



Americans with Disabilities Act (ADA) and Section 504 Self-Evaluation and Transition Plan

**Updated Review for City of Modesto Programs, Services Activities, Facilities,
Transit Stops and Public Right-of-Way**

2017

**Americans with Disabilities Act (ADA) Title II
Section 504 of the Rehabilitation Act of 1973**



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The City of Modesto ADA Title II Self-evaluation was prepared by Disability Access Consultants, with the collaboration and assistance of City of Modesto staff and input by other interested individuals and community members.

Paul Liu, Senior Planner, served as the primary contact and facilitator for the Americans with Disabilities Act (ADA) Self-evaluation of programs, services, activities and events of the City of Modesto and the updated 2017 ADA transition/barrier removal plan for City of Modesto buildings, parks, public rights-of-way and parking lots.

Paul Liu was designated as the Americans with Disabilities Act (ADA) and Section 504 Coordinator from 2013 to June 2017. Beverly Jensen, Risk Manager, was designated as the ADA/504 Coordinator on July 2017. Annual updates and reviews are coordinated by the ADA/504 Coordinator.

A copy of the Self-evaluation and Transition Plan is available from the ADA/504 Coordinator. Accessible alternate formats are available.

Disability Access Consultants (DAC)
(800) 743-7067

1.0 INTRODUCTION

The Americans with Disabilities Act (ADA) is a civil rights law that mandates equal opportunity for persons with disabilities in the areas of employment, public accommodations, government services, public transportation, and telecommunication.

City of Modesto completed its original ADA Self-Evaluation and Transition Plan in 1992. This document updates the 1992 Self-Evaluation and Transition Plan to meet the requirements set forth in Title II of the ADA. This document re-evaluates the programs, activities, and services available to the public to determine if there is any discrimination against people with disabilities.

Legislative Mandate and Background

The development of a transition plan is a requirement of the federal regulations implementing the Rehabilitation Act of 1973, which require that all organizations receiving federal funds make their programs available without discrimination toward people with disabilities.

Congress passed the Americans with Disabilities Act on July 26, 1990. The ADA includes the general foundation of prohibiting discrimination against disabled individuals provided by Section 504 of the Rehabilitation Act but includes additional provisions. While Section 504 applies to only entities receiving federal assistance, the ADA covers all state and local governments, including those that receive no federal funds. The ADA has five separate Titles including Title I that applies to employment, Title III that applies to private businesses and public accommodations, and Title V that addresses miscellaneous provisions. Title II covers programs, activities, and services of public entities and the accessibility for people with disabilities and is the focus of this document.

The ADA and Section 504 of the Rehabilitation Act requires state and local governments, such as city and county governments (referred to as public entities in this document) to ensure that their facilities, public rights-of-ways, policies, procedures and practices are accessible and do not discriminate.

In addition to the Department of Justice (DOJ), the Federal Highway Administration's (FHWA) Americans with Disabilities Act (ADA) and Section 504 program plays an important role to ensure that pedestrians with disabilities have an equal opportunity to use the transportation system in an accessible and safe manner.

As part of FHWA's regulatory responsibility under Title II of the ADA and Section 504 of the Rehabilitation Act of 1973 (504), the FHWA is required to ensure that recipients of Federal aid and State and local entities that are responsible for roadways and pedestrian facilities do not discriminate on the basis of disability in any highway transportation program, activity, service or benefit they provide to the general public; and to ensure that people with disabilities have equitable opportunities to use the public rights-of-way system. Furthermore, laws and regulations require accessible planning, design, and construction to integrate persons with disabilities and that the public entity does not discriminate.

As Caltrans is a recipient of federal funds and cities, counties and other public entities are subrecipients of the flow through funding, public entities are required to demonstrate their compliance with the ADA and Section 504 of the Rehabilitation Act. A component of the requests is the development of a comprehensive ADA/504 Self-evaluation and Transition Plan.

Section 504 of the 1973 Rehabilitation Act (Public Law 93-112) prohibits discrimination on the basis of disability in federally assisted programs. Section 504 requirements for USDOT administrations are covered under 49 CFR Part 27 (USDOT), Nondiscrimination on the Basis of Disability in Programs and Activities Receiving or Benefiting from Financial Assistance. The Americans with Disabilities Act (ADA, 1990, Public Law 101-336) is a broader civil rights statute that prohibits discrimination against people with disabilities.

The Department of Justice (DOJ) has rulemaking authority and enforcement responsibility for Title II, while USDOT is legally obligated to implement compliance procedures relating to transportation, including those for highways, streets, and traffic management. The Federal Highway Administration (FHWA) Office of Civil Rights oversees the DOT requirements in these areas.

In order to ensure compliance, Caltrans conducts reviews to ensure that:

- FHWA recipients and subrecipients are informed of their responsibilities to provide accessibility in their programs, activities, facilities and public rights-of-way
- Recipients and subrecipients are in compliance with the ADA and Section 504
- Recipients and subrecipients are applying appropriate accessibility standards to all public rights-of-way and transportation facilities
- All complaints filed under Section 504 or the ADA are processed in accordance with established complaint procedures

Purpose of the City of Modesto ADA/504 Self-evaluation and Transition Plan

The purpose of the City of Modesto Americans with Disabilities Act (ADA) Title II and Section 504 Self-evaluation is to document the results of the City of Modesto's review of access to programs, services, activities, events, facilities, parks, airport and public rights-of-way by individuals with disabilities in order to determine if any discriminatory or potentially discriminatory practices, policies or procedures exist. This report contains findings and recommendations based on the review of the City of Modesto.

As evidenced by this study and update, the City of Modesto is committed to complying with the tenets of Title II of the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973 (504), and other federal, state statutes and regulations to provide accessible for persons with disabilities. The update further serves to demonstrate the ongoing compliance efforts by the City.

The City of Modesto has demonstrated a commitment from the highest level of leadership with coordination of compliance activities and involvement of persons with disabilities and methodologies for compliance procedures. As evidenced in the ADA/504 Report, the City of Modesto understands that the ADA/504 Compliance Plan is not a static document, but requires ongoing implementation and periodic updates.

Self-Evaluation and Transition Plan Update

The Self-Evaluation update is the City's assessment of the current programs, activities, and services to ensure equal accessibility for individuals with disabilities. The Self-Evaluation addresses both non-physical and physical accessibility.

Non-physical accessibility requires that policies, practices, and procedures do not restrict people with disabilities from participating in programs, activities, and services provided by the City. The Self-Evaluation reviews and corrects those policies, practices, and procedures that are inconsistent with the requirements of Title II of the ADA.

Physical accessibility requires that a facility or building is barrier-free and meets ADA Accessibility Guidelines (ADAAG) and State of California standards, including those found in Title 24. Barriers include any obstacles that prevent or restrict the entrance to or use of a facility. A survey of City's facilities and buildings will identify the physical barriers that will need to be removed. The implementation plan to remove the physical barriers is call the Transition Plan. At a minimum, the Transition Plan should include:

- A list of physical barriers in City facilities that limit the accessibility of its programs, activities, or services to individuals with disabilities;
- A detailed description of the methods to remove these barriers and meet the current accessibility regulations;
- A schedule for taking the steps necessary to achieve compliance with Title II of the ADA; and
- The name of the individual responsible for the plan's implementation.

Methods for Providing Accessibility

The City may achieve program accessibility by a number of methods. Achieving the required accessibility could occur through structural methods such as altering existing facilities or acquiring or constructing

additional facilities. Alternatively, examples of non-structural methods that could be used to remove non-physical and physical barriers include:

- Acquisition or redesign of equipment;
- Assignment of aides; and/or
- Providing services at alternate accessible sites.

Undue Burden

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

The determination that an undue burden would result must be based on an evaluation of all resources available for use in a program. For example, if a barrier removal action is judged unduly burdensome, the City must consider other options for providing access that would ensure that individuals with disabilities receive the benefits and services of the program or activity.

Prior ADA Self-Evaluation and Transition Plans

As required by Title II of the ADA and Section 504, the City of Modesto conducted previous accessibility studies in to identify physical and structural barriers that may be barriers for accessibility for individuals with disabilities. The latest study conducted by Disability Access Consultants updates and/or augments selected accessibility surveys and studies that were conducted previously. The update and progress report defines the compliance changes and progress since the previous study.

Updated ADA Self-evaluation and Transition Plan

To further the City's commitment to provide programs, services and activities in a nondiscriminatory manner for individuals with disabilities, the City decided to conduct an updated Americans with Disabilities Act (ADA) and Section 504 Self-evaluation of programs, services, activities, parks, facilities and public rights-of-way. The updated ADA/504 Self-evaluation provides a current benchmark for accessibility efforts by the City and provides an updated framework for implementation. The current study also incorporates recent updates in the ADA, California Building Code, Caltrans and accessibility trends.

The Self-evaluation of policies, procedures and activities was started in 2013 under the direction of Paul Liu, Senior Planner of the City of Modesto. Disability Access Consultants (DAC) was contracted to conduct a comprehensive survey of City buildings, facilities, parks, parking lots, and transit shelters and stops. The goal of the City is that all potential physical and programmatic barriers for accessibility are identified and removed. Since 2013, the City has continued to enhance other areas of accessibility as identified in the 2017 update, including receiving training on conducting ADA surveys of public rights-of-way to self-survey the City's sidewalks and curb ramps.

Regular Self-Evaluation Updates

The City understands that the ADA/504 plan is a living, on-going document and requires regular updates to keep it current. In its continuing efforts to maintain compliance, the City has several mechanisms in place to provide for an ongoing update of the Self-evaluation. The City's designated ADA/504 Coordinator is empowered with oversight responsibility for implementation of the requirements of the ADA, Section 504 and related accessibility standards and regulation. The City also has the use of web based accessibility management software called DACTrak to document and track the findings and the implementation of the plan, including progress reports.

As public input is important to develop and prioritize the plan, the City conducted public outreach and as described in the public outreach portion of this document. It is recognized that input from stakeholders is a valuable component of an updated, usable and realistic plan.

Updates may also be necessitated by changes in the ADA, the California Building Code, PROWAG or MUTCD. An example is the court case regarding on-street parking. Another example is the FHWA and DOJ memorandum clarifying what is maintenance and what is an alteration.

Classification of the City of Modesto

The City of Modesto is classified as a “public entity” pursuant to Title II of the Americans with Disabilities Act which applies to state and local governments. A public entity covered by Title II is defined as:

- 1) Any State or local government;
- 2) Any department, agency, special purpose district, or other instrumentality of a State or local government; or
- 3) Certain commuter authorities as well as AMTRAK.

As defined, the term "public entity" does not include the Federal Government. Title II, therefore, does not apply to the Federal Government, which is covered by sections 501 and 504 of the Rehabilitation Act of 1973. Title II is intended to apply to all programs, activities, and services provided or operated by State and local governments. As Section 504 of the Rehabilitation Act applies to programs or activities receiving Federal financial assistance, the City understands that compliance with Section 504 is required.

Title II of the ADA covers programs, activities, and services of public entities. Title II is divided into two subtitles. This study focuses on subtitle A of Title II, which is implemented by the Department of Justice's Title II regulation. Subtitle B, covering public transportation, and the Department of Transportation's regulation implementing that subtitle, are not addressed in this study. The City did, however survey and incorporate findings from selected public rights-of-way. In accordance with the ADA and Section 504, public rights-of-way are considered programs, services and activities of the public entity.

Subtitle A, the focus of the City of Modesto self-evaluation, is intended to protect qualified individuals with disabilities from discrimination on the basis of disability in the services, programs, or activities of all State and local governments. It additionally extends the prohibition of discrimination on the basis of disability established by section 504 of the Rehabilitation Act of 1973, as amended, to all activities of State and local governments, including those that do not receive Federal financial assistance. By law, the Department of Justice's Title II regulation adopts the general prohibitions of discrimination established under section 504, and incorporates specific prohibitions of discrimination from the ADA. Section 508 standards for website accessibility are also incorporated into the study.

Focus of the Updated City of Modesto ADA Self-Evaluation

Barriers that deny or limit access to programs, services or activities may be structural or nonstructural. Nonstructural barriers may be due to policies, practices or procedures that may inadvertently limit, segregate or discriminate against individuals with disabilities.

The City of Modesto ADA/504 Self-evaluation and Transition Plan targets access to the City's programs, services and activities in nonstructural or programmatic areas as defined by Title II of the ADA and Section 504 of the Rehabilitation Act. Structural barriers are referenced in the transition plan by site and are contained in detail in individualized Transition/Barrier Removal reports of sites inspected and are available from the ADA Coordinator and in the DACTrak Accessibility Management System. It is important to note that some structural barriers may be addressed by using a programmatic methodology if they did not involve new construction or new remodeling and renovation. Findings, recommendations and other pertinent information from the study has been loaded into the web based DACTrak Accessibility Management System developed by Disability Access Consultants (DAC) and licensed to the City of Modesto.

Location of Self-Evaluation

The ADA/504 Self-evaluation and Transition Plan will be maintained and made available for public inspection by the City's ADA Coordinator. The ADA/504 Self-evaluation and Transition Plan is available in alternate formats, as requested. Accommodations are also made by the City as requested.

Designated ADA/504 Coordinator

Paul Liu was designated as the ADA/504 Coordinator for the City of Modesto from 2013 to June 2017. Beverly Jensen was designated as the ADA/504 Coordinator on July 2017, and the address and contact information is:

Beverly Jensen, Risk Manager
City of Modesto
1010 10th Street
Modesto, CA 95354
Phone: (209) 577-5446
Email: bjensen@modestogov.com

The City offered alternate methods and accommodations to provide access to review or provide input into the City's plan.

Requests for information from the ADA/504 Coordinator can be sent by email, phone, mail, and fax. The ADA/504 Coordinator currently does not have a direct TTY number, but uses the California relay system. Information is available in alternate formats upon request.

Requests for copies or information about the City of Modesto ADA/504 Self-evaluation and Transition Plan can be obtained from the ADA/504 Coordinator.

Self-Evaluation Format

Information collected during the self-evaluation process is reported by areas and categories, not individually by departments. This Self-evaluation provides an overall summary and profile of findings and recommendations. Findings and recommendations for potential physical barriers are found in the web based DACTrak software program. DACTrak has photographs of barriers, GIS information, findings, recommendations, estimated costs and other information. Custom reports and transition plan information can be generated from DACTrak to monitor and track the implementation of the plan.

2.0 SELF-EVALUATION – Public Outreach

Title II of the ADA requires opportunity for input into the self-evaluation process by individuals with disabilities, organizations representing individuals with disabilities and other interested individuals, and program and site administrators. For three years after completion of the Self-evaluation, the public entity must keep records of any problems identified. (28 CFR §35.105)

Opportunities were provided for public input into the self-evaluation process. Notices requesting input and the identity of, and contact information for, the ADA Coordinator (Appendix A) were posted at City sites and on the City website. A letter was also sent to stakeholders that include agencies, organizations, and individuals seeking input. Two types of surveys were available to the public were available for Organizations Representing Individuals with Disabilities or for Facility Users.

A survey was also provided for Program and Site Administrators or City staff members for input.

Survey for Organizations Representing Individuals with Disabilities

The survey to organizations included questions regarding contact with City programs, if there were any current complaints or problems, what information or resources the organization could provide that would assist the City, what general guidance or assistance the organization could provide, and what is the highest priority for the City to improve accessibility. The comments from the public emphasize the need to provide

adequate accessible transportation and access to buildings. The response to this 2015 survey is summarized as follows:

| Questions | Organizations | Comments |
|---|--|--|
| 1. What direct communications have you had with the City of Modesto to facilitate services and accommodations for individuals with disabilities? | Modesto Gospel Mission | None |
| | MOVE | Most contact has been with MAX since I work with coordinating transportation for individuals with disabilities |
| | Project Sentinel | Project Sentinel conducted a presentation on its Fair Housing Services for the Equal Opportunity/disability commission highlighting our work with people with disabilities. |
| | Stanislaus County Behavioral Health and Recovery Services (BHRC) | Many |
| | Stanislaus Council of Governments (StanCOG) | StanCOG has regular communication with the members of our Social Services Transportation Advisory Council (SSTAC). The City of Modesto has a member of their Transit Division appointed to this advisory council. SSTAC advises StanCOG Policy Board, which is made up of local elected officials, on transit issues, including access for persons with disabilities. SSTAC also provides a forum for discussion between the region's four transit providers and representatives of social service agencies. |
| | U.S. Renal Care | Through Dial-A-Ride |
| | Visually Impaired Persons Support (VIPS) | None at this time |
| 2. Are there any specific complaints or problems regarding access for individuals with disabilities to any of the programs, services or activities provided by the City of Modesto? | Modesto Gospel Mission | Bus services (not enough) |
| | MOVE | None that I know of |
| | Project Sentinel | I have heard complaints about transit options making it difficult for people to access services. Though not an issue particular to these with disabilities, one major complaint is the non-responsiveness of code enforcement. |
| | Stanislaus County BHRC | Yes, cannot bring mobile grocery baskets on public transportation. Not enough bus stops within close proximity. No public transportation after 6 pm. |
| | StanCOG | Not at this time |
| | US Renal Care | At times do not always pick up the patients on time |
| | VIPS | None that we are aware of |
| 3. What information or other resources can you supply to help educate or inform the City of Modesto about your organization and your services for individuals with disabilities? | Modesto Gospel Mission | Our organization does provide shelter for disabled individuals at times. |
| | MOVE | Anyone having challenges getting to the city or events can contact us to work with them regarding transportation. |
| | Project Sentinel | We have brochures available on housing discrimination against persons with disabilities and on fair housing rights of persons with service and support animals. It would be great to have information on this on the City website. |

| Questions | Organizations | Comments |
|--|------------------------|--|
| | Stanislaus County BHRC | We can provide brochures |
| | StanCOG | SSTAC is one of the StanCOG Standing Committees for which the City of Modesto's Transit Division participates. (See response from Question No. 1) |
| | US Renal Care | -- |
| | VIPS | See attached brochure |
| 4. What general guidance, advice or assistance could your organization provide to the City of Modesto to protect against potential discrimination of individuals with disabilities in its programs, services and activities? | Modesto Gospel Mission | Making sure they are aware of the facilities that are compliant |
| | MOVE | None |
| | Project Sentinel | We'd be happy to provide training on housing discrimination for anyone who might need this information or be in a position to pass this information along to people with disabilities who need reasonable accommodations in housing. |
| | Stanislaus County BHRC | The need to address mental health stigma. Provide education to minimize. |
| | StanCOG | See above |
| | US Renal Care | None, not aware of any discrimination |
| | VIPS | We would be pleased to do a presentation to the city or any departments you think could benefit from our information. |
| 5. What do you feel is the highest priority for the City of Modesto to improve accessibility for individuals with disabilities? | Modesto Gospel Mission | Bus transportation dedicated to disabled instead of a normal bus |
| | MOVE | The bathrooms on all floors should have a button to open the doors at 1010 10 th Street. I was in a wheelchair when I worked there and could not get into the bathrooms. |
| | Project Sentinel | It would be great to have and advertise an ombudsperson or coordinated access point for complaints and to connect to people to services provided by the city and the community for people with disabilities. |
| | Stanislaus County BHRC | Transportation and curbside service. |
| | StanCOG | No input at this time |
| | US Renal Care | Don't know |
| | VIPS | Doorway access, clear access in front of buildings. |

Survey for Facility Users

Surveys were available for facility users to provide input. The survey included questions regarding accessibility, signage, accommodations, and the availability of auxiliary aids and equipment. The survey also asked the respondent to rate the City's attitude towards individuals with disabilities. The response to this 2015 survey is summarized as follows:

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| Questions | Organization | | Comments |
|--|---------------------------------------|-----------------------|--|
| | Modesto Senior Center | US Renal Care | |
| <p>1. What is your relationship to the City of Modesto? (check all that apply)</p> <ul style="list-style-type: none"> ▪ Resident ▪ Visitor ▪ Contractor ▪ Employee ▪ Participant of a Program, Service or Activity ▪ Other | x x | x | If Other, please describe. Social worker for U.S. Renal Care |
| <p>2. Check all programs, service or activities in which you participate at the facility, site or location.</p> <ul style="list-style-type: none"> ▪ Classes ▪ Recreation ▪ Meetings ▪ Sporting Events ▪ Seminars ▪ Work (Volunteer) ▪ Work (Employee) ▪ Other | x x x x x | x | If Other, please describe. |
| <p>3. Do you know who to contact if you need assistance, have a concern or complaint, or need an accommodation to access a facility, service or event?</p> <ul style="list-style-type: none"> ▪ Yes ▪ No | x | x | If Yes, who would you contact? Darin Sims |
| <p>4. Have you ever requested an accommodation for a disability from the City?</p> <ul style="list-style-type: none"> ▪ Yes ▪ No ▪ Not Applicable ▪ Don't Know | x | x | |
| <p>5. If an accommodation was requested, was your accommodation made by the City?</p> <ul style="list-style-type: none"> ▪ Yes ▪ No ▪ Not Applicable ▪ Don't Know | | x | If yes, what accommodations were made? If no, were you given a reason why it was not provided? |
| <p>6. Have you experienced any barriers, nonaccessible areas, or nonaccessible programs? (Examples: no accessible parking spaces, difficulty reaching an accessible entrance, steep ramps, uneven sidewalks, need for assistive listening device, large print, etc.)</p> <ul style="list-style-type: none"> ▪ Yes ▪ No ▪ Not Applicable ▪ Don't Know | x | x | If yes, please describe. Some customers complain of how far it is to walk to bus stop, front entrance (handicap accessible door). |

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| Questions | Organization | | Comments |
|--|-----------------------|---------------|---|
| | Modesto Senior Center | US Renal Care | |
| 7. Have you attended any special events in the City? <ul style="list-style-type: none"> ▪ Yes ▪ No | x | x | If yes, did you encounter any barriers to accessibility? |
| 8. Is accessible seating provided for individuals with disabilities at meetings, classes, programs, etc. held at the facility? <ul style="list-style-type: none"> ▪ Yes ▪ No ▪ Not Applicable ▪ Don't Know | x | x | If no, please describe. |
| 9. Are you aware of any programs, service or activities that are not accessible to individuals with disabilities? <ul style="list-style-type: none"> ▪ Yes ▪ No ▪ Not Applicable ▪ Don't Know | x | x | If yes, please describe. |
| 10. Are you aware of any areas or elements of the facility that are not accessible to individuals with disabilities? <ul style="list-style-type: none"> ▪ Yes ▪ No ▪ Not Applicable ▪ Don't Know | x | x | If yes, please describe. The senior center stage does not have an elevator/lift for someone with disabilities to get onto the stage. The PA system is not adequate for hearing impaired. |
| 11. Is information provided regarding accommodations, auxiliary aids (such as assistive listening systems, interpreters, alternate formats, specialized equipment, or assisted services, etc.?) <ul style="list-style-type: none"> ▪ Yes ▪ No ▪ Not Applicable ▪ Don't Know | x | x | Please describe. See above. |
| 12. Is there adequate directional and informational signage provided at the facility? <ul style="list-style-type: none"> ▪ Yes ▪ No ▪ Not Applicable ▪ Don't Know | x | x | If no, please describe. No signage to let guests know direction of office/front entrance location |
| 13. If you have requested auxiliary aids, an interpreter or specialized equipment, was your request accommodated? <ul style="list-style-type: none"> ▪ Yes ▪ No ▪ Not Applicable ▪ Don't Know | | x | If no, please describe. |
| 14. Has the attitude of the staff of the City of Modesto towards you or someone you know with a disability | | | Please describe. Senior center staff is sensitive to |

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| Questions | Organization | | Comments |
|--|-----------------------|---------------|---|
| | Modesto Senior Center | US Renal Care | |
| been generally helpful, supportive, positive and proactive in solving accessibility issues? ▪ Yes ▪ No ▪ Not Applicable ▪ Don't Know | x | x | the needs of elderly and disabled and endeavor to be helpful as possible. |
| 15. Other comments: | | | |
| 16. What do you feel is the highest priority for accessibility in the City of Modesto Accessibility Plan? | | | To provide access and various services for the disabled |

Survey for Program and Site Administrators

A survey for Program and Site Administrators was distributed and stated that “The City of Modesto is conducting an Americans with Disabilities Act Self-evaluation. This survey has been developed to gather input regarding the City’s provision of programs, services and activities for individuals with disabilities. Your assistance in completing this survey is appreciated. If needed, please fill out a separate survey for each program and facility or attach information as needed.” Responses were provided by Phil Calbreath, Principal Information Technology Administrator; Jeff Cortinas, Acting Senior Civil Engineer; Leslie Curtin, Customer Services Manager; Jessica Nunes, Paralegal; Mike Payton, Division Fire Chief; and Ken Peterson, Park Project Coordinator. The following questions were included in the survey.

| Questions | Respondent | Comments |
|---|----------------|--|
| 1. Please list and briefly describe programs, services, activities and special events for which you are responsible (you may be responding on behalf of your Division or Department): | Phil Calbreath | The mission of the Information Technology (IT) Department is to increase City Staff efficiency through the use of technology with the ultimate goal of improving the organization’s responsiveness and ability to provide services to citizens. The IT Department actively evaluates and pursues new technologies that facilitate staff efficiencies to ultimately benefit the citizens we serve. |
| | Leslie Curtin | I am the Customer Services Division Manager in the Finance Department responsible for the daily operations of the Customer Services Division which houses 4 minor divisions: Utility Billing and Collections, Cashiering, Parking Citations and Business Licensing. This division serves the majority of the percentage of customers that enter City Hall to pay their bills and process business transactions |
| | Jeff Cortinas | Webinar Training – monthly the division offers a training webinar in the IT training room. Quarterly Recognition Meetings – the construction and engineering divisions meets quarterly to review division news and topics. Typically this is done in the basement meeting rooms or on the 4 th floor conference rooms. Annual luncheon – the department meets yearly to review department news and topics. Christmas luncheon – the department meets yearly to celebrate the holidays. |
| | Jessica Nunes | Legal representative and advice regarding: (to all departments) criminal prosecution, administrative hearings, civil litigation, contracts (review, draft, approve) training (to staff) |

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| Questions | Respondent | Comments |
|--|-------------------|--|
| | Mike Payton | Fire safety education tours for kids ages K through 5 th grade. |
| | Ken Peterson | Park Planning and Development Division. Park development and construction, grant writing, park partner projects, construction plan check. |
| | Jessica Nunes | Legal representative and advice regarding: (to all departments) criminal prosecution, administrative hearings, civil litigation, contracts (review, draft, approve) training (to staff) |
| 2. Are the events, programs or activities for which you are responsible provided at one site or at multiple sites in the City? If so, please describe: | Phil Calbreath | IT services are provided at all City facilities where technology is installed, utilized or accessed. |
| | Jeff Cortinas | The training and QRMs are typically held in the basement or 4 th floor conference rooms. The luncheons are held at Tuolumne Regional River Park or the airport. |
| | Leslie Curtin | One site- City Hall |
| | Jessica Nunes | Multiple sites for meetings and training |
| | Mike Payton | Fire safety education programs are provided at all 11 fire stations. |
| | Ken Peterson | Display booth at Earth Day in the Park festival. |
| 3. List the site where your office is located: | Phil Calbreath | 1010 10 th Street, Su #5502 |
| | Jeff Cortinas | 1010 10 th Street, Fourth Floor |
| | Leslie Curtin | 1010 10 th Street, Su #2100 |
| | Jessica Nunes | 1010 10 th Street, Sixth Floor, City Attorney's Office |
| | Mike Payton | 1010 10 th Street, Suite 3200 |
| | Ken Peterson | 1010 10 th Street, Suite 4400 |
| 4. How do participants access or request information about your programs, services or events (come to your office, call, email, other, etc.)? | Phil Calbreath | We are primarily an internal service organization however we handle the technical aspects of many forms of communication and online services. Information can be requested via email, telephone; with an occasional walk-up to 5 th Floor Purchasing counter. |
| | Jeff Cortinas | Staff is emailed and flyers are posted throughout division and department. |
| | Leslie Curtin | Walk-in, phone calls, and email |
| | Jessica Nunes | Come to office, Call or email |
| | Mike Payton | By phone and email |
| | Ken Peterson | Email, phone, over the counter |
| 5. Hours of operation by program (if applicable): | Phil Calbreath | Normal staff operating hours are M-F, 8am – 5pm, with online and emergency services available 24/7. |
| | Jeff Cortinas | Construction and Engineering operates between 6:30am and 6:00pm. Operation operates between 6:00am and 5:00pm but does have graveyard shifts |
| | Leslie Curtin | 8:30 – 4:30 |
| | Ken Peterson | 8:30 – 4:30 |
| | Mike Payton | Programs are approximately 30 minutes, and can be conducted from 9am – 5pm. |
| | Jessica Nunes | Monday through Friday 8 to 5pm, closed 12 to 1 for lunch. |
| 6. What organizations or groups utilize all or part of your site? (Describe use and location): | Phil Calbreath | For the physical location City staff primarily, with the occasional vendor or visitor tour. Online services are targeted to City of Modesto residents, but available to all. |
| | Jeff Cortinas | None, sites are secure and require badge access or sign in. |

City of Modesto ADA Self-Evaluation and Transition Plan

| Questions | Respondent | Comments |
|---|----------------|---|
| | Leslie Curtin | Citizens, business owners, employees |
| | Jessica Nunes | City and county staff, Citizens of city and county |
| | Mike Payton | Church groups, public and private schools and boy scouts. |
| | Ken Peterson | Facilities constructed are open to the public. |
| 7. Are there any recent or current complaints from employees, members of the public or other stakeholders regarding accessibility for individuals with disabilities at your site? (If so, please describe): | Phil Calbreath | We are not aware of complaints from employees, members of the public or stakeholders regarding the accessibility for individuals with disabilities at our site. |
| | Jeff Cortinas | None |
| | Leslie Curtin | None |
| | Jessica Nunes | Unknown |
| | Mike Payton | Not that I am aware of. |
| | Ken Peterson | Not that I'm aware of. |
| 8. Are you aware of any barriers affecting accessibility by persons with disabilities to any program at your site? If so, please describe: | Phil Calbreath | We are not aware of any barriers that effect accessibility by persons with disabilities to any program at our site. |
| | Jeff Cortinas | Yes, see reports prepared by Disability Access Consultants. |
| | Leslie Curtin | No |
| | Jessica Nunes | No |
| | Mike Payton | None that I'm aware of. |
| | Ken Peterson | None that I'm aware of. |
| 9. What would you consider to be the highest priority to make programs, services, activities or events offered by the City of Modesto more accessible for individuals with disabilities | Phil Calbreath | We defer the matter of ADA priority to the ADA Committee recommendations. |
| | Jeff Cortinas | Those that are life, health or safety risks. For example steep ramps, protruding sharp objects, or insulating wraps for hot water at lavatories. |
| | Leslie Curtin | -- |
| | Jessica Nunes | Unknown |
| | Mike Payton | I don't believe our programs are hindered by the lack of ADA compliance. |
| | Ken Peterson | Trail, sidewalk and curb ramp improvements. |
| 10. In your opinion, what is the highest priority for making your facility or facilities more accessible (if applicable)? (Please provide as much detail as possible) | Phil Calbreath | We defer the matter of ADA priority to the ADA Committee recommendations. |
| | Jeff Cortinas | See above. |
| | Leslie Curtin | I think with our counter remodel we are able to accomplish ease of use of facility. |
| | Jessica Nunes | None |
| | Mike Payton | None |
| | Ken Peterson | None |
| 11. Other Comments (if more space is needed, please write on the back of the survey or attach additional sheets): | Phil Calbreath | None |
| | Jeff Cortinas | None |
| | Leslie Curtin | None |
| | Ken Peterson | None |
| | Mike Payton | None |
| | Jessica Nunes | None |

City of Modesto ADA Self-Evaluation and Transition Plan

The survey included the following detailed questions where the respondents could answer yes, no, don't know (DK) or not applicable (NA). Questions and the number of responses are included in the following summary:

| QUESTIONS | YES | NO | DK | NA | COMMENTS |
|--|-----|----|----|----|---|
| 1. General | | | | | |
| Do you know who the designated ADA Coordinator is for the City? | 6 | | | | If yes, name person: Paul Liu (2) |
| Have you posted and noticed the name and address of the ADA Coordinator? | 2 | 4 | | | If yes, where: Website |
| Do you already have an Accessibility Survey or report for your site? | 1 | 2 | 3 | | If yes, please attach to the survey. |
| Are individuals with disabilities included in or have an opportunity to participate in all programs, activities, and services provided by your site? | 4 | | 1 | 1 | |
| Do you have any employees with disabilities at your site (if known)? | | 2 | 4 | | |
| Are you aware of any community members or recipients of services with disabilities who utilize your site? | | 3 | 3 | | |
| 2. Communication | | | | | |
| Have you posted and noticed the rights afforded individuals with disabilities? | 3 | 1 | 1 | 1 | If yes, where: Anti-discrimination notices posted in employee break room, TSP Basement |
| Do you have a Telecommunications Device for the Deaf (TDD/TTY) at your site? | 3 | 1 | 2 | | If yes, state location, number, and if they are operable: 2 nd floor HR, PD front counter |
| Is your staff trained regarding the use of a TDD/TTY? | | 4 | 2 | | If yes, state when and how: |
| Are assistive listening devices available for individuals with hearing impairments at your site? | | 2 | 4 | | If yes, state location, number fixed or portable, and if they are operable: |
| Have you reviewed your website for accessibility for vision-impaired persons? | 1 | 3 | 2 | | If yes, when: 2012 |
| 3. Policies | | | | | |
| Are accessibility grievance procedures available for employees, students and members of the public? | 2 | 2 | 2 | | Anti-discrimination notices posted by HR in TSP, basement, and departments |
| Are grievance procedures or uniform complaint procedures noticed and posted at your site? | 2 | 2 | 2 | | If yes, where: Anti-discrimination notices posted by HR in TSP, basement, and departments |
| Are individuals with disabilities served or located in segregated areas of your facility? | 1 | 3 | | 2 | ADA compliant windows installed |
| Do you require persons with disabilities to receive or participate in services at an alternate location? | | 5 | | 1 | If yes, describe: |
| Do you follow a specific procedure or policy for use of the facility by organizations or members of the public? | | 3 | 1 | 2 | If yes, describe: |

City of Modesto ADA Self-Evaluation and Transition Plan

| QUESTIONS | YES | NO | DK | NA | COMMENTS |
|--|-----|----|----|----|---|
| Have you made accommodations for individuals with disabilities (employees, patrons, members of the public, etc.)? | 2 | 1 | 2 | 1 | If yes, describe: For ADA windows |
| Do you have a statement of accommodations in your literature or on public notices? | | 2 | 3 | 1 | |
| Do you have access to current City policies, procedures or practices? | 3 | 1 | 2 | | |
| 4. Programs | | | | | |
| Do you have emergency evacuation plans posted at your site that includes procedures for individuals with disabilities? | | 2 | 3 | 1 | If yes, where: |
| Do you provide transportation for your programs, services or activities? | 1 | 4 | | 1 | If yes, describe transportation and its accessibility: |
| Do you offer programs at your site that are not offered at other sites in the City? | 2 | | 2 | 2 | If yes, describe: Payments for business license, cash receipts, utilities, etc... |
| Do you have any programs offered or located at a different site? | 1 | 2 | 1 | 2 | If yes, describe each branch or satellite facility: |
| Does your site offer any exemplary programs or services for individuals with disabilities? | | 2 | 2 | 2 | If yes, describe: |
| Have you received any awards or special recognitions regarding programs or services for individuals with disabilities? | | 5 | 1 | | If yes, describe: |
| Do you have any construction or remodeling projects currently underway or planned for the next 2 years? | 3 | 3 | | | If yes, describe: Customer service counter reconstruction plans include ADA compliance windows |
| Do you have any volunteers? | 1 | 5 | | | |
| If you have volunteers, have they received training on providing services or activities for individuals with disabilities? | | 2 | 1 | 3 | |
| 5. Training | | | | | |
| Have you provided training or information to your staff regarding the requirements of the Americans with Disabilities Act? | | 5 | | | If yes, describe: |
| Would you like additional training regarding the Americans with Disabilities Act? | 4 | 1 | | | |

Public Input Recommendations

The City should continue to accept public input on the Self Evaluation and keep records of any problems identified. The City may wish to conduct periodic customer satisfaction surveys or gather input from recipient of services as an ongoing activity. An additional emphasis may include outreach activities to collect and integrate input from individuals with disabilities and organizations representing individuals with disabilities on an ongoing basis.

3.0 SELF-EVALUATION – Policies, Practices, and Procedures

The Self-Evaluation is the assessment of the programs, services, and activities, to ensure equal accessibility for individuals with disabilities and to remove any non-physical and physical barriers. This section of the Self-Evaluation reviews the policies, practices, and procedures to determine non-physical accessibility to programs, services, and activities.

3.1 ADA Coordinator

The regulations implementing the ADA require any public entity with fifty or more employees to designate at least one employee to coordinate ADA compliance (28 CFR §35.107(a)). The public entity shall make available to interested persons the name, office address, and telephone number of the ADA coordinator.

Findings

The City has a designated ADA Coordinator to oversee the development, implementation, and monitoring of the ADA Self-evaluation and Transition Plan. The identity and contact information of the ADA Coordinator is posted on the City website. The contact information includes the name, address, e-mail address and phone numbers of the ADA Coordinator as well as the California relay phone number.

Recommendations

Information regarding the ADA Coordinator should be posted at all City program sites, in new employee and volunteer packets, in frequently used publications (public notices, brochures, pamphlets and other documents), in staff and public directories, and continue to be on the website. A TDD/TYY number can also be provided.

A. Posting of Identity of ADA/504 Coordinator and Notice of Rights

Federal regulations require public entities to make available to interested persons the name, office address and telephone number of the ADA/504 coordinator (28 CFR §35.107(a)).

In addition, Section 35.106 requires a public entity to disseminate sufficient information to applicants, participants, beneficiaries and other interested persons to inform them of the rights and protections afforded by the ADA/504. Furthermore, in providing for notice, the City must comply with the requirements for effective communication in Section 35.160.

A copy of the public rights notice is located in Appendix A.

Findings

The identity of the ADA/504 Coordinator and the notice of the rights afforded individuals with disabilities were posted and noticed at the commencement of the study. The identity of the ADA/504 Coordinator, address, phone number, and email address were noticed and posted.

Recommendations

The City should provide ongoing notice of the identity of the City of Modesto ADA/504 Coordinator on its website and in frequently used publications or documents accessed by the general public and by recipients of programs, services and activities.

The notice may also be provided in newspaper advertisements, on applications, at program sites, in program handbooks, in regular mailings, on legal notices, on radio announcements, in requests for proposals/qualifications, on facility use agreements, and in contracts.

The notice should include the name, title, address and phone numbers of the ADA/504 Coordinator. The notice should include a TDD/TTY number and/or California Relay number to ensure equally effective communication. Although not required, it is recommended that the notice include the e-mail address for the ADA/504 Coordinator.

Notices should be posted in conspicuous locations on a regular basis.

Information regarding the requirement to post the identity of the ADA/504 Coordinator, notice of rights in accordance with the ADA/504 and related information should be sent to each department by the ADA/504 Coordinator or other appropriate official. A standard notice should be given as an example. Each department could add specific information applicable to the provision of programs, services and activities.

Posting and notice requirements should be updated if the identity of the ADA/504 Coordinator changes or if more than one ADA/504 Coordinator is designated.

B. Statement of Accommodations on Public Notices

Statements of accommodations should be available on public notices and agendas. The City is required to provide Title II information in alternative formats to ensure that that information is accessible to people with disabilities.

Findings

Public City Council Agendas and other public postings and notices currently have an ADA/504 compliance statement. A sample of an ADA/504 compliance statement from a City of Modesto Planning Commission agenda is:

“In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Commission Secretary at 209.577.5267. Assistive listening devices are available upon request to the Planning Commission Secretary. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.”

Recommendations

Another sample statement may include the following statement with the phone and TDD/TTY numbers:

“Individuals who need auxiliary aids and or services for effective communication or to participate in programs and services of the City of Modesto are invited to make their needs and preferences known to the ADA/504 Coordinator or the alternate Contact Person. This notice is available in accessible alternate formats from the ADA/504 Coordinator.”

3.2 Notice of Nondiscrimination

A public entity is required to provide information to applicants, participants, beneficiaries and other interested persons about the rights and protections afforded by Title II of the ADA (28 CFR §35.106). Specifically, a public entity must provide a notice of nondiscrimination. Furthermore, the notice must comply with the requirements for effective communication in Section 35.160.

Findings

The notice of nondiscrimination was posted on the City’s website at the commencement of this update. A copy of the public rights notice is located in Appendix A.

Publications containing statements of nondiscrimination in regards to access to programs, services and activities were found on the City’s website on many documents intended for public use. Examples include the Community Development Block Grant Program and Policies, and Modest Dial-A-Ride to name a few.

The City of Modesto employment opportunities in the Human Resources area of the City’s web page contains statements of nondiscrimination and Equal Employment Opportunity.

“The Modesto City Council is committed to the principles of equal opportunity and non-discrimination in all employment practices. We fully endorse the policy of equal opportunity and have committed the City of Modesto to provide employees and applicants equal employment opportunities in all departments within the City. The City’s Equal Opportunity Plan aims at: identifying and eliminating the effects of any past discrimination; removing any artificial barriers to the employment of women, minorities and disabled persons; developing and implementing employment programs so that the employment of women, minorities and disabled employees at all levels of the City approximates the local labor market; and providing a continuing program of training for all employees.

The City will not participate in discriminatory practices in recruitment, testing, hiring, promotions, training, compensation, layoffs, terminations, or any other conditions of employment based on race, ancestry, color, national origin, religion or creed, disability (mental and physical, including HIV and AIDS) or perceived disability, medical condition (cancer and genetic characteristics), pregnancy-related condition, marital status, sex, sexual orientation, age (40 and above), or political affiliation or belief. Moreover, it is further stated that our non-discrimination policy includes prohibition of harassment (visual, verbal or physical) of an

employee based on the conditions enumerated above. It is further stated that there shall be no retaliatory discrimination against those who file complaints against the City or because a person may have protested an alleged discriminatory practice and/or testified or participated in a discrimination investigation.

The City is in compliance with Section 504 of the Rehabilitation Act of 1973, as amended, the Americans with Disabilities Act (ADA) of 1990, as amended, and Title VII of the Civil Rights Act of 1964, to the end that no person in the United States shall, on the basis of proscribed grounds, be excluded from participation, be denied the benefits, or be otherwise subjected to discrimination under any program or activity in which the City receives Federal financial assistance. Further the City is in compliance with all state laws and regulations prohibiting harassment and discrimination.

In addition, the City is in compliance with the Uniformed Services Employment and Reemployment Rights Act (USERRA), which protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service or certain types of service in the National Disaster Medical System.

The City Manager is responsible for the implementation of the Equal Opportunity Plan. The plan includes goals and a monitoring system to measure progress. An active effort will be made to recruit women, minorities and disabled individuals for all employment opportunities within the City.”

Recommendations

Policies, practices and procedures should address nondiscrimination for members of the public and employees in regards to access to all programs, services and activities for individuals with disabilities and not be limited to employment.

A nondiscrimination notice should be included at program sites posted in conspicuous locations on a regular basis, in frequently used publications (public notices, brochures, pamphlets, and other documents), in new employee and volunteer packets, in contracts (for consultant services and facility use including requests for proposals/qualification), on applications, and on radio announcements.

Nondiscrimination statements should be posted on frequently used publications for the public.

A sample nondiscrimination notice should also be utilized. A notice, such as the following sample, could be utilized:

“The City of Modesto does not discriminate on the basis of disability in admission to, access to, or operations of its programs, services or activities. The City does not discriminate on the basis of disability in its hiring or employment practices. Questions, concerns, complaints or requests for additional information regarding the Americans with Disabilities Act may be forwarded to the City’s ADA/504 Coordinator (provide contact information).”

Policies, practices and procedures for nondiscrimination should refer to members of the public, in addition to employees, and address nondiscrimination in regards to access to all programs, services and activities for individuals with disabilities and not be limited to employment. The City should consider adopting a general nondiscrimination policy for access to programs, services, activities, applicants and employees.

Statements of nondiscrimination should be included on selected publications, brochures describing programs, services and activities offered by the City, new employee materials, recruitment materials; publications and frequently used forms and documents.

Departments should be directed to include the statement in selected publications, documents and forms.

Contracts and vendors that provide printing and publication services should be notified of required statements, required font and required contrast for accessible publications.

The new employee orientation packet and volunteer information should include a statement of nondiscrimination by the City in regards to the public’s access to programs, services, activities, recruitment and employment.

3.3 Accommodation to Accessibility

The ADA prohibits public entities from excluding persons with disabilities from programs, activities or services offered by the public entity. The law allows a public entity to use both structural and nonstructural methods to achieve accessibility to programs, services and activities (28 CFR §35.150(a) (1); (b) (1)).

Statements of accommodations should be available on public notices and agendas. The City is required to provide Title II information in alternative formats to ensure that that information is accessible to people with disabilities.

Findings

Currently, individuals requesting ADA Accommodations are mostly directed to contact the City's ADA Coordinator. The City does not have an Americans with Disabilities Act Accessibility Request Form (ADA-1) available on the City website that provides members of the public with a method to notify the ADA Coordinator of any problems or concerns. The form and its methodology also provides for an additional method of input regarding the current study of City programs, services and activities.

Most Agendas for the City Council, boards, commissions, and committees currently have an ADA accommodation statement, but does not list a TTY/TDD number. A sample of an ADA compliance statement from a City Council agenda is:

"In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk (209) 577-5396. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting."

Recommendations

The City should prepare an ADA Accessibility Request form (Form ADA-1) and post it on their website. This form should be available using several methods and should be available in an alternate format. The ADA Coordinator should maintain records of requests, concern and comments and the status and method to resolve the concerns.

Information about how to request accommodations should appear on all public notices, announcements and agendas. Information should be disseminated to all departments and divisions regarding the statement for accommodations requirement.

The City should provide training for staff and volunteers regarding accommodations for individuals with disabilities. All staff, and in particular frontline staff such as receptionists and staff with high public contact, should receive training on interacting and accommodating individuals with disabilities.

Additional training materials and videos should be purchased or developed to assist with training efforts.

The City should plan and budget for selected accommodations, such as large print, cassettes, cd-roms, Braille materials, etc.

Ensure that appropriate agendas, public postings and notices contain a statement of accommodations. Another sample statement may include the following:

"Anyone who requires an auxiliary aid or service for effective communication or to participate in programs and services of the City are invited to contact the ADA/504 Coordinator as soon as possible but no later than 48 hours before the scheduled event. This notice is available in accessible alternate formats from the ADA Coordinator."

3.4 Grievance Complaint Procedures

A public entity that employs 50 or more people must adopt and publish grievance procedures which provide for the prompt and equitable resolution of complaints alleging any action that would be prohibited by the ADA (28 CFR §35.107(b)).

Findings

The City's website directs complaints regarding access to the City's programs, services, and activities can be directed to the ADA/504 Coordinator. The website also publishes the policy on harassment and discrimination that addresses discrimination in a broader manner including individuals with disabilities. There should be specific information on the process to file a grievance in compliance with Title II of the ADA.

Recommendations

The City must develop grievance procedures in compliance with the ADA. The grievance procedures should be available in accessible alternate formats and provide an alternative contact other than the ADA/504 Coordinator

The City should make efforts to inform staff and the public of the existence of the grievance procedures, including steps for handling grievances and policies for remediation of grievances. This effort may include making the grievance procedures available in new employee orientation packet and at all City buildings and in all departments

The City should develop a method to collect data and centralize complaints to track complaint resolution. A centralized database and analysis of complaints may also assist with developing profiles to assist with quality control, budgeting, and training considerations. Centralized record keeping will help update compliance efforts.

3.5 Nondiscrimination Provisions

A. General Nondiscrimination

A qualified individual with a disability may not be excluded from participation or denied the benefits of the program, services, or activities of a public entity or be subject to discrimination by a public entity (28 CFR §35.130(a)).

Findings

City programs, services and activities were reviewed by the City and none were found to be discriminatory. Public input was sought regarding access to programs, services and activities as described in the Public Outreach section.

Recommendations

The City should continue to provide programs, services and activities that include individuals with disabilities.

The ADA/504 Coordinator should continue to monitor programmatic access.

Additional and ongoing training should be provided regarding the requirements of the Americans with Disabilities Act and accommodations that provide equal access to programs, services and activities.

Meetings and events open to the public should be held in buildings that meet accessibility requirements, or in the accessible portion of the building with accessible elements that serve the area where the meeting or event is held. For example, parking, restrooms and drinking fountains that serve the area where the meeting and event is held should also be accessible.

Information regarding the facility should include information regarding accessible features and elements of the site. For example, accessible parking, accessible restrooms and other items and elements should be indicated on documents and on the website. Indicating accessible paths of travel and accessible entrances also provides valuable information for individuals with disabilities. A contact number and email address should be provided for additional assistance.

B. Fees and Surcharges

Public entities may not charge a fee or add a surcharge to a fee to cover the cost of making its facilities, programs, services or activities accessible to persons with disabilities. (28 CFR §35.130(f)).

Findings

There was no evidence of fees charged to individuals with disabilities that were not charged to individuals without disabilities to access programs, services and activities.

Recommendations

The ADA/504 Coordinator should continue to randomly review policies and practices to ensure that fees and surcharges are not charged to individuals with disabilities that are not charged to individuals without disabilities.

C. City Policies

A public entity may not adopt policies that are discriminatory or engage in practices that are discriminatory. This prohibition applies to policies that are explicitly exclusionary and to those which appear to be neutral but have a discriminatory effect (28 CFR §35.130(b) (3)).

Findings

City policies, procedures and practices were reviewed by the City and none were found to be discriminatory. Public input was sought regarding adopted policies, procedures and practices as described in 2.0 Public Outreach Section.

Recommendations

The ADA Coordinator should continue to monitor the city's policies, procedures and practices and take the appropriate action regarding any potential discrimination against persons with disabilities.

D. Eligibility Criteria

Public entities cannot use eligibility criteria that tend to exclude or screen out persons with disabilities from any programs, services, or activities (28 CFR §35.130(b) (8)).

Findings

No discriminatory practices were noted regarding eligibility criteria for program access.

Recommendations

Program eligibility criteria should be reviewed as they are drafted or modified to ensure that eligibility criteria do not put additional burdens or requirements on individuals with disabilities.

The City should continue to ensure that all eligibility criteria allow for accommodations for individuals with disabilities.

E. Outreach Materials and Activities

The ADA does not specifically state how a public entity provides for accessibility to the City's programs, services and activities. One method is to disseminate information in a variety of locations and formats to enhance the access to programs, services and activities of the City.

Findings

No specific outreach activities were noted regarding providing activities and materials for individuals with disabilities.

Recommendations

The City should consider including additional pictures and references to individuals with disabilities in publications, brochures and materials.

Organizations representing individuals with disabilities and areas with an increased population of individuals with disabilities could be targeted for input regarding additional methods to disseminate information regarding programs, services and activities of the city.

In City publications, areas or services that are accessible should be indicated with descriptive text and the International Symbol of Accessibility.

F. Selection of Contractors

Public entities cannot use contract procurement criteria that discriminate against persons with disabilities (28 CFR 35.130(b) (5)). Contractors should be held to the same nondiscrimination rules that apply to City employees.

Findings

No discriminatory or exclusionary practices were evident in the selection of contractors and contracted services.

Recommendations

The City should continue to monitor use of standard agreements and leases by all City departments.

It is recommended that the City consider one or more of these avenues to maintain compliance when contracting for services or when leasing facilities:

- Include ADA compliance requirements in new requests for proposals.
- Review ADA requirements when contracts or leases are negotiated, revised or renewed

3.6 Communication

Public entities must ensure that applicants, participants and members of the public with disabilities have communication access that is equally effective as that provided to persons without disabilities (28 CFR §35.160(a)).

A. Auxiliary Aids and Services (Alternative Format)

Findings

The City does have selected auxiliary aids and services, alternative format, available to persons with disabilities.

Recommendations

The City should provide training to employees and volunteers and information regarding auxiliary aids and alternative formats to provide effective communication.

The City's policy directives should require equally effective communications for programs, services and activities provided for the public.

The City should consider a method to centralize information services or printing, that would provide documents and materials in alternative accessible formats. The centralized approach to developing and maintaining alternate accessible formats may be more cost effective and timely.

The City should produce accessible alternative formats for high use areas where the probability for a request for an alternative format is high. Examples include provision of audiocassettes, large print, information that sent via e-mail, screen readers, Braille, and pictograms.

Public meeting broadcasts should be captioned and interpreters made available when requested.

The City should consider contracting out selected services to organizations that can develop Braille documents for brochures, pamphlets, applications, documents and other public information written in text.

The City could purchase a portable indoor-outdoor assistive listening system that could be checked out from the ADA Coordinator on an as-needed basis. Information should be sent to departments regarding the availability of assistive listening systems.

B. Interpreter Services

Findings

Interpreter services are generally handled individually by departments. A City-wide contract for interpreters for departments to select or request interpreter services was not available at the time of the study.

Recommendations

The City should consider a City-wide contract for interpreter services that departments could utilize as needed. A City-wide contract may afford the individual department quicker access to qualified interpreters at a lower cost. Another option is to determine if there is qualified staff that could provide the interpreter service. This option would require staff to be tested and to receive proper benefit for the service.

Interpreters should be provided as determined through the request for accommodation process or in circumstances where an interpreter is known to be required.

The City must ensure that those individuals utilizing a language other than English and are deaf, are also provided interpreter services that specialize in signing for that language.

C. Telecommunications Devices

Findings

The City uses the California Relay Service and online communication for individuals with auditory disabilities. The City's website refers to the California Relay Service for teletypewriter (TTY) use.

Recommendations

All staff responsible for responding to incoming telephone calls should be trained in the proper use and protocol of California Relay Service TTY and online service. Information and training should be provided on an ongoing basis.

Publication of the California Relay Service TTY number should be provided in program literature, in phone directories and on selected publications.

D. Website

Findings

The City updated its website in 2016 compliant with website accessibility requirements. Information regarding City program, services and activities will be readily available on the website.

Recommendations

The City should continue to monitor its website accessibility.

3.7 Public Information and Notification

A. Online Information and Services

Findings

The accessibility of City of Modesto information, meetings, agendas and minutes is significantly enhanced due to the online availability of documents and videos of meetings that are archived. The video archives of meetings provide a significant step to improve accessibility of actual meetings in addition to other methods of providing information to members of the public.

Recommendations

Public notices regarding meetings and other methods for input should have a statement of accommodations that includes who to contact for an accommodation. A TTY/TDD number should also be included. Meetings and videos should be captioned. The methods for submitting information should also be expanded or clarified to include online input, appearing in person, and written comments.

B. Display of Publications

Findings

Most publications, brochures, and documents were displayed in departments and areas that were accessible for individuals with disabilities.

Recommendations

Provide information to departments regarding the placement of brochures, pamphlets and information in accessible locations and in accessible containers or displays for individuals with disabilities. Requirements for reach ranges and clear floor space to access publications would be helpful.

Counters and areas that are lowered or raised for access by individuals with disabilities should be maintained and kept clear of display and work items. Displays should also allow for retrieval of the information without utilizing a tight pinching or grasping motion and be within a compliant reach range.

3.8 Staff Education

A. Staff Training

Select City of Modesto staff have been training to conduct surveys of the City's public rights-of-way, with a focus on curb ramps, to assess compliance of the City's sidewalks. The City staff have been using DACTrak to conduct the surveys and update the transition plan to indicate a scheduled for barrier removal of noncompliant items.

On-going compliance with the ADA can only be achieved if City staff and officials receive ongoing and updated training about the rights of persons with disabilities and the obligations of public employees under the ADA. Although training is not required by the ADA, training regarding the requirements of the ADA is recommended.

Findings

There was some training and education of City staff about the requirements of the ADA during process of updating this document.

Recommendations

The City should provide ongoing training regarding the ADA, related civil rights legislation and requirements for facilities, public rights-of-way and outdoor recreation standards. Suggested training topics of which some have been previously discussed include, but are not limited to:

- Requirements of the ADA for the City
- Individuals with Disabilities
- Acceptable Terminology and Expressions
- Noncompliance Consequences
- Accessible vs. Compliant
- Barriers – Programmatic or Physical
- Providing Services for Individuals with Disabilities
- Leased Sites
- Special Events
- Accessible Locations for Meetings
- Events & Voting
- Auxiliary Aids and Services
- Construction & Remodeling
- Community Donations and Construction Projects
- City Responsibilities
- Notice of the ADA Coordinator
- Notice and Rights Posted for individuals with disabilities
- TDD/TTY
- Assistive Listening
- Grievance Complaint Procedures
- Statement of Accommodations
- Individuals with Disabilities Participation
- Use of City Facilities By Organizations and Individuals
- Reasonable Accommodations
- Statement of Accommodations

- Effective Communication
- Alternate and Accessible Formats
- Accessible Websites

The City should provide staff training in additional formats other than a classroom session, if needed. Training methodologies could include videos (captioned) that could be viewed at the training or checked out by departments and agencies.

Additional training videos should be purchased and maintained for checkout, or borrowed from a variety of agencies, such as the Department of Rehabilitation.

Handouts and training materials should be prepared, if needed, in alternate accessible formats.

The ADA/504 Coordinator should continue to provide or coordinate additional ADA training to all management and staff who have regular contact with the public.

B. New Employee and Volunteer Orientation

Findings

Currently, new employee and volunteer information did not contain information regarding nondiscriminatory practices and information regarding accommodations. In the past, the employee's handbook was provided in new employee information packets which included basic statements of nondiscrimination.

Recommendations

The City should add information as to the identity, title, address, phone number and e-mail address of the ADA/504 Coordinator to new employee orientation and volunteer information.

The City should develop training materials and videos for new employees and volunteers regarding information and requirements of Title I and Title II of the ADA. Materials could also be offered on providing accommodations for individuals with disabilities.

3.9 Emergency Evacuation Procedures

The City is required to plan to meet the needs of persons with disabilities in an emergency and provide access to emergency shelter services.

Findings

The City has prepared several plans that address emergency situations. These include Emergency Operations Plan, Hazard Mitigation Plan, and Airport Emergency Plan. Evacuation shelters are identified generally at school sites. Tenth Street Place has a policy manual that includes an evacuation plan requiring evacuation drills and posting evacuation routes. These emergency plans or general information about emergency matters are not provided on the City's website.

Recommendations

The City should provide some of these emergency plans on the City's website

The City should provide additional training and information regarding emergency evacuation procedures, particularly with regard to the evacuation of persons with disabilities.

The City should make sure that evacuation routes and procedures are posted at all City sites in accordance with ADA regulations. Procedures and monitoring mechanisms should be developed for the emergency posting practices.

The City should consider the development of a voluntary registry for individuals that may need additional assistance.

Designated evacuation shelters under City ownership should be surveyed to determine that they are accessible for individuals with disabilities. Noncompliant findings for designated shelters will be provided in the City of Modesto ADA Transition/Barrier Removal Plan. The City should communicate with the property

owners of evacuation shelters that are not owned by the City to determine the accessibility for persons with disability.

3.10 Implementation Policies

A. Planning and Budgeting

There is not a specific requirement in the ADA for planning and budgeting for barrier removal. There is a requirement for public entities to incorporate a projected schedule for barrier removal into the Transition Plan. A City that is budgeting or seeking funds to use for ADA barrier removal and to improve access to programs, services and activities shows intent to implement the Transition Plan.

Findings

The City is incorporating the removal of barriers to accessibility on an ongoing basis and plans to remove additional barriers to City programs, services and activities.

Recommendations

The City should develop a method to maintain an ongoing barrier removal implementation plan and document the City's progress, initiatives, and funds expended.

City should consider contracting for an independent review of plans, remodeling efforts, and new construction for accessibility requirements for the Americans with Disabilities Act Standards (ADA) and Title 24 of the California Building Code. It is important and required that the accessibility barrier removal efforts meet federal and state accessibility codes.

The ADA Coordinator, or designated staff, should be empowered with the authority to make recommendations and monitor the current City ADA Self-Evaluation and Transition Plan.

In addition to the removal of structural barriers, departments should consider budgeting for accessibility items, especially in the area of communication, such as TTY/TDD's and alternate formats.

B. Maintenance

The ADA requires (35.133) public entities to maintain their accessible features and elements.

Findings

No formal policies or procedures to remove barriers and maintain accessible features were found. There are some examples where the City has removed barriers. The city upgraded the Senior Center and made the restroom ADA compliant. The City has a practice of installing new curb ramps with new street improvement projects and based on complaints from the public. There is also a practice of correcting sidewalks using a combination of grinding, asphalt ramps, and replacing with new concrete sidewalks.

Recommendations

The City should consider developing procedures or policies to remove barriers and maintain accessible features that require general maintenance. A few examples include re-stripping of parking, vegetation or items that interfere with sidewalks, elevators and paths of travel.

4.0 SELF-EVALUATION – Buildings, Facilities, and Streets

This section of the Self-Evaluation reviews the buildings, facilities, and streets to determine physical accessibility to programs, services, and activities. It also includes recommendations for barrier removal and accessibility improvements implementation.

Noncompliant findings regarding physical barriers that may deny access for persons with disabilities are documented in the Transition Plan that is detailed in the DACTrak Accessibility Management Program.

Transition/Barrier Removal Plan

The term "transition plan" comes from the terminology in the 1990 Americans with Disabilities Act (ADA) that describes how public entities would be "transitioning" into compliance during the timelines of 1992 to 1995. The term barrier removal plan is used in addition to the term transition plan, as public entities are no longer transitioning into compliance during the three years set aside in the law. The transition/barrier

removal plan identifies the noncompliant barrier that may deny access to goods and services, the proposed method to remove the barrier, the identity of the responsible person to oversee the implementation of the plan and the projected schedule for barrier removal of “structural” barrier. The self-evaluation, on the other hand focuses on programmatic barriers that may deny access to programs services and activities. The two plans work congruently to remove the structural and programmatic barriers.

Public entities, such as the City of Modesto, are required to provide access to City programs, services and activities for the recipients of services. Thus, the City must provide access for individuals with disabilities and document areas of noncompliance. Documentation is incorporated into the plan as barriers are removed. Plans are updated, for example, as the City acquires additional properties, remodels facilities or removes properties from its inventory list.

Buildings and Facilities

Findings

The City demonstrated its ongoing commitment to enhance its accessibility to City programs, services and activities by updating the Americans with Disabilities Act (ADA) Self-Evaluation and Transition Plan. This effort includes inspecting City buildings, facilities and transit stops for ADA compliance. The following facilities were inspected:

- **Facilities and Parks**
 - 10th Street Parking Garage
 - 11th Street Parking Garage
 - 9th Street Parking Garage
 - American Legion Hall
 - Amtrak Station
 - ARFF Station 8
 - Beyer Community Park
 - Boy Scout Club House
 - Brewers Rose Park
 - Catherine Everett Park
 - Cesar E. Chavez Park
 - Codoni
 - Coffee-Claratina Park
 - Colman F. Brown Park
 - Corporation Yard
 - Creekside Golf Course
 - Creekwood Park
 - Davis Community Park
 - Downey Community Park
 - Dry Creek Regional Park
 - Dryden Park Golf Course
 - East La Loma Park
 - Enslin Park
 - Graceada Park
 - James Marshall Center
 - James Marshall Park
 - Jennings Treatment Plant
 - John Muir Park
 - John Thurman Ball Park

- Kewin Park
- King Kennedy Center
- Lakewood Park
- Maddux Center
- Mancini Bowl & Pool
- Mark Twain Park
- McClatchy Square & Rose Garden
- Mchenry Mansion
- Mchenry Museum
- Mellis Park
- Modesto Centre Plaza
- Modesto City Airport
- Modesto Municipal Golf Course
- Orchard Park
- Parking Lot - 10th & H
- Parking Lot - 9th & I
- Parking Lot - 9th between I & J
- Pilots Lounge
- Police Administration
- Property And Evidence
- Range
- Senior Center
- Sutter Admin Building
- Sutter Treatment Plant
- Tenth Street Place
- Transportation Center
- Virginia Corridor Trailway
- [Transit Stops, Benches and Shelters](#)
 - 799 transit stops were inspected including benches and shelters.

The findings and recommendations for the bus stops and 56 City buildings and facilities inspected are contained in the DACTrak Accessibility Management Software. The DACTrak software program provides the City with a tool to update its plan, document progress, estimate costs and schedule barrier removal. A complete inventory of the findings, recommendations and barrier removal schedule can be found on file with the City of Modesto.

The parks and other recreation buildings and facilities that have been surveyed were identified as priority sites. There are some parks and miscellaneous buildings and facilities that have not been surveyed. The City is committed to completing the surveys.

Recommendations

The City should develop a plan to complete the inspection of the remaining buildings and facilities. See Transition Plan section for implementation of barrier removal.

The City should develop methods and procedures to budget funds, schedule, implement, document, and monitor barrier removal activities.

The City should develop internal training and oversight procedures and methods to monitor new construction to verify that the work completed is compliant with accessibility standards.

Funds should be allocated for removal of ADA and Title 24 barriers to accessibility. The City should add projected dates for barrier removal over multiple fiscal years.

Streets

Findings

There are approximately 610 centerline miles of street to maintain by the City of Modesto. This equates to about 1,220 miles of sidewalk in the City along with the thousands of curb ramps located mostly at the street intersections.

In 2016, the City surveyed approximately 1,500 curb ramps within the street right-of-ways focusing on Arterial and Collector streets as well as streets in downtown. The survey information is provided in a spreadsheet that provides curb ramp status, compliance requirements, priorities, and cost estimates. A complete inventory of the findings, recommendations, and barrier removal schedule for the ramps that have been surveyed can be found on file with the City of Modesto. The City is committed to completing the surveys for the remaining ramps and sidewalks.

Curb ramp surveys have been conducted along the following streets:

| CURB RAMP SURVEYS CONDUCTED ALONG THE FOLLOWING STREETS | | |
|--|-------------------------|---------------------------|
| Arterial Street | Collector Street | Residential Street |
| 9th St | 14th St | 1st St |
| B St | Bodem Ave | 5th St |
| Carpenter Rd | Burney St | 6th St |
| Claus Rd | Carver Rd | 7th St |
| Coffee Rd | Conant Ave | 10th St |
| College Ave | Eastridge Dr | 11th St |
| Downey Ave | I St | 12th St |
| El Vista Ave | J St | 13th St |
| G Street | La Loma Ave | 17th St |
| H St | Laramie Dr | 19th St |
| Lakewood Ave | Lillian Dr | Blackwood Pl |
| Needham St | Rose Ave | Deerfield Pl |
| Oakdale Rd | S Washington St | Freeport Way |
| Paradise Rd | Sierra Dr | Kings Point Dr |
| Prescott Rd | Sonoma Ave | Marlboro Pl |
| Prescott/Bangs SW | Sunrise Ave | Middleboro Pl |
| Roselle Ave | Virginia Ave | N Washington St |
| Scenic Dr | | Portsmouth Ln |
| Tully Rd | | Providence Way |
| | | Revere Ln |
| | | Sharnee Cir |
| | | Springfield Ct |
| | | Surrey Ave |
| | | Westbury Ln |
| | | Wycliffe Dr |

Complaints about sidewalk and curb ramp barriers are addressed on a case by case basis as discussed in Section 3.10 B or as Capital Improvement projects are performed in the area.

Recommendations

The City should develop a plan to complete the inspection of the remaining curb ramps and sidewalks. See Transition Plan section for priority and implementation of barrier removal.

The City should develop methods and procedures to budget funds, schedule, implement, document, and monitor barrier removal activities.

The City should develop training and internal oversight procedures and methods to monitor new construction to verify that the work completed is compliant with accessibility standards.

Funds should be allocated for removal of ADA and Title 24 barriers to accessibility. The City should add projected dates for barrier removal over multiple fiscal years.

5.0 TRANSITION PLAN

The Transition Plan provides for the removal of the physical barriers. The Self-Evaluation includes the surveys of buildings, facilities, and streets that identify the physical barriers. The surveys also provide a method and schedule for barrier removal. The ADA Coordinator is responsible for the implementation of the Transition Plan with help from other staff members.

Costs

The estimated cost to remove barriers for all the bus stops and the 56 buildings and facilities that have been surveyed is \$6,722,043. The estimated cost to make the 1,468 curb ramps that have been surveyed is \$8,833,523.

Funding

City staff requested \$500,000 in the 2017-18 fiscal years from the general fund to assist implementing the ADA Plan. The City Council approved \$50,000 for ADA work. A lesser amount was approved due to limited general funds and other higher priorities especially improving public safety.

The City can pursue other funding sources from the federal, state, and local levels to address barriers for curb ramps and sidewalks. Some of these funding sources are focused on street improvements that require curb ramps and sidewalks to be compliant to ADA standards. In these cases, while the priority is not curb ramp and sidewalk ADA compliance, these funding sources provide the opportunity to make significant corrections. Examples include the following:

- Congestion Management Air Quality Program
- Highway Safety Improvement Program
- Local Transportation Funds
- Measure L Funds
- Safe Route to School
- Surface Transportation Program
- Community Development Block Grant

Some funding is available to renovate existing buildings and facilities where ADA compliance will also be addressed. These funding sources are used for parks and recreation facilities. Examples are as follows:

- Housing Related Parks Program
- Urban Stream Restoration Grant
- Land and Water Conservation Fund

Priority Levels

Priority levels have been established to assist in determining the implementation schedule for removal of identified accessibility barriers and completing the surveys of curb ramps and sidewalks.

Buildings and Facilities - Barrier Removal

Many factors must be considered when establishing priority levels for removal of identified accessibility barriers at City owned buildings and facilities. Some of the factors for assigning priorities include, but are

City of Modesto ADA Self-Evaluation and Transition Plan

not limited to: complaints regarding accessibility, risk management issues, litigation, funding, scheduled improvement projects such as remodeling and renovations, scheduled new projects, level of deviation, and prevalence of use by the public and persons with disabilities. In general, when no additional factors are readily identified, the following table establishes priority levels and timing for barrier removal of deficiencies noted at City owned facilities.

| PRIORITY LEVELS FOR BUILDINGS AND FACILITIES BARRIER REMOVAL | | | |
|---|--|---|----------------------------------|
| Priority Level | Noncompliant Finding | Possible reason for Application of Priority Level | Projected Completion Date |
| 1 | Possible safety or hazard | <ul style="list-style-type: none"> • Current accessibility complaint • Injury due to item or element • Tripping hazard • Safety hazard, such as sharp corner • Protruding object or object in the path of travel | By 2021 |
| 2 | Easy or inexpensive to correct; needed to access program service or activity | <ul style="list-style-type: none"> • Door pressures • Trash cans, shrubbery, etc. encroaching path of travel • Faded ISA; incomplete striping • Missing or vandalized sign; minor corrections to sign • Removing door stops • Wrap supply lines • Striping stairs (small amount needed for correction) • Coat hook – remove, adjust or replace • Contact vendor to replace or repair | By 2026 |
| 3 | Items may be completed by staff; minimal expense | <ul style="list-style-type: none"> • Signage • Striping in parking lots to correct width and length • Striping crosswalks • Striping on stairs (large amount needed for correction) • Relocate, add or replace grab bars, dispensers, mirrors, thresholds (no complications) • Replace door handles | |
| 4 | More expense and some design may be required | <ul style="list-style-type: none"> • Relocate, add or replace grab bars, dispensers, mirrors (complications require more work but not extensive remodel per priority 6) • Thresholds (complications such as floor level must be corrected) • Handrails and handrail extensions | By 2031 |
| 5 | Expensive; may need to be incorporated into other projects; may impact use of building during remodeling or construction | <ul style="list-style-type: none"> • Curb ramps • Sidewalks • Drinking fountains • Ramps • Slopes in parking areas or paths of travel | |
| 6 | Requires design and significant expense; plan checks and approvals; permits; may impact use of building | <ul style="list-style-type: none"> • Items needing design • Restroom remodels • Latch side clearance • Clear floor space • Ramps with switch-backs • Audible visual alarm system • Other extensive remodeling or renovation | By 2031 or longer. |

| PRIORITY LEVELS FOR BUILDINGS AND FACILITIES BARRIER REMOVAL | | | |
|--|---|--|----------------------|
| 7 | Noncompliant item to be removed or will no longer be a barrier; will have minimal benefit | <ul style="list-style-type: none"> • Employee only area, low level of public use • To be demolished, removed or relocated • No plan for remove barrier; may be removed in the future; needs further discussion • Will no longer be used • Leased site; not owned, site maintained by others • Code is expected to change for this item and would be compliant with new codes • Minor deviation from code • Lack of right-of-way requiring land acquisition | After 2031 or longer |

Streets - Barrier Removal

Section 35.150(d) of the 2010 ADA Title II Regulations sets the priority standards for the replacement of curb ramps or other sloped areas where pedestrian walks cross curbs. The priority levels and criteria to assist in the curb ramp and sidewalk barrier removal program are provided in the following table:

| PRIORITY LEVELS FOR CURB RAMP AND SIDEWALK BARRIER REMOVAL | | |
|--|---|----------------------------|
| Priority Level | Criteria to Determine Priority Level | Projected Completion Date |
| 1 | <ul style="list-style-type: none"> • Serving government buildings and facilities • Located on Arterial or Collector Street • Hazardous condition • Current accessibility complaint • Funding is available • Major deviation from code • High level of public use | By 2022 Within 5 years |
| 2 | <ul style="list-style-type: none"> • Serving bus stops and other transportation services • Located on Arterial or Collector Street • Funding is uncertain • Moderate deviation from code • Moderate level of public use | By 2027 Within 10 years |
| 3 | <ul style="list-style-type: none"> • Serving places of public accommodations and business districts • Funding is not available • Minor deviation from code • Low level of public use | By 2032 Within 15 years |
| 4 | <ul style="list-style-type: none"> • Serving residential areas • Funding is not available • Minor deviation from code • Low level of public use | After 2032 |

The list of criteria within each priority level should be considered to determine the priority level. The priority determination would typically identify multiple criteria within a priority level. However, a single criteria identified could be sufficient to determine the priority level. For instance, a hazardous condition could be identified as a Priority Level 1 even if the other criteria listed under Priority Level 1 do not apply. The priority evaluation would also need to consider situations where criteria from multiple priority levels apply. An example would be a curb ramp with an accessibility complaint, a Priority Level 1 criteria, located in a residential area, a Priority Level 4 criteria, could end up as any priority level. In this case, other criteria would have to be considered such as hazardous condition, level of public use, level of deviation from the code, and funding availability.

Streets - Surveys

Priority policy to complete the surveying of curb ramp and sidewalk is provided in the following table:

| PRIORITY LEVELS FOR CURB RAMP AND SIDEWALK SURVEYS | | |
|---|--|----------------------------------|
| Priority Level | Criteria to Determine Priority Level | Projected Completion Date |
| 1 | <ul style="list-style-type: none"> • Arterial streets as classified in the City General Plan. • Connecting any roadway segments serving government and public serving buildings and facilities including but not limited to: City- and County-owned facilities; public schools including the Junior College; hospitals, health centers, and clinics (public/private); public housing and shelters; bus lines; and parks. | By 2020 Within 3 years |
| 2 | <ul style="list-style-type: none"> • Collector streets as classified in the City General Plan. • Connecting any roadway segments serving public accommodations including but not limited to: shopping malls, supermarkets, and strip retail centers; major employment sites; and large housing complexes. | By 2023 Within 6 years |
| 3 | <ul style="list-style-type: none"> • Single-family residential areas. • Other areas not classified as Priority Level 1 or 2. | After 2023 |

Schedule

Because the City has a large number of buildings, facilities, curb ramps, and sidewalks to address, it is impossible to remove all barriers to program access in a few years. Barriers throughout the City will have to be removed systematically, city-wide, to ensure equality among City programs. The survey inventory provided on file with the City of Modesto includes a schedule to remove barriers based on the Priority Level system provided in Section 5. Identifying the priority level and schedule to remove barriers for Tenth Street Place has not been completed because it is under the authority of a City of Modesto and County of Stanislaus Joint Powers Agreement. The evaluation of the priorities and dates of corrections is planned to be completed by December 31, 2018.

The City reserves the right to modify barrier removal priorities in order to allow flexibility in accommodating community requests, petitions for reasonable modifications from persons with disabilities, changes in City programs, and funding constraints and opportunities. It is the goal of this Transition Plan to provide access to the programs, activities and services provided by the City. Interim measures will be explored and implemented in order to provide programmatic access to the public pending the implementation of physical barrier removal projects.

The City is committed to providing curb ramps at the northeast corner of Strivens Avenue and Brenner Way, southeast corner of Strivens Avenue and Brenner Way, and southwest corner of Rumble Road and Sisk Road in compliance with the Americans with Disabilities Act Accessibility Guidelines and Title 24 of the California Code of Regulations by April 14, 2018.

6.0 IMPLEMENTATION

The City has demonstrated an ongoing commitment to provide equal access to its programs, services and activities to maintain and enhance compliance with the requirements of the Americans with Disabilities Act. The City continues to embrace a concept of full and equal access for all of the people it serves.

Implementation of the Self-Evaluation and Transition Plan will continue to require planning, resources, staff training, interdepartmental coordination and collaboration throughout the organizational structure and the public. City will continue to prioritize and develop funding projections for implementation of this plan.

Appendix A - Public Notices and Postings

Public Notice and Posting
City of Modesto

The City of Modesto, in keeping with its ongoing efforts to serve all members of the community, is updating its Americans with Disabilities Act (ADA) transition plan and self-evaluation. The accessibility plan provides a comprehensive plan for access for individuals with disabilities to City buildings, sidewalks, programs, services, activities and events.

The City of Modesto is seeking input from stakeholders that include agencies, organizations and individuals with disabilities. As an agency, organization or individual, the value of stakeholder guidance will help to address and prioritize current and future needs. Users of City programs and facilities including patrons, community members, employees, and other interested individuals who would like to provide input are invited to complete a survey. A survey is also available for organizations and agencies that represent individuals with disabilities who wish to participate in the evaluation.

Your comments and opinions are important to us and will provide valuable information regarding how the City of Modesto can better serve individuals with disabilities. Surveys are available at on the City's web site at www.modestogov.com/ada or from the City's ADA Coordinator.

Paul Liu, ADA Coordinator
City of Modesto
City Hall
1010 10th Street
Modesto, CA 95354
pliu@modestogov.com

Please return the completed survey by January 8, 2016.

Please contact Paul Liu, ADA Coordinator, if you have questions or comments or would like to request a survey in an alternate format. Information regarding the Americans with Disabilities Act can be obtained from the ADA Coordinator.

The City of Modesto complies with the Americans with Disabilities Act of 1990, Public Law 101-336, which prohibits discrimination on the basis of disability..

CITY OF MODESTO ADA PUBLIC NOTICE

Notice of Compliance under the Americans with Disabilities Act: In accordance with the requirements of title II of the Americans with Disabilities Act of 1990 (“ADA”), the City of Modesto will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

Employment

The City of Modesto 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 ADA.

Effective Communication

The City of Modesto 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 of Modesto’s programs, services, and activities.

Modifications to Policies & Procedures

The City of Modesto will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in the City of Modesto 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 program, service, or activity of the City of Modesto, should contact the office of the ADA Coordinator as soon as possible but no later than 48 hours before the scheduled event.

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

Complaint Direction

Complaints that a program, service, or activity of the City of Modesto is not accessible to persons with disabilities should be directed to:

Paul Liu, ADA Coordinator

[Email](#)

City Hall
1010 10th Street
Modesto, CA 95354

Phone: 209-577-5282

California Relay Service: 711 (for TTY users)

No Surcharge

The City of Modesto 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 Modesto
Organizational Survey**



Americans with Disabilities Act
Survey for Organizations Representing Individuals with Disabilities
City of Modesto

The City of Modesto is currently updating its Americans with Disabilities Act Self-Evaluation and Transition/Barrier Removal Plans. In order to enhance access to programs and services for individuals with disabilities, the City of Modesto is asking for your input.

Name of organization: _____

Address: _____ Contact person: _____

Phone: _____ Position: _____

Name of person completing this form: _____ Today's date: _____

Name of the ADA/504 Coordinator(s) for your organization: _____

The following questions have been developed to determine how organizations and advocacy agencies perceive the City of Modesto's ability to provide services and accommodations for individuals with disabilities and to ask for input regarding how programs, services and activities can be more accessible for individuals with disabilities.

1. What direct communications have you had with the City of Modesto to facilitate services and accommodations for individuals with disabilities?
2. Are there any specific complaints or problems regarding access for individuals with disabilities to any of the programs, services or activities provided by the City of Modesto?
3. What information or other resources can you supply to help educate or inform the City of Modesto about your organization and your services for individuals with disabilities?
4. What general guidance, advice or assistance could your organization provide to the City of Modesto to protect against potential discrimination of individuals with disabilities in its programs, services and activities?
5. What do you feel is the highest priority for the City of Modesto to improve accessibility for individuals with disabilities?

Please add any additional comments on the back of this survey or attach any additional documents.

Thank you for your input.

Please return this survey by January 8, 2016 to Paul Liu, ADA Coordinator, City of Modesto, 1010 10th Street, Modesto, CA 95354. Comments can also be made by calling (209) 577-5282, or by email at pliu@modestogov.com.

Surveys can also be returned to Disability Access Consultants, 2243 Feather River Boulevard, Oroville, CA 95965. Comments can also be emailed to bthorpe@dac-corp.com, faxed to (530) 533-3001 or made by phone to (800) 743-7067.