



## Agenda

### City of Newberg ADA Ad Hoc Committee Meeting 1: ADA Self-Evaluation and Transition Plan

Date: **March 21, 2022**

Time: **2:30 P.M. to 4:30 P.M.**

Meeting Link:

<https://us06web.zoom.us/j/81936066884>

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## Participants

ADA Ad Hoc Committee and City of Newberg Staff

## Schedule

### **5 to 10 minutes: Welcome and Introductions**

### **10 to 15 minutes: ADA Self-Evaluation and Transition Plan (presentation)**

- What is it?
- Why is required?

### **15 to 20 minutes: Project Overview**

- Goals, process, and schedule
- Role of the Ad Hoc Committee

### **30 to 40 minutes: Needs, Challenges, and Opportunities**

- What's working well?
- What are the biggest needs?
- What are the biggest challenges?
- Where are the greatest opportunities?

### **20 to 25 minutes: Planning Priorities**

- Prioritization criteria development
- Federal priorities for the right-of-way

### **5 minutes: Next Steps**



## Participant Agreement

In an effort to engage as a group in a constructive manner and foster a safe space to share and engage we ask the following of meeting participants.

### Before we begin on Zoom

- **Name yourself** in the Zoom settings
- **Mute your mic** if you are not speaking

### Participation Agreements

- **One** person speaks at a time
- Be **respectful** of one another's opinions
- **Use your video** so we can connect
- **Share** opinions and **acknowledge** others
- Use **"I"** statements
- Speak from your **heart**
- Use the **chat** to share comments in your own words
- Be **present** – avoid checking email or your phone

We will try to answer all questions during the meeting but may need to follow-up with more detailed responses afterward.

## The Americans with Disabilities Act

The Americans with Disabilities Act (ADA) is a comprehensive civil rights law for persons with disabilities covering employment and the provision of goods and services. Its purpose is to provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities. Congress emphasized that the ADA seeks to dispel stereotypes and assumptions about disabilities and to assure equality of opportunity, full participation, independent living, and economic self-sufficiency for people with disabilities. Although the ADA is not the only accessibility standard the City must follow, it was the foundational legislation for the City's accessibility efforts.

The ADA is organized under five titles:

- Title I: Employment;
- Title II: State and Local Government;
- Title III: Public Accommodations and Commercial Facilities;
- Title IV: Telecommunications; and
- Title V: Miscellaneous.

Congress passed the ADA on July 26, 1990. Enforcement of the ADA is one of the responsibilities of the Civil Rights Division of the Department of Justice (DOJ). The DOJ published the original title II and title III regulations on July 26, 1991, including the 1991 ADA Accessibility Guidelines. Title II of the ADA covers the programs, activities, and services of non-federal public entities. Under the requirements of this title,

*No qualified individual with a disability shall, on the basis of disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any public entity (28 CFR 35.130).*

### Application of Regulations

A fundamental tenet of title II of the ADA is “the principle that individuals with disabilities must be provided an equally effective opportunity to participate in or benefit from a public entity's aids, benefits, and services.” (ADA, Title II Technical Assistance Manual II-3.3000). This principle is referred to as program accessibility.

*A public entity may not deny the benefits of its programs, activities, and services to individuals with disabilities because its facilities are inaccessible. A public entity's services, programs, or activities, when viewed in their entirety, must be readily accessible to and usable by individuals with disabilities. This standard, known as "program accessibility," applies to all existing facilities of a public entity. Public entities, however, are not necessarily required to make each of their existing facilities accessible (ADA, Title II Technical Assistance Manual II-5.1000).*

## **Discrimination and Accessibility**

To be accessible and non-discriminatory, both physical and programmatic accessibility must be provided. Physical accessibility, also referred to as architectural access, requires that a facility be barrier-free. Barriers include any obstacles that prevent or restrict the entrance to or use of a facility. Programs offered to the public must also be accessible. Program accessibility requires that individuals with disabilities be provided an equally effective opportunity to participate in or benefit from a public entity's programs and services.

Program accessibility can be achieved by several methods:

- Structural methods such as altering an existing facility;
- Acquisition or redesign of equipment;
- Assignment of aids; and/or
- Providing services at alternate accessible sites.

When choosing a method of providing program access, public entities are required to prioritize the method that results in the most integrated setting appropriate to encourage interaction among all users, including individuals with disabilities. Compliance with these requirements provides equality of opportunity.

## **New Facilities and Alterations of Existing Facilities**

Public entities are required to ensure that newly constructed public facilities are accessible. This standard applies to both interior and exterior spaces of new facilities, as well as elements provided at sites, usually without distinction. All areas of new construction must be accessible, including multiple spaces of the same type, unless specified. In rare circumstances where incorporation of accessibility features is "structurally impracticable" in new construction, full compliance is not required, but public entities must demonstrate which requirements are structurally impracticable to meet.

The ADA also provides guidance on alterations to existing facilities. Alterations that affect or could affect the usability of the facility should be undertaken in such a manner that accessibility is ensured to the maximum extent feasible (MEF). The phrase "to the maximum extent feasible" applies where the nature of an existing facility makes it virtually impossible for a planned



alteration to comply fully with applicable accessibility standards. These specific alterations should aim to provide the maximum physical accessibility feasible.

## **Maintaining Accessible Facilities**

In addition to providing programmatic access, public entities are obligated to maintain all accessible facilities in operable working condition, with exceptions for temporary disruptions. ADA technical assistance materials contain the following language about maintenance:

***Maintenance of Accessible Features.** Public entities must maintain in working order equipment and features of facilities that are required to provide ready access to individuals with disabilities. Isolated or temporary interruptions in access due to maintenance and repair of accessible features are permitted.*

*Where a public entity must provide an accessible route, the route must remain accessible and not blocked by obstacles such as furniture, filing cabinets, or potted plants. An isolated instance of placement of an object on an accessible route, however, would not be a violation, if the object is promptly removed. Similarly, accessible doors must be unlocked when the public entity is open for business.*

*Mechanical failures in equipment such as elevators or automatic doors will occur from time to time. The obligation to ensure that facilities are readily accessible to and usable by individuals with disabilities would be violated, if repairs are not made promptly or if improper or inadequate maintenance causes repeated and persistent failures (ADA, Title II Technical Assistance Manual II-3.10000).*

## **Self-Evaluation and Transition Plan (SETP)**

Self-evaluations and transition plans are legislatively required components of title II that provide a framework for the continuous improvement of a public entity's programs and facilities for people with disabilities. They are not one-time obligations, but rather should be living documents that are regularly updated as programs and services change, as barriers are removed, as new facilities are built, and as old ones are modified.

A self-evaluation identifies and evaluates all programs, activities, and services offered by a public entity. It also reviews all policies, practices, and procedures that govern administration of the entity's programs, activities, and services. After the evaluation, recommendations are developed to correct the policies and practices that are inconsistent with title II regulations and result in limited access for persons with disabilities.



Self-evaluations must:

- Evaluate services, policies, and practices;
- Identify modifications needed to services, policies, and practices; and
- Involve people with disabilities in the self-evaluation process (28 CFR 35.105).

After barriers are identified at existing facilities, the transition plan outlines a strategy for remediation. The transition plan must:

- List barriers;
- Identify feasible solutions to each barrier;
- Establish a timeline for removing barriers;
- Identify the person responsible for title II compliance; and
- Involve people with disabilities in the preparation of the Plan (28 CFR 35.150 (d))

The requirements for an SETP apply to all units of a public entity that provide services, programs, or activities to the public. Also note that Department of Transportation fund recipients need to establish a system for periodically reviewing and updating the evaluation per 49 CFR § 27.11(c)(2)(i-v)).

## **Designated ADA Coordination and Complaint Procedure**

Public entities that employ more than 50 people are required to designate at least one person to coordinate their ADA compliance efforts (28 CFR 35.107). Along with this designation, public entities are required to adopt and publish grievance procedures so members of the public can seek resolution to complaints about barriers to accessibility. The designated employee is responsible for investigating these complaints of discrimination and noncompliance and serves as the point of contact for requests for auxiliary aids and services, policy modifications, and other accommodations. As part of this requirement, the designated person's name, office address, and telephone number must be made available to all interested individuals. A public entity is not precluded from designating multiple employees for this effort, and in some instances, this may be a more appropriate approach. The federal law does not require the use of the title "ADA Coordinator," but it is commonly used by public entities. Also note that Department of Transportation fund recipients need to keep the complaints on file for one year and maintain a record, which may be in summary form, for five years per 49 CFR § 27.121 (b) Compliance reports.

## Presentation Outline

1. Americans with Disabilities Act (ADA) Self-Evaluation and Transition Plan (Section Slide)
2. Disclaimer
  - Information, materials, and/or technical assistance are intended solely as informal guidance, and are neither a determination of your legal rights or responsibilities under the ADA, nor binding on any agency with enforcement responsibility under the ADA.
3. Agenda
  - ADA Self-Evaluation and Transition Plan
  - Project Overview
  - Needs, Challenges, and Opportunities
  - Planning Priorities
  - Next Steps
4. Title II of the ADA (Section Slide)
5. The Americans with Disabilities Act (ADA)
  - President George H.W. Bush signed the Americans with Disabilities Act (ADA) July 26, 1990
  - The ADA is a civil rights law mandating equal opportunity for individuals with disabilities
6. Section 504 of the Rehabilitation Act of 1973
  - Obliges state and local governments to ensure that persons with disabilities have equal access to any programs, services, or activities receiving federal financial assistance.
7. Nothing About Us Without Us (disabled community inclusion in the process)
8. Titles of the ADA
  - Title I – Employment
  - Title II – Public transportation, state and local government services
  - Title III – Places of public accommodations
  - Title IV – Telecommunications
  - Title V – Miscellaneous
9. Title II – State and Local Governments
  - Prohibits discrimination on the basis of disability in the services, programs, or activities of all state and local government entities.
  - Obligations cover all programs, services, and activities provided directly or indirectly through contracts.
10. Title II – Equality in Access
  - The primary responsibility of public agencies with regard to the ADA is to provide equal access to programs, activities, and services.
11. Title II – General Non-Discrimination Provisions
  - Maximum integration

- Cannot refuse to provide service
- Cannot require participation in separate programs
- No unnecessary eligibility standards
- No special requirements
- No extra charges
- Need to anticipate needs of people with disabilities
- Provide reasonable accommodations
- Make reasonable modifications
- Equally effective communication

#### 12. Title II – Technical Requirements

- 28 CFR §35.106 Notice: Make publicly available the protections against discrimination and its applicability to the services, programs, or activities of the public entity
- 28 CFR §35.107: Designation of responsible employee and adoption of grievance procedures.
  - 50 or more employees
  - Investigation of any complaint
  - Make available the name, office address, and telephone of designated employee or employees
  - Publish grievance procedure providing prompt and equitable resolution

#### 13. Title II – Technical Requirements (cont.)

- 28 CFR §35.105 Self-Evaluation
  - Evaluate services, policies, and practices
  - Identify modifications
- 28 CFR §35.150 (d) Transition Plan
  - List barriers and identify solutions
  - Establish a timeline for removing barriers
  - Identify the person responsible for title II compliance
- 28 CFR §35.105 and §35.150 (d) Engaging the Public
  - Involve people with disabilities to participate in the self-evaluation process and preparation of the transition plan

#### 14. Title II – Administrative Requirements

- Provide notice of nondiscrimination;
- Complete a Self-Evaluation of services, policies, and practices;
- Develop a Transition Plan that identifies any structural modifications necessary for compliance;
- Develop an ADA grievance procedure;
- Designate a person who is responsible for overseeing title II compliance; and
- Include people with disabilities in the planning process

#### 15. Americans with Disabilities Act (ADA) Self-Evaluation and Transition Plan (Closing Slide)



## Project Overview:

### Work Plan

The following work plan is scalable to be the most efficient with currently available City resources for completing the project. The ADA legislation requires the following list of Self-Evaluation and Transition Plan elements:

#### § 35.105 Self-Evaluation

- Evaluate services, policies, and practices;
- Identify modifications needed to services, policies, and practices; and
- Involve people with disabilities to participate in the self-evaluation process.

#### § 35.150 (d) Transition Plan

- List barriers;
- Identify feasible solutions to each barrier;
- Establish a timeline for removing barriers;
- Identify the person responsible for title II compliance; and
- Involve people with disabilities in the preparation of the Plan.

The scope of work clearly addresses each of these requirements and will specify the steps needed to accomplish this work.

### Assumptions

#### Public and Project Meeting Venues

Considering changing public health guidelines about large group gatherings and events amidst COVID-19 health concerns, the meetings in this scope of work assume social distancing practices will be used to protect the public, the City's staff, and our team of professionals, and that the meeting venue will be digital.

#### Public Meetings

At each public meeting, the City's ADA Coordinator or Project Manager will be in attendance. The City will provide the digital meeting space or, if in-person, the meeting venue. The City will provide the digital meeting space or, if in-person, the meeting venue, and any materials requested by the public, including ASL interpreters, alternative formats, other program modifications, or written minutes of the meeting. The City Project Manager will manage communications with the ADA Stakeholder Group. MIG will facilitate the meetings and provide agendas, graphics, and text materials for the meetings and a written summary of the meeting. At a minimum, MIG's Project Manager and/or Deputy Project Manager will be in attendance.



## **Project Meetings**

MIG or the City will provide remote digital meeting space when not in person. The City Project Manager will identify and contact the appropriate City staff for attendance at each of the meetings. At a minimum, MIG's Project Manager and/or Deputy Project Manager will be in attendance.

## **Project Approach and Plan Development**

This project approach assumes that the assessment of city-owned park properties for accessibility barriers and the development of a transition plan for these properties is the Chehalis Park and Recreation District's responsibility.

This approach assumes the facility barrier assessments already completed for the following buildings are the complete inventory of city buildings with public programs and activities.

- Public Safety Building, 401 E 3rd Street, Newberg, OR 97132
- City Hall, 414 E 1st Street, Newberg, OR 97132
- City Library, 503 E. Hancock Street, OR 97132

The City will provide GIS inspection data from the 2007 ADA/Pedestrian/Bike Route Improvement Plan and the updated supplemental data for curb ramps and sidewalks for completing the analysis of the accessibility barriers. The City will provide the accessibility barrier data collected for sidewalks and curb ramps through the Project Sidewalks effort to inform the transition plan prioritization and scheduling process. It is also MIG's understanding the City is not responsible for the installation of pedestrian-actuated pushbuttons at pedestrian signals.

## **Task 1: Project Development**

### **Task 1.1: Project Initiation / Ongoing Management / Communication**

MIG will maintain project files, invoicing, records of meetings, reports, and recommendations. The MIG Project Manager/Principal will be available and in communication with the City's Project Manager and team throughout the project.

**City Staff Involvement:** Process payments, project communication, ongoing City engagement in the planning process

**Deliverable:** MIG will provide monthly invoices and maintain consistent communication with the City's project manager.



### **Task 1.2: Project Initiation – Staff Meeting #1**

Following the execution of a contract, MIG will meet with City staff to refine the proposed tasks and schedule, including the ADA Stakeholder Group’s involvement during the preparation of the Self-Evaluation and Transition Plan. MIG will discuss the City’s current approach to data and asset management, and identify the City staff that will work with MIG to develop the data products and information needed (Task 5.7) to implement the final Plan. MIG will work with City staff to identify and obtain all necessary documents and materials to support the self-evaluation process and, if applicable, facility field evaluations (see Exhibit A).

**City Staff Involvement:** City ADA Coordinator or Project Manager and key staff members will attend a 1-1/2 to 2-hour meeting with MIG. City staff will assemble data and documents to support Tasks 2, 3, and 4.

**Deliverable:** MIG will provide the agenda and meeting materials, and facilitate the meeting. MIG will update the project schedule.

### **Task 1.3: Public Information Portal**

MIG recommends that the City designate a page on the City’s website to the ADA Self-Evaluation and Transition Plan. The web page will serve as an information portal for the Plan process, meeting summaries, the project schedule, and more generally, the City’s ADA title II policies and contacts. The City can also post the draft Plan for public comment on this page.

**City Staff Involvement:** City staff will update the web page information as needed.

**Deliverable:** MIG will provide City staff with planning project announcements, meeting summaries, and updates for the web page throughout the project.

### **Task 1.4: Stakeholder Group [Ad Hoc Committee\*] Development**

MIG will work with the City’s Project Manager to identify a preliminary Stakeholder Group to provide review and perspective for the project. Stakeholder group participants will be determined by City staff and solicited from local organizations that serve people with disabilities. A stakeholder group of six to eight people is manageable and productive. The Stakeholder Group’s principal task is to provide insights during the barrier prioritization process and review the draft Plan. Forming the Stakeholder Group will allow for the participation of members of the disability community citywide, creating one forum to discuss ADA barriers and priorities within the City.

**\* Note on the ADA Ad Hoc Committee:** The City of Newberg’s ADA Ad Hoc Committee was formed through open recruitment of volunteers with postings on the City of Newberg website, Facebook, and Twitter; and through the posting of flyers around town. Interested individuals



filled out an application; these applications were reviewed by the Mayor, who appointed members, and these selected appointments were then ratified through a City Council meeting.

**City Staff Involvement:** City Project Manager will identify, if available, preliminary Stakeholder Group participants.

**Deliverable:** MIG will work with the City's Project Manager to identify and contact Stakeholder Group participants. MIG will facilitate two Stakeholder Group meetings as part of this project.

### **Task 1.5: ADA Stakeholder Group [Ad Hoc Committee] - Meeting #1**

At the first meeting, MIG will orient the Stakeholder Group on the process and components required to fulfill the obligations to complete an ADA Self-Evaluation and Transition Plan. MIG will also work with the group to identify what is working well, what are challenges, and work with the group to identify and establish planning priorities for the transition plan schedule.

**City Staff Involvement:** Scheduling meeting.

**Deliverables:** MIG will collect information from the Stakeholder Group participants for inclusion in the self-evaluation and transition plan development.

## **Task 2. ADA Policy, Procedures, and Program Evaluation and Report**

### **Task 2.1: Review City of Newberg Programs, Policies, and Standards**

MIG will collect and review City policy documents to identify issues that should be addressed regarding the accessibility of policies, programs, and activities. MIG will review existing policy documents related to programs to identify issues that should be addressed to ensure that policies are nondiscriminatory to people with disabilities. Policy documents will include department and facility rules and regulations, administrative bulletins, planning documents, design standards, and maintenance management practices. This task also includes a review of online services and digital communication. Based on the review, MIG will make recommendations regarding policies and standards to ensure compliance with current ADA design guidance.

**City Staff Involvement:** Staff will provide MIG direction on the various programs and policy documents for review.

**Deliverables:** MIG will conduct the review of services, policies, and practices.



## **Task 2.2: Staff Questionnaire and Orientation – Staff Meeting #2**

To meet the requirements of 28 CFR Subpart A, MIG will evaluate the current level of accessibility of programs, services, and activities provided through an online program questionnaire to selected City staff. The evaluation will identify current practices regarding ADA requirements. The questionnaire will be distributed electronically.

Before distributing the questionnaire, MIG will meet with staff engaged with the programming, design, development, and maintenance of facilities; introduce and orient them to the questionnaire; and answer any questions about the self-evaluation process. The results of the questionnaire will be included in the Draft ADA Self-Evaluation Report (Task 2.3).

**City Staff Involvement:** City Project Manager and key staff members will attend a 1-hour meeting with MIG. The questionnaire will be distributed as an URL to selected City staff. Staff will complete the online questionnaire (approximately 15 to 45 minutes). Assistance from the City's Project Manager may be required to prompt staff to complete the questionnaire.

**Deliverables:** MIG will facilitate the meeting, provide the program questionnaire online, review and analyze responses, and provide recommendations.

## **Task 2.3: Prepare Draft ADA Self-Evaluation Report**

Based on the policy review, staff questionnaire analysis, and staff interaction, MIG will prepare a draft ADA Self-Evaluation Report. After City review, the draft ADA Self-Evaluation Report will be updated and incorporated as part of the Draft and Final ADA Self-Evaluation and Transition Plans.

**City Staff Involvement:** The City will review the outcomes of the evaluations.

**Deliverable:** MIG will provide the City with a Draft Self-Evaluation Report. After reviewing and commenting on the draft report, the report's recommendations and observations will be incorporated in an Excel Workbook. The workbook is intended to be the living self-evaluation document for tracking modifications to the City's programs, activities, and services.

## **Task 3: ADA Facility Evaluations**

### **Task 3.1: Review and Preparation of Barrier Assessment Report Information**

The results of the interior and exterior accessibility assessments completed in 2017 for the City Hall, Public Library, and Public Safety Building will be reviewed. In coordination with City staff, MIG will identify the barrier removal projects completed to date. The information included in these reports will be organized and prepared to be summarized, prioritized, and incorporated into a transition plan schedule.



**City Staff Involvement:** The City will coordinate with MIG.

**Deliverable:** The MIG Team will prepare the reports for inclusion in the transition plan process.

### **Task 3.2: Conduct Remaining Facility Evaluations and Reports**

MIG will prepare diagrammatic plans of facilities using site plans and floor plans provided by the City. If plans do not exist, MIG will produce illustrative diagrammatic plans. Aerial imagery will also be used for the exteriors. The diagrams will be used to indicate the location of ADA barriers identified during the site evaluation.

MIG will evaluate all portions of the exterior and interior features of facilities where members of the public engage in programs, activities, and services. This does not include areas that are for authorized personnel only, staff workspaces, or maintenance spaces. The evaluation will identify physical barriers in each facility that limit accessibility for the public and compare each facility to the Oregon Structural Specialty Code, the ADA Standards, and the ABA Standards for Outdoor Developed Areas. MIG will produce a report for each facility with a master list detailing each barrier identified within state and federal accessibility regulations.

The reports will include:

- **Barrier Identification Table:** Lists specific barriers encountered during the evaluation process. Barriers will be organized by architectural element and located by reference number on the facility diagram. MIG will include as-built dimensions and required dimension or condition, and code reference citations.
- **Conceptual Solution:** MIG will provide a conceptual solution to resolving the barrier in text format and will recommend alternate solutions or equivalent facilitation when feasible.
- **Planning Cost Estimate:** Each barrier removal action, such as replacing a doorknob with lever-type door hardware, is assigned a cost. Costs represent a planning level estimate based on the cost of construction, which can be used to determine the cost for removing barriers at facilities.
- **Barrier Category:** Barriers will be assigned a draft Barrier Category to be reviewed and confirmed by City staff during the prioritization process (Task 3.4).
- **Reference Diagram:** The report will include a reference diagram locating the barriers on a floor plan, site plan, or aerial photograph of the facility.
- **Photograph:** Images of the facility barriers will be included with the barrier identification details.

**City Staff Involvement:** The City will provide any existing CAD files, site plans, emergency evacuation diagrams, or other graphics or information that portray City facilities. City staff will be responsible for providing access to any locked City facilities, but otherwise, MIG will not need to be accompanied by a City staff person. City staff will review reports before Task 3.4.



**Deliverable:** MIG will conduct ADA site evaluations of the facilities listed in Exhibit A. MIG will provide the City with a PDF of the facility reports for review before Task 3.4.

### **Task 3.3: Facility Barrier Summary Report**

The evaluations' results will be included in a summary report of the identified barriers across all City facilities. Barrier data will be summarized to share with the Stakeholder Group in an easily readable format. This information will be integrated with the applied prioritization criteria discussed in Task 3.4 to assist with the transition plan phasing schedule.

**City Staff Involvement:** The City will review the outcomes of the evaluations.

**Deliverable:** The MIG Team will provide the City with a Facility Barrier Summary Report.

### **Task 3.4: Facility Prioritization Work Session – Staff Meeting #3**

MIG will assist staff with prioritizing the list of barriers and facilities to develop a transition plan schedule to remove accessibility barriers. The meeting will assist City's staff in determining appropriate responses to mitigating barriers, either through modification of facilities, or by relocating programs, or by other programmatic solutions. The recommendations included in the Plan are not intended to be absolute or unconditional. It is expected that shifting program participation, funding, facility improvements, and other factors will influence the prioritization and scheduling of access improvements.

**City Staff Involvement:** Participation of key staff members in a prioritization work session (2 hours).

**Deliverables:** MIG will facilitate the meeting and provide an agenda and materials for the meeting.

## **Task 4: ADA Right-of-Way (ROW) Evaluations**

### **Task 4.1: Review and Preparation of the ADA ROW Data and Plans**

The data and plan recommendations from the 2007 ADA accessibility assessments, the Project Sidewalk effort, and the City's inspection effort for pedestrian access routes will be reviewed. In coordination with City staff, MIG will identify the barrier removal projects completed to date. During this process, MIG will determine the remaining public right-of-way facilities that may need site evaluations described in Tasks 4.3 and 4.4. MIG will consolidate the information and prepare the information to be summarized, prioritized, and developed into a transition plan schedule.

**City Staff Involvement:** The City will coordinate with MIG.



**Deliverable:** The MIG Team will review the plans and prepared the data for inclusion in the transition plan process.

#### **Task 4.2: Conduct ROW Evaluation Strategy Session – Staff Meeting #4**

MIG will conduct a ROW evaluation strategy session with City staff responsible for facilities in the right-of-way. The strategy session will identify the areas of highest priority for pedestrian improvement based on the ADA title II criteria and discuss specific prioritization criteria for the City of Newberg, such as high-use pedestrian corridors. We will identify the areas of highest priority for pedestrian improvement that will inform the timeframe for the removal of barriers. At this meeting, we will also discuss the data collection methodology that will inform Task 4.3.

**City Staff Involvement:** City Project Manager and key staff members will attend a 1-1/2 to 2-hour meeting with MIG.

**Deliverable:** MIG will facilitate the meeting and prepare materials for the meeting.

#### **Task 4.3: Develop Procedures for ROW Evaluation**

MIG will prepare and customize the procedures needed to conduct the evaluation of the remaining facilities within the City's ROW. MIG will build upon the City's existing GIS data and information gathered in Task 1. The evaluation procedures will be based on the ADA Standards and the Proposed Accessibility Guidelines for Pedestrian Facilities in the Right-of-Way. The MIG Team will provide the City a draft data collection methodology to collect accessibility data for sidewalks, curb ramps, and on-street parking. MIG's fee proposal includes a streamlined collection process for curb ramps, which involves data collection structured so that if a complete curb ramp replacement is merited, the evaluator stops and moves onto the next curb ramp.

**City staff involvement:** The City will work with MIG and provide comment to develop the procedures for the ROW evaluation, which will inform the outputs developed in Task 4.6.

**Deliverable:** After Task 4.2 MIG will produce a draft procedure for the right-of-way evaluations for City review and comment. Once MIG has received all comments, MIG will finalize the procedures before starting Task 4.4.

#### **Task 4.4: Conduct ROW Evaluations**

The MIG Team will conduct evaluations of the facilities in the right-of-way. Barrier data will be collected using tablets and stored in a real-time cloud database for immediate review. The fee for sidewalk and curb ramp data collection is based on 50 sidewalk miles. The fee is scalable for this the effort. Please see the Costs section for more information.





**City staff involvement:** The City will be continuously updated on the status of the evaluations. The City will manage public relations regarding the presence of field technicians through appropriate social media outlets.

**Deliverable:** The MIG Team will conduct the evaluations within the right-of-way.

#### **Task 4.5: ROW Summary Report**

The existing right-of-way barrier data will have the draft prioritization criteria applied, and the information will be mapped and included in a summary report. The applied prioritization criteria will inform the development of the transition plan phasing schedule.

**City staff involvement:** The City will review the report and the applied prioritization criteria.

**Deliverable:** MIG will provide the City with a Draft ROW Summary Report.

#### **Task 4.6: ROW Prioritization Work Session – Staff Meeting #5**

MIG will meet with City staff to review the results of the report and applied prioritization criteria. At this meeting, the timeline for mitigating barriers and strategies for funding barrier removal will be discussed for incorporation into the transition plan schedule.

**City Staff Involvement:** City Project Manager and key staff members will attend a 1-1/2 to 2-hour meeting with MIG.

**Deliverables:** Following the meeting, MIG will make edits to the priorities before Task 5.1.

### **Task 5: Prepare the ADA Self-Evaluation and Transition Plan**

#### **Task 5.1: ADA Stakeholder Group [Ad Hoc Committee] Meeting #2**

MIG will present the results of the self-evaluation (Task 2) and facility and right-of-way evaluations (Tasks 3 and 4), and collect feedback on the findings and draft barrier removal priorities for incorporation into the Draft of the Plan (Task 5.2).

**City Staff Involvement:** Scheduling meeting.

**Deliverable:** MIG will provide the meeting agendas, graphics, and text materials for the meeting.

#### **Task 5.2: Prepare the Draft ADA Self-Evaluation and Transition Plan**

Based on the policy and program evaluation, the facility evaluations, and the prioritization and scheduling process, MIG will prepare a Draft of the ADA Self-Evaluation and Transition Plan. MIG will work with City staff to prepare the schedule of barrier removals based on the facility prioritization process. The Draft Plan will include:



- ADA Self-Evaluation and Transition Plan requirements and process, including the methodology employed and the prioritization and scheduling process
- Public outreach process and summary
- Transition plan implementation schedule
- Implementation strategies
- ADA notice, grievance, and designated employee information
- Program accessibility guidelines, standards, and resources
- Appendices

**City Staff Involvement:** Review the Draft Plan and provide comments for developing the public review draft.

**Deliverable:** MIG will provide the Draft Plan for review and comment by City staff in PDF and Word format.

### **Task 5.3: Staff Draft Plan Review – Staff Meeting #6**

MIG will meet with City staff to discuss edits and revisions to the draft Plan. After MIG makes the requested edits, the Draft Plan will be shared out to the Stakeholder Group for comments prior to Task 5.4.

**City Staff Involvement:** Review the Draft Plan and distribute to the Stakeholder Group and provide consolidated comments to develop the public review draft.

**Deliverable:** MIG will meet with staff and revise the Plan for Task 5.4.

### **Task 5.4: Public Review Draft of the Self-Evaluation and Transition Plan**

MIG will create a Public Review Draft of the Plan for public distribution and comment. The digital document will be formatted for use by screen readers and posted to the City's website.

**City Staff Involvement:** The City will post the Public Review Draft to the website for comments. See additional options for public outreach following this scope of work.

**Deliverable:** MIG will provide a tagged PDF and Word document of the Plan for posting to the City's website.

### **Task 5.5: Prepare the Final ADA Self-Evaluation and Transition Plan**

After receiving all the public comments, MIG will coordinate with City staff on additional edits to the Draft Plan and prepare the Final Plan.

**City Staff Involvement:** Provide public comments.



**Deliverable:** MIG will update the document and provide a final Word and PDF format of the Plan.

### **Task 5.6: ADA Transition Plan Implementation Data**

Upon completing the Plan, MIG will finalize the barrier prioritization for transition plan development and provide the City with GIS and Excel data containing all the barrier information priorities. MIG's fee includes coordination and discussions with staff on data implementation workflow and tools. The data provided is intended to be the living document for tracking, mapping, and monitoring the Plan's implementation.

**City Staff Involvement:** Review and use the data provided to implement the transition plan phasing schedule.

**Deliverable:** GIS data and Excel data for tracking the implementation of the transition plan.

### **Exhibit A**

The following is the list of additional facilities for inclusion in the ADA evaluations:

#### **Facilities Inventory:**

- Wastewater Treatment Plant
- Butler Property
- Francis Square
- Girl Scout Garden
- Waterwise Demonstration Garden

#### **Right-of-Way**

- On-street parking (timed and/or signed)



## **Current Project Schedule**

### **1 Project Initiation / Ongoing Management / Communication**

#### **NOVEMBER 2021 TO OCTOBER 2022**

- 1.1 Project Management
- 1.2 Project Initiation – Staff Meeting #1 (November 2021)
- 1.3 Public Information Portal
- 1.4 Stakeholder Group Development
- 1.5 ADA Stakeholder Group Meeting #1 (February 2022)

### **2 ADA Policy, Procedures, and Program Evaluation and Report**

#### **DECEMBER 2021 TO APRIL 2022**

- 2.1 Review City of Newberg Programs, Policies, and Standards
- 2.2 Staff Questionnaire and Orientation – Staff Meeting #2 (February 2022)
- 2.3 Prepare Draft ADA Self-Evaluation Report

### **3 ADA Facility Evaluations**

#### **JANUARY 2022 TO MAY 2022**

- 3.1 Review and Preparation of Barrier Assessment Report Information
- 3.2 Conduct Remaining Facility Evaluations and Reports
- 3.3 Facility Barrier Summary Report
- 3.4 Facility Prioritization Work Session – Staff Meeting #3

### **4 ADA Right-of-Way (ROW) Evaluations**

#### **JANUARY 2022 TO MAY 2022**

- 4.1 Review and Preparation of ADA ROW Data and Plans
- 4.2 Conduct ROW Evaluation Strategy Session – Staff Meeting #4
- 4.3 Develop Procedures for ROW Evaluation
- 4.4 Conduct ROW Evaluations
- 4.5 ROW Summary Report
- 4.6 ROW Prioritization Work Session – Staff Meeting #5



## **5 Prepare the ADA Self-Evaluation and Transition Plan**

### **MAY 2022 TO OCTOBER 2022**

- 5.1 Prepare the Draft ADA Self-Evaluation and Transition Plan
- 5.2 Staff Draft Plan Review – Staff Meeting #6
- 5.3 Public Review Draft of the Self-Evaluation and Transition Plan
- 5.4 ADA Stakeholder Group Meeting #2
- 5.5 Prepare the Final ADA Self-Evaluation and Transition Plan
- 5.6 ADA Transition Plan Implementation Data

## Planning Priorities

### Criteria For Prioritizing Facility Barrier Removal

The ADA does not establish priorities determining the schedule of barrier removal for facilities such as buildings or parks, but there are approaches the city can take to look at the services, programs, and activities when viewed in their entirety.

#### **28 CFR §35.150 Existing facilities.**

*(a) General.* A public entity shall operate each service, program, or activity so that the service, program, or activity, when viewed in its entirety, is readily accessible to and usable by individuals with disabilities.

#### **Example Criteria**

Prioritizing the removal of barriers at City facilities is an essential component of developing and implementing an ADA transition plan. The following are some draft criteria that will be considered for determining the schedule for removing barriers when looking at the city's programs in their entirety. Prioritization criteria are not limited to the following list, but these criteria will be discussed with staff and stakeholders as part of the transition plan development.

#### **IDENTIFIED COMPLAINTS OR REQUESTS**

Facilities with a history of citizen complaints or requests related to accessibility can be assigned a higher priority.

#### **LEVEL OF USE BY THE PUBLIC**

Facilities that have a high level of public use are a higher priority.

#### **PROGRAM UNIQUENESS**

Some programs are unique to a building, facility, or population and cannot occur at another location.

#### **CITIZEN RIGHTS AND RESPONSIBILITIES**

Facilities where services are provided to exercise citizen rights—participation in City Council and Commission meetings, access to elected officials, facilities where taxes are paid, permits, and licenses are obtained, etc.

#### **DIVERSITY, EQUITY, AND INCLUSION PLAN**

The facility's location is identified in the city's diversity, equity, and inclusion plan or some similar plan.



## **GEOGRAPHIC DISTRIBUTION**

By selecting a range of facilities that are distributed throughout the city, the city can ensure maximum access for all residents.

## **RECOGNIZED USER GROUPS**

Facilities where programs are serving youth, seniors, and people with special needs are provided.

## **PLANNED OBSOLESCENCE**

Identification of facilities with capital projects replacing the existing facility can be assigned a lower priority.

## **ADA Criteria for Prioritizing Right-of-Way Facility Barriers**

Title II of the ADA (28 CFR Section 35.150 (d)) requires that state and local entities develop a transition plan specific to curb ramps:

### **28 CFR Part 35, Subpart D—Program Accessibility, § 35.150 Existing facilities.**

(d) Transition plan

(2) If a public entity has responsibility or authority over streets, roads, or walkways, its transition plan shall include a schedule for providing curb ramps or other sloped areas where pedestrian walks cross curbs, giving priority to walkways serving entities covered by the Act, including **State and local government offices and facilities, transportation, places of public accommodation, and employers, followed by walkways serving other areas.**

(3) The plan shall, at a minimum:

- i. Identify physical obstacles in the public entity's facilities that limit the accessibility of its programs or activities to individuals with disabilities;
- ii. Describe in detail the methods that will be used to make the facilities accessible;
- iii. Specify the schedule for taking the steps necessary to achieve compliance with this section and, if the time period of the transition plan is longer than one year, identify steps that will be taken during each year of the transition period; and
- iv. Indicate the official responsible for implementation of the plan.