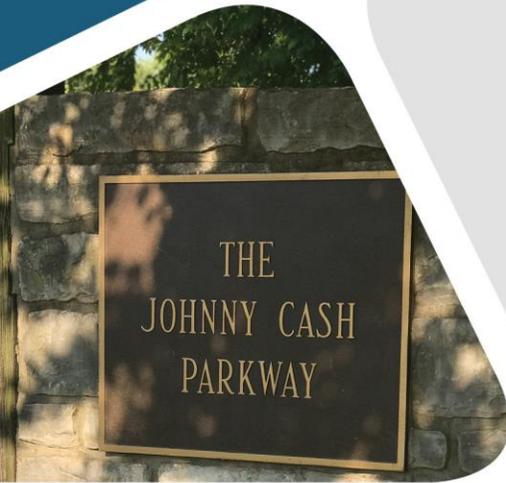




City of Hendersonville
Tennessee

**City of Hendersonville
Americans with Disabilities Act
(ADA) Self-Evaluation and
Transition Plan**

January 2022



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**City of Hendersonville
ADA Self-Evaluation and Transition Plan**

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Abbreviations

ADA – Americans with Disabilities Act

ADAAG – Americans with Disabilities Act Accessibility Guidelines

CART – Computer-aided Real-time Transcription

CFR – Code of Federal Regulations

CIP – Capital Improvement Program

DOJ – United States Department of Justice

EITA – Electronic and Information Technology Accessibility

FHWA – Federal Highway Administration

MUTCD – Manual on Uniform Traffic Control Devices

PROW – Public Right-of-Way

PROWAG – Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way

PSA – Programs, Services, and Activities

TTY – Teletypewriter

TDOT – Tennessee Department of Transportation

VRI – Video Remote Interpreting

VIS – Video Interpreting Services

WAVE – Web Accessibility Evaluation Tool

1.0 Introduction

1.1 Legislative Mandate

The Americans with Disabilities Act (ADA) is a civil rights law that mandates equal opportunity for individuals with disabilities. The ADA prohibits discrimination in access to jobs, public accommodations, government services, public transportation, and telecommunications. Title II of the ADA also requires that all programs, services, and activities (PSAs) of public entities provide equal access for individuals with disabilities.

The City of Hendersonville has undertaken a comprehensive evaluation of its PSAs to determine the extent that individuals with disabilities may be restricted in their access.

1.2 ADA Self-Evaluation and Transition Plan Development Requirements and Process

The City of Hendersonville is obligated to observe all requirements of Title I in its employment practices; Title II in its policies, programs, and services; any parts of Titles IV and V that apply to the City and its programs, services, or facilities; and all requirements specified in the 2010 ADA Standards and 2011 Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way (PROWAG) that apply to facilities and other physical holdings.

Title II has the broadest impact on the City. Included in Title II are administrative requirements for all government entities employing more than 50 people. These administrative requirements are:

- Completion of a Self-Evaluation;
- Development of an ADA complaint procedure;
- Designation of at least one (1) person who is responsible for overseeing Title II compliance; and
- Development of a Transition Plan to schedule the removal of the barriers uncovered by the Self-Evaluation process. The Transition Plan will become a working document until all barriers have been addressed.

This document describes the process developed to complete the evaluation of the City of Hendersonville's PSAs and facilities, provides possible solutions to remove programmatic barriers, and presents a Transition Plan for the modification of facilities and public rights-of way to improve accessibility, which will guide the planning and implementation of necessary program and facility modifications over the next **30** years. The ADA Self-Evaluation and Transition Plan is significant in that it establishes the City's ongoing commitment to the development and maintenance of PSAs and facilities that accommodate all its citizenry.

1.3 Discrimination and Accessibility

Program accessibility means that, when viewed in its entirety, each program is readily accessible to and usable by individuals with disabilities. Program accessibility is necessary not only for individuals with mobility needs, but also to individuals with sensory and cognitive disabilities.

Accessibility applies to all aspects of a program or service, including but not limited to physical access, advertisement, orientation, eligibility, participation, testing or evaluation, provision of auxiliary aids, transportation, policies, and communication.

The following are examples of elements that should be evaluated for barriers to accessibility:

1.3.1 *Physical Barriers*

- Parking
- Path of travel to, throughout, and between buildings and amenities
- Doors
- Service counters
- Restrooms
- Drinking fountains
- Public telephones
- Access to pedestrian equipment at signalized intersections

1.3.2 *Programmatic Barriers*

- Building signage
- Customer communication and interaction
- Path of travel along sidewalk corridors within the public rights-of-way, including curb ramps
- Emergency notifications, alarms, and visible signals
- Participation opportunities for City sponsored events

1.3.3 *Ongoing Accessibility Improvements*

City PSAs and facilities evaluated during the Self-Evaluation will continue to be evaluated on an ongoing basis, and the ADA Transition Plan will be revised to account for changes that have been or will be completed since the initial Self-Evaluation. This Plan will be posted on the City's website for review and consideration by the public.

1.3.4 *City of Hendersonville Approach*

The purpose of the Transition Plan is to provide the framework for achieving equal access to the City of Hendersonville's PSAs within a reasonable timeframe. The City's elected officials and staff believe that accommodating persons with disabilities is essential to good customer service, enables the quality of life Hendersonville residents seek to enjoy, and guides future improvements. This Plan has been prepared after careful study of all the City's programs, services, activities, and evaluations of a select number of City facilities.

The City of Hendersonville should make reasonable modifications in PSAs when the modifications are necessary to avoid discrimination based on disability, unless the City can demonstrate that making the modifications will fundamentally alter the nature of the program, service, or activity. The City of Hendersonville will not place surcharges on individuals with disabilities to cover the cost involved in making PSAs accessible.

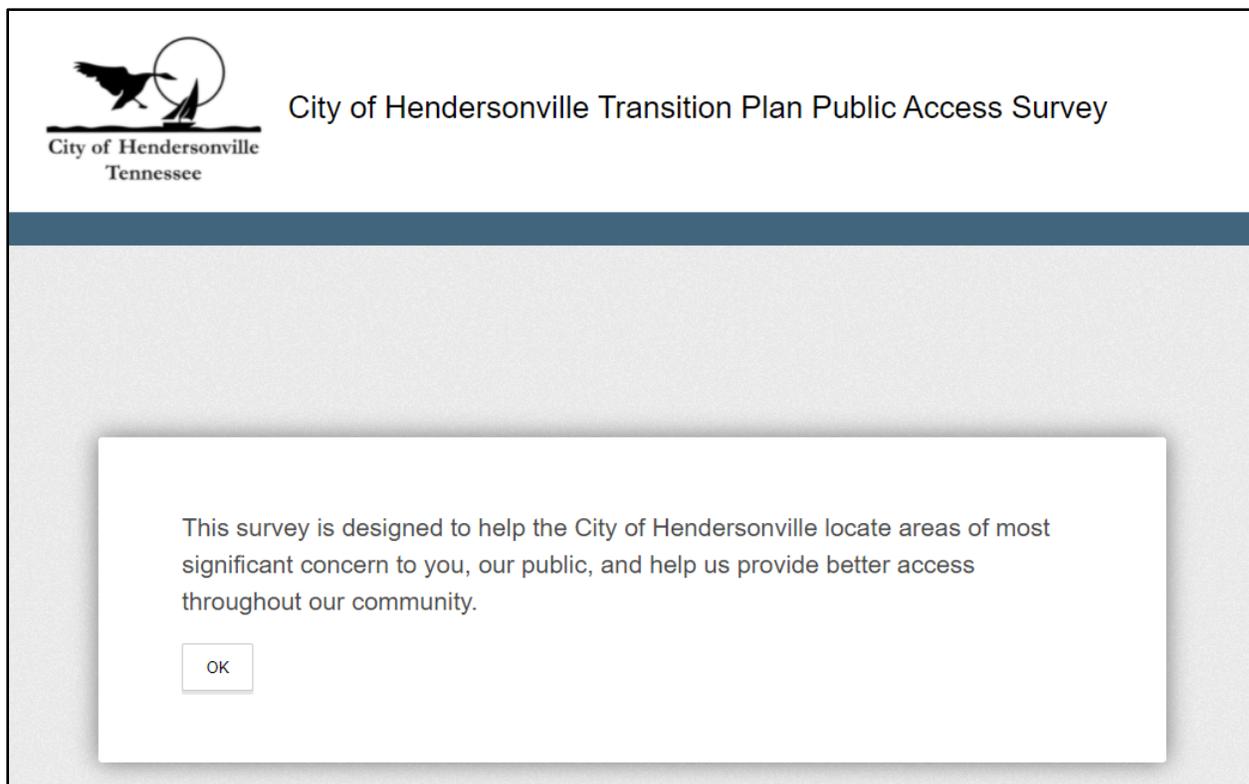
2.0 Public Outreach

2.1 Web Survey

The City developed a web survey which was open to the public. The survey was designed to help the City locate areas of greatest concern to the public with respect to accessibility and to help provide better access to the community. The survey can be accessed via the following link:

https://www.surveymonkey.com/r/ADA_Hendersonville_TN

The web survey was posted on the City's website, sent out through social media, and emailed to the ADA Advisory Committee for redistribution. The survey was available online through the end of 2020 and served as a tool to solicit feedback from the public on the Transition Plan. Web survey results are provided in **Appendix A**.



2.2 Upcoming Outreach

The City intends to host a public meeting to provide a summary of the transition planning process and receive feedback on any concerns related to accessibility. In addition, the City plans to contact local disability organizations to form an ADA Advisory Committee to solicit additional feedback. The City will continue to solicit feedback from the public on the Transition Plan.

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3.0 Self-Evaluation and Summary of Findings

The City of Hendersonville's ADA Transition Plan reflects the results of a comprehensive review of the PSAs provided to employees and the public. The review identifies programmatic barriers to individuals with disabilities interested in accessing the PSAs offered by the City.

3.1 Programs, Procedures, and Policies Review

Under the ADA, the City of Hendersonville is required to complete a Self-Evaluation of the City's facilities, programs, policies, and practices. The Self-Evaluation identifies and provides possible solutions to those policies and practices that are inconsistent with Title II requirements. To be compliant, the Self-Evaluation should consider all the City's programs, services, and activities, as well as the policies and practices the City uses to implement its various programs and services.

To comply with requirements of the plan, the City must take corrective measures to achieve program accessibility through several methods, including, but not limited to:

- (1) Relocation of programs to accessible facilities;
- (2) Modifications to existing programs so they are offered in an accessible manner;
- (3) Structural methods such as altering an existing facility;
- (4) Policy modifications to achieve nondiscrimination; and
- (5) Auxiliary aids provided to produce effective communication.

When choosing a method of providing program access, the City should attempt to give priority to the method that promotes inclusion among all users, including individuals with disabilities.

Programs, services, and activities offered by the City to the public must be accessible. Accessibility applies to all aspects of a program, services, or activity, including advertisement, orientation, eligibility, participation, testing or evaluation, physical access, provision of auxiliary aids, transportation, policies, and communication.

However, the City does not have to take any action that will result in a fundamental alteration in the nature of a program or activity, create a hazardous condition for other people, or result in an undue financial and/or administrative burden. This determination can only be made by the ADA/504 Coordinator and/or an authorized designee of the City, such as the City Mayor or his designee, and must be accompanied by a written statement detailing the reasons for reaching the determination.

The determination of undue burden must be based on an evaluation of all resources available for use. If a barrier removal action is judged unduly burdensome, the City must consider all other options for providing access that will endeavor that individuals with disabilities receive the benefits and services of the program or activity. This process must be fully documented.

3.1.1 Interactive Survey Process

An interactive survey was conducted following a review of the City's website and City provided programs, services, and activities (PSAs). The surveys were tailored to the PSAs offered by each department, distributed to each City department, and used to finalize the determination of ADA compliance. A discussion of additional programmatic elements found during the research and evaluation process for each department and area is included in this section.

The survey responses have also been incorporated into **Sections 3.1.2 – 3.1.20** of this document, as applicable for all City programs, policies, and procedures. See **Appendix B** for copies of the final surveys in their entirety.

Boards, Commissions, Committees, and Councils

The City website provides various information regarding the City's boards, commissions, committees, and councils, which are listed below:

- Arts Council
- Beer Board
- Board of Adjustment and Appeals
- Board of Mayor and Alderman
- Board of Parks and Recreation
- City Administrator Committee
- Deer Monitoring and Control Committee
- Disability Board
- Golf Course Commission
- Hendersonville Regional Planning Commission
- Historic Zoning Commission
- Industrial Development Board
- Municipal Board of Zoning Appeals
- Personnel Board
- Regional Board of Zoning Appeals
- Hendersonville Horizons

Boards, Commissions, Committees, and Councils: Self-Evaluation Findings

- All meetings are open to the public and are believed to be held in accessible facilities. However, it is unknown if ADA checklists are used to determine compliance.
- Meeting minutes and agendas are available. However, they are not available in alternate formats, nor does the City have an alternate format policy, procedure, and request form.
- The City has several versions of a non-discrimination statement. However, the City states that a consistent city-wide non-discrimination statement is used in agendas and minutes and information distributed by the City.
- The disability community is not specifically included in the member selection process.
 - Public input opportunities are available at an open forum at the Board and Commission meetings.
 - Member openings are posted on the City's website.
 - Meeting notices are posted on the website, the bulletin board in front of City Hall and information is provided to the press. No meeting notices are provided in alternate formats such as local newspapers.
- There are various eligibility and participation requirements for each board, commission, committee, and council. However, these requirements do not list specifically mention mental or physical requirements.
- ADA training for members is not a common practice.
- It is unknown if ADA checklists are used to determine ADA compliance when conducting ADA related reviews.

Boards, Commissions, Committees, and Councils: Possible Solutions

- The City should develop and use checklists to achieve ADA compliance for meeting locations. While this is not a specific ADA requirement, this checklist would benefit the City by ensuring that all meeting locations are accessible to the public.
- The City should develop an alternate format policy, procedure, and request form. See **Section 3.1.20 Alternate Format Policy, Procedure, and Request Form**. In addition, each board, commission, committee, and council should develop a list of documents and forms for their area. The list should include the document/form name, location(s) where it can be found (office location, website link) if alternate formats are available, and how the alternate formats can be obtained. This list should be updated continuously as documents and forms are created and revised, and the forms should be reviewed for ADA compliance. The Section 508 Compliant PDF Checklist is provided here: <https://508compliantdocumentconversion.com/compliance-regulations/pdf-compliance-checklist/>.
- The City should develop a city-wide non-discrimination statement policy for Title II and include this statement in all meeting agendas and minutes. See **Section 3.1.9 Non-Discrimination Language**.
- The City should provide input opportunities for the disability community regarding the member selection process and meeting notices. This may include:
 - Creating a public input survey and posting online, on social media pages, in local newspapers, and sending out to specific disability and/or advocacy groups;
 - Posting member openings with a specific disability and/or advocacy groups, advertising online, on social media pages, and in local newspapers;
 - Posting meeting notices on social media pages, in local newspapers, with a specific disability and/or advocacy groups, in addition to the City's website and at City Hall.
- The City should provide detailed eligibility requirements for the boards, commissions, committees, and councils member participation. See **Section 3.1.11.7 Job Description Review**.
- The City should provide annual ADA-specific training to all members regarding Title I and Title II. This training should include policies and procedures developed from this transition planning process, employee rights and obligations regarding employment-related training, as well as training for ADA elements within the public rights-of-way. While training is not a specific ADA requirement, as a Title II entity, the City is obligated to provide equal access to programs, services, and activities. Furthermore, this training would provide individuals with the tools needed to achieve ADA compliance. See **Section 3.1.11.5 Training Program Review**.

Building and Codes Department

Building and Codes Department: Self-Evaluation Findings

- Building and Codes Department staff has not attended ADA-specific training to achieve ADA accessibility within City programs, services, and activities.
- It is unknown if Building and Codes Department staff are aware of who the ADA/504 Coordinator is for the City and their contact information.
- The Building and Codes Department does not use ADA checklists when conducting plan reviews or inspections.

Building and Codes Department: Self-Evaluation Findings (cont.)

- Individuals must call the Building and Codes Department hotline that is specifically designated for inspection requests only. In addition, copies of permit applications are only found on the website. There are no alternate ways to request inspections, nor alternate formats of permit applications.

Building and Codes Department: Possible Solutions

- Building and Codes Department staff should attend annual training regarding ADA compliance for Title I and Title II. For possible solutions regarding City training programs, see **Section 3.1.11.5 Training Program Review**.
- Building and Codes Department staff should be made aware of the City's ADA/504 Coordinator and provided contact information. See **Section 3.1.2 ADA/504 Coordinator (Title I/Title II)**.
- The Building and Codes Department should develop and use specific ADA checklists or guidance to achieve ADA compliance. These checklists or guidance should include information regarding the Americans with Disabilities Act Accessibility Guidelines (ADAAG) and the Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Rights-of-Way (PROWAG). While this is not a specific ADA requirement, the City is obligated to provide equal access to programs, services, and activities and this guidance would provide the Building and Codes Department staff with the necessary tools to achieve ADA compliance.
- The City should develop guidelines to assist staff in providing effective communications that are available to all employees and the public. These guidelines shall include information on providing alternate ways for individuals to communicate and request City services. See **Section 3.1.19 Effective Communication Guidance**.
- The City should develop an alternate format policy, procedure, and request form. See **Section 3.1.20 Alternate Format Policy, Procedure, and Request Form**.

Court Clerk's Office

Court Clerk's Office: Self-Evaluation Findings

No information was found regarding the following:

- Employment practices;
- Emergency Management Plan;
- ADA/504 Coordinator information (Title I / Title II);
- Roles and responsibilities of the ADA/504 Coordinator;
- ADA grievance policy, procedure, and form with appeals process for the ADA (Title I / Title II);
- ADA grievance policy, procedure, and form with appeals process for Section 508 of the Rehabilitation Act;
- ADA complaint and request logs;
- Reasonable accommodation and modification request policy, procedure, and form;
- Service animal guidance;
- Non-discrimination language;
- Title II ADA/504 ADA assurance;
- Public Notice of the ADA;
- Effective communication efforts and policy;

Court Clerk's Office: Self-Evaluation Findings (cont.)

- Alternate format policy, procedure, and request form;
- Policies and procedures for ADA transition plan updates and corrections (Title I / Title II);
- Responsibility/acceptance disclaimer for other entities' links, forms, documents, and videos;
- Maintenance policy and procedure;
- Out-of-order policy and procedure;
- Special event guidance; and
- Training program.

Court Clerk's Office: Possible Solutions

The Court Clerk's Office should defer to the City's adopted policies and procedures from this transition planning process for the following:

- Employment Practices. See **Section 3.1.11 Employment Practices Review.**
- Emergency Management Plan. See **Section 3.1.15 Emergency Management Plan Review.**
- ADA/504 Coordinator information (Title I / Title II). See **Section 3.1.2 ADA/504 Coordinator (Title I / Title II).**
- Roles and Responsibilities of the ADA/504 Coordinator. See **Section 3.1.3 Roles and Responsibilities of the ADA/504 Coordinator.**
- ADA grievance policy, procedure, and form with appeals process for the ADA (Title I / Title II). See **Section 3.1.5 ADA Grievance Policy, Procedure, and Form with Appeals Process for the ADA.**
- ADA grievance policy, procedure, and form with appeals process for Section 508 of the Rehabilitation Act. See **Section 3.1.5 ADA Grievance Policies, Procedures, and Form with Appeals Process for the ADA.**
- ADA complaint and request logs.
- Reasonable accommodation and modification request policy, procedure, and form. See **Section 3.1.6 Reasonable Accommodation/Modification Request Policy, Procedure, and Request Form.**
- Service animal guidance. See **Section 3.1.7 Service Animal Guidance.**
- Non-discrimination language. See **Section 3.1.9 Non-Discrimination Language.**
- Title II ADA/504 ADA Assurance. See **Section 3.1.12 Title II ADA/504 ADA Assurances.**
- Public Notice of the ADA. See **Section 3.1.8 Public Notice Under the ADA.**
- Effective communication efforts and policy. See **Section 3.1.19 Effective Communication Guidance.**
- Alternate format policy, procedure, and request form. See **Section 3.1.20 Alternate Format Policy, Procedure, and Request Form.**
- Policies and procedures for ADA transition plan updates and corrections (Title I / Title II). See **Section 3.1.13 ADA Transition Plan Updates and Corrections (Title I / Title II).**
- Responsibility/acceptance disclaimer for other entities' links, forms, documents, and videos. See **Section 3.1.10 Responsibility/Acceptance Disclaimer for other Entities' Links, Forms, Documents, and Videos.**
- Maintenance policy and procedure.
- Out-of-order policy and procedure.
- Special event guidance.
- Training program. See **Section 3.1.11.5 Training Program Review.**

Economic and Community Development Department

Economic and Community Development Department: Self-Evaluation Findings

The Economic and Community Development Department did not respond to the interactive survey; however, general possible solutions are provided below.

Economic and Community Development Department: Possible Solutions

- The Economic and Community Development Department staff should attend annual ADA specific training regarding Title I and Title II. This training should include policies and procedures developed from this transition planning process, employee rights and obligations regarding employment-related training. While training is not a specific ADA requirement, as a Title II entity, the City is obligated to provide equal access to programs, services, and activities. Furthermore, this training would provide individuals with the tools needed to achieve ADA compliance. See **Section 3.1.11.5 Training Program Review**.
- The Economic and Community Development Department should defer to the City's ADA grievance policy, procedure, and form with appeals process for Title I and Title II. See **Section 3.1.5 ADA Grievance Policy, Procedure, and Form with Appeals Process for the ADA**.
- The Economic and Community Development Department should defer to the City's ADA reasonable accommodation/modification policy, procedure, and form for Title I and Title II. See **Section 3.1.6 Reasonable Accommodation/Modification Policy, Procedure, and Request Form**.
- The City should develop an alternate format policy and procedure for providing access to Department documents. See **Section 3.1.20 Alternate Format Policy, Procedure, and Request Form**.
- The Economic and Community Development Department should develop and use specific ADA checklists or guidance to assist staff in making modifications to a program, service, or activity offered the by Economic and Community Development Department. These checklists or guidance should include information regarding the Americans with Disabilities Act Accessibility Guidelines (ADAAG). While this is not a specific ADA requirement, the City is obligated to provide equal access to programs, services, and activities and this guidance would provide the Economic and Community Development Department staff with the necessary tools to achieve ADA compliance.

Finance Department

Finance Department: Self-Evaluation Findings

- Finance Department staff has not attended ADA-specific training to achieve ADA accessibility within City programs, services, and activities.
- The Finance Department does not use a procurement policy and procedure or guidance that reviews information and technology purchases for ADA compliance before purchase.
- The Finance Department does not have guidance on reviewing purchasing contracts and agreements for ADA language.

Finance Department: Self-Evaluation Findings (cont.)

- The City does not have an alternate format policy and procedure for providing access to Finance Department documents.

Finance Department: Possible Solutions

- Finance Department staff should attend annual ADA-specific training regarding Title I and Title II. This training should include policies and procedures developed from this transition planning process and employee rights and obligations under the ADA. While training is not a specific ADA requirement, as a Title II entity, the City is obligated to provide equal access to programs, services, and activities. Furthermore, this training would provide individuals with the tools needed to achieve ADA compliance. See **Section 3.1.11.5 Training Program Review**.
- The Finance Department should develop a procurement policy and procedure or guidelines for City staff to use that reviews information and technology purchases for ADA compliance before purchase. While this policy and procedure is not a specific ADA requirement, it is recommended the City develop this policy and procedure or guidance to combine with information and technology policies and procedures to achieve ADA compliance with Section 508 of the Rehabilitation Act.
- The Finance Department should develop and use guidance to review purchasing contracts and agreements for ADA language that clarifies the City's obligations and responsibilities under the ADA. See **Section 3.1.9 Non-Discrimination Language**.
- The City should develop an alternate format policy and procedure for providing access to Department documents. See **Section 3.1.20 Alternate Format Policy, Procedure, and Request Form**.

Fire Department

Fire Department: Self-Evaluation Findings

- Fire Department staff attends annual training on assisting individuals with impairments. However, training is not provided on the City's ADA policies and procedures.
- Fire Department staff is not aware of who is the City's ADA/504 Coordinator.
- The Fire Department works with each group to identify needs on tours and events. However, they do not use ADA checklists or have specific guidelines in place that achieve ADA compliant events.
- The Fire Department does not have policies and procedures in place to address situations in which an individual with a disability needs assistance and the Fire Department is not equipped to provide the assistance, such as sign language interpreters.
- The Fire Department strives to meet the needs of all citizens in its programs, services, and activities. However, they do not have written guidelines in place for staff to utilize to aid the Fire Department in providing ADA accessible community programs, services, and activities.

Fire Department: Possible Solutions

- Fire Department staff should attend annual ADA specific training. This training should include a review of adopted City ADA policies and procedures, service animals, handling the property of persons with disabilities, disability etiquette for interaction with citizens, etc. While training is not a specific ADA requirement, as a Title II entity, the City is obligated to provide equal access to programs, services, and activities. This training would guide employees on their rights under the ADA and provide the tools needed to achieve ADA compliance. See **Section 3.1.11.5 Training Program Review**.
- Fire Department staff should be made aware of the City's ADA/504 Coordinator and provided contact information. See **Section 3.1.2 ADA/504 Coordinator (Title I/Title II)**.
- The Fire Department should develop and utilize specific ADA checklists or guidance to ADA compliant tours and events. These checklists or guidance should include information regarding tour operations and facility compliance. While this is not a specific ADA requirement, the City is obligated to provide equal access to programs, services, and activities and this guidance would provide staff with the necessary tools to achieve ADA compliance.
- The Fire Department should adopt policies and procedures developed from this transition planning process to develop specific ADA guidance for staff to utilize when planning the Fire Department's programs, services, and activities. The guidance should include city-wide adopted ADA policies such as providing alternate formats, reasonable accommodations, etc. While this is not a specific ADA requirement, the City is obligated to provide equal access to programs, services, and activities and this guidance would provide staff with the necessary tools to achieve ADA compliance.

Human Resources Department

Human Resources Department: Self-Evaluation Findings

- The Human Resources Department does not have a specific ADA grievance policy, procedure, and form with appeals process for Title I.
- The Human Resources Department has an Applicant Accommodation Request Form. However, this form is misleading in that it appears to be specific to the Public Works Department and it does not fulfill the requirements of a city-wide reasonable accommodation policy, procedure, and form for Title I.
- The Human Resources Department does not maintain logs regarding ADA complaints and requests for accommodations/modifications.
- The Human Resources Department does not have a policy and procedure or guidance regarding service animals as a reasonable accommodation or modification to City programs, services, and activities.
- The Human Resources Department does not have a consistent city-wide non-discrimination statement.
- The Human Resources Department does not have an alternate format policy, procedure, and request form for providing access to Human Resources Department documents.

Human Resources Department: Self-Evaluation Findings (cont.)

- The Human Resources Department does not have policies and procedures or guidance regarding ADA compliant effective communication efforts.
- The Human Resources Department does not provide annual ADA-specific training to achieve ADA accessibility within City programs, services, and activities.
- The Human Resources Department does not oversee the volunteer programs offered by the City. Volunteers do not participate in a volunteer orientation, they are not provided with a volunteer manual, are not introduced to the ADA/504 Coordinators, and are not provided specific information regarding their rights and obligations under the ADA.

Human Resources Department: Possible Solutions

- The Human Resources Department should develop a stand-alone ADA grievance policy, procedure, and form with appeals process for Title I. This policy, procedure, and form should be incorporated in the City's Personnel Rules and Regulations and posted in areas open to employees and the public such as the City's website. See **Section 3.1.5 ADA Grievance Policy, Procedure, and Form with Appeals Process for the ADA.**
- The Human Resources Department should develop a city-wide reasonable accommodation policy, procedure, and form for Title I. The city-wide reasonable accommodation policy, procedure, and form should be added to the City's Personnel Rules and Regulations and the Human Resources Department's website. See **Section 3.1.6 Reasonable Accommodation/Modification Request Policy, Procedure, and Request Form.**
- The Human Resources Department should develop and maintain logs regarding ADA complaints and requests for accommodations/modifications that include an internal complaint number, details about the complaint, and details regarding the resolution. See **Section 3.1.14 Previous ADA Complaints Review (Title I / Title II).**
- The Human Resources Department should develop a policy and procedure or guidance regarding service animals as a reasonable accommodation or modification to City programs, services, and activities. See **Section 3.1.7 Service Animal Guidance.**
- The Human Resources Department should use a standardized city-wide non-discrimination statement as outlined in the City's Non-Discrimination Statement Policy. See **Section 3.1.9 Non-Discrimination Language.**
- The Human Resources Department should develop an alternate format policy and procedure for providing access to Human Resources Department documents. See **Section 3.1.20 Alternate Format Policy, Procedure, and Request Form.**
- The Human Resources Department should develop policies and procedures or guidance regarding ADA compliant effective communication efforts. See **Section 3.1.19 Effective Communication Guidance.**

Human Resources: Possible Solutions (cont.)

- The Human Resources Department - in conjunction with City's Title II ADA/504 Coordinator - should administer annual ADA-specific training to achieve ADA accessibility within City programs, services, and activities, including website accessibility. This training should include policies and procedures developed from this transition planning process for Title I and Title II, employee rights and obligations regarding employment-related training, and website accessibility guidelines. While training is not a specific ADA requirement, as a Title II entity, the City is obligated to provide equal access to programs, services, and activities. Furthermore, this training would provide individuals with the tools needed to achieve ADA compliance. See **Section 3.1.11.5 Training Program Review**.
- The Human Resources Department should provide volunteer orientation and develop guidelines for each department to utilize to achieve program consistency for ADA compliance of volunteer programs. These guidelines should include a review of volunteer manuals, volunteer applications, volunteer's ADA rights and obligations, introduction to the Title I and Title II ADA/504 Coordinators, and City functions. See **Section 3.1.11.6 Volunteer/Reserve/Intern Program Review**.

Information Technology Department

Information Technology: Self-Evaluation Findings

- The Information Technology Business Analyst has received accessibility training and is continuing education through online training regarding creating and maintaining accessible documents on the City's website. Also, coordination with the ADA Coordinator is underway to create a schedule to provide training to each department's webpage editor. However, staff have not received training on the City's ADA policies and procedures.
- The Information Technology Department defers to the City for ADA grievances for Title I and Title II.
- The Information Technology Department defers to the City for ADA reasonable accommodation/modification policy, procedure, or form for Title I and Title II.
- The Information Technology Department does not have a disclaimer statement or policy regarding other entities content on the City's website.
- The Information Technology Department does not have a written alternate format policy, procedure or request form for providing access to existing Department documents. However, staff are instructed to provide assistance to anyone that may need alternate formats.
- The Information Technology Department does not have a policy and procedure in place that reviews all purchases for ADA compliance before purchasing.
- Closed captioning is not provided for any programming on the City's Channel 3, and there are no policies or procedure is in place to provide captioning of recorded or live meetings.

Information Technology Department: Possible Solutions

- The Information Technology Department staff should attend annual ADA specific training regarding Title I and Title II. This training should include policies and procedures developed from this transition plan process, employee rights and obligations regarding employment-related training. While training is not a specific ADA requirement, as a Title II entity, the City is obligated to provide equal access to programs, services, and activities. Furthermore, this training would provide individuals with the tools needed to achieve ADA compliance. See **Section 3.1.11.5 Training Program Review**.
- The Information Technology Department should defer to the City's ADA grievance policy, procedure, and form with appeals process for Title I and Title II. See **Section 3.1.5 ADA Grievance Policy, Procedure, and Form with Appeals Process for the ADA**.
- The Information Technology Department should defer to the City's ADA reasonable accommodation/modification policy, procedure, and form for Title I and Title II. See **Section 3.1.6 Reasonable Accommodation/Modification Policy, Procedure, and Request Form**.
- The Information Technology Department should develop a disclaimer statement and policy regarding other entities content on the City's website. See **Section 3.1.10 Responsibility/Acceptance Disclaimer for other Entities' Links, Forms, Documents, and Videos**.
- The City should develop an alternate format policy and procedure for providing access to Information Technology Department documents. See **Section 3.1.20 Alternate Format Policy, Procedure, and Request Form**.
- The Information Technology Department should develop a procurement policy and procedure or guidelines for City staff to use that reviews information and technology purchases for ADA compliance before purchase. While this policy and procedure is not a specific ADA requirement, it is recommended the City develop this policy and procedure or guidance to combine with information and technology policies and procedures to achieve ADA compliance with Section 508 of the Rehabilitation Act. See **Section 3.1.5 ADA Grievance Policy, Procedure, and Form with Appeals Process for the ADA**.
- The Information Technology Department should implement a procedure for providing either closed captioning or transcripts for all programs provided on the City's Channel 3. See **Section 3.1.19 Effective Communication Guidance**.

Parks and Recreation Department

Parks and Recreation Department: Self-Evaluation Findings

- Some Parks and Recreation Department staff have received ADA training at conferences and workshops. However, staff have not received training on the City's ADA policies and procedures.
- The Parks and Recreation Department defers to the City for ADA grievances for Title I and Title II.
- The Parks and Recreation Department defers to the City for ADA reasonable accommodation/modification policy, procedure, or form for Title I and Title II.

Parks and Recreation Department: Self-Evaluation Findings (cont.)

- The Parks and Recreation Department does not have a written alternate format policy, procedure or request form for providing access to existing Parks and Recreation Department documents. However, staff are instructed to provide assistance to anyone that may need alternate formats.
- The Parks and Recreation Department does not have guidance in place to assist staff in making modifications to a program, service, or activity offered by the Parks and Recreation Department. However, the Parks and Recreation Department does provide accommodations on a case-by-case basis in addition to offering programs specifically designed for individuals with disabilities.
- The Parks and Recreation Department does not maintain logs regarding ADA complaints and requests for accommodations/modifications.
- The Parks and Recreation Department does not have a written maintenance policy and procedure, but there is a dedicated line item in the budget to assist with ADA compliance.
- The Parks and Recreation Department does not have a written out-of-order policy. However, staff are advised to check for issues on the regular basis.
- The Parks and Recreation Department utilizes the Special Event Application Handbook to provide guidelines for special events. However, the handbook does not contain a non-discrimination statement nor does it contain information on making sure events are ADA compliant.
- The Parks and Recreation Department does not have ADA language in their contracts, agreements, and waivers used for department programs, services, and activities.

Parks and Recreation Department: Possible Solutions

- The Parks and Recreation Department staff should attend annual ADA specific training regarding Title I and Title II. This training should include policies and procedures developed from this transition planning process, employee rights and obligations regarding employment-related training. While training is not a specific ADA requirement, as a Title II entity, the City is obligated to provide equal access to programs, services, and activities. Furthermore, this training would provide individuals with the tools needed to achieve ADA compliance. See **Section 3.1.11.5 Training Program Review**.
- The Parks and Recreation Department should defer to the City's ADA grievance policy, procedure, and form with appeals process for Title I and Title II. See **Section 3.1.5 ADA Grievance Policy, Procedure, and Form with Appeals Process for the ADA**.
- The Parks and Recreation Department should defer to the City's ADA reasonable accommodation/modification policy, procedure, and form for Title I and Title II. See **Section 3.1.6 Reasonable Accommodation and Modification Policy, Procedure, and Request Form**.
- The City should develop an alternate format policy and procedure for providing access to Parks and Recreation Department documents. See **Section 3.1.20 Alternate Format Policy, Procedure, and Request Form**.

Parks and Recreation Department: Possible Solutions (cont.)

- The Parks and Recreation Department should develop and use specific ADA checklists or guidance to assist staff in making modifications to a program, service, or activity offered the by Parks and Recreation Department. These checklists or guidance should include information regarding the Americans with Disabilities Act Accessibility Guidelines (ADAAG). While this is not a specific ADA requirement, the City is obligated to provide equal access to programs, services, and activities and this guidance would provide the Parks and Recreation Department staff with the necessary tools to achieve ADA compliance.
- The Parks and Recreation Department should maintain a log for all concerns and complaints as well as develop a procedure to refer any access or ADA complaints received to the City's ADA/504 Coordinator.
 - Logs for Title I shall be confidential and should include an internal complaint number, extensive details about the complaint and process, as well as details regarding the resolution.
 - Logs for Title II shall be confidential and should include an internal complaint number, extensive details regarding the complaint and process, which would include locations and pictures, and details regarding the complaint resolution.
- The Parks and Recreation Department should develop a maintenance policy and procedure or guidelines to assist City staff in maintaining ADA elements in ADA compliance. While this policy and procedure or guidance is not a specific ADA requirement, as a Title II entity, the City is obligated to provide ADA elements that are readily accessible and maintained in an accessible manner. This policy and procedure or guidelines would provide guidance to employees and the tools needed to achieve ADA compliance.
- The Parks and Recreation Department should develop a written out-of-order policy and procedure or guidelines to assist City staff in maintaining ADA elements in ADA compliance. While this policy and procedure or guidance is not a specific ADA requirement, as a Title II entity, the City is obligated to provide ADA elements that are readily accessible and maintained in an accessible manner. Having a written policy allows employees to be provided the same information and guidance as it pertains to ADA compliance.
- The Parks and Recreation Department should update the Special Event Application Handbook to contain the City's non-discrimination statement and ADA-specific guidelines for special events. While including ADA guidelines is not a specific ADA requirement, the City is obligated to provide equal access to programs, services, and activities. These guidelines will provide guidance the tools needed for employees and event hosts to achieve ADA compliance events. See **Section 3.1.9 Non-Discrimination Language**. The Mid-Atlantic ADA Center provides event guidance here: <https://www.adainfo.org/content/access-events-article>.
- The Department should develop and use guidance to include language within Parks and Recreation Department contracts and agreements that clarify the City's obligations and responsibilities under the ADA. See **Section 3.1.9 Non-Discrimination Language**.

Planning Department

Planning Department: Self-Evaluation Findings

- Planning Department staff have attended planning conferences and trainings that encompassed ADA compliance. However, staff have not received training on the City's ADA policies and procedures.
- The Planning Department does not have a written alternate format policy, procedure or request form for providing access to existing Planning Department documents, but every effort is made to provide assistance.
- The Planning Department does not maintain logs regarding ADA complaints and requests for accommodations/modifications.

Planning Department: Possible Solutions

- Planning Department staff should attend annual ADA-specific training regarding Title I and Title II. This training should include policies and procedures developed from this transition planning process and employee rights and obligations under the ADA. While training is not a specific ADA requirement, as a Title II entity, the City is obligated to provide equal access to programs, services, and activities. Furthermore, this training would provide individuals with the tools needed to achieve ADA compliance. See **Section 3.1.11.5 Training Program Review**.
- The City should develop an alternate format policy and procedure for providing access to Department documents. See **Section 3.1.20 Alternate Format Policy, Procedure, and Request Form**.
- The Planning Department should maintain a log for all concerns and complaints as well as develop a procedure to refer any access or ADA complaints received to the City's ADA/504 Coordinator.
 - Logs for Title I shall be confidential and should include an internal complaint number, extensive details about the complaint and process, as well as details regarding the resolution.
 - Logs for Title II shall be confidential and should include an internal complaint number, extensive details regarding the complaint and process, which would include locations and pictures, and details regarding the complaint resolution.

Police Department

Police Department: Self-Evaluation Findings

- Police Department staff is not required to attend annual ADA-specific training.
- Police Department staff are aware of the ADA/504 Coordinator Liaison for the Police Department. However, it is not clear if they are aware of the City's ADA/504 Coordinators.
- The Police Department has a formal complaint process in place, but there is not a specific ADA grievance policy, procedure, and form with appeals process in place for Title I or Title II.
- The Police Department will provide alternate formats at no additional costs. However, it is not clear if there is an alternate format policy, procedure or request form in place.

Police Department: Self-Evaluation Findings (cont.)

- The Police Department does utilize resources, such as the Language Line, when dealing with individuals with disabilities, but no written guidelines are in place regarding assisting individuals with disabilities.
- The Police Department does maintain investigative reports and complaint logs. However, the logs are not specific to ADA complaints (Title I and Title II) and requests for accommodations and modifications. In addition, the Police Department does not have a policy and procedure to report ADA compliance issues to the ADA/504 Coordinators.
- The Police Department does not have written guidelines in place regarding ADA compliance for special events.
- It is not clear if the Police Department has a volunteer or reserve program that provides specific services to the community.

Police Department: Possible Solutions

- Police Department staff should attend annual ADA-specific training. This training should include how to interact with individuals with disabilities, adopted ADA policies and procedures, service animals, handling the property of individuals with disabilities, etc. While training is not a specific ADA requirement, as a Title II entity, the City is obligated to provide equal access to programs, services, and activities. This training would guide employees regarding their rights and obligations under the ADA and the tools needed to achieve ADA compliance. See **Section 3.1.11.5 Training Program Review**.
- Police Department staff should be made aware of the City's ADA/504 Coordinator and provided contact information. See **Section 3.1.2 ADA/504 Coordinator (Title I/Title II)**.
- The Police Department should modify their complaint process to include information and reference links to the City's ADA grievance policy, procedure, and form with appeals process for Title I and II. See **Section 3.1.5 ADA Grievance Policy, Procedure, and Form with Appeal Process**.
- The Police Department should defer to the adopted city-wide alternate format policy, procedure, and request form. Information on the alternate format policy, procedure, and request form should also be incorporated into the Police Department's Standard Operating Procedure 6.2 Police Records. See **Section 3.1.20 Alternate Format Policy, Procedure, and Request Form**.
- The Police Department should develop written ADA-specific guidelines to assist individuals with disabilities. While these guidelines are not a specific ADA requirement, the City is obligated to provide equal access to programs, services, and activities. These guidelines would provide guidance to employees and provide the tools needed to achieve ADA compliance.
- The Police Department should maintain a log for all concerns and complaints as well as develop a procedure to refer ADA complaints received to the City's ADA/504 Coordinators.
 - Logs for Title I shall be confidential and should include an internal complaint number, extensive details about the complaint and process, as well as details regarding the resolution.

Police Department: Possible Solutions (cont.)

- Logs for Title II shall be confidential and should include an internal complaint number, extensive details regarding the complaint and process, which would include locations and pictures, and details regarding the complaint resolution.
- The Police Department should develop ADA-specific guidelines for special events. While these guidelines are not a specific ADA requirement, the City is obligated to provide equal access to programs, services, and activities. These guidelines would provide guidance to employees and provide the tools needed to achieve ADA compliance. The Mid-Atlantic ADA Center provides event guidance here: <https://www.adainfo.org/content/access-events-article>.
- It is recommended that a complete review for ADA compliance be conducted of any Police Department volunteer or reserve program.

Police Department General Orders: Self-Evaluation Findings

- General Order 1.4, Section 1.4.3:
 - This section outlines expectations of conduct, but it does not include the City's non-discrimination statement.
- General Order 1.09:
 - This order outlines the discipline and employee misconduct process. This section also includes the Hendersonville Police Department Notice of Departmental Hearing Form which contains a statement, "you are not to intimidate or have another employee intimidate potential witnesses". However, the policy nor the form includes information on the City's retaliation and coercion policy.
- General Order 1.10:
 - This order outlines the Police Department's social media policy. The policy does include guidance on the use of social media for the City. However, this guidance does not include information regarding ensuring social media use and content is ADA compliant.
- General Order 1.22:
 - This order provides guidance on the light duty policy. Section 1.22.3 states the policy does not impact the privileges of an employee under the Americans with Disabilities Act, but it does not provide information on requesting a reasonable accommodation.
- General Order 2.01:
 - This order addresses the Police Department's uniform, equipment, and grooming standards. However, the order does not provide information on how to request a reasonable accommodation if the employee is unable to meet Police Department standards.
- General Order 3.05, Section 3.05.3, 6. Restrictions on Use:
 - This section provides restrictions for the use of Taser on obviously elderly persons, young children, or those who are obviously pregnant. However, individuals with disabilities are not included in the list of restrictions.

Police Department General Orders: Self-Evaluation Findings (cont.)

- General Order 4.07:
 - This order outlines the Police Department's property handling procedures. However, no information is provided regarding the ADA, handling personal use devices, or service animals.
- General Order 4.13:
 - This order provides guidelines on the Police Department's secondary employment policy. However, the policy does not contain a non-discrimination statement.
- General Order 6.2:
 - This order addresses police records. However, there are no guidelines or information on how to produce alternate formats of records.
- General Order 6.19:
 - This order outlines the recruit training process including exams. However, no information is provided on requesting a reasonable accommodation for trainings or exams.
- General Order 7.03:
 - This order outlines the reserve police officer program. However, the order does not contain a consistent city-wide non-discrimination statement and information on how to request a reasonable accommodation.
- General Order 7.5:
 - This order outlines the duties, procedures and selection of the hostage negotiation team. However, the order does not contain the City's non-discrimination statement.
- General Order 7.12:
 - This order outlines the chaplaincy program selection and operating procedures. However, the order does not contain the City's non-discrimination statement.
- General Order 7.13:
 - This order outlines the duties, procedures and selection of the flex team. However, the order does not contain the City's non-discrimination statement.

Police Department General Order: Possible Solutions

- General Order 1.4, Section 1.4.3:
 - This section should be revised to include the City's non-discrimination statement. See **Section 3.1.9 Non-Discrimination Language**.
- General Order 1.09:
 - This order should be revised to provide information on the City's retaliation and coercion policy. In addition, the Hendersonville Police Department Notice of Department Hearing Form should be revised to state, "you are not to intimidate or have another employee intimidate potential witnesses per the City's retaliation and coercion policy". See **Section 3.1.11.2 Retaliation or Coercion Policy**.

Police Department General Order: Possible Solutions (cont.)

- General Order 1.10:
 - This order should be revised to include guidelines for City staff to use and achieve ADA accessibility in all City social media applications. The policy and procedure should provide the following information:
 - An accessibility statement that states that all City-managed social media sites meet the City's web accessibility policy. This statement should also provide a link to the City adopted web accessibility policy under Section 508 of the Rehabilitation Act;
 - Alternate ways to contact the City;
 - Ensure that all posted images, videos, and audio files include the link back to the web page that contains the image, video or audio with full caption or transcript options;
 - Avoid acronyms, abbreviations, and text shortcuts;
 - Ensure platforms provides keyboard shortcuts for keyboard-only users;
 - If the post is linking to a pdf document, confirm that the pdf is accessible; and
 - For blogs, confirm proper HTML markup is used such as headings, paragraphs, and lists to help orient users and confirm clarity of content.

While a social media platform policy and procedure is not a specific ADA requirement, it is strongly recommended that the City develop this policy and procedure to combine with information and technology policies and procedures to achieve ADA compliance with Section 508 of the Rehabilitation Act. Digital Gov provides a Federal Social Media Accessibility Toolkit here: <https://digital.gov/resources/federal-social-media-accessibility-toolkit-hackpad/>.

- General Order 1.22, Section 1.22.3:
 - This section should be revised to provide information on how an employee can request a reasonable accommodation under the ADA. See **Section 3.1.6 Reasonable Accommodation/Modification Request Policy, Procedure, and Request Form**.
- General Order 2.01:
 - This order should be revised to provide information on requesting a reasonable accommodation if an employee is unable to meet the Police Department's uniform, equipment, and grooming standards. See **Section 3.1.6 Reasonable Accommodation/Modification Request Policy, Procedure, and Request Form**.
- General Order 3.05, Section 3.05.3, 6. Restrictions on Use:
 - The list of restrictions should be revised to include language for individuals that are obviously disabled.
- General Order 4.07:

This order should be revised to include property handling procedures of personal use devices for individuals with disabilities. In addition, a reference to General Order 4.12.5 should be added as it outlines the Police Department's procedures for dealing with service animals.
- General Order 4.13, Section 4.13.6, Number 17:
 - This section should be revised to include the City's non-discrimination statement. See **Section 3.1.9 Non-Discrimination Language**.

Police Department General Order: Possible Solutions (cont.)

- General Order 6.2:
 - This order should be revised to include information on how to produce records in alternate formats. See **Section 3.1.20 Alternate Format Policy, Procedure, and Request Form.**
- General Order 6.19:
 - This order should be revised to provide information on requesting reasonable accommodations for trainings and exams. See **Section 3.1.6 Reasonable Accommodation/Modification Request Policy, Procedure, and Request Form.**
- General Order 7.03:
 - This order should be revised to include the City's non-discrimination statement in Section 7.03.3. Information on how to request a reasonable accommodation should also be added to Section 7.03.7. See **Section 3.1.9 Non-Discrimination Language** and **Section 3.1.6 Reasonable Accommodation/Modification Request Policy, Procedure, and Request Form.**
- General Order 7.5, Section 7.5.10:
 - This Section should be revised to include the City's non-discrimination statement. See **Section 3.1.9 Non-Discrimination Language.**
- General Order 7.12, Section 7.12.3:
 - This section should be revised to include the City's non-discrimination statement. See **Section 3.1.9 Non-Discrimination Language.**
- General Order 7.13, Section 7.13.5:
 - This section should be revised to include the City's non-discrimination statement. See **Section 3.1.9 Non-Discrimination Language.**

Public Works Department

Public Works Department: Self-Evaluation Findings

- The City's Traffic Engineer and Interim Public Works Director have attended training regarding ADA compliance. However, Public Works Department staff as a whole have not received training on the City's ADA policies.
- The Public Works Department does not have an alternate format policy, procedure or request form in place.
- The Public Works Department is aware of the Joint Technical Assistance Memo regarding Title II of the ADA requirements to provide curb ramps when streets, roads, or highways are altered through resurfacing, but has not developed guidelines to implement this memo on projects other than Tennessee Department of Transportation projects.
- The Public Works Department uses design consultants which are required to achieve ADA compliance. However, the City does not provide consultants with specific guidance or expectations to design accessible elements in compliance with the ADA.
- ADA checklists are not used to determine ADA compliance.

Public Works Department: Self-Evaluation Findings (cont.)

- The Public Works Department does not use ADA checklists or have specific guidance in place to confirm public events are ADA compliant.
- The Public Works Department is responsible for administering contracts for services the Public Works Department oversees. However, the Public Works Department is not sure if ADA language is included in their contracts, agreements, and waivers used for their programs, services, and activities.
- The Public Works Department does not have a maintenance policy and procedure or guidelines in place but strives to resolve issues within a week.
- The Public Works Department does not have an out-of-order policy and procedure or guidelines in place.
- The Public Works Department does not maintain a complaint logs that track complaints.

Public Works Department: Possible Solutions

- The Public Works Department staff should attend annual ADA specific training regarding Title I and Title II. This training should include policies and procedures developed from this transition planning process, employee rights and obligations regarding employment-related training, as well as training for ADA elements within the public rights-of-way. While training is not a specific ADA requirement, as a Title II entity, the City is obligated to provide equal access to programs, services, and activities. Furthermore, this training would provide individuals with the tools needed to achieve ADA compliance. See **Section 3.1.11.5 Training Program Review**.
- The City should develop an alternate format policy and procedure for providing access to Department documents. See **Section 3.1.20 Alternate Format Policy, Procedure, and Request Form**.
- The Public Works Department should utilize the Joint Technical Assistance Memo regarding Title II of the ADA requirements (https://www.fhwa.dot.gov/civilrights/programs/doj_fhwa_ta.cfm) to provide curb ramps when streets, roads, or highways are altered through resurfacing. This guidance from the U.S. Department of Justice should be incorporated into City operations and existing or adopted policies and procedures so that past and present projects are being altered in ADA compliance.
- The Public Works Department should develop ADA-specific requirements for design consultants to follow when working on a project that includes ADA elements. These requirements should include training on the Proposed Guidelines for Pedestrian Facilities in the Public Right-of-Way (PROWAG) and City expectations. While this is not an ADA-specific requirement, this is recommended to help consultants take responsibility for designing accessible elements within the City in ADA compliance.
- The Public Works Department should develop and use checklists to achieve ADA compliance. While this is not a specific ADA requirement, this checklist would benefit the City by ensuring that all meeting locations are accessible to the public.

Public Works Department: Possible Solutions (cont.)

- The Public Works Department should develop and utilize specific ADA checklists or guidance to confirm that all public events are ADA compliant. These checklists or guidance should include information regarding event operations and facility compliance. While this is not a specific ADA requirement, the City is obligated to provide equal access to programs, services, and activities and this guidance would provide staff with the necessary tools to achieve ADA compliance. The Mid-Atlantic ADA Center provides event guidance here: <https://www.adainfo.org/content/access-events-article>.
- The Public Works Department, in conjunction with the City Attorney, should develop guidance and language to be included within Department contracts and agreements that clarify the City's obligations and responsibilities under the ADA. See **Section 3.1.9 Non-Discrimination Language**.
- The Public Works Department should develop a maintenance policy and procedure or guidelines to assist City staff in maintaining ADA elements in ADA compliance. While the development of this policy and procedure or guidance is not a specific ADA requirement, as a Title II entity, the City is obligated to provide ADA elements that are readily accessible and maintained in an accessible manner. This policy and procedure or guidelines will provide guidance to employees and the tools needed to achieve ADA compliance.
- The Public Works Department should develop an out-of-order policy and procedure or guidelines to assist City staff in ensuring that ADA elements are repaired and in working condition in a timely manner. While the development of this policy and procedure or guidance is not a specific ADA requirement, as a Title II entity, the City is obligated to provide ADA elements that are readily accessible and in working order. This policy and procedure or guidelines will provide guidance to employees and the tools needed to achieve ADA compliance.
- The Public Works Department should develop and maintain ADA complaint logs.
 - Logs for Title I shall be confidential and should include an internal complaint number, extensive details about the complaint and process, as well as details regarding the resolution.
 - Logs for Title II shall be confidential and should include an internal complaint number, extensive details regarding the complaint and process, which would include locations and pictures, and details regarding the complaint resolution.

3.1.2 ADA/504 Coordinator (Title I / Title II)

Under the ADA Title II, when a public entity has 50 or more employees based on an entity-wide employee total count, the entity is required to designate at least one (1) qualified responsible employee to coordinate compliance with ADA requirements. The name, office address, and telephone number of this individual must be available and advertised to employees and the public. This allows for someone to assist with questions and concerns regarding disability discrimination to be easily identified.

ADA/504 Coordinator: Self-Evaluation Findings

The City of Hendersonville has appointed Chris Taylor as ADA/504 Coordinator for Title I and Elizabeth Rickman-Vaden as the ADA/504 Coordinator for Title II. The contact information is provided on the following page. However, only the Title II ADA/504 Coordinator's information is found published on the City's website or in other City documents.

Title I:

Chris Taylor, ADA/504 Coordinator
101 Maple Drive North
Hendersonville, TN 37075
Phone: 615-264-5314
Fax: 615-264-5353
Tennessee Relay: 7-1-1
ctaylor@hvilletn.org

Title II:

Elizabeth Rickman-Vaden, ADA/504 Coordinator
101 Maple Drive North
Hendersonville, TN 37075
Phone: 615-822-1016
Fax: 615-264-5351
Tennessee Relay: 7-1-1
erickman-vaden@hvilletn.org

ADA/504 Coordinator: Possible Solutions

Both ADA/504 Coordinators' information should be prominently displayed in common areas that are accessible to all employees and areas open to the public. Also, the ADA/504 Coordinators' contact information must be included in all information that is distributed by the City. This includes posting this information on the website.

3.1.3 Roles and Responsibilities of the ADA/504 Coordinators

Below is a list of qualifications for ADA/504 Coordinators that are recommended by the U.S. Department of Justice:

- Familiarity with the entity's structures, activities, and employees;
- Knowledge of the ADA and other laws addressing the rights of people with disabilities, such as Section 504 of the Rehabilitation Act;
- Experience with people with a broad range of disabilities;
- Knowledge of various alternative formats and alternative technologies that enable individuals with disabilities to communicate, participate, and perform tasks;
- Ability to work cooperatively with local entities and people with disabilities;
- Familiarity with any local disability advocacy groups or other disability groups;
- Skills and training in negotiation and mediation; and
- Organizational and analytical skills.

Roles and Responsibilities of the ADA/504 Coordinators: Self-Evaluation Findings

No information regarding the roles and responsibilities of the ADA/504 Coordinators is provided on the City's website or in City documents.

Roles and Responsibilities of the ADA/504 Coordinators: Possible Solutions

The City should document the roles and responsibilities of the ADA/504 Coordinators. These roles and responsibilities should be consistent with the Department of Justice's guidance for "An Effective ADA Coordinator" (<https://www.ada.gov/pcatoolkit/chap2toolkit.htm>).

3.1.4 ADA Liaison Committee

The ADA Liaison Committee is comprised of representatives from each City department. These individuals work closely with the ADA/504 Coordinators to resolve issues regarding the needs of their department and the programs under their management. The ADA/504 Coordinators work closely with the ADA Liaison Committee to coordinate the implementation of plans, programs, policies, and procedures.

ADA Liaison Committee: Self-Evaluation Findings

- The City of Hendersonville has established an ADA Liaison Committee and is comprised of various representatives, but not from each City department.

ADA Liaison Committee: Possible Solutions

- The City's ADA Liaison Committee should be comprised of a representative from each City department and should meet periodically to confirm the City is practicing good faith efforts to achieve ADA compliance. The Committee representatives should be tasked with serving as the ADA contact for their department and will consult with the ADA/504 Coordinators regarding all ADA issues impacting their department. Each representative is responsible for keeping a detailed log for all ADA inquiries within their department. This log shall be shared with the ADA/504 Coordinators and shall be retained for at least three (3) years.
- The ADA Liaison Committee information should be publicized in common areas that are accessible to employees and areas open to the public. This includes posting this information on the City website.

3.1.5 ADA Grievance Policy, Procedure, and Form with Appeals Process for the ADA

Title I

Title I of the ADA prohibits private employers, state and local governments, employment agencies, and labor unions from discriminating against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training, and other terms, conditions, and privileges of employment. The ADA covers employers with 15 or more employees based on an entity-wide employee total count, including state and local governments.

The purpose of the ADA grievance procedure is to provide a mechanism for the resolution of discrimination issues at the City level, rather than require the complainant to resort to resolution at the federal level.

ADA Grievance Policy, Procedure, and Form with Appeals Process for the ADA (Title I): Self-Evaluation Findings

- The City has a Title II ADA grievance policy, procedure, and form on their website. The policy mentions a separate complaint procedure for Title I. However, no information regarding a Title I ADA grievance policy, procedure, and form with appeals process was found.
- The City does not maintain logs regarding ADA complaints and requests for accommodations or modifications.

Grievance Policy, Procedure, and Form with Appeals Process for the ADA (Title I): Possible Solutions

- An ADA grievance policy, procedure, and form with appeals process for Title I was developed as a part of this transition planning process. These documents should be adopted city-wide, posted on the City's website, and publicized in common areas that are accessible to all employees and areas open to the public. See **Appendix C** for a copy of the policy, procedure, and form.
- The City should maintain an ADA complaint log and develop a procedure to refer any access or ADA complaints received to the City's ADA/504 Coordinator.
 - Logs for Title I shall be confidential and should include an internal complaint number, extensive details about the complaint and process, as well as specific details regarding the resolution.

Title II

Local governments with 50 or more employees are required to adopt and publish procedures for resolving grievances in a prompt and fair manner that may arise under Title II of the ADA.

ADA Grievance Policy, Procedure, and Form with Appeals Process for the ADA (Title II): Self-Evaluation Findings

- The City's website contains an ADA grievance policy, procedure, and form for Title II of the ADA. However, the policy is not clear if the grievance should be filed with the Mayor, City Administrator, or ADA/504 Coordinator. In addition, the time frames provided in the policy and procedure are not what is recommended by the U.S. Department of Justice.
- The City does not maintain logs regarding ADA complaints and requests for accommodations or modifications.

ADA Grievance Policy, Procedure, and Form with Appeals Process for the ADA (Title II): Possible Solutions

- A revised ADA grievance policy, procedure, and form with appeals process for Title II was developed as a part of this transition planning process. These documents should be adopted city-wide, posted on the City's website, and publicized in common areas that are accessible to all employees and areas open to the public. See **Appendix C** for a copy of the policy, procedure, and form.
- The City should maintain an ADA complaint log and develop a procedure to refer any access or ADA complaints received to the City's ADA/504 Coordinator.
 - Logs for Title II shall be confidential and should include an internal complaint number, extensive details regarding the complaint and process, which would include locations and pictures, and details regarding the complaint resolution.

Section 508 of the Rehabilitation Act

Section 508 of the Rehabilitation Act of 1973 requires that all electronic and information technologies developed and used by any federal government agency must be accessible to individuals with disabilities. This includes websites, video and audiotapes, electronic books, televised programs, and other such media. Individuals with disabilities may still have to use special hardware and/or software to access the resources. This law pertains to the federal government. However, each state can adopt these regulations for state use. The State of Tennessee has not officially adopted these technology requirements. However, the City of Hendersonville should utilize the State's stance on website and other digital media policies and procedures. The State of Tennessee Electronic and Information Technology (EIT) accessibility statement can be found here: <https://www.tn.gov/web-policies/accessibility.html>.

ADA Grievance Policy, Procedure, and Form with Appeals Process for Section 508 of the Rehabilitation Act: Self-Evaluation Findings

- No information was found regarding the City's Section 508 of the Rehabilitation Act policy, procedure, and form with appeals process.
- The City does not maintain logs regarding ADA complaints and requests for accommodations or modifications.

ADA Grievance Policy, Procedure, and Form with Appeals Process for Section 508 of the Rehabilitation Act: Possible Solutions

- The City should develop an ADA grievance policy, procedure, and form with appeals process for Section 508 of the Rehabilitation Act. The form should include the complainant's contact information, description of the electronic and information technology in question, and specific details regarding the non-conforming aspects and remedy that is being requested. The policy, procedure, and form with appeals process should be adopted city-wide, posted on the City's website, and publicized in common areas that are accessible to all employees and the public.
- The City should maintain an ADA complaint log. This log shall be confidential and should include an internal complaint number, details about the complaint, and details regarding the resolution.

3.1.6 Reasonable Accommodation/Modification Request Policy, Procedure, and Request Form

Title I

The reasonable accommodation request process plays a very important role when ensuring that the City of Hendersonville does not discriminate based on a disability. A reasonable accommodation is any modification to a job, the work environment, or the way things are usually done that allows an individual with a disability to apply for a job, perform job functions, or enjoy equal access to benefits available to other individuals in the workplace.

Reasonable Accommodation Request Policy, Procedure, and Request Form (Title I): Self-Evaluation Findings

- A reasonable accommodation policy and procedure was not located on the City's website or in City-provided documents. However, the City has a reasonable accommodation request form on the City's website. This form is labeled for applicants and is not inclusive to all forms of Title I requests such as a current employee requesting an accommodation. The form also directs applicants to submit the form to the Public Works Department which can

be misleading in that requests can only be submitted for Public Works positions. The form also contains incorrect contact information for the City's ADA/504 Coordinator.

- The City does not maintain logs regarding ADA complaints and requests for accommodations or modifications.

Reasonable Accommodation Request Policy, Procedure, and Request Form (Title I): Possible Solutions

- The City should develop a reasonable accommodation request policy and procedure. This policy and procedure should describe the reasonable accommodation process, details on how to file a request, and participating in the interactive process. In addition, the reasonable accommodation request form should be revised to reflect that it is for Title I accommodation requests and not specific to applicants, remove references to the Public Works Department, and add the contact information for the City's Title I ADA/504 Coordinator. The request form should include the requestor's contact information, type of accommodation being requested, and specific details regarding the need for a reasonable accommodation. The Equal Employment Opportunity Commission provides enforcement guidance for reasonable accommodation and undue hardship under the ADA here: <https://www.eeoc.gov/policy/docs/accommodation.html>.
- The City should maintain a reasonable accommodation request log. This log shall be confidential and should include an internal complaint number, details about the complaint, and specifics regarding the resolution.

Title II

The reasonable modification request process allows an individual from the public to request a modification that will provide equal access to any City program, service, and/or activity. A public entity must reasonably modify its policies, practices, or procedures to avoid discrimination unless the modification will fundamentally alter the nature of its program, services, or activity.

Reasonable Modification Request Policy, Procedure, and Request Form (Title II): Self-Evaluation Findings

- No reasonable modification request policy, procedure, and request form is provided on the City's website or in City documents. However, the City does direct individuals to submit modification requests using the Applicant Accommodation Request Form. This form is not inclusive to all Title II modification requests as it implies modifications can only be requested during the employment process.
- The City does not maintain logs regarding ADA complaints and requests for accommodations or modifications.

Reasonable Modification Request Policy, Procedure, and Request Form (Title II): Possible Solutions

- The City should develop a stand-alone reasonable modification request policy, procedure, and form. This policy and procedure should describe the reasonable modification process, details on how to file a request, and participating in the interactive process. The request form should include the requestor's contact information, type of modification being requested, and specific details regarding the need for a reasonable modification. The U.S. Department of Justice provides guidance for reasonable modifications here: <https://www.ada.gov/taman2.html>.
- The City should maintain an ADA request log. This log shall be confidential and should include an internal complaint number, details about the complaint, and specifics regarding the resolution.

3.1.7 Service Animal Guidance

A reasonable accommodation is any modification or adjustment to a job or the work environment that will enable a qualified applicant or employee with a disability to participate in the application process or to perform essential job functions. A reasonable accommodation also includes any modification or adjustment to a provided program, service, or activity that the entity provides to achieve accessibility for the public. A reasonable accommodation may also include the use of a service animal. Service animals are used for a variety of reasons, so each accommodation request and modification may be different.

Service Animal Guidance: Self-Evaluation Findings

- No information was found regarding service animal guidance for requests for reasonable accommodations or modifications from qualified applicants, employees, or the public.

Service Animal Guidance: Possible Solutions

The City should develop city-wide guidance for staff to reference when dealing with service animals as reasonable accommodations or modifications for applicants, employees, and the public. Each City department should integrate this guidance into their department-specific standard operating procedures. In doing so, this policy and procedure should be customized to fit each department's situations and provide guidance as to when a service animal is an effective reasonable accommodation or modification.

- The U.S. Equal Employment Opportunity Commission created enforcement guidance for Reasonable Accommodations and undue hardship under the ADA (<https://www.eeoc.gov/policy/docs/accommodation.html>).
- The U.S. Department of Justice created a publication providing guidance on service animals and the ADA: U.S. Department of Justice Service Animal Guidance (https://www.ada.gov/service_animals_2010.htm).

3.1.8 Public Notice Under the ADA

The ADA public notice requirement applies to all state and local governments covered by Title II, including entities with fewer than 50 employees. The target audience for the public notice includes applicants, beneficiaries, and other people interested in the entity's PSAs. This notice is required to include information regarding Title II of the ADA and how it applies to the PSAs of the public entity. Publishing and publicizing the ADA notice is not a one-time requirement. State and local government entities should provide the information on an ongoing basis, whenever necessary.

Public Notice Under the ADA: Self-Evaluation Findings

The City has a public notice that appears to comply with the U.S. Department of Justice guidance. However, this notice is labeled only as a public notice on the website and not labeled as the Public Notice under the ADA. The Title I ADA/504 Coordinator's information is not provided in the document, and the ADA/504 Coordinator's title is not what is recommended.

Public Notice Under the ADA: Possible Solutions

A revised Public Notice Under the ADA was developed as part of this transition planning process. This notice should be adopted by the City, posted on the web, and publicized in common areas that are accessible to all employees and areas open to the public. See **Appendix C** for a copy of the Public Notice Under the ADA.

3.1.9 Non-Discrimination Language

All public entities must endeavor that no qualified individuals with disabilities be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program, service, or activity administered by that entity. A complete list of documents and forms reviewed is provided in **Appendix D**.

Public entities should develop the following:

- 1) Non-Discrimination Statement Policy, which documents the requirement to include a non-discrimination statement in any City publication or document distributed to employees or to the public.
- 2) Non-Discrimination Contract Clause, which documents the requirement to include a non-discrimination clause in all funding agreements that the City employs to pass federal funds to other agencies, entities, or municipalities, but not contractors.
- 3) Non-Discrimination Language for Non-federally Funded Contracts, Agreements and Waivers, which clarifies ADA obligations for both parties.

Non-Discrimination Statement Policy

Non-Discrimination Statement Policy: Self-Evaluation Findings

- Several different variations of non-discrimination statements were found. However, none of the statements found are consistent or used city-wide.

Non-Discrimination Statement Policy: Possible Solutions

- The City should develop a consistent standardized city-wide non-discrimination statement for Title I - employment activities and Title II - programs, services, and activities administered by the City. These statements should include language that provides contact information for the ADA/504 Coordinators regarding an accommodation, modification, or alternate formats. While these statements are not a specific ADA requirement, the U.S. Department of Justice (DOJ) requires that all Title II entities adopt and distribute a public notice about the relevant provisions of the ADA to all people who may be interested in its programs, services, and activities. It is recommended to put a non-discrimination statement in all information distributed by the City to comply with 28 CFR 35.106: https://www.ada.gov/regs2010/titleII_2010/titleII_2010_regulations.htm#a35106.
- The City should incorporate both non-discrimination statements into a stand-alone policy that provides guidance to City staff on the application of non-discrimination statements for Title I and Title II. This policy should be accessible to all employees and used in City materials that are distributed by the City.

Non-Discrimination Contract Clause

Non-Discrimination Contract Clause: Self-Evaluation Findings

- No information regarding a non-discrimination contract clause was found on the City's website or in City provided documents.

Non-Discrimination Contract Clause: Possible Solutions

- The City should develop a consistent non-discrimination contract clause. This clause should include language within applicable City contracts that would endeavor that no person or groups of persons shall, on the grounds of race, color, sex, religion, national origin, age, disability, retaliation, or genetic information, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in all City programs, services, or activities. While this clause is not a specific ADA requirement, the U.S. Department of Justice (DOJ) requires that all Title II entities adopt and distribute a public notice about the relevant provisions of the ADA to all people who may be interested in its programs, services, and activities. It is recommended to put a non-discrimination contract clause in all funding agreements that are funded by federal funds to comply with 28 CFR 35.106: https://www.ada.gov/regs2010/titleII_2010/titleII_2010_regulations.htm#a35106.
- The City should develop staff guidance regarding the application of a non-discrimination contract clause. This policy would only be accessible to applicable City staff who may initiate federally funded contracts or any joint use agreements with other entities.

Non-Discrimination Language for Contracts, Agreements, and Waivers

Non-Discrimination Language for Contracts, Agreements, and Waivers: Self-Evaluation Findings

- All documents reviewed did not contain ADA language that would clarify ADA responsibilities and obligations.

Non-Discrimination Language for Contracts, Agreements, and Waivers: Possible Solutions

- The City should develop guidelines to assist the appropriate staff in writing non-discrimination language to be included in all City contracts and agreements. This non-discrimination language would need to be assessed by legal counsel on a case-by-case basis. These guidelines shall include language that clarifies responsibilities regarding ADA maintenance, alterations, and construction.

3.1.10 Responsibility/Acceptance Disclaimer for other Entities' Links, Forms, Documents, and Videos

Under the ADA, a public entity is responsible for providing ADA accessible alternate formats, including any documents or information that is distributed by the City of Hendersonville obtained from another entity. For example, there is a link to an external site on City's website that leads to additional information. However, it may not be feasible for the City to obtain the original from the source to create an alternate format. Therefore, the City should add a disclaimer where external sources are referenced stating that the City of Hendersonville is not responsible for ADA compliance of external content, and any requests for alternate formats of external content should be directed to the source entity.

Responsibility/Acceptance Disclaimer for other Entities' Links, Forms, Documents, and Videos: Self-Evaluation Findings

- The City has a disclaimer statement that indicates you are leaving the City's website and they are not responsible for the content of external sites. However, the statement does not mention ADA compliance or to contact the source entity for alternate formats if they are needed.

Responsibility/Acceptance Disclaimer for other Entities' Links, Forms, Documents, and Videos: Possible Solutions

- The City should modify the disclaimer statement to communicate the City's perspective on ADA compliance regarding content on another entity's site, links, forms, documents, and videos that are represented on the City's website. In addition to this statement appearing when leaving the City's website, it should be posted on the website and publicized in common areas that are accessible to all employees and areas open to the public.

3.1.11 Employment Practices Review

All public entities must endeavor that no qualified individual with disabilities be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program, service, or activity administered by that entity, including employment. Public entities must provide an equal opportunity for employment.

The City of Hendersonville Personnel Rules and Regulations, employment forms, and documents were reviewed, and additional information was obtained from the interactive survey process. This information was reviewed for consistency with current accessibility requirements and standards.

3.1.11.1 Employee Handbook

City of Hendersonville Personnel Rules and Regulations: Self-Evaluation Findings

- Page 6, Rule I - General Provisions, Section 1:
 - This section contains a variation of a non-discriminations statement found in City documents, but it is not a consistent city-wide non-discrimination statement.

Page 7, Rule II - Definitions:

- This section does contain a definition for disability, but it is not the ADA's definition of disability and no other ADA-specific definitions are included such as Americans with Disabilities Act, reasonable accommodations, service animals, etc.
- Page 18, Rule V - Recruitment and Employment, Section 1:
 - This section makes provisions to attract and recruit applicants. However, it does not contain any non-discrimination language.
- Page 19, Rule V - Recruitment and Employment, Section 5.5:
 - This section allows the Human Resources Director to reject applications or applicants if they are "afflicted with any mental or physical disqualifying disease or defect that would prevent satisfactory performance of essential functions of the job description and no reasonable accommodation can be made". The wording of this provision contains language that is considered discriminatory.

City of Hendersonville Personnel Rules and Regulations: Self-Evaluation Findings

- Page 20, Rule VI - Examinations:
 - This section provides information on testing. However, it does not provide information on requesting reasonable accommodations.
- Page 22, Rule VI - Examinations, Section 9.3:
 - This section does not provide information on the reasonable accommodations process that should be used in conjunction with any medical examination prior to determining if an employee is physically or mentally unable to perform the essential functions of the position.
- Page 26, Rule VIII - Appointments, Section 1:
 - This section makes provisions for the appointment of employees to positions. However, it does not contain any non-discrimination language.
- Page 31, Rule IX - Promotions, Section 1:
 - This section makes provisions for the promotion of employees. However, it does not contain any non-discrimination language.
- Page 33, Rule X - Transfers, Demotions, Re-Employments, Section 1.1:
 - This section allows for the transfer of an employee due to a reasonable accommodation for a disability but does not provide information on the reasonable accommodation process.
- Page 37, Rule XI – Separation, Disciplinary Action, and Suspension Pending Investigation and/or Hearing, Section 4:
 - This section states an employee can be separated or demoted from City service due to a disability, but it does not provide information on the reasonable accommodations process.
- Page 43, Rule XII - Grievance Procedure:
 - This section is a general grievance policy and procedure. The policy and procedure do not reference ADA grievances, contain a non-discrimination statement, or provide reasons to file a grievance. In addition, this section does not mention retaliation or coercion.
- Page 62 and 64, Rule XV – Holidays, Vacations, Leaves and Absences, Section 8 Family Medical Leave:
 - The Right to Return to Work and Notification of Discharge section states if an employee is unable to perform their essential job functions because of a physical or mental condition, the City may be required by the ADA to offer the employee an accommodation. However, no information is provided on the ADA reasonable accommodation process.
- Page 66, Rule XV – Holidays, Vacations, Leaves and Absences, Section 9 Leave Without Pay:
 - This section allows employees in good standing to take a leave of absence without pay. However, information is not provided on requesting a leave of absence for an ADA reasonable accommodation.
- Page 71, Rule XVI – General Policies and Procedures, Section 9 Impartiality:
 - This section contains a variation of a non-discrimination statement found in City documents, but it is not a consistent city-wide non-discrimination statement.

City of Hendersonville Personnel Rules and Regulations: Self-Evaluation Findings (cont.)

- Page 76, Rule XVI – General Policies and Procedures, Section 19 Prohibitions:
 - This section contains a variation of a non-discriminations statement found in City documents, but it is not a consistent city-wide non-discrimination statement.
- Page 77, Rule XVI – General Policies and Procedures, Section 20 Harassment and Discrimination:
 - This section contains a variation of a non-discriminations statement found in City documents, but it is not a consistent city-wide non-discrimination statement.
 - This section mentions discrimination based on a disability. However, no reference is provided to an ADA-specific grievance policy and procedure.
 - The retaliation statement does not include language about coercion.
- Page 77, Rule XVI – General Policies and Procedures, Section 21 Alcohol, Prescription and Illegal Drugs Policy:
 - This section encourages employees to seek help with drug and alcohol problems, including the use of the employee assistance program, but no information on the ADA reasonable accommodation process is provided.
- Page 86, Rule XVI, Section 23 Electronic Devices Policy
 - The social media section does provide guidance on the use of social media for the City. However, this guidance does not include information regarding ensuring social media use and content is ADA compliant.
- Page 91, Rule XVI, Section 2 Violence in the Workplace
 - The non-retaliation section does not mention coercion.
- The Personnel Rules and Regulations did not contain any ADA related policies or information.

City of Hendersonville Personnel Rules and Regulations: Possible Solutions

- Page 6, Rule 1 - General Provisions, Section 1:
 - This section should be revised to include a consistent city-wide non-discrimination statement. See **Section 3.1.9 Non-Discrimination Language**.
- Page 7, Rule II - Definitions:
 - Definitions should be revised to include ADA related definitions such as ADA, reasonable accommodation, service animal, etc. The DOJ and the ADA National Network provide guidance here:
 - <https://www.ada.gov/>
 - <https://adata.org/glossary-terms>
- Page 18, Rule V - Recruitment and Employment, Section 1:
 - This section should be revised to include a consistent city-wide non-discrimination statement. See **Section 3.1.9 Non-Discrimination Language**.

City of Hendersonville Personnel Rules and Regulations: Possible Solutions (cont.)

- Page 19, Rule V - Recruitment and Employment, Section 5.5:
 - This section should be revised to remove the language “afflicted with any mental or physical disqualifying disease or defect”, and allow the disqualification of applicants only after it has been determined by the interactive reasonable accommodation process that the applicant cannot perform the essential functions of the job with or without a reasonable accommodation. See **Section 3.1.6 Reasonable Accommodation/Modification Request Policy, Procedure, and Request Form**.
- Page 20, Rule VI - Examinations:
 - This section should be revised to provide information on requesting reasonable accommodations for testing. See **Section 3.1.6 Reasonable Accommodation and Modification Request Policy, Procedure, and Request Form**.
- Page 22, Rule VI - Examinations, Section 9.3:
 - This section should be revised to include information regarding the City’s reasonable accommodation process and reflect that the reasonable accommodations process should be used in conjunction with any examinations prior to determining if an employee is unable to perform the essential job functions that would result in any adverse employment actions such as a demotion. See **Section 3.1.6 Reasonable Accommodation/Modification Request Policy, Procedure, and Request Form**.
- Page 26, Rule VIII - Appointments, Section 1:
 - This section should be revised to include a consistent city-wide non-discrimination statement. See **Section 3.1.9 Non-Discrimination Language**.
- Page 31, Rule IX - Promotions, Section 1:
 - This section should be revised to include a consistent city-wide non-discrimination statement. See **Section 3.1.9 Non-Discrimination Language**.
- Page 33, Rule X - Transfers, Demotions, Re-Employments, Section 1.1:
 - This section should be revised to provide information regarding the City’s reasonable accommodation process. See **Section 3.1.6 Reasonable Accommodation/Modification Request Policy, Procedure, and Request Form**.
- Page 37, Rule XI – Separation, Disciplinary Action, and Suspension Pending Investigation and/or Hearing, Section 4:
 - This section should be revised to provide information regarding the City’s reasonable accommodation process. See **Section 3.1.6 Reasonable Accommodation/Modification Request Policy, Procedure, and Request Form**.
- Page 43, Rule XII - Grievance Procedure:
 - The policy and procedure should be revised to include retaliation and coercion language and reference page 77, Rule XVI – General Policies and Procedures, Section 20 Harassment and Discrimination. See **Section 3.1.11.2 Retaliation or Coercion Policy**. In addition, a reference to the City’s ADA grievance policy and procedure should be added. See **Section 3.1.5 ADA Grievance Policy, Procedure, and Form with Appeals Process for the ADA**.

City of Hendersonville Personnel Rules and Regulations: Possible Solutions (cont.)

- Page 62 and 64, Rule XV – Holidays, Vacations, Leaves and Absences, Section 8 Family Medical Leave:
 - The Right to Return to Work and Notification of Discharge section should be revised to provide information regarding the City’s reasonable accommodation process. See **Section 3.1.6 Reasonable Accommodation/Modification Request Policy, Procedure, and Request Form.**

- Page 66, Rule XV – Holidays, Vacations, Leaves and Absences, Section 9 Leave Without Pay:
 - This section should be revised to provide information regarding the City’s reasonable accommodation process. See **Section 3.1.6 Reasonable Accommodation/Modification Request Policy, Procedure, and Request Form.**

- Page 71, Rule XVI – General Policies and Procedures, Section 9 Impartiality:
 - This section should be revised to include a consistent city-wide non-discrimination statement. See **Section 3.1.9 Non-Discrimination Language.**

- Page 76, Rule XVI – General Policies and Procedures, Section 19 Prohibitions:
 - This section should be revised to include a consistent city-wide non-discrimination statement. See **Section 3.1.9 Non-Discrimination Language.**

- Page 77, Rule XVI – General Policies and Procedures, Section 20 Harassment and Discrimination:
 - This section should be revised to include a consistent city-wide non-discrimination statement. See **Section 3.1.9 Non-Discrimination Language.**
 - This section should be revised to include a reference to the ADA grievance policy and procedure. See **Section 3.1.5 ADA Grievance Policy, Procedure, and Form with Appeals Process for the ADA.**
 - The retaliation statement should be revised to include language on coercion. See **Section 3.1.11.2 Retaliation or Coercion Policy.**

- Page 77, Rule XVI – General Policies and Procedures, Section 21 Alcohol, Prescription and Illegal Drugs Policy:
 - This section should be revised to provide information regarding the City’s reasonable accommodation process. See **Section 3.1.6 Reasonable Accommodation/Modification Request Policy, Procedure, and Request Form.**

- Page 86, Rule XVI, Section 23 Electronic Devices Policy
 - This section should be revised to include guidelines for City staff to use and achieve ADA accessibility in all City social media applications. The policy and procedure should provide the following information:
 - An accessibility statement that states that all City-managed social media sites meet the City’s web accessibility policy. This statement should also provide a link to the City adopted web accessibility policy under Section 508 of the Rehabilitation Act;
 - Alternate ways to contact the City;
 - Ensure that all posted images, videos, and audio files include the link back to the web page that contains the image, video or audio with full caption or transcript;
 - Avoid acronyms, abbreviations, and text shortcuts;
 - Ensure platforms provides keyboard shortcuts for keyboard-only users;
 - If the post is linking to a pdf document, confirm that the pdf is accessible; and
 - For blogs, confirm proper HTML markup is used such as headings, paragraphs, and lists to help orient users and confirm clarity of content.

City of Hendersonville Personnel Rules and Regulations: Possible Solutions (cont.)

- While a social media platform policy and procedure is not a specific ADA requirement, it is strongly recommended that the City develop this policy and procedure to combine with information and technology policies and procedures to achieve ADA compliance with Section 508 of the Rehabilitation Act. Digital Gov provides a Federal Social Media Accessibility Toolkit here: <https://digital.gov/resources/federal-social-media-accessibility-toolkit-hackpad/>.
- Page 91, Rule XVI, Section 22 Violence in the Workplace
 - This section should be revised to include coercion. See **Section 3.1.11.2 Retaliation or Coercion Policy**.
- The City should modify the Personnel Rules and Regulations to include ADA specific policies and procedures. These policies and procedures should include policies and procedures developed within the transition planning process. See **Section 3.1.6 Reasonable Accommodation/Modification Request Policy, Procedure, and Request Form, Section 3.1.5 ADA Grievance Policy, Procedure, and Form with Appeals Process for the ADA, and Section 3.1.7 Service Animal Guidance**.

3.1.11.2 Retaliation or Coercion Policy

Retaliation or Coercion Policy: Self-Evaluation Findings

- Page 77 and 91 of the City of Hendersonville Personnel Rules and Regulations provides information regarding anti-retaliation as it relates to the City's Harassment and Discrimination Policy and Violence in the Workplace Policy. However, coercion is not mentioned in either policy.

Retaliation or Coercion Policy: Possible Solutions

- The City should develop a retaliation or coercion policy to be adopted city-wide. The policy should be included in the City's Personnel Rules and Regulations and accessible to all employees and the public. Individuals who exercise their rights under the ADA, or assist others in exercising their rights, are protected from retaliation. The prohibition against retaliation or coercion applies broadly to any individual or entity that seeks to prevent an individual from exercising their rights or to retaliate against individuals for having exercised their rights. The U.S. Equal Employment Opportunity Commission guidance on retaliation and related issues can be found here: <https://www.eeoc.gov/laws/guidance/retaliation-guidance.cfm>.

3.1.11.3 Hiring, Testing and Recruitment Information Review

Hiring, Testing, and Recruitment Information Review: Self-Evaluation Findings

- The Human Resources Department administers the hiring process for most departments, and some departments administer the hiring, testing, and promotional process, in conjunction with the Human Resources Department. However, no guidelines on conducting an ADA compliant hiring process were found.
- The Human Resources Department website provides information for requesting accommodations for the interview process. However, it does not provide alternate formats of the application for employment, nor does the website provide information on how to obtain alternate formats.
- The City does not have a consistent city-wide non-discrimination statement.

Hiring, Testing, and Recruitment Information Review: Possible Solutions

- The Human Resources Department should develop hiring process guidelines. These guidelines should include information on the ADA compliant hiring process and should be available to all departments who administer hiring for their department. While these guidelines are not an ADA requirement, these guidelines would assist City staff in being consistent in the hiring process to achieve ADA compliance. The U.S. Equal Employment Opportunity Commission and the U.S. Department of Justice provide guidance here:
 - <https://www.eeoc.gov/>
 - <https://www.ada.gov/>
- The Human Resources Department's webpage should be revised to include information on how to obtain alternate formats for employment applications, job announcements, and other documents. See **Section 3.1.20 Alternate Format Policy, Procedure, and Request Form**.
- The City should develop a city-wide ADA non-discrimination statement policy for Title I and Title II. This statement should be placed on the Human Resource's website, employment application, and other areas easily accessed by employees and the public. See **Section 3.1.9 Non-Discrimination Language**.

3.1.11.4 New Employee Orientation Review

New Employee Orientation Review: Self-Evaluation Findings

- The Human Resources Department provides new employee orientation. This orientation includes information on the employee's rights and obligations under the ADA and an introduction to the ADA/504 Coordinators, but it does not include information on the City's ADA-specific policies and procedures.
- New employees are provided with the City's personnel rules and regulations. However, the rules and regulations do not contain ADA-specific policies and procedures, information regarding their rights and obligations under the ADA, nor is the ADA/504 Coordinators' contact information.

New Employee Orientation Review: Possible Solutions

- The Human Resources Department should develop new employee orientation guidelines. These guidelines should include a review of the City's ADA-specific policies and procedures, employees' ADA rights and obligations, introduction of the ADA/504 Coordinators, as well as typical employment functions and benefits.
- The Human Resources Department should provide new employees with the City's revised personnel rules and regulations that includes adopted ADA policies and procedures from this transition planning process.

3.1.11.5 Training Program Review

Training Program Review: Self-Evaluation Findings

- No specific annual ADA training program is provided for City staff regarding Title I or Title II.

Training Program Review: Possible Solutions

- The City should provide annual ADA-specific training to staff. This training should include policies and procedures developed from this transition planning process, employee rights and obligations under the ADA, as well as other training topics such as ADA compliance for elements within the public rights-of-way. While training is not a specific ADA requirement, as a Title II entity, the City is obligated to provide equal access to programs, services, and activities. Furthermore, this training would provide individuals with the tools needed to achieve ADA compliance. Please see below for recommended training:
 - Understanding ADA Requirements and Transition Plan Development for Title II Entities: (8 hours)
 - Disability Awareness and ADA Overview Customer Contact Staff: (2 – 4 hours)
 - Disability Employment Training for Human Resources, Staff and Managers/Supervisors: (2 – 4 hours)
 - Orientation for ADA Liaison Teams: (2 – 4 hours)
 - 2010 ADA Regulations Overview: (4 – 8 hours)
 - Emergency Personnel Training: (2 – 4 hours)
 - Maintenance Training (2 – 4 hours)
 - Custom Access Training: (2 – 8 hours)

3.1.11.6 Volunteer/Reserve/Intern Program Review

Volunteer/Reserve/Intern Program Review: Self-Evaluation Findings

- The City has an organized volunteer program in which each department is responsible for administering the volunteer program. However, no program guidelines exist, a volunteer manual is not provided, no specific eligibility requirements are provided, no volunteer orientation is provided, no information regarding volunteers' rights and obligations under the ADA is provided, and contact information for the ADA/504 Coordinators is not provided, nor are the ADA/504 Coordinators introduced.
- Some departments have specific eligibility requirements to be a volunteer.
- Some departments require volunteers to complete applications. However, the applications do not contain ADA or non-discrimination language.
- Most volunteers do not attend a new volunteer orientation, are not provided information on the City's ADA/504 Coordinators, and are not provided information regarding their rights and obligations under the ADA.

Volunteer/Reserve/Intern Program Review: Possible Solutions

- The Human Resources Department should develop guidelines for each department to utilize to achieve program consistency for ADA compliance of volunteer programs. These guidelines should include a review of volunteer manuals, volunteer applications, volunteer's ADA rights and obligations, introduction to the Title I and Title II ADA/504 Coordinators, and City functions.
- The Human Resources Department should assist departments with developing volunteer job descriptions with specific eligibility requirements. These requirements should be posted with volunteer openings so that individuals can disqualify themselves based on job qualifications. See **Section 3.1.11.7 Job Description Review**.

Volunteer/Reserve/Intern Program Review: Possible Solutions (cont.)

- The Human Resources Department should develop a standardized volunteer application that can be used by all Department's for the recruitment of volunteers. The application should contain the city-wide non-discrimination statement. See **Section 3.1.9 Non-Discrimination Language**.
- The Human Resources Department should develop a volunteer orientation. This orientation should be required of all volunteers prior to the start of service. This orientation should include a review of the volunteer program, job eligibility requirements, volunteer manual, volunteer's ADA rights and obligations, introduction to the Title I and Title II ADA/504 Coordinators, as well as typical City functions.

3.1.11.7 Job Description Review

The ADA does not require an employer to develop or maintain job descriptions. Nevertheless, employers can certainly benefit from having well-written job descriptions that spell out the "essential functions" for each employment position. When job descriptions are written, they must be non-discriminatory.

A written job description can help employers identify whether an applicant will be able to perform the essential tasks required for a position. During the interview process, employers are not allowed to ask if an individual has a disability that would prevent them from performing certain job tasks. Employers may, however, ask applicants whether they can perform the "essential functions" of a position, such as the ability to meet attendance expectations or to operate a particular machine. If an applicant notifies the employer that he or she is unable to perform an essential job function because of a disability, the employer must then consider whether it is possible to reasonably accommodate the disability.

Twenty-five (25) job descriptions were reviewed. The following section provides a summary of the findings and possible solutions. A complete summary of the job description reviews is provided in **Appendix D**.

Job Description Review: Self-Evaluation Findings

- Job descriptions do not have recommended headings for clarification.
- Job descriptions contain discriminatory language such as lifting, sitting, and writing. When describing actual job duties, there are some physical demands. However, specific language must be used so that someone with a disability can disqualify themselves.
- Some job descriptions state that a driver's license is required but does not specify if this requirement is a bona fide occupational qualification (BFOQ).
- Most job descriptions do not have disclaimer language to inform employees and applicants that the description is subject to change.
- Job descriptions do not include a consistent city-wide non-discrimination statement regarding Title I, employment activities.

Job Description Review: Possible Solutions

- Job descriptions should separate information under specific headings for better clarification. Under these headings, the City may use as many sub-headings as necessary to cover all aspects of the job description. These recommended headings are Job Title, Job Summary, Essential Functions, Non-Essential Functions, and Job Specifications.
- When listing physical demands in a job description, the wording must be such that someone with a disability can disqualify themselves. ADA compliant equivalent language must be used. For example: Instead of “carry” or “lift,” use “move,” “transport,” “position,” “install,” “remove,” “hoist,” or “transfer.” See **Appendix D** for ADA Equivalent Language Guidance.
- When a driver’s license is a requirement, the City must confirm this is a BFOQ. If this is not necessary as a part of the essential job functions, this should be revised to require a state-issued identification instead of a state-issued driver’s license.
- The City should include disclaimer language on all job descriptions to notify employees and applicants that the description is subject to change.
- Job descriptions should be revised to include a consistent city-wide non-discrimination statement regarding Title I, employment activities. See **Section 3.1.9 Non-Discrimination Language**. This statement should include language that provides contact information for the ADA/504 Coordinators regarding an accommodation, modification, or alternate formats. While these statements are not a specific ADA requirement, the U.S. Department of Justice (DOJ) requires that all Title II entities adopt and distribute a public notice about the relevant provisions of the ADA to all people who may be interested in its programs, services, and activities. It is recommended to put a non-discrimination statement in all information distributed by the City to comply with 28 CFR 35.106: https://www.ada.gov/regs2010/titleII_2010/titleII_2010_regulations.htm#a35106.

3.1.12 Title II ADA/504 Assurances

Every applicant for federal financial assistance shall provide a written assurance stating that all PSAs are being conducted or operated in compliance with all laws and regulations. As a recipient of federal funds, the City must include a written Title II ADA/504 Assurance in all funding agreements and joint use agreements to receive federal financial assistance. In turn, the City must require that any sub-recipient who receives federal financial assistance from the City provide an annual written Title II ADA/504 Assurance. This includes funding agreements and all joint use agreements with other agencies, entities, or municipalities.

Title II ADA/504 Assurances: Self-Evaluation Findings

- The City does receive federal funding. However, the City does not currently have a signed assurance.

Title II ADA/504 Assurances: Possible Solutions

- The City should develop a Title II ADA/504 assurance in accordance with 49 CFR 27.9. The Code of Federal Regulations are located here: https://www.ecfr.gov/cgi-bin/text-idx?SID=b9b8a3d54d526545fd69ad3de5742ec9&mc=true&tpl=/ecfrbrowse/Title49/49cfr27_main_02.tpl.

3.1.13 ADA Transition Plan Updates and Corrections (Title I / Title II)

Tracking ADA Transition Plan updates and corrections for Title I and Title II is important in showing progress toward barrier removal and should be done using a systematic approach to endeavor that all updates and corrections are documented.

Policies and Procedure for ADA Transition Plan Updates and Corrections (Title I / Title II): Self-Evaluation Findings

No policies and procedures for ADA transition plan updates and corrections for Title I / Title II were found on the City's website or in City-provided documents.

Policies and Procedure for ADA Transition Plan Updates and Corrections (Title I / Title II): Possible Solutions

The City should develop customized policies and procedures for ADA transition plan updates and corrections for Title I and Title II. While this is not a specific ADA requirement, these policies and procedures would provide City staff guidance through the internal process for updating and correcting issues found during the ADA transition planning process.

3.1.14 Previous ADA Complaints Review (Title I / Title II)

All public entities must endeavor that no qualified individual with disabilities be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program, service, or activity administered by that entity.

A review of previous ADA complaints from the past five (5) years is necessary to confirm that all complaints have been addressed and updated in the Transition Plan.

Previous ADA Complaints Review (Title I / Title II): Self-Evaluation Findings

- The City has received two (2) complaints within the last five (5) years.
- The City does not maintain logs regarding ADA complaints (Title I and Title II) and requests for accommodations or modifications.

Previous ADA Complaints Review (Title I / Title II): Possible Solutions

- The City should maintain confidential complaint/request files and ADA complaint/request logs. Logs for both Title I and Title II should include detailed information.
 - Logs for Title I shall be confidential and should include an internal complaint number, extensive details about the complaint and process, as well as details regarding the resolution.
 - Logs for Title II shall be confidential and should include an internal complaint number, extensive details regarding the complaint and process, which would include locations and pictures, and details regarding the complaint resolution.

3.1.15 Emergency Management Plan Review

Emergency planning and management have become increasingly important today. All community emergency plans, and emergency management teams must include the necessary information on how to properly assist citizens in the community who may have a disability. Identifying the citizens with disabilities is paramount to rescuing them. The City of Hendersonville should have an Emergency Management Plan in place that details how to help citizens with disabilities in the event of a local emergency.

Disabilities manifest themselves in varying degrees, and the functional implications of the variations are important for emergency evacuation. A person may have multiple disabilities, while another may have a disability whose symptoms fluctuate. Everyone needs to have a plan to be able to evacuate a building, regardless of their physical condition.

While planning for every situation that may occur in every type of emergency is impossible, being as prepared as possible is important. One way to accomplish this is to consider the input of various people and entities, from executive management, human resources, and employees with disabilities to first responders and other businesses, occupants, and others nearby. Involving such people in the development of the City's Emergency Management Plan will help everyone understand the evacuation plans and the challenges that businesses, building owners and managers, and people with disabilities face.

Emergency Management Plan Review: Self-Evaluation Findings

- The City does not have an emergency management plan for the evacuation of employees and visitors of City owned facilities or the citizens of the City of Hendersonville.

Emergency Management Plan Review: Possible Solutions

- Develop an emergency plan team to encourage communication between the City of Hendersonville and all other participating parties.
- Create an emergency plan that includes buildings and areas specific to the City of Hendersonville and how the City will respond and control emergencies. The U.S. Department of Justice and the Federal Emergency Management Agency provides guidance here:
 - <https://www.ada.gov/pcatoolkit/chap7emergencymgmtadd1.htm>
 - https://www.fema.gov/media-library-data/1437608810237-65bce1c81c720e99c260ea740e98901d/Language_Guidelines-Inclusive_Emergency_Preparedness.pdf
- Develop internal policies and procedures with assignments for emergency responders so that all emergency plan team members are provided guidance in the event of an emergency.
- Training should be provided to City staff, volunteers, and emergency plan team members so that the emergency plan is thoroughly planned, strategically executed, endeavors to provide clear and proper communication to individuals with disabilities, and is effectively implemented in the event of an emergency. Training should include how to identify people wearing medical alert tags or bracelets, and various ways to communicate with people with visual, hearing, or cognitive impairments.

Emergency Management Plan Review: Possible Solutions (cont.)

- The City should develop a support network with local disability organizations and include them in the emergency planning process.
- The City should create a volunteer registration process that identifies the location of individuals with disabilities, and the type of disability they have. The registry will help with the planning process for accessible transportation needs.
- The City should confirm they have access to accessible transportation for evacuations or transporting people to a medical clinic. Accessible transportation options can be obtained by working with local or private services, public transportation, or paratransit.
- Evacuation plans should include how to evacuate people with assistive equipment and how to replace equipment if it is lost or destroyed, as well as a plan on how to evacuate people who have service animals.
- The City should prepare alternative ways to help individuals who use medical equipment during a power outage.
- The City should identify the location and availability of more than one facility for dialysis for people who will need dialysis as part of a health maintenance plan or routine or other life-sustaining treatment. In addition, the City should develop a resource list that includes the location of all types of durable medical equipment (DME) available in the City, as well as qualified American Sign Language interpreters, wheelchair repair, therapeutic oxygen, hearing aids and repair, medications, etc. The resource list should be as comprehensive and should be included in the Emergency Planning Manual.
- The City should host an "Emergency Planning Preparedness" class for individuals with disabilities. The class will teach them how to develop a "kit" they can keep for emergencies and allow them to sign up for the emergency registry.
- The City should revise current department employee action plans to address all aspects of an emergency evacuation plan for employees and visitors. Evacuation plans should consider the impact of internal and external emergencies regarding the City's operations and should be tailored to the workplace environment. The Great Lakes ADA Center provides guidance on Emergency Preparedness and Using Employee Information here: <http://adagreatlakes.org/BusinessToolkit/?section=1&id=6>.

3.1.16 City Ordinance Review

Three (3) City ordinances were reviewed for consistency with current accessibility requirements and standards.

City Ordinance Review: Self-Evaluation Findings

- Title 3: Municipal Court
 - This title does not reference or provide information regarding the City's ADA policies and procedures.
 - This title does not reference or provide a non-discrimination statement.
 - Chapter 1 - City Court
No specific ADA information is mentioned.
 - Chapter 2 - City Judge
This chapter does not provide physical requirements for the job.

City Ordinance Review: Self-Evaluation Findings (cont.)

- Chapter 3 - Court Administration
No specific ADA information is mentioned.
- Chapter 4 - Warrants, Summonses, and Subpoenas
This chapter does not mention information regarding alternate formats.
- Chapter 5 - Bonds and Appeals
No specific ADA information is mentioned.

- Title 4: Municipal Personnel
 - This title does not mention contact information for the ADA/504 Coordinators, Title I or Title II.
 - This title does not reference or provide a non-discrimination statement.
 - This title does not reference or provide information regarding the City's ADA policies and procedures.
 - Chapter 2, Section 4-220 - Discrimination
This section provides a type of non-discrimination statement. However, this statement does not appear to be consistent city-wide and is not what is considered as the recommended language.
 - Chapter 4, Section 4-406 - Employer's Rights and Duties
This section does not reference or provide a Title I non-discrimination statement.
This section does not reference or provided information regarding the employee's rights and obligations under the ADA.
 - Chapter 4, Section 4-407 - Employee's Rights and Duties
This section does not reference or provide a Title I non-discrimination statement.
This section does not reference or provided information regarding the employee's rights and obligations under the ADA.
 - Chapter 4, Section 4-412
This complaint procedure addresses if an employee feels that his assigned work conditions might affect his health, safety, or general welfare. However, it does not specifically address disabilities.
 - Chapter 4, Section 4-413 - Education and Training
This section does not mention training education and training related to the ADA.
 - Chapter 4, Section 4-419 - Discrimination Investigations and sanctions
This section does not reference or provide information regarding the City's ADA policies and procedures.
 - Chapter 4, Section 4-420 - Compliance with other laws not excused
This section does not mention laws regarding the ADA.

- Title 16: Streets and Sidewalks, etc.
 - This title does not mention a city-wide alternate format policy, procedure, and request form.
 - This title does not reference or provide information regarding the Proposed Guidelines for Pedestrian Facilities in the Public Right-of-Way (PROWAG).
 - Chapter 1, Section 16-101
This section does not include language regarding curb ramps when obstructing streets, alleys, or sidewalks prohibited.
 - Chapter 1, Section 16-107
This section does not include language regarding curb ramps when unlawful littering on streets and sidewalks, ditches, etc.
 - Chapter 1, Section 16-109
This section states that the property and occupants are responsible for the removal of snow or debris from any public sidewalk. However, it does not include language for curb ramps and does not mention ADA maintenance and compliance.

City Ordinance Review: Self-Evaluation Findings (cont.)

- Chapter 3, Section 16-301 through 16-304
This chapter does not reference or provide information regarding the City's ADA grievance policy, procedure, and form for Title II.

City Ordinance Review: Possible Solutions

All three (3) City ordinances should be updated as noted in the following section:

- Title 3: Municipal Court
 - This title should be revised to reference or provide information regarding the City's ADA policies and procedures developed from this transition planning process.
 - This title should be revised to reference or provide a non-discrimination statement. See **Section 3.1.9 Non-Discrimination Language.**
 - Chapter 2 - City Judge
This chapter should be revised to include physical requirements for the job of the City Judge. These requirements are needed to assist individuals with determining their qualifications. See **Section 3.1.11.7 Job Description Review.**
 - Chapter 4 - Warrants, Summonses, and Subpoenas
 - This title should be revised to reference or provide information regarding the adopted city-wide alternate format policy, procedure, and request form. This policy and procedure should provide guidance to staff regarding the process of obtaining an alternate format and utilizing the City's vendor database to obtain vendor information for alternate formats, if applicable. This policy and procedure should be adopted city-wide and should be accessible to all employees and the public. The request form should include the requestor's contact information, existing document information, and type of alternate format being requested. See **Section 3.1.20 Alternate Format Policy, Procedure, and Request Form.**
- Title 4: Municipal Personnel
 - This title should be updated to include contact information for the City's ADA/504 Coordinators. See **Section 3.1.2 ADA/504 Coordinator (Title I / Title II).**
 - This title should be revised to reference or provide information regarding the employer's rights and obligations under the ADA.
 - This title should be revised to reference or provide a city-wide non-discrimination statement. The City should develop a consistent city-wide non-discrimination statement policy. This policy should provide a non-discrimination statement that specifically states that the City endeavors that no person or groups of persons shall, on the grounds of race, color, sex, religion, national origin, age, disability, retaliation, or genetic information, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under employment activities and in all programs, services, or activities administered by the City, its recipients, sub-recipients, and contractors. The statement should also include contact information for the ADA/504 Coordinator regarding reasonable accommodations, modifications, or alternate formats. This standardized statement should be provided on all meeting agendas and minutes. See **Section 3.1.9 Non-Discrimination Language.**
 - This title should be revised to reference or provide information regarding the City's ADA policies and procedures developed from this transition planning process.

City Ordinance Review: Possible Solutions (cont.)

- Chapter 2, Section 4-220 - Discrimination
This section should reference or provide a city-wide non-discrimination statement. The City should develop a consistent city-wide non-discrimination statement policy. This policy should provide a non-discrimination statement that specifically states that the City endeavors that no person or groups of persons shall, on the grounds of race, color, sex, religion, national origin, age, disability, retaliation, or genetic information, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under employment activities and in all programs, services, or activities administered by the City, its recipients, sub-recipients, and contractors. The statement should also include contact information for the ADA/504 Coordinator regarding reasonable accommodations, modifications, or alternate formats. This standardized statement should be provided on all meeting agendas and minutes. See **Section 3.1.9 Non-Discrimination Language**.
- Chapter 4, Section 4-406 - Employer's Rights and Duties
This section should reference or provide a city-wide non-discrimination statement. The City should develop a consistent city-wide non-discrimination statement policy. This policy should provide a non-discrimination statement that specifically states that the City endeavors that no person or groups of persons shall, on the grounds of race, color, sex, religion, national origin, age, disability, retaliation, or genetic information, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under employment activities and in all programs, services, or activities administered by the City, its recipients, sub-recipients, and contractors. The statement should also include contact information for the ADA/504 Coordinator regarding reasonable accommodations, modifications, or alternate formats. This standardized statement should be provided on all meeting agendas and minutes. See **Section 3.1.9 Non-Discrimination Language**.
- Chapter 4, Section 4-407 - Employee's Rights and Duties
This section should be revised to reference or include a city-wide non-discrimination statement for Title I. See **Section 3.1.9 Non-Discrimination Language**.
- This section should be revised to reference or provide information regarding employee's rights and obligations under the ADA. In addition, the City should provide annual ADA-specific training to all employees regarding Title I and Title II. This training should include policies and procedures developed from this transition planning process, employee rights and obligations regarding employment-related training, as well as training for ADA elements within the public rights-of-way. While training is not a specific ADA requirement, as a Title II entity, the City is obligated to provide equal access to programs, services, and activities. Furthermore, this training would provide individuals with the tools needed to achieve ADA compliance. See **Section 3.1.11.5 Training Program Review**.
- Chapter 4, Section 4-412
This complaint procedure should defer to the adopted city-wide ADA grievance policy, procedure, and form with appeals process for Title I and Title II, see **Section 3.1.5 ADA Grievance Policy, Procedure, and Form with Appeals Process**, as well as the city-wide reasonable accommodation/modification policy, procedure, and form for Title I and Title II, see **Section 3.1.6 Reasonable Accommodation/Modification Request Policy, Procedure, and Request Form**.

City Ordinance Review: Possible Solutions (cont.)

- Chapter 4, Section 4-413 - Education and Training
This section should be revised to reference or provide information regarding ADA specific training and City ADA policies and procedures for Title I and Title II developed from this transition planning process. The training should include policies and procedures developed from this transition planning process, employee rights and obligations regarding employment-related training. While training is not a specific ADA requirement, as a Title II entity, the City is obligated to provide equal access to programs, services, and activities. Furthermore, this training would provide individuals with the tools needed to achieve ADA compliance. See **Section 3.1.11.5 Training Program Review**.
- Chapter 4, Section 4-419 - Discrimination Investigations and sanctions
This section should be revised to reference or provide information regarding the City's ADA policies and procedures developed from this transition planning process.
- Chapter 4, Section 4-420 - Compliance with other laws not excused
This section should be revised to reference or provide information regarding the Americans with Disabilities Act. The ADA National Network provides guidance here: <https://adata.org/learn-about-ada#:~:text=The%20ADA%20is%20a%20civil,open%20to%20the%20general%20public>.
- Title 16: Streets and Sidewalks, etc.
 - This title should be revised to reference or to provide information regarding the adopted city-wide alternate format policy, procedure, and request form. This policy and procedure should provide guidance to staff regarding the process of obtaining an alternate format and utilizing the City's vendor database to obtain vendor information for alternate formats, if applicable. This policy and procedure should be adopted city-wide and should be accessible to all employees and the public. The request form should include the requestor's contact information, existing document information, and type of alternate format being requested. See **Section 3.1.20 Alternate Format Policy, Procedure, and Request Form**.
 - This title should be revised to include the PROWAG once the City has adopted these guidelines. While the PROWAG has not yet been finalized, it is recommended that the City formally adopt PROWAG as a City standard practice and develop ADA-specific guidance about PROWAG. This guidance should be used Department-wide and throughout the City, as needed. While City adoption of PROWAG is not specifically an ADA requirement, it is strongly recommended to achieve ADA compliance. The U.S. Access Board provides information on the proposed rule-making and guidelines here: <https://www.access-board.gov/guidelines-and-standards/streets-sidewalks/public-rights-of-way>.
 - Chapter 1, Section 16-101
This section should be revised to include language regarding curb ramps when obstructing streets, alleys, or sidewalks prohibited.
 - Chapter 1, Section 16-107
This section should be revised to include language regarding curb ramps when unlawful littering on streets and sidewalks, ditches, etc.
 - Chapter 1, Section 16-109
This section should be revised to include curb ramps and information on ADA maintenance and compliance.
 - Chapter 3, Section 16-301 through 16-304
This chapter should reference or provide information regarding the City's ADA grievance policy, procedure, and form for Title II.

3.1.17 Documents, Forms, and Videos Reviewed

The City's website provides various documents, forms, and videos that are available to the public. For a complete listing of documents, forms, and videos reviewed, see **Appendix D**.

Documents, Forms, and Videos Reviewed: Self-Evaluation Findings

- The City does not have alternate formats readily available for frequently accessed documents, forms, or videos.
- The City does not have a policy or procedure in place to address alternate formats. Alternate formats are auxiliary aids, services, or devices that enable effective communication for individuals with disabilities.
- The City has a disclaimer statement that indicates you are leaving the City's website and they are not responsible for the content of external sites. However, the statement does not mention of ADA compliance or to contact the source entity for alternate formats if they are needed.
- The City does not have a city-wide non-discrimination statement policy for Title II that includes a city-wide non-discrimination statement that should be used in materials that are distributed by the City.
- The City does not have a policy and procedure to provide closed captioning or transcripts for videos that are available to employees and the public.

Documents, Forms, and Videos Reviewed: Possible Solutions

- Each department ADA Liaison should develop a list of all documents and forms for their Department. The list should include the document or form name, location(s) where it can be found (office location, website link), what alternate formats are available, and how the formats can be obtained. This list should be updated continuously as documents and forms are created and revised. The forms should be reviewed for ADA compliance. Section 508 Compliant PDF Checklist is provided here:
<https://508compliantdocumentconversion.com/compliance-regulations/pdf-compliance-checklist/>.
- The City should develop an alternate format policy, procedure, and request form. See **Section 3.1.20 Alternate Format Policy, Procedure, and Request Form**.
- The City should modify the disclaimer statement to communicate the City's perspective on ADA compliance regarding content on another entity's site, links, forms, documents, and videos that are represented on the City's website. See **Section 3.1.10 Responsibility/Acceptance Disclaimer for Other Entities' Links, Forms, Documents, and Videos**.
- The City should develop a consistent city-wide non-discrimination statement policy. See **Section 3.1.9 Non-Discrimination Language**.
- The City should develop guidelines to assist staff in providing closed captioning or transcripts for videos that are available to all employees and the public. These guidelines shall include the process of adding closed captioning or using a vendor database to purchase closed captioning or transcription services.

3.1.18 Cursory Website Review

A cursory review of the City's website was completed using the Website Accessibility Evaluation Tool (WAVE). This review consisted of evaluating various links located on the City's website. See below for a listing of 10 key evaluation points that were reviewed.

- Informational images for alternative text
- Decorative images for alternative text
- Video or audio content that does not have captioning
- Forms on website
- Text resizing
- Lynx Browser
- Navigating the website without the use of a mouse
- Site map
- Ensuring link text makes sense out of context
- Automated program
- Audio CAPTCHA Accessibility Criteria

Cursory Website Review: Self-Evaluation Findings

- Informational images for alternative text:
Several images on the City's website did not contain text boxes that provides information on the content of the image.
- The City's website does pull up in the Lynx browser. However, it would only navigate to the important information page.
- The City's website has a sitemap. However, it is not displayed in a prominent position on the City's main webpage and is only found when using the search feature on the website.
- Automated program:
An accessibility evaluation tool that embeds online accessibility feedback into web content. The following was found:
 - 9 Errors (accessibility errors that need to be fixed)
 - 57 Alerts (potential end user issues that should be investigated)
 - 16 Features (identified accessibility features that likely improve accessibility)
 - 51 Structural Elements (identified elements that should be investigated)
 - 60 HTML5 and ARIA (identified elements that should be investigated)
 - 6 Contrast Error (color contrast errors)
- A complete summary of findings is provided in **Appendix D**.

Cursory Website Review: Possible Solutions

- Information images for alternative text:
The City's website should be updated to include text boxes when placing a cursor over images on the website. The text boxes should describe the image and the web pages that are being communicated by the image.

Cursory Website Review: Possible Solutions (cont.)

- The City's should complete a full website review for ADA compliance to endeavor that all users including those that utilize Lynx text-only browser have access.
- The City's should provide a link to the site map on the main webpage. Site maps are often located at the bottom of the page.
- Automated program:
The automated accessibility evaluation tool provides details regarding online access to web content. This review suggests there are elements that are compliant, as well as elements that need to be brought into compliance. The City should evaluate the entire website for ADA compliance. See below website link for more information regarding an explanation of WAVE and how you can make your page more accessible.
(<https://wave.webaim.org/report#/https://www.hvilletn.org/home>).
- A complete summary of possible solutions is provided in **Appendix D**.

3.1.19 Effective Communication Guidance

The ADA requires that all Title II entities communicate effectively with people who have communication disabilities by providing auxiliary aids and services. The goal is to endeavor that communication with individuals with disabilities is equally effective as communication with people without disabilities.

Auxiliary aids and services are ways to communicate with individuals with disabilities. The type of auxiliary aids and services are assessed on a case-by-case basis. Auxiliary aids and services must be provided free of charge and provided in accessible formats, in a timely manner, and must be provided in a way that provides individual privacy and independence. Examples of common auxiliary aids and services include, but are not limited to:

- Sign Language Interpreters
- Oral Interpreters
- Cued Speech Interpreters
- Video Remote Interpreting (VRI)
- Video Interpreting Services (VIS)
- Written materials
- Closed Captioning
- Real-time captioning
- Audio recordings
- Teletypewriters (TTYs)
- Telephone Relay Services
- Computer-aided Real-time Transcription (CART)
- Materials and displays in braille
- Large print materials
- Accessible electronic and information technology
- Assistive listening devices and systems

Effective Communication Guidance: Self-Evaluation Findings

The City does not have city-wide specific guidance on how to obtain auxiliary aides and services to achieve effective communication.

Effective Communication Guidance: Possible Solutions

The City should develop guidance on how to obtain auxiliary aides and services. This guidance should prepare City staff to accommodate the needs of persons with disabilities. The City should identify local resources for auxiliary aides and services; develop and utilize a City vendor database that would identify vendors who can provide the aids or services with reasonable turn-around timeframes; and provide training to employees regarding effective communication with the use of auxiliary aids and services. This guidance should be consistent with the U.S. Department of Justice's guidance for "Effective Communication." This guidance can be found here: <https://www.ada.gov/pcatoolkit/chap3toolkit.htm>.

3.1.20 Alternate Format Policy, Procedure, and Request Form

Under the ADA, a public entity is responsible for providing ADA accessible communications. This includes any documents or information that is distributed by the City of Hendersonville. If a request for an alternate format is received, the City must have an action plan to accommodate the request. For example, the Department of Justice does not expect entities to have Braille copies of all documents; however, Braille copies are expected to be readily available. Readily available means that once a request is received, a policy and procedure is in place to make a reasonable accommodation or modification to the document or information requested. This document must be provided to the requestor in a reasonable amount of time.

Alternate Format Policy, Procedure, and Request Form: Self-Evaluation Findings

No information regarding an alternate format request policy, procedure, and form was found on the City's website or in City provided documents.

Alternate Format Policy, Procedure, and Request Form: Possible Solutions

The City should develop an alternate format request policy, procedure, and form. This policy and procedure shall guide staff regarding the process of obtaining an alternate format and utilizing the City's vendor database, if available, to obtain vendor information for alternate formats. This policy and procedure should be adopted city-wide and should be accessible to all employees and the public. The request form should include the requestor's contact information, existing document information, and type of alternate format being requested.

3.2 Facilities Review

3.2.1 Buildings

Thirteen (13) buildings within the City of Hendersonville were evaluated. All buildings included in the evaluation are listed in **Table 1** and shown on the map in **Appendix E**.

Table 1. Summary of Buildings Reviewed

Buildings	
1. Batey Farm House	119 East Drive
2. City Hall	101 N Maple Drive
3. Fire Station #1	173 Luna Lane
4. Fire Station #2	225 Free Hill Road
5. Fire Station #3	179 Bonita Parkway
6. Fire Station #4	511 Indian Lake Road
7. Fire Station #5	1166 Forest Retreat Road
8. Fire Station #6	1003 Winston Hills Parkway
9. Monthaven Arts Council	1017 Antebellum Circle
10. Police Annex	Executive Park Drive
11. Police Department	3 Executive Park Drive
12. Public Works Shop Building	124 Campus Drive
13. Senior Citizens Building	124 Campus Drive

Buildings: Self-Evaluation Findings

Areas that were evaluated for each building included parking lots, path of travel from the parking lot to the building, access into the building, signage, drinking fountains, telephones, bathrooms, and counter heights. A complete list of issues is provided in the building facility reports (see **Appendix F**). Common issues identified included:

- Non-compliant accessible parking
- Non-compliant exterior accessible routes
- Non-compliant public access areas
- Non-compliant restrooms

Buildings: Possible Solutions

A complete list of possible solutions is provided in the building facility reports (see **Appendix F**).

Buildings: Completed Actions

In early 2021, several improvements were made at Fire Stations #3, #4, #5, and #6. The Action Log (see **Appendix G**) has been updated to reflect these improvements.

3.2.2 Parks

Seven (7) parks within the City of Hendersonville were evaluated. All parks included in the evaluation are listed in **Table 2** and shown on the map in **Appendix E**.

Table 2. Summary of Parks Reviewed

Parks	
1. Batey Farm House	119 East Drive
2. Drakes Creek Park	120 E Main Street
3. Mallard Point Boat Launch	Sanders Ferry
4. Memorial Park	151 E Main Street
5. Sanders Ferry Park	513 Sanders Ferry Road
6. Veterans Park	130 Scotch Street
7. Volunteer Park	1334 Drakes Creek Road

Parks: Self-Evaluation Findings

Areas that were evaluated for each park included parking lots, path of travel from the parking lot to the park amenities, access into facilities, signage, drinking fountains and restrooms. A complete list of issues is provided in the park facility reports (see **Appendix F**). Common issues identified included:

- Non-compliant accessible parking
- Non-compliant exterior accessible routes
- Non-compliant park amenities
- Non-compliant restrooms

Parks: Possible Solutions

A complete list of possible solutions is provided in the park facility reports (see **Appendix F**).

3.2.3 Greenways

The greenway corridor evaluations documented conditions and measurements along the pedestrian path of travel, which includes the greenway, curb ramps, and pedestrian street crossings. Approximately seven (7) miles of greenway corridors were evaluated. A map of the evaluated greenway corridors is provided in **Appendix E**.

Greenways: Self-Evaluation Findings

A complete list of issues is provided in the greenway facility reports (see **Appendix F**). Common issues identified included:

- Sinking
- Ponding
- Obstructions

A summary of the greenways unsignalized intersection curb ramp issues is provided in **Table 3**.

Table 3. Summary of Curb Ramp Issues at Greenway Unsignalized Intersections

Curb Ramp Element	Number Evaluated	Number Compliant	Percent Compliant
48" crosswalk extension exists	4	4	100%
Curb ramp lands in crosswalk	22	21	95.5%
Curb ramp width \geq 48"	22	21	95.5%
Curb ramp does not have traversable sides	8	7	87.5%
No ponding in curb ramp, turning space (landing), or flares	22	19	86.4%
Curb ramp turning space (landing) exists	22	19	86.4%
No obstruction in curb ramp, turning space (landing), or flares	22	18	81.8%
Curb ramp running slope \leq 8.3%	22	18	81.8%
Curb ramp turning space (landing) running slope \leq 2%	19	13	68.4%
Flush transition to roadway exists	22	15	68.2%
Curb ramp counter slope \leq 5%	21	14	66.7%
Curb ramp cross slope \leq 2%	22	14	63.6%
Curbed sides are 90°	8	5	62.5%
Curb ramp turning space (landing) cross slope \leq 2%	19	11	57.9%
Flare cross slope \leq 10%	14	7	50.0%
Curb ramp present where curb ramp is needed	58	22	37.9%
Detectable warning surface color contrasts with adjacent curb ramp surface	22	2	9.1%
Presence of detectable warning surface with correct placement	22	1	4.5%

Greenways: Possible Solutions

A complete list of possible solutions is provided in the greenway facility reports (see **Appendix F**).

3.2.4 Pedestrian Bridges

Six (6) pedestrian bridges within the City of Hendersonville were evaluated. All pedestrian bridges included in the evaluation are shown on the map in **Appendix E**.

Pedestrian Bridges: Self-Evaluation Findings

Areas of the pedestrian bridges that were evaluated included handrail evaluations, path of travel across, and slopes. A complete list of issues is provided in the pedestrian bridge facility reports (see **Appendix F**). Common issues identified included:

- Damaged bridge deck boards
- Non-compliant or missing handrails

Pedestrian Bridges: Possible Solutions

A complete list of possible solutions is provided in the pedestrian bridge facility reports (see **Appendix F**).

3.2.5 Signalized Intersections

Twenty-three (23) signalized intersections within the City of Hendersonville were evaluated. Signalized intersection evaluations cataloged the conditions and measurements along the pedestrian path of travel, which includes the pedestrian street crossings, curb ramps, sidewalk adjacent to the curb ramps, and pedestrian signal equipment and adjacent clear spaces.

All signalized intersections included in the evaluation are listed on a map included in **Appendix E**.

Signalized Intersections: Self-Evaluation Findings

Common curb ramp issues included missing detectable warning surfaces or incorrect detectable warning surface placements, no detectable warning surface color contrast with adjacent curb surface, excessive flare cross slopes, and excessive curb ramp running slopes and counter slopes. **Table 4** provides a summary of the curb ramp issues at signalized intersections.

About thirty (30) percent of pedestrian street crossings at signalized intersections did not have pedestrian signal heads or pedestrian push buttons. Pedestrian push buttons and signal heads were recommended to be installed at all signalized intersection pedestrian crossings where they did not exist. Common issues associated with the existing pedestrian push buttons included non-existent or inaccessible push button clear spaces, excessive clear space cross slope, and excessive push button offsets from curb. **Table 5** provides a summary of the push button issues.

Signalized Intersections: Possible Solutions

A complete list of possible solutions can be found in the signalized intersection reports provided in **Appendix F**.

Table 4. Summary of Curb Ramp Issues at Signalized Intersections

Curb Ramp Element	Number Evaluated	Number Compliant	Percent Compliant
Curb ramp lands in crosswalk	80	80	100%
Curb ramp does not have traversable sides	46	46	100%
Curbed sides at 90°	46	44	95.65%
Curb ramp width ≥ 48"	80	75	93.75%
No ponding in curb ramp, turning space (landing), or flares	80	68	85.00%
Curb ramp turning space (landing) exists	80	67	83.75%
48" crosswalk extension exists	72	60	83.33%
Flush transition to roadway exists	80	64	80.00%
Curb ramp present where curb ramp is needed	108	86	79.63%
Curb ramp turning space (landing) running slope ≤ 2%	67	52	77.61%
No obstruction in curb ramp, turning space (landing), or flares	80	57	71.25%
Curb ramp cross slope ≤ 2%	80	53	66.25%
Curb ramp turning space (landing) cross slope ≤ 2%	67	42	62.69%
Curb ramp counter slope ≤ 5%	80	47	58.75%
Curb ramp running slope ≤ 8.3%	80	41	51.25%
Flare cross slope ≤ 10%	34	15	44.12%
Detectable warning surface color contrasts with adjacent curb ramp surface	80	27	33.75%
Presence of detectable warning surface with correct placement	80	27	33.75%

Table 5. Summary of Push Button Issues

Push Button Element	Number Evaluated	Number Compliant	Percent Compliant
Push button height ≤ 48"	92	89	96.74%
Push button orientation is parallel to crossing direction	92	85	92.39%
Push button diameter is 2"	92	74	80.43%
Push button offset from crosswalk ≤ 5'	92	72	78.26%
Pedestrian head exists where pedestrian head is needed	206	145	70.39%
Push button exists where push button is needed	206	143	69.42%
Push button offset from curb ≤ 10'	92	59	64.13%
Clear space cross slope ≤ 2%	27	13	48.15%
Clear space exists and can be accessed	92	27	29.35%

3.2.6 Sidewalk Corridors

The sidewalk corridor evaluations documented conditions and measurements along the pedestrian path of travel, which includes the sidewalk, railroad crossings, curb ramps, pedestrian driveway crossings, and pedestrian street crossings at unsignalized intersections. Approximately one-hundred and twenty (120) miles of sidewalk were evaluated. The included sidewalk corridors were selected due to their high level of pedestrian activity as well as their proximity to pedestrian traffic generators. A map of the evaluated sidewalk corridors is provided in **Appendix E**.

Sidewalk Corridors: Self-Evaluation Findings

Common issues along the sidewalk corridors were excessive sidewalk cross slopes, vertical surface discontinuities that caused excessive level changes, excessive driveway and street crossing cross slopes, permanent obstructions in the sidewalk such as power poles or utilities, and temporary obstructions in the sidewalk or path of travel such as weeds and low hanging branches. Where excessive vegetation was present, field crews attempted to assess the condition of the underlying sidewalk. Where possible, the condition of the underlying sidewalk was recorded; however, the City of Hendersonville may find additional issues with the sidewalk once the temporary obstruction is removed.

Common curb ramp issues at unsignalized intersections along the sidewalk corridors included missing detectable warning surfaces or incorrect detectable warning surface placements, no detectable warning surface color contrast with adjacent curb surface, excessive flare cross slopes, missing flush transitions to roadway, and excessive curb ramp cross slopes. A summary of the public rights-of-way unsignalized intersection curb ramp issues is provided in **Table 6**. Non-compliant curb ramps, sidewalk, and pedestrian paths of travel along driveways and street crossings at unsignalized interactions were recommended to be removed and replaced.

The ADA of 1990, Section 35.150, Existing Facilities, requires that the Transition Plan include a schedule for providing curb ramps or other sloped area at existing pedestrian walkways, which applies to all facilities constructed prior to 1992. For any sidewalk installations constructed from 1992 to March 15, 2012, the curb ramps should have been installed as part of the sidewalk construction project per the 1991 Standards for Accessible Design, Section 4.7

Curb Ramp, which states, “curb ramps complying with 4.7 shall be provided wherever an accessible route crosses a curb.” For sidewalk installations constructed on or after March 15, 2012, similar guidance is provided in the 2010 Standards for Accessible Design, Section 35.151 of 28 Code of Federal Regulations (CFR) Part 35, New Construction and Alterations, which states, “newly constructed or altered street level pedestrian walkways must contain curb ramps or other sloped area at any intersection having curb or other sloped area at intersections to streets, roads, or highways.”

Sidewalk Corridors: Possible Solutions

To meet the federal requirements for curb ramp installations, the following recommendations were made:

- Where sidewalk leads up to the curb at an intersection, both parallel and perpendicular to the project corridor, two (2) directional curb ramps were recommended to be installed where geometry permitted. PROWAG requires two (2) directional curb ramps be installed during modifications unless there are existing physical constraints.
- Where sidewalk parallel to the project corridor leads up to the curb at a driveway, directional curbs ramps were recommended to be installed to serve the driveway crossing.
- Where diagonal curb ramps were installed with the intent to serve a side-street crossing only, receiving curb ramps are still required to be installed on the opposite side of the major street. However, an engineering study should be performed prior to the installation of the receiving curb ramps to determine if the major street crossing is safe to accommodate. If the engineering study determines the major street crossing is unsafe to accommodate, the existing diagonal curb ramps should be removed and replaced with directional curb ramps in addition to the other requirements noted in **3.4 FHWA Guidance on Closing Pedestrian Crossings**.

The following engineering judgement or best practices recommendations were made in order to maximize pedestrian safety. It should be noted that these improvements are advised but not required per federal standards.

- For all existing or implied pedestrian street crossings at unsignalized intersections where striping is not present, striping is recommended to be installed. The 2009 MUTCD states that on approaches controlled by STOP or YIELD signs, crosswalk lines should be installed where engineering judgement indicates they are needed to direct pedestrians to the proper crossing path(s). Additionally, in conjunction with signs and other measures, crosswalk markings help to alert road users of a designated pedestrian crossing point across roadways at locations that are not controlled by traffic control signals or STOP or YIELD signs.
- For pedestrian crossings across commercial driveways, detectable warning surfaces are recommended to be installed on curb ramps or sidewalk approaches on either side of the driveway. PROWAG states that detectable warning surfaces should not be provided at crossings of residential driveways since the pedestrian right-of-way continues across residential driveway aprons. However, where commercial driveways are provided with yield or stop control, detectable warning surfaces should be provided at the junction between the pedestrian route and the vehicular route.

A complete list of possible solutions can be found in the sidewalk and unsignalized intersection facility reports provided in **Appendix F**.

Table 6. Summary of Curb Ramp Issues at Unsignalized Intersections

Curb Ramp Element	Number Evaluated	Number Compliant	Percent Compliant
Curb ramp does not have traversable sides	779	776	99.61%
Curb ramp lands in crosswalk	1180	1159	98.22%
Curb ramp width \geq 48"	1180	1097	92.97%
Curbed sides are 90°	779	701	89.99%
Curb ramp turning space (landing) exists	1180	1026	86.95%
48" crosswalk extension exists	553	478	86.44%
Curb ramp counter slope \leq 5%	1180	877	74.32%
Curb ramp present where curb ramp is needed	1630	1180	72.39%
No ponding in curb ramp, turning space (landing), or flares	1180	824	69.83%
No obstruction in curb ramp, turning space (landing), or flares	1180	807	68.39%
Curb ramp turning space (landing) running slope \leq 2%	1026	660	64.33%
Curb ramp turning space (landing) cross slope \leq 2%	1026	626	61.01%
Curb ramp running slope \leq 8.3%	1180	719	60.93%
Curb ramp cross slope \leq 2%	1180	580	49.15%
Flare cross slope \leq 10%	402	189	47.01%
Flush transition to roadway exists	1180	541	45.85%
Detectable warning surface color contrasts with adjacent curb ramp surface	1667	118	7.08%
Presence of detectable warning surface with correct placement	1667	108	6.48%

3.3 Maintenance Versus Alterations

The United States Department of Justice (DOJ) has issued a briefing memorandum on clarification of maintenance versus projects. Information contained in the briefing memorandum is below. We recommend this clarification with regard to when curb ramp installation is required as part of a project be distributed to the appropriate City of Hendersonville staff.

The Americans with Disabilities Act of 1990 (ADA) is a civil rights statute prohibiting discrimination against persons with disabilities in all aspects of life, including transportation, based on regulations promulgated by the United States Department of Justice (DOJ). DOJ's regulations require accessible planning, design, and construction to integrate people with disabilities into mainstream society. Further, these laws require that public entities responsible for operating and maintaining the public rights-of-way do not discriminate in their programs and activities against persons with disabilities. FHWA's ADA program implements the DOJ regulations through delegated authority to ensure that pedestrians with disabilities have the opportunity to use the transportation system's pedestrian facilities in an accessible and safe manner.

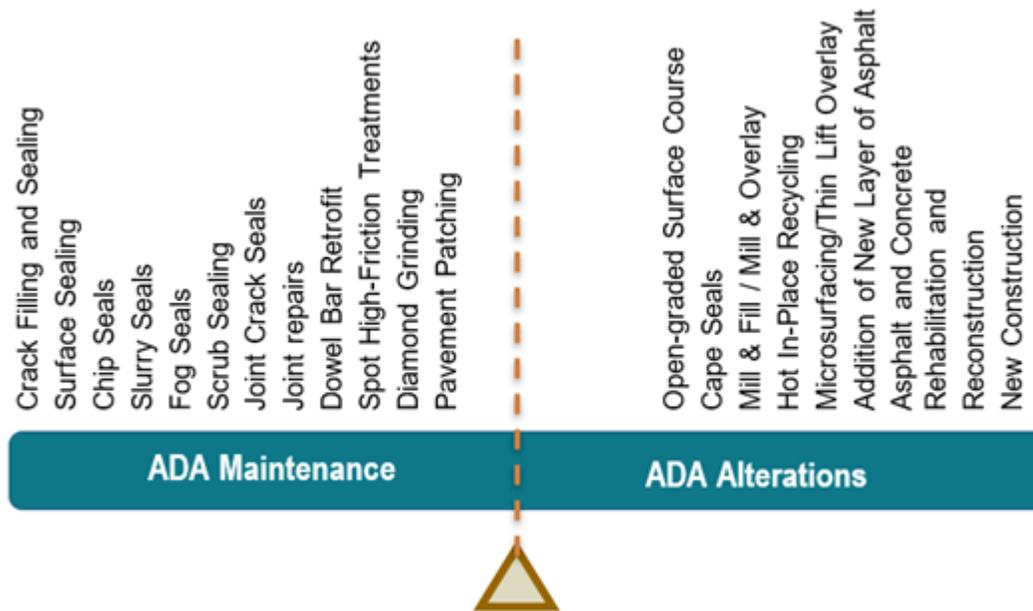
FHWA and DOJ met in March 2012 and March 2013 to clarify guidance on the ADA's requirements for constructing curb ramps on resurfacing projects. Projects deemed to be alterations must include curb ramps within the scope of the project.

This clarification provides a single Federal policy that identifies specific asphalt and concrete-pavement repair treatments that are considered to be alterations – requiring installation of curb ramps within the scope of the project – and those that are considered to be maintenance, which do not require curb ramps at the time of the improvement. Figure 1 provides a summary of the types of projects that fall within maintenance versus alterations.

This approach clearly identifies the types of structural treatments that both DOJ and FHWA agree require curb ramps (when there is a pedestrian walkway with a prepared surface for pedestrian use and a curb, elevation, or other barrier between the street and the walkway) and furthers the goal of the ADA to provide increased accessibility to the public right-of-way for persons with disabilities. This single Federal policy will provide for increased consistency and improved enforcement.

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Figure 1. Maintenance versus Alteration Projects



Source: DOJ Briefing Memorandum on Maintenance versus Alteration Projects

3.4 FHWA Guidance on Closing Pedestrian Crossings

An alteration that decreases or has the effect of decreasing the accessibility of a facility below the requirements for new construction at the time of the alteration is prohibited. For example, the removal of an existing curb ramp or sidewalk (without equivalent replacement) is prohibited. However, the FHWA has indicated a crossing may be closed if an engineering study (performed by the City and not included in the scope of this Transition Plan) determines the crossing is not safe for any user. The crossing should be closed by doing the following:

- A physical barrier is required to close a crossing at an intersection. FHWA has determined that a strip of grass between the sidewalk and the curb IS acceptable as a physical barrier.
- A sign should be used to communicate the closure.

The agency wishing to close certain intersection crossings should have a reasonable and consistent policy on when to do so written in their Transition Plan or as a standalone document. If safety concerns are established by an engineering study, a pedestrian crossing should not be accommodated for any user. The City of Hendersonville should also develop and implement a policy on how to close those crossings that are accommodated based on the existing conditions at the crossing location (e.g., existing sidewalk leading up to the curb in the direction of the crossing or existing curb ramp or crosswalk serving the crossing) but should not be due to safety concerns.

3.5 Prioritization

The following sections outline the prioritization factors and results of the prioritization for buildings, parks, signalized intersections, sidewalks, and unsignalized intersections. Each facility type has a different set of parameters to establish the prioritization for improvements. These prioritization factors were taken into consideration when developing the implementation plan for the proposed improvements.

3.5.1 *Prioritization Factors for Facilities*

Buildings and parks were prioritized on a 12-point scale, which is defined in **Table 7**. This prioritization methodology was developed by the Consultant Team to aid the City in determining how the buildings should be prioritized for improvements based on the severity of non-compliance with ADA.

Signalized intersections were prioritized on a 13-point scale. The 13-point scale, which is used to prioritize both signalized and unsignalized intersections, is defined in **Table 8**. This prioritization methodology was developed by the Consultant Team to aid the City in determining which signalized intersections should be prioritized for improvements over other signalized intersections based on the severity of non-compliance with ADA.

Sidewalk corridors and greenways were prioritized on a 3-point scale and were given a priority of either “High”, “Medium”, “Low” based on the severity of non-compliance, which is defined in **Table 9**. Compliant segments of the sidewalk corridor and greenways were given a priority label of “Compliant”.

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Table 7. Prioritization Factors for Buildings/Parks

Priority	Criteria
1 (high)	Complaint known or imminent danger present
2 (high)	<ul style="list-style-type: none"> Element is more than twice the allowable requirement. No known complaint. AND (for exterior conditions) location is near a hospital, school, transit stop, government building, or other pedestrian attractor.
3 (high)	<ul style="list-style-type: none"> Element is more than twice the allowable requirement. No known complaint. AND (for exterior conditions) location is not near a hospital, school, transit stop, government building, or other pedestrian attractor.
4 (high)	Issues with parking or exterior conditions (DOJ level 1) – moderately out of compliance
5 (medium)	Issues with access to goods and services (DOJ level 2) – severely out of compliance
6 (medium)	Issues with: <ul style="list-style-type: none"> Access to goods and services (DOJ level 2) – moderately out of compliance; Parking or exterior conditions (DOJ level 1) – minimally out of compliance; OR Restrooms (DOJ level 3) – severely out of compliance
7 (medium)	Issues with: <ul style="list-style-type: none"> Access to goods and services (DOJ level 2) – minimally out of compliance; Restrooms (DOJ level 3) – moderately out of compliance; OR Drinking fountains or public phones (DOJ level 4 & 5) – severely out of compliance
8 (medium)	Issues with drinking fountains or public phones (DOJ level 4 & 5) - moderately out of compliance
9 (low)	Issues with restrooms (DOJ level 3) – minimally out of compliance
10 (low)	Issues with drinking fountains or public phones (DOJ level 4 & 5) - minimally out of compliance
11 (low)	<ul style="list-style-type: none"> Client is a Title II agency; AND Elements out of compliance, but may be able to be handled programmatically or do not need to be handled unless or until the agency hires a person with a disability
12 (low)	Element is fully compliant with an older standard (safe-harbored), but will need to be brought into compliance with current standards if altered

Table 8. Prioritization Factors for Signalized and Unsignalized Intersections

Priority	Criteria
1 (high)	Complaint filed on curb ramp or intersection or known accident/injury at site
2 (high)	Existing curb ramp with any of the following conditions: <ul style="list-style-type: none"> • Running slope > 12% • Cross slope > 7% • Obstruction to or in the curb ramp or landing • Level change > ¼ inch at the bottom of the curb ramp • No detectable warnings AND within a couple of blocks of a hospital, retirement facility, medical facility, parking garage, major employer, disability service provider, event facility, bus/transit stop, school, government facility, public facility, park, library, or church, based on field observations.
3 (high)	<ul style="list-style-type: none"> • No curb ramp where sidewalk or pedestrian path exists AND within a couple of blocks of a hospital, retirement facility, medical facility, parking garage, major employer, disability service provider, event facility, bus/transit stop, school, government facility, public facility, park, library, or church, based on field observations.
4 (high)	No curb ramps, but striped crosswalk exists
5 (medium)	Existing curb ramp with any of the following conditions: <ul style="list-style-type: none"> • Running slope > 12% • Cross slope > 7% • Obstruction to or in the curb ramp or landing • Level change > ¼ inch at the bottom of the curb ramp • No detectable warnings AND NOT within a couple of blocks of a hospital, retirement facility, medical facility, parking garage, major employer, disability service provider, event facility, bus/transit stop, school, government facility, public facility, park, library, or church, based on field observations.
6 (medium)	<ul style="list-style-type: none"> • No curb ramp where sidewalk or pedestrian path exists AND NOT within a couple of blocks of a hospital, retirement facility, medical facility, parking garage, major employer, disability service provider, event facility, bus/transit stop, school, government facility, public facility, park, library, or church, based on field observations.
7 (medium)	Existing diagonal curb ramp (serving both crossing directions on the corner) is non-compliant and should be replaced with two curb ramps, one serving each crossing direction on the corner.
8 (medium)	Existing curb ramp with any of the following conditions: <ul style="list-style-type: none"> • Cross slope > 5% • Width < 36 inches • Median/island crossings that are inaccessible
9 (low)	Existing curb ramp with either running slope between 8.3% and 11.9% or insufficient turning space
10 (low)	Existing diagonal curb ramp without a 48-inch extension into the crosswalk
11 (low)	Existing pedestrian push button is not accessible from the sidewalk and/or curb ramp
12 (low)	Existing curb ramp with returned curbs where pedestrian travel across the curb is not protected
13 (low)	All other intersections not prioritized above

Table 9. Prioritization Factors for Sidewalk Corridors and Greenways

Criteria	Priority		
	1 (high)	2 (medium)	3 (low)
Cross slope of sidewalk is greater than 2%	Value > 3.5%	3.5% ≥ Value > 2.0%	
Width of sidewalk is less than 48 inches	Value ≤ 36.0"	36.0" < Value < 42.0"	42.0" < Value < 48.0"
Obstruction present along sidewalk	Obstruction - Permanent	Obstruction - Temporary	
Heaving, sinking, or cracking present on sidewalk	Heaving Sinking Cracking		
Ponding on sidewalk		Ponding	
Missing sidewalk			Missing Sidewalk
Signalized cross street cross slope is greater than 5%	Value > 9.0%	9.0% ≥ Value ≥ 7.0%	7.0% > Value > 5.0%
Unsignalized cross street cross slope is greater than 2%	Value > 6.0%	6.0% ≥ Value ≥ 4.0%	4.0% > Value > 2.0%
Cross street running slope is greater than 5%	Value > 7.0%	7.0% ≥ Value ≥ 6.0%	6.0% > Value > 5.0%
Driveway sidewalk width is less than 48 inches	Value ≤ 36.0"	36.0" < Value < 42.0"	42.0" < Value < 48.0"
Driveway (or sidewalk if applicable) cross slope is greater than 2%	Value > 6.0%	6.0% ≥ Value ≥ 4.0%	4.0% > Value > 2.0%
Driveway (or sidewalk if applicable) condition is poor or poor dangerous	Elevation change greater than 1/2 inch or gaps greater than 1 inch	Elevation change between 1/4 inch and 1/2 inch or gaps between 1/2 inch and 1 inch	
Railroad crossing excessive sidewalk vertical discontinuity	Elevation change greater than 1/4 inch or gaps greater than 1 inch)		
Railroad crossing pre-fabricated plate is plastic or does not exist	Yes – Plastic or No		
Railroad crossing flangeway gap is greater than 3 inches	Value > 3.0"		
Railroad crossing is missing detectable warning surface(s)	Value > 2.5"		

Table 10, Table 11, Table 12, Table 13, and Table 14 provide summaries of the prioritization classifications for signalized intersections, greenway sidewalk corridors, greenway unsignalized intersections, public rights-of-way sidewalks, and public rights-of-way unsignalized intersections, respectively.

Table 10. Prioritization Summary Signalized Intersections

Priority	Number of Intersections
0 (compliant)	---
1 (high)	---
2 (high)	10
3 (high)	---
4 (high)	---
5 (medium)	10
6 (medium)	---
7 (medium)	2
8 (medium)	---
9 (low)	---
10 (low)	---
11 (low)	1
12 (low)	---
13 (low)	---
Total	23

Table 11. Prioritization Summary for Greenway Sidewalk Corridors

Facility Type	Length (miles) by Priority				Total
	1 (high)	2 (medium)	3 (low)	Compliant	
Sidewalks	0.93	1.55	0.18	4.29	6.95
Driveway Crossings	0.02	0.01	0.01	0.01	0.05
Street Crossings	0.02	0.01	0.07	0.07	0.17
Total	0.97	1.57	0.27	4.37	7.18

Table 12. Prioritization Summary for Greenway Unsignalized Intersections

Priority	Number of Intersections
0 (compliant)	---
1 (high)	---
2 (high)	13
3 (high)	1
4 (high)	---
5 (medium)	---
6 (medium)	---
7 (medium)	---
8 (medium)	---
9 (low)	---
10 (low)	---
11 (low)	---
12 (low)	---
13 (low)	5
Total	19

Table 13. Prioritization Summary for Public Rights-of-Way Sidewalk Corridors

Facility Type	Length (miles) by Priority				
	1 (high)	2 (medium)	3 (low)	Compliant	Total
Sidewalks	17.5	22.2	0.8	57.2	97.7
Driveway Crossings	2.9	3.4	3.7	6.5	16.5
Street Crossings	0.8	0.8	1.6	2.3	5.6
Total	21.1	26.4	6.1	66.0	119.8

Table 14. Prioritization Summary for Public Rights-of-Way Unsignalized Intersections

Priority	Number of Intersections
0 (compliant)	7
1 (high)	0
2 (high)	118
3 (high)	7
4 (high)	5
5 (medium)	422
6 (medium)	33
7 (medium)	5
8 (medium)	4
9 (low)	27
10 (low)	1
11 (low)	0
12 (low)	1
13 (low)	173
Total	803

3.6 Conclusion

This document serves as the ADA Transition Plan for the City of Hendersonville. In developing the Transition Plan, PSAs were reviewed for compliance with ADA guidelines and a Self-Evaluation was conducted on the following facilities:

- 13 buildings;
- 7 parks;
- 7 miles of greenway and all unsignalized intersections and driveways along the corridors;
- 6 pedestrian bridges;
- 23 signalized intersections; and
- 120 miles of sidewalk and all unsignalized intersections and driveways along the sidewalk corridors.

The possible solutions were prioritized, and an implementation plan was developed to provide guidance for the City's improvement projects in the coming years.

The City is taking the actions referenced below and will continue to look for and remedy barriers to access to endeavor that Hendersonville citizens who are disabled are given access to the City's PSAs.

To confirm follow-up on corrective actions required under the Transition Plan, the City will institute an ADA Action Log, documenting its efforts at compliance with the ADA. At a minimum, the Action Log will identify items that are not ADA compliant and will include anticipated completion dates. After the adoption of the Transition Plan by the governing body of the City, the ADA Action Log will be updated on an annual basis. The ADA Action Log should be available upon request. See the ADA Action Log provided in **Appendix G**.

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4.0 Staff Training

Training was provided to City staff to address some of the issues identified in the departmental surveys and interviews. The following training sessions were provided by the Consultant Team:

- October 15, 2020 – Disability Awareness and ADA Overview Customer Contact Staff
- October 15, 2020 – Maintenance Training
- October 15, 2020 – Orientation for ADA Liaison Teams
- October 15, 2020 – Disability Employment Training for Human Resources, Staff and Supervisors

Descriptions of each training course are provided below:

Disability Awareness and ADA Overview Customer Contact Staff (2 hours)

Overview of the access criteria and requirements mandated for state and local government staff interacting with the public. Best practices for sensitive and respectful interactions are explained. Communication topics include correct language and etiquette, appropriate use of terminology, and dealing with service animals in public places. The training concludes with a brief overview of maintaining accessibility for people with disabilities.

City Staff in Attendance: 16

Maintenance Training (1.5 hours)

The maintenance staff is on the front lines of access compliance and the key in maintaining accessible features, a requirement of the law. Problems can occur when furniture is moved, repairs are undertaken or landscaping improperly pruned, for example. Knowing that government staffs have limited resources, the training does not require augmenting staff or increasing budgets, rather making the staff aware of requirements and liabilities. Staff will learn to identify problem areas before they become hazards and know how to mitigate them.

City Staff in Attendance: 6

Orientation for ADA Liaison Teams (2 hours)

Accessology will train your staff to understand how to review and evaluate their department's existing policies and procedures for the Self-Evaluation process, required under Title II of the ADA. Findings and recommendations are based on staff evaluations and responses, and a work plan is developed for improving access for persons with disabilities. This is specific to policies and practices to achieve non-discrimination from department to department.

City Staff in Attendance: 4

Disability Employment Training for Human Resources, Staff and Supervisors (2 hours)

This workshop's objectives are to understand who is covered by disability civil rights laws, what employment elements are covered, and how meet your responsibilities in an "interactive process". Achieving an interactive process is broken down into five steps in order to effectively meet reasonable accommodation requests. Attendees will be able to determine essential vs. marginal functions of the job; defining the job in very specific terms assists in the job selection process, providing reasonable accommodations and in evaluation of staff. Also covered will be special problems during employment.

City Staff in Attendance: 15

Copies of the training class sign-in sheets are provided in **Appendix A**.

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5.0 Facility Costs

5.1 Facilities Cost Projection Overview

To identify funding sources and develop a reasonable implementation schedule, cost projection summaries for only the facilities evaluated were developed for each facility type. To develop these summaries, recent bid tabulations from the Tennessee Department of Transportation (TDOT) construction projects, along with Consultant Team experience with similar types of projects, were the basis for the unit prices used to calculate the improvement costs. A contingency percentage (20%) was added to the subtotal to account for increases in unit prices in the future in addition to an engineering design percentage (15%). Phase 1 costs are in 2019 dollars, and Phase 2 and 3 costs are in 2020 dollars. **Table 15** provides a summary of the estimated costs to bring each facility into compliance.

Table 15. Summary of Facility Costs

Facility Type	Priority*			Total
	High	Medium	Low	
Buildings	\$379,350	\$648,000	\$534,566	\$1,561,916
Parks	\$660,116	\$1,208,412	\$31,995	\$1,900,523
Greenway Sidewalk	\$239,520	\$365,912	\$99,168	\$704,600
Greenway Unsignalized Intersections	\$218,500	---	\$28,300	\$246,800
Pedestrian Bridges	\$69,600	\$8,800	---	\$78,400
Signalized Intersections	\$676,200	\$613,200	\$52,900	\$1,342,300
Public Rights-of-Way Sidewalk	\$7,454,128	\$8,125,521	\$1,624,251	\$17,203,900
Public Rights-of-Way Unsignalized Intersections	\$2,552,200	\$13,150,000	\$796,300	\$16,498,500
City Totals	\$12,249,615	\$24,119,845	\$3,167,480	\$39,536,939

*Table values are rounded for simplification

It is important to note that the facility cost estimates in **Table 15** only include the costs to remediate accessibility compliance issues as determined by a visual inspection of the facilities. Additional budget considerations should be given to the following:

- Aesthetic upgrades, such as remodeling/upgrading of outdated facilities;
- Current market conditions that may affect pricing of construction materials and labor, such as COVID-19;
- Construction challenges not visible during inspection, such as underground or in-wall utilities; and
- Other factors that may affect costs.

It is recommended that a design professional assist the City in determining the best overall design solutions with respect to various factors, including but not limited to, existing conditions, available construction budget, and consideration for all elements that are out of compliance in a particular area of a facility.

5.2 Implementation Schedule

Table 16 details the barrier removal costs and proposed implementation schedule by facility type for all City-owned facilities evaluated. Actual annual budgets will vary to accommodate project scopes. For example, all barriers at a single intersection are recommended to be removed within the same project scope. Because cost projections vary by intersection, the actual annual budget may vary to accommodate all improvements at an intersection. This 30-year plan will serve as the implementation schedule for the Transition Plan. The City of Hendersonville reserves the right to change the barrier removal priorities on an ongoing basis to allow flexibility in accommodating community requests, petitions for reasonable modifications from persons with disabilities, and changes in City programs.

It is the intent of the City to have its ADA/504 Coordinator work together with department heads and budget staff to determine the funding sources for barrier removal projects. Once funding is identified, the ADA/504 Coordinator will coordinate the placement of the projects in the Capital Improvement Program (CIP) to be addressed on a fiscal year basis.

Table 16. Implementation Schedule

Facility Type	Estimated Cost	Implementation Schedule (years)	Approximate Annual Budget*
Buildings	\$1,561,916	30	\$52,100
Parks	\$1,900,523	30	\$63,400
Greenway Sidewalk	\$704,600	30	\$23,500
Greenway Unsignalized Intersections	\$246,800	30	\$8,300
Pedestrian Bridges	\$78,400	30	\$2,700
Signalized Intersections	\$1,342,300	30	\$44,800
Public Rights-of-Way Sidewalk	\$17,203,900	30	\$573,500
Public Rights-of-Way Unsignalized Intersections	\$16,498,500	30	\$550,000
City Total	\$39,536,939		
Total Annual Budget			\$1,318,300

*Table values are rounded for simplification

5.3 Funding Opportunities

Several alternative funding sources are available to the City to complete the improvements in this Transition Plan. The funding opportunities include applying for resources at the federal and state level, consideration of local options, and leveraging private resources. The following sections detail some different funding source options.

5.3.1 Federal and State Funding

Table 17 depicts the various types of federal and state funding available for the City to apply for funding for various improvements. The following agencies and funding options are represented in the chart.

- BUILD – Better Utilizing Investments to Leverage Development Transportation Discretionary Grants
- INFRA – Infrastructure for Rebuilding America Discretionary Grant Program
- TIFIA – Transportation Infrastructure Finance and Innovation Act (loans)
- FTA – Federal Transit Administration Capital Funds

- ATI – Associated Transit Improvement (1% set-aside of FTA)
- CMAQ – Congestion Mitigation and Air Quality Improvement Program
- HSIP – Highway Safety Improvement Program
- NHPP – National Highway Performance Program
- STBG – Surface Transportation Block Grant Program
- TA – Transportation Alternatives Set-Aside (formerly Transportation Alternatives Program)
- RTP – Recreational Trails Program
- SRTS – Safe Routes to School Program / Activities
- PLAN – Statewide Planning and Research (SPR) or Metropolitan Planning funds
- NHTSA 405 – National Priority Safety Programs (Nonmotorized safety)
- FLTTP – Federal Lands and Tribal Transportation Programs (Federal Lands Access Program, Federal Lands Transportation Program, Tribal Transportation Program, Nationally Significant Federal Lands and Tribal Projects)

Most of these programs are competitive type grants; therefore, the City of Hendersonville is not guaranteed to receive these funds. It will be important for the City to track these programs to apply for the funds. Federal-aid funding programs have specific requirements that projects must meet, and eligibility must be determined on a case-by-case basis.

5.3.2 Local Funding

There are several local funding options for the City to consider, including:

- Community Development Block Grants (CDBG)
- Community Improvement District (CID) – A geographically defined district in which commercial property owners vote to impose a self-tax. Funds are then collected by the taxing authority and given to a board of directors elected by the property owners.
- General fund (sales tax and bond issue)
- Scheduled/funded CIP projects that are funded through bonds
- Sidewalk or Access Improvement Fee
- Special tax districts – A district with the power to provide some governmental or quasi-governmental service and to raise revenue by taxation, special assessment, or charges for services.
- Tax Allocation District (TAD) – A defined area where real estate property tax monies gathered above a certain threshold for a certain period of time (typically 25 years) is to be used for a specified improvement. The funds raised from a TAD are placed in a tax-free bond (finance) where the money can continue to grow. These improvements are typically for revitalization and especially to complete redevelopment efforts.
- Tax Increment Financing District (TIF) – A TIF allows cities to create special districts and to make public improvements within those districts that will generate private-sector development. During the development period, the tax base is frozen at the predevelopment level. Property taxes continue to be paid, but taxes derived from increases in assessed values (the tax increment) resulting from new development either go into a special fund created to retire bonds issued to originate the development, or leverage future growth in the district.
- Transportation Reinvestment Zone
- Transportation User Fee / Street Maintenance Fee

5.3.3 Private Funding

Private funding may include local and national foundations, endowments, private development, and private individuals. While obtaining private funding to provide improvements along entire corridors might be difficult, it is important for the

City to require private developers to improve pedestrian facilities to current ADA requirements, whether it by new development or redevelopment of an existing property.

Table 17. Funding Opportunities

ACTIVITY	BUILD	INFRA	TIFIA	FTA	ATI	CMAQ	HSIP	NHPP	STBG	TA	RTP	SRTS	PLAN	NHTS	FLTP
Access enhancements to public transportation	X	X	X	X	X	X		X	X	X					X
ADA/504 Self-Evaluation / Transition Plan									X	X	X		X		X
Bus shelters and benches	X	X	X	X	X	X		X	X	X					X
Coordinator positions (state or local)						X			X	X		X			
Crosswalks (new or retrofit)	X	X	X	X	X	X	X	X	X	X	X	X			X
Curb cut and ramps	X	X	X	X	X	X	X	X	X	X	X	X			X
Paved shoulders for pedestrian use	X	X	X			X	X	X	X	X		X			X
Pedestrian plans				X					X	X		X	X		X
Recreational trails	X	X	X						X	X	X				X
Shared use paths / transportation trails	X	X	X	X	X	X	X	X	X	X	X	X			X
Sidewalk (new or retrofit)	X	X	X	X	X	X	X	X	X	X	X	X			X
Signs / signals / signal improvements	X	X	X	X	X	X	X	X	X	X		X			X
Signed pedestrian routes	X	X	X	X	X	X		X	X	X		X			X
Spot improvement programs	X	X	X	X			X	X	X	X	X	X			X
Stormwater impacts related to pedestrian projects	X	X	X	X	X		X	X	X	X	X	X			X
Trail bridges	X	X	X			X	X	X	X	X	X	X			X
Trail / highway intersections	X	X	X			X	X	X	X	X	X	X			X
Trailside and trailhead facilities	X	X	X						X	X	X				X
Training						X	X		X	X	X	X	X	X	
Tunnels / undercrossings for pedestrians	X	X	X	X	X	X	X	X	X	X	X	X			X

Adapted from FHWA Pedestrian and Bicycle Funding Opportunities, Revised August 9, 2018:
https://www.fhwa.dot.gov/environment/bicycle_pedestrian/funding/funding_opportunities.cfm

5.4 Next Steps

The City will begin internal coordination to address the programmatic barriers identified in the Transition Plan.

The City will develop a budget to include the next **30** fiscal years. Projects identified in the ADA Transition Plan will be programmed within the **30**-year budget based prioritization provided (see **Section 3.5 Prioritization**) and other factors determined by the City, such as how barrier removal can be incorporated into existing City projects identified for capital improvements.

The City also intends to adopt 2011 PROWAG to enable City enforcement of these guidelines throughout the design and construction process of pedestrian facilities in the public rights-of-way.

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Appendix

Appendix A: Public Outreach and Staff Training

Web Survey Responses

City Staff Training Class Sign-In Sheets

Appendix B: Interactive Survey Process

Appendix C: Grievance Procedures and Public Notice

ADA Grievance Policy, Procedure and Form (Title I)

ADA Grievance Policy, Procedure and Form (Title II)

Public Notice Under the ADA

Appendix D: Documents Review

Documents, Forms and Videos Reviewed

Job Description Review

ADA Equivalent Language Guidance

Cursory Website Review

Appendix E: Facility Maps

Buildings

Parks

Greenways and Pedestrian Bridges

Signalized Intersections

Public Rights-of-Way Sidewalk Corridors

Appendix F: Facility Reports

Buildings

Parks

Greenways

Greenway Sidewalk

Greenway Unsignalized Intersections

Greenway Pedestrian Bridges

Signalized Intersections

Phase 1 Public Rights-of-Way

Public Rights-of-Way Sidewalk Corridors

Public Rights-of-Way Unsignalized Intersections

Phase 3 Public Rights-of-Way

Public Rights-of-Way Sidewalk Corridors

Public Rights-of-Way Unsignalized Intersections

Appendix G: ADA Action Log