



# **Americans with Disabilities Act Transition Plan**

**August 6, 2019**

**P.O. Box 2570  
Waco, Texas 76702**

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## 1.0 Executive Summary

### 1.1 Introduction

The Americans with Disabilities Act was passed in 1990 as a step towards the disestablishment of discrimination against individuals with disabilities. ADA Title II requires communities to establish self-evaluations and/or transition plans, as determined by community employee size, for updating public facilities. Title II covers programs, activities, and services of government entities with a specific focus on protecting citizens from discrimination on the basis of disability. The goal of this act is to afford every individual the opportunity to benefit from businesses and services and to afford businesses and services the opportunity to benefit from the patronage of all Americans.

This document will guide the planning and implementation of necessary program and facility modifications over the next several years. The ADA Transition Plan is significant in that it established the City of Waco's (the "City") ongoing commitment to the development and maintenance of policies, programs and facilities that include all residents.

### 1.2 Federal Accessibility Requirements

The development of a transition plan is a requirement of the Federal Regulations implementing the Rehabilitation Act of 1973, which requires that all organizations receiving federal funds make their programs available without discrimination to persons with disabilities. The Act, which became known as the "civil rights act" of persons with disabilities, states:

*No otherwise qualified individual with a disability in the United States shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. (Section 504)*

Subsequent to the enactment of the Rehabilitation Act of 1973, Congress passed the Americans with Disabilities Act on July 26, 1990 (the "ADA"). Title II of the ADA prohibits disability discrimination by all public entities. Title II provides protections to individuals with disabilities that are at least equal to those provided by the nondiscrimination provisions of Title V of the Rehabilitation Act. The legislative mandate, therefore, prohibits the City from, either directly or through contractual arrangements:

- Denying persons with disabilities the opportunity to participate in services, programs, or activities that are not separate or different from those offered others, even if the City offers permissibly separate or different activities.
- Selecting facility locations that have the effect of excluding or discriminating against persons with disabilities

The City 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 ADA Access Guidelines of 2012 (ADAAG) that apply to facilities and other physical holdings.

Details of the Americans with Disabilities Act of 1990 can be found on the ADA website:

<https://www.ada.gov/>

Included in Title II are administrative requirements for all government entities employing more than fifty (50) people. These administrative requirements are:

- Designation of a person who is responsible for overseeing Title II compliance;
- Development of an ADA grievance procedure;
- Completion of a self-evaluation; and
- Development of a transition plan if the self-evaluation identifies any structural modifications necessary for compliance. Modification records must be retained for three years.

### **1.3 State of Texas Accessibility Requirements**

In addition to complying with ADA requirements, the City will also comply with the Texas Accessibility Standards, Elimination of Architectural Barriers as contained in Texas Government Code, Chapter 469. Details can found on their website:

<https://statutes.capitol.texas.gov/Docs/GV/htm/GV.469.htm>.

### **1.4 Declarations**

#### **Compliance with the Americans with Disabilities Act**

In accordance with the requirements of Title II of the ADA, the City will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

#### **Employment**

The City does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations circulated by the U.S. Equal Employment Opportunity Commission under Title I of the ADA.

#### **Effective Communication**

The City will, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they may participate equally in the City's programs, services, and activities, including but not limited to, qualified sign language

interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

#### **Modifications to Policies and Procedures**

The City will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of the City's programs, services, and activities.

Anyone who requires auxiliary aid or service for, or has a complaint related to, effective communication, or a modification of policies or procedures to allow participation in a program, service, or activity in the City should contact:

ADA Coordinator / City Engineer  
Attn: Thomas Dahl, P.E., PHR, CFM  
P.O. Box 2570  
Waco, TX 76702  
254-750-6622  
[thomasd@wacotx.gov](mailto:thomasd@wacotx.gov)

#### **Surcharges and Fees**

The City will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services to accommodate access to or participation in programs or services.

#### **Undue Burden**

ADA does not require the City to undertake any action that would represent an undue financial and administrative burden. This determination is to be made by the ADA Coordinator and must be accompanied by a statement citing the reasons for reaching that conclusion. The determination that undue burdens would result must be based on an evaluation of all resources available for use in the programs.

## **2.0 Compliance with ADA Title II Requirements**

This section makes reference to various parts of the Code of Federal Regulations (CFR), section 35 as it pertains to ADA requirements that the City must comply with or address as part of the transition plan. The details of which can be found on the ADA website:

<https://www.ada.gov/reg2.html>.

## 2.1 Notification

Applicants, participants, beneficiaries, and other interested persons have been notified of their rights and the City's obligations under Title II of the ADA as required by 28 CFR §35.106. This notification appears on the City's internet home page (<https://www.waco-texas.com/>). Public meetings notices and agendas also include this notification.

## 2.2 Designation of Responsible Employee

The City has designated a responsible employee to coordinate its efforts to comply with and carry out the City's ADA responsibilities in accordance with 28 CFR §35.107(a). The ADA coordinator has been designated to oversee compliance with the non-discrimination requirements and can be contacted at:

ADA Coordinator / City Engineer  
Attn: Thomas Dahl, P.E., PHR, CFM  
P.O. Box 2570  
Waco, TX 76702  
254-750-6622  
[thomasd@wacotx.gov](mailto:thomasd@wacotx.gov)

## 2.3 Self-Evaluation and Transition Plan

Title II of the ADA requires that the City conduct a self-evaluation of its services, policies, and practices and make modifications as necessary to comply with 28 CFR §35.105. A self-evaluation is an assessment of the City's current policies and practices and identifies and corrects those policies and practices that are inconsistent with Title II requirements. The ADA Transition Plan will continue the process of identifying any barriers to accessibility that might be present. The ADA Transition Plan will provide a schedule that indicates a projected time for resolution and the department responsible for implementation. The City has begun the self-evaluation process and will continue the process through ongoing solicitation of public comment. This Transition Plan is a living document that will be updated periodically to reflect the ongoing assessment and resolution/response to public comment. Updates will be provided as amendments to the Plan, inclusion of additional annexes, and/or updates to the City's website <https://www.waco-texas.com/>.

## **2.4 Establishment of Grievance Procedure**

The City has established a grievance procedure for resolving complaints of violations in accordance with 28 CFR §35.107(b). See Section 4.0 below.

## **2.5 Emergency Management**

The City of Waco – McLennan County Emergency Management Coordinator (EMC) develops, maintains and facilitates the all-hazard Emergency Management Plan as required by Local, State and Federal statutes and laws. During all emergency planning (Mitigation, Preparedness, Response, and Recovery), the City is committed to be in compliance with the ADA requirements as outlined in Chapter 7 under Title II (<https://www.ada.gov/pcatoolkit/chap7emergencymgmt.htm>) of the ADA. The EMC ensures that all parties with responsibilities under the Emergency Management Plan and related annexes are aware of ADA requirements and that all programs and third party agreements are also in compliance with ADA.

## **3.0 ADA Self-Evaluation and Steps Taken**

### **3.1 Self-Evaluation**

The self-evaluation is the City's assessment of its current policies, practices, and procedures to determine compliance with the ADA. The City has conducted an evaluation review of physical barriers in its buildings and facilities when required.

Recognizing that the City has limited funds, staff will utilize a variety of criteria for prioritizing the removal of physical barriers. These criteria may include but not be limited to the following:

- Quantity and frequency of public use
- Critical nature of the programs offered at the facility (government offices, medical facilities, school zones, downtown core areas, residential areas, and etcetera.)
- Public feedback obtained through public input and the grievance process
- Availability of funding
- Planning of future construction activity – Capital Improvement Plan

### **3.2 Action Taken to Improve Access**

The City has developed at a rapid rate during the past several years. Extensive expansion and redevelopment of the downtown commercial area has occurred in response to increased interest and tourism. As new City facilities have been constructed and existing buildings renovated, the City has complied with State of Texas design requirements through review by the Texas Department of Licensing and Regulation (TDLR) / Chapter 469 of the Texas Government Code. The City has also enhanced pedestrian access via street and sidewalk related capital improvement projects including construction and/or reconstruction of sidewalks, curb ramps, drive approaches, curbs and necessary retaining walls at various locations throughout the City to comply with the ADA; developer construction of subdivision infrastructure in the right-of-way including sidewalks and curb ramps; and adjacent to developer infill projects right-of-way infrastructure such as sidewalks and curb ramps. The City with developers will continue these improvements to meet its overall accessibility goals.

## **4.0 Grievance Procedure**

Under the Americans with Disabilities Act, users of City facilities and services have the right to file a grievance if they believe the City has not provided reasonable accommodation.

### **4.1 Submitting a grievance**

The complainant should fill out the City of Waco – Americans with Disabilities (ADA) Complaint / Grievance Form (refer to Attachment C), giving all of the information requested. Under the grievance procedures, a formal complaint must be filed within 90 calendar days of the alleged occurrence. Upon request, reasonable accommodations will be provided in completing the form, or alternative formats of the form will be provided. The ADA Complaint / Grievance Procedure and Form may be obtained from and sent to the City of Waco ADA Coordinator / City Engineer, Attn: Thomas Dahl, P.E., PHR, CFM, P.O. Box 2570, Waco, TX 76702. Contact the ADA Coordinator at the address listed above, via telephone 254-750-6622, or email [thomasd@wacotx.gov](mailto:thomasd@wacotx.gov) with additional questions.

The ADA Coordinator is required to acknowledge receipt of the grievance within fifteen (15) days. If the ADA Coordinator does not respond or does not satisfactorily resolve the issue within the time period set forth in Section 4.2 below, the complainant may forward the request, or appeal the response, to the Public Works Director. If the complainant wishes to appeal a decision further they may contact the City Manager. If at any time the complainant is not satisfied with the City's handling of the grievance the complainant may file directly with the U.S. Department of Justice.



## **4.2 Investigation Process**

Following the filing of a grievance, the ADA Coordinator shall determine whether, and to what extent, an investigation of the grievance is warranted. Any resulting investigation shall be conducted by the ADA Coordinator or their designee. A thorough investigation affords all interested persons and their representatives and opportunity to submit evidence relevant to a grievance. The ADA Coordinator will complete the investigation within 60 calendar days of receipt of the grievance. If appropriate, the ADA Coordinator will arrange to meet with the complainant to discuss the matter and attempt to reach resolution of the grievance.

## **4.3 Resolution**

Any resolution of the grievance shall be documented in the ADA Coordinator file and the case will be closed. All written complaints and resolutions shall be kept on file for three (3) years.

The resolution of any specific grievance will require consideration of varying circumstances, such as the specific nature of the disability; the nature of the access to facilities; the safety of others; and the degree to which an accommodation would constitute a fundamental alteration to the facility, or cause an undue hardship to the City. Accordingly, the resolution by the City of any grievance does not constitute an admission of liability, guilt or a precedent upon which the City is bound or upon which other parties may rely.

## **5.0 Emergency Management**

One of the most important goals of emergency management is helping people prepare for and respond to emergencies. Making local preparedness and response programs accessible to people with disabilities is a critical part of this responsibility.

### **5.1 Access to 9-1-1 Services**

The City partners with McLennan County 911 Emergency Assistance District for all 9-1-1 services. All Public Safety Answering Points (PSAPs) in McLennan County can receive 9-1-1 calls via a telecommunications device for the deaf (TDD) or a text telephone (TTY). McLennan County 9-1-1 Emergency Assistance District offers 9-1-1 tele-communicators the initial 8 hour TDD/TTY training as well as 4 hour refresher TDD/TTY training in accordance with ADA. Text to 9-1-1 Service was implemented in May 2018. This service is different than TTY/TDD in that it does not require a separate device to connect to the phone. Mobile phone users can text 9-1-1 to connect to a Public Safety Answering Point.

## 5.2 Functional Needs Assessments

A functional needs assessment of the local residents will assist in ensuring that emergency management procedures are in compliance with the ADA. Functional needs assessments are required as part of the Emergency Management Plan in order to facilitate the notification, evacuation, and sheltering phases of an emergency incident.

The State of Texas currently has a functional needs registry that is available to any individual who may require additional assistance. This is a voluntary, confidential registration and individuals may apply through the Texas Information Referral Network (2-1-1) or online through the State of Texas Emergency Assistance Registry (“STEAR”):

<http://www.dps.texas.gov/dem/stear/public.htm>

STEAR provides the City with a list of individuals requiring assistance. All information will remain confidential and at no time will names, addresses or other personal information be published, sold or provided to any third parties unless otherwise required by law. The City utilizes public outreach to educate citizens regarding this registration process.

## 6.0 Conclusion

Services and programs offered by the City to the public must be accessible for all citizens and reasonable accommodations must be made for those with disabilities. The process of making City facilities and programs accessible to all individuals will be an ongoing one and the City will continue to review accessibility issues through self-evaluation, resolution of complaints, and by making reasonable modifications to programs.

The City has made progress towards improving accessibility as seen by the following actions:

- Designation of an ADA Coordinator
- Implementation of an ADA grievance procedure
- Conducting an ongoing self-assessment to identify issues needing to be resolved
- Complying with Federal and State requirements as facilities are modified or constructed
- Planning future improvements through the capital improvement program

It is imperative that the City partner with the community to work together to identify and resolve accessibility issues. In addition to the existing grievance process, feedback will be obtained from the community by publishing this document on the City’s website. Upon receiving public input, if necessary, City staff will update the Plan and present an updated Plan to the City Council for its review and approval. Upon approval staff will make the updated Plan available to the public. Periodic updates will be made to the Plan going forward.

## Appendix A – Contact Information

### **ADA Coordinator / City Engineer**

Thomas M. Dahl, P.E., PHR, CFM

P.O. Box 2570

Waco, TX 76702

254-750-6622

[ThomasD@wacotx.gov](mailto:ThomasD@wacotx.gov)

### **Interim Director of**

#### **Public Works**

Amy Burlarley-Hyland, P.E.

P.O. Box 2570

Waco, TX 76702

254-750-6621

[AmyB@wacotx.gov](mailto:AmyB@wacotx.gov)

### **City Manager**

Wiley Stem, III

P.O. Box 2570

Waco, TX 76702

254-750-5640

[WileyS@wacotx.gov](mailto:WileyS@wacotx.gov)

### **United States Department of Justice – Civil Rights Division**

<https://www.ada.gov/>

## Appendix B – Self-Evaluation and Action Taken

Facility	Improvement		Recommended Modification	Status
	Item	Location		
Bledsoe-Miller Community Center	Doors	Front	Automatic door openers	Complete
Dewey Community Center	Doors	Front	Automatic door openers	Complete
Sol Ross Community Center	Doors	Front and Rear	Automatic door openers	Complete
Police Tower	Handrail	Front	Handrails replaced	Complete
Animal Shelter	Handrail	Exit	Handrails added to exit of Adoption Center	Complete
East Waco Library	Pavement Marking	Parking Lot	Parking lot re-stripped for ADA access	Complete
Texas Ranger Hall of Fame and Museum	Handrail	Various	Handrail added to Armstrong Research Center walkway	Complete
Cameron Park Zoo	Doors	Entrance	Automatic doors were added to gift shop and food court	Complete
Cameron Park Clubhouse	Mantel	Fireplace	Mantel was cut to meet ADA requirements	Complete
South Waco Community Center	Signage	Bathrooms	Signage updated for bathrooms to meet ADA requirements	Complete
Water Office	Signage	Bathrooms	Signage updated for bathrooms to meet ADA requirements	Complete
Health District Headquarters	Doors	Front	Adding Automatic door openers	Bidding

Street Name	Limits		Recommended Modification	Status
	From	To		
City Hall	3 <sup>rd</sup> Street	Towards University Parks Dr	Construct sidewalk and ramps	Completed
Bosque Blvd	3 <sup>rd</sup> Street	University Parks Dr	Construct sidewalks, ramps, and retaining walls	Completed
New Road	At Waco Drive		Traffic signal bring up to ADA standards and install ramps	Completed
Salvation Army Webster Avenue	3 <sup>rd</sup> Street	5 <sup>th</sup> Street	Construct curb ramps and selected sidewalk	Completed
Beverly Drive	New Road	State Highway 6	Reconstruct Road, ramps and selected sidewalk	Completed
Webster Avenue	Along, at, and near Intersection with	6 <sup>th</sup> Street	Construct sidewalk and ramps	Completed
9 <sup>th</sup> Street	Webster Avenue	Clay Avenue	Construct sidewalk and ramps	Completed
Webster Avenue	9 <sup>th</sup> Street	Towards 8 <sup>th</sup> Street	Construct sidewalk and ramps	Completed
Kendrick School Sidewalk Improvements	Various Adjacent Streets		Construct sidewalk and ramps	Completed
Mountainview School Sidewalk Improvements	Various Adjacent Streets		Construct sidewalk and ramps	Completed
Tennyson School sidewalk Improvements	Various Adjacent Streets		Construct sidewalk and ramps	Completed
Woodgate School Sidewalk Improvements	Various Adjacent Streets		Construct sidewalk and ramps	Completed
Colcord	15 <sup>th</sup> Street	Towards 13 <sup>th</sup> street	Place thermoplastic surface pattern in pedestrian walkways	Completed
Ritchie Road			Reconstruct road and add sidewalk and ramps	Under Construction
Elm Avenue	Preston Street	Turner Street	Reconstruct sidewalk and add ramps	Under Construction
Traffic Signals	Various		Bring into ADA compliance with upgrades	Ongoing
Austin Avenue	11 <sup>th</sup> Street	20 <sup>th</sup> Street	Utility, replacement, mill and overlay, ramps, selected sidewalk	Planned 2019
Elm Avenue Phase I	Spring Street	Clifton Street	Water infrastructure, mill and overlay, ramps, storm drain	Planned 2019
Washington Avenue	University Parks Drive	18 <sup>th</sup> Street	Mill and overlay, dedicated bike lanes, median, traffic signals, ramps, selected sidewalk	Planned 2019
Webster Avenue	8 <sup>th</sup> Street	11 <sup>th</sup> Street	Reconstruct sidewalk, add ramps, and ADA parking	Planned 2019
5 <sup>th</sup> Street	US 84	IH 35	Reconstruct street, selected sidewalk, and ramps	Planned 2020
Dallas Street	Herring Avenue	Tyler Street	Reconstruct street, selected sidewalk, and ramps	Planned 2020
Franklin Avenue	3 <sup>rd</sup> Street	18 <sup>th</sup> Street	Mill and overlay, traffic signal ADA compliance, ramps, and selected sidewalk	Planned 2020
Elm Avenue Phase II	Brazos River	Spring Forrest Garrison	Sidewalks, ramps, bicycle lanes, lighting, markings, paving, storm drains water and wastewater	Planned 2021

# Appendix C – City of Waco – Americans with Disabilities (ADA Complaint / Grievance Form

## City of Waco – Americans with Disabilities (ADA) Complaint / Grievance Form

Complainant: \_\_\_\_\_

Person Preparing Complaint (if different from Complainant): \_\_\_\_\_

Relationship to Complainant (if different from Complainant): \_\_\_\_\_

Street Address & Apt. No.: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: ( \_\_\_\_\_ ) \_\_\_\_\_ E-mail: \_\_\_\_\_

Please provide a complete description of the specific complaint or grievance:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please specify any location(s) related to the complaint or grievance (if applicable):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please state what you think should be done to resolve the complaint or grievance:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please attach additional pages as needed.

Please do not contact me personally.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Return to: City of Waco ADA Coordinator / City Engineer, Attn: Thomas Dahl, P.E., PHR, CFM, P.O. Box 2570, Waco, TX 76702. Upon request, reasonable accommodation will be provided in completing this form or copies of the form will be provided in alternative formats. Contact the ADA Coordinator at the address listed above, via telephone 254-750-6622, or e-mail [thomasd@wacotx.gov](mailto:thomasd@wacotx.gov).