

**DRAFT - CITY OF SPOKANE TRANSITION PLAN
UNDER THE AMERICANS WITH DISABILITIES ACT
AND
SECTION 504 OF THE REHABILITATION ACT OF 1973
2014 -2019**

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INTRODUCTION AND BACKGROUND

The Americans with Disabilities Act Self Evaluation Update and Transition Plan Update establishes the City of Spokane's ongoing commitment to provision of equal access to all of its public programs, services and activities for citizens with disabilities. In order to develop this plan, the City of Spokane completed a comprehensive evaluation of its facilities and programs to determine what barriers might exist for individuals with disabilities. Ms. Heather L. Lowe is the City's ADA/Section 504 Coordinator. **The Streets portion of the Plan was completed under the leadership of Mr. Kyle Twohig, Engineering Operations Manager and the input of Planning and Engineering staff**

This Update will be used to help guide future planning and implementation of necessary accessibility improvements. The City will update the plan every five years and public comments will be accepted on this Update through December 2015.

FEDERAL REQUIREMENTS

This document is being developed in accordance with federal requirements outlined in Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 and recent amendments.

Section 504 of the Rehabilitation Act of 1973

Often referred to as the civil rights act for people with disabilities, the Rehabilitation Act requires that all organizations receiving federal funding make their programs accessible and available to all people. It states: ***No otherwise qualified (disabled) individuals in the United States shall, solely by reason of (disability), be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.***

City departments or divisions that receive federal funding must identify a Section 504 Coordinator on its staff who will ensure that the program, service or activity receiving the funding meets the requirements of the law, and respond to any complaints from citizens or requests for information from a funding agency.

Americans with Disabilities Act (ADA) – Titles I and II

The U.S. Congress signed the ADA in 1990, and it went into effect in 1992. The ADA is a civil rights law that prohibits discrimination against individuals with disabilities in access

to jobs, public accommodations, government services and programs, public transportation and telecommunications.

Title I of the ADA prohibits private employers, state and local governments, employment agencies and labor unions from discriminating against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training and other terms, conditions, and privileges of employment. The City of Spokane is an Equal Opportunity Employer (EEO) and adheres to the requirements of Title I. For more information on the City's policies against Discrimination and on Reasonable Accommodation, please visit the City's website at www.spokanecity.org The City's policies are located under the Services tab, under Documents and Forms and then under Policies and Procedures.

Title II of the ADA adopts the general prohibitions against discrimination contained in Section 504 of the Rehabilitation Act of 1973, but applies to all state and local governments whether or not they receive federal funding. It prohibits the City from denying persons with disabilities the equal opportunity to participate in its services, programs or activities, either directly or indirectly through contractual agreements.

The administrative requirements contained in Title II that apply to the City of Spokane are:

- Designation of an ADA Coordinator for overseeing Title II compliance.
- Development of an ADA grievance/complaint procedure.
- Completion of a self evaluation of facilities, programs and services; and
- Development of a transition plan if the self evaluation identifies any accessibility deficiencies.

ADA COORDINATOR

The Office of the Mayor has designated the Human Resources Director or designee as the ADA/Section 504 Coordinator. The Coordinator is:

Christine Cavanaugh

City of Spokane

808 W. Spokane Falls Boulevard

Spokane, WA. 99201

Email: ccavanaugh@spokanecity.org

Phone: (509) 625-6383, or 7-1-1 (WA Relay); FAX: (509) 625-6379

REQUESTING ACCOMMODATIONS IN ALTERNATE FORMATS

Instructions about how to request accommodations (e.g. interpreters, barrier removal, etc.) or documents/materials in alternate formats may be included in a letter, email, newsletter, public announcement, or website used to announce, invite or promote the City's program, service or activity. **If the information is not provided in the avenues listed above, please contact the City's ADA Coordinator to make your request (see contact information provided above).**

Request for **accommodation** at a City meeting or event must be provided no later than 48 hours before the scheduled event and should include:

- The requestor's name, address, email and telephone numbers (if any)
- A description of the program, service or activity
- The location of the program, service or activity
- Reason for the accommodation

Requests for materials in **alternate formats** should include:

- The requestor's name, address, email and telephone numbers (if any)
- The name or description of the City document or materials to be reformatted
- What type of format is desired (e.g. Braille, audio recording, computer disk, etc.)
- Reason for the need for alternative formatting

The City's ADA Coordinator and/or the responsible City department will attempt to respond to the request in advance of a scheduled meeting or event. If no response is received or the response does not satisfactorily resolve the issue, the requestor may file a formal complaint with the City. All requests for accommodations and alternate formats will be kept on file for at least three years.

The City of Spokane has a formal complaint procedure which is outlined in the City's policy titled – Americans with Disabilities Act/Section 504 of the Rehabilitation Act of 1973 (ADMIN 0620-13-64). The policy is posted on the City of Spokane's website under Services and then under Documents and Forms.

ADA SELF EVALUATION AND TRANSITION PLAN PROCESS

The Self Evaluation is the City's internal assessment of the accessibility of its facilities, programs, services and activities. It included site assessment surveys of all City of Spokane public facilities and parks in which programs, services and activities are provided to the public, as well as roads owned by the City of Spokane. The assessment included a written survey of all City departments about the accessibility of their programs, services and activities.

According to the requirements of the ADA, a Transition Plan must include a list of necessary improvements to be made based on the results of the Self Evaluation, including estimated time frames.

The City should attempt to update the Transition Plan once every **five** years to reflect completed accessibility projects or other changes.

PUBLIC OUTREACH

Key stakeholder groups and the general public are in the process of being invited to review and provide input on it through December 31, 2015. Comments may be directed to the ADA Coordinator (contact information on page 5).

ADA PROGRAM WEB PAGE

www.spokanecity.org/accessibility

IDENTIFIED STAKEHOLDER GROUPS

- Acces4All
 - General Public
 - City and County citizen advisory boards/commissions/committees
 - Coalition of Responsible Disabled
 - Disabled American Veterans
 - Hearing Loss Association
 - Lilac Services for the Blind
 - Nexus (Hearing Loss Center)
 - State of Washington Service for the Blind
 - The ARC of Spokane
 - The Lighthouse for the Blind
-

STATE AND LOCAL REQUIREMENTS

The State of Washington officially adopted the International Building Code (IBC) as its building code in 2004 (RCW19.27 and 70.92). The IBC includes provisions ensuring that public facilities are accessible to and usable by persons with disabilities.

The City utilizes the ADAAG (Americans with Disabilities Act Accessibility Guidelines) to ensure compliance with accessibility requirements for persons with disabilities for building projects. The City consistently elects to utilize PROWAG (Public Right of Way Accessibility Guidelines) which exceed the standards of the ADAAG, for Street projects.

RELATIONSHIP TO OTHER PLANS

This Transition Plan pertains only to City owned or administered facilities, programs, services and activities. Spokane County and other cities and towns are responsible for developing and implementing their own self evaluation and transition plans. The City of Spokane's Transition Plan is available on the website at: www.spokanecity.org/accessibility

FUNDING SOURCES

At this time, when a remodel or new construction is undertaken, and accessibility related work improvements are scheduled, the primary sources of funding for accessibility-related improvement projects on City buildings/facilities are bonds, levies and/or the General Fund. Utility funds and taxes may also be used. The City continues to remove barriers when new construction or remodeling takes place as well as at other times when possible and economically feasible.

UNDUE BURDEN

According to the ADA, the City does not have to take any action that it can demonstrate would result in a fundamental alteration in the nature of a program or activity, would create a hazardous condition for other people, would be considered technically infeasible or would represent an undue financial and administrative burden. This determination can only be made by the ADA Coordinator in consultation with the department head or designee and must be accompanied by a statement citing the reasons for reaching that conclusion.

The determination that an undue financial and/or administrative burden would result must be based on an evaluation of all resources available for use in a program. For

example, if a barrier removal action is judged unduly burdensome, the City must consider other options for providing access that would ensure that individuals with disabilities receive the benefits and services of the program or activity.

PROGRAMS, SERVICES AND ACTIVITIES

SELF EVALUATION:

In the fall of 2013, the City of Spokane conducted a self evaluation survey of all its programs in order to ensure that people with disabilities have equal access to programs, services and activities. The following is a summary of the citywide improvements that are recommended in the transition plan.

PUBLIC MEETINGS/HEARINGS AND EVENTS

The City of Spokane continues to take steps to ensure that its public meetings, hearings and events are accessible to the public. The City has provided training in 2013 to all personnel responsible for setting public meetings/hearings to ensure that they are aware of the requirements of Section 504 and the ADA. In 2013, the City created a statement that is inserted in all public meeting notices, news releases, advertisements or mailed invitations sent out about a City sponsored meeting or event to ensure that contact information and directions are provided to individuals who wish to request accommodations for a public meeting/hearing.

The statement is as follows:

FOR MEETINGS TAKING PLACE IN CITY HALL

AMERICANS WITH DISABILITIES ACT (ADA) INFORMATION: The City of Spokane is committed to providing equal access to its facilities, programs and services for persons with disabilities. The Council Chambers and the Council Briefing Center in the lower level of Spokane City Hall, 808 W. Spokane Falls Blvd., are both wheelchair accessible. The Council Briefing Center is equipped with an audio loop system for persons with hearing loss. The Council Chambers currently has an infrared system and headsets may be checked out by contacting the meeting organizer. Individuals requesting reasonable accommodations or further information may call, write, or email Christine Cavanaugh at (509) 625-6383, 808 W. Spokane Falls Blvd, Spokane, WA, 99201; or ccavanaugh@spokanecity.org. Persons who are deaf or hard of hearing may contact Ms. Cavanaugh at (509) 625-6383 through the Washington Relay Service at 7-1-1. Please contact us forty-eight (48) hours before the meeting date.

OUTSIDE CITY HALL

AMERICANS WITH DISABILITIES ACT (ADA) INFORMATION: The City of Spokane is committed to providing equal access to its facilities, programs and services for persons with disabilities. Individuals requesting reasonable accommodations or further information may contact Christine Cavanaugh 48 hours before the meeting date at (509) 625-6383, 808 W. Spokane Falls Blvd., Spokane, WA, 99201; or ccavanaugh@spokanecity.org. Persons who are deaf or hard of hearing may contact Ms. Cavanaugh at (509) 625-6383 through the Washington Relay Service at 7-1-1.

In 2013, the City of Spokane updated the audio loop system as part of a remodel in the Council Briefing Room and will be undertaking a remodel of the City Council Chambers in 2014 at which time a new audio loop system will be installed in that location as well.

PRINTED MATERIALS

The City produces a variety of informational and promotional materials for public use, including maps, brochures, forms, newsletters, fact sheets, reports, plans, etc. Recommendations of this Transition Plan are:

- All departments must be able to provide documents and other printed material in alternate formats when such accommodation is requested. This includes Braille, audio recordings, enlarged print and computer disks at no charge to the individual making the request. Instructions about how to provide these alternate formats should be provided to all City employees.

WEBSITE (www.spokanecity.org)

In 2013 the City began a comprehensive re-design of its website and it is currently still in the construction phase. The new design will include a variety of accessibility related improvements including text size and color, providing alternate text on photos and other graphics consistently and providing accessible PDF documents. Recommendations of this Transition Plan are:

- Ensure that the City has a web page for ADA/ Section 504 Accessibility.
- Post the City's ADA policy, notice and complaint procedure on the web page.
- Post the City's draft Transition Plan on the website.

- Ensure that complaint forms are available on the web page.
- Ensure ability for all citizens to provide feedback to the ADA Coordinator on the Transition Plan draft directly from the website.
- Ensure that all fillable electronic forms anywhere on the City's website are accessible by computer screen reading software for those with sight limitations.

CITY CABLE 5

City Cable 5 provides programming regarding City business including City Council Meetings and City projects of interest to the citizens. Real time captioning utilizes audio feed of meeting sent via phone line to captioners at a remote location. As a result there is an approximately 2-3 second delay by the time viewers see it at home.

Most captioning companies require a minimum of 2 hours. Lengthy meetings would pose some problems and could create some additional costs. Decoder equipment must also be installed on site in order to insert signal into line 21 of the TV video signal. This would require a one-time equipment purchase of approximately \$5,000, plus the ongoing annual costs of approximately \$36,050, additional costs of \$800 per year for 2 analog phone lines and captioning costs of \$175 – 350 per ½ hour for produced programs. This is too cost prohibitive to complete at this time.

The City posts its meetings and videos that are on City Cable 5 to You Tube and/or Vimeo and well as on www.spokanecity.org . The recommendations of this Transition Plan are:

- Continue posting meetings and videos on You Tube, Vimeo and on the City's website.
- Continue to research opportunities for captioning.
- Test automated captioning processes and implement where possible.

CONTRACTING/PURCHASING

The City of Spokane does not discriminate on the basis of disability when selecting contractors, consultants or vendors for City projects or services. Federal regulations require that any outside contractors receiving City funding, or receiving federal funding through the City, comply with the requirements and regulations of Title II of the ADA and Section 504 of the Rehabilitation Act.

Recommendations of the Transition Plan are:

- Include a statement in all Request for Proposals, contracts or other bid solicitation documents, or web pages explaining that businesses, organizations, or individuals contracting with the City of Spokane must comply with Title II of the ADA and Section 504 of the Rehabilitation Act of 1973.
- Require all City contractors, consultants or vendors to sign a statement attesting to their intent to comply with Title II of the ADA and Section 504 of the Rehabilitation Act of 1973. The statement can be added to existing contract documents or can be a separate form.

STAFF TRAINING

The City has provided training to organizers of public meetings on ADA and Section 504 requirements. The City has also continued to provide Respectful Workplace training to employees including information on disabilities, culture and etiquette and reasonable accommodation. The City has also sought out and sent City employees to ADA/Section 504 training provided by external agencies, for example Right of Way Training provided by the Washington State Department of Transportation. Engineering field staff also receive training on ADA compliant sidewalks and curb ramps every three years.

The City has implemented a working ADA/Section 504 Committee to provide insight and recommendations. The committee members have also received training on the requirements of the ADA and Section 504.

Recommendations of the Transition Plan are:

- Connect with local disability resources to provide training on disability groups and use of the 7-1-1 Washington third party Relay system.
- Provide training on responding to requests for material in alternate formats.
- Provide training to department heads and managers about the ADA and Section 504 and their legal requirements and how they differ from each other.

ADDITIONAL OVERALL RECOMMENDATIONS

- The City's Emergency Evacuation Procedures pertaining to Evacuation of Persons with Disabilities from City owned facilities needs to be reviewed and updated.
- City Facilities outside of City Hall should ensure that they have procedures in place for emergency evacuation of persons with disabilities.

- Departments who are contacted for public information to be provided in alternate formats should notify the ADA Coordinator if guidance or assistance is required.
- Emergency Response and other information broadcasted by the City of Spokane to the general public must be provided in an accessible format.
- Ensure adequate funds in division budgets to address accessibility needs.
- Ms. Gita George-Hatcher served as the Section 504/ADA Designee from 2012-2014 during the period of the self evaluation and as a result, the self evaluation and draft transition plan were originally completed containing contact information that was current at the time. The information in the Transition Plan only has been updated. Ensure future updating of the policy, forms and documents for personnel changes.

In addition to providing this information to all existing employees, and new hires, the City should provide all employees with annual reminders about the ADA requirements with links to instructional information.

CITY FACILITIES AND PARKS

SELF EVALUATION SURVEY:

The City of Spokane evaluated its facilities in which programs, services and activities are provided to the public, as well as its Parks. The following are the recommendations of this Transition Plan pertaining to physical accessibility:

City Clerk

Counters are higher than 38". If a remodel or construction occurs, these will be rectified. In the meantime, assistance will be provided to persons with disabilities on a case by case basis.

City Hall

Third Floor public entry is not accessible. However, the third floor is accessible via ground floor entry and elevator. A sign has been posted to indicate the location of accessible entrances.

East Central Community Center

1. Soap and paper dispensers to be lowered to no more than 40" from the floor.
2. Identify one already existing accessible desk by the front counter with an accessibility sticker sign.

Spokane Fire Department Facilities and Stations

1. Disabled Parking areas have been identified and repainted.
2. Need Accessibility symbol on door of accessible bathroom at Station 7.
3. Address trip hazard in front of east apparatus door at Station 15.

Fleet

New ADA accessible facility is currently under construction.

Parks

1. Qualchan Golf Course needs one additional disabled parking slot.
2. Esmeralda Golf Course needs one additional disabled parking slot.
3. Need signage on van accessible parking at Finch Arboretum and additional parking upon expansion of upper parking area.
4. Indian Canyon Golf Course needs 2 additional disabled parking slots.
5. Peaceful Valley Community Center parking needs to have signage and van accessibility.
6. Witter Pool needs one additional disabled parking slot.

Police

1. ADA/Section 504 Notice is required to be posted at all COP Shops for participants.

Prosecutor

1. Update parking information.
2. Place a bell at the entrance for persons to alert the reception area staff so that individual assistance may be provided as the current counter height is over the required limit. If remodeling occurs, this issue will be addressed at that time.

Public Defender

1. Update parking information.

Riverpark Water Reclamation Facility – No recommendations following self evaluation.

Sewer Maintenance – No recommendations following self evaluation.

Solid Waste Management and Waste to Energy Facility – No recommendations following self evaluation.

Water

Currently the building is not Section 504 or ADA compliant but if a remodel or new construction occurs, it will be brought into compliance. Alternate arrangements may be made upon request.

STREETS

SELF EVALUATION:

Summary: City's Streets, Curb Ramps and Walk Signals

The City has over 273 miles of arterial streets, 798 miles of local public streets and over 6,900 street intersections to maintain and upgrade. Of the total 1,071 miles of public streets, over 994 miles is paved. The City's Transportation Plan and six year capital program outlines and prioritizes the facilities planned to be constructed and/or upgraded for all travel modes including pedestrians and the accessible sidewalk network.

The City has implemented several operating policies and developed funding mechanisms and strategies to address the tremendous backlog of accessibility needs on the public street system. A summary of these policies includes:

- Ensuring that the Comprehensive Plan and specifically the Transportation Chapter and capital facility project lists include projects and policies that guide the City regarding meeting the requirements of the ADA.
- Amending the City's Transportation Design Standards as needed to address changes and clarifications on ADA design from the federal Access Board and to better incorporate pedestrian facilities where needed.
- Ensuring that all new City transportation capital projects that include pedestrian access meet current ADA design standards and guidelines
- Requiring that all new developments and site expansions or other qualifying improvements include ADA compliant facilities.
- Using various funding options when available, such as the Community Development City Sidewalk Program within designated lower income neighborhoods to repair existing or place missing pedestrian facilities such as curb ramps and sidewalks.
- Providing funding in all pavement management overlay projects (grind/inlay and overlay or more substantial rehabilitation) for building missing, or repairing existing ADA sidewalk ramps.
- Continuing to seek a funding program to complete the projects identified in the Capital Facilities Plan.
- Annual "lessons learned" meetings between City Design and Construction staff which includes extensive review of ADA issues and how to better plan for and incorporate pedestrian facilities.

System Inventory

The City in cooperation with the Spokane Regional Transportation Council (SRTC) continues to update and augment an inventory of sidewalks and curb ramps for all

public streets within the City. SRTC maintains the sidewalk inventory that was completed in cooperation with Washington State University and the City of Spokane in 2008. The City of Spokane has additional GIS data on sidewalks and the presence or lack of curb ramps. Additional curb ramp inventory data will be collected as resources are available to further assist in prioritization of future capital projects.

The sidewalk, curb-ramp and pedestrian facility geographic information system inventory (GIS) was compiled from several sources to identify which streets have pedestrian facilities and complete ADA accessible facilities. This inventory is being used as the City updates its Transportation Plan and the pedestrian plan that is incorporated into the transportation needs and prioritization of capital projects lists. Additional detailed curb ramp metrics and data needs are being evaluated for future sidewalk and curb ramp data collection.

Sidewalk Inventory and Needs

Of the 1,071 total roadway miles of public streets within the City, approximately 981 miles of roadway are not within a street intersection and potentially could accommodate a sidewalk along one or both sides of the roadway depending on local site conditions.

Out of the 981 roadway miles that could potentially accommodate a sidewalk there are a total of 381 miles (over 38%) of public streets with no sidewalk. Over 55% of all City public streets have sidewalks on both sides of the street and over 6% have sidewalks on only one side of the street.

Approximately 52% of the arterial street system has sidewalks on both sides of the roadway, and another 19% has a sidewalk on only one side of the arterial. A priority will be to add pedestrian facilities to the 76.5 miles of arterial with no sidewalks.

While over 61% of the City's total street network has a sidewalk on at least one side of the street, there is still a substantial need for additional pedestrian transportation system facilities. Arterial sidewalk projects are included in the City's adopted Transportation Capital Facilities Plan. The cost to complete all the priority arterial sidewalk projects included in the City's adopted Transportation Capital Facilities Plan is substantial and is estimated at over \$40 million.

Curb Ramp Inventory

The curb ramp inventory covers all streets and street intersections within the City. Over 6,928 intersections and approximately 27,700 corners are included in the inventories.

For each intersection, data was collected showing whether or not there were any existing curb ramps, and whether or not existing curb ramps met ADA standards,

including slope, lip, ramp width, and landing area. The current curb ramp inventory cannot determine if the curb ramp meets full current ADA compliance as it does not include a few data elements needed to determine full compliance. This inventory will be updated as resources are available, but the current inventory does provide assistance in prioritizing projects. This inventory shows:

- Over 1,700 arterial and highway street intersections are missing at least one curb ramp.
- Over 4,000 local street intersections are missing at least one curb ramp

Public Involvement in Capital Project Planning and Curb Ramp Project Prioritization

Public involvement in the Transportation Chapter update is extensive with specific stakeholder groups participating in a Public Policy Group to ensure that all transportation system users are represented in the planning and project prioritization process. After the completion of the Transportation Chapter update, the chapter and capital facility priority project lists will be annually updated as needed.

Identified stakeholder groups that are participating in the Transportation Plan and Pedestrian Plan include:

- Access4AllCoalition of Responsible Disabled (C.O.R.D.)
- Disabled American Veterans
- Lilac Services for the Blind
- City and County citizen advisory boards/commissions/committees
- Hearing Loss Association
- Nexus (Hearing Loss Center)
- State of Washington Services for the Blind
- The ARC of Spokane
- The Lighthouse for the Blind
- General public

The Comprehensive Plan Transportation Chapter update will include a list and maps of priority pedestrian infrastructure areas. Updating that will provide further detail related to sidewalk and curb ramp implementation within the Pedestrian Plan component of the chapter. The current list of priority sidewalk projects is found in Chapter 4 – Transportation of the Comprehensive Plan.

The City's primary focus for larger capital projects is maintaining and upgrading the arterial network and improving intersections on arterial roadways without existing curb

ramps. Transit routes and access to bus stops is included within the arterial curb ramp prioritization.

Subsequently, the following criteria are used to help determine which intersections are completed first:

- Transportation network within the Downtown and Comprehensive Plan identified Centers and Corridors
- Streets with public transit service
- Streets with higher traffic volumes and the arterial system
- Streets with pedestrian attractors like schools, parks and shopping
- Proximity to medical facilities
- Proximity to government facilities
- Locations that improve system connectivity or fill in gaps in an existing system

The City does allow exceptions to the prioritization criteria if it helps ensure public safety, is more efficient, or maximizes the overall benefit. A list of capital projects that include curb ramp projects is included in the City's 6 Year Transportation Program. The program includes total project costs and a project description.

Funding

The magnitude of ADA transportation network projects on the priority project list is large, including curb ramp and new sidewalk improvements estimated to be well over \$40 million. This figure does not include other related upgrades, like sidewalk repair, driveway replacement or installation of audible crossing signals.

The City is continually seeking funding from all available sources to complete projects on the priority transportation network project lists. A complete overview of transportation funding sources is available in the City's Six Year Comprehensive Street Program.

Over the last ten years the City has completed many projects on the priority list for an ADA compliant transportation network. The City's most recent \$117 million 10-Year street bond that is in the process of completing projects through the end of 2014 has addressed the curb ramp needs of almost 30% of the City's arterial intersections in the past ten years. This street bond along with other funding sources addressed over 13% of the needs of the residential street curb ramp needs.

The City also continually looks for and has successfully obtained additional funding for these projects from sources such as Federal Community Block Grant funding, grants from local, state and federal programs. The City's 6 Year Street Capital Program includes the City's lists of projects and project descriptions. City funding directly allocated to standalone sidewalk and curb ramp priority improvement projects the last

four years is as follows: \$395,800 in 2010, \$206,000 in 2011, \$619,000 in 2012 and \$442,000 in 2013.

The City also constructs new sidewalks and curb ramps as a part of other capital improvement projects, though the amount allocated to pedestrian facilities as a part of these other public utility and street improvement projects is not tracked separately from the overall project cost. By committing to build fully compliant

Pedestrian facilities, the City also dedicates significant funds towards acquiring right of way access agreements following federal real estate guidelines.

APPENDIX A (TRANSITION PLAN)
SELF EVALUTION QUESTIONNAIRE

INTRODUCTION

THE CITY OF SPOKANE IS CONDUCTING A SELF EVALUATION UPDATE AS REQUIRED UNDER SECTION 504 OF THE REHABILITATION ACT OF 1973 AND THE AMERICANS WITH DISABILITIES ACT OF 1990 TO ENSURE THAT ALL CITY FACILITIES THAT ARE ACCESSED BY THE PUBLIC ARE ACCESSIBLE TO PERSONS WITH DISABILITIES AND ALL CITY PROGRAMS SERVICES AND ACTIVITIES ARE ACCESSIBLE TO PERSONS WITH DISABILITIES.

Your department's Section 504/ADA Liaison will be providing you with the attached form to complete for each facility/program area within your area of responsibility and return to your department liaison **NO LATER THAN OCTOBER 31, 2013.**

You do not have to complete the sections on General Requirements and Employment and Reasonable Accommodation. They have already been completed for you.

Complete the Program Access portion by checking or marking an X under the Yes, No or N/A headings.

Complete the Physical Accessibility Section by first consulting the "Quick Look" Barriers Checklist **on page 8 of the form.**

Information on Accessible Parking is provided on **page 10 of the form.** The appendix provides more detailed information and diagrams regarding parking spaces.

Print your name, date and phone number after completing the questionnaire.

If you have questions while completing this questionnaire, please contact your department liaison or the Section 504/ADA Coordinator at 625-7083.

Your department liaison is responsible for obtaining your department head's signature **ON PAGE 13**

The City's Section 504/ADA Coordinator, Ms. Gita George-Hatcher may be reached at 625-7083 in Human Resources, Fourth Floor City Hall

THANK YOU FOR YOUR COOPERATION

CITY OF SPOKANE - 504/ADA SELF-EVALUATION AND ASSURANCE OF COMPLIANCE

Instructions (RETURN COMPLETED FORM BY OCTOBER 31, 2013)

504/ADA Self Evaluation Questionnaire Form

This form will help you evaluate your services, programs and activities to ensure they are accessible to persons with disabilities. **When complete, please return it to the 504/ADA Coordinator through your Department Liaison.**

“Quick Look” Barriers Checklist

Consult the “Quick Look” Barriers Checklist on Page 7 to answer the questions in the self evaluation form. Physical access must also be reviewed in light of hiring an individual with a disability or accommodating a current employee who becomes disabled.

504/ADA Assurance of Compliance Form

The form must be completed by all City Departments and by all contractors. Other governmental agencies and contracts for the direct purchase of goods are exempt.

- **Complete this form.** If your department is out of compliance with any of the 504/ADA requirements, indicate on the 504/ADA Disability Assurance of Compliance form the corrective actions that will be taken to achieve compliance.
- **Sign the Assurance of Compliance form and send the original back to the 504/ADA Coordinator.**

Keep a copy of the form on file in your office for use during on-site reviews. You will be notified at least one week in advance of any scheduled review. (Note: This form may be used as an exhibit with City of Spokane contracts.)

If you have questions regarding this process or if you require this material in an alternate format, please contact the City of Spokane Section 504/ADA Coordinator at (509) 625-7083, or the Washington Relay Service at 7-1-1 or ggeorge-hatcher@spokanecity.org.

504/ADA General Information

Federal and State laws prohibit discrimination based on disability. Section 504 of the Rehabilitation Act of 1973 as amended and the Americans with Disabilities Act require that the City of Spokane and all organizations and firms contracting with the City of Spokane except those providing tangible goods, comply with Section 504/ADA accessibility requirements.

Under 504 and ADA, a "qualified individual with a disability" is anyone who has a history of, or is perceived as having, a physical or mental impairment which substantially limits one or more major life activities. Disabilities include, but are not limited to: mobility, visual, hearing, or speech disabilities; mental illness; epilepsy; learning disability; brain injury; HIV/AIDS; arthritis; cerebral palsy; multiple sclerosis; developmental disability, etc.

504/ADA SELF-EVALUATION QUESTIONNAIRE

NAME OF DEPARTMENT AND PROGRAM:

General Requirements

Please check the appropriate answers. If necessary, attach additional pages of explanation.

YES NO N/A

1. 504/ADA Liaison for your department

Name _____

Title _____ Phone _____

YES NO N/A

2. Do you have an internal grievance procedure that allows for quick and prompt solutions for any complaints based on alleged noncompliance with 504/ADA? _____

3. Do you have a policy that provides for notifying participants, applicants, employees, unions, and professional organizations holding collective bargaining or professional agreements that you do not

General Information (Continued)**YES NO N/A**

discriminate on the basis of disability?

4. Have you notified these individuals of your non-discrimination policy?

5. Do you provide ongoing staff training to ensure that staff fully understand your policy of non-discrimination on the basis of disability and take all appropriate steps to facilitate the participation of individuals with disabilities in agency programs and activities?

Program Access**YES NO N/A**

1. Do you notify the public and other interested parties that agency meetings, board of director meetings, hearings, and other programs, services and activities will be held in accessible locations? (sample notice in Appendix 2)

2. Do you notify the public and other interested parties that auxiliary aids (sign language interpreters, readers) will be provided, upon request to participants with disabilities?

3. Do you have a Teletype (TTY) or do you use the Statewide Relay Service to facilitate communication with Individuals who use TTY's for communications purposes?

Program Access (Continued)

	YES	NO	N/A
4. Do you provide ongoing training to familiarize appropriate staff with the operation of the TTY (or Relay Service) and other effective means of communicating over the telephone with people with disabilities?	_____	_____	_____
5. Do you make available, upon request, written material in alternate formats for people who have disabilities? (Alternate formats include large print, Braille, and audiocassette tapes)	_____	_____	_____
6. Are printed posters, announcements, and printed materials (including graphics) clearly legible and placed in physically accessible locations where print can be read from a wheelchair?	_____	_____	_____
7. If you have a mailing list for the purposes of information, dissemination, does it include various disability groups?	_____	_____	_____
8. Are your accessible numbers and procedures for accessing services printed on all materials distributed to the public?	_____	_____	_____
9. Do you have a policy and procedure for safe emergency evacuation of people with disabilities from your facility?	_____	_____	_____

Employment and Reasonable Accommodation

YES NO N/A

1. When gathering Equal Employment data regarding disabilities, Do you make it clear that:

- the information requested is intended for use solely in connection with reporting requirements; _____
- that the information is voluntary; _____
- the information will be kept confidential; and _____
- refusal to provide or providing the information will not subject the applicant or employee to any adverse treatment? _____

2. If you make pre-employment medical enquiries or conduct pre-employment medical examinations:

- is the inquiry related to the applicant's ability to Perform the job? _____
- do you condition offers of employment on the results of these examinations? _____
- Is the examination required for all employees in the same job classification? _____
- Are all applicants in the same job classification asked the same medical and/or interview questions? _____

3. During the application, interviewing, hiring, and employment process, do you provide reasonable accommodations to persons with disabilities? _____

Employment and Reasonable Accommodations (continued)

YES NO N/A

4. Do you have a written policy stating the following?
504/ADA states that information concerning an applicant's medical condition or history must be kept separate from personnel records and may be shared in only two (corrected 8/14/14) ways:

- (1) Supervisors and managers may be informed of restrictions on the work or duties of individuals with disabilities and informed of necessary work accommodation (s);

- (2) First aid and safety personnel may be informed if the condition might require emergency treatment; and government officials investigating compliance with Section 504/ADA shall be provided with relevant Information upon request.

Physical Accessibility

YES NO N/A

Complete the "Quick Look" Barriers Checklist and then answer the following questions:

1. Is your building(s) where your business is located barrier free?

2. Did you check NO to any of the items on the Employment and Reasonable Accommodation preventing an individual with a disability from accessing your program(s) or services?

If access would be impacted, describe on the Corrective Action Plan what steps will be taken to eliminate the barrier(s). If there are

extenuating circumstances which would make the barrier removal a financial or administrative burden, please explain in the Corrective Action Plan.

This 504/ADA Self Evaluation Plan was completed by:

Print Name

Date

Phone Number

"QUICK LOOK" BARRIERS CHECKLIST

This checklist may be used to conduct a quick appraisal of potential problem areas for accessibility. You may also refer to the federal ADA Accessibility Standards or the Washington Administrative Code (WAC) 51-50.

Check "Y" if YES, "N" if NO

Building Access

- Garage/lot has required number of accessible parking spaces?
- Are accessible parking spaces near main building entrance?
- Walkways are level (44" wide min) or ramped (max 1:12)?
- Does the entrance doorway have at least 32" wide clearance?
- Is the door threshold maximum 1/4" high (1/2" if beveled)?
- Door hardware is lever handles, pulls or push-pull activating bars?
- Are the doors easy to open (exterior doors max. 8.5 lbs. opening force, Interior doors 5 lbs max.)?
- If revolving doors used, alternate accessible entrance available?

Building Corridors

- Is path of travel free of obstruction and at least 36" wide?
- Is floor surface stable, firm and slip resistant?
- Do obstacles (phones, fountains, etc.) protrude no more than 4"?
- If provided, minimum one public phone or water fountain accessible?
- Are elevator controls no higher than 48"?
- Are elevator markings in Braille and raised letters/numbers?
- Does elevator provide audible and visible signals?
- Floor of elevator cab is min, 51"x68" (door offset) or 51"x0" (door centered)?

Restrooms

- Door hardware is lever handles, pulls, or push-pull activating bars?
- Do restroom entrance doors have at least 32" wide clearance?
- Are grab bars provided in accessible toilet stalls?

- Toilet seat top is 17-19" above floor?
- Sink has clear knee space under basin; exposed pipes are insulated?
- Faucets are lever operated or push type?
- Are soap and towel dispensers no more than 40" from the floor?

Reception and Personnel Office

- Lower counter space in reception, customer service areas?
- Do doors have at least 32" wide clearance?
- Is the door easy to open (max. 5 lbs. opening force)?
- Door threshold is maximum 1/4" high (1/2" if beveled)?
- Is the path of travel between furniture at least 36"?

Required Number of Accessible Parking Spaces

Total Garage/Lot Parking Spaces	Minimum Number of Accessible Spaces
1-25	1 (van accessible)
26-50	2 (including one van space)
51-75	3 (including one van space)
76-100	4 (including one van space)
101-150	5 (including one van space)
151-200	6 (including one van space)
201-300	7 (including one van space)
301-400	8 (including one van space)
401-500	9 (including one van space)
501-1000	2% of total spaces (every 6 accessible spaces include one van space)
More than 1000	20, plus 1 for each 100 over 1000 (every six accessible spaces include one van space)

Locate accessible parking spaces on the shortest accessible route of travel to an accessible building entrance (where practical, not crossing traffic lanes).

Car and van parking spaces shall have an adjacent accessible aisle. Two parking spaces may share an accessible aisle. Van parking spaces that are angled shall have access aisles located on the passenger side of the vehicle.

If there is only one accessible parking space, then it shall meet the codes for a van accessible parking space: 11' wide vehicle parking space plus a 5' access aisle. (an 8' vehicle parking space with an 8' access aisle is acceptable under code. For more detail consult WAC 51-50)

Diagram attached as appendix to the document

SECTION 504/ADA ASSURANCE OF COMPLIANCE

This assurance is in compliance with Section 504 of the Rehabilitation Act of 1973, as amended and the Americans with Disabilities Act of 1990, which are two federal laws which prohibit discrimination against qualified people with disabilities,

I understand that federal and state laws prohibit discrimination in public accommodations and employment based solely on disability. In addition, I recognize that Section 504 requires recipients of federal funds (either directly or through contracting with a governmental entity receiving federal funds) to make their programs, services and activities, accessible to qualified and/or eligible people with disabilities. I agree to comply with, and to require that all subcontractors comply with the Section 504/ADA requirements. I understand that reasonable accommodation is required in both program services and employment, except where to do so would cause an undue hardship or burden.

YES NO

**According to the responses to the questions in the
Section 504/ADA Self Evaluation Questionnaire, this
Department is in compliance with 504/ADA.**

**If the response is NO
the actions outlined in the Corrective Action Plan below
will be undertaken.**

City Department

Street Address

City

State

Zip

Corrective Action Plan

**The following Corrective Action Plan is submitted to comply with
Section 504 and ADA requirements.**

General

Requirements

Actions to be Taken

Program Access

Actions to be Taken

Employment and Reasonable Accommodation

Actions to be Taken

Physical Accessibility

Actions to be Taken

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Signature of authorized individual

Date

Print name of authorized individual

Title

APPENDIX 1 (Questionnaire)– PARKING SPACE DIAGRAM

APPENDIX 2 (Questionnaire)

Language to be inserted into informational materials provided to the public on programs, services and activities:

AMERICANS WITH DISABILITIES ACT (ADA) INFORMATION: The City of Spokane is committed to providing equal access to its facilities, programs and services for persons with disabilities. Individuals requesting reasonable accommodations or further information may contact Gita George-Hatcher 48 hours before the start date of the program/service/activity at (509) 625-7083, 808 W. Spokane Falls Blvd., Spokane WA, 99201, or ggeorge-hatcher@spokanecity.org. Persons who are deaf or hard of hearing may contact Ms. Lowe at (509) 625-6233 through the Washington Relay Service at 7-1-1.

APPENDIX B (TRANSITION PLAN)
CITY OF SPOKANE POLICY ON THE AMERICANS WITH
DISABILITIES ACT/SECTION 504 OF THE REHABILITATION
ACT OF 1973

RECEIVED
June 4, 2013
CITY CLERK'S OFFICE
SPOKANE, WA

CITY OF SPOKANE	ADMIN 0620-13-64
ADMINISTRATIVE POLICY AND PROCEDURE	LGL 2013-0014
TITLE: AMERICANS WITH DISABILITY ACT / SECTION 504 OF THE REHABILITATION ACT OF 1973	
EFFECTIVE DATE: April 1, 1985	
REVISION EFFECTIVE DATE: July 3, 2013	

1.0 GENERAL

1.1 The purpose of this policy is to reaffirm the City of Spokane's policy and practice that physical facilities, programs, services and activities of the City of Spokane government are accessible to members of the public, including qualified individuals with disabilities.

1.2 TABLE OF CONTENTS

- 1.0 GENERAL
- 2.0 DEPARTMENTS/DIVISIONS AFFECTED
- 3.0 REFERENCES
- 4.0 DEFINITIONS
- 5.0 POLICY
- 6.0 PROCEDURE
- 7.0 RESPONSIBILITIES
- 8.0 APPENDICES

2.0 DEPARTMENTS/DIVISIONS AFFECTED

- 2.1 American With Disabilities Act (ADA) - All City divisions and departments.
- 2.2 Section 504 of the Rehabilitation Act of 1973 – City departments receiving funding for specified programs, services and activities.
- 2.3 The provisions of this policy do not supersede the provisions of any collective bargaining agreements or Civil Service rules, and when in conflict, the specific terms and conditions of the collective bargaining agreement or Civil Service rules will prevail.

3.0 REFERENCES

Americans with Disabilities Act of 1990 as amended (ADA)
Section 504 of the Rehabilitation Act of 1973, as amended,
Chapters 2.42, 49.60 and 70.84 of the Revised Code of Washington (RCW)
Washington State Building Code: International Building Code as adopted by the
City of Spokane

Regulations promulgated under Section 504 include those by the U.S. Departments of Agriculture (7 CFR 15.3), Education (34 CFR 104), Health and Human Services (45 CFR 84), Justice (28 CFR 41 and 42), Interior (43 CFR 17), Housing and Urban Development (24 CFR 8), Labor 29 CFR 32), and Transportation (49 CFR 27) implementing the ADA and Section 504 Requirements

Regulations promulgated by Washington State agencies implementing state disability non-discrimination laws

4.0 DEFINITIONS

- 4.1 "Barrier-free design" means design that gives users the opportunity for movement without restriction. By using principles of barrier-free design, people with disabilities will be able to participate fully and avail themselves equally of the opportunities to benefit from City programs and services.
- 4.2 "City" means the City of Spokane, Washington.
- 4.3 "Disability Transition Plan for Physical Facilities" means a written plan which outlines identified physical barriers and a schedule of activities to remove those barriers and improve program accessibility. By definition, a transition plan must:
 - 4.3.1 Identify physical barriers that limit accessibility to City programs, activities or services;
 - 4.3.2 Outline of the methods which will be used to remove the barriers and make the facility more accessible;
 - 4.3.3 Contain the schedule for the necessary steps to achieve improved compliance; and
 - 4.3.4 Include the name of the management staff responsible for the plan's implementation.
- 4.4 "Overall Program Accessibility" means that programs as a whole be accessible to people with disabilities, and requires the City to account how the program's elements work together as a whole and how services are delivered.
- 4.5 "Qualified individual with a disability": means an individual with a disability who meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided to the public by the City, with or without reasonable modifications to rules, policies, or practices, the removal of architectural or communication barriers, or the provision of auxiliary aids and services (Section 504 of the Rehabilitation

Act of 1973, as amended, 42 U.S.C. Section 12131 et seq., 28 CFR part 35, the Americans with Disabilities Act of 1990, and RCW 49.60).

- 4.6 "Reasonable accommodation" means an adaptation or modification to a policy, program, service, or workplace which will allow a qualified person with a disability to participate fully in a program, take advantage of a service, or perform a job. Reasonable accommodations may include, but are not limited to, adjustments or modifications to buildings, facilities, dwellings, and may also include provision of auxiliary aids, such as readers, interpreters, and materials in accessible formats.
- 4.7 "Self-evaluation" means the evaluation of policies, practices, and physical facilities to identify potential barriers to accessibility and corrective actions to reduce or eliminate those barriers.
- 4.8 "Service Animal" means an animal that is individually trained to perform tasks for people with disabilities such as guiding people who are blind, alerting people who are deaf, pulling wheelchairs, alerting and protecting a person who is having a seizure, or performing other special tasks.
- 4.9 "Usability" means that within facilities constructed prior to the passage of the ADA, some architectural elements may not meet current codes and requirements for accessibility. If a barrier to access by people with disabilities does not result, the facility is usable and complies with this policy. In other cases, though requirements of the applicable laws, codes, and regulations have been met, a barrier may exist to a qualified individual with a disability. In such cases, it may be necessary to modify the element in the facility to make the facility usable by qualified individuals with disabilities providing that such change and/or alteration does not result in an undue financial burden.

5.0 POLICY

- 5.1 In accordance with Title II of the ADA and its implementing regulations, Section 504, WAC 51-50 and RCW 49.60 (collectively called the "disability non-discrimination laws"), no qualified individual with a disability shall, on the basis of such a disability, be subjected to discrimination or be excluded from participation in, or denied the benefits of the services, programs, activities or physical facilities which the City of Spokane provides to the public.
- 5.2 City departments shall comply with the provisions of the disability nondiscrimination laws regarding access to applicable programs, activities, services, and physical facilities.

-
- 5.3 To the extent possible, City departments will ensure that physical facilities are usable by qualified individuals with disabilities. Where physical facilities cannot be made usable, overall program accessibility must be ensured.
 - 5.4 Physical facilities owned by the City shall comply with the applicable regulations on barrier-free design and physical accessibility.
 - 5.5 The construction and renovation of City facilities shall comply with applicable regulations on barrier-free design and physical accessibility.
 - 5.6 Public meetings will be held at accessible locations and in such a manner that qualified people with disabilities are able to participate fully.
 - 5.7 Qualified people with disabilities shall not be discriminated against in participation on boards, commissions, or on advisory and planning committees.
 - 5.8 All City offices and programs shall be accessible to users of TTYs (teletypewriters), either by having a TTY to provide direct TTY access or by using the Washington Relay Service.
 - 5.9 Individuals with disabilities accompanied by service animals will be afforded access to all City facilities, programs, services, and activities as are open to other members of the public, unless the service animal's presence or behavior creates a fundamental alteration to the program or service being provided or presents a direct threat to safety. In addition, as a matter of policy, not compliance, the City will afford access to individuals, with or without a disability, accompanied by service animals-in-training. Individuals and their accompanying service animals-in-training will be subject to the conditions and limitations established by law and applicable to individuals with disabilities and their service animals.
 - 5.10 Upon advance request, reasonable steps will be taken to furnish appropriate auxiliary aids and services (e.g., assistive listening devices, sign language interpreters, Braille) to afford a qualified individual with a disability an equal opportunity to participate in and enjoy the benefits of the services, programs, activities, and physical facilities provided to the public by the City. Primary consideration will be given to the requests of the qualified individual with a disability unless another equally effective accommodation is available, or the use of the means requested would result in a fundamental alteration of the service, program, and activity or in undue financial or administrative burden.
 - 5.11 All City contractors, except contractors providing tangible goods, shall comply with Section 504/ADA Disability Assurance of Compliance, unless an accessibility waiver is obtained.

-
- 5.12 All City departments administering Section 504 contracts whereupon the contractor, other than another government entity, provides programs, services, or activities to the public, shall require the contractor to comply with the Section 504/ADA requirements applicable to governments. The contracting City department shall monitor respective contracts for compliance with Section 504/ADA.
 - 5.13 The City will adopt and follow a procedure for prompt and equitable resolution of complaints alleging discrimination on the basis of disability in the City's provision of programs, services, and activities, and access to physical facilities.
 - 5.14 The City recognizes that the laws covering the City's provision of programs, services and activities are subject to frequent revision and interpretation through legislation or judicial decisions. Should an interpretation or revision render any part of this policy invalid, the remainder of the policy will remain in full effect pending revision to address those areas invalidated.

6.0 PROCEDURE

6.1 Responsibilities - ADA.

- 6.1.1 The Office of the Mayor for the City of Spokane is responsible for ensuring the City's compliance with disability non-discrimination laws regarding access. Under the law, the City of Spokane is required to have at least one designated ADA coordinator. The Mayor has designated the Human Resources Director or designee as the ADA Coordinator(s) to facilitate the City's efforts to comply with disability non-discrimination laws regarding access.
- 6.1.2 Department heads and officials shall cooperate with the City of Spokane ADA Coordinator to ensure compliance with the requirements of disability nondiscrimination laws regarding access, and with this policy and related procedures. Compliance-related activities include documenting:
 - a. Disability accessibility accommodations made within their departments;
 - b. Participation in the evaluation of programs, services, activities, and physical facilities to identify potential barriers to accessibility;
 - c. The preparation of necessary Disability Corrective Action Plans and/or Disability Transition Plans; and
 - d. The coordination of budget approval to implement such plans.

6.1.3 ADA Coordinator

- a. will provide technical assistance to City of Spokane personnel on disability access issues.
- b. shall establish and implement internal complaint procedures to receive and resolve complaints from the public alleging non-compliance with disability non-discrimination laws regarding access. The Mayor or designee will serve as the point of appeal regarding ADA complaints.
- c. develop policies and procedures as necessary to improve accessibility of programs, services, activities, and physical facilities of City of Spokane government.

6.2 ADA / Section 504 Complaints – Complaint Procedure

6.2.1 City of Spokane Complaint Procedure – Purpose.

The complaint procedure shall address concerns regarding Title II of the ADA and Section 504 of the Rehabilitation Act of 1973, as it applies to City of Spokane department programs, services and activities. The complaint procedure may be used to file a complaint alleging:

- a. Violation of City of Spokane policies relating to the provision of services, activities, programs, or benefits.
- b. Discrimination under Section 504 of the Rehabilitation Act of 1973.
- c. Structural and parking accessibility issues on City owned or controlled property.
- d. Note: Employment complaints shall be directed to the City of Spokane Human Resource Department and investigated pursuant to Human Resource policies and applicable labor contracts.

6.2.2 Complaint Procedure and Format.

The complaint should be in writing and contain information regarding the alleged discrimination to include the name, address, and phone number of the complainant and the location, date and description of the alleged problem. Alternative means of filing complaints such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities upon request. When possible, the complaint form should be used.

6.2.3 Complaint Filing.

The complainant and/or his/her designee should submit the complaint as soon as possible but no later than sixty (60) calendar days after the alleged violation to:

Heather Lowe
Attn: ~~Gita George-Hatcher~~
City of Spokane
Human Resources Department
808 West Spokane Falls Boulevard
Spokane, WA. 99201
TEL: 509-625-7083 *6233*
FAX: 509-625-6379
Washington Relay Service at 7-1-1

6.2.4 Complaint Review.

- a. Within fifteen (15) calendar days after receipt of the complaint, the ADA or Section 504 Coordinator or the Human Resources Department representative will meet with or contact the complainant to review and clarify the issues of the complaint.
- b. Within thirty (30) calendar days of the initial meeting, a response will be provided to the complainant in writing and, where appropriate, in a format accessible to the complainant. The response will explain the position of the City of Spokane and offer options for substantive resolution of the complaint if appropriate. The Human Resources Director or designee may, when appropriate, utilize mediation to resolve complaints.

6.2.5 Complaint Appeal Process.

- a. If the initial response to the complaint does not satisfactorily resolve the issue, the complainant and/or designee may appeal the decision within fifteen (15) calendar days after the receipt of the City's response, to the Mayor or designee at:

Office of the Mayor
City of Spokane
808 West Spokane Falls Boulevard
Spokane, WA. 99201

- b. Within fifteen (15) calendar days after receipt of the appeal, the Mayor or designee will meet with the complainant to discuss the complaint and possible resolutions. Within fifteen (15) calendar days after the meeting, the Mayor or the Mayor's designee will respond in writing, and, where

appropriate, in a format accessible to the complainant, with a final resolution of the complaint, with a final resolution of the complaint. The Mayor or designee may, when appropriate, utilize mediation to resolve complaints.

6.2.6 Complaint Retention.

All written complaints received by the ADA or Section 504 Coordinator, appeals to the City Administrator, and responses from these two offices will be retained by the City of Spokane for at least three (3) years.

6.2.7 State / Federal Complaint:

The complainant is not precluded from filing formal complaints at any time during or after the complaint process with the following state or federal agencies:

Washington State Human Rights Commission
Spokane District Office
1300 North Washington Street, Suite 2460
Spokane, WA. 99201-1099
TEL/TTY: (509) 568-3196 or 1-800-233-3247
FAX: (509) 568-3197
hum.wa.gov

Office of Justice Programs
Office for Civil Rights
810 7th Street, NW.
Washington D.C. 20531
TEL: (202) 307-0690
FAX: (202) 354-4380
askOCR@ojp.usdoj.gov
justice.gov

Housing complaints may be filed with:

U.S. Department of Housing and Urban Development
Spokane Field Office
920 West Riverside, Suite 588
Spokane, WA. 99201-1010
TEL: (509) 368-3200
FAX: (509) 368-3209
hud.gov

Employment complaints may be filed with:

Equal Employment Opportunity Commission
Seattle Field Office
909 First Avenue, Suite 400

Seattle, WA. 98104
TEL: (800) 669-4000
TTY: (800) 669-6820
FAX: (206) 220-6911
eeoc.gov

6.3 Section 504 – Compliance (Federal Grants)

6.3.1 The objective of Section 504 of the Rehabilitation Act of 1973 is to ensure that entities receiving federal funding or grants do not discriminate against persons with disabilities. Some City departments receive federal funding in support of specific programs, services and activities administered by those departments.

6.3.2 24 CFR Part 8 – Section 504

"No otherwise qualified individual with a disability in the United States... shall, solely by reason of her or his disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program, service or activity receiving Federal financial assistance or under any program or activity conducted by any Executive agency or by the United States Postal Service."

6.3.3 Section 504 – Recipient Defined.

Regulations define "recipient" as any State or its political subdivision, any instrumentality of a State or its political subdivision, any public or private agency, institution, organization, or other entity, or any person to which Federal financial assistance is extended for any program or activity directly or through another recipient, including any successor, assignee, or transferee of a recipient, but excluding the ultimate beneficiary of the assistance. An entity or person receiving housing assistance payments from a recipient on behalf of eligible families under a housing assistance payments program or a voucher program is not a recipient or sub-recipient merely by virtue of receipt of such payments [24 CFR 8.3].

6.3.4 Section 504 – Coverage.

Section 504 covers all programs, services and activities of recipients of federal financial assistance, including, for example:

- a. Outreach and public contact, including contact with program applicants and participants
- b. Eligibility criteria
- c. Application process
- d. Admission to the program

- e. Tenancy, including eviction
- f. Service delivery
- g. Employment policies and practices

6.4 Section 504 – Prohibitions Against Discrimination.

Guarantee	Prohibition
Opportunity to participate	Denying a qualified individual with disabilities the opportunity to participate in, or benefit from, the housing, aid, benefit, or service
Equality of benefits	Failing to afford a qualified individual with disabilities the opportunity for equal participation and benefit
Equality of opportunity	Failing to provide a qualified individual with disabilities a program or service that affords the same opportunity to benefit as that afforded others.
No unnecessary difference or separateness	Providing different or separate housing, aid, benefits or services on the basis of disability unless providing such is necessary to provide housing or benefits that are as effective as that provided to persons without disabilities
No assistance to entities that discriminate	Providing significant assistance to an agency, organization or person that discriminates on the basis of disability in any aspect of a federally assisted activity
Opportunity to serve on boards	Denying a qualified individual with disabilities the opportunity to participate as a member of planning or advisory boards
No denial of right to a dwelling	Denying a dwelling to an otherwise qualified buyer or renter because of a disability of that buyer or renter or another prospective tenant
No discriminatory limitation of benefits	Limiting in any other manner a qualified individual with disabilities in the enjoyment of any right, privilege, advantage, or opportunity afforded to others
Most integrated setting	Providing programs or services to qualified individuals with disabilities in settings that are unnecessarily separate, segregated or restricted

6.5 Section 504 – Responsibilities.

6.5.1 The City of Spokane will comply with Section 504 on federally funded projects administered by the City of Spokane. City departments receiving federal funding shall:

- a. Appoint a Section 504 coordinator.
- b. Take steps to ensure the tenets of the implementing regulations of Section 504 are met, including those regulations that cover:
 - i. Effective communication with applicants, beneficiaries, and members of the public.
 - ii. Employment activities, including job announcements, recruitment, interviews, hiring, work assignments, promotions and dismissals, do not discriminate on the basis of disability.
 - iii. Non-housing and ensure that new construction and alterations of non-housing facilities are made accessible in accordance with applicable standards.
 - iv. Operation of existing housing programs, and steps to ensure that existing housing programs are readily accessible to and usable by persons with disabilities.
 - v. Providing reasonable accommodations which may be necessary for a person with a disability to use or participate in the program, service or activity; unless the recipient can demonstrate that the accommodation will result in an undue financial and administrative burden or a fundamental alteration in the nature of the program, service or activity.
 - vi. Paying for a reasonable accommodation needed by the individual (e.g., a ramp to a unit) unless providing that accommodation would be an undue financial and administrative burden or a fundamental alteration of the program.
 - vii. New construction of housing facilities .
 - viii. Alterations to existing facilities.
 - ix.. Needs assessment requirements

- x. Required self-evaluations of programs, services, and activities to determine if they are programmatically and physically accessible to persons with disabilities.
- c. The City will designate an employee to ensure the recipients' programs, services and activities meet the requirements of Section 504; adopt a complaint procedure to effect due process standards and prompt and equitable resolutions of complaints.
- d. The City will notify participants, beneficiaries, applicants and employees of their nondiscriminatory provisions
- e. The City will maintain records and reports of efforts to meet the requirements of Section 504, and keep these records on file so that they are available if a complaint is filed, or if a Federal compliance office conducts a compliance review.

6.5.2 Department Section 504 Representatives will:

- a. Assure that respective departments comply with all grant requirements through developing, implementing and monitoring processes.
- b. Create and assure that appropriate communication of complaint procedures for the public, employees and service recipients are posted or made known.
- c. Create and implement effective communication mechanisms to acquaint participants, beneficiaries, applicants and employees of rights under all grants.
- d. Assure that sub-recipients comply with all grant requirements and that sub-recipients have complaint and compliance procedures in place.
- e. Investigate complaints filed under Title VI of the Civil Rights Act of 1964 as amended, Section 504 of the Rehabilitation Act of 1973, Civil Rights Restoration Act of 1987, and the Americans with Disabilities Act of 1990, relating to any program, service or activity administered by the City, as well as to sub-recipients, consultants and contractors and forward results to the City's Section 504/ADA Coordinator.
- f. Serve as the department liaison with grantor agencies on compliance issues including on-site compliance monitoring activities.

- g. Work with the City's Section 504/ADA Coordinator as needed when a grant requires ADA compliance.
 - h. Maintain all related files and reports.
- 6.5.3 The City Section 504 Coordinator will assist department Section 504 Representatives with ADA compliance issues pursuant to Federal grant compliance requirements. Responsibilities include but may not be limited to:
- a. Directing complaints and inquiries regarding grants to the appropriate City departments.
 - b. Assisting City Department 504 Representatives with complaints and investigations regarding alleged non-compliance of grant mandates.
 - c. Preparing ADA accessible surveys for inspections.
 - d. Assisting with ADA inspections when requested.
 - e. Serving as a resource on ADA issues.
- 6.5.4 Notice To Participants and Applicants of Programs.
Where possible, Section 504 Coordinators will distribute and post (or have posted) a notice to applicants and participants, that the program, service or activity is federally funded and must meet the mandates of Section 504 of the Rehabilitation Act of 1973 and the ADA. The Notice to Participants and Applicants of Program Form can be obtained by contacting the City of Spokane Human Resources Department.
- 6.5.5 Contractor Assurance of Compliance.
Contractors, sub-contractors and entities participating in Section 504 programs will be required to show compliance with the ADA and Section 504 regulations. The City of Spokane has established a recording procedure for all Section 504 contractor participants. Assurance of compliance documentation will be required. Documentation includes:
- a. Section 504 of the Rehabilitation Act of 1973 & ADA – General information.
 - b. ADA Self-Evaluation Questionnaire.
 - c. Checklist for Readily Achievable Barrier Removal.

- d. Assurance of Compliance Form.
- e. Corrective Action Plan.
- f. Notice to Program Applicants.

6.6 Forms and Documents.

The listed forms and documents are available through the City of Spokane Human Resources Department:

- Notice Under the Americans with Disabilities Act
- City of Spokane Complaint Procedure Under Section 504 and the Americans with Disabilities Act
- Request for Reasonable Accommodation Form
- Citizen Complaint Form – Programs, Services, Facilities and Activities
- Section 504 – General Information
- Section 504 – Notice: Section 504 of the Rehabilitation Act of 1973
- City of Spokane Reasonable Accommodation Policy
- Section 504 – Self-Evaluation Review Form
- Section 504 – Assurance of Compliance
- Section 504 – Checklist for Existing Facilities

7.0 RESPONSIBILITIES

The Human Resources Department is responsible for administration of this policy and procedure.

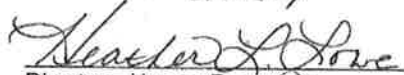
8.0 APPENDICES

None


APPROVED BY:


City Attorney (CRST)

6-4-13
Date


Director – Human Resources

6.12.13
Date


City Administrator

6/18/13
Date

**DRAFT - CITY OF SPOKANE TRANSITION PLAN
UNDER THE AMERICANS WITH DISABILITIES ACT
AND
SECTION 504 OF THE REHABILITATION ACT OF 1973
2014 -2019**

City Administration Support & Approval



Heather L. Lowe
HR Director



Theresa M. Sanders
City Administrator



David A. Condon
Mayor



HUMAN RESOURCES DEPARTMENT
808 W. SPOKANE FALLS BLVD
SPOKANE, WA 99201-3327
(509) 625-6363
FAX (509) 625-6379

City of Spokane Section 504/ADA Complaint Form

Complainant Information

Name of Person Filing Complaint

Name of Person on Whose Behalf the Complaint is Being Filed (Leave Blank if Not Applicable)

Street Address

City, State, ZIP Code

Daytime Phone

Other Phone (Evening, Mobile etc.)

email address

Other Contact Information

Who else can we call if we cannot reach you?

Alternate Contact's Name

Daytime Phone

Alternate Phone (Evening, Mobile, etc.)

Complaint

1. **What** happened to you? How were you discriminated against? State briefly what happened.

2. **Why** do you believe you are being discriminated against?

3. **Who** do you believe discriminated against you?

Name of Person or Department

Address

City, State, Zip

Phone

Please note: Attach sufficient data and documents to support your complaint

4. **Describe where** the alleged act of discrimination occurred?

Address (if known)

City, State, Zip

5. **When** did the last act of discrimination occur?

Date of Most Recent Occurrence (mm/dd/yyyy)

6. Is the alleged discrimination one-time or on-going? ☐ One time ☐ On-going

7. Is there a fair and equitable solution that you believe may remedy the problem?

Signature

Date



Send this form to:
City of Spokane
Human Resources Department
Attn: ADA or Section 504 Coordinator
808 W. Spokane Falls Blvd
Spokane, WA 99201
TEL: (509) 625-6363
FAX: (509) 625-6379
7-1-1 Washington Relay System

City of Spokane Section 504/ADA Complaint Procedure

The purpose of the complaint procedure is to provide citizens a means to file complaints regarding:

- City of Spokane policies or the provision of services, activities and programs to persons with disabilities.
- Alleged discrimination in the provision of services, activities and programs under Section 504 of the Rehabilitation Act of 1973.
- Structural and parking accessibility issues on City owned or controlled property.

Employees of the City of Spokane may file complaints involving alleged discrimination in employment practices to the City of Spokane Human Resources Department where City policy, collective bargaining agreements and applicable laws will guide the investigative procedure and resolution process.

Complaint Procedure and Format

The complaint should be in writing and needs to include the name, address, and phone number of the complainant and the location, date, and description of the alleged problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.

When possible, the complaint form should be used.

Complaint Filing

The complainant and/or their designee should submit the complaint as soon as possible but no later than 60 calendar days after the alleged violation to:

City of Spokane
Human Resources Department
W. 808 Spokane Falls Blvd
Spokane, WA 99201
TEL: 509.625.7083
FAX: 509.625.6379
TDD/TTY: 509.625.6689

Voluntary Resolution of the Issues

During investigation of the complaint, the Section 504 or ADA Coordinator will make every effort to define all of the issues contained in the complaint. Throughout the complaint process, the Coordinator will encourage a voluntary resolution of the matter, and will assist the parties in resolving the complaint through informal resolution. A matter may be resolved by informal means or through mediation at any time.

Complaint Review

Within 15 calendar days after receipt of the complaint, the ADA or Section 504 Coordinator or the Human Resource Department representative will meet with or contact the complainant to review and clarify the issues of the complaint.

Within 30 calendar days of the initial meeting, a response will be provided to the complainant in writing or in a format to accommodate the complainant. The response will explain the position of the City of Spokane and/or offer options for resolution or mediation.

Complaint Appeal Process

If the initial response to the complaint does not satisfactorily resolve the issue, the complainant and/or their designee may appeal the decision within 15 calendar days after receipt of the city's response to the Spokane Mayor or designee at:

City of Spokane
Mayor's Office
W. 808 Spokane Falls Blvd, 7th Floor
Spokane, WA 99201

Within 15 calendar days after receipt of the appeal, the Mayor or the Mayor's designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the initial meeting the Mayor or the Mayor's designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

Complaint Retention

All written complaints received by the ADA or Section 504 Coordinator, appeals to the Mayor's Office, and responses from these two offices will be retained by the City of Spokane for at least three years.

State/Federal Complaint

The complainant is not precluded from filing formal complaints at any time during or after the complaint process with the following state or federal agencies:

Washington Human Rights Commission
Spokane District Office
1300 W Washington St, Ste 2460
Spokane, WA 99201-1099
TEL/TTY: (509) 568-3196
FAX: (509) 568-3197
hum.wa.gov

**Department of Justice
Office of Justice Programs**
Office for Civil Rights
810 7th Street, N.W.
Washington, DC 20531
TEL: (202) 307-0690
FAX: (202) 616-9865
TDD/TTY: (202) 307-2027
askOCR@ojp.usdoj.gov
justice.gov

Housing complaints may be filed with:

U.S. Department of Housing and Urban Development
Spokane Field Office
920 W Riverside, Ste 588
Spokane, Washington 99201-1010
TEL: (509) 368-3200
Fax: (509) 368-3209
hud.gov

Employment complaints may be filed with:

Equal Employment Opportunity Commission
Seattle Field Office
909 First Avenue, Suite 400
Seattle, WA 98104
TEL: 206-220-6883
TTY: 206-220-6882
eeoc.gov

