

VERSION 1.1
JUNE 22, 2017



ADA TRANSITION PLAN

CITY OF FREDERICKSBURG

126 W. MAIN ST.
FREDERICKSBURG, TX 78624
OFFICE: 830-997-7521

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1.0 EXECUTIVE SUMMARY

1.1 Introduction

The Americans with Disabilities Act was passed in 1990 as a step towards the disestablishment of discrimination against individuals with disabilities. ADA Title II requires communities to establish self-evaluations and/or transition plans, as determined by community employee size, for updating public facilities. Title II covers programs, activities, and services of government entities with a specific focus on protecting citizens from discrimination on the basis of disability. The goal of this act is to afford every individual the opportunity to benefit from businesses and services and to afford businesses and services the opportunity to benefit from the patronage of all Americans.

This document will guide the planning and implementation of necessary program and facility modifications in the years to come. The ADA Transition Plan is significant in that it establishes the City of Fredericksburg's (the "City") ongoing commitment to the development and maintenance of policies, programs and facilities that include all residents.

1.2 Federal Accessibility Requirements

The development of a transition plan is a requirement of the Federal Regulations implementing the Rehabilitation Act of 1973, which requires that all organizations receiving federal funds make their programs available without discrimination to persons with disabilities. The Act, which became known as the "civil rights act" of persons with disabilities, states:

No otherwise qualified individual with a disability in the United States shall, solely by reason of his or her 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. (Section 504)

Subsequent to the enactment of the Rehabilitation Act of 1973, Congress passed the Americans with Disabilities Act on July 26, 1990 (the "ADA"). Title II of the ADA prohibits disability discrimination by all public entities. Title II provides protections to individuals with disabilities that are at least equal to those provided by the nondiscrimination provisions of Title V of the Rehabilitation Act. The legislative mandate, therefore, prohibits the City from, either directly or through contractual arrangements:

- Denying persons with disabilities the opportunity to participate in services, programs, or activities that are not separate or different from those offered others, even if the City offers permissibly separate or different activities.
- Selecting facility locations that have the effect of excluding or discriminating against persons with disabilities

The City is obligated to observe all requirements of Title I in its employment practices; Title II in its policies, programs and services; any parts of Titles IV and V that apply to the City and its programs, services, or facilities; and all requirements specified in the ADA Access Guidelines of 2004 (ADAAG) that apply to facilities and other physical holdings. Details of the Americans with Disabilities Act of 1990 can be found on the ADA website at www.ada.gov.

Included in Title II are administrative requirements for all government entities employing more than fifty (50) people. These administrative requirements are:

- Designation of a person who is responsible for overseeing Title II compliance;
- Development of an ADA grievance procedure;
- Completion of a self-evaluation; and
- Development of a transition plan if the self-evaluation identifies any structural modifications necessary for compliance. Modification records must be retained for three years.

1.3 State of Texas Accessibility Requirements

In addition to complying with ADA requirements, the City will also comply with the Texas Accessibility Standards, Elimination of Architectural Barriers as contained in Texas Government Code, Chapter 469. Details can found on their website:

<http://www.statutes.legis.state.tx.us/Docs/GV/htm/GV.469.htm>

1.4 Declarations

Compliance with the Americans with Disabilities Act

In accordance with the requirements of Title II of the ADA, the City will not discriminate against qualified individuals with disabilities on the basis of disability in its 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 circulated by the U.S. Equal Employment Opportunity Commission under Title I of the ADA.

Effective Communication

The City will, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they may participate equally in the City's programs, services, and activities, including but not limited to, qualified sign language and/or 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 programs to ensure that people with disabilities have an equal opportunity to enjoy all of the City's programs, services, and activities. Anyone who requires auxiliary aid or service for, or has a complaint related to, effective communication, or a modification of policies or procedures to allow participation in a program, service, or activity in the City should contact:

City of Fredericksburg ADA Coordinator
 Attn: Garret Bonn, P.E., CFM
 126 W. Main St.
 Fredericksburg, TX 78624
 830-997-7521
gbonn@fbgtx.org

Surcharges and Fees

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 to accommodate access to or participation in programs or services.

Undue Burden

ADA does not require the City to undertake any action that would represent an undue financial and administrative burden. This determination is to be made by the ADA Coordinator and must be accompanied by a statement citing the reasons for reaching that conclusion. The determination that undue burdens would result must be based on an evaluation of all resources available for use in the programs.

2.0 COMPLIANCE WITH TITLE II REQUIREMENTS

This section makes reference to various parts of the Code of Federal Regulations (CFR), section 35 as it pertains to ADA requirements that the City must comply with or address as part of the transition plan. The details of which can be found on the ADA website: www.ada.gov/reg2.html.

2.1 Notification

Applicants, participants, beneficiaries, and other interested persons have been notified of their rights and the City's obligations under Title II of the ADA as required by 28 CFR §35.106. This notification appears on the City's website: www.fbgtx.org. Public meetings notices and agendas also include this notification.

2.2 Designation of Responsible Employee

The City has designated a responsible employee to coordinate its efforts to comply with and carry out the City's ADA responsibilities in accordance with 28 CFR §35.107(a). The ADA coordinator has been designated to oversee compliance with the non-discrimination requirements and can be contacted at: City of Fredericksburg ADA Coordinator, Attn: Garret Bonn, P.E., CFM, 126 W. Main St., Fredericksburg, TX 78624, telephone 830-997-7521, e-mail gbonn@fbgtx.org.

2.3 Self-Evaluation and Transition Plan

Title II of the ADA requires that the City conduct a self-evaluation of its services, policies, and practices and make modifications as necessary to comply with 28 CFR §35.105. A self-evaluation is an assessment of the City's current policies and practices and identifies and corrects those policies and practices that are inconsistent with Title II requirements. The ADA Transition Plan continues the process of identifying any barriers to accessibility that might be present. The City has completed the self-evaluation process and will continue the process through continuing solicitation of public comment. This transition plan is a living document that will be updated periodically to reflect the ongoing assessment and resolution/response to public comment. Updates will be provided as amendments to the plan, inclusion of additional annexes, and/or updates to the City's website: www.fbgtx.org.

2.4 Establishment of Grievance Procedure

The City has established a grievance procedure for resolving complaints of violations in accordance with 28 CFR §35.107(b). Refer to Section 4.0 below.

2.5 Emergency Management

The City of Fredericksburg Emergency Management Coordinator (EMC) develops, maintains and facilitates the all-hazard Emergency Management Plan as required by Local, State and Federal statutes

and laws. During all emergency planning (Mitigation, Preparedness, Response, and Recovery), the City is committed to be in compliance with the ADA requirements as outlined in Chapter 7 under Title II (<http://www.ada.gov/pcatoolkit/chap7emergencymgmt.htm>) of the ADA. The EMC ensures that all parties with responsibilities under the Emergency Management Plan are aware of ADA requirements and that all programs and third party agreements are also in compliance with ADA.

3.0 EVALUATION AND STEPS TAKEN

3.1 Self-Evaluation

The self-evaluation is the City's assessment of its current policies, practices and procedures to determine compliance with the ADA. As part of this assessment, the City will conduct an ongoing evaluation review of physical barriers in its buildings and facilities with the assistance of representatives from various departments housed in those facilities (i.e. Parks and Recreation, Library, Senior Center, etc.). Recognizing that the City has limited funds, staff will utilize a variety of criteria for prioritizing the removal of physical barriers. These criteria may include but not be limited to the following:

- Frequency of public use
- Nature of the programs offered at the facility
- Public feedback obtained through the public input and grievance processes
- Availability of Funding (Grants, Development Agreements, Interlocal Agreements, etc.)
- Planning of future construction activity – Capital Improvement Plan/Annual Sidewalk Budgeting

3.2 Action Taken to Improve Access

The City of Fredericksburg has grown steadily during the past several decades. Extensive expansion and redevelopment of the downtown commercial area (Historic Shopping District) has occurred in response to increased interest in tourism. As new City facilities have been constructed or existing buildings remodeled, the City has complied with State of Texas design requirements through review by the Texas Department of Licensing and Regulation (TDLR). To date, the City of Fredericksburg has spent a total of \$358,063.81 on the City-wide Sidewalk Improvement Program which began in FY 2013. Additionally, the City has spent a total of \$45,162.49 on sidewalk improvements along Main St. as part of the Downtown Sidewalk Repair Program which began in FY 2016. These projects include construction and/or reconstruction of sidewalks, sidewalk ramps, driveway approaches, curbs and necessary retaining walls at various locations throughout the City to comply with the ADA, in accordance with the City's Sidewalk Plan which was officially adopted on July 1, 2015.




City of Fredericksburg Sidewalk Plan - 2015

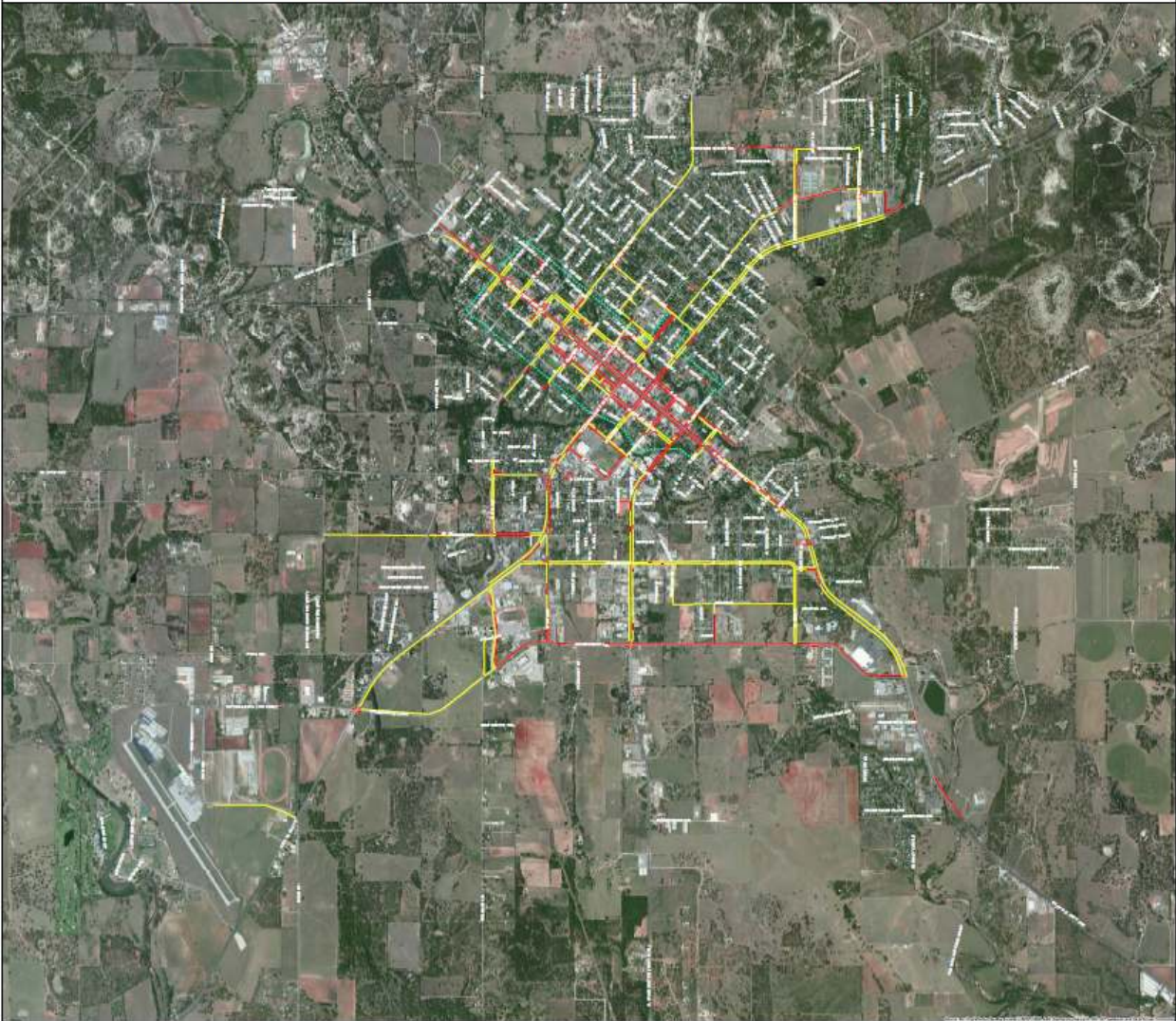
Adopted by City Council: June 1, 2015



1 inch = 1,000 feet

Legend

-  Proposed Sidewalks
-  Existing Sidewalks
-  Historic District



City of Fredericksburg Sidewalk Plan – Adopted June 1, 2015

The following list details public involvement activities relating to the transportation and mobility projects that have occurred as part of the self-evaluation process:

- Comprehensive Plan Public Engagement and Coordination (2006)
- Subdivision Ordinance Update (2014)
- Comprehensive Plan Update (2015)
 - Vision Workshop – Over 100 people in attendance
 - Project Website – Gather feedback and generate debate
 - Alternative crossing of Barons Creek for pedestrians and bicycles was specifically noted in community engagement section of final Comprehensive Plan Update (see attached excerpt from Page 24 of update).

- Transportation Master Plan (ongoing)
 - Open House on City's Transportation Future (1/20/17)
 - Two (2) City Council Workshops (3/6/17 & 6/19/17)
- Downtown Parking Study (ongoing)
 - Public Hearing Held on March 13, 2017.
- Community Visioning Process (ongoing)
 - More than a dozen brainstorming sessions with the community, including middle school and high school students.
 - Over 600 ideas or issues have been suggested from roughly 500 attendants.

One of the key findings of these public involvement exercises is that the residents of Fredericksburg support improvements to sidewalks and multi-modal facilities throughout the City which has led to the annual Sidewalk Improvement Program along with additional studies which are currently underway. Additionally, the City of Fredericksburg continues to work closely with TxDOT as part of the City's Annual Downtown Sidewalk Improvement Program. All of these projects comply with TxDOT's Self Evaluation and Transition Plan for compliance with the Americans with Disabilities Act (dated January 2004). As part of this coordinated effort, the City prepared a Main Street Sidewalk Report in 2014 which identifies gaps or issues associated with the pedestrian facilities along Main St. between Cherry Street and the Barons Creek bridge and provides recommended solutions.

4.0 GRIEVANCE PROCEDURE AND INSTRUCTIONS

Under the Americans with Disabilities Act, users of City facilities and services have the right to file a grievance if they believe the City has not provided reasonable accommodation.

4.1 Step 1 – File a Grievance Form

The complainant should fill out the ADA Complaint / Grievance Form (refer to Attachment C), giving all of the information requested. Under the grievance procedures, a formal complaint must be filed within 90 calendar days of the alleged occurrence. Upon request, reasonable accommodations will be provided in completing the form, or alternative formats of the form will be provided. The ADA Complaint / Grievance Procedure and Form may be obtained from and sent to the City of Fredericksburg ADA Coordinator, Attn: Garret Bonn, P.E., CFM, 126 W. Main St., Fredericksburg, TX 78624. Contact the ADA Coordinator at the address listed above, via telephone 830-997-7521, or e-mail gbonn@fbgtx.org with additional questions.

The ADA Coordinator is required to acknowledge receipt of the grievance within fifteen (15) days. If the ADA Coordinator does not respond or does not satisfactorily resolve the issue within the time period set forth in Section 4.2 below, the complainant may forward the request, or appeal the response, to the Asst. City Manager/Director of Public Works and Utilities. If the complainant wishes to appeal a decision further they may contact the City Manager. If at any time the complainant is not satisfied with the City of Fredericksburg's handling of the grievance, the complainant may file directly with the U.S. Department of Justice.

4.2 Investigation Process

Following the filing of a grievance, the ADA Coordinator or another authorized representative shall determine whether, and to what extent, an investigation of the grievance is warranted. Any resulting investigation shall be conducted by the ADA Coordinator or their designee. A thorough investigation

affords all interested persons and their representatives and opportunity to submit evidence relevant to a grievance. The ADA Coordinator will complete the investigation within 60 calendar days of receipt of the grievance. If appropriate, the ADA Coordinator will arrange to meet with the complainant to discuss the matter and attempt to reach resolution of the grievance.

4.3 Resolution

Any resolution of the grievance shall be documented in the ADA Coordinator file and the case will be closed. All written complaints and resolutions shall be kept on file for seven (7) years. The resolution of any specific grievance will require consideration of varying circumstances, such as the specific nature of the disability; the nature of the access to facilities; the safety of others; and the degree to which an accommodation would constitute a fundamental alteration to the facility, or cause an undue hardship to the City. Accordingly, the resolution by the City of any grievance does not constitute an admission of liability, guilt or a precedent upon which the City is bound or upon which other parties may rely.

The ADA Program Access Coordinator or other authorized representatives shall maintain the confidentiality of all files and records relating to grievances filed, unless disclosure is authorized or required by law. Any retaliation, coercion, intimidation, threat, interference or harassment for the filing of a grievance, or used to restrain a complainant from filing, is prohibited and should be reported immediately to the ADA Coordinator or other members of the Oversight Committee depending on the case.

5.0 EMERGENCY MANAGEMENT

One of the priorities of the City's Office of Emergency Management is helping people prepare for and respond to emergencies. Making local preparedness and response programs accessible to people with disabilities is a critical part of this responsibility.

5.1 Access to 9-1-1 Services

The City partners with Gillespie County for all 9-1-1 services.

5.2 Functional Needs Assessments

A functional needs assessment of the local residents will assist in ensuring that emergency management procedures are in compliance with the ADA. Functional needs assessments are encouraged as part of the City's Emergency Operations Plan in order to facilitate the notification, evacuation and sheltering phases of an emergency incident. The State of Texas currently has a functional needs registry that is available to any individual who may require additional assistance. This is a voluntary, confidential registration and individuals may apply through the Texas Information Referral Network (2-1-1) or online through the State of Texas Emergency Assistance Registry ("STEAR"):

<https://www.txdps.state.tx.us/dem/stear/public.htm>

STEAR will provide the City with a list of individuals requiring assistance. All information will remain confidential and at no time will names, addresses or other personal information be published, sold or provided to any third parties unless otherwise required by law. The City will utilize public outreach to educate citizens regarding this registration process.

5.3 Functional Needs Planning

Planning for local residents with Functional Needs is contained in the Fredericksburg / Gillespie County Emergency Operations Plan in Annexes A Warning, B Communications, C Shelter and Mass Care, E

Evacuation, I Emergency Public Information, O Human Services, and S Transportation. The Emergency Operations Plan can be found online at <http://www.fbgtx.org/291/Emergency-Operations-Plan>

6.0 CONCLUSION

Services and programs offered by the City to the public must be accessible for all citizens and reasonable accommodations must be made for those with disabilities. The process of making City facilities and programs accessible to all individuals will be an ongoing one and the City will continue to review accessibility issues through self-evaluation, resolution of complaints, and by making reasonable modifications to various programs. The City has made progress towards improving accessibility as seen by the following actions:

- Designation of an ADA Coordinator
- Implementation of an ADA grievance procedure
- Conducting an ongoing self-assessment to identify issues needing to be resolved
- Complying with Federal and State requirements as facilities are modified or constructed
- Planning future improvements through the capital improvement program

It is imperative that the City partner with the community to work together to identify and resolve accessibility issues. In addition to the existing grievance process, feedback will be obtained from the community by publishing this document on the City's website. Upon receipt of public input, City staff will update the Plan and make it available to the public in its revised form. Periodic updates will be made to the Plan going forward.

APPENDIX A – CONTACT INFORMATION

City of Fredericksburg ADA Coordinator

Attn: Garret Bonn, P.E., CFM
126 W. Main St.
Fredericksburg, TX 78624
830-997-7521
gbonn@fbgtx.org

City Manager

Kent Myers
126 W. Main St.
Fredericksburg, TX 78624
830-997-7521

Asst. City Manager/ Director of Public Works and Utilities

Clinton Bailey, P.E.
126 W. Main St.
Fredericksburg, TX 78624
830-997-7521

City Secretary

Shelley Britton
126 W. Main St.
Fredericksburg, TX 78624
830-997-7521

City of Fredericksburg

www.fbgtx.org

United States Department of Justice – Civil Rights Division

www.ada.gov

Texas Accessibility Standards

<https://www.license.state.tx.us/ab/abtas.htm>

APPENDIX B – EVALUATION AND STEPS TAKEN

Facilities				
Facility Name	Location	Issue	Recommended Modification	Status
IT Dept. Offices	Ufer St.	Access Considerations	Various Improvements	Ongoing
Park Headquarters	Lady Bird Johnson Park	Access Considerations	Provide Accessible Route Into Building	Ongoing
All	Varies	Ensure ADA Compliance	N/A	Ensure Access Considerations are Included in Ongoing Space Study
Sidewalks/Curb Ramps				
Street Name	Limits		Modification	Status
	From	To		
Main St.	Cherry	Barons Creek Bridge	Varies	Ongoing/Planned - Main St. Sidewalk Improvement Program
Washington (West Side)	Main	Hotel	Reconstruction	Completed
Adams (West Side)	Austin	Travis	Construction	Completed
Travis (North Side)	Crockett	Adams	Reconstruction	Ongoing
Travis (South Side)	Town Pool	Adams	Construction	Completed
San Antonio (North Side)	Milam	Orange	Construction	Completed
San Antonio (North Side)	Crockett	Adams	Construction	Completed
Crockett (East Side)	Nimitz Pkwy	San Antonio	Construction	Completed
Orange (West Side)	Austin	Main	Construction	Completed
Austin (South Side)	Old Bowling Alley	Crockett	Construction	Completed
Austin (North Side)	Washington	Elk	Construction	Completed
Washington (West Side)	Austin	Main	Reconstruction	Completed
Milam (Both Sides)	Main	San Antonio	Construction	Planned
Washington (East Side)	Main	Austin	Construction	Planned
Milam (Both Sides)	Austin	Main	Construction	Planned
Elk (East Side)	Main	Austin	Construction	Planned
Orange (West Side)	San Antonio	Creek	Construction/Reconstruction	Ongoing
Lincoln (West Side)	San Antonio	Creek	Construction	Planned
San Antonio (North Side)	Lincoln	Washington	Construction	Planned
Austin	Milam	Llano	Construction	Planned
San Antonio	Orange	Washington	Construction	Planned
Ufer	Adams	Washington	Construction	Planned
Schubert (North Side)	Town Pool	Adams	Construction	Completed
Milam (East Side)	Austin	Schubert	Construction	Planned
Orange (East Side)	Main	Austin	Construction	Completed
Adams (East Side)	Austin	Schubert	Construction	Completed
Llano (East Side)	Austin	Schubert	Construction	Completed
Llano	Creek	Ufer	Construction (Bridge)	Planned
Elk (West Side)	Main	San Antonio	Construction	Planned
Adams (West Side)	Highway	Primary School	Construction	Planned
Milam	Walsh	Windcrest	Construction	Planned
Windcrest	Milam	Adams	Construction	Planned
Sidewalk Plan Gaps (Sidewalk Plan)	-	-	Construction/Reconstruction	Ongoing/Planned - Citywide Sidewalk Improvement Program

Existing facilities will continue to be assessed.

APPENDIX C – GRIEVANCE FORM

City of Fredericksburg - ADA Complaint / Grievance Form

Complainant: _____

Person Preparing Complaint (if different from Complainant): _____

Relationship to Complainant (if different from Complainant): _____

Street Address & Apt. No.: _____

City: _____ State: _____ Zip: _____

Phone: (_____) _____ E-mail: _____

Please provide a complete description of the specific complaint or grievance:

Please specify any location(s) related to the complaint or grievance (if applicable):

Please state what you think should be done to resolve the complaint or grievance:

Please attach additional pages as needed.

Please do not contact me personally.

Signature: _____ Date: _____

Return to: City of Fredericksburg ADA Coordinator, Attn: Garret Bonn, P.E., CFM, 126 W. Main St., Fredericksburg, TX 78624. Upon request, reasonable accommodation will be provided in completing this form or copies of the form will be provided in alternative formats. Contact the ADA Coordinator at the address listed above, via telephone 830-997-7521, or e-mail gbonn@fbgtx.org.