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DERUTY CITY RECORDER
MODEL CI

RESOLUTION NO. 2020-070

A RESOLUTION APPROVING AND ADOPTING THE CITY OF KINGSPORT AMERICANS WITH DISABILITIES ACT 2019 SELF EVALUATION AND TRANSITION PLAN UPDATE AND IMPLEMENTING THE PLAN IMMEDIATELY AND AUTHORIZING THE MAYOR TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THIS RESOLUTION, INCLUDING A LETTER AND COMPLIANCE FORM TO THE TENNESSEE DEPARTMENT OF TRANSPORTATION SHOWING COMPLIANCE

WHEREAS, the city has completed a self-evaluation and transition plan update as required by Title II of the Americans with Disabilities Act (ADA) of 1990;

WHEREAS, the city is also complying with a 2016 letter from the Tennessee Department of Transportation (TDOT) to ensure that every city and county with fifty (50) or more employees have ADA transition plans, as such plans are necessary for the receipt of federal and state transportation funding; and

WHEREAS, once the plan is approved, the mayor must execute a letter to TDOT certifying the city has complied with the 2016 letter from TDOT Deputy Commissioner, complete an ADA Self-Certification form for the TDOT Long Range Planning Division, and the city must submit an electronic copy of the Plan to TDOT; and

WHEREAS, the funding will be provided by the FY20 budget and the capital improvement plan.

Now therefore,

BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN AS FOLLOWS:

SECTION I. That the City of Kingsport 2019 ADA Self-Evaluation and Transition Plan Update, attached as Exhibit A hereto, along with Appendices A through N, that are not attached due to their length, but are available for review in the City Recorder's Office, is approved, adopted, and is effective immediately.

SECTION II. That the mayor, or in his absence, incapacity, or failure to act, the vice-mayor, is authorized and directed to execute, in a form approved by the city attorney a letter to the Deputy Commissioner for the Tennessee Department of Transportation and all documents necessary and proper, and to take such acts as necessary, to effectuate the purpose of the this resolution, and said letter reads as follows:

November _____ 2019

Mr. Paul D. Degges, P.E.
Deputy Commissioner/Chief Engineer
Tennessee Department of Transportation
Bureau of Engineering
Suite 700, James K. Polk Building
505 Deaderick Street
Nashville, Tennessee 37243-1402

Re: Filing of the City of Kingsport 2019 ADA Self-Evaluation and Transition Plan Update

Deputy Commissioner Degges:

Please accept this letter as the city's documentation on the City of Kingsport's update of its ADA Transition Plan.

Attached is the city's Plan and City of Kingsport Resolution No. ____ adopting the city's 2019 ADA Self-Evaluation and Transition Plan and appendices. The facilities review is 800 +/- pages and is not attached; however, upon request those documents can be made available to you.

Thank you for your attention to this matter. Should you have any questions or need any clarification, please do not hesitate to contact me.

Sincerely,

Patrick W. Shull
COL USA (Ret)
Mayor, City of Kingsport

SECTION III. That the mayor is further authorized to make such changes approved by the mayor and the city attorney to the letter that do not substantially alter the material provisions of the letter, and the execution thereof by the mayor is conclusive evidence of the approval of such changes.

SECTION IV. That the mayor, or in his absence, incapacity, or failure to act, the vice-mayor, is authorized and directed to execute, in a form approved by the city attorney, the ADA Self Certification form to be submitted to the Tennessee Department of Transportation Long Range Planning Division, attached as Exhibit B hereto, and all documents necessary and proper, and to take such acts as necessary, to effectuate the purpose of the this resolution.

SECTION V. That a copy of the entire City of Kingsport 2019 ADA Self Evaluation and Transition Plan Update, with appendices, shall be filed with the City Recorder and a copy of the same shall be provided to the ADA Coordinator's Office and the City Attorney's Office.

SECTION VI. That the board finds that the actions authorized by this resolution are for a public purpose and will promote the health, comfort and prosperity of the citizens of the city.

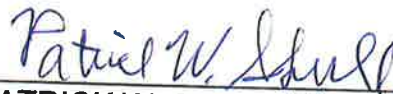
SECTION VII. That this resolution shall take effect from and after its adoption, the public welfare requiring it.

ADOPTED this the 5th day of November, 2019.

ATTEST:


ANGELA MARSHALL
Deputy City Recorder




PATRICK W. SHULL, Mayor

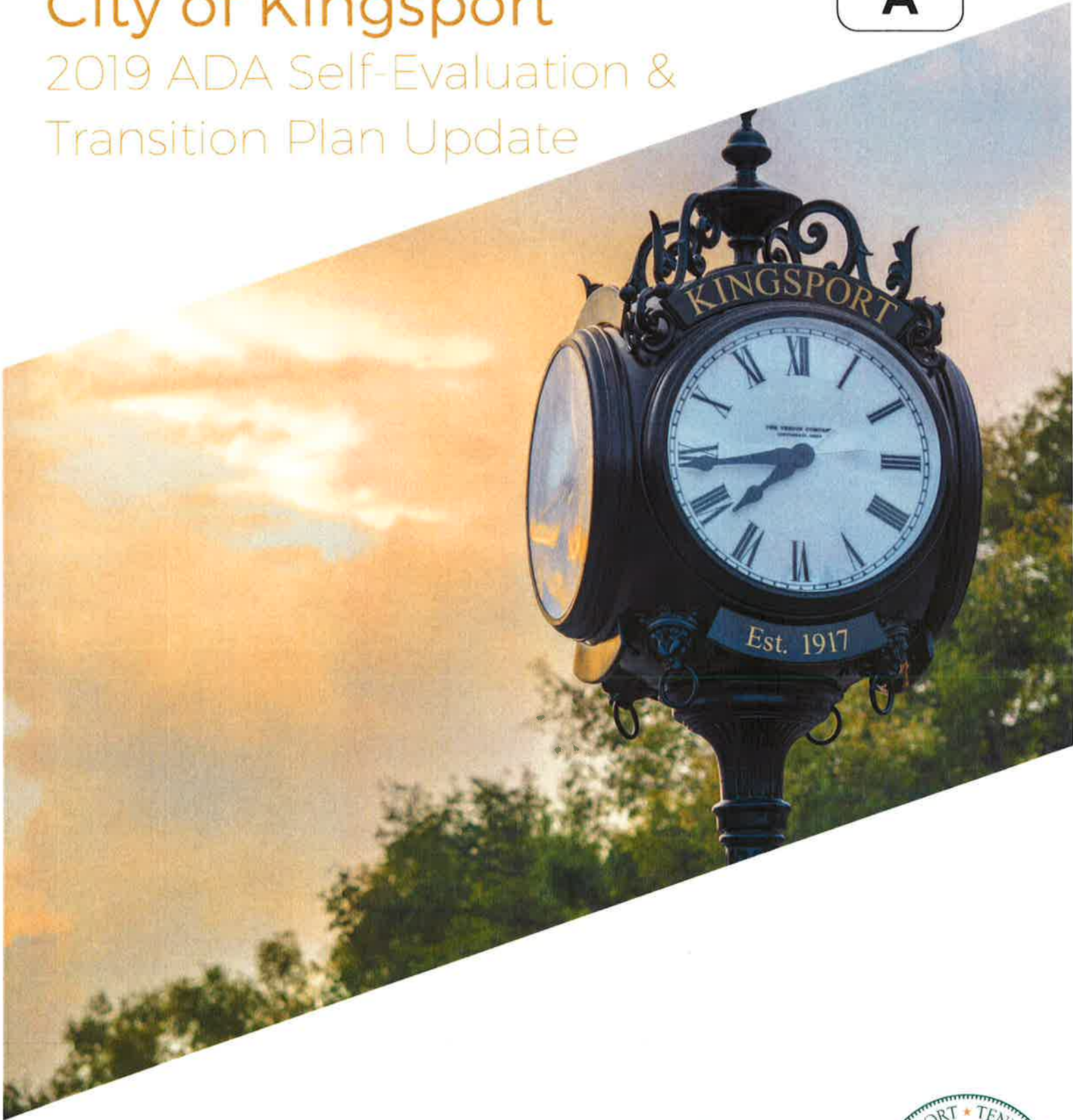
APPROVED AS TO FORM:


J. MICHAEL BILLINGSLEY, City Attorney



City of Kingsport

2019 ADA Self-Evaluation & Transition Plan Update



GEORGE DECROES, ADA/504 COORDINATOR, CITY OF KINGSPORT
ANDY TRUE, ADA COORDINATOR, KINGSPORT CITY SCHOOLS
LAMAR SMITH, 504 COORDINATOR, KINGSPORT CITY SCHOOLS

225 W. CENTER STREET | KINGSPORT, TN 37660



CITY of KINGSPORT

ADA SELF-EVALUATION & TRANSITION PLAN UPDATE

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City of Kingsport

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Mike Burnette, Police Department
Mike Billingsley, City Attorney, Legal/Risk
Keith Bruner, Building Official
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George DeCroes, ADA/Section 504 Coordinator
Kristie Leonard, Community Services Administration
Angie Marshall, City Clerk
Robert Sluss, Fire Department
Candace Sherer, Kingsport Area Transit Authority
Judy Smith, Budget
Michael Thompson, Asst. Public Works Director
Rochelle Trent, ADA Representative
Michelle Tolbert, Senior Center
Andy True, ADA Coordinator, Kingsport City
Schools

Community Committee on Accessibility: Community Members:
Joe May
James Stoll
Robin Wexler
Barbara Wheeler
Jackie Wolfe

City Representatives:
Amy Deakins, Legal
George DeCroes, ADA/Section 504 Coordinator
Michael Thompson, Asst. Public Works Director
Rochelle Trent, ADA Representative
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Schools

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Appendix No.	Description:
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B	Publication Certificate for ADA Public Access Survey
C	Responses to ADA Public Access Survey
D	Program Accessibility Questionnaire
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F	Publication Certificate for Citizen Review Survey
G	Citizen Review Survey
H	Comments on Citizen Review Survey
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L	Accessibility Design Compliance Affidavit
M	Remaining ADA Procedures
N	Grievance Procedure

**CITY OF KINGSPORT
ADA SELF-EVALUATION AND TRANSITION
PLAN UPDATE**

SECTION 1.0

SELF-EVALUATION AND TRANSITION PLAN LEGAL NEED AND PURPOSE

The Americans with Disabilities Act (ADA), enacted on July 26, 1990, is a civil rights law prohibiting discrimination against individuals with disabilities. The ADA consists of five titles outlining protections in the following areas:

- Title I: Employment
- Title II: State and Local Government
- Title III: Public Accommodations and Commercial Facilities
- Title IV: Telecommunications Relay Services
- Title V: Miscellaneous Provisions

The City of Kingsport (City)¹ is obligated to observe all requirements of Title I in its employment practices; Title II in its policies, practices, programs, services, and activities; and any parts of Title IV and Title V that apply to City. Title III only covers businesses and not-for-profit service providers and is not applicable to City.

Title IV of the ADA requires that telephone companies provide telecommunication relay services that allow individuals with hearing or speech impairments to communicate using a teletypewriter (TTY) or another non-voice device. Title V of the ADA includes miscellaneous provisions that are intended to apply broadly across all other titles. Many of these provisions were subsequently included and interpreted by the various federal agencies that issued regulations to implement other titles of the ADA. Title V includes provisions that do not allow the ADA to invalidate or override any other laws (federal, state, and local) to provide equal or greater protections or remedies for individuals with disabilities. Retaliation, intimidation, coercion, threats, or interference with individuals who seek to exercise their rights, or who encourage or aid others to do so, is prohibited.²

This document addresses requirements of Title II of the ADA as they apply to City.

¹ Unless otherwise noted, the use of the term “City” will include Kingsport City Schools (KCS). When KCS is used separately it applies only to the school system.

² <https://www.adainfo.org/content/more-title-v>

Title II of the ADA pertains to programs, services, and activities public entities provide. As a provider of government, services, and programs, City must comply with this section of the ADA as it specifically applies to local government services. Title II of the ADA provides that “no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied benefits of services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.”³

This ADA Self-Evaluation and Transition Plan Update is being prepared as required by Title II of the ADA. A public entity must reasonably modify its policies, practices, or procedures to avoid discrimination against individuals with disabilities. This report will assist in identifying policies, programs, and physical barriers to accessibility, and will enable City to develop solutions that will facilitate opportunity for individuals.

As required by Title II of the ADA, and 28 CFR § 35.105⁴ and § 35.150⁵ City has conducted a self-evaluation and a transition plan of its programs, services, and activities. This document guides planning and implementation of necessary program and facility modifications over the next twenty-five (25) years. This ADA Self-Evaluation and Transition Plan Update establishes ongoing commitment to development and maintenance of its programs, services, and activities.

LEGISLATIVE MANDATE

The development of a transition plan is also a requirement of the Rehabilitation Act of 1973 (Rehab Act) that requires all organizations receiving federal funds make their programs available without discrimination to individuals with disabilities. Section 504 of the Rehab Act states,

No otherwise qualified handicapped individual in United States shall, solely by reason of handicap, be excluded from participation in, be denied benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

³ [42 U.S.C. § 12132](#) and [28 CFR § 35.130](#)

⁴ [28 CFR § 35.105](#)

⁵ [28 CFR § 35.150](#)

Based on the Rehab Act, Congress passed the ADA on July 26, 1990. Title II of the ADA regulations adopts the general ideas of discrimination established under in the Rehab Act. Title II provides protections to individuals with disabilities that are at least equal to those provided by the nondiscrimination provisions of Title V of the Rehab Act. The ADA prohibits City, either directly or through contractual arrangements, from:

- Denying individuals with disabilities opportunity to participate as members of advisory boards and commissions.
- Denying individuals with disabilities opportunity to participate in services, programs, or activities that are not separate or different from those offered, even if City offers permissible separate or different activities.
- Making selections that have the effect of excluding or discriminating against individuals with disabilities when determining location of facilities.

AGENCY REQUIREMENTS

Title II requires operation of each program, service, or activity so that when viewed in its entirety is readily accessible to and usable by individuals with disabilities.⁶ Included in Title II are administrative requirements applicable to City, including:

- To notify applicants, participants, beneficiaries, or interested individuals of their rights and the public entity's obligations under Title II.⁷
- To designate a responsible employee (ADA Coordinator) to coordinate its efforts to comply with and carry out the public entity's ADA responsibilities.⁸
- To establish a grievance procedure for resolving complaints related to Title II.⁹
- To conduct a self-evaluation.¹⁰

⁶ [28 CFR §§ 35.149-150](#)

⁷ [28 CFR § 35.106](#)

⁸ [28 CFR § 35.107\(a\)](#)

⁹ [28 CFR § 35.107\(b\)](#)

¹⁰ [28 CFR § 35.105](#)

- A self-evaluation is an assessment of public entity’s programs, services, and activities and policies and practices that govern administration of them. This can include laws, ordinances, regulations, and manuals. The goal is to determine if policies and practices adversely affect full participation of individuals with disabilities.
- To develop a transition plan.¹¹
 - In the event that structural changes to facilities will be undertaken to achieve program accessibility, a transition plan setting forth steps necessary to complete such changes must be developed.
 - The plan shall, at a minimum:
 - Identify physical obstacles in facilities that limit accessibility of its programs or activities to individuals with disabilities.
 - Describe in detail methods that will be used to make facilities accessible.
 - Specify the schedule for taking steps necessary to achieve compliance with this section and, if time-period of transition plan is longer than one year, identify steps that will be taken during each year of transition period.

STATE OF TENNESSEE ACCESSIBILITY REQUIREMENTS

Tennessee Code Annotated, Title 68, Chapter 120, Part 2, known as the “Tennessee Public Buildings Accessibility Act,” declares it to be the “policy of the State of Tennessee to make all public buildings accessible to and functional for individuals who have a physical disability.”¹² This code section pertains to public buildings, parks, and facilities that were constructed using state or municipal funds or that are owned, leased, rented, contracted, or sublet by City.

INTERNATIONAL BUILDING CODE 2018 AND ANSI/ICC A117.1-2009

City adopted International Building Code (IBC) 2018 by ordinance on July 17, 2018,¹³ as the basis for laws and regulations for all new commercial, private, and public buildings within City. IBC, along with 2018 International

¹¹ 28 CFR § 35.150(d)

¹² Tenn. Code Ann. § 68-120-202, Tennessee Public Buildings Accessibility Act

¹³ Ordinance No. 6741 is attached hereto as Appendix No. A.

Existing Building Code, is the basis for regulations on all rebuilds, repairs, and remodels of same.

City also adopted the American National Standards Institute (ANSI) and International Code Council (ICC) A117.1-1986. ANSI/ICC A117.1-2009 Buildings and Facilities corresponds to the 2010 Americans with Disabilities Act Accessibilities Guidelines (ADAAG), and City will follow ANSI/ICC A117.1-2009, unless it differs from ADAAG, then ADAAG will supersede.

ANSI/ICC A117.1-2009 requires that sites, facilities, and elements are accessible to and usable by individuals with such physical disabilities as inability to walk, difficulty walking, reliance on walking aids, blindness and visual impairment, deafness and hearing impairment, reaching and manipulation disabilities, lack of stamina, difficulty interpreting and reacting to sensory information, and extremes of physical size. The intent is to allow an individual with physical disabilities to independently get to, enter, and use a site, facility, building, or element.¹⁴

DEFINITIONS

Terms or words used in this Self-Evaluation and Transition Plan Update will have the same meaning as such terms or words found in 28 CFR Part 35 Subpart A,¹⁵ as amended from time-to-time. Any term or word not defined in this Self-Evaluation and Transition Plan Update or in 28 CFR Part 35 Subpart A will have its plain and ordinary meaning.

ENTIRE PLAN

This plan and its appendices comprise the complete 2019 ADA Self-Evaluation and Transition Plan Update for City.

¹⁴ [ICC A117.1-2017 Standard for Accessible and Usable Buildings and Facilities](#)

¹⁵ [28 CFR Subpart A - General](#)

SECTION 2.0

SELF-EVALUATION AND TRANSITION PLAN REQUIREMENTS AND PROCESS

A self-evaluation is a public entity's assessment of everything, including its programs, services, and activities; facilities;¹⁶ and current policies, practice, and procedures. The self-evaluation identifies and corrects barriers to access that are inconsistent with its Title II requirements. A public entity that employs fifty (50) or more employees must retain its self-evaluation for three years.

As part of the self-evaluation, City:

- identified the city's programs, services, and activities; and
- reviewed policies, practices, and procedures that govern administration of the city's programs, services, and activities.

To accomplish this, City published an ADA Public Access Survey on its website in October, 2018. This survey was published in the *Kingsport Times-News* on October 29, 2018.¹⁷ City also posted notices throughout City on bulletin boards to notify the public of the survey. City's and KCS websites also had a "ticker" across the homepage alerting the public of the survey. The survey was available on City's and KCS websites from October 29, 2018, through November 30, 2018. The responses¹⁸ to the ADA Public Access Survey were beneficial to City Staff in preparing the self-evaluation and priority lists.

The ADA sets forth specific requirements¹⁹ for preparation of an acceptable transition plan. This plan includes those requirements. They are:

- Identify physical obstacles in public entity's facilities that limit accessibility of its programs or activities to individuals with disabilities.

¹⁶ As defined by 28 CFR § 35.104 *facility* means all or any portion of buildings, structures, sites, complexes, equipment, rolling stock or other conveyances, roads, walks, passageways, parking lots, or other real or personal property, including the site where the building, property, structure, or equipment is located.

¹⁷ A copy of the Publication Certificate from the *Kingsport Times-News* is attached as Appendix B.

¹⁸ A copy of the [redacted] responses to the ADA Public Access Survey are attached as Appendix C.

¹⁹ 28 CFR § 35.150(d)(3)(i-iv)

- Describe in detail methods that will be used to make facilities accessible.
- Specify schedule for taking steps necessary to achieve compliance with this section and, if the time-period of transition is longer than one year, identify steps that will be taken during each year of the transition period.
- Indicate the official responsible for implementation of plan

PROGRAM DISCRIMINATION AND ACCESSIBILITY

There are two types of accessibility:

- Program accessibility
- Physical (Facility) accessibility

City must provide both types of accessibility.

Physical accessibility requires that a facility be barrier-free. Barriers include any obstacles that prevent or restrict entrance to or use of a facility.

Program accessibility includes physical accessibility, but also entails all of the policies, practices, and procedures that permit individuals with disabilities to participate in programs and to access important information.

Program accessibility requires that individuals with disabilities be provided an equally effective opportunity to participate in or benefit from a public entity's programs or services. Program accessibility may be achieved by either structural or non-structural methods. Non-structural methods include acquisition or redesign of equipment, assignment of aides to beneficiaries, and providing services at alternate sites.

Programs offered by City to the public must be accessible. Accessibility includes advertisement, orientation, eligibility, participation, testing or evaluation, physical access, providing auxiliary aids, transportation, policies, and communication.

City may achieve program accessibility by a number of methods:

- structural methods such as altering an existing facility;
- acquisition or redesign of equipment;
- assignment of aides; and

- providing services at alternate accessible sites.

When choosing a method of providing program access City will give priority to the method that results in the most integrated setting appropriate, to encourage interaction among all users, including individuals with disabilities. In compliance with requirements of the ADA City must provide equality of opportunity.

UNDUE FINANCIAL AND ADMINISTRATIVE BURDENS

City is not required to take any action that it would result in a fundamental alteration in the nature of its program or activity, would create a hazardous condition resulting in a direct threat to participant or others, or would represent an undue financial and administrative burden.

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

FACILITY SURVEY

City completed a physical audit of its facilities to identify facility barriers and identify recommendations and alterations in order to meet state and federal accessibility standards. The list of facilities surveyed included:

- City-owned parks and playgrounds
- City-owned or leased buildings and facilities
- City-maintained pedestrian facilities
- KCS playgrounds
- KCS buildings and facilities

This evaluation allowed City to generate the ADA Priority list and the proposed funding budgets for the next twenty-five (25) years.

SELF-EVALUATION

City evaluated its policies, programs, and procedures to determine current levels of service and the extent there were barriers to accessibility for individuals with disabilities. City staff created a questionnaire²⁰ distributed to

²⁰ Questionnaire is attached as Appendix D.

each department and division to address accessibility issues. This questionnaire was designed to search for inefficiencies and inequalities within each program and service.

The online questionnaire provided information on the nature of programs, forms, and methods used to advertise each program's services and activities, a profile of current participants, types of equipment and materials used, entrance requirements, level of staff training, and any special modifications provided.

Questionnaires were distributed and received from the following individuals, departments, and divisions:

- Assistant City Manager for Operations
- Bays Mountain Park
- Budget Office
- Building Official Office
- City Clerk
- City Facilities Management
- City Manager's Office/City Hall
- Traffic Engineering
- Finance Administration Office
- Fire Department
- Fleet Management
- Human Resources
- Information Technology
- Kingsport City Schools
- Legal
- Metropolitan Transportation Planning Organization Division
- Office of Cultural Arts
- Office of Zoning
- Parks and Recreations
- Police Department
- Risk
- Stormwater Division
- Streets and Sanitation Division
- Waste Water Management

Once the responses²¹ to the questionnaire were completed, the ADA Liaison Committee found these departments or divisions maintained their programs in such a way that they are active in assisting citizens with any barriers. The one deficiency consistently noted was lack of documentation. It is the intent of City to address any program accessibility barriers in the following areas:

- customer service
- outreach and information
- training and staffing
- programs and activities

²¹ Each program provider's responses to the questionnaire are attached as Appendix E.

- accessible/adaptive equipment

PUBLIC OUTREACH AND INPUT

The city posted a public notice²² in the *Kingsport Times-News* on August 4, 2019, regarding the availability of the draft of the Self-Evaluation and Transition Plan Update. City also posted notices throughout City on bulletin boards to notify the public of the survey. The survey was available online and a copy was available at City Hall, at the main check-out counter at the Kingsport Public Library, the Senior Center at the Renaissance Center, and at the Lynn View Community Center from August 5, 2019 through August 20, 2019 for public questions²³ and comment.²⁴

The ADA Liaison Committee will review these public comments and questions and pertinent comments and questions will be added to the document as an appendix. These public comments and questions will be used to help guide City's strategy for accessibility improvements moving forward. Once the draft of the transition plan is finalized, it will be presented to the Board of Mayor and Alderman (BMA) for approval.

²² A copy of the Publication Certificate published in the *Kingsport Times-News* is attached as Appendix F.

²³ Citizen Review Survey is attached as Appendix G.

²⁴ Comments received from the Citizen Review Survey are attached as Appendix H.

SECTION 3.0

POLICIES AND PROGRAM ACCESSIBILITY FINDINGS AND ACTIONS

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

This section details review of current citywide policies, programs, services, and activities based on meetings with city management team and responses to the program accessibility questionnaires from departments or divisions listed in Section 2.0.

The findings and recommendations contained in this section will serve as a basis for implementation of specific improvements for providing access to city programs as required by law. There were twenty-six (26) program questionnaires responses received by city employees.

PROGRAM MODIFICATIONS

The ADA Coordinator for City and ADA Coordinator for KCS, or designees, will follow-up with each department²⁵ to review recommendations contained in the Self-Evaluation Report. When a policy, program, or procedure creates a barrier to accessibility that is unique to a certain department, division, or program the ADA Coordinator or the designee, will coordinate with the department head, division head, or program manager to address removal of the barrier in the most reasonable and accommodating manner in accordance with applicable law.

FINDINGS AND RECOMMENDED ACTIONS – CITYWIDE PROGRAMS, SERVICES, AND ACTIVITIES

This section is organized into categories based upon the requirements of Title II of the ADA.

- Accessible/Adaptive Equipment
- Customer Service
- Notice Requirements

²⁵ The reference “department” includes each department, division and City Manager’s Office employees of the City of Kingsport.

- Printed Information
- Televised and Audiovisual Public Information
- Website(s)
- Public Telephones and Communication Devices
- Training and Staffing
- Program Eligibility and Admission
- Public Meetings
- Transportation Services
- Tours and Trips
- Use of Consultants for Delivering Program Services
- Emergency Evacuation Procedures
- Facilities
- Special Events on Public Properties

ACCESSIBLE/ADAPTIVE EQUIPMENT

Adaptive aids are devices, controls, appliances, or items that make it possible for individuals with disabilities to improve their ability to function independently and participate in programs, services, and activities. Examples are a pen and clipboard for deaf or speech impaired individuals to write notes, accessible electronic equipment, or accessible computer stations.

Self-Evaluation Findings:

- City currently has no adaptive aids for the hearing impaired.

Recommended Actions:

- Provide standard equipment and training at each site where programs are administered to facilitate basic communications access using alternative formats. Equipment may include, but not be limited to:
 - paper and pencil
 - an enlarging copy machine
 - access to TTY or 711 Tennessee Relay Service
- Establish and maintain adaptive aids that should be available for use by individuals participating in city programs. Include information about availability of specific equipment and/or individuals who are available to provide special services (e.g. American Sign Language (ASL) translation) in public information materials such as brochures and on city's website.

CUSTOMER SERVICE

The customer service counter in City Hall serves citizens, business, and other customers with information related to city government, utility connections and payments, property tax payments and general city government information. The customer service counter at the Kingsport Area Transit Authority serves customers who utilize the transit system with bus or van schedules, purchase of tickets, have questions, need information, and other related services.

It is the responsibility of all city departments or divisions to provide customer service to all citizens, businesses, and other customers as a normal course of business.

The main desk at the administrative support center for KCS serves KCS employees, students, and the general public with general school information and support for the school system. The main school offices provide support for parents, students, and teachers of that particular school (*i.e.* John Adams Elementary School Office). This is the normal course of business for the administrative support center and the main school offices.

Self-Evaluation Findings:

- One or more department reported tracking accessibility requests.
- Few departments or divisions indicated they consult or have relationships with outside organizations that provide services to individuals with disabilities.
- Some departments or divisions had policies or procedures for making informal changes to standard operating procedures to accommodate individuals with disabilities.

Recommended Actions:

- Make appropriate modifications to regular practices to accommodate needs of individuals with disabilities when providing customer service. This can include providing auxiliary aids, such as:
 - Clipboards
 - Moveable light sources
 - Adjustable work surfaces

- Allow use of service animals to assist individuals in accessing programs, services, and activities in city facilities. Service animals are only dogs and miniature horses. City has developed a Service Animal Policy, and it is available on city's website.²⁶
- Develop criteria for determining reasonable modifications to provide program accessibility, which may include:
 - Acquisition or redesign of equipment
 - Assignment of aides to individuals with disabilities
 - Provision of services at alternative accessible sites
- Assess needs of disabled population by improving communication and outreach to increase effective participation of disabled customers in all city programs and activities.
- Collaborate with organizations that provide services to disabled populations. Increased community involvement with organizations that offer services to individuals with disabilities.
- Publicize efforts to increase participation by individuals with disabilities, such as distributing program brochures to individuals.

NOTICE REQUIREMENTS

Title II regulations require City to inform the public of rights and protections provided by the ADA for access to public programs, services, and activities.

Self-Evaluation Findings:

- City has a non-discrimination policy that includes disability, no departments or divisions reported having a non-discrimination statement that is regularly used for publication.
- No departments or divisions reported posting a non-discrimination statement with information about how to reach an ADA Coordinator or program coordinator in a location that maximizes public exposure.
- No departments or divisions reported notifying all individuals that meetings, hearings, and conferences will be held in accessible locations and that adaptive aids such as assistive listening devices will be provided upon request.
- No departments or divisions reported notifying all individuals about how and with whom to file a disability complaint.

²⁶ A copy of City's Service Animal Policy is attached as Appendix I.

Recommended Actions:

- Increase outreach to individuals with disabilities and the organizations that serve them. City should inform the public of possible modifications that can be provided to make programs, services, and activities accessible.
- Include the following notice for all public meetings.

(City Notice)

All City of Kingsport public meetings are conducted in accessible locations. If you require accommodations to participate in this meeting, these may be requested by calling (423) 229-9401, ext. 5 or by emailing ADAContact@KingsportTN.gov at least 72 hours in advance. Copies of any documents used are available in accessible formats upon request.

(KCS Notice)

All Kingsport City Schools public meetings are conducted in accessible locations. If you require accommodations to participate in this meeting, these may be requested by calling (423) 378-2130 or by emailing atrue@k12k.com at least 72 hours in advance. Copies of any documents used are available in accessible formats upon request.

- Non-discrimination language should appear on any City publications such as pamphlets, postcards, advertisements, and one-page announcements (flyers and posters). This statement is required for all printed publications.

(City Notice)

The City of Kingsport complies with all applicable federal and state laws regarding non-discrimination, equal opportunity, affirmative action, and providing reasonable accommodations for individuals with disabilities. For more information see the city's website www.KingsportTN.gov or contact the ADA Coordinator by phone: (423) 229-9401, ext. 5, or by email: ADAContact@KingsportTN.gov

(KCS Notice)

Kingsport City Schools complies with all applicable federal and state laws regarding non-discrimination, equal opportunity, affirmative action, and providing reasonable accommodations for individuals with disabilities. For more information see the schools' website www.K12K.com or contact the ADA Coordinator by phone: (423) 378-2130, or by email: atrue@k12k.com

PRINTED INFORMATION

In order to meet the ADA's communication standards, city departments or divisions must be able to provide information, when requested, in alternative formats such as using easy-to-understand language, braille, large-print format, CD, flash drive, or other formats as requested.

Self-Evaluation Findings:

- Most departments or divisions provide printed information to public.
- Few departments or divisions reported that they provided printed materials in alternative formats.
- No departments or divisions reported including pictures of individuals with disabilities in their printed materials.
- Some departments or divisions reported that they provide materials in easy to understand language for individuals with learning disabilities.

Recommended Actions:

- Provide information and training to each department on how to produce printed information in alternative formats for individuals with various disabilities so that requests are handled in a uniform and consistent manner.
- Publicize City's commitment to provide program information in alternative formats on an individual basis, as requested.
- Include the following notice on all materials, except notices of public meetings, printed by City that are made available to the public:

(City Notice)

All City of Kingsport programs, services, and activities are conducted in accessible locations. If you require an accommodation to participate in this program, service, or activity these accommodations may be requested by calling: (423) 229-9401, ext. 5 or by emailing ADAContact@KingsportTN.gov at least 72 hours in advance. Copies of any documents used are available in accessible formats upon request.

(KCS Notice)

All Kingsport City Schools' programs, services, and activities are conducted in accessible locations. If you require an accommodation to participate in this program, service, or activity these accommodations may be requested by calling: (423) 378-2130 or by emailing atru@k12k.com at least 72 hours in advance. Copies of any documents used are available in accessible formats upon request.

- Handle all requests for other alternative formats or lengthy documents on an individual basis.
- Provide program, facility, permit, and reservation information in a variety of formats upon request (for example, enlarge print format for individuals with visual disabilities or in simple language for individuals with cognitive disabilities). Provide program changes (e.g., staff

assistance), upon request to assist in filling out forms or when alternative formats are unavailable.

- Produce meeting agendas and or public information distributed at meetings in alternative formats, when requested.
- As appropriate, when images of people are included in printed material, include photos of individuals with disabilities.

TELEVISED AND AUDIOVISUAL PUBLIC INFORMATION

Televised and audiovisual information is a means for disseminating public information through presentations produced by city departments or divisions. All televised and audiovisual information must be accessible to individuals with disabilities.

Self-Evaluation Findings:

- No department reported producing audiovisual or televised presentations.

Recommended Actions:

- If an audiovisual presentation is produced, ensure use of closed captioning or other alternatives to audio, if available, to ensure individuals with hearing impairments can benefit from these presentations.
- When presenting PowerPoint presentations and it is known that a visually impaired or blind individuals are in the audience, read all slides and describe all graphics. This will allow visually impaired or blind individuals to fully understand information being presented.
- When appropriate, include individuals with disabilities when including images in audiovisual presentations.

WEBSITE(S)

Individuals utilize the internet to obtain information about City programs, services, activities, and facilities. The websites www.KingsportTN.gov, www.K12K.com, and other city departmental sites take on increased importance as a communications tool. Providing public access to city publications online is an effective means of reaching individuals with disabilities.

Self-Evaluation Findings:

- Most departments or divisions provide information about their programs on the web.
- No departments or divisions noted they had verified their websites are accessible to individuals with visual impairments and who use speaking browsers.
- The content is managed by a combination of departments or divisions and the communications staff with an outside vendor.

Recommended Actions:

- Increase outreach to individuals with disabilities by having the websites include more information about city's commitment to providing accessible services.
- Include city's Policy on Non-Discrimination on Basis of Disability in the footer of the website.
- Provide information regarding programs, facilities, permits, and reservations on city's website in an accessible format.
- Include city's statement regarding accessible locations and availability of auxiliary aids upon request.
- Assign one department responsibility to provide standards and oversight for outside vendors contracted with City to maintain website accessibility and create pages for city websites. Monitor web pages for continued compliance with accessible web page standards.
- Provide training to city departments who maintain their own websites on how to post to their site and still make it accessible.

PUBLIC TELEPHONES AND COMMUNICATION DEVICES

Self-Evaluation Findings:

- Some departments or divisions reported communicating by telephone with individuals with hearing or speech difficulties.
- One department reported having used TTY though many departments or divisions reported using Tennessee Relay Service, or 711, to communicate with individuals with hearing and speech impairments.
- No departments or divisions reported publishing TTY device numbers.

- No department reported having staff training on how to communicate with individuals with hearing and speech impairments.

Recommended Actions:

- In 2012, new guidelines from Federal Communications Commission (FCC) and Department of Justice (DOJ) have the availability of analog telephone systems and the telephone companies no longer required to maintain them or the analog TTY/TDD devices as such services are available on smart phones, computers, and tablets. City will look to implement the Voice over Internet Protocol (VoIP) procedures for an IP communications for TTY. Until this implementation takes place, it is recommended that City utilizes the state's available 711.
- Widely disseminate information regarding availability and location of city Telephone Communication Devices for Deaf, and train staff members in use of TTY (711) equipment or other means of communicating over telephone with a person with a hearing or speech disability, such as Tennessee Relay Service (711).
- All publications listing phone numbers should also include information on how deaf and speech impaired can communicate with departments or divisions by phone.
- Tennessee Relay Service is a free service and is accessible to all Tennessee citizens. Sprint will train city employees on how to utilize that service and how to assist hearing impaired individuals who call by relay.

TRAINING AND STAFFING

Self-Evaluation Findings:

- While all departments or divisions reported having contact with the public, few stated their staff have had training on interacting with individuals with disabilities.
- Most departments or divisions have informed employees verbally or within meetings of the obligations of good customer service, including enabling individuals with disabilities to participate in city programs and activities.

- Without training, many employees may not be knowledgeable about different types of reasonable modifications that can make their departments or divisions services accessible.

Recommended Actions:

- Provide all city employees with ongoing disability awareness training.
- Provide training to city employees who have contact with the public about how to provide modifications and use assistive devices to make programs, services, and activities accessible.
- Develop a disability access-training program. Educate all city employees about their responsibilities under the ADA. City and KCS ADA Coordinators should be responsible for ensuring that city and school employees receive appropriate training. Reference materials that address special modifications should be included in this training.
- Develop standard guidelines for training materials and standard language that appropriately describes city's policies on non-discrimination.

PROGRAM ELIGIBILITY AND ADMISSION

Provided it does not change or fundamentally alter the nature of the program, service, or activity, the public should be able to access all programs, services, and activities regardless of disability. Admission criteria, ability to complete forms, and participation in interviews should be available to all members of the public by providing reasonable accommodations.

Self-Evaluation Findings:

- No departments or divisions reported having limitations or ratio requirements that would exclude individuals with disabilities.
- Some departments or divisions noted that they have eligibility requirements. These requirements were physical or mental performance standards for staff or employees based on performance and safety standards.
- Most forms used by programs do not contain a non-discrimination statement.
- A few departments or divisions require an interview prior to participation.

Recommended Actions:

- Subject to the exceptions in ADA regulations, ensure that individuals with disabilities are not excluded from regular programs or are required to accept special services or benefits. Involve individuals with disabilities in regular programs to the maximum extent possible.
- Modify policies, practices, or procedures to avoid discrimination unless modification would fundamentally alter the nature of the program or create a hazardous situation.
- Ensure that when specific requirements that exclude or limit participation of individuals with disabilities are necessary for safe operation of programs, those requirements are based on real risks, not on speculation, stereotypes, or generalizations.
- Include a non-discrimination statement on all forms.
- When interviews are required for program participation, ensure that meetings are held in an accessible location and that auxiliary aids are provided upon request.

PUBLIC MEETINGS

Self-Evaluation Findings:

- Some departments or divisions hold public meetings.
- No departments or divisions reported that they provide auxiliary aids upon request to allow individuals with disabilities to participate in meetings.
- No departments or divisions provide ASL interpreters.

Recommended Actions:

- Continue to schedule public meetings at accessible locations. An accessible location includes, but is not limited to the following:
 - wheelchair accessible path-of-travel to meeting room
 - accessible restrooms
 - accessible parking
 - an accessible route from transit and parking to meeting facility
 - signage

- Maintain a list of on-call ASL interpreters to assist individuals with hearing impairments.
- When a fully accessible site is not available, make reasonable modifications so that an individual with a disability can participate. These modifications may include relocation of the meeting site, phone-in participation, video recording, and meeting transcripts.
- Make information available to city employees of types of modification requests that may be made by individuals with different types of disabilities, including information about auxiliary aids such as different types of assistive listening systems, sign language interpreters, readers, descriptive services, or assistive technologies like "real-time captioning." Provide guidance in layout of room, sign-in table, and refreshments table to ensure that these features are accessible.
- Display a notice on meeting agendas indicating availability of accessibility modifications.
- Provide agendas or meeting materials in alternative formats, when requested.
- Provide flexibility in time limit on speaking for individuals with communication difficulties.
- Provide assistive listening devices at public meetings, when requested.
- Include the following notice in all meeting publicity:

(City Notice)

All City of Kingsport public meetings are conducted in accessible locations. If you require an accommodation to participate in this meeting these accommodations may be requested by calling (423) 229-9401, ext. 5 or by emailing ADAContact@KingsportTN.gov at least 72 hours in advance. Copies of any documents used are available in accessible formats upon request.

(KCS Notice)

All Kingsport City Schools' public meetings are conducted in accessible locations. If you require an accommodation to participate in this meeting these accommodations may be requested by calling: (423) 378-2130, or by emailing atrue@k12k.com at least 72 hours in advance. Copies of

any documents used are available in accessible formats upon request.

- Develop a checklist for creating accessible meetings and selecting accessible meeting spaces, and make list available to all city departments or divisions and programs.
- Prepare a list of already accessible meeting spaces to facilitate scheduling of meetings and/or relocation of meetings upon request.

TRANSPORTATION SERVICES

Self-Evaluation Findings:

- Few departments or divisions reported providing transportation services to public.

Recommended Actions:

- Ensure that when transportation is provided by City, for city programs, accessible vehicles are available.
- Ensure transportation schedules and promotional materials are available in alternative formats.
- Train staff on providing accessible transportation.

TOURS AND TRIPS

Self-Evaluation Findings:

- One department reported providing tours and trips regularly its participants. The trips and tours provided use accessible transportation.
- Another department reported providing trips to program participants. The trips provided use accessible transportation.

Recommended Actions:

- Ensure that tours are provided in a way that allows individuals with mobility, visual, speech, hearing, and cognitive disabilities to fully participate. Some tours that are taken are contracted with a local travel agency and the department is offering the tour to its participants who wish to go. The travel company contracted with City is ultimately responsible for confirming accessibility, however City will do its due diligence to confirm prior to making the booking.
- Evaluate destination of tour or trip in order to determine level of accessibility and any accommodations or modifications that may be required.
- Provide information to participants in advance of a tour or trip regarding destination, transportation, or characteristics of event so that informed requests for accommodations can be made.
- Provide information about accessibility of tour on program's website.

USE OF CONSULTANTS FOR DELIVERING PROGRAM SERVICES

Self-Evaluation Findings:

- Some departments or divisions reported using consultants to deliver program services.

Recommended Actions:

- For departments or divisions that use outside consultants to provide services to the public, a procedure should be established to ensure that their work is consistent with city accessibility policies and standards, including the contract language and a monitoring procedure.

EMERGENCY EVACUATION PROCEDURES

Self-Evaluation Findings:

- Most departments or divisions reported that they did not have or were unaware of a plan to safely evacuate individuals with disabilities in an emergency.
- Few city departments or divisions require established emergency evacuation procedures to safely evacuate individuals with disabilities who may need special assistance in an emergency.
- No departments or divisions, with the exception of KCS, reported having a plan to safely evacuate their building in an emergency.

Recommended Actions:

- Develop guidelines for evacuation of individuals with disabilities in various types of emergency situations.
- Develop guidelines for evacuation of buildings in various types of emergency situations.
- Each department, division, or program should use these guidelines to create their own emergency evacuation plans. These plans should:
 - Address what to do when an alarm is triggered
 - Establish meeting places for assistance and evacuation chairs
 - Provide direction on what to do if assistance is not available
 - Establish floor captains
- Train city employees regarding emergency evacuation procedures.
- Review existing procedures dealing with emergencies to ensure that individuals with disabilities can be alerted.
- Work with disability organizations to explore use of other technologies, such as audible exit signs for orientation and direction and vibrating paging systems.
- Departments that routinely provide emergency services should have priority for receiving equipment that accommodates alternative format communication.
- Provide training for public safety personnel to enable them to communicate in basic ASL in the event that there is an emergency condition and the area is being evacuated. For example, this training

would be provided to police, firefighters, lifeguards, and building inspectors involved in post-disaster emergencies.

- Take necessary steps to ensure that emergency teams are aware of individuals with disabilities in their communities who may require special assistance in event of an emergency.
- Provide ASL interpreters at emergency facilities, on an as-needed basis.

FACILITIES

Self-Evaluation Findings:

- No department reported tracking accessibility complaints related to city facilities.

Recommended Actions:

- Provide accessible facilities such as parking, including van accessible parking, path-of-travel, entry doors, signage, and transaction counters at customer service locations. If alternative locations for providing accessible services are required, provide those services in most integrated setting, without stigmatizing the user.
- Provide information about facility accessibility on departmental or divisional publications including their website.
- All requests relating to facility access should be tracked. ADA requests should be analyzed periodically to look for global issues that can be addressed and problems that can be solved proactively.
- If individuals with disabilities are not satisfied with the results of this complaint process, they should be directed to city's ADA Grievance procedure.

SPECIAL EVENTS ON PUBLIC PROPERTIES

Self-Evaluation Findings:

- Some departments or divisions reported that they allow special events by private organizations on city property.

- Many departments or divisions that allow special events on city property were unaware of the policies in place to ensure that events are accessible to individuals with disabilities.

Recommended Actions:

- In situations where private organizations sponsor events utilizing city parks and facilities, it will be required for the private organization to comply with applicable ADA requirements. The special events office will provide a checklist and information to inform the organizer of their responsibility for accessibility under ADA. The special events office will confirm with the organizer that all ADA items are completed prior to start of event.
- The checklist and information for special events may be found on city's website.

SECTION 4.0

TRANSITION PLAN

Following the self-evaluation plan, Title II of the ADA requires the City to develop and update a transition plan to make its facilities meet standards for program accessibility. Program accessibility means that a program, activity and/or service are accessible when viewed in its entirety. A transition plan is a plan to transition inaccessible facilities into accessible facilities for individuals with disabilities.

This transition plan combines findings of a facility report, a public rights-of-way survey, policy assessments, and program evaluations. Specific policy and program recommendations can be found in Section 3.0. The specific architectural modifications required to make programs accessible are listed in City of Kingsport—Facility Reports,²⁷ and Kingsport City Schools Review of Facilities.²⁸ Each facility report contains a complete list of architectural barriers and suggested barrier removal actions. Not all of these barriers must be removed in order to provide program access.

In compliance with requirements of the ADA, once installed City will maintain in working order the equipment and features that are required to provide access to individuals with disabilities.

This transition plan is divided into two parts: facilities, including buildings, parks, and their related grounds; and public pedestrian rights-of-way.

City and KCS ADA Coordinators, or their designees, will follow-up with each department to coordinate implementation of the transition plan. When a policy, program, or procedure creates a barrier to accessibility that is unique to a department or a certain program, the ADA Coordinator, or designee, will coordinate with the department head to address removal of the barrier in a reasonable and accommodating manner.

²⁷ City of Kingsport—Facility Reports, Appendix J (Due to the volume of this appendix, it is available for review, by appointment, by calling the Kingsport ADA Coordinator.)

²⁸ Kingsport City Schools Review of Facilities, Appendix K (Due to the volume of this appendix, it is available for review, by appointment, by calling the KCS ADA Coordinator.)

DESIGNATION OF RESPONSIBLE OFFICIALS

ADA Coordinator

City and KCS are each required to designate at least one responsible employee to coordinate its efforts to comply with the ADA and handle any grievances or concerns.

City's ADA/Section 504 Coordinator is George DeCroes, and he may be contacted as follows:

George DeCroes
ADA/Section 504 Coordinator
City of Kingsport
301 Louis Street, Suite 303
Kingsport, TN 37660
Telephone No.: (423) 229-9401, ext. 5
Email: ADAContact@KingsportTN.gov

KCS's ADA Coordinator is Andy True, and he may be contacted as follows:

Andy True
ADA Coordinator
Kingsport City Schools
400 Clinchfield Street, Suite 200
Kingsport, TN 37660
Phone No.: (423) 378-2130
Email: atrue@k12k.com

KCS's 504 Coordinator is Lamar Smith, and he may be contacted as follows:

Lamar Smith, Ed.D.
504 Coordinator
Kingsport City Schools
400 Clinchfield Street, Suite 200
Kingsport, TN 37660
Phone No.: (423) 378-8598
Email: hsmith@k12k.com

City ADA Liaison Committee

City has become proactive in ensuring ADA/504 public accessibility compliance is incorporated into the way City does business. City is

undertaking several initiatives by policy and implementation to ensure City is compliant with ADA/504. As required by law, an ADA Liaison Committee was formed and meets as needed to address any issues. This committee ensures City has a system for periodically reviewing and updating compliance/accessibility measures.

Committee members include:

- City ADA/504 Coordinator – George DeCroes, Chair
- KCS ADA Coordinator – Andy True, Asst. Superintendent
- David Austin, City Facilities Management
- Mike Billingsley, City Attorney and Risk Management
- Mike Burnette, Police Department
- Keith Bruner, Building Official
- Amy Deakins, Legal Department
- Kristie Leonard, Community Service Administration
- Angie Marshall, City Clerk
- Candace Sherer, Transit Authority
- Robert Sluss, Fire Department
- Judy Smith, Budget
- Michael Thompson, Asst. Public Works Director
- Rochelle Trent, ADA Representative
- Michelle Tolbert, Senior Center

ADA Transition Plan Implementation Official

In accordance with 28 CFR § 35.150(d)(3)(iv), City must identify an official responsible for implementation of the ADA Transition Plan.

The responsible party for City is:

City of Kingsport, City Manager
225 West Center Street
Kingsport, TN 37660
Phone No.: (423) 229-9400
Email: ADAContact@KingsportTN.gov

The responsible party for KCS is:

Kingsport City Schools, Superintendent
400 Clinchfield Street, Suite 200
Kingsport, TN 37660
Phone No.: (423) 378-2100
Email: info@K12K.com

MONITORING AND REPORTING PROGRESS

City intends to use the transition plan for yearly planning of projects and funding decisions. The ADA Coordinator, through city employees, will continue to be responsible for ensuring that the design and construction of city's projects are in compliance with ADA standards. In the coming months, City will develop procedures to track and report progress, which may include updating the implementation status of identified deficiencies, updating existing conditions to account for changes in facilities, and documenting any new areas of non-compliance.

The city's ADA transition plan is a "living document" that will be reviewed annually for compliance and validity.

FUNDING PLAN

City of Kingsport has appropriated \$1,085,000.00 for ADA-related work for Fiscal Year (FY) 2019-2020 in various Capital Improvement Plans (CIP). This plan for funding all necessary work and improvements needs to be approved by the BMA on a yearly basis and the dollar amount is subject to change. The transition plan length is set at twenty-five (25) years for completion of all projects.

The Board of Education (BOE) has budgeted \$114,983.00 for ADA-related work for FY 2019-2020. This plan for funding all necessary work and improvements needs to be approved through the yearly budget by the BOE. The transition plan length is set at twenty-five (25) years for completion of all projects.

FACILITIES FOR PUBLIC USE

Barrier Removal Priorities

Facilities use by the public were reviewed and ranked based on the following criteria. Each of these criteria is deemed by City to have equal importance with no single criteria having priority over another:

- Level of use by public: The level of public use.
- Program uniqueness: Some programs are unique to a building, facility, or park and cannot occur at another location.
- Geographic distribution: By selecting a range of facilities that are distributed throughout City, City can ensure maximum access for all residents.
- Citizen rights: Facilities where services are provided to exercise citizen rights– voting, right to a trial, access to elected officials, *etc.*
- Citizen responsibilities: Facilities where taxes are paid, permits and licenses are obtained, and where services are obtained.
- Social need: Facilities that meet social needs such as senior citizen centers, community centers, *etc.*
- Identified complaints: Identified accessibility complaints.

Transition Plan for Facilities

The transition plan for removal of architectural barriers for program access must contain following information:

- Identification of barriers to program access
- Identification of specific barrier removal action(s)
- Identification of a schedule for barrier removal
- Identification of responsibility for ensuring barrier removal

The facility reports appended to this document provide identification of barriers and specific barrier removal actions. City and KCS will accomplish barrier removals based on two strategies: policy and procedure modifications to remove program barriers and construction projects to remove architectural barriers.

The responsibility for ensuring barrier removal for City will reside with the city manager and for KCS the school superintendent.

Phasing Schedule for Facilities

Barriers in city facilities will be removed systematically, citywide, based upon barrier removal priorities and on immediate necessity of program access, and degree of complexity.

City reserves the right to modify barrier removal priorities in order to allow flexibility in accommodating community requests, petitions for reasonable modifications from individuals with disabilities, changes in city programs, and funding constraints. Interim measures will be explored and can be implemented in order to provide program access to the public pending implementation of physical barrier removal projects.

New Construction, Renovations, or Alterations on City-Owned Facilities

City will use the following process for all new construction, renovation of existing facilities, and alteration projects (city owned):

- The building official and project manager(s) are to ensure that all buildings conform to the technical requirements of Chapter 11 and A117.1 of 2018 International Building Code and Tennessee Public Buildings Accessibility Act for city-funded public projects. New construction, renovations, and alterations must comply with these standards.
- For the design and planning phase of any new construction project that requires a building permit, the building official or the project manager will receive drawing documents from the architect and then send them the project review team. The design architect will be required to sign an Accessibility Design Compliance Affidavit.²⁹
- The contractor must schedule a pre-construction meeting with the building official to review all plans and specifications for construction, renovation, or alteration of any city facility that requires a building permit. No project will proceed to construction (*i.e.* be issued a building permit) without a completed and approved document review.
- The building official will inform the ADA Coordinator or designee that the pre-construction meeting has occurred and that construction is ready to commence.
- The project manager(s) will follow up with the contractor, as construction ensues, to review that all technical requirements are being followed, that construction is being completed according to approved

²⁹ A copy of the Accessibility Design Compliance Affidavit is attached as Appendix L.

plans, and to provide required accessibility. If the project manager(s) notice any accessibility issues with construction, the project manager(s) will follow-up with the design architect to correct deficiencies.

- The project manager(s) will inform the ADA Coordinator or designee, of any accessibility issues or any accessibility technical requirements missed, and of conversation with design architect regarding deficiencies.
- City reserves the right to revoke the building permit of the contractor if construction significantly varies from approved contract documents and approved plans.

PEDESTRIAN RIGHTS-OF-WAY – BARRIER REMOVAL PLAN

A transition plan, as it relates to the rights-of-way, must include, at a minimum, an assessment of existing sidewalks and a schedule for curb ramp installations where an existing pedestrian walkway crosses a curb or other barrier. Under Title II of ADA, City is not required to construct curb ramps at every point where a sidewalk intersects a curb. Traffic safety considerations may make construction of ramps at location necessitate the prohibition of pedestrian crossings.

New commercial and residential development projects must install sidewalks; curb ramps, and/or accessible pedestrian improvements, as required by law.

Period for Pedestrian Rights-of-Way Improvements

City has established a twenty-five (25) year period to remove pedestrian rights-of-way barriers that limit program accessibility. ADA Title II regulations state that if a transition plan will take more than one year to implement, it must contain interim steps that will be done to provide program accessibility.

The existing sidewalk grinding and wedging program is underway and is expected to be completed citywide by end of FY 2021. The work is prioritized based upon existing pedestrian usage.

The ramp replacement project is a longer-term project. The first priority, which is underway, is to get a year ahead of the paving program to ensure that curb cuts are complete prior to paving efforts. The second priority will then be to start in highest pedestrian usage areas.

Pedestrian Rights-of-Way Survey

To comply with Title II, City conducted a survey and inventory of sidewalks, streets, and curb ramps in areas of city with highest levels of pedestrian traffic to determine what recommendations and alterations might be necessary in order to meet current Proposed Accessibility Guidelines for Pedestrian Facilities in Public Rights-of-Way (PROWAG).³⁰ Most of the problems in the right-of-way concern physical barriers and can only be made accessible by a realistic and fundable strategy for curb ramp installation and sidewalk modifications.

Criteria for Prioritizing Pedestrian Rights-of-Way

Alternative routes to buildings that make use of existing curb ramps may be acceptable under the concept of program accessibility in limited circumstances where individuals with disabilities need only travel a marginally longer route.

In an effort to remove barriers to streets with public sidewalks and curb cuts, City has inventoried all public sidewalks and curb cuts through the Geographic Information System (GIS). As part of the 2016 citywide pavement evaluation process existing public sidewalks and curb ramps were inventoried. This process noted the locations of public sidewalks and curb ramps and rated them with a good, fair, or poor rating. Additionally, City ascertained use of truncated domes on public curb ramps. With this data, city employees reviewed locations of public sidewalks and curb ramps through Google® Street View images to verify locations of missing public curb ramps. The priorities for repairs, replacement, and installations are as follows:

- **Priority Level 1 (High Priority)**
 - Existing Sidewalks – grinding and wedging to reach compliance
 - Curb Cuts – installation of all missing curb cuts

- **Priority Level 2 (Medium Priority)**
 - Repair of existing curb cuts

- **Priority Level 3 (Low Priority)**
 - Sidewalk Panel Replacements

³⁰ Proposed Accessibility Guidelines for Pedestrian Facilities in Public Rights-of-Way

After evaluation of data provided in the pavement evaluation process, city employees concluded that additional information is needed to fully determine compliance issues. For example, the process did not measure cross-slope of existing sidewalks. City staff has initiated conversations with several vendors that provide sidewalk evaluations to supplement the existing data. This evaluation is expected to be completed within FY 2020.

Sidewalks and curb ramps constructed as part of a planned development and public sidewalks replaced by or for City shall be constructed in accordance with PROWAG published by United States Access Board (Access Board).

To continue reaching the goals of this Plan, City will utilize the following to prioritize its sidewalk and curb ramp program:

Public Sidewalks:

- Currently there is approximately 175 linear miles of public sidewalks within City.
- Approximately 65 miles of sidewalks have been reviewed since March 2016, and trip hazards have been ground down (small displacements) to reach compliance or a wedge of asphalt or polymer/cementous product has been installed (large displacements).
- Between March 2018, and March 2019, a total of 57 miles of public sidewalks have been reviewed and trip hazards have been mitigated.
- Based upon last year's production rate, it is estimated that the remainder of City will be reviewed and trip hazards mitigated over next two (2) years.
- This work is assigned by the geographic area of City with priority given to the areas with the highest pedestrian usage, such as downtown and near schools.

Prioritization of Public Sidewalks:

- Citizen requested repairs
- Grinding and wedging to mitigate trip hazards
- Reviewing all or sidewalk segments for any items of non-compliance through outside vendor
- Sidewalk panel replacements where temporary wedging was performed

Public Curb Ramps:

- Currently there are approximately 1,804 public curb ramps in City.

- The number of existing ramps with detectable truncated domes is 1,191 leaving 613 in need of retrofit.
- In addition to retrofit locations, 417 locations have been identified as needing a curb ramp installation.

Prioritization of Public Curb Ramps:

- Citizen requested installation of retrofits
- Installing 417 missing curb ramps
- Retrofitting remaining ramps
- Reviewing all or ramps for any items of non-compliance by an outside vendor

The public works department receives and evaluates requests from a variety of sources for public sidewalk repairs on an ongoing basis. If warranted, public works undertakes repairs. A computerized database is kept of locations that may warrant more extensive long-term repairs based on available funding. The public works department coordinates accessibility improvements on its CIP projects and constructs ramps from a prioritized list.

SECTION 5.0

ADA COMPLAINT PROCEDURE AND OTHER ADA PROCEDURES

City has designated Human Resources Director, George DeCroes, as its primary ADA Coordinator. Kingsport City Schools has designated Assistant Superintendent, Andy True, as its primary ADA Coordinator.

The ADA Coordinator is responsible for coordinating the efforts of City and KCS respectively to comply with Title II and for investigating any complaints. The ADA Coordinator is also responsible for coordinating the efforts of City or KCS to comply with all other applicable state and federal physical and program accessibility requirements.

Below is outlined the current grievance procedure for City. The remaining ADA procedures are attached as an appendix.³¹

All complaints or grievances submitted to City must be in writing on the designated form and contain specific information about the alleged violation or discrimination including:

- name;
- address;
- telephone number of complainant; and
- location, date, and a complete description of problem.

Alternative means of filing complaints or grievances³² may be accepted at the discretion of the ADA Coordinator. These may be submitted by telephone, e-mail, letter, personal interview, or tape recording, upon request.

Complaints/grievances must be submitted by complainant or his/her designee to the ADA Coordinator at the information below. Complaints/grievances should be submitted as soon as possible, but no later than ninety (90) calendar days, after the date of the alleged violation or discriminatory act.

The complaint/grievance must be submitted in writing to:³³

³¹ See Appendix M for remaining ADA Procedures.

³² See Appendix N for City's current grievance procedure.

³³ KCS is utilizing City forms for their grievance procedure, but the forms will be submitted by mail or email to Mr. True. If the form is submitted by the website, the webmaster will forward to the appropriate ADA Coordinator.

(City)

George DeCroes, ADA Coordinator
City of Kingsport
301 Louis Street, Suite 300
Kingsport, TN 37660
Phone No.: (423) 229-9401, ext. 5
Web Address:
<https://www.kingsporttn.gov/government/ada-compliance/>
Email: ADAContact@KingsportTN.gov

(KCS)

Andy True, ADA Coordinator
Kingsport City Schools
400 Clinchfield Street, Suite 200
Kingsport, TN 37660
Phone No.: (423) 378-2130
Web Address:
<https://www.kingsporttn.gov/government/ada-compliance/>
Email: atrue@k12k.com

- For all other complaints or grievances, the ADA Coordinator, or designee, will contact the complainant if contact information is available, to discuss same within fifteen (15) business days after receipt.
- Within thirty (30) calendar days of this contact, the ADA Coordinator will respond in writing and, where appropriate, in an alternative format accessible to complainant.
- The response will explain the position of City or KCS and offer options for substantive and reasonable resolution of the complaint or grievance.
- If the response by the ADA Coordinator does not satisfactorily resolve the issue, the decision may be appealed to City Manager or KCS

Superintendent³⁴ within thirty (30) calendar days following receipt of response.

- Within ten (10) business days after receipt of an appeal, City Manager, or designee, or KCS Superintendent, or designee, will contact complainant to discuss complaint or grievance and possible resolutions.
- Within fifteen (15) business days of this contact, City Manager, or designee, or KCS Superintendent, or designee, will respond in writing and, where appropriate, in a reasonable format accessible to complainant, with a final resolution of complaint or grievance.
- Every reasonable attempt will be made by City to resolve disability complaints or grievances in a timely manner, subject to staff and budget constraints.

³⁴ A City complaint appeal would go to the City Manager and a KCS complaint would go to the Superintendent.

SECTION 6.0

Program Accessibility Guidelines, Standards, and Resources

In order to facilitate access to all city programs and departments or divisions, City will maintain these program accessibility guidelines, standards and resources. This information is available to all employees and volunteers. City will add to these guidelines when necessary to address its needs and include information and technological devices that help staff and volunteers communicate with individuals with a variety of disabilities. City will periodically review components of this section.

American Sign Language Interpreters

City is in the process of acquiring an interpreting service. This service will include ASL and other languages. This service will have qualified interpreters who can speak over the phone or utilize VRI. It is the goal of City to have this service in place by end of 2019.

Assistive Listening Systems and Devices

City is looking at various assistive listening systems and devices for use for public meetings and programs. The ADA Coordinator will discuss options with various department heads for input and then work with purchasing department to procure item. It is the intent of City to have these devices by end of 2019.

Closed Caption Machine

City currently does not store any videos on its website. City is considering utilizing YouTube's closed captioning service. City expects this research will take a while to complete as it involves various federal agencies and captioning services. It is the goal of City to attempt to have captioning available by the end of 2020.

Optical Readers

City is looking at various optical readers for use for public meetings and programs. ADA Coordinator will discuss options with various department heads for input then work with purchasing department to procure item. It is the goal of City to have these devices by end of 2019.

Text Telephone (TDD/TTY)

According to guidelines from the FCC and the DOJ, organizations are no longer required to maintain an analog TTY/TDD device, as such services are available on smart phones, computers, and tablets.

Also under these rules, real-time text allows characters to be sent as they are created without hitting “send.” This allows text to be sent at the same time as voice communications, permitting a more conversation-friendly service. In addition, by not requiring users to hit “send,” 911 call center personnel will be able to receive even incomplete messages from individuals in need. Real-time text enables full integration of individuals with disabilities into IP communications networks as they become widely available. It allows consumers using text communications to interact directly with consumers on voice phones, and vice versa.

This technology will also be able to function in off-the-shelf devices like common smartphones. This will eliminate need for consumers with disabilities to purchase expensive and often hard-to-find specialized text devices.

It is the intent of City to utilize the Tennessee Relay System (711) as the TTY phone number. City is researching the option of installing an IP relay system in the future as it becomes more cost effective.

Transportation

Programs that provide transportation should provide accessible transportation as needed/requested by program participants. City will continue to maintain its accessible transportation fleet. City will purchase or contract lift-equipped vans or buses to transport individuals who use wheelchairs and use city-provided transportation.

Enlarging Printed Materials

A copy machine capable of enlarging printed materials is available for city employees. The ADA Coordinator will work with each department head to confirm that all employees have access to these copiers.

Guide to Disabilities and Disability Etiquette

A guide to disabilities and disability etiquette is available on the city’s website.³⁵ The ADA Coordinator will work with City’s and KCS Administration to disseminate this information to all employees.

Lending Library of Assistive Technology Equipment

City will establish a “Resources Toolkit” of adaptive and assistive aids and resources that will be available for use by staff and volunteers. Once the adaptive and assistive aids have been purchased, they will be kept in the

³⁵ <https://www.kingsporttn.gov/wp-content/uploads/2017-02-21-Staff-Toolkit.pdf>

Legal Department with the ADA Coordinator Designee and a check out method will be designated.

SECTION 7.0

RESOURCES USED IN WRITING OF PLAN

FEDERAL ACCESSIBILITY STANDARDS AND REGULATIONS

United States Department of Justice

The U.S. Department of Justice provides many free ADA materials including Americans with Disability Act (ADA) text. Printed materials may be ordered by calling the ADA Information Line [(800) 514-0301 (Voice) or (800) 514-0383 (TTY)]. Publications are available in standard print as well as large print, audiotape, Braille, and computer disk for individuals with disabilities. Documents, including the following publications, can also be downloaded from Department of Justice website (<http://www.ada.gov/>).

- *ADA Regulation for Title II*. This publication describes Title II of Americans with Disabilities Act, Pub. L. 101-336, which prohibits discrimination on basis of disability by public entities. Title II of the ADA protects qualified individuals with disabilities from discrimination on basis of disability in services, programs, or activities of all state and local governments. Title II and its regulations adopts general prohibitions of discrimination established under Section 504, as well as requirements for making programs accessible to individuals with disabilities and for providing equally effective communications. It also sets forth standards for what constitutes discrimination on basis of mental or physical disability, provides a definition of disability and qualified individual with a disability, and establishes a complaint mechanism for resolving allegations of discrimination.
- *Title II Technical Assistance Manual (1993) and Yearly Supplements*. This fifty-six (56) page manual explains in lay terms what state and local governments must do to ensure that their services, programs, and activities are provided to public in a nondiscriminatory manner. Many examples are provided for practical guidance.
- *Accessibility of State and Local Government Websites to People with Disabilities*. This is a 5-page publication providing guidance on making state and local government websites accessible.
- *ADA Information for Law Enforcement*. This page contains compliance assistance materials to help state and local law enforcement officers understand how to interact with victims, witnesses, suspects, and others who have disabilities.

United States Access Board Publications

The full texts of federal laws and regulations that provide guidelines for design of accessible facilities and programs are available from U.S. Access Board. Single copies of publications are available free and can be downloaded or ordered by completing a form available on Access Board's website (<http://www.access-board.gov/>). In addition to regular print, publications are available in large print, disk, audiocassette, and braille.

Federal Emergency Management Agency (FEMA) and the United States Fire Administration (USFA)

Emergency Procedures for Employees with Disabilities in Office Occupancies. This twenty-six (26) page guide provides guidelines for developing evacuation procedures for individuals with disabilities in an office setting.

Communications and IT

Access to information and communication technology (ICT) is addressed by Board standards and guidelines issued under Section 508 of Rehabilitation Act and Section 255 of Telecommunications Act.

- *Section 508 Standards:* <http://www.access-board.gov/guidelines-andstandards/communications-and-it/about--section-508-standards>
- *Refresh of Section 508 Standards and Telecommunications Act Guidelines:*
<http://www.access-board.gov/guidelines-andstandards/communications-and-it/about--ict-refresh>
- *Telecommunications Act Accessibility Guidelines :*
<http://www.accessboard.gov/guidelines-and-standards/communications-and-it/about-telecommunications-act-guidelines>

Buildings and Sites

Standards issued under the ADA address access to buildings and sites nationwide in new construction and alterations.

- *2010 ADA Standards for Accessible Design:* This document contains scoping and technical requirements for accessibility to buildings and facilities by individuals with disabilities under the ADA. These scoping and technical requirements are to be applied during design, construction, and alteration of buildings and facilities covered by Titles II and III of the ADA to the extent required by regulations issued by

federal agencies, including the Department of Justice and Department of Transportation.

- *2010 ADA Standards:*

<http://www.access-board.gov/guidelines-andstandards/buildings-and-sites/about--ada-standards>

Recreation Facilities

Access to recreation facilities, including play areas, swimming pools, sports facilities, fishing piers, boating facilities, golf courses, and amusement rides, is addressed in the ADA standards. Provisions cover access to trails, picnic and camping sites, and beach access routes for federal agencies may soon be adopted for state and local agencies and places of public accommodation.

- Recreation Facilities: <http://www.access-board.gov/guidelines-andstandards/recreation-facilities/about-recreation-facilities>
- Outdoor Developed Areas: <http://www.access-board.gov/guidelinesand-standards/recreation-facilities/outdoor-developed-areas>

Streets and Sidewalks

Guidelines developed by the U.S. Access Board cover access to public rights-of-way, including sidewalks, intersections, street crossings, and on-street parking. Board is also addressing access to shared use paths providing off-road means of transportation and recreation.

- PROWAG: <http://www.access-board.gov/guidelines-andstandards/streets-sidewalks/public-rights-of-way>

Transportation

Guidelines issued under ADA address access to public transportation facilities and vehicles.

- Transportation Facilities: <http://www.access-board.gov/guidelinesand-standards/transportation/facilities/about--ada-standards-fortransportation-facilities>
- Transportation Vehicles: <http://www.access-board.gov/guidelines-andstandards/transportation/vehicles/about-adaag-for-transportationvehicles>

The Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD) defines the standards used by road managers nationwide to install and maintain traffic control devices on all public streets, highways, bikeways,

and private roads open to public travel. The MUTCD is published by the Federal Highway Administration (FHWA) under 23 CFR § 655.601 *et seq.*³⁶ States must adopt the 2009 National MUTCD as their legal State standard for traffic control devices within two years from the effective date.

- The FHWA regulates and enforces requirements of the MUTCD covering traffic devices on all public streets. FHWA maintains a technical assistance using the Peer-to-Peer Program with an online discussion group or by contacting the MUTCD Team. Email for Peer-to-Peer: MUTCDP2P@dot.gov or Toll Free: (866) P2P-FHWA or for the MUTCD Team, the website: <https://mutcd.fhwa.dot.gov/team.htm> that lists all contacts and mailing addresses.

³⁶ [23 CFR § 655.601 et seq.](#)

**CITY OF KINGSPORT
ADA SELF-EVALUATION AND TRANSITION
PLAN UPDATE**

APPENDICES

APPENDIX A

ORDINANCE NO. 6741 ADOPTING THE INTERNATIONAL BUILDING CODE

APPENDIX B

PUBLICATION CERTIFICATE
FOR
PUBLIC ACCESS SURVEY

APPENDIX C

RESPONSES TO ADA PUBLIC ACCESS SURVEY

APPENDIX D

**PROGRAM ACCESSIBILITY
QUESTIONNAIRE**

APPENDIX E

RESPONSES TO PROGRAM ACCESSIBILITY QUESTIONNAIRE

APPENDIX F

PUBLICATION CERTIFICATE
FOR
CITIZEN REVIEW SURVEY

APPENDIX G

CITIZEN REVIEW SURVEY

APPENDIX H

COMMENTS ON CITIZEN REVIEW SURVEY

APPENDIX I

SERVICE ANIMAL POLICY

APPENDIX J

FACILITY REPORTS – CITY OF KINGSPORT

APPENDIX K

REVIEW OF FACILITIES – KINGSPORT CITY SCHOOLS

APPENDIX L

ACCESSIBILITY DESIGN COMPLIANCE AFFIDAVIT

APPENDIX M

REMAINING ADA PROCEDURES – CITY OF KINGSPORT

APPENDIX N

GRIEVANCE PROCEDURE –
CITY OF KINGSPORT



This is to certify that this is an exact & true copy.

Angela Marshall
DEPUTY CITY RECORDER

ADA Self Certification

This is to certify that I am an official authorized to act behalf of the Agency shown below. It is to further certify that our agency met all requirements of ADA Self-Evaluation and Transition Plan attributes to ensure compliance with Title II of the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973.

Certified by

Patrick W. Shull *Mayor* *Patrick W. Shull* *5 November 2019*
Name Title Signature Date

City of Kingsport, Tennessee
Agency Name

225 West Center Street
Street

Kingsport *Sullivan* *31660*
City County Zip Code

Official in charge of implementing Transition Plan

Chris McCartt *City Manager*
Name Title

(423) 229-9372 *Chris.McCartt@KingsportTN.gov*
Phone Number E-mail Address

ADA Coordinator

George DeCros *ADA Coordinator*
Name Title

(423) 229-9401 ext. 5 *ADAContact@KingsportTN.gov*
Phone Number E-mail Address

ADA Grievance Procedure

The ADA Grievance Procedure is published at (web address, public notices, etc.)

https://www.Kingsporttn.gov/government/ada-Compliance/

Please provide a digital file, web link or hard copy of your agencies completed ADA Transition plan to TDOT, Long Range Planning Division, Office of Community Transportation James K. Polk Building, Suite 900, 505 Deaderick Street, Nashville TN 37243

ATTEST:



APPROVED AS TO FORM:

J. Marshall Jr
CITY ATTORNEY