

# CITY OF DAYTON, OHIO



## *Americans with Disabilities Act* Self-Evaluation and Transition Plan



**PUBLIC REVIEW VERSION**

**JULY 2023**

Prepared by:



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## List of Abbreviations/Acronyms

AASHTO – American Association of State Highway and Transportation Officials  
ABA – Architectural Barriers Act of 1968  
ADA – Americans with Disabilities Act of 1990  
ADAAG – 1991 ADA Accessibility Guidelines  
ADASAD – 2010 Americans with Disabilities Act Standards for Accessible Design  
ALS/ALD – Assistive Listening System/Assistive Listening Device  
CDBG – Community Development Block Grant  
CFR – Code of Federal Regulations  
DOJ – U.S. Department of Justice  
DOT – U.S. Department of Transportation  
DW – Detectable Warnings  
FHWA – U.S. DOT Federal Highway Administration  
FTA – U.S. DOT Federal Transit Administration  
GIS – Geographic Information System  
HR – Human Resources Department  
ISA – International Symbol of Accessibility  
IT – Information Technology  
MOT – Maintenance-of-Traffic  
MUTCD – Manual of Uniform Traffic Control Devices  
NCA – National Center on Accessibility  
ODOT – Ohio Department of Transportation  
OPDMD – Other Power-Driven Mobility Devices  
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  
PSAP – Public Safety Answering Points (e.g., 9-1-1)  
RA – Rehabilitation Act of 1973  
ROW – Right-of-Way  
SETP – Self-Evaluation and Transition Plan  
TDD – Telecommunications Devices for Deaf Persons  
TTY – Teletypewriter  
UFAS – Uniform Federal Accessibility Standards  
VP – Video Phone  
VRI – Video Relay Interpretation  
VRS – Video Relay System

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## 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 Dayton (City) has completed a self-evaluation of most City facilities, including limited facilities within the public right-of-way (ROW), programs, and procedures and prepared this Transition Plan. Dayton 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. Facilities are numbered according to the system established by Dayton during the Request for Qualifications process. In addition, pedestrian access routes (PAR) within the public ROW only along the property boundary of facilities listed below were also evaluated. In some cases, city-owned facilities are leased to others and only the PAR for those properties was evaluated. Self-evaluation of PARs outside of City-owned properties were not included. The following City facilities were evaluated as noted above:

### City Facilities (Owned, Leased, or Hosting Programs)

- |                                  |  |
|----------------------------------|--|
| 1. Fire Fleet Maintenance Garage | 73. Oregon District Garage                   |
| 2. Fire Headquarters             | 74. Central Patrol Operations Division       |
| 3. Fire Station 10               | 75. Eastern Patrol Operations Division North |
| 4. Fire Station 11               | 76. Eastern Patrol Operations Division South |
| 5. Fire Station 12               | 77. Police Academy                           |
| 6. Fire Station 13               | 78. Safety Building                          |
| 7. Fire Station 14               | 79. Western Patrol Operations Division       |
| 8. Fire Station 15               | 80. Building 23 Director of Public Works     |
| 9. Fire Station 16               | 81. City Hall                                |
| 10. Fire Station 17              | 82. Dayton Convention Center                 |
| 11. Fire Station 18              | 83. Dayton Dragons Stadium                   |
| 12. Fire Station 2               | 84. Levitt Pavilion                          |
| 13. Fire Station 8               | 85. Levitt Pavilion Restrooms                |
| 14. Fire Training Academy        | 86. One Stop Center                          |
| 72. City Hall Municipal Garage   | 98. Ottawa Yards Ottawa Pump Station         |

99. Ottawa Yards Sewer Maintenance
100. Ottawa Yards Water Treatment Plant
101. Ottawa Yards Water Utility Field Operations
102. Water Administration Building
103. Water Reclamation Administration
104. Water Reclamation Training Room
105. Water Supply & Treatment Administration
106. Water Supply & Treatment Training Room
109. FROC Priority Board Community Center
110. Dayton Montgomery County Courthouse

**City Parks and Recreation Facilities**

15. Adams & James Park
16. Arlington Heights Park
17. Arlington Hills Parks
18. Belmont Park
19. Blommel Park
20. Bomberger Park
21. Borgerding Park
22. Burkham Park
23. Burns Jackson Park
24. Canal Park
25. Claridge Park
26. Cleveland Park
27. College Hill Park
28. Cooper Park
29. Dayton View Park
30. Deeds Park
31. Desoto Bass (Gillespie Park)
32. DeWeese Park
33. Fairview Park & Aquatic Center
34. Five Oaks Park
35. Gettysburg Park
36. Hickorydale Park
37. Highland Park
38. Highview Hills Park
39. Jane Newcome Park
40. Joan Hiers Park
41. Lakeside Lake Park
42. Linden Park
43. Madden Park
44. Mallory Park
45. Mary Avenue Park
46. McCabe Park
47. McIntosh Park
48. McKinley Park
49. Nordale Park
50. North Dayton War Memorial
51. Oak & Ivy Park
52. Oregon Park
53. Orville Wright Park
54. Park Drive Park
55. Pinewood Park
56. Princeton Park
57. Residence Park
58. Ridgecrest Park
59. Salem Heights Park
60. Sandalwood Park
61. South Park Green
62. Steele Park
63. Thal Park
64. Triangle Park
65. Vietnam Memorial Park
66. Walnut Hills Park
67. Washington Park
68. Welcome Park
69. Western Hills Park
70. Wogaman Park
71. Wright-Dunbar Park
87. Community Golf Course
88. Greater Dayton Recreation Center
89. Howell Field
90. Jim Nichols Tennis Center
91. Kettering Field Complex
92. Kittyhawk Golf Course
93. Lohrey Recreation Center
94. Madden Golf Course
95. Michael Solomon Pavilion
96. Northwest Recreation Center
97. Stuart Patterson Park

**ROW Sidewalk Only**

- 87SW Dunbar Field Office
- 88SW Sunrise Center
- 89SW Sign & Signal Shop
- 90SW Cultural Center
- 91SW Daymont Rehab Center
- 92SW Northeast Priority Board
- 93SW Signal Building
- 94SW Southeast Priority Board
- 95SW Smokin' BBQ
- 96SW The Neon
- 97SW Edgemont Neighborhood Center
- 98SW Public Health Dayton & Montgomery County
- 99SW St. Mary Development Corporation

100SW Stepping Stones Daycare  
101SW Senior Resources Connection  
102SW Temple Israel

103SW Adult Parole Authority  
104SW Westwood Park

Public areas reviewed 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 reasonable accommodation 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. This Transition Plan does not address all facilities under the control of the City. As noted above, only the PAR adjacent to City owned facilities were included in the sidewalk evaluation. All other PARs throughout the City have yet to be assessed for compliance. Curb ramps were previously reviewed by City staff, with a summary of the results included in this Transition Plan. The review of curb ramps was limited in detail and provides little information to determine compliance of existing ramps other than to note that a ramp is present and whether the ramp provides a detectable warning or not. No details related to curb ramp dimensional or slope requirements was collected. The City also owns two (2) airports that were not included in the self-evaluation, the airports have performed their own facility evaluations which are considered separate documents and not referenced in this Transition Plan in any way.

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 \$5.2 million. In addition, over \$3.6 million in deficiencies for the parks and recreation facilities within the city were identified. The PAR adjacent to City facilities, City parks, and facilities owned by the City but provide no programs are estimated to require over \$1.5 million of improvements. 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 City welcomes input on the contents of this Transition Plan at any time. Comments, requests, suggestions, etc. should be provided to the ADA Coordinator by phone at Mr. Brent McKenzie, ADA Coordinator, at 937-333-4062 or email at [brent.mckenzie@daytonohio.gov](mailto:brent.mckenzie@daytonohio.gov).

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.

Note to reviewers of the Public Review Version of the Transition Plan: items highlighted in green throughout the document will be updated in the final Transition Plan based on changes needed to summarize the results of the public comment period.

# 1

## Introduction and Overview



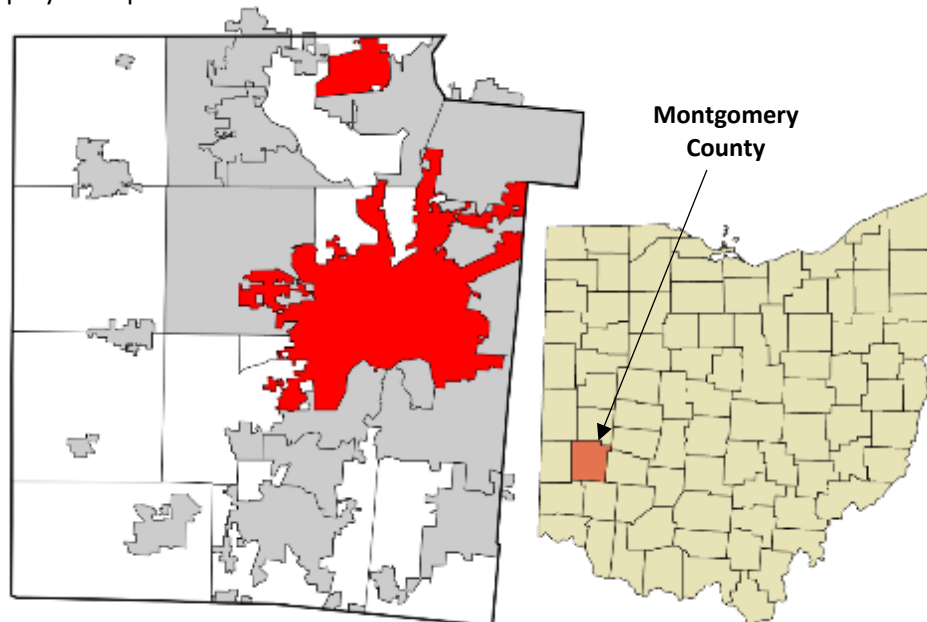
## 1.0 Introduction and Overview

### 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

Dayton is located in southwest Ohio (Figure 1-1), approximately 70 miles west of Columbus and 50 miles north of Cincinnati. Dayton is the sixth-largest city in the state of Ohio and the county seat of Montgomery County, with a small part of the city extending into adjacent counties. The City had an estimated population of approximately 140,407 in 2019 according to the U.S. Census and contains a total land area of approximately 56 square miles. The City was one of the first large cities in the U.S. to adopt a City Manager form of government. 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 Dayton Location Map.**

Source: U.S. Census

## **1.2 Purpose**

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 Dayton. 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 Dayton is required to perform six administrative responsibilities:

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 Dayton became aware of the need to be in full compliance with the requirements of the ADA by the Ohio Department of Transportation (ODOT), who sent letters to all local public agencies requiring them to have a compliant ADA

## TITLE II ADMINISTRATIVE RESPONSIBILITIES

Title II of the ADA stipulates that the Title II entities are required to perform six administrative responsibilities as part of the transition plan process:

- Publicize the name and contact information of the designated ADA Coordinator responsible to oversee compliance [[28 CFR 35.107 \(a\)](#)]
- 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 on the transition plan [[28 CFR 35.105](#)]
- Publicize and inform applicants, participants, and beneficiaries of the policy of non-discrimination on the basis of disability related to City services, programs, and activities [[28 CFR 35.106](#)]
- Establish a complaint/grievance procedure to respond to complaints of non-compliance from the public [[28 CFR 35.107 \(b\)](#)]
- Develop a transition plan if structural changes are necessary for achieving program accessibility [[28 CFR 35.150 \(a\) and \(d\)](#)]
- Retain the self-evaluation and provide it for public inspection for three years [[28 CFR 35.105 \(c\)](#)]

Transition Plan to remain eligible for federal funding. The City responded by issuing Requests for Proposals in the summer of 2019 and contracting in early 2020 with DLZ Ohio, Inc., to prepare this SETP.

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 should 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. Within the public right-of-way (ROW), only limited facilities were included within the scope of the project. The evaluation included pedestrian access routes (PAR) only within the areas adjacent to city facilities and review of on-street parking within the downtown area. No review of other PARs, curb ramps, or other ROW facilities was included in the project scope.

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 Commission 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 and other budgetary allotments for the various improvements required.

#### **1.4 Legislative Background & Framework**

For more than 40 years, Dayton 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 Dayton 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 Commission.

## **1.9 Facility Audit**

Self-evaluation of building and facility interiors, exterior site features, and facilities within the public ROW were performed in 2020 and 2021. 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. The locations of City facilities and parks (by number) are shown on Figure 1-2 in the Figures section of this Transition Plan. Addresses for all facilities can be found in Appendix A.

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.

## **1.10 City Administration and Departments**

There are several departments that provide City services, programs, and activities that are available to the public. The review of each different department and subdivisions within is often required to ensure ADA compliance for various policies and procedures. The level of interaction of each Department is subjectively 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:

- **Aviation Department (3600 Terminal Drive, Suite 300)** – Provides staffing for various positions at the Dayton International Airport and Dayton-Wright Brothers Airport, which provide air service to meet the needs of travelers to and from Southwest Ohio. Their stated mission is to contribute to the prosperity of Southwest Ohio by connecting it to the rest of the world through our aviation system and providing an enjoyable travel experience. Interaction with the public is extensive.
- **City Manager (101 West 3<sup>rd</sup> Street)** – Operates under the city manager form of government, where elected officials appoint a chief executive, the city manager, to oversee the operations of the local government. The City Manager, along with two deputy city managers, ensures goals are met and services are provided by managing the City's departments, divisions and offices. The city manager reports to the Dayton City Commission, who serve at the pleasure of the citizens of Dayton and are responsible for legislation. Interaction with the public is extensive.
  - 1) Office of Sustainability – prepares and tracks implementation of a comprehensive strategy of goals, objectives, projects, and actions that move the City of Dayton in a more environmentally sensitive and sustainable direction. We pursue continuous reductions in fossil fuel consumption and look for opportunities to employ renewable forms of energy such as geothermal, hydro, wind, and solar. The Office of Sustainability leads the City's internal Green Team and works closely with the Environmental Advisory Board appointed by the Mayor and Commission. The Office reviews and incorporates green concepts and practices into proposed capital projects; and is an advocate for building resilience into those same projects. Also assists residents and businesses with methods and tips to conserve water, electricity, including converting to solar energy, recycling and other aspects of a sustainable lifestyle.
- **Civil Service Board (371 West 2<sup>nd</sup> Street, Suite 231)** – The mission of the Civil Service Board is to provide independent, equitable, and impartial employment services, based on merit and fitness, for the City of Dayton, Dayton Public Schools, and to our community with a continuous commitment to deliver these services utilizing the highest levels of integrity, respect and teamwork on behalf of the Civil Service Board. This is accomplished by enforcing the primary goals and objectives set forth by the City of Dayton Charter and the Civil Service Board, as well as applicable elements of collective bargaining agreements, State of

Ohio statutes, and the United States Code. Serves the needs of applicants for employment and employees in classified service. The Civil Service Board has the authority to see that all employees in the classified service of the City are appointed solely on the basis of merit and fitness, which includes all employees except elected officials, the City Manager, Clerk of Commission, department directors, division heads and certain deputies, professionals, and secretaries. Interaction with the public is extensive.

- **Communications & Public Affairs (101 W 3<sup>rd</sup> Street)** – The Office of Communications and Public Affairs manages communications functions for the City of Dayton. Staff members produce news releases and special materials for City departments and agencies, as well as internal and external communications including the Dayton Extra electronic newsletter, the daytonohio.gov website and social media content. In addition, CPA operates the City of Dayton Television Network (CDTN), which appears on Spectrum Channels 6 and 993. The office also produces City government-related programming including public meetings and special events. Interaction with the public is extensive.
- **Finance (101 West 3<sup>rd</sup> Street)** – The Department of Finance provides financial management of taxpayer resources, receives and disburses all cash, and links the City with the banking community by managing City investments. Interaction with the public is varies by division and section but overall is regular. The Department is composed of two divisions:
  - 1) **Division of Revenue Administration:** administers and enforces the City income tax ordinance, provides income tax administration services, collects all account receivables, performs the billing function, and is responsible for meter reading for the City's water enterprise.
  - 2) **Division of Tax and Accounting Administration:** installs and supervises the accounts of all Departments and offices of the City of Dayton government. This Division also receives and invests cash, collects receivables, disburses payables, administers payroll for City and Municipal court employees, and manages external financial reporting for the City. Has four sections:
    - Payroll and Disbursements
    - Financial Analysis Team
    - Tax Compliance
    - Treasury
- **Fire Department (300 North Main Street)** – The Dayton Fire Department is dedicated to the safety of everyone who lives, works, visits and plays in the city of Dayton. With 12 stations and over 300 personnel, the department provides the Dayton community with professional firefighting, citizen rescue services, pre-hospital emergency medical care, and transportation to emergency rooms. The mission of the Dayton Fire Department is providing the highest level of broad-based fire, health, and rescue services to those entrusted to our care. Interaction with the public is extensive. Three department divisions help achieve this mission:
  - 1) **Emergency Services Division:** tasked with providing excellence in emergency response with a comprehensive system of personnel, equipment, and capabilities. Emergency Services is the largest division of the Fire Department and is responsible for responding to over 38,000 emergency calls annually throughout the community. Emergency Services is proud to provide an effective safety net of fire, EMS, hazmat, and technical rescue services from 12 fire stations strategically located throughout the city to save lives and protect property.
  - 2) **Strategic Programs & Safety:** supports the fire department's overall mission through training, recruitment, diversity and inclusion, EMS compliance, safety, grants, information technology and communications, and emergency planning.
  - 3) **Support Services & Resource Management:** divided into three branches (Support Services, Resource Management, and Community Services), the division operates in a fiscally responsible manner

through effective business practices, short, medium, long-range strategic planning, and resource allocation.

- **Human Relations Council (371 West Second Street, Suite 100)** – The Dayton Human Relations Council enforces civil rights, provides business and technical assistance to minority-owned, woman-owned and small disadvantaged businesses; and administers community relations initiatives that promote and maintain peace, goodwill, and harmony; assists in reducing inter-group tensions; and ensures equality of treatment and opportunity to all who live, work, play, and gather in the City of Dayton. Interaction with the public is extensive.
- **Human Resources (101 West 3<sup>rd</sup> Street)** – The Department of Human Resources is a staff support agency which provides direct customer service to employees, managers, and unions of the City of Dayton. The Human Resources staff collaborates with management and union leadership to create a safe, productive, and rewarding work environment for employees. Human Resources provides corporate leadership and consultation in the areas of regulatory compliance and major human resources systems initiatives for the entire City organization. Human Resources investigates and processes requests for reasonable accommodation under ADA and employee complaints of discrimination and sexual harassment, and administers the employee discipline and grievance-arbitration process. Interaction with the public is extensive.
- **Information Technology (371 West Second Street, Suite 100)** – The Department of Information Technology provides innovative vision, leadership, and strategic planning in the acquisition, implementation and secure use of technology to improve services provided to citizens and community partners. They are committed to providing innovative, secure, reliable, and integrated technology solutions by actively collaborating with every City department and the community to provide the most effective and efficient use of all public technology services. Interaction with the public is limited.
- **Law Department (101 West 3<sup>rd</sup> Street)** – The Department of Law provides legal advice and counsel to the City Manager, Commissioners and Directors of the City of Dayton. The attorneys of the Department of Law, acting on behalf of the City Attorney, handle all litigation on behalf of or against the City, render legal opinions, review contracts, prepare ordinances and resolutions, and acquire real property. Interaction with the public is limited.
- **Municipal Court (301 West 3<sup>rd</sup> Street)** – The Dayton Municipal Court is a limited jurisdiction court of record whose judicial function is to apply the law to specific controversies brought before it and to resolve disputes between people and other legal entities. The court operates under the rule of law to assure that the protections of law are available to all people. The court has boundaries of the City of Dayton. The court has subject matter jurisdiction over a violation of any ordinance of the City of Dayton; any state of Ohio statutory misdemeanor or traffic violation committed in Dayton; and jurisdiction to preside over preliminary hearings for felony cases that occur in the City of Dayton. Jurisdiction also includes civil cases when the amount in dispute is \$15,000 or less and for small claims cases when the amount in dispute is \$6,000 or less. Five full-time judges serve on the Dayton Municipal Court. Two full-time magistrates are appointed by the court to hear certain civil cases, small claims cases, eviction procedures and initial appearances for defendants summoned in for arraignment. They also preside over minor traffic and criminal cases. The administrative, professional, technical and clerical functions of the court are provided by 55 court employees. Interaction with the public is extensive.
- **Planning, Neighborhoods, & Development Department** – The Department works to improve quality of life throughout the city, through strategic development efforts, implementation of adopted plans, policies, and land use codes, as well as support of its citizens through meaningful conversation. The department is comprised of several divisions, interaction with the public is extensive:

- 1) Building Services (371 West 2<sup>nd</sup> Street) – is primarily responsible for assuring compliance with commercial and residential building construction codes. This is done through review of construction drawings, issuance of permits, inspection of construction, registration of contractors, and administration of the Floodplain Management Plan.
  - 2) Community Engagement (101 West 3<sup>rd</sup> Street) – works in the community to facilitate conversation and empower resident-driven efforts.
  - 3) Development (101 West 3<sup>rd</sup> Street) – comprised of Economic Development Services and Community Development. Economic Development provides a range of development services to help businesses grow and thrive. Community Development manages the Community Development Block Grant (CDBG) program, the Home Investment Partnership Program (HOME), and other programs designed to strengthen neighborhoods and enhance quality of life.
  - 4) Planning and Land Use (101 West 3<sup>rd</sup> Street) – responsible for maintaining and updating the Zoning, Subdivision, and other related Land Use regulatory codes, and provides staff to the City Plan Board and the Landmarks Commission. The Division provides technical assistance for long range planning projects, assists City staff in the enforcement of local ordinances and interpretation of City codes, and assists in the design of parks, streetscapes, landscapes and other municipal projects.
  - 5) Mediation (371 West 2<sup>nd</sup> Street) – which is a community leader in facilitating the constructive engagement of conflict. The City of Dayton established the Dayton Mediation Center in 1987 in an effort to ease the impact of community conflicts on public resources. The Center has become a trusted resource as one of the oldest and most robust conflict intervention resources in the country for those wishing to engage conflict constructively. The Dayton Mediation Center intervenes in more than 1,000 conflict situations annually. The Center’s services have been utilized by residents, neighborhood organizations, businesses, employers and employees, schools, law enforcement agencies and court systems.
  - 6) Housing and Enforcement (371 West 2<sup>nd</sup> Street) – assures compliance with adopted codes such as zoning and housing, while working to abate property nuisances and comprised of Housing Inspection and Zoning Administration sections. Housing Inspection is responsible for the enforcement of existing structural maintenance. This enforcement includes structural housing conditions (both interior and exterior), non-residential exterior enforcement, residential zoning, structural and public use nuisance and yard standards. Zoning Administration plays an important role in the physical development of the community. The primary goal of Zoning Administration is to ensure that Dayton is a safe and desirable place to live, work, and invest. Zoning is a critical tool to protect citizens from inappropriate and incompatible land uses that might create a negative impact on surrounding properties.
- **Police** – The Dayton Police Department provides administrative, patrol, and investigative services as the law enforcement agency for Dayton and utilizes comprehensive crime reduction strategies, supported by innovative technology, to provide effective and efficient service that enhances quality of life and safety for the community. Interaction with the public is extensive. Police Administration is located in the Safety Building (335 West 3<sup>rd</sup> Street). There are four (4) Patrol Division offices: Central Patrol (248 Salem Avenue), Eastern Patrol North (413 and 417 E. Helena Street), Eastern Patrol South (2721 Wayne Avenue), and Western Patrol (931 Washington Street). Each Patrol Operations Division having dedicated Crime Prevention Officers who are tasked with being the liaisons between the Dayton Police Department and community, neighborhood, and business groups in order to assist with needs and projects related to preventing crime. The Crime Prevention Officers also provide crime analysis reports in order to assess potential crime patterns or sprees in a specific area. The Department also operates a Police Academy (3237 Guthrie Road), where all Dayton Police Officers begin their career, with a paid training program that lasts approximately six months. Training covers extensive topics and skills, including Ohio Revised Code statutes, firearms, pursuit driving, physical control techniques, and more. Over the six months in the academy, recruits accumulate more than 1,000 hours of professional instruction.

- **Procurement, Management, and Budget Department (101 West 3<sup>rd</sup> Street)** – provides services essential for the operation of City government, as well as management functions supporting organizational efficiency, effectiveness and accountability. The Division of Procurement is responsible for the purchase of goods, services and equipment considering best quality, price and effectiveness. The Division of Management and Budget assists the City Manager in the allocation of fiscal, organizational, human and tangible resources for City government. Components include the annual operating and capital budgets, internal audits, performance measurement, economic forecasting, research and analysis to foster sound decision-making, and monthly financial briefings for the City Commission. Interaction with the public is regular.
- **Public Works (1736 East Monument Avenue)** – The Department of Public Works provides core public services for the safety and convenience of the citizens of Dayton. Overall interaction with the public is regular. These essential services are provided through several divisions which are located at several facilities throughout the City:
  - 1) Civil Engineering (101 West 3<sup>rd</sup> Street) – responsible for the design, construction, and management of public facility infrastructure projects. Civil Engineering ensures the integrity of the City’s public right-of-way and the safe and efficient movement of pedestrians and vehicles. The Division plans, designs, constructs and manages bridges, sidewalks, alleys and streets. It also maintains nearly 400 traffic signals throughout the city.
  - 2) Fleet Management (1010 Ottawa Street) – manages, maintains, and recommends purchase of hundreds of vehicles for the City’s automotive fleet.
  - 3) Parks and Forestry (101 West 3<sup>rd</sup> Street) – assists with maintenance and upkeep of city parks and playground areas, including efforts of the City Arborist for tree issues.
  - 4) Street Maintenance (911 East Monument Avenue, 520 Kiser Street) – charged with keeping Dayton's roads and streets clean, safe, and accessible to the public. This division maintains bridges and more than 1,700 lane miles of roadway throughout the city through a variety of services, including street repair and paving coordination, street sweeping, leaf collection, cleaning, mowing, seeding, and fertilizing boulevards and medians, snow and ice control, repair and maintenance of traffic control devices, management of vacant land, maintenance and upkeep of city parks and playgrounds, and dead animal pickup.
  - 5) Waste Collection (1101 Monument Avenue) – provides services to keep the community clean and litter-free by providing essential waste collection to residents of the city of Dayton, Jefferson Township, and the city of Moraine.
- **Recreation & Sports Department (101 West 3<sup>rd</sup> Street)** – Recreation and Sports provides leisure and athletic activities, indoors and out. This includes fitness activities, competitive sports, aquatic programs. These are provided at one of many City parks, three public golf courses, several recreation centers, and a tennis center. Interaction with the public is extensive.
- **Water Department (320 West Monument Avenue)** – Provides high-quality potable water, wastewater treatment, and storm water services that meet or exceed all regulatory requirements and community environmental concerns in the most cost-effective manner for the health, safety, welfare, and economic stability of the community. The Department manages the City's water infrastructure, supply, treatment, distribution, sewer system, reclamation, and environmental efforts. Interaction with the public is generally limited. This is done via the following divisions:
  - 1) Environmental Management (320 West Monument Avenue) – devoted to protecting and preserving our region's water resources; accomplished through community education and outreach as part of the Division's primary initiatives.
  - 2) Water Utility Field Operations – responsibilities include management of the Division's daily activities in the planning, construction, operation and maintenance of Dayton's municipal water distribution

system, sanitary collection system and storm water collection system. This is done through the Sewer Maintenance Bureau (900 Ottawa Street) which operates and maintains a separate wastewater collection system (WWCS) and separate storm sewer system (MS4) and the Water Distribution Bureau (945 Ottawa Street) which operates and maintains a system of pipes that distributes water throughout the city and the surrounding region.

- 3) Water Engineering (320 West Monument Avenue) – provides technical and engineering support services for the city's water and sewer infrastructure, meeting or exceeding all industry standards.
- 4) Water Reclamation (2800 Guthrie Road) – comprised of several bureaus (Operations, Maintenance, Industrial Pretreatment, Laboratory, and Administration), is charged with operations and maintenance of wastewater treatment equipment, ensuring that industrial customers meet the limits of their discharge permits, and performing laboratory testing to ensure NPDES permit compliance operations data to operators, and monitoring of industrial customers.
- 5) Water Supply & Treatment (3210 Chuck Wagner Lane) – responsible for maintaining and operating well fields, water treatment plants, pumping stations, and water storage facilities that provide water to most of the residents in Montgomery County.

### **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 2.19 Department Self-Evaluation - Findings & Recommendations.

### **1.12 Public Outreach**

Public outreach began with the City sending notices by U.S. mail to several local and regional disability advocacy groups (see Appendix D). In addition, an online survey posted on the home page of the City's website was provided to solicit input from the public and business owners. The online survey was open from October 2020 to May 2021, 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 104 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 if included in responses. Response ratio for questions that allowed multiple selections by responders may not total 100%.

<b>Online Survey Results</b>		
<b>Survey Name:</b> City of Dayton ADA Survey		
<b>1. What is your association with the City of Dayton? Check all that apply.</b>		
	<b># Response(s)</b>	<b>Response Ratio</b>
Resident	91	87.5%
Visitor/tourist	0	0.0%
Work or own a business in Dayton	6	5.8%
College/University student	0	0.0%
None of the above	0	0.0%
Other	7	6.7%
Other - Live in Beavercreek but hike and bike in Dayton Metro Parks, Resident Beavercreek, Resident and an Employee, City of Dayton employee, resident & retired city employee, I both work in Dayton and am a resident		
<b>2. Do you or a family member have a disability?</b>		
	<b># Response(s)</b>	<b>Response Ratio</b>
Yes (please describe below)	46	44.2%
No (please continue with survey)	57	54.8%
No Response	1	0.0%
<b>39 Comment(s)</b>		
- Autism, Triple X Syndrome, Spine Injury from complications from EDS and Three other rare disease		
- Depression, mental health issues, PTSD		
- get around in wheelchair		
- spine causes mobility issues		
- hearing impaired		
- Am in a power chair		
- Wheelchair user		
- selecting no because I have not "officially" been labeled "disabled," on disability payments, etc. But I am a brain tumor survivor and have things I struggle with daily. Don't know the full scope of the survey, so just wanted to share that now		
- I became disabled in 2013 after 27 years of working 80 to 100 hours a week as an Over the Road Truck Driver.		
- I have a disability and am in a wheelchair.		
- Walking and going up or down stairs		
- My husband has steel pins in both ankles		
- Mental illness		
- Difficulty walking		
- severe arthritis, heart problems, knee replacement, using walker		
- PTSD & other		
- Schizophrenia		
- Daughter born with CP, she is now 42 and lives with parents, who are now 70.		
- Require use of cane and/or walker.		
- uses rollator to help with walking		
- Arthritis		
- hearing		
- autism		
- Severe arthritis and sciatica nerve pain issues		
- Walking		
- Autism spectrum, dyslexia and someone using a cane		
- Handicap		
- Legally blind		
- several back problems		
- Severe Arthritis, Walking difficult,		

- I use a walker or cane		
- My mother is on oxygen and a cane		
- use cane because of knees and PTSD		
- Due to neuropathy, am in a wheelchair.		
- Deaf		
- Self.....Physical disability		
- Family member with Aphasia		
- But I work with people who have a disability, many of whom live in Dayton.		
- Me		
<b>3. Have you, a family member, or someone you know encountered any difficulties accessing city facilities or programs due to the disability?</b>		
	<b># Response(s)</b>	<b>Response Ratio</b>
Yes (please describe below)	39	37.5%
No	65	62.5%
<b>28 Comment(s)</b>		
- I think some major obstacles deal with not knowing about options and the amount of time and energy spent on jumping through a lot of hoops. And in the end still not getting help that is needed.		
- parking on Perry St. in front of courts bldg but can't get out of car on a narrow piece of concrete and roll wheelchair up to bldg. put the accessible parking back on second street next to the bldg where there is room to maneuver		
- Unable to enter City Hall without paying for parking garage.		
- 1. City Hall 2. Inadequate disabled parking spaces		
- City employee health insurance offers no coverage for hearing aids, completely out of pocket.		
- Street corners ramps need to be fixed or replaced.		
- The traffic lights stopped and pedestrians rushed through		
- In going to get a COVID-19 vaccine I saw many people were struggling to stand for long periods of time. As a researcher in health, I was disheartened to not see services provided for aging folks, particularly since they are next up to receive the shot. Wheelchairs should be onsite with appropriate accommodations (physically disabled individuals going to the front of the line). I hope appropriate accommodations can be made to instill the comfort and safety of our residents.		
- code enforcement. I have repeatedly tried to get into contact with Mr. Crowe so I could send pictures and video of the drug/flop house at 148 Boltin street due to the amount of trash piled up next to my house which is now causing me to get cockroaches. I should not have to live with bugs I have already spent a ton of money fighting two bedbug attacks on my house due to the neighbors putting their furniture up against my house and then spraying causing the bugs to infiltrate my home. Also the amount of bulk trash they put in the alley across from them and the elderly man that lives on the other side of this nuisance house. We need help my community here needs to be able to let their children walk to the bus pickup without worrying about 148 letting their pit bull run loose. I also have video of the dog attacking people on bikes, Spectrum utility man, and also it has tried to attack me and other neighbors. Please Help US.		
- Trying to get to the water payment office from the street while on a walker		
- I've called at least 5 times about abandoned property with doors kicked in garages falling in....a shyster company claiming they're renovating a home which I believe they're using the property for something else. There's trash on the front porch and backyard since this summer!		
- to access door from pool to women's locker room, difficult to open door without help because the door is heavy		
- Bike paths are great for friends who are wheelchair bound but most parks have very little paved, smooth terrain.		

- Basic navigation of the City due to lack of maintained sidewalks or handicap rated walkways, entirely, throughout the City in a continuous, unobstructed fashion; lack of Ohio Channel coverage via over-the-air broadcasting within Dayton to stay informed about local, State, and National rulings, orders, and Public participation events without interruption or requiring subscription services to stay so informed; HUD housing requiring years of residence history and such being provided under oath or affirmation with a penalty of perjury for failing to provide complete and accurate information, which effectively makes an application for housing assistance to be under risk of commission of a felony for omitting details which the average person would likely omit when applying for a rental agreement; feeling unsafe within the City as local News broadcasters have aired threats of retaliation for having simply gotten into arguments with fellow Daytonians of a minority or liberal affiliation; feeling powerless to voice any opinions about State and local government, as Democrats have made accusations of hate crimes, racism, and malicious intent for anyone to question the effectiveness, broadness, or legitimacy of Department of Health orders, orders from the Governor, and the use of governmental office to promote radical, terrorist activities of violent and destructive natures.
- Trying to get some work done on house with property line issues me and next door don't communicate. Need to know who to go to resolve our housing repairs
- some city employees are rude
- Curbs are too high and handicap doors open so slowly have to open it
- I had a recreation center patron comment that the doors were very heavy to enter the pool area.
- City hall is not readily handicap accessible at the Ludlow side entrance. Bathrooms are not ADA.
- Blind visually handicap
- Unable to read literature, forms, signage, websites
- Getting into City Hall
- Cannot contact 911
- Our street (Meriline), and many in the Hearthstone/Belmont neighborhood, do not have any sidewalks for pedestrians to either get to the bus stop to bring them to programs or access services offered by the City.
- It is terribly hard for me to get up the steps to be able to pay my water bill when things were open to pay in person.
- Housing. There are not enough inspectors, but that is nothing new..... The new Dayton Delivers isn't the most user friendly..
- I have heard people complain in general but cannot provide specifics. Some issues like crosswalk lights don't provide enough time to cross etc. have come up.
- Adult protection. I was 59.5 yrs old, when my sis/landlord used a coercive unwarranted eviction tactic ( fall 2019); as retaliation, due to me going back to work after a 2003 accident that took years of recovery - including multiple surgeries&dental reconstruction. Sis wanted me to cancel surgery ( needed since 2003) due to " inconvenience to her ". My medical records ' disappeared in 2007 @ a 1st civil deposition (in regards to accident) & it took many years to access needed surgeries. This became a Whistleblower case. There is lack of access to many resources, including legal, wi fi, voc rehab for professional levels, levels of understanding and access to 5 levels of ' qualified medicare beneficiaries, and most basic needs. I believe Ohio is one of 2 states that are non-inclusive to disabled persons access to Adult Protection Services. This leaves us vulnerable to extortion, abuse neglect, and pressures to work for whomever, for doing whatever' for free. What is considered to be ' convenient' for some ; can also be Civil Rights' violations.

**4. Are there specific disability barriers impacting programs and services offered by the City of Dayton that you believe need to be addressed immediately to improve access to persons with a disability?**

	# Response(s)	Response Ratio
Yes (please describe below)	48	46.1%
No	53	51.0%
No Response	3	2.9%

41 Comment(s)		
-	Events don't have ASL interpreter	
-	I would say that just because someone seems able-bodied does not mean they are not struggling with disability that is not physical or easily seen as having a disability.	
-	Lohrey center has parking but park in one spot and step out of car and step into a gigantic grate and no way for a wheelchair or cane to get over that. the one stop center has the same issue, the hc spot seems to have a reserved system for someone working in the bldg (cone in the parking spot)	
-	Ramp from street into building; preferably covered for inclement weather <input type="checkbox"/>	
-	Increase number of disabled parking spaces	
-	City health insurance should provide some coverage for hearing aids	
-	Sidewalk in front of Arcade bldg. on 3rd Street	
-	Out On 5th ! The street is difficult at best for a wheelchair PLUS the stores setting up on the sidewalks make getting thru impossible!	
-	fix the curb cuts for crosswalks so the water does not pool in the middle of the curb cut causing people to go through the puddle when they are in a wheelchair or have trouble stepping up and down curbs.	
-	Cars parked indiscriminately, occupying the road, occupying the blind road	
-	Cars are parked indiscriminately, occupying the blind road	
-	I cannot physically walk the distances required from parking into any of the city buildings	
-	COVID 19, Dayton Convention Center	
-	sidewalk accessibility, taxi services for wheelchair users	
-	An easier way to access the water department bill payment from the side street entrance	
-	NA	
-	make sure auxiliary lighting in locker rooms function during power outages since the locker rooms and bathrooms are left in total darkness because they have no outside windows or sky lights.	
-	I believe that when Dayton finishes the Sunrise park are, an ADA kayak pier should be built.	
-	Sidewalk installments need to be looked at before they deteriorate.	
-	Cannot identify anything in particular.	
-	All of the above. It is impossible for a Daytonian, whom requires the use of a wheelchair, to traverse the City safely due to the condition of City infrastructure and the violent battery and assault committed by able bodied Denizens whom arrogantly ignore and disabuse the legally protected walkways and crossings designated for use by pedestrians but are of a critical necessity to those of handicapped mobility, in particular.	
-	better employees	
-	Entry into the City Hall building pose a challenge for disabled individuals. I find it unreasonable for those who are unable to climb stairs must enter the building by taking the parking garage elevator to the 3rd fl and use the walkway into the building. It is my opinion that no one should have to go through so much to enter City Hall.	
-	I need to think about that one. More ramps are needed inside buildings and more space if someone has a bariatric walker or rollater.	
-	Lack of handicap bathrooms, automatic doors, updated pool lift at Lorey Center,	
-	I watched a guy try to enter Ludlow today on a walker. Another employee had already tried to help him get in to pay his water bill.	
-	Online help and resources do not seem to be as updated as they should be. Old links confuse them and broken links deter the use of certain features.	

- Sidewalks are crumbling and falling apart, especially at the corners in our neighborhood. If I can barely push a stroller down it, I don't see how someone in a wheelchair would be able to safely navigate our city. Most of the disabled people in my neighborhood have to drive their wheelchairs in the street, which is very dangerous for them!
- Maybe? I am not disabled, so I'm not sure, but is City Hall handicap accessible?
- Braille accessible
- Large print forms and literature, larger signage, better contrast, larger print and better contrast on websites
- ADA compliant access to all public-facing portions of City Hall
- redo streets intersections so water does not puddle in crosswalks, do not block curb cuts with snow in winter, make it easier to get into city hall
- None that I have noticed as of yet.
- Text enabled 911 and police contact and emergency services needs to be put in place.
- We need sidewalks in the Belmont/Hearthstone neighborhood. It is especially dangerous on Meriline as many cars use our street to bypass S Smithville Rd traffic and the traffic enforcement equipment on the Linden Avenue - Smithville Road intersection. We have many pedestrians that are not disabled who walk to the local RTA stops on Linden Avenue. Or children who use school buses for pick up or drop offs without sidewalks to use. Even the installation of turtle bumps would slow the traffic down to some degree.
- Steps getting up to the water department.
- not the appropriate egress for parks for those in wheelchairs
- Access to City Hall
- A third Tier added to Voc Rehab/ professional level works; working in conjunction with SBA SCORE coaches, with added diversity in background of coaches. And a more well thought out referral system with SCORE, to banking referrals. I was referred to Wright Patt CU( which I was already a member of starting 2015). I faced discrimination and circumvention following the SCORE WPCU referral. I have since secured a bank with better business background, and direct questions answered and supported very quickly( access to resources). As well, the ' old wives'; seemingly provincial idea that, if you have a disability/ collect SSD; that we CANNOT work needs to be addressed . A clear formula CAN be developed by Sm Bus Dev Center formula. This should not be an incumbency heaved upon disabled who show up for coaching , creation of business models. OSHIP stats, SCORE info, and legal assistance can help us to develop our business plans, while protecting our need for SSD and healthcare. The stigmas need to be addressed, resolved, staff& public educated. Heavy burdens of proof ( prove it is ok to try to work); are depleting our work forces of lots of institutional knowledge, mentorships and bridges being lost in misinformation, in house fighting and power struggles. I only have so much energy( as a disabled person) to fight all these stigmas. Make my case, and execute my business plan. Real support is needed. These state and federal systems shred people. Ad that has an adverse effect on local economies, state, and federal growth.
- There should be more ADA compliant playgrounds.

**5. Please rate the overall accessibility of parks and recreation centers that you have visited (please include the names of those you have visited below).**

	# Response(s)	Response Ratio
Very Good	37	35.6%
Good	32	30.8%
Average	24	23.1%
Poor	5	4.8%
No Response	6	5.8%

- 53 Comment(s)
- Many parks are sensory friendly but not wheelchair friendly
  - Only from what I can see from going by them.. have not visited many personally
  - Walnut Hills Highland Park
  - parking spots for vans require additional wider access aisles. most don't have them

- NW Rec Center on occasion. Kroc Center once or twice. For parks, I would be referring to the Five Rivers system and the bike paths. I spent a couple of years taking a friend who'd had a stroke on the bike paths and anywhere we could go in the parks. The bike paths could use better access from parking areas (not to mention designated parking areas -- if you're on foot you need access from a small parking lot every couple of miles). I wish the MetroParks had more paths with embedded gravel (doesn't have to be asphalt); the larger embedded rocks make for a very bumpy ride, and deep gravel is hard to navigate with a wheelchair. And we tried almost every nearby park, having loved their trails before his stroke!
- Welcome Park, Burkham Park, Lowery Center
- Island park
- Lohrey and Roosevelt
- Riverscape
- Orwood Audubon
- Orwood Audubon
- Amco Park
- Amco Park
- Island Deeds point Wegerzyn Triangle
- Eastwood Huffman Englewood
- Riverscape, NW Rec, GDRC, Cox Arboretum
- All three rec centers, Newcomb Park, Belmont (soccer)
- Wegerson, carriage hill, Englewood dam, Riverscape libraries
- Northwest Recreation Center
- Princeton, Roosevelt and Lohrey
- Deeds Dog Park. Deeds. Eastwood. Hills and Dales. Englewood. Sunrise.
- Riverscape, Macintosh, Roosevelt, Northwest
- East Park, Hills and Dales, Bill Yeck, Sugarcreek, Englewood Metro Park areas Huffman Metro Park
- Carrillon Park, River Edge in downtown Dayton.
- Englewood, Aullwood, Eastwood, Possum Creek, and Island MetroParks
- While there is one local to me, I am afraid to go to the Park on Huffman and have, only ever, walked by it as I traveled to other parts of the City. Drug use, violence, and radical extremists destroying local business infrastructure have left me on edge, since the rioting took place earlier in 2020. I, literally, travel throughout Dayton mentally prepared to fight and defend myself and others for the plausible possibility of another radicalized riot and terrorist action. The Mayor's support for Black Lives Matter has made it impossible to reasonably expect any real effective response to occur against another riot and, in fact, causes me to fear the Mayor and the Governor to imprison those who take self-defense into their own hands, despite such being an implicit protection covered by the Constitution of the United States.
- Princeton/Northwest Rec center
- Fairgrounds in Jefferson twp.
- Northwest Center and Lorey Center
- GDRC and Lohrey
- Lohrey (does an ok job, the access into the pool is not as easy with a cane as the other pools ), Northwest (the parking lot to the building is somewhat hard to navigate with a walker/cane. The walk in to the pool is very handy), GDRC (as long as they are dropped off in front it is easier than parking in the lot and walking over- love the ease of the walk in pool, when it is open)
- Belmont Park, Lohrey Rec Center, Jane Newcom Park
- South Roosevelt Memorial Park Garden Fun Black Farmers Market Producer Upgrade Welcome Visitors and Guests Stations walkable run ride playful wellness trails tourism culture E-bikes We love our volunteers monthly clean up
- Wegerzen, triangle park
- Deeds Point Dog Park. Not wheelchair accessible.
- Roosevelt
- Kettering Field, Deweese Parkway
- Riverscape, Mrs. Aull's Garden, Wagerzen Garden, Cox Arboretum
- have not visited any
- Belmont Park

- Lohrey Center and the adjacent park are real gems. The Fen along Russet, Kennedy and Iron Horse Trail are priceless. We visit many of the large parks such as Huffman, Stillwater, Little Miami, etc. Walnut Hills has improved tremendously in the last few years.
- Wegerzen Riverscape, Cox Arboretum
- Too many to list.
- McIntosh park could be utilized more. However, the appropriate parking or egress is not available for wheelchair use.
- Sandalwood Park Due to Covid, haven't really gone to them this summer.
- Accessible parking limits can be a challenge, especially for larger vans/buses.
- Nearly all Metro parks in Dayton area
- Lohrey
- NA
- Lohrey Center
- Most Lohrey
- Lohrey
- Walnut Hills Park, Cleveland Park, unsure of other park names, but they are the ones around the Belmont area

**6. Please rate the overall accessibility of City facilities that you have visited. This would include inside the facility as well as the exterior sidewalk and parking lot. Please include the name of City facilities visited below.**

	# Response(s)	Response Ratio
Very Good	19	18.3%
Good	38	36.5%
Average	27	26.0%
Poor	14	13.5%
No Response	6	5.8%

46 Comment(s)

- Again just in regards to passing and seeing them from the outside .
- markings on the pavement are of no use when covered by snow. use the proper signage as required by ADA
- City Hall (I see you're about to address the problems there), RTA Center, Michael Solomon Pavilion, perhaps others in the course of NLI that I've forgotten....
- All of downtown sidewalks
- The internal facilities are perfect and intimate
- Set up the ramp
- The internal facilities are perfect and intimate
- Accessibility signs everywhere in the park
- Triangle park is the most frequent place I visit for trail access and the parking lot desperately needs repaved
- Riverscape, GDRC, NW Rec, Cox Arboretum
- As previously stated the water department bill payment office from the street
- Except sidewalks, including Glenarm, NW and also immediately adjacent to City Hall. All with uneven, broken curbs, and sidewalk squares.
- Montgomery County Building
- Northwest Recreation Center
- Several times in early mornings staff forgot to connect the automatic front door opener, at which time I needed assistance to open the heavy door manually. Parking lot and side walks are well salted during inclement (ice and snow) weather. Northwest Rec Center, Roosevelt and Loyrey. Handicap parking is abused by those without permit, especially on Saturdays when there are many activities for young couples and youth,
- Overall city sidewalks are cumbersome and uneven. Not ideal for wheelchairs and many pedestrians.
- Roosevelt, Northwest
- Riverscape area

- Lohrey, Northwest (princeton)
- The City as a whole is not even qualified under ADA, based on uniformity of access across City facilities; further, all roadways, which include City sidewalks, must abide by ADA, but there are countless intersections, ramps, walkways, and the like which are not uniformly accessible, in a safe manner, for use. I have, personally, had my walking cart flip over, on numerous occasions, due to uneven sidewalk slabs, poorly engineered crossings, or unkempt walkways; in particular, construction crews have often blockaded sidewalks and walkways without necessary detours but seem to always provide such detours to any vehicular roadways blockaded. The handicapped deal with unequal protection and infrastructure access to such a frequency that it is deemed a benefit for any of the ADA provisions to be met; there is no expectation of the ADA to ever be implemented or upheld, due to the failings of governments and institutions to abide by them, across the Nation, for decades.
- Dayton Municipal Court, Montgomery County Juvenile Court, Reibold Bldg, Montgomery County Administration Bldg,
- City Hall with the exterior steps can be difficult.
- city hall
- City Hall
- One Stop Center only recently provided handicap access via our parking lots. All too often our elevators are down providing no way for those who cannot climb steps to access the upper floors.
- The Courts has the brick area that is not convenient for people who have walkers. it gets stuck often.
- Lorey Center and Northwest Center
- City hall sidewalks are deplorable
- All of the rec centers are good, see above. City Hall is not easily accessible for handicap/canes/ walkers outside to get in , elevators are older but can move around once inside, doors are heavy to open though. The Airport is easily accessible inside and out.
- City Hall
- Roosevelt Recreational Center very cool not just winter but summer too my recommendations Radiant Infrared Heat System not just saving overhead clean Air keep floors windows warm it Heat the body not the Air
- Courthouse, municipal building
- Deeds Point Dog Park. Not wheelchair accessible.
- City Hall
- Roosevelt
- City Hall
- city hall, have to go through garage and ring buzzer or walk up all the steps, tripping hazards around convention center due to poor sidewalk condition - this was before city sold convention center and was notified about tripping hazards and did nothing
- Lohrey Center - all services are excellent and accessible. The Iron Horse Bike Trail is not only an excellent bike path, but also a great pedestrian stroll.
- Entering the city building to be able to pay your water bill.
- Mcintosh park
- City Hall,
- Public government facilities (courthouse, board of elections, etc)
- City Hall
- City Hall
- Lohrey
- Not sure about pool access

<b>7. What areas related to street accessibility need improvements? (Select all that apply.)</b>		
	<b># Response(s)</b>	<b>Response Ratio</b>
Accessible pedestrian walkways, sidewalks or curb ramps	60	57.7%
Accessible signage and wayfinding assistance	47	45.2%
Street and crosswalk traffic signals	41	39.4%
None	17	16.3%
No Responses	4	3.8%

<b>8. How do you get information from the City of Dayton?</b>		
	<b># Response(s)</b>	<b>Response Ratio</b>
City Web Site	21	20.2%
Social Media	37	35.6%
Personal visits to City facilities	7	6.7%
Telephone	4	3.8%
Newspapers	12	11.5%
Friends or family members	3	2.9%
Other	17	16.3%
No Response	3	2.9%
<b>32 Comment(s)</b>		
- Online access, community calendars		
- Social media or internet. But often by randomly coming across it. Not because it's easily made known to me		
- Email		
- NOTE that I cannot select more than one option above, which I should be able to!! Currently just e-mails (yes, a form of social media), the Sunday paper, and sometimes our neighborhood association. In the past, I got phone messages about workshops and the like. I do use the website (and refer people to it often!).		
- website		
- Leaders share		
- Leaders share		
- Leaders share		
- Colleagues to share		
- All the above at some point in time and emails		
- Mail and tv		
- On NextDoor. Also, from friends & family		
- Phone calls from rec center staff; from friends and neighbors who also use the recreation centers.		
- Email from Downtown Dayton partnership		
- email newsletter		
- Occasionally, I am made privy to City updates through the Ohio Channel and Fox 45. I, personally, used to watch multiple local news television broadcasts frequently, but I stopped because the information from the news broadcasts became inundated with untrustworthy reporting, blatant political biases, unethical and immoral use of trusted news venues to broadcast political opinions and undermine the sitting federal government's actions by refusing to air National Press conferences, announcements, and other notifications. As a result, I am lucky to have access to local information via the internet through using a friend's computer when I visit; I have no trust in the sitting City government and the State's Governor is losing my trust, as well. I wish to make clear, I have lost trust in these government officials, which is far different than disagreement. I am afraid that the City and the State will begin rounding people up for taking a stand against unfair, overzealous restrictions, enforcement actions, and suppression. Further, I have lost faith in most Domestic news sources, such that my main news sources are the foreign news programs aired via over-the-air broadcasts on PBS; that said, my ability to stay informed about local topics is greatly hindered, but I refuse to take the word of news broadcasters who have proven, by their own actions, to be devious and manipulative.		
- tv local news, city Facebook posts, next door site		
- Work		
- DDN, WHIO TV, mail from the City		
- All the above		
- Working within the City		
- City emails, newspapers (online), family and neighbors		
- Next-door		
- Emails		
- Dayton View Triangle Neighborhood meetings, Dayton Delivers, City website		

- newspaper, city website, various media outlets		
- city website, next door pc app, personal visits, news websites		
- We count on the mailings from the City but for backup we use the Newspaper. On occasion, we check the city website.		
- City website & newspaper		
- Some city website. Some from the news & newspapers. Some from friends/neighbors. Some from Nextdoor. Some by telephone.		
- Again, not able to choose more than one option. Also, city website, newspapers, friends or family members, and newsletter in mail		
- I believe it is called Dayton Patch		
<b>9 Do you think there are areas where ADA and/or sensitivity training are needed?</b>		
Yes (please specify)	51	49.0%
No	49	47.1%
No Response	4	3.8%
<b>34 Response(s)</b>		
- We don't do well with security at local hospitals there are adults with autism the security guards harass them. We don't do well with making information accessible.		
- That again goes back to disability's that are not seen or physical. That more needs to be known about how people are handled that to the eye seem fine with no issues and able to talk easily but struggle with many issues that mentally make it very hard if not impossible to deal with being seen as fine or ok		
- enforcement and knowing the law when providing the appropriate accessible elements so that we don't end up with " that's good enough". you wouldn't say that if you were the one who had to use the elements		
- street/parking department		
- Some of the storefronts that have a step in front and no access to a ramp		
- When in line....wheelchair users are often overlooked! I need to place my order-the same as those standing !!		
- <b>Dayton Police Department</b>		
- Saying yes because I believe there's always room for improvement in anything when dealing with disabled people		
- When dealing with the elderly and handicapped. No more letting the druggies and flop houses run ramped in Dayton.		
- <b>For City staff, and DPD, to know what is, and is not, ADA required, and about reasonable accommodation.</b>		
- Yes a pipe bursted 2 years ago which was found to be a city problem, I've spent over 30,000 repairing my basement but the city refused to acknowledge their responsibility. I am going to secure legal defense		
- There is always room for improvement and new information that needs to be shared.		
- <b>to become more sensitive to the issues, staff could definitely use simulation training to experience multiple disabilities such as blindness, reduced vision , coordination problems, strokes, and cognitive impairments.</b>		
- Anywhere large groups of people are present because it takes additional time to cross streets, or move about in a crowd.		
- In general, when there are various festivals, such as Irish festival and/or Oktoberfest, it seems that a number of organizers and vendors are not well versed or mindful of handicapped people, particularly those that are wheelchair bound. Perhaps an information page on handicap issues could be distributed to all vendors prior to the event as required reading?.		
- sidewalk and cross walk courtesy		

- My suggestion, get in a wheelchair and wheel oneself, under one's own power without assistance, from Eastern Hills to the Job Center without the assistance of Public transit. This will, I strongly believe, allow the able bodied to begin to understand that there is a difference between using the bus as a convenience and using the bus as a necessity. It is imperative that the ADA become enforced and fully implemented for the real sense of equality to manifest. Failures of the ADA being implemented and upheld are, in my opinion based on personal observation over many years, the real failures that have, incorrectly, become labelled as failures of race and gender equality and age discrimination. When one is obstructed from using services and means that are available to others without difficulty, the reasons for the obstructions being emplaced can be difficult to ascertain without deep review and consideration. However, according to Occam's razor, the simplest explanation is usually the correct explanation; as such, the failures of ADA provisions being implemented, creating wide reaching hinderances to access, availability, and provision of services and amenities across racial, gender, and age backgrounds, is far more likely to be the explanation of the wide reaching failures, than for there being simultaneous and targeted restriction of access, availability, and provision of such services to multiple racial groups, gender orientations, and age description.
- the whole city except police dept
- There has to be a way to stop people from dumping trash.
- Nott sure right now
- All areas
- Center staff
- Should be part of the new employee orientation
- People do not realize disabilities cover more than just what they can see. Sensitivity training should encompass more than physical issues. Emotional, PTSD and underlying chronic issues and problems should also be considered.
- All staff and city police officers need to take ADA training
- Street Smart South Roosevelt Memorial Park Garden Fun
- Employees
- Police training
- not that i know of
- I think city Employee should be cognizant of people with disabilities And should be trained to be helpful.
- I answered yes, but I really don't know how a police officer would react to a person with Aphasia. The person couldn't explain the condition and may not understand commands or writing. The affected person's intellect is not affected, only language. Questions should be asked slowly in short sentences and allow time to answer. Ask yes and no questions. Keep it simple. Shouting doesn't help, only causes more confusion.
- Police, businesses and general population
- There are always opportunities to ensure all staff are trained and understand ADA compliance and what they can say and/or do to support all of their customers.
- Not all disabilities are visual. All listed above. And so much more.....
<b>10. Please provide any specific information about your access needs to City of Dayton programs or services that can assist the City in prioritizing accessibility improvements.</b>
- City of Dayton needs to improve accessibility on Harshman road and immediately trim trees blocking access to dollar tree and corner by dollar tree person in wheelchair cannot get to push button to safely cross street
- see above
- See comments above. the needs are not actually mine, though.
- I believe all crosswalks in the city need to give appropriate timed crossings. Some are so short an able bodied person can barely make the light. Pedestrians, regardless of ability level need to be given full priority. Also highly recommend scramble light crosswalks in downtown and near UD; more ADA friendly and pedestrian focused.
- The sidewalk is overgrown with brush, you have to walk in the street because the bushes have not been cut by the city.
- Health issue makes it impossible/very painful to walk far.

- Sidewalk ramps are often finished with a DIP in the middle! The workers making these ramps should, when finished, get in a wheelchair and try it out !!
- design new street pavement so water does not pool in the curb cuts at crosswalks and do not put storm sewers in the crosswalk area
- Accessibility signs everywhere in the park
- Accessibility signs everywhere in the park
- Accessibility signs everywhere in the park
- Set up the ramp
- Want to know specific work flow
- Want to know the specific area afforestation
- Want to know the specific area afforestation
- Want to know the construction of amusement facilities
- Want to know the specific area afforestation
- Street crosswalks and traffic lights have been improved
- I'd say curbs and sidewalk repair particularly in the northwest side, Hillview neighborhood and surrounding areas
- No issue
- better response on streets and bulk pick-ups.
- transportation options other than bus that are more on demand and not as crowded
- Extra handrails; possibly a ramp alongside the stairs
- Nan Whaley has allowed her management team to decrease public access to Administrators, which is the source of complete frustration to the citizens.
- Access to mental health facilities real help in a crisis not the failing crisis care program
- My particular access needs are met.
- see 1 through 9 above
- Sidewalk repair
- Great idea trying to survey first. Getting businesses on board with accessibility issues is also an idea. Some smaller business venues are not very easy to access.
- All warm weather outside events should have handicap bathroom location(s) identified, whether portable or in various buildings.
- Checking that crosswalk indicators are properly timed and available, without inconvenience, to be used safely, properly, and uniformly throughout the City and that such matches the rest of the State. Please refer to the other points I have already made in response to other questions within this survey for other suggestions and concerns.
- Information on and where to get funding or grants to for property improvements
- none
- Otterbein Ave and Kings Mill Court has to trash piles, scabies is a big concern. Fleas, bedbugs, roaches, and rats are a health hazard. Those mattresses and box springs, if touched by a child could cause them to get ringworm, scabies, infintigo. All of these infections are contagious. Please help.
- In the work place more spaces between cubicles for wheelchairs and rollators, etc.
- Handicap bathrooms are needed
- unknown at this time
- Street Smart open participation and decision making SW. Dayton West South Roosevelt Area
- High contrast, large print
- n/a
- I do not have access difficulties at this time.
- Crime is on the rise and our neighborhood needs more streetlights if possible. Even if it means homeowners such as myself should pay more for the lights.
- do not place storm sewers in cross walks, make adjustments to crosswalks so people do not have to go through puddles to cross the street, do not block crosswalks with snow
- Haven't been out in the community that much to notice.

- I did that in other sections. So sorry.		
- As I said before, please make access to the water department easier and not make people have to walk all over the place to get there.		
- No special needs at this time.		
- City services- city hall, police, & housing have given very little response to the major common problems in north-west Dayton. Had they been taken care of several years ago when they began, they would not be so monumental to correct now. Granted, some have come about with the onset of Covid. City hall is not involved with north-west Dayton @ all. We/me as taxpayers & those of us who volunteer our time & effort to make this a better place to live, do not see any return on our hard work.		
- I need more time to think about that. But please first protect us. Do what you can to learn to listen, and not dismiss us or be compliant in displacing us. Complacent, compliant,		
<b>11. Would you like to be contacted by a City staff member?</b>		
	<b># Response(s)</b>	<b>Response Ratio</b>
Yes (please provide contact information below)	23	22.1%
No	77	74.0%
No Response	4	3.8%

The responses and comments from the public survey above will be considered in the Transition Plan recommendations in Section 6.

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

- Dayton City Hall, Department of Public Affairs, 101 West 3rd Street, Dayton
- Dayton Metro Library – Main (215 East Third Street, Dayton)
- Dayton Metro Library – West (300 Abbey Avenue, Dayton)
- City web site (<https://www.daytonohio.gov/1111/Americans-with-Disabilities-Act-Complian>)

The City welcomes input on the contents of this Transition Plan at any time, but especially during the public comment period. Comments, requests, suggestions, etc. should be provided to ADA Coordinator e at Mr. Brent McKenzie, ADA Coordinator, at 937-333-4062 or email at [brent.mckenzie@daytonohio.gov](mailto:brent.mckenzie@daytonohio.gov). The report was available online on February 21, 2023, and at the libraries beginning on June 26, 2023, for public review and comment. The document was available until September 11, 2023. A number of comments were provided and are discussed later in this report (see Section 6.2).

# 2

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



## **2.0 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.

### **2.1 Program Evaluation Interdepartmental Memo**

The self-evaluation of the City's services, programs, and activities required and involved the participation of all City departments. Dayton 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.

### **2.2 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.

### **2.3 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:**

- The City of Dayton’s Policies & Procedures Manual (dated February 2020), City Policy Number HR 1.08 “Equal Opportunity for People with Disabilities” (dated August 3, 2017) Under Part 4.0 Definitions, identifies the Director of the Department of Human Resources as the ADA Coordinator. This identification was found nowhere else on City documents or the website and the general public would have difficulty identifying who the ADA Coordinator is. Many City employees would also likely not recall this provision in the manual.
- A poster entitled “Equal Opportunity is the Law”, defining the requirements of the Civil Right Act Title VII, was observed in most City buildings.
- The City has not assembled an internal ADA Team, which would be comprised of the ADA Coordinator and representatives from other departments, or formed a citizen’s committee, which is typically comprised of key City staff and representatives of the community that are disabled, advocate for the disabled, or are caregivers.
- The City of Dayton’s Policies & Procedures Manual (dated February 2020), City Policy Number HR 1.08 “Equal Opportunity for People with Disabilities” (dated August 3, 2017) Under Part 7.0 Grievance Procedure outlines the process for employees to file a complaint alleging discrimination on the basis of disabilities but there was no information found to indicate that the City has an existing ADA grievance procedure or grievance form for use by the public.
- No information was found to indicate that the City has published an ADA Notice.
- Public meeting agendas for the City Commission and other boards/commissions provide no non-discrimination statement regarding how someone needing a meeting accommodation would proceed or who to contact.
- Printed materials reviewed have no information regarding ADA accommodation.
- There is no ADA compliance information on the City website other than information about ‘Website Accessibility’, which is accessed from a link ‘Accessibility’ on the bottom of the web page.
- Signage is absent at most 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.
- Accessible routes to facilities are not always clearly marked or identified with directional signage or the ISA, especially where there is a wheelchair access (ramp) where stairs or other non-accessible routes are

a primary means of access. There are some exceptions, but signage could be more prominent in most of those locations as well.

**Recommended Action:**

- The City should provide more obvious notifications and information about the ADA Coordinator to the public and employees. The identification of this person and contact information for the ADA Coordinator should be prominent and easy to find on the City website and other documents.
- The City should consider forming an ad-hoc committee comprised of the ADA Coordinator and representatives from various city departments, particularly those that have extensive interaction with the public or those that are responsible for various city facilities. The responsibilities of this committee can be reviewed and established internally in conjunction with the administration. The City could also consider forming a committee that includes residents with experience in disability access and issues to assist in implementation of this Transition Plan.
- 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.
- Public meeting agendas for the City Commission and other boards/commissions should all have a non-discrimination statement that provides information regarding how someone needing a meeting accommodation would proceed or who to contact. The statement could include language similar to the following *“Individuals with disabilities who require accommodations for participation in meetings must request accommodations at least 3 business days ahead of the scheduled meeting. Contact Mr. Brent McKenzie, ADA Coordinator, at 937-333-4062 or email at [brent.mckenzie@daytonohio.gov](mailto:brent.mckenzie@daytonohio.gov).”*
- The City should provide and publish an ADA Notice (see example in Appendix E).
- A Notice of Non-Discrimination should be used by all departments for all City publications and printed materials as applicable.
- The City should develop and adopt a formal Grievance Policy/Procedure and a Grievance Form to ensure consistency in the information provided in ADA-related complaints.
- Consider providing a dedicated web page to ADA and other civil rights information that is easy to locate and where all ADA documents can be placed for public review and information.
- 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 Mr. Brent McKenzie, ADA Coordinator, at 937-333-4062 or email at [brent.mckenzie@daytonohio.gov](mailto:brent.mckenzie@daytonohio.gov). Please allow at least 3 business days for your request to be processed.”*
- List City agencies, departments, and specialized services that offer TDD, VP, and VRI/VRS in printed City directories. (See also section 2.12 and 2.13).
- 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.

**2.4 Designation of ADA Coordinator**

The ADA regulations require any public entity with fifty (50) 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:**

- The City of Dayton’s Policies & Procedures Manual (dated February 2020), City Policy Number HR 1.08 “Equal Opportunity for People with Disabilities” (dated August 3, 2017) Under Part 4.0 Definitions, identifies the **Director of the Department of Human Resources as the ADA Coordinator**. This identification was found nowhere else on City documents or the website and the general public would have difficulty identifying who the ADA Coordinator is. Many City employees would also likely not recall this provision in the manual.

**Recommendations:**

- The City is required to identify an individual to serve as their ADA Coordinator. The person appointed to that position should be knowledgeable about ADA requirements and receive additional training to ensure compliance by the City. Currently on employees have access to the information provided in the manual that identifies the ADA Coordinator. Provide additional locations on the website and pertinent City documents to identify the person in this position and their contact information for both employees and the general public.
- The contact information for the ADA Coordinator is not provided anywhere on the website.
- 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 each person in a location accessed by City staff.
- Information regarding the identity of the City’s ADA Coordinator should 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.
- 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.

## **2.5 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:**

- Dayton does not appear to have an ADA Grievance Procedure in place.
- There does not appear to be a Grievance Form that an individual could obtain and submit.

**Recommendations:**

- The City of Dayton’s Policies & Procedures Manual (dated February 2020), City Policy Number HR 1.08 “Equal Opportunity for People with Disabilities” (dated August 3, 2017) Under Part 7.0 Grievance Procedure outlines the process for employees to file a complaint alleging discrimination on the basis of disabilities but there was no information found to indicate that the City has an existing ADA grievance procedure or grievance form for use by the public (see example in Appendix E). The policy should include timelines for the review process and include information about how decisions can be appealed.
- Develop a standard grievance form to ensure all information needed to review complaints is provided. An example grievance form can be found in Appendix E, which can be adapted for use by the City. Verify that forms are available at all facility locations and consider providing the form on the City website, along with the grievance 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.
- 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.

## **2.6 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. There are additional groups that involve City staff and/or elected officials, but do not have regular published schedules and are not included below. Meetings are held in the City Commission Chambers on the 2<sup>nd</sup> Floor in Dayton City Hall (101 W. Third Street), unless otherwise noted.
  - City Commission – every Wednesday, with additional meetings as-needed
  - Board of Zoning Appeals – 4<sup>th</sup> Tuesday monthly in the Planning and Resource Room (PRC), Mezzanine Level of City Hall
  - City Plan Board – 2<sup>nd</sup> Tuesday monthly in the PRC, Mezzanine Level of City Hall. There are also several Land Use Boards of the City Plan Board that focus on specific areas of the City by region, these regional Land Use Boards meet as-needed at the direction of the Plan Board:
    - Greater Downtown Priority Land Use Board
    - North Central Priority Land Use Board
    - Northeast Priority Land Use Board
    - Southeast Priority Land Use Board
    - West Priority Land Use Board
  - Civil Service Board – 4<sup>th</sup> Thursday monthly on the 4<sup>th</sup> floor of the One Stop Center, 371 W. 2<sup>nd</sup> Street
  - Landmarks Commission – Thursdays following the 2<sup>nd</sup> and 4<sup>th</sup> Tuesday of each month, in the Planning and Resource Room, Mezzanine Level of City Hall
  - Environmental Advisory Board – 2<sup>nd</sup> Friday of each month, in the PRC, Mezzanine Level of City Hall
  - Source Water Protection Fund Board – Thursdays as-needed in the City of Dayton Water Administration Building 1<sup>st</sup> Floor Conference Room, 320 W. Monument Avenue
  - Human Relations Council – 1<sup>st</sup> Monday monthly at the One Stop Center, Suite 100
  - Board of Tax Review – as-needed at City Hall
  - Board of Water and Sewer Charge Appeals – as-needed at City Hall
  - Board of Water and Sewer Charge Review – as-needed at City Hall
  - Community Appeal Board (formerly the Citizen’s Appeal Board) – monthly as-needed at City Hall
  - Community Police Council – as-needed at the One Stop Center
  - Compensation Board – as-needed at City Hall

- Dayton Board of Building Appeals – as-needed at the One Stop Center, 2<sup>nd</sup> Floor Conference Room
- Housing Appeals Board – as-needed in the lower level of the One Stop Center
- Procurement Enhancement Program Oversight Committee – as-needed at City Hall
- Sister Cities Committee – 2<sup>nd</sup> Tuesday every other month at the offices of the Coolidge Wall law firm, 33 West First Street 2<sup>nd</sup> Floor
- Welcome Dayton Committee – as-needed at City Hall
- West Dayton Development Trust Fund Advisory Board – as-needed at City Hall
- Several temporary commissions or working groups have been recently implemented to address specific issues, including:
  - Police Reform – Oversight Working Group
  - Police Reform – Use of Force Working Group
  - Police Reform – Training Working Group
  - Police Reform – Recruitment and Promotion Working Group
  - Police Reform – Engagement Working Group
- There are seven (7) City Courtrooms in the Dayton-Montgomery County Courthouse. Court administrative staff indicated that there is an Assistive Listening System (ALS) present in Courtroom 1B and listening devices shared with all courtrooms. There are an inadequate number of listening devices for the courtrooms based on capacity of each and it is unknown if the ALS transmitter on Level 1 works on all building levels and all courtrooms. Signage indicating the presence of an ALS was observed during field inspections only within Courtroom 1B.
- The City Commission Chambers on Level 2 of City Hall has an audio amplification system within the room but no ALS present and no assistive listening devices (ALDs). Based on room capacity, 10 ALDs are required, 3 of which must be hearing-aid compatible.
- A number of other rooms at City facilities were identified as being used for various meetings. It does not appear that any of the rooms have an audio amplification system or an ALS. It is likely that some meetings are of boards/commissions and/or topics that warrant provision of assistive devices.
- A number of City and non-City facilities and rooms have hosted various public meetings for City projects/studies as part of outreach efforts or other City programs. In most cases, these meetings were workshops and/or presentations that did not include audio amplification and therefore not required to provide and an ALS and ALDs. The accessibility of some of these facilities is unknown but participation by persons with disabilities does not seem to have been an issue at any of the meetings based on the lack of documented complaints. Examples of locations used for these outreach efforts and meetings include:
  - City Hall
  - City Community/Recreation Centers
  - One Stop Shop
  - Boys and Girls Club
  - Gary Haines Children Center
  - Dayton Public Schools (multiple)
  - Sinclair Community College, Ponitz Center, Building 12, in the Charity Earley Auditorium
  - Courtyard by Marriott Downtown Springfield, James DeMint Conference Room, 100 S. Fountain Avenue, Springfield, Ohio
  - Kroc Center, 1000 N. Keowee St.
  - Dayton Metro Library Northwest Branch, 2410 Philadelphia Drive
- City Commission meetings are televised live on Government TV on Spectrum Cable channel 6 and at <https://www.daytonohio.gov/330/Government-TV>. Meetings are also recorded and available on demand on the City cablecast site (<https://cityofdayton.cablecast.tv/CablecastPublicSite/?channel=1>) and City YouTube channel (<https://www.youtube.com/c/DaytonOhioGovt/videos>). All live and recorded meetings

provide a window with ASL interpreter. Captioning is provided on the YouTube channel to permit persons with hearing loss from understanding the meetings either live or in the recording. A closed captioning button is provided on the cablecast site but did not provide captioning when it was activated.

- Public meeting agendas for the City Commission and other boards/commissions provide no non-discrimination statement regarding how someone needing a meeting accommodation would proceed or who to contact.
- Public notices are posted in a variety of places, including newspaper advertisements (The Dayton Daily News), website, and posted in some City facilities. Notices on the website [www.daytonohio.gov/AgendaCenter](http://www.daytonohio.gov/AgendaCenter) contained no information about meeting accommodations and a majority of the notice and documents on the website are scanned documents and not able to be used by computer screen reading software for the vision impaired.
- Agendas and meeting minutes for the City Commission, Board of Zoning Appeals, City Plan Board, Civil Service Board, Environmental Advisory Board, Landmarks Commission and Source Water Protection Fund Board are posted on the City website. Meeting minutes for some are scanned and may not be able to be usable for some screen reading programs without other software capable of converting scanned text.
- No requests for special accommodations, including American Sign Language or other interpreters, has been made at public meetings.

**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.
- Ensure that a compliant ALS is in place in all City courtrooms and the required number of listening devices are available in all courtrooms. Ensure that there are also the required number of hearing-aid compatible listening devices available and post the required signage conspicuously within all courtrooms.
- Ensure that a compliant ALS is in place in the Commission Chambers and the required number of listening devices are available. Ensure that there are also the required number of hearing-aid compatible listening devices available and post the required signage conspicuously within the room.
- Other rooms used for meetings do not utilize audio amplification. If installed in the future, these rooms should also be equipped with and ALS and the appropriate number of assistive listening devices. The City should review which meetings are held in locations without audio amplification and consider the ability of someone with hearing loss to participate in those meetings.
- Standard language on all City publications regarding availability of and requests for accommodations should be provided to departments.
- Public notices for meetings should include information related to compliance with the ADA, including reasonable accommodations for persons with disabilities needing it to participate in meetings. Notices should include the name and contact person, along with deadlines, for requests to be made. The statement could include language similar to the following *“Individuals with disabilities who require accommodations for participation in meetings must request accommodations at least 3 business days ahead of the scheduled meeting. Contact Mr. Brent McKenzie, ADA Coordinator, at 937-333-4062 or email at [brent.mckenzie@daytonohio.gov](mailto:brent.mckenzie@daytonohio.gov).”*
- 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 2.11.)
- The City should make reasonable modifications to enable individuals with disabilities to attend and participate in all public meetings.
- Ensure that all documents provided on the website are in a format that are usable by persons utilizing a screen reading program due to vision loss. Signed documents are currently often scanned, a picture of



International Symbol of  
Access for Hearing Loss

the scanned photo could be utilized instead or a notation made on the signature line that an original with signature can be reviewed at the appropriate department office.

- 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.

## **2.7 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.
- The 2021 Fall Program Guide for Recreation and Sports Department included a variety of programs offered to the public. Most appear to be provided at City facilities. The guide does not provide any statement regarding accommodation of disabled persons in City programs or how to request accommodation other than providing the general phone number. There were programs that included specific mention of ability of disabled persons to participate (Chair Yoga is designed for people who prefer to not practice on the floor, including persons in wheelchairs).
- Planning and Community Development Housing staff noted that they have assisted persons in wheelchairs and those with vision loss to access programs.
- The Planning Division noted that they allow persons that may have difficulty attending meetings provide input/comments in other ways than in-person comments (email, telephone call, letter, etc.), which are then provided to the body. Recordings and transcripts of meetings can be provided to those individuals upon request.
- The Finance Department stated that they have met residents at the curb outside City Hall to collect various payments when requested.
- The Department of Recreation has a “Handicap Flag Policy” for City golf courses. Handicap flags are issued with proper documentation that permits enhanced access on the course, allowing carts to go within 5 yards from greens, tees, and greenside bunkers. The policy requires that if 2 members of a group both have flag privileges that they must ride in the same cart. It also states that ADA compliant carts are permitted without an additional fee.
- Community Development staff noted that they have placed seating closer to the presentation screen for an individual that had vision and hearing loss so she could participate in a public meeting.
- 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 or issues. Not all facilities are owned by the City and facilities not owned or leased by the City were not part of the self-evaluation.

**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. This would include various scenarios for interacting with persons with hearing loss, including when writing notes back and forth may be effective and when either the length or technical nature of the interaction would suggest involvement of an ASL interpreter. The City ADA web page should include information about requests for accommodation and how they can be requested in advance of interactions with City staff. This may include working with advocates for the disabled to develop a form to be completed by persons requesting an accommodation that lists the options that are available and which the applicant believes would be effective.
- 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.
- Programs offered, especially by the Recreation and Sports Department, should all be reviewed to determine which ones would be altered extensively if accommodations were needed for a registrant with a disability and which programs could accommodate the person for all or portions of these programs. There are no indications of whether a disabled child could participate in whole, or part, in various programs that are offered. Assess all similar programs within the department and publish policies for each related to participation by children with disabilities and accommodations that can and cannot be made.
- High public use facilities that sponsor a variety of programs should have an accommodation request form available on the website and all publications that provide information about the programs sponsored there. The statement should provide contact information and deadlines for accommodation requests to participate in the programs.
- The ADA Coordinator should monitor programmatic access, making any necessary changes to ensure access and document compliance efforts.
- Continue to explore ways to accommodate residents with curbside services, particularly at facilities that are not currently accessible.
- The “Handicap Flag Policy” for City golf courses should be reviewed to ensure compliance with ADA requirements. The use of “handicap flags” are a simple means to identify golfers that require special accommodations to access areas of the golf course that are not permitted in most cases. However, the policy does not explicitly allow carts to access teeing grounds or putting greens as required by ADASAD 238. The policy correctly states that ADA compliant carts are permitted without an additional fee. Consider changing the name of the policy to remove the word “handicap”.

**2.8 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 Recreation and Sports Department provides several rooms/facilities for rental by the public, including several at the Greater Dayton Recreation Center, Lohrey Recreation Center, Northwest Recreation Center, Kettering Fields Complex, Howell Baseball Fields, Jim Nichols Tennis Courts, and Triangle Park. The City also provides 34 picnic shelters at various parks. The Department of Public Works permits these activities and has a 'Special Events Rental Policy' and 'Special Event Request Form'.
- The Special Event Request Form does not include any specific information related to the responsibility of renters for accessibility based on the needs of persons attending their event. 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/participates in a number of special events that occur on City property, including Fall Harvest Festival, Santa in the Centers, Summer Festivals, Summer Camp, Recess After School, etc.
- A wide variety of programs at City parks and properties are sponsored by the Recreation and Sports Department.

**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 and website.
- Consider adding language to the Special Events Applications regarding accessibility, including ensuring that any special access needs for the event of private individuals is the responsibility of the group leasing the facility. 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 for events regardless of whether they are sponsored by the City or another group, including accessible portable restrooms and accessible parking.
- Guidelines or policies should be in place for ensuring that all special events are accessible, including items such as accessible parking, designated wheelchair seating, and accessible restroom facilities. Ensure that accessible facilities are clearly marked with the ISA and that directional signage is provided, accessible facilities are shown on literature for the event, and that accessible routes are provided to and from all amenities of the events.

## **2.9 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:**

- The City utilizes the 2017 Ohio Building Code, 2019 Residential Code of Ohio, 2017 Ohio Plumbing Code, 2017 Ohio Mechanical Code, 2017 Ohio Fire Code, 2017 International Energy Conservation Code, 2017 National Electric Code (NFPA 70) and 2016 National Fire Alarm Code (NFPA 72).

- No information was provided regarding any specific training for plan reviewers or inspectors related to ADA requirements.
- Review of the Dayton Zoning Code (last amended September 4, 2019) noted the following:
  - In section 150.420.2 Performance Standards, (A) Americans with Disabilities Act states: **“All uses shall comply with all applicable requirements of the Americans with Disabilities Act, and all other applicable federal, state, and county regulations, as required by the Chief Building Official.”**
  - In section 150.700.14 Design Standards, (C) Parking Dimensions, (1) Perpendicular and Angular Parking Spaces states: **“All new or altered off-street parking areas shall comply with the dimensions set forth in Schedule 150.700.14. The number, location and dimension of spaces to be reserved for the disabled shall comply with the federal regulations promulgated pursuant to the Americans with Disabilities Act.”** In sub-section (d) Striping is also states: **“When a parking space is designated for use by persons with disabilities, it shall be clearly marked and signed and otherwise be consistent with the requirements of sub-section 150.700.14 (A) above.”**
  - In section 150.700.11 Parking Requirement Reductions and Off-Site Parking, (A) Shared Parking (6) states: **“(6) Handicap parking spaces may not be shared unless the uses that are to share the spaces are adjacent to the handicap spaces and no inconvenience to the users of such spaces would be created.”**
  - The term “handicap ramps” is used in several sections in reference to residential property access.
  - Section 150.430.2 Permitted Temporary Uses states in (K)(3) **“No itinerant vendor shall block, obstruct, impede, or otherwise interfere with the normal flow of vehicular or pedestrian traffic upon a public street, alley, sidewalk or other public area within the City.”** There are no other regulations found within the zoning ordinance that prohibit the obstruction of sidewalks.
- Review of several of the City’s Construction Standards found the following items of note:
  - Detail 10-45 – ‘Concrete Sidewalk, Median, and Traffic Island Construction’, notes the cross slope of sidewalks should be equal to ¼” per 1’0”, which is the maximum allowed by PROWAG. There are no references to requirements to meet all current ADA standards. Note A on this detail notes that 4’0” to 5’0” is normal for residential districts, with business district width being variable. There is no mention regarding the requirement for a 5’0” width passing space every 200’ if the PAR is less than 5’0” wide.
  - Detail 11-45 – ‘Brick Crosswalk, Alley Mouth, and Sidewalk’, notes that the transverse slopes are to conform to normal sidewalk standards (see Detail 10-45). There are no references to requirements to meet all current ADA standards.
  - Detail 14-45 – ‘Detail of Concrete Driveway with Sidewalk Abutting Curb’, states in note 1 that **“all driveways in sidewalk areas shall meet ADA guidelines”**. The width of the PAR at driveways is shown on the detail as “variable”, without noting 48” minimum.
  - Detail 15-45 – ‘Detail of Concrete Driveway’, identifies the slope of the sidewalk to be ½” per 1’0”. This exceeds the ¼” per 1’0” maximum of PROWAG.
  - Detail 17-45 – ‘Flared Curb Ramp’, states the notes that **“all curb ramps shall comply with current ADA standards”**. Slopes are labeled for ramp running slope as max. slope 1” per 1’0”, which is the maximum allowed by PROWAG. Slopes labeled for flares are also 1” per 1’0”, which is less than the maximum allowed by PROWAG of 1:10. Sidewalk approach cross slopes are listed as ¼” per 1’0”, which is the maximum allowed by PROWAG. The detail does not show the required top landing/turning space or bottom clear space. Details of the detectable warning domes are provided, which appear to meet PROWAG but do not provide the full range of size of domes relative to base and top diameter. Dome area is identified as being “Brick Red”.
- Review of the City’s ‘Construction and Material Specifications’ (dated October 1, 2008) found the following items of note:

- Section 107.14 states that “*Vehicular and **pedestrian public traffic shall be maintained** during the Project whether it is traffic through the Project or only cross traffic at intersections, unless otherwise provided in the Contract Documents.*” It also states that “*Unless the Contract Documents provide otherwise, **all traffic control devices shall be furnished, erected, maintained and removed by the Contractor in accordance with the OMUTCD.***” Maintaining traffic is also discussed in 614.02 Traffic Facilities, which states “*The Contractor shall construct and maintain facilities for vehicular and pedestrian traffic of the street, including all walks, roads, Bridges, Culverts, and traffic control devices.*”
- Section 608.03 Concrete Walks notes in section (f) Slope. “*The surface of the walk shall have a transverse slope of ¼ inch per foot with the low side adjacent to the Roadway.*” This is the maximum cross slope permitted by PROWAG and ADADAG.
- Section 632.09 Pedestrian Pushbuttons notes that “*Pushbuttons shall be properly oriented and installed on poles or pedestals.*” There is no reference or standard provided for “proper orientation”.
- There are no references to MUTCD standards for pedestrian signals and accessible pedestrian signals.
- Review of the Dayton Transportation Plan 2040 (date June 2017 and prepared by Burton Planning Services and CYP Studios) includes discussion of many issues regarding accessibility for pedestrians. While there are some minor misinterpretations of ADA requirements and potential revisions to some recommendations needed to correct them, overall the document provides good guidance on how to improve conditions for disabled pedestrians.
- The City Charter was reviewed and includes the following items to note:
  - Section 129-Sidewalks notes that “*the Commission may by resolution declare that certain specified sidewalks, curbing, or gutters shall be constructed or repaired. Upon the passage of such a resolution the City Manager shall cause written notice of the passage thereof to be served upon the owner, or agent of the owner, or each parcel of land abutting upon such sidewalk,*”.
  - Section 130-Repairs notes that “*If sidewalks, curbing or gutters be not constructed or repaired within 15 days from the service of the notice provided for in the preceding section, or the completion of the publication thereof, the Director of Public Service may proceed by direct employment of labor, or by contract, to carry out the said construction or repair **at the expense of the owner,***”
- Review of the Dayton Public Schools Safe Routes to School Travel Plan (dated February 2018) found the following items of note:
  - On page 15, under ‘Local Government Policies’, the document states “*The City of Dayton has standards for sidewalk construction that address the Americans with Disabilities Act’s (ADA) Standards for Accessible Design requirements.*” This statement is not completely consistent with other findings. In addition, the ADA Standards for Accessible Design are not the best guidance for facilities within the ROW, which should instead be PROWAG.
  - The Planning Level Construction Cost Estimate identifies many locations where new or reconstructed ADA curb ramps should be installed. Compliance of these specific curb ramps is unknown.
- The City has prepared and adopted a number of planning documents related to various corridors and neighborhoods (e.g., Dayton Riverfront Plan, Downtown Streetscape Guidelines & Corridor Plan, Greater Downtown Dayton Plan, Northwest Dayton Neighborhood Plan, etc.). Most make mention of providing facilities that are accessible to disabled and elderly pedestrians, with most information provided being general in nature.
- The Document “Design Guidelines: Creating a Quality Environment” (revised date February 22, 2013) was reviewed and the following items are noted:
  - Residential District Standards Section ‘A2 Sidewalks part A.2.4’ notes that “*Sidewalks should be designed to provide handicapped access at intersections.*”

- Business District Standards Section 'B2 Sidewalks, Sidewalk Design, part B.2.14' notes that *"Sidewalks should be designed to provide handicapped access at intersections."*
- Commercial District Standards Section 'C2 Sidewalks, Sidewalk Design, part C.2.10 notes that *"Sidewalks should be designed to provide handicapped access at intersections."*
- The Document "Rules and Regulations of the Civil Service Board for the City of Dayton, Ohio" (revised date June 30, 2021) was reviewed and the following items are noted:
  - Rule 5: Recruitment and Application for Original Appointment, Section 6. 'Equal Employment Opportunity' states: *"Applications will be accepted without regard to race, color, religion, sex, sexual orientation, gender identity, ancestry, national origin, place of birth, marital status, familial status, or **disability** except for those classifications for which the Board determines that a bona fide occupational qualification exists."*
  - Rule 8: Eligible Lists and Certifications, Section 6.A 'Reinstatement to Eligible List after Resignation and/or Medical Separation' states: *"A medical separation may occur when an employee is **unable to perform the essential functions of their duties or classification with or without a reasonable accommodation due to mental, sensory, or physical incapacity**. Medical separation is not disciplinary action, and does not apply for probationary employees."*
- The Document "Policies and Procedures of the Civil Service Board for the City of Dayton, Ohio" (revised date September 30, 2010) was reviewed and the following items are noted:
  - Policy 3: Requests for Oral Examinations, 'Duration of Approval, 1' states: *"An applicant requesting permission to take oral exams, **based upon a physical disability**, will submit required verification for the Board's review. If the request is approved by the Board, the approval will be valid for a period of one (1) year. However, the individual must submit a request to the Chief Examiner for each exam he/she wishes to take orally during the one (1) year period. At the end of the one (1) year period, a physician's statement must be resubmitted for the Board's review."*
  - Policy 3: Requests for Oral Examinations, 'Duration of Approval, 2' states: *"An applicant with a **non-physical reading disability** must submit a separate request for each exam he/she wishes to take orally, along with verification of enrollment in a remedial reading program."*
- The Dayton Police Department General Order 2.04-5 'Response to the Mentally Ill Crisis Intervention Team' (dated 3/18) provides a policy for police officers when encountering persons with mental illness or intellectual disability. The policy provides guidance regarding legal and practical issues, obtaining assistance from crisis care, and restraining and transporting mentally ill persons. There is no detail within the order regarding how to recognize or interact in other ways.
- The Dayton Police Department General Order 2.02-1 'Hearing Impaired and Foreign Language Speaking Persons' (dated 2/19) provides a policy for police officers for communicating with hearing impaired persons, including witnesses, victims, complainants, or suspects. The policy provides guidance on the requirements to provide qualified sign language interpreters for communication with hearing impaired persons who rely on sign language and resources to provide effective communication with hearing impaired persons. The policy provides local resources (Vocalink and Community Services for the Deaf) to assist with communication, including providing sign language interpreters. There is little detail within the order regarding how to recognize when a person may be hearing impaired.
- Dayton Police Department officers are required to complete a 32-hour course related to mental health, dealing with people in crisis, and de-escalation. DPD has four full-time officers specially trained to handle calls involving persons in mental health crisis and the Department has teamed with civilian mental health workers for regular assignment.
- The City of Dayton formed several 'Police Reform Working Groups' to review current policies and procedures and make recommendations for changes and updates. The Training Working Group was

formed to review training recommendations. The group on May 14, 2021, provided a memo to the Director of the City Commission that included four (4) recommendations that address:

- Updating the de-escalation policy
- Including diverse community members in the training committee
- Including duty to intervene training into Police Academy training
- Completing traffic stops analyses to ensure a bias-free standard and address disparate enforcement
- The City performed an online survey to determine resident and business owner priorities for use of American Rescue Plan Act funding. 69% of responses listed playgrounds, parks, and greenspace and 63% of responses listed sidewalk improvements as a high or moderate priority.
- The City of Dayton Public Works Department Street Maintenance Division Winter Weather Response notes that *'The City of Dayton responds with every resource available when significant snowfall or other winter weather events occur. Snow and ice removal and street treatment are prioritized throughout the 1,700 lane miles that the City maintains, to help keep drivers and residents safe.'* The FAQs on the website related to clearing sidewalks states *"Property owners and tenants are responsible for clearing snow and ice from sidewalks adjacent to properties owned or occupied."*
- There was no mention in City documents regarding the prohibition of the use of Other Power-Driven Mobility Devices (OPDMD), such as golf carts, utility vehicles, etc., on sidewalks, parks, etc. where wheelchairs are allowed.
- There was no information found regarding a specific policy city-wide regarding service animals. The City does require all dogs be on a leash inside all parks, with no exceptions noted for service animals that would be consistent with ADA.

#### **Recommended Action**

- Consider use of known standards (ADASAD, PROWAG, and ODOT) for consistency and compliance with ROW and other facilities. Ensure that all documents adhere to the most stringent standard when they are updated.
  - For all documents, ensure updates reflect current nomenclature. For example, remove all forms and tenses of "handicap" and replace with the appropriate tense of "accessible" or "disability".
  - Provide training for plan reviewers and field inspectors on the requirements of ADA facilities and ensure that design plans meet the relevant standards and that construction meets the design plans.
  - Provide relevant references to the various ADA standards and guidelines in all documents that reference design and construction.
  - Consider updates to the City's Construction Standards and Construction and Material Specifications to address the issues noted above related to existing details providing maximum slopes and/or cross slopes permitted by PROWAG and/or ADASAD. Rather, consider updates that notes the preferred (e.g., 75% of maximum) and note the maximum or minimum allowed for all dimensional and slope requirements. Also consider a general note that all construction shall comply with all other current standards and guidelines, including PROWAG and ADASAD.
  - Consider providing training to Dayton Police officers regarding how to recognize when a person may have an intellectual disability so the standards in General Order 2.04-5 'Response to the Mentally Ill Crisis Intervention Team' (dated 3/18) can be applied appropriately.
  - Consider providing training to Dayton Police officers regarding how to recognize when a person may have a hearing impairment so the standards in General Order 2.02-1 'Hearing Impaired and Foreign Language Speaking Persons' (dated 2/19) can be applied appropriately.
  - Consider utilization of special funding opportunities, including American Rescue Plan Act funding, to make improvements specific to disability access at City facilities.
  - Consider providing regulations or ordinances, as appropriate for the following:
-

- Prohibiting the blocking of all public sidewalks, even temporarily, by parked vehicles or other obstructions (e.g., trash and recycling containers).
- Ensuring that site plans include ADA-compliant facilities as part of the improvements. This would include, but not be limited to, the public sidewalk within the property boundaries, driveways, accessible entrances and signage, etc. Facilities that pre-exist the development should be required to be brought up to code as part of the development.
- Consider an educational campaign regarding the barriers presented, and the prohibition by ordinance, to persons with mobility impairments of blocking sidewalks with parked vehicles, even when those vehicles are within driveways, and other temporary obstructions.
- Address all the other items noted above to ensure City documents properly and adequately address ADA requirements for all properties in the City.
- Ensure that all documents prepared by and for the City include appropriate references regarding ADA accessibility and consideration of the special needs of the disabled population in Dayton, including residents and visitors.
- Confirm the most current case law regarding City sidewalks being a City program or facility and the requirement of the City Charter to assess fronting property owners for costs of construction or repair. Examples include *Barden v. City of Sacramento*, *Culvahouse v. City of LaPorte*, and *Frame v. City of Arlington*.
- Consider providing information about the removal of snow from sidewalks and curb ramps. Specifically, include who is responsible for snow removal (homeowner, businesses, city, etc.), general timeframes for removal (e.g., within 24 hours of the end of the snow event for residential properties, etc.), and special considerations for ensuring access for the disabled. Important considerations should include removal of all snow from sidewalks and curb ramps as soon as practical, with the priority being streets, then curb ramps and sidewalks. For commercial properties it is also suggested that consideration be given to a City policy or ordinance prohibiting the storage of plowed snow in disabled parking spaces and ensuring that curb ramps and other access points are cleared.
- Ensure that ordinances or City policies that apply are consistent with the ADA requirements of OPDMD. OPDMD is defined in the new rules as *“any mobility device powered by batteries, fuel, or other engines . . . that is used by individuals with mobility disabilities for the purpose of locomotion, including golf cars, electronic personal assistance mobility devices... such as the Segway® PT, or any mobility device designed to operate in areas without defined pedestrian routes, but that is not a wheelchair”*. OPDMDs are required to be permitting in all locations where wheelchairs are allowed unless there is a clear and obvious safety reason to exclude them in some areas. See guidance on OPDMDs at the USDOJ website at [www.ada.gov/opdmd.pdf](http://www.ada.gov/opdmd.pdf).
- Consider a service animal policy that meets the requirements of federal law in regard to where service animals (dogs) must be allowed and the conditions in which they can be asked to be removed or restricted. See guidance at [www.ada.gov/service\\_animals\\_2010.htm](http://www.ada.gov/service_animals_2010.htm).

## **2.10 Contracted Services and Contractors**

Public entities cannot use contract procurement criteria that discriminates against persons with disabilities ([28 CFR 35.130 \(b\)\(5\)](http://www.federalregister.gov)). 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.

**2.11 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:**

- Notices of this SETP process were sent to a number of disability advocacy groups and provided on the 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 including curb ramps and sidewalks, City Hall, Lohrey Recreation Center, several city parks, Northwest Recreation Center, Greater Dayton Recreation Center, Kettering Field, Dayton Municipal Court, and others.
- The City web site provides a Customer Feedback page to allow users to provide comments about City services and staff.

**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. Valid comments provided to the City should be considered in the scheduling and prioritization of projects.
- Work with private businesses through educational programs to encourage improvements that would provide better access to potential customers with disabilities.

**2.12 Equally Effective Communication**

The 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 Dayton-Montgomery County Courthouse's seven (7) courtrooms have an ALS in Courtroom 1B with ALDs available. It is unknown whether the transmitter works on the upper level courtrooms if devices were provided within them. It is not known what the total number of available receivers are and the number that are hearing-aid compatible.
- The City Commission Chambers on Level 2 of City Hall has an audio amplification system within the room but no ALS present and no ALDs.

### **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 for all courtrooms, City Commission Chambers, and any other assembly areas with audio amplification (see Facility Summaries in Appendix A). Compliant signage that includes the International Symbol of Access for Hearing Loss should be provided outside of all entries to 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.
- The City has no contracts in place for on-site interpretation services.
- The website for the City Commission office includes the statement '*Anyone planning to attend and speak at a City Commission meeting and needing sign language interpretation is asked to provide 24 hrs. notice to the Commission office at 937-333-3636 or [anita.johnson@daytonohio.gov](mailto:anita.johnson@daytonohio.gov).*' It is unknown if the City would be able to provide an interpreter with that amount of advanced notice.
- The City has a contract with Propio Language Service, which provides language services including remote interpreting, in-person interpretation, and translation and transcription services, including video remote interpreting (VRI) utilizing ASL interpreters via most web-based conferencing platforms. It is unknown what services the City and residents are able to utilize. <https://propio-ls.com/>.

### **Recommended Action:**

- The City should maintain 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\(d\)](#).
- Ensure that a list of providers for interpretation services is available to City employees that may need to utilize the service.
- Interpreters should be provided upon request for accommodations or considered in situations where an interpreter is known or likely to be required.
- Consider modification to the current policy requiring only 24 hours advanced notice for accommodation. This is a short period of time that may put City staff in a difficult position to find proper accommodations

and coordinate with the person making the request. At least 2 business days should be provided, preferably 3.

- Sinclair Community College offers student an Associate of Applied Science in American Sign Language Interpreting for the Deaf and could be a source for ASL interpreters or could be a partner for training of students at City meetings and functions.  
(<https://www.sinclair.edu/academics/divisions/lcs/edu/american-sign-language-interpreting-for-the-deaf-aslid/>).

## TELECOMMUNICATIONS DEVICES FOR THE DEAF

### Self-Evaluation Findings:

- The Planning and Community Development Department noted that they have not used a relay system in the past to communicate with hearing-impaired customers but have access to one if it is needed.
- Dayton is a member of the Montgomery County 911 Planning Committee and participates in the Montgomery County Countywide 911 Plan as authorized by O.R.C 128.06. Montgomery County appears to have a TTY/TDD compliant E-911 phone system.
- The City's website lists a TDD number only for the Job Line.
- The Dayton Police Department General Order 2.02-1 'Hearing Impaired and Foreign Language Speaking Persons' states in '1. Communication with the Hearing Impaired' that "***Hearing impaired persons who call the Dayton Police Department do so by means of a device known as a Telecommunication Device for the Deaf, or TDD. Software is also available for personal computers to perform this same function.*** When the Regional Dispatch Center receives a call from a TDD terminal, it appears on a screen at the RDC's terminal. The RDC can communicate with the hearing impaired caller through keyboard messages. The TDD/TTY number at RDC is 937-228-4357." This statement does not clarify whether this software is installed on personal computers or only that it is available and could be installed.
- The Public Safety Communications Department is responsible for answering all 911 calls. The 911 phone system includes technology compatible with TDD to communicate with citizens who call and have hearing loss.
- Phone systems in Dayton facilities are not all currently compatible with TDD systems.

### Recommended Action:

- The ADA requires all Public Safety Answering Points (PSAPs) to provide direct, equal access to their services for people with disabilities who use teletypewriters (TTYs) or TDDs, including 9-1-1 services. The Title II regulation specifically prohibits emergency telephone service providers from relying on relay services. Relay services do not provide "direct access," because they require the services of a third party and are far more time-consuming than direct TTY calls. However, if a person placing a call to a PSAP voluntarily chooses to rely on a telephone relay service, the PSAP must answer and respond appropriately to such a call. PSAPs must train their call takers to effectively recognize and process TTY calls. Call takers must be trained in the use of TTY equipment and supplied with information about communication protocol with individuals who are deaf or hard of hearing, or who have speech impairments. Ensure compatibility of 9-1-1 equipment and proper training of staff.
- Consider using Ohio Relay and publishing the phone number (7-1-1 or 800-750-0750 for standard phones, 800-750-2750 for TTY Relay in English, 888-269-0678 for Spanish) for TTY/Voice communication. A person who is deaf, hard-of-hearing, deaf-blind, or speech-disabled uses a TTY to type his/her conversation to a Communications Assistant (CA), who then reads the typed conversation to a hearing person. The CA relays the hearing person's spoken words by typing them back to the TTY user. This information could be placed on the recommended website page for accessibility.

- 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 TDD 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, VP, and VRI/VRS communications. Information and training should be provided on an ongoing basis.
- The City should develop procedures to ensure that TDD are maintained in a working and operable condition.

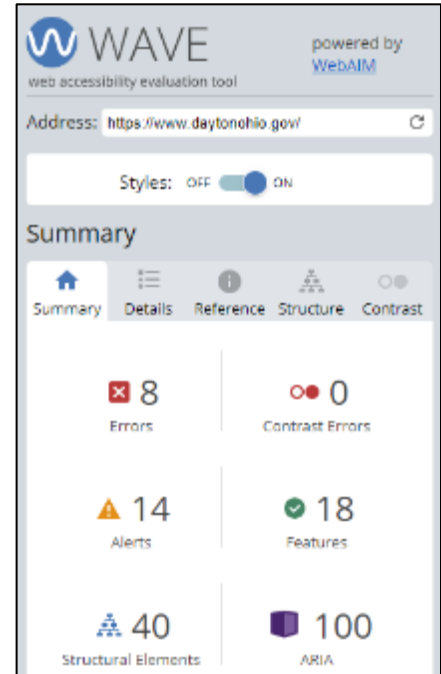
## **WEBSITE**

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 home page address is <https://www.daytonohio.gov/>. The website includes a number of pull-down menus and links that may be confusing for some people to use.
- The website essentially includes no information about ADA or the City's efforts for compliance.
- A number of interactive features are included on the website, including account login for the CivicPlus site, Customer Service Feedback page, a number of permit forms and applications (i.e., zoning, planning, building permits, etc.), payment of City income tax, payment of City water/utility bills, applying for jobs, registering for Recreation & Parks programs, sign up for CodeRED, etc.
- Documents available online in PDF format appear to be a mix of formats readable by a screen reader program, with many that include a signature (e.g., meeting minutes, resolutions) being scanned PDF documents that cannot be read by screen reading programs.
- Content on the website is generally 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 are not all readable by the screen reader program NVDA.
- Running an accessibility check with the Web Accessibility Evaluation Tool (WAVE - [wave.webaim.org/](http://wave.webaim.org/)) generated the following information (see report for the home page on the next page). A number of errors were found on the home page and other pages on the site, along with other limitations, such as structural elements, labels and description, and low contrast between text and backgrounds (which can be difficult for persons with certain visual impairments to read).
- The Dayton Airport, which is owned by the City, has a separate website (<https://flydayton.com/>) which has a large number of errors identified with WAVE.
- Links to a number of exterior websites can be found on the City website for a number of different departments. The accessibility of those websites was not evaluated.
- The website includes an 'Accessibility' link at the bottom that directs users to a page on 'Website Accessibility'. This page includes only general information about website accessibility requirements and is not specific to the City's site.

- The website links to the City of Dayton Facebook page, City YouTube Channel, Twitter, and Instagram. There are also Facebook pages for Dayton International Airport, Dayton Police & Fire, Dayton Convention Center, and Twitter page for Dayton International Airport. No other social media sites were found for City Departments but may not have been identified in searches.
- The City Facebook page is at <https://www.facebook.com/cityofdayton/?fref=ts,%20>, the Twitter page is at <https://twitter.com/cityofdayton>, and Instagram page at <https://www.instagram.com/cityofdayton/>.
- The City YouTube Channel is at <https://www.youtube.com/user/cityofdaytonohio>.
- Several videos were found on the City website:
  - A video tour of Dayton can be accessed from the home page splash page that includes several different videos, such as a welcome by the Mayor, Economic Development, Recreation & Entertainment, Culture, Industry, Homes & Real Estate, and Community Organizations. The videos do not provide a closed captioning option and the videos could not be found on the City's YouTube Channel.
  - A video on 'Dayton Police Reform' was found and included closed captioning capability as well as being able to be viewed on the City's YouTube Channel.
  - The City has a number of videos available on their Facebook page. While some videos included an ASL interpreter on the video, many did not and there were none found that included closed captioning capability. It is unknown if these videos are all available on the City's YouTube Channel and provided with closed captioning capability.
  - Section 2.6 above discusses issues with City Commission meeting live broadcasts and recorded video.



**Recommended Action:**

- The City's websites should be 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 typically 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/](http://www.w3.org/WAI/)).
  - 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. Ensure that non-PDF format documents are properly formatted and usable by screen reader programs. 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 all interactive pages are compliant and able to be used by persons with vision loss.

- 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/](http://www.nvaccess.org/download/)).
- Consider adding a general disclaimer on the City website “*The City of Dayton cannot confirm the accessibility of third party 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 planned for each budget year and projects completed the previous year, and a list of the departments that offer TDD and the phone numbers.
- Provide compliant captioning of all video live stream and video recordings provided on the website and City social media pages to allow persons with hearing loss to have access to this program of the City.

### **2.13 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 is the main point of contact for requesting and providing information in alternate formats on a request for accommodation basis and should communicate with other departments as needed when accommodation requests are received.
- Many City departments and offices produce printed information that is distributed and available to the public.
- No departments stated that they had received requests for documents to be provided in alternate formats.
- 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.

### **2.14 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.

## **2.15 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 all 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 or public ROW, the accessible entrances should be clearly marked with the ISA on the door. Inaccessible or employee-only entrances should have directional signage located to avoid/minimize backtracking informing users where the accessible entrances are located (See Appendix A).
- Signage within City buildings varies. Some of facilities provide mostly compliant signage, but other facilities frequently exhibit non-compliances including the following issues with signs: signage that is missing, signage mounted in the wrong location or wrong height, signs that provide no tactile characters and/or Braille, signs that have Braille or fonts that are 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.

## **2.16 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 (other than ensuring that users of VRI technology and other involved individuals can quickly and efficiently set up and operate the VRI), 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 no ADA Coordinator, who should regularly attend specialized training related to ADA compliance.
- No departments indicated that City staff has attended any training courses on various ADA topics.

- The 'Front Door Security Screen Operations' for the City Safety Building includes specific directions on the 'G. Screening of Physically Challenged Persons', identified as persons on crutches, in wheelchairs, on stretchers, or with casts. It also specifically mentions that guide dogs and harnesses will be visually inspected and scanned with the handheld metal detector.
- The Dayton Police Department has several General Orders related to interacting with persons with disabilities. The Department also notes that all officers are required to complete a 32-hour course related to mental health, dealing with people in crisis, and de-escalation. DPD has four full-time officers specially trained to handle calls involving persons in mental health crisis and the Department has teamed with civilian mental health workers for regular assignment.
- Police officers do not appear to receive any specialized training for recognizing or dealing with members of the public that have a disability, particularly those with hearing impairments or cognitive issues.
- 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.
- Comments from the public online survey suggested ADA training for all City employees and police.

**Recommended Action:**

- The ADA Coordinator (when appointed) and other key staff should attend annual training on various ADA issues relevant to their respective department responsibilities.
- The City should provide training regarding ADA and related civil rights legislation to City staff, especially those that have frequent interaction with the public. Suggested training topics include, but are not limited to:
  - Requirements of the ADA for Dayton as a Title II entity
  - Consequences of Non-Compliance
  - Disability Etiquette – a good resource is [www.unitedspinal.org/disability-etiquette/](http://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, VP, VRI/VRS, and other assistive technologies (e.g., Zoom)
  - 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 and disabilities, addictive disorders, autism, and developmental disabilities, communicating with people who are deaf or hard of hearing (reference [www.ada.gov/lawenfcomm.htm](http://www.ada.gov/lawenfcomm.htm)), and developing a policy on the topic as well (refer to [www.ada.gov/lawenfmodpolicy.pdf](http://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](http://www.ada.gov/qanda_law.pdf)).

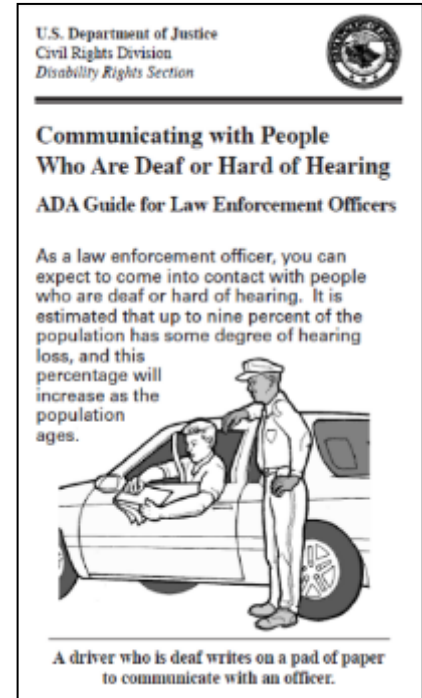
- Additional training materials may be made available to officers on “Disabilities and Law Enforcement”, which is available on the U.S. Department of Justice web site ([www.ada.gov/policeinfo.htm](http://www.ada.gov/policeinfo.htm)).

## **2.17 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:**

- The City of Dayton ‘Emergency Action Plan, Public Safety Building’ (dated December 2019) outlines procedures for a variety of potential emergency situations within the City and the Public Safety Building. The following specific items are noted:
  - The ‘Safety Building Evacuation Procedure’ outlines a procedure for Team Leaders to provide instructions to all building occupants to exit the building and to ensure that all public and office work areas are clear. These procedures would apply to any reason for building evacuation.
  - Appendix E of the City’s plan provides a detailed list of Team Leaders by position and floor.
- Several departments in Dayton coordinate emergency responses with the Montgomery County Emergency Management Agency (EMA) to coordinate and carry out a comprehensive plan to assist community efforts to prepare for, respond to, and recover from all types of man-made and natural disasters. This assistance is accomplished through planning, training, grant funding, and mitigation.
- The Emergency Operations Center (EOC) is the central 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. The City’s primary EOC is the Division of Water Distribution located at 945 Ottawa Street. Alternate EOC locations include the Dayton Convention Center Room 205 and Fire Station #16 located at 4111 Kings Highway.
- The City has an Emergency Operations Plan (EOP), dated 2019. A review of the document found the following items of note (for details please review the EOP):
  - The EOP Promulgation Statement notes that, “*This plan is consistent with the Montgomery County Emergency Operations Plan, the State of Ohio Emergency Operations Plan, and the National Response Framework.*”
  - The City Manager is the City’s Emergency Manager responsible for all actions associated with emergency management.
  - The City participates in regional emergency management efforts through financial support of and coordination with the Montgomery County Office of Emergency Management (MCOEM).
  - In part 4.2 Population Protective Actions, it is noted that within any evacuation area it is likely that **facilities exist that will require special consideration**, including nursing homes and others that may



require support to effectively evacuate. This section also notes that pets and **service animals** are allowed in selected safe areas and shelters.

- In part '5.0 Organization & Assignment of Responsibilities', it is noted that all City Departments have the following responsibilities:
    1. Departmental Emergency Plan covering expected or predictable situations or events in which they must respond.
    2. Continuity of Operations Plan (COOP) that includes internal procedures, emergency procedures, and continuity of operations plans.
    3. Develop and regularly update internal resource listings of personnel, equipment, supplies, and services used during an emergency.
    4. Identification and protection of critical records.
    5. Identification of departmental liaisons for a Command Post, Departmental Operations Center (DOC), or EOC.
    6. Ability to contact key members of the department in the event an emergency develops outside of normal operating hours.
    7. Completion of recordkeeping and reports necessitated due to the emergency.
    8. Assumption of duties and responsibilities where assigned as the Primary Agency for any Emergency Support Functions (ESF).
    9. Cooperate and participate in training and exercises to improve emergency response capabilities.
  - Most City departments have responsibilities related to various ESFs, based primarily on their primary function for City operations and areas of expertise. The responsibilities vary from being the Primary Agency for an ESF to assisting or providing guidance or other functions.
  - Several non-City partners are identified as a supporting agency with responsibilities under various ESFs (e.g., Regional Transit Authority for ESF 1-Transportation).
  - Several Emergency Support Functions (ESFs) include specific provisions related to special assistance to the disabled in the event of an emergency event, including those related to Transportation (ESF #1), Mass Care (ESF #6), and Public Health and Medical Services (ESF #8).
  - ESF #1 Transportation identifies several support agencies that will provide transportation assets, including buses if requested, including Dayton Public Schools and Greater Dayton Regional Transit Authority. While not specifically stated in this ESF, many of these buses are accessible and able to transport disabled persons.
  - ESF #6 includes a section under 'Concepts of Operation' entitled '3.4 Special Needs Populations', which states, "*A percentage of the population requiring sheltering and mass care services will have functional needs. **Functional needs may include medical issues, mental health issues, physical disabilities or impairments, and other attributes that require some form of care or accommodation.***" It also states that the American Red Cross configures each shelter to handle people with moderate functional needs and will include trained staff to manage those needs.
  - ESF #6 states that service animals are allowed to accompany their owners to shelters.
  - ESF #6 does not include a detailed list of shelters but does state that City would open selected City facilities to support mass care operations or as cooling or warming centers, including recreation centers.
  - ESF #8 includes a section entitled '2.1.6 Special Needs Populations', which states, "*Various agencies and entities provide, on a daily basis, a wide range of health and human services for individuals with **special needs, mental retardation or developmental disabilities, physical handicap, substance addiction, mental health issues, and other specialized needs.***" It states that in an emergency event, these agencies would deliver services at shelters, aid stations, hospitals, nursing homes, and other locations.
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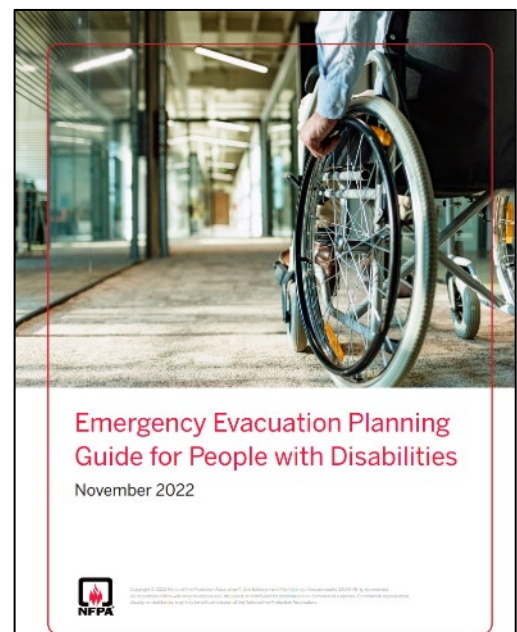
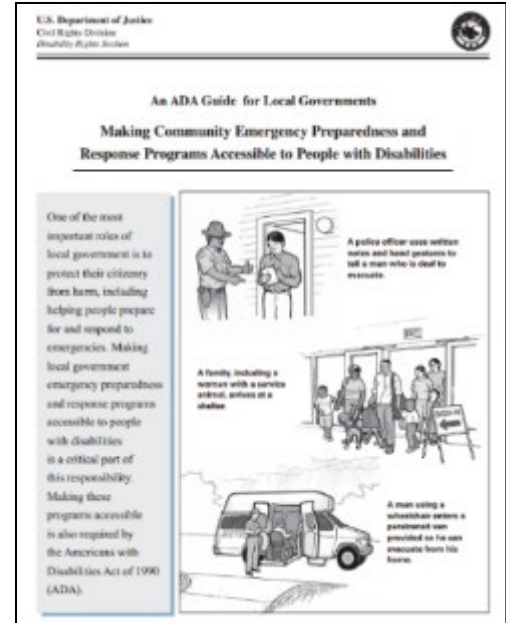
- ESF #8 also includes a section under ‘Concepts of Operation’ entitled ‘3.3 Functional Needs Population’, which states “Dayton, primarily through its EMS resources, **will provide assistance to functional needs populations** affected by crises such as fire, evacuation, power outages, temperature emergencies, and others. **The EMS resources will be used to assist those who cannot help themselves and transport them under medical care to hospitals, shelters, or other appropriate facilities.** The American Red Cross, identified in ESF 6-Mass Care as the primary provider of emergency shelters for Dayton, is tasked to handle issues associated with functional needs populations.”
  - The EOP appendix for ‘Evacuation’ includes the following noted provisions:
    - Section 2.0 Policies, Part 2.2 Assumptions states, “2) Actions to **evacuate functional needs population from facilities such as hospitals or nursing homes are the responsibility of the individual facility.** If assistance from responders is required it must be secured prior to any event.” This Part also notes, “4) For initial planning it is assumed that 25% of any evacuated population will require public transportation and sheltering.”
    - Section 3.0 ‘Concepts of Operations’, Part 3.1 ‘Population Protection Plan’ includes information that should be considered when formulating plans, including, “How will sheltering and functional needs population issues be addressed?”
    - Section 3.0 ‘Concepts of Operations’, Part 3.3 ‘Evacuation Modes’ includes under sub-part 3.3.2 ‘Evacuation Procedure’ the following steps to accomplish an effective evacuation, “Transportation assistance for Functional Needs populations and those without transportation.”
    - Part 3.3 ‘Evacuation Mode’s sub-part 3.3.2.7 Transportation Assistance identifies the availability of 256 large buses and 75 paratransit buses from RTA and school buses from Dayton Public Schools. This sub-part also includes a notation that Functional Needs populations may be unable to comply with an evacuation order and some individuals with acute medical conditions may need to be evacuated to area hospitals or nursing homes until appropriate extended care can be arranged.
    - Service animals are noted as being permitted to accompany their owners to shelter locations.
  - The EOP does not include detail on many topics regarding specific procedures to assist the disabled during an emergency, including special means to provide communication to them, identify their location in advance, determination of special equipment or devices that must accompany them if evacuated, etc.
  - There is no mention in the EOP of providing food for persons with special dietary needs or severe restrictions. Advance planning would assist in provision of food to this group.
  - The EOP does not include identification of persons with specialized expertise to assist persons with disabilities during a disaster, including ASL interpreters and specialized caregivers.
  - Dayton provides online registration for notifications of emergency alerts and important community updates. The program is called ‘Connect Dayton’ and provided through the CodeRED system of OnSolve, which allows residents to enroll and receive emergency alerts and notifications. A link to the enrollment page is provided on the City website at <https://www.daytonohio.gov/961/Connect-Dayton>. At the time of this document preparation, the ‘Enroll Now’ button did not work. There is also a document found by searching the Dayton web site that gives instructions for registering with CodeRED at <https://www.daytonohio.gov/DocumentCenter/View/11165/CodeRed-Registration-instructions?bidId=>.
  - There does not appear to be a comprehensive list of homebound clients that may need additional assistance during an emergency.
  - The City provided a list of landmark facilities, which includes the name and address of various libraries, hospitals, senior centers, assisted living centers, nursing homes, supported living facilities, residential treatment facilities, and Montgomery County public health facilities. It is unconfirmed if the list is complete. Persons in many of these facilities would likely need additional assistance during an emergency in the event of evacuation.
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- Based on observations during facility evaluations, it appears that many City facilities have evacuation and sheltering plans in place for emergency events, such as pre-determined meeting places, evacuation routes, building exits, etc. Generally, the evacuation routes are identified on a building layout diagram. However, it does not appear all departments have established emergency evacuation procedures to specifically address safe evacuation of persons with disabilities.
- Based on departmental questionnaire responses and observations during facility evaluations, it appears that at least 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 a variety of emergencies. However, it is not confirmed that all departments have established emergency evacuation procedures to specifically address safe evacuation of persons with disabilities.

**Recommended Action:**

- The ‘Emergency Action Plan, Public Safety Building’ should be considered for use as a template for preparation of similar plans for all City facilities. This would be especially important for large and/or multi-story facilities used by the public, including City Hall and the One Stop Center.
- Work with MCOEM to address issues specifically related to the disabled population in the City and County, including identification of these individuals and where they live, ensuring availability of vehicles able to accommodate wheelchairs and other specialized medical equipment in the event of an evacuation, accessibility of emergency shelters that must include accessible shower/bathing facilities for the disabled if shower/bathing facilities are provided, and availability of shelters to accommodate persons with service animals.
- Ensure that the update to the City’s EOP includes specific information related to the special needs of the disabled during the various types of emergency situations. Examples could include:
  - Involve persons with disabilities and their advocates and caregivers in planning for emergencies.
  - Identify potential sources of equipment that can be made available for persons with disabilities in the event of an emergency. This equipment could include wheelchairs, walkers, etc. that might be left behind at homes or damaged during an evacuation.
  - Determine the feasibility of a voluntary, confidential registration of residents that would need special assistance during an evacuation or emergency that required utilization of temporary or longer-term sheltering. This may be an option in the registration on the CodeRED system but could also be a database prepared and maintained by the City Police and/or Fire Department.
  - Ensure that designated shelters are accessible and able to meet the needs of persons with disabilities, including those with service animals.
  - Consider the potential special food and dietary requirements for some persons with disabilities in the provision of food in the event of an emergency.
  - Seek out volunteers with special training to assist persons with disabilities in all phases of an emergency and particularly at shelters, including American Sign Language (ASL) interpreters, mental health services, etc.
  - Ensure that all departments with emergency responsibilities understand them and know what is required for different types of emergencies.
  - Continue to partner with groups able to provide specialized assistance in emergencies and ensure each understands the potential needs on them.

- Consider adding details for ESFs that pertain to assisting persons with different disabilities for the different types of emergencies. For example, ESF #8 notes that various agencies would provide a variety of health and human services at shelters, hospitals, nursing homes, and other locations. There is nothing specific related to the different agencies, services they would perform, etc. Without this detail being included in the plan, when an emergency situation arises there will be no guidance in the document for City staff to obtain those services or request assistance.
- Provide additional details after consultation with experts on how to ensure equally effective communication is provided to disabled populations in an emergency. Examples could include ensuring closed captioning is provided on television broadcasts, that ASL interpreters are provided for all televised briefings and updates, etc.
- The EOP 'Evacuation' appendix document should be updated to include details about the ability to transport and shelter the 25% of the population assumed to need that in the event of evacuation.
- Consider special events at City facilities to offer CodeRED registration for residents without internet access and those that may need assistance with the registration process.
- 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.
- Consider providing special equipment for evacuation of persons in wheelchairs in multi-story facilities and/or ensuring the City emergency personnel have this type of equipment available. This equipment allows emergency personnel to safely transport people down stairs that are not able to do so independently and without having to be carried where elevators cannot be used for evacuation.
- City staff responsible for coordination with the MCOEM should review and complete the Title II Emergency Management checklist at [www.ada.gov/pcatoolkit/chap7emergencymgmtadd1.htm](http://www.ada.gov/pcatoolkit/chap7emergencymgmtadd1.htm) for additional information about ensuring the BEOP considers persons with disabilities adequately.
- Excellent additional resources can be found at:
  - [U.S. Department of Homeland Security](http://www.dhs.gov)
  - [National Fire Protection Association](http://www.nfpa.org)
  - [www.ada.gov/emergencyprepguide.htm](http://www.ada.gov/emergencyprepguide.htm)
  - <http://hfcdhcp.org/emergency-preparedness/>
  - [onlinepubs.trb.org/onlinepubs/tcrp/tcrp\\_rpt\\_150.pdf](http://onlinepubs.trb.org/onlinepubs/tcrp/tcrp_rpt_150.pdf)



- [www.nad.org/resources/emergency-preparedness/](http://www.nad.org/resources/emergency-preparedness/)
- <https://ema.ohio.gov/>

## **2.18 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 'Employment Opportunities' web page does not include any statement related to the City being an Equal Opportunity Employer or other statements related to that effect.
- It appears as though the only means to apply for jobs with the City is online and requires potential applicants to go through a registration process. It is not clear if there are alternatives to this process such as hard copy application forms or other means for persons not able to use the computer or have limited access to the internet.
- The City Human Resources (HR) Department assists the Civil Service Board on employment-related items and performs functions of human resources by providing services to job applicants, City employees, and retirees. The HR Department website also notes that "*Human Resources **investigates and processes requests for reasonable accommodation under ADA and employee complaints of discrimination and sexual harassment, and administers the employee discipline and grievance-arbitration process.***"
- The City of Dayton's Policies & Procedures Manual (dated February 2020) includes the following relevant items (note **emphasis added**):
  - The City has resolved to provide all employees with a copy of the document on a USB drive. There are many pages within the document that are scanned memos, business cards, etc. that are not able to be understood by screen reading programs.
  - An accessibility review of the document by Adobe Acrobat Pro DC found a number of errors that would limit the usability of the PDF version of the document for persons with vision loss.
  - The section 'Customer Service Standards' includes no information for provision of services to persons with disabilities. The standards are reasonably detailed and somewhat general in nature, with many items, such as being courteous and professional, applying to all customers.
  - The City requires all employees to utilize their ePayroll. The document provides instructions using both text and screenshots of the ePayroll Portal for setting up accounts and other instructions. There is no statement regarding the Finance Department Payroll & Disbursements Section and/or Central Services Department IT Division providing assistance for persons with disabilities.
  - Several policies, in addition to those specifically detailed below, are scanned documents and not usable by screen reading programs.
  - Policy Number HR 1.01 "Equal Employment Employer" (dated April 4, 2017):
    - This two (2) page policy is a scan that is not usable by screen reading programs.
    - The policy specifies that the City is an 'Equal Opportunity Employer' and that the City will not discriminate against any employee or applicant because of a disability.
    - Under Part 3.0 Policy, Sub-part 3.1 states "***Recruiting, hiring, training, and promoting persons for all job classifications will be accomplished without regard to race, religion, color, sex, age,***

- national origin, ethnic heritage, political affiliation, sexual orientation, gender identify or **disability, except where there is a bona fide occupational qualification.***
- Sub-part 3.4 states ***“All personnel actions (including, but not limited to, assignments, compensation, benefits, transfers, layoffs, returns from layoff, City-sponsored training, education, and social and recreational programs) will be applied equally without regard to race, religion, color, sex, age, national origin, ethnic heritage, political affiliation, sexual orientation, gender identify or **disability.**”***
  - Policy Number HR 1.02 “Recruitment and Employment” (dated April 23, 2018):
    - This six (6) page policy is a scan that is not usable by screen reading programs.
    - Under Part 5.0 Recruitment Procedures, Sub-part 5.3.4.1 states *“HR, in conjunction with the relevant department, makes an offer of employment to the selected applicant contingent on successful completion of a background check(s), pre-employment physical examination, and other pre-employment requirements per the classification.”*
    - Under Part 6.0 Background Checks, Sub-part 6.1.3.1 related to motor vehicle driving history states *“This search will be run **when driving is an essential requirement of the position.**”*
  - Policy Number HR 1.07 “Anti-Harassment and Discrimination” (dated June 27, 2019):
    - Under Part 2.0 Policy, Sub-part 2.3 states *“The City will not tolerate unlawful discrimination or harassment of any kind.”*
    - Under Part 4.0 Prohibited Conduct, Sub-part 4.1 Discrimination, 4.1.1 states *“It is a violation of this policy to discriminate in the provision of employment opportunities, benefits or privileges, to create discriminatory work conditions, or to use discriminatory evaluative standards in employment, if the basis of that discriminatory treatment is the person's race, color, national origin, age, religion, **disability status**, gender, gender identity, sexual orientation, pregnancy or marital status.”*
    - Under Part 4.0 Prohibited Conduct, Sub-part 4.1 Discrimination, 4.1.2 states: *“Discrimination of this kind may also be strictly prohibited by a variety of federal, state and local laws, including, but not limited to: Title VII of the Civil Rights Act 1964; the Age Discrimination Act of 1975; **the Americans with Disabilities Act of 1990**; and Ordinances of the City of Dayton. This policy is intended to comply with the prohibitions stated in these anti-discrimination laws.”*
    - Part 6.0 Complaint Process, outlines the process to be followed and responsibilities for filing and resolution of complaints. The City also provides a ‘Discrimination Complaint Form’ (revised date 4/2010) at the end of this policy.
  - Policy Number HR 1.08 ‘Equal Opportunity for People with Disabilities’ (dated August 3, 2017):
    - This four (4) page policy is a scan that is not usable by screen reading programs.
    - This policy includes significant relevance to ADA compliance, including providing a policy for employment, advancement, discipline, compensation, job training, and other terms, conditions, and privileges of employment.
    - Under ‘Part 4.0 Definitions’, this policy defines the requirements for essential functions, reasonable accommodation, and identifies the Director of the Department of Human Resources as the ADA Coordinator.
    - ‘Part 5.0 Guidelines’, provides extensive guidance to managers, supervisors, and employees when working with employees with a disability, including confidentiality of medical information and processes for interviewing.
    - ‘Part 6.0 Disability Accommodation Request Process’, outlines the specific process for employees to request reasonable accommodations to do the essential functions of a specified job, referencing several forms including the ‘Disability Accommodation Request Form’ and ‘City ADA Medical Certification Form’, and the review process for these requests.
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- ‘Part 7.0 ADA Grievance Procedure’, outlines the process for filing of a complaint alleging discrimination on the basis of disability, including timelines and appeal processes. The ADA Grievance Procedure only references employee grievances, with no specific mention of public grievances in the provision of services, activities, programs, or benefits by the City and there does not appear to be a standard form for use when filing a grievance by either an employee or the public.
- Both the ‘Disability Accommodation Request Form’ and ‘City ADA Medical Certification Form’ are provided at the end of the policy.
- Policy Number HR 12.02 ‘City Hall Visitor Policy’ (dated July 24, 2017):
  - This three (3) page policy is a scan that is not usable by screen reading programs.
  - ‘Part 4.0 Municipal Parking Garage’, Sub-part 4.2 uses the word “*handicapped*” when referring to the access restrictions for the building entrance from the parking garage.
- The City of Dayton’s Rules and Regulations of the Civil Service Board includes the following relevant items (note ***emphasis added***):
  - Rule 5 “RECRUITMENT AND APPLICATION FOR ORIGINAL APPOINTMENT” (dated December 30, 2016), Section 6. EQUAL EMPLOYMENT OPPORTUNITY. states: “***Applications will be accepted without regard to race, color, religion, sex, sexual orientation, gender identity, ancestry, national origin, place of birth, marital status, familial status, or disability except for those classifications for which the Board determines that a bona fide occupational qualification exists.***”
  - Rule 6 “OPEN COMPETITIVE EXAMINATIONS” (dated October 20, 2016), Section 2. EXAMINATIONS TO BE JOB-RELATED. states: “*All examinations shall be designed to test the relative qualifications of applicants to discharge the duties of the particular position(s) which they seek to fill. All examinations shall deal with the knowledge, skills and abilities necessary for satisfactory work performance. **No question shall relate to the** race, color, religion, sex, sexual orientation, gender identity, national origin, ancestry, place of birth, age, marital status, **disability**, political affiliation or opinion **of any applicant.**”*
  - Rule 13 “DISCIPLINARY OR DISMISSAL ACTION” (dated August 13, 1984), Section 2. CAUSES FOR DISCIPLINARY OR DISMISSAL ACTION. states “*The following are among the non-exclusive causes which shall be sufficient for dismissal, demotion or suspension:*” with Sub-part C. stating: “***Inability to perform job duties due to mental or physical disability of a permanent or temporary nature;***” There is no statement related to reasonable accommodation, which may not apply to all positions.
- The City has agreements in place with several unions. All agreements reviewed (Dayton Building & Construction Trades Council, Fraternal Order of Police, Captain John C. Post Lodge No. 44, Ohio Council 8 Local No. 101, Dayton Public Service Union, American Federation of State, County and Municipal Employees, A.F.L.-C.I.O., and International Association of Firefighters, Local 136 A.F.L.-C.I.O.) all contain a section within for ‘Non-Discrimination’, which generally states that “***The parties hereto agree that neither Management nor the Lodge shall discriminate against an employee because of race, color, creed, religion, sex, age, political affiliation, disability, membership or non-membership.***”
- The agreement with the International Association of Firefighters, Local 136 A.F.L.-C.I.O. includes within Article 30-Restricted Duty & Disability, Section 1. Restricted Duty “***An employee who is absent from duty due to a disabling illness or injury of a temporary nature that prevents him/her from performing his/her normal duties may be returned to work to perform restricted duty for a temporary period of time. Restricted duty is any job, work assignment, or duty within the Fire Department that an employee disabled from his/her regular assignment is capable of performing, and is mutually agreed upon by the Union and Management.***”
- The ‘City of Dayton Department of Water WORK RULES and GUIDELINES’ (dated May 2016) includes in the section entitled ‘Equal Employment Opportunity’ the statement “*The City of Dayton is an Equal*

*Opportunity Employer and will not tolerate discrimination against an employee or applicant for employment because of race, religion, color, sex, age, national origin, ethnic heritage, political affiliation, or **handicap.***"

- The 'WORK RULES and GUIDELINES Handbook for the City of Dayton Recreation and Youth Services' (dated 2016) includes in the section entitled 'Equal Employment Opportunity' the statement "*The City of Dayton is an Equal Opportunity Employer and will not tolerate discrimination against a team member or applicant for employment because of race, religion, color, sex, age, national origin, ethnic heritage, political affiliation, or **handicap.***"
- The 'Central Patrol Operations Division Operating Procedures' includes a variety of requirements and reporting by City police officers. There are no specific requirements for documentation of interactions with disabled persons in the performance of their duties and how those interactions were accommodated to ensure a positive result.
- A poster entitled "Equal Opportunity is the Law", defining the requirements of Title VII, is located in most City buildings.
- Review of various examples of job descriptions for positions at the City of Dayton noted the following relevant items:
  - Job descriptions appear to be prepared by City staff in the Human Resources Department, though some that are not recently updated appear to be prepared by other departments (e.g., Fire Department). Job descriptions are dated as far back as 2002, but many that were reviewed were last updated as recently as 2018.
  - Most recently updated job descriptions include the same headings, including 'Qualifications', 'Purpose', 'Supervisory Responsibilities' (if applicable), 'Essential Duties and Responsibilities', 'Knowledge, Skills, and Abilities', 'Core Competencies', 'Customer Service-Core Values', 'Physical Demands', 'Work Environment', 'Education/Experience', and 'Certificates, Licenses, Registrations'. Some job descriptions include additional and/or different headings (especially those that have not been updated recently) such as 'Performance Factors', 'Leadership Skills', 'Technical Skills', 'Team Skills and People Skills', 'Special Requirements', and 'Variable Competencies'. Each section includes a written description and several sections provide specific information or examples of various knowledge, abilities, and skills required and examples of work.
    - The 'Qualifications' section includes the sentence "***Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.***"
    - The 'Physical Demands' section includes the introductory paragraph "*The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.*"
    - The 'Physical Demands' section includes a variety of physical demands that are general and often subjective in nature as to the requirements of some in order to perform job functions, such as "*While performing the duties of this job, the employee is frequently **required to stand; walk; use hands and fingers to handle or feel; reach with hands and arms; climb or balance; stoop, kneel, crouch, or crawl; talk or hear; taste or smell.***" Some of these requirements may 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. There are some jobs where these physical requirements could be essential (police officer, building inspector, paramedic, etc.) but others would be difficult to justify.
    - Some job descriptions have additional items within the 'Physical Demands' section, including "***Specific vision abilities required by this job include close vision, distance, vision, peripheral vision and ability to adjust focus.***"

- The “Work Environment” section includes the introductory paragraph *“The work environmental characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.”*
- All job descriptions under the section ‘Certificates, Licenses, Registrations’ include the statement *“**Must have a valid driver’s license** at time of appointment and maintain as a condition of employment.”*, including positions that do not appear to have any essential function related to operation of personal or City vehicles (e.g., Account Clerk, Administrative Typist, etc.).
- The job description for the Director-Human Resources (dated April 2017), who is designated as the City ADA Coordinator in Policy Number HR 1.08 Part 4 of the City of Dayton’s Policies & Procedures Manual, includes no mention of this assignment or requirements for knowledge specifically related to the ADA. There are general statements about the person in this position investigating complaints about discrimination and serving as the Equal Employment Opportunity officer for the City but nothing specifically related to disabilities.

**Recommended Action:**

- Consider adding a statement about the City being an ‘Equal Employment Opportunity’ employer or other statements compliant with applicable laws.
- Determine the potential need for alternate ways for individuals to apply for jobs if they do not have internet access. This could include providing information about where computers can be available (libraries, schools, City facilities, etc.), providing hard copies of applications for employment in both regular and alternate formats (e.g., large print).
- The City should continue to practice the City policies of non-discrimination as required by ADA and other applicable laws.
- Consider developing an ADA Grievance Policy and ADA Grievance Form that includes all required information consistent for non-employees to utilize.
- Ensure that electronic copies of all documents provided to City employees, including the City of Dayton’s Policies & Procedures Manual, are fully accessible and usable by persons that use screen reading programs. Existing scanned documents should be replaced by original PDF conversions. If signatures are desired, insert them as a picture in the PDF and ensure alt-text is provided. Run an accessibility test of all documents to ensure issues are repaired prior to the distribution of the documents to employees.
- Consider updates to the ‘Customer Service Standards’ that includes specific information regarding provision of services and assistance to customers with different disabilities.
- Ensure that the Finance Department Payroll & Disbursements Section and/or Central Services Department IT Division make themselves available to assist employees that need assistance with setting up accounts in ePayroll.
- For all documents, ensure updates reflect current nomenclature. For example, remove all forms and tenses of *“handicap”* and replace with the appropriate tense of *“accessible”* or *“disability”*.
- Ensure that all City policy documents noted above, and others, are original PDF conversions or other formats that are usable by screen reading programs. If signatures are desired, insert them as a picture in the PDF and ensure alt-text is provided. Run an accessibility test of all documents to ensure issues are repaired prior to the distribution of the documents to employees.
- The City should continue to practice the City policies of non-discrimination as required by ADA and other applicable laws for recruiting, hiring, training, assignments, compensation, benefits, transfers, layoffs, returns from layoffs, education, and promotion.
- 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.

- Consider requiring all City employees, including police officers, to document all interactions with persons with disabilities, including the type of disabilities encountered, communication and any other issues due to the disability, and how the City employee was able to effectively communicate with the individual(s). This type of documentation can be good examples to share with other City employees, including in training, and also create a documented file of ADA compliance efforts for the City.
- Ensure that a poster entitled 'Equal Opportunity is the Law', defining the requirements of Title VII, is located in every City building.
- The City should consider carefully examining and updating all job descriptions as needed. Updates could include modernizing language to simplify the existing information as often suggested by HR professionals at the National ADA Symposium as well as a job analysis to ensure accuracy of information relied upon to update job descriptions, if needed. Update as needed to ensure that all job descriptions:
  - Updates should include "ADA Compliant Language". Examples include modifying statements such as 'stand or sit' to 'stationary position', 'talk/hear' to 'communicate, convey, express oneself, exchange information', 'use hands/fingers to handle or feel' to 'operate, activate, use, prepare, inspect, detect, position', 'see' to detect, perceive, identify, recognize, observe, inspect, assess', 'carry or lift' to 'transport, move, position, put, install'.
  - Ensure requirements in all sections are actual requirements of the position and avoid use of subjective words such as 'normal' when describing visual acuity, hearing, etc. Determine need for requirements such as sense of smell or taste, depth and/or texture perception, color perception, etc., which for many jobs is unlikely to be needed to perform the duties of the job.
  - Review which jobs require a valid driver's license or commercial driver's license for the employee to perform job duties due to the need to operate a City vehicle. Remove the requirement from jobs that do not since many persons with disabilities are not able to obtain a driver's license, instead substituting the requirement with providing a valid photo ID issued by a governmental agency.
- Ensure that the job description for the Director-Human Resources includes information that this position is also designated as the City's ADA Coordinator and the person in this position should have relevant experience and knowledge of the ADA and other civil rights laws related to Title I and Title II.
- An excellent resource to review when considering updates or modifications to various documents, including job descriptions, is the Job Assistance Network at <https://askjan.org/topics/jobdesc.cfm> and the U.S Department of Labor, Office of Disability Employment Policy at <https://www.dol.gov/odep/#>.

## **2.19 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 no ADA Committee comprised of individuals from several departments or Citizens Committee comprised of residents with disabilities, advocates, and caregivers.
- 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).
- No City boards or commissions appear to include 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 are 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 workspace 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.

**2.20 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)**

- |                                  |                     |
|----------------------------------|---------------------|
| 1. Fire Fleet Maintenance Garage | 7. Fire Station 14  |
| 2. Fire Headquarters             | 8. Fire Station 15  |
| 3. Fire Station 10               | 9. Fire Station 16  |
| 4. Fire Station 11               | 10. Fire Station 17 |
| 5. Fire Station 12               | 11. Fire Station 18 |
| 6. Fire Station 13               | 12. Fire Station 2  |

13. Fire Station 8
  14. Fire Training Academy
  72. City Hall Municipal Garage
  73. Oregon District Garage
  74. Central Patrol Operations Division
  75. Eastern Patrol Operations Division North
  76. Eastern Patrol Operations Division South
  77. Police Academy
  78. Safety Building
  79. Western Patrol Operations Division
  80. Building 23 Director of Public Works
  81. City Hall
  82. Dayton Convention Center
  83. Dayton Dragons Stadium
  84. Levitt Pavilion
  85. Levitt Pavilion Restrooms
  86. One Stop Center
  98. Ottawa Yards Ottawa Pump Station
  99. Ottawa Yards Sewer Maintenance
  100. Ottawa Yards Water Treatment Plant
  101. Ottawa Yards Water Utility Field Operations
  102. Water Administration Building
  103. Water Reclamation Administration
  104. Water Reclamation Training Room
  105. Water Supply & Treatment Administration
  106. Water Supply & Treatment Training Room
  109. FROC Priority Board Community Center
  110. Dayton Montgomery County Courthouse
- City Parks and Recreation Facilities**
15. Adams & James Park
  16. Arlington Heights Park
  17. Arlington Hills Parks
  18. Belmont Park
  19. Blommel Park
  20. Bomberger Park
  21. Borgerding Park
  22. Burkham Park
  23. Burns Jackson Park
  24. Canal Park
  25. Claridge Park
  26. Cleveland Park
  27. College Hill Park
  28. Cooper Park
  29. Dayton View Park
  30. Deeds Park
  31. Desoto Bass (Gillespie Park)
  32. DeWeese Park
  33. Fairview Park & Aquatic Center
  34. Five Oaks Park
  35. Gettysburg Park
  36. Hickorydale Park
  37. Highland Park
  38. Highview Hills Park
  39. Jane Newcome Park
  40. Joan Hiers Park
  41. Lakeside Lake Park
  42. Linden Park
  43. Madden Park
  44. Mallory Park
  45. Mary Avenue Park
  46. McCabe Park
  47. McIntosh Park
  48. McKinley Park
  49. Nordale Park
  50. North Dayton War Memorial
  51. Oak & Ivy Park
  52. Oregon Park
  53. Orville Wright Park
  54. Park Drive Park
  55. Pinewood Park
  56. Princeton Park
  57. Residence Park
  58. Ridgecrest Park
  59. Salem Heights Park
  60. Sandalwood Park
  61. South Park Green
  62. Steele Park
  63. Thal Park
  64. Triangle Park
  65. Vietnam Memorial Park
  66. Walnut Hills Park
  67. Washington Park
  68. Welcome Park
  69. Western Hills Park
  70. Wogaman Park
  71. Wright-Dunbar Park
  87. Community Golf Course
  88. Greater Dayton Recreation Center
  89. Howell Field
  90. Jim Nichols Tennis Center
  91. Kettering Field Complex
  92. Kittyhawk Golf Course
  93. Lohrey Recreation Center
  94. Madden Golf Course

- 95. Michael Solomon Pavilion
- 96. Northwest Recreation Center
- 97. Stuart Patterson Park

**ROW Sidewalk Only**

- 87SW Dunbar Field Office
- 88SW Sunrise Center
- 89SW Sign & Signal Shop
- 90SW Cultural Center
- 91SW Daymont Rehab Center
- 92SW Northeast Priority Board
- 93SW Signal Building

- 94SW Southeast Priority Board
- 95SW Smokin' BBQ
- 96SW The Neon
- 97SW Edgemont Neighborhood Center
- 98SW Public Health Dayton & Montgomery County
- 99SW St. Mary Development Corporation
- 100SW Stepping Stones Daycare
- 101SW Senior Resources Connection
- 102SW Temple Israel
- 103SW Adult Parole Authority
- 104SW Westwood 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 ODOT 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. Note that this is a very short-term solution since some users may not be able to utilize a cup to drink for various reasons.
  - 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. Also ensure that compliant accessible routes are provided from the public ROW to accessible entrances to City facilities.
- 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) with audio amplification 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 or vents 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.).

# 3

## Self-Evaluation of Pedestrian Facilities in the Public ROW – Pedestrian Signals & On-Street Parking



## 3.0 Self-Evaluation of Pedestrian Facilities within the Public ROW – Pedestrian Signals & On-Street Parking

This and subsequent sections of the SETP summarizes the approach for review of ROW facilities. The findings and recommendations contained in Sections 3-5 will provide the basis for the implementation of specific improvements for pedestrian access within the public ROW. Elements that may be encountered during ROW evaluation (in addition to curb ramps and PAR) include street furnishings, accessible pedestrian signals, transit stops, roundabouts, marked or metered on-street parking, and rail crossings. The only additional non-curb ramp or PAR ROW facilities assessed in detail for this project and discussed within this section included:

- Pedestrian signals
- On-street parking

Information about PARs and curb ramp is provided in Section 4 and 5, respectively.

### 3.1 Data Collection and Methodology

All ROW pedestrian facilities included within the scope of the project were inventoried and assessed using guidance contained in PROWAG, dated July 26, 2011, as published by United States Access Board. Though PROWAG is not an enforceable standard, it is well documented as being the “best practice” by FHWA and is likely to be adopted in the near term and would be the standard at that time. The ADASAD does not address ROW facilities in detail, if at all, and therefore should not be used to determine compliance.

Data collection was completed using various methods, with data for pedestrian signals being collected using tablets and applications to record the location of each data collection point, the dimensional and slope data, and to correlate the data with a photo of the facility inventoried. Data collection for pedestrian signals was completed by a DBE subconsultant to DLZ (Stone Environmental) between August and October 2020. Facilities added or modified after this date should be monitored for compliance by the City at time of construction. On-street parking analysis was completed by DLZ utilizing a simple spreadsheet and tablet with field notes during the summer of 2021. Any changes in conditions after the date data was collected may result in a different state or level of compliance. Discussion of data collection and results for these two different ROW facilities is provided below.

### 3.2 Database Analysis

Upon completion of the Inventory and Assessment, the data collected was compiled into a summary for each data collection point or location. Data for pedestrian signals was analyzed based on each unique signal controller provided, which may be only one per corner or could be multiple for separated crossings at the same intersection. The City provided the Traffic Signal (TS) number for each intersection and each corner identified with a letter suffix, with sequencing letters for each intersection based on the number of signals at each TS. 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.

On-street parking analysis was done on a block face basis per PROWAG. The total number of marked or metered parking spaces within the designated downtown districts included in the scope of the project were identified, including those marked as accessible in some way (signage, ISA on meters, etc.). Compliance of

spaces for both proximity to sidewalk access ramps and other features required by PROWAG were reviewed and determination made of compliance issues and corrective actions for the City to consider.

### **3.3 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, and 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.

### **3.4 Pedestrian Signals**

Pedestrian signal standards are not included in the 1991 or 2010 ADA Standards, but are addressed in the 2011 PROWAG and the previous versions from 2005 and 2002. PROWAG incorporates by reference sections of the 2009 Manual on Uniform Traffic Control Devices (MUTCD), which includes a majority of the technical requirements. PROWAG/MUTCD provides requirements for both 'standard' pedestrian signals and upgraded

'accessible pedestrian signals' that include additional requirements to provide accessibility to disabled pedestrians, especially those with vision impairments or vision loss. Note that per R209.2 of PROWAG, standard pedestrian signals are required to be upgraded to comply with the referenced sections of MUTCD for APS only when specific improvements are made to the pedestrian signals, 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, APS must be provided where pedestrian pushbuttons are provided.

To determine compliance of existing pedestrian signals with Sections 4E.08 through 4E.13 of the MUTCD and relevant sections of PROWAG, the following characteristics were evaluated. Note that standards for pedestrian signals are provided for both standard and APS, with similar requirements in many cases but additional requirements for APS (i.e., tactile buttons, audible tones, etc.). Pedestrian signals are required to meet APS standards for both new installations and when existing pedestrian signals are modified as noted above. Features of existing pedestrian signals were evaluated for all relevant standards, even though a majority have not been altered to require upgrade to APS standards. Note that several of the requirements include options to allow for deviation from the standard if additional conditions are met.

- Function: Per MUTCD, accessible pedestrian signal detectors may be pushbuttons or passive detection devices (MUTCD 4E.08.01). At pedestrian signal locations where pedestrian pushbuttons are used, each pushbutton shall activate both the walk interval and the accessible pedestrian signals.
- Location: Pushbuttons are located on an accessible route (MUTCD 4E.08.4A) and there is an adjacent level clear space to the push button (PROWAG R403.2).
- Distance from curb: Between 1.5' and 6' from edge of curb, shoulder, or pavement, 10' max if impractical (MUTCD 4E.10, 4E.08.04D).
- Distance from crosswalk: Between edge of crosswalk line farthest from intersection to 5' max. beyond (MUTCD 4E.10, 4E.08.04C).
- Distance between pushbuttons: 10' min. separation where two are provided on the same corner, if less, special provisions apply (MUTCD 4E.08.07, 4E.10.03).
- Height and orientation of pushbutton: Face parallel to crosswalk to be used (MUTCD 4E.08.04E), height of approx. 42", with 48" max. (MUTCD 4E.08.04F, PROWAG R406).
- Pushbutton Operating Force: 5 lbs. max. (PROWAG R403.4).
- Pedestrian pushbuttons shall be a minimum of 2 inches across in one dimension (2005 PROWAG R306.3.3) and shall contrast visually with their housing or mounting (MUTCD 4E.12.01).
- Audible WALK Indications: Percussive tone if pushbuttons are separated by at least 10'; speech message if less (MUTCD 4E11.04).
- 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 (MUTCD 4E.12.01).

- 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 (MUTCD 4E.12.02).
- Pushbutton Signage: Signs shall be integral and adjacent to pushbuttons (MUTCD 4E.08.10) and include an arrow aligned parallel to the crosswalk direction (MUTCD 4E.08.12). The arrow shall contrast with the background (MUTCD 4E.12.01).
- Pilot Light: If provided, illuminated only at activation, remain illuminated until WALK signal indication is displayed, accompanied by speech message to 'WAIT' (MUTCD 4E.08.16).

Self-Evaluation Findings:

- A total of 242 intersections included within the project scope (850 pushbuttons) had pedestrian signals in one or more quadrants. An additional 12 intersections (34 pushbuttons) were found and had a limited evaluation performed. Most locations with pedestrian signal heads include pushbuttons, though there are some locations with a combination of pedestrian-activated pushbuttons and pedestrian signal heads that cycle with every traffic signal cycle. No pedestrian signals were found to have passive detection.
- No locations included accessible pedestrian signals with all required features in MUTCD/PROWAG for disabled pedestrians (audible "WALK" indication, pushbutton locator tone, etc.).
- Several of the pedestrian signals have been installed or altered recently, and some locations were under construction at the time of the evaluations, and but do not meet all of the current standards. It is not known when construction on the pedestrian signals occurred or the scope of the work. There were also several locations where pedestrian pushbutton pedestals had been hit by vehicles and the location was not operable.
- A total of 34 pedestrian signal pushbuttons evaluated were not located on an accessible route, being located distant from a PAR or having no PAR in the quadrant with the pedestrian pushbutton.
- The face of 296 pushbuttons were not parallel to the crossing controlled by the button.
- A large number of locations (541) exceeded 2% max. slope at the pushbutton clear space.
- Very few (3) pushbuttons were non-compliant for being greater than 5.0' from the crosswalk.
- Approximately 190 locations did not include any signage adjacent to the pushbutton.
- A majority of locations (590) have a pilot light that activates on the pushbutton and/or an audible beeping noise when it is pushed.
- Signage at approximately 545 locations provided only text instructions (no visual arrows indicating the direction of crossing controlled by the pushbutton) and a majority of those signs did not provide a clear indication of the crossing controlled by the pushbutton with either text or a directional arrow.



***Pushbutton that is not located on an accessible route.***



***Example of pushbutton with face not parallel to the crosswalk.***



*Examples of various signs provided at pedestrian pushbuttons, including (A) no signage, (B) and (C) generic text instructions with no identification of street crossing controlled, (D) and (E) multiple signs for the same pushbutton with different orientation/information, (F) and (G) signs that provide text instruction and an arrow indicating the crossing controlled, (H) text only sign that includes description of crossing controlled, (I) current standard sign with detailed text instructions with directional arrow indicating the crossing controlled and pictures adjacent to the instructions, and (J) enlargement of current standard sign.*

- Approximately 66 locations provided a clear space adjacent to the pushbutton of less than 30"x48".
- A large number of pushbuttons (432) were non-compliant for being either less than 1.5' or greater than 6.0' from the curb.
- Most pushbuttons met the requirement for less than 5 lbs. of operating force (35 did not).
- A total of 79 pushbuttons were below 36" height or above the maximum height of 48".
- A total of 23 locations had pushbuttons that do not meet current requirements for operable parts to be operable with a closed fist and/or being 2" minimum in diameter.
- Only 9 locations with more than one pushbutton in the same quadrant had pushbuttons located on the same pole.
- No pushbuttons included either tactile arrows or vibrotactile features.
- No audible walk indicators were provided at any location.



**Example of pushbutton with non-compliant clear space adjacent.**

Addressing the Issue:

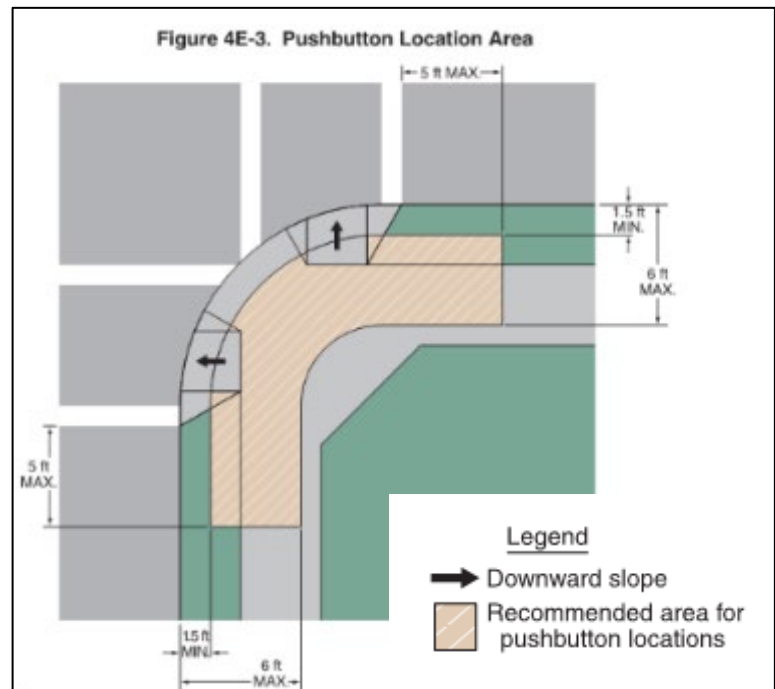
As the City plans infrastructure improvement projects where new pedestrian signals are provided or alterations to existing locations that includes signal controller, software, or signal head replacement, accessible pedestrian signals must be installed that meet the applicable standard at that time. Particular

items that will need to be addressed at currently signalized intersections are providing audible and vibrotactile components to pushbuttons, installation of compliant buttons and signage, provision of level clear spaces at all pushbuttons, providing pushbuttons in compliant locations, etc. Until that time, consider addressing the following issues at existing pushbuttons that present the most difficult conditions for disabled pedestrians. Note that in many locations, multiple issues may need to be addressed:

- Provide signage with both text and visual (arrow) indication of the crossing controlled by the pushbutton. A large number of existing signs include only text, often with only generic instructions of “to cross street” with no street name provided. Signs similar to examples F, G, and I/J above should be provided at all crossings.
- Adjust the orientation of existing buttons and signage to ensure the face of each is parallel to the crossing direction controlled by the pushbutton.
- Provide sidewalks and/or replace sidewalks adjacent to pushbutton locations to provide a compliant size and level clear space, particularly where slopes exceed 2.5%. This particularly important at locations where pushbuttons are not located within reach of the PAR and essentially not able to be used by persons in wheelchairs.
- Relocate pushbuttons to compliant locations relative to the curb and/or crosswalk, as depicted in MUTCD Figure 4E-3. This will likely require installation of pedestals to house the pushbutton at a number of locations.
- Adjust pushbuttons that require excessive force to operate and/or are outside the 36”-48” height required.
- Ensure all pushbuttons are 2” diameter, require 5 lbs. or less force to operate, and can be operated with a closed fist.
- Provide updated pushbuttons that have tactile features, including arrows depicting the direction of crossing controlled by the pushbutton. Ensure the arrow contrasts with the background and is raised. See the examples with example signage.



**Example of 2 pushbuttons on the same pole.**



**Examples of various options for updated pushbuttons with compliant tactile directional arrows and updated signage.**



**Example of pushbuttons that are outside the required 1.5-6.0 feet from the curb.**

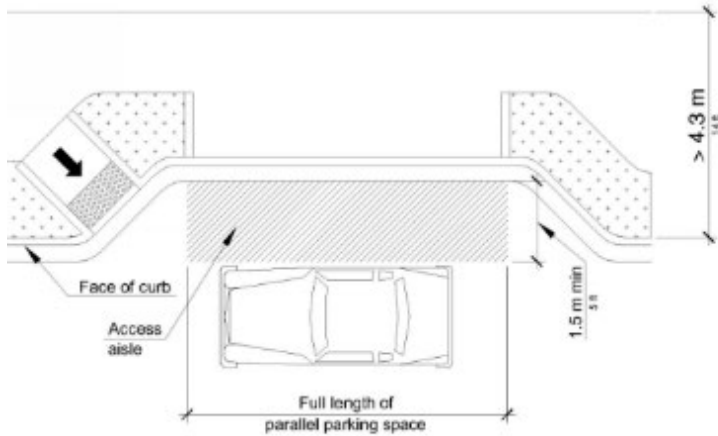
Costs for improvements that are required when existing pushbuttons are altered are difficult to assess given unknowns about the ability to move wiring for pushbuttons, presence of conduit under pavement, etc. It is likely that the cost for the minor items noted as interim measures would be \$800-1500 per crossing. Given the total number of approximately 884 crossings, the total cost would likely exceed \$1,000,000 for the interim improvements. Costs for complete upgrades to current MUTCD standards are not able to be determined, 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.

### **3.5 On-Street Parking**

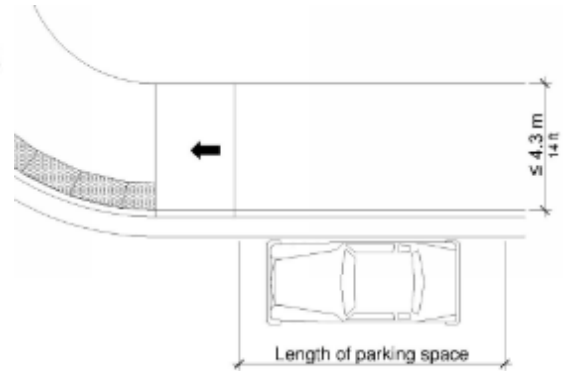
Requirements for on-street parking are not specifically mentioned in the 1991 or 2010 ADA Standards but best practice would suggest that other requirements within ADASAD that do not conflict with PROWAG should be utilized. This be most pertinent to signage requirements beyond the minimal provisions within PROWAG. Being highly urbanized, the City has a large area with marked and/or metered parking within the public ROW. A majority of the on-street parking is metered, parallel parking, though there are limited areas that are angled or perpendicular parking and/or not metered.

#### **Requirements:**

The scoping provisions in R214 of PROWAG state, *“Where on-street parking is provided on the block perimeter and the parking is marked or metered, accessible parking spaces complying with R309 shall be provided in accordance with Table R214. R309.2 ‘Parallel Parking Spaces’ provides the technical requirements for parallel on-street parking spaces, which varies based on the width of the adjacent sidewalk or available ROW. Per 309.2.1, “Where the width of the adjacent sidewalk or available right-of-way exceeds 4.3 m (14.0 ft), an access aisle 1.5 m (5.0 ft) wide minimum shall be provided at street level the full length of the parking space and shall connect to a pedestrian access route. The access aisle shall comply with R302.7 and shall not encroach on the vehicular travel lane.”* Advisory R309.2.1 clarifies that the access aisle can serve either side of the vehicle. Note that for alterations where the street or sidewalk is not altered, an access aisle is not required provided the parking spaces are located at the end of the block face (R309.2.1.1). For narrow sidewalks, R309.2.2 states, *“An access aisle is not required where width of adjacent ROW is less than or equal to 14’. When an access aisle is not provided, the parking spaces shall be located at the end of the block face.”* See Figure R309.2.1 and R309.2.2 below.



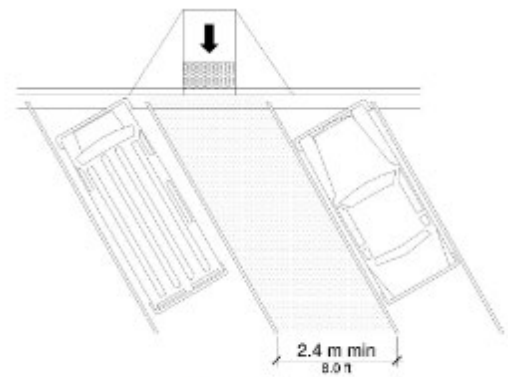
**Figure R309.2.1**  
 Wide Sidewalks



**Figure R309.2.2**  
 Narrow Sidewalks

PROWAG R309.3 addresses the guidelines for ‘Perpendicular or Angled Parking Spaces’, stating, “Where perpendicular or angled parking is provided, an access aisle 2.4 m (8.0 ft) wide minimum shall be provided at street level the full length of the parking space and shall connect to a pedestrian access route. The access aisle shall comply with R302.7 and shall be marked so as to discourage parking in the access aisle. Two parking spaces are permitted to share a common access aisle.”

Perpendicular or angled parking spaces are also required to provide a curb ramp or blended transition to connect the access aisle to the PAR, with the curb ramp being required to be outside of the access aisle (R309.4). The requirements for these curb ramps mirror the requirements for all other curb ramps within the public ROW, other than the fact that detectable warnings are not required on curb ramps or blended transitions that connect an on-street parking access aisle to the PAR (Advisory R309.4).



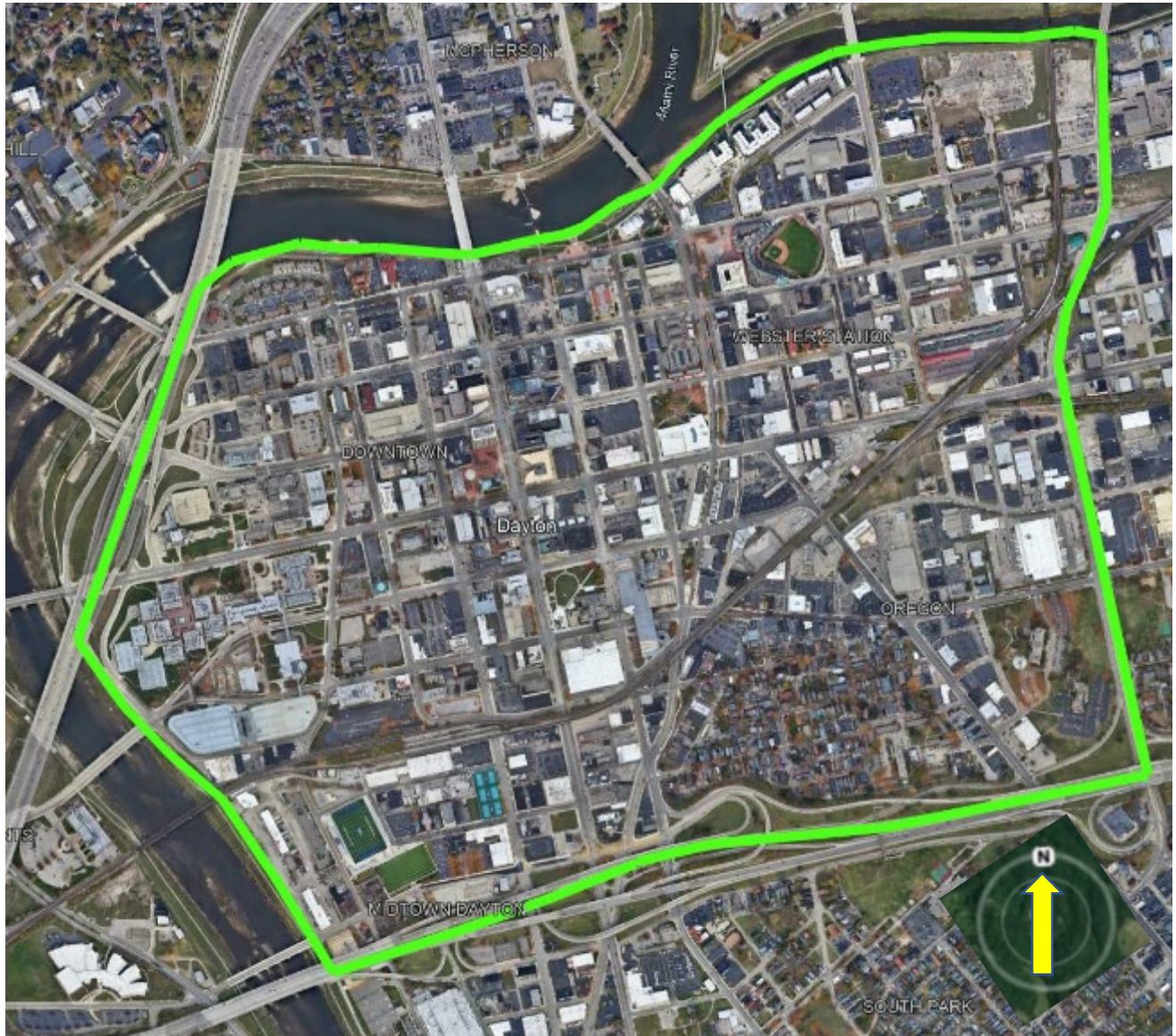
**Figure R309.3**  
 Perpendicular or Angled Parking Spaces

Accessible parking spaces are required per R211.4 of PROWAG to be identified by signs displaying the ISA and complying with R411. Signs are required at the head or foot of parking spaces. Signs should also meet the requirements of ADASAD 502.6 for parking, including being located 60” high 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. 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 on-street accessible parking spaces are the same, which are essentially all van-accessible but van-accessible signage is not required. Use of the ISA pavement markings is not required nor a compliant substitute for a sign.

On-Street Parking Self-Evaluation Findings:

Marked/metered on-street parking within Dayton is widespread in the downtown area, located on a number of streets (see figure below for limits of on-street parking inventory). A total of 1226 on-street parking spaces were identified within the downtown area (26 identified as accessible), and a total of 58 City blocks provide marked and/or metered parking on at least one block face (see Table B-2 and Figure B2 in Appendix B). In most locations, the parking spaces are delineated by pavement markings and are also metered, though there are some locations that are not metered. There were a number of spaces that had missing parking meters, with these spaces being included in parking counts. Most residential areas and many other areas of the City

allow parking on the street but the parking spaces are not marked or metered, and therefore not required to include designated accessible spaces.



**Location of areas that provide on-street parking shown in green, which are primarily in the downtown area.**

The compliance review of the on-street parking identified a variety of issues to be considered for corrective action at the appropriate time. Some issues (e.g., improved signage) are fairly low cost and would provide enhanced access and could be implemented quickly, where others that require additional investigation, design, or construction would be longer term solutions.

1. Table R214 requires one (1) accessible parking space for every 25 on-street parking spaces on each block perimeter up to 100 parking spaces, with one space per 50 between 101 and 200 spaces, and four percent (4%) where 201 or more on-street parking spaces are provided on a block. Compliance was an

issue on a majority of the blocks in the City for providing the compliant number of accessible on-street parking spaces based on the total number of parking spaces on the block. Only 11 of 58 blocks provided any marked accessible spaces, with 10 of those meeting or exceeding the minimum number required based on parking count. A total of 26 marked accessible spaces are provided within the entire downtown area, with 78 required based on parking counts of all marked and/or metered spaces.

2. In all locations where accessible spaces are provided, there was no access aisle curb ramp provided adjacent to a parallel parking space where required due to ROW width being 14' or more from the curb (see Figure R309.2.1), spaces where ROW width is less than 14' are not located at the end of a block near a corner curb ramp (see Figure R309.2.2), or where angled accessible spaces were provided there was no access aisle adjacent to spaces and no curb ramp connecting the curb ramp to the sidewalk (see Figure R309.3).
3. In locations where multiple accessible spaces were provided, the spaces were typically adjacent to one another. Given the condition noted above, this added to the distance from the space to an intersection curb ramp. In addition, accessible spaces were not typically the nearest spaces to the intersection and the distance from the nearest space to the intersection curb ramp was increased due to bumpouts and required persons using these spaces to travel within or very near the vehicle travel lane to access a curb ramp.
4. The on-street parking spaces that are designated as accessible are identified typically only by a small ISA marking on the meter for the space, with limited spaces also providing signage at each end of the accessible metered parking zone. In some cases the ISA on the meter is faded and has no contrast to the background. No additional signage is typically provided for each individual accessible parking space that would be visible to disabled drivers looking to find a designated accessible space.

Addressing the Issue of On-Street Parking:

Only 11 of 58 blocks evaluated within the downtown area that provided on-street parking on one or more block face provided accessible parking spaces, with 10 providing the minimum number of accessible parking spaces based on the total block face count. Five (5) blocks provided an excess number of accessible spaces. The location of the accessible spaces would generally be on each block that has on-street parking, though the provisions of R102 'Equivalent Facilitation' could be considered as a means to relocate accessible parking from one block to another where the resulting design provides substantially equivalent or greater accessibility and usability. The placement of accessible spaces should consider the existing facilities in the area and target the highest uses, including parks, libraries, churches, public facilities, restaurants, banks, etc.



*Typical identification of accessible, metered space is limited to ISA on meter.*



*Two accessible parking spaces in area with wide sidewalks, both with faded ISA, no curb ramp or access aisle, and not at end of the block. Note sign delineating accessible parking zone with non-accessible space beyond sign.*

An evaluation of existing on-street parking is needed to determine the best means to achieve compliance with the number of accessible spaces provided, as well as providing compliant access aisles, curb ramps, proximity to curb ramps, and/or signage as applicable. Where the ROW from the curb exceeds 14', there will likely need to be additional design and construction to provide the required technical provisions of R309. Consideration should be given to providing compliant signage for each space, particularly since accessible spaces cannot generally be adjacent to another accessible space and meet the provisions of R309. The existing identification of accessible spaces by providing the ISA and blue coloration on the meter for accessible spaces is not sufficient.

### **3.6 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, pedestrian signals, on-street parking, and site furnishings. This section of this SETP addresses these facilities already existing, with sidewalks and curb ramps discussed in the next sections.

While many City construction projects do include improvements to pedestrian facilities, not all project areas are suitable for pedestrian use. The sections above provide recommendations for evaluation and alteration of pedestrian signals and accessible on-street parking, which will likely need to also consider compliance and likely alterations of the PAR and curb ramps to ensure compliance of the entire pedestrian route.



***Accessible space located at the end of the parking zone that provides a loading zone and long travel distance from the space to the corner curb ramp.***

# 4

## Self-Evaluation of Pedestrian Facilities in the Public ROW – Sidewalk Inventory



## 4.0 Self-Evaluation of Pedestrian Facilities within the Public ROW – Sidewalk Inventory

This section of the SETP summarizes the review of limited sidewalks within the public ROW. The evaluation of sidewalks within the public ROW was limited by the scope to only those fronting on City facilities, with all other sidewalks being excluded. For this reason, the findings and recommendations for the sections of PAR that were evaluated are included in the appendix referencing each respective facility rather than as a separate appendix that includes the results of all sidewalks within the City.

Dayton has an extensive network of sidewalks, with a high percentage of residential areas including sidewalk on at least one side of the street. There are also typically sidewalks in most commercial and institutional areas. Much of the sidewalk infrastructure in Dayton is aged and in varying condition, particularly in areas that were developed decades ago and have not been maintained or replaced since. While the total quantity of PAR within the public ROW is not known, the City has estimated it to be between 1000-1200 miles. Impressions of many areas of sidewalk not included in the scope of this review showed many areas that are likely to be non-compliant, with many areas being difficult to use, and some essentially unusable, by disabled pedestrians. The City has a local policy that requires adjacent property owners to perform and pay for maintenance of sidewalks within the public ROW, including private property owners. Without a comprehensive survey of all PAR within the public ROW, there is no ability to provide a determination of which areas comply with PROWAG, the priority for corrective action based on the items discussed in this section, and estimated costs for sidewalk replacement. There is also a concern about this policy conflicting with ADA requirements for Title II entities. There is case law that supports the assertion that sidewalks are a program of the local unit of government and placing the burden on adjacent property owners for facility improvements may not be consistent with ADA Title II. In addition, attempting to provide compliant PAR by having individual property owners perform the repairs, even with City involvement, is not likely to provide a continuous and compliant PAR for pedestrians.

### 4.1 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

The most common compliance issues noted along the segments of the PAR fronting on City facilities included within the scope of the project are noted below for reference. Depending on the size of the facility and property, this may be an entire or multiple block face or sections of the public ROW from property line to property line. In some cases, the precise location of property lines was not able to be determined and estimated locations were utilized based on visual evidence of suspected locations. All discussion below pertains only to those sections of the PAR included within the scope of the project, though it is likely that similar issues exist on adjacent areas of PAR on the same block face.

## 4.2 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, with many walks 5' in width. Within the downtown areas of the City, many sidewalks exceed 15' in width, requiring special design considerations for accessible on-street parking spaces as discussed in the previous section. A number of sections of sidewalk that were reviewed were less than 60" width and exceed 200' of length with no passing space available, though this number is lower than the overall issue since only the PAR fronting on City property was evaluated. The frontage of many City facilities was less than 200' in length, therefore any PAR less than 60" in width that continues beyond and fronting on private property the property would likely total more than 200'. Issues observed that reduced the sidewalks to less than 48" minimum included sidewalks built prior to current standards and overgrown turf and obstructions.



*Examples of sidewalk that is less than 60" in width (24" level for reference) and often also in poor condition.*

### Addressing the Issue in Future:

- Five foot width should be considered for all new sidewalk construction in residential areas. The City's engineering standard detail 10-45 for concrete sidewalk provides in Note A that 4'0" or 5'0" is normal for residential districts and that width is variable for business districts.
- In non-residential areas, the width of the sidewalk should consider the available ROW, adjacent land use, amount of pedestrian use, and other factors that would enhance pedestrian circulation.
- If ROW is not available for 5'0" wide sidewalk for the entire length, provide for a 60"x60" turning space at every 200' length minimum.

### **4.3 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, less so in Dayton overall compared to other areas with more geologic relief. There are several areas of the City that have streets with a running slope that exceeds 5% and the sidewalk typically mirrors the adjacent road grade. 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:**

In general, usability for pedestrians, especially those that use a mobility device, is enhanced with lower slopes. Attempts should be made to provide the flattest running slope possible and still provide adequate drainage when combined with cross slopes. 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.

### **4.4 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, which were not included in the scope of this project. During the evaluation, it was noted that many areas 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, many of the issues are often more severe. The most significant issues often are at driveways and where the sidewalk has heaved due to tree roots.



*Examples of PAR with severe cross slopes and/or vertical elevation changes.*

**Addressing the Issue:**

As with running slope but even more important with cross slopes, non-compliant slopes can be extremely problematic for disabled pedestrians, particularly those that use a mobility device. Providing the flattest cross slope as possible while still providing drainage should always be the goal in the design of sidewalks. The most common issues related to cross slopes is typically at driveways in residential areas, which were not included in the scope of this evaluation. It is likely that when evaluated, there will be a high number of non-compliant situations identified at those locations. It should also be noted that cross slopes are often exaggerated during design to provide drainage, even where running slopes better serve that purpose. For areas with cross slopes of over 2% that are not due to incorrect driveway construction or tree root issues, potential solutions may include:

- Modifying the sidewalk grade when it is replaced to provide compliant cross slopes.
- Removing and regrading adjacent tree lawn, if present, 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 driveways. 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.

**4.5 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 ½" maximum with those between ¼" and ½" being beveled at a slope not steeper than 50% across the entire discontinuity. Horizontal openings, such as grates and joints, may not exceed ½". 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.



*Examples of displacements, separations, and pavement in poor condition in need of maintenance.*

In general, newer sidewalks are relatively free of cracks, spalling, and displacements. Many sidewalks at City facilities 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). Tree roots can cause heaving of sidewalks, but was uncommon in the City. A consequence of extensive cracking and age is the establishment of grass and weeds in cracks, which create conditions that can be very difficult for all pedestrians.

**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 to eliminate a hazard. This does not greatly improve accessibility but may remove the most severe barriers.
- Grinding the edge at surface level changes of up over ½” to achieve allowable bevel.
- Replacement of concrete sidewalk panels.
- Removing vegetation that has established in joints and cracks where the sidewalks are generally otherwise compliant.



*Grinding of small displacements*



*Temporary patching for large displacements*

Surface Condition

- Replacement of damaged concrete sidewalk panels
- Minimize use of salt and other compounds that can affect surface condition of pavements.
- Maintenance to keep free of vegetation and debris.

**4.6 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 mailboxes, 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 were few facilities included in the scope where vehicles in parking lots abut the PAR. Some 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. No residential areas were included in the scope of the project but it would not be unusual to identify locations with sidewalks immediately adjacent to a mountable curb or no curb where cars could be observed riding up onto the PAR to obstruct it for pedestrian traffic or have weekly containers for trash and recycling placed on the PAR.



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

**Addressing the Issues:**

Obstructions and protrusions within the ROW that reduce the PAR to less than 48" can be a significant barrier to many disabled pedestrians, whether permanent or temporary. Most of the types of issues found on this issue are at private properties, which were not included within the scope of this project but warrants mention due to the potential significance of the issue. Temporary obstructions that are often encountered (primarily in residential areas but also found in business districts) include site furniture, temporary signage, parked cars, and trash and recycling containers. These items may be addressed by enactment and/or enforcement of ordinances regarding their placement and prohibiting obstruction of the PAR. Some communities have opted to include within their design standards a requirement to ensure parked vehicles on commercial sites do 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 to be effective. Similar restrictions on location of trash and recycling bins for pickup could be developed. Education of residents on the importance of maintaining a clear PAR is essential to the success of the issues being addressed. Vegetative obstructions and protrusions, which were noted as an issue to address at several City facilities, can be managed with routine maintenance, and also by encouraging homeowner participation in maintaining a clear ROW at private properties. As part of the City's long-term plan for addressing sidewalks, work with private property owners to either remove obstruction or investigate the feasibility of providing a compliant width PAR around obstacles.

Fixed obstructions are a more difficult item to address and may be costly to address as they generally occur with utilities. Utility poles, guy wires, hydrants, and other structures that obstruct the ROW may require relocation or purchase of right-of-way from adjacent landowners. For all of these items, a work-around solution is often preferred and a less costly solution if ROW is available. 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 mentioned previously.



*Examples of utility structure issues and vegetation obstructions/protrusions that can present issues for disabled users.*

#### **4.7 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 and the scope of review of the PAR was limited to only those areas adjacent to City-owned properties. Complete reconstruction may be required where multiple compliance issues are involved. See *Appendix B* for data reports.

#### **4.8 Sidewalk Barrier Ranking Analysis**

The City’s limited self-evaluation of the public ROW adjacent to City facilities, parks, and leased facilities 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 3 of this report.

#### **Self-Evaluation Findings:**

Based on the data collected, an estimated linear footage of replacement required was calculated for each data location. This linear footage of required replacement was generally 60” width, though within some areas where sidewalks are wider or for most Shared Use Paths the width was kept consistent with existing. The estimated square footage of replacement PAR was then determined based on typical costs in 2021 dollars. Based upon these calculations, the following table illustrates the estimated value of improvements required to make the PAR adjacent to the facilities included within the scope of the project compliant with PROWAG. In some areas, the estimate includes short section of sidewalk that may be compliant, since it is typically

more costly to do selective sidewalk reconstruction with saw-cutting rather than reconstruction of entire sections with logical endpoints. It should also be noted that curb ramps were not included in the self-evaluation (see next section for curb ramp discussion). In locations where the City facility abuts a curb ramp, there are many instances noted within the appendix where a non-compliant landing and/or turning space results in a non-compliant PAR. Since the work needed to make the curb ramp compliant requires additional investigation, and will likely require replacement along one or both sides of a curb ramp along the PAR, the estimated costs for the PAR corrective actions excludes the area at non-compliant curb ramps.

No areas were identified as High Priority sidewalk based on the factors previously discussed. This is due typically to minor deviations from standards, existence of multiple routes along the PAR to access facilities, etc. Where conditions such as steep cross slopes or significant displacements from tree roots are present that would normally be identified as High Priority, the extent of these areas was not sufficient to elevate to that priority. The City should closely evaluate the cost implications vs. the increase in accessibility in regard to corrections to highly usable areas. A percentage of the Low Priority items are due to minor cross slope deviations, but are otherwise in excellent condition. 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 for all facilities.

*Table 4-1. Summary of Sidewalk Costs.*

<b>Facility Category</b>	<b>Low Priority</b>	<b>Medium Priority</b>	<b>High Priority</b>	<b>Total Estimated Cost</b>
City Buildings	\$12,350	\$201,600	\$0	\$213,950
City Parks	\$517,800	\$496,400	\$0	\$1,014,200
Sidewalk Only	\$59,120	\$230,600	\$0	\$289,720
<b>Totals</b>	<b>\$589,270</b>	<b>\$928,600</b>	<b>\$0</b>	<b>\$1,517,870</b>

# 5

## Self-Evaluation of Pedestrian Facilities in the Public ROW – Curb Ramp Inventory



## 5.0 Self-Evaluation of Pedestrian Facilities within the Public ROW – Curb Ramp Inventory

This section of the SETP summarizes the review of current curb ramps within the public ROW. No curb ramps were evaluated as part of this project, as the City has performed an initial assessment of curb ramps and developed a spreadsheet for tracking of corrective actions taken as alterations are made. The City has identified 11,780 curb ramps in their inventory. This inventory, based on discussions with City staff, was very limited and included only noting where a curb ramp was present where a PAR is provided and whether the curb ramp provided a detectable warning. There was no detailed data collection for curb ramps as would typically be done to collect additional data on compliance with PROWAG. No data for dimensional or slope characteristics of curb ramps has been collected, which limits the ability to determine compliance, amount of deviation from PROWAG if not compliant, priority based on the amount of deviations, and cost. All of these factors can only be determined with collection of detailed information for each curb ramp.

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.'*

As noted above, there was no detailed inventory curb ramps as part of the scope of this self-evaluation and the review done to date by the City does not provide detailed information other than the location of existing curb ramps or locations where curb ramps are required due to the presence of a connecting PAR. The information provided in this section, and recommendations for future detailed self-evaluation, can provide the basis for the implementation of specific improvements to accessibility on City curb ramps. The examples shown for each different criteria are not examples of ramps within the City, but rather examples that are typical throughout various areas and likely to also be present in and around Dayton.

### **5.1 Curb Ramp Types**

Curb ramp 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**

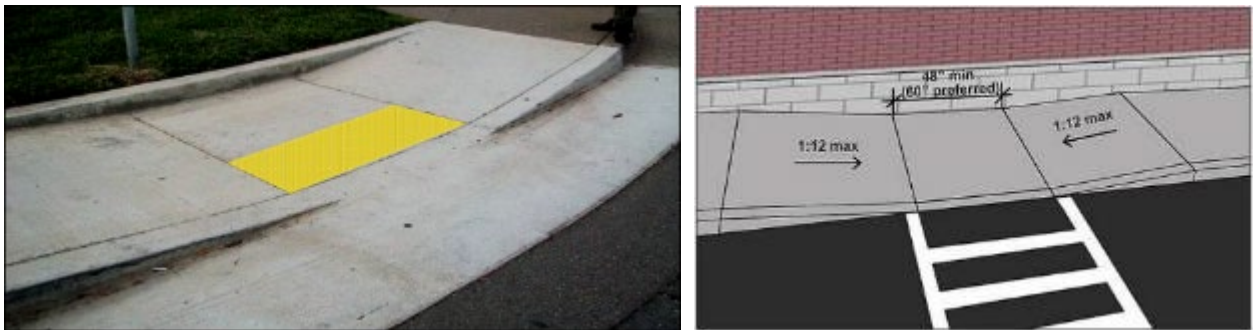
Perpendicular curb ramps have a running slope that cuts through or is built up to the curb at right angles or meets the gutter break at right angles where the curb is curved. The general direction of the curb ramp is perpendicular to the curb. Perpendicular curb ramps do not require edge delineation 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.



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

**Parallel Curb Ramp**

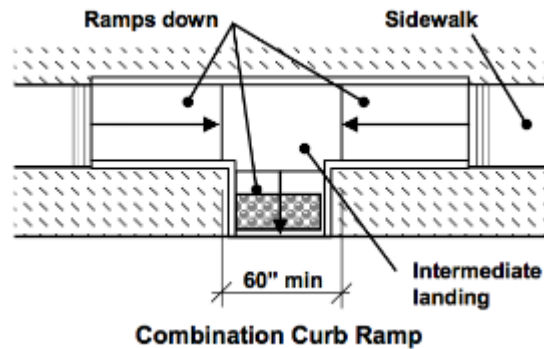
Parallel curb ramps have a running slope that is parallel to the curb and have a ramp in each direction from the point of entry from the street. Parallel ramps can be useful where ROW is limited to get a pedestrian from street level to the sidewalk in a shorter depth space. Parallel ramps are also useful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



*Example 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.



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

### Blended Transition

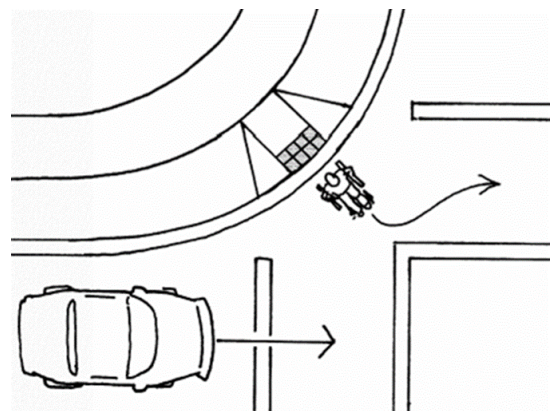
Blended transitions are raised pedestrian street crossings, depressed corners, or similar connections between pedestrian access routes at the level of the sidewalk and the level of the pedestrian street crossing that have a grade of 5 percent or less. Blended transitions are suitable for a range of sidewalk 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 may not be permitted in every situation per PROWAG but where constraints exist they can be an effective tool for connecting the PAR to pedestrian street crossings.



*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 permitted by PROWAG R207.1 only in certain locations.*

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

## 5.2 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.

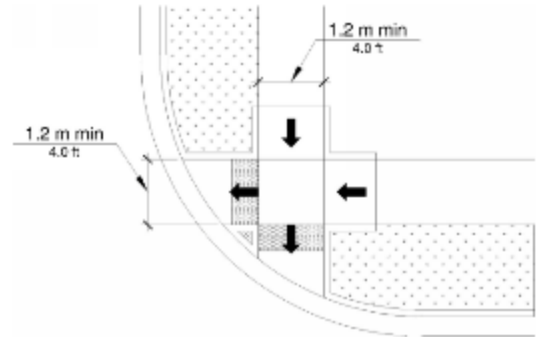


Figure R304.5.1  
Width



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

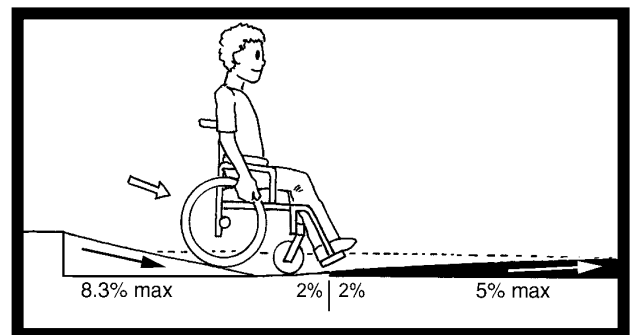
### Addressing the Issue:

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.

## 5.3 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.



***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 Dayton, 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 2 ramps at an existing diagonal ramp may be needed
- 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

**5.4 Ramp Cross Slopes**

Per R304.5.3, the cross slope of curb ramps, blended transitions, and turning spaces shall be 2 percent maximum.

**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.

**Addressing the Issue:**

Non-compliant ramp cross slopes are usually the result of minor field adjustments by contractors or errors during construction, though lack of attention to detail during design can also be a cause. A 2% slope, the maximum cross slope allowed on curb ramps, 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 to correct cross slope non-compliance at curb ramps is reconstruction of ramps.

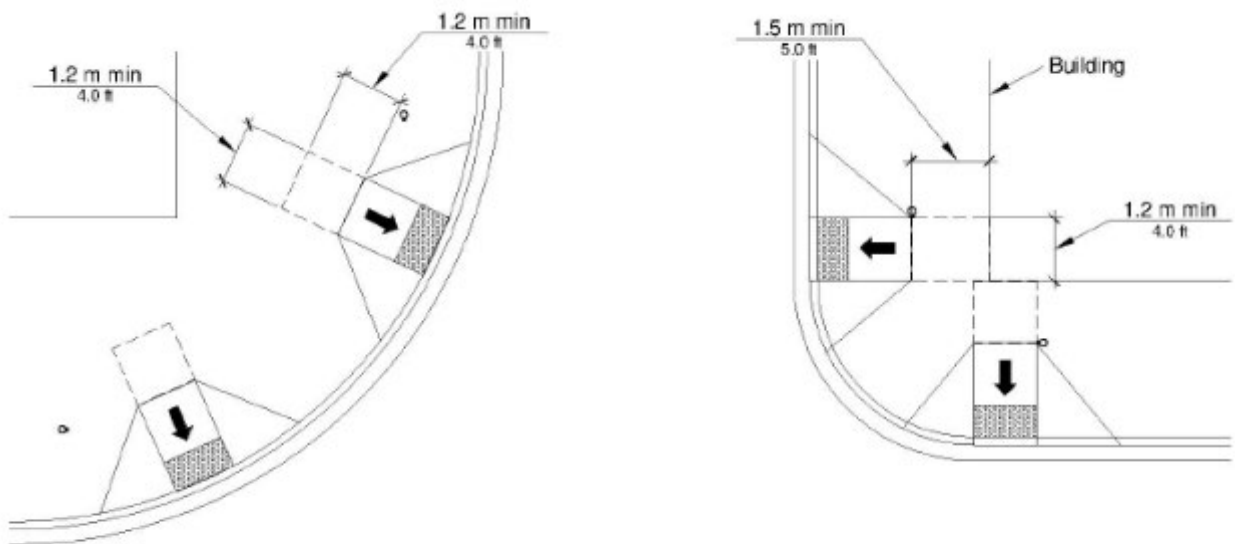


*Curb ramps with excessive cross slopes. These ramps also typically have non-compliant landing cross slope.*

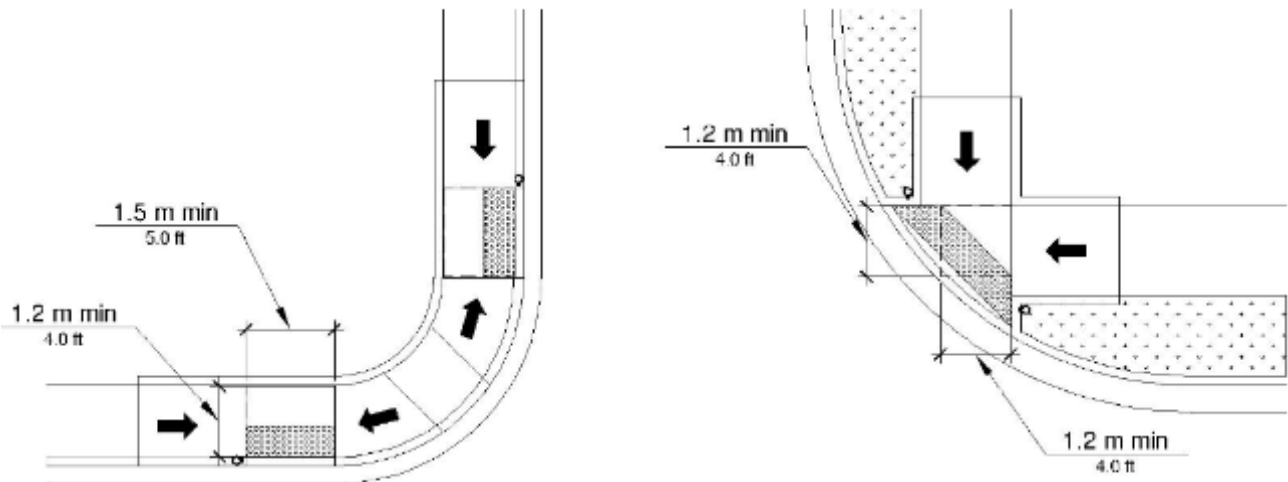
### 5.5 Landings/Turning Spaces

#### **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**

**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. In some cases, separation of a single ramp into 2 ramps is the best solution.



**Example of curb ramps that lack a compliant turning space.**

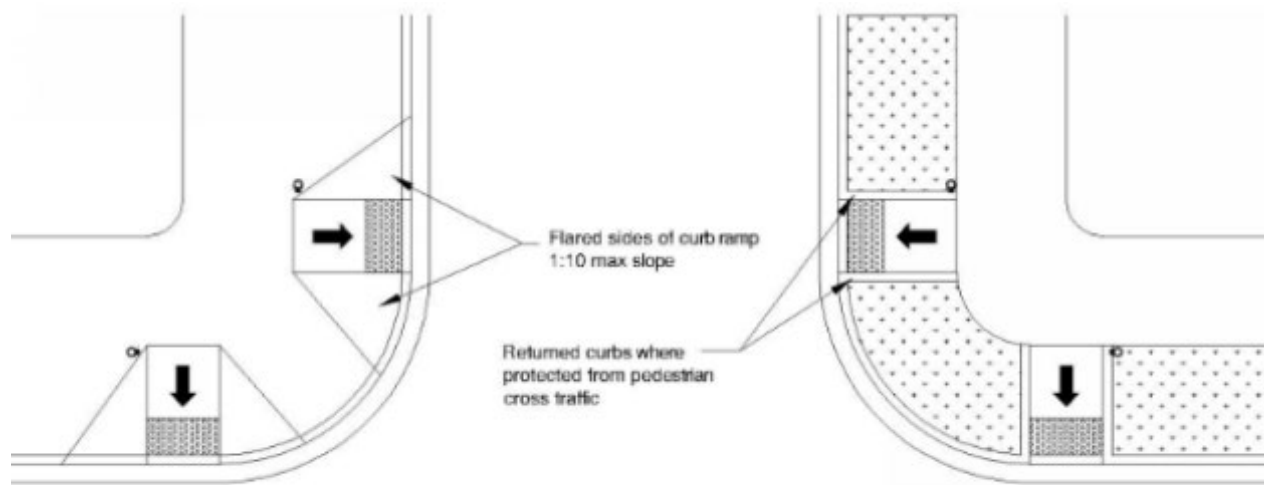
When considering the type of ramp to construct, consideration of the available ROW is required. To provide a perpendicular curb ramp at maximum 1:12 slope for a 6" curb, a minimum distance of 6' is required for the ramp. When also factoring in the minimum 4' deep top landing, a minimum depth of ROW from the back of

curb of 10' would typically be required. In some cases, depending on adjacent PAR slope, this 10' distance may differ. However, as shown in some example photographs above, construction of a perpendicular ramp at a curbed roadway crossing within a 5-6' deep ROW cannot provide a compliant ramp and the required landing/TS. When curb ramps are reconstructed by the City, these factors need to be considered to ensure compliance of new ramps.

## 5.6 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, with the slopes of the flares assisting pedestrians in transitioning the steep slope of perpendicular curb ramps to the flat slope of the PAR. A common error is use of short roll-type curbs where flat flares should be constructed, with the slope of these roll-curb flares often exceeding 25%. Where slopes of flares are excessive, they can be a trip hazard to ambulatory pedestrians. 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 generally preferred since they provide directional cues to vision impaired pedestrians.



**Figure R304.2.3  
Flared Sides**

### 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.

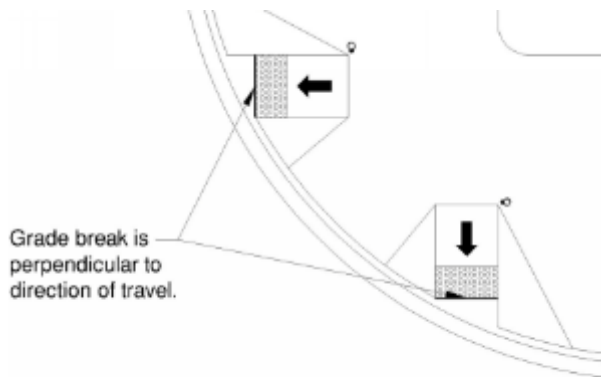
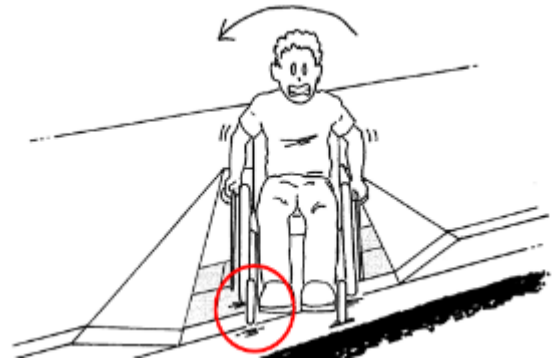


*Example of curb ramps that have non-compliant flare slopes.*

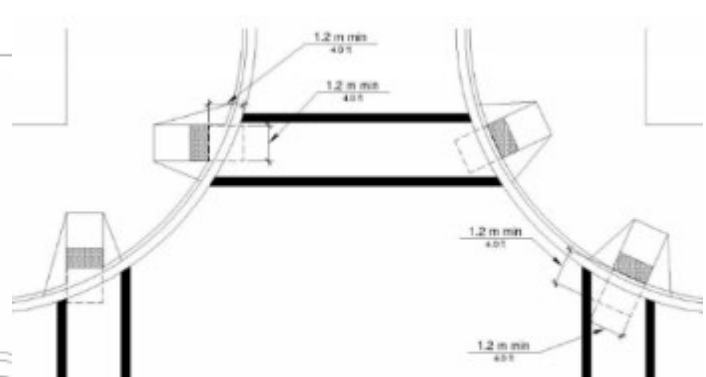
### 5.7 Ramp Grade Breaks and Clear Space

#### Requirements:

R304.5.2 requires that grade breaks at the top and bottom of all curb ramp runs be provided that are perpendicular to the direction of the ramp run. This is a common requirement that applies to all types of ramps (perpendicular and parallel) but more often a non-compliant issue on perpendicular ramps installed on the radius of a curb. 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**



**Figure R304.5.5  
 Clear Space**

In addition to having a compliant grade break, 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 safe space at the bottom outside the traffic lane within which to wait to cross. Figure R304.5.5 shows a variety of ways that compliant clear spaces can be provided that both are entirely within the crosswalk and entirely outside of the vehicle travel lane, which is generally tangent to the interface of the roadway and curb for curbed streets and the edge of pavement or fog line for streets without curbs.

**Addressing the Issue:**

There are no solutions to correcting these issues short of full reconstruction of the ramp where it is not compliant with one or both of these requirements. 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 or reconstruction at the intersection to separate a single ramp into two. This could have an impact on other ramp required areas, such as landings and turning spaces.

**5.8 Detectable Warnings**

**Requirements:**

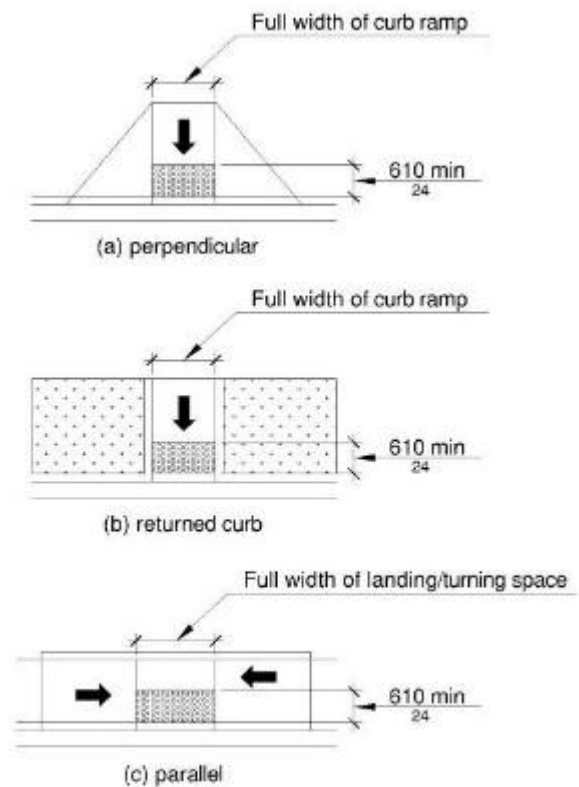
Detectable warning (DW) surfaces indicate the boundary between pedestrian and vehicular routes where there is a flush rather than curbed connection (i.e., at curb ramps). Per R208.1, DW surfaces are required at curb ramps and blended transitions at pedestrian street crossings, pedestrian refuge islands (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. Often, they are overused and installed at curb ramps outside of the public ROW where they serve no purpose of their intent, which is to indicate to blind pedestrians that they are at the interface of pedestrian and vehicle areas. DWs should not be provided at crossings of residential driveways or most commercial driveways as the pedestrian ROW continues across 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 generally required outside the public ROW other than at some transit platforms.

Per R305.1, detectable warning surfaces are required to provided truncated domes with very specific size and spacing. The DWs are typically arranged on a metal, plastic, or other material plate and installed either embedded into the PAR or applied to the surface after placement of the PAR material. The DW surface is required to visually contrast with the adjacent gutter, street, and PAR. R305.1.4 specifies the size of the DW, noting that they shall extend 2.0 feet minimum in the



*Example of curb ramp with a non-compliant grade break which is not perpendicular to the ramp path of travel direction.*

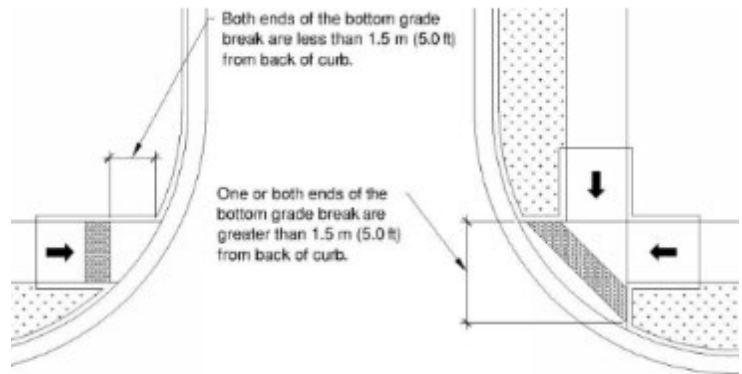


**Figure R305.1.4  
Size**

direction of pedestrian travel and also be the full width (48" min.) 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.

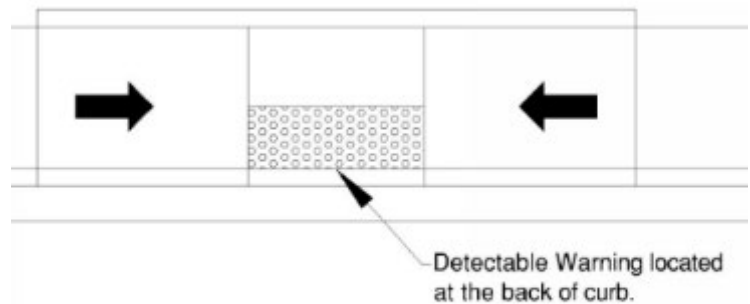
For perpendicular curb ramps, DWs are required per R305.2.1 to be placed:

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.



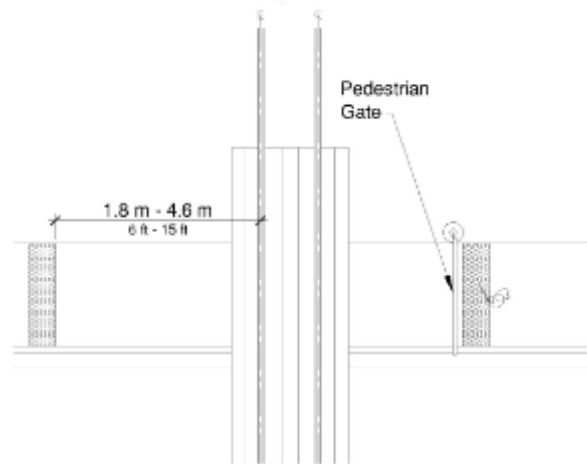
**Figure R305.2.1**  
**Perpendicular Curb Ramps**

The required placement of DWs at both parallel curb ramps and blended transitions is not nearly as complex as requirements for perpendicular ramps. 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) at the curb. Similarly, DWs for blended transitions are required to be placed at the back of curb or flush transition between the street and sidewalk.



**Figure R305.2.2**  
**Parallel Curb Ramps**

Where pedestrian refuge islands are provided, whether in the form of a splitter island or median, DWs are required only if the length of the PAR through the island is 6' or more, with the DW to be placed at the edges of the island. For at-grade railroad crossings not located within a street, DWs are required to be placed on each side of the rail crossing per R305.2.5. The edge of the DW nearest the rail crossing is required to be 6' minimum and 15' maximum from the centerline of the nearest rail where no pedestrian gates are provided. If pedestrian gates are provided, the DW is required to be placed on the side of the gates opposite the rail.



**Figure R305.2.5**  
**Pedestrian At-Grade Rail Crossings**

**Addressing the Issue:**

In many cases, curb ramps with non-compliant or missing DWs have other issues that cannot be easily addressed without reconstruction, with 155 ramps having only a missing DW as a non-compliant feature. 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.



*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.**



**Curb ramps lacking DWs as required or which have low contrast.**

## **5.9 Drainage**

### **Requirements:**

Curb ramps should be located such that they are not 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 accumulation can freeze, creating a slip and fall hazard or impair the use of mobility devices 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 or obscure the visual contrast.

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'*.

### **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.

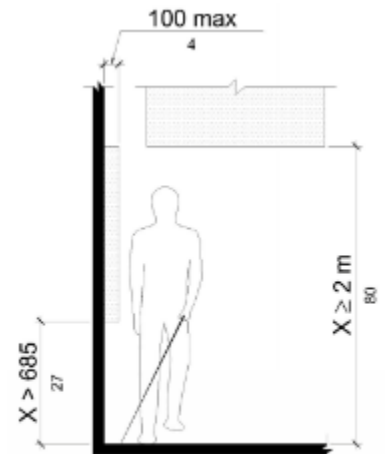


*Examples of curb ramps with drainage issues and/or evidence of regular ponding, with sediment deposition.*

### **5.10 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. While less common at curb ramps than the PAR, obstructions such as utility poles are sometimes an issue. 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 more than 27" and not more than 80" above the finish surface which protrude more than 4" horizontally into pedestrian circulation paths. Common protruding objects at curb ramps include utility boxes and controllers attached to poles, signs, and a variety of other permanent objects.



**Figure R402.2  
Protrusion Limits**

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 inches) in diameter. Elongated openings in gratings shall be placed so that the long dimension is perpendicular to the dominant direction of travel. The most common openings at curb ramps would be at drainage structures.



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

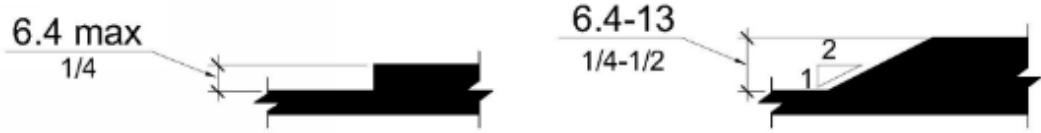


Figure R302.7.2  
 Vertical Surface Discontinuities



Examples of curb ramps with vertical discontinuities that exceed 1/2" at the curb, on the ramp, or the TS.

**Addressing the Issue:**

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 ramp and 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 bulb outs 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.

Curb ramps with vertical discontinuities can result in minor inconvenience to an insurmountable barrier to disabled pedestrians, depending on a variety of factors. In most cases, curb ramps with vertical discontinuities typically 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 1/2" allowable bevel or a temporary patch of asphalt or other compliant material can be placed to eliminate the vertical issue until the ramp can be reconstructed.

Horizontal displacement issues are less 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 1/2" and oriented properly. Curb ramps with horizontal crack openings or separations at joints can be temporarily filled until the concrete panel can be replaced.

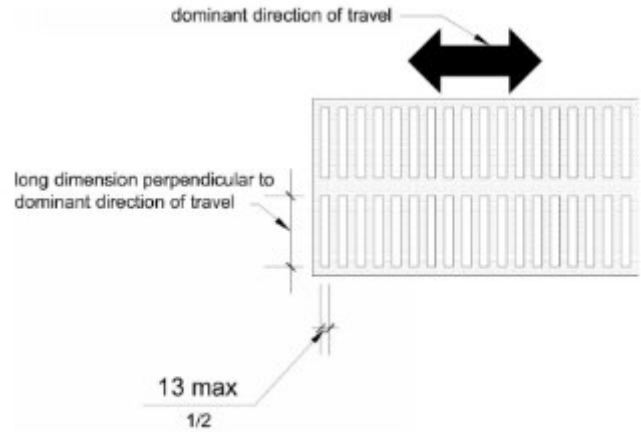


Figure R302.7.3  
Horizontal Openings



Examples of curb ramps with utility structures on the ramp or the clear space.

### 5.11 Overall Compliance

Overall compliance of curb ramps in the City cannot be determined without a detailed inventory that includes measurements of all dimensions and slopes required. Based on information provided of the limited review by the City, 53.5% of curb ramps are compliant but this designation includes a very limited review as presented earlier. The level of compliance is significantly less but the City continues to make alterations as part of both adjacent road projects as required by FHWA policy and stand-alone projects, such as Safe Routes to Schools.

The extent of reconstruction required for existing ramps and blended transitions will likely vary, 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 majority of the intersection quadrants observed during the PAR review at City facilities provided 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.

### **5.12 Curb Ramp Barrier Analysis**

The City's self-evaluation of the ROW will need to take 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 3 of this report. See information regarding contextual factors in Section 3. Any future evaluation of curb ramps should include a methodology for estimating costs of corrections and categorizing curb ramps into cost groups based on amount of rework required and priority. The categorization should include, in most cases, an assumption that existing diagonal ramps may need to be separated into two ramps, with one for each different crossing. The proposed 2022 budget for the City included the repaving of over 60 miles of residential streets, which would also include curb ramp improvements within all project limits.

# 6

## Transition Plan



## 6.0 Transition Plan

The Transition Plan describes how Dayton 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 2.0.

The specific architectural and site improvement modifications required to make programs accessible are listed in the Dayton Facility Reports (see *Appendix A*). Facility reports include buildings and their related grounds that are owned, operated, or leased by Dayton or facilities that provide programs of Dayton 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.

Note that the Appendix A addresses site conditions at the time of the evaluation, which we extended over multiple field seasons. Any changes after the field evaluation are not included and should be addressed in the first annual update by the City's ADA Coordinator. For example, City Hall was evaluated prior to a project to provide an accessible entrance at the Ludlow Street entrance. The improvements that were part of that project were not evaluated and included exterior ramps, new entrance, and platform lift inside. A number of changes in the scope of the review and improvements or changes in ownership of some facilities occurred during the project. Several facilities were sold or shuttered by the City during the project, some due to COVID but others for other unknown reasons. If those facilities were evaluated prior to the change, the results of the evaluation are included in the appendix. For example, the Dayton Convention Center was apparently sold after the evaluation was performed, therefore the results of the self-evaluation of that facility is included in the appendix. Conversely, the City notified DLZ that both Kittyhawk and Madden Golf Courses were on the market and could be removed from the scope. Since the evaluation of those facilities had not occurred prior to being notified of this, there was no data collected regarding compliance of those and similar facilities.

## 6.1 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?

## 6.2 Public Outreach and Public Comments

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 City Hall and Dayton Metro Library (Main and West branches) for public review and comment from June 26, 2023 until September 11, 2023, for public review and comment. A PDF version was also posted on the City web site. Comments could also be provided via email to Mr. Brent McKenzie, ADA Coordinator, at 937-333-4062 or email at [brent.mckenzie@daytonohio.gov](mailto:brent.mckenzie@daytonohio.gov). Several comments were provided to the ADA Coordinator via both email and telephone during the public review period. Comments about information contained within the plan that required edits have been made, such as formatting, spelling or grammatical errors, etc. Comments that are not related to City facilities are not discussed but acknowledged as received. Other comments related to issues such as additional requests or recommendations will be reviewed and considered by the City as they enter the implementation phase. Selected comments that provide or request input on these various issues and responses follow, and all comments received are included in Appendix D. Where the same or similar comment is provided by multiple commenters the response is provided only one time.

- {Comments will be inserted here and responded to.}

The final Transition Plan will be submitted to the City formal acceptance and implementation. See also *Section 1.12 – Public Outreach*.

## 6.3 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 plan implementation phase will need to be determined by the City based on their preferences and criteria as established by elected and appointed official, staff, and the public. Details regarding implementation will need to be developed following acceptance of the Transition Plan, including the public input process for guiding the decision-making process. 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 6-1 and for park facilities in Table 6-2, with details for each facility provided 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. Dayton 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*, Table 6-1, and Table 6-2 are 2021 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 6-1. Dayton facilities with priority and probable costs for corrective action.

<b>DAYTON ADA SELF EVALUATION STUDY AND TRANSITION PLAN FACILITY SUMMARY</b>				
Name & Address	Low Priority	Medium Priority	High Priority	Total Probable Cost
<b>001 Fire Fleet Maintenance Garage</b> , 1601 Stanley Avenue	\$42,750	\$4,350	\$400	\$47,500
<b>002 Fire Headquarters</b> , 300 N. Main Street	\$97,110	\$6,570	\$19,000	\$122,680
<b>003 Fire Station 10</b> , 1234 S. Broadway Street	\$31,490	\$2,050	\$200	\$33,740
<b>004 Fire Station 11</b> , 145 Warren Street	\$71,270	\$8,850	\$600	\$80,720
<b>005 Fire Station 12</b> , 4236 Brandt Pike	\$63,290	\$7,400	\$600	\$71,290
<b>006 Fire Station 13</b> , 1723 W. 3rd Street	\$35,350	\$13,700	\$300	\$49,350
<b>007 Fire Station 14</b> , 2213 N. Main Street	\$72,260	\$16,800	\$300	\$89,360
<b>008 Fire Station 15</b> , 2801 Wayne Avenue	\$70,775	\$6,265	\$400	\$77,440
<b>009 Fire Station 16</b> , 4111 Kings Highway	\$87,800	\$16,000	\$200	\$104,000
<b>010 Fire Station 17</b> , 4118 W. 3rd Street	\$33,420	\$400	\$200	\$34,020
<b>011 Fire Station 18</b> , 207 S. Smithville Road	\$91,585	\$800	\$400	\$92,785
<b>012 Fire Station 2</b> , 1009 E. 3rd Street	\$106,880	\$800	\$300	\$107,980
<b>013 Fire Station 8</b> , 2636 Stanley Street	\$129,190	\$2,600	\$300	\$132,090
<b>014 Fire Training Academy</b> , 200 McFadden Avenue	\$51,840	\$10,710	\$400	\$62,950
<b>072 City Hall Municipal Garage</b> , 123 W. Third Street	\$29,910	\$2,420	\$0	\$32,330
<b>073 Oregon District Garage</b> , 132 E. Fifth Street	\$30,830	\$65,040	\$0	\$95,870
<b>074 Central Patrol Operations Division</b> , 248 Salem Avenue	\$135,970	\$21,110	\$200	\$157,280
<b>075 Eastern Patrol Operations Division North</b> , 413 and 417 E. Helena Street	\$112,370	\$8,650	\$800	\$121,820
<b>076 Eastern Patrol Operations Division South</b> , 2721 Wayne Avenue	\$111,230	\$19,450	\$400	\$131,080
<b>077 Police Academy</b> , 3237 Guthrie Road	\$148,670	\$10,700	\$1,400	\$160,770
<b>078 Safety Building</b> , 335 W. Third Street	\$97,485	\$220,350	\$20,600	\$338,435
<b>079 Western Patrol Operations Division</b> , 931 Washington St	\$91,420	\$19,100	\$400	\$110,920
<b>080 Building 23 Director of Public Works</b> , 1736 E Monument Avenue	\$84,650	\$14,045	\$50,300	\$148,995
<b>081 City Hall</b> , 101 W. Third Street	\$321,280	\$128,805	\$102,080	\$552,165
<b>082 Dayton Convention Center</b> , 200 N. Patterson Boulevard	\$135,770	\$82,680	\$141,800	\$360,250
<b>083 Dayton Dragons Stadium</b> , 200 N. Patterson Boulevard	\$155,125	\$230,770	\$2,000	\$387,895
<b>084 Levitt Pavilion</b> , 134 S. Main Street	\$4,665	\$11,000	\$600	\$16,265
<b>085 Levitt Pavilion Restroom</b> , 119 S. Jefferson Street	\$2,815	\$550	\$0	\$3,365
<b>086 One Stop Center</b> , 371 W. Second Street	\$137,060	\$306,980	\$29,600	\$473,640
<b>098 Ottawa Yards Ottawa Pump Station</b> , 943 Ottawa Street	\$13,930	\$15,320	\$200	\$29,450
<b>099 Ottawa Yards Sewer Maintenance</b> , 900 Ottawa Street	\$106,630	\$26,070	\$200	\$132,900
<b>100 Ottawa Yards Water Treatment Plant</b> , 900 Ottawa Street	\$69,200	\$5,990	\$300	\$75,490
<b>101 Ottawa Yards Water Utility Field Operations</b> , 945 Ottawa Street	\$55,770	\$12,590	\$1,000	\$69,360
<b>102 Water Administration Building</b> , 320 W. Monument St.	\$45,975	\$71,350	\$1,200	\$118,525
<b>103 Water Reclamation Administration</b> , 2800 Guthrie Road	\$9,610	\$9,250	\$1,065	\$19,925
<b>104 Water Reclamation Training Room</b> , 2800 Guthrie Road	\$69,820	\$27,730	\$400	\$97,950
<b>105 Water Supply &amp; Treatment Administration</b> , 3210 Chuck Wagner Lane	\$147,610	\$33,150	\$500	\$181,260
<b>106 Water Supply &amp; Treatment Training Room</b> , 210 Chuck Wagner Lane	\$33,310	\$22,780	\$100	\$56,190
<b>109 FROC Priority Board Community Center</b> , 903 W. Fairview Avenue	\$400	\$0	\$0	\$400
<b>110 Dayton Montgomery County Courthouse</b> , 301 W. Third Street	\$114,770	\$61,420	\$105,100	\$281,290
<b>TOTALS</b>	<b>\$3,251,285</b>	<b>\$1,524,595</b>	<b>\$483,845</b>	<b>\$5,259,725</b>

Table 6-2. Dayton park facilities with priority and probable costs for corrective action.

DAYTON ADA SELF EVALUATION STUDY AND TRANSITION PLAN PARK FACILITY SUMMARY				
Name & Location	Low Priority	Medium Priority	High Priority	Total Probable Cost
015 Adams & James Park, Adams Street & James Street	\$4,000	\$4,000	\$0	\$8,000
016 Arlington Heights Park, Maywood Ave. & S Trenton St.	\$0	\$0	\$0	\$0
017 Arlington Hills Park, McCall Street & Alder Street	\$33,200	\$10,700	\$0	\$43,900
018 Belmont Park, Lynhurst Avenue	\$3,050	\$198,200	\$0	\$201,250
019 Blommel Park, Jay Street & Park Drive	\$0	\$20,500	\$0	\$20,500
020 Bomberger Park, 1306 E. Fifth Street	\$4,000	\$59,550	\$0	\$63,550
021 Borgerding Park, Quitman Street & Little Street	\$100	\$20,750	\$0	\$20,850
022 Burkham Park, S. Broadway Street & Dona Avenue	\$8,515	\$68,995	\$0	\$77,510
023 Burns Jackson Park, Burns Avenue & Buckeye Street	\$4,000	\$58,125	\$0	\$62,125
024 Canal Park, Sixth Street & Patterson Boulevard	\$0	\$0	\$0	\$0
025 Claridge Park, 1400 Webster Street	\$0	\$21,250	\$0	\$21,250
026 Cleveland Park, Cleveland Avenue & Brookline Avenue	\$1,500	\$23,600	\$0	\$25,100
027 College Hill Park, Harvard Boulevard & Shaftsbury Road	\$1,600	\$33,700	\$0	\$35,300
028 Cooper Park, E Second Street & Patterson Boulevard	\$4,000	\$0	\$0	\$4,000
029 Dayton View Park, N. Broadway St. & Superior Avenue	\$39,500	\$53,155	\$0	\$92,655
031 Desoto Bass (Gillespie Park), Germantown St. & Danner Ave.	\$300	\$62,125	\$0	\$62,425
032 DeWeese Park, 1301 E. Siebenthaler Avenue	\$300	\$0	\$0	\$300
033 Fairview Park & Aquatic Center, 2260 Elsmere Avenue	\$0	\$0	\$0	\$0
034 Five Oaks Park, Five Oaks Avenue & Squirrel Road	\$41,900	\$35,525	\$0	\$77,425
035 Gettysburg Park, Calhoun Street & Trenton Street	\$300	\$19,150	\$0	\$19,450
036 Hickorydale Park, W. end of Hillcrest Avenue	\$600	\$22,800	\$0	\$23,400
037 Highland Park, Koenig Avenue & St. Charles Avenue	\$300	\$68,750	\$0	\$69,050
038 Highview Hills Park, Palmerston Avenue & Almore Street	\$35,300	\$113,400	\$0	\$148,700
039 Jane Newcom Park, S. end of Tudor Road	\$57,200	\$17,250	\$0	\$74,450
040 Joan Hiers Park, Edison St. & Paul Laurence Dunbar St.	\$26,000	\$1,500	\$0	\$27,500
041 Lakeside Lake Park, Lakeside Dr. N of Lakeview Ave.	\$3,800	\$3,400	\$0	\$7,200
042 Linden Park, Norwood Avenue & Pease Avenue	\$0	\$0	\$0	\$0
043 Madden Park, Guthrie Road & Vance Road	\$44,600	\$2,240	\$0	\$46,840
044 Mallory Park, Germantown Pike & Burwood Avenue	\$2,100	\$26,050	\$0	\$28,150
045 Mary Avenue Park, Cardell Street N. of Mary Street	\$1,500	\$27,550	\$0	\$29,050
046 McCabe Park, 3200 Home Avenue	\$53,320	\$94,000	\$0	\$147,320
047 McIntosh Park, Edwin C. Moses Blvd. & Riverview Ave.	\$10,630	\$15,280	\$0	\$25,910
048 McKinley Park, Forest Avenue & Riverview Avenue	\$1,600	\$30,150	\$0	\$31,750
049 Nordale Park, Nordale Avenue & Enterprise Avenue	\$11,500	\$35,500	\$750	\$47,750
050 North Dayton War Memorial, Valley St. & Keowee St.	\$0	\$14,100	\$0	\$14,100
051 Oak & Ivy Park, 717 W. Fourth Street	\$5,000	\$4,600	\$0	\$9,600
052 Oregon Park, Brown Street & Hess Street	\$45,000	\$14,450	\$0	\$59,450
053 Orville Wright Park, 200 S. Wright Avenue	\$0	\$20,500	\$0	\$20,500
054 Park Drive Park, Park Drive & Cross Street	\$0	\$4,020	\$0	\$4,020
055 Pinewood Park, Alexander Drive & Cosler Drive	\$0	\$46,600	\$0	\$46,600
056 Princeton Park, Princeton Drive & Rosedale Drive	\$3,300	\$83,500	\$0	\$86,800
057 Residence Park, W. 2nd Street & Elmhurst Road	\$35,400	\$55,820	\$0	\$91,220
058 Ridgecrest Park, Pinecrest Drive east of Ridge Avenue	\$4,070	\$30,900	\$0	\$34,970
059 Salem Heights Park, Parkhill Dr. N of Forest Grove Ave.	\$6,500	\$25,575	\$0	\$32,075
060 Sandalwood Park, Sandalwood Drive & Kurtz Avenue	\$9,820	\$90,600	\$0	\$100,420
061 South Park Green, 601 Hickory Street	\$0	\$13,600	\$0	\$13,600
062 Steele Park, Steele Avenue & Pierce Street	\$0	\$24,975	\$0	\$24,975
063 Thal Park, Amherst Place & Harvard Boulevard	\$1,500	\$15,000	\$0	\$16,500
064 Triangle Park, Ridge Avenue & Elmbury Park Road	\$51,000	\$125,915	\$0	\$176,915
065 Vietnam Memorial Park, Veterans Pwy & Patterson Blvd	\$5,000	\$29,500	\$0	\$34,500
066 Walnut Hills Park, 2300 block Wayne Ave west of Highland Ave	\$8,600	\$97,800	\$0	\$106,400

<b>067 Washington Park</b> , 3620 E. 2nd Street	\$39,550	\$60,270	\$0	\$99,820
<b>068 Welcome Park</b> , S. end of Hopeland St. near Harriet St.	\$4,620	\$26,850	\$0	\$31,470
<b>069 Western Hills Park</b> , W. end of Becker Dr. west of Lilac Avenue	\$43,600	\$35,500	\$750	\$79,850
<b>070 Wogaman Park</b> , Renaissance Circle & Ruth Avenue	\$8,200	\$17,625	\$750	\$26,575
<b>071 Wright-Dunbar Park</b> , NE corner W. Third Street & Edwin Moses Blvd	\$0	\$2,800	\$0	\$2,800
<b>087 Community Golf Course</b> , 2424 Berkley Street	\$65,280	\$60,980	\$16,100	\$142,360
<b>088 Greater Dayton Recreation Center</b> , 2021 W. Third St.	\$45,905	\$7,500	\$8,800	\$62,205
<b>089 Howell Field</b> , 2424 Ridge Avenue	\$15,350	\$62,000	\$0	\$77,350
<b>090 Jim Nichols Tennis Center</b> , 2436 DeWeese Parkway	\$24,850	\$10,200	\$0	\$35,050
<b>091 Kettering Field Complex</b> , 444 North Bend Boulevard	\$234,460	\$61,400	\$0	\$295,860
<b>093 Lohrey Recreation Center</b> , 2366 Glenarm Avenue	\$53,475	\$109,440	\$2,400	\$165,315
<b>095 Michael Solomon Pavilion</b> , 2917 Berkley Street	\$17,040	\$25,660	\$400	\$43,100
<b>096 Northwest Recreation Center</b> , 1600 Princeton Drive	\$58,360	\$80,485	\$1,000	\$139,845
<b>097 Stuart Patterson Park</b> , 238 Baltimore Street	\$17,500	\$34,650	\$0	\$52,150
<b>TOTALS</b>	<b>\$1,231,395</b>	<b>\$2,440,010</b>	<b>\$30,950</b>	<b>\$3,702,555</b>

Based on the costs developed to address the architectural and site engineering improvements required to fully comply with ADASAD standards, over \$5.2 million in improvements would be required (2021 costs) to achieve ADA compliance at City facilities and an additional \$3.7 million at City park facilities. Note that a majority of the cost for improvements at City parks is to provide a compliant surface access to all amenities from the PAR (if present), parking (if present), and within the site to connect all amenities provided to comply with the requirements of ADASAD 206.2. Part 206.2.1 addresses ‘Site Arrival Points’ and states, *“At least one accessible route shall be provided within the site from accessible parking spaces and accessible passenger loading zones; public streets and sidewalks; and public transportation stops to the accessible building or facility entrance they serve.”* Part 206.2.2 addresses ‘Within a Site’ and states, *“At least one accessible route shall connect accessible buildings, accessible facilities, accessible elements, and accessible spaces that are on the same site.”* 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 Dayton 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
- Complete alteration of restrooms at parks that provide no wheelchair compliant access and/or facilities within.

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. 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 Dayton 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 \$175,000 (in 2022 dollars) to bring all the City facilities evaluated in Appendix A of this report up to current ADA standards (no inflation included), with an additional budgetary allotment of \$123,500 to do the same for parks facilities. 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. Dayton’s 2019 general fund budget was over \$180 million, with an additional \$3.2 million for golf, \$5.9 million for road maintenance, and various other specific line items (i.e., water, sewer, aviation, etc.) that are not directly related to the facilities requiring ADA compliance. The City’s total operating and capital budget for 2019 was over \$440 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. The proposed 2020 budget included \$744,000 for various park upgrades, which were primarily upgrades to play equipment.

Dayton 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.

*Table 6-3. Dayton government and park facility tier listing for prioritization.*

Tier 1		Tier 2	Tier 3	
City Hall	Belmont Park	Fire Headquarters	All Fire Stations	
Convention Center	Burkham Park	Both Parking Garages	All Patrol Operations Facilities	
Dragons Stadium	Cleveland Park	Safety Building	Fire and Police Training Academy	
Dayton-Montgomery County Courthouse		Levitt Pavilion	All Water Reclamation Facilities	
Northwest Recreation Center		Levitt Pavilion Restrooms	Building 23 Director of PW	
Greater Dayton Recreation Center		Water Administration	All Ottawa Yards Facilities	
Dayton View Park	Five Oaks Park	FROC Priority Board	All Water Supply & Treatment	
Lohrey Rec Center	Oregon Park	Community Center	Arlington Heights Park	
One Stop Center	Triangle Park	Michael Solomon Pavilion	McCabe Park	Western Hills Park
Jane Newcom Park	Princeton Park	Community Golf Course	Madden Park	South Park Green
Sandalwood Park	Nordale Park	Kettering Field Complex	Linden Park	Wright-Dunbar Park
Burns Jackson Park	Pinewood Park	Nichols Tennis Center	Orville Wright Park	Deeds Park
Walnut Hills Park	Residence Park	Howell Field	Park Drive Park	Linden Park
Washington Park	Welcome Park	All Other Unlisted Parks	Canal Park	Oak and Ivy Park
Mallory Park	McIntosh Park		Deeds Park	Joan Hiers Park

Facilities have been placed into three tiers based on a number of subjective factors, including the amount of use by the public, programs provided at each, presence and amount of public spaces, and programs provided at each. An additional criterion for smaller parks was to ensure that most neighborhoods have access to a park that would be designated as High Priority, though in some cases there was not a park with enough facilities to warrant that category. Note that some areas of facilities may fall within a lower or higher tier than the overall facility, as noted on the facility evaluation reports in Appendix A. Tier 1 facilities typically have the highest use and large areas of public 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 as shown on Table 6.3 is a subjective listing as noted and master planning of various facilities and parks, or purchase or sale of facilities may be cause for re-categorizing facilities.

#### **6.4 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 Dayton 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 where they share a responsibility for access with the owner. Details of who is responsible for physical access should be clearly spelled out in contract language for facility lease agreements and in some cases, access to City programs cannot be provided without physical improvements. 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 personnel. 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 in policies and procedures within departments can be done by each department head for their individual department if it does not require approval at a higher level or which may require approval of a union.

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 are essential to providing a way for disabled users to be able to enter a facility. Without a means of getting into a facility, any amenities or programs inside are not accessible even if all items inside comply with ADA standards.
2. Access to Services – within each facility, ensuring that all programs have an accessible route and are physically accessible. This especially includes access to assembly areas, meeting spaces, service counters, and other public uses. As noted earlier, in some cases it may be possible to modify the location of a program within an accessible facility or provide equivalent facilitation to provide the same service level to the disabled until physical improvements can be completed.
3. Restroom Access – access to a compliant, wheelchair accessible restroom, preferably one per floor for each gender or unisex. In many facilities that do not provide compliant restrooms, additional investigation is required to determine the extent and feasibility of alterations. This is especially true when the number of fixtures may be reduced, as these are set by other codes. In the absence of being able to provide fully compliant facilities, there are provisions to provide facilities that comply with ADA to the greatest extent possible without violating other codes. However, in the absence of providing something that is usable, other options may be a better solution.

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 6-3. 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, possibly through an ADA Committee, should work closely with the City Manager and City Commission 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 and relevant standards and guidance 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 may 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.

## **6.5 Plan Updates and Enforcement**

Changes to Dayton'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.

## **6.6 Summary of Transition Plan Costs**

Table 6.4 details the costs and priorities for the overall ADA program for the City of Dayton, including all buildings, parks, and ROW facilities included in the scope of the self-evaluation. The assignment of facilities is

based on the information provided by the City, with many park sites including various buildings in addition to outdoor recreation amenities. 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. The City is currently investigating budgeting options, with a goal of budgeting approximately \$200,000 annually to address the most serious accessibility issues, in addition to addressing issues as part of other projects that are scheduled. Note also that costs for additional investigations, including facility evaluations, review of infrastructure needs, on-street parking study to determine where accessible spaces need to be provided, etc. are not included in the table below. In addition, no costs are provided for curb ramps or a majority of the PAR within the public ROW, as the review of those facilities was not included in the self-evaluation. Costs for improvements to those ROW facilities are typically the highest for most communities and a longer term issue to address. The City is urged to ensure the necessary information is available to make informed decisions regarding the need and priority of making these important ROW improvements.

*Table 6-4. Overall ADA Program Costs for the City of Dayton.*

Facility Type	Low Priority	Medium Priority	High Priority	Total Cost
Buildings & Sites	\$3,251,285	\$1,524,595	\$483,845	<b>\$5,259,725</b>
Parks & Sites	\$1,231,395	\$2,440,010	\$30,950	<b>\$3,673,555</b>
Sidewalks within ROW	\$589,270	\$928,600	\$0	<b>\$1,517,870</b>
Pedestrian Signals <sup>1</sup>	TBD	TBD	TBD	<b>TBD</b>
On-Street Parking <sup>2</sup>	\$0	\$0	\$39,000	<b>\$39,000</b>
<b>TOTALS</b>	<b>\$5,071,950</b>	<b>\$4,893,205</b>	<b>\$553,795</b>	<b>\$10,518,950</b>

<sup>1</sup>Cost of APS upgrades cannot be determined based solely on physical parameters measured for this project. Actual costs for new equipment, wiring, etc. will vary for each intersection and possibly also each quadrant and cannot be quantified with any degree of accuracy without knowing additional information about infrastructure that is not visible.

<sup>2</sup>Costs for on-street parking are all considered “High” priority given the existing conditions being a barrier to most disabled users. Cost provided assumes cost of \$500 average cost for each required space to provide a sign with the ISA and pavement marking. Cost for excluded items will vary based on potential relocation of existing spaces and where spaces that are currently lacking are placed. Costs do not include relocation of parking meters, addition of access aisles, or construction of curb ramps.

# 7

## ADA Tool Kit



## 7.0 ADA Tool Kit

### 7.1 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. Brent McKenzie, ADA Coordinator  
Phone: 937-333-4062  
Email: [brent.mckenzie@daytonohio.go](mailto:brent.mckenzie@daytonohio.go)

### 7.2 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 (TTY)]. 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](http://www.ada.gov)).

The ADA publications identified below may not have 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](http://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](http://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](http://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 (<https://www.access-board.gov/>). 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](mailto: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](http://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](http://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 (<https://www.access-board.gov/guidance.html>).
- *Accessibility Guidelines for Federal Outdoor Developed Areas*. The Access Board developed accessibility guidelines for the construction and alteration of facilities covered by the Americans with Disabilities Act (ADA) of 1990 and the Architectural Barriers Act (ABA) of 1968. The guidelines ensure that the facilities are readily accessible to and usable by people with disabilities. The Access Board issued the current guidelines in 2004, which contained provisions for several types of recreation facilities, including boating facilities, fishing piers and platforms, golf facilities, play areas, sports facilities, and swimming pools. The Access Board amended the 2004 guidelines in 2013 by adding new provisions for trails, picnic and camping facilities, viewing areas, and beach access routes constructed or altered by Federal agencies or by non-federal entities on Federal land on behalf of a Federal agency pursuant to a concession contract, partnership agreement, or similar arrangement. (<https://www.access-board.gov/files/aba/guides/outdoor/outdoor-guide.pdf>).

### 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.

- *U.S Access Board Technical Guide, Using the ADA Standards*. This document covers the facilities covered by the ADA, the ADA regulations, and the ADA accessibility standards. (<https://www.access-board.gov/files/ada/guides/using-ADAstandards.pdf>)
- *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. (<https://www.access-board.gov/prowag/other/dw-update.html>)
- *Assistive Devices for People with Hearing, Voice, Speech, or Language Disorders*. The terms assistive device or assistive technology can refer to any device that helps a person with hearing loss or a voice, speech, or language disorder to communicate. These terms often refer to devices that help a person to hear and understand what is being said more clearly or to express thoughts more easily. With the development of digital and wireless technologies, more and more devices are becoming available to help people with hearing, voice, speech, and language disorders communicate more meaningfully and participate more fully in their daily lives. Health professionals use a variety of names to describe assistive devices:
  - *Assistive Listening Devices (ALDs)* – help amplify the sounds you want to hear, especially where there’s a lot of background noise. ALDs can be used with a hearing aid or cochlear implant to help a wearer hear certain sounds better.
  - *Augmentative and Alternative Communication (AAC) Devices* – help people with communication disorders to express themselves. These devices can range from a simple picture board to a computer program that synthesizes speech from text.
  - *Alerting Devices* – connect to a doorbell, telephone, or alarm that emits a loud sound or blinking light to let someone with hearing loss know that an event is taking place.

Information about assistive devices can be found at [www.nidcd.nih.gov/health/assistive-devices-people-hearing-voice-speech-or-language-disorders](http://www.nidcd.nih.gov/health/assistive-devices-people-hearing-voice-speech-or-language-disorders).

### Guidelines for Transportation

- *ADA Accessibility Guidelines 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](http://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. (<https://www.access-board.gov/guidelines-standards/vehicles/update-buses-vans/guidelines-text/>)
- *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 (<https://www.transportation.org/>), address accessible circulation systems, including: *AASHTO Guide for the Planning, Design, and Operation of Pedestrian Facilities* (1<sup>st</sup> edition) and *Guide for the Development of Bicycle Facilities* (3<sup>rd</sup> 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](http://www.fta.dot.gov)).
- *Securement of Wheelchairs and Other Mobility Aids on Transit Vehicles*. 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](http://trid.trb.org/view/362763).

### Guidance Material for Communication

- *Information and Communication Technology, Revised 508 Standards and 255 Guidelines*. These standards address access to information and communication technology (ICT) under Section 508 of the Rehabilitation Act and Section 255 of the Communications Act. Section 508 requires access to ICT developed, procured, maintained, or used by federal agencies. Examples include computers, telecommunications equipment, multifunction office machines such as copiers that also operate as printers, software, websites, information kiosks and transaction machines, and electronic documents. The Section 508 Standards, which are part of the Federal Acquisition Regulation, ensure access for people with physical, sensory, or cognitive disabilities. The Section 255 Guidelines cover telecommunications equipment and customer-premises equipment — such as telephones, cell phones, routers, set-top boxes, and computers with modems, interconnected Voice over Internet Protocol products, and software integral to the operation of telecommunications function of such equipment. (<https://www.access-board.gov/ict/#508-chapter-1-application-and-administration>).

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.

### **7.3 Resources for Providing Accessible Programs & Facilities**

- *ADA Document Portal*: This website (<http://www.adaportal.org/>) 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/](http://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*: Founded in 1999, the National Center on Health, Physical Activity, and Disability (NCHPAD) is a public health practice and resource center on health promotion for people with disability. NCHPAD seeks to help people with disability and other chronic health conditions achieve health benefits through increased participation in all types of physical and social activities, including fitness and aquatic activities, recreational and sports programs, adaptive equipment usage, and more. (<https://www.nchpad.org/>)
- *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.ncd.gov/publications/1992/December1992#8-1a](http://www.ncd.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](http://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.

### **7.4 Technical Resources**

The City should utilize the many disability-related resources available through the internet. A former source to begin at was AbleData, which was maintained by the National Institute on Disability and Rehabilitation Research of the U.S. Department of Education. AbleData was discontinued in September 2020 due to a realignment of the National Institute on Disability, Independent Living, and Rehabilitation Research (NIDILRR) and no information was provided about when or if the resources previously available (over 40,000) would be provided in the future (<https://acl.gov/about-acl/about-national-institute-disability-independent-living-and-rehabilitation-research>). The previous AbleData site provided up-to-date links to assistive technologies and disability-related resources and to provide objective information on such assistive products as:

- *Aids for Daily Living*: Products to aid in activities of daily living, including bathing, carrying, childcare, 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 workstations.

### 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](http://ncam.wgbh.org)).
  - American Sign Language Interpreters – A pool of on-call American Sign Language (ASL) 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. Inclusion or exclusion of contacts below is neither an endorsement nor disapproval of their qualifications or abilities. There are a number of additional firms that provide ASL interpretation services:
    - Community Centers for the Deaf (CCD) – Funded by Ohio Opportunities for Ohioans with Disabilities (OOD), CCD provides support and communication services to deaf, hard of hearing, and deafblind individuals, as well as their families and communities. This is done through partnerships with eight centers around Ohio (<https://ood.ohio.gov/wps/portal/gov/ood/individuals-with-disabilities/services/community-centers-for-the-deaf-ccd>).
    - Registry of Interpreters for the Deaf – a national membership organization, they play a leading role in advocating for excellence in the delivery of interpretation and transliteration services between people who use sign language and people who use spoken language. In collaboration with the Deaf community, RID supports our members and encourages the growth of the profession through the establishment of a national standard for qualified sign language interpreters and transliterators, ongoing professional development and adherence to a code of professional conduct ([www.rid.org/](http://www.rid.org/)). The Ohio Chapter of Interpreters for the Deaf (OCID) was founded in 1968 and became an affiliate chapter of RID in 1975, at which time their name was changed to the Ohio Chapter of the Registry of Interpreters for the Deaf (<https://www.ocrid.org/>).
    - Interpreters of the Deaf, LLC – Located in downtown Dayton (732 S. Ludlow St.), provides sign language interpreting, C-print captioning, and consultation and workshop. (<https://deafterp.com/>)
    - Community Services for the Deaf – Located in Dayton (2211 Arbor Blvd.), provides ASL, signed exact English (SEE), and deaf-blind interpreting, C-print captioning, and basic in-service training. (<http://www.fsadayton.org/>)
    - Miami Valley Interpreters, LLC – Provides ASL and foreign language interpretation and translation. (<http://mviglobal.com/>)
    - Deaf Services Center, Inc. – Empowers those who have hearing loss or are non-English users to fully access the English language in communicating with others. (<https://www.dsc.org/>)
    - Sinclair Community College – Offers an Associate of Applied Science in American Sign Language Interpreting for the Deaf and could be a source for ASL interpreters or could be a partner for training of students at City meetings and functions. (<https://www.sinclair.edu/academics/divisions/lcs/edu/american-sign-language-interpreting-for-the-deaf-aslid/>)
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- Propio Language Services (<https://propio-ls.com/propio-one/>) provides on-demand audio, video, web conferencing, and telehealth interpretation services, as well as in-person interpretation. Based in Overland Park, Kansas, Propio provides a wide variety of services, including an app (Propio ONE) that can be used over smart devices for VRI and over-the-phone interpretation services with a subscription.
- **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.

  - *Assistive Technology of Ohio (AT Ohio)*: AT Ohio's mission is to help Ohioans with disabilities learn about or acquire assistive technology. Assistive Technology refers to devices, equipment or services that assist individuals with disabilities to function independently in the areas of work, home or school. We offer several programs and services to achieve that goal. We also keep up with current legislative activity that affects persons with disabilities, and educate legislators about the needs and concerns of citizens with disabilities. AT Ohio is a federally funded nonprofit organization that is part of the College of Engineering at The Ohio State University and is the officially designated Tech Act program for Ohio. The federal agency of Health and Human Services provides funding for all tech act programs. Each state and U.S. territory provide appropriate services under the guidelines of the Assistive Technology Act of 1998, as amended in 2004. <https://atohio.org/>
  - *Ohio Relay*: Ohio Relay provides free services that enable people who are Deaf, Hard of Hearing, DeafBlind, or those with a Speech Disability to place and receive phone calls (7-1-1 or 800-750-0750 for standard phones in English, 800-750-2750 for TTY Relay in English, or 888-269-0678 for Spanish). Relay calls can be made to anyone, anywhere in the world, 24 hours a day, 7 days a week. Communication assistants are specially trained to facilitate the calls. (<https://ohiorelay.com/>)
  - *Ohio Developmental Disabilities Council (Ohio DD Council)*: Provides a listing of assistive and supportive technology resources. (<https://ddc.ohio.gov/at-resources-links>)
  - *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/](http://tdiforaccess.org/)) include information about telecommunications access such a TTY, pagers, telephony, VoIP, and more.

### **Guide to Disabilities and Disability Etiquette**

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.

There are a number of excellent resources available on disability etiquette, including:

- United Spinal Association – publishes a disability etiquette guide that offers tips on interacting with people with disabilities (<https://unitedspinal.org/disability-etiquette/>).
- Job Accommodation Network (JAN) – information on recruitment, interview, new employee, and workplace etiquette (<https://askjan.org/topics/diseti.cfm>) and there is also a link to a downloadable publication on this important topic (<https://askjan.org/publications/Topic-Downloads.cfm?pubid=962715&action=download&pubtype=pdf>)

A summary to disabilities and disability etiquette has been included below. The information 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.

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:

- *Opportunities for Ohioans with Disabilities (OOD)*: OOD is the state agency that empowers Ohioans with disabilities through employment, disability determinations, and independence (<https://ood.ohio.gov/wps/portal/gov/ood/home>). It is accomplished through its Bureau of Vocational Rehabilitation (BVR), Bureau of Services for the Visually Impaired (BSVI) and Division of Disability Determination (DDD). A fourth area is the Division of Employer and Innovation Services (EIS), which is responsible for establishing and maintaining partnerships with employers. Information is provided for
  - Vocational Rehabilitation
  - Personal Care Assistance
  - Community Centers for the Deaf
  - Services for the Visually Impaired
  - Students 14+
  - Independent Living Services for Older Blind
  - Statewide Independent Living
  - Disability Determination Process
- *Ohio Department of Developmental Disabilities (DODD)*: Offering support across the lifespan of people with developmental disabilities, DODD oversees a statewide system of supportive services that focus on

ensuring health and safety, supporting access to community participation, and increasing opportunities for meaningful employment. <https://dodd.ohio.gov/wps/portal/gov/dodd/>

- *Ability Resources, Inc.:* Ability Resources Inc. (<http://www.abilityresources.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](http://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](mailto:info@acb.org).
- *American Association of People with Disabilities:* The American Association of People with Disabilities ([www.aapd.com/](http://www.aapd.com/)) is the largest non-profit, non-partisan, cross-disability organization in the United States.
- *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](http://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/](http://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 an Ohio state chapter (<https://nfbohio.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/](http://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/](http://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/](http://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](http://www.wid.org/resources))
- *Ohio Department of Aging:* The Ohio Department of Aging fosters sound public policy, research, and initiatives that benefit older Ohioans. (<https://aging.ohio.gov/wps/portal/gov/aging/>)

- *Ohio Association of the Deaf*: Promotes educational opportunities, protect and define existing rights of the current and potential deaf and deaf-blind citizens of America, and to solidify their social and economic security. (<http://oad-deaf.org/>)
- *Great Lakes ADA Center*: The Great Lakes ADA Center's mission is to increase awareness and knowledge with the ultimate goal of achieving voluntary compliance with the Americans with Disabilities Act. This is accomplished within targeted audiences through provision of customized training, expert assistance, and dissemination of information developed by various sources, including the federal agencies responsible for enforcement of the ADA. The Center provides information, materials, technical assistance and training on the Americans with Disabilities Act of 1990 (ADA). The six states within the region served by the Center include: Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin. <https://www.adagreatlakes.org/#>
- *Access Ohio*: Offers training and technical assistance throughout the State of Ohio on the Americans with Disabilities Act (ADA). Access Ohio is a division of The Center for Disability Empowerment, which is a community-based, non-residential center that is driven by the choice and direction of people with disabilities. <http://www.access-ohio.org/>
- *Disability Rights Ohio*: Disability Rights Ohio is a non-profit corporation with a mission to advocate for the human, civil and legal rights of people with disabilities in Ohio. Since October 2012, Disability Rights Ohio has served as Ohio's Protection and Advocacy (P&A) system and Client Assistance Program (CAP). It is governed by a Board of Directors, primarily consisting of people with disabilities and family members of people with disabilities. <https://www.disabilityrightsohio.org/>
- *Ohio Developmental Disabilities Council*: The mission of the Ohio Developmental Disabilities Council (Ohio DD Council) is to create change that improves independence, productivity and inclusion for people with developmental disabilities and their families in community life. The Ohio DD Council is one of a national network of state councils, committed to self-determination and community inclusion for people with developmental disabilities. <https://www.ddc.ohio.gov/>
- *Ohio Aging & Disability Transportation Coalition (OADTC)*: Transportation is the #1 issue for Ohioans with mental health diagnoses, disabilities and those who are aging. Aims to educate and inform Ohioans who are aging and with disabilities, their family members, county boards of developmental disabilities, lawmakers, and community organizations about the importance of transportation to live a meaningful life in the community. Access to transportation means access to everyday life such as employment, medical appointments, hanging out with friends and family and living meaningful life. Through advocacy and education, OADTC aims to support people in need with transportation the resources to get the access they need; and also to build relationships and advocate with the local and state lawmakers to make transportation a priority in the legislative process. <https://www.oadtc.org/>
- *Services for Independent Living (SIL)*: Founded in 1980, SIL is a non-profit, non-residential Center for Independent Living in Northeast Ohio. SIL provides an array of individual and community services designed to help and empower individuals of all ages and all disabilities lead healthy, productive lives and participate in community life as they choose. <https://sil-oh.org/>
- *Ohio Statewide Independent Living Council (Ohio SILC)*: The Ohio Statewide Independent Living Council (SILC) was established in 1992 by amendments to the Rehabilitation Act of 1973, and is a statutory requirement under Federal laws. The Ohio SILC's is responsible for the development, implementation, and monitoring of the State Plan for Independent Living, a three-year strategic plan for Ohio to work towards goals of greater access, inclusion and independence; coordinating activities with other entities that provide services similar or complementary to Independent Living Services; assisting to develop the network of Centers for Independent Living; and conduct regular meetings of the Council that are open to the public. These goals are achieved in working with the 12 Centers for Independent Living, working with state agencies in Ohio, and educating the community. <http://www.ohiosilc.org/>

- *Access Center for Independent Living (ACIL)*: The Access Center for Independent Living (ACIL) was founded in 1984 by a group of concerned citizens, the majority of whom were persons with disabilities. ACIL is a member of the Ohio SILC and located in Dayton. <https://www.acils.com/>
- *The Arc Ohio*: The mission of the Arc of Ohio is to advocate for human rights, personal dignity, and community participation of people with intellectual and development disabilities. This is accomplished through legislative and social action, information and education, local chapter support, and family involvement. <https://www.thearcofohio.org/>
- *American Council of the Blind of Ohio (ACBO)*: The American Council of the Blind of Ohio strives to increase the independence, security, equality of opportunity, and quality of life, for all blind and visually impaired Ohioans. The vision of ACB-Ohio is: To create a society without barriers for individuals who are blind or visually impaired through advocacy, education, public awareness, collaboration, and support. There are a number of local chapters throughout Ohio. <https://www.acbohio.org/>
- *The Ohio Coalition for the Education of Children with Disabilities (OCECD)*: OCECD is a statewide nonprofit organization that serves families of infants, toddlers, children and youth with disabilities in Ohio, educators and agencies who provide services to them. OCECD works through the coalition efforts of over 40 parent and professional disability organizations and over 70 individual members which comprise the Coalition. OCECD has also been funded since 1984 to serve as the Parent Training and Information Center (PTI) for the state of Ohio from the federal government, U.S. Dept of Education, Office for Special Education Programs. <https://www.ocecd.org/Default.aspx>
- *Disability Advocacy Alliance (DAA)*: DAA is a volunteer organization which was formed in 2015 by parents, guardians, and family members to protect the rights of individuals with intellectual and developmental disabilities (I/DD) in Ohio. DAA's mission is to address the needs of the diverse population of citizens with I/DD, and is faithful to the U.S. Supreme Court Olmstead decision and the Americans with Disabilities Act (ADA). Olmstead makes individual choice paramount in accessing services. <https://www.disabilityadvocacyalliance.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/](http://www.deaflink.com/).

### Potential Funding Opportunities

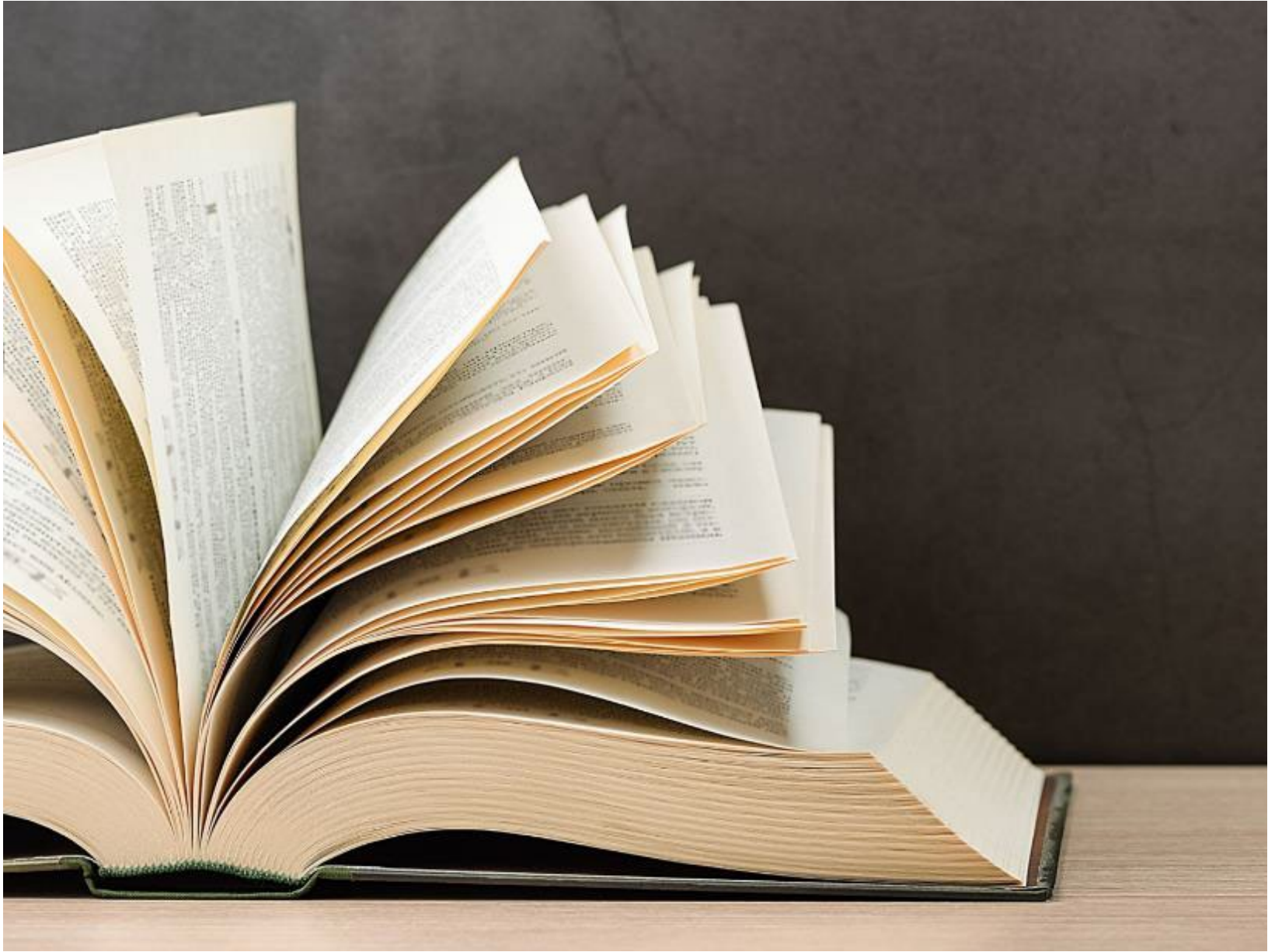
Grants may be available from a wide variety of sources from state and federal agencies to private agencies and non-profits. The Ohio Grants Partnership lists a number of funding opportunity resources (<https://grants.ohio.gov/fundingopportunities.aspx>), some of which may be applicable. Some common potential programs are listed below. The list is not intended to be complete by any means and not all grants are funded at all times.

- **Ohio Department of Natural Resources (ODNR)** offers a number of grants for parks and recreation facilities. ODNR is responsible for administering federal and state recreational grant programs to local and state governments. The Department manages the Clean Ohio Trails Fund, Land and Water Conservation Fund (LWCF), LWCF Outdoor Legacy Partnership Program, NatureWorks, Paddling Enhancement Grant, Recreational Trails Program, and Clean Ohio Trails Fund. Refer to their website for a matrix of grant programs and eligibility (<https://ohiodnr.gov/wps/portal/gov/odnr/buy-and-apply/apply-for-grants/grants>).
- **Ohio Department of Transportation** administers several grant programs for transportation-related projects (<https://www.transportation.ohio.gov/wps/portal/gov/odot/programs/local-funding-opportunities#page=1>) and (<https://www.transportation.ohio.gov/wps/portal/gov/odot/working/funding#page=1>)

- **Ohio Department of Aging** awards grants to governmental units, nonprofit organizations and institutions of higher education. <https://aging.ohio.gov/wps/portal/gov/aging/about-us/reports-and-data/aging-grants>.
- **Ohio Department of Developmental Disabilities (DODD)** competitively awards grants for work that supports Ohio's developmental disabilities system and the department's mission of continuous improvement of the quality of life for Ohioans with developmental disabilities and their families. <https://dodd.ohio.gov/wps/portal/gov/dodd/about-us/grant-opportunities>

# 8

## Definitions



## 8.0 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.

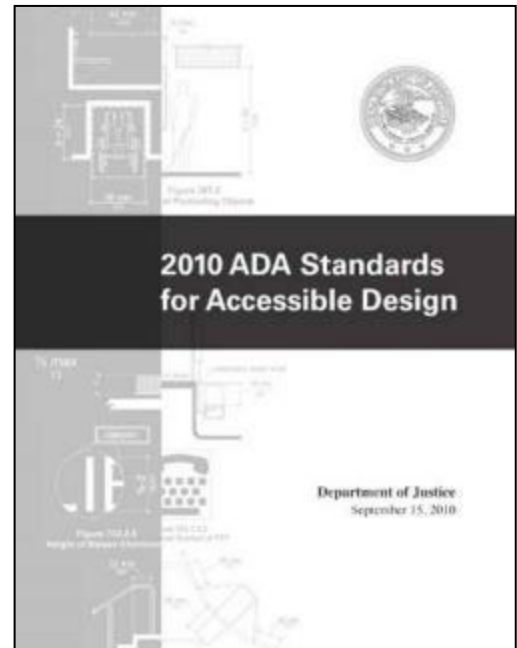
**Affirmative Action (AA):** a set of positive steps that employers use to promote equal employment opportunity and to eliminate discrimination. It includes expanded outreach, recruitment, mentoring, training, management development and other programs designed to help employers hire, retain and advance 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.

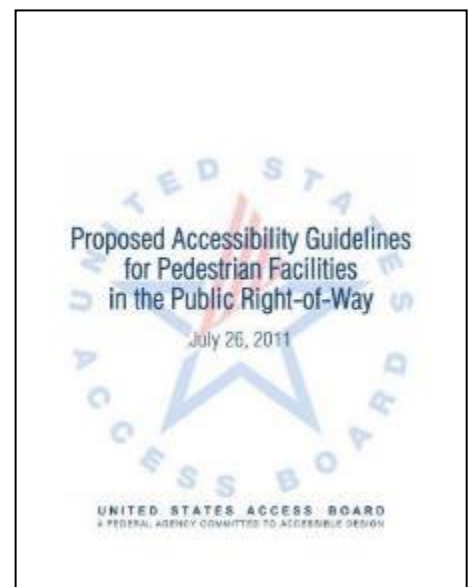
**Pedestrian Circulation Path:** a prepared exterior or interior surface provided for pedestrian travel in the public right-of-way.

**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: transvestism, 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](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 Dayton, 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.

**Video Remote Interpretation (VRI):** Video remote interpreting (VRI) is a video telecommunication service that uses web cameras, videophones, or other devices to provide sign language or spoken language interpreting services via a remote or offsite interpreter. VRI facilitated communication with persons with hearing loss and cannot utilize voice communication systems.

# Figures

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*Figure 1-2 – Dayton Facilities Location  
Districts Map.*

*Figure 1-2a – Dayton Facilities Location  
NW District Map*

*Figure 1-2b – Dayton Facilities Location NE  
District Map*

*Figure 1-2c – Dayton Facilities Location SE  
District Map*

*Figure 1-2d – Dayton Facilities Location SW  
District Map*

*Figure 1-2e – Dayton Facilities Location  
Downtown District Map*

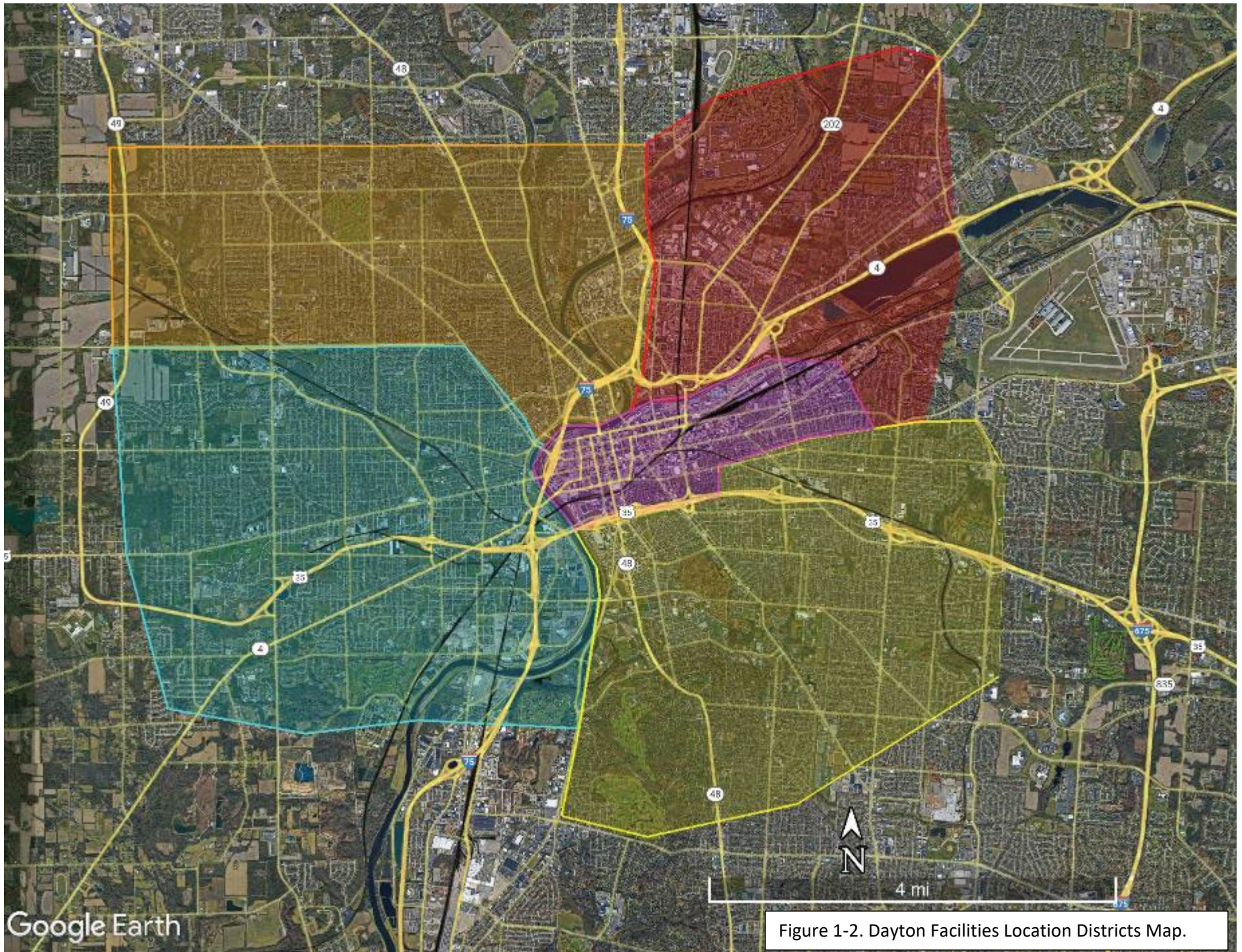


Figure 1-2. Dayton Facilities Location Districts Map.



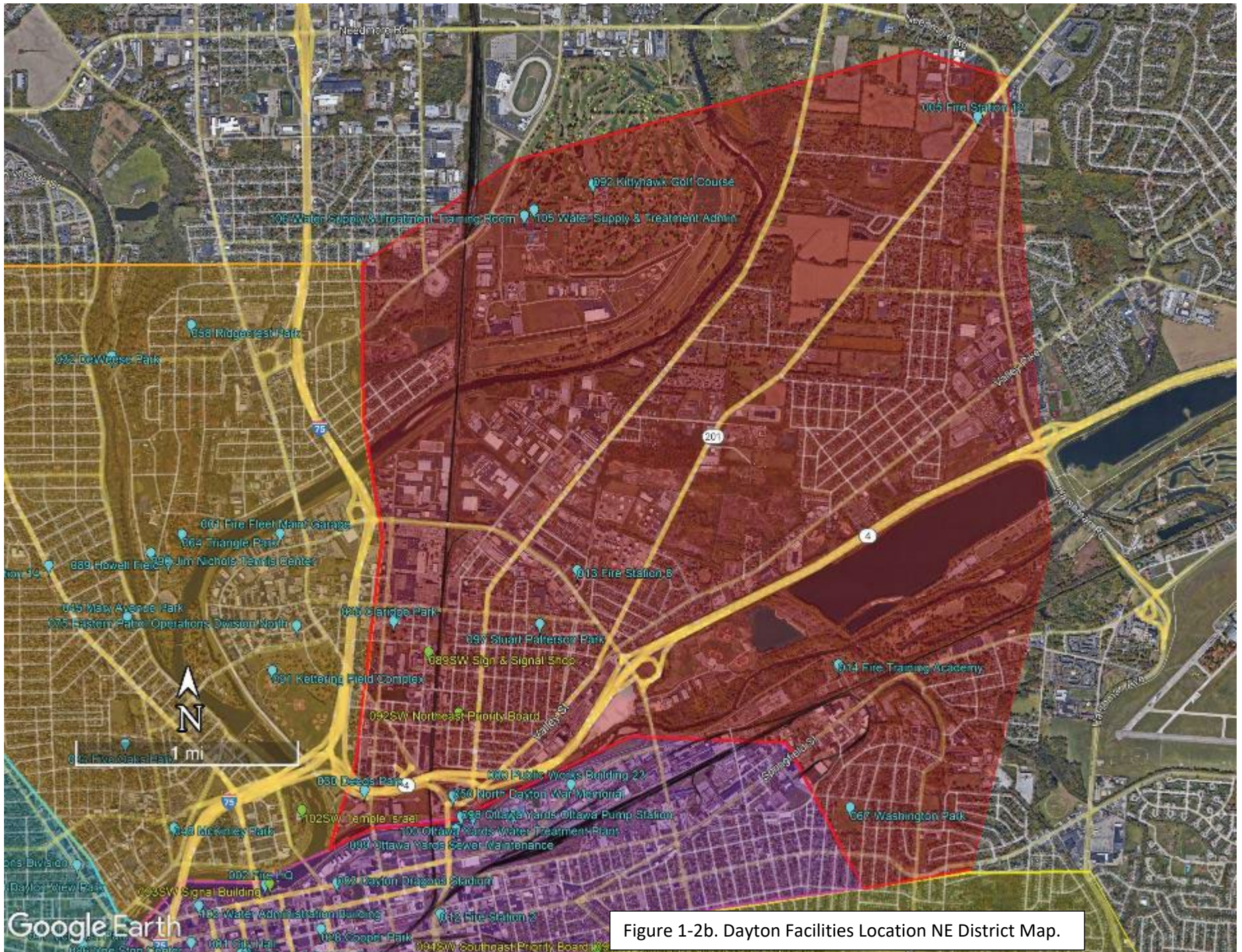


Figure 1-2b. Dayton Facilities Location NE District Map.





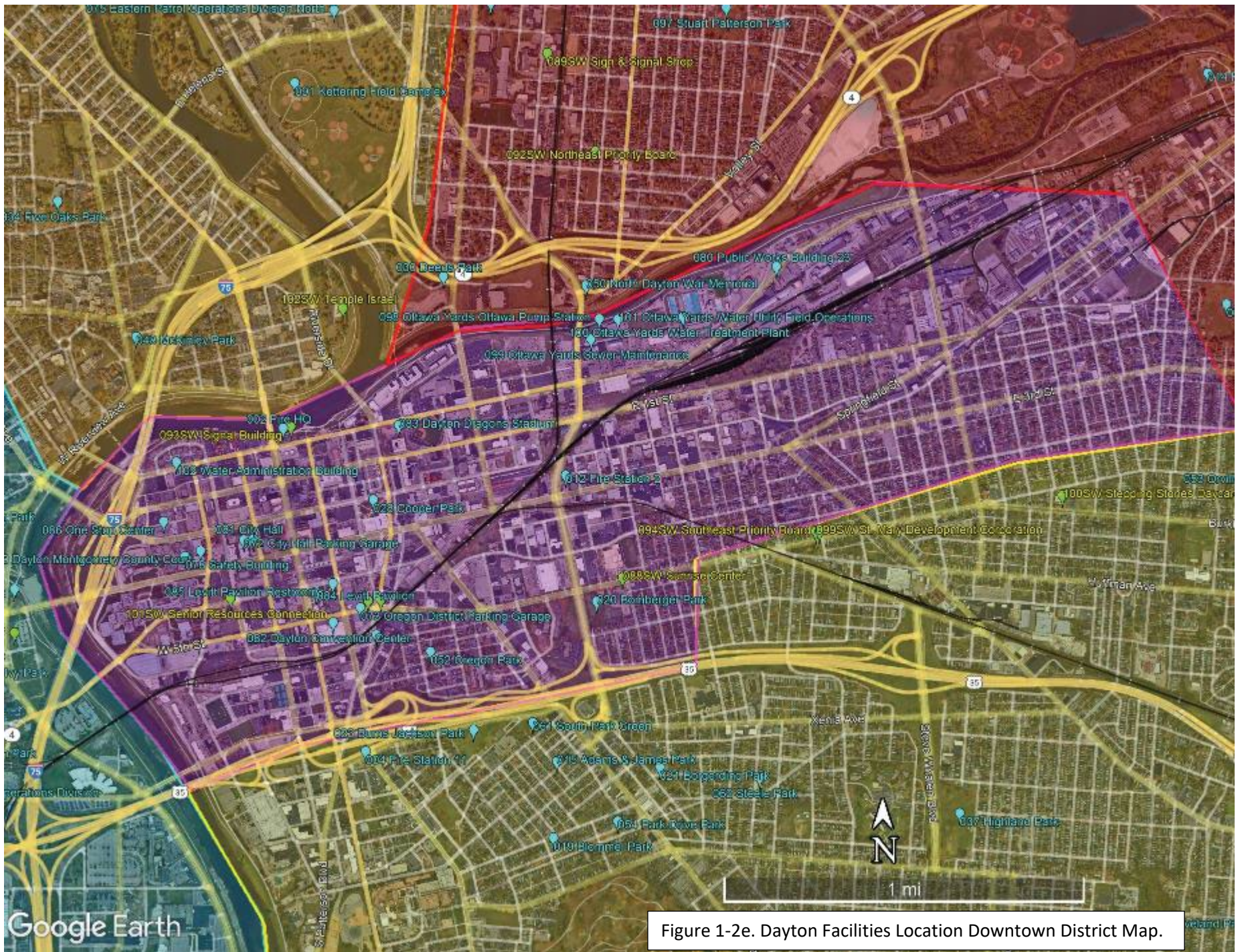


Figure 1-2e. Dayton Facilities Location Downtown District Map.