

CITY OF BONITA SPRINGS, FLORIDA

RESOLUTION NO. 19 – 92

A RESOLUTION OF THE CITY OF BONITA SPRINGS ADOPTING THE CITY OF BONITA SPRINGS AMERICANS WITH DISABILITIES ACT (ADA) TRANSITION PLAN.

WHEREAS, Title II of the Americans with Disabilities Act (ADA) applies to State and local government entities, protects qualified individuals with disabilities from discrimination on the basis of disability in services, programs and activities provided by State and local government entities; and

WHEREAS, Title II of the ADA mandates that every public agency with more than 50 employees has an ADA Transition Plan, which describes how the City will ensure its facilities, services, programs and activities are accessible; and

WHEREAS, the City of Bonita Springs, in compliance with Title II of the ADA is required to address the subject of ensuring that the City of Bonita Springs's services, facilities and public right of ways are accessible to people with disabilities; and

WHEREAS, the City of Bonita Springs now desires to adopt the "City of Bonita Springs Americans with Disabilities Act (ADA) Transition Plan" as currently presented and hereafter amended attached hereto as "Exhibit A", said exhibit being reference fully included in this resolution as if specifically set out herein;

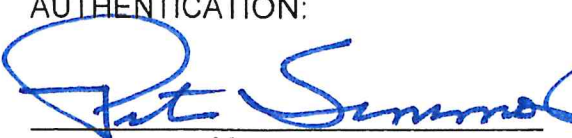
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bonita Springs, Lee County, Florida:

Section 1. Adopt the City of Bonita Springs Americans with Disabilities Act (ADA) Transition Plan (Exhibit A):

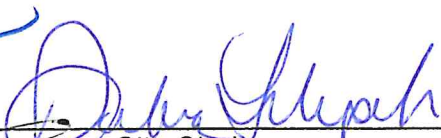
Section 2. Effective Date. This resolution shall take effect immediately upon adoption.

DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs, Lee County, Florida, this 20th day of November, 2019.

AUTHENTICATION:

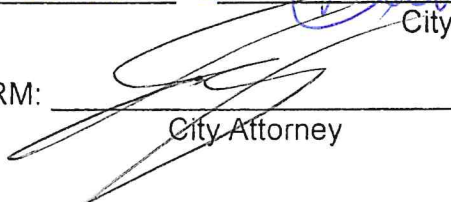


Mayor



City Clerk

APPROVED AS TO FORM:



City Attorney

Vote:

Carr Aye
DeWitt Aye
Forbes Aye

Gibson Aye
Quaremba Aye
Simmons Aye

Date filed with City Clerk: 11/23/19

EXHIBIT A

Americans with Disabilities Act (ADA) Transition Plan

City of Bonita Springs, Florida

November 20, 2019



City of Bonita Springs, Florida

9101 Bonita Beach Road

Bonita Springs, FL 34135

<http://www.cityofbonitasprings.org>

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Introduction

Transition Plan Need and Purpose

The [Americans with Disabilities Act \(ADA\)](#) is a civil rights law prohibiting discrimination against individuals on the basis of disability. It was enacted on July 26, 1990 and was amended in 2008 with the ADA Amendments Act. The ADA consists of five titles outlining protections in the following areas:

- I. Employment
- II. State and local government services
- III. Public accommodations
- IV. Telecommunications
- V. Miscellaneous Provisions

Title II of ADA pertains to the programs, activities and services provided by public entities. The City of Bonita Springs, Florida must comply with this section of the Act, as it specifically applies to public service agencies. Title II of ADA states that “no qualified individual with a disability shall, by reason of such 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 such entity.” ([42 USC Sec. 12132](#); [28 CFR Sec. 35.130](#))

As required by Title II of ADA ([28 CFR Part 35 Sec. 35.105 and Sec. 35.150](#)), the City of Bonita Springs, Florida has conducted a self-evaluation of its services, programs, activities, and facilities on public property and within public rights-of-way; and has developed this Transition Plan detailing the methods to be used to ensure compliance with ADA accessibility requirements.

ADA and its Relationship to Other Laws

Title II of ADA is companion legislation to two previous federal statutes and regulations: the [Architectural Barriers Act \(ABA\) of 1968](#) and [Section 504 of the Rehabilitation Act of 1973](#).

The Architectural Barriers Act of 1968 is a Federal law that requires facilities designed, built, altered or leased with Federal funds to be accessible. The Architectural Barriers Act marks one of the first efforts to ensure access to the built environment.

Section 504 of the Rehabilitation Act of 1973 is a Federal law that protects qualified individuals from discrimination based on their disability. The nondiscrimination requirements of the law apply to employers and organizations that receive financial assistance from any Federal department or agency. Title II of ADA extended this coverage to all state and local government entities, regardless of whether they receive federal funding or not.

Agency Requirements

Under Title II, the City of Bonita Springs, Florida must meet these general requirements:

- Must operate their programs so that, when viewed in their entirety, the programs are accessible to and useable by individuals with disabilities [\[28 CFR Sec. 35.150\]](#).
- May not refuse to allow a person with a disability to participate in a service, program or activity simply because the person has a disability [\[28 CFR Sec. 35.130 \(a\)\]](#).
- Must make reasonable modifications in policies, practices and procedures that deny equal access to individuals with disabilities unless a fundamental alteration in the program would result [\[28 CFR Sec. 35.130\(b\)\(7\)\]](#).
- May not provide services or benefits to individuals with disabilities through programs that are separate or different unless the separate or different measures are necessary to ensure that benefits and services are equally effective [\[28 CFR Sec. 35.130\(b\)\(iv\) & \(d\)\]](#).
- Must take appropriate steps to ensure that communications with applicants, participants and members of the public with disabilities are as effective as communications with others [\[29 CFR Sec. 35.160\(a\)\]](#).
- Must designate at least one responsible employee to coordinate ADA compliance [\[28 CFR Sec. 35.107\(a\)\]](#). This person is typically referred to as the ADA Coordinator. The public entity must provide the ADA Coordinator's name, office address, and telephone number to all interested individuals [\[28 CFR Sec. 35.107\(a\)\]](#).
- Must provide notice of ADA requirements. All public entities, regardless of size, must provide information about the rights and protections of Title II to applicants, participants, beneficiaries, employees, and other interested persons [\[28 CFR Sec. 35.106\]](#). The notice must include the identification of the employee serving as the ADA Coordinator and must provide this information on an ongoing basis [\[28 CFR Sec. 104.8\(a\)\]](#).
- Must establish a grievance procedure. Public entities must adopt and publish grievance procedures providing for prompt and equitable resolution of complaints [\[28 CFR Sec. 35.107\(b\)\]](#). This requirement provides for a timely resolution of all problems or conflicts related to ADA compliance before they escalate to litigation and/or the federal complaint process.

Designation of Responsibility

In accordance with [28 CFR 35.107\(a\)](#), the City of Bonita Springs, Florida has designated the following person to serve as ADA Title II Coordinator, to oversee the City policies and procedures:

ADA Transition Plan for City of Bonita Springs, Florida

Name: Meg Weiss

Job Title: Director of Administrative Services

In accordance with [28 CFR 35.150\(d\)\(3\)](#), the City of Bonita Springs, Florida has designated the following person to serve as ADA Transition Plan Implementation Coordinator, to monitor the City progress and manage review and updates of this document:

Name: Meg Weiss

Job Title: Director of Administrative Services

Contact information is provided in Appendix E.

Training is an important tool for ensuring compliance with ADA requirements. The ADA Coordinators will identify resources and opportunities for agency employees at various levels to receive ADA-related training appropriate to their job functions.

Self-Evaluation

Overview

Under Title II of the ADA ([28 CFR Sec. 35.105](#)), public entities are required to perform a self-evaluation of their current services, policies and practices with regard to accessibility. The goal of the self-evaluation is to verify that, in managing its programs and facilities, the agency is providing accessibility and not adversely affecting the full participation of individuals with disabilities.

The intent of the ADA self-evaluation is to review the agency's entire public program, including all facilities on public property and within public rights-of-way, in order to identify any obstacles or barriers to accessibility that need to be addressed. The general categories of items to be evaluated include:

- Communications, Information & Facility Signage.
- Building Facilities – these include offices, garages and other types of buildings.
- Pedestrian Facilities (Pedestrian Circulation Routes / Pedestrian Access Routes) – these include sidewalks, curb ramps, bicycle/pedestrian trails, traffic control signals and bus stops (and/or other transit facilities) that are located within the City rights-of-way.

Public entities are required to provide an opportunity for interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the self-evaluation process by submitting comments [\[28 CFR Sec. 35.105\(b\)\]](#).

Furthermore, a public entity that employs 50 or more persons is required, for at least three years following the completion of the self-evaluation, to maintain on file and make available for public inspection:

- A list of the interested persons consulted;

- A description of areas examined, and any problems identified; and,
- A description of any modifications made.

Process & Findings

In June of 2018, the City of Bonita Springs, Florida completed a self-evaluation of its services, programs, activities, and facilities on public property and within public rights-of-way with regard to accessibility. Detailed inventories and findings from this review are provided in Appendix A, under the headings of Communications (A1), Building Facilities (A2) and Pedestrian Facilities (A3).

An important component of the self-evaluation process is the identification of obstacles or barriers to accessibility, and the corresponding modifications that will be needed to remedy these items. The following sections provide a summary of improvements that have already been made, and obstacles that the City plans to address as part of this Transition Plan.

Communications, Information & Facility Signage

Title II of ADA includes the following requirements regarding Communications.

General ([28 CFR Sec. 35.160](#))

- A public entity shall take appropriate steps to ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others.
- A public entity shall furnish appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity conducted by a public entity.
- In determining what type of auxiliary aid and service is necessary, a public entity shall give primary consideration to the requests of the individual with disabilities.

Information and Signage ([28 CFR Sec. 35.163](#))

- A public entity shall ensure that interested persons, including persons with impaired vision or hearing, can obtain information as to the existence and location of accessible services, activities, and facilities.
- A public entity shall provide signage at all inaccessible entrances to each of its facilities, directing users to an accessible entrance or to a location at which they can obtain information about accessible facilities. The international symbol for accessibility shall be used at each accessible entrance of a facility.

Other examples of important communication items/devices include [Accessible Pedestrian Signals \(APS\)](#) used at intersections, and signs, pavement markings and other traffic control devices used to provide advance warning and positive guidance in the vicinity of construction,

maintenance or utility work areas/zones that impact sidewalks, crosswalks or other pedestrian access routes. The [Pedestrian Checklist and Considerations for Temporary Traffic Control Zones](#) provides an overview of pedestrian-related considerations to enhance safety and accessibility for these types of situations. Appendix A3 of this Transition Plan provides additional information about communication items related to Pedestrian Facilities / Public Rights-of-Way.

In recent years, the City has implemented the following accessibility improvements with regard to communications, information and facility signage:

- The items that have been identified as potential obstacles to accessibility as identified within the report as prepared by The Risk Man, LLC and date June 6, 2018.

The City has conducted a detailed evaluation of its communications, information and facility signage with regard to the ADA Title II requirements. The findings from this evaluation are provided in the report as prepared by The Risk Man, LLC and date June 6, 2018.

Improvement Schedule

Moving forward, the City of Bonita Springs, Florida plans to implement improvements for the items that have been identified as potential obstacles to accessibility within the report as prepared by The Risk Man, LLC and date June 6, 2018.

Building Facilities and Related Parking Lots/Facilities

The City of Bonita Springs, Florida is responsible for the buildings as identified within the report as prepared by The Risk Man, LLC and date June 6, 2018.

In recent years, the City has implemented the following accessibility improvements to its building facilities:

- The items that have been identified as potential obstacles to accessibility as identified within the report as prepared by The Risk Man, LLC and date June 6, 2018 and noted as being addressed.

The City has conducted a detailed accessibility evaluation of each of its building facilities, and related parking lots/areas, based on the report as prepared by The Risk Man, LLC and date June 6, 2018. The findings from this evaluation are provided in the associated report as prepared by The Risk Man, LLC and date June 6, 2018. The accessibility barriers/issues identified as currently existing have been ranked in order of priority for improvement.

Improvement Schedule

Moving forward, the City of Bonita Springs, Florida plans to implement improvements for the following items that have been identified as potential obstacles to accessibility as identified within the report as prepared by The Risk Man, LLC and date June 6, 2018..

Pedestrian Facilities / Public Rights-of-Way

As part of the self-evaluation process, the City of Bonita Springs, Florida is finalizing an inventory and evaluation of the pedestrian facilities within its public rights-of-way, which consist of the following:

- Sidewalks
- Curb ramps
- Crosswalks
- Bicycle/pedestrian trails
- Traffic control signals
- Bus stops (and/or other transit facilities)
- Other

An evaluation of these facilities with regard to accessibility compliance will be provided and will be updated approximately every five years.

Previous Practices

Since the adoption of the ADA, the City of Bonita Springs, Florida has striven to provide accessible pedestrian features as part of the City's capital improvement projects. As additional information was made available regarding the methods of providing accessible pedestrian features, the City updated its procedures to accommodate these methods.

Methodology

The City of Bonita Springs, Florida will utilize two methods for upgrading pedestrian facilities to current ADA standards. The first and most comprehensive method is through scheduled street and utility improvement projects. All pedestrian facilities impacted by these projects will be upgraded to current ADA accessibility standards.

The second method is through specific sidewalk and ADA accessibility improvement projects that are identified individually. These projects will be incorporated into the Capital Improvement Program (CIP) on a case-by-case basis as determined by the City of Bonita Springs, Florida staff.

Policy

The City of Bonita Springs, Florida goal is to continue to provide accessible pedestrian design features as part of its capital improvement projects. The City has adopted ADA design standards and procedures as listed in Appendix F. These standards and procedures will be kept up-to-date with nationwide and the Florida Accessibility Code for Building Construction best management practices.

The City will consider and respond to all accessibility improvement requests. All accessibility improvements that are deemed reasonable will be scheduled consistent with transportation priorities. The City will coordinate with external agencies to ensure that all new or altered pedestrian facilities within the City jurisdiction are ADA compliant to the maximum extent feasible.

Maintenance of pedestrian facilities within the public rights-of-way will continue to follow the policies set forth by the City. Examples of typical maintenance items relating to accessibility include: sidewalks, sidewalk repair policy, renewal of crosswalk markings, and signal hardware.

Requests for accessibility improvements can be submitted to the ADA Title II Coordinator or Transition Plan Implementation Coordinator. Contact information is provided in Appendix E.

Priority Areas

The City of Bonita Springs, Florida will identify specific locations as priority areas for planned accessibility improvement projects. Those areas will be selected due to their proximity to specific land uses such as schools, government offices and medical facilities, as well as from the receipt of public comments.

Additional priority will be given to any location where an improvement project or alteration was constructed after January 26, 1991, and accessibility features were omitted.

External Agency Coordination

Many other agencies are responsible for pedestrian facilities within the jurisdiction of the City of Bonita Springs, Florida. The City will coordinate with those agencies to assist with identifying and facilitating elimination of accessibility barriers along their routes.

Improvement Schedule

The City of Bonita Springs, Florida is establishing a schedule of goals for improving the accessibility of its pedestrian facilities within the City jurisdiction.

Based on results from the self-evaluation of pedestrian facilities, the City of Bonita Springs, Florida will prepare a **curb ramp installation schedule** to address specific locations where accessibility improvements are needed.

Public Notice of ADA Requirements and Grievance Procedure

Under the Americans with Disabilities Act, each agency is required to publish its responsibilities with regard to ADA compliance. A draft of this public notice is provided in Appendix D.

If users of the City of Bonita Springs, Florida facilities and services believe the City has not provided a reasonable accommodation, they have the right to file a grievance. In accordance with [28 CFR Sec. 35.107\(b\)](#), the City has developed a grievance procedure for the purpose of the prompt and equitable resolution of citizens' complaints or concerns. This grievance procedure is outlined in Appendix D.

Progress Monitoring and Transition Plan Management

This Transition Plan is considered to be a living document that will continue to be updated as conditions within the City evolve. The initial schedule is to formally review the complete document (main body and appendices) at least once per two-year cycle, to identify any need for updates. Updates to the appendices or attachments may be made more frequently as needed. Any substantive updates to the main body of this document will include a public comment period to continue the City's public outreach efforts.

The City of Bonita Springs, Florida recognizes that ADA compliance is an ongoing responsibility which will require monitoring to identify future accessibility issues that may be encountered. For example, facilities that currently meet ADA requirements could fall out of compliance in the future due to factors such as damage, disrepair, or changes within public rights-of-way that could create new accessibility obstacles. Therefore, the ADA Title II Coordinator and Transition Plan Implementation Coordinator will establish an on-going monitoring/inspection program or process to ensure that facilities continue to comply with ADA requirements. Agency employees will also be encouraged to report any accessibility concerns or deficiencies that are identified.

Formal Adoption of ADA Transition Plan

This ADA Transition Plan is hereby adopted by the City of Bonita Springs, Florida, effective Month of 2019.

Signed:

ADA Title II Coordinator

Date

ADA Transition Plan for City of Bonita Springs, Florida

Authorizing Official

Date

Appendices

A. Self-Evaluation

A1. Communications, Information & Facility Signage

A2. Building Facilities & Related Parking Lots/Facilities

A3. Pedestrian Facilities / Public Rights-of-Way

B. Schedule and Budget Information

C. Public Outreach

D. Public Notice of ADA Requirements and Grievance Procedure

E. Contact Information

F. Agency ADA Design Standards and Improvement/Compliance Procedures

G. Glossary of Terms

Appendix A – Self-Evaluation

A public entity that employs 50 or more persons is required, for at least three years following the completion of the self-evaluation, to maintain on file and make available for public inspection:

- A list of the interested persons consulted;
- A description of areas examined, and any problems identified; and,
- A description of any modifications made.

Interested Persons Consulted

Name: Dennis Slaubaugh with the Risk Man, LLC

Descriptions of areas examined, problems identified, recommendations and any modifications made are listed in the following sections A1, A2 and A3.

A1. Communications, Information & Facility Signage

The City is conducting an evaluation of its communications, information and facility signage with regard to the ADA Title II requirements.

Inventory & Findings

The following are some examples from the findings of the self-evaluation –

- Efforts to ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others.
- Auxiliary aids and services provided by the agency to afford individuals with disabilities an equal opportunity to participate in, and enjoy the benefits of, agency services, programs, or activities.
- Efforts to ensure that interested persons, including persons with impaired vision or hearing, can obtain information as to the existence and location of accessible services, activities, and facilities.
- Signage at all inaccessible entrances to each of the agency's facilities, directing users to an accessible entrance or to a location at which they can obtain information about accessible facilities.

A2. Building Facilities & Related Parking Lots/Facilities

The City has conducted an accessibility evaluation of each of its building facilities, and related parking lots/areas, as prepared by The Risk Man, LLC and date June 6, 2018. The findings from this evaluation are provided in their report. The accessibility barriers/issues identified as currently existing have been and/or will be ranked in order of priority for improvement.

Inventory & Findings

The checklist follows four priority areas that were identified in the Department of Justice ADA Title III regulations:

- Priority 1 – Accessible approach and entrance
- Priority 2 – Access to goods and services
- Priority 3 – Access to public toilet rooms
- Priority 4 – Access to other items such as water fountains and public telephones

Maintenance Activities and Additional Items

The City of Bonita Springs, Florida building maintenance activities for items related to accessibility, such as but not limited to the following –

- Elevators
- Building Entrances
- Interior doors as used by the public
- Toilet Rooms

A3. Pedestrian Facilities / Public Rights-of-Way

The City is conducting an accessibility evaluation of pedestrian facilities within the City's public rights-of-way. The results will be evaluated by city staff.

Inventory & Findings

- Sidewalks
- Curb Ramps
- Intersections Missing Curb Ramps
- Crosswalks
- Parking

Maintenance Activities and Additional Items

The City of Bonita Springs, Florida continues to maintain pedestrian facilities within the public rights-of-way; i.e., sidewalk repair policy, renewal of crosswalk markings, and signal hardware.

Appendix B – Schedule and Budget Information

Overview

Based on the accessibility obstacles/issues identified through the self-evaluation process, and the need to implement improvements in order to comply with ADA accessibility standards, the City of Bonita Springs, Florida is preparing schedules and budget estimates as it relates to the work to be done.

Discussion & Improvement Project

The amount required represents a significant investment that City of Bonita Springs, Florida is committed to making in the upcoming years. A systematic approach to providing accessibility will be taken in order to accommodate this cost within the City's budget for accessibility improvements.

Appendix D – Public Notice of ADA Requirements and Grievance Procedure

As required by the Americans with Disabilities Act, the City of Bonita Springs, Florida has posted the following notice outlining its responsibilities with regard to ADA compliance.

Public Notice

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990, City of Bonita Springs, Florida will not discriminate against qualified individuals on the basis of disability in City's services, programs or activities.

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

Effective Communication: The City will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the City's programs, services and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing or vision impairments.

Modifications to Policies and Procedures: The City will make all reasonable modifications to policies and procedures to ensure that people with disabilities have an equal opportunity to enjoy all City programs, services and activities. For example, individuals with service animals are welcomed in City offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a City program, service or activity, should contact the office of the ADA Coordinator as soon as possible but no later than 48 hours before the scheduled event: Meg Weiss, PHR, SHRM-CP

Director of Administrative Services

City of Bonita Springs

9101 Bonita Beach Rd.

Bonita Springs, FL 34135

239-949-6262

ADA Transition Plan for City of Bonita Springs, Florida

The ADA does not require the City to take any action that would fundamentally alter the nature of its programs or services or impose an undue financial or administrative burden.

The City will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

City of Bonita Springs, Florida

Grievance Procedure under the Americans with Disabilities Act

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the City of Bonita Springs, Florida. The City's Personnel Policy governs employment-related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the 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.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

Ms. Meg Weiss, PHR, SHRM-CP

Director of Administrative Services

City of Bonita Springs

9101 Bonita Beach Rd.

Bonita Springs, FL 34135

Within 15 calendar days after receipt of the complaint, Ms. Meg Weiss, PHR, SHRM-CP or her designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, Ms. Meg Weiss, PHR, SHRM-CP or her designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the City of Bonita Springs, Florida and offer options for substantive resolution of the complaint.

If the response by Ms. Meg Weiss, PHR, SHRM-CP or her designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the City Manager or their designee.

Within 15 calendar days after receipt of the appeal, the City Manager or other high level official or their designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the City Manager or other appropriate high level official or their designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

ADA Transition Plan for City of Bonita Springs, Florida

All written complaints received by Ms. Meg Weiss, PHR, SHRM-CP or their designee, appeals to the City Manager or their designee, and responses from these two offices will be retained by the City of Bonita Springs, Florida for at least three years.

Appendix E – Contact Information

ADA Title II Coordinator

Name: Ms. Meg Weiss, PHR, SHRM-CP

Job Title: Director of Administrative Services

Office Address: 9101 Bonita Beach Rd.
Bonita Springs, FL 34135

Phone: 239-949-6262

Fax: 239-949-6251

E-mail: meg.weiss@cityofbonitasprings.org

ADA Transition Plan Implementation Coordinator

Name: Ms. Meg Weiss, PHR, SHRM-CP

Job Title: Director of Administrative Services

Office Address: 9101 Bonita Beach Rd.
Bonita Springs, FL 34135

Phone: 239-949-6262

Fax: 239-949-6251

E-mail: meg.weiss@cityofbonitasprings.org

Appendix F – Agency ADA Design Standards and Improvement/ Compliance Procedures

ADA Resources and Design Standards

The City of Bonita Springs, Florida is using the following ADA Standards, but not limited to, as guides in facilitating compliance with the applicable requirements of the Title II requirements for Accessibility

[Federal Highway Administration \(FHWA\) - Civil Rights - ADA/Section 504](#)

[Americans with Disabilities Act Accessibility Guidelines \(ADAAG\)](#)

[Public Rights-of-Way \(PROWAG\) Notice of Proposed Rule Making, July 26, 2011](#)

[Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way \(PROWAG\)](#)

[2010 ADA Standards for Accessible Design](#)

[ADA Checklist for Existing Facilities](#)

[ADA Best Practices Tool Kit for State and Local Governments](#)

[ADA Update: A Primer for State and Local Governments](#)

[FDOT Design Standards - https://www.fdot.gov/design/StandardPlans/current/default.shtm](https://www.fdot.gov/design/StandardPlans/current/default.shtm)

[Americans with Disabilities Act of 1990, as Amended \(2008\)](#)

[Title 28 CFR Part 35 – Nondiscrimination on the Basis of Disability in State and Local Government Services](#)

Improvement/Compliance Procedures

The challenge of dealing with physical or site constraints in alteration projects has been recognized by the authors of ADA accessibility standards for years. The Civil Rights Division of the U.S. Department of Justice has recognized that there could be instances where it might be technically infeasible to construct an alteration in full and strict compliance with ADA accessibility standards, because of physical or site constraints. In such circumstances, state and local agencies must provide accessibility to the maximum extent feasible. Before reaching a conclusion about technical infeasibility, state and local agencies need to consider the extent to which physical or site constraints could be addressed by alternative designs. The burden of

proving technical infeasibility rests with the agency/owner that is responsible for the facility, element or feature.

Intersection Corners

The City will work in good faith to have curb ramps or blended transitions constructed or upgraded to achieve ADA compliance within all capital improvement projects. There may be limitations which make it technically infeasible for an intersection corner to achieve full accessibility within the scope of a project. If so, those limitations will be noted and those intersection corners will remain on the transition plan. As future projects or opportunities arise, those intersection corners shall continue to be incorporated into future work. Regardless of whether full compliance can be achieved in all cases, each intersection corner shall be made as compliant as possible in accordance with the judgment of City staff.

Sidewalks / Trails

The City will work in good faith to have sidewalks and bicycle/pedestrian trails constructed or upgraded to achieve ADA compliance within all capital improvement projects. There may be limitations which make it technically infeasible for segments of sidewalks or trails to achieve full accessibility within the scope of a project. If so, those limitations will be noted and those segments will remain on the transition plan. As future projects or opportunities arise, those segments shall continue to be incorporated into future work. Regardless of whether full compliance can be achieved in all cases, each sidewalk or trail shall be made as compliant as possible in accordance with the judgment of City staff.

Traffic Control Signals

The City will work in good faith to have traffic control signals constructed or upgraded to achieve ADA compliance within all capital improvement projects. There may be limitations which make it technically infeasible for individual traffic control signal locations to achieve full accessibility within the scope of a project. If so, those limitations will be noted and those locations will remain on the transition plan. As future projects or opportunities arise, those locations shall continue to be incorporated into future work. Regardless of whether full compliance can be achieved in all cases, each traffic signal control location shall be made as compliant as possible in accordance with the judgment of City staff.

Bus Stops

The City will work in good faith to have bus stops constructed or upgraded to achieve ADA compliance within all capital improvement projects. There may be limitations which make it technically infeasible for individual bus stop locations to achieve full accessibility within the scope of a project. If so, those limitations will be noted and those locations will remain on the transition plan. As future projects or opportunities arise, those locations shall continue to be incorporated into future work. Regardless of whether full compliance can be achieved in all

cases, each bus stop location shall be made as compliant as possible in accordance with the judgment of City staff.

Other Transit Facilities

Additional transit facilities are present within the limits of City of Bonita Springs, Florida facilities fall under the jurisdiction of the applicable transit provider. City of Bonita Springs, Florida will work with the applicable transit provider to address compliance with the applicable accessibility standards.

Other policies, practices and programs

The City's other policies, practices and programs not identified in this document will follow the applicable ADA standards.

Appendix G – Glossary of Terms

ABA: See Architectural Barriers Act.

ADA: See Americans with Disabilities Act.

ADA Transition Plan: Transportation system plan that identifies accessibility needs, the process to fully integrate accessibility improvements, and aims to ensure that all transportation facilities, services, programs, and activities are accessible to all individuals.

ADAAG: See Americans with Disabilities Act Accessibility Guidelines.

Accessible: A facility that provides access to people with disabilities using the design requirements of the ADA.

Accessible Pedestrian Signal (APS): A device that communicates information about the WALK phase in audible and vibrotactile formats.

Alteration: A change to a facility in the public right-of-way that affects or could affect access, circulation, or use. An alteration must not decrease or have the effect of decreasing the accessibility of a facility or an accessible connection to an adjacent building or site.

Americans with Disabilities Act (ADA): Civil rights legislation passed in 1990 and effective July 1992. The ADA sets design guidelines for accessibility to public facilities, including sidewalks and trails, by individuals with disabilities.

Americans with Disabilities Act Accessibility Guidelines (ADAAG): Contains scoping and technical requirements for accessibility to buildings and public facilities by individuals with disabilities under the Americans with Disabilities Act (ADA) of 1990.

APS: See Accessible Pedestrian Signal.

Architectural Barriers Act (ABA): Federal law that requires facilities designed, built, altered or leased with Federal funds to be accessible. The Architectural Barriers Act marks one of the first efforts to ensure access to the built environment.

Capital Improvement Program (CIP): The CIP for a public agency typically includes an annual capital budget and a five-year plan for funding the new construction and reconstruction projects on the agency's transportation system.

Detectable Warning: A surface feature of truncated domes, built in or applied to the walking surface to indicate an upcoming change from pedestrian to vehicular way.

DOJ: See United States Department of Justice.

Federal Highway Administration (FHWA): A branch of the U.S. Department of Transportation that administers the federal-aid Highway Program, providing financial assistance to states to construct and improve highways, urban and rural roads, and bridges.

FHWA: See Federal Highway Administration.

Pedestrian Access Route (PAR): A continuous and unobstructed walkway within a pedestrian circulation path that provides accessibility.

Pedestrian Circulation Route (PCR): A prepared exterior or interior way of passage provided for pedestrian travel.

PROWAG: An acronym for the *Guidelines for Accessible Public Rights-of-Way* issued in 2005 by the U.S. Access Board. This guidance addresses roadway design practices, slope and terrain related to pedestrian access to walkways and streets, including crosswalks, curb ramps, street furnishings, pedestrian signals, parking and other components of public rights-of-way.

Right-of-Way: A general term denoting land, property, or interest therein, usually in a strip, acquired for the network of streets, sidewalks and trails creating public pedestrian access within a public entity's jurisdictional limits.

Section 504: The section of the Rehabilitation Act that prohibits discrimination by any program or activity conducted by the federal government.

Uniform Federal Accessibility Standards (UFAS): Accessibility standards that all federal agencies are required to meet; includes scoping and technical specifications.

United States Access Board: An independent federal agency that develops and maintains design criteria for buildings and other improvements, transit vehicles, telecommunications equipment, and electronic and information technology. It also enforces accessibility standards that cover federally-funded facilities.

United States Department of Justice: Federal executive department responsible for enforcement of the law and administration of justice (also referred to as the Justice Department or DOJ).