

**DISABILITY ACCESS TRANSITION PLAN**

# **AMHERST, MASSACHUSETTS 2006 UPDATED**

## **TABLE OF CONTENT**

- I. Goals of the Town of Amherst with regard to its Disabled Citizens
- II. Introduction
- III. Number of People with Disabilities
- IV. Amherst as an Attractive Community For Elderly People and People with Disabilities
- V. Programs in Town which Augment this Transition Plan
- VI. Legal requirements
- VII. Individuals Responsible for Implementing the Requirements of Title II and Section 504
- VIII. Inventory Process
- IX. Criteria for Setting Priorities on items listed in the Inventory
- X. Priorities and scheduling for item listed in the Inventory
- XI. Solutions to the problems identified in the Inventory
- XII. Policies on Physical Barriers to Employment of Disable People
- XIII. Potential Funding Sources
- XIV. Inventory

## **Goals of the Town of Amherst with Regards to Its Disabled Citizens**

- I. Goals of the Town of Amherst with regards to its Disabled Citizens
  1. To make all public facilities and ways and means under the control of the Town of Amherst accessible to persons with disabilities.
  2. To provide equal access to all public programs and services, including, but not limited to, employment, education, housing, transportation, culture, recreation, technology, and public citizenship.
  3. To promote the removal of architectural barriers that inhibit independent activity by Persons with disabilities in the private sector (including Amherst College and Hampshire College, as well as commercial and professional facilities in Town) and in the public sector(including the University of Massachusetts, county, state and federal facilities in Town).

## INTRODUCTION

### Introduction

The Town of Amherst is committed to developing a policy that supports the independence and social integration of its citizens with disabilities. At present there are many physically restrictive situations in Amherst which exclude individuals with disabilities from participating in the mainstream of community life. Removal of barriers to these individuals will aid not only members of the community with disabilities, but also the elderly, bicyclists, people with carriages and strollers and those who are temporarily disabled by an illness or injury.

This document is the Town of Amherst's Disability Access Transition Plan, updated in accordance with federal regulations implementing section 504 of the rehabilitation Act of 1973 which states that:

No otherwise qualified disabled individual in the United States shall solely by reason of their disability, be excluded from the participation in be denied the benefit of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

Since the Town of Amherst receives federal financial assistance for a variety of public facilities and programs, it is therefore bound by the regulations which implement Section 504. One of the requirements set forth in these regulations is preparation of a "Transition Plan" which should:

- 1) Identify physical obstacles in Town facilities that presently limit accessibility of its services or benefits to people with disabilities.
- 2) Describe, in detail, steps to be taken to make these facilities or programs accessible.
- 3) Specify a schedule for making these changes.
- 4) Assign a person to be responsible for implementing the Plan

This Disability Access Transition Plan fulfills all of the above requirements. The priorities listed in the inventory section is a continuation in scheduling these projects.

see section III. Numbers of people with disabilities

see section VI. Legal requirements, subsection A. Federal

# Number of People With Disabilities In Amherst

## II. Number of People with Disabilities

It continues to be very difficult to obtain accurate figures on the number of disabled people in Amherst. This is due to problems related to defining disabilities and identifying disabled people. There are no clear, universally acceptable definitions of what constitutes a disability and many people who might be thought of as disabled by others do not think of themselves that way. Even the United Census Bureau has so far been unsuccessful in developing a good way to obtain reasonably accurate figures on people with disabilities.

We do know that the disable population of Amherst includes at least the following people at the Colleges and University in Town: At UMass there are 154 individuals with Attention Deficit Disorders (ADD), 149 (ADHD), 7 Blind, 14 Visually Impaired, 50 Mobility, 8 deaf, 7 Hearing Impaired, 407 with a Learning Disability, 30 Physical Disabilities, 156 Medical Disabilities, and 96 with Dual Diagnoses of Psychological and other disabilities combined.

Based on a National Survey done by the National Council on Disability, it has been determined that there are an estimated 54 million people in the United States possessing a disability which either limits the individual capacity to work or carry on his/her major activities or limits the amount or kind of activity the individual may pursue. Amherst, like all other communities, lacks comprehensive statistic on the disabled population. Using the estimate of 54 million people with disabilities in the United States as the base figure in computing the minimum number of physically disabled, visually-impaired and frail elderly who will benefit directly from the continued removal of architectural and site barriers listed in the Inventory section of the Plan, there are likely to be at least 3,496 persons who will be served by the removal of these barriers.

1. Diversity Inc., about the Challenges Facing People with Disabilities, Lex Frieden, Council Chairman, National Council on Disabilities.
2. Employment for the Disabled in State and local Government, U.S. Civil Service Commission.

This figure will be somewhat increased by:

1. The portion of the population residing outside of Amherst who are disabled and who will be drawn to Amherst due to its attractiveness as a regional economic and educational center.
2. Those persons in the region (Hampshire, Hampden and Franklin Counties) who participate in services and programs provided by the Stavros Foundation, the local non-profit organization run by and for people with disabilities. Stavros assisted in identifying physical barriers and applying for funds to remove them in the 80's during the original Transition Plan.
3. The percentage of the able-bodied population and the increased in the baby-boomer's in Amherst who will at some time be temporarily disabled.

---

## **Amherst as an Attractive Community for Elderly People and for people with Disabilities**

### III. Amherst as an Attractive Community for Elders and People with Disabilities

Amherst is an attractive place for disable and elderly people to live. There are more elders living in and frequenting the Town Center now due to the accessibility of the Bangs Community Center and the Town in general. Adjacent to the Bangs Center is the Ann Whalen Apartments, which provides 80 housing units for elderly and disabled residents. Chestnut Court Apartments, located a short distance from Town Center, has 30 apartments for elders and disabled people of which two are specifically designed for those with disabilities. Adjacent to Chestnut Court Apartments is John Nutting Apartments with five units designed for people with disabilities including 4 three-bedroom units and 1 four-bedroom unit. Also adjacent to Chestnut Court is the Jean Elder Congregate Housing Complex for elders, and people with developmental disabilities. The building includes 8 single rooms on the ground floor and 5 apartments on the top floor, with a total of 23 bedrooms in all. Of the 16 1/2 bathrooms in the building, 8 are equipped for use by people in wheelchairs. The Clark house, near Ann Whalen Apartments in the center of town, contains 100 units of which 81 are for elders and 10 units are for disabled residents.

More people with disabilities are living in Amherst because of these accessible facilities, institutions located here, and because of the efforts the Town of Amherst has put into making Amherst inclusive. Amherst is the headquarters of Stavros Foundation, the first community-based, non-residential, independent-living program in Massachusetts run by and for people with disabilities. The Amherst School Department has and is continuing to make its schools accessible and inclusive for all students. The University of Massachusetts continues with efforts to provide a complete accessible education for all students with disabilities, attracting an increasing number of students with disabilities who become members of the Amherst Community during their tenure at the University. Amherst College over the years has made much improvement to accommodate students with disabilities. Hampshire College has their own plans for improving accessibility. Working in conjunction with these organizations and institutions the Town continues to identify and remove barriers to elderly and disabled resident in both the public and publicly controlled sections of Town.

see section V. Program that were used in the past to assist Amherst with accessibility, four of which were especially designed for disabled people.

Program in the past that assisted the Town of Amherst with the removal of barriers.

Some programs that assisted the Town of Amherst with the removal of barriers are described below.

A. U.S. Department of Housing and Urban Development – Community Development Block Grant 1978

The Amherst Housing Rehabilitation Program was created by a \$200,000 Community Development Block Grant from the U. S. Department of Housing and Urban Development. It was a local housing rehabilitation project, one element of which was a provision for the elimination of architectural barriers in private residential housing currently occupied by disabled individuals.

B. U. S. Department of Housing and Urban Development – Community Development Block Grant 1979

The Amherst Community Accessibility Program was developed late in the summer of 1979 after receipt of a \$400,000 Community Development Block Grant from HUD. The program was supplemented by other efforts to eliminate barriers to the disabled by including public buildings. Selected commercial facilities, curb cuts, street lighting, and other related eligible activities and projects.

C. U. S. Department of Housing and Urban Development - Community Development Block Grant 1980

A new stage of the Amherst Housing Rehabilitation Program started in late spring of 1980. The Town received from HUD a Community Development Block Grant of \$245,000. \$45,000 went to the remodeling of the kitchen and common space at the Jean Elder Congregate House, providing housing for the elderly and people with disabilities.

D. Federal Highway Administration/Massachusetts Department of Public Works – traffic operations Programs to increase capacity and Safety (TOPICS)

Under that program the Federal Highway Administration and the Massachusetts Department of Public Works sponsored several street reconstruction projects which involved the installation of a number of curb cuts in the Amherst Central Business District. The projects were under construction by the summer of 1980.

E. Amherst Department of Public Works

The Amherst department of Public Works has been installing curb during regular sidewalk repairs.

F. U. S. Department of Health, Education and Welfare – Rehabilitation Service Administration

This Program provided a range of specialized services to support disabled citizens living in the community. The services were administered by the Stavros Foundation, it offered information/referral, peer counseling and independent living skills training services under a grant from Massachusetts Rehabilitation Commission.

#### G. Transportation

ADA Para-transportation is provided for elders and disabled people who are eligible. ADA (Americans with Disabilities Act) requires by law that transit companies provide Para transit services (wheelchair accessible vans) be available to eligible elders and younger people with disabilities.

#### H. The Amherst Housing Authority

The Amherst Housing Authority is committed to providing a variety of housing choices on a scattered-site basis to disabled and elderly people in Town. There were two programs sponsored by the Housing Authority providing rent subsidies to elderly or handicapped individuals.

#### I. Bangs Center

The Bangs Center is a centrally-located human service facility, and houses the Council on Aging, the Health Department, LSSE, Veteran's Services, Human Rights Department, Community Service Department and Big Brother Big Sister Program. All floors of the building are accessible to people with disabilities by elevator. The elevator needs to be up graded to meet the new ADA requirements. Signage is another area that needs to be addressed. The only ADA signs at this time are for restrooms. Other places that need to be upgraded are the door openers by LSSE and the South entrance plus the men's and ladies rooms on all floors. The restrooms needs new counter, partitions and all water pipes covered and also baby's changing tables.



---

## Programs in Town Augmenting this Transition Plan

### V. Programs in Town augmenting this Transition Plan

#### A. Bangs Center

##### 1. Council on Aging-Senior Center

The Amherst Senior Center has a wide variety of programs, classes, activities, and services that are available to Amherst residents age 55 and above, and younger residents with disabilities. Other than digital availability, none of the programmatic, services, classes and activities and paperwork are currently available in any other accessible format i.e. Braille, large print, tape/disc. When an elder or a disable person requests information in an accessible format a referral is made to the Human Rights Director. The computer room in the Senior Center, which has town computers, does not have any accessible means for computer usage for elders with disabilities. The Senior Center does not have a functioning TTY Machine; staff utilizes the Massachusetts Relay Services when it is necessary to call a person who uses a TTY machine.

#### **Physical Access**

2. The differences in the levels of flooring (approximately 1.5 cm) between the ceramic tiled hallway outside the main door to the Senior Center and the carpeted floor in the lounge area, presents a very difficult bump for people who uses wheelchairs and walkers when they are leaving the Senior Center.
3. The main entrance to the Senior Center and the Reception Desk are situated in a manner that is not accessible to anyone who uses a wheelchair, and if an able bodied person is standing in front of the Reception Desk s/he blocks the passage for any other person, abled bodied or not, who wants to enter/leave the Senior Center. The Reception Desk has a tall front that is a visual barrier for a person using a wheelchair. Additionally, the desk does not have a lower section for people who use wheelchairs to be able to speak to the receptionist, sign papers or place items. Finally, the doorway is not wide enough to accommodate more than one person and when the door is open it cannot swing back any farther into the Senior Center for a wider passage way.
4. The access to the back offices, through two offices is difficult for people who use walkers and wheelchairs as the travel way has been constricted by book cases, storage of materials, etc. There is another door off the hallway with more direct and accessible access, but it is usually kept locked in the afternoons as there is not

a designated staff person, or volunteer, available to greet and direct people who enter through that door.

5. The passage way from the lounge through the kitchen area to the gallery is difficult for people who use wheelchairs and walkers as the kitchen peninsula and the large table are situated in such a way that if people are sitting at the table, their chairs can constrict the passage to less than 3 feet. This is a large table that is used for Senior Center Programs, for elders who need a working/writing space and for staff and elder lunches. Additionally, there is a floor level change, a bump, leaving the lounge going into the kitchen area that is difficult for people using walkers and wheelchairs to get over.
6. The doors in the Garrabrants Room are difficult to open/close because they stick and could cause a person with limited physical strength or a disability to become stuck in that room.

#### B. Health Department

The Health Department provided services to elderly and disabled members of the Amherst community. It has a staff nurse, who provides outreach to the Amherst community.

The office has two wheel chair accessible counters, and can be accessed by elevator. The hallways and offices doors meet ADA standards.

Office staff will ask for interpreter if told in advance that a resident will require a sign language interpreter

There is no TTY, and no staff is trained in the use of TTY. The staff uses the relay when needed.

During home visits staff should be notified in advance that the resident requires a sign language interpreter.

Most written materials is available on our computers and if requested in advance it can be produced in alternate formats; i.e. emailed to a resident who has a voice computer at home; printed in large print, Braille, or on disk or cassette.

#### C. Veteran's Services

The Amherst Department of Veterans' Services offer aid and assistance to veterans and their families. All records are readily available and accessible.

The Department does not have a functioning TTY machine, nor are any of the personnel recently trained in its use. Many of its clients are elderly and/or disabled.

#### D. Community Services

The Amherst Community Services Department maintains public documents and other sources of information regarding regulations, meeting notices, agendas, minutes, reports, etc. Most of the current documents are available electronically and or on the Town's website.

None of these documents are available in alternative format; however, all documents can be made available in alternative format upon request and with reasonable notice.

The office does not have a TTY and is therefore not equipped to communicate with the hearing impaired.

### **Physical Access**

The Community Service Department meets the basic ADA/AAB requirements for physical accessibility as the office space is located in the Bangs Community Center; a fully accessible building.

The office, however, is not identified by any alternative signage

#### **E. Human Rights Department**

The Human Rights Department addresses issues of Human and Civil Rights violations, sexual harassment, affirmative action and disability access.

The office does not have a TTY and is therefore not equipped to communicate with the hearing impaired. No staff is trained in the use of a TTY.

None of the documents are currently available in alternative format, but can be made available with advance notice.

The Human Rights Department meets the basic ADA/AAB requirements for physical accessibility.

#### **F. (LSSE) Leisure Services and Supplemental Education Department**

### **Program Access**

The Amherst Leisure Services and supplemental Education Department, (LSSE) is dedicated to providing enriching recreational, educational, and cultural programs and safe and attractive areas and facilities to enhance the quality of life for all of the Amherst community. LSSE's programs, services and facilities impact thousand of citizens including children through senior citizens and an increasing number of individuals with special needs. The Amherst Leisure Services staff understands and are committed to providing all program participants with reasonable programmatic access as well as access to information and processed. Some steps have been taken to wider access.

Program Support- LSSE has offered one-on-one assistance to program participants with special needs through a Town Special Activities Fund. The one-on-one assistance, provided through this fund has allowed children and adults with special needs the opportunity to attend programs such as summer camps, aquatics, after school activities and youth and adults education classes. This fund has also served as a base budget for various programmatic supplies. Increasingly, this limited but important fund has come up short, even with the addition of staff

fundraising. An increase to this budget is essential if programmatic access is to continue.

Other than digital availability, none of the promotional materials or sources of information relating to the Amherst Leisure Services Department are currently available in specialized accommodation formats such as Braille. Upon request with some advance notice we strive to find supports that are needed for accommodations such as making audio copies or translations of any materials. A budget to support these requests needs to be available.

The Amherst Leisure Services does not have a functioning TTY machine, nor are any of our personnel recently trained in its use.

The Amherst Leisure Services Commission's public meetings are held in accessible areas either at the Bangs Community Center or another Town or School building. Although they are not currently telecast, this should be considered for even wider access.

### **Physical Access**

The Amherst Leisure Services office, located at the Bangs Community Center currently meets the basic ADA/AAB requirements for physical accessibility in the following categories:

- parking
- building entry
- building layout/vertical circulation
- restrooms/drinking fountains/telephones
- office access
- rooms & spaces
- emergency egress

Areas within the LSSE office that require access improvements include: replacement of carpet within LSSE offices. In a number of places the carpeting is torn and unraveling causing a tripping hazard, Additional above floor storage, book cases, file cabinets etc. are needed to relieve blocking aisles and pathways. Also there is a need to provide adjustment that may be needed to support an employee with a special needs-desk computer, etc and accommodations.

Amherst Leisure Services offers a number of programs off-site. This includes the Amherst Community Arts Center, instructor's private residences, Bowker Auditorium at UMass, Munson Library, and the Barn Studio. Most of these sites comply with basic ADA/AAB requirements. However, given notice, we would make accommodations to move the program to a more accessible area if necessary.

#### **G. The Jones Library**

The ramped library entrance allows the public to enter without requiring use of stairs, and the doorways are 34" wide. The door with ramp has 18" clearance on the side next to the handle. Exterior and inside doors have motorized door openers. Ramp access is level with the driveway. The ramp is more than 3 feet

wide, is sloped at the appropriate angle, and there is a 5 foot long level landing at top and bottom. A sturdy metal railing is provided along one side of the ramp. The entrance door thresholds meet handicapped access requirements.

The staff parking area in the driveway includes 2 parking spaces posted with the international symbol for disability access, though they are somewhat narrower than regulation. These spaces are located close to the entry ramp. The public parking lot across the street offers 2 spaces for disability access parking, including space for lift-equipped vans. Library maintenance personnel monitor the driveway parking area and alert the Amherst Police Department for enforcement.

**Needed:**

- Sign at the center entrance directing people to accessible ramped entry.
- Hand railing at center entrance.
- Non-slip flooring at center entrance.

**Access to goods and services**

All inside public spaces are on an accessible route of travel, and five-foot circles or T-spaces are provided for wheelchairs to reverse direction. Doorways have at least 32” clear openings. Most aisles and pathways to materials and services are at least 36” wide. Carpeting is low pile and secured to the floors.

Two elevators provide access to all public floors in the library. Elevator controls meet access requirements. An emergency intercom automatically dials 911 for assistance. An interior ramp connects two levels on the ground floor for access to non-fiction book stacks and meeting rooms.

There are seven sets of stairs in the library. All but the emergency stairs are carpeted. Non-slip treads are located at the top of three stairs in the new addition to alert people with low vision of the change in floor level. Handrails are provided.

Emergency alarm systems include both flashing lights and audible signals. Permanent signs are mounted 60” or higher from the floors, next to doorways, and at the top of doorways. Signs mounted over 80” are in letters at least 3” high.

Seating space for wheelchairs is available in all reading rooms. Reading tables and service counters, including Check out Desks, are between 28” and 36” high. One wide study carrel is available in the AV Department for fully motorized wheelchairs meeting extra clearance.

Exceptions: A waiver has been granted by the Architectural Access Board for narrow aisles in the fiction/mystery book stacks, due to the support pillars used in the original construction of the building in 1928. Also, one of the two public elevators was granted a waiver due to the historic nature of the main entry into the library building. It is narrow than required for new construction.

**Needed:**

- Pathways in the children's rooms must be cleared to create 36" aisles free of chairs and toys blocking the doorway.
- The reading chairs in fiction to must be positioned to provide 36" aisle access.
- Change floor coverings on all stairs to a non-slip surface. Consider second handrail for stairs in the 1928 portion of the building, especially stairs to staff bathrooms
- Permanent floor plans signs for the building are needed, as well as improved room signage with Braille text and raised characters. Signs at end of book stacks should be larger (see below).
- Adjustable tables for wheelchairs are needed at computer stations to accommodate newer, fully motorized chairs.
- Study chairs must be on wheels if positioned in front of magnifiers or computers that are provided for people with special needs.
- Replace carpet in traffic aisles with hard floor surfaces to accommodate wheelchair users, baby carriages, and carts.

**Access to Restrooms**

Accessible restrooms for both men and women are provided on the ground floor marked with appropriate signage. An accessible restroom in the Children's Library on the first floor is open for use by all family members. Doorways are at least 32" wide with doors that open easily. Stall space is provided for wheelchair users.

**Needed:**

- Tactile sign for the Children's restroom needs to be mounted on the side wall next to the door handle.
- Toilet handle in the Children's bathroom should be on the side away from the wall.

**Other measures**

An accessible drinking fountain is located in the entry lounge, with a spout 33" from the floor and controls located on the front edge. Clear floor space is in front of the fountain and it is outside of foot traffic in the hallway.

An accessible pay phone is provided by Verizon on the outdoor landing next to the ramped entry. There is clear floor space in front of the phone. And the push buttons are 48" from the floor. The phone has volume control.

**Library Facilities, Resources and Staffing**

Public Access Catalog and Internet Computers can be used in a seated position. Both standing and seated catalogs are provided.

Periodical Display shelving is no more than 50" from the floor. The highest display shelf is 46" from the floor

Book stack signage is located on ends of book stacks. Lettering size varies, but most stacks signs are more than 1” but less than 3” high.

Copy machine access is slightly above the recommended 36” height for the copy plate. The vendor was only able to provide a copier with the plate 39” from the floor. Staff assistance is available.

Meeting Rooms offer a microphone available for meetings of 25 people or more and a hearing amplification system request. Signing services is available for library sponsored events, if requested two weeks in advance.

**Needed:**

- Larger signage on Book stacks. Easy to read floor plans to find library services.
- Improved air quality in the library meeting rooms. Recommend removal of carpeting to improve air quality in the large meeting room downstairs.

**Collections and Services:**

The Library provides materials in alternative formats, e.g. Large Print books for adults and children, Audio Books on tape and CD, Videos/DVDs with subtitles; specialized equipment to assist readers, such as lighted magnifiers, telephone devices for the deaf, and closed circuit TV magnifiers. The Library provides homebound delivery services by volunteers and information on the federally funded Talking Book program from the Reference Librarians. The Library website is designed and reviewed for accessibility.

The Library does not provide Braille Books or tactile Picture Books, designated computers equipped with screen reading programs, enlargement, and synthetic speech or computers with screen adapters and adaptive keyboards. Outreach service is not available to residential institutions, except for the homebound delivery service.

**Needed:**

- Adaptive computer hardware and software to meet needs of computer users with physical disabilities.
- The library needs to produce and distribute promotional information produced in alternative format, e.g. brochures in Large Print and information on an accessible website.

**Service Protocols:**

**Needed:**

- On-going cooperation with the Amherst Disabilities Advisory Committee and other community groups to design and present staff trainings programs.

K. Employment

An updated Affirmative Action Plan was approved in 1995, which included prohibition of discrimination on the basis of disabilities. The Town is an Equal Opportunity Employer. A Self Evaluation of Town policies and practices have been completed, as well as a Self Evaluation of all Town Departments, as required by federal law. 1

L. Audial Traffic Signals

Amherst Department of Public Works has installed audile traffic signal for blind people to use when crossing the street. The signals are installed at most of the Down Town crosswalks.

M. Emergency Communication for Deaf People

The Communication Center/emergency dispatch services has integrated TTY into 911lines.

1. See section XII. Policy on Physical Barriers to Employment of People with disabilities.



---

## Legal Requirements

### VI. Legal Requirements

#### **The American with Disabilities Act**

The Americans with Disabilities ACT (ADA), signed into law by President Bush on July 26, 1990 is the most comprehensive formulation of the rights of people with disabilities in the history of the U.S. or any other nation.

More than forty million Americans have some kind of physical, sensory, cognitive, or mental disability. This figure, however, may not adequately express the importance of the ADA. To appreciate its full impact, it is necessary to understand that virtually every individual and every family in the U.S. is touched at one time or another by the experience of disability. The ADA's provision for employment, state and local government, transportation public accommodations, and telecommunication, therefore, have the potential to benefit almost everyone.

#### **Title II of the ADA**

The Title II regulations prohibit public entities from discriminating against or excluding people from programs, services, or activities on the basis of disability. Public entities receiving federal funds will find that the Title II requirements are very similar to the requirements of Section 504 of the rehabilitation Act of 1973, which prohibits discrimination in all entities that receive federal financial assistance. Title II extends the requirements of Section 504 to all public entities-whether or not they receive federal funds. Public entities covered by Title II include state or local governments, including all departments, agencies, special purpose district, or other instrumentalities, as well as certain commuter authorities and AMTRACK.

The provisions of Title II fall into four broad areas: (1) general nondiscrimination, (2) equally effective communication, (3) program accessibility, and (4) employment. Equal opportunity must be provided through reasonable modifications in policies, practices, or procedures; effective communication must be assured through the provision of auxiliary aids and services; programs must be made accessible through nonstructural (programmatic) or architectural modifications; nondiscriminatory employment practices are required, as presented in Title I of the ADA.

Like Section 504, Title II requires public entities to conduct a self evaluation of policies and practices. Many entities conducted a self-evaluation for Section 504 as long as 10 years ago and programs tend to change, the U.S. Department of Justice regulation encourage public entities to conduct a comprehensive review of all current programs.

An understanding of the requirements of Title II of the ADA which applies to all activities and services of state and local government is essential for public sector entities. **The Basic Building Blocks of Title II** will define the basic terms and concepts of Title II, such as definitions of *public entities*, *disabilities* and *qualified individual with a disability*. Effective dates, enforcement, and defenses will also be discussed.

## 1. Who Must Comply with Title II

A public entity covered by this section of the ADA is defined as:

- Any state or local government,
- Any department, agency, special purpose district, or other instrumentality of a state or local government
- Certain authorities and AMTRAK. It is generally understood that all recipient of federal assistance must comply with section 504.

## 2. What Activities are covered?

Title II of the ADA prohibits discrimination against qualified individuals with disabilities by public entities. Activities covered include:

- The operation of all services and programs offered by the entity
- All aspects of the employment relationship
- Government services carried out by contractors
- Activities of state and local legislative and judicial branches
- Public transportation

With the passage of the ADA, people with disabilities are for the first time assured of access to all publicly funded programs, services and agencies. Title II applies regardless of the size of the public entity. In addition the requirements apply regardless of the entity's source of funding, whether federal, state, or local.

Public entities that receive federal funds will be subjected to the requirements of both the ADA and Section 504 of the rehabilitation Act of 1993. State and local nondiscrimination laws may also regulate the activities of the public entities. The ADA does not preempt those laws that offer protections that are the same or stricter.

## 3. How a disability is defined?

The ADA utilizes a three-pronged definition of disability. For the purposes of coverage under the ADA, a person with a disability is defined as an individual who:

- has a physical or mental impairment that substantially limits one or more major life activities; or
- has a record of such impairment
- is perceived or regarded as having such an impairment

The phrase *major life activities* means functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

The determination of whether or not impairment substantially limits a major life activity is made on an individual basis, and is not based on the *existence* of a condition or impairment but rather by its *impact* on the individual. A substantial impairment will be found when the conditions, manner, or duration under which a major life activity can be performed by the individual are limited when compared to most people.

Whether conditions of a limited duration are defined as disabilities will be determined on a case-by-case basis depending upon the extent to which the condition actually limits a major life activity and the expected duration of the impairment. Generally, an injury such as a broken leg will not be considered a disability. However, a serious leg break, where numerous surgeries and extensive rehabilitation will be necessary to regain normal function, substantially limits such major life activities as walking and caring for oneself, and, therefore, will be considered a disability under Title II

### **The first prong of the definition of disability under the ADA**

Includes conditions commonly regarded as disabilities because they are physical or mental impairments that substantially limit one or more major activities.

**The second prong of the definition of disability under the ADA** protects people who have a history or record of an impairment that substantially limits a major life activity.

**The Third prong of the definition of disability under the ADA** includes people who are perceived or regarded as having a disability, sometime because of myth, fear, or stereotype.

The regulations do not attempt to provide an all-inclusive list of disabilities that are covered under the ADA, in part; this is recognition of the fact that new conditions may be identified that would fall within the definition. (Aids for example were unheard of 20 years ago). Such determinations must generally be made on a case by case basis.

### **Exclusion from the definition of Disability**

The term disability excludes the following conditions: Transvestism, transsexuals, pedophilia, exhibitionism, Voyeurism, gender identity disorders, not resulting from physical impairment, other sexual behavior disorders, compulsive gambling, kleptomania, pyromania; and psychoactive substance use disorder resulting from the current illegal use of drugs. Moreover, the phrase *physical or mental impairment* does not include homosexuality or bisexuality; those orientations are not considered disabilities the ADA.

### **Illegal Use of Drugs**

Drug addiction falls within the definition of disability in the ADA; a public entity may withhold services or benefits from a person who is *currently* engaging in the illegal use of drugs. By contrast, a person with a history of drug use who has been successfully rehabilitated or someone who is participating in a drug rehabilitation program and not engaging in the illegal use of drugs is protected. The use of methadone as a part of a treatment program is not an illegal use of drugs. Illegal

use does not include individuals who are taking controlled substances under a prescription.

There is a limitation of the withholding of services in two areas: *health care and drug rehabilitation* services cannot be denied to *an* individual on the basis of that person's current illegal use of drugs if that person is otherwise entitled to such services. Alcohol is not a controlled substance; alcoholism is recognized as a disability under the ADA.

### **Associational Discrimination**

The ADA extends its protections to people who do not have disabilities themselves but are discriminated against on the basis of their *association* with a person with a disability. The association can be with family members, friends, or any other person.

A person who experiences associational discrimination has the right to relief under the ADA but is not entitled to request reasonable accommodation in employment, as people with disabilities themselves are entitled to do.

### **Who is a Qualified Individual with a Disability?**

Protections under Title II of the ADA are specifically afforded to qualified individuals with disabilities. Not every person with a disability (someone who falls within the three-part definition) is a *qualified* individual with a disability. The definition of a *qualified individual with a disability* takes two forms, depending on the type of Title II activity involved. For purposes of determining participation in the services and programs offered by a public entity, a person is considered to be qualified if the individual meets the essential eligibility requirements for the receipt of services or participation in programs. For purpose of employment, an individual is considered to be qualified if the person is able to perform the essential functions of the job with or without reasonable accommodation.

### **Direct Threat to Health or Safety**

If an individual poses a direct threat to the health or safety of others, he or she is not considered a qualified individual with a disability. Based on reliable information, this individual may be excluded from a public entity's program or service. A direct threat must be a significant risk to the health or safety of others that cannot be eliminated or reduce to safe levels through the provision of auxiliary aids and services or the reasonable modification of policies or practices. The determination of the existence of a direct threat must be based on objective factual evidence and not stereotypes or misconceptions about a person's disability.

Factors to be considered is determining whether an individual poses a direct threat includes (1) the duration, nature and severity of the potential harm; (2) the likelihood the potential injury will occur; and (3) whether reasonable modification in policies, practices, or procedures will mitigate or eliminate the risk.

## **What are the effective Dates of Title II?**

Title II became effective in January 1992. The requirements concerning the operation of programs and services and nondiscrimination in employment, discussed below, have been in effect since then. Title II also contains detailed provisions concerning accessibility requirements for publicly owned public transportation facilities and vehicles such as buses, subways, light rail and commuter rail systems that have varying effective dates. These sections of the ADA are not covered in the transition plan. Specific dates for compliance with particular requirements of Title II are discussed in Chapter 3 of the *Action Guide*

## **How is Title II Enforced?**

Title II provides three methods of enforcements:

Individuals may **complain under the entity grievance procedure**. (In order to encourage public entities to resolve disputes internally, the ADA requires that public entities with 50 or more employees establish an internal grievance procedure for the resolution of complaints.

Individuals may **file administrative complaints with a designated federal agency** or with the U.S. Department of justice. Administrative complaints must be filed within 180 days of the date alleged discrimination occurred. (An extension may be allowed for good cause.) The reviewing agency will investigate the charges and, if it finds a violation, will seek to obtain a voluntary compliance agreement with the entity. If the voluntary compliance is not achieved, the charge will be referred to the Department of Justice for enforcement.

Individuals have the right to **file a lawsuit** for injunctive relief and damages. The prevailing party in an administrative or court action may recover reasonable attorney's fees and related costs. An individual may choose to pursue any or all of these methods. It is not necessary to exhaust internal or administrative remedies before filing a court action. Individuals are protected from any retaliation or coercion when pursuing their rights or responsibilities under the ADA.

## **Relationship Between the ADA and State and Local Laws**

The ADA does not supersede or preempt state or local laws that offer equivalent or greater protections. Public entities must evaluate the Title II requirements in light of state and local laws to ensure that the entity is in compliance with the stricter standard.

## **Overview of Requirements for Public Entities**

The requirements of Title II fall into four broad areas:

- general non discrimination requirements
- equally effective communication
- program accessibility
- employment

Each of these areas of the law is discussed here.

Title II also identifies steps that must be undertaken by the public entities to comply with the ADA. These include designation of an employee to be responsible for ADA compliance, provision of notice to the public about the terms of the ADA, establishment of an internal grievance procedure, and completion of a self evaluation and transition plan.

## **1. General Nondiscrimination Requirements**

The basic mandate of title two is that no qualified individual with a disability shall be excluded from participation, denied benefits, services, or access to programs or activities, or be subjected to discrimination by any public entity. This mandate is very broad, however, the following eight areas specifically identified in the regulations.

### **Equal Opportunity**

The ADA requires that people with disabilities are assured an equal opportunity to participate in the programs and activities offered by state and local governmental units. This right includes not only the opportunity to participate but also an opportunity that is equally effective. Although an entity can provide separate benefits of services, it should do so only when necessary to provide an equal opportunity. Separate benefits of services should be delivered in the most integrated setting appropriate. Equal opportunity can be best assured by including people with disabilities in planning and decision making. People with disabilities should be encouraged to participate as members of government planning and advisory boards.

### **Integrated Programs**

Services and programs must be delivered in the most integrated setting appropriate to the person's level of need even if separate programs exist. Included under the requirement is the principle that integration of people with disabilities is the goal of the law. An entity cannot require that an individual participate in the separate program; a person with a disability cannot be restricted from participating in general activities and must be given the choice of which public activities to participate in.

### **Methods of Administration**

A public entity may not use official policies that are discriminatory or engage in actual practices that are discriminatory. The prohibition includes direction action by the entity, actions undertaken on behalf of the entity under a contractual relationship and actions of another Title II entity

Discriminatory policies and practices include those that are explicitly exclusionary, such as a policy or practice of a state mental health agency that no community-based mental health services will be provided to people who are deaf or hearing impaired. Also included are policies that appear neutral but have a discriminatory effect. For example, a policy requiring a driver's license as proof of age for a participant in a community college adult education program has the

effect to discriminating against people who are unable to obtain a driver's license because of their disability.

### **Choice of Contractors**

Public entities cannot use criteria that discriminate against qualified individuals with disabilities in the selection of procurement contractors.

### **Licensing and Certification**

Many government entities have responsibility for licensing or certification of individuals such as nurses, doctors, social workers, architects, beauticians, realtors, and day care providers. A qualified individual with a disability cannot be denied licensure or certification if the person meets the essential eligibility requirements for the task involved. Whether or not particular requirements are essential must be determined on a case-by-case basis. This requirement also applies when a public entity contracts with a private entity to handle licensing and certification responsibilities.

When public entities administer licensing examinations, the examination must be offered in an accessible place and manner, including the provision of auxiliary aids.

In addition, public entities may not establish requirements for programs that are certified or licensed, such as a day care facility or community based mental health clinic, that have the effect of limiting opportunities for participation or employment of people with disabilities.

**However**, this requirement does not impose on the public entity the responsibility to regulate the activities of privately-run programs that are merely licensed by the government. Such activities are regulated under Title III of the ADA.

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

Policies, practices and procedures of a public entity must be modified when necessary to avoid discrimination against people with disabilities, unless to do so would fundamentally alter the nature of the service program, or activity.

### **Eligibility Criteria**

Public entities cannot use eligibility criteria that screen out or tend to screen out people with disabilities unless such eligibility criteria are necessary to the provision of the service, program or activity. Neutral rules such as legitimate safety qualifications are permitted even when the effect is to screen out people with disabilities

## **Surcharges**

It is not permissible for a public entity to access a surcharge on people with disabilities to off set the costs associated with providing access.

**However**, in some instances, where providing auxiliary aids would impose undue financial and administrative burdens in light of all available resources, it may be permissible for the public entity to pay only part of the cost of the auxiliary aids.

## **2. Equally Effective Communication**

Public entities are required to ensure that applicants, participants, and members of the general public with disabilities have communication access that is equally effective as that provided to people without disabilities. One purpose of this requirement is to ensure access to general information.

In order to be in compliance, entities are also required to provide specific communication access in the form of auxiliary aids and services upon the request of a qualified person with a disability. Auxiliary aids include services, equipment, or devices that provide effective communication access to people with disabilities. A qualified sign language interpreter for an individual who is deaf is an example of an auxiliary service. For people who have visual disabilities, materials in accessible formats such as large print, audio cassette, or Braille, and the provision of print scanners or readers are all examples of auxiliary aids. Other technologies may emerge in the future that will be considered acceptable methods of compliance as long as the standard of effective communication is met.

In choosing an auxiliary aid or service, primary consideration shall be given to the aid or service requested by the individual, unless the public entity can show that another equally effective means of providing access is available or that the request would result in a fundamental alteration of the service, program, or activity or creates undue administrative or financial burdens.

## **Interpreter Service**

The term *qualified interpreter* is defined as an individual who is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. In most situations, it is not appropriate to use a family member or companion as an interpreter. The person with the disability has the right to request an impartial interpreter. Public entities are responsible for providing interpreter services upon request unless doing so would cause a fundamental alteration or undue burden. Other auxiliary aids for people who have hearing impairments include real-time captioning and open and closed captioning. Consideration must be given to the circumstances and the technologies available to determine what constitutes effective communication.

One commonly asked question is when an interpreter is required. Although a notepad and pen for written communication may be sufficient for simple conversations, an interpreter may be necessary where the information is complex or the exchange is lengthy. Factors to consider include (1) the context of the event; (2) the number of people involved; and (3) the importance of the material being communicated.



## **Public Television**

A public entity producing television programs or videotapes is required to ensure communication access. One means of doing so is through closed captioning.

## **Telephone Communications**

Where public entities engage in telephone communications with the public, equally effective communication with people with disabilities, including hearing and speech disabilities, must be provided. Use of a TDD or the relay service is an appropriate means of ensuring access for people who have speech or hearing disabilities. (Telecommunication relay services enable voice telephone users and TDD telephone users to communicate through third party operator. Title IV of the ADA requires that such devices be available nationwide no later than July 26, 1993.) If a TDD is installed, be sure that all employees who handle incoming calls are trained in its proper use.

## **Emergency Telephone Services**

Governmental units that provide direct telephone access to emergency services, such as police and fire departments, must have a TDD. For emergency services, reliance on the relay services is not considered to be an acceptable alternative. Emergency services providers are also encouraged, but not required, to provide their 911 operators with a voice amplification device in the telephone handset so that efforts of a hard of hearing person to communicate on the telephone can be assisted if necessary.

## **General Information**

General Information, such as the availability and location of accessible services, activities, and facilities, must be provided by all public entities. The requirement specifically includes directional signage at inaccessible entrance indicating where an accessible entrance is located and signage indicating where portable TDDs or TDD pay phones are located.

## **Program Accessibility**

The Standard against which programs and services are measured for the purpose of ADA compliance is one of overall program accessibility: Is the program, service, or activity, when reviewed in its entirety, readily accessible to and usable by individuals with disabilities?

## **Access to Existing Facilities**

The ADA states that people with disabilities cannot be excluded from the programs, activities, or services offered by a public entity because of inaccessible facilities. Although this is a rigorous requirement, the law permits a public entity some flexibility in how the standard can be met, by allowing both structural and nonstructural methods of achieving program accessibility, such as:

**Reassignment of services to an accessible location if the facility is not accessible.** For example, a legislator may have his/her local district office on the second floor of a three story walk-up building. A person who uses a wheelchair would be unable to visit the senator at his/her office to lobby him/her on a particular issue. The legislator could arrange to meet the individual at another, accessible location.

### **Home Visits**

A person with a disability may be unable to enter his local city collector's office in order to obtain a neighborhood resident parking sticker because it has a flight of steps at the main entrance. A city worker could meet the individual at his home to process the necessary application forms and obtain other required information, or application by mail could be permitted.

### **Purchase or redesign of equipment.**

**Assignment of aides to beneficiaries.**

### **Structural changes to eliminate barriers.**

Making structural accessibility improvements to an existing facility is one means to achieve program accessibility. However, it is not required if there are alternative means of achieving program accessibility, such as those described above.

**However**, if there is no alternative means to achieve program accessibility, structural changes will be necessary, unless to do so would impose undue burdens on the entity. Any needed structural changes were to have been made by January 26, 1995. A program will be reviewed in its entirety for the purposes of determining compliance with the program accessibility standard. A public entity is not necessarily required to make each of its existing facilities accessible if alternative, accessible locations are available.

**However**, in a large city where long distances between facilities create barriers to program accessibility, structural changes may be necessary at additional sites in order to achieve program accessibility.

Structural changes may range from the installation of grab bars in an accessible bathroom stall or installation of a ramp over two steps in the building entrance to more extensive alterations. Note that it is *not* acceptable to carry an individual in a wheelchair into a facility as a means to achieving program access; nor is carrying a permissible alternative to installation of a ramp or lift. There may on rare occasion be manifestly exceptional circumstances where carrying is permitted but this is limited to situations where structural modification is prohibitively expensive or impossible, such as on some oceanographic vessels.

### **Fundamental Alteration and Undue Burdens**

A public entity is not required to take any action that will result in a fundamental alteration of the program, service, or activity or create undue administrative or financial burdens. If achievement of overall program accessibility causes undue financial administrative burdens on the entity or fundamentally alters the program or service, alternative means of achieving compliance must be sought to ensure

that people with disabilities can participate in or receive the benefits of the program or activity.

Providing program accessibility is not expected to result in undue burdens for most public entities. All resources of the public entity available for use in the funding and operation of the program must be considered. Any decision that achieving program accessibility would result in a fundamental alteration or create undue burdens must be made by the head of the entity or other senior official who has budgetary and spending authority or a staff person designated by the official. The reason for such a decision must be presented in writing.

### **Historic Preservation Programs**

Buildings that are eligible for listing in the National Register of Historic Places or designated as historic under state or local law are treated as a special case under the ADA. These programs are not required to take any action that would threaten or destroy the historic significance of the property. It is important that historic preservation whose primary purpose is for visitors to experience the historic site itself (as opposed to other types of programs that happen to be housed in historic buildings) make every effort to make the facility physically accessible. Where it is not feasible to provide physical access without threatening or destroying the historic significance of the property, alternative methods of achieving program access must be employed. Note that when alterations *are* planned in a historic building, they should refer to the specific access requirements and procedures for historic buildings provided by the applicable design standards for Title II (see “New Construction and Alterations in Existing facilities,” below).

### **Distinction Between Facility Access Requirements for Title II (Public Services) And Title III (Public Accommodations)**

The requirements for structural changes in existing public facilities owned or operated by public entities under the program accessibility standards are markedly different from the requirements for privately owned places of public accommodation. Under Title III, all existing privately owned or leased facilities open to the public must make structural changes that are *readily achievable*, that is, easily accomplishable and able to be carried out without significant difficulty or expense. Under Title II, physical modifications are necessary only when there is no other way to make the program accessible.

### **New Construction and Alterations to Existing Facilities**

All new construction and alterations to existing facilities must be readily accessible to and useable by people with disabilities. Specific accessibility standards for public entities will be issued in the future. Until those regulations are promulgated, construction and alteration of public facilities must be built in accordance with one of two existing accessibility standards: the ADA Accessibility Guidelines (ADAAG) or the Uniform Federal Accessibility Standards (UFAS). The ADA Accessibility Guidelines are the technical design standards issued under Title III of the ADA for new construction and alterations of privately owned places of public accommodation and commercial facilities.

Entities covered by Title II can elect to follow ADAAG with one significant exception: the treatment of elevators. In the private sector, facilities of less than three stories or less than 3000 square feet per floor are not required to provide an elevator unless the facility is a medical office or a shopping mall, or falls into the category of facilities that may be identified by the U.S. Attorney General (currently certain transportation facilities). Under Title II, however, public sector entities cannot use the elevator exemption under any circumstances.

Alternatively, Title II entities may elect to follow UFAS. These access standards were adopted by various federal agencies to implement the Architectural Barriers Act of 1968. They also have been adopted by most federal agencies as the standard for Section 504 of the Rehabilitation Act of 1973. Both UFAS and ADAAG are based on model design standards generated by the American National Standards Institute and, as a result, are quite similar.

Facilities under design as of January 26, 1992 are covered by this requirement if bids were solicited after the effective date. Departures from the ADAAG or UFAS requirements are permitted if equivalent access is achieved.

### **Leases**

Title II regulations recommend but do not require that public entities try to lease accessible space. Facilities that are leased by a public entity are subjected to the overall program access standard. If a public entity leases inaccessible space, the entity is still responsible for ensuring that the programs and services it offers are accessible.

### **Maintenance of Accessible Features**

Maintenance of accessible features is specifically required as a means of insuring that ongoing access is provided. For example, accessible doors (e.g., leaf doors adjacent to a revolving door) cannot be locked or blocked. When temporary breakdowns of equipment such as elevators occur, repairs must be made promptly. When improper or inadequate maintenance causes repeated and persistent failures of mechanical features, this requirement is violated.

## **4. Employment**

This section provides an overview of the requirements contained in Title I of the ADA covering private sector employment. These requirements apply to certain Title II entities (see “Effective Dates for Public Employers,” below).

### **Who Is Covered?**

Effective January 26, 1992, Title II prohibits all public entities, regardless of the number of employees, from discriminating against qualified individuals with disabilities in employment. The term *employee* includes part-time employees, if such workers are employed for twenty or more calendar weeks in the current or preceding calendar year.

## **Effective Dates for Public Employers**

Title I of the ADA applies to all private or public employers who have 15 or more employees, including part-time employees, employment agencies, labor unions, and joint labor-management committees. For employers with twenty-five or more employees, coverage began July 26, 1992. For employers with fifteen or more employees, coverage began July 26, 1994. Title II of the ADA applies the Title I regulations to most public entities, effective January 26, 1992.

For the purpose of employment, the definition of disability also includes a substantial impairment in the major life activity of working. The phrase *substantially limited in working* is defined as “significantly restricted in the ability to perform either a class of jobs or a broad range of jobs in various classes compared to the average person with similar training, skills, and abilities”. It is not applicable to the inability to perform a particular job or a very specialized job. Individuals who are totally unable to work are not included. Factors to be considered in determining whether a person with a disability is substantially impaired in the major life activity of working include:

1. the type of job from which the individual has been disqualified because of the impairment
2. the geographical area in which the person may be reasonably expected to find a job
3. the number and types of jobs using similar training, knowledge, skills, or abilities from which the individual is disqualified within the geographical area, and/or
4. the number and types of other jobs in the area that do not involve similar trainings, knowledge, skills or abilities from which the individual also is disqualified because of the impairment.

If an individual is substantially limited in any other major life activity (e.g., walking or seeing) it is not necessary to determine whether the person is limited in the major life activity of working.

## **What Is Covered?**

The basic mandate of the employment regulations is that an employer cannot discriminate against an employee on the basis of disability in any aspect of the employment relationship. The activities covered include the application process, testing, interviewing, hiring, assignment, evaluation, discipline, medical examinations, compensations, promotion, on-the-job training, layoff/recall, termination, leave, and benefits such as health insurance.

## **Qualified Individual With A Disability**

*A qualified individual with a disability* in employment is a person who has the skill, experience, and education for the job and can perform the essential functions of the job with or without reasonable accommodation. (The definition and scope of reasonable accommodation are discussed in “Reasonable Accommodation: The Employer’s Responsibility”.)

## Essential Functions of the Job

The term *essential functions* refer to the fundamental elements of a job. The term does not include the marginal functions of the position. Factors to be considered is determining whether a job function is essential including (1) whether the reason the position exists is to perform the function; (2) whether a limited number of employees are available among whom performance of the job function can be distributed; and (3) the degree of specialization required to perform the task. An individual with a disability is considered qualified for the position if he or she can perform the essential functions of the job with or without reasonable accommodation.

Evidence that may be considered in determining whether a particular job function is essential:

1. written job descriptions prepared before advertising or interviewing applicants
2. terms of a collective bargaining agreement
3. percentage of time spent performing the function
4. work experience of past employees in the job
5. work experience of current employees in the same or similar jobs
6. consequences of not requiring that the function be performed
7. employer's judgment

## Reasonable Accommodation: The Employer's Responsibility

Employers are required to make reasonable accommodations for applicants and employees with disabilities upon their request. Although the term *reasonable accommodation* is derived from the regulations for the Rehabilitation ACT of 1973, it was never formally defined; instead, the meaning of the term was developed through case law and administrative findings. Based on these interpretations, the ADA regulations define the term as modifications or adjustments to a job application process, work environment, or the way in which a job is customarily performed or benefits provided that enable a qualified individual with a disability to be considered for the position, perform the essential functions of the job or enjoy the benefits of employment in the same manner as other employees.

Types of reasonable accommodations include:

- 1) **part-time or modified work schedules.** Example: One who has a Kidney disorder, needs to leave work two hours early every Friday to go for dialysis. She arrives one hour early on Thursday and Friday mornings to make up the time.
- 2) **job restructuring.** Example: some who had their left arm amputated as a result of an accident, has returned to work at his Forestry Department job using prosthesis. He is able to perform all of the essential job functions of his former position except for the operation of one piece of machinery that requires a fine motor grasping motion. Since he always works as part of the crew, the duties among the crew are reassigned so that other workers perform that task.

- 3) **job reassignment.** Example: An individual worked as a nursing inspector for the City Department of Aging. After a serious car accident in which he suffered a traumatic brain injury, he is unable to drive and is therefore no longer able to perform the frequent site inspections required of the inspector position. There is no reasonable accommodation that would enable him to perform the essential functions of driving in the inspector position and he rejects the option of working with a driver. A job reassignment is offered as a reasonable accommodation. There are no vacant positions offering an equivalent salary for which he is qualified. The City offers him a position at a slightly lower salary reviewing field reports at city hall. He accepts the new job.

**Provision of auxiliary aids and services:**

Example: Some one who is a senior staff member in the City Department of Health is deaf and, although the person is an excellent lip reader in one-to-one communication settings, but needs the assistance of a sign language interpreter for group meetings and to handle her telephone work. The City contacts with an interpreter to work with this individual for twenty hours per week. This individual arranges her schedule so that her meetings and telephone work is scheduled for the times the interpreter is present.

**Modifications to a job site or work site:**

Example: A person, who uses a wheelchair, is hired as an assistant attorney general by a state government. This person is unable to enter the office building where he is assigned, which has two steps between the lobby entrance and the elevators. He is unable to sit comfortably at his desk because it is too low to the floor. The Attorney General's office constructs a ramp in the lobby to provide an accessible route for him. His desk is raised on concrete blocks to accommodate the height of his wheelchair.

The requirement to provide reasonable accommodations does not include providing personal aids or services to assist an individual in daily activities on or off the job, such as wheelchairs, glasses, prostheses, or assistance in toileting or feeding.

**Choosing the Accommodation:**

The employer's responsibility for providing an accommodation is triggered only when an individual with a disability makes such a request. Many employees with disabilities do not need accommodations. For others, the need for accommodation may be obvious. If an employee with a known disability is having difficulty performing the job without an accommodation, the employer may ask the employee whether he or she is in need of an accommodation. A qualified individual with a disability is not required to accept an accommodation. However, if such a person rejects a reasonable accommodation and cannot then perform the essential functions of the job; the person may no longer be considered qualified for the position. Once the applicant or employee has requested an accommodation, sufficient information from the applicant or employee must be gathered to determine the type of accommodation necessary to enable the individual to perform the job. In most instances the person with a disability is in the best position to identify what is needed. Additional information from qualified experts may be gathered if necessary. The vast majority of accommodations are not costly. An employer need not provide the requested

accommodation if an alternative, least costly but equally effective means of accommodation is available. The employer is required, however, to provide an accommodation that permits a qualified individual with a disability to attain the same level of job performance as co-workers with similar skills and abilities.

### **The Counterbalance: Undue Hardship:**

At what point does a requested accommodation become unreasonable? If a requested imposes an undue hardship on the employer, it need not be provided. However, consideration must be given to whether another accommodation exists that would not result in an undue hardship for the entity. *Undue hardship* is defined as an action requiring *significant* difficulty or expense. Factors that should be considered in determining whether a requested accommodation poses an undue hard ship include:

- 1) The nature and cost of the accommodation
- 2) The overall financial resources of the facility, number of employees at such facility and the effect on expenses and resources
- 3) The overall financial resources and size of the employer including the number of employees and the number, type, and location of its facilities
- 4) The type of operation including composition, structure, and function of the work force, geographic separateness, and administrative or fiscal interrelationship.
- 5) The impact of the accommodation on business operations.

If employees are governed by a collective bargaining agreement, the terms of that agreement may have an impact on whether or not a requested accommodation creates an undue hardship. For example, if a person becomes severely disabled after a car accident and can no longer perform the essential functions of the job with reasonable accommodation, job reassignment maybe a possibility. However, if the collective bargaining agreement reserves certain jobs for employees with a given amount of seniority, and if the individual does not have seniority, this may be a factor in determining whether it would be an undue hardship to reassign him or her to a vacant job. The interrelationship between the terms of a collective bargaining agreement and the responsibility of employers to provide reasonable accommodation is a complex issue where litigation is likely to occur. Specific situations will be resolved on a case-by-case basis.

### **Specific Issues in Employment**

#### **Qualification Standards and Selection Criteria:**

The use of qualification standards, job tests, or selection criteria that screen out, tend to screen out, or otherwise deny a job or benefit to an individual with a disability are permissible only where such standards, tests, or criteria are job-related. *Job-related* means related to the actual performance of the essential functions of the job and consistent with business necessity where such performance cannot be accomplished by reasonable accommodation.



**However**, even where the qualification standards is job-related and consistent with business necessity, employers must consider whether there are reasonable accommodations that would enable an individual to perform at the expected level, such as a magnification screen overlay on a computer screen as an assistive device for some one who is visually impaired.

**Pre-Employment and Medical Inquiries:**

The ADA prohibits pre-offer inquiries regarding the existence of an applicant's disability or the nature and severity of the disability and prohibits pre-offer medical examinations or inquiries. This requirement is an attempt to address the historic rejection of people with disabilities before consideration of the individual's merits, based on myth of misconception about disability.

Pre-offer inquiries must be limited to questions concerning the ability of the applicant to perform the function of the job. Blanket questions such as "Do you have a disability?" or "How many times have you been hospitalized in the last five years and for what?" are not permissible. A question concerning an applicant's workers' compensation claims history is also prohibited at the pre offer stage. Employers may ask all applicants whether they can perform the function of the job with or without reasonable accommodation. Employers may also ask individual with a known disability to describe or demonstrate how functions of the job will be performed. (Reasonable accommodation must be provided for the demonstration if needed.) Agility tests are not considered medical inquiries and are permissible at the pre-offer stage.

**Post-Offer Inquiries and Confidentiality:**

After an offer of employment has been extended, it may be conditioned on the results of a medical examination if all individuals in the same category are examined and if the information obtained is kept confidential. Medical inquiries at this stage of the employment process are unrestricted. However, there are limitations on how medical information gathered at this stage may be used. If the results of the medical examination are used to screen out applicants with disabilities, such criteria must be job related and consistent with business necessity. Employers must also consider whether there are reasonable accommodation that would enable the individual to perform the essential functions of the job.

Employers are required to maintain a medical file separate from employee's personnel file to ensure against unwarranted disclosure of the person's disability. Although confidentiality is to be maintained, an employer may inform supervisory personnel about an individual's medical restrictions or necessary accommodations, and first aid or safety personnel may be informed if special treatment or evacuation assistance may be necessary. Disclosure is also permitted to: (1) government officials investigating compliance with the ADA or other relevant laws; (2) state workers' compensation or second injury fund offices; and employer's health or life insurance companies.

"ADA Enforcement Guidance Pre employment Disability Related Questions and medical Examinations," was issued in October 1995 by the Equal Employment Opportunity Commission (EEOC) to clarify these ADA provisions. It is available from the EEOC or your regional Disability and Business Assistance Center.

**Drug Testing:**

The ADA does not require or prohibit testing employees for illegal use of drugs. Any information obtained from such testing that indicates a condition other than whether the individual is currently engaging in the illegal use of drugs, such as the presence of a prescription medication to control a particular disability, must be treated as confidential medical information. The employer can test at any stage of the employment process.

**Direct Threat to Health or Safety:**

An employer is not required to hire or continue to employ an individual who poses a *direct threat* to the health and safety of the individual or others. The direct threat standard is a strict one; the term is defined as a significant risk of substantial harm to the health or safety of the individual or others that cannot be eliminated or reduced through reasonable accommodation. Speculative or remote risks are not sufficient to constitute a significant risk under this provision. Moreover, the determination of whether an individual poses a direct threat must be based on the most current medical knowledge and/or objective, factual evidence concerning the individual, and not on generalizations or stereotypes. The assessment must consider the ability of the individual to perform safely the essential functions of the job.

A specific provision applies the direct threat analysis to food handlers with infectious or communicable diseases. The Secretary of the U.S. Department of Health and Human Services is responsible for generating a list of infectious and communicable diseases that are transmitted by the food handling. If a person with a disability has one of these diseases and there is no reasonable accommodation that can eliminate the risk, the employer can refuse to hire the applicant or can reassign an incumbent.

**Discriminatory Contracts:**

Employers cannot utilize contracts that have the effect of discriminating against applicants or employees. Example of entities with which one might contract including employment referral services, training programs, labor unions, and organizations providing fringe benefits to employees.

**Enforcement and Remedies:**

Both administrative and judicial enforcement and remedies are available for complaints of employment discrimination. Administrative enforcement is the responsibility of the U.S. Equal Employment Opportunity Commission (EEOC). As with other administrative complaints filed under Title II, complaints of discrimination must be filed within 180 days of the alleged discriminatory act. The EEOC is responsible for reviewing complaints, determining whether the facts support a finding of discrimination, and determining the appropriate remedy. Remedies may include back pay, front pay, job reinstatement, hiring, and restoration of benefits.

Remedies may include injunctive relief and compensatory and punitive damages. Punitive damages are available against private employers under Title I for instance of intentional discrimination. However, such damages are not available against public entities.

Judicial enforcement can occur as an outgrowth of the administrative process or pursuant to an individual's right to file a private lawsuit under Title II.

Although the ADA provides a number of formal mechanisms for filing and resolving complaints, the AFA strongly encourages the use of alternative means of dispute resolution, including facilitation, mediation, fact finding, mini trials, arbitration, and others. Contact your Disability and Business Technical Assistance Center for information on ongoing training sessions on Alternative Dispute Resolution (ADR and materials developed by the Better Business Bureau. Practical information can also be found in *Getting to Yes* and other books).

### **Defenses:**

The regulations identify five defenses to a charge of employment discrimination on the basis of disability. The list is not intended to be exhaustive.

**Disparate treatment.** Disparate treatment means treating an individual differently on the basis of disability. A defense to such a charge is that the alleged actions were based on legitimate, nondiscriminatory reasons that are not pretextual, such as unsatisfactory job performance.

**Disparate impact: selection.** In this context, disparate impact means that selection criteria, although uniformly applied, have an adverse impact on people with disabilities. Such criteria are permissible only when job-related and consistent with business necessity and where no reasonable accommodation is available. Where selection criteria include a safety requirement that an individual not pose a direct threat, an employer must demonstrate that the factors discussed in "Direct Threat to Health and Safety" are met in order to assert that safety criterion is job-related and consistent with business necessity.

**Disparate impact: non-selection.** Here, disparate impact means that non-selection criteria such as employer policies, although uniformly applied, have an adverse impact on people with disabilities. As above, such criteria are permissible only when job-related and consistent with business necessity and where no reasonable accommodation is available.

**Undue hardship.** Undue hardship may be raised as a defense to a charge that an employer failed to provide a reasonable accommodation.

**Conflict with other federal laws.** Where other federal laws may require or prohibit an action in conflict with the ADA requirements, the employer's obligation to comply with the conflicting standard is a defense. For example, the ADA regulations regarding drugs and alcohol testing to ensure safety for particular transportation job categories, which may conflict with the ADA requirements with respect to those disabilities.

### **Relationship to Section 504:**

For many public entities, the requirements of the ADA employment provisions will not be new. Entities that are recipients of federal financial assistance have been and will continue to be subject to the requirements of the Rehabilitation Act of 1973. The Rehabilitation Act has some provisions, such as reporting

requirements that are different than the ADA; these requirements will still need to be followed.

**Effective Dates for public Employment Provisions:**

Title II became effective for all public entities on January 26, 1992, including the requirements concerning nondiscrimination in employment. The Title II regulations apply the requirements of Title I (Employment) to all public entities that are covered with twenty five or more employees on July 26, 1994. If a Title II entity is not covered by Title I, or until it is, the entity will be subject to the employment provisions of Title II, which adopt the standards of Section 504 of the Rehabilitation Act, as established by the regulations of the Department of Justice (28 C.F.R. Part 41). Additionally, if a state or local government department or agency receives federal funds, it is covered separately by Section 504 of the rehabilitation Act.

<b>Applicable Regulations</b>		
<b># of Employees</b>	<b>As of July 26, 1992</b>	<b>As of July 26, 1994</b>
0-14	Section 504* and ADA Title II	Section 504* and ADA Title II
15-24	Section 504* and ADA Title II	Section 504* and ADA Title I & II
25+	ADA Titles I & II and Section 504*	ADA Titles I & II and Section 504*

*\*if a public entity receives federal funds*

Now that you are familiar with what the law requires, there are some specific steps that you must take immediately in order to comply. These steps are as follow:

- Designate a Responsible Employee
- Provide Notice of ADA Requirements
- Establish a Grievance procedure
- Conduct a Self-Evaluation
- Development a Transition Plan

**1. Designate a Responsible Employee**

Any public entity with 50 or more employees must designate one employee to coordinate ADA compliance.

In order to insure that individuals can easily identify the ADA coordinator, the public entity must provide the ADA coordinator's name, office address, and telephone number to the general public.

The ADA Coordinator is the key player in ensuring ADA compliance. The coordinator's role includes:

1. Planning and coordinating overall compliance efforts
2. Ensuring that the action steps are achieved
3. Receiving and investigating grievances on programs, services, practices and employment.

Only public entities with fifty or more employees are required to designate an ADA Coordinator.

## **2. Provide Notice of ADA Requirements**

All public entities-regardless of size-must provide information to applicants, participants, beneficiaries, employees, and other interested parties regarding the rights and protections afforded by Title II, including information about how the Title I requirements apply to its particular programs, services, and activities.

The notice serves to notify the public of the appointment of the ADA coordinator and includes the coordinator's name, office address, and telephone number.

The public entity must provide the information not just once, but on an ongoing basis. Information will be provided on a regular basis to applicants, participants, and the general public through newspaper advertisements, inclusion with applications, radio and/or captioned television public service announcement, posting at all program sites, program handbook, regular mailings, announcements at program, service, and activity meetings.

Public entities are also required to provide Title II information in alternative formats to ensure that the information is accessible to people with disabilities.

## **3. Establish a Grievance Procedure**

All public entities with fifty or more employees must adopt a grievance procedure providing for prompt and equitable resolution of grievances arising under Title II.

The purpose of the grievance procedure is to provide a mechanism for the resolution of discrimination issues at the state or local level, rather than require the complainant to resort to the federal complaint process. This procedure has been effective since January 26, 1992.

The grievance procedure includes the following components:

1. A detailed description of the procedures for submitting a grievance
2. A two-step review process that allows for appeal
3. Reasonable time frames for review and resolution of the grievance
4. Good record-keeping for all complaints submitted and documentation of steps taken toward resolution.

## **4. Conduct a Self-Evaluation**

All public entities-regardless of size-must conduct a self-evaluation. The self-evaluation is a comprehensive review of the public entity's current policies and practices, including communications and employment. Through the self-evaluation, the public entity must:

1. **Identify** any policies or practices that do not comply with the Title II requirement, and
2. **Modify** policies and practices to bring them into compliance.

Public entities with fifty or more employees must keep the following self-evaluation information on file and available for public inspection for at least three years:

1. a list of interested persons consulted about the self-evaluation
2. a description of the areas examined and any problems identified
3. a description of any modifications made

## 5. **Development of a Transition Plan**

Public entities with fifty or more employees must develop a transition plan when structural changes to existing facilities are necessary in order to make a program, service, or activity accessible to people with disabilities.

The regulations require that, at a minimum the transition plan:

1. identify physical obstacles that limit the accessibility of the public entity's programs, services, or activities to people with disabilities
2. describe the methods to be used to make the facilities accessible
3. provide a schedule for making the access modifications; provide a yearly schedule for making the modifications if the transition plan is long than one year long
4. indicate the public official responsible for implementation of the transition plan

Public entities with fifty or more employees that have responsibility for or authority over streets, roads, or walkways, must include in the transition plan a schedule for providing curb ramps or other sloped area where pedestrian walks cross curb. Priority must be given to those walks serving entities covered by the ADA, such as state and local government offices and facilities, transportation places of public accommodation, and employers.

The regulations require that the governmental entity provide an opportunity for people with disabilities and other interested individuals or organizations to review and comment on the transition plan as well as the self-evaluation. When the transition plan is completed, it must be made available for public inspection.

## 6. **Further Requirements State**

The Architectural Access Board of the Massachusetts Department of Public safety both promulgates and administers the state's Rules and Regulations regarding disability access to public facilities. The rules and regulations are part of the State Building Code, but there is some ambiguity concerning who should enforce them. The Architectural Access Board relies on local building inspectors to enforce the regulations, but in general local inspectors do not consider these regulations to be their responsibility.

In Amherst, The Department of Inspection Services, advises people of the existence of the regulations but does not, as of this date, impose sanctions upon building owners for non-compliance.

## **Intent**

The intent of these Rules and Regulations is to:

Provide the physically disabled full and free use of all buildings and facilities so that they may have the education, employment, living and recreation opportunities necessary to be as self-sufficient as possible and to assume full responsibilities as citizens

## **General Requirements**

All construction, reconstruction, alteration or remodeling of public buildings must conform to these Rules and Regulations. No Buildings use may be changed to a public use until the building conforms.

## **Exceptions and Special Applications:**

The Architectural Access Board may determine that compliance is impractical and may allow modification or substitution for the Rules and Regulations. The Board may vary applicability in the following instances:

1. Where application of section 13, Public Toilet Rooms, is impractical, private toilet rooms may be allowed (i.e. those restricted to specifically authorized personnel.)
2. If a function or service on upper floors is available and accessible on a lower floor, variance on the elevator requirement may be granted.
3. Private offices or power maintenance areas, etc. not normally open to the public may be exempted.
4. A government building not open to the public maybe exempted.
5. When a building is occupied for two or more uses not including in the same use group, the regulations applying to each use shall regulate the parts of the building occupied by that use. In case of conflict the more restrictive regulations apply. If the use is multi-purpose and the regulations apply to one of the uses, then the regulations apply to the whole building.
6. For historic buildings owned or protected by the government, alternative accessibility may be allowed.
7. Buildings owned controlled or operated by a private club or organization and not ordinarily open to the public maybe exempted.

## **Some Important Definitions**

### **Physically Disabled Person**

1. person in a wheelchair
2. person who uses a cane or a walker
3. person who walks with difficulty or insecurity
4. person with faulty coordination or palsy
5. person who is blind or whose sight is impaired so as to make him/her insecure or exposed to danger in a public area

6. person with impaired hearing making him unable to hear warning signals
7. person whose mobility and perceptiveness is reduced due to aging

**Public Building:**

Those built by public housing authorities, building authorities, building authorities of any public educational institution, private buildings open to and used by the public such as:

1. Transportation terminals
2. Institutional buildings
3. Commercial buildings exceeding two (2) stories in which more than 40 people are employed
4. Buildings having places of assembly with a capacity of more than 150 people
5. Hotels, motel
6. Dormitories
7. Public parking areas with a capacity of twenty-five
8. (25) or more vehicles
9. Public sidewalk and ways
10. Public areas of apartment buildings and
11. Condominiums containing twelve (12) or more units
12. Public areas of funeral homes
13. Public rest rooms
14. Public areas of shopping centers and restaurants

**When these regulations apply to public buildings (as defined above):**

If work amounts to less than 5% of 100% equalized assessed value on the building these regulations do not apply.

1. In any of the following instances these regulations do apply:
2. If work amounts to 5% - 25% of 100% equalized assessed value of a building and The cost of the work is less than \$50,000, only that portion of the work being performed shall comply;
3. The cost of the work is \$50,000 or more then that portion of the work being performed shall comply and an accessible entrance and toilet usable by a person in a wheelchair shall be provided.

If the work being performed amounts to more than 25% of 100% equalized assessed value of the building, the entire facility shall comply. When work is divided into separate phases or projects, or under separate building permits, the total cost of the work in the twenty-four (24) months next preceding shall be added together in applying the formula then the performances of any work on Site Conditions shall comply.



---

## **Individuals Responsible For Implementing the Requirements of Title II & Section 504**

### **VII. Individuals Responsible for Implementing the Requirements of Title II and Section 504**

The ADA Coordinator is overseeing all Town efforts to comply with federal regulations which prohibit discrimination against people with disabilities. She/He is specifically responsible for preparation of the required Self-evaluation. The ADA Coordinator is also responsible for preparation of the Transition Plan. However, the Town Planner oversees any required physical changes of Town facilities.

The Town Planner's Office has worked with the Public Works Department, the Conservation Department, Inspection Services, the Leisure Services Department, Maintenance Department, Stavros Foundation, Human Services Department, and the Disability Access Advisory Committee to identify problems set priorities, apply for grants and implement changes to remove barriers to disabled people.

#### **Four Principles of Effective Compliance**

There are four general principles that are key to an effective compliance process;

1. commitment from **entity leaders**
2. coordination of compliance activity
3. involvement of people with disabilities
4. institutionalization of compliance procedures.

#### **Commitment from Entity Leaders**

An explicit commitment by a public entity's senior political and executive leadership to the purposes and values of the ADA is extremely valuable in establishing a solid foundation for the compliance effort. When the Town Manager or Department head takes a leadership position, there is more incentive for the program managers, and staff to address nondiscrimination. Senior leadership should remain involved through the compliance process, reviewing progress and participating in decision-making at critical points such as the approval of budgets for barrier removal.

#### **Coordination of Compliance Activities**

ADA compliance is a complex process that affects the entity at many levels. Compliance activities are best approached as a coordinated whole. Coordination can facilitate the sharing of information and resources, and strengthen accountability. The designation of the ADA coordinator by the head of the entity is a critical first

step in promoting coordination. In addition, the formation of a compliance team to work with the coordinator is useful. The team should reflect the major divisions and functions of the organization and should include personnel who have skills and experience necessary to carry out planning and implementation tasks.

### **Involvement of People with Disabilities**

The Title II regulations require that public entities involve people with disabilities and other interested people in the self-evaluation process and in the development of the transition plan. Cooperation between the disability community and governmental entities can lead to creative problem solving; improve communication, and mutual understanding.

### **Institutionalization of Compliance Procedure**

The self-evaluation and the transition plan target needed modifications in employment practices, operating procedure, communications and the design and maintenance of facilities. Ensuring that these modifications are made and that access is institutionalized is a difficult task. Success in implementing permanent changes depends to a great extent on the quality of the planning process itself and on the degree to which compliance becomes integrated in ongoing operations.

---

## Inventory Process

### VIII Inventory Process

During last winter of 2006 the Human Rights Office conducted a survey of the offices, practices, programs, services, activities, and public buildings that are owned and controlled by the Town and used by the public, to discover which are not accessible to people with disabilities. The standards set fourth in the Massachusetts Architectural Access Board Regulations and the 1977 draft of the ANSI (American National Standards Institute) Regulations were used to judge whether a facility was accessible or not.

Along with the survey of publicly-controlled buildings and facilities the human Rights office also conducted a survey of town program, policies, procedures, practices, and services as well as commercial and professional services and facilities in the town.

During the survey the ADA Coordinator was aided by the Disability Access Advisory committee in identifying problem areas and locating projects which needed to be done.

The ADA Coordinator studied conditions in the following areas which are owned or controlled by the Town:

- 1) Public buildings
- 2) Streets, sidewalks and parking
- 3) Housing
- 4) Parks, recreation and conversation areas

The Inventory is divided into the following categories:

#### **Public**

- 1) North Amherst – Public Buildings and facilities
- 2) South Amherst- public Buildings and facilities
- 3) Town Center – Public Buildings
- 4) Town Center Streets, sidewalks Parking Lots (including Amherst Community Accessibility Project Target Area- CDBG – FY – 2007
- 5) Public conversation and Recreation Areas throughout Town

#### **Private**

- 1) North Amherst – Private Facilities
- 2) South Amherst – Private Facilities
- 3) Town Center- Private Facilities

The ADA Coordinator encouraged the business community, through the Chamber of Commerce, the Community Development Block Grant Program and public education efforts, to remove barriers to disabled people. It prepared and distributed, through the Chamber of Commerce, a Newsletter explaining a federal tax deduction available to business and professional people for barrier removal.

This does not include public schools as they have conducted a separate survey.

---

## **Criteria for Setting Priorities On Items Listed in The Inventory**

### **VIII. Criteria for Setting Priorities on Items Listed in the Inventory**

The ADA Coordinator worked with other Town departments as well as with the DAAC Disability Access Advisory Committee to establish criteria which were used to set priorities for the projects listed in the Inventory section of this Plan. These criteria are listed below.

- 1) Degree of need of product or service (food clothing, shelter, legal requirements, legal rights, medical needs, financial needs, ways and means of travel, and information)
- 2) Proximity of facility or service to concentration of disabled and elderly people
- 3) Number of people using the facility or service
- 4) Legal requirements of Title II and Section 504
- 5) Lack of Alternative source of products or services elsewhere in Amherst.
- 6) Impact of project on accessibility of building or facility (that is, will the specific project significantly improve accessibility to the building or facility?)
- 7) Degree of hazard posed by existing situation.

## Priorities and Scheduling for Items Listed in the Inventory

### IX. Priorities and Scheduling for Items Listed in the Inventory

Each project has been assigned a priority from 1 to 4 based on how well it conforms to criteria set fourth in Section IX. These priorities are defined as follows:

**Priority 1 – vital** – those things which do not need to be done immediately which will provide basic access to the most important facilities in Town

**Priority 2 – important** – those things which do not need to be done immediately but which are important in promoting independent activity for disabled community members

**Priority 3 – desirable** - those things which should eventually be done to complete removal of barriers to disabled people in Amherst to promote fully independent activity

**Priority 4 – marginal** – those things which would provide a very limited increase in accessibility or access to a facility which is seldom used, or those things which will be made accessible when a disable employee is hired, since such things are used only by Town employees. Those latter items are starred (\*).

When the priority designations for all items in a particular facility are the same, for example where all items in the North Amherst School are rated **Priority 3**, it should be remembered that providing people with a way to get into a facility and providing accessible bathroom for them once they are inside are the first things which should be done to make a facility accessible. After these things are done, the other items should follow (such as lowering switches, providing a tactile sign system, etc.)

These priority designations will be used by the Planning staff and other responsible Town officials to schedule projects for completion. Some of the projects will be scheduled to be accomplished through the yearly **Town Operating Budget**. Some will be included in the **Town's Five-Year Capital Improvement Program**. Some of the projects will be paid for with **grant funds**. In many cases, the projects with the highest priority ratings will be scheduled for completion first followed by those with lower priority ratings.

---

## Solutions to Problems Identified in the Inventory

### X. Solutions to Problems Identified in the Inventory

Potential solutions to problems discovered during the Inventory phase are listed in the Inventory section of this Plan. These solutions seemed to be generally the most obvious and simple solutions to the stated problems at the time the inventory was done. However, the Town Planner, with the advice of the Town Engineer, the Superintendent of Public Works, Director of Conservation, Director of Maintenance, Director of Human Service, Grant Writer, and ADA Coordinator as well as interested citizens will have to study each situation to determine the best solution for modifying or removing each architectural barrier. In making these decisions the following items should be considered:

- 1) The design solution should provide for maximum independent and efficient use by as many people as possible, regardless of their physical characteristics;
- 2) The design solution should provide for greater safety for the entire population;
- 3) Subsequent operational and maintenance costs of the design solution should be reduced;
- 4) The design solution should be appropriate for the age and type of facility;
- 5) The design solution should be appropriate for the climate;
- 6) The design solution should be the least expensive alternative which fulfill the needs of the project;
- 7) The aesthetic appeal of the design solution should be equal to or greater than that presently in existence.

Through this plan the underlying concept is independent access. Within reasonable limits a place will not be considered fully accessible if disable person cannot gain access to it without the aid of another person.

1. Adopted from the Transition Plan of the University of Massachusetts at Amherst

---

## **Policy on Physical Barriers to Employment of Disabled People**

### **XI. Policy on Physical Barriers to Employment of Disabled People**

With regard to employment barriers, it is the intention of the Town to make accessible any inaccessible facility or equipment used by Town Employees at the time that a disabled individual is hired. Inaccessibility of Town facilities and equipment shall not be a deterrent in hiring a disabled individual, nor shall it enter into the employment decision, provided the individual is otherwise qualified to perform the essential tasks involved in the job. (Items in the Inventory which are used only by Town employees are starred (\*) to indicate that they will be made accessible when a disabled employee is hired.)

1

See also section V. **Programs in Town which Augment this Transition Plan,** subsection K. **Employment.**

---

## Potential Funding Sources

### XII. Funding Sources

The following is a list of possible funding sources for barrier removal. The list is not all-inclusive, but does include all federal, state and local sources of which the planning staff is currently aware. For further information on any of these funding sources see:

#### A. Federal

1. Department Of housing and Community Development, Community Development Block Grants may be used for construction or rehabilitation of and site acquisition for “centers for the disabled” and also for removal of architectural barriers which restrict the mobility of elderly or disabled person to publicly-owned and privately-owned buildings and facilities including residential and non-residential structures.
2. Department of Transportation, Federal Highway Administration, Federal aid Highway Program, has funds for state highway agencies which can be used for curb cuts and for providing accessible parking spaces adjacent to public transportation terminals.

#### A. State

The ADA Coordinator is unaware of any state funds presently available for barrier removal, but she is checking into the existence of such funds.

#### B. Local

2. The Town of Amherst Capitol Improvements Program can be used to schedule expenditures from the Town fiscal resources over a period of five years for all public capital improvements including removal of architectural barriers on Town-owned and Town-controlled property.



---

## Inventory

### **XIII. Inventory**

This portion of the Transition Plan lists architectural barriers in Town owned and Town controlled facilities, tells which groups of disabled people are affected by each barrier, give at least one potential solution for each problem and, on a scale of 1 to 4, assigns each item a priority. The priority designations will aid the planning Staff and other Town officials in scheduling the projects listed here.

#### **Groups of people who may be affected by the problems listed in the inventory:**

Group 1 – People who use wheelchairs

Group 2 – People who uses crutches, canes, braces

Group 3 – People who are frail or who have coordination problems

Group 4 - People who are blind or who have severe visual impairments

Group 5 – People who are def or who have severe hearing problems

**Priorities for items listed in Inventory:** (see Section IX and X of text for explanation of priorities)

Priority 1 – vital

Priority 2 – important

Priority 3 – desirable

Priority 4 – marginal

## Location - North Amherst

<b>Problem</b>	<b>Group Affected</b>	<b>Potential Solution</b>	<b>Priority</b>
<b>North Amherst Library</b>			
-approximately 4' high stair-up to front door	1, 2	-install a 48' long ramp wrapping around side of building	1
-bathroom in basement is inaccessible because of long, steep staircase	1, 2	install accessible bath room upstairs	1
-some books are in the basement and therefore inaccessible	1, 2 1, 2	librarian get books for people	1
-some aisles between bookshelves are too narrow (should be 36" wide	1	-probably no solution due to limited floor space	4
-height of all switches, controls, alarm buttons maybe too great	1	-lower switches, controls, alarm buttons to less than 48"	3
-opening pressure on all doors maybe to great	2, 3	-reduce opening pressure to	3
-no fire alarm system	1,2,3,4,5	-install fire alarm system	1
-no signage for blind people	4	install tactile sign system	1

### Note:

1) Asterisk (\*) indicates facility used only by Town employees which will be made accessible when a disabled person is hired.

2) Design Solutions must comply with new ANSI Standards

**North Amherst School**  
(Head start)

<b>Problem</b>	<b>Group Affected</b>	<b>Potential Solution</b>	<b>Priority</b>
-no signage	1,2,3,4,5	-install tactile sign system	3
-door closers do not meet requirements	3	-install lever type handles on all doors	4
(Survival Center)			
-no signage	1,2,3,4,5	-install tactile sign system	4
-ramp need repairs	1, 2	-install new ramp	4
-no aisle space between tables in lunch area	1,2	-no solution do to limited space	
-bathroom changing table blocks space hindering access	1,2	purchase fold-up changing	1

**Location – South Amherst**

<b>Problem</b>	<b>Group Affected</b>	<b>Potential Solution</b>	<b>Priority</b>
<b>South Amherst Library Munson Memorial Library</b>			
-lift not accessible without assistance, key to operate lift is not always available without arrangements	1,2	-install new lift that meets ADA requirements	3
-no signage	1,2,3,4,5	-install tactile signage system	3
-the basement entrance is not ADA compliant because of 4” step by the door	1,2	-install new ramp	3
-north side entrance has 5 steps up	1,2	-north entrance could be made accessible to wheelchairs as alternative to installing 18” ramp to front door	4
-south side entrance has steps	1,2	south side entrance could be used to make assembly hall accessible if ramp were installed	3
-south side entrance has no walkway from front	1	install walkway	3
-south side entrance has double doors which individually 28” wide	1	widen 1 or both doors to ADA standards	3
-stage in assembly hall has steps up to it (3” high)	1	-install ramp	4
-east back door leading to basement	1,2,3	impossible to make accessible	4
-doorways within library are all	1	widen all interior door to meet Disability Access Transition Plan	3

## Location – South Amherst

<b>Problem</b>	<b>Group Affected</b>	<b>Potential Solution</b>	<b>Priority</b>
<b>South Amherst Library (Munson Memorial Library)</b>			
(too narrow)	1	ADA standards	3
-no visual fire alarm	5	-install visual fire alarm system	3

## Location – Conservation and Recreation Areas

<b>Problem</b>	<b>Group Affected</b>	<b>Potential Solution</b>	<b>Priority</b>
<b>Mill River Recreation Area</b>			
-the ramps connecting the accessible public bathrooms are not in compliance	1	-install ramps that meet ADA standards	3
-no accessible route connecting the baseball fields to the rest of the park area	1	-install accessible pathways to connect the baseball field to the rest of the park	3
-no accessible routes connecting the swing area to the picnic areas to anything within the park	1	-install accessible pathways to connect the swing area to the picnic area and all other areas within the park	3
-no areas are covered by safety surfaces (playgrounds)	1,2,3,	-install accessible rubber mats	1
-no sign system for blind people	4	-install tactile sign in all areas	2
-pavilion/picnic area, picnic tables do not meet ADA standards	1	-add accessible picnic tables	2
-pool building doors handles do not meet requirements	1,2,3,4,5	-change door knobs to levers	2
-boy's area does not have an accessible dressing stall	1	-install an accessible dressing	3
-drinking fountains are not accessible	1	-install accessible drinking fountains	3

**Groff Park****Group**

<b>Problem</b>	<b>Affected</b>	<b>Potential Solution</b>	<b>Priority</b>
----------------	-----------------	---------------------------	-----------------

-lack of accessibility connecting any areas (baseball fields, play areas, Pavilion, and wading Pool). The slopes Of the hill is especially programmatic (it	1	-provide design and engineering funds to determine the appropriate routes because of the extreme grade	4 of the
---	---	--	----------

**Location – Conservation and Recreation Areas**

<b>Problem</b>	<b>Group Affected</b>	<b>Potential Solution</b>	<b>Priority</b>
----------------	-----------------------	---------------------------	-----------------

-is very steep) Attention should also be given to the slope of the hill leading to the Baseball/Softball/Football fields. To remedy this, a route should be created of the appropriate width, surface, slope that connects all the elements.	1		
-picnic tables are not access	1	-add accessible picnic tables	3
-large play area has no accessible route connecting it to other areas.	1	-install an accessible route connecting the play area to all other area	3
-the lower small play area does not have any accessible play equipment	1	-add accessible play equipment	3
-no permanent bathrooms available	1,2,3,4,5	-install an accessible bathroom	3
-no visual signage	4	-install tactile signage	3
-the wading pool requires a sloped access	1	-replace the wading pool with a spray pool	3
-the lower areas (pavilion, sandbox, and play area) has no accessible route	1	-the pavilion should be resurfaced and accessible routes install to connecting areas	3
-fields have not connecting routes	1	-install connecting accessible routes	3
-public telephone no accessible	1,4	-provide an accessible pathway to the telephone make sure it is TTD accessible	3

**Kiwanis Field**

-fields are not accessible	1	-create an accessible route	3
----------------------------	---	-----------------------------	---

**Location – Conservation and Recreation Areas**

<b>Problems</b>	<b>Group Affected</b>	<b>Potential Solution</b>	<b>Priority</b>
-----------------	-----------------------	---------------------------	-----------------

-no permanent bathrooms	1,2,3,4,5	-install an accessible permanent bathroom	3
-------------------------	-----------	---	---

**North Amherst Field**

-no accessible parking	1,2	-designate accessible parking in an area near field	3
------------------------	-----	---	---

-no accessible route	1	-create an accessible route	3
----------------------	---	-----------------------------	---

**Middle School Pool**

-ramp from parking lot to the pool is in need of resurfacing and repair	1,2	-install new ramp and resurface the area	3
---	-----	--	---

-pool area no surfaces in a non-slip surfacing	1,2,3,4,5	-surface the area in a non-slip surfacing material	3
--	-----------	--	---

-the boys accessible bathroom stall do not meet ADA requirements	1	-install an accessible stall to meet ADA requirement	3
--	---	--	---

-no accessible shower area in the boys room	1	-create an accessible shower area in the boys room	3
---	---	--	---

-inadequate signage	4	-install tactile sign system	3
---------------------	---	------------------------------	---

-no accessible bathroom stall in the girls changing area	1	-install an accessible bathroom stall	3
--	---	---------------------------------------	---

-there is a 6" protrusion in the hall that directly connects the girl's changing area and the pool area	1	-remove the protrusion so that the girl's changing area becomes wheelchair accessible	3
---	---	---	---

-no accessible public showers in the girl's area. The shower can only be accessible from the Physical Education Teacher's Office	1	-create accessible public showers relocate the Physical Education Teacher's Office	3
--	---	--	---

## Location – Conservation and Recreation Areas

<b>Problem</b>	<b>Group Affected</b>	<b>Potential Solution</b>	<b>Priority</b>
-inadequate signage	4	-install tactile signage system	3
-no accessible bathroom in the girl's locker room	1	-install an accessible bathroom in the girls' locker room	3

## Plum Brook Recreation Area

-no permanent accessible bathrooms	1	-install permanent accessible bathrooms	4
-no accessible pathways to fields	1	-construct accessible pathways to fields	4
-the entry way from the parking lot to the field needs accessible materials	1	-install accessible material	4

## Cherry Hill Golf Course

<b>Problem</b>	<b>Group Affected</b>	<b>Potential Solution</b>	<b>Priority</b>
-no designated handicapped parking spaces	1	-designate handicapped parking spaces with appropriate signage	1
-no accessible signage	4	-install tactile signage system	3
-no handicap accessible golf carts available	1,2,3	-purchase accessible golf carts	2

## Community Field / Memorial Pool

<b>Problem</b>	<b>Group Affected</b>	<b>Potential Solution</b>	<b>Priority</b>
-bathroom not accessible	1,2,3	-funding is in place to have bathrooms renovated which may require relocation (accessibility will be addressed at that time)	1
-play area needs safety surfacing	1,2,3,4,5	install new safety surfacing Disability Access Transition Plan	3



## Location Conversation and Recreation Areas

<b>Problem</b>	<b>Group Affected</b>	<b>Potential Solution</b>	<b>Priority</b>
-slide area has no accessible play equipment	1	-purchase accessible equipment	4
-wading pool not accessible	1	-install a custom accessible ramp	4
-no accessible route for maintenance (the fenced area around the maintenance shed is too small for a wheelchair to turn in and the gate is less than 36" wide)	1	-excavate around the grassy bank in order to provide clearance, reseed, possible retaining wall needed. Pave a pathway to the maintenance shed.	4
-basketball court needs safety resurfacing (large cracks)	1,2,3,4,5	-resurface basketball courts	4
-no accessible routes to fields	1	-create routes that will enter/exit the field from three directions. (require designs with specifications)	4
-no access sign denoting the International Symbol of accessibility	1	-create the access International Symbol for Accessibility	1
-picnic tables do not meet accessibility requirements	1	-purchase accessible picnic tables	1
-routes are not accessible at the Triangle Street entrance	1	-creating an accessible route might not be possible since the path up the hill is steep and it is 85" long raises a total of about 18"	4
-the deck around the pool is in need of replacing and resurfacing (cracked and uneven)	1,2,3,4,5	-remove and replace the concrete deck and resurface with safety materials	4
-doors knobs are not accessible	1,2,3,4,5	-replace doorknobs with levers	3
-bathroom stalls do not meet		make appropriate corrections to Disability Access Transition Plan	4

**Location – Conservation and Recreation Areas**

<b>Problems</b>	<b>Group Affected</b>	<b>Potential Solution</b>	<b>Priority</b>
accessibility requirements	1,2,3,4,5	to meet ADA standards	4
-drinking fountains are not accessible	1	-install accessible drinking fountains	1
-no appropriate signage		-install tactile signage system	2

**Hitchcock Center**

-unpaved parking lot	1	-install paved parking lot	4
-no outdoor lighting	1,2,3,4,5	-install outdoor lighting	4
-no signage	4	install tactile signage system	4
-stairs to second floor	1	install elevator for access to second floor	4

**Conservation Land and Trails**

<b>Problem</b>	<b>Group Affected</b>	<b>Potential Solution</b>	<b>Priority</b>
----------------	-----------------------	---------------------------	-----------------

**ADA Needs**

- ii. Full assessment of possible new accessible trails- Amethyst Brook, Gull Pond, and Wentworth Farm- priority -4
- iii. Designation of accessible trails/opportunities of all Town outreach materials including conservation maps, guide and web sites – priority-4

**Puffer’s Pond**

-no accessible parking	1	-designate accessible parking	1
-no signage	1,2,3,4,5	-install tactile signage system Disability Access Transition Plan	2

## Location – Conservation and Recreation Areas

<b>Problems</b>	<b>Group Affected</b>	<b>Potential Solution</b>	<b>Priority</b>
-no accessible bathrooms	1	-install accessible bathrooms	4
-few ADA trails	1	expansion of ADA trails	4
-no universal access programs and opportunity	1	-collaborate with other groups to provide universal access programs and opportunities (canoes/kayaks, etc.)	4
-water front not accessible	1	-improve waterfront for better access	3
-no accessible benches and picnic tables	1	install accessible picnic tables	3

### **Kevin Flood Trail (Designed to provide visually impaired people with a safe environment)**

-parking area	4	-improvement to existing parking	3
-needs new kiosk	4	-install new kiosk	3
-surface of trails need reworking	4	-reworking the surface of the trails	3
-need longer trails	4	-extend trails east on the Cushman Brook	4

### **Larch Hill**

-parking area need re-surfacing	1,2	-resurface the parking area	4
-need signage	4	-install tactile signage system	4
-not enough accessible viewing platforms	1	-install additional viewing platforms for viewing wildlife	3

## Location- Conversation and Recreation Areas

<b>Problem</b>	<b>Group Affected</b>	<b>Potential Solution</b>	<b>Priority</b>
----------------	-----------------------	---------------------------	-----------------

### Orchard Arboretum

-no designated parking	1	-designate accessible parking	2
-not enough signage	4	-install tactile signage system	2
-no benches and picnic picnic tables	1	-install accessible benches and	2

## Location – Town Center- Buildings

<b>Problems</b>	<b>Group Affected</b>	<b>Potential Solution</b>	<b>Priority</b>
-----------------	-----------------------	---------------------------	-----------------

### Jones Library

-no signage at center entrance directing people to accessible ramped entry	1,2,3,4,5	-install tactile signage system	1
-no hand railing at center entrance	2	-install hand railing at center entrance	1
-no pathway in the children room	1,2	-create pathways in children's with 36" aisles free of chairs and toys blocking the way	2
-chairs in fiction area not positioned to provide 36" aisle access	1,2	-in fiction area position reading chairs to provide 36" aisle access	2
-no permanent signage in many areas of the building	1	-install permanent tactile signage in the building for floor plans and larger signage at the end of book stacks	2
-no adjustable tables for newer fully motorized wheelchair computer users	1	-install adjustable tables for wheelchair computer users to accommodate newer fully motorized wheelchairs	2
-no study chairs available with wheels to position in front of magnifiers or computers for people with special needs	1	-provide study chairs with wheels to position in front of magnifiers and computers to accommodate people with needs	2
-carpet is not accessible for wheelchair users, baby carriages, or book carts	1	-replace carpet in traffic aisles with hard floor surface to accommodate wheelchair, baby carriages, and book carts	2

## Location – Town Center – Buildings

<b>Problems</b>	<b>Group Affected</b>	<b>Potential Solution</b>	<b>Priority</b>
-tactile sign in children's bathroom not mounted on the side wall next to the door handle	4	-mount tactile sign on wall next to the door handle	3
-toilet handle in the children's bathroom is on the side next to the wall	1,2,3,4,5	-reverse the toilet so that the handle is on the side away from the wall	3
-small signage on book stacks	1,2,3,4,5	-create larger signage on book stacks	4
-poor air quality in the library meeting rooms	1,2,3,4,5	-remove carpet to improve air quality in the large meeting rooms downstairs	4
-no adaptive computer hardware and software to meet need of computer users with physical disabilities	3,4,5	-install computer hardware and software to meet the needs of computer users with physical disabilities	4
-promotional information not in alternative formats, e.g. brochures in Large Print and information	3,4,5	-produce information in alternative formats and create an accessible website	4

\*On-going cooperation with the Amherst Disability Advisory Committee and other community groups to design and present staff training programs.

## Bang Center

<b>Problem</b>	<b>Group Affected</b>	<b>Potential Solution</b>	<b>Priority</b>
-elevator needs upgrade to meet ADA requirements	1,2,3,4,5	-upgrade elevator to meet to meet ADA requirements	1
-no signage	1,2,3,4,5	-install tactile signage system	1

**Location – Town Center – Buildings**

<b>Problem</b>	<b>Group Affected</b>	<b>Potential Solution</b>	<b>Priority</b>
<b>Bangs Center (continued)</b>			
-door openers need replacing by LSSE, south entrance, the men’s room, and ladies room on all floors	1,2,3,4,5	-replace door openers by LSSE, south entrance the men’s room and the ladies room on all floors	1
-bathrooms need remodeling to provide full accessibility	1,2,3,4,5	-remodel bath rooms to -to provide full accessibility	1
-no changing tables for Infants in all bathrooms	1,2,3,4,5	-add changing tables for in all bathrooms	1
-no functioning TTY machines in building	5	-install functioning TTY machines	1
-the floor levels between the Ceramic tile hallway outside the main door to the senior Center and the carpeted floor in the lounge area, presents an unsafe bump for people who uses wheelchairs or walkers		-correct the floor level where possible to provide safe use for wheelchairs, and for people who uses walkers	1
-the main entrance to the Senior Center is blocked by the reception desk prohibiting access for wheel chair users. The reception desk has a tall front that is a visual barrier for a person in a wheelchair. The door way is not wide enough to accommodate more than one person	1,2,	-move the reception desk back add an accessible partition for wheelchair users -lower the top to the reception desk to provide visual access to the wheelchair user -widen the doorway to accommodate more than one person	1
-access to back offices is difficult for wheelchairs or people who uses walkers because of bookcases, and	1,2	-remove book cases and storage materials that restrict passage ways for wheelchairs or people who uses walkers	1

## Location – Town Center – Buildings

<u>Problem</u>	<u>Group Affected</u>	<u>Potential Solution</u>	<u>Priority</u>
<b>Bangs Center (continued)</b>			
storage materials constrict passage way			
-the passage way from the lounge through the kitchen area to the gallery is difficult for wheel chair users because of the size of the table that is used for work/writing for staff and elder lunches	1,2	-provide a table that is smaller so as not to constrict the aisle	1
-bump leaving the lounge going into the kitchen area that is difficult for wheelchair or for people who uses walkers	1,2	-remove the bump if possible by repairing the tiles or adding new ones	1
-doors in the Garrabrants Room are difficult to open/close because they stick and could cause a person with limited physical strength or a disability to become stuck in the room	1,2	-make repairs so that the doors no longer stick	1
<b>Town Hall</b>			
-need signage corrections	4	- install the appropriate signage	2
-tile replacement in some area	1,2	-install tile replacement (tiles are being replace as on process)	1
<b>Amherst Parking Garage</b>			
		-accessible	
<b>Amherst Police Department</b>			
-need signage		-install appropriate signage Disability Access Transition Plan	2

## Location – Town Center – Buildings

<u>Problems</u>	<u>Group Affected</u>	<u>Potential Solution</u>	<u>Priority</u>
-----------------	-----------------------	---------------------------	-----------------

### Amherst Police Department (continued)

-door entrances need new door closers to meet ADA requirements	3	-install the ADA required door	1
--	---	--------------------------------	---

## Location – Town Center – Streets, Sidewalk, includes Amherst Community Accessibility Project Target Area)

### The Town of Amherst Sidewalk Assessment Summary

#### Introduction:

The sidewalk system in Amherst serves many purposes, from recreation to a primary transportation system. The ability to have sidewalks that are accessible and usable to all is a top priority in Town. As part of the Amherst Department of Public Works pavement management system, the DPW has inventoried and assessed the condition of the Towns sidewalk system. The information collected will allow DPW to make informed and subjective decisions concerning maintenance priorities for the Towns sidewalk system.

#### Finding:

1

Attached is the side walk inventory for the town. The overall condition index (OCI) shows the numerical grade given to each sidewalk section. This grade is based on factoring the various distresses in the sidewalk surfaces. The distresses are such things as cracks, potholes, root intrusions, and depressions.

The OCI is a 100-point scale with 0 being the worse and 100 being the best. Any sidewalk that has a rating of 75 or less needs some type of attention to make the entire sidewalk more accessible.

#### Plan:

The DPW's plan to bring all the sidewalks up to an OCI of 75 or better includes several funding sources:

1. Chapter 90 funds for roads that are scheduled for resurfacing
2. DPW maintenance funds for minor repairs
3. Town Capitol funds when available
4. CDBG funds when available
5. Other funds when available

1

See Attached Sidewalk inventory for the Town



## **Information Technology Systems**

### **Web-based Access**

-the Town's main web site, [www.amherstma.gov](http://www.amherstma.gov), is not ADA compliant and is a top priority for any website accessible funding. All of the development work could be done within a year of receiving the funding need to complete the design.

The Town also maintains a Police Department website and a Leisure Services website, as well as other Department websites; all of these sites could be redesigned using similar design elements as the town website in two years.

### **Telephony Access – Priority 1**

The following departments are in need of TTY devices and staff training

Senior Center, **Bangs Community Center**

Health Department

Community Services

Collector's Office, **Town Hall**

Town Clerk's Office

Inspection Services

Human Rights and Human Resources

Information Technology

Amherst Community Television

Public Works Office, **DPW**

**Location- Town Center –Building**

<b>Problem</b>	<b>Group Affected</b>	<b>Potential Solution</b>	<b>Priority</b>
----------------	-----------------------	---------------------------	-----------------

**Public Computer Access**

The Town maintains computers for public use in the Joan Library and Branches, in the Town Hall and in the Senior Center. Currently we do not have any dedicated computers that are ADA accessible for individuals with disabilities.

**Jones Library**

-no accessible computer software	4,5	-install accessible software	1
----------------------------------	-----	------------------------------	---

**Amherst Senior Center**

-no accessible computer software	4,5	-install accessible software	1
----------------------------------	-----	------------------------------	---

**Town Hall**

-no accessible computer software	4,5	-install accessible software	1
----------------------------------	-----	------------------------------	---

**Munson Library**

-no accessible computer software	4,5,	-install accessible software	2
----------------------------------	------	------------------------------	---

**North Amherst Library**

-no accessible software	4,5,	-install accessible software	2
-------------------------	------	------------------------------	---

**Public Meeting Access**

Public meetings are regularly held by departments, boards, committees and citizens in the Town Hall, the Middle School, The Bangs Center, the Jones Library and the Munson Library. Equipment and personnel is needed to make these meeting truly accessible to individuals with visual and hearing disabilities. The equipment for each facility will cost

<b>Location – Town Center- Building Group</b>	<b>Problem</b>	<b>Affected</b>	<b>Potential Solution</b>	<b>Priority</b>
---	----------------	-----------------	---------------------------	-----------------

**Public Computer Access (continued)**

\$20,000 and a part-time staff person trained to operate and maintain the equipment will be needed.

**Auditorium Middles School (Town Meeting 25—30 days per year)**

-no accessible technology (except listening devises)	4,5	-install needed technology	1
--	-----	----------------------------	---

**Town Room, Town Hall (Most board and committee meetings including the Select Board)**

-no accessible technology (except listening devices)	4,5	install needed technology	1
--	-----	---------------------------	---

**South Meeting Room, Bangs Community Center**

-no accessible technology (except listening devices)	4,5	-install needed technology	1
--	-----	----------------------------	---

**Large Activity Room Jones Library**

-no accessible technology (except listening devices)	4,5	-install needed technology	1
--	-----	----------------------------	---

**Part-time Staff person to operate and maintain equipment**

-no staff person available To operate and maintain equipment		-hire staff person to operate and maintain equipment	1
---	--	--	---

**Location – Town Center – Private Facilities**

<b>Problem</b>	<b>Group Affected</b>	<b>Potential Solution</b>	<b>Priority</b>
<b>Amherst Hair</b>			
-two steps in entrance way	1	-install ramp	4
<b>Newbury Comics</b>			
-3 steps up to front door	1	-install ramp	4
<b>Bueno Y San</b>			
-3 steps up to front door and 2 steps up through door to enter	1	install ramp	3
<b>Yoga Center</b>			
-2 steps up to front door	1	install ramp	4
<b>Stamell String Instrument</b>			
-5 steps up to front door	1	-install ramp	4
<b>Paul's Shoe Repair</b>			
-3 steps down to front door	1,2	no solution short of installing chairlift	4
<b>Design Supply</b>			
-one step down	1,2	-no solution, short of installing chairlift	4
<b>Jeffery Amherst Books</b>			
-one step up to front door	1,2	replace ramp with an a ramp that meets ADA requirements	3

**Location – Town Center – Private Facilities**

<b><u>Problem</u></b>	<b><u>Group Affected</u></b>	<b><u>Potential Solution</u></b>	<b><u>Priority</u></b>
-----------------------	------------------------------	----------------------------------	------------------------

**Instrument Shop**

-2 steps to front door	1	-install ramp	4
------------------------	---	---------------	---

**Attorney Brown & Moser**

-2 step to front door	1	-install ramp	4
-----------------------	---	---------------	---

**Chez Albert**

-2 steps to front door	1	-install ramp	4
------------------------	---	---------------	---

**Bucci**

-3 steps up	1	-no solution short of install a chairlift	4
-------------	---	---	---

**Amherst Martial Arts**

16 steps up to front door	1,2	-no solution short of install an elevator or a chairlift	4
---------------------------	-----	--	---