

Livingston ADA Transition Plan

February 2019



1. PURPOSE

The purpose of this Transition Plan is to ensure that the citizens of Livingston are provided full access to the City's programs, services and transportation in as timely a fashion as is reasonably possible. The City's elected officials and staff believe the ability to accommodate disabled persons is essential to good customer service and the quality of life Livingston City residents seek to enjoy. This plan has been prepared with community meetings and after careful study of all of the City's programs, services and transportation.

1.1. Mission Statement of the Transition Plan

The Transition Plan mission adopted by the City of Livingston is to be, "A safe, clean, family-oriented community with parks and trees that is poised for future growth and dedicated to the advancement of community quality of life; A city governed by the principals of responsibility, fiscal soundness, accessibility, and success for a culturally diverse and multigenerational community." Based on this mission statement, Livingston has committed to the following strategic principals in development and implementation of this plan.

1. **Fiscal Soundness** - The City will endeavor to make ethical, cost-effective use of the resources available in the development and implementation of this plan.
2. **Accessibility** - The City recognizes that it has citizens with differing levels of ability that must access the City services, programs, facilities, and infrastructure.
3. **Success** - The City will strive to deliver exceptional service to all our customers and measure and report on our accessibility.

2. INTRODUCTION

2.1. Background

The Americans with Disabilities Act (ADA) of 1990 is a civil rights statute that prohibits discrimination against people who have disabilities and includes provisions which applies to public entities such as state and city governments. Specifically, Title II requires nondiscrimination on the basis of disability, in state and local government services. These "public entities", including departments, agencies, or other instrumentalities, are required to comply with the ADA. Title II of ADA therefore requires that all programs, services and activities of public entities, including those considered "instrumentalities" of the government, assure that individuals with disabilities have access to all of their programs, services and activities. The Act applies to all facilities, including both facilities built before and after 1990. As a necessary step to a program access plan to provide accessibility under ADA, State and local governments, public entities or agencies are required to perform self-evaluations of their current facilities and services, relative to the accessibility requirements of ADA. The agencies are then required to develop a Transition Plan to address any deficiencies.

2.2. Objectives

The Transition Plan is intended to achieve the following:

- Identify physical obstacles that limit the accessibility of City services to individuals with disabilities;
- Describe the methods to be used to make the services accessible;
- Provide a schedule for making the access modifications; and,
- Identify the public officials responsible for implementation of the Transition Plan.

2.3. Barriers

There are many potential barriers to accessibility of City services. Accessibility is not only for individuals with needs related to mobility disabilities, but also for individuals with needs related to speech, cognitive, vision and hearing disabilities. The following are simply a few of the more common examples:

Physical Barriers

- Parking
- Path of Entry/Travel
- Doors
- Service Counters
- Restrooms
- Sidewalks/Curb Ramps

Programmatic Barriers

- Building Signage
- Customer Communication and Interaction
- Emergency Notifications, Alarms, Visible Signals
- Communications (via internet, public meetings, telephone)
- Participation opportunities for events sponsored by the City

This plan has been prepared after a careful study of Livingston's programs and facilities. The City, in preparing this document, has received input from individuals at a public meeting as well as from the City Council and City Personnel. Responsibility for implementation of this plan will reside with the City ADA Coordinator. The ADA Coordinator is the Public Works Project Manager (Matt Whitman).

City facilities, programs, services, policies, practices and procedures will continue to be surveyed on an on-going basis, and the ADA Transition Plan may be revised to account for changes to City functions. This plan will be posted to the City's web site for review and consideration by the general public. In addition, notice will be provided of its existence in any official and unofficial City publications.

3. PHYSICAL BARRIERS

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

A self-evaluation/assessment of each of the City's physical facilities has been completed. The self-evaluations were made of existing baseline conditions at each of the facilities. The evaluations were made based on the criteria for determining existence of impediment as outlined below.

3.1. Baseline Conditions

City's facilities are reviewed in light of several "baseline" conditions, including:

- a) Access to parking and entry into the facilities themselves;
- b) Access to a clear and distinct path of travel;

- c) Access to programs and services themselves;
- d) Access to public areas and restrooms; and
- e) Access to related amenities.

3.2. Facility Assessment

The lists below details the deficiencies noted at the facilities that have been inspected for compliance with the ADA. All recommended actions to address deficiencies have been included in the Action Log in Chapter 6.3.

Civic Center:

- Entrance Ramps need to be non-slip and have 6' railings installed.
- "Van Accessible" parking spaces and signage must be added.
- Accessible signage at entrances must be added.
- Install visible and audible alarms.
- Provide informational and directional signs in Braille or raised lettering.
- Install ramps or lifts.
- Install continuous rails on stairs.
- Accessible handles should be installed.

Library: The library is in compliance with ADA requirements.

Street Shop:

- Add accessible parking signs and enforcement procedure.
- Door adjuster on front door accessible doors needs to be adjusted to take longer to close.
- Install visible and audible alarms.
- Signage needed in Braille and raised letters for information inside and out.
- Stairs need continuous rails.
- Add accessible signage; install swing-clear hinges, more space needed to provide adequate maneuvering space for a person using a wheelchair.
- No stall, grab bars should be added behind and beside toilet, add raised seat to meet 17" height requirement on toilet.
- Needs 30" wide by 48" deep space in front of toilet, new faucet to be operable with one fist and soap should be in reach and operable with one fist

Swimming Pool:

- Accessible parking spaces should be designated and an enforcement policy established.
- Emergency and directional signs needed.
- Hallways to bathrooms and pool should be widened.
- Front service counters should be lowered.
- Need at least one ADA compliant restroom in each of the men's and female locker rooms.
- One ADA compliant drinking fountain needed.

Finance Office:

- No accessible parking spot is designated in the Finance Office parking lot.

Public Works Office:

- No accessible parking spot is designated in the Public Works Office parking lot.
- Entrance doors are not Accessible.

Water Reclamation Facility: This Facility is not ADA compliant. The entire facility is in the process of being replaced and the new facility will be ADA compliant.

3.3. Sidewalk Assessment

Livingston completed a field inventory of sidewalks to assess the overall condition of these features throughout the City and to determine the level of accessibility and physical locations of any barriers. The field inventory is shown in Figure 1. The table showing locations and access compliance is located on the City Website (livingstonmontana.org). By conducting a condition assessment, the City was able to identify sidewalk maintenance needs and necessary improvements. The goal is for the City is to identify any physical barriers and provide better accessibility to residents through improved connectivity between neighborhoods, commercial corridors, and other community resources. Examples of barriers are shown below:

- **Sediment / Vegetation** - these were defined as areas where excessive vegetation or overgrowth has occurred across a sidewalk.
- **Structural Damage** - defined as significant damage to the sidewalk material, hindering the movement for wheelchairs or people with other access issues.
- **Obstructions** - occurs when natural elements or manmade features impede the flow of movement along a sidewalk segment.
- **Erosion** - instances where erosion, most likely related to drainage has created an unsafe and potential dangerous situation along a sidewalk section.

The City staff will utilize this data to develop sidewalk improvement projects for inclusion in the **Corrective Plan**. Projects will be prioritized based on the sidewalks level of use, project cost, and potential to improve overall City connectivity. Sidewalk improvement projects will be implemented as city code allows, funding is identified, or in association with other City projects that necessitate construction in the City street right-of-way or on City property.

Corrective Plan – The corrective plan for sidewalks in the City of Livingston will focus on four main areas: Sidewalks adjacent to properties, ADA compliant ramps, lack of sidewalks, connectivity.

- a) **Sidewalks Adjacent to Properties** - Livingston City Code Sec. 26-116 requires adjacent property owners to repair and maintain sidewalks adjacent to their property. When the adjacent property owner fails to adequately maintain the sidewalk the City of Livingston can make the repairs and bill the property owner on their taxes. Code enforcement will need to work with the public works department to determine a percentage of sidewalk that needs repaired every year and issue notices to property owners that their sidewalks need repaired or the City will conduct the work and bill them for the work.
- b) **ADA Compliant Ramps** – Ramps from the sidewalks to streets are the responsibility of the City of Livingston to maintain and replace. Livingston has allocated \$10,000 per fiscal year for the upgrading of sidewalks throughout town. If through public meetings and community feedback

this does not replace ramps quickly enough then more money will need to be allocated in future years.

- c) **Lack of Sidewalks** – Several neighborhoods and properties throughout town were allowed to be developed without building sidewalks, curbs, or asphalt roads. These present a large difficulty in ADA accessibility and cost to bring up to standard. Two options for these areas would be for the City Commission to pass an ordinance requiring all properties in the city that have been built upon to have sidewalks or with the creation of Special Improvement Districts to pay for upgrades within their districts.
- d) **Connectivity** – Special priority should be given to ADA upgrades in areas that serve to connect heavily used areas and facilities.

In addition the City will increase patrolling and citations associated with items stored on sidewalk that impedes ADA accessibility. Hours patrolled and warnings and citations issue annual will be part of the yearly reporting on ADA accessibility. *Sec. 26-35. - Obstructions—permit required. It is unlawful for any person, including employees of any person, to unnecessarily obstruct any street or other public way by any means whatsoever, except for some necessary purpose and with a permit from the commission or the Chief of Police, and then only for such period of time as shall be designated in the permit.*

4. ACTION PLAN

Through these self-evaluations, deficiencies in the City of Livingston’s facilities that diminish the ability of disabled persons to benefit from the City's programs, services and activities have been identified.

4.1. Prioritization of Barrier Removal

Criteria have be established to determine whether corrective action needs to be taken in a particular order. The criterion includes, but is not limited to:

- **The nature of unique programs or services.** Some facilities and sites are the only location that a particular program or service may be provided; so there is limited flexibility to move the program or service to a more accessible facility.
- **Ability to relocate programs from one facility to another accessible facility.** Because the City may offer special programs and services at more than one location, consideration was given to distribution of the special programs and services when viewed in their entirety;
- **Current state of accessibility.** The current condition of each location in terms of barriers already removed, or planned to be removed.
- **Cost.** The cost of alternatives to physical barrier removal versus the cost of an alternative corrective action plan; and public use.
- **Population Served.** The population served by a particular program or service and whether the public can obtain service from an alternative City location.
- **Special Request.** COL will attempt to give priority to any program, service or facility where a disable person has requested help.
- **Connectivity.** Prioritization will be given to projects that connect large areas of accessibility that have and area of inaccessibility between them.

4.2. Priority List

4.2.1. O Street Connector Trail

- 4.2.2. Wheel Chair Swing and Parking Spot**
- 4.2.3. Accessible Bathrooms**
- 4.2.4. Accessible Spot along Park Street**
- 4.2.5. Increase Sidewalk width on 5th Street Rail Road Crossing**
- 4.2.6. Accessible Spot and Accesses to Skate Park**
- 4.2.7. Connector to Big Hill**
- 4.2.8. Connector to Small hill**
- 4.2.9. Accessible Crossing to Katie Bonnell Park**
- 4.3. Priority Map Attached as Figure 2**

5. PUBLIC COMMUNICATION

The City used many forms of communications with residents including the web site, communications relating to City administration and open public meetings, and other communications regarding the City's programs, services and activities. In order to ensure that all forms of communication are accessible, the City is taking specific actions to improve communications, including the following:

- 5.1. ADA Grievance Policy and Procedures.** A public grievance process was adopted by the City Commission on April 1, 2014 as well as establishing an ADA compliance coordinator. The ADA compliance coordinator will attend ADA training and share information with staff.
- 5.2. Public Information.** All forms of public communication about City programs and activities must address ADA compliance issues specific to the program or activity. In order to ensure that public communication has the appropriate verbiage/statement regarding ADA compliance, they must be approved by the ADA coordinator.
- 5.3. Web site communication.** The City posts agendas on the City's web site, which, when used with the free Adobe Acrobat Reader function, allows for enlargement so that the contents of agendas may be viewed from one's personal computer. The City is exploring software upgrades with its web site operator to ensure handicap accessibility.
- 5.4. Accommodations for participation in Public Meetings.** The City will research the feasibility of incorporating equipment, available upon request, specially designed to assist hearing impaired persons to fully participate in City Council Meetings. The City will explore the feasibility of producing documents in Braille or acquiring other aids or services, including software that can convert text into speech. The City will also investigate contracting qualified interpreter services and other providers so that interpreters and other aids and services may be available on short notice.
- 5.5. Accessibility of Public Meetings.** The City has, as discussed above, already taken substantial efforts toward ensuring public meetings are held in ADA-accessible facilities. The City conducts all public meetings in ADA accessible facilities, and to the extent feasible will make specific accommodations, where necessary, to ensure that meetings among residents and City staff can be held within ADA accessible facilities.
- 5.6. Closed Captioning Television.** Investigate the possibility of including closed captioning for Public Meetings televised on the local cable access channel.
- 5.7. ADA Compliance in Legal Documents.** The City must include appropriate ADA compliance language in all legal documents including, but not limited to: contracts, request

for proposals, requests for qualifications, bid requests, job advertisements, and public notices.

5.8. ADA Compliance for Hiring Procedures. The ADA Compliance officer should review the application, interview and hiring procedures within each department of the City to ensure compliance with ADA.

6. SCHEDULE/ACTION LOG/FUNDING

The City of Livingston will make reasonable efforts to improve accessibility in facilities by appropriating funding specifically for ADA compliance each year based on the urgency of necessary upgrades as well as budget constraints and other established priorities.

6.1. Facilities

Public complaints or requests will likely take priority based on how reasonable the request. The swimming pool facility and Civic Center compliance upgrades should be made next due to frequency and public nature of use. The ADA compliance upgrades in city facilities that aren't used by the public including the street shop, utility office and wastewater treatment plant will made as soon as reasonably possible based on budget constraints.

6.2. Sidewalks/Infrastructure

The City of Livingston has been allocating \$10,000 per year for upgrading ADA ramps at intersections. With the rising cost of construction this will not allow for correcting intersection in a timely fashion. It is recommended that the amount allocated increase to \$15,000 per year and be re-evaluated in 4 years to determine if more or less money need allocated based on construction costs. Funding is always an issue for local governments. To increase the effectiveness of the money allocated to accessible ramp replacement it is recommended that city staff perform work such as removal of existing concrete and asphalt. This has historically been expensive as many of the previous "ramp" were simple extra thick concrete (18"-24") and having this expense done by city staff could dramatically reduce the cost of replacing accessible ramps.

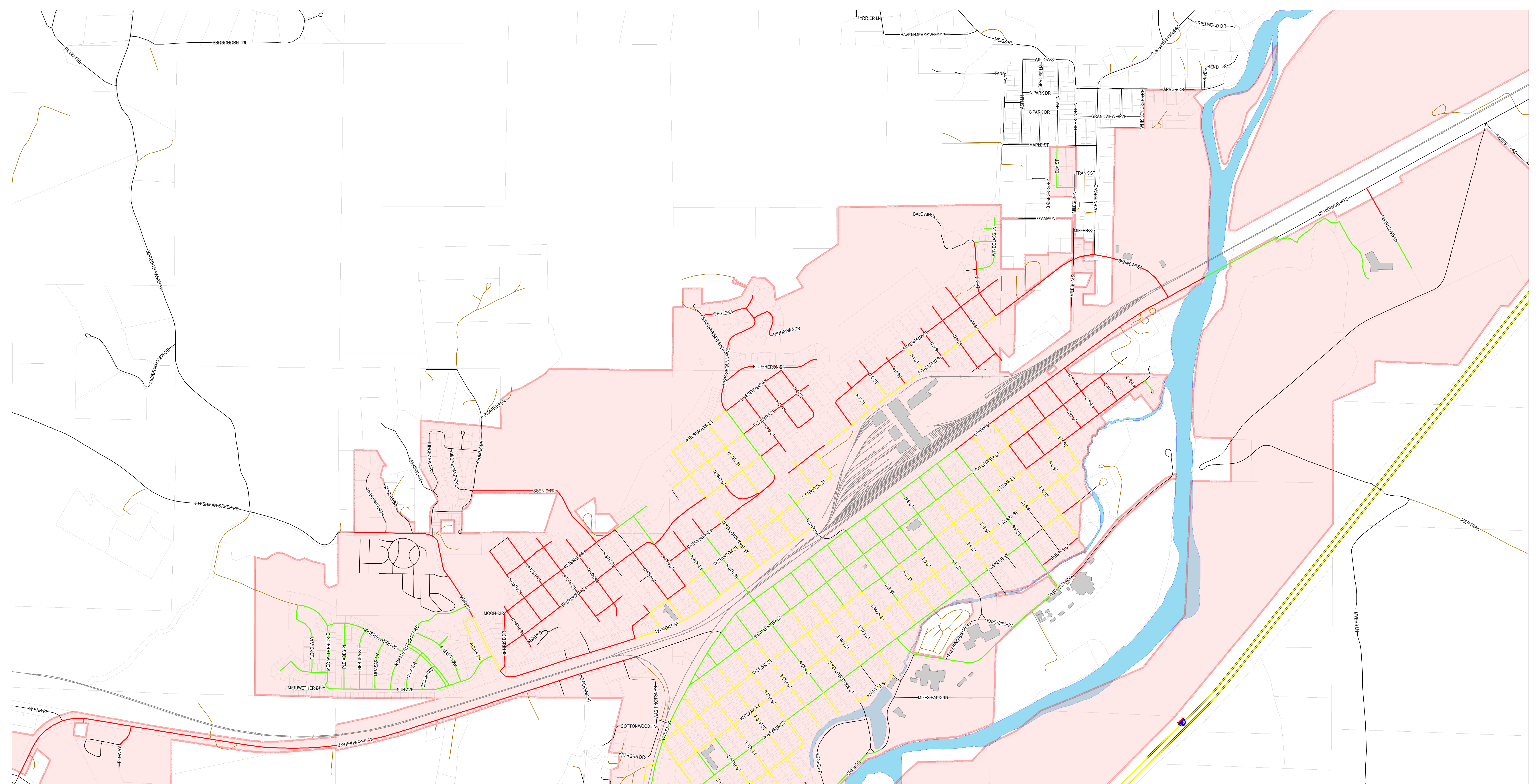
One of the main ways that large areas have been made accessible in the past is as part of larger infrastructure projects. This has proven to be effective and ADA Accessibility should remain an area to be addressed in future infrastructure projects.

6.3. Action Log

To confirm follow-up on corrective actions recommended in this plan, the City will institute an ADA Action Log, documenting its efforts at compliance with the ADA. The Action Log below addresses recommendations made to address physical and programmatic barriers to accessibility. Each recommendation is translated into an action items with anticipated implementation/completion dates. The ADA Action Log will be reviewed and updated on an annual basis. The ADA Action Log shall be available upon request.

Action Log

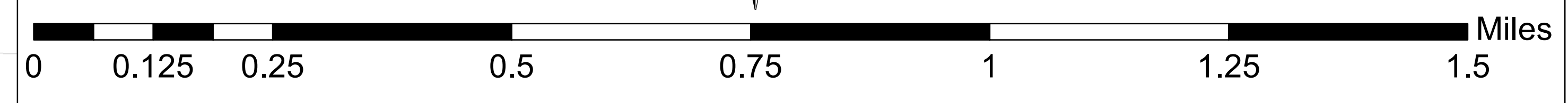
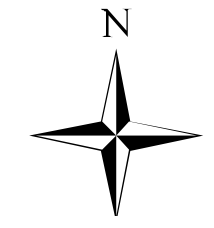
Deficiency	Implementation Date	Responsible Party	Completion Date
O Street Connector Trail			
Wheel Chair Swing and Parking Spot - Sac Park			
Accessible Bathrooms Sac Park and Bandshell			
Accessible Spot along Park Street			
Increase Sidewalk Width on 5th Street Rail road Crossing			
Accessible Parking spot and access to skate park			
Accessible Connector trail to Big Hill			
Accessible Connector trail to Small Hill			
Accessible crossing to Katie Bonnell Park			



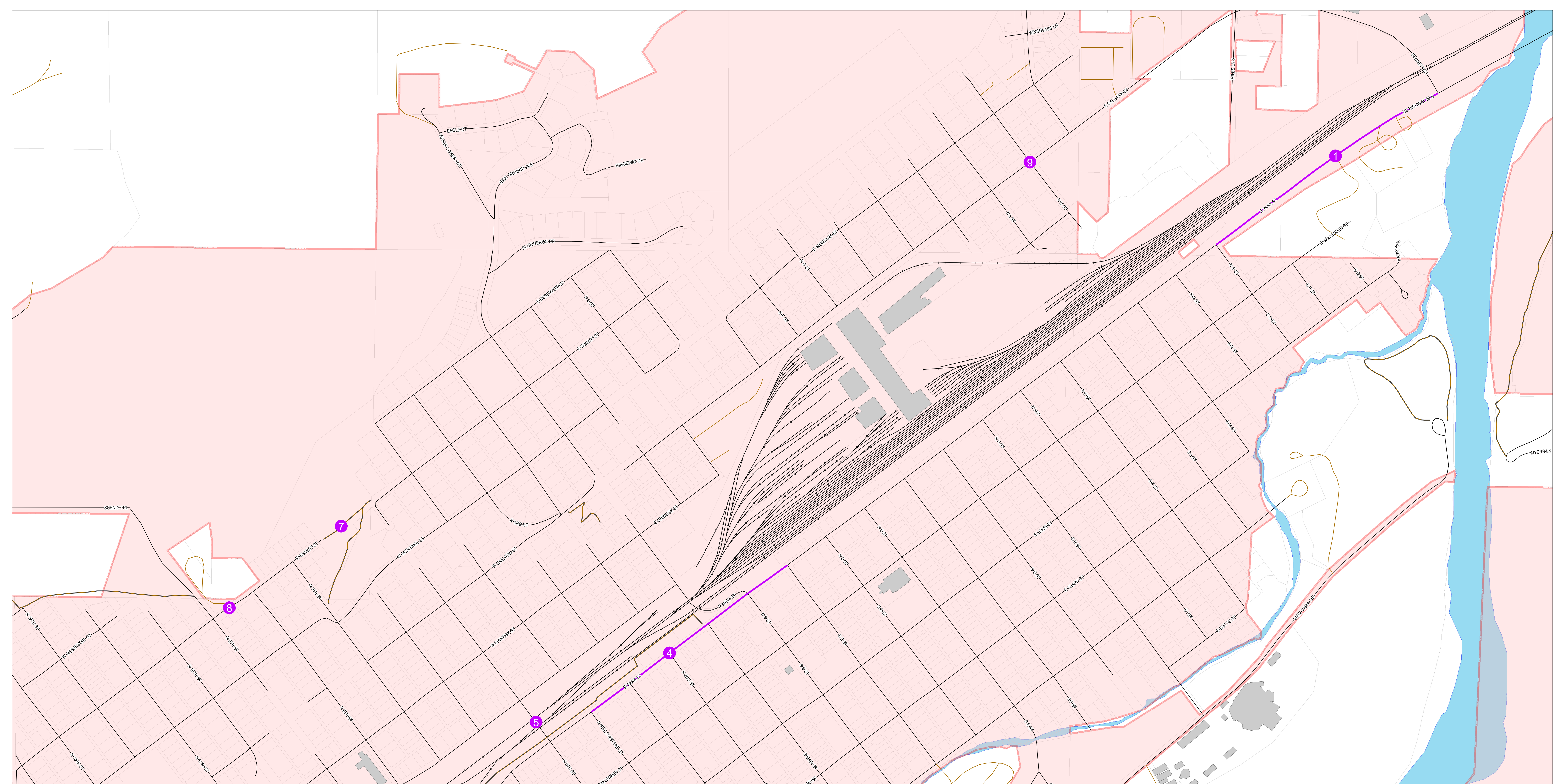
Sidewalk Condition Livingston Montana



- ADA Compliant
- Small areas of sidewalk need addressed
- Large areas of sidewalk missing or in bad condition



1:6750

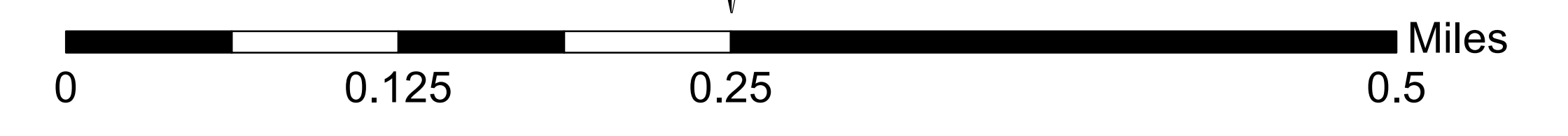
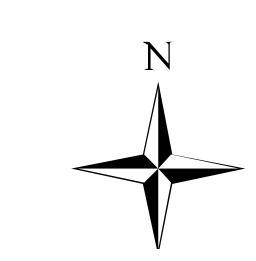


ADA Improvements

LIVINGSTON
Montana

GO BEYOND YELLOWSTONE

- 1 O Street Connector
- 2 Wheel chair accessible swing and handicap parking
- 3 Handicap accessible restrooms
- 4 Handicap parking on Park Street
- 5 Increase sidewalk width at rail crossing
- 6 Handicap parking and wheelchair access to skate park viewing area
- 7 Connector to big hill
- 8 Connector to small hill
- 9 Handicap crossing to Katie Bonnell Park



1:3200

Appendix A: Grievance Policy and Form

ADA Grievance Policy and Procedures

This grievance procedure has been developed to provide for prompt and equitable resolution of complaints alleging any action prohibited by the U.S. Department of Justice regulations, which implement Title II of the Americans with Disabilities Act or Section 504 of the Rehabilitation Act. Grievances should be filed with the City's Human Resources Department at:

City of Livingston
Human Resources Department
414 E Callender Street
Livingston, MT 59047

The Grievance Procedure consists of the following:

1. A complaint should be filed in writing (but can be submitted in alternate format due to the needs of an individual's disability), containing the name and address of the person filing it, and briefly describing the alleged violation of the regulations or discriminatory act.
2. An investigation, as may be appropriate, will follow the filing of a complaint and will be conducted by the City's ADA Coordinator. These rules contemplate informal but thorough investigations, affording all interested parties and their representatives, if any, an opportunity to submit evidence relevant to a complaint.
3. The City's ADA Coordinator under the direct supervision of the HR Director will provide for review for the City Attorney, a written determination, as to the validity of the complaint and a description of the resolution, if any, and a copy will be forwarded to the City Manager, along with the original complaint, no later than thirty (30) days after its filing.
4. The City's ADA Coordinator will maintain the files and records of the City of Livingston relating to all ADA grievances/complaints filed.
5. The right of a person to a prompt and equitable resolution of the complaint filed hereunder will not be impaired by the person's pursuit of other remedies such as the filing of an ADA complaint with the responsible federal department or agency, such as the U.S. Department of Justice at (800) 514-0301. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies.
6. These rules will be construed to protect the substantive rights of interested persons to meet appropriate due process standards, and to assure that the City of Livingston complies with the ADA and implementing regulations.

**CITY OF LIVINGSTON
ADA GRIEVANCE FORM**

Name: _____

Address: _____

Phone Number: _____

Email Address: _____

Location of
Problem: _____

Description of
Problem: _____

****Please attach additional pages if needed***

The complaint should be submitted by the grievant and/or his/her designee as soon as possible after the alleged violation to:

City of Livingston, Human Resources Department
414 E Callender Street
Livingston, MT 59047
hr@livingstonmontana.org
406-823-9870