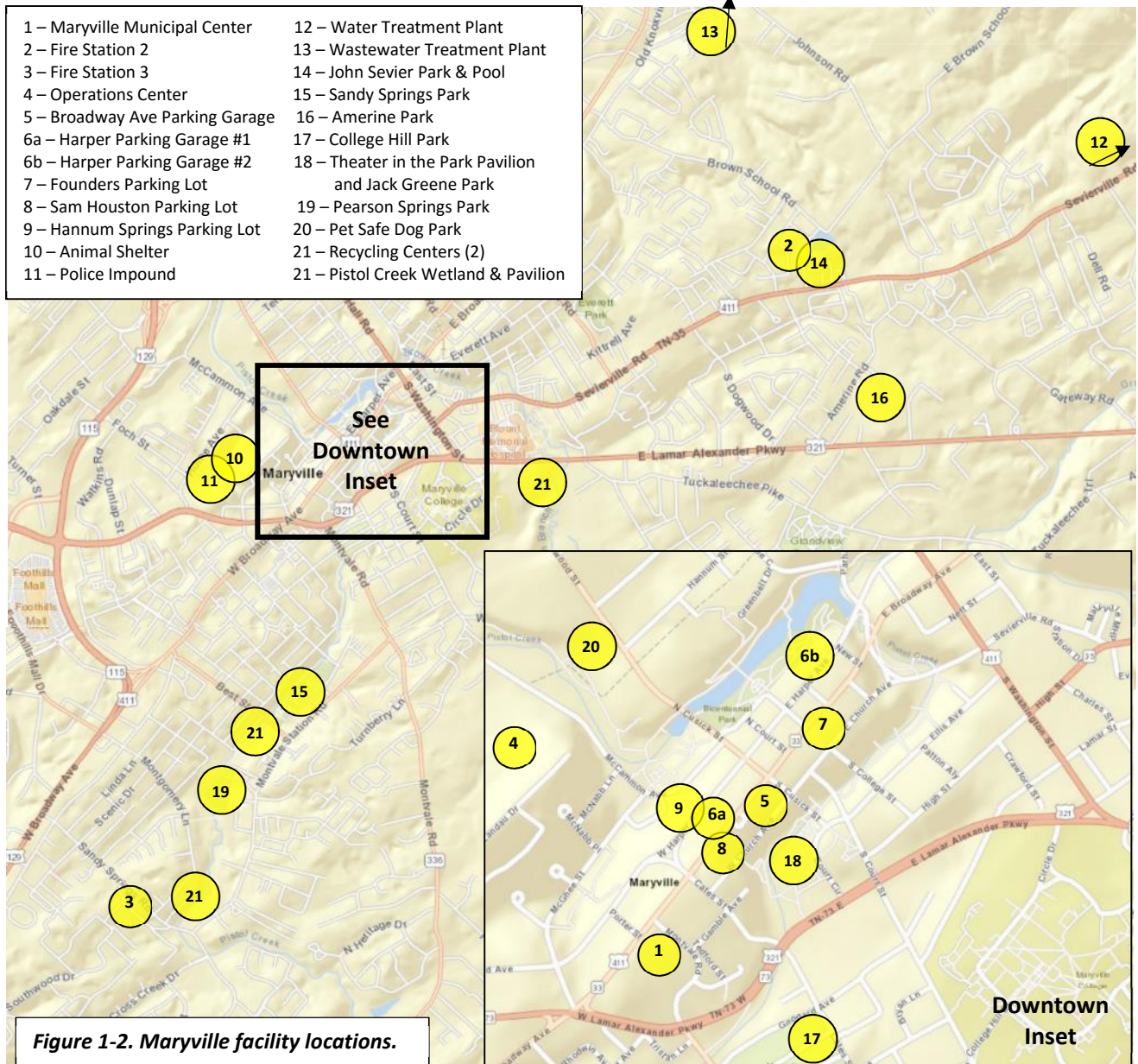
The locations of City facilities and parks (by number) are shown on the next page on Figure 2. Addresses for each facility can be found in the appendix.

1.10 City Administration and Departments

There are several distinct departments that provide City services, programs, and activities that are available to the public. The level of interaction of each Department is classified as extensive (high numbers daily), regular (variable but generally low numbers daily to weekly), limited (generally weekly or less), or none. These Departments and descriptions of their functions and types and regularity of interaction with the public are:

- **City Manager (400 W. Broadway Avenue)** – The City Manager is responsible for City administration & management and has regular interaction with the public. The City Manager oversees most functions of City Council, other boards and commissions, media relations and public information, communications and marketing, and department operations in the City.
- **Development Services Department (400 W. Broadway Avenue)** – The Development Services Department coordinates planning and development activities within the City and has extensive public interaction. This department includes Planning, Codes & Code Enforcement, and Economic Development. The main goal of the City's development efforts is to protect and strengthen the community and neighborhoods while also encouraging development that will enlarge the tax base, create and retain jobs, and provide for high quality developments that will enhance the quality of life for the citizens of Maryville.
- **Electric Department (332 Home Avenue)** – The Electric Department works to provide electric service to our customers. The Financial Services Department handles the administrative functions of service - including requests for connections or disconnections, account management, and bill payment services. The team is responsible for the physical power system - doing the field work required to establish, restore, and maintain service and electrical facilities. Interaction with the public is extensive.
- **Engineering & Public Works Department (400 W. Broadway & 332 Home Avenue)** – This department has extensive interaction with the public and oversees a wide variety of City programs. It is comprised of numerous divisions which have specific responsibilities and are housed at two different facilities. The Engineering Division reviews plans and issues permits for roads, driveways, work within City ROW, sidewalks, site plans and land developments, stormwater management, and traffic operations. The Public Works Division is responsible for grounds and street maintenance at City facilities and parks and pickup of trash and yard waste at residential and commercial properties.
- **Financial Services Department (400 W. Broadway Avenue)** – The Financial Services Department has a number of divisions, all with distinct responsibilities. The department handles all accounting, budgeting, and finance services for the City, including collection of all City revenues and taxes, as well as utility

payments. The City Recorder Office maintains all original ordinances/resolutions, City Council minutes, contracts, bonds, deeds, City seal, official documents and public records. They also issue a variety of business licenses and permits, purchase items to maintain City government operations, and provide services for the Electric Department to schedule new connections and disconnections of service. The department has extensive interaction with the public.



- Fire Department (400 W. Broadway Avenue)** – The Maryville Fire Department provides fire protection, emergency medical services, hazardous materials response, rescue, code enforcement, public education, and life support services to the City of Maryville. The department operates from three fire stations, Station 1 located at the Municipal Center Complex, Station 2 on the north side at 2019 Sequoyah, and Station 3 on the south side at 565 Sandy Springs Road. Each station is staffed twenty-four (24) hours a day. Interaction with the public is extensive.

- **Human Resources Department (400 W. Broadway Avenue)** – The Human Resources Department is responsible for the planning and directing of the City wage and salary program, employee benefits programs, employee recruitment and retention, personnel policies and procedures, risk management program, and other related human resources functions. The City employs 311 full-time employees, as well as a number of part-time and seasonal employees. They have extensive interaction with the public.
- **Information Technology Department (400 W. Broadway Avenue)** – The Information Technology (IT) Department provides service for the various offices and facilities that comprise Maryville government. The department administers the infrastructure and network across multiple physical locations. There is limited interaction with the public.
- **Police Department (400 W. Broadway Avenue)** – The mission of the Police Department is to protect, preserve, and defend the lives, property, and rights of all people, while serving with honesty, integrity, and sound judgement. They provide the necessary services to prevent crime and to enforce the law. The Police Department also provides a wide variety of programs for children, outreach for schools and community organizations, educational programs for citizens such as self-defense, rape aggression defense, AARP Driver Safety, Citizens Police Academy, Community Watch, and many others. The Police Department also runs the Animal Shelter. Interaction with the public is extensive.
- **Water & Sewer Department (332 Home Avenue)** – The Water and Sewer Department consists of several different operating divisions which provide drinking water and wastewater treatment to residents of the City of Maryville and portions of Blount County. These divisions include Administration, Engineering, Construction, Water Filtration Plant, and Wastewater Treatment Plant. They also work in conjunction with the Finance Department to provide services to the community and have extensive to limited public interaction, depending on the division.

1.11 Department Self-Evaluation

As part of this self-evaluation, DLZ provided a questionnaire to the ADA Coordinator in order to better understand the operation and services offered by various City departments regarding ADA compliance. A blank questionnaire is in Appendix C. Responses provided by each department were used to compile the information in this SETP. Policies, programs, activities, and services were evaluated, and in the case where policies are not currently in place, this report provides recommendations for the implementation of corrective actions to comply with the ADA. Refer to Section 3.19 Department Self-Evaluation - Findings & Recommendations.

1.12 Public Outreach

Public outreach began by publishing a notice in the local newspaper (The Daily Times) to solicit input from the public about barriers or perceived barriers that might exist to access or use of City facilities. The notice was published on April 1, 2018. A newspaper article was run by The Daily Times on June 1, 2018, which advertised the availability of the online survey and that it could be found on the home page of the City's website. The online survey was open from May 2018 to January 2019, with all responses being anonymous to ensure full transparency for the respondents to provide any comment they desired. The online survey was hosted on the City's website, with a direct link provided. A total of 26 responses were provided by the public, and the results are below. Some comments provided information about non-City facilities or other issues not under the control of the City. Comments deemed to be relevant and which were considered in the Transition Plan have been highlighted. Some minor spelling errors have been corrected in the comments to provide clarity about the response in this document and personal information of respondents (names, phone numbers, email, etc.) has been redacted. Response ratio for questions that allowed multiple selections by responders may not total 100%.

Constant Contact Survey Results

Survey Name: City of Maryville ADA Survey

1. What is your association with the City of Maryville? Check all that apply.

	# Response(s)	Response Ratio
Resident	22	84.6%
Business Owner	2	7.6%
Work in Maryville	5	19.2%
Visitor/tourist	0	0.0%
None of the above	2	7.6%

2. Do you or a family member have a disability?

	# Response(s)	Response Ratio
Yes (please describe below)	21	80.7%
No (please continue with survey)	5	19.2%
No Responses	0	0.0%

17 Comment(s)

- Wheelchair user
- Wheelchair user
- Heart Disease and arthritis, can't walk in wheel chair. Heart Disease and back and hip problems walks with a cane, only a short distance.
- Difficulty walking due to spinal problem. Need ramp or wide deep stairs.
- My 19-year-old son is a survivor of shaken baby syndrome (shaken by birth parents at 1 month of age) and is severely impaired mentally and physically (non-verbal, unable to stand/walk/sit unassisted; wheelchair confined). He has been in my custody since he was 10 months old.
- Our daughter is a wheelchair user, Autistic, developmentally delayed, non verbal and medically fragile
- Cerebral Palsy, wheelchair bound.
- My son has autism.
- Cerebral Palsy, wheelchair, total dependence
- autism
- Arthritis difficult to walk. Also has dementia.
- I'm a 52 yo male, I'm an incomplete 33 yr quadriplegic in a wheelchair.
- I use a walker, wheel chair or electric mobility scooter depending on the weather.
- I use a walker and a cane. many times the curb cuts for handicapped parking is not close by - they assume a chair. Walking with assistance is difficult enough without having to walk a long way for a curb cut
- I have had multiple back surgeries and have foot drop
- I have MS and have limited mobility.
- Use a walker and wheel chair

3. Have you, a family member, or someone you know encountered any difficulties accessing city facilities or programs due to the disability?

	# Response(s)	Response Ratio
Yes (please describe below)	11	42.3%
No	14	53.8%
No Responses	1	3.8%

13 Comment(s)

- new trash pick-up system

- I observed a disabled man in a wheelchair fall off the curb as he tried to maneuver around a barrier of trash, junk & furniture on the sidewalk. I travel the same route daily and saw him on a daily basis - the trash was dumped by someone at an apartment complex and had been there for weeks! I spoke with some residents of the complex who told me they reported it to their landlord before the mishap occurred. It is unfortunate, the disabled man hit his head on the street and injured his leg too.
- Uneven and narrow sidewalks have resulted in some stumbles with family members who, while not disabled, are still unsteady or have trouble balancing. Also, street crosswalks can feel very unsafe due to heavy/fast moving traffic and poor pedestrian aids. I have lived in some communities that have put a higher priority on pedestrian safety through the introduction of flashing lights that can be triggered by pedestrians at crosswalks or implementing raised crosswalks.
- We are home bound do not go out to anything, not even the library. Pay bills on line.
- We typically park in the lot behind the Blount Memorial Financial Center on Broadway when attending events in downtown Maryville, but the sidewalk leading up to Broadway is rough and difficult to maneuver (we push [REDACTED] in his wheelchair). We would appreciate knowing where easy-access parking is available for those with disabilities.
- no wheelchair accessible swings and playgrounds.
- Yes. There are no Roll-on Swings for kids that can't be taken out of a wheelchair. Several businesses are not compliant with accessibility rules. And Maryville High School stadium and Maryville College football stadiums are not compliant. Both need sections like Alcoa High School for wheelchairs to have clear visibility, none obstructed visibility of the fields. The "handicapped" and I say that lightly, section at Maryville High School stadium is a media stand.
- Friends with children in wheelchairs do not have accessible swings.
- Sandy Springs Park near tennis courts and area near Lambert's Pie Shop. Many parts of Maryville High School are not accessible by wheelchair.
- People that park in the striped areas in parking lots making it impossible to get a wheelchair back in the car!!!
- The crosswalk lights do NOT allow enough time to cross the road in addition to the traffic flying around the corner of Harper where the Blount Memorial Financial Operations Center is.
- Parking areas have high step-ups. slopes are too steep and no railing. Generally, the entire area is NOT disability accessible. Even the parks are difficult for anyone who can't walk easily.
- Never go.

4. Have you, a family member, or someone you know had difficulty accessing city parks or programs offered at city parks?

	# Response(s)	Response Ratio
Yes (please describe below)	9	34.6%
No	15	57.6%
No Responses	2	7.6%

12 Comment(s)

- Wheelchair access in Maryville is dangerous and limited. I walk downtown daily, the sidewalks are uneven, have poles/signs, and sloped steep in many places that a wheelchair would not pass safely. In some places no sidewalk exists and I walk in the street. Lord avenue and McGhee residents need to be able to get around by wheelchair without going out of their way to drive on dangerous terrain.
- Once one is IN the park, the paths are relatively nice. I often have found that it is troublesome to walk to a park than it is to walk in a park, mainly due to street crosswalk issues. I often feel very unsafe crossing the road here.
- I have only been here a week. I noticed this survey and am interested in what facilities I will be able to enter. I use a card and on bad days bilateral arm crutches.
- My son loves to swing, but Blount County has NO ride-on accessible swings for wheelchairs. (The only options in Blount County are one or two swings that have 5-point harnesses, but a child must be lifted into one of those, which is not feasible for a 100 pound 19-year-old). Much smaller cities, such as Loudon, have an accessible swing that one can simply push the wheelchair onto. Why isn't such an option available for the many children in wheelchairs in Maryville, which is a much larger city?
- yes, some of the parks are only partial w/c accessible. But none offer swings that allow for w/c

- Some on walkways, trails are very rough.		
- Swings for wheelchairs!!		
- Unsure		
- Arched bridges are too steep.		
- sometime parking is full		
- No easy accessibility. even walkways have no benches for a person to sit and rest. Parking lots are difficult to maneuver.		
- Never go, afraid a skate boarder will run over me!		
5. Are there specific accessibility barriers you believe need to be addressed immediately by the city?		
	# Response(s)	Response Ratio
Yes (please describe below)	12	46.1%
No	11	42.3%
No Responses	3	11.5%
14 Comment(s)		
- Sevierville Road - dangerous as a pedestrian or bicycle rider. I have to cross private property to stay safe. And again, no sidewalks, no wheelchair access. All sidewalks on Broadway & 411 need to be level and smooth for wheelchair access, no sloping.		
- My issues aren't concerning official City buildings but other buildings located within the city limits. There are building owners who do not comply with accessibility issues that seem to go on without any citation by the City.		
- Focusing on safely connecting different parts of town (for example: the Willard Addition to the Downtown Area) would go a long way toward allowing people to better access City services. Currently, if I were in, say, a wheelchair at my present house on Montvale Station Rd and wanted to go to the Municipal Building to pay my electric bill I would be almost unable to do so without motorized transportation due to difficult and narrow sidewalks. Nevermind the sheer volume of traffic along Montvale.		
- Sidewalks are not ADA compliant.		
- Most of our problems are businesses that have a wheel chair ramp that is short and straight up. Handicap parking spaces.		
- An accessible ride-on wheelchair swing is desperately needed for those children in Blount County who are confined to wheelchairs. It is difficult to drive 25 miles to Loudon just to use the swing for a few minutes. Maryville desperately needs an accessible playground so that all children in the community can enjoy participating, not just watching.		
- accessible swings, easy access to parks. Also, people who park in striped zones meant for loading and unloading of w/c from vans		
- The swings in the park are.		
- A plan should be in place to make swings at parks handicap friendly.		
- city buildings and parks are great the problem is people abusing parking at businesses		
- I defer to the opinions of those with a disability.		
- The crossing lights do NOT allow enough time for those with disabilities to cross without changing before getting to the other side. Even my coworkers without disabilities have almost been hit by cars flying around the corner. Maybe instead of City of Maryville officers being ugly, they should sit out of sight and watch what we experience daily.		
- All the above!		
- Businesses that have a few HANDICAP PARKING AND 100 FEET TO GET ON THE SIDEWALK. Slopes that are not compatible.		

6. Please rate the accessibility of city buildings you have visited.

	# Response(s)	Response Ratio
Very Good - no access issues	6	23.0%
Good - only very minor issues	15	57.6%
Fair - many issues encountered	1	3.8%
Poor - portions of facilities not accessible	0	0.0%
No Responses	4	15.3%

6 Comment(s)

- Most buildings I've been in are quite accessible, my issue is simply getting to the building without motorized transportation. This is an area where significant gains could be made for modest financial investments (e.g., intersection crosswalk upgrades like flashing lights or raised crosswalks and better signage/markings). Sidewalk condition could also stand to be improved as many sidewalks feel very narrow and leave one exposed to fast moving traffic only a couple of feet away.
- I can't comment, we are home bound. Our trips out are to the doctors and hospitals.
- Some older buildings lack access, but for the most part, building accessibility is fine.
- I am not disabled physically and am thus blind to accessibility problems. Please see #5.
- Some of the doors are very heavy.
- I do not go, I have someone to go for me.

7. Please rate the accessibility of parking at city buildings or public parking lots you have visited.

	# Response(s)	Response Ratio
Very Good	3	11.5%
Good	14	53.8%
Fair	4	15.3%
Poor	1	3.8%
No Responses	4	15.3%

10 Comment(s)

- need better control and more handicapped parking at parks for van use to many little cars using van parking areas
- Maryville seems to have a good job of making parking available.
- Really don't know.
- people park to close to the handicap parking and therefore we cannot park and have to park elsewhere in order to get my husband out of the car
- Some areas are quite steep and not suitable for wheelchairs; again, the lack of playground equipment for those with severe disabilities (wheelchair confined) is a huge drawback.
- Not enough handicap parking spots
- Too many handicapped spots for walking people and not enough for wheelchair people.
- The cross walks are not in good locations. People do not stop at them and the light change too quickly for the intersection lights.
- Handicap parking is not close by to the offices being visited.
- Don't go

8. Please rate the accessibility of sidewalk curb ramps you have used.

	# Response(s)	Response Ratio
Very Good	4	15.3%
Good	10	38.4%
Fair	5	19.2%
Poor	5	19.2%
No Responses	2	7.6%

10 Comment(s)

- see previous note
- New ramps (e.g., those made in the last 5-10 years) seem fine, but there are many that are older and very badly designed. Montvale Road at Goddard Ave, or Mountain View is full of these examples. Sidewalks along Montvale Station are narrow in the older sections and quite nice in the newer areas. I see an issue with legacy infrastructure.
- Ramps are not made for handicap, added on when the ADA was required.
- Most are good; some on corners have been hit by cars and are not in perfect shape.
- See above
- Some ramps are too steep. The incline or decline is difficult to use with a cane.
- I've found a few that was too steep.
- What ramps? Harper has one that is down the street in the middle for the walk way up to Broadway. What's the point? Someone with a disability may or may not be able to do steps. I can't due to my weakness.
- Too steep and not enough railings.
- Businesses with bad ramps, I will go to a restaurant about once a month.

9. Please rate the accessibility of city sidewalks you have used.

	# Response(s)	Response Ratio
Very Good	2	7.6%
Good	11	42.3%
Fair	6	23.0%
Poor	4	15.3%
No Responses	3	11.5%

8 Comment(s)

- see previous note
- Again, newer infrastructure was built to a better standard, older seems to have been built to almost no standard. It's the latter that causes the issues.
- Don't use them
- need to keep the weeds trimmed
- Again, some sidewalks (particularly those leading from back streets to Broadway) are rough and steep. Accessible parking lots that allow easy access to Broadway need to be labeled and publicized.
- Many sidewalks I have used have electric poles which limit access.
- many broken or cracks. No sidewalk to access Coulter grove from Everett Ave with much traffic. I want to be able to exercise and access the park safely
- Don't go out!

10. Please rate the accessibility of city parks and greenways you have visited.

	# Response(s)	Response Ratio
Very Good	5	19.2%
Good	9	34.6%
Fair	3	11.5%
Poor	4	15.3%
No Responses	5	19.2%

8 Comment(s)

- Getting to parks and greenways by sidewalk is dangerous. Lamar Alexander parkway crosswalk near courthouse does not have enough driver awareness to STOP for pedestrians. Need better signage for drivers with flashing lights prior to approaching the crosswalk. This is the same problem on almost all of the downtown crosswalks.
- The biggest issue I would have with parks is restroom access. Restrooms that are similar to what was built at the park behind the courthouse would be amazing to add at Sandy Springs and Everett, especially with the softball games that take place every year.

- Several years back the greenways that we used were great, same for the parks.
- n/a
- Comments above
- no sidewalks to Everett park - narrow road - Hilltop
- I don't go due to my nerve damage
- Don't go out.

11. How do you get information about city government, meetings, etc.?

	# Response(s)	Response Ratio
City Web Site	15	57.6%
Personal visits to facilities	3	11.5%
Telephone	0	0.0%
Newspapers	14	53.8%
Friends or family members	8	30.7%
Other	4	15.3%

6 Comment(s)

- City Facebook page
- Social Media
- Maryville speaks out FB group
- Social Media
- People bring to my attention and I read the newspapers.
- I get most of my information from the Times.

12. Please provide any specific information about your access needs to city facilities or programs that can assist the city in prioritizing accessibility improvements at our facilities.

14 Response(s)

- Please look at the photo gallery on this page. <https://www.tapconet.com/solar-led-division/pedestrian-crosswalk-solutions>. Recently I visited Rochester, Michigan and was amazed at how the pedestrian walkways/crossings stood out. The signage had LED lights, walkways had embedded LEDs in the pavement. Plenty of advance with signage/lights notice prior to driving up to the crosswalk. The planning committee ought to visit other cities before making changes. Bicycle traffic needs safer routes to get downtown, especially major artery roads, such as Sevierville Road.
- I really believe that connecting the different communities through revamped street crossings would go a long way toward solving accessibility issues. If the condition of the sidewalks could be addressed as well that would solve many of the current problems.
- When we are mobile again, if we try to use something that needs changing or at lease looked at we will call you.
- #1 accessibility need for the children and young adults in Blount County is an accessible playground, or at least the addition of a roll-on (wheelchair) accessible swing so that children with disabilities can fully enjoy the parks. My name is [REDACTED]; I am an [REDACTED] and the parent of [REDACTED], who is wheelchair-confined and completely dependent upon others for 100% of his care. I would be glad to provide further information on this topic and can be reached at [REDACTED] or (865) [REDACTED]. Thank you consideration for an often neglected segment of our local population.
- Print off the ADA guidelines and everything you need to know is there. Send Maryville school board a copy.
- We have such a wonderful city but a park area for special needs would benefit so many. Also an area with water fountains would be great as well. Somewhere all kids with and without disabilities can have water play time!
- Thanks for conducting this survey. As stated above, as an able-bodied resident I am unaware of many of accessibility issues until I am with someone in a wheelchair, crutches, etc.
- There should be more areas set aside for handicap people to have access to events without fighting the crowds. A handicap swing in an area park would be great (the kind that the wheelchair can be put on) also ramps on the playground equipment for wheelchairs

-	The ramp at the crosswalk on Joule St. is too steep from the street with the dip for water drain.
-	I use a walker, wheelchair or electric mobility scooter depending on the weather. If the weather is clear with no changes, and the distance is short, I use the walker. If the weather is changing or inclement, I use the wheel chair. If it is snowing, I do not venture out. If the distance is long, e.g., more than 100 yards, I use the mobility scooter.
-	I need a ready taxi service that is handicap accessible and not too expensive. I need to get to stores, concerts, activities. So far, I just can't go whenever I please.
-	Someone with disabilities needs to be on the planning team for this city. If you don't have issues, you don't have a clue what happens. When using the lights, people still fly around corners because there aren't cars coming. We've all done it. The City of Maryville officer who gassed his car wasting gas that I help pay by being a City of Maryville resident isn't right. They aren't fueling these vehicles and since gas isn't cheap, they should respect the members of the county by not wasting it.
-	Apparently, no one had really worked with the disabled or anyone really cognizant of what other cities have done. the ADA is a well thought out directive; too bad it's not followed in Maryville.
-	Don't go!

The responses and comments from the public survey above will be considered in the Transition Plan recommendations in Section 7.

Following completion of the draft SETP, it was made available for public review. It was placed at the following locations in Maryville:

- Maryville Municipal Complex, City Manager's Office (400 W. Broadway Avenue)
- Blount County Public Library, 508 North Cusick Street
- City web site (www.maryvillegov.com/ada-compliance.html)

The report was available from June 7 until June 21, 2019, for public review and comment. No public comments were received during the comment period.

2.0 Definitions

The words, phrases and definitions summarized below are included in the ADA. Refer to the ADA 28 CFR 35.104 for full definitions. A list of common terms and definitions are included below.

2010 Standards: the 2010 Standards for Accessible Design (SAD), which consist of the 2004 ADA Accessibility Guidelines (ADAAG) and requirements contained in 35.151.

Access Board: an independent Federal agency devoted to accessibility for people with disabilities. The [Access Board](#) developed the accessibility guidelines for the ADA and provides technical assistance and training on these guidelines.

Accessible: refers to a site, facility, work environment, service, or program that is easy to approach, enter, operate, participate in, and/or use safely and with dignity by a person with a disability.

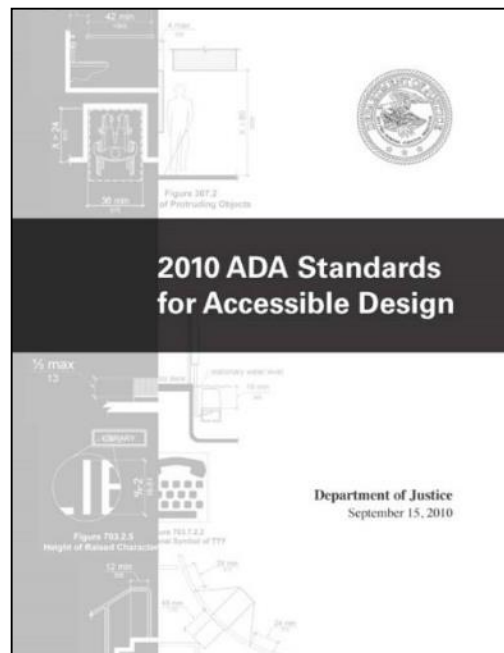
Affirmative Action (AA): a set of positive steps that employers use to promote equal employment opportunity and to eliminate discrimination. It includes expanded outreach, recruitment, mentoring, training, management development and other programs designed to help employers hire, retain and advance qualified workers from diverse backgrounds, including persons with disabilities. Affirmative action means inclusion, not exclusion. Affirmative action does not mean quotas and is not mandated by the ADA.

Alteration: a change to a facility in the public right-of-way that affects or could affect pedestrian access, circulation, or use. Alterations include, but are not limited to, resurfacing, rehabilitation, reconstruction, historic restoration, or changes or rearrangement of structural parts or elements of a facility.

Americans with Disabilities Act (ADA): a comprehensive, Federal civil rights law that prohibits discrimination against people with disabilities in employment, state and local government programs and activities, public accommodations, transportation, and telecommunications.

ADA Standards for Accessible Design (ADASAD): consist of the 2004 ADAAG and requirements contained in 35.151 with scoping and technical requirements (dated September 15, 2010) to be applied during the design, construction, and alteration of buildings and facilities covered by Titles II and III of the ADA to the extent required by regulations issued by Federal agencies, including the DOJ and the Department of Transportation (DOT).

Auxiliary Aids and Services: under Titles II and III of the ADA, includes a wide range of services and devices that promote effective communication or allows access to goods and services. Examples of auxiliary aids and services for individuals who are deaf or hard of hearing include qualified interpreters, note takers, computer-aided transcription services, written materials, telephone handset amplifiers, assistive listening systems, telephones compatible with hearing aids, closed caption decoders, open and closed captioning, telecommunications devices for deaf persons (TDDs), videotext displays, and exchange of written notes. Examples for individuals with vision impairments include qualified readers, taped texts, audio recordings, Braille materials, large print materials, and assistance in locating items. Examples for individuals with speech impairments include TDDs, computer terminals, speech synthesizers, and communication boards.



Civil Rights Act of 1991: Federal law that capped compensatory and punitive damages under Title I of the ADA for intentional job discrimination. The law also amended the ADA's definition of an employee, adding "with respect to employment in a foreign country, such term includes an individual who is a citizen of the United States."

Complaint: a written statement, alleging violation of the ADA, which contains the complainant's name and address and describes the City's alleged discriminatory action in sufficient detail to inform them of the nature and date of the alleged violation. It shall be signed by the complainant or by someone authorized to do so on his or her behalf. Complaints filed on behalf of classes or third parties shall describe or identify (by name, if possible) the alleged victims of discrimination.

Covered Entity: under the ADA, "covered entity" is an entity that must comply with the law. Under Title I, covered entities include employers, employment agencies, labor organizations, or joint labor-management committees. Under Title II, covered entities include state and local government instrumentalities, the National Railroad Passenger Corporation, and other commuter authorities, and public transportation systems. Under Title III, covered entities include public accommodations such as restaurants, hotels, grocery stores, retail stores, etc., as well as privately owned transportation systems.

Cross Slope: the grade that is perpendicular to the direction of pedestrian travel.

Curb Ramp: a ramp that cuts through or is built up to the curb. Curb ramps can be perpendicular or parallel, or a combination of parallel and perpendicular ramps.

Direct Threat: a significant risk to the health or safety of others that cannot be eliminated by reasonable accommodation.

Disability: with respect to an individual, means: a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment.

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 accommodations to known physical or mental limitations of an otherwise qualified individual unless it can be shown that the accommodation would impose an undue burden on the City's operations;
- Use selection criteria that exclude otherwise qualified people with disabilities from participating in the programs or activities offered to the public; and
- 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.

Employer: a person engaged in an industry affecting commerce who has 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, and any agent of such person, except that, for two years following the effective date of this subchapter, an employer means a person engaged in an industry affecting commerce who has 25 or more employees for each working day in

each of 20 or more calendar weeks in the current or preceding year, and any agent of such person.

Exceptions: The term "employer" does not include the United States, a corporation wholly owned by the government of the United States, or an Indian tribe; or a bona fide private membership club (other than a labor organization) that is exempt from taxation under section 501(c) of Title 26 [the Internal Revenue Code of 1986].

Equal Employment Opportunity Commission (EEOC): the Federal agency charged with enforcing Title I of the ADA.

Essential Job Functions: the fundamental job duties of the employment position that the individual with a disability holds or desires. The term "essential functions" does not include marginal functions of the position.

Equal Employment Opportunity: an opportunity to attain the same level of performance or to enjoy equal benefits and privileges of employment as are available to an average similarly-situated employee without a disability.

Existing Facility: refers to buildings that were constructed before the ADA went into effect. A public building constructed before the effective date of Title II does not have to be fully accessible unless the removal of barriers, including structural ones, is readily achievable.

Facility: all or any portion of buildings, structures, improvements, elements, and pedestrian or vehicular routes located in the public right-of-way.

Grade Break: the line where two surface planes with different grades meet.

Historic Properties: those properties that are listed or eligible for listing in the National Register of Historic Places or properties designated as historic under State or local law.

Job Analysis: a formal process in which information about a specific job or occupation is collected and analyzed.

Job Description: a detailed summary, usually written, of the major components of a job. A typical job description consists of six major components: essential job functions, knowledge and critical skills, physical demands, environmental factors, the roles of the ADA and other Federal laws such as the Occupational Safety Health Act, and any explanatory information that may be necessary to clarify job duties or responsibilities.

Job Related and Consistent with Business Necessity: standard used to determine whether a qualification standard or employment policy concerns an essential aspect of the job and is required to meet the needs of the business.

Light Duty: generally, "light duty" refers to temporary or permanent work that is physically or mentally less demanding than normal job duties. Some employers use the term "light duty" to mean simply excusing an employee from performing those job functions that s/he is unable to perform because of an impairment. "Light duty" also may consist of particular positions with duties that are less physically or mentally demanding created specifically for the purpose of providing alternative work for employees who are unable to perform some or all of their normal duties. Further, an employer may refer to any position that is sedentary or is less physically or mentally demanding as "light duty". The term is often associated with workers compensation programs.

Major Life Activity: term used in the ADA definition of disability. It refers to activities that an average person can perform with little or no difficulty, such as walking, seeing, speaking, hearing, breathing, learning, performing manual tasks, caring for oneself, and working. These are examples only. Other activities such as sitting, standing, lifting, or reading are also major life activities.

Marginal Job Functions: functions that are not considered essential to a job. Employers must consider removing marginal job functions as an accommodation under the ADA, but do not have to remove essential functions as an accommodation.

Medical Examination: a procedure or test that seeks information about an individual's physical or mental impairments or health. The following factors should be considered to determine whether a test (or procedure) is a medical examination: (1) whether the test is administered by a health care professional; (2) whether the test is interpreted by a health care professional; (3) whether the test is designed to reveal an impairment or physical or mental health; (4) whether the test is invasive; (5) whether the test measures an employee's performance of a task or measures his/her physiological responses to performing the task ; (6) whether the test normally is given in a medical setting; and, (7) whether medical equipment is used. In many cases, a combination of factors will be relevant in determining whether a test or procedure is a medical examination. In other cases, one factor may be enough to determine that a test or procedure is medical.

Mitigating Measures: medical treatment or devices that lessen the effects of an impairment, such as medication, a prosthesis, or a hearing aid. When determining whether a person has a disability under the ADA, the effect of mitigating measures is to be considered.

Pedestrian Access Route (PAR): a continuous and unobstructed path of travel provided for pedestrians with disabilities within or coinciding with a pedestrian circulation path.

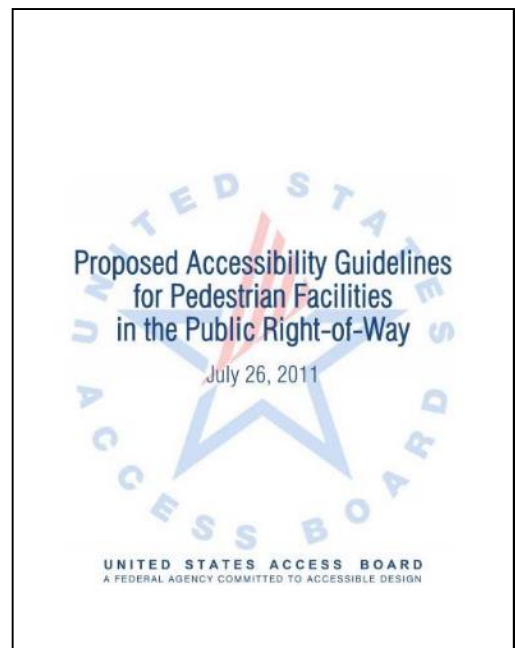
Pedestrian Circulation Path: a prepared exterior or interior surface provided for pedestrian travel in the public right-of-way.

Physical or Mental Impairment: a physical or mental limitation that may include, but are not limited to: vision, speech, and hearing impairment; 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: tranvestism, 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.

PROWAG: Proposed Accessibility Guidelines for Pedestrian Facilities within Public Right-of-Way. These proposed guidelines (dated July 26, 2011) provide design criteria for public streets and sidewalks, including pedestrian access routes, street crossings, curb ramps and blended transitions, on-street parking, street furniture, and other elements. The specifications comprehensively address access that accommodates all types of disabilities, including mobility and vision impairments, while taking into account conditions and constraints that may impact compliance, such as space limitations and terrain.

Public Accommodations: entities that must comply with Title III. The term includes facilities whose operations affect commerce and fall within at least one of the following 12 categories: places of lodging (e.g., inns, hotels, motels) (except for owner-occupied



establishments renting fewer than six rooms); establishments serving food or drink (e.g., restaurants and bars); places of exhibition or entertainment (e.g., motion picture houses, theaters, concert halls, stadiums); places of public gathering (e.g., auditoriums, convention centers, lecture halls); sales or rental establishments (e.g., bakeries, grocery stores, hardware stores, shopping centers); service establishments (e.g., laundromats, dry-cleaners, banks, barber shops, beauty shops, travel services, shoe repair services, funeral parlors, gas stations, offices of accountants or lawyers, pharmacies, insurance offices, professional offices of health care providers, hospitals); public transportation terminals, depots, or stations (not including facilities relating to air transportation); places of public display or collection (e.g., museums, libraries, galleries); places of recreation (e.g., parks, zoos, amusement parks); places of education (e.g., nursery schools, elementary, secondary, undergraduate, or postgraduate private schools); social service center establishments (e.g., day care centers, senior citizen centers, homeless shelters, food banks, adoption agencies); and places of exercise or recreation (e.g., gymnasiums, health spas, bowling alleys, golf courses).

Public Entity: entities that must comply with Title II. The term is defined as: any state or local government; any department, agency, special purpose district, or other instrumentality of a state or local government; or certain commuter authorities as well as Amtrak. It does not include the Federal government.

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

Readily Achievable: easily accomplishable and able to be carried out without much difficulty or expense. In determining whether an action is readily achievable, factors to be considered include nature and cost of the action, overall financial resources and the effect on expenses and resources, legitimate safety requirements, impact on the operation of a site, and, if applicable, overall financial resources, size, and type of operation of any parent corporation or entity. Under Title III, public accommodations must remove barriers in existing facilities if it is readily achievable to do so.

Reasonable Accommodation: under Title I, a modification or adjustment to a job, the work environment, or the way things usually are done that enables a qualified individual with a disability to enjoy an equal employment opportunity. Reasonable accommodation is a key nondiscrimination requirement of the ADA.

Reasonable Program Modifications: if an individual's disabilities prevent them from performing the essential functions of the program or activity, it is necessary to determine whether reasonable program modifications would enable these individuals to perform the essential functions of the program or activity.

Reasonable program modification is any change in a program or activity, or in the way things are customarily done, that enables an individual with a disability to enjoy equal program opportunities. Accommodation means modifications or adjustments:

- To a registration or application process to enable an individual with a disability to be considered for the program or activity;
- To the program or activity environment in which the duties of a position are performed so that a person with a disability can perform the essential functions of the program or activity; and
- That enables individuals with disabilities to enjoy equally the benefits of the program or activity as other similarly situated individuals without disabilities enjoy.

Modification includes making existing facilities and equipment used by individuals readily accessible and usable by individuals with disabilities. Modification applies to known disabilities only. Modification is not required if it changes the essential nature of a program or activity for the person with a disability, it creates a

hazardous situation, adjustments or modifications requested are primarily for the personal benefit of the individual with a disability, or it poses an undue burden on the City.

Record of an 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 an impairment. An example: a man, who is in line for a promotion, has a history of cancer treatment, although he is now free of cancer. He is not given the promotion because his bosses are worried that, if his cancer returns, he won't be able to do the job. He does not, at this point, meet the first part of the definition of disability because he does not have a physical or mental impairment that substantially limits one or more major life activities. However, based on his "record of" an impairment, he is being discriminated against.

Regarded as Having a Disability: an individual is disabled if he or she is treated or perceived as having an impairment that substantially limits major life activities, although no such impairment exists. An example: a woman applies for a job as a customer service representative at a department store. Her face is badly scarred from an automobile accident. The interviewer doesn't want to give her the job, in spite of her skills and experience, because he thinks customers will be uncomfortable looking at her. She is not substantially limited in any major life activity, but the interviewer is "regarding her as" if she has a disability.

Running Slope: the grade that is parallel to the direction of pedestrian travel.

Safe Harbor: elements of existing facilities that already comply with either the 1991 ADA Standards or UFAS are not required to comply with the 2010 ADA Standards unless they were altered on or after March 15, 2012 and elements comprising a path of travel to an altered primary function area are not required to comply with the 2010 ADA Standard merely as the result of an alteration to a primary function area, provided those elements comply with the 1991 ADA Standard or UFAS.

Service Animal: any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. See the 2010 revised requirements at https://www.ada.gov/service_animals_2010.htm.

Substantial Limitation on 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.

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; and
- The permanent or long term impact (or expected impact) of, or resulting from, the impairment.

Title V of the Rehabilitation Act of 1973: title of the law that prohibits discrimination on the basis of a disability by the Federal government, Federal contractors, by recipients of Federal financial assistance, and in Federally conducted programs and activities.

Transition Plan: refers to a requirement that state and local governments employing 50 or more people develop plans detailing structural changes necessary to achieve facility and program accessibility.

Undue Burden: means significant difficulty or expense incurred in the provision of accommodation. Undue burden includes, but is not limited to, financial difficulty. Undue burden refers to any modification that would be unduly costly, extensive, substantial, or disruptive, or that would fundamentally alter the nature of operation of the business of the City. Whether a particular accommodation will impose an undue hardship is determined on a case-by-case basis. If a particular modification is determined to cause an undue burden to Maryville, the City shall attempt to identify another modification that would not pose such a burden. If cost causes the undue burden, the City must consider whether funding for the modification is available from an outside source. If no such funding is available, the City must give the person with a disability the opportunity to provide the modification or to pay for that portion of the modification that constitutes an undue burden.

Undue Hardship: with respect to the provision of an accommodation under Title I of the ADA, significant difficulty or expense incurred by a covered entity, when considered in light of certain factors. These factors include the nature and cost of the accommodation in relationship to the size, resources, nature, and structure of the employer's operation. Where the facility making the accommodation is part of a larger entity, the structure and overall resources of the larger organization would be considered, as well as the financial and administrative relationship of the facility to the larger organization. Employers do not have to provide accommodations that cause an undue hardship.

Uniform Federal Accessibility Standards (UFAS): one of two standards that state and local governments can use to comply with Title II's accessibility requirement for new construction and alterations that took place before March 15, 2012. The other standard is the ADA Accessibility Guidelines, which is the enforceable standard for new construction or alternations done after March 15, 2012.

U.S. Department of Justice: Federal agency that is responsible for enforcing Titles II and III of the ADA.

U.S. Department of Transportation: Federal agency that enforces nondiscrimination in public and private transportation. Nondiscrimination includes access to public bus, train and paratransit, as well as privately operated bus and shuttle transportation. The ADA does not cover air transportation, which is subject to the Air Carrier Access Act.

3.0 Self-Evaluation of City Policies, Services, Activities, and Programs - Findings & Recommendations

This section of the self-evaluation summarizes the review of current City-wide policies, services, activities, and programs based on correspondence with City staff and responses to the program accessibility questionnaire received from City departments and divisions. The findings and recommendations contained in this section will provide the basis for the implementation of specific improvements for providing access to City programs.

3.1 Program Evaluation Interdepartmental Memo

The self-evaluation of the City's services, programs, and activities required and involved the participation of all City departments. Maryville evaluated its policies, procedures, and programs to determine current levels of service and the extent to which its policies and programs created barriers to accessibility for persons with disabilities. DLZ distributed a questionnaire to the City ADA Coordinator as one measure to determine the level of ADA compliance. Each department was also issued a department specific questionnaire (See *Appendix C*).

The primary purpose of the questionnaires was to allow DLZ staff to better understand how each department operates and the programs provided by each so that an accurate assessment can be made of architectural and procedural barriers and how each can be corrected to provide access. The level of investigation into the operations of the various departments was generally consistent with the amount of interaction with the public and the extent of the public programs offered by each. Note that the response rate to the questionnaire is often less than 100%. In some instances, the information provided below may not be accurate due to either lack of response to the questionnaire, inaccurate answers being provided on submitted questionnaires, or the lack of detail in some responses.

3.2 Overall Findings – General Policies and Practices

The self-evaluation of the Departments identified common accessibility issues between all City departments. The findings from the City departments can be organized into the following general categories:

- Public Information
- Designation of ADA Coordinator
- Grievance/Uniform Complaint Procedures
- Public Meetings
- Accommodations to Access Programs, Services, and Activities
- Special Events and Private Events on City Property
- Ordinances, Design Standards, and Other Documents
- Contracted Services and Contractors
- Customer Service, Satisfaction, and Input
- Equally Effective Communication
- Alternate Communication Formats
- Fees and Surcharges
- Information and Signage
- Staff Training
- Emergency Evacuation Procedures

- Employment
- Department Self-Evaluation Findings & Recommendations

The findings and recommendations in the following subsections generally apply to all departments except where noted.

3.3 Public Information

The City is required to notify the public of their rights and protections under the ADA ([28 CFR 35.106](#)), which states: *“A public entity shall make available to applicants, participants, beneficiaries, and other interested persons information regarding the provisions of this part and its applicability to the services, programs, or activities of the public entity, and make such information available to them in such manner as the head of the entity finds necessary to apprise such persons of the protections against discrimination assured them by the Act and this part.”* In addition, notices regarding ADA should be included in a number of other situations to inform the public of their rights and opportunities to ensure accessibility, including signage directing the public to accessible routes and entrances.

Self-Evaluation General Findings:

- A poster entitled “Equal Opportunity is the Law”, defining the requirements of Title VII, was observed in most City buildings.
- Grievance procedures for the ADA were adopted in late 2016 and are posted in several City buildings and on the website. See Appendix E.
- The City has published an ADA Title II Policy Statement, which can be found on the website.
- Public meeting agendas for the City Council and other boards/commissions provides the following non-discrimination statement at the bottom, *“Individuals with disabilities who require accommodations for participation in meetings must request accommodations at least 48 hours ahead of the scheduled meeting. Contact the ADA Coordinator, at (865) 273-3430 or email at adainfo@maryville-tn.gov. Meeting attendees who have difficulty hearing can sign out an assisted listening device prior to the meeting. Please let a member of staff know before the meeting starts in order to use a device.”*
- The non-discrimination notice is not used on all printed materials.
- ADA compliance information is located on the City website at www.maryvillegov.com/ada-compliance.html.
- Signage is absent at larger facilities directing visitors to the accessible entrances where multiple entrances are present and not all are accessible. The International Symbol of Accessibility (ISA) is not present or in clear view at all accessible entrances.

Recommended Action:

- The Notice of Non-Discrimination should be used by all departments for all City publications and printed materials as applicable. Consider increasing the time for accommodation requests to 3 business days.
- Increase outreach to persons with disabilities by finding additional methods and formats to provide information about meetings and other City activities. The City should endeavor to inform the public of the possible modifications required to make its services, programs, and activities accessible.
- Include the following notice on all materials printed by the City that are made available to the public: *“This publication can be made available in alternative formats, such as Braille, large print, audiotape, or .pdf. Requests can be made by calling (865) 273-3430. Please allow 3 business days for your request to be processed.”*

- List City agencies, departments, and specialized services that offer TDD/TTY in printed City directories. (See also section 3.12 and 3.13).
- Signage directing visitors to City buildings should be placed along the accessible routes and the ISA should be placed in clear view at all accessible entrances.

3.4 Designation of ADA Coordinator

The ADA regulations require any public entity with fifty or more employees to designate at least one employee to coordinate ADA compliance ([28 CFR 35.107 \(a\)](#)). Federal regulations require public entities to make available to interested persons the name, office address and telephone number of the ADA Coordinator. The ADA Coordinator's role is to plan, coordinate, organize, facilitate, and promote compliance efforts. The Coordinator responds to requests for accommodations or barrier removal. The Coordinator also receives and investigates complaints and grievances.

Self-Evaluation Findings:

- Maryville administration appointed the Risk Manager as the ADA Coordinator effective in late 2016.
 - Mr. Leland Blackwood, ADA Coordinator
 - Phone: (865) 273-3430
 - Email: adainfo@maryville-tn.gov
- The contact information for the ADA Coordinator is included on the City website directory and the ADA Compliance page.

Recommendations:

- Activities related to ADA compliance should be directed to the Coordinator, and each City department should designate a liaison for ADA issues and publicize the identity of this person.
- Information regarding the identity of the City's ADA Coordinator should continue to be provided to staff, posted at all City facility locations, incorporated into employee handbooks, staff, and public phone directories, placed in frequently used publications, and on the City website.
- The designated ADA Coordinator should be familiar with the requirements of ADA and get appropriate training to ensure compliance by the City.
- It is strongly suggested that each department have one individual with knowledge of ADA issues that can respond to issues that arise within their department and assist the ADA Coordinator.

3.5 Grievance/Uniform Complaint Procedures

A public entity that employs 50 or more employees must adopt and publish grievance procedures which provide for the prompt and equitable resolution of complaints alleging any action that would be prohibited by the ADA ([28 CFR 35.107 \(b\)](#)).

Self-Evaluation Findings:

- Maryville has a grievance procedure that provides for resolution of complaints (see Appendix E). The procedure indicates that the grievance shall be submitted to the ADA Coordinator but there is no evidence of a grievance form being available. The policy indicates the complaint should be filed in writing and include information about the alleged discrimination (name, address, phone number of complainant and location, date, and description of the problem).
- Complaints can be submitted via alternative means if needed to accommodate a disability.
- The policy states that the complaint be submitted as soon as possible but no later than 60 days after the alleged violation.

- The policy outlines the process with timelines for reviews, responses to the complainant, and the appeal process and timelines.

Recommendations:

- Revisit the grievance procedure and update as needed. Some recommendations include:
 - Develop a standard grievance form to ensure all information needed to review complaints is provided. An example form can be found in Appendix E. Verify that forms are available at all facility locations and consider providing form on the City website, along with the procedure.
- Centralized record keeping of complaints and tracking of complaint resolution will help the City to regularly update its compliance efforts, and plan for additional compliance implementation. The ADA Coordinator should ensure that records are kept of all ADA-related complaints, including informal items brought to their attention.
- Information regarding complaint procedures should be available to members of the public in addition to employees and applicants. Procedures should outline the steps needed to resolve a complaint.
- The City should review its current administrative policy and be able to provide the recommended ADA Grievance Form in an alternate accessible format, i.e. Braille, audio-tape, e-text, large print, etc.
- Administrative policies and procedures should continue to be developed, adopted, and implemented to provide consistency for filing complaints or grievances and record-keeping.

3.6 Public Meetings

Public meetings are routinely held by various City departments, boards, and commissions. The ADA prohibits public entities from excluding persons with disabilities from programs, services, or activities offered by a public entity. The law does allow a public entity to use both structural and nonstructural methods to achieve accessibility to programs, services, and activities ([28 CFR 35.150 \(a\)\(1\); \(b\)\(1\)](#)). While most of the meetings are open to the general public and advertised as required by law, the public does not regularly attend several of the meetings of the groups noted.

Self-Evaluation Findings:

- The following boards/commissions meet at various times on City business and would be considered open meetings that can be attended by members of the general public. Other groups may meet, but do not have regular published schedules. Meetings are held in the Council Chambers, located on the main level of the Maryville Municipal Center, unless otherwise noted.
 - City Council – monthly, 1st Tuesday
 - Beer Board – as-needed monthly, 1st Tuesday
 - Board of Zoning Appeals – monthly, 3rd Thursday
 - Historic Zoning Commission – monthly, 2nd Monday
 - Downtown Design Review Board – monthly, 2nd Monday
 - Planning Commission – monthly, 3rd Monday
- The Council Chambers has an audio amplification system and is equipped with an assistive listening system that includes 20 Williams Sound Personal PA Receivers, Model 35E. This model has been discontinued and is not hearing-aid compatible. However, no signage is provided that informs the public of the availability of assistive listening devices.
- The Administrative Conference room on the upper level of City Hall is used for Council work sessions and other meetings. It does not have an audio amplification system.
- The Hensley Room, located on the main level of the Maryville Municipal Center, is used for overflow of Council meetings, open houses, etc. The Hensley Room has audio amplification and is equipped with an

assistive listening system that includes 20 Williams Sound Personal PA Receivers, Model 35E. This model has been discontinued and is not hearing-aid compatible. However, no signage is provided that informs the public of the availability of assistive listening devices.

- The lower level conference room at the Maryville Municipal Center and auditorium at the Operations Center have no audio amplification and are also used for some meetings.
- City public notices and meeting agendas have a statement regarding how requests for accommodations for persons with disabilities can be made in advance. Notices include the statement *“Individuals with disabilities who require accommodations for participation in meetings must request accommodations at least 48 hours ahead of the scheduled meeting. Contact the ADA Coordinator, at (865) 273-3430 or email at adainfo@maryville-tn.gov. Meeting attendees who have difficulty hearing can sign out an assisted listening device prior to the meeting. Please let a member of staff know before the meeting starts in order to use a device.”*
- Public notices are posted in a variety of places including newspaper advertisements and posted in some City facilities.
- Meetings are advertised in The Daily Times. Agendas are posted on the City website, bulletin boards, and the room where the meeting will take place.
- Agendas for the City Council are not available on the City website. Agendas for other boards and commission are posted on the City website.
- No requests for special accommodations, including American Sign Language or other interpreters, has been made at public meetings.
- The City does not televise or record and rebroadcast any meetings. City Council meetings are audio-recorded, copies of audiotapes are available upon request.

Recommendations:

- The City should schedule and hold public meetings in the most accessible locations whenever possible. Meetings which the public regularly attends should be made the highest priority.
- An assistive listening system is in place in both rooms that require one and an adequate total number of receivers are available. However, the model being used has been discontinued and is not hearing-aid compatible. Compliant signage that includes the International Symbol of Access for Hearing Loss should be installed outside of both the Council Chamber and the Hensley Room.
- Other rooms used for meetings do not utilize audio amplification. If installed in the future, these rooms should also be equipped with the appropriate number of assistive listening devices.
- Standard language on all City publications regarding availability of and requests for accommodations should be provided to departments. Consider increasing the notice time to 3 business days.
- The City should develop procedures for obtaining and providing auxiliary aids such as sign language interpreters, readers, descriptive services, and other assistive technologies. (See also section 3.11.)
- The City should make reasonable modifications to enable individuals with disabilities to attend and participate in all public meetings.
- Provide meeting agendas and minutes in alternative formats when requested.
- The City should assemble and maintain a list of readily accessible meeting spaces to facilitate the scheduling of meetings and/or the relocation of meetings upon request.
- The City should create a simple checklist for creating accessible meetings and selection of accessible meeting spaces. This checklist should be utilized and available to all City departments for their programs and events.



International Symbol of
Access for Hearing Loss

- Consider converting audiotapes to a common digital format (e.g., .MP3) rather than audiotape.

3.7 Accommodations to Access Programs, Services, and Activities

The ADA prohibits public entities from excluding persons with disabilities from programs, services, or activities offered by a public entity. A public entity may not adopt policies that are discriminatory or engage in practices that are discriminatory. This prohibition applies to policies that are explicitly exclusionary and to those which appear to be neutral but have discriminatory effect. The law does allow a public entity to use both structural and nonstructural methods to achieve accessibility to programs, services, and activities ([28 CFR 35.130 \(b\)\(3\)](#); [35.150 \(a\)\(1\)](#); [\(b\)\(1\)](#)).

Self-Evaluation Findings:

- There is no evidence of intentional discriminatory practices, intentional exclusion of individuals with disabilities, or practices to segregate individuals with disabilities or limit access to City programs, services, or activities.
- Some City departments have been requested to provide accommodation at programs in the past. The Administration Department has used basic sign language or written notes to communicate with hearing impaired citizens. Interpreters have been provided at the Foothills Fall Festival. Movies in the Park have closed captioning capabilities upon request.
- The Finance Department staff has gone outside to provide curbside service for customers unable to come into the building. Staff has also utilized relay services to communicate with customers via telephone.
- Public meetings are held in locations that are thought to be accessible to persons with mobility impairments and staff had no recollection of any previous complaints of issues.

Recommended Action:

- Information directing the public how to request accommodations should appear on all public notices, announcements, and agendas.
- Front line staff, such as administrative assistants, receptionists, and staff that has everyday contact with the public, should receive training on interacting and accommodating individuals with disabilities.
- The City should provide additional and ongoing training for staff, including volunteers, regarding the requirements of the ADA and accommodations that provide equal access to programs, services, and activities.
- High use facilities, such as the Maryville Municipal Center, that sponsor a variety of programs should ensure that an accommodation request form is available on the website and all publications that provide information about the programs. The statement should provide contact information and deadlines for accommodation requests to participate in the programs.
- The ADA Coordinator should continue to monitor programmatic access.

3.8 Special Events and Private Events on City Property

The City could provide opportunities for private organizations to utilize City facilities for special or private events. Contained within the ADA are two titles that pertain to public and private entities. Public entities are not subject to Title III of the ADA. Conversely, private entities are not subject to Title II. In many situations, however, public entities have close relationships with private entities that are covered by Title III (Public Accommodations), with the result that certain activities may be at least indirectly affected by both Titles. This is the case with certain special events or private organizations that may use City facilities.

Self-Evaluation Findings:

- The City offers a number of parks facilities available for rent by the general public. These include Theater in the Park amphitheater and greenbelt picnic pavilion at Jack Greene Park. The rental agreement does not address any accessibility requirements by the end user nor do they specify whether each of these facilities is accessible.
- The City sponsors a number of special events that occur on City property. Several City facilities are also available for lease or use by private groups.
- A wide variety of programs at City parks and properties are sponsored by the Maryville-Alcoa-Blount County Parks & Recreation Commission.
- Downtown Maryville Association sponsors some programs on City property throughout the year, including Taste of Blount at Jack Greene Park (Theater in the Park).
- The following special events are sponsored by the City, held on City property, and/or participated in by various City agencies:
 - Movies in the Park are offered at Theater in the Park.
 - A Farmers Market is offered downtown at Founders Square each Saturday from April to November.
 - Summer on Broadway is held each summer, and has events at several City facilities. Some City parking facilities are closed for the event (Founders Lot, top level of the Broadway Street Garage).

Recommended Action:

- Address the facility accessibility needs identified in Appendix A.
- The City should thoroughly review the current accessibility conditions of the facilities available for rent and indicate availability of accessible facilities on the rental descriptions.
- Consult the City attorney for any appropriate language in rental agreements about accessibility needs and responsibility for access.
- In situations where private organizations sponsor events in City facilities, the City should encourage private organizations to comply with applicable ADA requirements. The City may want to provide a checklist and information during the application process to inform organizers of their responsibility for accessibility under the ADA, if applicable.
- Ensure that appropriate temporary accessible facilities are provided as needed, including accessible portable restrooms and accessible parking.
- Guidelines or policies should be in place for ensuring that all special events are accessible.

3.9 Ordinances, Design Standards, and Other Documents

Title II entities typically have a number of documents that specify requirements, design standards, and other requirements for construction of various facilities. Often, these documents reference pertinent guidance, such as state DOT, International/State Building Codes, etc. A review of documents that contain, or should contain, provisions related to accessibility was done by searching key words where possible.

Self-Evaluation Findings:

- Review of the “Maryville Land Development and Public Works Standards”, revised date 2/20/2015, and “Standard Detail Drawings” from various years noted the following issues:
 - Large portions of the document are scanned PDF.
 - No definition or mention of ADA standards and guidelines that apply or that all construction within the City must meet ADA requirements.
 - No mention of placing drainage structures outside of curb ramps or crosswalk locations.

- There are several areas where the current standard and/or standard drawing does not adequately address items specifically related to accessibility for persons with disabilities. In some cases, there is inconsistency with the requirements of PROWAG and/or ADASAD.
- There is no mention of providing pedestrian maintenance-of-traffic (MOT) if sidewalks are blocked during construction.
- Review of “Chapter 2 Zoning and Land Use Ordinance” noted the following:
 - The term “handicapped” is used throughout the document when referring to persons with disabilities.
 - References are made regarding consultation of the detailed or technical design requirements and construction specifications with public works standards.
 - Section 14-215 “Streets and Sidewalks”, sub-part (3), provides that “(a) . . . *wheelchair ramps for the handicapped shall be provided at intersections and other major points of pedestrian flow. Wheelchair ramps and depressed curbs shall be constructed in accordance with the International building code, in the current edition otherwise adopted by the city, as enforced by the city building inspector.* (b) *In unsubdivided developments, sidewalk construction for the handicapped shall conform to the requirements of the building code of the City of Maryville.*”
 - Section 14-219 “Parking” makes no mention of the need to provide an adequate number of accessible and van-accessible parking spaces within parking lots.
- Review of the Maryville Subdivision Regulations (amended date September 5, 2018) noted the following:
 - Section 4 “Entrances to Streets”, part (b) notes “*Specifications for driveway entrances shall be in accordance with those standards set forth by the City Director of Engineering and Public Works or his or her designee or in accordance with standards for access control established by the Institute of Transportation Engineers (ITE). The City Director of Engineering and Public Works or his or her designee shall be responsible for application of such standards.*” There is no mention of the need to maintain a compliant sidewalk slope at driveways.
 - Section 12 “Attention to Handicapped in Street and Sidewalk Construction” provides the same statements as Section 14-215 of the Zoning Ordinance.

Recommended Action

- The Engineering & Public Works Department should give consideration to updating the City’s design standards and details to better address ADA requirements. As will be noted later, there are hundreds of locations where driveways have been constructed through the PAR, either during the original construction or subsequent reconstruction. This has resulted in significant compliance issues with the PAR, as the running slopes of the driveway is the cross slope of the PAR. Most driveways have running slopes from 4-6%, which is a significant cross slope and introduces potential tip hazards to wheelchair users of the PAR. There are also many cases where driveways have been constructed with a vertical face at the PAR that exceeds several inches and creates a significant barrier to many wheelchair users and trip hazard to all users. There are also too many new sidewalks and curb ramps that do not meet any standard. The City has acknowledged that updates to the Zoning Ordinance, Land Development and Public Works Standards, and Subdivision Regulations are planned and a high priority.
- For all documents, ensure updates reflect current nomenclature. For example, remove “handicap” and replace with “accessible” or “disability”.
- Provide training for plan reviewers and field inspectors on the requirements of ADA facilities and ensure that design plans meet the standards and construction meets the design plans.
- Provide references to the various ADA standards and guidelines in all documents that reference design and construction.

- Address all the other items noted above to ensure City documents properly and adequately address ADA requirements for all properties in the City.

3.10 Contracted Services and Contractors

Public entities cannot use contract procurement criteria that discriminates against persons with disabilities ([28 CFR 35.130 \(b\)\(5\)](#)). In addition, selected contractors should be held to the same nondiscrimination rules as the City.

Self-Evaluation Findings:

- No discriminatory or exclusionary practices were evident in the selection of contractors and contracted services.

Recommended Action:

- All City contracts should be reviewed to ensure that they include specific, detailed ADA language to ensure that contractors that provide City services to the public comply with the ADA.
- It is recommended that the City consider a means to maintain compliance when contracting for services or when leasing facilities by:
 - Including ADA compliance requirements in new requests for proposals.
 - Reviewing ADA requirements when contracts or leases are negotiated, revised, or renewed.

3.11 Customer Service, Satisfaction, and Input

ADA requires a public entity to provide an opportunity to interested persons and organizations to participate in the self-evaluation process. For three years after completion of the self-evaluation, a public entity must maintain a record of any problems identified ([28 CFR 35.105](#)).

Self-Evaluation Findings:

- Public notices of this SETP process were advertised in the local newspaper and City website.
- No complaints or grievances were reported related to inability to accommodate customers with disabilities or inability of persons with disabilities to access City programs or facilities.
- There were some comments provided in the Public Input Survey related to accessibility of some facilities.

Recommended Action:

- Consider periodic customer satisfaction surveys or gather input from recipients of City services using an alternate method, such as public hearings or focus groups. An additional emphasis should be made to survey individuals with disabilities and organizations representing individuals with disabilities.
- Partner with persons with disabilities, their caregivers, and advocates for the disabled to identify concerns and gather comments on capital improvement projects to improve accessibility to people with disabilities during design.

3.12 Equally Effective Communication

ADA calls for public entities to provide applicants, participants, members of the public, and companions with disabilities with communication access that is equally effective as that provided to persons without disabilities ([28 CFR 35.160\(a\)-\(d\)](#)). The regulations also require that the public entity provide the appropriate auxiliary aids and services where necessary to give people with disabilities an equal opportunity to participate in, and enjoy the benefits of a service, program, or activity of a public entity. The law stipulates that the individuals can request the auxiliary aids and services of their choice and that the City will honor the request

unless a suitable substitute exists or the request is not required under the law. In addition, the City may provide qualified interpreters via video from a remote location as long as it can meet the performance requirements of [28 CFR 35.160\(d\)](#).

Auxiliary Aids and Services

Self-Evaluation Findings:

- No departments stated that they have hired/utilized transcription services and readers.
- The Administration Department has used basic sign language or written notes to communicate with hearing impaired citizens.
- The Council Chambers and Hensley Room have Assistive Listening Devices (ALDs) available but no signage to inform meeting attendees as such.
- The City does not have any known active contracts with interpreters or other service providers to honor requests for accommodation.

Recommended Action:

- The City should provide staff training and information regarding auxiliary aids and effective communication. Encourage staff to offer alternate means to complete transactions and assistance to complete City forms if possible.
- The City should ensure the proper number and type of assistive listening devices are provided in all rooms requiring them (see Facility Summaries in Appendix A). Compliant signage that includes the International Symbol of Access for Hearing Loss should be provided outside of all rooms that provide an Assistive Listening System and Devices. Signs should include guidance on where the devices are located.
- The City should have a complete list of auxiliary service providers, i.e. Braille transcription services, computer assisted transcript, dictation and transcription, American Sign Language (ASL) interpreters, etc.

Interpreter Services

Self-Evaluation Findings:

- No departments indicated use of or requests for interpreters.

Recommended Action:

- The City should consider a City-wide contract for qualified ASL interpreter services that departments could utilize as needed. At a minimum, a list of qualified individuals should be maintained for all potential services that might be required on short notice. The City could also explore the viability of providing qualified ASL interpreters from a remote location and transmitting the disabled participant's response to the interpreter in accordance with [28 CFR 35.160\(d\)](#).
- Interpreters should be provided upon request for accommodations or considered in situations where an interpreter is known or likely to be required.
- Maryville College provides a bachelor's degree program in ASL and could potentially provide students for ASL interpretation as part of the college's Experiential Learning program (www.maryvillecollege.edu/academics/programs-of-study/american-sign-language/).

Telecommunications Devices for the Deaf

Self-Evaluation Findings:

- The telephone directory on the City's website does not identify numbers capable of use with TDD/TTY.

- The telephone directory includes the ADA Coordinator's number.
- Maryville is part of the Blount County Emergency Communication District, which provides emergency 911 service. The 911 phone system includes technology compatible with TDD to communicate with citizens who call and have hearing loss.
- All of the phone systems in Maryville facilities are compatible with TDD/TTY systems.

Recommended Action:

- Consider using the Federal Information Relay Service and publishing the phone number (1-800-877-8339) for TTY/Voice communication. This information could be placed on the recommended website "Accessibility" page.
- Where the City uses an automated answering system for receiving and directing incoming telephone calls, the City should enable this system to provide real-time communication with individuals using auxiliary aids and services, including TTY and telecommunications relay systems ([28 CFR 35.161\(b\)](#)).
- All staff responsible for responding to incoming telephone calls should be trained in the protocol and use of TDD/TTY communications. Information and training should be provided on an ongoing basis.
- The City should develop procedures to ensure that TDD/TTY are maintained in a working and operable condition.

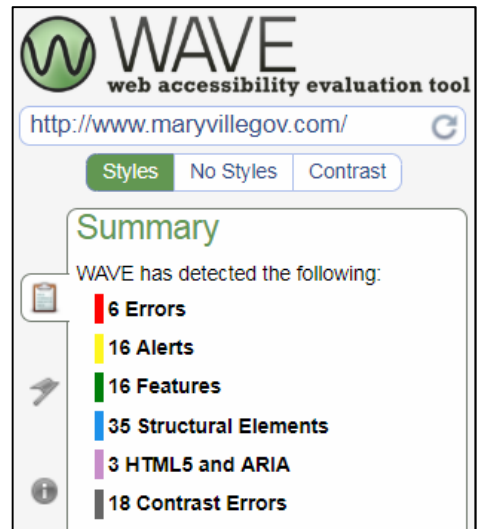
Website

Currently there are no adopted standards for websites that apply to Title II or Title III entities. However, numerous lawsuits have been filed recently, alleging discrimination due to websites not meeting the Web Content Accessibility Guidelines (WCAG), which apply to federal websites. Some decisions that make it to Federal Appeals Courts may be binding to all similar entities in that court jurisdiction. It is very likely that the WCAG will be the enforceable standard for all websites at some point in the future. It is highly recommended that all Title II and Title III entities work towards modifications to websites to meet WCAG sooner rather than later.

Self-Evaluation Findings:

- The City website is <http://www.maryvillegov.com/>. The website includes a number of pull-down menus and links that may be confusing for some people to use.
- The website has the following statement at the bottom of most pages: *"The City of Maryville is committed to providing equal access to City facilities, programs, meetings and services and we do comply with the Americans with Disabilities Act of 1990. In order to assist individuals with disabilities who require accommodations for participation in or access to City programs, services, and/or meetings, the City requests that individuals make requests for these accommodations at least forty-eight (48) hours ahead of the scheduled program, service, and/or meeting. To make arrangements, contact the ADA Coordinator, at (865) 273-3430 or email at adainfo@maryville-tn.gov."*
- Information about ADA is somewhat limited and includes a link to the Title II Policy Statement and Grievance Procedure.
- Consider increasing the advanced notice or requests for accommodation from 48 hours to 3 business days.
- A number of interactive features are included on the website, including payment of property taxes, application for employment, community calendar, links to community and school websites, etc.
- Documents available online in PDF format all appear to be in readable formats.
- Content on the website is inconsistently readable by the screen reader program NVDA. Some documents have paragraphs that read as expected where others provide no immediate program response. Moving the cursor within paragraphs of text sometimes provides the expected NVDA response when placed in the precise position.

- Numerous forms and documents are provided by several departments via the website. Documents provided online do not all appear to be readable by the screen reader program NVDA.
- Running an accessibility check with the Web Accessibility Evaluation Tool (WAVE - wave.webaim.org/) generated the following information (see report for the home page to the right). Some limitations were found, such as low contrast between text and backgrounds (which can be difficult for persons with certain visual impairments to read) but no errors. Limitations included missing alternative text and empty headings, buttons, and links.
- Links to exterior third party and community websites can be found at www.maryvillegov.com/community-links.html. The site includes the disclaimer “Note - the city of Maryville does not maintain the following websites and is providing this list of links as a convenience to citizens looking for information.” Links provided include, but are not limited to:
 - Utility bill and property tax payments (portal.icheckgateway.com/CityOfMaryville/Login.aspx)
 - Blount County GIS maps (blountgis.maps.arcgis.com/apps/OnePane/basicviewer/index.html?appid=38d69f75766040e3b69d72b2e68d20bf)
 - Maryville City Schools (www.maryville-schools.org/)
 - Blount County Government (www.blounttn.org/)
 - Blount County Community Action Agency (www.blountcaa.org/)
 - Maryville-Alcoa-Blount County Parks & Recreation Commission (parksrec.com/)
- The City website links to the City and Police Department Facebook pages (www.facebook.com/MaryvilleCity/) (www.facebook.com/maryvillepolicedepartment/).



Recommended Action:

- The City’s website should be periodically reviewed by the web developer to maintain, update, and monitor website accessibility. When the website is redone, consider simplification in the presentation of the information. Less pulldown menus are desired. Also consider a “Documents” page that includes all documents the public would normally look for. The following may provide useful information:
 - Utilize an accessibility checklist similar to that published by the [Access Board](#).
 - The University of Wisconsin Trace Center (<https://minds.wisconsin.edu/handle/1793/6747>) provides resources and on-line information that might assist the City in development and implementation of an accessible website.
 - The Web Accessibility Initiative (WAI) provides guidance on making websites fully accessible (www.w3.org/WAI/).
 - The International Center for Disability Resources on the Internet (ICDRI) provides information on accessibility (www.icdri.org/section508/index.htm).
 - The [General Services Administration \(GSA\)](#) provides resources on their website for development of compliant websites.
- Ensure that all PDF documents are directly converted to PDF and not a scan of the original document. Scans are not compatible with many reader programs. The IT Department should consider running a test of all documents to be posted to the website to ensure compliance and compatibility with screen readers prior to posting to the website.

- Ensure that non-PDF format documents are properly formatted and usable by screen reader programs. Consider having the IT Department and other staff responsible for web content download NVDA or other commonly used screen reader program to test content (www.nvaccess.org/download/).
- Consider adding to the disclaimer on the Community Links page the statement “*The City of Maryville cannot confirm the accessibility of these websites*”.
- Consider adding a dedicated page for ADA and Title VI information that appears on the main City page. ADA-related website content should include publicity of the statement of ADA compliance, contact information for the City ADA Coordinator, grievance and complaint procedures and form, publication of the self-evaluation and transition plan when completed, an annual list of ADA projects, and a list of the departments that offer TDD/TTY and the phone numbers.

3.13 Alternate Communication Formats

A public entity has a responsibility to provide information in alternative formats to comply with [28 CFR 35.160](#). This section of the ADA requires state and local government entities to communicate effectively with individuals who are deaf, hard-of-hearing, or have a speech, vision, or learning disability. Communication access involves providing content in methods that are understandable and usable by people with reduced or no ability to: speak, see, or hear and limitations in learning and understanding. Some alternative formats can be produced in-house at minimal costs, i.e. large print, disks, and e-mail attachments. Other formats, such as Braille and audio-formats, may need to be produced by a vendor. Alternate communication formats that are likely to be requested include, but are not limited to: audio-formats, Braille, large print, captioned films and video, electronic text/disk/CD-ROM, or sign interpreted films and video.

Self-Evaluation Findings:

- The ADA Coordinator will be the main point of contact for requesting and providing information in alternate formats on a request for accommodation basis and will communicate with other departments as needed.
- No departments stated that they had received requests for documents to be provided in alternate formats.
- Many City departments and offices produce printed information that is distributed and available to the public.
- The City has not been asked to provide written materials and publications in Braille or large print text.
- No departments have a standard procedure to communicate and produce accessible alternate formats for people with disabilities.

Recommended Action:

- The City should provide staff training regarding the requirements of accessible alternate formats, what accessible alternate formats are, and how to provide accessible alternate formats.
- Procedures and methods should be established for the development of accessible alternate formats of documents to ensure that requests are handled in a uniform and consistent manner.
- The City should centralize the production of alternate formats for agendas, publications, and documents, which may result in efficiency and a cost savings.

3.14 Fees and Surcharges

Public entities may not charge a fee or add a surcharge to a fee to cover the cost of making its facilities, programs, services, or activities accessible to persons with disabilities ([28 CFR 35.130\(f\)](#)).

Self-Evaluation Findings:

- There was no evidence of fees charged to individuals *with* disabilities that were not charged to individuals *without* disabilities to access programs, services, and activities.

Recommended Action:

- The City should continue to monitor and review policies and practices to ensure that fees and surcharges are not charged to individuals *with* disabilities that were not charged to individuals *without* disabilities.

3.15 Information and Signage

A public entity is required to ensure that individuals with disabilities are directed to an accessible entrance to a building and to the location and existence of accessible services, activities, and facilities. The ISA shall be used at each accessible entrance of a facility ([28 CFR 35.163](#)). Paragraph (b) requires the public entity to provide signage at all inaccessible entrances to each of its facilities that directs users to an accessible entrance or to a location with information about accessible facilities.

Self-Evaluation Findings:

- Accessible directional and informational signs were not provided at City facilities. Many facilities have only one (1) entrance visible from accessible parking and are not a concern. For facilities with multiple exterior entrances visible from accessible parking, the accessible entrances should be clearly marked with the ISA on the door. Inaccessible or employee-only entrances should have directional signage informing users where the accessible entrances are located (See Appendix A).
- Signage within City buildings varies greatly. Some of the highly trafficked facilities, such as the City Hall, provide compliant signage, but the smaller facilities frequently exhibit non-compliances including the following issues with signs: signage is often missing and/or mounted in the wrong location, signs provided often lack tactile characters and/or Braille or have Braille that is not compliant, etc.

Recommended Action:

- An accessible signing strategy for the non-compliant City facilities should be developed for interior and exterior directional, informational, and permanent room signs.
- Design standards for accessible signs should be created to guide the production and installation of the accessible signs.
- Signage replacement projects should include replacement or installation of accessible signs as required.

3.16 Staff Training

On-going compliance with the ADA can only be achieved if City staff receives training and education about the rights of persons with disabilities and the obligations of public entities and its employees under Title II of the ADA. Although specific training is not required by the ADA, training regarding the requirements of the ADA is strongly recommended to fully understand the City's obligations for compliance.

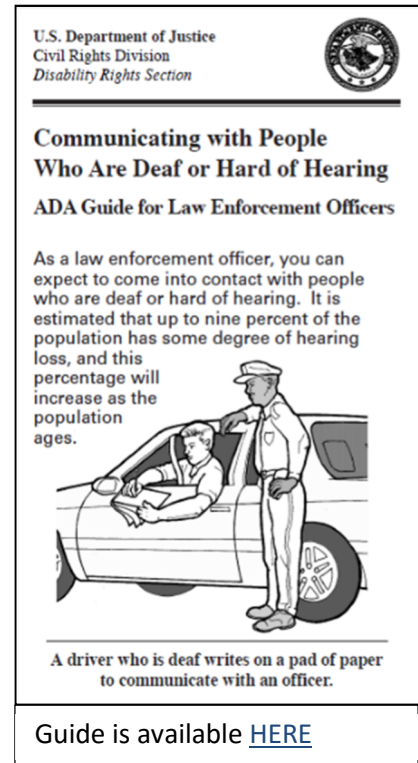
Self-Evaluation Findings:

- The City has sponsored some in-house training on general ADA topics, primarily the sharing of information by staff that attended meetings on ADA topics.
- All Human Resources staff have received training relating to ADA. Examples of the most recent training are the Wimberly Lawson Labor Relations & Employment Law Update Conference in Knoxville, TN on November 2-3, 2017. Other recent training was provided on site by attorney Nathon Rowell on December 13-14, 2017. TML (Loss Control Consultant) presented training on January 12, 2017.
- The City Engineer attended a training on "Transition Plan Development for Title II Entities" in July 2016.

- The ADA Coordinator has not had any specialized training for the position.
- Police Department officers do not appear to receive any specialized training for recognizing or dealing with members of the public that have a disability.
- Several departments suggested in-house education for employees on ADA-related topics.
- Several departments indicated an overall training on disabilities covered by the ADA and responsibilities for accommodation, including planning ahead for accommodation where possible, would be helpful.

Recommended Action:

- The ADA Coordinator and other key staff should consider annual training on various ADA issues relevant to their respective department responsibilities.
- The City should provide training regarding ADA and related civil rights legislation. Suggested training topics include, but are not limited to:
 - Requirements of the ADA for Maryville as a Title II entity
 - Consequences of Non-Compliance
 - Disability Etiquette – a good resource is www.unitedspinal.org/disability-etiquette/
 - Acceptable Terminology and Phrases
 - Grievance/Complaint Procedures
 - Reasonable Accommodations
 - Awareness and Sensitivity
 - Accessible Locations for Meetings
 - Barriers to Access – Programmatic and Physical
 - Auxiliary Aids and Services
 - TDD/TTY
 - Building Evacuation Procedures to Assist Persons with Disabilities, especially in multi-story buildings with public access to upper floors
- Building and engineering inspectors and plan reviewers should be familiar with the requirements of ADA standards and guidelines that pertain to the facilities they are responsible for. This would include ensuring compliance with the most stringent regulation (ADA-specific at a minimum) for City facilities constructed by City or private contractors prior to acceptance or approval.
- Training materials and handbooks should be prepared, if needed, in alternate formats.
- The ADA Coordinator should coordinate additional ADA training for all Department managers and staff who have regular contact with the public.
- It is recommended that Police Department officers receive training annually on ADA accessibility issues related to their activities. Training could include how to interact with people with mental illnesses, addictive disorders, mental retardation, autism, and developmental disabilities, communicating with people who are deaf or hard of hearing (reference www.ada.gov/lawenfcomm.pdf), and developing a policy on the topic as well (refer to www.ada.gov/lawenfmodpolicy.pdf). Review of other guidance should be done as well, including the publication “Commonly Asked Questions About the Americans with Disabilities Act and Law Enforcement” (www.ada.gov/qanda_law.pdf).
- Additional training materials may be made available to officers on “Disabilities and Law Enforcement”, which is available on the U.S. Department of Justice web site (www.ada.gov/policeinfo.htm).



3.17 Emergency Evacuation Procedures

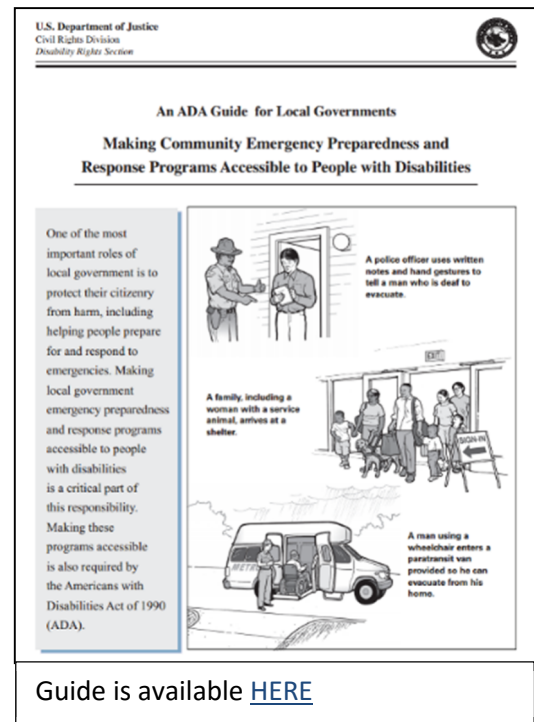
The City is required to establish emergency evacuation procedures to safely evacuate persons with disabilities who may need special assistance in an emergency. These plans and procedures should include identification of assembly locations for persons with disabilities in each facility, staff assigned to ensure that assembly areas are checked prior to leaving buildings during an emergency, identification of assembly locations for pickup and transport of persons with disabilities, and location of accessible shelters to be used for various types of emergencies. Depending on the nature of the emergency, some shelters may not be appropriate.

Self-Evaluation Findings:

- Maryville coordinates emergency responses with the Blount County Emergency Management Agency (EMA). The EMA is responsible for writing, updating, and disseminating the Blount County Basic Emergency Operations Plan (BEOP), Strategic Preparedness Plan, Standard Operating Procedures, Memoranda of Understanding (MOU), and Mutual Aid Agreements. Comments on the BEOP can be found in the Blount County ADA Transition Plan.
- The Blount County Emergency Operations Center (EOC) is the physical location where multi-agency coordination occurs in an emergency. The purpose of the EOC is to provide a central coordination hub for the support of local emergency response activities and is located at 1431 William Blount Drive in Maryville. The alternate EOC site is the Maryville Municipal Building, which may be activated at the discretion of the EMA Director and concurrence of the County Mayor.
- City agencies that provide emergency services coordinators (ESC) to assist with planning efforts include City mayor, Police Department, and City Fire Department.
- There does not appear to be a comprehensive list of homebound clients and group homes that may need additional assistance during an emergency.
- Based on departmental questionnaire responses, it appears that some City facilities have plans in place for special preparation for emergency events, such as pre-determined meeting places, drills, and safety coordinators for each building. At most City facilities, fire escape signage and information on tornado and lockdown procedure is provided but is visual only. Generally, the evacuation routes are identified on a building layout diagram. Established procedures are in place for fire, tornado, or active shooter situations. However, it does not appear departments have established emergency evacuation procedures to specifically address safe evacuation of persons with disabilities.

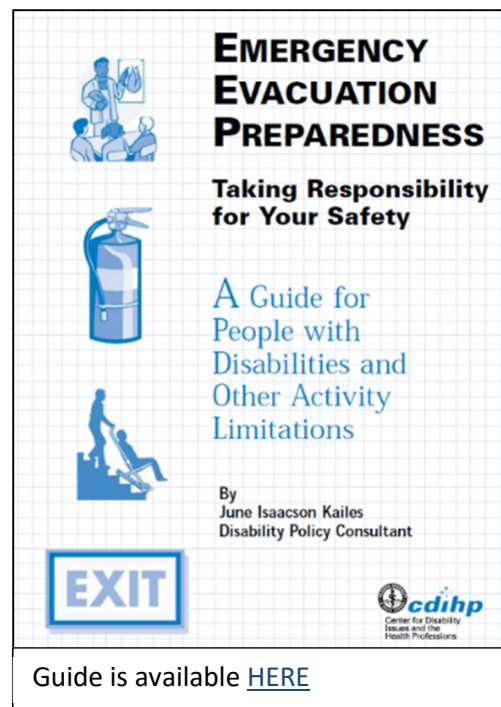
Recommended Action:

- Work with Blount County to address comments on the BEOP provided in the Blount County ADA Transition Plan.
- Revisit emergency plans and signage for each facility. Include guidelines for the evacuation of persons with disabilities for various emergency situations. Verify on a regular basis that each department is aware of what to do when an alarm is triggered; aware of meeting places for assistance and evacuation at staircases; and have identified floor captains who will ensure that each floor is vacated prior to



leaving themselves and ensuring that persons that need assistance are removed to safety or sheltered safely until emergency personnel can evacuate them.

- The City, in conjunction with Blount County, should explore the benefits and cost of one of the web-based emergency management programs/notification systems that are available to enhance communication to the public during an emergency situation.
- Include persons with disabilities and their advocates and caregivers in planning for emergencies.
- City staff responsible for coordination with the Blount County EMA Director should review and complete the Title II Emergency Management checklist at www.ada.gov/pcatoolkit/chap7emergencygmtadd1.htm for additional information about ensuring the BEOP considers persons with disabilities adequately.
- Excellent additional resources can be found at:
 - FEMA
 - www.ada.gov/emergencyprepguide.htm
 - <http://hfcdhcp.org/emergency-preparedness/>
 - onlinepubs.trb.org/onlinepubs/tcrp/tcrp_rpt_150.pdf
 - www.nad.org/resources/emergency-preparedness/
 - www.tn.gov/health/cedep/cedep-emergency-preparedness/tennessee-disaster-support-network/during-a-disaster.html
 - www.tn.gov/health/cedep/cedep-emergency-preparedness/tennessee-disaster-support-network/pre-disaster-planning.html



3.18 Employment

Title I of the ADA requires public entities not to discriminate against persons with disabilities in all parts of the recruitment and employment process ([28 CFR 35.140](#) and [29 CFR 1630.4](#)). It is recommended that employment-related items be discussed with a labor attorney and/or human resources specialist familiar with ADA and case law related to essential job functions, reasonable employee accommodation, and other employment issues. The findings and recommendations below are based on limited knowledge of these issues but warrant mention and consideration to allow the City to further evaluate the need for potential updates and/or changes.

Self-Evaluation Findings:

- The City Human Resources (HR) Department performs functions of human resources by providing services to job applicants, City employees, and retirees.
- The City of Maryville Personnel Rules and Procedures (Revision Date September 2013) includes (note ***emphasis added***):
 - Chapter I, Section A. Purpose: includes the statement, “1) No person in the employment of the City, or seeking employment with the City, shall be employed, promoted, demoted or discharged, or in any way favored or discriminated against because of political opinion or affiliation, race, color, religion, national origin, sex, ***disability***, age or veteran’s or reservist’s status.”
 - Chapter I, Section C. EEO/Affirmative Action Statement states, “It is and shall be the policy of the City of Maryville that all persons seeking employment with and/or employed by the City shall have

- equal employment opportunities, regardless of political affiliation, race, religion, national origin, sex, age, **disability**, genetic information, veteran's status, or any other category protected by law."*
- Subpart 4) further states, *"Ensure that all other personnel actions and attributes of employment to which the employee shall be entitled and given, such as compensation, benefits, transfers, layoffs, return from layoff, training, education, tuition assistance, social and recreational programs, will be administered without regard to political affiliation, race, religion, national origin, sex, age, **disability**, genetic information, veteran's status, or any other category protected by law."*
- Chapter VI-Examinations, Section B. Types of Examinations includes the statement: **"Reasonable accommodations will be made in the examination process to disabled applicants requesting such accommodations."**
 - Chapter VI-Examinations, Section C. Medical Examinations, Post-Offer/pre-employment, includes the statement *"Any prospective employee determined to be unable to successfully perform the **essential functions** tested for in the medical examination shall have their offer of employment by the City withdrawn if they:*
 - 1) **cannot perform the essential functions due to a covered disability that cannot reasonably be accommodated;**
 - 2) *pose a direct threat to themselves and/or others; or*
 - 3) **unable to perform the essential functions due to a temporary condition or disability not protected by the Americans with Disabilities Act."**
 - Chapter VI-Examinations, Section C. Medical Examinations, During employment, includes the statement, *"An employee determined to be physically or mentally unfit to perform the essential functions of the position in which he/she is employed may be demoted in accordance with these rules or be separated from the City service after it has been determined that:*
 - 1) **The employee cannot perform the essential functions due to a covered disability that cannot reasonably be accommodated;**
 - 2) *The employee poses a direct threat to themselves and/or others.*
 - 3) **The employee is unable to perform the essential functions due to a temporary condition or disability not protected by the Americans with Disabilities Act."**
 - Chapter X-General Policies and Provisions, Section A. Harassment Free Workplace includes the following statement: *"Harassment or bigotry based upon sex, race, color, age, **disability**, religion, creed, veteran or reservist status, national origin or any other basis protected by federal, state, or local law, ordinance or regulation will not be tolerated. Harassment of any sort, verbal, physical and visual, will not be tolerated."*
 - Chapter X-General Policies and Provisions, Section A. Harassment Free Workplace, spells out the procedures for filing complaints and process for investigation.
 - Chapter X-General Policies and Provisions, Section L. Reasonable Accommodations/Modified Job Duties states: *"To assist employees who are or become disabled and those employees who suffer on-the-job injuries, the City will make reasonable accommodations to enable such employees to continue performing the essential functions of their jobs."* This section notes there may be limits to accommodations and requires employees to request accommodation from their supervisor and/or Human Resources.
 - Chapter XIII-Grievance Procedure, outlines the process for the filing and resolution of issues regarding employment.
 - A poster entitled "Equal Opportunity is the Law", defining the requirements of Title VII, is located in most City buildings.

- The HR Department web pages include the statement "*The City of Maryville does not discriminate based on race, color or national origin in federal or state approved programs, pursuant to Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d)*"
- The Employment Application includes the statement "An Equal Opportunity Employer" but does not include any statement similar to "*the City of Maryville does not discriminate on the basis of race, color, gender, national origin, age, religion, or disability, in employment or the provision of services.*"
- Job descriptions for positions at the City of Maryville noted the following relevant items:
 - Are dated February 2016 (some are missing the date in the footer) and include the following statement under "Qualification Requirements": "*To perform this job successfully, an individual must be able to perform the essential function satisfactorily. The requirements listed below are representative of the knowledge, skill and/or ability required. Reasonable accommodations may be made to enable individual with disabilities to perform the essential functions.*".
 - All job descriptions include the headings "General Definition of Work", "Qualification Requirements", "Essential Functions", "Knowledge, Skills, and Abilities", "Education and Experience", "Physical Requirements", and "Special Requirements".
 - The information contained in the various headings may not all be in the appropriate location or labeled properly. "Essential Functions" generally lists duties rather than abilities or capabilities that are essential to performance of the job, which are listed under other headings. For example, for 5004-Firefighter/Engineer/EMT, the "Essential Functions" do not include any physical requirements essential to the position and could be interpreted as an initial requirement of the job and not an essential job function for the term of employment in that position.
 - Nearly every job description lists "Physical Requirements" that include functions such as feeling, hearing, talking, standing, walking, etc. Some of these requirements would exclude anyone with some disabilities from being qualified to perform many jobs that do not actually require the ability to meet all these physical demands.
 - Nearly every job description lists "Special Requirements" and includes having a driver's license valid in the State of Tennessee. This would exclude some disabled persons that are not able to physically drive a vehicle or someone with low income that cannot afford a car but is qualified for many jobs.
- A job announcement for Water Plant Technician or Water Plant Operator posted January 18, 2019, includes the information contained on the job description, except the "Physical Requirements" are included within the "General Definition of Work" section. The job announcement includes the statement "Equal Opportunity Employer".

Recommended Action:

- The City should continue to practice the City policies of non-discrimination as required by ADA and other applicable laws.
- Consider including a grievance form that includes all required information consistent with the grievance procedure in the work place.
- Consider additional language regarding the ADA in the City of Maryville Personnel Rules and Procedures, including a dedicated section entitled "ADA Compliance". A basic statement of non-discrimination such as "*It is the policy of the City of Maryville that qualified individuals with disabilities not be excluded from participation in or benefit from the services, programs, or activities of the City. It is the policy of the City of Maryville not to discriminate against a qualified individual with a disability in: job application procedures; the hiring, advancement or discharge of employees; employee compensation; job training; and other terms, conditions and privileges of employment. It is the intent of this organization to comply with all applicable requirements of the Americans with Disabilities Act (ADA).*"

- Add language in Chapter X-General Policies and Provisions, Section L. Reasonable Accommodations/Modified Job Duties to clarify that reasonable accommodation may include: making facilities readily accessible to individuals with a disability, restructuring jobs, modifying work schedules, modifying equipment, or other similar accommodations.
- Members of the public, including individuals with disabilities and groups representing individuals with disabilities, should be encouraged to submit suggestions to the City ADA Coordinator and HR Department on how the City might better meet the needs of individuals with disabilities pursuant to employment policies.
- Employee requests for an accommodation should be required to be submitted in writing on an ADA Reasonable Accommodation Request form. This form should be developed and made available at the HR Department.
- Any employee who believes he/she has received treatment inconsistent with the policies set forth in the policy manual or any other requirement of the ADA, can file a complaint within ninety (90) days of the date of the alleged discriminatory act or practice with the Maryville ADA Coordinator or HR Department.
- Ensure that a poster entitled “Equal Opportunity is the Law”, defining the requirements of Title VII, is located in every City building.
- Add the statement “*The City of Maryville does not discriminate on the basis of race, color, gender, national origin, age, religion, or disability, in employment or the provision of services.*” to all employment applications and web sites advertising the same.
- There is some minor concern about the list of ‘Essential Job Functions’ on some job descriptions. For example, the job description for 5004-Firefighter/Engineer/EMT includes no physical requirements under ‘Essential Job Functions’, those are included under ‘Physical Requirements’. The EEOC defines essential functions as “*the basic job duties that an employee must be able to perform, with or without reasonable accommodation*”. If a Firefighter must be able to perform all of the physical requirements listed, those should reasonably be assumed to be ‘Essential Job Functions’.
- Under “Qualification Requirements”, consider adding the phrase “*Essential job functions include the skills, abilities, and physical requirements listed in the paragraphs below that are essential to the position.*” after the 2nd sentence.
- The City should carefully examine each job description to determine which functions or tasks are essential to performance. Amend as needed to ensure that:
 - ‘Essential Job Functions’ listed are accurate and to the proper level of detail.
 - Ensure ‘Physical Requirements’ for jobs are accurate and reasonable for each job and remove functions that are not required and which could exclude otherwise qualified individuals with a disability.
 - Review which jobs require a valid driver’s license and remove the requirement from jobs that do not, instead substituting the requirement for a valid photo ID.

3.19 Department Self-Evaluation Findings and Recommendations

DLZ distributed a questionnaire to the ADA Coordinator that requested information about various departments, policies, and procedures of the City. This information included departmental specific items to provide information to help DLZ better understand the policies and procedures of each related to ADA understanding, training, and accommodation (see *Appendix C*). DLZ reviewed responses and coordinated clarifications and questions with the ADA Coordinator. The questionnaire also allows DLZ to gain an understanding of how well the person completing the questionnaire understands the obligation to ensure their programs are accessible and how to provide accommodations. Additional inquiries were also made during the facility evaluations. A general summary follows.

Self-Evaluation Findings:

- The City has numerous departments with extensive, daily public interaction both in person and over the telephone.
- No departments responded that the programs offered for persons with disabilities were different in any way.
- The City has an ADA Committee comprised of individuals from several departments. Department liaisons to the ADA Coordinator have not yet been identified for all departments.
- Many departments have publications, documents, and forms that are reviewed, provided, or submitted to them by the public. Many of these documents are completed at office service counters, which are frequently non-compliant (See Appendix A).
- All boards or commissions appear to regularly place an ADA statement on agendas.
- No accommodation requests appear to have been made during public meetings.

Recommended Action:

- Public interactions with persons needing special accommodation due to a disability is likely to occur for all departments at some point. Training should be provided to all departments to review how to accommodate various disabilities and provide the same level of service.
- All departments should have a liaison identified that will interact with the ADA Coordinator and be responsible for ADA compliance in their department.
- Continue to ensure that all programs offered do not segregate customers with disabilities and provide the same type and level of service.
- Ensure that all publications, documents, and forms that are provided to the public can be made available in alternate formats easily. This would include large print versions and electronic versions in multiple file formats. All departments should have an accessible work space or clipboard that can be provided to someone that cannot reach counters that are above required height until such time that counter heights are made compliant.
- All departments evaluated have barriers present, nearly all of which can be addressed by architectural modifications, various methods of equal accommodation, or changes in procedures.
- Funding will be a key component in some instances but many improvements in service to persons with disabilities can be done inexpensively and within a short timeframe.
- The report includes a number of ways that departments can accommodate persons with various disabilities, but circumstances and barriers vary between departments. Training of staff is a key component to knowing how to accommodate and provide equal service to persons with disabilities of all kinds.
- Plan reviewers, inspectors, etc. that review plans and inspect buildings and sites should have adequate knowledge of the applicable standards in ADASAD (and PROWAG for ROW facilities) and special training as needed to ensure compliance with all requirements.

3.20 Facility Self-Evaluation Findings and Recommendations

DLZ performed a self-evaluation of the following City facilities. A comprehensive review of accessibility at all public areas of these facilities was performed consistent with ADASAD. Specific information by facility can be found in Appendix A.

City Facilities (Owned, Leased, or Hosting Programs)

- | | |
|---|---|
| <ul style="list-style-type: none">• Maryville Municipal Center<ul style="list-style-type: none">○ Police○ Fire Station 1 | <ul style="list-style-type: none">• Fire Station 2• Fire Station 3• Animal Shelter• Broadway Avenue Parking Garage |
|---|---|

- Harper Avenue Parking Garage #1
- Harper Avenue Parking Garage #2
- Operations Center/Fleet Maintenance
- Police Impound
- Recycling Centers (2)
- Public Parking Lots (3)
- Wastewater Treatment Plant
- Water Treatment Plant

- Bicentennial Park
- College Hill Park
- Greenway Parking Lots
- Maryville-Alcoa Greenway
- John Sevier Park & Pool
- Pearson Springs Park
- Pet Safe Dog Park
- Pistol Creek Wetlands & Pavilion
- Sandy Springs Park
- Theater in the Park Pavilion/Jack Greene Park

City Parks

- Amerine Park

Recommended General Actions:

- Specific priorities for each facility and corrections needed, with planning level costs, to fully comply with ADA standards are included in the following section of this report and the appendices.
- In some cases, comprehensive costs for alteration of some spaces, especially restrooms, may not be possible due to additional investigation required outside the scope of an ADA self-evaluation. Additional investigations required for spaces that need to be enlarged by removing a wall could include structural review for load bearing, review of plumbing or ductwork in the wall, etc. Appendix A identifies the cost for these items as “TBD”.
- There are many interim fixes that can be implemented immediately to address various deficiencies and provide equal access to all users until permanent solutions are implemented. Other improvements are relatively low cost and should also be considered for implementation in early phases of the Transition Plan. These include:
 - Restripe parking lots to provide compliant spaces and access aisles, with proper signage, at locations closest to accessible entrances at all facilities. When a facility has multiple parking lots, precedence should be given to the lots that have the most use by the public and are closest to facility entrances or amenities. However, all lots that serve an accessible entrance must provide accessible spaces.
 - Develop a master signage plan for all facilities that includes exterior directional signage to accessible entrances and required signage within each facility. Ensure that at least one entrance at all facilities is fully accessible until the required 60% of public entrances can be made accessible and that non-accessible entrances are adequately signed to direct the public to the accessible entrance(s).
 - Work closely with TDOT to ensure that public ROW facilities along state routes within the City, including on-street parking, sidewalks, pedestrian signals, and curb ramps, are compliant, or made compliant, based on maintenance agreements.
 - For objects that protrude inside buildings, either move these items closer to the floor where they are cane detectable, move them outside the pedestrian circulation route in buildings, or place a permanent object that is cane detectable below them. Ensure that vegetation is trimmed so it does not protrude into the path of circulation outside of facilities.
 - Provide a cup dispenser at all interior non-compliant drinking fountains below 48” height at a level location that can be used by anyone at functional drinking fountains, along with a waste container, until a new compliant hi-lo drinking fountain is installed.
 - Develop a lockset replacement plan for all doors that have knobs and/or locks that require grasping and turning to operate. In rooms with doors that have knobs, ensure staff can see into the hallway

in the event someone on the outside cannot open the door. Consider a policy that doors with non-compliant hardware are left open at all times during business hours.

- In rooms with light switches above 48" that are operated by the public, consider installation of occupancy sensors and timer controls for lighting control. The 1991 ADAAG allows up to 54" height, so in many cases this recommendation is not required until the space is altered.
- In areas that have all electrical outlets below 15" and/or above 48", consider mounting a power strip or extension cord to the wall that is accessible within the required height range. This is especially important in today's electronic age, with people often looking to charge their mobile devices.
- Ensure that compliant pedestrian routes exist from parking to the accessible entrances for all buildings. This may entail new construction or reconstruction of existing sidewalks.
- Determine if adjustments can be made to interior door closers to reduce the opening pressure to 5 pounds or less and/or slow the closing time to at least 5 seconds from 90 degrees open to 12 degrees from closure. If this cannot be attained, a new closer will need to be purchased and installed. Closers can also be removed from some doors.
- Review corrective actions needed for at least one accessible set of restrooms for each facility initially and provide signage to direct persons from non-accessible restrooms to the accessible one. Depending on the size and use of a facility, one set may not be adequate and one set per floor or wing may be more appropriate.
- Ensure that all public assembly areas (meeting rooms) have the proper number and types of assistive listening devices available and signage is installed alerting people where they are available.
- Consider automatic door openers at facilities with inadequate space in alcoves, excessive opening force requirements, or closing speeds that are too fast for exterior doors.
- Ensure that all departments that have public contact at service counters with a surface above 34" have compliant work surfaces available for persons to complete paperwork or review documents. A clipboard can be used as an accommodation temporarily until the counter can be altered.
- Move furniture or other obstructions that could be in the way of required clear spaces for persons using wheelchairs, such as door maneuvering spaces, operable parts of various items, etc.
- Lower or install an additional coat hook in each restroom stall and room where coats may be hung on the wall that is at 48" maximum height.
- Consider installation of kick plates and filler strip on the push side of all doors with glass below 10" above the floor to prevent glass breakage by wheelchair users.
- Reposition items in restrooms that are too high, including soap dispensers, mirrors, paper towel dispensers, etc. In some instances, it may be less costly to provide an additional amenity within compliant height (e.g., add a second mirror on different wall, install a second soap dispenser, etc.).

4.0 Self-Evaluation of Pedestrian Facilities within the Public Right-Of-Way – Project Approach

This section of the SETP summarizes the review of existing ROW facilities. The findings and recommendations contained in this section will provide the basis for the implementation of specific improvements for pedestrian access within the public ROW.

Title II of the ADA ([28 CFR Section 35.150 \(d\)](#)) requires that state and local governmental entities develop a Transition Plan specific to curb ramps or other sloped areas at locations where walkways cross curbs. A curb ramp (or sometimes referred to as a curb cut) is a short sidewalk ramp cutting through a curb or built up to it.

Curb ramps are a relatively small but important part of making sidewalks, crossings at intersections, and other pedestrian routes accessible to people with disabilities. The ADA requires state and local governments to make pedestrian crossings accessible to people with disabilities by providing curb ramps ([28 CFR 35.150 \(d\)\(2\); 35.151\(a\), \(b\), and \(i\)](#)). There is no requirement under Title II of the ADA or proposed PROWAG that sidewalks be made accessible or be provided where they are not currently provided. The law stipulates that the public entity provide curb ramps, or other sloped areas where pedestrian walks cross curbs, that are accessible. New construction or alterations would require that non-compliant sidewalks be improved to the extent possible. However, program access, which includes sidewalks, does require that they be included as part of a Transition Plan and be corrected based on priority, constraints, and funding.

It is important to note that there will be many instances where running slopes are discussed at length. Topography in the Maryville and east Tennessee area is highly variable, being at the edge of the Smoky Mountains. There are significant areas where topography makes travel by most persons, but especially those with disabilities, extremely difficult.

4.1 Data Collection and Methodology

The self-evaluation of the City's Public ROW began with a review by the City of available mapping to identify locations of all sidewalks and curb ramps within the City limits. This included approximately 62.5 miles of sidewalk and over 150 intersections.

These pedestrian facilities were then inventoried and assessed using PROWAG, dated July 26, 2011, as published by United States Access Board. Data collection was completed using tablets and applications to record the location of each data collection point, the numerical data, and to correlate the data with a photo of the facility inventoried. The GeoJot+ application by GeoSpatial Experts was used for data collection. The GeoJot+ application provided a platform for the creation of ADA specific attribute lists to track inventory data. Data collection was completed for facilities in place prior to the 2018 construction season. Facilities added after this date should be monitored for compliance by the City at time of construction.

4.2 Database Analysis

Upon completion of the Inventory and Assessment, the data collected was compiled into a summary for each data collection point or location. Throughout the SETP, 'location' refers to a single data collection point. This may be a block, a portion thereof with logical stopping point, such as an alley or area with no sidewalk present, curb ramp, intersection or non-roadway related portion of public ROW. Each location was reviewed for compliance with each criterion required within the PROWAG. A barrier ranking (High, Medium, or Low

priority) was assigned to the location. Each location was then assigned a cost parameter based on the amount of modification or reconstruction required to achieve accessibility.

4.3 Barrier Ranking

The self-evaluation of the public ROW takes into account factors such as level of use, degree to which accessibility is limited, complaints or requests for repair received, and other factors. These factors can be grouped into two categories. **Contributing contextual factors** account for use patterns and distribution in relation to City services, residential zones, schools, and other public services. **Physical Impedance factors** include the actual physical characteristics of the specific right-of-way feature and the severity of the barrier to use.

Contributing Contextual Factors:

- **Areas of High Pedestrian Activity** – High priority areas include areas with high levels of pedestrian traffic. These included, but are not limited to, those areas adjacent to downtown, schools, community centers, churches, public transportation hubs, retail centers, and parks.
- **Areas with a Higher Concentration of persons with disabilities** – High priority areas include senior centers, assisted living communities, and areas adjacent to medical facilities.
- **Areas of High Volume Streets** – High priority areas include the pedestrian facilities along major arterial streets. These are frequently the connectors between residential areas and destinations such as shopping centers, employment, and medical centers.
- **Areas accessing Places of Public Accommodation** – High priority areas include those pedestrian facilities serving local government offices and facilities, such as municipal office buildings, public libraries, and community centers.

Physical Impedance Factors:

- **High priority** – High priority areas include areas with conditions that make travel difficult or impossible for the independent pedestrian and affect the ability of persons with disabilities to access or use a facility or program, or are generally hazardous for any pedestrian. These include, but are not limited to, missing curb ramps, steep slopes (especially cross slopes), changes in level over 1", and fixed obstructions limiting vertical and horizontal clearance, trip hazards, and major protrusions.
- **Medium priority** – Medium priority areas include areas with conditions that make travel moderately difficult, but passable and affect the quality of usage for persons with disabilities to a greater extent than that afforded the non-disabled. These include, but are not limited to, moderate deviations in running and cross slopes, changes in level ½" to 1", obstructions that allow tight passage, landing and PAR width deviations.
- **Low priority** – Low priority areas include areas with conditions that deviate from codes and standards but alternative means of use may be available to provide equal access or opportunities. In low priority areas, conditions may be an inconvenience, but neither travel nor safety is greatly impacted. These areas allow significant usability and independent travel is possible in most cases. These included, but are not limited to, minor deviations in running and cross slopes, changes in level, landings and PAR width deviations, and presence of standard elements such as detectable warnings not in compliance with guidelines.

4.4 Additional Right-Of-Way Elements

Additional elements that may be encountered during right-of-way evaluation include site furnishings, accessible pedestrian signals, transit stops, roundabouts, marked or metered on-street parking, and rail crossings. Pedestrian signals and on-street parking were assessed in detail (see more this section). Other features were assessed and included in the sidewalk evaluation described above, specifically excluded as part of the scope of this project (e.g., transit stops), or were not present (e.g., no at-grade railroad crossings with pedestrian facilities were found).

Site furnishings included benches, bicycle racks, and trash receptacles primarily in the downtown area along Broadway Avenue. All site furnishings observed complied with reach range and clearances and did not obstruct the PAR. Furnishings should be located on an accessible route, provide clear level ground space for approaches and wheelchair parking adjacent to benches, and meet reach range requirements for any operable parts, such as trash receptacle flaps.

Accessible Pedestrian Signals

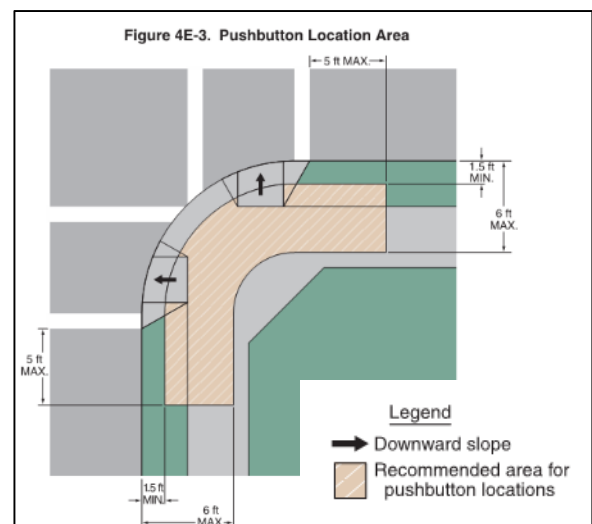
Pedestrian signals were not included in the 1991 or 2010 ADA Standards, but are addressed in the 2011 PROWAG and the previous draft documents from 2005 and 2002. This document also incorporates by reference sections of the 2009 Manual on Uniform Traffic Control Devices (MUTCD). Note that per R209.2 of PROWAG, existing pedestrian signals shall comply with the referenced sections of MUTCD only when altered, specifically when the signal controller and software are altered, or the signal head is replaced.

Requirements:

According to PROWAG, ‘An accessible pedestrian signal and pedestrian push button is an integrated device that communicates information about the WALK and DON’T WALK intervals at signalized intersections in non-visual formats (i.e., audible tones and vibro-tactile surfaces) to pedestrians who are blind and have low vision.’ Per R209, ‘where pedestrian signals are provided at pedestrian street crossings, they shall include accessible pedestrian signals (APS) and pedestrian push buttons complying with sections 4E.08 through 4E.13 of the 2009 Manual on Uniform Traffic Control Devices (MUTCD)’. When the City plans infrastructure improvement projects where new pedestrian signal construction or alterations of existing pedestrian signals including signal controller, software, or signal head replacement occurs, accessible pedestrian signals must be provided.

To determine compliance of existing pedestrian signals with Sections 4E.08 through 4E.13 of the MUTCD, the following characteristics were evaluated. Note that not all existing pedestrian signals are required to meet these standards at this time but were evaluated to these current standards.

- Function: Per MUTCD, accessible pedestrian signal detectors may be pushbuttons or passive detection devices. At accessible pedestrian signal locations where pedestrian pushbuttons are used, each pushbutton shall activate both the walk interval and the accessible pedestrian signals.
- Location: On an accessible route and there is an adjacent level clear space to the push button.



- Distance from curb: Between 1.5' and 6' from edge of curb, shoulder, or pavement, 10' max if impractical.
- Distance from crosswalk: Between edge of crosswalk line farthest from intersection to 5' max. beyond.
- Distance between pushbuttons: 10' min. separation where two are provided on the same corner, if less, special provisions apply.
- Height and orientation of pushbutton: Face parallel to crosswalk to be used, height of approx. 42" with 48" max. ht.)
- Pushbutton Operating Force: 5 lbs. max.
- Pedestrian pushbuttons shall be a minimum of 2 inches across in one dimension and shall contrast visually with their housing or mounting.
- Audible WALK Indications: Percussive tone if pushbuttons are separated by at least 10'; speech message if less.
- Vibrotactile Arrow: Located on the pushbutton, have high visual contrast (light on dark or dark on light), shall be aligned parallel to the direction of travel on the associated crosswalk, and vibrates during walk interval.
- Locator Tone: duration of 0.15 seconds or less repeating at 1-second intervals, intensity responsive to ambient sound, and be audible 6 to 12 feet from the pushbutton, or to the building line, whichever is less.
- Pushbutton Signage: Signs shall be Integral and adjacent to pushbuttons and include a tactile arrow aligned parallel to the crosswalk direction. The arrow shall be raised 0.03 inches minimum and shall be 1-1/2" inches minimum in length. The arrowhead shall be open at 45 degrees to the shaft and shall be 33 percent of the length of the shaft. Stroke width shall be 10 percent minimum and 15 percent maximum of arrow length. The arrow shall contrast with the background.
- Pilot Light: If provided, illuminated only at activation, remain illuminated until WALK signal indication is displayed, accompanied by speech message to 'WAIT'.

Self-Evaluation Findings:

- A total of 22 intersections had pedestrian signals. All include pushbuttons, with none having passive detection.
- None of the pedestrian signals have been installed or altered recently and do not meet all of the current standards.
- Some pedestrian signal pushbuttons evaluated were not located on an accessible route and many provided a clear space of less than 48" and/or exceeded 2% max. slope.
- A majority of pushbuttons were non-compliant for distance from curb.



Example of required signage, tactile arrow, and audible functions



Example of non-compliant pushbutton operable parts (met previous standard)



Example of pushbuttons on shared pole

- Nearly all locations with more than one crossing direction had pushbuttons located on the same pole.
- Most locations had signage present but few were compliant with current requirements.
- All pushbuttons met the requirement for less than 5 lbs. of operating force. Only 1 was located above the maximum height of 48". A few older units with small recessed buttons do not meet current requirement for operable parts to be operated with a closed fist and/or being 2" minimum in diameter.
- No tactile arrow was provided at most pushbuttons. No pushbuttons included vibrotactile pushbuttons.
- Not all pushbuttons were 2" min. diameter and some were located outside the 36-48" height required by MUTCD.
- Locator tones were provided at very few locations. Of those with locator tones, all were audible within the required 6'-12' range.
- No audible walk indicators were provided at any location.
- Pilot lights illuminated until walk and provided WAIT message at all locations with signal heads.



Example of pushbuttons that are not located on an accessible route.

Addressing the Issue:

- As the City plans infrastructure improvement projects where new signal construction or alterations including signal controller, software, or signal head replacement occurs, accessible pedestrian signals must be installed that meet the applicable standard at that time. Until that time, consider addressing the following items:
 - Provide sidewalks and/or replace sidewalks adjacent to pushbutton locations to provide a compliant size and level clear space.
 - Relocate pushbutton poles or reconfigure to separate freestanding poles as needed to address separation and relative location issues.
 - Replace or adjust pushbuttons that require excessive force to operate and/or are outside the 36"-48" height required.

Costs are difficult to assess given unknowns about the ability to move wiring for pushbuttons, presence of conduit under pavement, etc. It is likely that the cost for the minor items noted as interim measures would be \$800-1500 per crossing. Given the total number of approximately 79 crossings, the total cost would likely exceed \$100,000 for the interim improvements. Costs for complete upgrades to current MUTCD standards are also difficult to determine, since the costs for controllers, signal heads, items that can be reprogrammed and reused instead of being replaced, etc. cannot be determined with the information available. Installation of a new accessible pedestrian signal can easily exceed \$50,000 each, and significantly more if extensive re-wiring and installation of poles and posts is required. See Appendix B for the pedestrian signal inventory data by location.

On-Street Parking

Requirements:

Per R214 of the PROWAG, *'where on-street parking is provided on the block perimeter and the parking is marked or metered, accessible parking spaces shall be provided. Accessible parking spaces should be located where the street has the least crown and grade and close to key destinations (R309.1).*

Where width of sidewalk or available ROW exceeds 14', an access aisle shall be provided at street level the full length of the parking space and shall connect to a pedestrian access route. Access aisle shall comply with R302.7 and shall not encroach on vehicular travel lane. An access aisle is not required where width of adjacent ROW is less than or equal to 14'. Where an access aisle is not provided, the parking spaces shall be located at the end of the block face (R309.2). Where perpendicular or angled parking is provided, an access aisle 8' wide minimum shall be provided at street level the full length of the parking space and shall connect to a PAR (R309.3). Where accessible parking is provided at angled parking, it is also recommended that the access aisle be located on the passenger side to facilitate deployment of a lift from the vehicle.

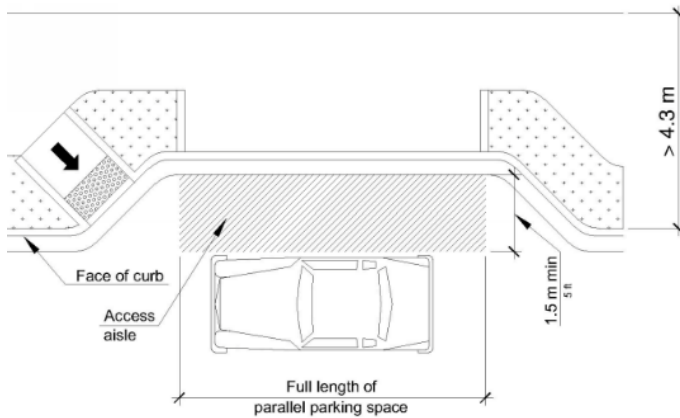


Figure R309.2.1
Wide Sidewalks

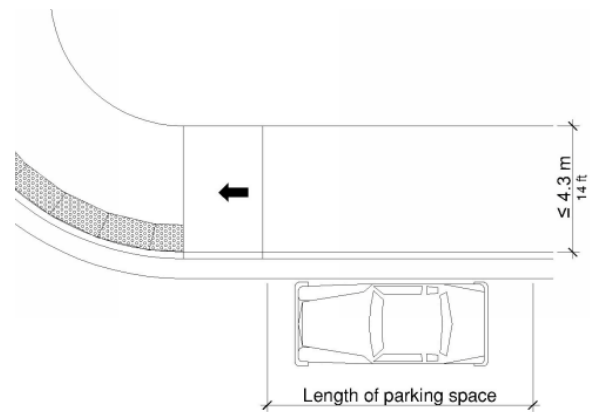


Figure R309.2.2
Narrow Sidewalks

Parking space identification signage is required per R211.4 of PROWAG; pavement markings are not required nor are they a compliant substitute for a sign. Signs are required to meet the requirements of R411 and include the ISA. Signs should be located 60" minimum to bottom of sign if not located on pedestrian circulation route, with 80" minimum from finish grade provided if along pedestrian circulation route to avoid protruding objects. For parallel parking, they should be located at the head or foot of the parking space per R211.4. It is important to note that there is no differentiation between van-accessible and other accessible spaces as is the case outside the ROW. Requirements for all accessible spaces are the same, which are essentially all van-accessible but signage does not require any special placard.

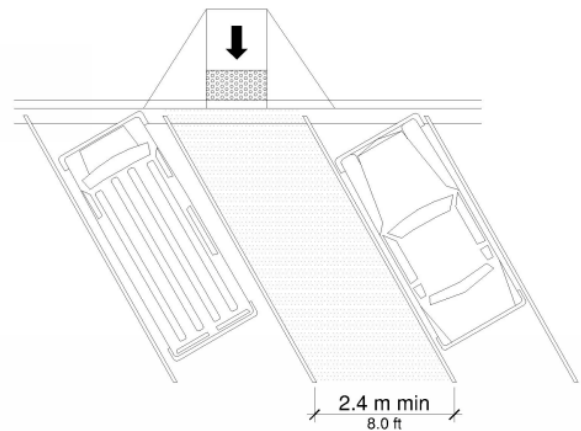


Figure R309.3
Perpendicular or Angled Parking Spaces

On-Street Parking Self-Evaluation Findings:

Marked on-street parking within Maryville is located mainly in the downtown area and near Maryville High School. There are some locations where parking is partially located in the ROW but the parking is obviously not intended for use by the public. These locations were not included in the assessment as they were not deemed to be on-street parking. An example is the NW side of Patton Street, where perpendicular parking is partially located against the face of the CBBC Bank building, but not all the parking is in the ROW and signage indicates that the parking is for bank customers only. Throughout many other areas of the City, on-street parking is allowed but not marked or metered, and therefore not required to include designated accessible

spaces. There are also some locations that allow parking during restricted hours only and are typically marked for no parking. The locations that designate parking spaces are included in the counts.



Photo of restricted hours parking on E. Broadway Avenue. Spaces that are hatched out allow on-street parking only during limited days and/or hours. These locations were included in block face counts only if parking spaces are delineated within hatched area as is done at this location.



Photo of typical angled parking, located on Court Circle. No accessible spaces provided.

Marked parking within the City consists of both parallel and angled parking on parts of 20 blocks. Counts were taken on each block face where marked parking is provided to determine the number of parking spaces required. Most blocks have only 1 or 2 streets that have marked on-street parking. Currently, there are no on-street parking spaces designated as accessible of the 359 marked spaces. Since there were no accessible spaces provided, no detailed evaluations were completed to determine compliance of slopes at existing parking locations. Per the parking counts, the City needs to provide a total of 25 accessible on-street parking

spaces to be in compliance. Parking requirements are calculated on and required to be provided on a per block face basis. The location of accessible on-street parking will need to be thought out carefully to ensure compliance with slope requirements and that access is provided to the PAR. The angled spaces are required to either be adjacent to a corner curb ramp or provide a dedicated curb ramp at the access aisle that provides direct access to the PAR. The location of proposed on-street accessible spaces should also consider the highest volume user destinations or specialty destinations that disabled pedestrians may need to access. In some cases, there may be opportunities to relocate required spaces from a block to one in the same vicinity if it can be justified as reducing the travel distance for a pedestrian. See the On-Street Parking Spaces exhibit in Appendix B for specific counts and locations.

Addressing the Issue of On-Street Parking:

Providing spaces may be as simple as providing pavement markings and signage. Other areas may require regrading and repaving of the parking space to meet slope requirements, and/or installation of accessible curb ramps where none is provided adjacent to the proposed space. It is important to evaluate the highest use destinations in the downtown and spaces closest to the high school to determine the most desired location for accessible on-street spaces that can meet slope and curb ramp access requirements. If the most desired location is not able to provide compliant slopes, which is likely the case in many areas, the accessible on-street parking spaces should be located as close as possible to the desired location.

Each block faced surveyed should be analyzed to determine the most logical placement of the required parking spaces. Priority should be given to those areas serving local government offices and facilities and highly used retail and commercial places and placed to offer the shortest accessible route to such services. In some cases it may be beneficial to relocate required spaces to nearer higher use facilities rather than distribute the spaces throughout the block.

4.5 Future Improvements

While the ADA does not require pedestrian facilities in the absence of a pedestrian route, it does require that pedestrian facilities, when newly constructed or altered, be accessible. Pedestrian facilities would include, but not be limited to, sidewalks, curb ramps, pedestrian signals, and site furnishings. The previous sections of this SETP addressed those facilities already existing. The focus of this section is on future construction and connection of existing corridors.

While many City construction projects do include pedestrian facilities, not all project areas are suitable for pedestrian use. As such, the following publications could be used as a guide to determine the appropriateness of pedestrian facilities in any given corridor. Any future requests for pedestrian facilities necessitate an assessment of current conditions and needs in order to be considered for implementation.

Per the policy statement in FHWA's [Accommodating Bicycle and Pedestrian Travel: A Recommended Approach](#), "bicycle and pedestrian ways shall be established in new construction and reconstruction projects in all urbanized areas unless one or more of three conditions are met:

- *Bicyclists and pedestrians are prohibited by law from using the roadway. In this instance, a greater effort may be necessary to*

'The challenge for transportation planners, highway engineers and bicycle and pedestrian user groups, therefore, is to balance their competing interest in a limited amount of right-of-way, and to develop a transportation infrastructure that provides access for all, a real choice of modes, and safety in equal measure for each mode of travel.'

(Excerpt from FHWA's *Accommodating Bicycle and Pedestrian Travel: A Recommended Approach*)

accommodate bicyclists and pedestrians elsewhere within the right of way or within the same transportation corridor.

- *The cost of establishing bikeways or walkways would be excessively disproportionate to the need or probable use. Excessively disproportionate is defined as exceeding twenty percent of the cost of the larger transportation project.*
- *Where sparsity of population or other factors indicate an absence of need.”*

From the FHWA’s publication, **‘Bicycle and Pedestrian Transportation Planning Guidance’**, an assessment might include the following:

- Determination of current levels of use for bicycling and walking transportation trips, and current numbers of injuries and fatalities involving bicyclists and pedestrians.
- Evaluation of the existing transportation infrastructure (including on- and off-road facilities) to determine current conditions and capacities and to identify gaps or deficiencies in terms of accommodating potential and existing bicycle and pedestrian travel.
- Identification of desired travel corridors for bicycle and pedestrian trips.
- Examination of existing land use and zoning, and the patterns of land use in the community.
- Basis of the need for modifications to the transportation system through surveys, origin destination studies, public input, or other data collection techniques.

(A complete listing of recommended considerations can be found at https://www.fhwa.dot.gov/planning/processes/pedestrian_bicycle/)

5.0 Self-Evaluation of Pedestrian Facilities within the Public Right-Of-Way – Sidewalk Inventory

This section of the SETP summarizes the review of current sidewalks within the public ROW. The findings and recommendations contained in this section will provide the basis for the implementation of specific improvements to accessibility on City sidewalks. A total of approximately 62.5 miles of City sidewalk was assessed.

5.1 Pedestrian Access Route

Per R105.5 of PROWAG, ‘a pedestrian access route is a continuous and unobstructed path of travel provided for pedestrians with disabilities within or coinciding with a pedestrian circulation path.’ R204.2 adds that ‘A pedestrian access route shall be provided within sidewalks and other pedestrian circulation paths located in the public right-of-way. The pedestrian access route shall connect to accessible elements, spaces, and facilities required by section 206.1 of appendix B to 36 CFR part 1191 or section F206.2.1 of appendix C to 36 CFR 1191 that connect building and facility entrances to public streets and sidewalks.’ R204.3 and R204.4 note that pedestrian street crossings and pedestrian overpasses and underpasses are considered part of the pedestrian access route.

Per the Technical provisions of the PROWAG, the PAR consists of multiple elements that are listed in R302.2, which must meet the following general criteria:

- R302.3 Continuous Width
- R302.4 Passing Spaces
- R302.5 Grade (Running Slope)
- R302.6 Cross Slope
- R302.7 Surfaces

Within the following text, ‘location’ refers to a single data collection point. This may be a single block face, a portion thereof with logical stopping point, such as an alley or area with no sidewalk present, or non-roadway related portion of public ROW. Percentages and numbers shown should not be interpreted as a quantity of infrastructure. Likewise, compliance for one criterion does not indicate compliance for all criteria.

5.2 Width

Requirements:

Per R302.3, the continuous clear width shall be 4’ minimum exclusive of the width of curb, with 5’ width required at all medians and pedestrian refuge islands. Five feet of width is preferred, as when the clear width



is less than 5', passing spaces must be provided every 200' maximum. This provides greater flexibility to the pedestrian to accommodate changes in direction, passing movements, and turning space.

Most sidewalks within the City were 4' or greater. In most instances, walks were 5' in width. Some 4' wide sections exceed 200' of length with no passing space available. Issues observed that reduced the sidewalks to less than 48" minimum included overgrown turf and obstructions.

Addressing the Issue in Future:

- As part of the City's long-term plan for addressing sidewalks, work with owners of obstructions to either have them removed or investigate the feasibility of providing a compliant width PAR around obstacles. Also encourage homeowners to maintain vegetation that overhangs the PAR.
- Five feet should be considered for all new sidewalk construction, and is required by City engineering standards.

5.3 Grade (Running Slope)

Requirements:

Per R302.5, the grade (running slope) of the sidewalk PAR shall not exceed 5% or the grade of the adjacent street if the street is over 5%. The second part of this requirement that was included in the 2011 PROWAG is significant for many communities, including Maryville. There are significant areas of the City that have streets with a running slope that far exceeds 5%. Without this provision in PROWAG, the amount of non-compliance of the PAR would increase dramatically due to running slope issues.

Within the City, there were several locations over 5% maximum running slope or exceed the running slope of the adjacent roadway. Often these areas of excessive running slope are limited and have other non-compliance issues. There are limited areas where the excessive running slope was implemented to minimize sidewalk replacement at driveways and provide a ramp on each side.

Addressing the Issue:

For areas with excessive running slopes, potential solutions may include:

- Lowering grade, which may require sections of curbing or other retaining structure to keep the limits within the public ROW.
- Removing and regrading adjacent shallowly sloped panels to spread the slope over a greater run and achieve a more even, compliant slope throughout.

5.4 Cross Slope

Requirements:

Per R302.6, the cross slope of the sidewalk PAR shall be 2% maximum. Exceptions to this rule occur only at pedestrian street crossings without yield or stop control or midblock crossings.

During the evaluation, it was noted that nearly all blocks exhibited some level of non-compliance for cross slope. While this included some areas with minor deviations that may not be compliant but are ultimately highly useable, a majority of the issues are often severe. The most significant issue is driveways. The transition along the PAR at most driveways accommodates the driveway without consideration of the resulting cross slope of the PAR. Most driveways are built through the sidewalk, with a severe cross slope presented to pedestrians crossing the driveway. In many instances, a vertical level change (curb) is

constructed at the edge of the sidewalk in an apparent attempt to not have to perform work on sidewalk panels adjacent to the driveway. Construction details provide relatively little guidance to contractors on ensuring a minimum 48" wide, level PAR is maintained through the driveway.



Examples of driveway transitions at the PAR that introduce severe cross slopes and/or vertical elevation changes.

Addressing the Issue:

For areas with cross slopes of over 2% that are not due to incorrect driveway construction, potential solutions may include:

- Lowering the sidewalk grade.
- Removing and regrading adjacent tree lawn to achieve a compliant slope throughout.

In locations where the cross slopes issues are more extensive and due to numerous driveway issues, the only option is reconstruction of the PAR through the driveway. The slope of the driveways needs to be considered in the design and construction of the driveway to ensure not only that the PAR cross slopes are maintained at 2% or less but also that the driveway slopes are not as severe. This may require detailed investigations at locations with steep driveways to ensure vehicle transitions are able to be negotiated without scraping bottom.

5.5 Changes in Level / Surface Condition

Requirements:

Per R302.7, the surface of the PAR shall be firm, stable, and slip-resistant. Grade breaks shall be flush. Vertical surface discontinuities (changes in level) shall be $\frac{1}{2}$ " maximum with those between $\frac{1}{4}$ " and $\frac{1}{2}$ " being beveled at a slope not steeper than 50% across the entire discontinuity. Horizontal openings, such as grates and

joints, may not exceed $\frac{1}{2}$ ". Elongated openings should be placed perpendicular to the dominant direction of travel. During the evaluation, surface condition was evaluated for damage from cracking and spalling.

In general, sidewalks within newer subdivisions are relatively free of cracks, spalling, and displacements. Sidewalks in the Downtown and surrounding areas tended to be older and exhibit more surface condition concerns. In most areas that exhibited issues with displacements, surface condition, or changes in level there were other issues (e.g., cross slope). In some areas brick pavers comprise the material for the PAR. Brick pavers are a compliant surface but tend to have differential settling or heaving over time. Tree roots are a common issue that causes heaving of sidewalks but that was surprisingly uncommon in the City.



Examples of displacements, separations, and pavement in poor condition and brick paver sidewalk in need of maintenance.

Addressing the Issue:

Changes in level and surface condition are a common problem as infrastructure ages. These issues tend to be worse in more temperate areas that have extremes in temperature that cause heaving and where excessive salt use affects the surface. Temporary fixes of high hazard areas can be implemented to promote the safety of all users while long-term solutions are set into action. Public input is particularly important in locating hazardous areas as they occur since issues can occur at any time. In general, the following solutions can address changes in level and surface condition. It may be helpful to set up a protocol for public reporting of such areas.

Level Changes

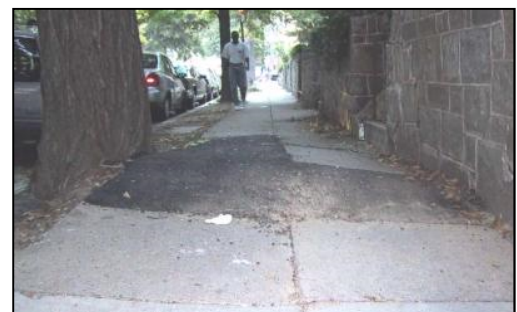
- Temporary placement of concrete or asphalt to ramp from adjacent panel where level changes are severe
- Grinding the edge at surface level changes of up over $\frac{1}{2}$ " to achieve allowable bevel
- Replacement of concrete sidewalk panels
- Where right-of-way is available, route sidewalks around large trees to avoid further heaving
- Consider replacing brick pavers with stamped concrete that is colored to give the same appearance

Surface Condition

- Replacement of damaged concrete sidewalk panel



Grinding of small displacements



Temporary patching for large displacements

- Minimize use of salt and other compounds that can affect surface condition of pavements
- Maintenance to keep free of vegetation and debris

5.6 Obstructions, Protrusions, and Utility Considerations

Requirements:

Per R402.2, protruding objects are those objects with leading edges more than 27" and not more than 80" above the finish surface which protrude more than 4" horizontally into pedestrian circulation paths. Per R210, street furniture and other objects may not reduce the minimum clear width of the PAR. These items would be considered an obstruction of the continuous clear width provided.

Obstructions typically include light and utility poles, newspaper and mail boxes, vegetation, signs, hydrants, and site furnishings. Other barriers include, but are not limited to, manholes, valve covers, open grate castings, and access boxes.

These conflicts are generally classified as vertical displacements and slip hazards. There are many areas where vehicles in parking lots abut the PAR.

Most parking lots do not have curbing or bumper blocks that restrict the vehicles from overhanging the PAR and reducing it to less than 48" width.

Obstructions can also be temporary in nature, including trash and recycling containers that are placed weekly at the curb on the PAR, cars in residential driveways, and chairs and tables for outdoor dining outside of businesses.

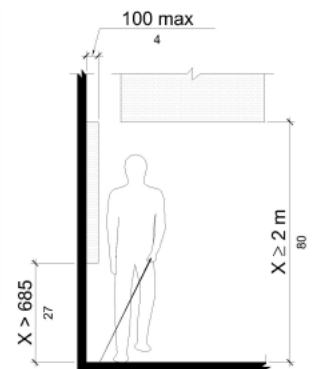
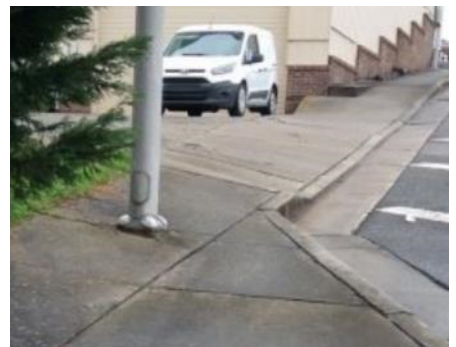


Figure R402.2
Protrusion Limits



Temporary obstructions include cars in parking lots overhanging the PAR, trash and recycling containers, and outdoor dining tables and chairs.



Examples of obstructions of the PAR that reduces the width to less than 48".



Examples of utility structures along the PAR that can present issues for disabled users.

There were a number of locations that exhibited protrusions, with most due to vegetative overgrowth.

Addressing the Issues:

Moveable obstructions may include furniture, signage, parked cars, and trash and recycling containers. These items may be addressed by enactment and/or enforcement of ordinances regarding their placement. Some communities have opted to include within their design standards a requirement to ensure parking on commercial sites does not overhang the PAR. Others have enacted ordinances to prohibit blocking the PAR, both within private parking lots as well as in residential areas where objects are often placed in a manner that blocks the PAR. Implementation of an ordinance restricting parking within public sidewalks may help prevent parking obstructions, particularly in residential areas but needs to be enforced. Similar restrictions on location of trash bins for pickup could be developed. Education of residents of the importance of maintaining a clear PAR is essential to the success of the issues being addressed. Vegetative obstructions and protrusions can be managed with routine maintenance and by encouraging homeowner participation in maintaining a clear ROW.



Example of overgrown vegetation that reduces the PAR width to less than 48".

Fixed obstructions may be costly to address as they generally occur with utilities and may require relocation or purchase of right-of-way from adjacent landowners. For these items, a work-around solution is often preferred. These may include widening a small portion of sidewalk where possible or providing an equivalent alternate route. Providing a narrow area of tree lawn between the curb and sidewalk can assist by providing an area for items such as signs and mailboxes to be placed without obstructing the PAR and can also assist with resolving issues for temporary items like trash and recycling containers.

5.7 Overall Compliance

The information above is useful in identifying trends in the deficiencies as a means to prevent them from occurring in new construction. However, the goal of this Transition Plan is to list the physical barriers in the City's ROW facilities that limit the accessibility and, therefore, it is necessary to look at each location as a whole to determine overall compliance in order to provide a detailed outline of the methods to be utilized to remove these barriers and make the facilities accessible. All solutions offered address only the criteria

indicated. Complete reconstruction may be required where multiple compliance issues are involved. See *Appendix B* for data reports.

5.8 Sidewalk Barrier Ranking Analysis

The City's self-evaluation of the public ROW takes into account factors such as level of use, degree of danger posed, complaints or requests for repair received, and other factors and are grouped into two categories – Contributing Contextual Factors and Physical Impedance Factors. These categories are further defined in Section 4 of this report.

Self-Evaluation Findings:

Based on the data collected, a percentage of replacement required was calculated for each data location. This percentage was then applied to the linear footage of that data collection area and multiplied by the approximate cost of sidewalk replacement (in 2018 dollars). Based upon these calculations, the following table illustrates the estimated value of improvements required to make all sidewalk facilities accessible. The evaluation resulted in finding over 90% of sidewalk locations in the City being out of compliance overall. Even though not all panels of sidewalk are non-compliant, the actual amount of reconstruction likely to occur will require the small areas that compliant to be included within projects since it is typically more costly to do selective sidewalk reconstruction over reconstruction of entire sections with logical endpoints.

The amount of Low Priority sidewalk is quite low, as there are such extensive areas where accessibility is limited due to primarily cross slopes and driveway issues discussed above. The City should closely evaluate the cost implications vs. the increase in accessibility in regards to corrections to these highly usable areas. A percentage of the Low Priority items are due to minor cross slope deviations, but are otherwise in excellent condition. The High Priority areas typically have significant areas along each block face that have issues that severely limit accessibility, again being primarily cross slopes and driveway issues, especially where vertical curbs exist that prevent PAR users from even crossing the steep driveways. Note that the costs provided do not include costs for ROW purchase, easements, appraisals, surveying, design, etc. and it is very likely that actual costs of the program will vary based on a number of factors. See *Appendix B* for data reports.

Table 5.1. Summary of Sidewalk Costs.

Sidewalk Summary	
Low Priority Sidewalk	\$178,741
Medium Priority Sidewalk	\$8,076,189
High Priority Sidewalk	\$2,799,629
Total Estimated Sidewalk Improvement Costs	\$11,054,560

6.0 Self-Evaluation of Pedestrian Facilities within the Public Right-Of-Way – Curb Ramp Inventory

This section of the SETP summarizes the review of current curb ramps within the public ROW. Curb ramps are an essential facility within the public ROW that allows for continuation of the PAR at street crossings. ADA regulations require that a curb ramp be provided at intersections where a PAR is present. The requirements for curb ramps, as contained in R304 of PROWAG, include standards for running slope (1:12 or 8.33% maximum), cross slope (1:50 or 2% maximum), width (48" minimum), presence of landings and/or turning spaces (TS), clear spaces, grade breaks, and detectable warnings (DW).

PROWAG includes within R207.1 the provision that *'A curb ramp, blended transition, or a combination of curb ramps and blended transitions complying with R304 shall connect the pedestrian access routes at each pedestrian street crossing. The curb ramp (excluding any flared sides) or blended transition shall be contained wholly within the width of the pedestrian street crossing served.'* R207.1 essentially requires a dedicated curb ramp be provided for each direction of street crossing for all new construction and alterations, with the exception in R207.2 that *'alterations where existing physical constraints prevent compliance with R207.1, a single diagonal curb ramp shall be permitted to serve both pedestrian street crossings.'*

The findings and recommendations contained in this section will provide the basis for the implementation of specific improvements to accessibility on City curb ramps. Approximately 871 data collection locations were evaluated. In some cases, curb ramps were not provided where a PAR is present or crossings were not provided in all possible directions. A determination was made regarding the need to provide all crossings based on existing conditions and options available.

6.1 Curb Ramp Types

Curb ramps types are classified based on the orientation of the ramp to the adjacent curb. As stated in Advisory R304.1 of the PROWAG, the following types of curb ramps exist:

Perpendicular Curb Ramp

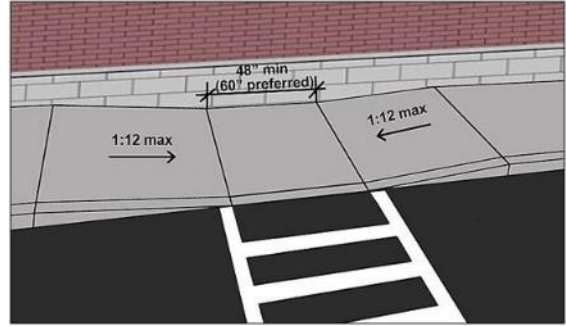
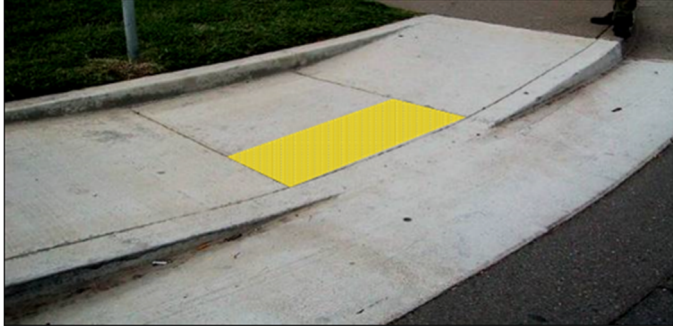
Perpendicular curb ramps have a running slope that cuts through or is built up to the curb at right angles or meets the gutter break at right angles where the curb is curved. The general direction of the curb ramp is perpendicular to the curb. Perpendicular curb ramps do not require edge delineation where the adjacent area is not part of the pedestrian circulation area (PCA) and is cane-detectable (e.g., turf). Where a PCA is adjacent on one or both sides, side flares are required.



Typical perpendicular curb ramps, with and without flares based on presence/absence of PCA.

Parallel Curb Ramp

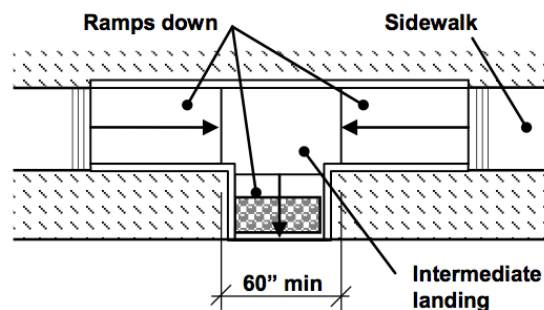
Parallel curb ramps have a running slope that is parallel to the curb and have a ramp in each direction from the point of entry from the street. Parallel ramps can be useful where ROW is limited to get a pedestrian from street level to the sidewalk in a shorter depth space. Parallel ramps are also useful along PARs where driveway transitions require either elevation or lowering of the PAR approach to the driveway.



Typical parallel curb ramps, showing the level area at the intersection with the street crossing and adjacent ramps.

Combination Curb Ramp

Parallel and perpendicular curb ramps can be combined and can be utilized where the sidewalk approaches are much higher in elevation than the street level at the intersection. A parallel curb ramp is often used to lower the sidewalk to a mid-landing/turning space and a short perpendicular curb ramp connects the landing to the street. Combination curb ramps can be provided where the sidewalk is at least 6.0 feet wide and can provide access in situations where the sidewalk is much higher than 6" above the street elevation.



Combination Curb Ramp

Typical combination curb ramp, with a perpendicular ramp to a common landing and adjacent parallel ramps.

Blended Transition

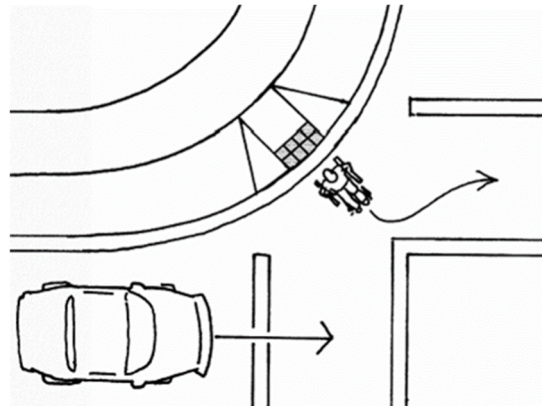
Blended transitions are raised pedestrian street crossings, depressed corners, or similar connections between pedestrian access routes at the level of the sidewalk and the level of the pedestrian street crossing that have a grade of 5 percent or less. Blended transitions are suitable for a range of sidewalk conditions. In many locations, particularly in downtown business districts, diagonal blended transitions were commonly used where there were subtle differences between the PAR and adjacent roadway at intersections. As discussed below, diagonal curb ramps/blended transitions are no longer allowed per PROWAG except under unusual conditions.



Diagonal blended transition. Note the level transition from the street crossing to the PAR>

Diagonal Curb Ramp/Blended Transition

A very common type of curb ramp, including many in the City, are diagonal curb ramps. Diagonal curb ramps can be either perpendicular or blended transitions. Regardless of the type, diagonal curb ramps provide access to multiple directions of street crossings. Per R207.1 of PROWAG, two ramps are typically required at each corner. Diagonal curb ramps are not the preferred method of construction due to lack of directional cues for pedestrians using the crossing and safety concerns created by vehicles misconstruing pedestrian intentions. Per R207.2, where existing physical constraints prevent compliance with R207.1, a single diagonal curb ramp shall be permitted to serve both pedestrian street crossings.



Diagonal blended transition (left) and diagonal perpendicular ramp (right). Both provide access to street crossings of more than one direction and are no longer permitted by PROWAG per R207.1.

Per the Technical provisions of R304 and R305 of PROWAG, curb ramps must meet the following general criteria. Some of the requirements are specific to the type of ramp, whereas others are common requirements of all ramps. Additional discussion about most is included in following subsections:

- Turning Spaces – R304.2.1 Perpendicular Ramp and R304.3.1 Parallel Ramp
- Running Slopes – R304.2.2 Perpendicular Ramp, R304.3.2 Parallel Ramp, and R304.4.1 Blended Transition
- R304.2.3 Perpendicular Ramp Flared Sides
- R304.5.1 Width
- R304.5.2 Grade Breaks
- R304.5.3 Cross Slope
- R304.5.4 Counter Slope
- R304.5.5 Clear Space
- R305 Detectable Warning Surfaces

6.2 Ramp Width

Requirements:

Per R304.5.1, the clear width of curb ramp runs (excluding any flared sides), blended transitions, and turning spaces shall be 4.0 feet minimum. The ramp width is typically measured at the point that the curb is at or very near the same level as the street.

Findings:

A vast majority of curb ramps evaluated were compliant for width. A relatively small number were less than the required 4' width and typically had other compliance issues that affected accessibility more than the width.

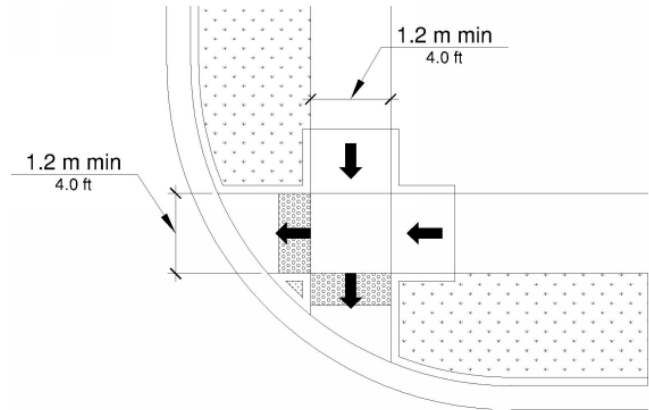


Figure R304.5.1
Width



Examples of curb ramps that are less than the minimum 48" width required.

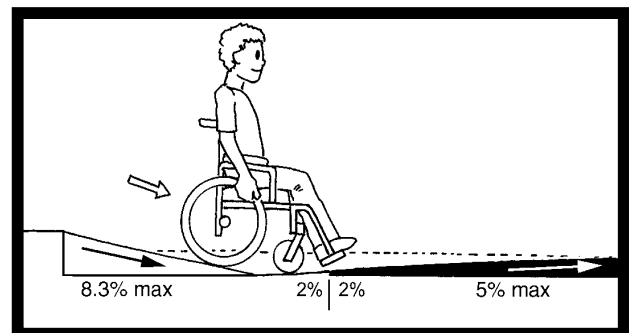
Addressing the Issue:

Ramp width is typically not restricted and attaining the minimum 48" should be accomplished without difficulty. In some cases there could be permanent obstructions but typically when curb ramps are too narrow it is a result of construction errors. If an unobstructed area is available within the ROW at a current non-compliant location for width, the ramp can be widened by replacement or addition of pavement. If ROW or an obstruction is a limiting factor, a different ramp configuration may alleviate the problem. If not, the ramp or obstruction may need to be relocated, or inquiries made about obtaining additional ROW.

6.3 Ramp Running Slopes

Requirements:

Per R304.2.2, the running slope of the curb ramp shall cut through or shall be built up to the curb at right angles or shall meet the gutter grade break at right angles where the curb is curved. The running slope of a curb ramp is 5% minimum and 8.3% maximum but shall not require the ramp length to exceed 15 feet. If less than 5%, it is considered a blended transition instead of a ramp. The counter slope of the gutter or street at the foot of curb ramp runs, blended



transitions, and turning spaces shall be 5 percent maximum. Counter slopes and/or ramp running slopes that exceed these maximums can cause a wheelchair user's footrests to hit the ground when going down the ramp and spill the user forward out of their chair. For that reason, ramps with extreme running slopes over 10% are typically a high priority to address.

Findings:

As noted above for ramp width, the number of ramps that were not in compliance with the 8.33% maximum running slope was relatively small though much higher than the number of ramps with non-compliant width. To provide a compliant 8.33% maximum running slope for a perpendicular ramp for a typical 6" curb, the distance required from the grade break to the top of the ramp is 6 feet minimum, at which point a minimum 48" top landing is required. In many areas the running slope complies but there is no landing or TS provided because of the lack of depth.



Curb ramps with excessive running slopes, typically severe slopes that exceed 10%. These ramps also exceed the counter slope requirements.

Addressing the Issue:

Non-compliant ramp running slopes can be caused by a number of factors including construction tolerances, design inconsistencies, design and/or contractor error, construction prior to current standards, steep roadway grades, adjacent buildings or obstructions, or limited ROW. In Maryville, most instances of running slope non-compliance was due to trying to construct a perpendicular ramp within a space that would not allow for a compliant solution. As part of the transition plan for curb ramps, given the limited ROW available at most locations, it is likely that:

- Curb ramps will need to be constructed as parallel ramps rather than perpendicular
- Construction of a combination ramp may be needed where elevation differences on intersection approaches of the PAR are high
- Incorporating returned curbs or retaining wall to avoid adjacent obstructions or limited ROW

6.4 Ramp Cross Slopes

Per R304.5.3, the cross slope of curb ramps, blended transitions, and turning spaces shall be 2 percent maximum. At pedestrian street crossings without yield or stop control and at midblock pedestrian street crossings, the cross slope shall be permitted to equal the street or highway grade.

Requirements:

Per R304.5.3, the cross slope of curb ramps, blended transitions, and turning spaces shall be 2 percent maximum. At pedestrian street crossings without yield or stop control and at midblock pedestrian street crossings, the cross slope shall be permitted to equal the street or highway grade.

Findings:

Within the City, there were a large number of curb ramps with cross slopes over 2%. Some are minor deviations that do not affect the usability, though many of these have other issues not related to ramp cross slope that present a barrier to access.

Addressing the Issue:

Non-compliant ramp cross slopes are usually the result of minor field adjustments by contractors or errors during construction. A 2% slope, the maximum cross slope allowed, is only $\frac{1}{4}$ " of elevation change per foot, so even minor adjustments or errors tend to result in non-compliant cross slopes. The only solution available is reconstruction of ramps that have excessive cross slopes.

6.5 Landings/Turning Spaces

Requirements:

Per R304.2.1, perpendicular ramps require a turning space of 4.0 feet minimum by 4.0 feet minimum be provided at the top of the curb ramp, which also serves as a landing or rest area. Where the turning space is constrained at the back-of-sidewalk by a building for example, the turning space shall be 4.0 feet minimum by 5.0 feet minimum, with the 5.0 foot dimension provided in the direction of the ramp run. Parallel ramps also require a turning space per R304.3.1, which has the same dimensional requirements and is required to be 5.0 feet in the direction of the street crossing if the turning space is constrained on two or more sides. Turning spaces are also required at changes in direction that occur along the PAR, which is typically in the area of the curb ramps.

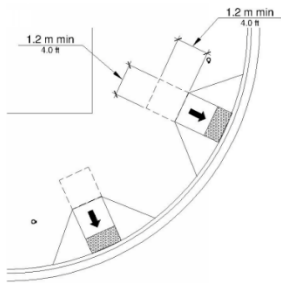


Figure R304.2.1
Turning Space

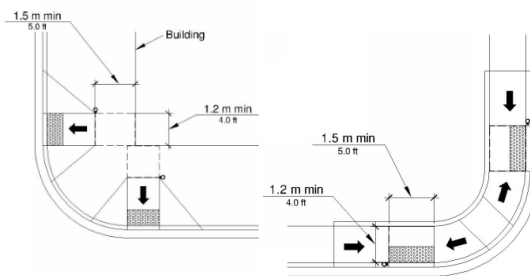


Figure R304.3.1
Turning Space

Findings:

Within the City, there are a high number of primarily perpendicular curb ramps that do not provide compliant turning spaces. These locations typically are located where there is not adequate room to construct a perpendicular ramp and results in no turning space being provided. Wheelchairs attempting to use these ramps would be in danger of tipping over when attempting to turn.



Example of curb ramps that lack a compliant turning space.

As illustrated in the examples shown, curb ramps with non-compliant turning spaces often have other non-compliance issues. Parallel ramps with non-compliant turning spaces were often highly usable.

Addressing the Issue:

Non-compliant turning spaces/landings are caused primarily by construction of the wrong kind of ramp in a space that is inadequate to provide the required slopes and dimensions. In most cases the only means to provide a compliant turning space/landing is to reconstruct the ramp and use a parallel configuration. In areas where there is adequate space that was simply not used in the original construction, reconstruction to the extent required to provide compliant dimensions and slopes is needed.

6.6 Flares

Requirements:

Per R304.2.3, where a pedestrian circulation path crosses the curb ramp, flared sides shall be sloped 10 percent maximum, measured parallel to the curb line. The flares are not considered part of the PAR but as part of the PCA, the slopes assist in transitioning the steep slope of perpendicular curb ramps to the flat slope of the PAR. Note that per Advisory R304.2.3, where there is no PCA adjacent to the ramp, such as a turf area, or there are objects adjacent to the ramp that essentially block it from being part of the PCA, no flares are required. In these cases, vertical curbs can be used and are preferred since they provide directional cues.

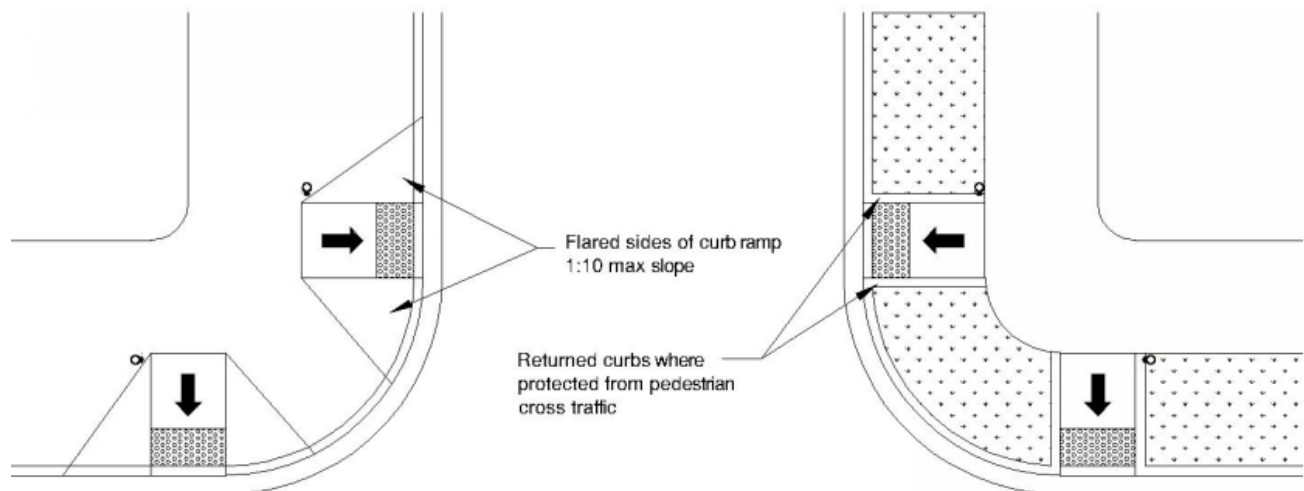


Figure R304.2.3
Flared Sides

Findings:

During the self-evaluation, it was found that:

- Many locations did not require a flared side. These locations were blended transitions and had a flat slope or were adjacent to tree lawns on both sides. Some still provided a flare, which was often found to be non-compliant.
- A large number of perpendicular curb ramps that require 10% maximum flares that far exceeded the standard. The flares that were present were often a rolled curb that exceeded 25% slope. These severe slopes are trip hazards in the PCA. In a large percentage of these locations, there are other more severe non-compliance issues, including lack of turning spaces.



Example of curb ramps that have non-compliant flare slopes.



Example of curb ramps that do not require flares due to no PCA adjacent to the ramp being present.

Addressing the Issue:

Non-compliant flare slopes or configurations are typically caused by design and/or construction errors and installation of perpendicular curb ramps where there isn't adequate room to install a ramp that meets all dimensional and slope requirements. The only solution in most cases is reconstruction of the entire ramp. Where flare slopes are the only compliance issue, placement of an obstruction to the side is another option but these situations are rare.

6.7 Ramp Grade Breaks and Clear Space

Requirements:

R304.5.2 requires that grade breaks at the top and bottom of curb ramp runs be provided that are perpendicular to the direction of the ramp run. Grade breaks are not permitted on the surface of the ramp run or turning spaces and slopes that meet at grade breaks are required to be flush. Grade breaks that are not perpendicular to the ramp run can cause wheelchair front casters to lift off the ground and be a hazard for the user, possibly tipping them over if slopes are severe enough.

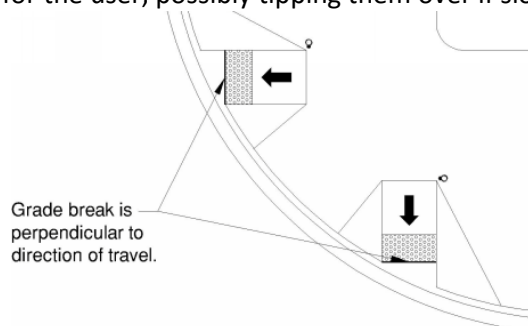
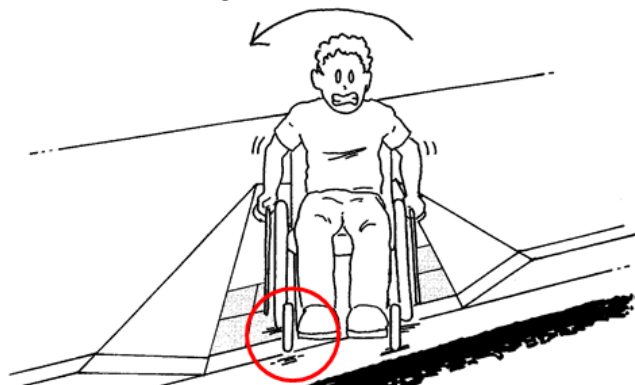


Figure R304.5.2
Grade Breaks



In addition, R304.5.5 requires a 4.0 foot by 4.0 foot minimum clear space beyond the bottom grade break that is located both within the crosswalk and entirely outside of the parallel vehicle travel lane. This clear space allows a wheelchair user to negotiate the curb ramp and have a space at the bottom outside the traffic lane within which to wait to cross.

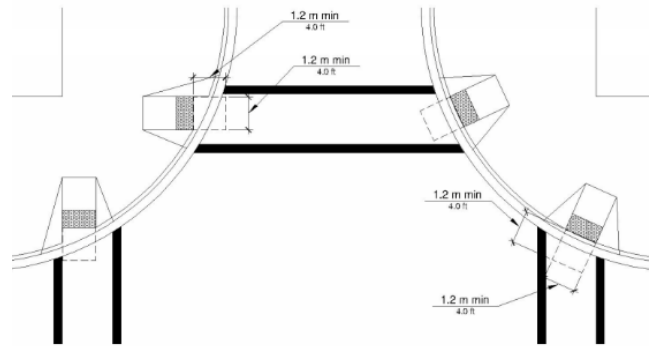


Figure R304.5.5
Clear Space

Findings:

During the self-evaluation, it was found that many curb ramps provided neither a compliant grade break or clear space. Many that served two crossing directions required a partial turn on the ramp that led to a steep grade break difference in the direction of the ramp. Most of these situations also resulted in a clear space that was often halfway or more into the adjacent travel lane of vehicles, creating a very unsafe condition.



Example of curb ramps that do not provide the required perpendicular grade break or clear space.

Addressing the Issue:

There are no solutions to correcting these issues short of full reconstruction of the ramp. Altering the grade break will generally require chasing the grade one or more sections of sidewalk away from the curb and clear space issues will require relocation or total reconfiguration of curb ramps, most likely to a parallel ramp.

6.8 Detectable Warnings

Requirements:

Detectable warning (DW) surfaces indicate the boundary between pedestrian and vehicular routes where there is a flush rather than curbed connection (i.e., at curb ramps). Per R208.1, DW surfaces are required at curb ramps and blended transitions at pedestrian street crossings, pedestrian refuge islands (unless at street level AND less than 6' in length), pedestrian at-grade rail crossings not located within a street or highway and transit stops, and some boarding platforms for transit. DWs are not intended to provide guidance for wayfinding for blind or low vision pedestrians.

DWs have historically been poorly understood and misapplied in many situations that create confusion for blind and low vision pedestrians. DWs should not be provided at crossings of residential driveways as the pedestrian ROW continues across residential driveway aprons. They can be provided at high traffic volume

commercial driveways that function similarly to roadways, such as those found at large commercial centers. Detectable warnings are not required outside the public ROW other than some transit platforms.

Per R305.1, Detectable warning surfaces shall extend 2.0 feet minimum in the direction of pedestrian travel and the full width of the ramp run (excluding any flared sides), blended transition, or turning space. Some DW products require a concrete border for proper installation, which is not allowed to exceed 2 inches per Advisory R305.2. DW surfaces are required to contrast visually with the adjacent gutter, street, and PAR, either light-on-dark or dark-on-light.

For perpendicular curb ramps, DWs are required to be placed:

1. Where the ends of the bottom grade break are in front of the back of curb, detectable warning surfaces shall be placed at the back of curb.
2. Where the ends of the bottom grade break are behind the back of curb and the distance from either end of the bottom grade brake to the back of curb is 1.5 m (5.0 ft) or less, detectable warning surfaces shall be placed on the ramp run within one dome spacing of the bottom grade break.
3. Where the ends of the bottom grade break are behind the back of curb and the distance from either end of the bottom grade brake to the back of curb is more than 1.5 m (5.0 ft), detectable warning surfaces shall be placed on the lower landing at the back of curb.

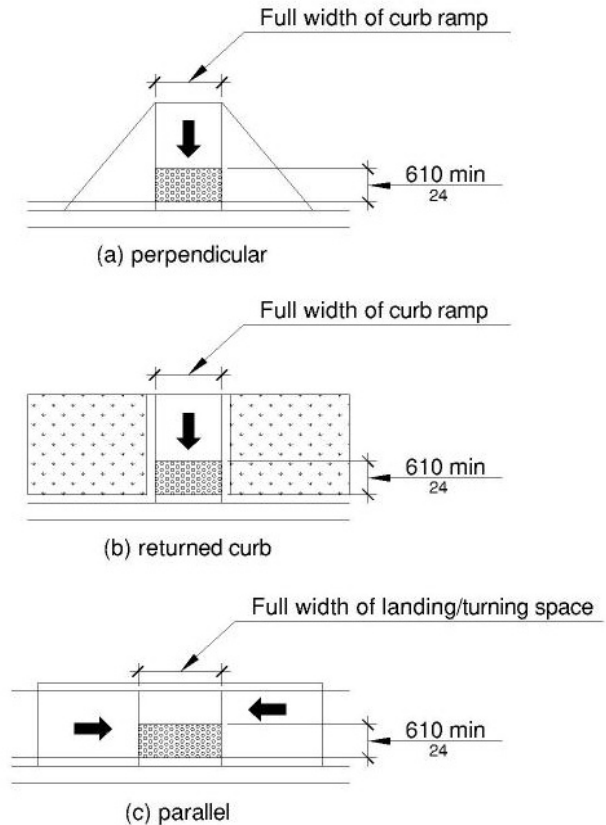


Figure R305.1.4
Size

DWs at parallel curb ramps are required to be placed on the turning space at the flush transition between the street and sidewalk (R305.2.2) DWs for blended transitions are required at the back of curb.

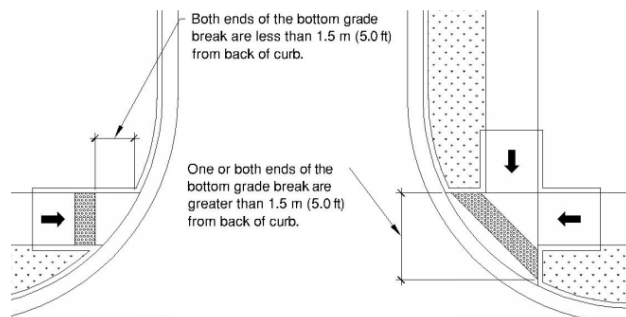


Figure R305.2.1
Perpendicular Curb Ramps

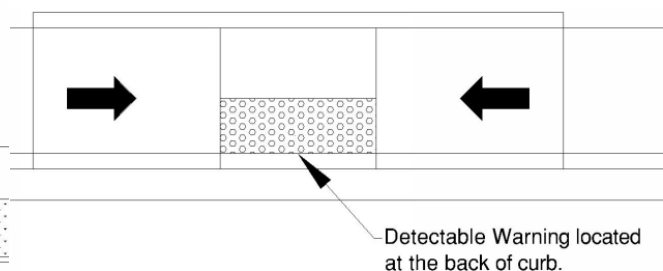


Figure R305.2.2
Parallel Curb Ramps

Findings:

DWs were only provided at a surprisingly low proportion of existing curb ramps. There were numerous locations where curb ramps have been recently installed or reconstructed without DWs. In addition, there were a number of recently constructed ramps with DWs installed incorrectly, with the most common errors being DWs that were not full width of the ramp or oriented in a way that does not provide a full 24" depth for the entire ramp width. There were some locations where brick pavers with truncated domes were used. This application is discouraged due to the poor longevity of the truncated domes that make the pavers detectable, particularly in areas where snow plowing is common as snow plows can shear off the domes quite easily.



Paver DWs that have almost no domes remaining.



Example of curb ramps with detectable warnings that are not full width of the ramp.



DWs that are oriented poorly and are not 24" depth in entire direction of pedestrian movement.



Recently constructed curb ramps that do not have DWs or have them incorrectly installed.

Addressing the Issue:

In many cases, curb ramps with non-compliant or missing DWs have other issues that cannot be easily addressed without reconstruction. Retrofit DW kits are available for use on ramps where all other criteria are compliant and should be considered for use in these locations. Some non-compliant locations with high pedestrian volumes or known blind pedestrian users should be considered for these retrofit kits until the ramp can be corrected entirely. For locations where the DW does not extend full width or required 24" depth, they can be removed and replaced along with any concrete damaged by the operation. For all future DW installations, steel, HDPE, or cast iron products that provide greater durability for the truncated domes are recommended. Using these products in lieu of a brick or cast concrete panel may minimize plow damage and wear of truncated domes.

6.9 Drainage

Requirements:

Curb ramps should be located such that they are not located at low points in the gutter where water may pond. This water can be several inches deep in some cases, something a blind person would not know about until they walked through it. Wheelchair users have no options other than to use curb ramps in many cases,

and these poor drainage locations can be an issue. During times of cold weather, even shallow depths of water can freeze, creating a slip and fall hazard at the bottom of the curb ramp. In addition to the hazard and inconvenience provided by ponded water and/or ice, sediment carried by runoff tends to accumulate where water ponds. This sediment can cause issues with slip resistance of the surface.

According to the FHWA publication “Designing Sidewalks and Trails for Access”, ‘*poor drainage at the bottom of a curb ramp is inconvenient to all pedestrians. It is a particular nuisance for people who rely on the curb ramp for access and who will, therefore, not be able to avoid the area. When the water eventually dries up, debris, which further impedes access, is usually left at the base of the ramp. In cold-weather locations, water that does not drain away can turn into slush or ice, creating a more hazardous situation*’.

Findings:

The self-evaluation noted a number of locations with either standing water within the curb ramp at the time of the evaluation or deposits of sediment, indicating that standing water is common. In some cases, the poor drainage is a result of changes to the low point in the gutter from an asphalt overlay. In others, drainage was either not considered adequately during design of the roadway or was not constructed according to the plans.



Examples of curb ramps with drainage issues and/or evidence of regular ponding, with sediment deposition.

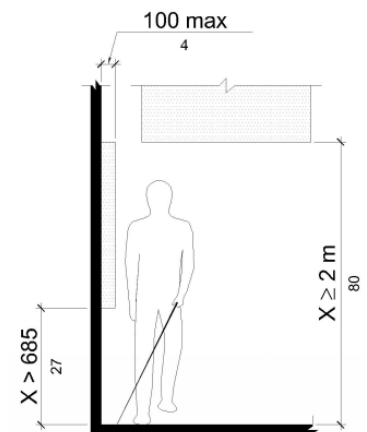
Addressing the Issue:

Best practices for avoiding drainage issues include locating drainage structures on the uphill side of ramps, locating low points 6' or more from the ramp, ‘tabling’ the intersection slightly where tying into ramps, designing gutter slopes with continuous flow to carry water past the foot of ramps, eliminating changes in level at the gutter line, and maintaining inlets and gutters to ensure adequate flow during rain events. Many of the curb ramps with noted drainage issues have other compliance issues, including providing only one ramp for multiple road crossings.

6.10 Obstructions, Protrusions, Vertical Discontinuities, and Horizontal Openings

Requirements:

Per R302.3, the continuous clear width of the PAR shall be 4.0 feet minimum, exclusive of the width of the curb. Curb ramps are extensions of the PAR and therefore required to maintain the same clear width. Further, R210 states that objects along or overhanging any portion of the PCA shall comply with R402 (protruding objects) and shall not reduce the clear width required for PAR. Per R402.2, protruding objects are those objects with leading edges



**Figure R402.2
Protrusion Limits**

more than 27" and not more than 80" above the finish surface which protrude more than 4" horizontally into pedestrian circulation paths. Common obstructions and protruding objects include utility and light poles, sign posts and signs, and a variety of other permanent objects.

R302.7.2 requires vertical surface discontinuities be 0.5" maximum and beveled if 0.25-0.5 inches. In addition, per R302.7.3, horizontal openings in gratings and joints or cracks shall not permit passage of a sphere more than 13 mm (0.5 in) in diameter. Elongated openings in gratings shall be placed so that the long dimension is perpendicular to the dominant direction of travel.

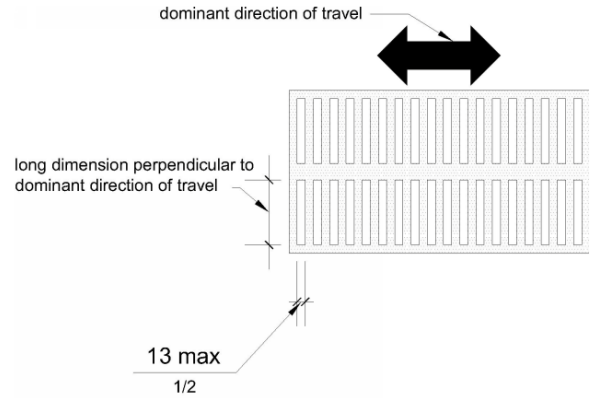


Figure R302.7.3
Horizontal Openings



Figure R302.7.2
Vertical Surface Discontinuities

Findings:

Obstructions that were observed included light and utility poles, sign posts, hydrants, and utility cabinets. In most cases, these obstructions encroached on the clear width of a turning space though some were located on the ramp run. Some obstructions could be worked around when curb ramps are reconstructed, but there are several that do not have an easy solution due to lack of ROW and other significant constraints.



Examples of curb ramps with obstructions at turning spaces, on the ramp, or immediately adjacent to either.

Vertical discontinuities were extremely common, with the most common issue being located at the gutter pan. Some discontinuities were several inches high. Other issues were observed at displaced cracks in the pavement, at the top of the ramp at the TS, or raised utility structures.



Examples of curb ramps with vertical discontinuities that exceed ½" at the curb, on the ramp, or the TS.

Horizontal openings were not common, but included drainage structures located within clear spaces and cracks that have separated to exceed ½". Some storm structures with ½" openings are not oriented such that the openings are perpendicular to the primary path of pedestrian travel.



Examples of curb ramps with horizontal opening greater than ½" on the ramp or the clear space.

Addressing the Issue for Future Construction:

Fixed obstructions may be costly to address as they generally occur with utilities and may require relocation or purchase of ROW from adjacent landowners. For these items, a work-around solution is often preferred and may include widening a small portion of sidewalk where possible or providing an equivalent alternate route. In some cases, obstructions may have no options for work arounds without being creative, such as providing bulbouts if on-street parking is available or the street width allows. Other obstructions, like signs,

should be able to be relocated to provide the required 48" clear width of the PAR. Many locations with obstructions had other non-compliance issues that will require curb ramps reconstruction. Consideration of how to treat obstructions will need to be determined during the design phase.

A large number of curb ramps have issues with vertical discontinuities. In most cases, curb ramps with vertical discontinuities exhibit other non-compliance issues that will require reconstruction. For locations that are compliant other than vertical discontinuities, these can be corrected by grinding the edge to provide the maximum ½" allowable bevel or a temporary patch of asphalt or other compliant material can be placed to eliminate the vertical issue.

Horizontal displacement issues were not common but need to be addressed. In instances where drainage structures are located within clear spaces, covers should be provided that have openings that do not exceed ½" and oriented properly. Curb ramps with horizontal crack openings can be temporarily filled until the concrete panel can be replaced.

6.11 Overall Compliance

Overall compliance of curb ramps in the City is very low, with less than 1% of existing ramps meeting all requirements. Many of the non-compliant ramps (over 30%) with one or more issues are still quite usable and typically designated as "Low" priority. Higher priority ramps tend to have compliance issues that create a more significant barrier to use, with "High" priority ramps (over 26%) being unusable or missing. The goal of this transition plan is to list the physical barriers in the City's ROW facilities that limit the accessibility and, therefore, it is necessary to look at each location as a whole to determine overall compliance in order to provide a detailed outline of the methods to be utilized to remove these barriers and make the facilities accessible. All solutions offered address only the criteria indicated. Complete reconstruction will often be required where multiple compliance issues are involved.

The extent of reconstruction required for existing ramps and blended transitions varies, but it is likely that most ramps will need to be reconstructed to various extents. Some locations may require simple fixes such as replacing or installing tactile warnings or replacement of a non-compliant flare. A vast majority of the intersection quadrants only provide a single curb ramp for multiple crossing directions. R207.1 requires a curb ramp or blended transition for each pedestrian street crossing, essentially a dedicated ramp for each direction of street crossing. The exception to this is the presence of an existing physical constraint that prevents provision of a ramp for each crossing, in which case a single diagonal ramp would be allowed (R207.2). This exception is not applicable to most non-compliant cases found in the City. Each location will require a thorough examination in order to design the correct solution to its unique situation. Locations without a curb ramp provided constitute the greatest barrier to use and require full replacement.

6.12 Curb Ramp Barrier Analysis

The City's self-evaluation of the ROW takes into account factors such as level of use, degree of danger posed, complaints or requests for repair received, and other factors and can be grouped into two categories – Contributing Contextual Factors and Physical Impedance Factors. These categories are further defined in Section 4 of this report. Within Appendix B, the curb ramps are ranked as Compliant, Low Priority, Medium Priority, and High Priority after considering the physical impedance factors. See information regarding contextual factors in Section 4.

In addition, the methodology used for estimating costs of corrections included categorizing all curb ramps into cost groups based on amount of rework required. The categorization includes, in most cases, the

assumption that existing diagonal ramps will be separated into two ramps. Note that the costs provided below do not include costs for ROW purchase, easements, appraisals, survey, design, inspections, etc. and it is very likely that actual costs of the program will vary based on a number of factors and be much higher. See *Appendix B* for data summary by location.

Table 6.1. Summary of Curb Ramp Costs.

Curb Ramp Summary	
Low Priority Curb Ramps	\$619,800
Medium Priority Curb Ramps	\$1,317,800
High Priority Curb Ramps	\$861,600
Total Estimated Curb Ramp Improvement Costs	\$2,799,200

7.0 Transition Plan

The Transition Plan describes how Maryville will be transitioning to full compliance with the ADA and the applicable standards. Public entities, like the City, are required to provide access to City programs, services, and activities for all recipients. Thus, the City must provide access for individuals with disabilities and document areas of non-compliance. Additional documentation should be provided as barriers are removed.

If structural changes are identified to provide program accessibility as part of the self-evaluation, the ADA identifies specific elements to be included in the transition plan. At a minimum, the elements of the Transition Plan are:

- 1) 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 [\[28 CFR 35.150 \(d\)\(3\)\(i\)\]](#)
- 2) A detailed outline of the methods to be utilized to remove these barriers and make the facilities accessible [\[28 CFR 35.150 \(d\)\(3\)\(ii\)\]](#)
- 3) The schedule for taking the necessary steps to achieve compliance with Title II of the ADA. If the time period for achieving compliance is longer than one year, the plan should identify the interim steps that will be taken during each year of the transition period [\[28 CFR 35.150 \(d\)\(3\)\(iii\)\]](#)
- 4) The name of the official responsible for the plan's implementation. [\[28 CFR 35.150 \(d\)\(3\)\(iv\)\]](#)

The transition plan is a reaction to the findings of the facility audits, assessments of City policies, services, programs, and activities, and input from advocacy groups and the public. Recommended actions for City policies and programs can be found in Section 3.0.

The specific architectural and site improvement modifications required to make programs accessible are listed in the Maryville Facility Reports (see *Appendix A*). Facility reports include buildings and their related grounds that are owned, operated, or leased by Maryville or facilities that provide programs of Maryville Government. Each facility report contains a list of items that do not meet current ADASAD standards and suggested barrier removal actions. Not all of these barriers must be removed by making renovations to the facilities in order to provide program compliance with the ADA. Removing barriers limiting access to programs or those which present a safety hazard should be the City's first priority.

7.1 Phasing of Corrections

A phased implementation of the required corrections to remove physical barriers at City-owned facilities is recommended and required. The City, like most Title II agencies, has limited funds and cannot immediately make all facilities fully compliant with ADA standards. Prior to setting priorities, baseline criteria needed to be established to develop a starting point for ranking the deficient facilities identified during the self-evaluation.

Site priorities were determined by evaluating each site's level of use, social need, civic function, and the general uniqueness of the site. At the time of the development of this report, few public complaints had been received about City-owned facilities. Complaints were not used as criteria to determine the phasing of improvements for any particular site, though future complaints could be the basis for funding improvements.

Each of these criteria is assumed to have equal weight and no priority over another:

- **Level of Use:** Is the facility utilized quite frequently and by a large cross-section of the public?

- **Social Need:** Does the facility provide a social service or program for less fortunate or transient citizens?
- **Civic Function:** Does the facility provide access to civic programs and services that implement the civil and political rights provided by the government?
- **General Uniqueness of the Site:** Does the building, facility, or site provide a distinct program or service that cannot occur at a different location or facility?

7.2 Public Outreach

Public participation on the final contents of the Transition Plan, including setting of priorities and the phasing of improvements, is critical to the success of the endeavor and is required by law. A draft Transition Plan was made available at the Maryville Municipal Center City Manager's office and Blount County Public Library for public review and comment from June 7 until June 21, 2019, for public review and comment. No public comments were received during the comment period. A PDF version was also posted on the City web site. Comments could also be provided via email as advertised and posted in a public notice placed in City Hall and published in The Daily Times. No public comments were received during the comment period. The final Transition Plan will be submitted to the City formal acceptance. See also *Section 1.12 – Public Outreach*.

7.3 Priorities for Barrier Removal

In creating priorities, it should be the City's intent to evaluate all areas of potential deficiency and to make structural changes where necessary and when equal accommodation cannot be made in another manner. The assignment of priorities is intended to facilitate public review and to address specific concerns of the local disabled community. It must be emphasized that it is the City's intention that all individuals with all types of disabilities be reasonably accommodated to provide access to all programs offered at all facilities.

The timing of the improvements by site within each transition phase will be determined by the City based on their preferences and criteria. In general, the required physical improvements to meet ADA specifications at City facilities were split into three priority groups:

- High priority improvements
- Medium priority improvements
- Low priority improvements

All barriers are not equal in the impact they have on persons with various disabilities to have equal access to City facilities or programs. Following evaluation of all facilities and programs, a prioritization was done to identify a ranking system to utilize when determining which capital improvements need to be considered first and those that could be implemented in subsequent years.

1. **High priority** barriers prohibit access for disabled persons, make access extremely troublesome, or present safety hazards to all users. These barriers likely do not have acceptable alternative routes or treatments to overcome the barrier. Typically, these barriers are significant obstacles located at entry walks and doors, interior corridors, curb ramps, rest rooms, and transaction and information counters. Examples of high priority barriers would include:
 - lack of barrier-free parking
 - lack of accessible route to the building's door
 - stairs where ramps or level surface are needed
 - doors that are too narrow

- lack of elevator in a multi-level building
 - extremely non-compliant slopes for accessible routes or ramps
 - displacements in walks or high thresholds
 - missing handrails
 - some signage (particularly those related to life/safety)
2. **Medium priority** barriers partially prohibit access or make access quite difficult for disabled persons. For medium priority barriers, alternative routes or treatments to overcome the barrier may or may not exist. Typically, these barriers are obstacles to amenities such as secondary entry points, light switches, vending machines, and drinking fountains. Medium priority barriers may also be barriers which are significant obstacles prohibiting access but for which alternative access is available or assistance is readily available to navigate around the barrier. The presence of the medium priority barrier possibly causes a minor hazard to a disabled person who is attempting to use the facility. Examples of medium priority barriers would include:
- minor non-compliant slopes
 - some signage
 - minor issues with doors (small dimensional non-compliance, opening force and closing speed)
 - non-compliant dimensional issues (vestibules, corridors, etc.)
 - stairwell/stair issues, particularly where an elevator is not available
 - accessible restrooms
 - accessible work and service counters
 - moderately non-compliant dimensional issues
 - some protruding objects
3. **Low priority** barriers typically do not limit access to facilities or services for disabled persons. For low priority barriers, alternative routes or treatments are typically available or assistance can be provided to overcome the barrier. It is not likely that the presence of a low priority barrier would cause a danger to a disabled person who is attempting to use or access the facility. Examples of low priority barriers would include:
- many signage issues
 - minor issues with light switches, electrical outlets, etc.
 - minor non-compliant dimensional issues

The costs to remove barriers by priority for each site are shown in Table 1 and detailed for each facility in *Appendix A*. In addition, a time frame had to be identified to determine an average annual budget to consider. For the purposes of this report, a 30-year time frame was utilized to address non-compliance issues and assumes that standards and guidelines are not modified in a manner that would modify compliance. This further assumes that funding is available each budget cycle to make the necessary improvements. It is highly unlikely given the economy that this is realistic, particularly when considering that there are also likely to be a large number of other improvements needed by the City as part of regular maintenance, upkeep, and repairs.

In some instances, it may be advantageous to construct all improvements at a site at once rather than correct the high priority barriers first and come back at a later date to correct the medium or low priority barriers. For some sites, the total cost of construction for the corrections requires that they be spread out over two or more phases. Maryville has the right to modify the priorities based on funding levels and changes in City programs, activities, and services to have flexibility in accommodating community requests and complaints. Interim resolutions, such as assigning aids, temporary signing for alternate routes or sites, and modifications

of programs, activities, and services may be implemented at the City's discretion to handle existing insufficiencies or access complaints received. All costs noted in *Appendix A* and Table 1 are 2018 cost opinions. These cost opinions are subject to change based on market conditions, economic conditions, inflation, material selection, etc. Multiple phases of projects, multiple bidding packages, design parameters, etc. all have an impact on project costs that cannot be finitely identified in a study with this level of detail and uncertainty related to funding.

Table 7-1. Maryville facilities with priority and probable costs for corrective action.

MARYVILLE ADA SELF EVALUATION STUDY AND TRANSITION PLAN FACILITY SUMMARY				
Name & Location	Low Priority	Medium Priority	High Priority	Total Probable Cost
Maryville Municipal Center – Operations , 400 W. Broadway	\$53,140	\$24,360	\$6,700	\$84,200
Maryville Municipal Center – Police , 400 W. Broadway	\$22,540	\$7,750	\$0	\$30,290
Maryville Municipal Center – Fire Station 1 , 402 W. Broadway Ave	\$36,675	\$7,415	\$3,400	\$47,490
Fire Station 2 , 2019 Sequoyah	\$9,530	\$200	\$100	\$9,830
Fire Station 3 , 565 Sandy Springs Road	\$5,545	\$4,080	\$8,800	\$18,425
Animal Shelter , 233 Currie Avenue	\$3,790	\$9,200	\$700	\$13,690
Water Treatment Plant , 3635 Sevierville Road	\$4,290	\$4,235	\$16,500	\$25,025
Wastewater Treatment Plant , 4541 Wheeler Road	\$5,645	\$5,020	\$7,400	\$18,065
Operations Center/Fleet Maintenance , 332 Home Avenue	\$40,695	\$18,250	\$36,500	\$95,445
Theater in the Park/Jack Greene Park , E. Lamar Alexander Pwy	\$10,905	\$29,350	\$60,700	\$100,955
Broadway Avenue Parking Garage , E. Broadway Ave./Cusick St./Church Ave.	\$3,720	\$1,000	\$200	\$4,920
Harper Avenue Parking Garage #1 , 405 E. Harper Avenue	\$0	\$600	\$0	\$600
Harper Avenue Parking Garage #2 , 200 W. Harper Avenue	\$700	\$1,450	\$2,200	\$4,350
Police Impound , 428 Home Avenue	\$0	\$0	\$0	\$0
Hannum Springs Public Parking Lot , Harper Avenue	\$1,400	\$0	\$800	\$2,200
Founders Public Parking Lot , N. Church Street	\$9,000	\$1,000	\$0	\$10,000
Sam Houston Public Parking Lot , S. Church Street	\$15,000	\$3,160	\$0	\$18,160
John Sevier Park & Pool , 1998 Sequoyah	\$7,550	\$17,400	\$4,300	\$29,250
Pearson Springs Park , 1467 Montvale Station Road	\$10,705	\$11,850	\$0	\$22,555
Pistol Creek Wetlands , Montvale Station Road	\$1,850	\$4,000	\$0	\$5,850
Sandy Springs Park , 702 Best Street	\$26,515	\$40,200	\$112,225	\$178,940
College Hill Park , 701 Cates Street	\$3,200	\$2,050	\$0	\$5,250
Petsafe Dog Park , McCammon Avenue	\$800	\$0	\$25,000	\$25,800
Amerine Park , Amerine Road	\$3,500	\$30,280	\$500	\$34,280
Bicentennial Park/Greenway Parking , McCammon Avenue	\$500	\$4,000	\$400	\$4,900
Greenway Parking Lots , Parham and Aluminum Avenue	\$0	\$0	\$1,400	\$1,400
TOTALS	\$277,195	\$226,850	\$287,825	\$791,870

In addition to the facilities listed above, the City has two (2) recycling centers and over 5 miles of greenway. The recycling centers are staffed at all times and all users are provided assistance if needed so no issues were noted for ADA accessibility. The greenways are located near the downtown area at Greenbelt Lake and extend northeast and northwest to the City limits, and to the south and southwest through Jack Greene Park, Sandy Springs Park, and Pearson Springs Park, terminating southwest of Montgomery Lane near Foothills Elementary School. The greenway includes a main trail, with several areas having a variety of loops, stubs, and connecting segments. The greenway was inventoried for compliance with ADA requirements and split into 20 segments. Several segments of greenway lie within the ROW and the compliance included in the PAR

details. There are also some sections that lie within parks that were not considered the primary greenway and the assessment of those segments is included in the assessment for that park facility. The results of the greenway inventory found approximately 30% of the greenway had compliance issues, including excessive cross slopes, excessive running slopes, lack of resting spaces at steep sections, and minor obstructions and separations. The estimated cost of correcting the non-compliant areas of the greenway is \$1,533,614, which includes existing pavement removal, minor grading, and new pavement. The costs do not include surveying, design, or grading over extensive areas to correct running slopes. Details about the greenway are included in Appendix B, including mapping of the segments and a table with details about each segment length, non-compliant length, and cost. Note that the costs provided include estimates for compliance of all areas of the greenway. Further investigation may note that existing topography makes compliance impractical, in which case the City should ensure that continuous sections of compliant greenway be identified that have logical termini and sections of the greenway that exceed ADA running slope standards include signage noting the extent and length of the non-compliance to allow users to make a determination about whether they are able to physically negotiate those challenging sections, whether they have a disability or not.

Based on the costs developed to address the architectural and site engineering improvements required to fully comply with ADASAD standards, almost \$800,000 in improvements would be required (2018 costs) to achieve ADA compliance at all the City facilities. It is important to note at this point that many of the noted deficiencies are not significant barriers to access and some improvements are not required until major building alterations are completed. This does not avoid the need for Maryville to ensure all programs are accessible by some means. It must also be mentioned that the cost to correct some significant non-compliant items cannot be determined based on the scope of the ADA self-evaluation. Additional investigation is needed to evaluate the various options and likely will include a review of other codes (plumbing, electrical, etc.) and possibly also review of the feasibility of removing walls (i.e., structural engineering review). Examples of these types of items would include:

- Conversion of multi-user restrooms to single user due to non-compliant space (may require analysis of plumbing code requirements for the number of fixtures required)
- Moving of walls to enlarge multi-user restrooms to enlarge an existing non-compliant stall to meet requirements (may require structural engineering review)
- Investigation required to determine how to best provide a level space at an entry door or to provide compliant clear spaces

Costs provided are estimated based on information available from the self-evaluation and may not account for hidden items not readily visible which may impact costs (e.g., lack of backer boards where toilet grab bars need to be relocated would require drywall removal and replacement that is not included in noted costs). In some cases, the cost identified is for a specific solution and there are often multiple options with costs that can be quite variable. If Maryville were to set a goal for completing all the necessary improvements to correct non-compliance issues within a 30-year time frame, it would require an annual budget of approximately \$27,000 (in 2018 dollars) to bring all the City facilities evaluated in Appendix A of this report up to current ADA standards (no inflation included). These costs do not include any issues that require additional investigation, costs associated with training of staff, staff time related to training or overseeing implementation, design services, etc. Maryville's annual general fund budget is approximately \$42 million. No guidance regarding the percentage of annual general fund budget allocations to correct ADA issues has been provided and the reasonableness of this plan would be up to regulatory authorities to determine.

Maryville’s ADA Committee should identify the most urgent access needs based on their experiences, other capital projects, and the results of the self-evaluation. A review of facility utilization and programs provided at each is critical to assisting in prioritizing which facilities should be given priority for improvements and order in which improvements should be completed. However, the facility prioritization should not be looked at in a vacuum, as improvements at lower use facilities may still warrant consideration for improvements in the near future if a barrier exists to program access. Facilities have been placed into three tiers based on their utilization by the public and programs provided at each. Note that some areas of facilities may fall within a lower or higher tier. Tier 1 facilities have the highest use and should be the first priority, with Tier 2 facilities to follow. Tier 3 facilities are relatively low use for the public or have only employee common-use areas that require corrective actions. The facilities in each tier is as follows:

Table 7-2. Maryville Government facility tier listing for prioritization.

Tier 1	Tier 2	Tier 3
City Hall	Police	Fire Stations
Operations Center	Parking Garages	Animal Shelter
Jack Greene Park/Theater in the Park	Surface Public Parking Lots	Water Plant
John Sevier Park & Pool	Greenway Parking Lots	Waterwater Treatment Plant
Pearson Springs Park	Pistol Creek Wetlands	Greenway (ancillary segments)
Sandy Springs Park	College Hill Park	
Petsafe Dog Park	Amerine Park	
	Greenway (main segments)	

7.4 Transition Plan Phasing

One of the most important compliance efforts for a Title II entity is to ensure that all programs provided to the public are accessible in some manner. Often there are short-term or temporary accommodations that can be made to provide this accessibility. Where these types of accommodations can be made, the priority for permanent corrections is reduced until an alteration is made to correct architectural barriers. Often, removal of architectural barriers can be accomplished during implementation of normal maintenance activities at the various facilities or as part of other capital improvements already anticipated.

An entity as large as Maryville Government has the daunting task of reviewing a large number of facilities and programs to ensure access is provided. The programs of the City cross numerous departments and facilities, with some programs not being provided in City-owned facilities (primarily voting). The phasing of improvements for accessibility is not something to typically be done by any one individual without consultation of various department heads. The completion of this Transition Plan is a key first step to identifying the required facility and programmatic access needs. The next logical step is the formation of a committee of key department heads to review the results and formulate a strategy and capital improvement plan to make the necessary alterations. This committee is typically chaired by the ADA Coordinator and Facilities Department. Procedural and other changes that cross department lines should also be reviewed by a committee of key department heads, typically chaired by the ADA Coordinator and Human Resources Director. Changes within departments can be done by each department head for their individual department.

Generally, the improvements to be made are suggested in the following order:

1. Approach and Entrance – compliant parking, accessible route from parking to the public accessible entrance, and an accessible entrance

2. Access to Services – within each facility, ensuring that all programs have an accessible route and are accessible
3. Restroom Access – access to a compliant, wheelchair accessible restroom, preferably one per floor for each gender or unisex
4. Other Access – access to lower priority items, such as drinking fountains, electrical outlets, etc.

Considering the above general recommendations, each facility needs to focus on the above priority order for improvements, while also considering the tiering provided in Table 7-2. Highest use facilities need to have improvements done to provide at least basic access to programs or determine another means to provide access. That could include relocating a program elsewhere within the facility that is accessible or relocating a program to an accessible facility until it can be accessible at its current location. Utilization of signage to identify the location of the accessible routes and entrances, accessible restroom locations, etc. can be very helpful until all necessary improvements can be made.

The ADA Coordinator, through the ADA Committee, should work closely with the Mayor, City Manager, and City Council to make funding available where possible to make the most urgent improvements to ensure all programs are accessible. Note that actual phasing, transitioning of improvements, etc. can be impacted by a number of factors that may be unknown currently, as well as economic conditions, grant opportunities, etc. The City is committed to becoming ADA compliant within the confines of preserving existing programs and services to all and budgetary limitations. Many of the items that are not compliant with current standards may be compliant with previous standards and are not required to be modified until a building renovation is completed. Any facility changes after the sites were surveyed are not reflected in these basic cost estimates. Additionally, it is the City's responsibility, as required by the ADA mandate, to regularly update the Transition Plan based on the latest requirements of the ADA laws and to document constructed improvements and facilities that are brought up to current ADA standards. Finally, the site surveys performed for this report are not to design level detail and are intended to be used to give a framework to the Transition Plan. When the Transition Plan is approved, and the planning stages are begun for implementation of the first improvements, a more detailed survey of each site will need to be performed, and improvements designed by licensed professionals that are knowledgeable with ADA as well as all other applicable codes, including building and fire codes. At this time, costs are estimated but precise costs cannot be determined until final design, and the Transition Plan should be adjusted to reflect this knowledge.

Note that if any complaints are received regarding access to specific facilities or City programs, it may alter the priorities of the improvements. If the City receives complaints about access at a particular site that is not slated for upgrades for several years, they should consider adjusting the Transition Plan phasing to accommodate the implementation of improvements to be sooner or as necessary.

7.5 Plan Updates and Enforcement

Changes to Maryville's policies and programs should be drafted, implemented, and documented by the ADA Coordinator. Examples of some of these changes were provided in the Self-Evaluation. These changes should have little cost of implementation, mainly consisting of the time to develop the language of the policy and program changes, time to train City staff, and administrative costs. Some of the suggested language for City ADA documentation has been suggested in this report, but these suggestions are not exhaustive. It is also important for the ADA Coordinator to receive the necessary training to implement this Transition Plan and keep apprised of changes to ADA standards and guidelines.

7.6 Summary of Transition Plan Costs

Table 7.3 details the costs and priorities for the overall ADA program for the City of Maryville, including all ROW facilities, buildings, parks, and greenways. The costs included in the table are estimated based on available information as discussed earlier. It is very likely that the actual cost will vary to account for items not included (design, survey, etc.), unknown costs for alterations that cannot be quantified with available information (other applicable codes, structural wall analysis, etc.), changes to ADA standards that apply at the time of the alteration, phasing of improvements (i.e., costs may vary based on amount of improvements per contract), and other factors. Costs for facility improvements that cannot be quantified, including accessible pedestrian signals, on-street parking, etc. would be in addition to those shown in the table.

Table 7.3. Overall ADA Program Costs for the City of Maryville

Facility Type	Low Priority	Medium Priority	High Priority	Total Cost
Buildings	\$181,850	\$80,510	\$80,100	\$342,460
Parks	\$65,525	\$139,130	\$204,525	\$409,180
Greenways	\$0	\$301,284	\$1,232,330	\$1,533,614
Parking Lots/Structures	\$29,820	\$7,210	\$3,200	\$40,230
Sidewalks	\$178,741	\$8,076,189	\$2,799,629	\$11,054,560
Curb Ramps	\$619,800	\$1,317,800	\$861,600	\$2,799,200
Accessible Pedestrian Signals*	\$0	\$50,000	\$50,000	\$100,000
TOTALS	\$1,075,736	\$9,972,123	\$5,231,384	\$16,279,244

*Cost of APS is rough estimate and divided evenly between Medium and High Priority as placeholder.

8.0 ADA Tool Kit

8.1 Introduction

In order to facilitate access to all City programs and departments, the City will maintain program accessibility guidelines, standards, and resources. This information is available to all employees and volunteers. The City will add to these guidelines when necessary to address its needs and include information and technological devices that help staff and volunteers communicate with individuals with a variety of disabilities. The City will periodically review the components of this section, as new technologies are developed in order to ensure that the best types of modifications are included. This section also contains the accessibility standards of care that govern new construction and alterations to facilities.

If you need any additional assistance, please contact:

Mr. Leland Blackwood, ADA Coordinator
Phone: (865) 273-3430
Email: adainfo@maryville-tn.gov

8.2 Federal Accessibility Standards and Regulations

U.S. Department of Justice

The U.S. DOJ provides many free ADA materials including the ADA text. Printed materials may be ordered by calling the ADA Information Line [(800) 514-0301 (Voice) or (800) 514-0383 (TDD)]. Publications are available in standard print as well as large print, audiotape, Braille, and computer disk for people with disabilities. Documents, including the following publications, can also be downloaded from the DOJ website (www.ada.gov).

Unless noted, the ADA publications have not been updated to reflect the recent revisions to the ADA regulations that took effect on March 15, 2012.

- *ADA Regulation for Title II*. This publication describes Title II of the ADA (www.ada.gov/regs2010/ADAREgs2010.htm#titleII_final_2010), Pub. L. 101-336, which prohibits discrimination on the basis of disability by public entities. Title II of the ADA protects qualified individuals with disabilities from discrimination on the basis of disability in the services, programs, or activities of all state and local governments. This rule adopts the general prohibitions of discrimination established under Section 504, as well as the requirements for making programs accessible to individuals with disabilities and for providing equally effective communications. It also sets forth Standards for what constitutes discrimination on the basis of mental or physical disability, provides a definition of disability and qualified individual with a disability, and establishes a complaint mechanism for resolving allegations of discrimination.
- *Title II Technical Assistance Manual (1993) and Supplements*. This 56-page manual (www.ada.gov/taman2.html) explains in lay terms what state and local governments must do to ensure that their services, programs, and activities are provided to the public in a nondiscriminatory manner. Many examples are provided for practical guidance.
- *Accessibility of State and Local Government Websites to People with Disabilities*. This is a 5-page publication providing guidance (www.ada.gov/websites2.htm) on making state and local government websites accessible.

U.S. Access 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 from the Access Board's website (www.access-board.gov/the-board/laws). In addition to regular print, publications are available in large print, disk, audiocassette, and Braille. Multiple copies of publications can be ordered by sending a request to pubs@access-board.gov. In addition to the guidelines, guidance material is also available to assist staff in understanding and implementing Federal accessibility guidelines.

The following publications are currently available from the U.S. Access Board.

Guidelines and Standards for Facilities

Federal guidelines and standards are subject to periodic revision based on research findings and guidance from advisory committees. The City should have a regular practice of reviewing research materials posted to the U.S. Access Board's website and updating local guidelines and practices as new standards are adopted or existing standards are revised.

- *ADA Standards for Accessible Design* (ADASAD). This document (www.ada.gov/2010ADASTandards_index.htm) contains scoping and technical requirements for accessibility to buildings and facilities by individuals with disabilities under the ADA, including special provisions where applicable for elements designed specifically for children ages 12 and under. 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 to the extent required by regulations issued by Federal agencies, including the DOJ and the DOT, under the ADA.
- *Accessibility Guidelines for Play Areas*. The Access Board has developed accessibility guidelines for newly constructed and altered play areas. This bulletin is designed to assist in using the play area accessibility guidelines and provides information regarding where the play area guidelines apply, what a play component is considered to be, how many play components must be an accessible route, and the requirements for accessible routes within play areas. (www.access-board.gov/guidelines-and-standards/recreation-facilities/guides/play-areas)
- *Accessibility Guidelines for Recreation Facilities*. The Access Board issued accessibility guidelines for newly constructed and altered recreation facilities in 2002. The recreation facility guidelines are a supplement to ADASAD. They cover the following facilities and elements: amusement rides, boating facilities, fishing piers and platforms, miniature golf courses, golf courses, exercise equipment, bowling lanes, shooting facilities, swimming pools, wading pools, and spas. These summaries were updated following issuance of ADASAD (www.access-board.gov/guidelines-and-standards/recreation-facilities/guides/play-areas).
- *Accessibility Guidelines for Outdoor Developed Areas*. The Regulatory Negotiation Committee on Accessibility Guidelines for Outdoor Developed Areas was established in June 1997. The accessibility guidelines proposed by the Committee include consideration of the latest information, design, and construction practices in existence. Proposed Section 16 of ADAAG requires all areas of newly designed or newly constructed and altered portions of existing trails connecting to designated trailheads or accessible trails to comply with this section. This proposed section also provides design guidelines for all newly constructed and altered camping facilities, picnic areas, and beach access routes. It is recognized that compliance with this section will not always result in facilities that will be accessible to all persons with disabilities. These guidelines recognize that often the natural environment will prevent full

compliance with certain technical provisions, which are outlined in this publication (www.access-board.gov/guidelines-and-standards/recreation-facilities/outdoor-developed-areas/draft-final-guidelines/text-of-the-guidelines).

Guidance Material and Advisory Reports for Facilities

The following publications provide additional information on specific aspects of the above guidelines and standards for facilities. Employees are encouraged to refer to these publications to obtain more detailed and up-to-date information when evaluating and implementing accessibility improvements to facilities. Note that several websites have been reconfigured and some outdated information removed. Some web addresses or hyperlinks may not be functional and not all information contained in the documents references current standards.

- *Using ADAAG Technical Bulletin.* This bulletin was developed to serve the specific needs of architects and other design professionals who must apply the ADAAG to new construction and alterations projects covered by Titles II and III of the ADA. It is also intended to clarify accessibility regulations generally, including those that apply to existing facilities covered by the ADA.
- *Detectable Warnings Update (March 2014).* Currently, the Access Board is in the process of developing guidelines on public rights-of-way that, once finalized, will supplement the new ADASAD and be the enforceable standard for ROW facilities. This update was expected in 2013 but as of publication of this SETP is still pending. While ADASAD covers various features common to public streets and sidewalks, such as curb ramps and crosswalks, further guidance is necessary to address conditions unique to public ROW. Constraints posed by space limitations at sidewalks, roadway design practices, slope, and terrain raise valid questions on how and to what extent access can be achieved. Guidance on providing access for blind pedestrians at street crossings is also considered essential. This bulletin outlines the requirements of detectable warnings, a distinctive surface pattern of domes detectable by cane or underfoot, which are used to alert people with vision impairments of their approach to streets and hazardous drop-offs. Note that detectable warnings are required in very few locations outside of the public ROW and are often installed in parking lots and similar site conditions where they are not required and should not be placed. Overuse of detectable warnings can lead to confusion for persons with vision loss and can create unsafe conditions for persons using mobility devices. (www.access-board.gov/guidelines-and-standards/streets-sidewalks/public-rights-of-way/guidance-and-research/detectable-warnings-update)
- *Assistive Listening Systems Technical Bulletins.* Assistive listening systems are devices designed to help people with hearing loss improve their auditory access in difficult and large-area listening situations. Typically, these devices are used in such venues as movie houses, theaters, auditoriums, convention centers, and stadiums, where they are piggybacked on a public-address system. They may also be used in smaller listening locations like courtrooms, museums, classrooms, and community centers. This web site provides information about the types of systems that are currently available and tips on choosing the appropriate systems for different types of applications (www.nidcd.nih.gov/health/assistive-devices-people-hearing-voice-speech-or-language-disorders).

Guidelines for Transportation

- *ADAAG for Transportation Vehicles.* This publication provides minimum guidelines and requirements for accessibility standards for transportation vehicles required to be accessible by the ADA, including over-the-road bus and tram systems. (www.access-board.gov/guidelines-and-standards/transportation/vehicles/adaag-for-transportation-vehicles).

- *ADAAG for Transportation Vehicles; Over-the-Road Buses*. This publication outlines the amendments to the accessibility guidelines for over-the-road buses (OTRB) made by the Architectural and Transportation Barriers Compliance Board and the DOT to include scoping and technical provisions for lifts, ramps, wheelchair securing devices, and moveable aisle armrests. Revisions to the specifications for doors and lighting are also adopted. The specifications describe the design features that an OTRB must have to be readily accessible to and usable by persons who use wheelchairs or other mobility aids. (www.access-board.gov/guidelines-and-standards/transportation/vehicles/technical-assistance-manuals-on-adaag-for-transportation-vehicles/subpart-g-over-the-road-buses-and-systems)
- *American Association of State Highway and Transportation Officials (AASHTO)*. AASHTO is the organization that maintains the "Green Book" for design of roads and highways and has begun to address accessibility of pedestrian networks. Several AASHTO publications, which can be ordered from the AASHTO website (<http://transportation.org/>), address accessible circulation systems, including: *AASHTO Guide for the Planning, Design, and Operation of Pedestrian Facilities* (1st edition) and *Guide for the Development of Bicycle Facilities* (3rd edition).
- *Federal Transit Administration (FTA)*. FTA regulates and enforces requirements of the ADA covering transportation facilities and systems. FTA maintains a technical assistance line on ADA questions (888-446-4511) and on their website (www.fta.dot.gov).
- *Securement of Wheelchairs and Other Mobility Aids*. As a public or private transit authority, the responsibility of safe, efficient service from public agencies who offer transportation services has been enlarged to affording ridership to people using a wide variety of mobility aids. In considering not only the many types of mobility aid devices, but also the variety and sizes of lifts, and the numerous makes of buses and vans, it can be easily seen that there is no single, definitive solution to accessibility on mass transit vehicles. Various publications can be found that report on the experience of transit agencies that have taken the initiative to involve the ridership in needs assessment and have established policies, educated operators, and informed the public to achieve greater accessibility in their bus transit systems. See the example at trid.trb.org/view/362763.

Guidance Material for Communication

- *Standards for Electronic and Information Technology*. The Access Board is issuing final accessibility standards for electronic and information technology covered by Section 508 of the Rehabilitation Act Amendments of 1998. Section 508 requires the Access Board to publish standards setting forth a definition of electronic and information technology and the technical and functional performance criteria necessary for such technology to comply with section 508. (www.access-board.gov/guidelines-and-standards/communications-and-it/about-the-section-508-standards/section-508-standards)
- Section 508 also requires that individuals with disabilities, who are members of the public seeking information or services from a Federal agency, have access to and use of information and data that is comparable to that provided to the public who are not individuals with disabilities, unless an undue burden would be imposed on the agency. (www.section508.gov/)
- *Bulletin on the Telecommunications Act Accessibility Guidelines*. As technology continues to improve our means of telecommunication, it can pose challenges to accessibility on one hand, while on the other hold the key to innovative access solutions. Section 255 of the Telecommunications Act requires telecommunications products and services to be accessible to people with disabilities. This is required to the extent access is "readily achievable," meaning easily accomplishable, without much difficulty or expense. Telecommunications products covered include: wired and wireless telecommunication devices, such as telephones (including pay phones and cellular phones), pagers, and fax machines; other products that have a telecommunication service capability, such as computers with modems, and equipment that

carriers use to provide services, such as a phone company's switching equipment. (<https://www.access-board.gov/the-board/laws/telecommunications-act>)

Federal guidelines and standards are subject to periodic revision based on research findings and guidance from advisory committees. The City should have a regular practice of reviewing research materials posted to the U.S. Access Board's website and updating local guidelines and practices as new standards are adopted or existing standards are revised.

8.3 Resources for Providing Accessible Programs & Facilities

- *ADA Document Portal*: This website (adata.org/ada-document-portal) provides links to more than 7,400 documents on a wide range of ADA topics. The ADA Document Portal is supported by the 10 ADA & IT Technical Assistance Centers.
- *The U.S. Department of Labor, Office of Disability Employment Policy*: www.dol.gov/odep/: The Office of Disability Employment Policy (ODEP) is the only non-regulatory federal agency that promotes policies and coordinates with employers and all levels of government to increase workplace success for people with disabilities.
- *National Center on Accessibility (NCA)*: The Center (<http://ncaonline.org>) is a cooperative effort between the National Park Service (NPS) and Indiana University to provide information and technical assistance, primarily on recreation access. An example of the research activities of the NCA is the National Trails Surface Study. Initiated in 2005, this longitudinal study is primarily the result of questions that the National Center on Accessibility has, for many years and continues to receive from organizations, agencies and individuals who desire to make their trails accessible; are interested in an unobtrusive surface that blends and is friendly to the environment; and provides a quality trail experience for people with and without disabilities.
- *National Center on Health, Physical Activity, and Disability*: The Center (www.ncpad.org) provides information and resources on physical activity to help people with disabilities find ways to become more active and healthier. The Center also provides information on how to provide access to fitness centers, schools, recreation facilities, camps, and health and leisure services.
- *National Park Service*: NPS has many programs that address the issue of providing accessible recreation services to people with disabilities. These include Wilderness Accessibility for People with Disabilities (www.nps.gov/publications/1992/December1992#8-1a) and Director's Order #42-Accessibility, which establishes the purpose and role of the NPS Accessibility Program (www.nps.gov/accessibility.htm), lists applicable laws, standards, and authorities, implementation strategies, roles, and responsibilities. It also addresses NPS policies and provides links to additional information sources.

8.4 Technical Resources

The City should utilize the many disability-related resources available through the internet. Begin at AbleData (www.abledata.com), maintained by the National Institute on Disability and Rehabilitation Research of the U.S. Department of Education. The site provides up-to-date links to assistive technologies and disability-related resources. AbleData's mission is to provide objective information on such assistive products as:

- *Aids for Daily Living*: Products to aid in activities of daily living, including bathing, carrying, child care, clothing, dispenser aids, dressing, drinking, feeding, grooming/hygiene, handle padding, health care, holding, reaching, time, smoking, toileting, and transfer.

- *Blind and low vision:* Products for people with visual disabilities, including computers, educational aids, information storage, kitchen aids, labeling, magnification, office equipment, orientation and mobility, reading, recreation, sensors, telephones, tools, travel, typing, and writing (Braille).
- *Communication:* Products to help people with disabilities related to speech, writing, and other methods of communication, including alternative and augmentative communication, signal systems, telephones, typing, and writing.
- *Computers:* Products to allow people with disabilities to use desktop and laptop computers and other kinds of information technology including software, hardware, and computer accessories.
- *Controls:* Products that provide people with disabilities with the ability to start, stop, or adjust electric or electronic devices, including environmental controls and control switches.
- *Deaf and hard of hearing:* Products for people with hearing disabilities, including amplification, recreational electronics, signal switches, and telephones.
- *Deaf and blind:* Products for people who are both deaf and blind.
- *Education:* Products to provide people with disabilities with access to educational materials and instruction in school and in other learning environments, including classroom and instructional materials.
- *Environmental Adaptations:* Products that make the built environment more accessible, including indoor environment, furniture, outdoor environment, vertical accessibility, houses, polling place accessibility, lighting, and signs.
- *Housekeeping:* Products that assist in cooking, cleaning, and other household activities, as well as adapted appliances. Includes food preparation, housekeeping, cleaning, ironing, laundry, and shopping.
- *Orthotics:* Braces and other products to support or supplement joints or limbs.
- *Prosthetics:* Products for amputees, including lower and upper extremity.
- *Recreation:* Products to assist people with disabilities with their leisure and athletic activities, including crafts, electronics, gardening, music, photography, sewing, sports, and toys.
- *Safety and Security:* Products to protect health and home, including alarm and security systems, childproof devices, electric cords, lights, and locks.
- *Seating:* Products that assist people to sit comfortably and safely, including seating systems, cushions, and therapeutic seats.
- *Therapeutic Aids:* Products that assist in treatment for health problems and therapy and training for certain disabilities, including ambulation training, biofeedback, evaluation, exercise, fine and gross motor skills, perceptual motor, positioning, pressure/massage modality equipment, respiratory aids, rolls, sensory integration, stimulators, therapy furnishings, thermal/water modality equipment, and traction.
- *Transportation:* Products to enable people with disabilities to drive or ride in cars, vans, trucks, and buses, including mass transit vehicles and facilities, vehicles, and vehicle accessories.
- *Walking:* Products to aid people with disabilities who are able to walk or stand with assistance, including canes, crutches, and walkers.
- *Wheeled mobility:* Products and accessories that enable people with mobility disabilities to move freely indoors and outdoors, including wheelchairs (manual, sport, and powered), wheelchair alternatives (scooters), wheelchair accessories, transporters, stretchers, and carts.
- *Workplace:* Products to aid people with disabilities at work, including agricultural equipment, office equipment, tools, vocational assessment, vocational training, and work stations.

Assistive Technology Vendors and Service Providers

- National Center for Accessible Media – A research and development facility dedicated to the issues of media and information technology for people with disabilities in their homes, schools, workplaces, and communities. NCAM has developed an authoring tool to make web- and CD-ROM-based multimedia

materials accessible to persons with disabilities. Called Media Access Generator (MAGpie, versions 1.0 and 2.01) create captions and audio descriptions of rich media and can be downloaded on their website (ncam.wgbh.org).

- American Sign Language Interpreters – A pool of on-call American Sign Language interpreters should be developed. This list should be routinely updated to ensure their availability. Some programs may need to have a pool of interpreters who are available on a 24-hour basis to handle emergency procedures. The required qualifications of these interpreters should be established. Many non-certified interpreters provided by local services may have excellent skills and be qualified to handle most circumstances. However, unique circumstances, such as the provision of emergency medical services, may require interpreters who are approved by the courts and can ensure a level of confidentiality. Resources and contacts for qualified sign language interpreters and information for the deaf and hard of hearing are at the following locations:
 - Community Tennessee Rehabilitation Center (Blount County)
1749 Triangle Park Drive
Maryville, TN 37801-3705
1-865-981-2382
 - Knoxville Center of the Deaf – <http://kcdtn.org/>
 - Registry of Interpreters for the Deaf – www.rid.org/, including the Tennessee Chapter (www.tennrid.org/).
 - Maryville College – provides a bachelor's degree program in ASL and could potentially provide students for ASL interpretation as part of the college's Experiential Learning program (www.maryvillecollege.edu/academics/programs-of-study/american-sign-language/).
- Assistive Technology
Systems and devices amplify sound for persons with hearing disabilities should be available for public meetings and conferences. Different types of devices are more suitable for different types of hearing disabilities. Devices should be chosen to accommodate the greatest number of individuals.
 - *Telecommunications Devices Access Programs (TDAP)*: The Telecommunications Devices Access Program (TDAP) is established by Chapter 417 of the Public Acts of 1999. In accordance with the Act, the program is designed to distribute appropriate telecommunications devices so that persons who have a disability may effectively use basic telephone service. The Tennessee Public Utility Commission was given the responsibility and authority to implement and manage this program. Devices are issued on a first-come, first-served basis. However, there are certain qualifiers that might enable individuals to receive devices on a priority basis. www.tn.gov/tpuc/telecommunications-devices-access-programs-tdap.html
 - *Tennessee Relay Services (TNRS)*: As a service to Tennessee's deaf, deaf-blind, hard-of-hearing, and hearing and speech-impaired community, the Tennessee Relay Service (TNRS) provides free, statewide assisted telephone service to those with speech, hearing, and visual impairments. (www.tn.gov/tpuc/relay-center-services.html).
 - *Technology Access Center (TAC)*: The Technology Access Center has offered services for middle Tennesseans with disabilities and functional limitations since 1989. The Center is operated by the nonprofit corporation, Access Services of Middle Tennessee. The mission of the corporation's board and staff members is to promote the independence and participation of individuals of all ages with disabilities in school, work, play and everyday activities through their use of assistive technology. (tacnashville.org/).
 - *Spark (formerly East Tennessee Technology Access Center (ETTAC))*: Spark is a regional nonprofit agency that helps people with disabilities gain knowledge about and access to assistive technology

devices. These devices help people with disabilities gain education and employment skills, perform activities of daily living, and lead more independent, productive lives. Spark's assistive technology equipment is used for assessment and training, and some devices may also be available for loan. (www.ettac.org/home.html).

- *Closed Caption Machine* - To the extent practical, City divisions should have access to a device for encoding closed captioning on films and videotapes used for training and other programs.
- *Enlarging Printed Materials* - A copy machine capable of enlarging printed materials should be available for each site where programs or transaction counter services are provided to the public.
- *Optical Readers* - Equipment that can translate printed information into an audio format should be available to Departments.
- *TDD* - To the extent necessary, City Divisions should have access to a text telephone or have access to a telephone transfer service as required by the law and offered by public telephone companies.
- *TDI* – TDI's (formerly known as Telecommunications for the Deaf and Hard of Hearing, Inc.) mission is to promote equal access in telecommunications and media for people who are deaf, hard of hearing, late deafened, or deaf blind. TDI's online resources (tdiforaccess.org/) include information about telecommunications access such a TTY, pagers, telephony, VoIP, and more.

Guide to Disabilities and Disability Etiquette

A summary guide to disabilities and disability etiquette has been included below. The guide will allow staff members to become familiar with a variety of types of disabilities and help them to be more sensitive to the abilities and needs of people with disabilities in order not to offend or demean them. The guide should be periodically updated to ensure that it includes current acceptable language for talking about disabilities.

The National Organization on Disability reports that more than 59 million Americans have a disability. This section is for anyone — with or without a disability — who wants to interact more effectively with people who are disabled.

The ADA was conceived with the goal of integrating people with disabilities into all aspects of American life, particularly the workplace and the marketplace. Sensitivity toward people with disabilities is not only in the spirit of the ADA, it makes good business sense. It can help the City expand its services to citizens, better serve its customers and improve relationships with its employees.

When supervisors and co-workers use disability etiquette, employees with disabilities feel more comfortable and work more productively. Practicing disability etiquette is an easy way to make all people feel more comfortable and welcomed in their environment.

There is no reason to feel awkward when dealing with a person who has a disability. This section provides some basic tips for City staff to follow. If a City employee is ever unsure how to best serve a person with a disability, just ask them.

- **Ask Before You Help** – Just because someone has a disability, don't assume he/she needs your help. If the setting is accessible, people with disabilities can usually get around fine without assistance. Adults with disabilities want to be treated as independent people. Offer assistance only if the person appears to need it. If they do want help, ask what type of help they would like before you offer any assistance. What you think they may need may not be what they really need.
- **Do Not Touch!** – Some people with disabilities depend on their arms for balance. Grabbing them – even if you mean well – could knock them off balance and create an injury. This is especially true of a person using a cane, crutches, or walker. When someone is in a wheelchair, never pat their head or touch their wheelchair (or scooter) without permission. This equipment is part of their personal space and touching it is considered rude.

- **Engage Your Mind Before Engaging Your Mouth** – Always speak directly to the person with the disability NOT to their companion, aide, or sign language interpreter. Making small talk with a person who has a disability is great; just talk to him/her like you would anyone else. Respect his/her privacy and don't ask questions about their disability unless they invite the discussion. If you are with a child who asks, don't make the situation awkward for everyone; let the person with the disability respond directly to the child. They are used to children's questions.
- **Make No Assumptions** – People with disabilities are the best judge of what they can or cannot do. Do not make any decisions for them about participating in any activity or what they may or may not be able to do. Simply respond to their questions and let them make their own decisions. Depending on the situation, it may be a violation of the ADA to exclude someone because of a wrong decision on what they're capable of doing.
- **Respond Graciously to Requests** – When people who have a disability ask for an accommodation at a City-owned property, it is not a complaint. It shows they feel comfortable enough in your establishment to ask for what they need. If they get a positive response, they will enjoy their transaction and feel comfortable to come back again and again. Unless they are asking for something outlandish, provide what is asked for. If they request something unreasonable, contact your ADA Coordinator for a direction toward a resolution.
- **Terminology** – PUT THE PERSON FIRST! Always say "person with a disability" rather than "disabled person". This recognizes that they are a person first, not a disability first. If someone has a specific disability, it would be a "person who is blind", a "person who is deaf", or a "person with dwarfism". Each person may have their own preferred terminology, and if you're not sure what to use, just ask them. Most, however, will recognize the effort when you just refer to them as "people".
 - Avoid outdated, politically incorrect terms like "handicapped" or "crippled". Be aware that many people with disabilities dislike jargon and euphemistic terms like "physically challenged" and "differently abled". Say "wheelchair user" instead of "confined to a wheelchair" or "wheelchair bound". The wheelchair is what enables the person to get around, but they are neither confined by it nor bound to it. The wheelchair is liberating, not confining.
 - With any disability, avoid negative, disempowering words like "victim" or "sufferer". Say "person with AIDS" instead of "AIDS victim" or person who "suffers from AIDS".
 - It's okay to use idiomatic expressions when talking to people with disabilities. For example, saying "It was good to see you" and "See you later" to a person who is blind is completely acceptable. They will use the same terminology and it's inappropriate to respond with questions like, "How are you going to see me later?"
 - People in wheelchairs will say things like, "Let's go for a walk" and it's okay for you to say it too. The situation will only become awkward if you make it so.
 - Many people who are Deaf communicate with sign language and consider themselves to be members of a cultural and linguistic minority group. They refer to themselves as Deaf (with a capital D) and may be offended by the term "hearing impaired." Others may not object to the term, but in general it is safest to refer to people who have hearing loss but communicate through a spoken language as "people with hearing loss" and those who have a profound hearing loss as "people who are Deaf".

Community Groups, Organizations, Associations, and Commissions

There are a large number of groups nationally, regionally, and within each state that provide specialized services, information, and advocacy for persons with all disabilities. A number of advocacy groups are listed below, the list is not intended to be complete by any means:

- *Ability Resources, Inc.:* Ability Resources Inc. (www.ability-resources.org/home.org) was founded in 1976. Their mission is to assist people with disabilities in attaining and maintaining their personal independence. One way this can be achieved is in the creation of an environment in which people with disabilities can exercise their rights to control and direct their own lives.
- *ADA National Network:* The ADA National Network (<http://adata.org/>) provides information, guidance and training on the Americans with Disabilities Act (ADA), tailored to meet the needs of business, government and individuals at local, regional and national levels. The ADA National Network consists of ten Regional ADA National Network Centers located throughout the United States that provide local assistance to ensure that the ADA is implemented wherever possible.
- *American Council of the Blind:* ACB (www.acb.org) is a national organization advocating on behalf of persons who are blind or have low vision. ACB also publishes A Guide to Making Documents Accessible to People Who Are Blind or Visually Impaired. ACB is located at 1155 15th St. NW, Suite 1004, Washington, DC 20005 (800.424.8666) or by e-mail at info@acb.org.
- *American Association of People with Disabilities:* The American Association of People with Disabilities (www.aapd.com/) is the largest non-profit, non-partisan, cross-disability organization in the United States.
- *Maryville College:* Maryville College developed the first bachelor's degree program in interpreting for ASL, and could be a local resource for interpretation (www.maryvillecollege.edu/academics/programs-of-study/american-sign-language/).
- *National Association of the Deaf:* NAD is a national consumer organization representing people who are deaf and hard of hearing. NAD provides information about standards for American Sign Language Interpreters and the Captioned Media Program on its website (www.nad.org).
- *National Federation of the Blind:* NFB is a national organization advocating on behalf of persons who are blind or have low vision. NFB provided online resources (www.nfb.org/) for technology for the blind, including a technology resource list, a computer resource list, screen access technology, sources of large print software for computers, and sources of closed circuit TV (CCTVs). There is also a Tennessee state chapter (www.nfbtn.org/).
- *National Organization on Disability:* The National Organization on Disability promotes the full and equal participation and contribution of America's 54 million men, women and children with disabilities in all aspects of life. NOD maintains an on-line directory of information and links including transportation-related resources (www.nod.org/).
- *Paralyzed Veterans of America:* PVA is a national advocacy organization representing veterans. PVA's Sports and Recreation Program promotes a range of activities for people with disabilities, with special emphasis on activities that enhance lifetime health and fitness. PVA's website (www.pva.org/) provides information on useful sports publications and a list of contacts.
- *United Spinal Association:* United Spinal Association is a membership organization serving individuals with spinal cord injuries or disease. Formerly known as the Eastern Paralyzed Veterans Association, the organization expanded its mission to serve people with spinal cord injuries or disease regardless of their age, gender, or veteran status. Information on accessibility training and consulting services and recreational opportunities for people with spinal cord injuries or disease is available on their website (www.unitedspinal.org/).
- *World Institute on Disability:* WID is an international public policy center dedicated to carrying out research on disability issues and overcoming obstacles to independent living. WID maintains an on-line information and resource directory on technology, research, universal design, and the ADA. (www.wid.org/resources).
- *Tennessee Department of Human Services* – provides information on a wide variety of disability services (www.tn.gov/humanservices/disability-services.html). Information is provided for

- Vocational Rehabilitation
- Blind & Visually Impaired Services
- Deaf, Deaf-Blind, and Hard of Hearing Services
- Tennessee Rehabilitation Center
- Community Tennessee Rehabilitation Centers
- Disability Determination Services
- Tennessee Technology Access Program
- Councils and Committees
- Tennessee Business Enterprises
- Vocational Rehabilitation (VR) Office Locations
- *Tennessee Commission on Aging and Disability*: The Tennessee Commission on Aging and Disability (formerly the Commission on Aging) was created by the Tennessee General Assembly in 1963. The Commission is the designated state agency on aging and is mandated to provide leadership relative to aging issues on behalf of older persons in the state. Our mission is to bring together and leverage programs, resources, and organizations to protect and ensure the quality of life and independence of older Tennesseans and adults with disabilities. (www.tn.gov/aging.html).
- *Tennessee Association of the Deaf*: The Tennessee Association of the Deaf (TAD) is a state association affiliated with the National Association of the Deaf and the local chapters across Tennessee. It serves as an advocate for more than 500,000 deaf and hard of hearing people living in Tennessee. The TAD is a non-profit state association operating independently of federal, state, and local. Membership includes deaf, hard of hearing, and hearing people. The mission of TAD is to promote the general welfare of deaf, hard of hearing, and hearing people by advocating accessible services and programs across Tennessee. The paramount significance of this mission is that it will enable all individuals to achieve full participation into the mainstream of life and community (www.deaftenn1897.org/).
- *Southeast ADA Center*: The Southeast ADA Center (formerly known as Southeast DBTAC) is a leader in providing information, training, and guidance on the Americans with Disabilities Act (ADA) and disability access tailored to the needs of business, government, and individuals at local, state, and regional levels. They also conduct research to reduce and eliminate barriers to employment and economic self-sufficiency and to increase the civic and social participation of Americans with disabilities. adasoutheast.org/
- *Tennessee Disability Pathfinder*: Tennessee Disability Pathfinder provides free information, resources, support, and referrals to Tennesseans with disabilities and their families. Through three major program components, they provide information and resources to individuals of all ages, all types of disabilities, and language spoken. vkc.mc.vanderbilt.edu/vkc/pathfinder/
- *Disability Rights Tennessee*: Disability Rights Tennessee (DRT) was founded as E.A.C.H. in 1978 and recently the agency was known as Disability Law & Advocacy Center of Tennessee. Today, DRT is Tennessee's Protection & Advocacy System and has served—at no cost—more than 40,000 clients with disabilities. Their mission is to protect the rights of Tennesseans with disabilities. DRT provides services to people with disabilities across the state with numerous issues, including employment discrimination, safety in schools, abuse and neglect, and access to community resources and services. www.disabilityrightstn.org/
- *Tennessee Disability Coalition*: The Tennessee Disability Coalition is an alliance of organizations and individuals joined to promote the full and equal participation of people with disabilities in all aspects of life. The Coalition and its member organizations represent Tennesseans of every age, economic background, political persuasion and disability. Some are disability-specific groups, like the Autism Society of Middle Tennessee, while others are cross-disability and may focus on specific issues, such as

independent living, employment, or assistive technology. Each is committed to collaboration toward improving the lives of all Tennesseans who are touched by a disability. www.tndisability.org/

- *Statewide Independent Living Council of Tennessee (SILC)*: Their mission has been to promote independent living philosophies in Tennessee and support its practices and values. As such, the SILC TN educates the community and public leaders about the IL philosophy, provides training and support to the Independent Living community, and, per new language of the Workforce Innovation and Opportunity Act (WIOA), facilitates funding opportunities for expanding the practice of IL in Tennessee. silctn.org/
- *The Arc Tennessee*: The Arc Tennessee is a grassroots, non-profit, statewide advocacy organization for people with intellectual and developmental disabilities and their families. www.thearctn.org/
- *Tennessee Council of the Blind (TCB)*: The Tennessee Council of the Blind (TCB) is a 501(c)(3) not-for-profit membership organization whose members are concerned about the dignity and well-being of blind people and a proud affiliate of the American Council of the Blind. Their members include persons who are blind, losing vision, or are parents of a child who is blind or visually impaired or fully sighted. tennesseecounciloftheblind.org/
- *Support and Training for Exceptional Parents (STEP)*: Their mission is to improve the lives of families of children with disabilities by guiding them through challenges they face accessing education and community programs. STEP provides services that promote working together with school staff to resolve issues often faced by children with disabilities at school, such as harassment, bullying, low expectations, and social isolation. www.tnstep.org/.
- *East Tennessee Human Resource Agency (ETHRA)*: Since 1973, their mission is to help families and individuals remain independent with opportunities to succeed. They maintain a Blount County ETHRA office in Maryville and American Job Center in Alcoa. www.ethra.org/
- *Deaf Link*: Provides accessible hazard alert system (AHAS), video remote interpreting (VRI), pre-recorded interpreting (PRI), and Shelter Link (an internet-based interpreting service for sheltering and mass care agencies) to provide the highest standard of inclusion for persons who are Deaf, Blind, Hard-of Hearing and Deaf-Blind. www.deaflink.com/.

Potential Funding Opportunities

Grants may be available from a wide variety of sources from state and federal agencies to private agencies and non-profits. A number of potential programs are listed below. The list is not intended to be complete by any means and not all grants are funded at all times. The **Tennessee Department of Environment & Conservation** offers a number of grants for parks and recreation facilities. Recreation Educational Services is responsible for administering federal and state recreational grant programs to local and state governments. The Division manages the Local Parks and Recreation Fund (LPRF), the Recreational Trails Program (RTP), and the Tennessee Recreation Initiative Program (TRIP), the Land and Water Conservation Fund (LWCF), and the Natural Resources Trust Fund (NRTF). Refer to their website for a matrix of grant programs (www.tn.gov/environment/program-areas/res-recreation-educational-services/res-recreation-educational-services-grants0.html).

Tennessee Department of Transportation administers several grant programs for transportation-related projects (<https://www.tn.gov/tdot/government/g/gr/tdot-grant-information.html>).