



CITY OF JOHNSON CITY

City of Johnson City

ADA Self-Evaluation & Transition Plan

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In Association with:



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Abbreviations

ADA – Americans with Disabilities Act

CFR – Code of Federal Regulations

CIP – Capital Improvement Program

DOJ – United States Department of Justice

EITA – Electronic and Information Technology Accessibility

FEMA – Federal Emergency Management Agency

FHWA – Federal Highway Administration

MUTCD – Manual on Uniform Traffic Control Devices

PROWAG – Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way

PSA – Programs, Services, and Activities

1.0 Introduction

1.1 Legislative Mandate

The Americans with Disabilities Act (ADA) is a civil rights law that mandates equal opportunity for individuals with disabilities. The ADA prohibits discrimination in access to jobs, public accommodations, government services, public transportation, and telecommunications. Title II of the ADA also requires that all programs, services, and activities (PSAs) of public entities provide equal access for individuals with disabilities.

The City of Johnson City has undertaken a comprehensive evaluation of its PSAs to determine the extent that individuals with disabilities may be restricted in their access.

1.2 ADA Self-Evaluation and Transition Plan Development Requirements and Process

The City of Johnson City is obligated to observe all requirements of Title I in its employment practices; Title II in its policies, programs, and services; any parts of Titles IV and V that apply to the City and its programs, services, or facilities; and all requirements specified in the 2010 ADA Standards and 2011 Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way (PROWAG) that apply to facilities and other physical holdings.

Title II has the broadest impact on the City. Included in Title II are administrative requirements for all government entities employing more than 50 people. These administrative requirements are:

- Completion of a Self-Evaluation;
- Development of an ADA complaint procedure;
- Designation of at least one (1) person who is responsible for overseeing Title II compliance; and
- Development of a Transition Plan to schedule the removal of the barriers uncovered by the Self-Evaluation process. The Transition Plan will become a working document until all barriers have been addressed.

This document describes the process developed to complete the evaluation of the City of Johnson City's PSAs and facilities, provides possible solutions to remove programmatic barriers, and presents a Transition Plan for the modification of facilities and public rights-of way to improve accessibility, which will guide the planning and implementation of necessary program and facility modifications over the next 30 years. The ADA Self-Evaluation and Transition Plan is significant in that it establishes the City's ongoing commitment to the development and maintenance of PSAs and facilities that accommodate all its citizenry.

1.3 Discrimination and Accessibility

Program accessibility means that, when viewed in its entirety, each program is readily accessible to and usable by individuals with disabilities. Program accessibility is necessary not only for individuals with mobility needs, but also to individuals with sensory and cognitive disabilities.

Accessibility applies to all aspects of a program or service, including but not limited to physical access, advertisement, orientation, eligibility, participation, testing or evaluation, provision of auxiliary aids, transportation, policies, and communication.

The following are examples of elements that should be evaluated for barriers to accessibility:

1.3.1 Physical Barriers

- Parking
- Path of travel to, throughout, and between buildings and amenities
- Doors
- Service counters
- Restrooms
- Drinking fountains
- Public telephones
- Path of travel along sidewalk corridors within the public rights-of-way
- Access to pedestrian equipment at signalized intersections

1.3.2 Programmatic Barriers

- Building signage
- Customer communication and interaction
- Non-compliant sidewalks or curb ramps
- Emergency notifications, alarms, and visible signals
- Participation opportunities for City sponsored events

1.3.3 Ongoing Accessibility Improvements

City PSAs and facilities evaluated during the Self-Evaluation will continue to be evaluated on an ongoing basis, and the ADA Transition Plan will be revised to account for changes that have been or will be completed since the initial Self-Evaluation. This Plan will be posted on the City's website for review and consideration by the public.

1.3.4 City of Johnson City Approach

The purpose of the Transition Plan is to provide the framework for achieving equal access to the City of Johnson City's PSAs within a reasonable timeframe. The City's elected officials and staff believe that accommodating persons with disabilities is essential to good customer service, ensures the quality of life Johnson City residents seek to enjoy, and guides future improvements. This Plan has been prepared after careful study of all the City's programs, services, activities, and evaluation of a select number of City facilities.

The City of Johnson City should make reasonable modifications in PSAs when the modifications are necessary to avoid discrimination based on disability, unless the City can demonstrate that making the modifications will fundamentally alter the nature of the program, service, or activity. The City of Johnson City will not place surcharges on individuals with disabilities to cover the cost involved in making PSAs accessible.

2.0 Public Outreach

The City contacted local disability organizations to form an ADA Advisory Team and hosted an ADA Advisory Team meeting on September 19, 2018 at 1:30 PM to provide a summary of the transition planning process and receive feedback on any concerns related to accessibility. The City will continue to solicit feedback from the public on the Transition Plan, including solicitation through a web survey and web map.

2.1 Web Survey

The City also developed a web survey open to the public. The survey was designed to help the City locate areas of greatest concern to the public and help provide better access to the community. The survey can be accessed via the following link:

https://www.surveymonkey.com/r/ADA_Johnson_City

2.2 Web Map

The City also developed an online map to allow the public to identify specific locations where they experience issues related to accessibility, safety, connectivity, or suggestions for accessibility improvements that are needed in Johnson City. The map can be accessed via the following link:

<http://rebrand.ly/accessJC>

The web survey and map were posted on the City's website, issued in a press release to local media outlets, and sent to the ADA Advisory Team for redistribution. Both will remain online through the end of 2018 and serve as a tool to solicit feedback from the public on the Transition Plan.

2.3 Public Comments

The following comments were provided on during the ADA Advisory Team Meeting and through the web survey:

- The most overlooked item in restrooms are side transition areas to toilets.
- Cracks within the accessible parking spaces convey that, what should be best parking spaces, are not. Our organization has decided not to have meetings at places without accessible parking and restrooms.
- It is great that the City is going in to this level of detail with accessibility evaluations, but the ADA Transition Plan needs to be a plan that the City uses - not just a report on the shelf. The City needs to tell a story through actions to show how Johnson City is a destination city that cares about accessibility for citizens and visitors.
- There has been a revitalization of downtown and a lot of changes have happened quickly, but there is still a lot of room for improvements. Parking is a big issue – accessible parking is not close to the establishments being visited.

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3.0 Self-Evaluation and Summary of Findings

The City of Johnson City's ADA Transition Plan reflects the results of a comprehensive review of the PSAs provided to employees and the public. The review identifies programmatic barriers to individuals with disabilities interested in accessing the PSAs offered by the City.

3.1 Programs, Procedures, and Policies Review

Under the ADA, the City of Johnson City is required to complete a Self-Evaluation of the City's facilities, programs, policies, and practices. The Self-Evaluation identifies and provides possible solutions to those policies and practices that are inconsistent with Title II requirements. To be compliant, the Self-Evaluation should consider all the City's PSAs, as well as the policies and practices the City uses to implement its various programs and services.

To comply with requirements of the plan, the City must take corrective measures to achieve program accessibility through several methods, including, but not limited to:

- (1) Relocation of programs to accessible facilities;
- (2) Modifications to existing programs so they are offered in an accessible manner;
- (3) Structural methods such as altering an existing facility;
- (4) Policy modifications to ensure nondiscrimination; and
- (5) Auxiliary aids needed to provide effective communication.

When choosing a method of providing program access, the City should attempt to give priority to the method that promotes inclusion among all users, including individuals with disabilities.

PSAs offered by the City to the public must be accessible. Accessibility applies to all aspects of a program, services, or activity, including advertisement, orientation, eligibility, participation, testing or evaluation, physical access, provision of auxiliary aids, transportation, policies, and communication.

However, the City does not have to take any action that will result in a fundamental alteration in the nature of a program or activity, create a hazardous condition for other people, or result in an undue financial and/or administrative burden. This determination can only be made by the ADA/504 Coordinator and/or an authorized designee of the City, such as the City Manager or his designee, and must be accompanied by a written statement detailing the reasons for reaching the determination.

The determination of undue burden must be based on an evaluation of all resources available for use. If a barrier removal action is judged unduly burdensome, the City must consider all other options for providing access that will ensure that individuals with disabilities receive the benefits and services of the program or activity. This process must be fully documented.

A cursory review of the information posted on the City's website was completed to determine what elements need to be reviewed in detail to determine ADA compliance of the City's programs, procedures, and policies.

The elements identified are incorporated into **Sections 3.1.1 – 3.1.18** of this document.

3.1.1 ADA/504 Coordinator (Title I / Title II)

Under the ADA Title II, when a public entity has 50 or more employees based on an entity-wide employee total count, the entity is required to designate at least one (1) qualified responsible employee to coordinate compliance with ADA requirements. The name, office address, and telephone number of this individual must be available and advertised to employees and the public. This allows for someone to assist with questions and concerns regarding disability discrimination to be easily identified.

ADA/504 Coordinator: Self-Evaluation Findings

The City of Johnson City has appointed Randy Trivette as ADA/504 Coordinator for Title I and Title II. Below is his contact information.

Randy Trivette, ADA/504 Coordinator
Facilities Director
209 Waters Street / P.O. Box 2150
Johnson City, TN 37601 / 37605
Office: 423-434-5718
Tennessee Relay: 7-1-1
ADA@johnsoncitytn.org

ADA/504 Coordinator: Possible Solutions

Randy Trivette was recently appointed as the Title I and Title II ADA/504 Coordinator. This information should be prominently displayed in common areas that are accessible to all employees and areas open to the public. Also, the ADA/504 Coordinator contact information must be included in all materials that are distributed from the City. This includes posting this information on the website.

3.1.2 Roles and Responsibilities of the ADA/504 Coordinator

Below is a list of qualifications for ADA Coordinators that are recommended by U.S. Department of Justice:

- Familiarity with the entities structures, activities, and employees;
- Knowledge of the ADA and other laws addressing the rights of people with disabilities, such as Section 504 of the Rehabilitation Act;
- Experience with people with a broad range of disabilities;
- Knowledge of various alternative formats and alternative technologies that enable individuals with disabilities to communicate, participate, and perform tasks;
- Ability to work cooperatively with local entities and people with disabilities;
- Familiarity with any local disability advocacy groups or other disability groups;
- Skills and training in negotiation and mediation; and
- Organizational and analytical skills.

Roles and Responsibilities of the ADA/504 Coordinator: Self-Evaluation Findings

No information regarding the roles and responsibilities of the ADA/504 Coordinator is provided on the City's website or in City documents.

Roles and Responsibilities of the ADA/504 Coordinator: Possible Solutions

The City should document the roles and responsibilities of the ADA/504 Coordinator. These roles and responsibilities should be consistent with the Department of Justice's guidance for "An Effective ADA Coordinator" (<https://www.ada.gov/pcatoolkit/chap2toolkit.htm>).

3.1.3 ADA Grievance Policy, Procedure, and Form with Appeal Process for the ADA

Title I

Title I of the ADA prohibits private employers, state and local governments, employment agencies, and labor unions from discriminating against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training, and other terms, conditions, and privileges of employment. The ADA covers employers with 15 or more employees based on an entity-wide employee total count, including state and local governments.

The purpose of the ADA grievance procedure is to provide a mechanism for the resolution of discrimination issues at the City level, rather than require the complainant to resort to resolution at the federal level.

ADA Grievance Policy, Procedure, and Form with Appeals Process for the ADA (Title I): Self-Evaluation Findings

The City of Johnson City ADA Grievance Procedure and ADA Grievance Resolution Form for Title II includes a note that a complaint by a City employee alleging discrimination on the basis of disability pertaining to employment with the City will be processed pursuant to HR Policy 149 – Employee Grievance Procedure.

ADA Grievance Policy, Procedure, and Form with Appeals Process for the ADA (Title I): Possible Solutions

The City should complete a review of any existing Title I ADA grievance policy, procedure, and form with appeals process.

Title II

Local governments with 50 or more employees are required to adopt and publish procedures for resolving grievances in a prompt and fair manner that may arise under Title II of the ADA. Neither Title II nor its implementing regulations describe what ADA grievance procedures must include; however, the U.S. Department of Justice suggests the follow content:

- A description of how and where a complaint under Title II may be filed with the government entity;
- If a written complaint is required, a statement notifying potential complainants that alternative means of filing will be available to people with disabilities who require such an alternative;
- A description of the time frames and processes to be followed by the complainant and the government entity;
- Information on how to appeal an adverse decision; and
- A statement of how long complaint files will be retained.

ADA Grievance Policy, Procedure, and Form with Appeals Process for the ADA (Title II): Self-Evaluation Findings

The City of Johnson City ADA Grievance Procedure and ADA Grievance Resolution Form is posted on the City's website. The grievance procedure includes all elements suggested by the DOJ. However, the contact person to whom a grievant is required to submit a complaint to is not the ADA/504 Coordinator. A copy of the existing grievance procedure and form are provided in **Appendix A**.

ADA Grievance Policy, Procedure, and Form with Appeals Process for the ADA (Title II): Possible Solutions

This contact person to whom a grievant is required to submit a complaint should be updated to the ADA/504 Coordinator on both on the grievance procedure and grievance resolution form so that there is a single point of contact for the public. The ADA/504 Coordinator contact information is provided in **Section 3.1.1 ADA/504 Coordinator (Title I / Title II)**.

In addition to being posted on the City's website, the grievance procedure should be distributed to all City leadership and posted in public spaces of public buildings.

3.1.4 Reasonable Accommodation Request Policy, Procedure, and Request Form

Title I

The reasonable accommodation request process plays a very important role when ensuring that the City does not discriminate based on a disability. A reasonable accommodation is any modification to a job, the work environment, or the way things are usually done that allows an individual with a disability to apply for a job, perform job functions, or enjoy equal access to benefits available to other individuals in the workplace.

Reasonable Accommodation Request Policy, Procedure, and Request Form (Title I): Self-Evaluation Findings

No information on the reasonable accommodation request policy, procedure, and form is on the City's website.

Reasonable Accommodation Request Policy, Procedure, and Request Form (Title I): Possible Solutions

The City should complete a review of any existing reasonable accommodation request policy, procedure, and request form or develop a reasonable accommodation request policy, procedure, and request form. This policy and procedure should describe reasonable accommodations, provide details on how to file a request, and participate in the interactive process. The request form should include the requestor's contact information, type of accommodation requested, and specific details regarding the need for a reasonable accommodation. The Equal Employment Opportunity Commission provides enforcement guidance for reasonable accommodation and undue hardship under the ADA here: <https://www.eeoc.gov/policy/docs/accommodation.html>.

Title II

The reasonable modification request process allows an individual from the public to request a modification that will provide equal access to any City program, service, and/or activity. A public entity must reasonably modify its policies, practices, or procedures to avoid discrimination unless the modification will fundamentally alter the nature of its program, services, or activity.

Reasonable Modification Request Policy, Procedure, and Request Form (Title II): Self-Evaluation Findings

The City's reasonable modification request policy, procedure, and request form was located on the City's website as part of the City's ADA Notice.

Reasonable Modification Request Policy, Procedure, and Request Form (Title II): Possible Solutions

The City should complete a review of their reasonable modification request policy, procedure, and request form. This policy and procedure should describe reasonable modifications, provide details on how to file a request and participation in the interactive process. The request form should include the requestor's contact information, type of modification requested, and details regarding the specific City program, services, or activity needing a reasonable modification. The U.S. Department of Justice provides guidance for reasonable modifications here: <https://www.ada.gov/taman2.html>.

3.1.5 Service Animal Guidance

A reasonable accommodation is any modification or adjustment to a job or the work environment that will enable a qualified applicant or employee with a disability to participate in the application process or to perform essential job functions. A reasonable accommodation also includes any modification or adjustment to a provided program, service, or activity that the entity provides to ensure accessibility for the public. A reasonable accommodation may also include the use of a service animal. Service animals are used for a variety of reasons, so each accommodation request and modification may be different.

Service Animal Guidance: Self-Evaluation Findings

No guidance related to requests for reasonable accommodations or modifications from qualified applicants, employees, or the public involving service animals is on the City's website.

Service Animal Guidance: Possible Solutions

The City should complete a review of any existing service animal guidance or develop City-wide guidance for staff to reference when dealing with service animals as reasonable accommodations or modifications for applicants, employees, and the public. Each City department should integrate this guidance into their department-specific standard operating procedures. In doing so, this policy and procedure should be customized to fit each department's situations and provide guidance as to when a service animal is an effective reasonable accommodation or modification.

- The U.S. Equal Employment Opportunity Commission created enforcement guidance for Reasonable Accommodations and undue hardship under the ADA (<https://www.eeoc.gov/policy/docs/accommodation.html>).
- The U.S. Department of Justice created a publication providing guidance on service animals and the ADA: U.S. Department of Justice Service Animal Guidance (https://www.ada.gov/service_animals_2010.htm).

3.1.6 ADA Grievance Policy, Procedure, and Form with Appeals Process for Section 508 of the Rehabilitation Act

Section 508 of the Rehabilitation Act of 1973 requires that all electronic and information technologies developed and used by any federal government agency must be accessible to individuals with disabilities. This includes websites, video and audio tapes, electronic books, televised programs, and other such media. Individuals with disabilities may still have to use special hardware and/or software to access the resources. This law pertains to the federal government. However, each state can adopt these regulations for state use. However, the State of Tennessee has adopted these technology requirements; therefore, the City of Johnson City should comply.

ADA Grievance Policy, Procedure, and Form with Appeals Process for Section 508 of the Rehabilitation Act: Self-Evaluation Findings

No information on the City's Section 508 of the Rehabilitation Act policy, procedure, and form with appeals process is on the City's website.

ADA Grievance Policy, Procedure, and Form with Appeals Process for Section 508 of the Rehabilitation Act: Possible Solutions

The City should complete a review of any existing ADA grievance policy, procedure, and form with appeals process for Section 508 of the Rehabilitation Act or develop an ADA grievance policy, procedure, and form with appeals process for Section 508 of the Rehabilitation Act. The form should include the complainant's contact information, description of the electronic and information technology in question, and specific details regarding the non-conforming aspects and the remedy requested. Details regarding the Tennessee Electronic and Information Technology Accessibility (EITA) law, along with accessibility tools, training, and related resources are located here: <https://www.tn.gov/web-policies/accessibility.html>

3.1.7 Retaliation or Coercion Policy

Individuals who exercise their rights under the ADA, or assist others in exercising their rights, are protected from retaliation. The prohibition against retaliation or coercion applies broadly to any individual or entity that seeks to prevent an individual from exercising their rights or to retaliate against individuals for having exercised their rights.

Retaliation or Coercion Policy: Self-Evaluation Findings

No information on a retaliation or coercion policy was on the City's website.

Retaliation or Coercion Policy: Possible Solutions

The City should complete a review of any existing retaliation or coercion policy or draft and adopt a City-wide retaliation and coercion policy that is accessible to all employees and the public. U.S. Equal Employment Opportunity Commission guidance on retaliation and related issues are located here: <https://www.eeoc.gov/laws/guidance/retaliation-guidance.cfm>.

3.1.8 Non-Discrimination Policy

All public entities must ensure that no qualified individuals with disabilities be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program, service, or activity administered by that entity.

To do so, public entities must develop two (2) separate policies:

1. Non-Discrimination Statement Policy, which documents the requirement to include a non-discrimination statement in any City publication or document distributed to employees or to the public.
2. Non-Discrimination Clause Policy, which documents the requirement to include a non-discrimination statement in all funding agreements that the City employs to pass federal funds to other agencies, entities, or municipalities but not contractors.

Non-Discrimination Statement Policy

Non-Discrimination Statement Policy: Self-Evaluation Findings

No information on a non-discrimination policy was on the City's website.

Non-Discrimination Statement Policy: Possible Solutions

The City should complete a review any existing non-discrimination statements and develop a consistent City-wide non-discrimination statements for Title I (employment activities) and Title II (PSAs administered by the City). These statements should include language that provides contact information for the ADA/504 Coordinator regarding an accommodation, modification, or alternate formats. While these statements are not a specific ADA requirement, the U.S. Department of Justice (DOJ) requires that all Title II entities adopt and distribute a public notice about the relevant provisions of the ADA to all people who may be interested in its PSAs. For information distributed by the City to comply with 28 Code of Federal Regulations (CFR) 35.106, it must include a non-discrimination statement (https://www.ada.gov/regs2010/titleII_2010/titleII_2010_regulations.htm#a35106).

Non-Discrimination Clause Policy

Non-Discrimination Clause Policy: Self-Evaluation Findings

No information on a non-discrimination contract clause was on the City's website.

Non-Discrimination Clause Policy: Possible Solutions

The City should complete a review of any existing non-discrimination contract clause and develop a consistent City-wide non-discrimination contract clause. This clause should include language - within applicable City contracts - that will ensure that no person or groups of persons shall, on the grounds of race, color, sex, religion, national origin, age, disability, retaliation, or genetic information, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in all City programs, services, or activities. While this clause is not a specific ADA requirement, the U.S. Department of Justice (DOJ) requires that all Title II entities adopt and distribute a public notice about the relevant provisions of the ADA to all people who may be interested in its PSAs. It is recommended a non-discrimination statement be included in all information distributed by the City to comply with 28 CFR 35.106 (https://www.ada.gov/regs2010/titleII_2010/titleII_2010_regulations.htm#a35106).

3.1.9 Public Notice Under the ADA

The ADA public notice requirement applies to all state and local governments covered by Title II, including entities with fewer than 50 employees. The target audience for the public notice includes applicants, beneficiaries, and other people interested in the entities PSAs. This notice is required to include information regarding Title II of the ADA and how it applies to the PSAs of the public entity. The Department of Justice suggests including brief statements about:

- Employment;
- Effective communication;
- Making reasonable modifications to policies and programs;
- Not placing surcharges on modifications or auxiliary aids and services; and
- Filing complaints.

The notice should also include the name and contact information of the ADA/504 Coordinator. Publishing and publicizing the ADA notice is not a one-time requirement. State and local government entities should provide the information on an ongoing basis, whenever necessary.

Public Notice Under the ADA: Self-Evaluation Findings

The City of Johnson City ADA Notice is posted on the City website and includes all elements suggested by the DOJ. However, only the phone number of the ADA/504 Coordinator is provided. A copy of the existing ADA Notice is provided in **Appendix A**.

Public Notice Under the ADA: Possible Solutions

The City of Johnson City ADA Notice should be updated to include the name and full contact information of the ADA/504 Coordinator. The ADA/504 Coordinator contact information is provided in **Section 3.1.1 ADA/504 Coordinator (Title I / Title II)**.

3.1.10 Title II/504 ADA Assurances

Every applicant for federal financial assistance shall provide a written assurance stating that all PSAs are being conducted or operated in compliance with all laws and regulations. As a recipient of federal funds, the City must include a written Title II ADA/504 Assurance in all funding agreements and joint use agreements to receive federal financial assistance. In turn, the City must require that any sub-recipient who receives federal financial assistance from the City provide an annual written Title II ADA/504 Assurance. This includes funding agreements and all joint use agreements with other agencies, entities, or municipalities.

Title II/504 ADA Assurances: Self-Evaluation Findings

No information on Title II/504 assurances was on the City's website.

Title II/504 ADA Assurances: Possible Solutions

The City should complete a review of any existing Title II/504 ADA assurances or develop a Title II/504 ADA Assurance one it does not exist in accordance with 49 CFR 27.9 (https://www.ecfr.gov/cgi-bin/text-idx?SID=b9b8a3d54d526545fd69ad3de5742ec9&mc=true&tpl=/ecfrbrowse/Title49/49cfr27_main_02.tpl).

3.1.11 Alternate Format Policy, Procedure, and Request Form

Under the ADA, a public entity is responsible for providing ADA accessible communications. This includes any documents or information that is distributed by the City of Johnson City. If a request for an alternate format is received, the City must have an action plan to accommodate the request. For example, the Department of Justice does not expect entities to have braille copies of all documents; however, braille copies are expected to be readily available. Readily available means that once a request is received, a policy and procedure is in place to make a reasonable accommodation or modification to the document or information requested. This document must be provided to the requestor in a reasonable amount of time.

Alternate Format Policy, Procedure, and Request Form: Self-Evaluation Findings

No information regarding an alternate format policy, procedure, and request form was on the City's website.

Alternate Format Policy, Procedure, and Request Form: Possible Solutions

The City should complete a review of any existing alternate format policy, procedure, and request form or develop an alternate format policy, procedure, and request form if a policy does not currently exist. This policy and procedure shall guide staff regarding the process of obtaining an alternate format and utilizing the City's vendor database to obtain vendor information for alternate formats, if applicable. This policy and procedure should be adopted City-wide and should be accessible to all employees and the public. The request form should include the requestor's contact information, existing document information, and type of alternate format requested.

3.1.12 Responsibility / Acceptance Disclaimer for other Entities' Links, Forms, Documents, and Videos

Under the ADA, a public entity is responsible for providing ADA accessible alternate formats, including any documents or information that is distributed by the City of Johnson City obtained from another entity. For example, if there is a link to an external site on City's website that leads to additional information, it may not be feasible for the City to obtain the original from the source for the purpose of creating an alternate format. Therefore, the City should add a disclaimer where external sources are referenced stating that the City of Johnson City is not responsible for ADA compliance of external content and any requests for alternate formats of external content should be directed to the source entity.

Responsibility / Acceptance Disclaimer for other Entities' Links, Forms, Documents, and Videos: Self-Evaluation Findings

No information regarding an ADA disclaimer was on the City's website.

Responsibility / Acceptance Disclaimer for other Entities' Links, Forms, Documents, and Videos: Possible Solutions

The City should complete a review of any existing disclaimer statement or develop a disclaimer statement to communicate the City's perspective on ADA compliance regarding another entity's content, site, links, forms, documents, and videos represented on the City's website. This statement should be posted on the City's website and publicized in common areas that are accessible to all employees and areas open to the public.

3.1.13 Policies and Procedures for ADA Transition Plan Updates and Corrections (Title I)

Tracking ADA Transition Plan updates and corrections for Title I is important in showing progress toward barrier removal and should be done so using a systematic approach to ensure all updates and corrections are documented.

Policies and Procedure for ADA Transition Plan Updates and Corrections (Title I): Self-Evaluation Findings

No policies and procedures for ADA Transition Plan updates and corrections for Title I was on the City's website.

Policies and Procedure for ADA Transition Plan Updates and Corrections (Title I): Possible Solutions

The City should develop customized policies and procedures for ADA Transition Plan updates and corrections for Title I. While this is not a specific ADA requirement, developing these policies and procedures will provide City staff guidance on the internal process for updating and correcting issues identified in the ADA Transition Plan.

3.1.14 ADA Compliance Team

The ADA Compliance Team is comprised of representatives from each City department. These individuals work closely with ADA/504 Coordinator to resolve issues regarding the needs of their department and the programs under their management. The ADA/504 Coordinator works closely with the ADA Compliance Team to coordinate the implementation of plans, programs, policies, and procedures.

ADA Compliance Team: Self-Evaluation Findings

The City of Johnson City has established an ADA Compliance Team and is comprised of a representative from each City department. These representatives are tasked with serving as the ADA contact for their department and will consult with the ADA/504 Coordinator regarding all ADA issues impacting their department. Each representative is responsible for keeping a detailed log for all ADA inquiries within their department. This log shall be shared with ADA/504 Coordinator and shall be retained for at least three (3) years.

ADA Compliance Team: Possible Solutions

The ADA Compliance Team information should be publicized in common areas that are accessible to employees and areas open to the public. This includes posting this information on the City website.

3.1.15 Employment Practices Review

All public entities must ensure that no qualified individual with disabilities be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program, service, or activity administered by that entity, including employment. Public entities must provide an equal opportunity for employment.

Employment Practices Review: Self-Evaluation Findings

- No information on the City's Employee Personnel Manual, employee training, new employee orientation, or volunteer program was on the City's website.
- The City's Employment Application is on the City's website. However, no information regarding the City's hiring, testing, and recruitment policies was on the website.

Employment Practices Review: Possible Solutions

The City should complete a review of existing employment practices such as the employee personnel manual, employee training program, new employee orientation, and volunteer programs for ADA compliance. If the City does not have policies, procedures, or programs developed for the mentioned employment practices areas, the City will need to develop these policies using ADA standards.

3.1.16 Job Description Review

The ADA does not require an employer to develop or maintain job descriptions. Nevertheless, employers can certainly benefit from having well-written job descriptions that spell out the “essential functions” for each employment position. When job descriptions are written, they must be non-discriminatory.

A written job description can help employers identify whether an applicant will be able to perform the essential tasks required for a position. During the interview process, employers are not allowed to ask if an individual has a disability that would prevent them from performing certain job tasks. Employers may, however, ask applicants whether they can perform the “essential functions” of a position, such as the ability to meet attendance expectations or to operate a particular machine. If an applicant notifies the employer that he or she is unable to perform an essential job function because of a disability, the employer must then consider whether it is possible to reasonably accommodate the disability.

Job Description Review: Self-Evaluation Findings

No information on the City’s job descriptions was on the City’s website.

Job Description Review: Possible Solutions

The City should complete a review of existing job descriptions to ensure the use of discriminatory language is not present.

3.1.17 Emergency Management Plan Review

Emergency planning and management has become increasingly important today. All community emergency plans and emergency management teams must include the necessary information on how to properly assist citizens in the community who may have a disability. Identifying the citizens with disabilities is paramount to rescuing them. The City of Johnson City should have an emergency management plan in place that details how to help the citizens with disabilities in the event of a local emergency.

Disabilities manifest themselves in varying degrees and the functional implications of the variations are important for emergency evacuation. A person may have multiple disabilities, while another may have a disability whose symptoms fluctuate. Everyone needs to have a plan to be able to evacuate a building, regardless of his or her physical condition.

While planning for every situation that may occur in every type of an emergency is impossible, being as prepared as possible is important. One way to accomplish this is to consider the input of various people and entities, from executive management, human resources, and employees with disabilities to first responders and other businesses, occupants, and others nearby. Involving such people in the development of the City’s emergency management plan will help everyone understand the evacuation plans and the challenges that businesses, building owners and managers, and people with disabilities face.

Emergency Management Plan Review: Self-Evaluation Findings

The City's emergency management guidance is contained within the Washington County Basic Emergency Response Plan 2016, Requested Amendment to Washington County EOP Revision 1, and ESF-1 Transportation.

Emergency Management Plan Review: Possible Solutions

- The City should evaluate Washington County Basic Emergency Response Plan 2016, Requested Amendment to Washington County EOP Revision 1, and ESF-1 Transportation for compliance with the ADA. The U.S. Department of Justice provides a checklist for guidance here:
<https://www.ada.gov/pcatoolkit/chap7emergencymgmtadd1.htm>.
- The City should develop an emergency management plan checklist to use as a preliminary assessment of emergency management of City programs and policies and procedures. The U.S. Department of Justice and FEMA provides guidance here:
 - <https://www.ada.gov/emergencyprepguide.htm>
 - <https://www.ada.gov/pcatoolkit/chap7emergencymgmtadd1.htm>
 - https://www.fema.gov/media-library-data/1437608810237-65bce1c81c720e99c260ea740e98901d/Language_Guidelines-Inclusive_Emergency_Preparedness.pdf.
- The City should develop a support network with the local disability organizations, and include them in the emergency planning process.
- The City should create a volunteer registration process that identifies the location of individuals with disabilities, and the type of disability they have. The registry will help with the planning process for accessible transportation needs.
- The City should ensure they have access to accessible transportation for evacuations or transporting people to a medical clinic. Accessible transportation options can be obtained by working with local or private services, public transportation, or paratransit.
- Evacuation plans should include how to evacuate people with assistive equipment and how to replace equipment if it is lost or destroyed, as well as a plan on how to evacuate people who have service animals.
- Training should be provided to volunteers as well as all department heads who will be involved in the execution of the emergency plan. Training ensures the emergency plan is executed as planned and ensures clear and proper communication to individuals with disabilities. Training should include how to identify people wearing medical alert tags or bracelets, and various ways to communicate with people with visual, hearing, or cognitive impairments.
- The City should prepare alternative ways to help individuals who use medical equipment during a power outage.
- The City should identify the location and availability of more than one facility for dialysis for people who will need dialysis as part of a health maintenance plan or routine or other life-sustaining treatment. In addition, the City should develop a resource list that includes the location of all types of durable medical equipment (DME) available in surrounding locations, as well as qualified American Sign Language interpreters, wheelchair repair, therapeutic oxygen, hearing aids and repair, medications, etc. The resource list should be as comprehensive and should be included in the emergency planning manual.

Emergency Management Plan Review: Possible Solutions (cont.)

- The City should host an "Emergency Planning Preparedness" class for individuals with disabilities. The class will teach them how to develop a "kit" they can keep for emergencies, and allow them to sign up for the emergency registry.
- The City should develop an emergency evacuation plan for employees and visitors. Evacuation plans should consider the impact of internal and external emergencies regarding the City's operations and should be tailored to the workplace environment. The Great Lakes ADA Center provides guidance on Emergency Preparedness and Using Employee Information here: <http://adagreatlakes.org/BusinessToolkit/?section=1&id=6>.

3.1.18 Previous ADA Complaints (Title I & II) Review

All public entities must ensure that no qualified individual with disabilities be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program, service, or activity administered by that entity.

Previous ADA Complaints Review (Title I & II): Self-Evaluation Findings

A review of previous ADA complaints was not completed.

Previous ADA Complaints Review (Title I & II): Possible Solutions

The City should complete a comprehensive review of ADA complaints from the past five (5) years to ensure that all complaints have been addressed and documented in the Transition Plan.

3.2 Programs, Services, and Activities (PSA) Review

A cursory review of the information posted on the City's website was completed to determine what elements need to be reviewed in detail to determine ADA compliance of the City's PSAs.

The elements identified are incorporated into **Sections 3.2.1 – 3.2.4** of this document.

3.2.1 Boards, Commissions, Committees, and Councils Review

The City website provides various information regarding the City's boards, commissions, committees, and councils.

Boards, Commissions, Committees, and Councils Review: Self-Evaluation Findings

The City has 29 boards, commissions, committees, and councils listed on their website.

Boards, Commissions, Committees, and Councils Review: Possible Solutions

The City should complete an evaluation of all boards, commissions, committees, and councils for ADA compliance.

3.2.2 Documents, Forms, and Videos Reviewed

The City website provides various documents, forms, and videos that are available to the public. For a complete listing of documents, forms, and videos, see **Appendix B**.

Documents, Forms, and Videos Reviewed: Self-Evaluation Findings

The City provides numerous documents, forms, and videos on the website to ensure complete and easy access to all City provided information to support PSAs.

Documents, Forms, and Videos Reviewed: Possible Solutions

The City should complete a comprehensive ADA compliance review of all City documents, forms, and videos available to the public. **Appendix B**, provides a list of City documents, forms, and videos identified on the City's website and may not reflect all available documents, forms, and videos available to the public.

3.2.3 Non-Discrimination Language for Contracts, Agreements, and Waivers

All public entities must ensure that no qualified individual with disabilities be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program, service, or activity administered by that entity. In doing so, public entities should provide a statement in all agreements and contracts with the City to ensure non-discrimination for both parties and to clarify accessibility obligations.

A complete list of documents, see **Appendix B**.

Non-Discrimination Language for Contracts, Agreements, and Waivers: Self-Evaluation Findings

No information on non-discrimination language for contracts, agreements, and waivers was on the City's website.

Non-Discrimination Language for Contracts, Agreements, and Waivers: Possible Solutions

The City should evaluate all existing non-discrimination language used for contracts, agreements, and waivers for ADA compliance, or create non-discrimination language if it does not currently exist. This non-discrimination language should be assessed by legal counsel and should clarify responsibilities regarding ADA maintenance, alterations, and construction.

3.2.4 Design Standard Review

The City has adopted the following buildings codes:

- '12 IBC – 2012 International Building Code
- '12 IRC – 2012 International Residential Code
- '12 IEBC – 2012 International Existing Building Code
- '12 IFC – 2012 International Fire Code
- '12 IMC – 2012 International Mechanical Code
- '12 IFGC – 2012 International Fuel Gas Code
- '12 IPC – 2012 International Plumbing Code
- '11 NEC – 2011 National Electrical Code
- '12 IECC – 2012 International Energy Conservation Code
- '09 IECC – International Energy Conservation Code
- '12 IPMC – 2012 International Property Maintenance Code
- 2010 ADA Standards
- ICC A117.1-2009 – Accessible and Usable Buildings & Facilities

A review of these building codes was not completed since they are not the responsibility of the City.

The following City design standards were reviewed for compliance with 2011 PROWAG:

- City of Johnson City Public Works Department Standards – September 21, 1999
(https://www.johnsoncitytn.org/document_center/public_works/stormwater/development_related_documents/Public%20Works%20Department%20Standards.pdf)
- City of Johnson City Water and Sewer Services Department Design Standards – May 1998
(https://www.johnsoncitytn.org/document_center/Residents/Water%20&%20Sewer%20Services/Water%20&%20Sewer%20Engineering/WSS%20Design%20Standards.pdf)
- City of Johnson City Accessible Pedestrian Signals (APS) and Pushbuttons Special Specification

Design Standard Review: Self-Evaluation Findings

City of Johnson City Public Works Department Standards

The Public Works Department Standards reference the following Tennessee Department of Transportation (TDOT) documents with respect to the design and construction of pedestrian facilities in the public-rights-of-way:

- Standard Specification for Road and Bridge Construction
- Standard Roadway and Structure Drawings
- Design Guidelines
- Rules and Regulations for Constructing Driveways on State Highway Right-of-Way

A review of the TDOT documents was not completed since they are not the responsibility of the City. A complete list of findings for the Public Works Department Standards is provided in **Appendix C**.

City of Johnson City Water and Sewer Services Department Design Standards

Pedestrian facilities are not mentioned in the Water and Sewer Services Department Design Standards.

City of Johnson City Accessible Pedestrian Signals (APS) and Pushbuttons Special Specification

The Accessible Pedestrian Signals (APS) and Pushbuttons Special Specification is missing some accessibility compliance information required by the Manual on Uniform Traffic Control Devices (MUTCD).

Design Standard Review: Possible Solutions

City of Johnson City Public Works Department Standards

Reference to both the 2010 ADA Standards for Accessible Design and PROWAG should be added to the beginning of the Public Works Department Standards with respect to the design and construction of pedestrian facilities on-site and within the public rights-of-way, respectively. A complete list of possible solutions for the Public Works Department Standards is provided in **Appendix C**.

City of Johnson City Water and Sewer Services Department Design Standards

Above ground utilities and utility covers should not be located within the pedestrian access route, when possible. If above ground utilities or utility covers are located within the pedestrian access route, surfaces shall be firm, stable, and slip-resistant and flush (no vertical discontinuities greater than 1/4") with adjacent sidewalk. A reference to PROWAG should be added to the beginning of the design standards for when above ground utilities and utility covers are installed within the pedestrian access route.

City of Johnson City Accessible Pedestrian Signals (APS) and Pushbuttons Special Specification

The Accessible Pedestrian Signals (APS) and Pushbuttons Special Specification should be updated for consistency with the MUTCD.

3.3 Facilities Review

3.3.1 Buildings

Two (2) buildings within the City of Johnson City were evaluated. All buildings included in the evaluation are listed in **Table 1** and shown on the map in **Appendix D**.

Table 1. Summary of Buildings Reviewed

Buildings	
1. Municipal & Safety Building	601 E. Main St.
2. Johnson City/Washington County Library	100 W. Millard St.

Buildings: Self-Evaluation Findings

Areas that were evaluated for each building included parking lots, path of travel from the parking lot to the building, access into the building, signage, drinking fountains, telephones, bathrooms, and counter heights. A complete list of issues is provided in the building facility reports (see **Appendix E**). Common issues identified included:

- Non-compliant parking (missing signs, slopes more than 2%)
- Non-compliant route to entrance from accessible parking
- No accessible route to programs/activities
- Non-compliant customer counters
- Protruding objects
- Non-compliant restrooms
- Non-compliant drinking fountains

Buildings: Possible Solutions

A complete list of possible solutions is provided in the building facility reports (see **Appendix E**).

3.3.2 Parks

Two (2) parks within the City of Johnson City were evaluated. All parks included in the evaluation are listed in Table 2 and shown on the map in **Appendix D**.

Table 2. Summary of Parks Reviewed

Parks	
• Rotary Park	1001 N. Broadway
• Lions Park	817 Country Club Rd.

Parks: Self-Evaluation Findings

Areas that were evaluated for each park included parking lots, path of travel from the parking lot to the park amenities, access into facilities, signage, drinking fountains and restrooms. A complete list of issues is provided in the park facility reports (see **Appendix E**). Common issues identified included:

- Non-compliant accessible parking
- Non-compliant paths to elements
- Non-compliant pavilions/tables
- Non-compliant ball fields/dugouts
- Non-compliant restrooms

Parks: Possible Solutions

A complete list of possible solutions is provided in the park facility reports (see **Appendix E**).

3.3.4 Signalized Intersections

95 signalized intersections within the City of Johnson City were evaluated. Signalized intersection evaluations cataloged the conditions and measurements along the pedestrian path of travel, which includes street crossings, curb ramps, sidewalk adjacent to the curb ramps, and pedestrian signal equipment and adjacent clear spaces.

All signalized intersections included in the evaluation are listed on a map included in **Appendix D**.

Signalized Intersections: Self-Evaluation Findings

Common curb ramp issues included excessive flare cross slopes, excessive landing cross and running slopes, and excessive curb ramp cross slopes, counter slopes, and running slopes. **Table 3** provides a summary of the curb ramp issues at signalized intersections.

About 13 percent of valid pedestrian crossings at signalized intersections did not have pedestrian signal heads or pedestrian push buttons. These were typically locations where “No Pedestrian Crossing” signs were present, but the existing sidewalk, curb ramp, or crosswalk orientations created a valid pedestrian crossing. Pedestrian push buttons and signal heads were recommended to be installed at all valid signalized intersection pedestrian crossings where they did not exist. Common issues associated with the existing pedestrian push buttons included excessive clear space cross and running slope, push button diameters not 2”, push buttons installed at locations inconsistent with the current MUTCD guidance, and push buttons at locations with no clear space or locations with a clear space that does not provide access to the push button. **Table 4** provides a summary of the push button issues.

Signalized Intersections: Possible Solutions

A complete list of possible solutions can be found in the signalized intersection reports provided in **Appendix E**.

Table 3. Summary of Curb Ramp Elements at Signalized Intersections

Curb Ramp Element	Number Evaluated	Number Compliant	Percent Compliant
Curb ramp lands in crosswalk	426	420	98.6%
Curb ramp does not have traversable sides	51	50	98.0%
Curb ramp present where curb ramp is needed	517	486	94.0%
Curb ramp width \geq 48"	426	388	91.1%
Curbed sides at 90°	51	46	90.2%
No ponding in curb ramp, turning space (landing), or flares	426	361	84.7%
48" crosswalk extension exists	314	262	83.4%
Detectable warning surface color contrasts with adjacent curb ramp surface	426	296	69.5%
Presence of detectable warning surface	426	295	69.2%
Flush transition to roadway exists	426	287	67.4%
Curb ramp turning space (landing) exists	426	282	66.2%
No obstruction in curb ramp, turning space (landing), or flares	426	269	63.1%
Curb ramp running slope \leq 8.3%	426	250	58.7%
Curb ramp counter slope \leq 5%	426	249	58.5%
Curb ramp turning space (landing) cross slope \leq 2%	265	136	51.3%
Curb ramp cross slope \leq 2%	426	212	49.8%
Curb ramp turning space (landing) running slope \leq 2%	265	129	48.7%
Flare cross slope \leq 10%	375	135	36.0%

Table 4. Summary of Push Button Elements

Push Button Element	Number Evaluated	Number Compliant	Percent Compliant
Push button height ≤ 48"	525	479	91.2%
Pedestrian head exists where pedestrian head is needed	935	820	87.7%
Push button exists where push button is needed	935	820	87.7%
Push button orientation is parallel to crossing direction	525	441	84.0%
Push button offset from crosswalk ≤ 5'	525	421	80.2%
Clear space exists and can be accessed	525	346	65.9%
Push button offset from curb ≤ 10'	525	304	57.9%
Push button diameter is 2"	525	299	57.0%
Clear space cross slope ≤ 2%	346	164	47.4%

3.3.5 Sidewalk Corridors

The sidewalk corridor evaluations documented conditions and measurements along the pedestrian path of travel, which includes the sidewalk, railroad crossings, curb ramps, pedestrian crossings at driveway openings, and pedestrian crossings at unsignalized intersections with cross streets. Approximately 25 miles of sidewalk were evaluated. The included sidewalk corridors were selected due to their high level of pedestrian activity as well as their proximity to pedestrian traffic generators. A map of the evaluated sidewalk corridors is provided in **Appendix D**.

Sidewalk Corridors: Self-Evaluation Findings

Common issues along the sidewalk corridors were excessive sidewalk cross slopes, vertical surface discontinuities that caused excessive level changes, excessive driveway and cross street cross slopes, permanent obstructions in the sidewalk such as power poles or utilities, and temporary obstructions in the sidewalk or path of travel such as weeds and low hanging branches. Where excessive vegetation was present, field crews attempted to assess the condition of the underlying sidewalk. Where possible, the condition of the underlying sidewalk was recorded; however, the City may find additional issues with the sidewalk once the temporary obstruction is removed.

Common curb ramp issues at unsignalized intersections along the sidewalk corridors included excessive flare cross slope, excessive curb ramp cross slope, and no presence of texture or color contrast. A summary of the unsignalized intersection curb ramp issues is provided in **Table 5**. Non-compliant curb ramps, sidewalk, and pedestrian paths of travel along driveways and street crossings at unsignalized interactions were recommended to be removed and replaced.

Section 35.150, Existing Facilities, of the ADA requires that the Transition Plan include a schedule for providing curb ramps or other sloped area at existing pedestrian walkways, which applies to all facilities constructed prior to 1992. For any sidewalk installations constructed from 1992 to March 15, 2012, the curb ramps should have been installed as part of the sidewalk construction project per the 1991 Standards for Accessible Design, Section 4.7, Curb Ramp, which states, "curb ramps complying with 4.7 shall be provided wherever an accessible route crosses a curb." For

Sidewalk Corridors: Self-Evaluation Findings (cont.)

sidewalk installations constructed on or after March 15, 2012, similar guidance is provided in the 2010 Standards for Accessible Design, Section 35.151 of 28 CFR Part 35, New Construction and Alterations, which states, “newly constructed or altered street level pedestrian walkways must contain curb ramps or other sloped area at any intersection having curb or other sloped area at intersections to streets, roads, or highways.”

Sidewalk Corridors: Possible Solutions

To meet the federal requirements for curb ramp installations, the following recommendations were made:

- Where sidewalk leads up to the curb at an intersection, both parallel and perpendicular to the project corridor, two (2) directional curb ramps were recommended to be installed where geometry permitted. PROWAG requires two (2) directional curb ramps be installed during modifications unless there are existing physical constraints.
- Where sidewalk parallel to the project corridor leads up to the curb at a driveway, directional curbs ramps were recommended to be installed to serve the driveway crossing.
- Where diagonal curb ramps were installed with the intent to serve a side-street crossing only, receiving curb ramps are still required to be installed on the opposite side of the major street. However, an engineering study should be performed prior to the installation of the receiving curb ramps to determine if the major street crossing is safe to accommodate. If the engineering study determines the major street crossing is unsafe to accommodate, the existing diagonal curb ramps should be removed and replaced with directional curb ramps in addition to the other requirements noted in **Section 3.5 Federal Highway Administration (FHWA) Guidance on Closing Pedestrian Crossings**.

A complete list of possible solutions can be found in the sidewalk, unsignalized intersection, and railroad crossing facility reports provided in **Appendix E**.

Table 5. Summary of Curb Ramp Elements at Unsignalized Intersections

Curb Ramp Elements	Number Evaluated	Number Compliant	Percent Compliant
Curb ramp lands in crosswalk	421	417	99.0%
Curb ramp does not have traversable sides	141	140	99.3%
Curb ramp present where curb ramp is needed	1,200	1,130	94.2%
Curbed sides at 90°	141	130	92.2%
48" crosswalk extension exists	388	345	88.9%
Curb ramp width ≥ 48"	421	364	86.5%
No ponding in curb ramp, turning space (landing), or flares	421	331	78.6%
Curb ramp turning space (landing) exists	421	311	73.9%
Curb ramp counter slope ≤ 5%	421	274	65.1%
Curb ramp running slope ≤ 8.3%	421	255	60.6%
Flush transition to roadway exists	421	223	53.0%
Curb ramp turning space (landing) cross slope ≤ 2%	309	152	49.2%
No obstruction in curb ramp, turning space (landing), or flares	421	206	48.9%
Curb ramp turning space (landing) running slope ≤ 2%	309	146	47.2%
Detectable warning surface color contrasts with adjacent curb ramp surface	421	173	41.1%
Presence of detectable warning surface	421	169	40.1%
Curb ramp cross slope ≤ 2%	421	167	39.7%
Flare cross slope ≤ 10%	280	85	30.4%

3.4 Maintenance Versus Alterations

The United States Department of Justice (DOJ) has issued a briefing memorandum on clarification of maintenance versus projects. Information contained in the briefing memorandum is below. We recommend this clarification with regard to when curb ramp installation is required as part of a project be distributed to the appropriate City of Johnson City staff.

The Americans with Disabilities Act of 1990 (ADA) is a civil rights statute prohibiting discrimination against persons with disabilities in all aspects of life, including transportation, based on regulations promulgated by the United States Department of Justice (DOJ). DOJ's regulations require accessible planning, design, and construction to integrate people with disabilities into mainstream society. Further, these laws require that

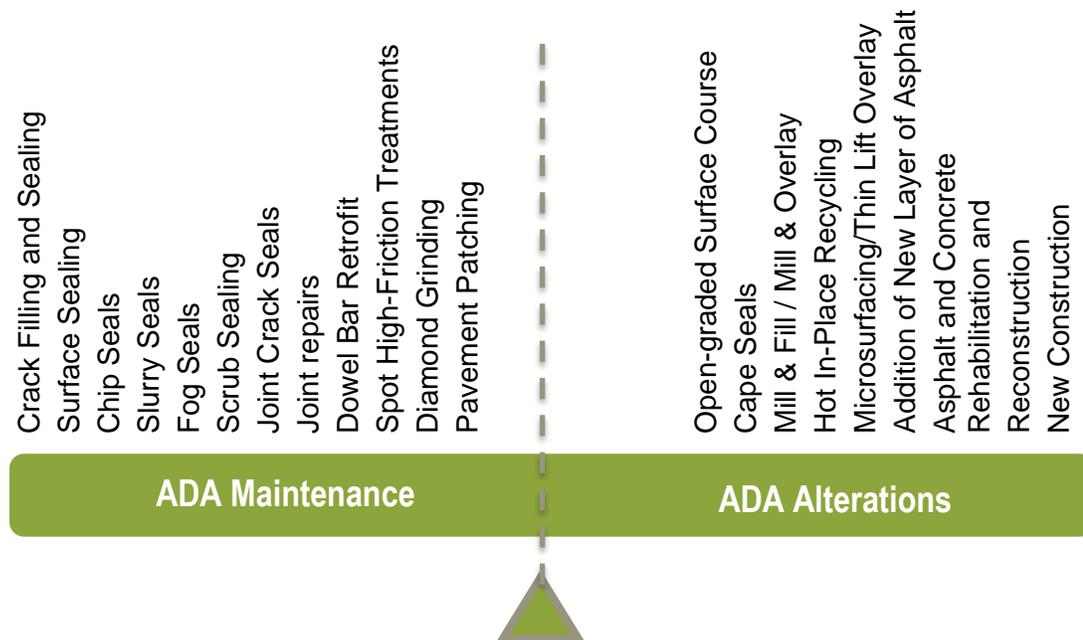
public entities responsible for operating and maintaining the public rights-of-way do not discriminate in their programs and activities against persons with disabilities. FHWA's ADA program implements the DOJ regulations through delegated authority to ensure that pedestrians with disabilities have the opportunity to use the transportation system's pedestrian facilities in an accessible and safe manner.

FHWA and DOJ met in March 2012 and March 2013 to clarify guidance on the ADA's requirements for constructing curb ramps on resurfacing projects. Projects deemed to be alterations must include curb ramps within the scope of the project.

This clarification provides a single Federal policy that identifies specific asphalt and concrete-pavement repair treatments that are considered to be alterations – requiring installation of curb ramps within the scope of the project – and those that are considered to be maintenance, which do not require curb ramps at the time of the improvement. Figure 1 provides a summary of the types of projects that fall within maintenance versus alterations.

This approach clearly identifies the types of structural treatments that both DOJ and FHWA agree require curb ramps (when there is a pedestrian walkway with a prepared surface for pedestrian use and a curb, elevation, or other barrier between the street and the walkway) and furthers the goal of the ADA to provide increased accessibility to the public right-of-way for persons with disabilities. This single Federal policy will provide for increased consistency and improved enforcement.

Figure 1. Maintenance versus Alteration Projects



Source: DOJ Briefing Memorandum on Maintenance versus Alteration Projects

3.5 Federal Highway Administration (FHWA) Guidance on Closing Pedestrian Crossings

An alteration that decreases or has the effect of decreasing the accessibility of a facility below the requirements for new construction at the time of the alteration is prohibited. For example, the removal of an existing curb ramp or sidewalk (without equivalent replacement) is prohibited. However, the FHWA has indicated a crossing may be closed if an engineering study (performed by the City and not included in the scope of this Transition Plan) determines the crossing is not safe for any user. The crossing should be closed by doing the following:

- A physical barrier is required to close a crossing at an intersection. FHWA has determined that a strip of grass between the sidewalk and the curb is acceptable as a physical barrier.
- A sign should be used to communicate the closure.

The agency wishing to close certain intersection crossings should have a reasonable and consistent policy on when to do so written in their Transition Plan or as a standalone document. If safety concerns are established by an engineering study, a pedestrian crossing should not be accommodated for any user. The City of Johnson City should also develop and implement a policy on how to close those crossings that are accommodated based on the existing conditions at the crossing location (e.g. existing sidewalk leading up to the curb in the direction of the crossing or existing curb ramp or crosswalk serving the crossing) but should not be due to safety concerns.

3.6 Prioritization

The following sections outline the prioritization factors and results of the prioritization for buildings, parks, signalized intersections, sidewalks, and un-signalized intersections. Each facility type has a different set of parameters to establish the prioritization for improvements. These prioritization factors were taken into consideration when developing the implementation plan for the proposed improvements.

3.6.1 Prioritization Factors for Facilities

Buildings and parks were prioritized on a 12-point scale, which is defined in **Table 7**. This prioritization methodology was developed by the Consultant Team to aid the City in determining how the buildings and parks should be prioritized for improvements based on the severity of non-compliance with ADA.

Signalized intersections were prioritized on a 13-point scale. The 13-point scale, which is used to prioritize both signalized and un-signalized intersections, is defined in **Table 8**. This prioritization methodology was developed by the Consultant Team to aid the City in determining which signalized intersections should be prioritized for improvements over other signalized intersections based on the severity of non-compliance with ADA.

Sidewalk corridors were prioritized on a 3-point scale and were given a priority of either “High”, “Medium”, “Low” based on the severity of non-compliance, which is defined in **Table 9**. Compliant segments of the sidewalk corridor were given a priority label of “Compliant”.

Table 7. Prioritization Factors for Buildings/Parks

Priority	Criteria
1 (high)	Complaint known or imminent danger present
2 (high)	<ul style="list-style-type: none"> Element is more than twice the allowable requirement. No known complaint. AND (for exterior conditions) location is near a hospital, school, transit stop, government building, or other pedestrian attractor.
3 (high)	<ul style="list-style-type: none"> Element is more than twice the allowable requirement. No known complaint. AND (for exterior conditions) location is not near a hospital, school, transit stop, government building, or other pedestrian attractor.
4 (high)	Issues with parking or exterior conditions (DOJ level 1) – moderately out of compliance
5 (medium)	Issues with access to goods and services (DOJ level 2) – severely out of compliance
6 (medium)	Issues with: <ul style="list-style-type: none"> Access to goods and services (DOJ level 2) – moderately out of compliance; Parking or exterior conditions (DOJ level 1) – minimally out of compliance; OR Restrooms (DOJ level 3) – severely out of compliance
7 (medium)	Issues with: <ul style="list-style-type: none"> Access to goods and services (DOJ level 2) – minimally out of compliance; Restrooms (DOJ level 3) – moderately out of compliance; OR Drinking fountains or public phones (DOJ level 4 & 5) – severely out of compliance
8 (medium)	Issues with drinking fountains or public phones (DOJ level 4 & 5) - moderately out of compliance
9 (low)	Issues with restrooms (DOJ level 3) – minimally out of compliance
10 (low)	Issues with drinking fountains or public phones (DOJ level 4 & 5) - minimally out of compliance
11 (low)	<ul style="list-style-type: none"> Client is a Title II agency; AND Elements out of compliance but may be able to be handled programmatically or do not need to be handled unless or until the agency hires a person with a disability
12 (low)	Element is fully compliant with an older standard (safe-harbored) but will need to be brought into compliance with current standards if altered

Table 8. Prioritization Factors for Signalized and Unsignalized Intersections

Priority	Criteria
1 (high)	Complaint filed on curb ramp or intersection or known accident/injury at site
2 (high)	Existing curb ramp with any of the following conditions: <ul style="list-style-type: none"> • Running slope > 12% • Cross slope > 7% • Obstruction to or in the curb ramp or landing • Level change > ¼ inch at the bottom of the curb ramp • No detectable warnings AND within a couple of blocks of a hospital, retirement facility, medical facility, parking garage, major employer, disability service provider, event facility, bus/transit stop, school, government facility, public facility, park, library, or church, based on field observations.
3 (high)	<ul style="list-style-type: none"> • No curb ramp where sidewalk or pedestrian path exists AND within a couple of blocks of a hospital, retirement facility, medical facility, parking garage, major employer, disability service provider, event facility, bus/transit stop, school, government facility, public facility, park, library, or church, based on field observations.
4 (high)	No curb ramps but striped crosswalk exists
5 (medium)	Existing curb ramp with any of the following conditions: <ul style="list-style-type: none"> • Running slope > 12% • Cross slope > 7% • Obstruction to or in the curb ramp or landing • Level change > ¼ inch at the bottom of the curb ramp • No detectable warnings AND NOT within a couple of blocks of a hospital, retirement facility, medical facility, parking garage, major employer, disability service provider, event facility, bus/transit stop, school, government facility, public facility, park, library, or church, based on field observations.
6 (medium)	<ul style="list-style-type: none"> • No curb ramp where sidewalk or pedestrian path exists AND NOT within a couple of blocks of a hospital, retirement facility, medical facility, parking garage, major employer, disability service provider, event facility, bus/transit stop, school, government facility, public facility, park, library, or church, based on field observations.
7 (medium)	One curb ramp per corner and another is needed to serve the other crossing direction
8 (medium)	Existing curb ramp with any of the following conditions: <ul style="list-style-type: none"> • Cross slope > 5% • Width < 36 inches • Median/island crossings that are inaccessible
9 (low)	Existing curb ramp with either running slope between 8.3% and 11.9% or insufficient landing
10 (low)	Existing diagonal curb ramp without a 48-inch extension in the crosswalk
11 (low)	Existing pedestrian push button is not accessible from the sidewalk and/or curb ramp
12 (low)	Existing curb ramp with returned curbs where pedestrian travel across the curb is not protected
13 (low)	All other intersections not prioritized above

Table 9. Prioritization Factors for Sidewalk Corridors

Criteria	Priority		
	1 (high)	2 (medium)	3 (low)
Cross slope of sidewalk is greater than 2%	Value > 3.5	3.5 ≥ Value > 2.0	
Width of sidewalk is less than 48 inches	Value ≤ 36.0	36.0 < Value < 42.0	42.0 < Value < 48.0
Obstruction present along sidewalk	Obstruction - Permanent	Obstruction - Temporary	
Heaving, sinking, or cracking present on sidewalk	Heaving Sinking Cracking		
Ponding on sidewalk		Ponding	
Missing sidewalk			Missing Sidewalk
Signalized cross street cross slope is greater than 5%	Value > 9.0	9.0 ≥ Value ≥ 7.0	7.0 > Value > 5.0
Unsignalized cross street cross slope is greater than 2%	Value > 6.0	6.0 ≥ Value ≥ 4.0	4.0 > Value > 2.0
Cross street running slope is greater than 5%	Value > 7.0	7.0 ≥ Value ≥ 6.0	6.0 > Value > 5.0
Driveway sidewalk width is less than 48 inches	Value ≤ 36.0	36.0 < Value < 42.0	42.0 < Value < 48.0
Driveway (or sidewalk if applicable) cross slope is greater than 2%	Value > 6.0	6.0 ≥ Value ≥ 4.0	4.0 > Value > 2.0
Driveway (or sidewalk if applicable) condition is poor or poor dangerous	Elevation change greater than 1/4 inch or gaps greater than 1 inch)	Elevation change between 1/4 inch and 1/2 inch or gaps between 1/2 inch and 1 inch)	

Table 10, Table 11, and Table 12 provide summaries of the prioritization classifications for signalized intersections, sidewalks, and unsignalized intersections, respectively.

Table 10. Prioritization Summary Signalized Intersections

Priority	Number of Intersections
0 (compliant)	9
1 (high)	0
2 (high)	34
3 (high)	0
4 (high)	6
5 (medium)	38
6 (medium)	0
7 (medium)	7
8 (medium)	0
9 (low)	1
10 (low)	0
11 (low)	0
12 (low)	0
13 (low)	0
Total	95

Table 11. Prioritization Summary for Sidewalk Corridors

Facility Type	Length (miles) by Priority				
	1 (high)	2 (medium)	3 (low)	Compliant	Total
Sidewalks	6.32	4.85	0.18	7.50	18.84
Driveways	1.57	1.01	0.30	0.37	3.24
Cross Streets	0.33	0.37	0.79	1.54	3.03
Total	8.22	6.22	1.27	9.40	25.11

Table 12. Prioritization Summary for Unsignalized Intersections

Priority	Number of Intersections
0 (compliant)	7
1 (high)	0
2 (high)	85
3 (high)	3
4 (high)	0
5 (medium)	70
6 (medium)	5
7 (medium)	0
8 (medium)	1
9 (low)	1
10 (low)	0
11 (low)	0
12 (low)	0
13 (low)	256
Total	428

3.7 Conclusion

This document serves as the ADA Transition Plan for the City of Johnson City. In developing the Transition Plan, PSAs were reviewed for compliance with ADA guidelines and a Self-Evaluation was conducted on the following facilities:

- 2 buildings;
- 2 parks;
- 95 signalized intersections; and
- 25 miles of sidewalk and all unsignalized intersections and driveways along the sidewalk corridors.

The recommended improvements were prioritized and an implementation plan was developed to provide guidance for the City's improvement projects in the coming years. Public outreach was also conducted to aid in the development of the plan.

The City is taking the actions referenced below and will continue to look for and remedy, barriers to access to ensure that Johnson City citizens who are disabled are given access to the City's PSAs.

To confirm follow-up on corrective actions required under the Transition Plan, the City will institute an ADA Action Log, documenting its efforts at compliance with the ADA. At a minimum, the Action Log will identify items that are not ADA compliant and will include anticipated completion dates. After the adoption of the Transition Plan by the Governing Body of the City, the ADA Action Log will be updated on an annual basis. The ADA Action Log should be available upon request. See the ADA Action Log provided in **Appendix F**.

4.0 Staff Training

Training will be provided to City staff to address some of the issues identified in the departmental surveys and interviews. The following training sessions will be provided by the Consultant Team:

- May 29, 2019 – Public Rights-of-Way (4 hours)
- May 29, 2019 – Maintenance Training (4 hours)

Descriptions of each training course are provided below:

Public Rights-of-Way (4 hours)

This training helps attendees understand the PROWAG requirements as well as the “spirit” of the law. The following will be covered: the difference between maintenance and alterations, how to achieve compliance with difficult site constraints, how to make right decisions in the field, and how to know when additional help is needed. This training is very technical in the design and installation of curb ramps and sidewalks in the public rights-of-way.

Maintenance Training (4 hours)

The maintenance staff is on the front lines of access compliance and the key in maintaining accessible features, a requirement of the law. Problems can occur when furniture is moved, repairs are undertaken, or landscaping improperly pruned, for example. Knowing that local governments have limited resources, the training does not require augmenting staff or increasing budgets, rather making the staff aware of requirements and liabilities. Staff will learn to identify problem areas before they become hazards and know how to mitigate them.

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5.0 Facility Costs

5.1 Facilities Cost Projection Overview

To identify funding sources and develop a reasonable implementation schedule, cost projection summaries for only the facilities evaluated were developed for each facility type. To develop these summaries, recent bid tabulations from Tennessee Department of Transportation (TDOT) construction projects, along with Consultant Team experience with similar types of projects, were the basis for the unit prices used to calculate the improvement costs. A contingency percentage (20%) was added to the subtotal to account for increases in unit prices in the future in addition to an engineering design percentage (15%). All costs are in 2018 dollars. **Table 13** provides a summary of the estimated costs to bring each facility into compliance.

Table 13. Summary of Facility Costs

Facility Type	Priority			
	High	Medium	Low	Total
Buildings	\$331,371	\$383,913	\$38,171	\$753,455
Parks	\$327,577	\$217,384	\$101,689	\$646,650
Signalized Intersections	\$2,504,000	\$3,276,000	\$52,000	\$5,832,000
Public Rights-of-Way Sidewalk	\$3,115,607	\$1,655,344	\$150,048	\$4,921,000
Public Rights-of-Way Unsignalized Intersections	\$2,455,000	\$1,606,000	\$600,000	\$4,661,000
City Totals	\$8,733,555	\$7,138,641	\$941,908	\$16,814,105

5.2 Implementation Schedule

Table 14 details the barrier removal costs and proposed implementation schedule by facility type for all City-owned facilities evaluated. This 30-year plan will serve as the implementation schedule for the Transition Plan. The City of Johnson City reserves the right to change the barrier removal priorities on an ongoing basis to allow flexibility in accommodating community requests, petitions for reasonable modifications from persons with disabilities, and changes in City programs.

It is the intent of the City to have its ADA Coordinator work together with department heads and budget staff to determine the funding sources for barrier removal projects. Once funding is identified, the ADA Coordinator will coordinate the placement of the projects in the Capital Improvement Program to be addressed on a fiscal year basis.

Table 14. Implementation Schedule

Facility Type	Estimated Cost	Implementation Schedule (years)	Approximate Annual Budget*
Buildings	\$753,455	30	\$25,120
Parks	\$646,650	30	\$21,555
Signalized Intersections	\$5,832,000	30	\$194,400
Public Rights-of-Way Sidewalk	\$4,921,000	30	\$164,035
Public Rights-of-Way Unsignalized Intersections	\$4,661,000	30	\$155,370
City Total	\$16,814,105		
Total Annual Budget			\$560,480

*Table values are rounded for simplification

5.3 Recent Projects

The City has either recently completed or is currently working on several projects to help improve accessibility throughout the City.

- Intersection improvements at N. Roan St. and Mountainview Rd. addressed accessibility issues, including curb ramps, crosswalks, pedestrian signals, and audible pedestrian push buttons.
- Intersection improvements at S. Roan St. and University Pkwy. included the installation of audible pedestrian push buttons and pedestrian signals to accommodate the pedestrian crossing on the west side of the intersection.
- There were 1,015 work orders for City facilities completed and closed out in 2018 by the Facilities Management Department.
- Langston High School Alterations and Renovations - In 2016 the City of Johnson City began working with the Langston Education and Arts Development (LEAD) to preserve the historical campus of Langston High School. The City and LEAD Organization seek to preserve the cultural relevance and heritage of the Langston High School site. In 2018, a \$2.3 million-dollar renovation and addition was started to preserve the historical facility and provide a multicultural community center for educational and artistic programs. The renovation is scheduled to be completed and the facility opened to the public in April of 2019.

- Liberty Bell Middle School Cafeteria/Gymnasium Addition - Liberty Bell Middle School students currently utilize Freedom Hall Civic Center for their cafeteria and gymnasium space. This 40,000-square foot addition will provide a school connected cafeteria with seating capacity of 350 students and a gymnasium with bleacher seating capacity of 1,300 spectators. The new addition also includes a state of the art commercial kitchen facility, locker rooms for boys and girls sports and physical education needs, and much needed storage space. The \$9.6 million-dollar project was kicked off with an official ground-breaking ceremony in October 2018 and construction is scheduled to be completed in March 2020, ready for the first students in the fall of 2020.
- Johnson City Police Training Facility - The existing training facility had reached its useful life and was no longer a functional safe place for the police to complete internal, joint, and public training exercises. The new facility is about 6,000 square feet and houses a large training room, officer office space, and needed storage space for equipment. Site construction began in August 2018 and the building is expected to be completed in May 2019. The \$1.05 million-dollar facility is designed to last well over 50 years providing a modern, safe, and functional facility for the quality training of future generations of police officers.

5.4 Funding Opportunities

Several alternative funding sources are available to the City to complete the improvements in this Transition Plan. The funding opportunities include applying for resources at the federal and state level, consideration of local options, and leveraging private resources. The following sections detail some different funding source options.

5.4.1 Federal and State Funding

Table 15 depicts the various types of federal and state funding available for the City to apply for funding for various improvement. The following agencies and funding options are represented in the chart.

- BRI – Bridge - Highway Bridge Replacement and Rehabilitation (HBRRP)
- CMAQ – Congestion Mitigation/Air Quality
- FLH – Federal Lands Highways Program
- HSIP – Highway Safety Improvement Program
- NHPP – National Highway Performance Program
- RHC – Railway-Highway Crossing
- SRTS – Safe Routes to School (Moving Ahead for Progress in the 21st Century Act (MAP-21) now under TAP)
- STBG – Surface Transportation Block Grant
- TAP – Transportation Alternatives Program

Most of these programs are competitive type grants; therefore, the City of Johnson City is not guaranteed to receive these funds. It will be important for the City to track these programs to apply for the funds.

Table 15. Funding Opportunities

ACTIVITY	BRI	CMAQ	FLH	HSIP	NHPP	RHC	SRTS	STBG	TAP
Pedestrian plan		X		X				X	
Paved shoulders	X	X	X	X	X	X		X	X
Shared-use path/trail	X	X	X	X	X		X	X	X
Recreational trail			X						X
Spot improvement program		X		X			X	X	X
Maps		X		X			X	X	
Trail/highway intersection		X	X	X	X		X	X	X
Sidewalks, new or retrofit	X	X	X	X	X	X	X	X	X
Crosswalks, new or retrofit		X	X	X	X	X	X	X	X
Signal improvements		X		X	X	X	X	X	X
Curb cuts and ramps		X		X	X	X	X	X	X
Traffic calming				X		X	X	X	X
Safety brochure/book		X		X			X	X	X
Training		X		X	X		X	X	X

5.4.2 Local Funding

There are several local funding options for the City to consider, including:

- Community Development Block Grants (CDBG)
- Community Improvement District (CID) – A geographically defined district in which commercial property owners vote to impose a self-tax. Funds are then collected by the taxing authority and given to a board of directors elected by the property owners.
- General fund (sales tax and bond issue)
- Scheduled/funded Capital Improvement Program (CIP) projects that are funded through bonds
- Sidewalk or Access Improvement Fee
- Special tax districts – A district with the power to provide some governmental or quasi-governmental service and to raise revenue by taxation, special assessment, or charges for services.
- Tax Allocation District (TAD) – A defined area where real estate property tax monies gathered above a certain threshold for a certain period of time (typically 25 years) to be used for a specified improvement. The funds raised from a TAD are placed in a tax-free bond (finance) where the money can continue to grow. These improvements are typically for revitalization and especially to complete redevelopment efforts.
- Tax Increment Financing District (TIF) – A TIF allows cities to create special districts and to make public improvements within those districts that will generate private-sector development. During the development period, the tax base is frozen at the predevelopment level. Property taxes continue to be paid, but taxes derived from increases in assessed values (the tax increment) resulting from new development either go into a special fund created to retire bonds issued to originate the development, or leverage future growth in the district.

- Transportation Reinvestment Zone
- Transportation User Fee / Street Maintenance Fee

5.4.3 Private Funding

Private funding may include local and national foundations, endowments, private development, and private individuals. While obtaining private funding to provide improvements along entire corridors might be difficult, it is important for the City to require private developers to improve pedestrian facilities to current ADA requirements, whether it by new development or redevelopment of an existing property.

5.5 Next Steps

The City will begin internal coordination to address the programmatic barriers identified in the Transition Plan. The City has also started to develop an inventory of all City-owned facilities that will be evaluated and included in the Transition Plan.

The City will develop a budget to include the next 30 fiscal years. Projects identified in the ADA Transition Plan will be programmed within the 30-year budget based prioritization provided (see **Section 3.6 Prioritization**) and other factors determined by the City, such as how barrier removal can be incorporated into existing City projects identified for capital improvements.

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Appendix

Appendix A: Grievance Procedure

City of Johnson City ADA Existing Title II Grievance Procedure

City of Johnson City ADA Existing Title II Grievance Resolution Form

City of Johnson City ADA Existing Public Notice Under the ADA

Appendix B: Programs, Services, and Activities (PSA) Review

Documents, Forms, and Videos Review

Appendix C: Design Standard Review

Appendix D: Facility Maps

Buildings

Parks

Signalized Intersections

Sidewalk Corridors

Appendix E: Facility Reports

Buildings

Parks

Signalized Intersections

Sidewalk Corridors

Appendix F: ADA Action Log