



Lincoln County, Tennessee

# ADA Self Evaluation and Transition Plan

2019

Prepared for Lincoln County Government

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## Executive Summary

Lincoln County Government is the governing body for the residents of Lincoln County, Tennessee. Located in Southern Middle Tennessee, Lincoln County is situated on 570 – square miles and according to the 2015 U.S. Census Bureau, the county’s population is comprised of 33,743 residents.

Incorporated in 1819, Lincoln County claims a scenic countryside that serves as backdrop to its natural resources and agricultural products businesses; while its historic downtown is anchored by a thriving service retail community along with a number of industrial based services businesses.

As a government entity with over 50 employees, Lincoln County is responsible for adhering to both the Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973.

According to the **American with Disabilities Act of 1990**, all government service (public) entities are required to adhere to federal regulations Titles I-V of the Act (detailed in the section to follow). Amongst these, government entities are particularly responsible for Title II of the federal regulations which indicates that all state and local governments provide program and service access to persons with disabilities.

Title II also requires adherence to **Section 504 of the Rehabilitation Act of 1973** which prohibits discrimination against people with disabilities for programs and activities receiving federal financial assistance – including but not limited to federal highway aid for transportation projects.

In pursuit of Federal compliance with these Acts, Lincoln County is responsible for the development and implementation of an ADA Self-Evaluation and Transition Plan, with the goal to achieve ADA compliance.

In embarking on the Self-Evaluation and Transition Plan development, Lincoln County also aims to achieve sub-recipient compliance with Tennessee Department of Transportation (TDOT). This measure of good standing with TDOT would serve to document the County’s compliance efforts and progress in advance of the Federal Highway Authority’s December 2019 deadline for completion of ADA Transition Plan.

To satisfy compliance requirements and further its commitment to resident quality of life and southern hospitality, Lincoln County has accepted the task of developing this Transition Plan. The primary purpose of this plan is to evaluate current accessibility policies and advance best practices for implementation of improvements to Lincoln County owned and managed facilities.

To inform the development of this Transition Plan, Lincoln County conducted an audit of County’s owned and maintained facilities, with the exception of County owned school buildings, to determine its current accessibility compliance and identify gaps within the current infrastructure for persons with disabilities. For clarity, Lincoln County Schools are managed and maintained by the local County School Board which has or is in process of developing a separate transition plan for these facilities. Additionally, this assessment included an evaluation of the County’s internal administrative policies regarding public meeting facilitation, employee hiring, and employee management practices.

This plan concludes Lincoln County will strive to mitigate and remove the barriers found evident within this self-review in the most efficient manner possible, with the main focus of action being concentrated on those barriers pertaining to Title II.

Lincoln County's goal is to satisfy the requirements necessary to bring all applicable facilities and features within Public Rights of Way into compliance. In its effort to prioritize and mitigate these barriers; short-term, intermediate, and long-term improvements and their respective funding will remain a priority over the next 10 years in order to achieve the highest possible accessibility compliance standards.

To meet the goal for residents, employees, and visitors – Lincoln County is determined to achieve the following:

1. Identification – Target existing gaps, and compliance barriers found within the county's inventory of facilities and infrastructure.
2. Prioritize – Using a barrier scoring system determine the severity of the non-compliance with ADA regulations and requirements at each facility.
3. Action Plan for Fix – Develop cost effective strategies to achieve compliance to fullest extent possible.
4. Budget – Implement an annual funding program to allocate funds toward this transition plan.
5. Maintain – Continue to maintain any barrier removal practices on the principle of achieving fullest compliance possible.
6. Re-Evaluate – Continually update this document and the County's infrastructure table and actively continue self-evaluations across all aspects of the ADA Act and Titles I-V.

## Plan Implementation

### Physical Barrier Removal

The following table details the barrier removal costs and proposed implementation schedule for all of the evaluated facilities that qualified and were subject to ADA Compliance. This assumes a 10-year plan will serve as the implementation strategy and schedule moving forward. The priorities will be set based off of the barrier scoring table within this report, but Lincoln County reserves the right to change the barrier removal priorities to accommodate community request, petitions, and any changes in county programs. The Lincoln County Gov't also reserves the right to adjust these numbers as necessary due to unanticipated funding gaps.

Estimated Cost	Implementation Schedule (Years)	Approximate Annual Budget
\$327,125	10	\$32,173

**Table 1: Implementation Cost & Schedule**

### Programmatic Improvements

In addition to the removal of physical barriers, Lincoln County will continue to adopt policy changes to ensure Title II compliance. Some program / policy level changes are to include the following:

1. Develop and provide Statement of Non-Discrimination (**Appendix 6**).
2. Update current Grievance Policy to include means of additional notification other than web site (Address) and establish and state the length of time each grievance is kept on file.
3. Adopt a policy stating only "Authorized Personnel" are to be allowed at County Volunteer Fire Station and County Convenience Centers and that no use or touring of these facilities are to be allowed by the general public.
4. Adopt and develop a policy that states the County will not designate locations for polling unless they are fully accessible for all citizens. Existing polling locations that are non-compliant should be considered for a change in location if compliance is deemed cost prohibitive, or an immediate prioritization of the accessibility improvements be implemented.
5. Review and modify job descriptions incorporating ADA Compliant language and adjusting Job description to match.
6. Develop ADA Compliant Website in accordance with Web Content Accessibility Guidelines (WCAG) and updated with WCAG 2.0.

## Introduction

### **Legislative History: American with Disabilities Act (ADA)**

The Americans with Disabilities Act (ADA) (42 U.S.C. 12101 et seq.) is a federal civil rights law that prohibits discrimination against individuals with disabilities.

The Act is enforceable across five major program areas: [**Title I:** Employment Protections, **Title II:** Public Entities and Transportation, **Title III:** Public Accommodation and Commercial Facilities, **Title IV:** Telecommunications, and **Title V:** Technical (Miscellaneous) Provisions].

The preceding bill that would become the Americans with Disabilities Act was officially signed on July 26, 1990 – with the US Attorney General’s Office designating the Department of Justice as the lead department for regulating the implementation of **Title II** requirements for State and Local government services and **Title III** requirements for public accommodations.

Approximately one year later, the Department of Justice would publish its oversight regulations and the first ADA Accessibility Guidelines for ADA Title II and Title III. Revisions to the Act would ensue in the years to follow (2010, 2016) - with the most current rule leading to the incorporation of statutory changes set forth in the ADA Amendments Act of 2008 (ADAAA).

The five program areas of the ADA described above determine the following:

#### **Title I: Employment**

Title I declares that all covered entities (including government entities) shall not discriminate against a qualified individual with a disability. This applies to job application procedures, employee hiring practices, advancement and discharge of employees, job training, and other terms, conditions, and privileges of employment.

#### **Title II: Public Services**

Title II prohibits state and local government from discrimination on the basis of disability in all services, programs, and activities provided to the public by State and Local governments, except public transportation services.

#### **Title III: Public Accommodations**

Title III pertains to public accommodations in private businesses.

As such, Title III requires that new construction and/or modifications to existing facilities be completed in such fashion to remove all barriers to service for persons with disabilities.

#### **Title IV: Telecommunications**

Title IV addresses telephone and television accessibility for persons with hearing and speech disabilities, and requires telecommunication providers to establish interstate and intrastate telecommunications relay services (TRS) 24 hours a day, 7 days a week.

## **Title V: Miscellaneous Provisions**

Title V sets forth a number of miscellaneous requirements such as accessibility construction standards, attorney's fees provisions, and technical assistance provisions.

***This plan has been created to evaluate ADA compliance across all five titles, while placing specific emphasis on Title II requirements.***

***To do so, the Transition Plan for Lincoln County will prescribe methods needed to incorporate physical and structural changes in order to improve upon present non-compliant elements in its' facilities.***

## Public Entity Requirements: Role of the ADA Self-Evaluation and Transition Plan

As a Title II entity, Lincoln County's Self-Evaluation and Transition Plan underscores its public service requirements in prohibiting discrimination against qualified individuals with disabilities across public entity activities, including:

1. The operation of all services and programs offered by the entity
2. All aspects of the employment relationship
3. Government services carried out by contractors
4. Activities of state or local legislative and judicial branches
5. Public transportation

To best understand these requirements and how they represent implementation challenges, the following reports should be referenced for foundational guidance. These materials should be used as internal resources for all Lincoln County public officials and department personnel involved with the development and implementation of the County's Transition Plan.

1. The U.S. Department of Justice report, ADA Update for State and Local Governments is a comprehensive overview of the protection requirements for Title II entities under the ADA, and lends direction on policies and modification procedures on a number of high-level topics per the 2010 ADA standards:
  - Service Animals
  - Wheelchairs and Other Mobility Devices
  - Communicating with Persons with Disabilities
  - Accessibility and the Built Environment
  - Alterations
2. The U.S. Department of Justice report, The ADA and City Governments: Common Problems is a comprehensive overview of physical access challenges that government facilities encounter.

This document is particularly helpful for entities with older building stock where a combination of access/program modifications, and facility alterations are needed to meet compliance requirements – including direction on the following high-level topics:

- “Grandfather” Clause and Entity Exemptions
- Historically Significant Facilities
- 9-1-1 Systems
- Law Enforcement Policies, Practices and Procedures

To review complete versions of these reports, reference **Appendix 1**.

### Lincoln County, 2019

In conjunction with current ADA requirements for State and Local government entities, Lincoln County, Tennessee is obligated to adhere to the program guidelines for Title I (Employment); Title II (Public Services); and those parts of Title IV and V that pertain to the County’s programs, services, or facilities.

***As such, Lincoln County has undertaken this Self-Evaluation and Transition Plan development in order to provide organization and clarity to its current ADA practices; and to develop action priorities that will lead to administrative and programmatic changes that will assist persons with disabilities.***

This document summarizes the actions taken by Lincoln County to self-evaluate its policies and facilities for compliance; lends recommendations on the removal of access barriers; and outlines a path for physical modifications to achieve accessibility compliance within facilities, paths of ingress/egress, and portions of public right-of-way under county jurisdiction. While there is no required timeline for making future updates to the Plan, the County will continue conducting self-evaluation activities as necessary to ensure the Plan document is current and meets the needs of disabled persons. In addition, the County has sought assistance from Collier Engineering for assistance in evaluating its facilities. Since each plan is required to have an annual schedule that is ideally aligned with annual funding allocations through transportation planning and programming mechanisms, annual milestones should be adjusted regularly to reflect any change in conditions of facilities or environment.

### Tennessee Department of Transportation (TDOT): Developing an ADA Transition Plan

Several resources exist to assist Title II entities in their efforts to develop an ADA Transition Plan, but when in doubt, Tennessee public entities can ensure they achieve compliance by leaning to the Federal standards, the same adopted by the Tennessee Department of Transportation (TDOT).

Under the Title II Disability Discrimination Policy (301-03), TDOT prohibits discrimination against any qualified individual on the basis of disability as it pertains to the admission or access to, or treatment in its programs, services or activities or accessibility to facilities within its ownership or control.

The following table provides a summary of steps and the federal code references, that local entities can follow to meet minimum compliance requirements.

STEPS TO ADA COMPLIANCE	
<b>Step 1:</b> Designate an ADA Coordinator	<b>28CFR35.107 (a)</b>
<b>Step 2:</b> Provide public notice about ADA requirements	<b>28CFR35.106</b>
<b>Step 3:</b> Establish a grievance procedure	<b>28CFR35.107 (b)</b>
<b>Step 4:</b> Use current design standards, specifications, and details for new construction and alternatives	<b>28.CFR35.151 (c)</b>
<b>Step 5:</b> Develop Self-Evaluation and Transition Plan	<b>28CFR35.105</b>

<b>Step 6:</b> Adopt and approve a schedule and budget to implement the Transition Plan	<b>28CFR35.150 (d)(3)(iii)</b>
<b>Step 7:</b> Monitor progress on implementation of the Transition Plan	

**Table 2: Steps to ADA Compliance**

Local entities should reference **TDOT's ADA Compliance Department**<sup>1</sup> as its primary resource for meeting and maintaining ADA compliance. Summary brochure information on developing transition plans and Title II obligations under the Americans with Disabilities Act can be found in the **Appendix 2**

## Internal Communications and Public Outreach

Filing a claim against a Title II public entity's ADA requirements can be achieved via three methods:

1. File a complaint under the public entity's grievance procedure
2. File a complaint with a designated federal enforcement agency
3. File a lawsuit

As referenced in United States 28 CFR Section 35.107 the designation of responsible employee and adoption of grievance procedures states,

- (a) Designation of responsible employee. "A public entity that employs 50 or more persons shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities, including any investigation of any complaint communicated to it alleging its noncompliance. The public entity shall make available to all interested individuals the name, office address, and telephone number of the employee or employees designated..."
- (b) Complaint procedure. "A public entity that employs 50 or more persons shall adopt and publish grievance procedures providing for prompt and equitable resolution of complaints alleging any action that would be prohibited by this part."

In general, the grievance procedure should include the following:

- Description of how and where a complaint under Title II may be filed within the government entity;
- Statement notifying potential complainants that alternative means of filing will be available to people with disabilities who require such an alternative;
- Description of the time frames and processes to be followed by the complainant and the government entity;
- Information on how to appeal an adverse decision; and
- Statement of how long complaint files will be retained.

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<sup>1</sup> **Margaret Mahler, ADA/504 Coordinator** - Tennessee Department of Transportation: ADA Office –

505 Deaderick Street, Suite 1200 - Nashville, TN 37243 - Phone: 615-741-4984 - Email: TDOT.ADA@tn.gov

In conjunction with Title II requirements, Lincoln County has taken an initial step to initiate compliance performance ahead of the development of this Transition Plan.

The County has successfully published an ADA Grievance Procedure for County services, programs, and facilities in conjunction with the Americans with Disabilities Act (ADA). At present, the publication page for the Grievance Procedure is available on the County's **website**<sup>2</sup>.

For the purpose of this document, a summary of the County's use of grievance procedures has been highlighted here. The grievance procedures as described on the County's website indicate the following staff member as the County's primary contact for internal grievance handlings:

Name:	Ms. Lisa Simmons
Title:	ADA Coordinator
Address:	112 Main Avenue, Room 203 Fayetteville, TN 37334
Phone:	(931) 433-2334
Email:	lincolncirct@fpunet.com

In addition to identifying the County's primary point of contact, this grievance page also meets many of the above procedural qualifications by highlighting the following:

- 1) where and how grievances and/or complaints shall be received by the County
- 2) eligibility term for grievances that shall be acted upon by the County;
- 3) description of investigative action(s) by the County upon receipt of an eligible grievance or complaint – including in person meeting with the ADA Coordinator and a complainant;
- 4) retained archive of reported grievances by the County (Upon reviewing the current policy Collier Engineering recommends providing additional statement outlining how long grievances are held on file by the County, i.e. All written complaints received by Ms. Alisa Simmons or her designee, appeals to the County Mayor or his designee, and responses from these two offices will be retained by the Lincoln County Government – Tennessee for at least three years.)
- 5) a written determination of the grievance with a description of the resolution shall be provided by the County;
- 6) discretionary appeal and reconsideration of a written grievance upon receipt of an unsatisfactory resolution by a complainant; and
- 7) eligibility for complainant to pursue other remedies with other federal departments/agencies

### Role of Collier Engineering

In January 2019, the Lincoln County Chairman Commission approved a professional services agreement with Collier Engineering Co., Inc. (Collier) to assist the County in the development of an ADA Self Evaluation and Transition Plan.

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<sup>2</sup> **Lincoln County ADA Grievance Policy Website:** <https://www.lincolncountytn.gov/ada-grievance-procedure>



Within the County's defined work scope, Collier was tasked with administering project management and administrative support encompassing comprehensive ADA compliance review across Lincoln County programs, services, activities, employment practices, ordinances, emergency management plan, website, design standards, public buildings, government offices and associated parking lots, parks and associated parking lots, park sidewalks and associated curb ramps.

The findings from this work contribute to the development of the ADA Self-Evaluation and Transition plan.

## Transition Plan Development

### Kick Off Meeting

On March 13, 2019 – Collier Engineering's project team met with Lincoln County officials to review scope of work priorities, request supporting materials, and confirm facility scheduling.

In total, the kick-off meeting was attended by 10 County staff members who would serve as secondary points of contact for Self-Evaluation and Transition Plan development and would represent the following County departments:

- Joey Ashby, Farm Services Department
- Cole Bradford, Finance Department
- Doug Campbell, Emergency Management Department
- Randy Delap, Register of Deeds
- Debbie Dickie, Health Department
- Tim Gill, Highway Department
- Nancy Harris, Planning & Zoning Department
- Charles Hunter, Planning & Zoning Department
- Lisa Simmons, Circuit Court Clerk (**ADA Coordinator**)
- Chris Thornton, Sheriff's Department

During the kick-off meeting, it was determined that the above points of contact and respective facility visits for each department would be individually coordinated.

To initiate schedule coordination, Collier staff provided Lincoln County administrators with a series of tentative dates for future execution of facility inspections.

In total, 34 County facilities were included as part of Title II facilities assessment portion of the Self-Evaluation. Other County assets including County owned schools were not included in Collier's evaluations. Collier's method for facility review was to look first for any exterior barriers, exterior entry, means of egress through public space, toilet and bathroom facilities and finally service areas and workspaces.

In addition to owned facilities and at the County's request, ADA compliance reviews of Lincoln County's voter precinct locations were completed. Some of these locations are on County-owned properties as well as other locations on privately held properties that are used only during election cycles. In total, Lincoln County currently has (20) voting precinct locations. The following County owned Fire Halls are currently being used as precinct locations.

- Molino Fire Hall
- Mulberry Fire Hall
- Flintville Fire Hall
- Belleville Community Center/Fire Station

The following table outlines polling locations located inside privately held properties.

Location	Exterior Compliance (Y/N)	Exterior Barrier Issue	Estimated Cost for Correction
Cash Point Baptist Church	Y	N/A	-----
Taft Baptist Church	N	Parking Spaces & Signs	\$3750
Boonshill Community Center	N	Parking Spaces & Access Route	\$6250
Howell Church of Christ	N	Surface, Parking Spaces & Signs	\$7500
Petersburg City Building	N	Parking Spaces & Signs	\$3750
Fayetteville Rec Center	N	Parking Spaces, Signs & Access Route	\$7500
Liberty Church of Christ	N	Parking Spaces & Access Route	\$6250
Maranatha Baptist Church	N	Parking Spaces & Signs	\$3750
First Nat'l Bank – Community Room	N	Parking Spaces, Signs & Access Route	\$7500
Calvary Baptist Fellowship Hall	N	Parking Spaces & Access Route	\$6250
Armory	N	Parking Spaces & Access Route	\$6250
Fayetteville Cumberland Presbyterian Church	N	Parking Spaces, Signs & Access Route	\$6250
Elora Community Center	N	Parking Spaces, Signs & Entry Door	\$7500
Kelso Cumberland Presbyterian Church	N	Parking Spaces & Access Route	\$9625
Lincoln Community Center	N	Surface, Parking Spaces & Signs	\$7500
South Lincoln: Howell Hill Church of Christ	N	Parking Spaces & Access Route	\$6250
		<b>TOTAL</b>	<b>\$95,875</b>

**Table 3: Polling Locations (Private)**

## Facility Inspections and Self-Evaluation

### Inspection Methodology

To facilitate ADA compliance inspections for Lincoln County facilities, buildings were initially categorized by their respective build dates to determine the scope of improvements needed.

The U.S. Department of Justice makes a firm distinction on the types of ADA improvements needed in building modifications based on the age of the building. This distinction draws a line of separation in buildings constructed in 1990 and thereafter, versus those built in 1989 and prior. Buildings constructed before 1990 need only comply with exterior elements and areas within that are open to the public.

Buildings constructed in 1990 or later must be brought into full compliance, while those that were constructed prior to 1990 are subject to a limited degree of compliance.

For the purposes of confirming this distinction and verifying the scope of compliance, communication with TDOT's ADA Compliance Department was conducted in advance of developing recommendations for Lincoln County facility improvements.

In general, Lincoln County's public facilities are comprised of an older building stock. Of the 34 facilities inspected, a summary of the age based on DOJ ADA 1990 distinction are as follows:

Constructed prior to 1990	23
Constructed on/after 1990	11
Average year of construction	1974

**Table 3: Lincoln County Facilities (Age)**

Upon establishing the age and degree of compliance review required, each facility was then inspected methodically from the outside to the inside; beginning with parking facilities and points of building access.

Once inside the building, other accessibility components were inspected including; lobby, bath and restrooms, service and work counters and work stations, water fountains, and elevators (where applicable).

To track progress and notate compliance findings, the building inspections were administered in conjunction with the ADA Checklist for Existing Facilities; a document developed by the Institute for Human Centered Design in conjunction with the ADA National Network<sup>3</sup>.

This checklist relies upon current ADA facility guidelines as noted in the 2010 ADA Standards for Accessible Design.

To maximize reporting efficiency, each inspected facility and the referenced extent of remedial actions needed with respect to non-compliances (barriers) addresses per the following categories:

1. Exterior Barriers
2. Entrance Barriers
3. Interior Barriers
4. Restroom Barriers
5. Amenities Barriers

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<sup>3</sup> **ADA Checklist for Existing Facilities:** <https://adachecklist.org/doc/fullchecklist/ada-checklist.pdf>

Each of these accessibility categories were then assigned a prioritization ranking based on the sequential importance of that element in order to achieve overall compliance (i.e. ability to park - first, ability to access the entrance – second, ability to access internal circulation path - third... etc.)

Lastly, once the facility's access barriers and priority improvements were determined, a rough order of magnitude cost estimate was developed for each facility to assist in development of annual budget allocations for achieving ADA compliance.

### Inspection Findings

Beginning on March 18, 2019 - Collier Engineering administered facility inspections across a six-week period beginning March 19<sup>th</sup> and concluding on April 30, 2019.

The following tables and charts provide a summary overview of the existing conditions and range of priority improvements identified during the facility inspections.

### Prevailing Conditions

The following table summarizes a cross-reference of the total number of facilities inspected and the respective majority barrier(s) identified within each barrier category (described above).

From this information, Lincoln County can ascertain consistencies amongst the barrier types and can begin to develop a plan of action and budget that targets these areas.

Total Number of Facilities Inspected	35
Prevailing Exterior Barrier #1	Parking Conditions
Prevailing Exterior Barrier #2	Parking Signage
Prevailing Entrance Barrier	Entrance Signage
Prevailing Interior Barrier	Access Route
Prevailing Restroom Barrier	Maneuvering Space
Prevailing Fountain Barrier	Approach (Clearance)
Prevailing Phone Barrier	TTY Device

**Table 4: Lincoln County Facilities, Prevailing Conditions**

### Priority Barriers

The following table quantifies the number of priority barriers (high, medium, low) identified at each facility inspected. The final column (**Barrier Score**) assigns a score for each facility based on the following calculation:

$$\text{Barrier Score} = (\# \text{ of H-Priority Barriers} * 3) + (\# \text{ of M-Priority Barriers} * 2) + (\# \text{ of L-Priority Barriers} * 1)$$

The Barrier Score calculation is a simple method calculation used to rank and place prioritization on the facility barriers based on the relative importance of barrier type. From this, the calculated score can then

be used to determine which facilities bear the greatest importance in terms of addressing ADA compliance improvements.

As a general recommendation, facilities with a **Combined Barrier Score** of 10+ (highlighted sections) should be prioritized for immediate improvement.

	# High Priority Barriers, (H)	# Medium Priority Barriers, (M)	# Low Priority Barriers, (L)	<b>Combined Barrier Score</b>
Highway Department	5	1	1	18
Election Center	4	2	1	17
Molino Fire Station	4	2	1	17
Belleville Fire Station	5	0	0	15
Dellrose Fire Station	5	0	0	15
Health Department	4	0	0	12
Junior's House	3	0	1	10
County Jail	3	1	0	10
Courthouse	3	1	0	10
Vanntown Fire Station	3	0	0	9
Shelter	2	1	1	9
Farm Service Center	3	0	0	9
Gleghorn Nature Preserve	3	0	0	9
Planning/Zoning Office	3	0	0	9
Flintville Fire Station	1	1	1	6
Park City Fire Station	1	0	3	6
Courthouse Gazebo	2	0	0	6
Jail Shelter	2	0	0	6
Mulberry Fire Station	1	0	3	6
Booneshill Fire Station	1	0	3	6
Blanche Fire Station	1	0	2	5
Taft Fire Station	1	0	2	5
Elora Fire Station	1	0	2	5
Command Post Building	1	0	1	4
Fayetteville Convenience Center	1	0	0	3

Taft Convenience Center	1	0	0	3
Flintville Convenience Center	1	0	0	3
Storage Building	0	1	0	2
Senior Citizens Facility	0	0	0	0
Blackwelder's Shop	0	0	0	0
Highway Department Quarry Building	0	0	0	0
Recycle Center	0	0	0	0
EMA	0	0	0	0
Howell Fire Station	0	0	0	0
Petersburg Fire Station	0	0	0	0
Vacant School Building	0	0	0	0

**Table 5: Lincoln County Facilities, Priority Barriers**

Based on the findings and a suggested Barriers Score threshold (10+), the highlighted facilities should be considered high priorities for Lincoln County ADA compliance updates. A full table of barriers for Lincoln County Facilities can be found in **Appendix 3**.

Detailed reports for each individual inspection, including recommended ADA priorities and their associated code reference (based on 2010 ADA Standards for Accessible Design) can be found in the individual inspection reports located in **Appendix 4**.

### Lincoln County Design Standards

As noted in the current **Lincoln County Zoning Ordinance**<sup>4</sup> (*Chapter 7.030: Zoning Compliance Building Permits, H. Building Codes Adopted*), the County has implemented 2019 building code standards as adopted by the International Code Council and U.S. Department of Justice ADA Standards for construction, alteration, repair, use, occupancy and location for every building located within Lincoln County.

The entire scope of International Code Council (ICC) building code is not made available in the Lincoln County Zoning Ordinance, however, reference to the most current building standards for new construction and alterations can be found in the ICC code books.

Additionally, the Lincoln County Zoning Ordinance references the U.S. Department of Justice's, 2010 ADA Standards for Accessible Design. These guidelines issue direction on the design, construction, and alteration of pedestrian facilities in the public right-of-way for both Title II: State and Local Government Facilities, and Title III: Public Accommodations and Commercial Facilities.

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<sup>4</sup> Lincoln County Zoning Resolution, Website: [https://02f0a56ef46d93f03c90-22ac5f107621879d5667e0d7ed595bdb.ssl.cf2.rackcdn.com/sites/2587/uploads/6698/Zoning\\_Resolution20150804-15564-5irr5l.pdf](https://02f0a56ef46d93f03c90-22ac5f107621879d5667e0d7ed595bdb.ssl.cf2.rackcdn.com/sites/2587/uploads/6698/Zoning_Resolution20150804-15564-5irr5l.pdf)

## Facility Compliance Exceptions and Special Circumstances

### Inspections at Public Facilities with Outdoor Congregating Spaces, Pavilions, Etc.

There is minimal precedence in Lincoln County for exterior public facilities that include a public/outdoor congregating spaces requiring ADA compliance.

For the purpose of this section, emphasis is placed on the gazebo located in the public square outside the Main Street Courthouse. At present, the gazebo functions as an accessory structure to the public facility (Courthouse), and as such it should meet minimum compliance requirements.

In general, the gazebo is a raised structure that sets elevated 20"-25" above the surrounding grade. Currently there is not a provided access other than steps. There also is no chair lift to provide access to the gazebo floor for individuals with mobility challenges.

Given the essential function and the designed public access of the gazebo, compliance improvements should be considered a high priority. A description of the gazebo's necessary upgrades can be found in the inspection report for the Main Street Courthouse located in **Appendix 5**.

### Inspections at Fire Fighter Only Facilities

A total of 14 fire stations were included in the scope of the compliance inspections for Lincoln County facilities.

In general, the fire station facilities can be described as simple, small steel structures large enough to house a fire truck and some ancillary emergency equipment. The exterior parking lots to these facilities are largely unpaved areas and are absent of any sidewalk and/or finished defined accessible paths leading up to the building entrances. The facilities have a minimal building footprint and are accessed by the volunteer members during times of emergency.

The Lincoln County fire department does not staff full-time fire fighters - instead, the department is comprised of local volunteer members. Standards for volunteer members are similar to the traditional employment standards for firefighters in terms of physical fitness and physical requirements.

Based on the specialized nature of the Lincoln County Fire Department and the circumstantial use of these facilities, these types of facilities are not subject to ADA requirements if the County adopts a policy limiting use to authorized personnel only and posts the appropriate signage. This exception was confirmed with TDOT ADA Compliance Division, "The county would have to post the buildings as Fire Fighters Only. Never allow anyone (family, school group or voters...) on the property and have a policy to back it up."<sup>5</sup>

<sup>5</sup> **Margaret Mahler, ADA/504 Coordinator** - Tennessee Department of Transportation: ADA Office – 505 Deaderick Street, Suite 1200 - Nashville, TN 37243 - Phone: 615-741-4984 - Email: TDOT.ADA@tn.gov

### Inspections at Convenience Centers - Accessory Recycling Structures

The Solid Waste Department in Lincoln County is comprised of a single, central recycling center and three convenience centers. For the purpose of this section, an explanation on the grounds of compliance exceptions at the three solid waste convenience centers has been provided.

In general, the solid waste convenience centers can be described as drive-thru recycling and waste disposal centers comprised of exterior ground with a number of waste dumpsters and recycling bins. The only occupant structure at these locations are a 6' x 8' shed that functions as a weather shelter for Lincoln County staff assigned to work the convenience center.

The exterior grounds for the convenience centers do not include a parking lot, as residents simply drive directly to the individual bins and dispose of trash materials. The staff shed at the convenience center locations do not have indoor work stations and/or restroom facilities.

All three solid waste convenience centers were constructed in the year 1995 or later, however given the specialized nature and circumstantial use of these facilities, as with the fire department facilities the buildings are not subject to typical ADA requirements as long as proper signage at the building is clearly posted. Collier recommends posting a sign stating "authorized personnel only" be affixed to each shed. The County should also adopt a policy limiting use to authorized personnel and not allow public tours of each facility.

#### Inspections at Lincoln County Polling Facilities

In response to the County's request to determine accessibility requirements for polling facilities, an amended scope of work was created to include a minimal evaluation of all semi-public facilities which serve as polling locations when elections are held.

According to the Lincoln County Tennessee precinct listing, there are a total of eight voting precincts and 20 polling locations located throughout the County. Among these locations, approximately 16 polling facilities are located in area churches, fellowship halls, and other facilities that do not immediately serve an administrative purpose for Lincoln County,

In addition to these non-administrative locations, four other facilities were located in Lincoln County public buildings. These polling facilities are located in two County fire halls and two County community centers.

To assist in the clarification of ADA accessibility requirements in these locations, Collier Engineering sought input from the Tennessee Department of Transportation's ADA Compliance Office. Based on TDOT's interpretation, polling locations should be reviewed based on the ability for the general public to park and access the portion of the building where polling is occurring.

While this consideration has been noted, findings from the facility inspections determine that none of the four Lincoln County public buildings comply with current ADA standards based on facility parking and exterior access (no designated spaces for parking, existing parking spaces were not located on finished, hard surfaces, and several existing spaces lack appropriate size, signage and access route to the building entrance. Based on inspections as well as input from TDOT's ADA Compliance Division, Collier recommends the County develop a policy stating the County will not designate locations for polling unless they are fully accessible for all citizens. Furthermore, existing polling locations that are non-compliant are to be considered for a change in location, or an immediate prioritization of the accessibility improvements needed.

Additionally, the U.S. Department of Justice issued-report ADA Checklist for Polling Places, is a comprehensive overview of polling place accessibility with an emphasis on facility areas used on Election



Day. The report further provides tools for measuring and confirming physical accessibility in space, and lends methods for providing temporary remedies. A copy of this report is available in the **Appendix 5**.

## Recommendations: Programs, Procedures and Policies

### Statement of Non-Discrimination

Under Title II, Lincoln County must make information about ADA requirements pertaining to its services, programs, and activities available to the public. It is encouraged that Lincoln County adopt an ADA Notice of Non-Discrimination statement as described in **Appendix 6**. The notice should be provided on all public notices and documents as well as posted on County's website.

### ADA Liaison Committee and External ADA Advisory Committee

Committee purpose:

- Provide Input to local process and lend voice/perspective from the disabled community
- Extension of the County WRT public notice

#### Recommendation

1. Determine Internal ADA Liaison Committee based on the appointed ADA Coordinator and the respective department representatives
2. Develop list of local disability organizations and encourage them to view the Transition Plan draft

### Public Meetings

Many County departments are responsible for holding public meetings. The following recommended actions should be considered.

1. Schedule public meetings in accessible locations whenever possible.
2. When a fully accessible site is not available, then make reasonable modification so that an individual with a disability can participate.
3. Make information available to County staff on the types of modification requests that may be made by individuals with different types of disabilities. Provide information about auxiliary aids such as different types of assistive listening systems, sign language interpreters, readers, descriptive services, and other assistive technologies like "real-time captioning." Display a notice on meeting agendas indicating the availability of accessibility modifications.
4. Provide agendas in alternative formats, when requested.
5. Provide flexibility in the time limit on speaking for individuals with communication difficulties.
6. Provide assistive listening devices at public meetings, when requested.
7. Maintain a list of on-call American Sign Language interpreters who may be brought to meetings to assist individuals with hearing impairments.
8. Develop a checklist for creating accessible meetings and selecting accessible meeting spaces, and make the list available to County departments and programs.
9. Prepare a list of already accessible meeting spaces to facilitate the scheduling of meetings and/or their location of meetings upon request.

## Emergency Plan Review

County Departments are encouraged in the establishment of emergency evacuation procedures to safely evacuate individuals with disabilities who may need special assistance in an emergency. The following recommended actions should be considered.

1. Develop guidelines for the evacuation of individuals with disabilities in various types of emergency situations. Each department should use these guidelines to create their own emergency evacuation plans. These plans should:
  - Address what to do when an alarm is triggered.
  - Establish meeting places for assistance and evacuation chairs.
  - Provide direction on what to do if assistance is not available.
  - Establish floor captains, provide training as needed.
2. Specific suggestions for evacuation plans and procedures can be found through the U.S. Access Board ([www.access-board.gov/evacplan.htm](http://www.access-board.gov/evacplan.htm)) and the Emergency Procedures for Employees with Disabilities in Office Occupancies document published by FEMA and the US Fire Administration.
3. Train County staff regarding emergency evacuation procedures with periodic drills, both announced and unannounced.
4. Review existing emergency procedures to ensure that individuals with disabilities can be alerted and are able to summon emergency service providers. Provide all evacuation policies and procedures in alternative formats. Explore the use of other technologies such as audible exit signs for orientation and direction.
5. Departments that routinely provide emergency services should have priority for receiving equipment that accommodates alternative format communication.
6. Take the necessary steps to ensure that emergency teams are aware of individuals with disabilities in their communities who may require special assistance in the event of an emergency.
7. Provide American Sign Language (ASL) interpreters at emergency facilities, on an as-needed basis. To accomplish this, form a pool of interpreters as a resource from which to draw.

## County Ordinances

Collier requested to review County Ordinance pertaining to pedestrian improvement inside owned and maintained ROW. Response from Lincoln County Government is it does not have or maintain pedestrian sidewalks inside any county ROW. Therefore, no recommendations are being made with this report. If in the future the County were to construct sidewalks within owned ROW Collier recommends, they be constructed in accordance to current United State Access Board (PROWAG) standards.

## County Job Descriptions

Review of Lincoln County Title I obligations and employee hiring practices were included within the scope of service for Transition Plan development.

At the time of development of this plan, the following employment materials and job descriptions have been reviewed (as provided by the County). A summary of each item is provided in the section to follow.

- Standard Application for Employment (**Appendix 7**)
- Job Description: Building Inspector (**Appendix 8**)

### 1. Standard Application for Employment

The standard application for employment is a boilerplate document used to collect basic candidate information: personal data, citizenship, education background, special skills, and work history. While a comprehensive list of County positions requiring this application was not provided, it is assumed that the standard application is used at minimum for the majority of hireable County positions.

### **Pros**

Included among the principle information on the standard application is the policy statement below indicating the County's willing compliance with State and Federal laws that enforce civil rights and prohibit workplace discrimination on the grounds of disability or other protected classifications.

*It is our policy to comply with all applicable state and federal laws prohibiting discrimination in employment based on race, age, color, sex, religion, national origin, disability or other protected classifications.*

This statement provides coverage to the County and its use of this document for employment purposes. As such, the document is a clear indication that the County adheres to employment standards and hiring practices in conjunction with the Equal Employment Opportunity Commission (EEOC).

### **Cons**

Omitted from the application is a section that addresses reasonable accommodations for an interview.

## **2. Job Description: Building Inspector**

The job description for the position, Building Inspector, adequately details responsibilities associated with this position with respect to the overall functionality of the Zoning and Building Department.

### **Pros**

The section: Illustrative Examples of Work uses very universal language to describe performance expectations associated with this position.

### **Cons**

The job description does not classify Essential Functions vs. Nonessential Functions related to the position. The section: Necessary Requirements of Work emphasizes the desired education and skills background for the position; however, there is very little detail provided in terms of the actual physical demands for the position.

As a general rule of thumb, job descriptions should function as narrative description that conveys inclusiveness and maintain EEOC standards for fair hiring practices, and are used to vet a candidate's eligibility based on their ability to perform the essential functions of the job.

Within the description, the essential functions should clearly list the required tasks an employee should be capable of completing unaided, or with the assistance of reasonable accommodation. If appropriate, the amount of time spent performing essential tasks should also be communicated; however, it should not be automatically assumed that a minimal performance-time task is a non-essential task.

In addition to the essential functions, a description of the performance standards for the job should also be indicated. In describing performance functions, it is critical that choice of wording be crafted carefully as to convey any required physical demands, without limiting demands to certain abilities.

As such, use of ADA compliant words should be considered where appropriate. The following table, as adopted from ADA National Network, Toolkit: Writing ADA Compliant Job Descriptions (**Appendix 9**) provides some general direction on how ADA compliant and inclusive language can be used to replace typical wording/phrases associated with job descriptions.

<b>Physical Demand</b>	<b>ADA-Compliant Words</b>	<b>Job Description Language Example</b>
Stand or Sit	Stationary Position	Must be able to remain in a stationary position 50% of the time.
Walk	Move, Traverse	The person in this position needs to occasionally move about inside the office to access file cabinets, office machinery, etc.
Use hands/fingers to handle or feel	Operate, Activate, Use, Prepare, Inspect, Place, Detect, Position	Constantly operates a computer and other office productivity machinery, such as a calculator, copy machine, and computer printer.
Climb (stairs/ladders) or balance	Ascend/Descend, Work atop, Traverse	Occasionally ascends/descends a ladder to service the lights and ceiling fans.
Stoop, kneel, crouch, or crawl	Position self (to), Move	Constantly positions self to maintain computers in the lab, including under the desks and in the server closet
Talk/hear	Communicate, Detect, Converse with, Discern, Convey, Express oneself, Exchange information	The person in this position frequently communicates with students who have inquiries about their tuition bill or financial aid package. Must be able to exchange accurate information in these situations.
See	Detect, Determine, Perceive, Identify, Recognize, Judge, Observe, Inspect, Estimate, Assess	Must be able to detect funnel clouds from long distances.
Taste/Smell	Detect, Distinguish, Determine	Occasionally must be able to distinguish sweet and bitter flavors when creating desserts for Applewood customers.
Carry weight, lift	Move, Transport, Position, Put, Install, Remove	Frequently moves Audio/Visual equipment weighing up to 50 pounds across campus for various classrooms and events needs.
Exposure to work	Exposed, Work Around	Constantly works in outdoor weather conditions.

**Table 6: ADA Compliant Language**

### County Website Review

The Internet is now a primary source of information regarding services, products, programs, and facilities. The County's website ([www.lincolncountyngov.com](http://www.lincolncountyngov.com)) has taken on increased importance as a communications tool. Review of current website the following recommendations are suggested

1. Provide ADA notice of Non-Discrimination Statement (**Appendix 6**) on website.

2. Provide training to staff responsible for maintaining the County website, ensuring all are aware of the Section 508 of the Rehabilitation Act. This requirement would apply to any person in any department with authority to update any City-maintained web page.
3. Additionally, the following actions are recommended:
  - Continue maintaining the current level of access on the City's website
  - Solicit feedback from the disabled community.
  - Include the City's Policy on Non-Discrimination on the Basis of Disability on the City's website.
4. Provide information regarding programs, facilities, permits, and reservations on the City's website in an accessible format. This information should easily be found by new web users.
5. Include the City's statement regarding accessible locations and the availability of auxiliary aids upon request on its website.
6. Continue monitoring the website and industry trends.
7. Check the HTML address of all new City web pages and ensure that all links are kept current and working. Make sure that accessible elements are used, including alternate tags, long descriptions, and captions, as needed.
8. If images are used, including photos, graphics, scanned images, or image maps, make sure to include alternate tags and/or long descriptions for each.
9. Develop a plan for making the existing web content more accessible. Describe the City's plan on an accessible web page. Encourage input on improvements, including which pages should be given high priority for change. Let citizens know about the standards or guidelines that are being used.
10. Ensure that in-house staff and consultants responsible for web page and content development are properly trained.
11. Provide a way for visitors to request accessible information or services by posting a telephone number or e-mail address on the County's home page. Establish procedures to assure a quick response to users with disabilities who are trying to obtain information or services in this way.
12. Periodically enlist disability organizations to test pages for ease of use; use this information to increase accessibility.
13. Use services that help web page authors provide an accessible website by identifying and repairing barriers to access for individuals with disabilities.

## Cost & Implementation Recommendations

### Improvement Budget

The Plan should include a schedule of improvements to upgrade accessibility on a yearly basis. Remediation work can be presented for an independent remediation program or as an integral part of regularly scheduled maintenance and improvements project. All new projects, regardless of funding sources, would include pedestrian elements that are consistent with ADA guidelines. The list of barriers and needed improvements as well as available funding sources shall be maintained with assistance from Collier Engineering.

### Funding

It's recommended funding for remediation projects shall be provided on an annual basis. The amount of funding is to be determined by the County Commission; facility upgrades should be incorporated in the County's annual maintenance program. Funding for work within County rights-of-way are to be funded through the Highway Department. To assist, Collier Engineering has provided facility inspection reports (**Appendix 4**) outlining probable budgetary cost at each facility it was directed by the County to inspect. To aid in the County's implementation of facility barrier removals, Collier has included budgetary costs as well as a completion date in the Table of Barriers (**Appendix 3**).

### Prioritization

The County shall establish a list prioritizing needed improvements based on the use and condition of the facility. The County shall prioritize barriers identify the most critical ADA needs to assist in implementing the Transition Plan. To assist, Collier Engineering has developed a Table of Barriers (**Appendix 3**) at identified County owned facilities as well as operated election polling locations. A barrier score rating with one (1) being a low priority to eighteen (18) being the highest priority was developed to help aid the County in its implementation process. Individual facility scoring can be found in section above as well as in the Table of Barriers (**Appendix 3**).

### Future Activities

The Plan is a living document and as such should be re-evaluated on a regular basis. Collier Engineering recommends at a minimum the follow should be considered

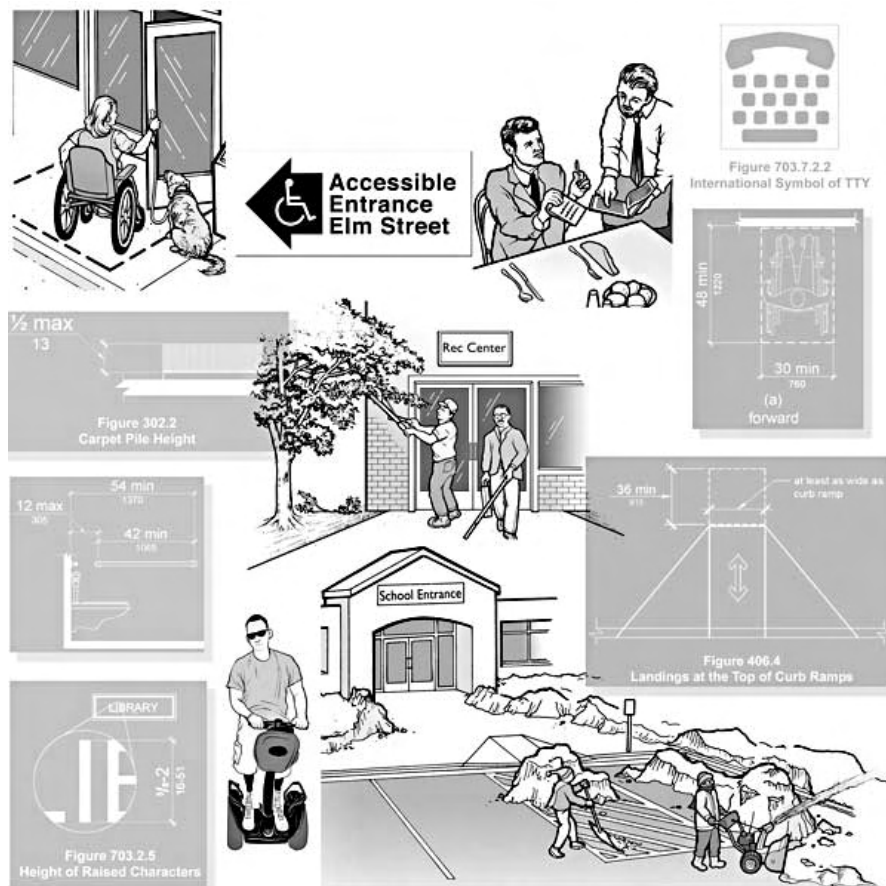
- Continue to identify and appropriate funding for remediation barriers.
- Conduct site inspections of facilities as needed.
- Provide a means of communication for the disabled community and encourage groups to be involved in future self-evaluation and plan efforts, as a requirement of the Transition Plan.
- Continue to identify and improve program projects.
- Continue to amend the barriers table and ADA issues needing to be addressed.
- Amend the Lincoln County ADA Transition Plan based on ongoing inventory efforts and accomplishments.
- Conduct training activities on ADA compliance.
- Complete and monitor annual progress of the Transition Plan.

## Appendix 1: U.S. Department of Justice : ADA Update A Primer for State and Local Governments & The ADA and City Governments : Common Problems



## AMERICANS WITH DISABILITIES ACT

# ADA Update: A Primer for State and Local Governments



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### Introduction

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More than 55 million Americans –18% of our population–have disabilities, and they, like all Americans, participate in a variety of programs, services, and activities provided by their State and local governments. This includes many people who became disabled while serving in the military. And, by the year 2030, approximately 71.5 million baby boomers will be over age 65 and will need services and surroundings that meet their age-related physical needs.

People with disabilities have too often been excluded from participating in basic civic activities like using the public transportation system, serving on a jury, voting, seeking refuge at an emergency shelter, or simply attending a high school sports event with family and friends. The Americans with Disabilities Act (ADA) is a Federal civil rights law that prohibits discrimination against people with disabilities. Under this law, people with disabilities are entitled to all of the rights, privileges, advantages, and opportunities that others have when participating in civic activities.

The Department of Justice revised its regulations implementing the ADA in September 2010. The new rules clarify issues that arose over the previous 20 years and contain new requirements, including the 2010 ADA Standards for Accessible Design (2010 Standards). This document provides general guidance to assist State and local governments in understanding and complying with the ADA's requirements. For more comprehensive information about specific requirements, government officials can consult the [regulation](#), the [2010 Standards](#), and the Department's [technical assistance publications](#).

### Who is Protected by the ADA?

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The ADA protects the rights of people who have a physical or mental impairment that substantially limits their ability to perform one or more major life activities, such as breathing, walking, reading, thinking, seeing, hearing, or working. It does not apply to people whose impairment is unsubstantial, such as someone who is slightly nearsighted or someone who is mildly allergic to pollen. However, it does apply to people whose disability is substantial but can be moderated or mitigated, such as someone with diabetes that can normally be controlled with medication or someone who uses leg braces to walk, as well as to people who are temporarily substantially limited in their ability to perform a major life activity. The ADA also applies to people who have a record of having a substantial impairment (e.g., a person with cancer that is in remission) or are regarded as having such an impairment (e.g., a person who has scars from a severe burn).

### Who Has Responsibilities under the ADA?

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Title II of the ADA applies to all State and local governments and all departments, agencies, special purpose districts, and other instrumentalities of State or local government ("public entities"). It applies to all programs, services, or activities of public entities, from adoption services to zoning regulation. Title II entities that contract with other entities to provide public services (such as non-profit organizations that operate drug treatment programs or convenience stores that sell state lottery tickets) also have an obligation to ensure that their contractors do not discriminate against people with disabilities.

## GENERAL NONDISCRIMINATION REQUIREMENTS

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### Basic Principles

Equal treatment is a fundamental purpose of the ADA. People with disabilities must not be treated in a different or inferior manner. For example:

- A city museum with an oriental carpet at the front entrance cannot make people who use wheelchairs use the back door out of concern for wear and tear on the carpet, if others are allowed to use the front entrance.

- A public health clinic cannot require an individual with a mental illness to come for check-ups after all other patients have been seen, based on an assumption that this patient's behavior will be disturbing to other patients.
- A county parks and recreation department cannot require people who are blind or have vision loss to be accompanied by a companion when hiking on a public trail.

The integration of people with disabilities into the mainstream of American life is a fundamental purpose of the ADA. Historically, public entities provided separate programs for people with disabilities and denied them the right to participate in the programs provided to everyone else. The ADA prohibits public entities from isolating, separating, or denying people with disabilities the opportunity to participate in the programs that are offered to others. Programs, activities, and services must be provided to people with disabilities in integrated settings. The ADA neither requires nor prohibits programs specifically for people with disabilities. But, when a public entity offers a special program as an alternative, individuals with disabilities have the right to choose whether to participate in the special program or in the regular program. For example:

- A county parks and recreation department may choose to provide a special swim program for people with arthritis. But it may not deny a person with arthritis the right to swim during pool hours for the general public.
- A state may be violating the ADA's integration mandate if it relies on segregated sheltered workshops to provide employment services for people with intellectual or developmental disabilities who could participate in integrated alternatives, like integrated supported employment with reasonable modifications; or if it relies on segregated adult care homes for residential services for people with mental illness who could live in integrated settings like scattered-site, permanent supportive housing.
- A city government may offer a program that allows people with disabilities to park for free at accessible metered parking spaces, but the ADA does not require cities to provide such programs.

People with disabilities have to meet the essential eligibility requirements, such as age, income, or educational background, needed to participate in a public program, service, or activity, just like everyone else. The ADA does not entitle them to waivers, exceptions, or preferential treatment. However, a public entity may not impose eligibility criteria that screen out or tend to screen out individuals with disabilities unless the criteria are necessary for the provision of the service, program, or activity being offered. For example:

- A citizen with a disability who is eighteen years of age or older, resides in the jurisdiction, and has registered to vote is "qualified" to vote in general elections.
- A school child with a disability whose family income is above the level allowed for an income-based free lunch program is "not qualified" for the program.
- If an educational background in architecture is a prerequisite to serve on a city board that reviews and approves building plans, a person with a disability who advocates for accessibility but lacks this background does not meet the qualifications to serve on this board.
- Requiring people to show a driver's license as proof of identity in order to enter a secured government building would unfairly screen out people whose disability prevents them from getting a driver's license. Staff must accept a state-issued non-driver ID as an alternative.

Rules that are necessary for safe operation of a program, service, or activity are allowed, but they must be based on a current, objective assessment of the actual risk, not on assumptions, stereotypes, or generalizations about people who have disabilities. For example:

- A parks and recreation department may require all participants to pass a swim test in order to participate in an agency-sponsored white-water rafting expedition. This policy is legitimate because of the actual risk of harm to people who would not be able to swim to safety if the raft capsized.
- A rescue squad cannot refuse to transport a person based on the fact that he or she has HIV. This is not legitimate, because transporting a person with HIV does not pose a risk to first responders who use universal precautions.
- A Department of Motor Vehicles may require that all drivers over age 75 pass a road test to renew their driver's license. It is not acceptable to apply this rule only to drivers with disabilities.

There are two exceptions to these general principles.

1) The ADA allows (and may require - see below) different treatment of a person with a disability in situations where such treatment is necessary in order for a person with a disability to participate in a civic activity. For example, if an elected city council member has a disability that prevents her from attending council meetings

in person, delivering papers to her home and allowing her to participate by telephone or videoconferencing would enable her to carry out her duties.

2) There are some situations where it simply is not possible to integrate people with disabilities without fundamentally altering the nature of a program, service, or activity. For example, moving a beach volleyball program into a gymnasium, so a player who uses a wheelchair can participate on a flat surface without sand, would “fundamentally alter” the nature of the game. The ADA does not require changes of this nature.

In some cases, “equal” (identical) treatment is not enough. As explained in the next few sections, the ADA also requires public entities to make certain accommodations in order for people with disabilities to have a fair and equal opportunity to participate in civic programs and activities.

## **Reasonable Modification of Policies and Procedures**

Many routine policies, practices, and procedures are adopted by public entities without thinking about how they might affect people with disabilities. Sometimes a practice that seems neutral makes it difficult or impossible for a person with a disability to participate. In these cases, the ADA requires public entities to make “reasonable modifications” in their usual ways of doing things when necessary to accommodate people who have disabilities. For example:

- A person who uses crutches may have difficulty waiting in a long line to vote or register for college classes. The ADA does not require that the person be moved to the front of the line (although this would be permissible), but staff must provide a chair for him and note where he is in line, so he doesn't lose his place.
- A person who has an intellectual or cognitive disability may need assistance in completing an application for public benefits.
- A public agency that does not allow people to bring food into its facility may need to make an exception for a person who has diabetes and needs to eat frequently to control his glucose level.
- A city or county ordinance that prohibits animals in public places must be modified to allow people with disabilities who use service animals to access public places. (This topic is discussed more fully later.)
- A city or county ordinance that prohibits motorized devices on public sidewalks must be modified for people with disabilities who use motorized mobility devices that can be used safely on sidewalks. (This topic is discussed more fully later.)

Only “reasonable” modifications are required. When only one staff person is on duty, it may or may not be possible to accommodate a person with a disability at that particular time. The staff person should assess whether he or she can provide the assistance that is needed without jeopardizing the safe operation of the public program or service. Any modification that would result in a “fundamental alteration” -- a change in the essential nature of the entity's programs or services -- is not required. For example:

- At a museum's gift shop, accompanying and assisting a customer who uses a wheelchair may not be reasonable when there is only one person on duty.
- At a hot lunch program for elderly town residents, staff are not obliged to feed a woman with a disability who needs assistance in eating, if it does not provide this service for others. However, the woman should be allowed to bring an attendant to assist her. If she can feed herself but cannot cut large pieces of food into bite-sized pieces, it is reasonable to ask staff to cut up the food.
- If a city requires a 12-foot set-back from the curb in the central business district, it may be reasonable to grant a 3-foot variance for a store wishing to install a ramp at its entrance to meet its ADA obligations. If the set-back is smaller and the ramp would obstruct pedestrian traffic, granting the variance may “fundamentally alter” the purpose of the public sidewalk.

## **Service Animals**

Under the ADA, a service animal is defined as a dog that has been individually trained to do work or perform tasks for an individual with a disability. The task(s) performed by the dog must be directly related to the person's disability. For example, many people who are blind or have low vision use dogs to guide and assist them with orientation. Many individuals who are deaf use dogs to alert them to sounds. People with mobility disabilities often use dogs to pull their wheelchairs or retrieve items. People with epilepsy may use a dog to warn them of an imminent seizure, and individuals with psychiatric disabilities may use a dog to remind them to take medication. Dogs can also be trained to detect the onset of a seizure or panic attack and to help the person avoid the attack or be safe during the attack. Under the ADA, “comfort,” “therapy,” or “emotional support” animals do not meet the definition of a service animal because they have not been trained to do work or perform a specific task related to a person's disability.

**The ADA does not require service animals to be certified, licensed, or registered as a service animal. Nor are they required to wear service animal vests or patches, or to use a specific type of harness. There are individuals and organizations that sell service animal certification or registration documents to the public. The Department of Justice does not recognize these as proof that the dog is a service animal under the ADA.**

Allowing service animals into a “no pet” facility is a common type of reasonable modification necessary to accommodate people who have disabilities. Service animals must be allowed in all areas of a facility where the public is allowed except where the dog’s presence would create a legitimate safety risk (e.g., compromise a sterile environment such as a burn treatment unit) or would fundamentally alter the nature of a public entity’s services (e.g., allowing a service animal into areas of a zoo where animals that are natural predators or prey of dogs are displayed and the dog’s presence would be disruptive). The ADA does not override public health rules that prohibit dogs in swimming pools, but they must be permitted everywhere else.

The ADA requires that service animals be under the control of the handler at all times and be harnessed, leashed, or tethered, unless these devices interfere with the service animal’s work or the individual’s disability prevents him from using these devices. Individuals who cannot use such devices must maintain control of the animal through voice, signal, or other effective controls.

Public entities may exclude service animals only if 1) the dog is out of control and the handler cannot or does not regain control; or 2) the dog is not housebroken. If a service animal is excluded, the individual must be allowed to enter the facility without the service animal.

Public entities may not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal, as a condition for entry. In situations where it is not apparent that the dog is a service animal, a public entity may ask only two questions: 1) is the animal required because of a disability? and 2) what work or task has the dog been trained to perform? Public entities may not ask about the nature or extent of an individual’s disability.



The ADA does not restrict the breeds of dogs that may be used as service animals. Therefore, a town ordinance that prohibits certain breeds must be modified to allow a person with a disability to use a service animal of a prohibited breed, unless the dog’s presence poses a direct threat to the health or safety of others. Public entities have the right to determine, on a case-by-case basis, whether use of a particular service animal poses a direct threat, based on that animal’s actual behavior or history; they may not, however, exclude a service animal based solely on fears or generalizations about how an animal or particular breed might behave.

For additional information, see [ADA 2010 Revised Requirements: Service Animals \(PDF\)](#)

## **Wheelchairs and Other Power-Driven Mobility Devices**

Allowing mobility devices into a facility is another type of “reasonable modification” necessary to accommodate people who have disabilities.

People with mobility, circulatory, or respiratory disabilities use a variety of devices for mobility. Some use walkers, canes, crutches, or braces while others use manual or power wheelchairs or electric scooters, all of which are primarily designed for use by people with disabilities. Public entities must allow people with disabilities who use these devices into all areas where the public is allowed to go.

Advances in technology have given rise to new power-driven devices that are not necessarily designed specifically for people with disabilities, but are being used by some people with disabilities for mobility. The term “other power-driven mobility devices” is used in the ADA regulations to refer to any mobility device powered by batteries, fuel, or other



engines, whether or not they are designed primarily for use by individuals with mobility disabilities, for the purpose of locomotion. Such devices include Segways®, golf cars, and other devices designed to operate in non-pedestrian areas. Public entities must allow individuals with disabilities who use these devices into all areas where the public is allowed to go, unless the entity can demonstrate that the particular type of device cannot be accommodated because of legitimate safety requirements. Such safety requirements must be based on actual risks, not on speculation or stereotypes about a particular class of devices or how individuals will operate them.

Public entities must consider these factors in determining whether to permit other power-driven mobility devices on their premises:

- the type, size, weight, dimensions, and speed of the device;
- the volume of pedestrian traffic (which may vary at different times of the day, week, month, or year);
- the facility's design and operational characteristics, such as its square footage, whether it is indoors or outdoors, the placement of stationary equipment, devices, or furniture, and whether it has storage space for the device if requested by the individual;
- whether legitimate safety standards can be established to permit the safe operation of the device; and
- whether the use of the device creates a substantial risk of serious harm to the environment or natural or cultural resources or poses a conflict with Federal land management laws and regulations.



Using these assessment factors, a public entity may decide, for example, that it can allow devices like Segways® in a facility, but cannot allow the use of golf cars, because the facility's corridors or aisles are not wide enough to accommodate these vehicles. It is likely that many entities will allow the use of Segways® generally, although some may determine that it is necessary to restrict their use during certain hours or particular days when pedestrian traffic is particularly dense. It is also likely that public entities will prohibit the use of combustion-powered devices from all indoor facilities and perhaps some outdoor facilities. Entities are encouraged to develop written policies specifying which power-driven mobility devices will be permitted and where and when they can be used. These policies should be communicated clearly to the public.

Public entities may not ask individuals using such devices about their disability but may ask for a credible assurance that the device is required because of a disability. If the person presents a valid, State-issued disability parking placard or card or a State-issued proof of disability, that must be accepted as credible assurance on its face. If the person does not have this documentation, but states verbally that the device is being used because of a mobility disability, that also must be accepted as credible assurance, unless the person is observed doing something that contradicts the assurance. For example, if a person is observed running and jumping, that may be evidence that contradicts the person's assertion of a mobility disability. However, the fact that a person with a disability is able to walk for some distance does not necessarily contradict a verbal assurance -- many people with mobility disabilities can walk, but need their mobility device for longer distances or uneven terrain. This is particularly true for people who lack stamina, have poor balance, or use mobility devices because of respiratory, cardiac, or neurological disabilities.

For additional information, see [ADA 2010 Revised Requirements: Wheelchairs, Mobility Aids, and Other Power-Driven Mobility Devices \(PDF\)](#).

## Communicating with People Who Have Disabilities

Communicating successfully is an essential part of providing service to the public. The ADA requires public entities to take the steps necessary to communicate effectively with people who have disabilities, and uses the term "auxiliary aids and services" to refer to readers, notetakers, sign language interpreters, assistive listening systems and devices, open and closed captioning, text telephones (TTYs), videophones, information provided in large print, Braille, audible, or electronic formats, and other tools for people who have communication disabilities. In addition, the regulations permit the use of newer technologies including real-time captioning (also known as computer-assisted real-time transcription, or CART) in which a transcriber types what is being said at a meeting or event into a computer that projects the words onto a screen; remote CART (which requires an audible feed and a data feed to an off-site transcriber); and video remote interpreting (VRI), a fee-based service that allows public entities that have video conferencing equipment to access a sign language interpreter off-site. Entities that choose to use VRI must comply with specific performance standards set out in the regulations.

Because the nature of communications differs from program to program, the rules allow for flexibility in determining effective communication solutions. The goal is to find a practical solution that fits the circumstances, taking into

consideration the nature, length, and complexity of the communication as well as the person's normal method(s) of communication. What is required to communicate effectively when a person is registering for classes at a public university is very different from what is required to communicate effectively in a court proceeding.

Some simple solutions work in relatively simple and straightforward situations. For example:

- If a person who is deaf is paying a parking ticket at the town clerk's office and has a question, exchanging written notes may be effective.
- If a person who is blind needs a document that is short and straightforward, reading it to him may be effective.

Other solutions may be needed where the information being communicated is more extensive or complex. For example:

- If a person who is deaf is attending a town council meeting, effective communication would likely require a sign language interpreter or real time captioning, depending upon whether the person's primary language is sign language or English.
- If a person who is blind needs a longer document, such as a comprehensive emergency preparedness guide, it may have to be provided in an alternate format such as Braille or electronic disk. People who do not read Braille or have access to a computer may need an audiotaped version of the document.

Public entities are required to give primary consideration to the type of auxiliary aid or service requested by the person with the disability. They must honor that choice, unless they can demonstrate that another equally effective means of communication is available or that the aid or service requested would fundamentally alter the nature of the program, service, or activity or would result in undue financial and administrative burdens. If the choice expressed by the person with a disability would result in an undue burden or a fundamental alteration, the public entity still has an obligation to provide another aid or service that provides effective communication, if possible. The decision that a particular aid or service would result in an undue burden or fundamental alteration must be made by a high level official, no lower than a Department head, and must be accompanied by a written statement of the reasons for reaching that conclusion.

The telecommunications relay service (TRS), reached by calling 7-1-1, is a free nationwide network that uses communications assistants (also called CAs or relay operators) to serve as intermediaries between people who have hearing or speech disabilities who use a text telephone (TTY) or text messaging and people who use standard voice telephones. The communications assistant tells the voice telephone user what the TTY-user is typing and types to the TTY-user what the telephone user is saying. When a person who speaks with difficulty is using a voice telephone, the communications assistant listens and then verbalizes that person's words to the other party. This is called speech-to-speech transliteration.

Video relay service (VRS) is a free, subscriber-based service for people who use sign language and have videophones, smart phones, or computers with video communication capabilities. For outgoing calls, the subscriber contacts the VRS interpreter, who places the call and serves as an intermediary between the subscriber and a person who uses a voice telephone. For incoming calls, the call is automatically routed to the subscriber through the VRS interpreter.

Staff who answer the telephone must accept and treat relay calls just like other calls. The communications assistant or interpreter will explain how the system works.

For additional information, including the performance standards for VRI, see [ADA 2010 Revised Requirements: Effective Communication \(PDF\)](#).

## **MAKING THE BUILT ENVIRONMENT ACCESSIBLE**

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The ADA's regulations and the ADA Standards for Accessible Design, originally published in 1991, set the minimum standard for what makes a facility accessible. Only elements that are built-in (fixed in place) are addressed in the Standards. While the updated 2010 Standards, which became effective on March 15, 2012, retain many of the original provisions in the 1991 Standards, there are some significant differences. The Standards are used when determining if a public entity's programs or services are accessible under the ADA. However, they apply differently depending on whether the entity is providing access to programs or services in existing facilities or is altering an existing facility or building a new facility.

### **Access to Programs and Services in Existing Facilities**

Public entities have an ongoing obligation to ensure that individuals with disabilities are not excluded from programs and services because facilities are unusable or inaccessible to them. There is no "grandfather clause" in the ADA that exempts older facilities. However, the law strikes a careful balance between increasing access for people with disabilities and recognizing the constraints many public entities face. It allows entities confronted with limited financial resources to improve accessibility without excessive expense.



In the years since the ADA took effect, public facilities have become increasingly accessible. In the event that changes still need to be made, there is flexibility in deciding how to meet this obligation -- structural changes can be made to provide access, the program or service can be relocated to an accessible facility, or the program or service can be provided in an alternate manner. For example:

- In an elementary school without an elevator, a teacher can be assigned to a first floor classroom if the class includes a student with a mobility disability.
- A social service agency located in an inaccessible facility can make arrangements to meet with an applicant or client with a mobility disability at an alternate location that is accessible.
- If an application for a particular city program must be made in person at an inaccessible office, the city could allow a person with a mobility disability to complete and submit the application by mail or email.
- If a public library is inaccessible, staff can provide curb-side service for a patron with a mobility disability to check out and return books.
- Structural changes are not required where other solutions are feasible. However, where other solutions are not feasible, structural changes are required. When structural change is the method chosen to make a program or service accessible, the changes must meet the requirements of the 2010 ADA Standards, unless it is technically infeasible to do so. When full compliance is not technically feasible, the changes must follow the Standards to the maximum extent feasible. For example, if there is not enough space to install a ramp with a slope that complies with the Standards, a public entity may install a ramp with a slightly steeper slope. However, deviations from the Standards must not pose a significant safety risk. In addition, public entities are not required to take any action that would threaten or destroy the historic significance of an historic property.

Whatever method is chosen, the public entity must ensure that people with disabilities have access to programs and services under the same terms and conditions as other people. For example:

- If a social service agency meets with clients in a private office on the second floor of a building without an elevator, a public area on the first floor is not an acceptable alternate location to meet with a client who has a mobility disability. The alternate location must provide the same degree of privacy as the regular location.
- If a court has ordered a person with a mobility disability to participate in a group anger-management program, and the program is located in an inaccessible facility, it is not acceptable to offer the program to him individually in an accessible location, because the group interaction is a critical component of the program.

There are limits to a public entity's program access obligations. Entities are not required to take any action that would result in undue financial and administrative burdens. The decision that an action would result in an undue burden must be made by a high level official, no lower than a Department head, having budgetary authority and responsibility for making spending decisions, after considering all resources available for use in the funding and operation of the service, program, or activity, and must be accompanied by a written statement of the reasons for reaching that conclusion. If an action would result in an undue burden, a public entity must take any other action that would not result in an undue burden but would nevertheless ensure that individuals with disabilities receive the benefits or services provided by the public entity.

A key concept is that public programs and services, when viewed in their entirety, must be accessible to people with disabilities, but not all facilities must necessarily be made accessible. For example, if a city has multiple public swimming pools and limited resources, it can decide which pools to make accessible based on factors such as the geographic distribution of the sites, the availability of public transportation, the hours of operation, and the particular programs offered at each site so that the swimming program as a whole is accessible to and usable by people with disabilities.

Another key concept is that public entities have an ongoing obligation to make programs and services accessible to people with disabilities. This means that if many access improvements are needed, and there are insufficient resources to accomplish them in a single year, they can be spread out over time. It also means that rising or falling revenues can affect whether or not an access improvement can be completed in a given year. What might have been seen as an undue burden during an economic downturn could become possible when the economy improves and revenues increase. Thus, public entities should periodically reassess what steps they can take to make their programs and services accessible. Public entities should also consult with people with disabilities in setting priorities for achieving program access. (See [Planning for Success](#).)

Temporary access interruptions for maintenance, repair, or operational activities are permitted, but must be remedied as soon as possible and may not extend beyond a reasonable period of time. Staff must be prepared to assist individuals with disabilities during these interruptions. For example, if the accessible route to a biology lab is temporarily blocked by chairs from a classroom that is being cleaned, staff must be available to move the chairs so a student who uses a wheelchair can get to the lab. In addition, if an accessible feature such as an elevator breaks down, public entities must ensure that repairs are made promptly and that improper or inadequate maintenance does not cause repeated failures.

Entities must also ensure that no new barriers are created that impede access by people with disabilities. For example, routinely storing a garbage bin or piling snow in accessible parking spaces makes them unusable and inaccessible to people with mobility disabilities.

For activities that take place infrequently, such as voting, temporary measures can be used to achieve access for individuals who have mobility disabilities. For more information, see [Solutions for Five Common ADA Access Problems at Polling Places \(PDF\)](#)

## Element-by-Element Safe Harbor for Existing Facilities

The requirements in the 2010 ADA Standards are, for many building elements, identical to the 1991 Standards and the earlier Uniform Federal Accessibility Standards (UFAS). For some elements, however, the requirements in the 2010 Standards have changed. For example:

- The 1991 Standards allowed light switches, thermostats, and other controls to be installed at a maximum height of 54 inches. Under the 2010 Standards, the maximum height is 48 inches.
- The 1991 Standards required one van-accessible space for every eight accessible spaces. The 2010 Standards require one van-accessible space for every six accessible spaces.
- The 2010 Standards for assembly areas contain revised requirements for dispersion of accessible seating, sightlines over standing spectators, and companion seating.

If a facility was in compliance with the 1991 Standards or UFAS as of March 15, 2012, a public entity is not required to make changes to meet the 2010 Standards. This provision is referred to as the “safe harbor.” It applies on an element-by-element basis and remains in effect until a public entity decides to alter a facility for reasons other than the ADA. For example, if a public entity decides to restripe its parking lot (which is considered an alteration), it must then meet the ratio of van accessible spaces in the 2010 Standards. The ADA’s definition of the term “alteration” is discussed below.

The 2010 Standards also contain requirements for recreational facilities that were not addressed in the 1991 Standards or UFAS. These include swimming pools, play areas, exercise machines, court sport facilities, and boating and fishing piers. Because there were no previous accessibility standards for these types of facilities, the safe harbor does not apply. The program access rules apply, and the 2010 Standards must be followed when structural change is needed to achieve program access.

### **New Requirements in the 2010 Standards Not Subject to the Safe Harbor**

- Amusement rides
- Recreational boating facilities
- Exercise machines and equipment
- Fishing piers and platforms
- Golf facilities
- Miniature golf facilities
- Play areas
- Saunas and steam rooms
- Swimming pools, wading pools, and spas
- Shooting facilities with firing positions
- Residential facilities and dwelling units
- Miscellaneous
  - Team or player seating
  - Accessible route to bowling lanes
  - Accessible route in court sports facilities



## Alterations

When a public entity chooses to alter any of its facilities, the elements and spaces being altered must comply with the 2010 Standards. An alteration is defined as remodeling, renovating, rehabilitating, reconstructing, changing or rearranging structural parts or elements, changing or rearranging plan configuration of walls and full-height or other fixed partitions, or making other changes that affect (or could affect) the usability of the facility. Examples include restriping a parking lot, moving walls, moving a fixed ATM to another location, installing a new service counter or display shelves, changing a doorway entrance, or replacing fixtures, flooring or carpeting. Normal maintenance, reroofing, painting, wallpapering, or other changes that do not affect the usability of a facility are not considered alterations. The 2010 Standards set minimum accessibility requirements for alterations. In situations where strict compliance with the Standards is technically infeasible, the entity must comply to the maximum extent feasible. "Technically infeasible" is defined as something that has little likelihood of being accomplished because existing structural conditions would require removing or altering a load-bearing member that is an essential part of the structural frame; or because other existing physical or site constraints prohibit modifications or additions that comply fully with the Standards. The 2010 Standards also contain an exemption for certain alterations that would threaten or destroy the historic significance of an historic property.

## New Construction

The ADA requires that all new facilities built by public entities must be accessible to and usable by people with disabilities. The 2010 Standards set out the minimum accessibility requirements for newly constructed facilities.

### 2010 ADA Standards Basics

Chapter 1: Application and Administration. This chapter contains important introductory and interpretive information, including definitions for key terms used in the 2010 Standards.

Chapter 2: Scoping. This chapter sets forth which elements, and how many of them, must be accessible.

Chapters 3 - 10: Design and Technical Requirements. These chapters provide design and technical specifications for elements, spaces, buildings, and facilities.

### Common Provisions

Accessible Routes -- Section 206 and Chapter 4.

Parking Spaces -- Sections 208 and 502. The provisions regarding accessible routes (section 206), signs (section 216), and, where applicable, valet parking (section 209) also apply.

Passenger Loading Zones -- Sections 209 and 503.

Assembly Areas -- Sections 221 and 802.

Sales and Service -- Sections 227 and 904.

Dining and Work Surfaces -- Sections 226 and 902. The provisions regarding accessible routes in section 206.2.5 (Restaurants and Cafeterias) also apply to dining surfaces.

Dressing, Fitting, and Locker Rooms -- Sections 222 and 803.

## Highlights of the 2010 Standards

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### Parking

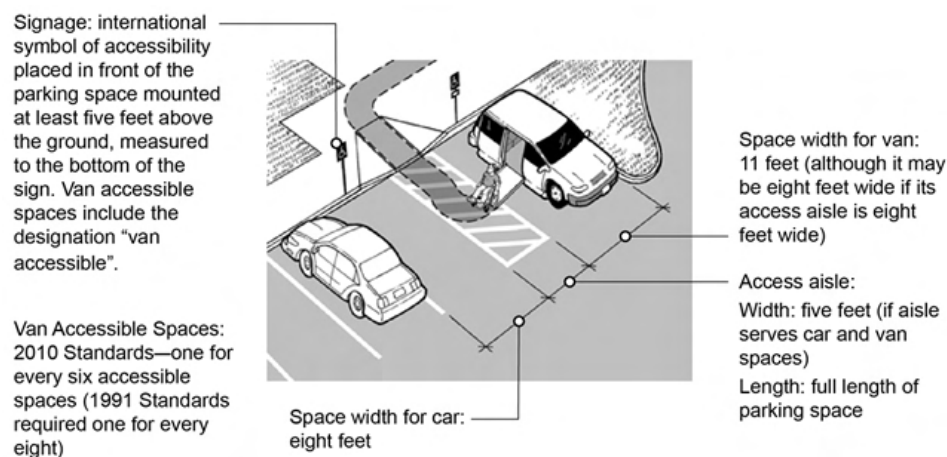
The chart below indicates the number of accessible spaces required by the 2010 Standards. One out of every six accessible spaces must be van-accessible.

Total Number of Parking Spaces Provided in Parking Facility	Minimum Number of Required Accessible Parking Spaces
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<b>1 to 25</b>	1
<b>26 to 50</b>	2
<b>51 to 75</b>	3
<b>76 to 100</b>	4
<b>101 to 150</b>	5
<b>151 to 200</b>	6
<b>201 to 300</b>	7
<b>301 to 400</b>	8
<b>401 to 500</b>	9
<b>501 to 1000</b>	2 percent of total
<b>1001 and over</b>	20, plus 1 for each 100, or fraction thereof, over 1000

Public entities with very limited parking (four or fewer spaces) must have one van-accessible parking space. However, no signage is required.

An accessible parking space must have an access aisle, which allows a person using a wheelchair or other mobility device to get in and out of the car or van. Accessible parking spaces (including access aisles) must be level (maximum slope 1:48 in all directions) and each access aisle must adjoin an accessible route.



### An overview of accessible parking requirements

## Accessible Entrances

One small step at an entrance can make it impossible for individuals using wheelchairs, walkers, canes, or other mobility devices to enter a public



facility. Removing this barrier may be accomplished in a number of ways, such as installing a ramp or a lift or regrading the walkway to provide an accessible route. If the main entrance cannot be made accessible, an alternate accessible entrance can be used. If there are several entrances and only one is accessible, a sign should be posted at the inaccessible entrances directing individuals to the accessible entrance. This entrance must be open whenever other public entrances are open.



## **Accessible Routes to Programs and Services**

The path a person with a disability takes to enter and move through a facility is called an "accessible route." This route, which must be at least three feet wide, must remain accessible and not be blocked by items such as vending or ice machines, newspaper dispensers, furniture, filing cabinets, display racks, or potted plants. Similarly, accessible toilet stalls and accessible service counters must not be cluttered with materials or supplies. The accessible route should be the same, or be located in the same area as, the general route used by people without mobility disabilities.

## **Shelves, Sales and Service Counters, and Check-Out Aisles**

The obligation to provide program access also applies to merchandise shelves, sales and service counters, and check-out aisles. Shelves used by the public must be on an accessible route with enough space to allow individuals using mobility devices to access merchandise or materials. However, shelves may be of any height since they are not subject to the ADA's reach range requirements. A portion of sales and service counters must be accessible to people who use mobility devices. If a facility has check-out aisles, at least one must be usable by people with mobility disabilities, though more are required in larger venues.

## **PLANNING FOR SUCCESS**

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Being proactive is the best way to ensure ADA compliance. Many public entities have adopted a general ADA nondiscrimination policy, a specific policy on service animals, a specific policy on effective communication, or specific policies on other ADA topics. Staff also need instructions about how to access the auxiliary aids and services needed to communicate with people who have vision, hearing, or speech disabilities. Public entities should also make staff aware of the free information resources for answers to ADA questions. And officials should be familiar with the 2010 Standards before undertaking any alterations or new construction projects. Training staff on the ADA, conducting periodic self-evaluations of the accessibility of the public entity's policies, programs and facilities, and developing a transition plan to remove barriers are other proactive steps to ensure ADA compliance.

## **ADA Coordinator, Grievance Procedure, Self-Evaluations, and Transition Plans**

Public entities that have 50 or more employees are required to have a grievance procedure and to designate at least one responsible employee to coordinate ADA compliance. Although the law does not require the use of the term "ADA Coordinator," it is commonly used by state and local governments across the country. The ADA Coordinator's role is to coordinate the government entity's efforts to comply with the ADA and investigate any complaints that the entity has violated the ADA. The Coordinator serves as the point of contact for individuals with disabilities to request auxiliary aids and services, policy modifications, and other accommodations or to file a complaint with the entity; for the general public to address ADA concerns; and often for other departments and employees of the public entity. The name, office address, and telephone number of the ADA Coordinator must be provided to all interested persons.

The 1991 ADA regulation required all public entities, regardless of size, to evaluate all of their services, policies, and practices and to modify any that did not meet ADA requirements. In addition, public entities with 50 or more employees were required to develop a transition plan detailing any structural changes that would be undertaken to achieve program access and specifying a time frame for their completion. Public entities were also required to provide an opportunity for interested individuals to participate in the self-evaluation and transition planning processes by submitting comments. While the 2010 regulation does not specifically require public entities to conduct a new self-evaluation or develop a new transition plan, they are encouraged to do so.

For more information, see [ADA Best Practices Tool Kit for State and Local Governments](#).

## **Staff Training**

A critical, but often overlooked, component of ensuring success is comprehensive and ongoing staff training. Public entities may have good policies, but if front line staff or volunteers are not aware of them or do not know how to implement them, problems can arise. It is important that staff -- especially front line staff who routinely interact with the public -- understand the requirements on modifying policies and practices, communicating with and assisting customers, accepting calls placed through



the relay system, and identifying alternate ways to provide access to programs and services when necessary to accommodate individuals with a mobility disability. Many local disability organizations, including Centers for Independent Living, conduct ADA trainings in their communities. The Department of Justice or the National Network of ADA Centers can provide local contact information for these organizations.



## ADA INFORMATION RESOURCES

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### U.S. Department of Justice

For more information about the revised ADA regulations and the 2010 Standards, please visit the Department of Justice's website or call our toll-free number.

#### ADA Website

[www.ADA.gov](http://www.ADA.gov)

#### ADA Information Line

800-514-0301 (Voice)

800-514-0383 (TTY)

24 hours a day to order publications by mail.

M-W, F 9:30 a.m. - 5:30 p.m., Th 12:30 p.m. - 5:30 p.m. (Eastern Time) to speak to an ADA Specialist. Calls are confidential.

### National Network of ADA Centers

Ten regional centers are funded by the U.S. Department of Education to provide ADA technical assistance to businesses, States and localities, and people with disabilities. One toll-free number connects you to the center in your region:

800-949-4232 (Voice and TTY)

[www.adata.org](http://www.adata.org)

### Access Board

For technical assistance on the ADA/ABA Guidelines:

800-872-2253 (Voice)

800-993-2822 (TTY)

[www.access-board.gov](http://www.access-board.gov)

The Americans with Disabilities Act authorizes the Department of Justice (the Department) to provide technical assistance to individuals and entities that have rights or responsibilities under the Act. This document provides informal guidance to assist you in understanding the ADA and the Department's regulations.

This guidance document is not intended to be a final agency action, has no legally binding effect, and may be rescinded or modified in the Department's complete discretion, in accordance with applicable laws. The Department's guidance documents, including this guidance, do not establish legally enforceable responsibilities beyond what is required by the terms of the applicable statutes, regulations, or binding judicial precedent.

This publication is available in alternate formats for people with disabilities.

Duplication of this document is encouraged.

June 2015

[PDF Version of this Document](#)





## The ADA and City Governments: Common Problems

### Introduction

Access to civic life by people with disabilities is a fundamental goal of the Americans with Disabilities Act (ADA). To ensure that this goal is met, Title II of the ADA requires State and local governments to make their programs and services accessible to persons with disabilities. This requirement extends not only to physical access at government facilities, programs, and events — but also to policy changes that governmental entities must make to ensure that all people with disabilities can take part in, and benefit from, the programs and services of State and local governments. In addition, governmental entities must ensure effective communication — including the provision of necessary auxiliary aids and services — so that individuals with disabilities can participate in civic life.

This document contains a sampling of common problems shared by city governments of all sizes that have been identified through the Department of Justice's ongoing enforcement efforts. The document

provides examples of common deficiencies and explains how these problems affect persons with disabilities. The document is not intended to be comprehensive or exhaustive.



City programs held in this municipal gazebo are covered by the ADA.



Curb ramps providing access to streets and sidewalks are a basic city service.

One important way to ensure that Title II's requirements are being met in cities of all sizes is through self-evaluation, which is required by the ADA regulations. Self-evaluation enables local governments to pinpoint the facilities, programs and services that must be modified or relocated to ensure that local governments are complying with the ADA.

For additional information about the Americans with Disabilities Act's Title II requirements, please contact the Department of Justice ADA Information Line. This free service provides answers to general and technical questions about ADA requirements and free ADA documents, such as *Commonly Asked Questions about Title II of the Americans with Disabilities Act (ADA)*, *Commonly Asked Questions about the Americans with Disabilities Act and Law Enforcement, Title II Highlights*, *Access for 9-1-1 and Telephone Emergency Services*, the *ADA Guide for Small Towns*, and the *ADA Standards for Accessible Design*. You may reach the ADA Information Line at:

**800-514-0301** (voice) or **800-514-0383** (TTY)

ADA information is also available on the Department's ADA Home Page on the World Wide Web at:

**([www.usdoj.gov/crt/ada/adahom1.htm](http://www.usdoj.gov/crt/ada/adahom1.htm))**

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## Issue: “Grandfather” Clause or Small Entity Exemption

### Common Problem:

City governments may believe that their existing programs and facilities are protected by a “grandfather” clause from having to comply with the requirements of Title II of the ADA. Small municipalities may also believe that they are exempt from complying with Title II because of their size.

### Result:

Because city governments wrongly believe that a “grandfather” clause or a small entity exemption shields them from complying with Title II of the ADA, they fail to take steps to provide program access or to make modifications to policies, practices, and procedures that are required by law. People with disabilities are unable to gain access to city facilities, programs, services, or activities because of a public entity’s reliance on these common misconceptions.

### Requirement:

There is no “grandfather” clause in the ADA. However, the law is flexible. City governments must comply with Title II of the ADA, and must provide program access for people with disabilities to the whole range of city services and programs. In providing program access, city governments are not required to take any action that would result in a fundamental alteration to the nature of the service, program, or activity in question or that would result in undue financial and administrative burdens. This determination can only be made by the head of the public entity or a designee and must be accompanied by a written statement of the reasons for reaching that conclusion. The determination that undue burden would result must be based on all resources available for use in a program. If an action would result in such an alteration or such burdens, a city government must take any other action that it can to ensure that people with disabilities receive the benefits and services of the program or activity.

28 C.F.R. § 35.150(a)(3).

Similarly, there is no exemption from Title II requirements for small municipalities. While public entities that have less than 50 employees are not required to comply with limited sections of the Department of Justice’s regulations, such as maintaining self-evaluations on file for three years and designating a grievance procedure for ADA complaints, no general exemption applies. All public entities, regardless of size, must comply with Title II’s requirements. 28 C.F.R. § 35.104.



Cities must remove barriers or provide alternative access to programs and services in existing facilities.



## Issue: Program Accessibility

### Common Problem:

**City governments often have failed to ensure that the whole range of the city's services, municipal buildings, and programs meet Title II's program access requirements.**

### Result:

People with disabilities are unable to participate in the activities of city government, such as public meetings, unable to attend city functions, and unable to gain access to the city's various programs and services. If a municipal building such as a courthouse is inaccessible, people with disabilities who use wheelchairs are unable to participate in jury duty, attend hearings, and gain access to other services, because doorways are too narrow, restroom facilities are inaccessible, and steps are the only way to get to all or portions of a facility.

### Requirement:

Title II requires city governments to ensure that all of their programs, services, and activities, when viewed in their entirety, are accessible to people with disabilities. Program access is intended to remove physical barriers to city services, programs, and activities, but it generally does not require that a city government make each facility, or each part of a facility, accessible. For example, each restroom in a facility need not be made accessible. However, signage directing people with disabilities to the accessible features and spaces in a facility should be provided. Program accessibility may be achieved in a variety of ways. City governments may choose to make structural changes to existing facilities to achieve access. But city governments can also pursue alternatives to structural changes to achieve program accessibility. For example, city governments can move public meetings to accessible buildings and can relocate services for individuals with disabilities to accessible levels or parts of buildings. When choosing between possible methods of program accessibility, however, city governments must give priority to the choices that offer services, programs, and activities in the most integrated setting appropriate. In addition, all newly constructed city facilities must be fully accessible to people with disabilities. 28 C.F.R. §§ 35.149, 35.150, 35.151, 35.163.



A ramp was installed to provide access to the city activities conducted in this facility.



## Issue: Historically Significant Facilities

### Common Problem:

City governments may believe that they have no duty to make changes to historically significant buildings and facilities to improve accessibility for people with disabilities.

### Result:

Many city programs, services, and activities are conducted in buildings that are historically significant. In addition, many cities operate historic preservation programs at historic sites for educational and cultural purposes. If no accessibility changes are made at these facilities and locations, individuals with disabilities are unable to visit and participate in the programs offered. For example, people who use wheelchairs would not be able to reach the courtroom or clerk's office located in a historic nineteenth century courthouse if no physical changes are made to achieve access.

### Requirement:

Historically significant facilities are those facilities or properties that are listed or eligible for listing in the National Register of Historic Places or properties designated as historic under State or local law. Structural changes to these facilities that would threaten or destroy the historical significance of the property or would fundamentally change the program being offered at the historic facility need not be undertaken. Nevertheless, a city must consider alternatives to structural changes in these instances — including using audio-visual materials to depict the inaccessible portions of the facility and other innovative solutions.

If alterations are being made to a historically significant property, however, these changes must be made in conformance with the ADA Standards for Accessible Design, (“the Standards”), 28 C.F.R. Part 36, § 4.1.7, or the Uniform Federal Accessibility Standards, (“UFAS”) § 4.1.7, to the maximum extent feasible. If following either set of standards would threaten or destroy the historical significance of the property, alternative standards, which provide a minimal level of access, may be used. This decision must be made in consultation with the appropriate historic advisory board designated in the Standards or UFAS, and interested persons should be invited to participate in the decision-making process. 28 C.F.R. §§ 35.150(b)(2); 35.151(d); Standards § 4.1.7; UFAS § 4.1.7. If these lesser standards would threaten or destroy historically significant features, then the programs or services conducted in the facility must be offered in an alternative accessible manner or location.



An accessible side entrance was added to this historic facility.

## Issue: Curb Ramps

### Common Problem:

**City governments often do not provide necessary curb ramps to ensure that people with disabilities can travel throughout the city in a safe and convenient manner.**

### Result:

Without the required curb ramps, sidewalk travel in urban areas is dangerous, difficult, and in some cases impossible for people who use wheelchairs, scooters, and other mobility aids. Curb ramps allow people with mobility impairments to gain access to the sidewalks and to pass through center islands in streets. Otherwise, these individuals are forced to travel in streets and roadways and are put in danger or are prevented from reaching their destination.

### Requirement:

When streets and roads are newly built or altered, they must have ramps wherever there are curbs or other barriers to entry from a pedestrian walkway. Likewise, when new sidewalks or walkways are built or altered, they must contain curb ramps or sloped areas wherever they intersect with streets or roads. While resurfacing a street or sidewalk is considered an alteration for these purposes, filling in potholes alone will not trigger the alterations requirements. At existing roads and sidewalks that have not been altered, however, city governments may choose to construct curb ramps at every point where a pedestrian walkway intersects a curb, but they are not necessarily required to do so. Under program access, alternative routes to buildings that make use of existing curb ramps may be acceptable where people with disabilities must only travel a marginally longer route.



Curb ramps provide basic access at intersections and pedestrian crossings.

One way to ensure the proper integration of curb ramps throughout a city is to set a series of milestones for curb ramp compliance in the city's transition plan. Milestones are progress dates for meeting curb ramp compliance throughout the municipality. Milestones should occur on a regular basis throughout the course of the transition plan and must reflect a priority to walkways serving government buildings and facilities, bus stops and other transportation services, places of public accommodation, and business districts, followed by walkways serving residential areas. It also may be appropriate for a city government to establish an ongoing procedure for installing curb ramps upon request in both residential and nonresidential areas frequented by individuals with disabilities. 28 C.F.R. §§ 35.150(d)(2); 35.151(e). In setting milestones and in implementing a curb cut transition plan for existing sidewalks, the actual number of curb cuts installed in any given year may be limited by the fundamental alteration and undue burden limitations.

## Issue: Effective Communication

### Common Problem:

**City governments often fail to provide qualified interpreters or assistive listening devices for individuals who are deaf or hard of hearing at public events or meetings. In addition, city governments often fail to provide materials in alternate formats (Braille, large print, or audio cassettes) to individuals who are blind or have low vision.**

### Result:

Individuals who are deaf or hard of hearing are unable to participate in government-sponsored events or public meetings and unable to benefit from city programs and services when they are not provided with appropriate auxiliary aids and services. Likewise, people who are blind or have low vision are unable to benefit from city government services when printed materials are the only means of communication available.

### Requirement:

Title II requires that city governments ensure that communications with individuals with disabilities are as effective as communications with others. Thus, city governments must provide appropriate auxiliary aids and services for people with disabilities (e.g., qualified interpreters, notetakers, computer-aided transcription services, assistive listening systems, written materials, audio recordings, computer disks, large print, and Brailled materials) to ensure that individuals with disabilities will be able to participate in the range of city services and programs. City governments must give primary consideration to the type of auxiliary aid or service that an individual with a disability requests. The final decision is the government's.



A sign language interpreter at a public meeting may be needed to provide effective communication for people who are deaf.

The type of auxiliary aid or service necessary to ensure effective communication will vary in accordance with the length and complexity of the communication involved and the needs of the individual. For example, sign language interpreters are not required for all interactions with people who are deaf or hard of hearing. Employees can often communicate effectively with individuals who are deaf or hard of hearing through standard written materials and exchange of written notes. For simple transactions like paying bills or filing applications, these methods may be sufficient. For more complex or extensive communications, however, such as court hearings, public meetings, and interrogation by police officers, interpreters or assistive listening systems are likely to be necessary.

City governments should ensure that auxiliary aids and services are also provided for individuals who are blind or have low vision. Alternate formats, such as Brailled or large print materials, qualified readers, computer disks, or audio recordings are examples of appropriate auxiliary aids.

City governments are not required to take any actions that will result in a fundamental alteration or in undue financial and administrative burdens. 28 C.F.R. §§ 35.160-35.164.

## **Issue: Local Laws, Ordinances, and Regulations**

### **Common Problem:**

**City governments may fail to consider reasonable modifications in local laws, ordinances, and regulations that would avoid discrimination against individuals with disabilities.**

### **Result:**

Laws, ordinances, and regulations that appear to be neutral often adversely impact individuals with disabilities. For example, where a municipal zoning ordinance requires a set-back of 12 feet from the curb in the central business district, installing a ramp to ensure access for people who use wheelchairs may be impermissible without a variance from the city. People with disabilities are therefore unable to gain access to businesses in the city.

### **Requirement:**

City governments are required to make reasonable modifications to policies, practices, or procedures to prevent discrimination on the basis of disability. Reasonable modifications can include modifications to local laws, ordinances, and regulations that adversely impact people with disabilities. For example, it may be a reasonable modification to grant a variance for zoning requirements and setbacks. In addition, city governments may consider granting exceptions to the enforcement of certain laws as a form of reasonable modification. For example, a municipal ordinance banning animals from city health clinics may need to be modified to allow a blind individual who uses a service animal to bring the animal to a mental health counseling session. 28 C.F.R. § 35.130(b)(7).



City zoning policies were changed to permit this business to install a ramp at its entrance.

## **Issue: 9-1-1 Systems**

### **Common Problem:**

**City governments do not provide direct and equal access to 9-1-1 systems, or similar emergency response systems, for individuals who are deaf or hard of hearing and use TTY's (TDD's or text telephones ) or computer modems.**

### **Result:**

People who are deaf or hard of hearing, or those who have speech impairments, and use TTY's or computer modems for telephone communication are unable to access emergency services (police, fire and ambulance) that are necessary for health and safety. When direct emergency services are not available, emergency calls for individuals with disabilities are not responded to appropriately, or in a timely manner, and in some instances, not at all.



## **9-1-1 Systems (continued)**

### **Requirement:**

City governments that provide emergency telephone services must provide direct access to TTY calls. This means that emergency telephone services can directly receive calls from TTY's and computer modem users without relying on state relay services or third parties. A TTY must be located at each individual operator station. City governments must ensure that emergency operators are trained to use the TTY not only when they recognize the tones of a TTY at the other end of the line, but also when they receive a "silent call." 28 C.F.R. §§ 35.161, 35.162. (See *Access for 9-1-1 and Telephone Emergency Services*).

## **Issue: Law Enforcement Policies, Practices, and Procedures**

### **Common Problem:**

**When dealing with persons with disabilities, law enforcement agencies often fail to modify policies, practices, or procedures in a variety of law enforcement settings — including citizen interaction, detention, and arrest procedures.**

### **Result:**

When interacting with police and other law enforcement officers, people with disabilities are often placed in unsafe situations or are unable to communicate with officers because standard police practices and policies are not appropriately modified. For example, individuals who are deaf or have hearing impairments and use sign language may be unable to communicate with law enforcement officers if they are taken into custody and handcuffed behind their backs. Similarly, individuals with epilepsy or diabetes may be placed at great risk if they are not permitted access to their medications.

### **Requirement:**

Title II of the ADA requires law enforcement agencies to make reasonable modifications in their policies, practices, or procedures that are necessary to ensure accessibility for individuals with disabilities, unless making such modifications would fundamentally alter the program or service involved. Law enforcement officers should be prepared to make reasonable modifications, for example, by allowing, in appropriate circumstances, arrestees who are deaf to be handcuffed in front of their bodies so that they can communicate with others and by allowing detainees access to their medication. 28 C.F.R. § 35.150(b)(7). (See *Commonly Asked Questions about the Americans with Disabilities Act and Law Enforcement*).

## Issue: Self-Evaluation and Transition Plans

### Common Problem:

**City governments often have not conducted thorough self-evaluations of their current facilities, programs, policies, and practices to determine what changes are necessary to meet the ADA's requirements, and have not developed transition plans to implement these changes.**

### Result:

When self-evaluations are not conducted and transition plans not developed, city governments are ill-equipped to implement accessibility changes required by the ADA. Without a complete assessment of a city's various facilities, services, and programs, it is difficult to plan or budget for necessary changes, and the city can only react to problems rather than anticipate and correct them in advance. As a result, people with disabilities cannot participate in or benefit from the city's services, programs, and activities.

### Requirement:

All city governments were required to complete a self-evaluation of their facilities, programs, policies, and practices by January 26, 1993. The self-evaluation identifies and corrects those policies and practices that are inconsistent with Title II's requirements. Self-evaluations should consider all of a city's programs, activities, and services, as well as the policies and practices that a city has put in place to implement its various programs and services. Remedial measures necessary to bring the programs, policies, and services into compliance with Title II should be specified — including, but not limited to: (1) relocation of programs to accessible facilities; (2) offering programs in an alternative accessible manner; (3) structural changes to provide program access; (4) policy modifications to ensure nondiscrimination; and (5) auxiliary aids needed to provide effective communication.

If a city that employs 50 or more persons decides to make structural changes to achieve program access, it must develop a transition plan that identifies those changes and sets a schedule for implementing them. Both the self-evaluation and transition plans must be available to the public. 28 C.F.R. §§ 35.105, 35.150(d).



City policies, including those affecting service animals, should be reviewed during the self-evaluation.

The Americans with Disabilities Act authorizes the Department of Justice (the Department) to provide technical assistance to individuals and entities that have rights or responsibilities under the Act. This document provides informal guidance to assist you in understanding the ADA and the Department's regulations.

This guidance document is not intended to be a final agency action, has no legally binding effect, and may be rescinded or modified in the Department's complete discretion, in accordance with applicable laws. The Department's guidance documents, including this guidance, do not establish legally enforceable responsibilities beyond what is required by the terms of the applicable statutes, regulations, or binding judicial precedent.

Appendix 2: Tennessee Department of Transportation, Developing an  
ADA Transition Plan & Obligations under the ADA Act 1990 (Title II)  
and Section 504 of the Rehabilitation Act of 1973





The Americans with Disabilities Act (ADA) was passed in the United States in 1990.

All Title II agencies (TDOT, cities, and counties) are required under federal law to develop an ADA Transition Plan.

*28CFR35.150 (d)*

## Contact

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# Developing an **ADA** Transition Plan

### Additional Web Resources

ADA Update: A Primer for State and Local Governments

[ada.gov/regs2010/titleII\\_2010/title\\_ii\\_primer.html](http://ada.gov/regs2010/titleII_2010/title_ii_primer.html)

ADA Best Practices Tool Kit for State and Local Governments

[ada.gov/pcatoolkit/chap2toolkit.htm](http://ada.gov/pcatoolkit/chap2toolkit.htm)

Cities and Counties: First Steps Toward Solving Common ADA Problems

[ada.gov/civiccommonprobs.htm](http://ada.gov/civiccommonprobs.htm)

USDOT/FHWA: ADA/Section 504 of the Rehab Act of 1973 (504)

[fhwa.dot.gov/civilrights/programs/ada.cfm](http://fhwa.dot.gov/civilrights/programs/ada.cfm)



# ADA Compliance



## Basic Requirement

Must ensure that individuals with disabilities are not excluded from programs, services and activities (sidewalks are an example of one program)

*Communications 28CFR35.160*



## Steps to Compliance

- 1 Designate an ADA Coordinator  
*28CFR35.107 (a)*
- 2 Provide public notice about ADA requirements  
*28CFR35.106*
- 3 Establish a grievance procedure  
*28CFR35.107 (b)*
- 4 Use current design standards, specifications, and details for new construction and alternatives  
*28CFR35.151 (c)*
- 5 Develop self-evaluation and Transition Plan  
*28CFR35.105*
- 6 Approve a schedule and budget to implement the Transition Plan  
*28CFR35.150 (d)(3)(iii)*
- 7 Monitor progress on implementation of the Transition Plan

[www.southwestada.org](http://www.southwestada.org)

[www.ada.gov](http://www.ada.gov)

## TDOT TITLE II DISABILITY DISCRIMINATION POLICY 301-03

Since 1992, it has been the policy of the Tennessee Department of Transportation to prohibit discrimination against any qualified individual on the basis of disability in regards to the admission or access to, or treatment in, its programs, services or activities or accessibility to facilities within its ownership or control. The Department shall comply with applicable requirements of Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, Title 28 of the code of Federal Regulations Part 35, "Non-discrimination on the Basis of Disability in State and Local Government Services," as well as any other applicable law pertaining to disability non-discrimination.

It is the policy of the Department to operate each service, program, or activity so that the service, program, or activity when viewed in its entirety, is readily accessible to and usable by qualified individuals with disabilities.

In compliance with the Americans with Disabilities Act, the Tennessee Department of Transportation will provide reasonable accommodations for persons with disabilities, upon request. To request an accommodation, please contact the office of the ADA Coordinator no later than 72 hours before any scheduled event.

## The Americans with Disabilities Act of 1991 (Title II)

*"No qualified individual with a disability shall, on the basis of a disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any public entity." (28 CFR Part 35)*

## Section 504 of the Rehabilitation Act of 1973

*"No qualified handicapped person shall, solely by reason of his disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity that receives Federal financial assistance administered by the Department of Transportation." (49 CFR Part 27)*



In compliance with the Americans with Disabilities Act, the Tennessee Department of Transportation will provide reasonable accommodations for persons with disabilities, upon request. To request an accommodation, please call the office of the ADA/Section 504 Coordinator.

No private or public entity shall discriminate against any individual because that individual has opposed any act or practice made unlawful or because that individual made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under the Act.

No private or public entity shall coerce, intimidate, threaten, or interfere with any individual in the exercise or enjoyment of, or on account of his or her having exercised or enjoyed, or on account of his or her having aided or encouraged any other individual in the exercise or enjoyment of, any right granted or protected by the Act.

## Contact

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The Tennessee Department of Transportation (TDOT) ensures that no person or groups of persons shall, on the grounds of race, color, religion, sex, age, national origin, disability, retaliation or genetic information, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any and all programs, services, or activities administered by TDOT, its recipients, sub recipients, and contractors.



## Obligations under the Americans with Disabilities Act of 1990 (Title II) and Section 504 of the Rehabilitation Act of 1973



## What is ADA (Title II) and Section 504?

Title II (28 CFR Part 35) is a part of the Americans with Disabilities Act of 1990 (Public Law 101-336), this law prohibits discrimination on the basis of disability in State and local government services regardless of whether the public entity received Federal financial assistance.

Section 504 (49 CFR Part 27) is a component of the Rehabilitation Act of 1973 (Public Law 93-112) which prohibits discrimination on the basis of disability in programs, activities and services that receive Federal financial assistance.

## Who must comply with Title II and Section 504?

Under Title II ADA, all public entities must comply with this regulation. This includes any State or local government, as well as any department, agency, special purpose district, or other instrumentality of a State or local government.

Under Section 504, any recipient of federal financial assistance must comply with this regulation.

## What is a recipient?

A recipient is defined as any State, territory, possession, political subdivision, instrumentality; public or private agency, organization, entity or individual to whom federal financial assistance is extended either directly or through another recipient.

This includes any successor, assignee, or transferee, but not the ultimate beneficiary of a program or activity. This includes not only primary recipients, but also sub-recipients who receive Federal financial assistance from the primary recipient.

## What steps do recipients and public entities need to make to be in compliance with the ADA (Title II) and Section 504?


- Notify public of obligations under ADA and Section 504.
- Designate an ADA/504 Coordinator.
- Develop and implement complaint/grievance procedure for ADA/Section 504 complaints received by the recipient or public entity.
- Conduct a self-evaluation of programs and services for accessibility.
- Develop and implement a transition plan to make structural modifications to facilities in order to achieve program accessibility. (For recipients and public entities with responsibilities over roads, highways and pedestrian facilities, the transition plan must include a curb ramp installation schedule)
- Provide assurances to TDOT when receiving Federal financial assistance that the recipient will not discriminate on the basis of disability in any of its programs, services, activities.
- Conduct programs, services and activities in accessible facilities or provide alternative means of accessibility.
- New and altered buildings and facilities must be made accessible in accordance with accessibility guidelines.
- Provide effective communications through the use of auxiliary aids (sign language interpreters, large print or Braille text) to ensure that individuals with hearing, visual, sensory or cognitive impairments have access to programs, services and activities.

## What accessibility standard must be used to determine accessibility?

Title II of the ADA provides public entities, who do not receive federal financial assistance, the choice of using the Americans with Disabilities Act Accessibility Guidelines (ADAAG) or the Uniform Federal Accessibility Standards (UFAS) when making facilities accessible.

Section 504 requires recipients to follow the ADAAG when constructing new facilities and altering existing facilities.

The Access Board has published a revised version of the draft accessibility guidelines for public rights-of-way (PROWAG). PROWAG is currently recommended as best practices, has been formally adopted by TDOT, and should be followed for the design and construction of pedestrian facilities within TDOT right-of-way. PROWAG can be considered the state of the practice that could be followed for areas not fully addressed by the present ADAAG standards, because the FHWA has determined that they are consistent with the ADA's requirement that all new facilities (and altered facilities to the maximum extent feasible) be designed and constructed to be accessible to and useable by people with disabilities.



## Appendix 3: Lincoln County Facilities Table of Barriers

Department	Description	Address	Exterior Barrier 1	ADA Reference	Priority	Exterior Barrier 2	ADA Reference	Priority	Entrance Barrier	ADA Reference	Priority	Interior Barrier	ADA Reference	Priority	Interior Barrier 2	ADA Reference	Priority	Restroom Barrier	ADA Reference	Priority	Fountain Barrier	ADA Reference	Priority	Phone Barrier	ADA Reference	Priority	Notes	Estimated Cost to Make Compliant	Date Completed
Solid Waste	Fayetteville Convenience Center	37 Burklin Street		Compliance Not Required					Signage		High																Additional modification needed for space to accommodate employee accessibility (if required)	\$ 750.00	
Fire	Blanche Fire Station	1653 Ardmore Highway	Parking	Post "Firefighters Only" and create policy	Low	Access Route	N/A		Signage	N/A	High	Access Route Protrusions	N/A		Access Route	N/A		Maneuver Space	N/A	Low	Approach	N/A		Access	N/A		PARKING: non-paved lot, no striping, dedicated spaces and access route to entrance, ENTRANCE: Building should be signed for volunteer firefighters only, RESTROOM: Accessible elements missing (maneuverability and grab bars)	\$ 750.00	
Senior Citizens	Senior Citizens	908 Washington Street, W		*Removed from list																								\$ -	
Fire	Vanntown Fire Station	820 Vanntown Road	Parking	208.2, 208.2.4, 502.2, 502.3, 502.4, 502.6, 208.3.1, 302.1, 403.5.1, 403.3, 406.1, 405.5, 216.6, 404.2.7, 606.2, 216.8, 703.2, 703.3, 703.4.1, 703.4.2, 703.5,	High	Access Route Surface	302.1, 403.5.1, 403.3, 406.1, 405.5, 216.6, 404.2.7	High	Signage	502.6		Access Route	403.3		Ramp Width	403.3		Access	403.3	High	Protrusion	*There is no water fountain		TTY Phone	*There is no TTY Phone		Volunteer fire station. Facility is occasionally used for public meetings. PARKING: Requires accessible parking spaces, including a single van access space. Parking signage should be mounted on a post in front of accessible spaces, a minimum of 60" above grade. A van accessible space should be signed accordingly. EXTERIOR ACCESS: Requires hard surface, walkway a minimum of 36" wide. RESTROOM: Restrooms need ramps for access and should be signed, with a minimum of one unisex accessible restroom. To meet compliance, facilities require accessible fixtures, grap bars, tactile signage, and ramp access.	\$ 12,500.00	
General	Blackwelder's Shop building	4151 Thornton Tayler Road		Compliance Not Required																								\$ -	
Fire	Flintville Fire Station	224 Flintville Rd.	Signage	502.6	High	Parking	502.2, 502.3, 502.4	Low	Access	403.3					Sign Placement	703.4.1, 703.4.2		Lavatory Floor Toe Clearance	306.2, 306.3.3	Medium	Protrusion	*There is no water fountain.		TTY Phone	*There is no TTY Phone.		Volunteer fire station. Facility is occassionally used for public meetings. PARKING: Existing accessible space should be repainted and striped. Parking access spaces should be striped to provide access widths, per standard or van access requirements. Accessible parking should be signed at a minimum height of 60". ENTRANCE/ACCESS: The sidewalk leading to the entry door is too steep. RESTROOM: Two restrooms, neither are accessible. Entrance, fixture types, height and accessories all require compliance adjustments.	\$ 17,500.00	
Highway	HIGHWAY DEPARTMENT QUARRY BUILDING	Rear 161 Molino Road	Signage	208.2.4, 502.6		Parking	502.2,		Hardware	404.2.7		Access Route	307.2		Sign Recognition	216.2, 703.2, 703.3, 703.4.1, 703.4.2, 703.5, 703.5.6		Maneuver Space	603.2.1		Protrusion	*There is no water fountain		TTY Phone	*There is no TTY Phone.	ESTIMATE IS INCLUDED IN THE HWY DEPT BUILDING.	\$ -		
Fire	Park City Fire Station	2696 Huntsville Highway	Parking	*Should be posted : "For Firefighters Only!" and have a policy backing it up.	Low	Signage	N/A	Low	Hardware	N/A	High	Access Route	N/A		Access Route Protrusions	N/A		Access	N/A	Low	Protrusion	N/A		TTY Phone	N/A		Volunteer fire station. Facility should be denoted as not open to the public.	\$ 750.00	
General	Junior's House	704 Maple St	Parking	502.2, 502.3, 502.4, 504.6	Low	Access Route	403.3	High	Access	406.1	High	Door Opening	404.2.9	High	Counter Surface	904.4, 904.4.1		Toilet Grab Bar	604.5.1, 609.3, 604.5.2, 609.4		Clearance			TTY Phone			PARKING: Existing accessible space should be striped for standard access or van access. Additionally, accessible van signage at maximum 60" from grade should be posted. ENTRANCE: Main building entrance is accessible by steps only - the current accessible ramp is unsigned and structurally unsound. Both runs exceed maximum slope (1:12) and the surface conditions of both are poor. The ramps should be reconstructed. ENTRANCE: Main entrance door should be adjusted so that it only takes 5lbs of pressure to open. INTERIOR ACCESS: Lobby counter require an accessible counter space with height at maximum 36" and clear floor space underneath of 30" by 48" for forward access. OTHER: Adjacent storage building should be posted as "No Public Access"	\$ 14,500.00	
Jail	County Jail	4151 Thornton Tayler Road	Signage	502.3, 502.6	Medium	Parking	502.2	High	Door Opening	216.6			904.4, 904.4.1	High				Sign Placement	n/a	High	Approach	There is no fountain		TTY Phone	There is no TTY Phone		PARKING: Reorient accessible parking signs so that the van space is signed on far right (final stall), INTERIOR: Accessible counter height & clearance not provided, RESTROOM: Public restroom facility should be provided	\$ 8,500.00	
Fire	Taft Fire Station	Henry Thompson Drive	Parking	Should be posted as "FIREFIGHTERS ONLY" and have a policy in place.	Low				Signage		High							Maneuver Space		Low							PARKING: non-paved lot, no striping, dedicated spaces and access route to entrance, ENTRANCE: Building should be signed for volunteer firefighters only, RESTROOM: Accessible elements missing (maneuverability and grab bars),	\$ 750.00	

General	SHELTER	705 South Main Street	Parking	206.2.1, 208.2, 208.2.4	Low	Access Route	402.2		Signage	208.2, 208.2.4, 502.6	High	Door Hardware	404.2.7	Medium	Sign Recognition	216.2		Access	402.2	High	Approach	There is no fountain		TTY Phone	There is no TTY phone		<b>PARKING:</b> At minimum, a single accessible parking space should be provided. Space should denote either standard, or van accessible parking, striped accordingly and signed with van accessible signage at minimum 60" above grade. <b>ACCESS/ENTRANCE:</b> Accessible office access path should be signed and should provide compliant ramp slope (maximum 1:12), leading from the parking lot. <b>INTERIOR:</b> Portion of counter should be accessible, no higher than 36" above floor with a clear floor space under counter of 30" by 48" <b>RESTROOMS:</b> If present, should brought to current accessibility standards for access, clear path, fixture type, accessories and grab bars.	\$	9,375.00		
Fire	Belleville Fire Station	968 Shelbville Highway	Parking	208.2, 208.2.4, 502.2	High	Access Route	302.1, 403.5.1, 302.3, 403.3	High		404.2.5,		Door Threshold	303.2	High	Sign Placement	216.8, 703.2, 703.3, 703.4.1, 703.4.2, 703.5	High	Access	404.2.4, 206.2.4, 606.2	High	Approach	There is no fountain			There is no TTY phone		<b>PARKING:</b> Lot unpaved, unstriped with no dedicated spaces for accessible parking and unloading, <b>INTERIOR:</b> Door thresholds oversized (too tall) and should be beveled, <b>INTERIOR/RESTROOM:</b> Ramp needed to facilitate restroom access, <b>RESTROOMS:</b> Accessible elements missing (maneuverability and grab bars) needed included a compliant sink (currently located outside the water closet)	\$	12,250.00		
General	Courthouse Gazebo	112 Main Street South	Access Route	405.7.2, 405.7.3, 406.1, 405.5	High	Handrail	505.3, 505.4, 505.6	High	Signage																		<b>Gazebo is an ancillary Courthouse structure.</b> <b>ACCESS:</b> Currently the Gazebo is not accessible. Requires ramp access and/or chair lift. Guard rail fall protection should be installed on perimeter of structure.	\$	8,750.00		
General	Election	208 East Davidson	Parking		High	Signage		High	Access		High	Door Opening		Medium	Counter Surface		Medium	Toilet Grab Bar		High	Clearance		Low				<b>Building constructed in 1965, require updates</b> <b>PARKING:</b> Spaces need to be restriped with access aisle, signage should be replaced and raised to compliant height and with designated van space. <b>ACCESS:</b> walkway exceeds maximum slope, need to install a handrail. <b>ENTRANCE:</b> reframe and adjust for 5lb pressure. <b>RESTROOM:</b> install grab bars. <b>COUNTER:</b> provide wheelchair access counter with maximum height.	\$	12,125.00		
General	Storage Building	Side 704 Maple Street	Parking	Compliance Not Required		Signage		Medium																			N/A - Facility extension not open to the public	\$	-		
Fire	Molino Fire Station	710 Molino Rd	Parking	208.2, 208.2.4, 206.2.1, 502.2, 502.4, 502.6	High	Access Route	302.1, 403.5.1	High	Hardware		High	Approach		Medium	Sign Placement		Medium	Maneuver Space		High	Approach		Low	TTY Phone				N/A - Facility extension not open to the public	\$	12,500.00	
Jail	JAIL SHELTER	4151 Thornton Taylor Parkway	Signage	Compliance Not Required	High	Public Sidewalks		High																			N/A - Facility extension not open to the public	\$	-		
Fire	Mulberry Fire Station	3 Kelso Mulberry Road	Parking	Post as "Firefighters Only" and add policy	Low	Signage		Low	Access		High							Maneuver Space		Low							<b>PARKING:</b> non-paved lot, no striping, dedicated spaces and access route to entrance. <b>ENTRANCE:</b> Building should be signed for volunteer firefights only. <b>RESTROOM:</b> Accessible elements missing (maneuverability and grab bars).	\$	750.00		
General	COMMAND POST BUILDING	Rear 4151 Thornton Tayler Road at County Jail	Parking	Compliance Not Required		Access Route		Low	Signage		High																N/A - Facility extension not open to the public	\$	-		



Courthouse	Courthouse	112 Main Street South	Signage	208.2.4	High	Ramp Slope	406.1	High			Elevator Size	407.4.1 * Structurally unfeasible to remedy	Low	Counter Surface	904.4, 904.4.1	Medium			High																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																		
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## Appendix 4: Lincoln County Facility Compliance Inspections

## FIELD REPORT

Project: Lincoln County ADA	Job No: 2025-19-01.3
Location: 1653 Ardmore Hwy	Inspection Date: 3/19/2019
Client: Lincoln County	Representative: Doug Campbell 931-438-1575

### Observations:

The Blanche Fire Station was built in 1981. This station is only accessed by members of the volunteer Fire Fighters in the event of an emergency or fire.

There is a washroom, however it lacks the accessible elements normally required.

There is no paved drive or parking lot, and more importantly there is no meeting room that would accommodate the general public.

### Suggested Remedial Action:

1. **No facility upgrades required if adequate facility notice is posted.**  
**"FIREFIGHTERS ONLY - NO PUBLIC ALLOWED."**

**For further explanation, see the explanation provided in the interpretation communication received by TDOT's Office of D o i c e**

**Reference Photos: 3143-3145**



Non-Compliant Side Entry



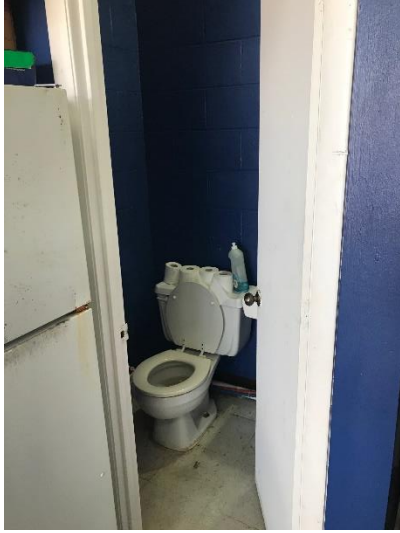
Overhead Doors to Fire  
Equipment Bays



Inside Equipment Bay



Gravel Drive to the Building



Non-Compliant Washroom

## FIELD REPORT

Project: Lincoln County ADA	Job No: 2025-19-01.3
Location: 820 Vanntown Rd.	Inspection Date: 3/20/2019
Client: Lincoln County	Representative: Doug Campbell 931-438-1575

### Observations:

The Vanntown Fire Station was built in 1975, and is subject to some of the ADA requirements based on the fact that there is a meeting room that is occasionally used by the public.

There is no hard-surfaced driveway or parking lot, and no signage indicating the location of an accessible parking space.

There is no level hard surfaced walk from the accessible space to the front entrance.

There are 2 washrooms located in the meeting room. Neither of the washrooms meet any of the accessibility requirements.

### Suggested Remedial Actions:

1. At least one level, hard-surfaced accessible van parking space and adjacent access aisle must be provided. The space must be either 11' wide with a 5' wide access aisle, or an 8' wide space with an 8' wide access aisle.
2. Improve signage for at least one accessible parking sign. The sign should be mounted on a post, or on the building in front of the accessible parking space. The bottom of the sign must be no less than 60" above grade. The sign should also identify the space as a "Van Accessible" parking space.
3. Install a level, hard-surfaced walkway that provides access from the accessible parking space to the building entrance. The walkway must be a minimum of 36" wide.
4. At minimum, one washroom must be a unisex, accessible washroom. To convert, the washroom should include retrofitting the washroom interior to achieve adequate turn radius, installation of proper fixtures, and grab bars. Raised tactile and braille identifiers should be installed outside of the washroom, and there should be ramp access to the washroom.

**Reference Photos: 3234-3245**



Fire Equipment Bays Viewed  
From the Gravel Drive



Non-Compliant Entrance



Meeting Room Adjacent to the  
Equipment Bays



Non-Compliant Washroom  
Access



Fire Equipment Room





Ambulance Bay



Covered Cooking Area  
Adjacent to the Building

## FIELD REPORT

Project: Lincoln County ADA	Job No: 2025-19-01.3
Location: 224 Flintville Rd.	Inspection Date: 3/20/2019
Client: Lincoln County	Representative: Doug Campbell 931-438-1575

### Observations:

This is the Flintville Fire Station, which was built in 1982, and is subject to some of the ADA requirements based on the fact that there is a meeting room that is occasionally used by the public.

There is a level, hard surfaced ADA Accessible parking space on site, however, the symbol on the asphalt is faded and there is no sign on the building or on a post in front of the space. The space is also undersized.

The sidewalk leading to the entry door is too steep.

There are two washrooms available in the meeting room, however, neither of them is accessible.

### Suggested Remedial Action:

1. The accessible parking space must be restriped to either 11' wide with a 5' access aisle, or an 8' wide space with an 8' access aisle. The symbol on the asphalt must be repainted and the accessible sign must be posted in front of the space at a minimum height of 60" from grade to the bottom of the sign.
2. The accessible sign should be identified as a "van parking" space.
3. The slope on the sidewalk leading to the entrance of the building should be no greater than 1:20.
4. The washroom must be improved to achieve compliance. At present, the door width, height, fixture handle and washroom accessories are non-compliant.

**Reference Photos: 3204-3209, 3212, 3213, 3215-3221, 3223**



Bay and Man Doors on Front of Building



Asphalt and Gravel Drive up to the Building



Entry Door to Building



Side Corner of the Building



Opposite Side of Building



Meeting Room inside of Building



Non-Compliant Washroom



Second Floor Living Room for Firefighters



Non-Compliant Upstairs Washroom



Stairs to the Second Floor From the Equipment Bay



Equipment Bay Area



View of Equipment Bay



Non-Compliant Accessible  
Parking Space/Sign



## FIELD REPORT

Project: Lincoln County ADA	Job No: 2025-19-01.3
Location: 2696 Huntsville Hwy	Inspection Date: 3/19/2019
Client: Lincoln County	Representative: Doug Campbell 931-438-1575

### Observations:

The Park City Fire Station, built in 1972, is only accessed by members of the volunteer Fire Department in the event of an emergency or fire.

There is no paved drive or parking lot on the grounds, and more importantly there is no meeting room that would accommodate the general public.

The facility washroom lacks the required accessible elements (handrails, sink/counter height, etc.) normally required despite the washroom having sufficient space to satisfy the turnaround radius.

### Suggested Remedial Action:

1. No facility upgrades required if adequate facility notice is posted.  
"FIREFIGHTERS ONLY - NO PUBLIC ALLOWED."

For further explanation, see the explanation provided in the interpretation communication received by TDOT's Office of ADA Compliance.

Reference Photos: N/A

## FIELD REPORT

Project: Lincoln County ADA

Job No: 2025-19-01.3

Location: 704 Maple

Inspection Date: 4/2/2019

Client: Lincoln County

Representative: Cole Bradford 931-438-1565

### Observations:

This building, which is known as "Juniors House", was built in 1975, and as such is subject to certain requirements.

The building is accompanied by an adjacent garage that has since been converted to a long-term storage room for the facility. The adjacent storage building, which was once a garage has no accessible access, parking or interior elements.

The exterior parking lot is comprised of 10 parking spaces, with one of the spaces designated as an accessible space. The accessible parking space and the adjacent walking surface exceed the 1:48 slope permitted by ADA in two directions.

The sign that identifies the accessible parking space is not correct and is shorter than the minimum allowance. Access to the building's primary entrance can only be achieved via steps, which limits its ability for accessibility.

An alternate ramp located on the North side of the building provides ramp access into the building; however, there is no sign directing people to this ramped entrance.

The counter space in the main lobby needs a lower portion that can accommodate an individual in a wheelchair.

### Suggested Remedial Action:

1. The parking lot should be re-striped, with the accessible space being either 8' wide with an adjacent 8' access aisle, or it can be an 11' wide van parking space with a 5' access aisle.
2. Replace the accessible parking sign with a compliant sign. Raise the sign height to 60" from grade to the bottom of the sign and distinguish with appropriate signage (if Van Accessible)
3. The parking and walking surface should be leveled to meet the maximum slope permitted.
4. The ramp has two runs broken up by a 3' x 3' platform. Both runs exceed the allowable 1:12 slope. Ramp should be rebuilt to at allowable slope to comply with ADA requirements, or an accessible ramp should be installed at the front entrance.
5. The front entrance door should be adjusted so that it opens with 7 lbs. or less pressure.
6. The main counter inside the building should be reconstructed to provide a 36" wide section that is no higher than 36", with at least a 30" x 48" open area in front for the counter for parallel access.
7. The storage building should be posted as "No Public Allowed".

**Reference Photos: 3320-3342**





Rear Entrance Stairs



Side Yard View Between  
Housing and Storage Building



Fenced In Rear Yard



Rear Yard View



Walkway in Poor Condition on the Side of the Building



Sidewalk Leading to Ramp on Side of Building



Front of the Storage Building



Exterior Side Yard of the Building



Side Corner of the Storage Building



Side View of the Parking Lot



Side View from the Parking Lot



Side View of the Housing Building





Non-Compliant Washroom



Toilet in the Dual Occupancy Washroom



Full View of the Dual Washroom



Non-Compliant Sink

## FIELD REPORT

Project: Lincoln County ADA

Job No: 2025-19-01.3

Location: 4151 Thornton Taylor Road

Inspection Date: 3/19/2019

Client: Lincoln County

Representative: Chris Thornton 931-433-9821

### Observations:

There was ADA access to the main office of the Jail from the parking lot. There was a total of 40 parking spaces; 4 of which were designated ADA Accessible spaces identified by signs of compliant height and size, and all located directly in front of the office entrance. The access route led directly from the ADA accessible spaces to the main entrance door via a compliant sidewalk and ramp. The entry door had a closer that opened with 3 pounds of force.

Once inside the lobby, it was noted that there are no public restrooms provided. The public is not permitted to access the restrooms located in the office area. **Accessible washroom facilities should be provided.**

It was also noted that there was no lower, accessible portion of the counter provided. Compliant access can be achieved by providing a 30" long segment of the counter - no greater than 36" above the floor surface with toe clearance of 9" above the finished floor, and with knee clearance of 27" above the 9" toe clearance area for the full 30" of accessible counter width.

Two of the four ADA Accessible signs were mis-identified based on the width of the adjacent loading/access area. **The "van" sign located on the second sign from the left, should be re-mounted on the second sign from the right.**

**Note:** Although the exterior of the other three structures located within the fenced jail (yard area) was inspected, the public does not have access to the structures. Staff has access to HC washrooms within the office area.

### Suggested Remedial Action:

1. Provide access to a fully accessible washroom for the public.
2. Provide a compliant lowered portion of the counter.
3. Re-assign the parking space that is currently misidentified as a "VAN accessible" parking space.

**Reference Photos: 3097 – 3117**



Accessible Parking at Main Entrance



Van Parking Space



Accessible Parking Space



Transition to Sidewalk from Parking Spaces



Transition from Parking to  
Sidewalk



Accessible Ramp at Main  
Entrance – Handrail View



Accessible Ramp – Surface View





Accessible Visitation Area



Typical Visitation Area



Main Lobby/Front Counter



Car Wash Room





Open Area, Rear Of Offices



Car Wash Building



Small Shed in Rear Yard



Large Storage Building in Rear Yard



Police Vehicle Parking in Rear Yard



Ambulance Bay Adjacent to the Jail Building



Storage in the Ambulance Bay



Rear Yard of Jail



Additional Vehicle Bay for  
Police Vehicles

## FIELD REPORT

Project: Lincoln County ADA

Job No: 2025-19-01.3

Location: Henry Thompson Dr.

Inspection Date: 3/19/2019

Client: Lincoln County

Representative: Doug Campbell 931-438-1575

### Observations:

The Taft Fire Station was built in 2000, and as such, is subject to full compliance; however, the facility should be exempted from required accessibility improvements since this station is only accessed by members of the volunteer Fire Fighters in the event of an emergency or fire.

There is no paved drive or parking lot on the grounds, and more importantly there is no meeting room that would accommodate the general public.

The facility washroom lacks the required accessible elements (handrails, sink/counter height, etc.) normally required despite the washroom having sufficient space to satisfy the turnaround radius.

### Suggested Remedial Action:

1. **No facility upgrades required if adequate facility notice is posted.**  
**"FIREFIGHTERS ONLY - NO PUBLIC ALLOWED."**

**For further explanation, see the explanation provided in the interpretation communication received by TDOT's Office of ADA Compliance.**

**Reference Photos: 3143-3145**



Gravel Drive at Front of Building



Non-Compliant Ramp on Side of Building



Non-Compliant Washroom



## FIELD REPORT

Project: Lincoln County	Job No: 2025-19-01.3
ADA Location: 705 S. Main	Inspection Date: 3/20/2019
Client: Lincoln County	Representative: Cole Bradford (931) 438-1565

### Observations:

The Shelter/Recycle Center was built in 1990, and as such, is subject to full compliance with ADA requirements.

There is no on-site, hard-surfaced parking lot parking for this building.

The shelter acts as a drop off facility for recycling material and storage facility. There are two offices for this operation. One is accessed by an old worn out ramp, and the other by a set of wooden stairs.

Both offices were inaccessible at the time of facility inspection, so the presence washrooms inside the offices and a counter that serves the public could not be determined

### Suggested Remedial Action:

1. At least one hard-surfaced, level accessibility parking space shall be provided on site. That space can either be 11' wide with a 5' wide access aisle, or an 8' wide space with an 8' wide access aisle.
2. The space shall be identified by a universal accessibility symbol, and/or include a sign on a post or on the wall in front of the space, located at least 60" above the adjacent grade. This space should also be identified as a "Van Accessible" parking space.
3. Access to the offices must be made available via an ADA compliant ramp (1:12 slope) and a level, compliant walkway that leads from the accessible space to the entrance door. There should be a sign located at the non-compliant entrance that highlights the accessible path and entrance.
4. The washrooms should be upgraded to include accessibility accommodations, including compliant fixtures, grab bars and accessories. If there are no existing washrooms, a single unisex washroom may be provided that is fully ADA compliant.
5. A portion of the counter must be no higher than 36" above the floor, with surface that is at least 36" wide. There must also be a clear floor space in front of the counter that measures 30" x 48".

**Reference Photos: 3343-3357**



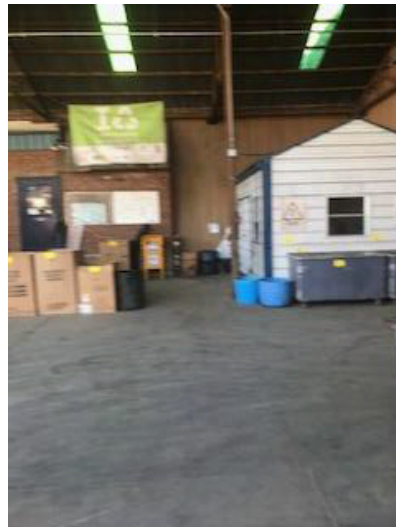
Side Entrance to Warehouse



Side of Warehouse Building



Drop Off Area At Corner



Modular Office at Drop Off



Drop Off Area



Stairs Leading to Main Office



Sign on Main Street and Ramp



Identification Sign





Main Street Entry Ramp



Main Street Ramp



Interior Side Yard of  
Warehouse



Damaged Handrail on Ramp



Damaged Guardrail on Ramp



Roof Structure over Dropoff

## FIELD REPORT

Project: Lincoln County ADA

Job No: 2025-19-01.3

Location: 968 Shelbyville Hwy

Inspection Date: 3/20/2019

Client: Lincoln County

Representative: Doug Campbell 931-438-1575

### Observations:

The Bellville Fire Station was built in 1981.

This station is generally only accessed by members of the volunteer Fire Fighters in the event of an emergency or fire; however, there is a meeting room that is occasionally used by the public so the building is subject to compliance in the areas used by the public.

There is no paved drive or paved parking lot.

There are washrooms located in the facility but the present entrance/door threshold does not meet accessibility requirements. The interior washroom also does not meet minimum ADA requirements.

### Suggested Remedial Action:

1. If the building remains subject to use by the public, there must be at least one hard surfaced accessible parking space (including access aisle) that is properly striped. This space should also be labeled as an "Accessible Van Parking" and shall be 8'0" wide with a corresponding 8'0" wide access aisle.
2. Although the door into the meeting room is an acceptable width, the sill height cannot exceed  $\frac{3}{4}$ " and must be beveled.
3. At least one washroom must be upgraded to provide accessibility for single user (unisex) and must meet all aspects of ADA requirements.
4. A level sidewalk must constructed that provides a level path of travel from the HC parking to the front entry ramp.

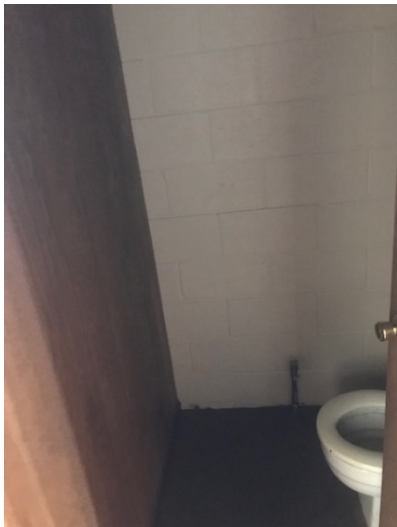
Reference Photos: 3143-3145



Gravel Driveway to the Building



Main Public Entrance



Non-Compliant Washroom



Non-Compliant Access to the Washroom





Meeting Room Adjacent to  
Turnout Room



Non-Compliant Main  
Entrance



Overhead Doors to Fire  
Equipment



Inside the Fire Equipment Bays

## FIELD REPORT

Project: Lincoln County ADA	Job No: 2025-19-01.3
Location: 208 E. Davidson	Inspection Date: 3/28/2019
Client: Lincoln County	Representative: David Qualls 931-433-1582

### Observations:

This building houses the Elections Office and was built in 1965, and as such is subject to certain requirements. In addition to the Elections Office, the building houses seven other offices and/or agencies.

There is a total of 43 parking spaces in the lot and two of them are designated as accessible parking spaces, although they lack the required access aisle, and neither is designated as a "VAN" space.

There are two accessible parking signs mounted on posts. One meets the standard for minimum height of 60" to the bottom of the sign, however it's face is worn away. The other sign has a clear, readable face but does not meet the standard for minimum height.

The sloped walkway adjacent to one of the accessible parking spaces exceeds a slope of 1:20, and must be treated as a ramp.

The front entry door does not set flush inside the door frame which makes it difficult to open. The door needs to be adjusted to allow the door to open with 7 lbs. or less of pressure.

There is a water fountain inside the common area of the building that meets the accessibility requirements, however, there is no fountain for standing individuals.

The counter in the Elections Office does not offer a lower portion counter break that can accommodate an individual in a wheelchair.

### Suggested Remedial Action:

1. The parking spaces should be re-striped. One can be 8' wide and the other must 11' wide, with the two spaces eligible to share a 5' wide access aisle.
2. Replace the worn accessible parking sign, and raise the height of the other sign. One sign (11' wide space) should be posted as a "Van Accessible" sign.
3. Install a handrail along the parking space side of the ramp. There should also be edge protection along the bottom of the rail that prevents passage of a 4" sphere.
4. Install another water fountain that is standard height for public use.
5. Reframe the front entrance door and adjust the door so that it takes 7 lbs. or less of pressure (pushing or pulling) to open it.
6. Provide a 36" wide section of the counter that is no higher than 36" and provides at least 27" of knee clearance.

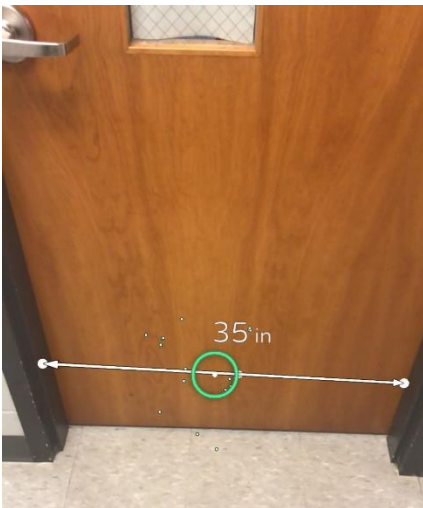
**Reference Photos: 3292 - 3319**



Common Area Washroom



Water Fountain in Hallway



Example of Door Width



Main Entrance Doors



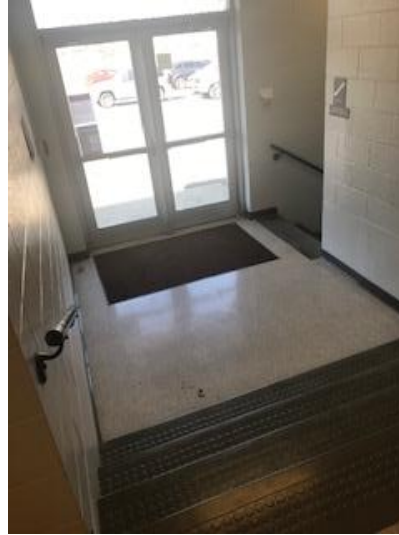
Washroom Corridor



Main Lobby



Typical Corridor



Side Entrance





Meeting Room



Meeting Room



Ramp From Parking Lot



Test Kitchen by Meeting Room



Faded Accessible Parking Sign



Accessible Parking Sign Too Low



Steps to Side Entrance



Spaces W/O Access Aisle



Rear of Building Entrance



Covered Entrance on Side of Building



Covered Side Entrance



Parking Area in Rear of Lot

## FIELD REPORT

Project: Lincoln County ADA	Job No: 2025-19-01.3
Location: 710 Molino Rd	Inspection Date: 3/20/2019
Client: Lincoln County	Representative: Doug Campbell 931-438-1575

### Observations:

The Molino Fire Station was built in 1987, and subject to certain ADA requirements.

There are washrooms, however, they lack the accessible elements normally required.

There is no paved drive or parking lot, and more importantly there is a meeting room that is used to accommodate the general public.

### Suggested Remedial Action:

1. **Provide a hard-surfaced accessible parking space with an adjacent access aisle. The space must be either 8' wide with an 8' access aisle or 11' wide with a 5' access aisle.**
2. **There must be a level hard-surfaced sidewalk from the accessible space to the front entrance.**
3. **Provide an approved accessible parking sign that is mounted in front of the space at a height of 60" above grade level. A "Van Parking" sign shall be mounted above the accessible parking sign.**
4. **At least one of the existing washrooms shall be altered to meet the requirements for a Unisex Single User type accessible washroom.**

### Reference Photos:

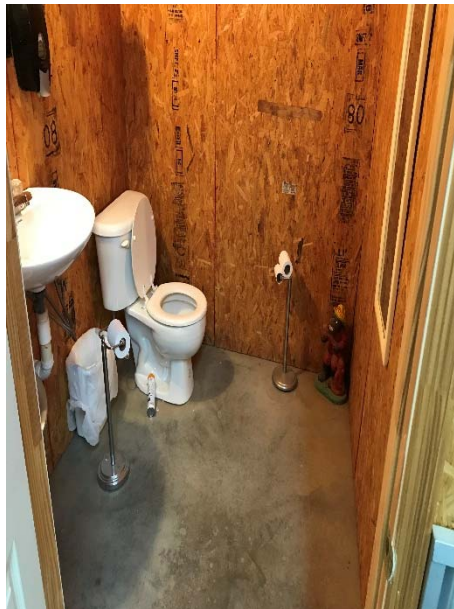




Building Front View



Inside Equipment Room



Men's Bathroom



Women's Washroom



Outside Door to Equipment Room

Rear Meeting Room

## FIELD REPORT

Project: Lincoln County ADA	Job No: 2025-19-01.3
Location: 3 Kelso Mulberry Rd.	Inspection Date: 3/20/2019
Client: Lincoln County	Representative: Doug Campbell 931-438-1575

### Observations:

The Mulberry Fire Station was built in 1920 and as such, is subject to limited compliance. This station is only accessed by members of the volunteer Fire Fighters in the event of an emergency or fire.

There is a washroom, however it lacks the accessible elements normally required.

There is no paved drive or parking lot, and more importantly there is no meeting room that would accommodate the general public.

### Suggested Remedial Action:

1. No facility upgrades required if adequate facility notice is posted.  
"FIREFIGHTERS ONLY - NO PUBLIC ALLOWED."

For further explanation, see the explanation provided in the interpretation communication received by TDOT's Office of D o i c e

Reference Photos: 3143-3145





Non-Compliant Washroom



Staff Room



Side Entrance to Building



Non-Compliant Ramp



Fire Equipment Bay Door



Side Yard Adjacent to the Building



## FIELD REPORT

Project: Lincoln County ADA	Job No: 2025-19-01.3
Location: 112 Main Street S.	Inspection Date: 4/2/2019
Client: Lincoln County	Representative: Cole Bradford 931 - 438 -1565

### Observations:

The County Courthouse and Gazebo were built in 1970-71, and as such, are subject to certain requirements.

There is a total of 108 parking spaces in the parking lot. Six of the spaces are designated as accessibility parking spaces, with two "Van Accessibility" parking spaces. All spaces are ADA compliant, however, one space is incorrectly designated as a "Van" space. Aside from this one issue, all accessibility parking signage was of a proper size and height.

The Gazebo is raised above surrounding grade by 25", and is not currently accessible.

There are two sets of ramps leading from the parking lot to the main building entrance. The first ramp is compliant, and it starts at the sidewalk and has an overall length of 18'-0" with a rise of 18" or 1:12. The other is located near the entrance door and has a slope of 1:10, which does not comply. *(If the total rise was no greater than 6", the 1:10 slope would be acceptable.)*

There is an elevator in the courthouse, although it does not meet the minimum accessibility criteria.

The accessibility washrooms on all 3 levels require vertical grab bars.

There is no lower portion of the counter in either the Clerk's Office or the Records Office.

### Suggested Remedial Action:

1. The "Van Accessibility" parking sign should be relocated to a space that adheres to requirements for parking space and access aisle dimensions.
2. The gazebo should be made accessible by adding a 25-foot long ramp, or chair lift. Guard rails should also be added along the perimeter of the raised surface for fall protection.
3. The exterior ramp near the entrance door must be modified to meet the 1:12 slope requirement.
4. The elevator is located in the center of the building. Bringing the unit into compliance is not structurally feasible.
5. Install vertical grab bars above the horizontal grab bars on the sidewall in all the washrooms.
6. Install a 36" wide by 36" tall break along the counter to provide wheelchair accessibility for the counters located in the Clerk's Office and the Records Office.

**Reference Photos: 3410-3425 & 3428-3440**



Counter in Clerks Office



Typical Corridor 1<sup>st</sup> Floor



Main Entrance by Accessible Ramps



County Commission Office



2 Side Views of the Gazebo Adjacent to the Courthouse





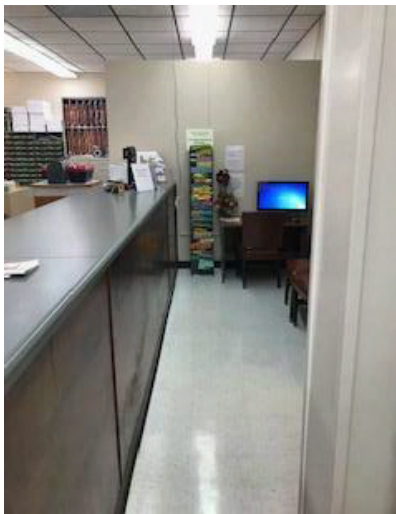
Corridor by Records Office



Security Checkpoint at Entry



Counter in Records Office



Counter in Records Office



Inoperable Water Fountain



Corridor Near Elevator



Courtroom Seating



Jury Seating



Courtroom Seating



Courtroom Seating



Judge's Bench



Corridor to Courtroom





Elevator Interior



Elevator Door/Placard



Elevator Control Panel



Lower Level Washrooms and  
Water Fountain



Lower Level Courtroom  
Security Scanner



Lower Level Corridor



Lower Level Washroom Urinal, Lavatories and Toilet



Diagonal Accessible Parking Space

Ramp From Parking Lot

## FIELD REPORT

Project: Lincoln County ADA	Job No: 2025-19-01.3
Location: 17 Henry Thompson Dr.	Inspection Date: 3/19/2019
Client: Lincoln County	Representative:
	Cole Bradford (931) 438-1565

### Observations:

This is one of several "Convenience Centers" which serve as recycling and waste disposal centers throughout the County. It consists of a covered drop off area where citizens can drive through and drop off their waste and recyclables in bins and dumpsters.

The only structure on the site is a 6'x8' shed that acts as a weather shelter for County staff assigned to assist with unloading of the waste items. There is no plumbing provided except an outdoor sill cock that is used when hosing down the driveway as needed.

This facility was constructed in 1995 - and as such, would have needed to meet all applicable ADA standards; however, the fact that there is no parking or washroom facilities provided, combined with the temporary/occasional nature of the weather enclosure and the fact that the public is not allowed to use the enclosure, results in this facility being exempted.

### Suggested Remedial Action:

1. Label and denote shelter as "Not Open to the Public."

### Reference Photos: 3143-3145



Side View



Street View

## FIELD REPORT

Project: Lincoln County	Job No: 2025-19-01.3
ADA Location: 705 S. Main	Inspection Date: 3/20/2019
Client: Lincoln County	Representative: Cole Bradford (931) 438-1565

### Observations:

The Shelter/Recycle Center was built in 1990, and as such, is subject to full compliance with ADA requirements.

There is no on-site, hard-surfaced parking lot parking for this building.

The shelter acts as a drop off facility for recycling material and storage facility. There are two offices for this operation. One is accessed by an old worn out ramp, and the other by a set of wooden stairs.

Both offices were inaccessible at the time of facility inspection, so the presence washrooms inside the offices and a counter that serves the public could not be determined

### Suggested Remedial Action:

1. At least one hard-surfaced, level accessibility parking space shall be provided on site. That space can either be 11' wide with a 5' wide access aisle, or an 8' wide space with an 8' wide access aisle.
2. The space shall be identified by a universal accessibility symbol, and/or include a sign on a post or on the wall in front of the space, located at least 60" above the adjacent grade. This space should also be identified as a "Van Accessible" parking space.
3. Access to the offices must be made available via an ADA compliant ramp (1:12 slope) and a level, compliant walkway that leads from the accessible space to the entrance door. There should be a sign located at the non-compliant entrance that highlights the accessible path and entrance.
4. The washrooms should be upgraded to include accessibility accommodations, including compliant fixtures, grab bars and accessories. If there are no existing washrooms, a single unisex washroom may be provided that is fully ADA compliant.
5. A portion of the counter must be no higher than 36" above the floor, with surface that is at least 36" wide. There must also be a clear floor space in front of the counter that measures 30" x 48".

**Reference Photos: 3343-3357**





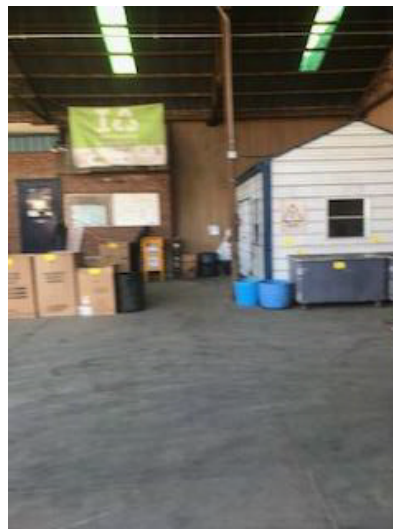
Side Entrance to Warehouse



Side of Warehouse Building



Drop Off Area At Corner



Modular Office at Drop Off





Drop Off Area



Stairs Leading to Main Office



Sign on Main Street and Ramp



Identification Sign



Main Street Entry Ramp



Main Street Ramp



Interior Side Yard of  
Warehouse



Damaged Handrail on Ramp



Damaged Guardrail on Ramp



Roof Structure over Dropoff

## FIELD REPORT

Project: Lincoln County ADA	Job No: 2025-19-01.3 Inspection
Location: 312 W. Market Street	Date: 3/20/2019
Client: Lincoln County	Representative: Doug Campbell 931 - 438 -1575

### Observations:

The Emergency Management building was built in 1950, and as such is subject to certain requirements.

There is a total of 14 parking spaces in the lot and one of them is designated as an accessible space; however, this space is not designated as a "Van Accessible" parking space. This single accessible space is also undersized and the sign on a post does not meet minimum height for compliance.

There is an accessible path to the entrance from the parking space, however, there is a 4" step up to the entrance door and the door hardware does not comply.

There are washrooms on both floors of the EMA Building; however, neither are compliant. The first-floor washroom that is located in the EMA office is the logical washroom to bring into compliance, as the washroom on the second floor is not accessible due to the fact that it can only be accessed by stairs (no elevator in the building).

The hardware on the door that leads into the EMA office has a non-compliant handle.

The turnout room on the other side of the entrance door from the EMA office does not allow the public to enter, and as such, should be labeled as restricted access.

There are two rooms currently being used for storage on the second floor of the building. These rooms are inaccessible, as they are on a floor that is not served by an elevator.

### Suggested Remedial Action:

1. The accessible space must be either 11' wide with an access aisle of 5' wide, or an 8' wide space with an 8' wide access aisle. The accessible sign on the post should be raised to minimum height of 60" from grade to the bottom of the sign. It must also designate the space as a "Van Accessible" parking space.
2. Either install a level walkway with a 1:20 (or, less) slope, or a ramp with a 1:12 slope with guard rails must be provided.
3. The main entrance door handle must be changed to meet ADA standards, and should not require a grip to operate. The door should be operable with 7lbs of pressure or less.
4. The first-floor washroom must be modified to be a unisex, accessible washroom. The washroom should be increased in size to provide ample turn radius, and the fixtures should be accessible. The washroom identification placard should be raised text and braille.
5. The door to the turnout room should be posted as "Firefighters Only, Public Not Allowed!"

**Reference Photos: 3246, 3248-3261**





Side of the EMA Building



Main Entry Doors of the EMA Building



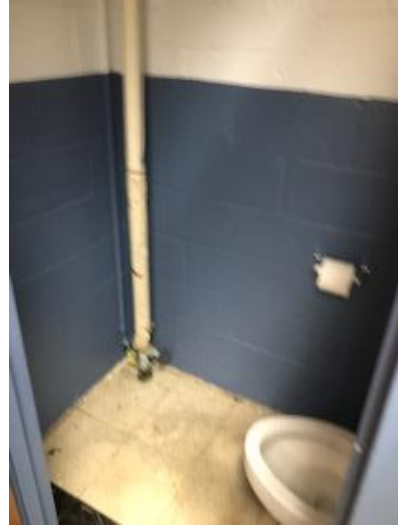
Side of the Building adjacent to the Parking Lot



Accessible Parking Space in Lot Next to the EMA Building



Accessible Parking Space

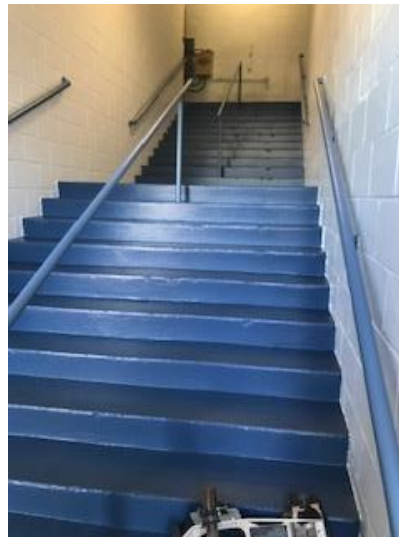


Toilet on 2<sup>nd</sup> Floor of the  
EMA Building





Equipment Bay



Stairs to the Second Floor



Storage Room on Second Floor



Second Floor Storage Room



Second Floor Non-Compliant Washroom

## FIELD REPORT

Project: Lincoln County ADA

Job No: 2025-19-01.3

Location: 820 Wm. D. Jones Blvd.

Inspection Date: 3/28/2019

Client: Lincoln County

Representative: Joey Ashby 931-438-2450

### Observations:

The Farm Service Center was built in 1999, and as such, should be brought into full compliance.

There is a total of 30 parking spaces in the exterior lot, two of which were designated as accessible spaces. The pavement striping and markings are extremely worn on the asphalt. The designated accessible parking signage for these two spaces is posted on the face of the building. Both signs are lower than 60" to the bottom of the sign placard.

### Suggested Remedial Action:

1. The accessible parking spaces striping and symbol markings should be repainted.
2. The signs for the accessible spaces should be raised to achieve the minimum height requirements (60")
3. One of the accessible spaces should also be designated as a "VAN Accessible" space that is 11' wide with an adjacent 5' access aisle, or an 8' wide space with an adjacent 8' access aisle.

Reference Photos: 3383-3401



Front Parking Lot



Rear Parking Area



Side View of the Building



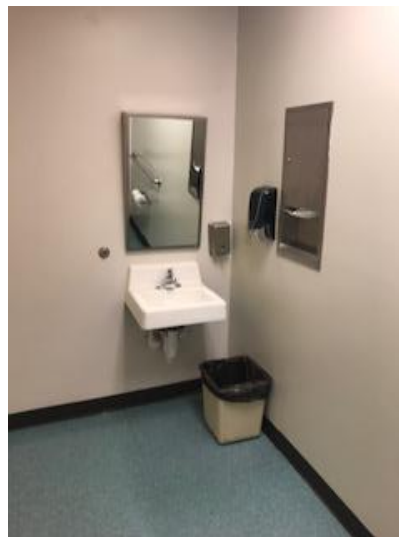
View of Accessible  
Parking Space



View of Main Entrance Doors

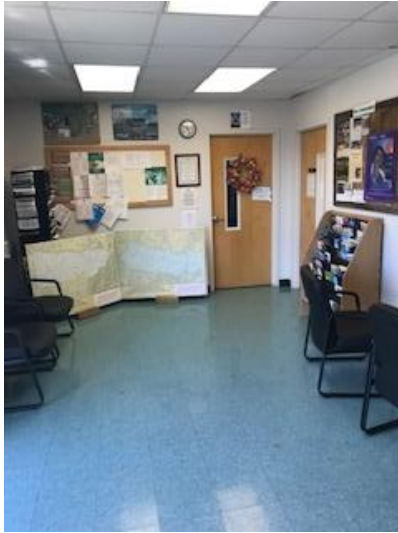


Toilet in Lobby Area



Sink and Accessories in  
Accessible Washroom





Main Office Area



Open Area in Main Office



Front Counter



Meeting Room



Lunch Room / Storage Room



Rear Exit

## FIELD REPORT

Project: Lincoln County ADA

Job No: 2025-19-01.3

Location: 161 Molino Road

Inspection Date: 3/19/2019

Client: Lincoln County

Representative: Tim Gill (931)433-2585

### Observations:

The Lincoln County Highway Department office and vehicle storage/repair facility was built in 1995, and as such, the entire building is required to be brought into full compliance (constructed after 1990).

There are seven public parking spaces that are hard surfaced and striped. One of those spaces is designated as an accessible space, as noted by the symbol marking painted on the asphalt. Despite inclusion of this space, minimum accessibility requirements are not achieved due to the omitted access aisle and signage posted in front of the space denoting "Accessible Parking" and "Accessible Van Parking".

The main entrance door is located directly in front of the accessible parking space, and is an acceptable entry width. It also opens with 3 lbs. of pressure; however, the doors locking/unlocking system is operated via keypad.

There is no lobby. A corridor takes you past several offices, and through a common office area and then exits the office area into the storage/repair area.

There is a washroom, however, it is not compliant with any of the ADA requirements, except for turning radius. There is no compliant water fountain, TTY telephone or tactile placards identifying rooms and exits.

### Suggested Remedial Action:

1. **Provide an eight-foot wide access aisle adjacent to the accessible parking space, and post a sign in front of the space that demarcates the space with the universal accessible parking symbol and a van accessible sign beneath it. The bottom of these signs shall be a minimum of 60" above ground level.**
2. **The keypad style lock should be replaced with an accessible type lock and handle.**
3. **The washroom can remain a single user, unisex washroom, although all of the fixtures must meet the ADA requirements for access. Grabs bars should be installed along the rear and wall side of the toilet.**
4. **Compliant water fountains must be provided, unless bottled water is provided.**
5. **A TTY telephone must be provided in an accessible location, and all rooms and exist must be identifiable via installed tactile placards.**

**Reference Photos: 3118-3120, 3122, 3128-3132**



Parking Spaces



Main Entrance



Accessible Parking Space



Right Side Yard



Left Side Yard



Shop Area



2 Views of Non-Conforming Washroom



## FIELD REPORT

Project: Lincoln County ADA

Job No: 2025-19-01.3

Location: 192 Watermill Road

Inspection Date: 3/20/2019

Client: Lincoln County

Representative: Cole Bradford (931) 438-1565

### Observations:

This is one of several "Convenience Centers" which serve as recycling and waste disposal centers throughout the County.

It consists of a covered drop-off area where citizens can drive through and dispose of their waste and recyclables in bins and dumpsters. The only structure on the site is a 6'x8' shed that acts as a weather shelter for anyone assigned to assist with unloading of the waste items. There is no plumbing provided except an outdoor sill cock that is used when hosing down the driveway as needed.

This facility was constructed in 1995, and as such, would have needed to meet all applicable ADA standards; however, this facility should be exempted from mandatory upgrades as there is no parking or washroom facilities on site, combined with the temporary nature of the weather enclosure itself, and the fact that the public is not allowed to use the enclosure.

### Suggested Remedial Action:

1. The weather shelter should clearly be posted as "No Public Allowed"

**Reference Photos: 3143-3145**





Street View – Recycle Center

## FIELD REPORT

Project: Lincoln County

Job No: 2025-19-01.3

ADA Location: 1 Front Road

Inspection Date: 3/19/2019

Client: Lincoln County

Representative: Doug Campbell 931-438-1575

### Observations:

The Dellrose Fire Station was built in 1920.

This station is generally only accessed by members of the volunteer Fire Fighters in the event of an emergency or fire; however, there is a meeting room that is occasionally used by the public so the building is subject to compliance in the areas used by the public.

There is no paved drive, or paved parking lot although the road surface leading to the building is roughly paved. The parking spaces are not striped and the lot parking does not include any identifiable accessible spaces.

There are washrooms located in the facility but the present entrance/door threshold does not meet accessibility requirements. The interior washroom also does not meet minimum ADA requirements.

### Suggested Remedial Action:

1. If the building remains open to the public, there must be at least one accessible parking space that is properly striped (including access aisle adjacent to the space). The accessible parking space shall be labeled as a "Van Parking" space, and shall be 8'0" wide with a corresponding 8'0" wide access aisle.
2. Although the door/entrance into the meeting room is an acceptable width, the sill height cannot exceed  $\frac{3}{4}$ " and must be beveled.
3. At minimum, one washroom must be made upgraded to provide accessibility for a single user, unisex with all aspects of the washroom meeting the ADA requirements.

Reference Photos: 3143-3145



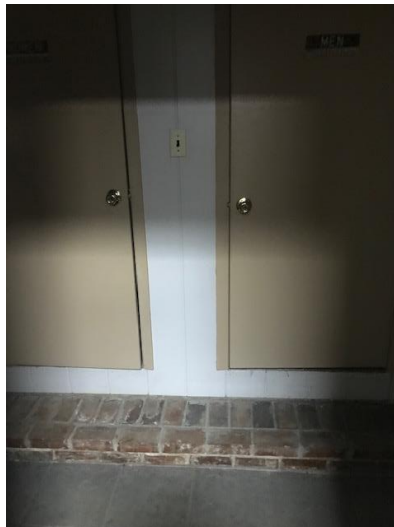
Entrance to the Meeting Room



Interior View of the Meeting Room



Non-Compliant Washroom



Non-Compliant Washroom Access



One Equipment Bay View



Another Equipment Bay View



View of Exit From Inside the Meeting Room

## FIELD REPORT

Project: Lincoln County ADA	Job No: 2025-19-01.3
Location: 87 Red Oak Drive	Inspection Date: 3/19/2019
Client: Lincoln County	Representative: Doug Campbell 931-438-1575

### Observations:

This is the Boonshill Fire Station was built in 1981, and as such, is subject to limited compliance. This station is only accessed by members of the volunteer Fire Fighters in the event of an emergency or fire.

There is a washroom, however it lacks the accessible elements normally required.

There is no paved drive or parking lot, and more importantly there is no meeting room that would accommodate the general public.

### Suggested Remedial Action:

1. No facility upgrades required if adequate facility notice is posted.  
"FIREFIGHTERS ONLY - NO PUBLIC ALLOWED."

For further explanation, see the explanation provided in the interpretation communication received by TDOT's Office of D o i c e

Reference Photos: 3143-3145



ID Sign and Overhead Door  
for the Station



Side View of the Building



Front View of the Bay Doors



Gravel Access Drive





Inside the Equipment Bay



Another View of the Equipment Bay



Non-Compliant Washroom

## FIELD REPORT

Project: Lincoln County ADA	Job No: 2025-19-01.3
Location: 15 Old Schoolhouse Road	Inspection Date: 3/19/2019
Client: Lincoln County	Representative: Doug Campbell 931-438-1575

### Observations:

The Howell Fire Station, built in 1980, is only accessed by members of the volunteer Fire Department in the event of an emergency or fire.

There is no paved drive or parking lot on the grounds, and more importantly there is no meeting room that would accommodate the general public.

The facility washroom lacks the required accessible elements (handrails, sink/counter height, etc.) normally required.

### Suggested Remedial Action:

1. No facility upgrades required if adequate facility notice is posted.  
"FIREFIGHTERS ONLY - NO PUBLIC ALLOWED."

For further explanation, see the explanation provided in the interpretation communication received by TDOT's Office of ADA Compliance.

Reference Photos: N/A

## FIELD REPORT

Project: Lincoln County ADA	Job No: 2025-19-01.3
Location: 1000 W. Washington	Inspection Date: 4/2/2019
Client: Lincoln County	Representative: Debra Dickey 931-433-3231

### Observations:

This building houses the Health Department and was built in 1960, and as such is subject to certain requirements. There is a total of 48 parking spaces in the parking lot, and two of them are designated as accessible parking spaces.

The striping located at these accessible spaces and access aisles are worn away, and neither is designated as a "VAN Accessible" space.

There are two accessible signs mounted on posts. Neither sign has the proper minimum height of 60" to the bottom of the sign, and the surface of the sign faces have worn significantly.

There is a curb ramp located between the two accessible spaces. The straight portion of the curb ramp meets the 1:12 slope requirement, and the flares meet the 1:10 slope requirement; however, a portion of the flares extends into the parking space.

The exit door at the rear of the child education center needs to be repaired/adjusted so that the door can be opened with 7 lbs. or less of pressure.

The counter at the main entrance needs a lower portion that can accommodate an individual in a wheelchair.

**\*NOTE:** There is a limited use elevator with appropriate cab and door sizes, accessible by key only.

### Suggested Remedial Action:

1. The accessible parking spaces need to be restriped. One space can be 8' wide and the other can be 11' wide. The two spaces can share a 5' wide access aisle.
2. Replace the worn accessible parking signs. Raise the height of both signs, and post one as a "Van Accessible" space. The flares must be located outside of the designated parking spaces.
3. Adjust the door so that it takes 7 lbs. of pressure or less to open it.
4. Provide a 36" wide section of the counter that is no higher than 36". With at least 30" x 48" open area in front of the counter for parallel access.

**Reference Photos: 3442 - 3472**



Ramp in Rear of Building



Parking Adjacent to Rear Ramp



Faded Accessible Parking Space at Rear Corner of Building



Shared Parking Spaces on Side of Building



Side Ramp / Entrance



Side Entrance w/o Ramp



Sidewalk Leading to Front Entrance



Signage at Front Corner of Building





Unlevel, Faded Accessible Spaces in Front Parking Lot



Unlevel, Faded Accessible Space



Unlevel Space, Improper Curb Ramp in Front Lot



Curb Ramp in Front of Building





Ramp at Front Entrance



Crack in Surface of Ramp



Detail of Crack in Ramp  
Surface



Counter/Windows in Lobby



Seating/Work Surface in Lobby



Information Table in Lobby



Men's Washroom off of Lobby



Sink in Men's Lobby  
Washroom



Lavatories in Women's Lobby  
Washroom



Women's Washroom off of  
Lobby



Inoperable Door at Rear of  
Daycare Room



## FIELD REPORT

Project: Lincoln County	Job No: 2025-19-01.3
ADA Location: 8 Green Road	Inspection Date: 3/20/2019
Client: Lincoln County	Representative: Doug Campbell 931-438-1575

### Observations:

The Elora Fire Station was built in 1972. This station is only accessed by members of the volunteer Fire Fighters in the event of an emergency or fire.

There is a washroom, however, it lacks the accessible elements normally required.

There is no paved drive or parking lot, and more importantly there is no meeting room that would accommodate the general public.

### Suggested Remedial Action:

1. **No facility upgrades required if adequate facility notice is posted.**  
**"FIREFIGHTERS ONLY - NO PUBLIC ALLOWED."**

**For further explanation, see the explanation provided in the interpretation communication received by TDOT's Office of ADA Compliance.**

**Reference Photos: 3228-3233**



Gravel Drive in Front of the  
Equipment Bay



Front View of the Station

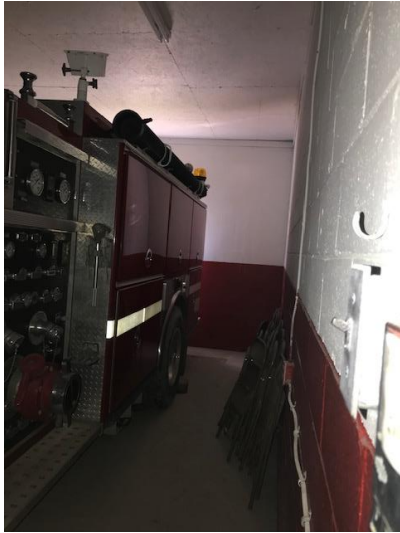


Side View



Non-Compliant Washroom





Inside the Equipment Bay



Overhead Door and Signage  
for the Station

## FIELD REPORT

Project: Lincoln County ADA	Job No: 2025-19-01.3
Location: 117 Railroad St.	Inspection Date: 3/19/2019
Client: Lincoln County	Representative: Doug Campbell 931-438-1575

### Observations:

The Petersburg Fire Station was built in 1950, and is subject to some of the ADA requirements based on the fact that there is a meeting room that is occasionally used by the public.

There is no hard-surfaced driveway and/or parking lot for vehicle access to the building. The existing parking area does not have any signage indicating the location of an accessible parking space. There is no level hard-surfaced pedestrian path from the accessible space to the front entrance.

There is a two-sided ramp at the entrance, however, neither ramp meets the slope requirement (1:8 vs. 1:12)

The washroom does not meet any of the accessibility requirements.

### Suggested Remedial Action:

1. A minimum of one, hard-surfaced accessible van parking space and adjacent access aisle must be provided. The space must be either 11' wide with a 6' access aisle (Van Parking) or an 8' wide parking space with an adjacent 8' access aisle.
2. At least one accessible parking sign must be mounted on a post (or, on the building) should be displayed to designate the accessible parking space. The bottom of the sign must be no less than 60" above grade. The sign should also identify the space as "Van Accessible" parking.
3. There must be a level, hard-surfaced walkway provided that leads from the accessible space to the entrance. The walkway must be a minimum of 36 wide.
4. The ramp(s) must be reworked to meet the required 1:12 slope.
5. The washroom must be a unisex accessibility washroom. To achieve this, the washroom should be equipped with ADA compliant turning radius, grab bars, tactile placards and a ramp to access the room.

**Reference Photos: N/A**



Side of Building



Non-Compliant Ramp at  
Main Entrance



Non-Compliant Washroom



Meeting Room



Equipment Room Adjacent to  
the Meeting Room

## FIELD REPORT

Project: Lincoln County ADA	Job No: 2025-19-01.3 Inspection
Location: 308 W. Market	Date: 3/20/2019
Street Client: Lincoln County	Representative: Doug Campbell 931 - 438 -1575

### Observations:

The vacant building adjacent to the Emergency Management was originally built as a school in 1932, and as such is subject to certain requirements.

The facility shares a parking lot with the EMA building. There is a total of 14 parking spaces in the lot with one of them designated as an accessible space; however, this space is not designated as a "Van Accessible" parking space.

The main facility entrance is located on the parking lot side of the building. Access to the entrance and the door itself is not accessible as there is an only a series of steps leading to the doors. The doors also require more than 7 lbs. of pressure to swing.

There is no elevator in this building which leaves the second floor inaccessible.

The washrooms are not ADA compliant.

**\* NOTE: Additional accessibility/compliance issues may arise once the building is retrofitted for a different use.**

### Suggested Remedial Action:

1. The single accessible space should be striped and detailed to function as a "Van Accessible" parking space. As such, the space should be 11' wide with a 5' wide access aisle, or an 8' wide space with an 8' wide access aisle.
2. The accessible parking sign must be a minimum of 60" above grade and have a "Van Parking" placard posted.
3. The facility entrance must have a ramp leading from the parking lot to the entrance, with a slope of 1:12 or less, and must have ADA compliant handrails. The synthetic surface material must be removed as it creates a trip hazard and is an accessibility impediment for wheelchair users.
4. The entrance door should be adjusted to allow it to open with 7 lbs. of pressure or less.
5. Unless the building is completely remodeled, there is no location for an elevator that would not constitute a structural hardship.
6. The washrooms must be brought into compliance, including the entry door width, stall size, fixture height, and tactile signage.

**Reference Photos: 3426, 3248-3261**



Side Stairs to Door on Vacant Building



Secondary Set of Stairs to an Entrance Door

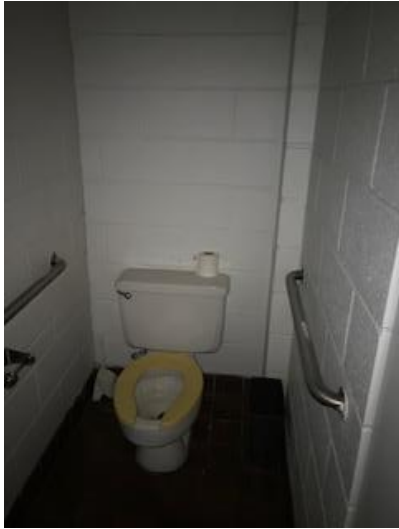


Non-Compliant Washroom



Non-Compliant Water Fountain in Hallway





Non-Compliant Washroom



Non-Compliant Walkway at the  
Front Entrance



Main Entrance Viewed From  
the Parking Lot



Interior Stairs to the Second  
Floor



Typical Corridor

## FIELD REPORT

Project: Lincoln County ADA

Location: Gleghorn Nature Grove

Client: Lincoln County

Job No: 2025-19-01.3

Inspection Date: 3/27/2019

Representative: Cole Bradford

(931) 438-1565

### Observations:

This is a picnic shelter in a nature preserve. There are no designated walking paths, hard surfaced driveways or parking lots on site. The shelter was constructed after 1990 and is subject to full compliance.

### Suggested Remedial Action:

1. At least one 8' wide parking space with an adjacent 8' access aisle must be provided on a level surface in close proximity to the shelter.
2. The space must be identified by a sign bearing the international accessibility symbol, with the sign located in front of the space and mounted so that the bottom of the sign is a minimum of 60" above grade.
3. A level hard-surfaced walkway shall be provided from the space to the concrete slab of the shelter.
4. One of the two picnic tables shall provide wheelchair accessible seating.

**Reference Photos: 3359-3364**



Identification Sign at Road



Gravel Drive into the Nature Center



Grassy Area Adjacent to Gravel Parking Area



Typical Area in the Nature  
Center



Covered Picnic Area

## FIELD REPORT

Project: Lincoln County ADA	Job No: 2025-19-01.3
Location: 106 College Street W.	Inspection Date: 3/19/2019
Client: Lincoln County	Representative: Nancy Harris 931-438-5186

### Observations:

At the time of facility inspections, the Lincoln County Planning Department was housed in the basement level of a downtown office building located at 106 College Street W.

During preliminary coordination meetings with Lincoln County administration, it was noted that the Planning Department would be temporarily located in the subject building until renovation efforts were completed for the Department's eventual relocation to the County Courthouse building (tentatively scheduled – June, 2019).

At present, the temporary location in 106 College Street does not provide direct access from ground level except for the stairs, and there is an inoperable elevator located in the space.

Planning staff and department visitors have to go upstairs to access washrooms.

There are no designated accessible parking spaces assigned to this office, and overall the building relies solely on on-street parking.

### Suggested Remedial Action:

1. Given the eventual plans for the Planning Department's relocation to the County Courthouse, there are no suggested remedial actions for this current location.

### Reference Photos: 3198-3201





106 College Street - Interior Stairs



106 College – Lower Level Office



106 College – Inoperable Elevator



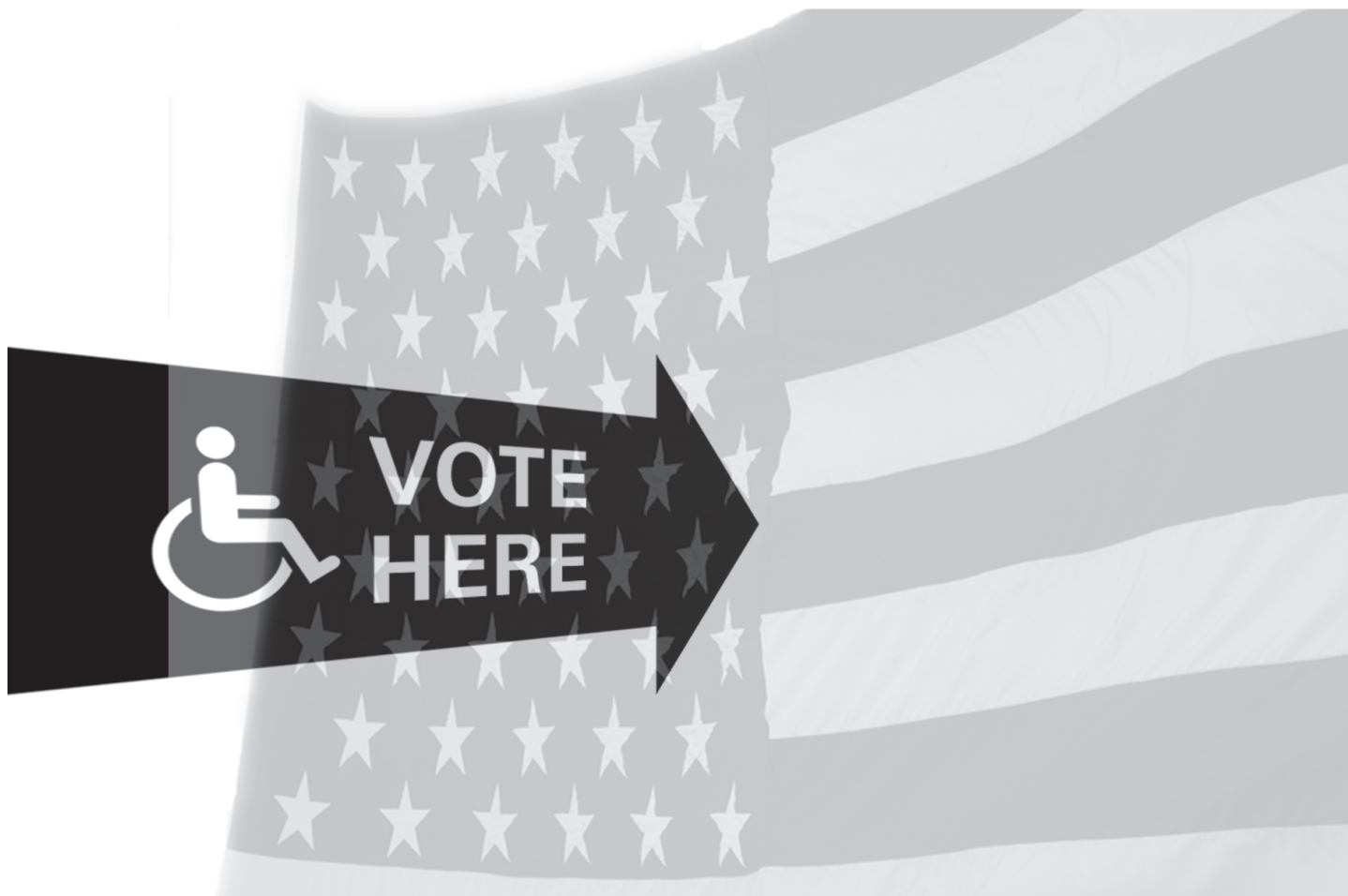
106 College – 1<sup>st</sup> Floor Entry Door

## Appendix 5: ADA Checklist for Polling Stations



**Americans with Disabilities Act**

# **ADA CHECKLIST FOR POLLING PLACES**



**June 2016**

**Part 1** discusses polling place accessibility with a focus on the areas of a facility that may be used as a polling place on Election Day.

**Part 2** includes a list of the tools election officials will need in order to use the Checklist, some helpful tips on taking measurements and photographs, and a useful list of the most common tools for temporary remedies and the circumstances in which they may be used.

**Part 3** is the 2016 Checklist.

### **Disclaimer**

The ADA authorizes the Department of Justice to provide technical assistance to individuals and entities that have rights or responsibilities under the Act. This document provides informal guidance to assist you in understanding the ADA and the Department's regulation. However, this technical assistance does not constitute a legal interpretation of the statute. It is intended to be used as a guide for assessing the accessibility of the portions of facilities to be selected for use as polling places on Election Day.

Reproduction of this document is encouraged. Additional copies of this publication may be obtained, viewed or downloaded from the technical assistance section of the ADA Website ([www.ada.gov](http://www.ada.gov)) or by calling the ADA Information Line at 800-514-0301 (voice), 800-514-0383 (TTY).

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# POLLING PLACE ACCESSIBILITY IS REQUIRED BY THE AMERICANS WITH DISABILITIES ACT

The Americans with Disabilities Act (ADA) is a federal civil rights law that provides protections to people with disabilities to ensure that they are treated equally in all aspects of life. Title II of the ADA requires state and local governments (“public entities”) to ensure that people with disabilities have a full and equal opportunity to vote. The ADA’s provisions apply to all aspects of voting, including polling places (or vote centers). Voting at one’s polling place allows voters the chance to interact with neighbors and candidates who talk with voters outside the polling place, and to ask questions of or receive assistance from trained poll workers inside the polling place. Simply put, voting in person at a local polling place is the quintessential American voting experience.

In communities large and small, people cast their ballots in a variety of facilities that temporarily serve as polling places, such as libraries, schools, and fire stations, or churches, stores, and other private buildings. Voters include people with a variety of disabilities, such as those who use wheelchairs, scooters, or other devices, those who have difficulty walking or using stairs, or those who are blind or have vision loss. They are people, young and old, who have come to their polling place to exercise their right to vote. Many public entities report that their polling places are accessible. However, the Government Accountability Office estimates that only 27% of polling places were accessible to people with disabilities in the 2008 elections.<sup>1</sup> This means that 73% of the polling places used in 2008 had architectural barriers that made it difficult or even impossible for people with disabilities to enter their polling place and vote side by side with their neighbors.

People with disabilities must have the opportunity to be full participants in an integrated civic event. The ADA requires that public entities ensure that people with disabilities can access and use all of their voting facilities. Because

a mix of public and private facilities are used as polling places, public entities may ensure Election Day accessibility of a polling place by using low-cost temporary measures, such as portable ramps or door stops, rather than necessarily making permanent modifications to a facility. If temporary measures will not fix a barrier, and public entities are unable to make a permanent modification to fix the barrier, then the public entity must look for an alternative, accessible polling place. In some circumstances, when a public entity is unable to identify or create an accessible polling place for a particular voting precinct or ward, election administrators may instead use an alternative method of voting at the polling place.<sup>2</sup> Public entities are encouraged to make permanent modifications to their facilities used as polling places, such as



A voter with a disability casting his ballot

schools, community centers, and town halls. The use of temporary measures to provide access to polling places on Election Day does not change a public entity’s obligations under the ADA to ensure that its programs and services are accessible to people with disabilities, nor does it mean that a temporary remedy would be appropriate in a public facility on an every-day basis.



# REQUIREMENTS FOR ACCESSIBILITY

The ADA's regulations and the ADA Standards for Accessible Design set out what makes a facility accessible and should be used to determine the accessibility of any facility being considered for use as a polling place. This publication, the ADA Checklist for Polling Places (2016 Checklist), provides guidance to election officials for determining whether a polling place already has the basic accessibility features needed by most voters with disabilities or can be made accessible on Election Day using temporary solutions to remove barriers. The updated Checklist includes provisions from the 2010 ADA Standards for Accessible Design ("2010 Standards").<sup>3</sup> Any alterations made to a polling place must comply with the 2010 Standards.

## Other Justice Department Publications

In addition to the 2016 Checklist, election officials should consult the Department's 7-page publication on the rights of voters with disabilities, *The Americans with Disabilities Act and Other Federal Laws Protecting the Rights of Voters with Disabilities*.

Another Justice Department publication, *Solutions for Five Common ADA Access Problems at Polling Places*, illustrates suggested temporary solutions for several common accessibility problems found at polling places.

This 2016 Checklist and other Justice Department publications, as well as the title II regulation and the 2010 Standards are available at [www.ada.gov](http://www.ada.gov).

## Part 1: Evaluating the Physical Accessibility of Polling Places

The 2016 Checklist, found in Part 3 of this document, is designed to assist officials in determining whether a facility being considered for use as a polling place is accessible to people with mobility or vision disabilities, and, if not, whether modifications can be made to ensure accessibility or relocation to another accessible facility will be necessary. The 2016 Checklist should be used to evaluate both new and existing polling places. Completing the 2016 Checklist will provide guidance on whether a facility is accessible for voters with disabilities, and how to identify and remedy any barriers that exist.



Accessible polling place

<sup>1</sup>U.S. Government Accountability Office Report: Voters with Disabilities; Additional Monitoring of Polling Places Could Further Improve Accessibility; September 2009.

<sup>2</sup>See U.S. Department of Justice Technical Assistance: "The Americans with Disabilities Act and Other Federal Laws Protecting the Rights of Voters with Disabilities," (September 2014), available at [www.ada.gov](http://www.ada.gov).

<sup>3</sup>The requirements that new construction and alterations comply with the 2010 Standards went into effect on March 15, 2012. Facilities that were built or altered before that date, and that complied with the 1991 Standards, need not be modified

to comply with the 2010 Standards as to those provisions included in the 1991 Standards. See 28 C.F.R. §35.151(b)(2)(i). This is referred to as a safe harbor. The 1991 Standards and the 2010 Standards, as applied to polling places, are very similar, however, with the exception of the requirements for accessible parking. For example, the 1991 Standards required only one van-accessible space for every eight accessible spaces, see 28 C.F.R. pt. 36, Appendix D, §4.1.2(5)(b), while the 2010 Standards require one van-accessible space for every six accessible spaces, see 2010 Standards §208.2.4.

## Getting Started

Individuals using the 2016 Checklist need not be experienced in evaluating facilities for accessibility. It is designed to be used to evaluate key areas that must be accessible. By following these directions, staff can identify accessible polling places and consider how to implement temporary and permanent accessibility remedies to those facilities found to be inaccessible. References are also provided to the 2010 Standards for more information about particular requirements. We encourage election officials to provide training to their staff on compliance with the ADA.

An evaluation of polling place accessibility focuses on those areas of a facility that may be used as a polling place on Election Day. Think about how people generally arrive at, enter, and move through the polling place. Do people drive and park? Are people dropped off at the entrance? Do they arrive on foot or do they take public transportation? This document addresses the following key areas or features that must be accessible: the parking area and passenger drop-off sites; routes (both exterior and interior); the entrance to the polling place; and the voting area itself.

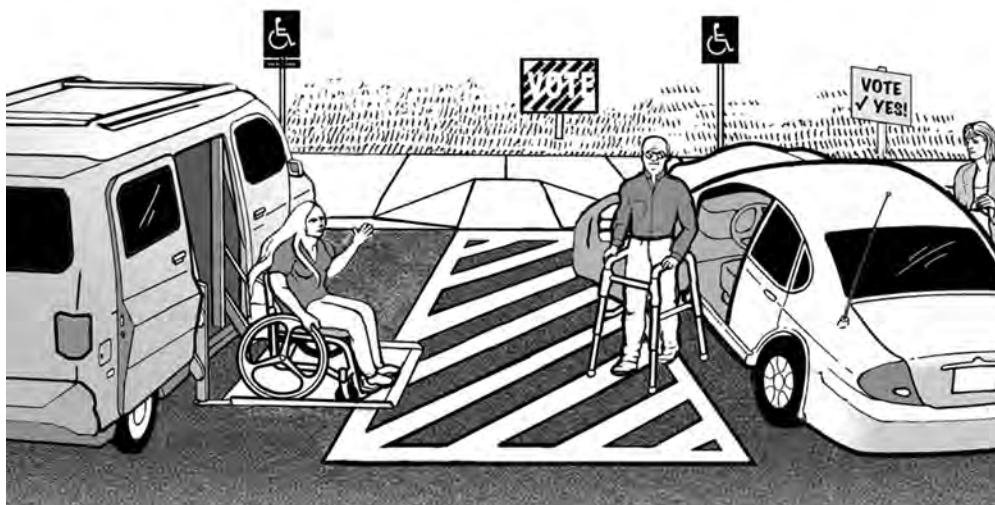
## Arriving at the Polling Place

### Parking

If parking is provided for voters, accessible parking must be provided for people with disabilities. An accessible space is composed of three elements: the parking space, an access aisle adjacent to the space that is wide enough to allow voters with a mobility disability to get out of their car or van, and signage designating it as an accessible space. The 2010 Standards require one accessible parking space per 25 parking spaces provided (up to the first 100 spaces). One of six (or fraction of six) accessible parking spaces, but always at least one, must be van accessible. Generally, the access aisle must be at least 60 inches wide for cars and 96 inches wide for vans. Van accessible spaces can also have an access aisle at least 60 inches wide if the width of the van parking space is at least 132 inches. A sign, with the International Symbol of Accessibility, must mark each accessible parking space. Van accessible spaces must be designated as such on the sign at these spaces. Accessible parking spaces and the access aisles serving them must be on a surface that is stable, firm, and slip resistant (e.g., clear of gravel or mud) without wide cracks or broken pavement and located on the closest accessible route to the accessible entrance. The accessible parking spaces and access aisles must also be level

to allow a safe transfer from the car to a person's wheelchair. (See Part 2 of this document for tips on measuring slopes and cross slopes.)

Parking requirements are in Section A of the 2016 Checklist found in Part 3 of this document.



A van accessible parking space and a car parking space share an access aisle

## **Solutions for Accessibility: Problems Involving the Parking Area**

**Problem One:** Parking is available, but no accessible parking is provided or there are not enough accessible parking or van accessible spaces.

**Solution:** Find a relatively level parking area near the accessible entrance and then designate the area for accessible parking spaces and adjacent access aisles. Use three parking spaces to make two accessible parking spaces with an access aisle. Traffic cones or other temporary elements may be used to mark these spaces and access aisles. Provide a temporary sign designating each accessible parking space and make sure the access aisle of each space is connected to the accessible route to the accessible entrance.

**Problem Two:** Accessible parking is provided, but it does not have a marked access aisle next to each designated accessible parking space.

**Solution:** Use traffic cones to mark and block off the access aisle and curb ramp area. The first accessible parking space provided should be a van accessible parking space with an access aisle that is at least 96 inches wide.

**Problem Three:** Accessible parking spaces or access aisles are on a sloped surface and do not provide a level area for a safe transition from the voter's car to a wheelchair.

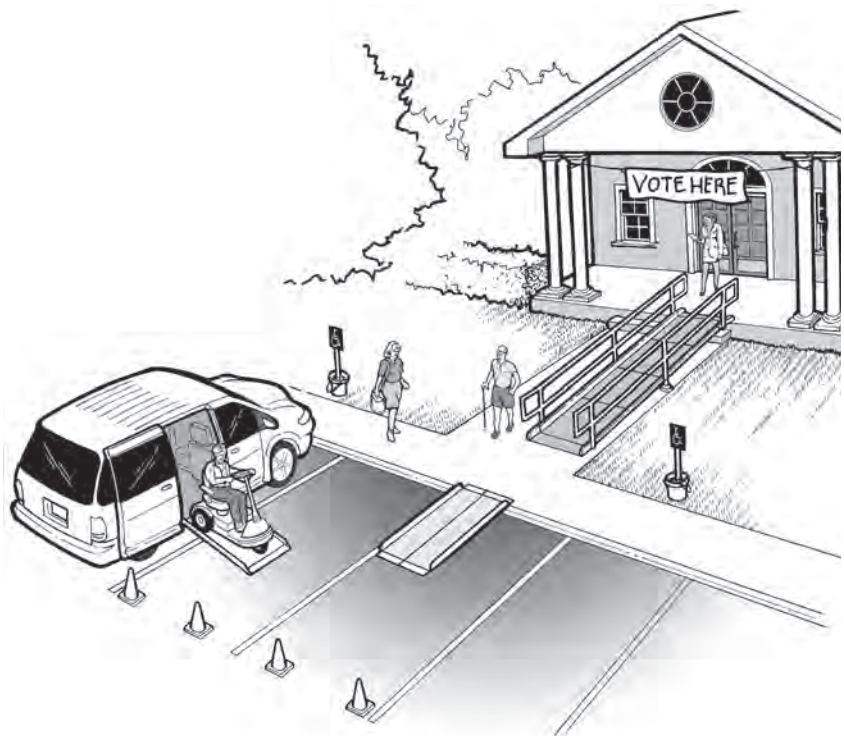
**Solution:** Find a parking area that is close to the accessible entrance and is level. Provide accessible parking spaces and access aisles in that area by marking them off with traffic cones. Make sure the accessible parking spaces connect to an accessible route to the entrance. Provide a sign designating each accessible

parking space. When the parking area generally is not level, you may need to look beyond the parking area, to driveways and streets, for example, to provide accessible parking in a level area temporarily on Election Day.

**Problem Four:** No sign with the International Symbol of Accessibility is installed at each accessible parking space.

**Solution:** Provide a temporary sign in front of each accessible parking space, including a "van accessible" sign for the van parking space.

**Problem Five:** A large number of accessible parking spaces are provided, including van accessible spaces, at a school near the main building entrance. The voting area and entrance to the voting area, however, are at the rear of the school and there are no designated accessible parking spaces in this area.



Three standard parking spaces are converted into a van accessible parking space with an access aisle. Cones mark and block off the access aisle and a temporary curb ramp with edge protection connects to an accessible route to the polling place.

**Solution:** Find a relatively level parking area near the accessible entrance to the voting area and then designate the area for accessible parking spaces and adjacent access aisles. Traffic cones or other temporary elements may be used to mark the spaces and access aisles. Provide a temporary sign for each accessible parking space and make sure the access aisle of each space is connected to the accessible route to the accessible entrance.

### Passenger Drop-off Locations

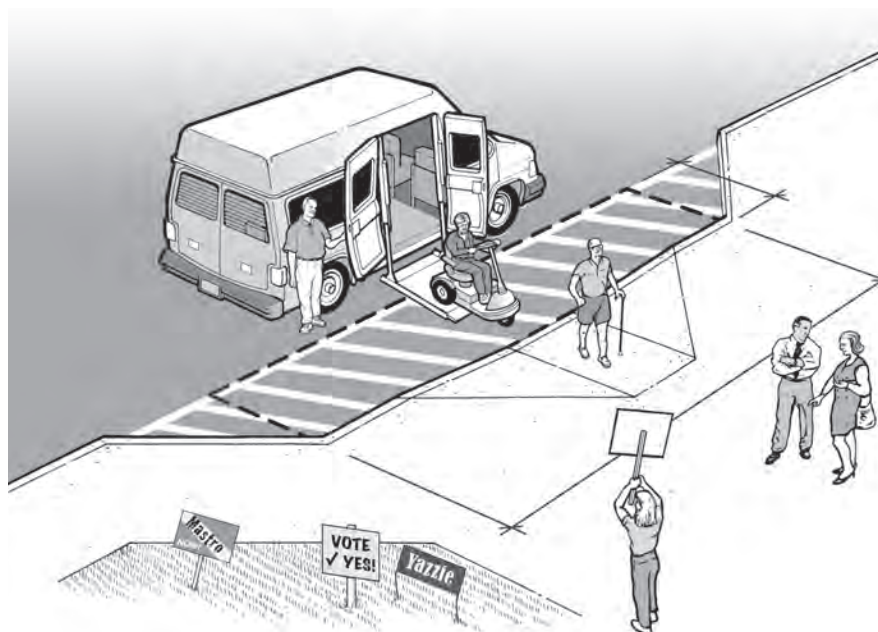
Some voters with disabilities will be driven to the polling place and dropped off in a passenger drop-off area near the entrance. If the polling place is served by passenger drop-off areas, then at least one drop-off area must be accessible. An accessible drop-off area, also known as an accessible passenger loading zone, must have a level access aisle next to the vehicle space. If a curb separates the access aisle from an accessible route, a curb ramp must be provided so that people with disabilities can get to the accessible route leading to the accessible entrance.

Passenger drop-off area requirements are in Section B of the 2016 Checklist found in Part 3 of this document.

### Accessible Routes (Exterior and Interior)

Once a voter with a disability arrives at the polling site, there must be an accessible route from the accessible parking, passenger drop-off sites, sidewalks and walkways, and public transportation stops to get to the entrance of the voting facility. The accessible route must be at least 36 inches wide. It may narrow briefly to 32 inches wide, but only for a distance of up to 24 inches. (See Part 2 of this document for tips on taking measurements.) Whenever possible, the accessible route must be the same as or near the general circulation path (i.e., the path for general pedestrian use).

Inside the polling place, there must be an accessible route from the entrance through hallways, corridors, and interior rooms leading to the voting area. The route must be free of abrupt changes in level, steps, high thresholds, or steeply sloped walkways. The accessible route is essential for people who have difficulty walking or who use wheelchairs or other mobility devices to get into the polling place and to the voting area. Where an accessible route is different from the general circulation path, signs will be needed to direct voters with disabilities to the accessible route and to the voting area.



Route requirements are in Sections C and E of the 2016 Checklist found in Part 3 of this document.



Accessible routes to and within the polling place

### **Solutions for Accessibility: Problems Involving the Accessible Route**

**Problem One:** The sidewalk connecting parking to the polling place entrance is too steep to be accessible.

**Solution:** Check to see if there is another sidewalk that provides an accessible route to the accessible entrance. Sometimes there is a less direct route that can serve as the accessible route. If no accessible route can be found from the current designated accessible parking, relocate the accessible parking using traffic cones and signs to an area where there is an accessible route to the entrance.

**Problem Two:** The accessible route crosses a curb and no curb ramp is provided.

**Solution:** Install a portable ramp.

**Problem Three:** One or two steps are part of the route leading to the accessible entrance.

**Solution:** Install a portable ramp.

**Problem Four:** The interior hallway leading to the voting area contains a set of stairs that cannot be ramped.

**Solution:** If the accessible route cannot be relocated, look for another area where voting may be provided. For example, if the stage in a school auditorium used for voting is up several steps, perhaps the hallway or lobby area may be accessible and used for voting instead of the stage. Or, if a church basement located down a flight of stairs is used as the voting area, perhaps one of the ground floor rooms could be used as the voting area. If it is impossible to relocate the voting area for all voters, find a location for an accessible voting station that offers the same privacy as the other voting area.



## Ramps

If any part of the accessible route - exterior or interior - has a slope greater than 1:20, it is considered a ramp and must meet the requirements for ramps. (See Part 2 of this document for tips on measuring running slopes and cross slopes.) If any part of the accessible route contains steps, it must be ramped. Even one short step at an entrance or in a hallway can prevent access by a person using a wheelchair, walker, or cane and can make entry difficult for many people who have other mobility disabilities. Interior and exterior ramps must not be too steep and must have a level landing at the bottom and top, and where the ramp changes direction. They must meet the ADA's requirements regarding slope, width, landings, handrails, and edge protection. Ramps with a rise greater than six inches must have handrails and if there are vertical drop offs on the sides, there must be edge protection.

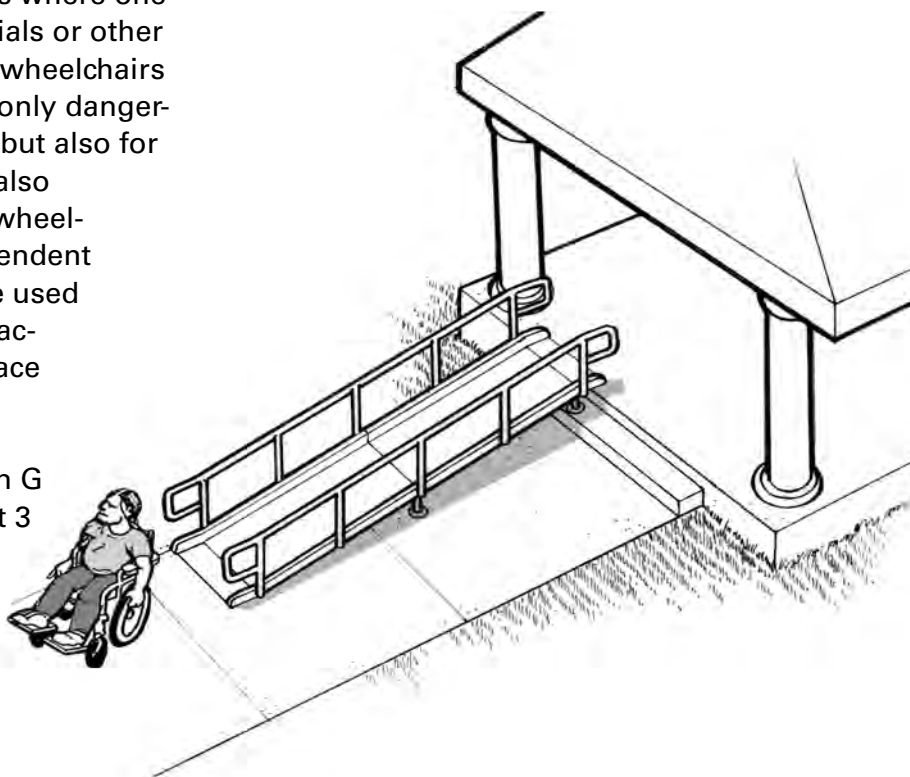
In the past, at some polling places where one or more steps were present, officials or other voters have carried people using wheelchairs up the steps. This practice is not only dangerous for the person being carried, but also for those lifting the wheelchair. It is also degrading to the person using a wheelchair and does not provide independent access. Carrying should never be used as an alternative to providing an accessible way to enter a polling place (or other facility).

Ramp requirements are in Section G of the 2016 Checklist found in Part 3 of this document.

## Solutions for Accessibility: Problems Involving Ramps

**Problem One:** There is a six inch high step on the accessible route that has a ramp that is only three feet long, making the ramp too steep and, therefore, inaccessible.

**Solution:** Alter the route to avoid the steep ramp or place a temporary ramp that is at least six feet long over the short ramp.



A portable ramp with edge protection and handrails is placed over stairs to provide an accessible route on Election Day.



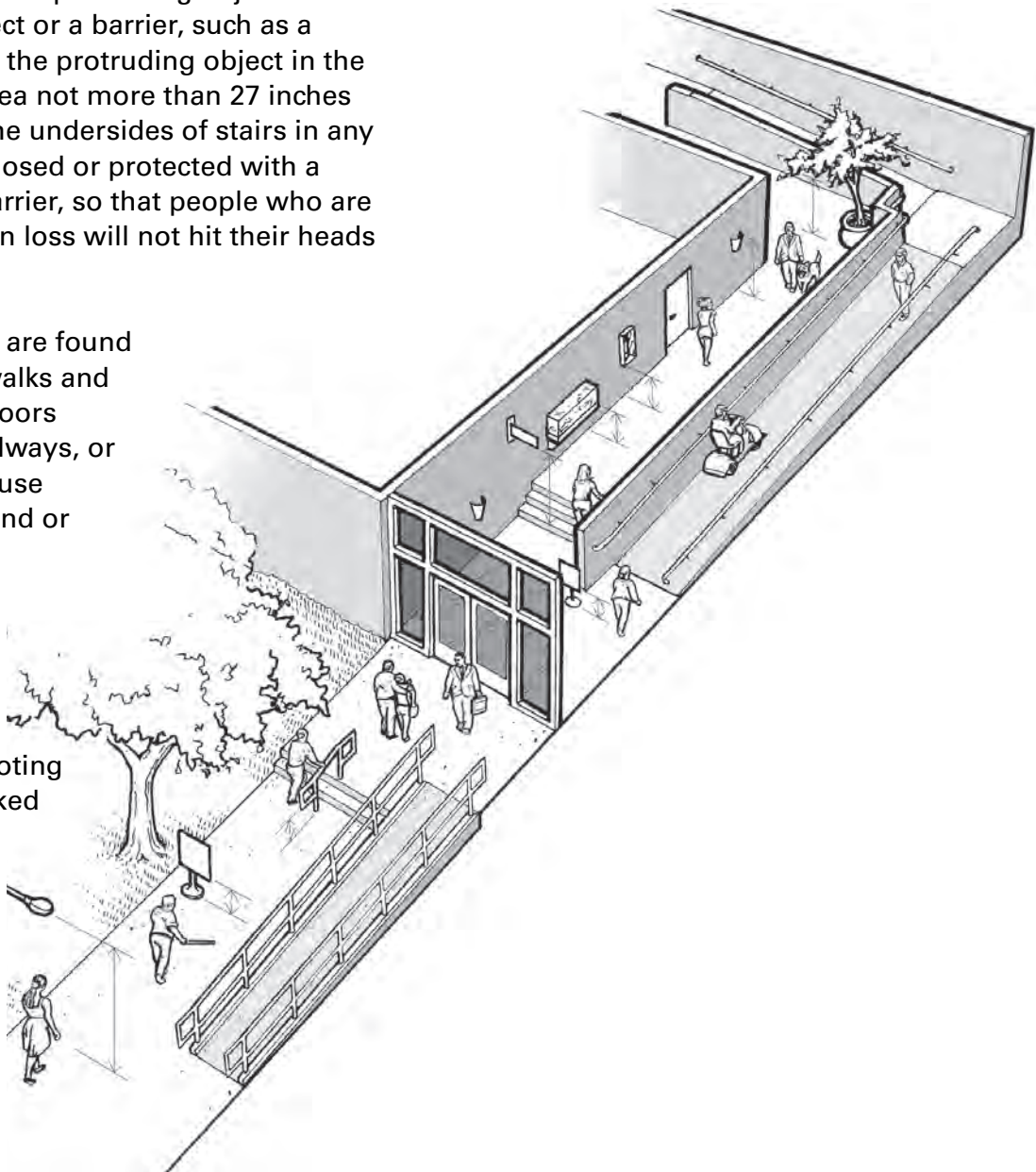
## Protruding Objects

When people who are blind or who have vision loss use a cane to detect hazards, only objects located at 27 inches above the floor or ground or lower are detectable. If an object is higher than 27 inches and wall-mounted, it must not protrude more than four inches into the path of travel. Similarly, post-mounted objects higher than 27 inches must not protrude more than 12 inches into the path of travel. There must be at least 80 inches clear height above the pedestrian route. To make a protruding object detectable: place an object or a barrier, such as a traffic cone, below the protruding object in the cane-detectable area not more than 27 inches above the floor. The undersides of stairs in any route must be enclosed or protected with a cane-detectable barrier, so that people who are blind or have vision loss will not hit their heads on the underside.

Protruding objects are found outdoors on sidewalks and walkways, and indoors in lobby areas, hallways, or voting areas. Because people who are blind or have vision loss may walk on any circulation path, not just the accessible routes, all routes serving or leading to the voting area must be checked for protruding objects.

Examples of outdoor protruding objects include post or wall-mounted signs and low-hanging tree limbs. Examples of indoor protruding objects include fire extinguishers and wall-mounted display cases, wall sconces, open staircases, exit signs, overhead signs, banners, and some arched doorways.

Protruding object requirements are in Sections C, E, and F of the 2016 Checklist found in Part 3 of this document.



Signs or other objects in the pedestrian route can be a hazard if the bottom is more than 27 inches but less than 80 inches above the route. Objects that overhang the pedestrian route must be at least 80 inches above the route.

## **Solutions for Accessibility: Problems Involving Protruding Objects**

**Problem One:** Objects, such as branches and ceiling-mounted televisions, over a route are lower than 80 inches above the ground or floor.

**Solution:** Prune the branches or remove the items that are hanging below 80 inches. Another approach is to install a detectable barrier under the item that is too low. The detectable barrier or object must be no higher than 27 inches above the route.

**Problem Two:** A wall-mounted display case protrudes seven inches from the wall and the bottom of the case is 40 inches above the floor.

**Solution:** Place a detectable object or skirting below the case. The bottom of the skirting or detectable object must be no higher than 27 inches above the floor.

**Problem Three:** The bottom of a set of stairs is open and voters who are blind or have vision loss can hit their head on the underside of the stairs.

**Solution:** Provide a detectable fence or other object so voters cannot walk under the stairs.

## **Building Entrance**

A polling place must have at least one accessible entrance. At least one door at the accessible entrance must have a minimum clear width of 32 inches for a voter who uses a wheelchair or other mobility device to pass through the doorway. (See Part 2 of this document for tips on taking measurements.) Door hardware must be useable with one hand without tight grasping, pinching, or twisting of the wrist, so that it is operable by someone with limited mobility in their hands. Doors may not have high thresholds that impede voters who use wheelchairs or other mobility devices in crossing the threshold. Inaccessible entrances must have signs directing voters to the accessible entrance. The accessible entrance must remain



When the underside of a set of stairs is open, it is a hazard to people who are blind or have low vision. Enclosing the area below the stair or installing a cane-detectable barrier helps the person to stop before hitting her head.

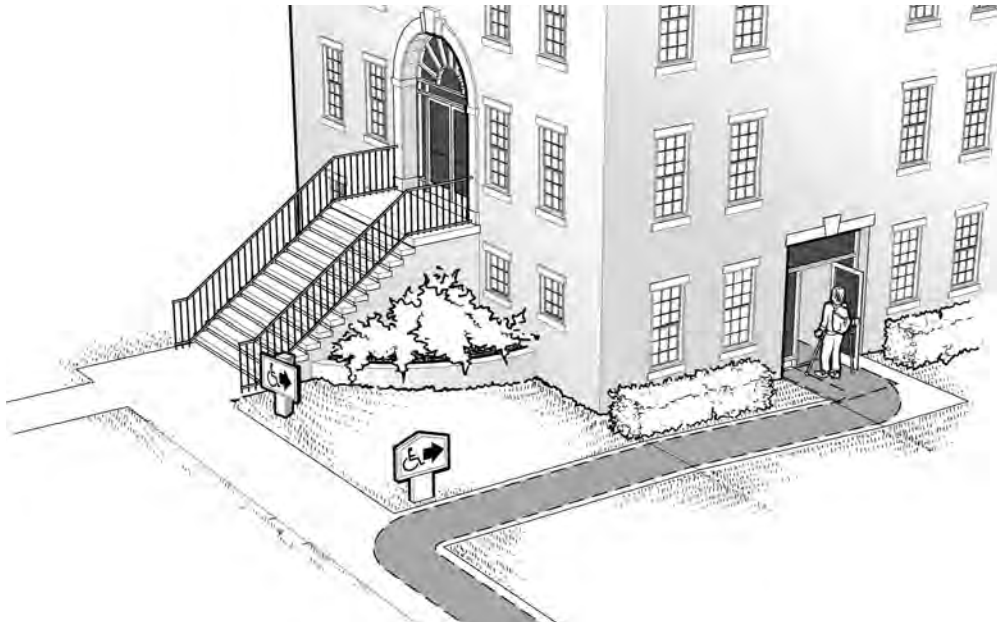
unlocked at all times the polling place is open.

Building entrance requirements are in Section D of the 2016 Checklist found in Part 3 of this document.

## **Solutions for Accessibility: Problems Involving the Building Entrance**

**Problem One:** One or two steps at the entrance prevent access.

**Solution:** If another entrance is accessible and on an accessible route from parking, passenger drop-off sites, or public transportation stops, designate it as the accessible entrance. If the main entrance is not accessible, install a directional sign at the main entrance directing voters with disabilities to the accessible entrance. Keep the accessible entrance unlocked during all voting hours. If another accessible entrance is not available, install a temporary ramp at the main entrance.



Accessible entrance to polling place with signs directing voters to the accessible entrance

**Problem Two:** The entrance door threshold is one inch high.

**Solution:** Short ramps or wedges may be used on both sides of the threshold to allow a voter in a wheelchair to pass over the threshold.

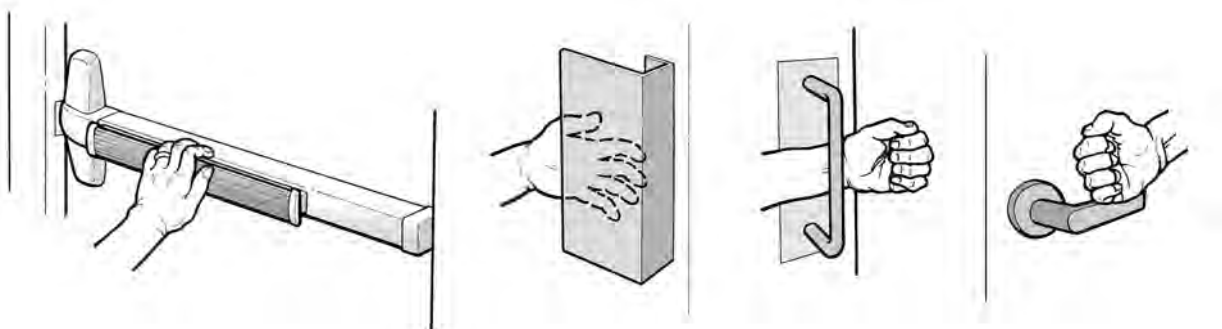
**Problem Three:** The entrance doors are narrow double leaf doors that are normally opened by an automatic door opener but it is not working on Election Day.

**Solution:** Keep both doors propped open, station volunteers near the doors to open them for voters while the polling place is open, or provide a temporary doorbell to notify officials

that the door needs to be opened in a timely manner.

**Problem Four:** The entrance door has a door knob and/or latch that requires tight pinching and twisting and is not accessible.

**Solution:** There are four typical solutions: add an accessible pull or handle and leave the door unlatched; install fully accessible door hardware; leave the door propped open; or provide a temporary doorbell to notify officials that the door needs to be opened in a timely manner.



Examples of accessible door hardware

## Lifts and Elevators

If the voting area is not on the same level as the entrance, there must be an independently operable elevator or lift to provide an accessible route to individuals with disabilities. The door into the elevator or lift and the space within must be wide enough to accommodate wheelchairs and other mobility devices. All controls should be operable without tight grasping, pinching, or twisting and should be no higher than 48 inches. Chair or seated lifts found on staircases do not comply with the 2010 Standards as they are not suited for many voters with disabilities, including people who use wheelchairs.

Lift and elevator requirements are in Section H and I of the 2016 Checklist found in Part 3 of this document.

### **Solutions for Accessibility: Problems Involving Lifts and Elevators**

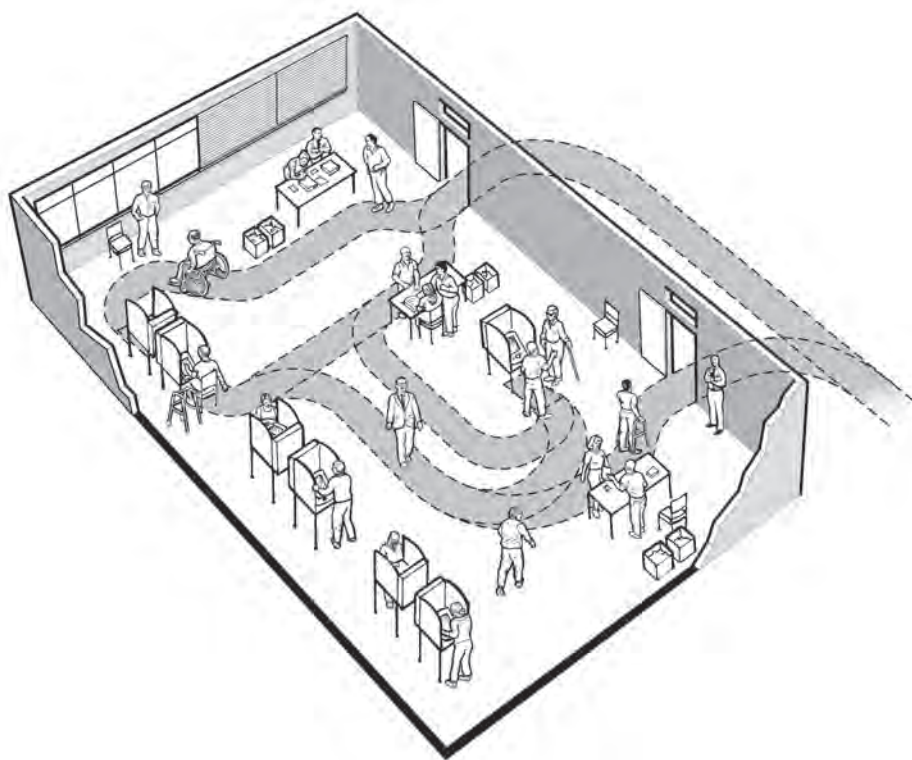
**Problem One:** The elevator or lift to the voting area requires a key to be inserted before the elevator or lift is operational.

**Solution:** Relocate the voting area to avoid use of the elevator or lift. Otherwise, leave the key in the elevator or lift for the entire time the polling place is open, or station a volunteer, who has been trained in its operation, to operate the elevator or lift while the polling place is open.

## Voting Area

The accessible voting area must have an accessible entrance and adequate circulation and maneuvering space for voters who use wheelchairs or scooters, or who walk with mobility devices, to get in to the voting area, sign in at the check-in table, and go to the voting stations or machines. Within the voting area there must be enough clearance for an individual with a disability to access and use all the voting equipment. Voting machines should be positioned so that the highest operable part is no higher than 48 inches. If voters are expected to vote at counters or tables, there should be a writing surface that provides knee and toe clearance so that a voter who uses a wheelchair may sit at and use the counter or table.

Voting area requirements are in Section F of the 2016 Checklist found in Part 3 of this document.



An accessible route connects the building entrance with the voting area, including voter check-in and voting stations.

## **Solutions for Accessibility: Problems Involving the Voting Area**

**Problem One:** The voting area is in a small room and the accessible voting machine is only two feet from the check-in table.

**Solution:** Relocate the voting area to a larger space such as a hallway or lobby or change the layout of the voting area by moving the check-in table outside the room to provide appropriate space for voters with disabilities to use the accessible voting machine.

## **Part 2: Tools for Surveys**

The tools necessary to conduct surveys using the 2016 Checklist are inexpensive and many, if not all, can be purchased at local hardware and home improvement stores.

### **Tools and Documentation**

The following tools are needed for the 2016 Checklist:

- a metal tape measure at least 20 feet long
- a digital level or a bubble level that is at least 24 inches long
- a door pressure gauge
- a digital camera with a flash
- a copy of the 2016 Checklist for each location to be surveyed
- a clipboard and pens or pencils

### **Completing Measurements and Recording Information**

One person can complete a survey of a polling place but it is often quicker and easier for two people to work together. One can be responsible for taking the measurements and the other for recording the information and taking any photographs.

## **Taking Measurements**

### **Sloped Surfaces**

Measuring the slope of a ramp, parking space, pedestrian route, or other ground or floor surface is important to identify whether the surface is accessible. Two slope measurements perpendicular to one another should be taken at each location. One is the running slope that runs parallel to the direction of travel and the other is the cross slope, which runs perpendicular to the running slope.

The amount of slope or grade is described as the proportion of a vertical rise to a horizontal length. It is usually described as:

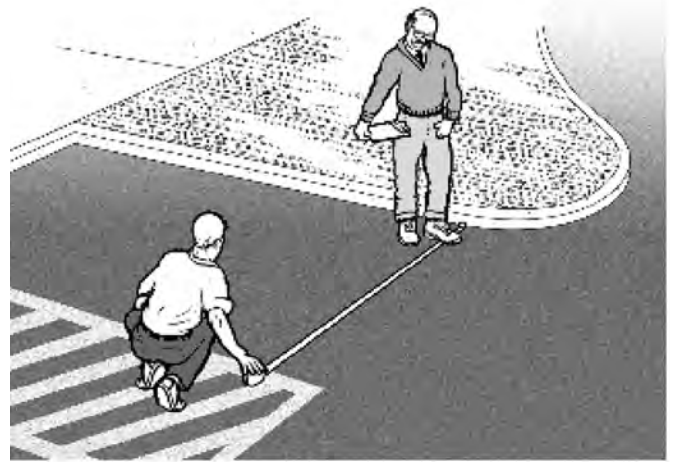
- a ratio (e.g., 1:20, means one unit of vertical rise for each 20 units of horizontal length); or
- a percentage (e.g., 8.33% which equates to a ratio of 1:12 or 4.76 degrees).

The easiest way to measure slope is to use a digital level. The digital display gives a reading that may be shown as a ratio, percent, or degree. Calibrate the digital level before each use.



A digital level that can be used with measurements in degrees, percentages, or ratios

Another way to measure slope is to use a 24 inch level with leveling bubbles and a tape measure. Place the level on the sloped surface in the direction you wish to measure. Rest one end of the level at the highest point of the sloped surface and lift the other end (see image) until the bubble is in the middle of the tube. This is the "level" position. While the level is in this position, measure the distance between the bottom end of the level and the sloped surface below. If the distance is two inches or less, then the slope is 1:12 or less. When the distance is more than two inches, record the distance on the checklist so the exact slope can be calculated later. For measuring cross slope, if the distance measured from the level position is  $\frac{1}{2}$  inch or less then the slope is 1:48 or less.



Using a tape measure to measure the width of a parking space



Measuring slope using a 24 inch bubble level and tape measure

### Using the Tape Measure

A tape measure is used to measure the length, width, height, and depth of various elements including parking spaces and access aisles, routes, thresholds, doorways, and protruding objects.

### Measuring Door Openings

Special care is needed when measuring the clear opening of a doorway. To measure the clear opening of a standard hinged door, open the door to 90 degrees. Measure the clear door opening from the edge of the doorstop to the edge of the door (not to the door jamb). This measures the clear width of the door opening through which people pass, which is less than the width of the door itself. Door handles and push bars should not be included in the measurements of door opening widths.



Measuring the clear door opening



## Taking Photographs

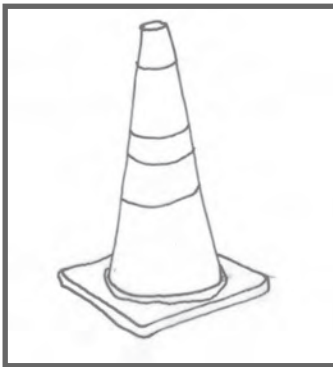
It is always useful to first take a photo that will clearly identify the site, then the elements surveyed. A comprehensive set of photographs makes it easier to understand existing conditions after the survey is completed. It is a good idea to take several photos of the exterior and interior of the polling place. We recommend taking photographs of measurements and non-compliant elements such as steps. It is likely that others may review information about the facility you are surveying.

## Temporary Remedies

Many accessibility barriers at polling places can be removed with temporary remedies. Although not designed to be permanent solutions, the following tools can be used to provide remedies on Election Day to improve accessibility. These tools can often be found in local hardware and home improvement stores or online at minimal cost.

### Temporary Remedies

#### Traffic Cones



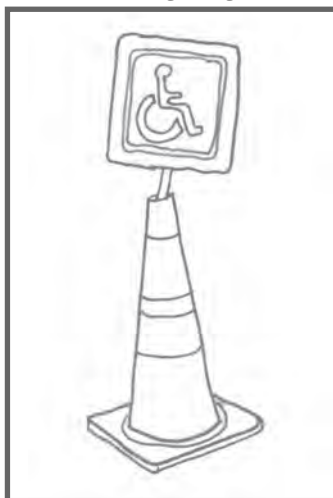
Traffic cones can be used to mark parking spaces, access aisles and passenger loading zones, to hold parking signs, and to warn of protruding objects.

#### Van Parking Sign



Van accessible parking signs should be used to designate van accessible parking locations.

#### Parking Signs



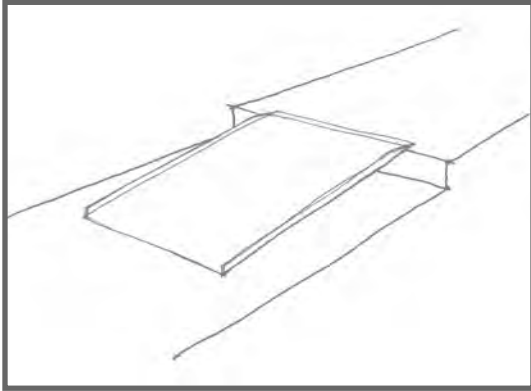
Accessible parking signs should be used to designate accessible parking locations.

#### Directional Signs



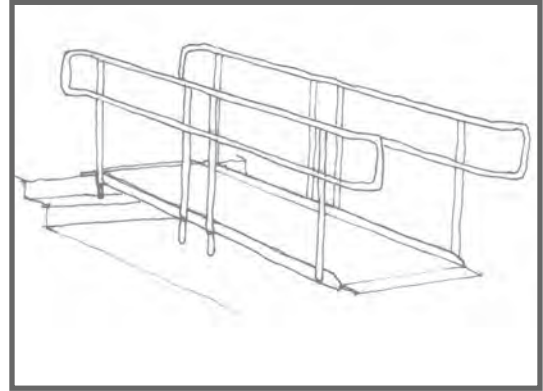
Directional signage should be used to show direction to the accessible route, accessible entrance, and voting area.

**Portable ramp -  
step six inches or less**



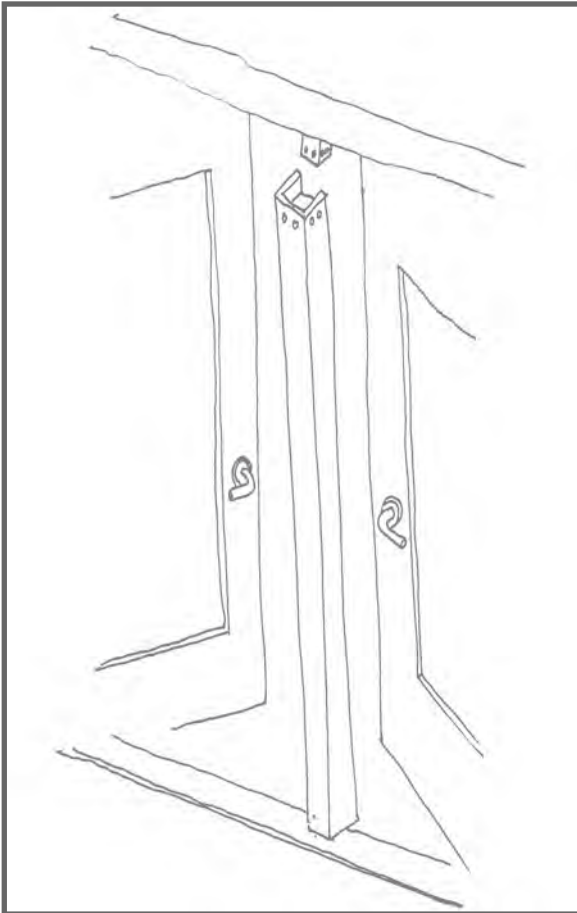
Portable ramps without handrails can only be used for heights six inches or less and can provide access at a curb or low step. Portable ramps also can be placed flat to cover holes or gaps in a sidewalk.

**Portable ramp -  
greater than six inch step**



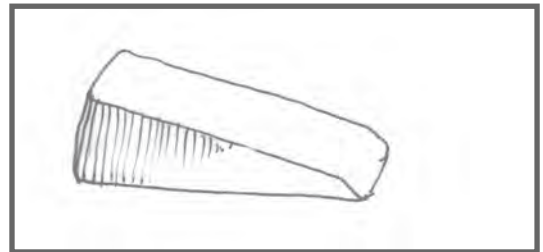
Portable ramps with handrails must be used for heights greater than six inches to provide access over steps. For ramps greater than six inches high, temporary edge protection such as a pipe or piece of wood can be attached with ties or twine to the edges of the ramp. Edge protection must run the entire length of the ramp.

**Remove post (increase clear width  
at double leaf doors)**



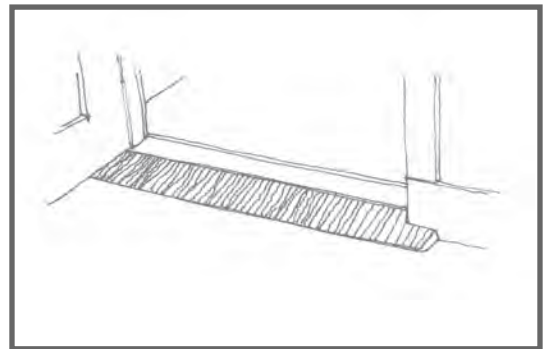
Remove center post between doors if the post is bolted to the door frame to provide a 32 inch clear opening or to allow double doors to be propped open.

**Door stop**



Door stops can be used to prop open a door if the door handle is inaccessible, or if there is an inadequate maneuvering clearance for a person using a wheelchair or other mobility device to open the door.

**Wedges**



Wedges can provide access at thresholds and slight changes in level.

### Part 3 : Polling Place Accessibility Checklist

Ward:\_\_\_\_\_ Precinct:\_\_\_\_\_ Staff:\_\_\_\_\_ Date:\_\_\_\_\_ Time:\_\_\_\_\_

Address:\_\_\_\_\_ Location name:\_\_\_\_\_

This checklist is designed to provide guidance for determining whether a polling place has basic accessibility features needed by voters with disabilities.

For each question below there are citations to the 2010 ADA Standards for Accessible Design (2010 Standards). Please review the 2010 Standards for all requirements.

There are some differences between the 1991 ADA Standards for Accessible Design (1991 Standards) and the 2010 Standards. Elements and spaces in a building constructed or altered before March 15, 2012, that complied with the 1991 Standards may remain in compliance with the 2010 Standards. See 28 C.F.R. §35.150(b)(2) for more information.

In completing the checklist, provide a measurement for every question with a “no” answer. Where a question asks about more than one element, provide a note in the comments explaining any noncompliant elements.

#### Status of Polling Place

\_\_\_\_ All Elements Compliant

\_\_\_\_ Non-Compliant Elements Remediable with Temporary Measures

\_\_\_\_ Non-Compliant Elements Not Remediable with Temporary Measures  
(Relocate Polling Place)

Ward:\_\_\_\_\_ Precinct:\_\_\_\_\_ Staff:\_\_\_\_\_ Date:\_\_\_\_\_ Time:\_\_\_\_\_

Address:\_\_\_\_\_ Location name:\_\_\_\_\_

A	Parking	Yes	No	N/A	Comments/ Remedies
	<p><b>Only complete this section if off-street parking is provided to voters. If off-street parking is not provided to voters, go to Section B.</b></p> <p><b>If more than 25 parking spaces are provided to voters, see the 2010 Standards for the number of accessible parking spaces required. (§208.2)</b></p>				
A1	Is there at least one designated van accessible space with signage with the International Symbol of Accessibility and designated "van accessible"? (§§208.2, 208.2.4, 502.6)				
A2	<p>Are the designated van accessible spaces at least 96" wide with a 96" wide access aisle, or 132" wide with a 60" wide access aisle? (§§502.2, 502.3)</p> <p>Width of space _____</p> <p>Width of access aisle _____</p>				
A3	For van accessible spaces (particularly in a garage or parking structure), is there vertical clearance of at least 98" for the vehicular route to the parking space, in the parking space and access aisle, and along the vehicular route to the exit? (§502.5)				
A4	Are designated accessible parking spaces and the access aisles serving them on a level surface, with slopes not exceeding 1:48 in all directions? (Note: Curb ramps may not be part of an access aisle since they include slopes greater than 1:48.) (§502.4)				
A5	Are the surfaces of the designated accessible parking spaces and access aisles stable, firm, and slip resistant? (§§502.4, 302.1)				
A6	Are the designated accessible parking spaces located on the shortest accessible route to the accessible entrance? (§208.3.1)				

Ward:\_\_\_\_\_ Precinct:\_\_\_\_\_ Staff:\_\_\_\_\_ Date:\_\_\_\_\_ Time:\_\_\_\_\_

Address:\_\_\_\_\_ Location name:\_\_\_\_\_

B	<b>Passenger Drop-Off Area</b>  <b>Only complete this section if a passenger drop-off area is provided for voters. If a drop-off area is not provided to voters, go to Section C.</b>	Yes	No	N/A	Comments/ Remedies
B1	Is the vehicle pull-up space on a level surface, with slopes not exceeding 1:48 in all directions? (§503.4)				
B2	Is the access aisle next to the vehicle pull-up space on a level surface, with a slope not exceeding 1:48 in all directions? (§503.4)				
B3	Is there vertical clearance of at least 114" (9 feet 6 inches) from the site entrance to the vehicle pull-up area, in the access aisle, and along the vehicular route to the exit? (§503.5)				
B4	Is a curb ramp provided if a curb separates the access aisle from the accessible route to the accessible entrance? (§§206.2.1, 503.3)				
B5	Is the width of the curb ramp surface at least 36" (not counting the side flares)? (§405.5)				
B6	Does an accessible route connect the access aisle and curb ramp to the accessible entrance of the polling place? (§206.2)				

Ward:\_\_\_\_\_ Precinct:\_\_\_\_\_ Staff:\_\_\_\_\_ Date:\_\_\_\_\_ Time:\_\_\_\_\_

Address:\_\_\_\_\_ Location name:\_\_\_\_\_

<b>C</b>	<b>Exterior Route to Accessible Entrance</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>	<b>Comments/ Remedies</b>
	<p><b>Complete a separate Exterior Route form, when applicable, for the routes from 1) parking, 2) passenger drop-off areas, 3) public sidewalks and 4) public transportation stops.</b></p> <p><b>Exterior route location: _____</b></p>				
C1	Is the route at least 36" wide? (§403.5.1)				
C2	Is the route free of abrupt changes in level greater than ½", including stairs? (§303)				
C3	Is the route free of surface openings greater than ½", such as grates or holes in the pavement? (§302.3)				
C4	Are walking surfaces stable, firm, and slip resistant? (§302.1)				
C5	Is the route free of wall mounted objects that protrude more than 4" into the path of travel and are between 27" and 80" high? (§307.2)				
C6	Is the route free of post mounted objects that protrude more than 12" into the path of travel and are between 27" and 80" high? (§307.3)				
C7	Are objects that hang over the pedestrian route 80" or higher, including the underside of exterior stairs? (§307.4)				
C8	If the route crosses a curb, is there a curb ramp that is at least 36" wide with a slope no more than 1:12? (§§303.4, 405.2, 405.5, 406.1)				
C9	Is the running slope of part of the route greater than 1:20? If yes, go to Section G. (§402.2)				
C10	Is the cross slope of the accessible route no greater than 1:48? (§§403.3, 405.3)				



Ward:\_\_\_\_\_ Precinct:\_\_\_\_\_ Staff:\_\_\_\_\_ Date:\_\_\_\_\_ Time:\_\_\_\_\_

Address:\_\_\_\_\_ Location name:\_\_\_\_\_

<b>D</b>	<b>Polling Place Entrances</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>	<b>Comments/ Remedies</b>
D1	Is the clear width of the door opening (one door or one active leaf of a double door) at least 32"? (§404.2.3)				
D2	Is each door hardware useable with one hand without tight grasping, pinching, or twisting of the wrist? (§§309.4, 404.2.7)				
D3	On the pull side of the door, is there at least 18" of clearance provided to the side of the latch? (§404.2.4)				
D4	Is the area in front of the door level, with slopes no greater than 1:48 in all directions? (§§404.2.4.4, 405.7.1)				
D5	If there are doors in a series, is the distance between the two hinged doors at least 48" plus the width of the door swinging into the space? (§404.2.6)				
D6	Can the second door (interior door) in the series be opened with no more than 5 pounds of force? (§309.4)				
D7	Does the second door (interior door) in the series comply with D2, D3, and D4, above?				
D8	Are door thresholds no higher than ½"? (Note: If the threshold is between ¼" and ½" it must be beveled.) (§404.2.5)				
D9	Do inaccessible entrances have signage directing voters to the accessible entrance? (§216.6)				
D10	If voters are directed to an alternative accessible entrance, is this entrance kept unlocked during voting hours? (28 C.F.R. §§35.130, 35.133)				

Ward:\_\_\_\_\_ Precinct:\_\_\_\_\_ Staff:\_\_\_\_\_ Date:\_\_\_\_\_ Time:\_\_\_\_\_

Address:\_\_\_\_\_ Location name:\_\_\_\_\_

<b>E</b>	<b>Route from Entrance Into Voting Area</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>	<b>Comments/ Remedies</b>
E1	Is the route at least 36" wide? (§403.5.1)				
E2	Is the route free of wall mounted objects that protrude more than 4" into the path of travel and are between 27" and 80" high? (§307.2)				
E3	Is the route free of post mounted objects that protrude more than 12" into the path of travel and are between 27" and 80" high? (§307.3)				
E4	Are objects that hang over the route 80" or higher, including the underside of stairs? (§307.4)				
E5	Is the route free of abrupt changes in level greater than ½", including stairs? (§303)				
E6	Is the running slope of part of the route greater than 1:20? If yes, go to Section G. (§303.4 )				
E7	If the route to the voting area has stairs, is a platform lift or elevator provided? If yes, go to Section H (lifts) or Section I (elevators). (§402.2)				
E8	If doors are provided along the route to the voting area, is the clear width of each door opening (one door or one active leaf of a double door) at least 32"? (§404.2.3)				
E9	Is each door hardware useable with one hand without tight grasping, pinching, or twisting of the wrist? (§§309.4, 404.2.7)				
E10	Can each door be opened with no more than 5 pounds of force? (§309.4)				
E11	Is the threshold at each door no higher than ½"? (Note: If the threshold is between ¼" and ½" it must be beveled.) (§404.2.5)				
E12	On the pull side of each door, is there at least 18" of clearance provided to the side of the latch? (§404.2.4)				
E13	Is the area in front of each door level, with slopes no greater than 1:48 in all directions? (§§404.2.4.4, 405.7.1)				

Ward:\_\_\_\_\_ Precinct:\_\_\_\_\_ Staff:\_\_\_\_\_ Date:\_\_\_\_\_ Time:\_\_\_\_\_

Address:\_\_\_\_\_ Location name:\_\_\_\_\_

<b>F</b>	<b>Within the Voting Area</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>	<b>Comments/ Remedies</b>
F1	Are floor surfaces stable, firm, and slip resistant? (§302.1)				
F2	Is the route free of wall mounted objects that protrude more than 4" into the path of travel and are between 27" and 80" high? (§307.2)				
F3	Is the route free of post mounted objects that protrude more than 12" into the path of travel and are between 27" and 80" high? (§307.3)				
F4	Are objects that hang over the route 80" or higher, including the underside of stairs? (§307.4)				
F5	Is there enough room to provide a route at least 36" wide to the registration table and voting stations? (§403.5.1)				
F6	Is there enough room to provide a turning space in front of at least one voting station, such as a circle that is at least 60" in diameter? (§304.3)				
F7	Is there enough room to provide a turning space in front of at least one accessible voting machine, such as a circle that is at least 60" in diameter? (§304.3)				

Ward:\_\_\_\_\_ Precinct:\_\_\_\_\_ Staff:\_\_\_\_\_ Date:\_\_\_\_\_ Time:\_\_\_\_\_

Address:\_\_\_\_\_ Location name:\_\_\_\_\_

<b>G</b>	<b>Ramps</b>  <b>Complete a separate ramp form for each ramp, whether exterior or interior.</b>  <b>Ramp location: _____</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>	<b>Comments/ Remedies</b>
G1	Is the running slope of the ramp no greater than 1:12? (§405.2)				
G2	Is the cross slope of the ramp 1:48 or less? (§405.3)				
G3	Is the rise (height) for any ramp run 30" or less? (§405.6)				
G4	Is the ramp, measured between handrails, at least 36" wide? (§405.5)				
G5	Does the ramp have a level landing that is at least 60" long, at the top and bottom of each ramp section? (§405.7)				
G6	For every 30" of rise, is a level landing at least 60" long provided? (§§405.6, 405.7)				
G7	Is a level landing, at least 60" by 60" provided where the ramp changes direction? (§405.7.4)				
G8	If the rise of the ramp is greater than 6", are handrails provided that are between 34" and 38" above the ramp surface? (§§405.8, 505.4)				
G9	If the rise of the ramp is greater than 6" and the ramp or landing has a vertical drop-off on either side of the ramp, is edge protection provided? (§405.9)				

Ward:\_\_\_\_\_ Precinct:\_\_\_\_\_ Staff:\_\_\_\_\_ Date:\_\_\_\_\_ Time:\_\_\_\_\_

Address:\_\_\_\_\_ Location name:\_\_\_\_\_

H	Lifts	Yes	No	N/A	Comments/ Remedies
H1	Is the lift operational at the time of the survey? (28 C.F.R. §§35.130, 35.133)				
H2	Is the lift independently operable, or can it be made so during Election Day? (§410.1)				
H3	Is there 30" by 48" of clear floor space within the lift? (§§410.3, 305.3)				
H4	Are the controls for the lift no higher than 48"? (§§410.5, 309.3, 308)				
H5	Are the controls useable with one hand without tight grasping, pinching or twisting? (§§410.5, 309.4)				
H6	Is the clear width of the door opening/gate opening at the end of the lift at least 32"? If a side door/gate is provided, is the clear opening width at least 42"? (§410.6)				

Ward:\_\_\_\_\_ Precinct:\_\_\_\_\_ Staff:\_\_\_\_\_ Date:\_\_\_\_\_ Time:\_\_\_\_\_

Address:\_\_\_\_\_ Location name:\_\_\_\_\_

<b>I</b>	<b>Elevators</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>	<b>Comments/ Remedies</b>
I1	Is the elevator car door opening at least 36" wide? (§407.3.6, Table 407.4.1)				
I2	Is there space to maneuver within the elevator car, e.g., 51" deep and 68" wide; OR 80" deep and 54" wide; OR 60" deep and 60" wide? (§407.4.1)				
I3	Are hallway elevator call buttons 48" high or lower? (§§407.2.1.1, 308.2, 308.3)				
I4	Are elevator car controls 48" high or lower? (§§407.4.6.1, 308.2, 308.3)				
I5	Does the elevator have visible and audible signals in the hallway to indicate the arrival and direction of the elevator car? (§407.2.2.1)				
I6	Does the elevator have visible and audible signals within the elevator car to indicate the position of the car? (§407.4.8)				



## Appendix 6: Example Non-Discrimination Statement

### **Example Statement of Non-Discrimination**

Lincoln County, Tennessee government ("Lincoln County") is committed to promoting the quality of opportunity for all citizens. Lincoln County takes pride in ensuring that individuals with disabilities are able to take part in, and benefit from, the range of public programs, services, and activities offered by the Government. Lincoln County continues to modify its facilities, programs, policies, or practices, as necessary, to ensure access is provided. Lincoln County does not discriminate on the basis of race, color, national origin, gender, gender identity, sexual orientation, age, religion, creed or disability in admission to, access to, or operations of its programs, services, or activities. Discrimination against any person in recruitment, examination, appointment, training promotion, retention, discipline or any other employment practices because of non-merit factors shall be prohibited.

Individuals with disabilities also have the right to be accompanied by service animals in public areas throughout Lincoln County under the Americans with Disabilities Act, and interference with/or denial of this right, may also be a violation of state law. Service animals play an important role in ensuring the independence of individuals with disabilities, and it is therefore, our policy to welcome any animal that is individually trained to assist an individual with a disability.

## Appendix 7: Lincoln County Standard Employment Application

# Standard Application for Employment

*It is our policy to comply with all applicable state and federal laws prohibiting discrimination in employment based on race, age, color, sex, religion, national origin, disability or other protected classifications.*

Please carefully read and answer all questions. You will not be considered for employment if you fail to completely answer all the questions on this application. You may attach a résumé, but all questions must be answered.

“Employer”	Position applying for
------------	-----------------------

## PERSONAL DATA

Name (last, first, middle)

Street Address and/or Mailing Address

City

State

Zip

Home Telephone Number

Business Telephone Number

Cellular Telephone Number

Date you can start work

Salary Desired

Do you have a High School Diploma or GED?

Yes ☐ No ☐

## POSITION INFORMATION

Check all that you are willing to work

Hours: Full Time ☐  
Part Time ☐

Days  
Evenings

Days  
Nights  
Weekends

Status: Regular  
Temporary

Are you a citizen of the United States?

Yes No

If no, are you authorized to work in the United States?

Yes No

Are you currently employed?

Yes No

Are you currently on "lay-off" status and subject to recall?

Yes No

Have you ever worked for this company before? If so, when?

Yes No

## QUALIFICATIONS

Please list any education or training you feel relates to the position applied for that would help you perform the work, such as schools, colleges, degrees, vocational or technical programs, and military training.

	School Name	Degree	Address/City/State
School			
School			
Other			

## SPECIAL SKILLS

List any special skills or experience that you feel would help you in the position that you are applying for (leadership, organizations/teams, etc.

## REFERENCES

Please list three professional references not related to you, with full name, address, phone number, and relationship. If you don't have three professional references, then list personal, unrelated references.

Name	Address/City/State	Phone	Relationship

<b>WORK HISTORY</b> Start with your present or most recent employment and work back. Use separate sheet if necessary. (INCLUDE PAID AND UNPAID POSITIONS)		
<b>Job Title #1</b>	Start Date (mo/day/yr)	End Date (mo/day/yr)
Company Name	Supervisor's Name	Phone Number
City	State	Zip
Duties:		
Reason for Leaving	Starting Salary	Ending Salary

May we contact your present employer?                      Yes ☐      No ☐      N/A☐

<b>Job Title #2</b>	Start Date (mo/day/yr)	End Date (mo/day/yr)
Company Name	Supervisor's Name	Phone Number
City	State	Zip
Duties:		
Reason for Leaving	Starting Salary	Ending Salary

<b>Job Title #3</b>	Start Date (mo/day/yr)	End Date (mo/day/yr)
Company Name	Supervisor's Name	Phone Number
City	State	Zip
Duties:		
Reason for Leaving	Starting Salary	Ending Salary

<b>Job Title #4</b>	Start Date (mo/day/yr)	End Date (mo/day/yr)
Company Name	Supervisor's Name	Phone Number
City	State	Zip
Duties:		
Reason for Leaving	Starting Salary	Ending Salary

I certify that the facts set forth in this Application for Employment are true and complete to the best of my knowledge. I understand that if I am employed, false statements, omissions or misrepresentations may result in my dismissal. I authorize the Employer to make an investigation of any of the facts set forth in this application and release the Employer from any liability. The employer may contact any listed references on this application.

I acknowledge and understand that the company is an “at will” employer. Therefore, any employee (regular, temporary, or other type of category employee) may resign at any time, just as the employer may terminate the employment relationship with any employee at any time, with or without cause, with or without notice to the other party.

The application for employment shall be considered active for a period of time not to exceed 45 days. Any applicant wishing to be considered for employment beyond this time period should inquire as to whether or not applications are being accepted at that time.

Applicant Signature

Date

## Appendix 8: Lincoln County Job Description, Building Inspector



**Building Inspector - Lincoln County, TN**  
**Job Description**

**Date Posted**                    **November 14, 2018**

**Closing Date**                **December 19, 2018**

**Location**                    **106 College St., W., Fayetteville, TN 37334**  
**Under supervision of Planning and Zoning Department**

**Hours**                        **Full Time Position 37.5 hours | Monday – Friday**

**Annual Salary**            **\$43,000.00**

**Nature of Work**

This is responsible technical and administrative work assisting with activities associated with the regulation of building construction, gas, mechanical and plumbing installations for Lincoln County. Activities associated with the job include ensuring compliance with the International Building Code and all applicable land use codes for new construction activities, reviewing plans for commercial properties, multi-family dwelling units and single family residences prior to and during construction. Ensuring all alteration and repair activities comply with building requirements and related regulations. Additional activities include interpreting and enforcing building, housing, mechanical, plumbing, gas and energy codes and providing property inspections and related information to homeowners, contractors, and developers. Incumbents are also responsible for assisting with compliance issues pertaining to the National Flood Insurance Program. Job responsibilities require a high school diploma supplemented with considerable experience in building construction, strong organizational, interpersonal and decision making skills, sufficient strength and agility to perform the physically demanding aspects of the job and the ability to interpret and explain governing codes and regulations. Job performance is evaluated by the Planning and Zoning Director through review of the level of compliance of building and remodeling activities with building codes and regulations, ability to interpret and apply governing regulations, organizational and decision making skills and ability to interact effectively with contractors, developers, local and regional officials, homeowners and the public.

**Illustrative Examples of Work**

- Assists with checking plans and inspecting buildings for compliance with all applicable laws and codes.
- Performs field inspections and re-inspections of residential, commercial, industrial and public facilities for compliance with codes compliance.
- Inspects existing buildings for hazardous conditions, structural failures and/or improper uses.

- Reviews building plan applications and submittals, receives complaints regarding defective construction and handles enforcement problems.
- Issues warnings and stop-work orders in the event construction activities are not being performed in compliance with existing regulations.
- Interprets and enforces provisions of building codes, zoning regulations, property maintenance ordinances and other applicable federal, state and local codes and initiates actions necessary to correct identified deficiencies or violations.
- Provides information on building regulations, required inspections, permits and related matters to contractors, architects, developers and the public.
- Investigates and attempts to resolve building codes, complaints and/or concerns.
- Performs onsite inspections of soil and footer designs for adequate load transference of planned structures after factoring in such variables as soil type, soil conditions, etc.
- Performs onsite inspections of plumbing systems for residential and commercial structures to ensure the safe discharge of gray water and the potable water system is adequate and sound.
- Inspects work sites of residential and commercial buildings including remodeling and alteration work for compliance with applicable codes, established specifications and approved construction plans.
- Inspects the use and occupancy of buildings and surrounding premises to verify the strength, stability, sanitation, lighting, ventilation and safety.
- Ensures contractors, developers, and sub-contractors have obtained all appropriate licenses and permits.
- Maintains records and files in a computer database and produces reports and other documentation as needed.
- Remains current with proposed and/or newly enacted legislation pertaining to building codes and related regulations.
- Addresses citizen complaints and concerns and reacts in an appropriate and timely manner to emergency and/or urgent situations.
- Explains and interprets regulations and ordinances to the public, contractors, developers, local officials, etc.
- Attends workshops, seminars and other meetings required to maintain required certifications.
- Performs related duties as required.

## **Necessary Requirements of Work**

Graduation from an accredited four year high school or equivalent, supplemented with additional training and/or education in either construction, Architecture, Engineering or closely related field; a minimum of five years of progressively responsible experience as a contractor, engineer, architect, or as a superintendent, foreman or competent mechanic in charge of construction; strong organizational, interpersonal, analytical and decision making skills; sufficient strength and agility to perform the physically demanding aspects of the job; or any equivalent combination of education and experience to provide the following knowledge, abilities and skills:

- Considerable knowledge of building design and construction technology.
- Considerable knowledge of International Building Codes and National Flood Insurance Program.
- Considerable knowledge of the principles and practices of building inspection and codes enforcement procedures including all civil and criminal actions.
- Considerable knowledge of acceptable grammatical form required for the composition of reports, memorandum and correspondence.
- Ability to read, understand and interpret blueprints, as-built drawings and schematics.
- Ability to analyze complex technical information, draw logical conclusions and make appropriate decisions taking into account all technical, legal and financial consequences.
- Ability to compile, prepare and present detailed information in a concise and understandable manner.
- Ability to obtain the cooperation of concerned parties when dealing with codes and regulatory issues.
- Ability to interpret and explain pertinent provisions of laws and regulations.
- Ability to react in an appropriate and timely manner to emergency and/or urgent situations.
- Ability to prioritize job related activities in an effective and efficient manner to ensure meeting established deadlines and reporting requirements.
- Ability to establish and maintain effective working relationships.
- Ability to perform the physically demanding aspects of the job in a variety of weather conditions.
- Skill in diffusing potentially confrontational situations between concerned parties.

### **Necessary Special Requirements**

- Possession of a valid Tennessee Driver's license and the ability to be insured at standard vehicle liability rates.
- Certification by the Tennessee Fire Marshal's Office as a Building Inspector.
- Certification by the Tennessee Fire Marshal's Office as a Plumbing Inspector.
- Certification by the Tennessee Fire Marshal's Office as a Mechanical Inspector.
- Certification by the International Code Council as a Building Inspector.
- Certification by the International Code Council as a Plumbing Inspector.
- Certification by the International Code Council as a Mechanical Inspector.
- Must be completed within 1 year of employment.

Applicants who have a construction background but do not possess the required certifications at time of application are encouraged to apply for this position. The County will provide the means for new hires to obtain the required certifications during the first year of employment. A significant time commitment outside of work hours will be necessary to study and pass the listed examinations.

Questions may be directed to the Planning & Zoning Department at 931-438-5186 or by email to [nharris@lc-tn.com](mailto:nharris@lc-tn.com).

## Appendix 9: Writing ADA Compliant Job Descriptions

## Writing ADA Compliant Job Descriptions

The ADA does not require an employer to develop or maintain job descriptions. But, employers can benefit in at least two ways from having well-written job descriptions that set out the “essential functions” for each employment position.

First, a written job description can help employers identify whether an applicant will be able to perform the essential tasks required of a particular position. During the interview process, employers are *not* allowed to ask whether a person has a disability that would prevent them from performing certain job tasks. But, employers *may ask* applicants whether they are able to perform the “essential functions” of a position, such as the ability to meet attendance 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.

Second, a written job description is useful in defending a claim of disability discrimination. When a charge of discrimination is brought under the ADA, an initial issue will be whether the disabled individual could perform the essential functions of the position, with or without reasonable accommodation. Employers will have an effective defense to such a charge if they can readily establish that the disabled individual could not perform one or more of the position’s essential functions, even with reasonable accommodation. A well-written job description that was prepared before advertising or interviewing applicants is evidence of what a position’s essential functions actually are, and thus is helpful in establishing the defense.

The following steps may assist employers in developing and writing ADA-compliant job descriptions.

### STEP 1: UNDERSTAND ESSENTIAL JOB FUNCTIONS

The essential functions of a job are not synonymous with *all* the functions of that job. A disabled person’s inability to perform a nonessential function is not a valid basis for disqualifying that person from employment. It is important that essential functions be defined and job descriptions be prepared *before* advertising or interviewing applicants. A description written later will not be considered as evidence of essential functions in the case of a discrimination charge.

Essential functions “are those functions that the individual who holds or desires the position must be able to perform unaided or with the assistance of a reasonable accommodation. A job function may be considered essential if:

1. the position exists for performance of the function;
2. a limited number of employees can perform the function, and it, therefore cannot be reassigned; or
3. the function is specialized and requires certain expertise to perform it.

In determining essential functions, consider whether removal or redistribution of certain tasks is possible. Would removal of the task fundamentally alter the position? What about reassignment of the task? If an employer has a small number of employees, each employee may be required to perform many different tasks that cannot be distributed, and thus would be essential functions. But, with a larger staff where work



can be distributed, some of those same tasks might not be essential. Seasonal and fluctuating work loads might make the same function essential when volume is low and the workforce is low, but nonessential when volume is high and thus the workforce is high.

Time spent performing a function is another consideration. For example, the ability to operate a cash register might be an essential function for a cashier at a supermarket but a non-essential function for an individual working in the bakery.

On the other hand, a function that is not required very often may still be essential depending upon the consequences of failing to perform that function. A firefighter, for instance, may not regularly have to carry an unconscious adult from a burning building, but that function is still essential.

Qualitative and quantitative standards for essential functions are permissible under the ADA, and will not be “second-guessed” as long as they are actually necessary and required for a particular position. If an employer requires a typist to type 75 words per minute, for example, the employer is not required to explain the basis for that requirement. The employer may, however, be required to show that the 75-word-per minute requirement is not just “on paper,” but is actually imposed on its employees. Further, if it is alleged that an employer intentionally selected a particular level of production to exclude individuals with disabilities, the employer may have to offer a legitimate non-discriminatory reason for its selection.

## STEP 2: IDENTIFY JOB REQUIREMENTS

A job descriptions should include the following categories of information:

1. Job Title
2. Job Summary
3. Essential Functions
4. Nonessential Functions
5. Job Specifications, including education, physical and mental demands, and working conditions.

### *Summary of Position:*

A job summary should explain the reason for or the function of the position within the organization. In other words, what purpose does it serve for the organization, what role(s) does it fulfill, how does it fit in with the rest of the operations of the organization? Consider what an employee is paid for achieving in a particular position and/or what would fail to get done if the position did not exist.

### *Essential Functions:*

The essential functions state what is done or required of a particular position. In evaluating whether tasks are essential, employer should ask themselves: (1) Is the task critical to job success? (2) If the task occurs infrequently, is it critical to successful job performance?

As mentioned above, essential functions may include performance standards, which describe how essential functions must be completed. Performance standards may be based on a number of criteria including process, time, quantity, and/or quality.

- Process: Standards based on process include the methods, techniques, procedures, and/or tools that are required to complete a job. For instance, a task defined by a process standard might state that specific physical exertion, such as lifting, standing, bending, or reaching, is required. Remember to consider whether a process is truly an essential part of a task.
- Time: This type of standard states how much time is allowed to perform a function. The standard should identify whether the pace is consistent or fluctuating.
- Quantity: Identifies how often a function is performed and/or is required to be performed.
- Quality: A standard based on quality should identify how success is measured.

#### *Job Specifications:*

Most employers list educational criteria and/or necessary certification/licensure requirements, but it is also important to consider other special considerations and prerequisites. For example, what are the working conditions? If there are environmental, psychological, and/or physiological requirements applicants must meet, these should be included in the job description. Other specifications might include necessary specialized knowledge and/or the ability to work without supervision.

### STEP 3: WRITE THE JOB DESCRIPTION

Job descriptions should use clear, concise, non-technical language. In defining essential functions, the description should focus on the required outcome rather than process (unless the process itself is truly essential). For example:

- a job that requires objects to be moved from one place to another should be stated as “the ability to lift 25 pound boxes to a height of 3-4 feet and load them into trucks, rather than the ability to *manually* lift and load 25 pound boxes.
- a job that requires mastery of information contained in technical manuals would be stated as the “ability to *learn* technical material,” rather than “the ability to *read* technical manuals.

In writing job descriptions, some words are better than others. Certain words tend to exclude individuals with disabilities (e.g., see or hear). It is better to choose words that convey the actual requirements of the job without limiting the physical demands to certain abilities. The following table contains examples of words that tend to be exclusionary and substitutes for these words.

<u><b>Physical Demand</b></u>	<u><b>ADA-Compliant Words</b></u>	<u><b>Job Description Language Example</b></u>
Stand or Sit	Stationary position	Must be able to remain in a stationary position 50%

		of the time.
Walk	Move, Traverse	The person in this position needs to occasionally move about inside the office to access file cabinets, office machinery, etc.
Use hands/fingers to handle or feel	Operate, Activate, Use, Prepare, Inspect, Place, Detect, Position	Constantly operates a computer and other office productivity machinery, such as a calculator, copy machine, and computer printer.
Climb (stairs/ladders) or balance	Ascend/Descend, Work atop, Traverse	Occasionally ascends/descends a ladder to service the lights and ceiling fans.
Stoop, kneel, crouch, or crawl	Position self (to), Move	Constantly positions self to maintain computers in the lab, including under the desks and in the server closet.
Talk/hear	Communicate, Detect, Converse with, Discern, Convey, Express oneself, Exchange information	The person in this position frequently communicates with students who have inquiries about their tuition bill or financial aid package. Must be able to exchange accurate information in these situations.
See	Detect, Determine, Perceive, Identify, Recognize, Judge, Observe, Inspect, Estimate, Assess	Must be able to detect funnel clouds from long distances.
Taste/Smell	Detect, Distinguish, Determine	Occasionally must be able to distinguish sweet and bitter flavors when creating desserts for Applewood customers.
Carry weight, lift	Move, Transport, Position, Put, Install, Remove	Frequently moves Audio/Visual equipment weighing up to 50 pounds across campus for various classrooms and events needs.
Exposure to work	Exposed, Work around	Constantly works in outdoor weather conditions.

Finally, employers should consider adding disclaimer language to job descriptions to remind employees and applicants that the description is subject to change. Examples include:

- Nothing in this job description restricts management's right to assign or reassign duties and responsibilities to this job at any time;
- This description reflects managements assignment of essential functions, it does not proscribe or restrict the tasks that may be assigned; or
- This job description is subject to change at any time.