

September 13, 2021

Boulder County, Colorado

ADA Transition Plan, Draft for Public Comment

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Development of the ADA Transition Plan was a team effort.

Boulder County Staff

Julia K. Larsen, Human Resources Division Director, ADA Coordinator

Karla Schultz, Facilities Planner/Project Manager, Public Works

James Butler, Project Architect/ Project Manager, Public Works/Building Services Division

Boulder County Executive Advisory Board

Julia Larsen; HR Director & ADA Coordinator

Jana Petersen; County Administrator

David McLeod; Public Works Deputy Director – Fleet and Facilities

James Butler; Lead Architect

Karla Schultz; Facilities Planner & Project Manager

Ashley Baca; Risk Manager

Cecilia Jones; Workforce Business Services Representative

Lisa Nelson; Center for People with Disabilities

DRAFT

1.0 INTRODUCTION

Boulder County, Colorado (the County), is updating its ADA Transition Plan to ensure that it meets its obligations under the Americans with Disabilities Act (ADA) and to promote equity and inclusivity for people with disabilities. The purpose of the Transition Plan is to identify those physical conditions in the County's facilities where it must undertake structural changes to facilities to achieve program accessibility. The County is aware that its primary goal under title II of the ADA is to verify that its services, programs, and activities, when viewed in their entirety, are accessible to and usable by qualified people with disabilities. When physical barriers prevent or might prevent access to a program the County must either remove such barriers or through other methods and means ensure that qualified individuals with disabilities can access those programs in the most integrated setting appropriate to the needs of the individual. This report summarizes why Boulder County reviewed their facilities, trailheads, parking and walkways in 2020 through 2021, what the findings were and what our proposed schedule will be to address obstacles for people with disabilities.

The County realizes that the ADA is a civil rights law intended to protect the rights of people with disabilities. Though the ADA does prescribe minimum scoping and technical provisions for the built environment, the law is not meant to be a building code. In fact, while building codes have evolved in the 31 years since the ADA's signing in 1990, simply complying with accessibility requirements of building codes does not and cannot guarantee full compliance with the ADA. Regardless of the ability to remove physical barriers, the County will modify its policies and practices and provide reasonable accommodations, including but not limited to the provision of auxiliary aids and services to achieve effective communication, to ensure that it does not discriminate against individuals with disabilities.

The County has contracted with ADA-consulting firm, Meeting the Challenge, Inc., A CP&Y Company (MTC), to assist with the County's development and adoption of a current Transition Plan. Beginning with a conference call to kick-off the project, on November 13, 2019, the County's project team and consultant's key personnel discussed the preliminary project schedule, scope of work, phases, and site visit schedule. The on-site audit of buildings/facilities and trailheads/open spaces was delayed, in part due to COVID-19 response, until late spring of 2020. Data collection at trailheads/open spaces was slowed somewhat by the increased number of people wanting to get outdoors when much of public space was locked down. Meanwhile, as the County's buildings/facilities were mostly vacant, data collectors were able to work very efficiently indoors. Data collection at the County Fairgrounds which was completed under MTC's subcontract to Design Workshop, was postponed until late November 2020.

In all, data was collected at 32 buildings and facilities, 32 trailheads/open spaces, and the Fairgrounds. That data was analyzed, initially, to evaluate which *as-is* conditions are not consistent with scoping and technical provisions of applicable standards and guidelines for physical accessibility. The next stage of analysis, completed collaboratively by County staff and the consultant, sought to identify whether public or programmatic access is usual or necessary in each location where *as-is* conditions which are not consistent with accessibility were found. Typically, areas where County staff can monitor or intercede with public access, which were labeled as *Public Supervised* spaces, require the most analysis to decide whether structural conditions which might be barriers to people with disabilities are/can be mitigated through modification in policies or practices. When methods or means other than structural barrier removal make services, programs, and activities accessible to and usable by people with disabilities, resources and budgets are conserved to address those barriers that must be removed.

Conversely, locations where the public has generally unfettered access (such as trailheads), are labeled as *Public Unsupervised*. In these areas, it is presumed that structural conditions which are not consistent with accessibility standards and guidelines must be remedied. However, there are exceptions even in *Public Unsupervised* locations. For example, while parking, restrooms, picnic tables, and other features and amenities which might be found at a trailhead/open space, must be accessible (i.e., barriers must be removed), title II regulations do not require structural changes to the trails themselves which would result in fundamental alteration to the nature of the

program. That is, narrow open space trails which follow the terrain with sometimes steep climbs and natural barriers, such as rocks and tree roots, are not required to meet accessibility requirements for every element or feature. Where the beginnings of such trails are somewhat accessible, best practice is the provision of signs at trailheads which explain to what degree and how far the trail might be accessible to qualified individuals with disabilities (see Architectural Barriers Act Accessibility Standards [1017.10 Trailhead Signs](#)).

To summarize, it is not the purpose of the ADA to alter or rebuild all features of either the built or the natural environment. The purpose of title II of the ADA is to eliminate disability-based discrimination and facilitate inclusion and participation by qualified individuals with disabilities in public programs, viewed in their entirety, in the most integrated setting appropriate to the needs of individuals with disabilities. To that end, although the County's ADA Transition Plan identifies structural barriers which must be removed, the purpose and intention at the core of the Self-evaluation process must be human-centered. Beyond the obvious physical barriers, such as stairs where there should be a ramp, title II requires public entities to address any conditions, including attitudes (for example, implicit bias), policies, practices, and procedures which prevent, or might prevent, qualified individuals with disabilities from having equal opportunities to participate in public life.

Note: appendices attached to the Transition Plan are interim, draft documents delivered during the project. These documents are provided with the Transition Plan to demonstrate the process of developing the plan. These documents were not intended to be conclusive and depending on feedback from County staff, some have not been changed since the original drafts. However, the content of the drafts informed discussions and decisions essential to the development of this Transition Plan. An ADA Glossary is included among the appendices, recognizing that many terms, acronyms, and jargon, which reflect the ADA's regulatory language and common usage of the U.S. Access Board, the U.S. Department of Justice, and ADA consultants, are not familiar to the public.

1.1 Executive Summary

Raw data has been analyzed for 32 buildings/facilities, 32 trailheads/open spaces, and the Fairgrounds. Structural conditions, called *findings*, have been identified in the County's facilities which are not consistent with one or more scoping or technical provisions of accessibility standards or guidelines. Those conditions of findings located where they prevent or might prevent or limit the opportunity of qualified people with disabilities to access a County service, program, or activity are called *barriers*. The County is developing policies and practices to ensure, where and when elements of its facilities are not consistent with relevant standards or guidelines and cannot, within the limits of technical feasibility, be made fully accessible, that its employees will intervene and assist. Intervention and assistance by County employees may include the modification of County policies, practices, and procedures, necessary to give qualified people with disabilities equal opportunities to participate in the programs offered at those facilities. When such accommodations or modification of policies, practices, and procedures are not possible or effective, the County will relocate those programs to an alternate, accessible venue, or find other methods or means to deliver those programs in the most integrated setting appropriate to the needs of the individual.

Findings of noncompliance or not-best-practice have been determined based on applicable sections of the [2010 ADA Standards for Accessible Design](#) (ADA Standards), the [Outdoor Developed Areas](#) sections of the [Architectural Barriers Act Accessibility Standards](#) (ODA/ABAAS), and the U.S. Department of Justice (DOJ) [Part 35](#) regulations enforcing title II of the ADA. For each finding, a citation is referenced to the applicable sections of ADA Standards or ODA/ABAAS.

The County's Transition Plan lists those findings which are *barriers* to program access and must be removed or structurally changed to achieve program access. These barriers are described as *noncompliant* when they are not consistent with ADA Standards. They are described as *not-best-practice*, when they are not consistent with guidelines or federal standards which DOJ has not (yet) issued for the ADA. Regardless, conditions which prevent

or might prevent or limit access to a County program are barriers listed in the Transition Plan. The County, based on consultant's recommendation, has decided to apply ODA/ABAAS as best practices, where spaces and elements (such as, trailheads, picnic areas, viewing areas, and other components of outdoor developed areas) covered by these federal standards are not addressed by the ADA Standards.

The County understands that the ultimate determination of compliance with title II is based on the affirmative requirements and prohibitions of discrimination found in the Part 35 regulations which **do not** necessarily require a public entity to make each of its facilities accessible or take any action which would threaten or destroy the historic significance of an historic property. The regulations **do** require the County to ensure that each of its programs, when viewed in its entirety, is accessible to and usable by qualified individuals with disabilities. Remediation of conditions or removal of barriers by following best practices (where ADA Standards do not prescribe specific technical provisions for an element or architectural feature) demonstrates a *good faith effort* by Boulder County to ensure that the programs served by these facilities will be accessible to and usable by qualified individuals of all abilities, as required by title II of the ADA.

Boulder County will not deny a qualified person with a disability the opportunity to participate in services, programs, or activities that are not separate or different, despite the existence of permissibly separate or different programs or activities.

This report summarizes the process by which the underlying data-tables were developed. It describes how the data were gathered and analyzed, recommends how the barriers should be removed, and an approach to prioritizing/scheduling the Transition Plan. The County names Julia Larsen as the person(s) responsible for implementing its Transition Plan.

The above-described process has provided detailed, raw data to the County for buildings/facilities, trailheads/open spaces, and the Fairgrounds which have been used to compile this Transition Plan.

The County intends the Transition Plan to be its road map to guide efforts to resolve physical obstacles which currently prevent or might prevent access to its services, programs, and activities. Presumed in the implementation of the Transition Plan is the County's intent to review and revise its policies and practices to effectively resolve physical barriers which would be technically infeasible to remove architecturally, entail undue financial and administrative burdens, result in fundamental alterations to the nature of programs, or defeat legitimate safety requirements. The County acknowledges that there may be instances where removing programs from an inaccessible space or building is the only feasible and non-burdensome means to make a program accessible.

The County will align any decisions about which of these barriers should be mitigated, how they should be mitigated, and when they should be mitigated, with the Part 35 regulations. This will be done in conjunction with its Self-evaluation of programs, policies, and practices. See appendices [C](#), [D](#), [E](#), [F](#), and [G](#), for details of Self-evaluation.

Section 3.0 *Transition Plan Development* will describe the steps taken to create the Transition Plan based on the barriers identified by the consultant and the County, and efforts to find other methods and means to overcome barriers. Section 4.0 *Transition Plan* will enumerate the four minimum regulatory requirements (see *Section 1.2 Regulatory Requirement for a Transition Plan*) of an ADA Transition Plan. The preliminary schedule for the Transition Plan anticipates 12 years to resolve findings in County buildings, 12 years to resolve findings in County trailheads/open spaces, 7 years to resolve findings at the County Fairgrounds. The Transition Plan is meant to be a living document and its schedule will necessarily be contingent on the County's budgetary resources from year to year, for the duration of the Transition Plan. In principle, as the cost of implementing the Transition Plan makes it clear that implementation will take many years, the earliest actions ought to be those which can cost effectively result in the greatest benefit to the greatest number of people. While other factors will be considered in scheduling maintenance, renovations, and alterations to County facilities, the priority for Transition Plan implementation should be human-centered.

1.2 Regulatory Requirement for a Transition Plan

Regulations require a transition plan when physical changes to facilities are necessary to achieve program accessibility. The purpose of title II of the ADA is not to drive an urban renewal plan for the County's infrastructure and buildings. Rather, the ADA is a civil rights law intended to include people with disabilities in the day-to-day life of American communities. To envision the ADA as an architectural code would be short-sighted. The County's Transition Plan is more than a list of barriers to be fixed.

The ADA Transition Plan will provide a path to a future that is accessible and inclusive for everyone. Like any plan, it should set objectives based on priorities which create realistic time-sensitive goals. The document should set "forth the steps necessary to complete such changes" ([§35.150\(d\)\(1\)](#)). Regulations originally required public entities with 50 or more employees to develop a transition plan "within six months of January 26, 1992". Structural changes were expected to "be made within three years of January 26, 1992, but in any event as expeditiously as possible" ([§35.150](#))(c).

The title II regulations do not include an affirmative requirement to update a transition plan developed in 1992 or to develop a new transition plan at any given interval. However, as the ongoing compliance with the ADA is required, the County has committed to the update of its Transition Plan to ensure that its programs, when viewed in their entirety, remain accessible to and usable by qualified people of all abilities. It is obvious that the County has taken many actions – created new programs, moved programs to different locations, built new structures, and altered existing structures – in the normal course of community growth since the dawn of the ADA 31 years ago. Whether studying for the first time or re-assessing all County programs to identify any policies, practices, or facilities that affect or might affect the opportunity of people with disabilities to participate in the most integrated setting appropriate to their needs, this update to the County's Transition Plan is necessary to ensure ongoing compliance with the ADA.

The development of the updated Transition Plan is a proactive effort by the County to promote inclusive opportunities for people of all abilities. The transparency of the Transition Plan process is essential to giving ownership of the plan to all stakeholders. Inherent to the motto of many in the disability community, "nothing about us, without us," is the understanding that members of society (other than people with disabilities), are not better informed or situated, than people with disabilities themselves to make decisions about or for people with disabilities. The participation by people with disabilities or organizations representing them in the formal adoption of a Transition Plan is essential.

The regulation clearly states: A public entity shall provide an opportunity to interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the development of the transition plan by submitting comments. A copy of the transition plan shall be made available for public inspection ([§35.150\(d\)\(1\)](#)).

A transition plan, per title II regulation ([§35.150\(d\)\(3\)](#)) must at minimum:

- i. Identify physical obstacles in the public entity's facilities that limit the accessibility of its programs or activities to individuals with disabilities;
- ii. Describe in detail the methods that will be used to make the facilities accessible;
- iii. Specify the schedule for taking the steps necessary to achieve compliance with this section and, if the time period of the transition plan is longer than one year, identify steps that will be taken during each year of the transition period; and
- iv. Indicate the official responsible for implementation of the plan.

1.3 Audited Buildings/Facilities, Trailheads/Open Spaces, and Fairgrounds

This report covers the County’s buildings/facilities, trailheads/open spaces and the County Fairgrounds. The County will monitor progress of the Transition Plan’s implementation through periodic review of the data. The buildings/facilities, trailhead/open spaces covered by this report are:

1.3.1 Buildings/Facilities

Addiction Recovery Center (ARC)	3470 N. Broadway, Boulder
Addiction Recovery Center (Old Detox)	3180 Airport Rd., Boulder
Agricultural Heritage Center (AHC)	8348 Ute Hwy., Longmont
Alaska Avenue	1288 Alaska Ave., Longmont
Allenspark Waste Transfer Station	14857 Hwy. 7, Allenspark
Altona School House	834 Lefthand Canyon Dr., Boulder
BC Clerk and Recorder	1750 33rd St., Boulder
BC Communications Center, Sheriff	3280 Airport Rd., Boulder
BC Coroner’s Facility	5610 Flatirons Pkwy., Boulder
BC Historic Courthouse	1325 Pearl St., Boulder
BC Historic Courthouse Annex	2045 13th St., Boulder
BC Historic Courthouse East Wing*	2025 14th St., Boulder
BC Historic Courthouse West Wing*	2020 13th St., Boulder
BC Health & Housing Human Services Boulder	3400/3450 N. Broadway, Boulder
BC Jail, Sheriff	3200 Airport Rd., Boulder
BC Justice Center	1777 6th St., Boulder
BC Parks & Open Space Admin & Transportation Complex	5201 St. Vrain Rd., Longmont
BC Public Works & Clinica Building (Old Kaiser Building)	2525 13th St., Boulder
BC Sheriff’s Headquarters (HQ)	5600 Flatirons Pkwy., Boulder
Fire Cache*	6055 Reservoir Rd., Boulder
Goodhue House (Rock Creek Farm)	2009 S. 112th St, Broomfield
Iris Building: (Old Mental Health Center/ 1333 Iris)	1333 Iris Ave., Boulder
Longhorn Road Maintenance Buildings* (Longhorn)	3116 Longhorn Rd., Boulder
Longmont Courthouse	1035 Kimbark, Longmont
Nederland Mining Museum	22 W. 2nd St., Nederland
North Broadway Ballfields (Iris Fields)	3400 N. Broadway, Boulder
Old County Hospital (3460 Broadway)	3460 N. Broadway, Boulder
Recycling Center Complex	1901 E 63rd St., Boulder
St. Vrain Community Hub (Longmont Hub)	515 – 529 Coffman Street, Longmont
Sundquist Building (3480 Broadway)	3482 N. Broadway, Boulder
Walden Ponds*	3897 N. 75th St., Boulder
Walker Ranch	7701 Flagstaff Rd., Boulder

* No barriers to programs identified

1.3.2 County Fairgrounds

- County Fairgrounds (9595 Nelson Rd., Longmont)
 - Exhibit Building
 - Indoor Arena
 - Outdoor Arena
 - Pole Barn

- Barn A
- Barn B
- Barn C
- Barn D
- Barn E
- Picnic Shelter
- Natural Resources Building
- Clover Building
- Affolter House
- Midway
- Campground and RV Park

1.3.3 Trailheads/Open Spaces

- AHC
- Anne U. White Trailhead
- Bald Mountain Scenic Area
- Betasso Preserve (East & Main Trailheads)
- Hall Ranch Trailhead (upper lot)
- Betasso Preserve, Bummer's Rock
- Caribou Ranch Open Space
- Coalton Trailhead
- Walden Ponds Wildlife Habitat Trailhead at Cottonwood Marsh
- Dodd Reservoir
- Ethel Harrold Trailhead at Walker Ranch
- Flagg Park Trailhead
- Kerr Community Gardens Harney-Lastoka Open Space
- Heatherwood Trailhead at Walden Ponds
- Corral Trailhead at Heil Valley Ranch
- Main Trailhead at Heil Valley Ranch
- Lagerman Agricultural Preserve
- Lefthand Valley Grange Trailhead
- Legion Park
- Meyer's Gulch Trailhead at Walker Ranch
- Monarch Park Trailhead
- Mudd Lake Trailhead
- Niwot Loop Trailhead
- Pella Crossing Trailhead
- Picture Rock Trailhead at Heil Valley Ranch
- Ron Stewart Preserve at Rabbit Mountain Trailhead
- Stearns Lake Trailhead at Carolyn Holmberg Preserve Rock Creek Farm
- Twin Lakes Trailhead at Eaton Park
- Walker Ranch Loop Trailhead
- Walden Ponds Wildlife Habitat Wally Toevs Trailhead
- Wapiti Trailhead & Lichen Loop Trailhead at Heil Valley Ranch
- Lichen Loop Trail Access at Heil Valley Ranch

1.3.3.1 Use of Other Power-driven Mobility Devices

While it is appropriate for people with limited mobility to choose devices (e.g., golf carts, ATVs, Segways, electric bicycles, etc.) that do not fit the definition, size, shape, or weight of manual or powered wheelchairs and scooters, there definitely are limits to where and when some other power-driven mobility devices (OPMDs) may be safely and reasonably used. The County does not arbitrarily ban every type of powered vehicle that is not a conventional manual or powered wheelchair from its park trails, multi-use paths, pedestrian facilities, or its buildings. However, the County will continue to monitor the need for guidelines or will evaluate, on a case-by-case basis, whether to allow or restrict the use of OPMDs in locations and at events, where or when there are legitimate safety requirements or other practical reasons for limiting OPMD access.

The County, in making decisions regarding the places and times where OPMDs may or may not be used, may be guided by the assessment factors listed in title II regulations, as follows ([§ 35.137\(b\)\(2\)](#)) :

- i. The type, size, weight, dimensions, and speed of the device;
- ii. The facility's volume of pedestrian traffic (which may vary at different times of the day, week, month, or year);
- iii. The facility's design and operational characteristics (e.g., whether its service, program, or activity is conducted indoors, its square footage, the density and placement of stationary devices, and the availability of storage for the device, if requested by the user);
- iv. Whether legitimate safety requirements can be established to permit the safe operation of an OPMD in the specific facility;
- v. Whether the use of the other power-driven mobility device creates a substantial risk of serious harm to the immediate environment or natural or cultural resources, or poses a conflict with Federal land management laws and regulations

The County will not ask people using wheelchairs or OPMDs questions about the nature and extent of their disabilities.

The County may ask a person using an OPMD to provide a credible assurance ([§ 35.137\(c\)\(2\)](#)) that the mobility device is required because of the person's disability. County staff will accept the presentation of a valid, State-issued, disability parking placard or card, or other State-issued proof of disability as a credible assurance that the use of the OPMD is for the individual's mobility disability. In lieu of a valid, State-issued disability parking placard or card, or State-issued proof of disability, the County will accept as a credible assurance a verbal representation, not contradicted by observable fact, that the OPMD is being used for a mobility disability. A "valid" disability placard or card is one that is presented by the person to whom it was issued and is otherwise in compliance with the State of issuance's requirements for disability placards or cards.

1.4 Limitations of This Analysis

During the collection of data in the County's facilities, information regarding the dates and location of new construction and alterations since January 26, 1992, is available to Boulder County Building Services, however, analysis of construction and alteration dates was outside the scope of MTC's services. This information may be key to determining whether some technical findings might be excluded from remediation requirements or qualify for safe harbor provisions, based on construction/alteration dates.

New construction and alterations to existing facilities completed since January 26, 1992, regardless of program access evaluation, must comply with the accessible design standards in effect at the time of construction. Construction and alterations completed since January 26, 1992, which were not consistent with the accessible design standards in force at the time, must be retrofitted to the maximum extent feasible to meet the current ADA Standards.

In determining the site or location of a facility – in essence the location of a program – public entities are prohibited from *making selections that have the effect of excluding individuals with disabilities from those facilities, denying them the benefits of those facilities, or otherwise subjecting them to discrimination* (§ [35.130\(b\)\(4\)](#)). For any services, programs, or activities which have been relocated and created in existing facilities, the County should have ensured that there were no barriers or potential barriers prior to making decisions to use such facilities.

1.4.1 Barriers in New Construction and Alterations

The County, per the consultant’s recommendation and DOJ emphasis in title II settlement agreements, will recognize barriers in new construction or alterations to existing facilities, as the next highest priority. In its October 2000, Project Civic Access settlement agreement with Boulder County, DOJ addressed the title II requirement for the County “to ensure that facilities for which construction or alteration was begun after January 26, 1992, are readily accessible to and usable by people with disabilities, in accordance with 1) the Department’s title II regulation and 2) the Standards or UFAS, 28 C.F.R. § 35.151.”¹ Obviously, listing of these barriers was not considered in the original (i.e., 1992) requirements for transition plans. Construction completed after January 26, 1992, and prior to March 15, 2012, consistent with (to the *maximum extent feasible*) either the 1991 ADA Standards or the Uniform Federal Accessibility Standards, has safe harbor.

Nevertheless, despite all good intentions to the contrary, existing facilities have been altered and new facilities built which do not comply with any of the referenced standards. These *post-ADA* barriers must be included in the County’s current Transition Plan. Regardless of whether these deficiencies present current or imminent barriers to program access, a public entity is required to structurally correct these barriers. New construction or alterations to existing facilities, which do not comply with any of the referenced standards, are separate violations of the ADA regulations.

1.4.2 Fundamental Alteration

Regarding structural barrier removal in existing County facilities, title II regulations do not require the County to take any action which it can demonstrate would cause a fundamental alteration in the nature of a service, program, or activity delivered at such facilities. In those rare circumstances where County staff believe that a proposed action would fundamentally alter the service, program, or activity, the County has the burden of proving that compliance with [§ 35.150\(a\)](#) of the Part 35 regulations would cause such a fundamental alteration. The decision that compliance would cause such an alteration must be made by the County Administrator or their designee after considering all resources available for use in the funding and operation of the service, program, or activity, and must be accompanied by a written statement of the reasons for reaching that conclusion. If an action would cause such an alteration the County must take any other action that would not result in such an alteration but would nevertheless ensure that individuals with disabilities receive County benefits or services.

1.4.3 Historic properties

Title II regulations do not require a public entity to take any action that would threaten or destroy the historic significance of an historic property. At this time, the County has identified the Downtown Boulder County Courthouse, the Courthouse Annex, McIntosh Barn, Walker Ranch, Goodhue House, Altona Schoolhouse, and the Old County Hospital (3400 Broadway) as historical properties.

When any County properties are listed or otherwise designated as historic properties, the County will evaluate any deficient conditions to determine if removal would result in a threat to or destruction of historic significance. The County will then determine whether any present or potential barriers to program access can be overcome through methods or means other than structural barrier removal. The County will give priority to methods that provide

¹ U.S. Department of Justice, *Settlement Agreement between the United States and Boulder County, Colorado, DOJ Complaint Number 204-13-244*, at <https://www.ada.gov/boulderc.htm>, accessed September 10, 2021.

physical access to individuals with disabilities. Where it is not possible to provide access to programs without damaging or removing features of historical significance, the County will find an alternative venue or means of providing access to the program viewed in its entirety.

When the historical value of a property is, in essence, the program – i.e., the facility has historical value which attracts visitors and tours – the County will take measures to ensure that people with disabilities have an opportunity to enjoy the benefits of the program through means other than physical access. The County can assign persons to guide individuals with disabilities into or through portions of historic properties that cannot otherwise be made accessible. For example, virtual tours offered through multi-media presentations or online streaming to depict those portions of an historic property that cannot otherwise be made accessible and presentation of artifacts in an accessible space at the facility can provide a similar experience for people who are not able to physically tour the facility.

1.4.4 Undue Financial and Administrative Burden

When considering structural barrier removal in existing County facilities, title II regulations do not require the County to take any action that it can demonstrate would cause undue financial and administrative burdens. In those circumstances where County personnel believe that a proposed action would result in undue financial and administrative burdens, the County must prove that compliance with requirements for removal of barriers in existing facilities (see [§ 35.150\(a\)](#)) would result in such burdens

Ultimately, the County Administrator or their designee will make the decision that compliance with title II regulations would result in undue financial and administrative burdens, when all resources available for use in the funding and operation of the service, program, or activity, have been considered. The County Administrator or their designee must provide a written statement of the reasons for the decision. The County will regardless of such decisions, take any other action that would not result in undue financial and administrative burdens to ensure that qualified people of all abilities can receive County benefits or services.

1.4.5 Safe Harbor, New Construction, and Alterations

Safe harbor refers to:

Elements that have not been altered in existing facilities on or after March 15, 2012, and that comply with the corresponding technical and scoping specifications for those elements in either the 1991 Standards or in the Uniform Federal Accessibility Standards (UFAS), Appendix A to 41 CFR part 101–19.6 (July 1, 2002, ed.), 49 FR 31528, app. A (Aug. 7, 1984) are not required to be modified in order to comply with the requirements set forth in the 2010 Standards (§ [35.150\(b\)\(2\)\(i\)](#)).

Identification of elements having safe harbor is not possible, in the absence of specific, detailed information as to the dates, locations, and scope of construction and alterations to facilities. Typically, there are a limited number of elements having *as-is* conditions which are consistent with previous standards which would not also be compliant with the 2010 ADA Standards. Most of the elements, for which safe harbor may be applied, have relatively low mitigation difficulty. Among the features that may qualify for safe harbor are the following:

- Surfaces of doors up to ten inches that are not smooth
- Water closets centerlines between 18 and 18.5 inches from the near wall
- Single wheelchair accessible (i.e., low) drinking fountains
- Operable parts between 48 and 54 inches or between 9 and 15 inches

The County must determine when safe harbor applies. To claim safe harbor for an element the County must have evidence that the element in question was built/alterd prior to March 15, 2012. Safe harbor *does not apply to those elements in existing facilities that are subject to supplemental requirements (i.e., elements for which there are neither technical nor scoping specifications in the 1991 Standards)* (§ [35.150](#)(b)(2)(ii)).

1.4.5.1 Elements for Which Safe Harbor Does Not Apply

The safe harbor provision does not apply to those elements in existing facilities which are subject to new scoping and technical provisions in the (2010) ADA Standards. The following elements are not eligible for safe harbor:

- Residential facilities dwelling units, sections [233](#) and [809](#)
- Amusement rides, sections [234](#) and [1002](#); [206.2.9](#); [216.12](#)
- Recreational boating facilities, sections [235](#) and [1003](#); [206.2.10](#)
- Exercise machines and equipment, sections [236](#) and [1004](#); [206.2.13](#)
- Fishing piers and platforms, sections [237](#) and [1005](#); [206.2.14](#)
- Golf facilities, sections [238](#) and [1006](#); [206.2.15](#)
- Miniature golf facilities, sections [239](#) and [1007](#); [206.2.16](#)
- Play areas, sections [240](#) and [1008](#); [206.2.17](#)
- Saunas and steam rooms, sections [241](#) and [612](#)
- Swimming pools, wading pools, and spas, sections [242](#) and [1009](#)
- Shooting facilities with firing positions, sections [243](#) and [1010](#)
- Team or player seating, section [221.2.1.4](#)
- Accessible route to bowling lanes, section. [206.2.11](#)
- Accessible route in court sports facilities, section [206.2.12](#)

1.4.6 Conventional Industry Tolerances

The ADA Standards permit the application of conventional industry tolerances, but no authority is named for defining them. Determining if an element's condition falls into a conventional industry tolerance is up to the entity and its design professionals. Once a set of tolerances are adopted by the County, the application of those tolerances may allow for certain barriers to stand. The below sections and advisory are taken directly from the ADA Standards for further guidance.

[104.1](#) Dimensions. *Dimensions that are not stated as "maximum" or "minimum" are absolute.*

104.1.1 Construction and Manufacturing Tolerances. *All dimensions are subject to conventional industry tolerances except where the requirement is stated as a range with specific minimum and maximum end points.*

Advisory 104.1.1 Construction and Manufacturing Tolerances. *Conventional industry tolerances recognized by this provision include those for field conditions and those that may be a necessary consequence of a particular manufacturing process. Recognized tolerances are not intended to apply to design work.*

It is good practice when specifying dimensions to avoid specifying a tolerance where dimensions are absolute. For example, if this document requires "1 inches," avoid specifying "1 inches plus or minus X inches."

Where the requirement states a specified range, such as in Section 609.4 where grab bars must be installed between 33 inches and 36 inches above the floor, the range provides an adequate tolerance and therefore no tolerance outside of the range at either end point is permitted.

Where a requirement is a minimum or a maximum dimension that does not have two specific minimum and maximum end points, tolerances may apply. Where an element is to be installed

at the minimum or maximum permitted dimension, such as "15 inches minimum" or "5 pounds maximum", it would not be good practice to specify "5 pounds (plus X pounds) or 15 inches (minus X inches)." Rather, it would be good practice to specify a dimension less than the required maximum (or more than the required minimum) by the amount of the expected field or manufacturing tolerance and not to state any tolerance in conjunction with the specified dimension.

Specifying dimensions in design in the manner described above will better ensure that facilities and elements accomplish the level of accessibility intended by these requirements. It will also more often produce an end result of strict and literal compliance with the stated requirements and eliminate enforcement difficulties and issues that might otherwise arise. Information on specific tolerances may be available from industry or trade organizations, code groups and building officials, and published references.

The County will refer to Ken Ballast's [Handbook of Construction Tolerances](#), 2nd Edition (March 2007), as an excellent guide for determining acceptable construction tolerances. Ballast also researched and wrote "[Dimensional Tolerances in Construction and for Surface Accessibility](#)" (2011), for the U.S. Access Board. Tolerances may be acceptable for construction which existed prior to the ADA but design for new construction should allow for reasonable tolerances of standard craftsmanship. For example, if a tolerance of +0.5 percent is accepted as a conventional industry tolerance for the slope on a concrete surface, then running slopes should be designed to 7.8 percent maximum and cross slopes should be designed to 1.5 percent maximum to ensure that finished concrete within the tolerance, will be consistent with accessibility requirements.

1.4.7 Path of Travel

At times, alterations can also trigger the "path of travel" provision of the ADA. This provision requires that any alterations, after January 26th, 1992, which affect or could affect the usability or access to a primary function area of a facility must also include addressing accessibility deficiencies along the path of travel to the altered area. Examples of items included in this "path of travel", per 28 C.F.R. § [35.151](#) (4), are: walks and sidewalks, curb ramps, parking areas, corridors and restrooms. A primary function of a facility is a major activity for which the facility is intended. Examples include: the dining area of a cafeteria, the meeting rooms in a conference center, as well as offices and other work areas in which the activities of the public entity using the facility are carried out. Alterations to comply with the ADA along the path of travel are only required to the level of disproportionally. Disproportionally is reached when the cost of alterations to path of travel elements exceeds 20 percent of the cost of the alteration to the primary function area.

The County will examine any alterations undertaken by the County, built after January 26th, 1992, to owned facilities which may have triggered the "path of travel" provision. Alterations required under this provision, which were not completed, are required to be executed regardless of program access implications. It is important to note that alterations undertaken for the sole purpose of improving or meeting accessibility requirements of the ADA do not trigger the "path of travel" requirement.

The County's ADA consultant, was not able to determine independently whether any findings identified by this audit of the County's facilities existed before January 26, 1992. Nor was the consultant able to determine independently where findings which existed at the time of an alteration, since that date, would have triggered the *path of travel* requirement. Therefore, the County will investigate the dates of alterations in its facilities which may have triggered removal of findings even when those findings did not limit or prevent access to its services, programs, or activities. These conditions might exist in employee only or employee common areas of facilities which have been renovated since January 26, 1992. The County will schedule removal of findings which can be remedied with little difficulty or expense in the Transition Plan, regardless of whether remedies would have been within the scope of previous

alterations. The priority of these findings, though lower than the removal of barriers to program access, is not immaterial.

1.5 Public Outreach

The inclusion and consideration of comments from the public is an essential component in the creation of an ADA Transition Plan. The comments and questions of all stakeholders inform and enhance the priorities and perspective of the Transition Plan.

The County will provide an opportunity to interested persons, including people with disabilities or organizations representing people with disabilities, to participate in the development of the Transition Plan by submitting comments. A copy of the Transition Plan will be made available for public inspection. The County will be holding a public comment meeting which will be virtual (due to ongoing pandemic considerations). A recording of that meeting will be made available. In addition, opportunities to read and comments on the Transition Plan will be offered online, through mail, email, and voicemail.

DRAFT

2.0 PROGRAM ACCESS EVALUATION AND THE TRANSITION PLAN

When considering the number of physical deficiencies discovered in the County's facilities, it is critical to be aware that all barriers are not created equal. Based on the regulatory requirements, the first barriers that must be identified in the Self-evaluation and Transition Plan processes are those that prevent access to services, programs, and activities, when viewed in their entirety. Next, those findings that were created by new construction and/or alterations must be identified. Finally, the County is aware of those findings which exist, and have existed since prior to the ADA, but currently present no barrier to program access. There is no current requirement for their removal. Various events may trigger a future need to remedy these conditions.

The objective of this document is not necessarily to prescribe, for each finding listed, the precise means by which the County will mitigate each barrier. Rather, the objective here is to identify potential barriers and develop a process for deciding when and if a given barrier can be mitigated through methods or means other than an architectural remedy. Relocating programs/offering them at alternate accessible facilities, delivering services, offering virtual access, or giving assistance to circumvent barriers are some of the other methods and means that may make a program accessible without removing all physical barriers to access.

During the current pandemic, direct face-to-face access to the County's programs and services has been extremely limited in response to statewide public health orders. While this may have decreased the urgency to remove architectural barriers, the simultaneous increase in demand for access to virtual programs and services has highlighted the parallel requirement to make websites and other means of digital communication and interaction accessible to qualified people with disabilities, including, but not limited to, people who are deaf or blind.

The regulations do not necessarily require a public entity to make each of its facilities accessible. Public entities must make each of their services, programs, and activities, *when viewed in their entirety*, accessible to and usable by qualified individuals of all abilities, including those individuals who use wheelchairs or other mobility devices. The DOJ's [2010 Guidance and Section-by-Section Analysis](#) of the regulations, while providing no mathematical or formulaic definition of *viewed in their entirety*, does provide the following, non-exhaustive list of factors to apply in deciding whether programs, offered at more than one location, are accessible, when viewed in their entirety:

- size of the public entity
- the particular program features and amenities offered at each site
- the geographical distance between sites
- the travel times to the sites
- the number of sites
- availability of public transportation to the sites

Simply offering a service, program, or activity at an alternate location may not necessarily make that service, program, or activity accessible when viewed in its entirety.

2.1 Barrier Removal Priorities in Buildings/Facilities, Trailheads/Open Spaces, and Fairgrounds

The process for prioritizing barrier removal to achieve program access is multi-layered. First, for all findings of conditions which are not consistent with the technical provisions of the ADA Standards, the County reviewed the conditions in context to determine whether each finding would or could limit or prevent access to a service, program, or activity. Where a noncompliant condition is not a barrier to program access, its removal is not prioritized in the Transition Plan.

Assessment of 5,201 findings at County buildings/facilities to determine the need for program access removed 1,904 findings in locations where findings do not prevent or potentially prevent or limit program (public) access.

The remaining 3,297 findings are actual or potential barriers to program (public) access, with varying degrees of priority for removal.

At trailheads/open spaces unrestricted public access means that every finding is or has the potential to be a barrier to program (public) access. Similarly, all buildings at the Fairgrounds which have findings which prevent or might prevent or limit access to services, programs, or activities is or has the potential to be a barrier to program (public) access.

2.1.1 Facility/Building Priority

The fact that a given facility is regarded as an employee-only facility, removes the priority for all findings in that facility. On this basis, the County does not consider the findings at the Fire Cache, Longhorn, Walden Ponds Wildlife Habitat/Wally Toevs/at Cottonwood Marsh/Volunteer Center (NVC), and East Wing/Historic Courthouse, and West Wing/Historic Courthouse buildings/facilities to be barriers to program access.

The priority for other County facilities has been ranked based on factors including the amount of program access or public presence anticipated for each, existing renovation/capital improvement plans, and the overall degree of mitigation difficulty which can cause practical delays in scheduling. The highest priority facilities have been ranked as follows:

- Justice Center, Boulder
- Longmont Courts
- Clerk and Recorder 33rd Street
- St. Vrain Community Hub, Longmont
- Downtown Historic Courthouse
- Courthouse Annex, Boulder

See Appendix [A](#) and summary schedule, section [4.1](#), below.

2.1.1.1 Concentric Circles of Intrinsic Priority

Intrinsic priority for accessibility begins at the perimeter of a facility, including site arrival points (accessible parking, public sidewalks, and transit stops), accessible routes to accessible entrances, and the required number of accessible public entrances to a facility. The next ring of the concentric circles includes the areas of facilities – the primary function areas – where services, programs, and activities (e.g., reception counter in the lobby of County Courthouse or a trailhead at an open space) can be accessed. The next ring covers public restrooms, which with some exceptions (e.g., restrooms at trailheads), are not primary function areas of facilities. Finally, other areas and elements of facilities, such as drinking fountains or employee common use spaces (e.g., employee-only restrooms and break rooms) have the least priority, because these areas are least-used for delivery of programs.

2.1.1.2 Trailheads/Open Space and Fairgrounds

Trailheads/Open Spaces and the Fairgrounds are presumed to be facilities/locations specifically intended to provide services, programs, or activities directly to the public. Participation in recreation programs and activities essentially requires access to the facilities serving those programs. Based on various factors, including the volume of public/program demand and degree of deficiencies (based on the number of barriers and mitigation difficulty), the highest priority trailheads/open space have been ranked as follows:

- Stearns Lake Trailhead at Carolyn Holmberg Preserve
- Mud Lake Trailhead
- Pella Crossing Trailhead
- Walden Ponds Wildlife Habitat Wally Toevs Trailhead
- Betasso Preserve

All Fairgrounds locations are projected to be addressed in 1-7 years with the assumption that upgrades will be made during the Fairgrounds Master Plan Implementation.

See Appendices [A](#) and [B](#), and summary schedule, sections [4.2](#) and [4.3](#) below.

2.2 Practical Approach to Priority

In practice, major public works projects typically require extended lead times to allow for mandated procurement processes, possible need for acquisition of property, interruption of services when renovating public spaces, and the availability of various resources including, but not limited to, funding needed to complete such projects. Because the County must factor these lead times into major projects, regardless of perceived priorities, it may take several years to schedule these projects in the Transition Plan. Logically, projects which have already been scheduled in the County's Capital Improvement Plan (CIP) will take priority and may be expanded to include Transition Plan findings which fall within the scope of planned and budgeted CIP projects.

2.2.1 Intrinsic Priority

The concept of intrinsic priority presumed in the approach to prioritization used in the Transition Plan is intended to provide a practical model consistent with the title II of the ADA focus on program accessibility. The following priorities for structural barrier removal in title III of the ADA also inform the process:

Priorities. A public accommodation is urged to take measures to comply with the barrier removal requirements of this section in accordance with the following order of priorities.

(1) First, a public accommodation should take measures to provide access to a place of public accommodation from public sidewalks, parking, or public transportation. These measures include, for example, installing an entrance ramp, widening entrances, and providing accessible parking spaces.

(2) Second, a public accommodation should take measures to provide access to those areas of a place of public accommodation where goods and services are made available to the public. These measures include, for example, adjusting the layout of display racks, rearranging tables, providing Brailled and raised character signage, widening doors, providing visual alarms, and installing ramps.

(3) Third, a public accommodation should take measures to provide access to restroom facilities. These measures include, for example, removal of obstructing furniture or vending machines, widening of doors, installation of ramps, providing accessible signage, widening of toilet stalls, and installation of grab bars.

(4) Fourth, a public accommodation should take any other measures necessary to provide access to the goods, services, facilities, privileges, advantages, or accommodations of a place of public accommodation. (§ [36.304\(c\)](#))

In the data collected for sites and facilities in the Transition Plan, the four priorities described above have been labelled *1-Entry*, *2-Services*, *3-Restrooms*, and *4-Other*. Logically, barriers to access at site arrival points (see ADA Standards [206.2.1](#)), such as parking lots or the sidewalks which lead to building entrances, prevent access to the facility as a whole and any services, programs or activities provided at the facility. In addition, from a risk management perspective, such barriers are least likely to be mitigated by County staff and most likely to result in complaints. Mitigation of such barriers will be done eventually, however, it is not feasible to have County staff present, constantly, to ensure that these barriers will not impede access for some people with disabilities.

2.2.2 Mitigation Difficulty

The Transition Plan applies mitigation difficulty as one of the key factors in the determination of the priority to remediate barriers. Mitigation difficulty refers to the rough order of magnitude necessary to remove a barrier in an existing facility. While potential design and construction costs must be considered in the estimation of mitigation difficulty, other factors, such as the disruption of services during facility renovations, potential infeasibility of removing a particular barrier (e.g., enlarging a restroom might require removing a load bearing wall), and the typical lead time necessary when considering competitive bids and construction operations, may have more weight in labelling the mitigation difficulty of a particular barrier as *high*. When walls must be moved or parking lots reggraded and repaved to remove barriers, the County will be prudent in choosing the most cost-effective approach. In some cases, moving a program to another facility may be the best choice. The County will make these decisions as soon as possible to ensure program access. However, these decisions should not be made before all relevant options have been thoroughly explored.

Regardless of the County's commitment to inclusivity and ADA compliance, budgetary constraints present a reality that the County must face in choosing which barriers will be removed first and which will be scheduled for later remediation. By assessing the immediate nature of each barrier, as well as the difficulty removing it will entail, the County plans to remove the highest priority barriers as soon as the necessary financial resources become available. The caveat to this approach is the responsiveness necessary, when input (i.e., comment, request, or complaint) from a qualified person with a disability identifies an immediate barrier to program access.

2.3 County Buildings/Facilities

Table 1 summarizes the numbers and percentages of barriers in the County's buildings/facilities, by degree of intrinsic priority and estimated mitigation difficulty. The County will give priority to removal of barriers in the cells shaded **orange** (the *orange zone*), to the upper left. The County will reasonably address barriers located in buildings (see section [2.1.1](#) above) most frequently accessed by the public that fall within the *orange zone* of **Table 1**. Most (59 percent) of these are barriers which will require minimal effort or expense to remedy. Many can be/have been eliminated in-house by maintenance staff.

Findings in the cells shaded **light blue** (the *blue zone*), to the lower right, are those that can wait the longest.

Table 1 – Summary of Barriers: County Buildings/Facilities					
Intrinsic Priority	Mitigation Difficulty			Total	
	3-Low	2-Moderate	1-High		
1-Entry	310	55	381	746	22.6%
2-Services	819	190	180	1,189	36.1%
3-Restrooms	795	337	157	1,289	39.1%
4-Other	22	22	29	73	2.2%
Total	1,946	604	747	3,297	100%
	59.0%	18.3%	22.7%	100%	
Color Zone Totals	2,169	359	718	51	3,297
Color Zone Percentages	65.8%	10.9%	21.8%	1.5%	100%



2.3.1 Typical Barriers Found in County Buildings/Facilities

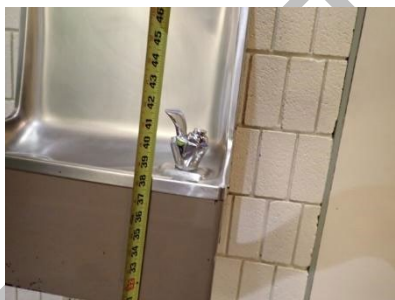
In the sections below are typical barriers identified in the County's buildings, during the onsite facility assessments. The difficulty and cost to remedy individual barriers varies from simple, low-cost, maintenance and repairs, to extensive redesign and renovation of publicly accessed spaces. Re-stripping parking spaces or adjusting door-opening forces and closing speeds will require minimal expense or difficulty. Moving and reframing a door to provide sufficient maneuvering clearance or realigning a water closet to correct near wall clearance to the required 16-18 inches can be costly, difficult, and even technically infeasible if, for example, the alteration would affect a load-bearing wall. For this reason, the typical barriers are separated, by rough order of magnitude, ranging from those where mitigation difficulty is expected to be low to those where mitigation difficulty is expected to be high.

Usually, those barriers expected to have high mitigation difficulty will require long-term process to be accomplished. The County may need to hire architects or engineers to determine the best structural solutions. Because of cost, the County must formally solicit proposals and the funding needed for these projects may not be available for several budget cycles. While the County recognizes these concerns, to make this plan viable requires the County to begin the processes for achieving removal of these high difficulty barriers as soon as possible, even though actual structural alterations might be years down the road.

2.3.1.1 Typical Low Mitigation Difficulty Barriers

Typical Observations: Protrusions throughout facilities

2010 ADA Standards Reference: 307



Typical Observation: Door opening force is more than 5 pounds

2010 ADA Standards Reference: 404.2.9

Typical Observation: Operable parts are not located within reach range

2010 ADA Standards Reference: 308



Typical Observation: Toilet paper dispenser is mounted in the wrong location

2010 ADA Standards Reference: 604.7



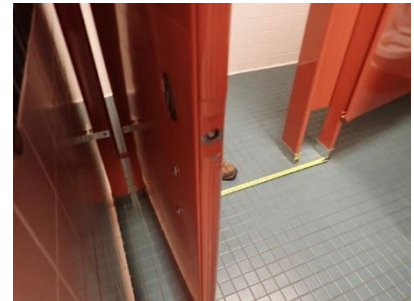
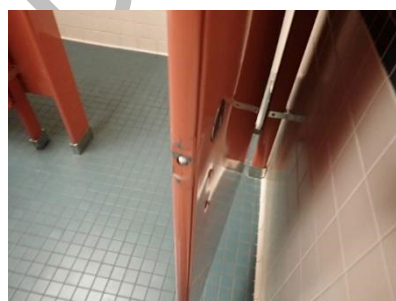
Typical Observation: Mirrors are mounted too high

2010 ADA Standards Reference: 603.3



Typical Observation: Toilet compartment door does not have a pull handle on both sides of the door

2010 ADA Standards Reference:
604.8.1.2



Typical Observation: Toilet seat too low/too high.

2010 ADA Standards Reference: 604.4



Typical Observation: Smooth surface not provided bottom 10 inches of door. **2010 ADA Standards Reference:** 404.2.10



Typical Observation: Grab bar position is not compliant

2010 ADA Standards Reference: 604.5

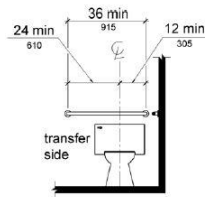


Figure 604.5.2 Rear Wall Grab Bar at Water Closets

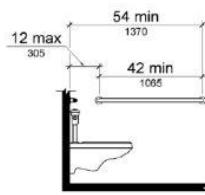
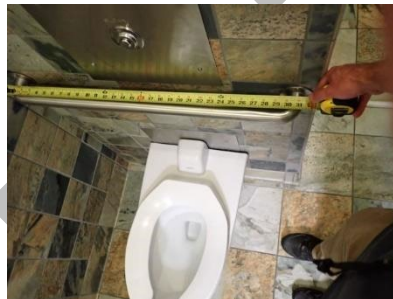


Figure 604.5.1 Side Wall Grab Bar at Water Closets



2.3.1.2 Typical Moderate Mitigation Difficulty Barriers

Typical Observation: Lavatory height and depth of knee clearance are not compliant

2010 ADA Standards Reference: 606



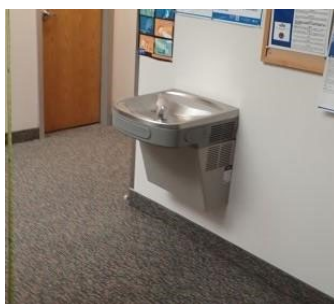
Typical Observation: Toilet sidewall to centerline is not compliant

2010 ADA Standards Reference: 604.2



Typical Observation: High and low drinking fountain is not provided

2010 ADA Standards Reference: 211.2

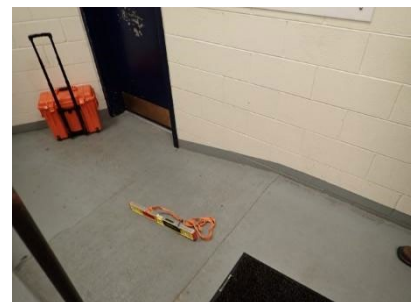


Typical Observation: Flush controls are located on the wrong/narrow side of the toilet **2010 ADA Standards 604.6**



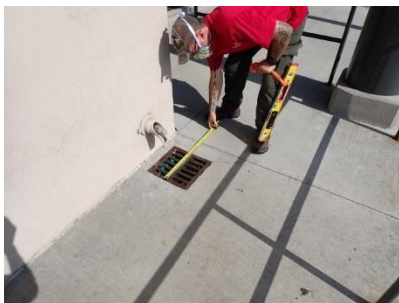
Typical Observation: Ramps missing handrails

2010 ADA Standards Reference: 405.8, 505



Typical Observation: Openings in floor/ground surfaces allow passage of a sphere more than ½-inch diameter

2010 ADA Standards Reference: 302.3



2.3.1.3 Typical High Mitigation Difficulty Barriers

Typical Observation: Door maneuvering clearance is not compliant

2010 ADA Standards Reference: 404.2.4



Typical Observation: Inaccessible shower compartments

2010 ADA Standards Reference: 213.3.6, 608& 610



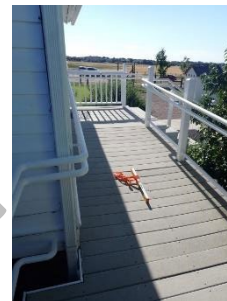
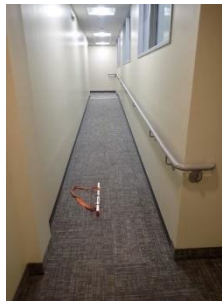
Typical Observation: Inaccessible restrooms.

2010 ADA Standards Reference: 213.2, 604



Typical Observation: Ramps with slopes too steep.

2010 ADA Standards Reference: 405.2



2.4 County Trailheads/Open Spaces

Table 2 summarizes the numbers and percentages of barriers in the County’s trailheads/open spaces, by degree of intrinsic priority and estimated mitigation difficulty. The County will give priority to removal of barriers in the cells shaded **orange** (the *orange zone*), to the upper left. Barriers in the cells shaded **light blue** (the *blue zone*), to the lower right, are those that can wait the longest.

Table 2 – Summary of Barriers: Trailheads/Open Spaces					
Intrinsic Priority	Mitigation Difficulty			Total	
	3-Low	2-Moderate	1-High		
1-Entry	286	14	159	459	50.5%
2-Services	54	15	81	150	16.5%
3-Restrooms	255	16	29	300	33.0%
4-Other	0	0	0	0	0.0%
Total	595	45	269	909	100%
	65.5%	4.9%	29.6%	100%	
Color Zone Totals	624	16	269	0	909
Color Zone Percentages	68.6%	1.8%	29.6%	0.0%	100%



2.4.1 Typical Barriers Found in County Trailheads/Open Spaces

Barriers typical in outdoor recreation facilities, technically are not significantly different than those found in other County facilities. However, barriers in gravel parking lots, routes to picnic tables, and portable restrooms, typically, are not found inside County buildings. Some typical barriers in these areas will be displayed below in section [2.5.1.1](#).

As participation in recreation programs and activities essentially requires access to the facilities serving those programs, almost all noncompliant conditions identified in these facilities must be removed to ensure program accessibility. The exception may be where access at other venues can achieve access to a program, when viewed in its entirety.

The Department of Justice (DOJ) in its guidance to the title II regulations writes that factors to be considered in whether a program is accessible, when viewed in its entirety, include:

- the size of the public entity
- the particular program features and amenities offered at each site
- the geographical distance between sites
- the travel times to the sites
- the number of sites
- availability of public transportation to the sites

The above list of factors is not exhaustive. When deciding on methods for meeting the *viewed in its entirety* requirement, the County must give priority to methods that offer services, programs, and activities in the *most integrated setting appropriate to the needs of people with disabilities*. DOJ guidance continues:

As a result, in cases where the sites are widely dispersed with difficult travel access and where the program features offered vary widely between sites, program accessibility will require a larger number of facilities to be accessible... to ensure program accessibility than where multiple sites are... in a concentrated area with easy travel access and uniformity in program offerings.

2.4.1.1 Typical Low Mitigation Difficulty Barriers

Typical Observation: No designated accessible parking spaces/access aisles are marked/signed

2010 ADA Standards Reference: 208, 502.3.3, 502.6



Typical Observation: Protrusions throughout facilities

2010 ADA Standards Reference: 307



Typical Observation: Operable parts are mounted above reach range, reach range is obstructed, or clear ground space is not provided

2010 ADA Standards Reference: 308, 309



Typical Observation: Fixed doorstop obstructs the smooth surface of the bottom 10 inches on the push side of the door

2010 ADA Standards Reference: 404.2.10



Typical Observation: No trailhead signs which include trail length, surface type, **ABAAS/ODA Reference:** 1017.10
typical & minimum tread width, & typical & maximum running & cross slopes



Typical Observation: Grab bar position is not compliant

2010 ADA Standards Reference: 604.5

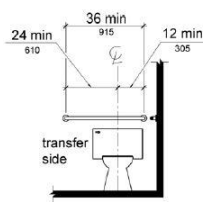


Figure 604.5.2 Rear Wall Grab Bar at Water Closets

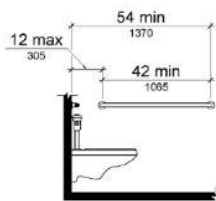
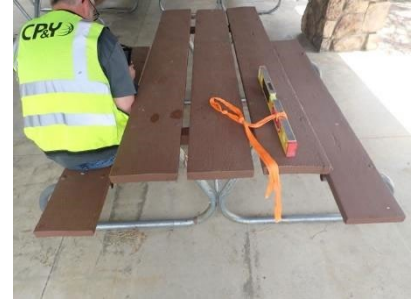


Figure 604.5.1 Side Wall Grab Bar at Water Closets



Typical Observation: Wheelchair spaces not provided at picnic tables

ABAAS/ODA 1011.4.2



2.4.1.2 Typical Moderate Difficulty Barriers

Typical Observation: Vertical changes in level greater than 1/2-inch beveled

2010 ADA Standards Reference: 303.2



Typical Observation: Portable toilet compartment too narrow

2010 ADA Standards Reference: 604.8.1.1



Typical Observation: Fire ring or grill (cooking surfaces) too high

ABAAS/ODA Reference: [1011.5.2](#).



2.4.1.3 Typical High Mitigation Barriers

Typical Observation: Gravel surface of designated accessible parking spaces is not stable, firm, and slip resistant

2010 ADA Standards Reference 502.4, 302.1



Typical Observation: Maximum slope of designated accessible parking spaces is too steep

2010 ADA Standards Reference: 502.4



Typical Observation: Walking surfaces with running and cross slopes too steep **2010 ADA Standards Reference:** 403.3



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2.5 County Fairgrounds

Table 3 shows the numbers and percentages of barriers by degree of intrinsic priority and estimated mitigation difficulty. Barriers in the cells shaded orange (the orange zone), to the upper left, are those that the County will address first. Barriers in the cells shaded light blue (the blue zone), to the lower right, are those that can wait the longest.

Table 3 – Summary of Findings, Fairgrounds					
Intrinsic Priority	Mitigation Difficulty			Total	
	3-Low	2-Moderate	1-High		
1-Entry	45	60	26	131	20.6%
2-Services	76	42	12	130	20.4%
3-Restrooms	259	67	27	353	55.5%
4-Other	17	5	0	22	3.5%
Total	397	174	65	636	100%
	62.4%	27.4%	10.2	100%	
	482	84	65	5	636
	75.8%	13.2%	10.2%	0.8%	100%



First Priority



Second Priority



Third Priority



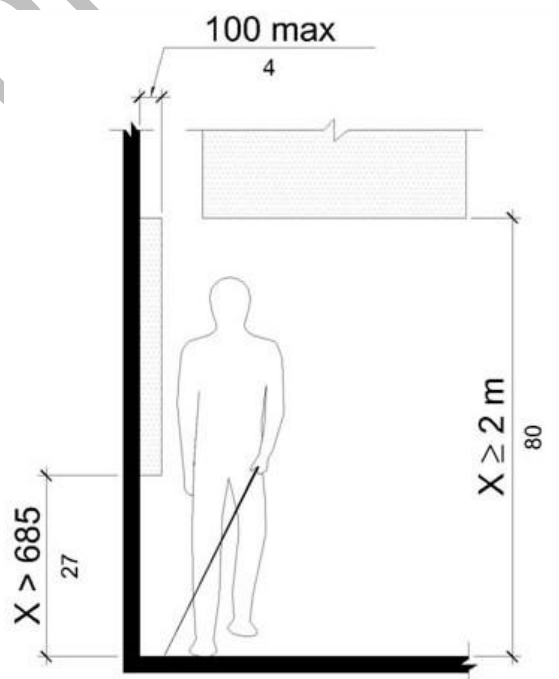
Fourth Priority

2.5.1 Typical Barriers Found at County Fairgrounds

Below are typical barriers identified during the onsite assessment. The following are presented as examples and are not intended to be a comprehensive re-iteration of findings or barriers.

2.5.1.1 Typical Low Mitigation Difficulty Barriers

Typical Observation: Tree branches obstructing vertical clearance above designated accessible parking space. [2010 ADA Standards 502.5.]



Typical Observation: Designated accessible parking spaces without surface marking/stripes to identify spaces and mark access aisles to discourage parking in them. [2010 ADA Standards [502.3.3.](#)]



Typical Observation: Designation signage without braille. [2010 ADA Standards [216.2](#) and [703.](#)]



Typical Observation: Toilet compartment door is not self-closing. [2010 ADA Standards [604.8.1.2.](#)]



Typical Observation: Toilet compartment door without pull (handle) both sides. [2010 ADA Standards [604.8.1.2](#) and [404.2.7](#).]



Typical Observation: Water supply and drain pipes are not insulated under lavatories. [2010 ADA Standards: [606.5](#).]



Typical Observation: Side grab bar does not extend 54 inches from rear wall. [2010 ADA Standards [604.5.1](#).]



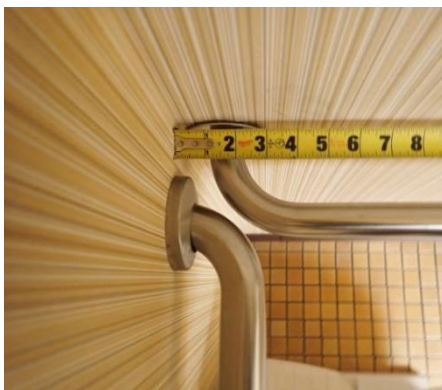
Typical Observation: Operable part or hardware requires operation with two hands or tight grasping, pinching, or twisting of the wrist. [*ADA Standards* [309.4.](#)]



Typical Observation: Objects mounted too close above grab bar. [*2010 ADA Standards* [609.3.](#)]

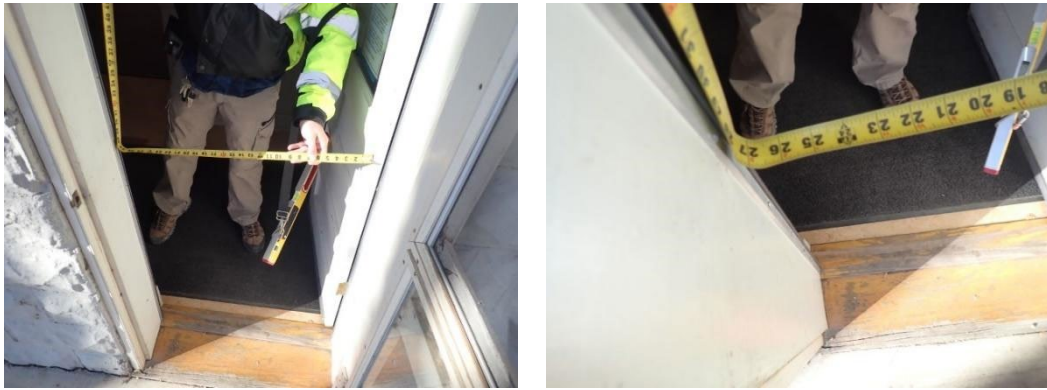


Typical Observation: The space between the wall and the grab bar is more than 1½ inches. [*2010 ADA Standards* [609.3.](#)]



2.5.1.2 Typical Moderate Mitigation Difficulty

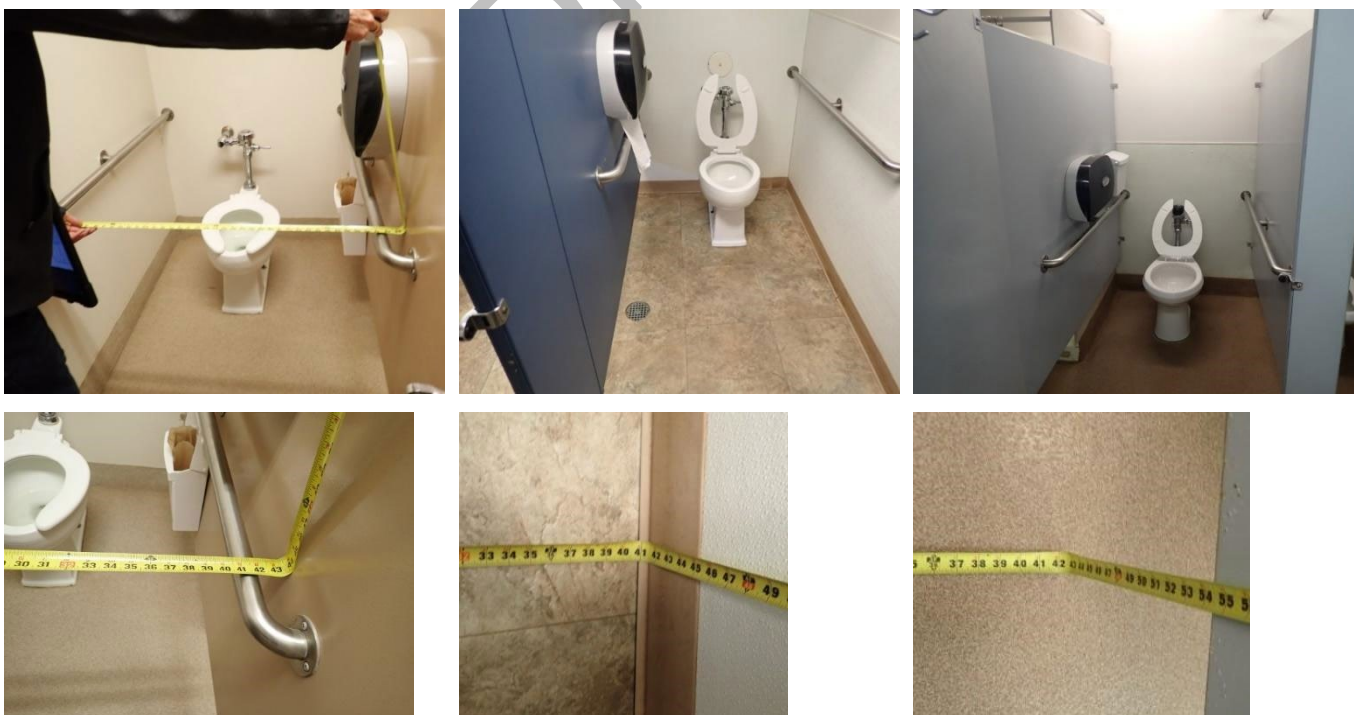
Typical Observation: Clear width of door opening is less than 32 inches. [2010 ADA Standards Reference: [404.2.3](#).]



Typical Observation: Clear floor space at sink is too narrow. [2010 ADA Standards Reference: [606.2](#) and [305.3](#).]



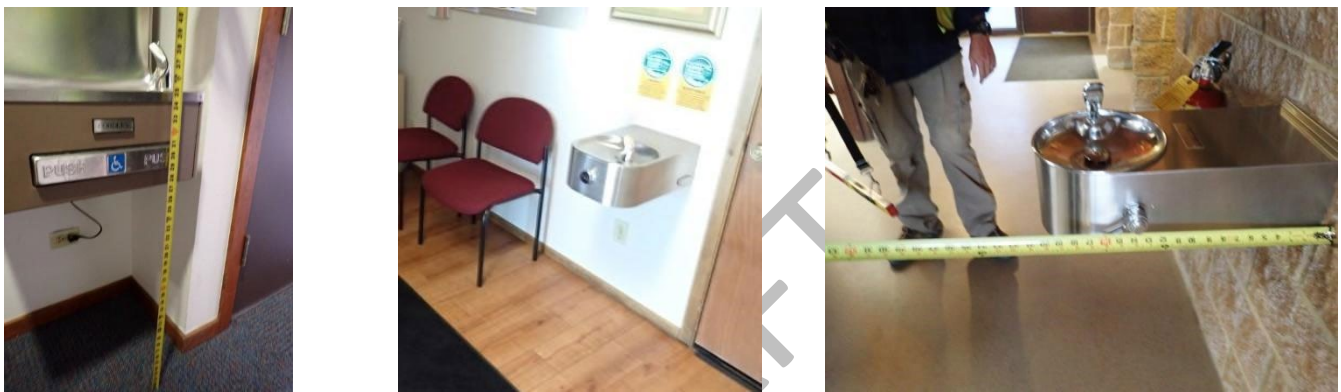
Typical Observation: Ambulatory toilet compartment too wide. [2010 ADA Standards Reference: [604.8.2.1](#).]



Typical Observation: Centerline of toilet is too far from the wall. [2010 ADA Standards Reference: [604.2](#).]



Typical Observation: High-low drinking fountain not provided. [2010 ADA Standards Reference: [211.2](#) and [602](#).]



Typical Observation: Hydrant not properly centered within the clear ground space and obstacles in outdoor recreation access route (not best practices). [ABAAS (ODA) Reference: [1011.2.1](#), see table, and [1016.5](#).]



2.5.1.3 Typical High Mitigation Difficulty

Typical Observation: Ramp running slopes too steep. [2010 ADA Standards Reference: [405.2.](#)]



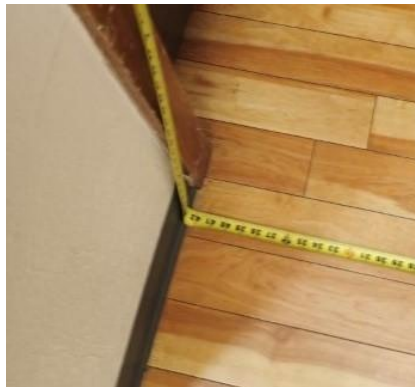
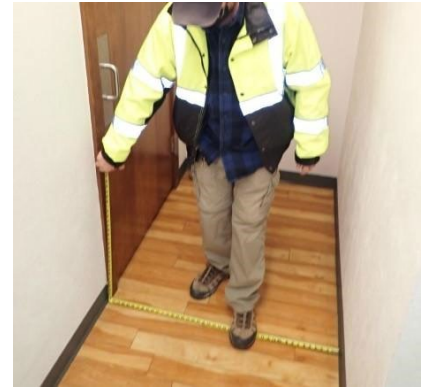
Typical Observation: Inaccessible shower compartments. [2010 ADA Standards Reference: [608.](#)]



Typical Observation: Clear floor/maneuvering space too steep at drain. [2010 ADA Standards Reference: [305.2.](#)]



Typical Observation: Insufficient maneuvering clearance at restroom doors. [2010 ADA Standards Reference: [404.2.4.1.](#)]



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2.6 Barriers to Program Access

Any elements or features of a facility having one or more attributes which are not consistent with the scoping and/or technical provisions of the ADA Standards, ABAAS/ODA, or other recognized accessibility guidance, are identified as *findings*. Such deficiencies which exist in rooms or spaces, where public access is not supervised or monitored by County staff, and prevent or might prevent access to a service, program, or activity, are identified as *barriers* to program access. These barriers have the highest priority for mitigation. When structural barrier removal is not a feasible, short-term option, mitigation of the barrier must be accomplished through alternative methods or means as soon as possible.

Barriers that exist in rooms or spaces, where public access is not supervised or monitored by County staff, are typically found in parking facilities, exterior walkways, facility entrances, at reception counters in lobby areas, and public restrooms. Other areas where public access is not regularly monitored include public sidewalks, multi-use paths, parks, and other recreation facilities. There is a significant possibility that even minor barriers may impede access to these facilities by qualified people with disabilities when County staff are not present to assist or respond to requests or complaints.

In rooms or spaces where County staff are present, such as the Justice Center, procedural measures to provide program access, for individuals with disabilities, can often mitigate barriers without physical barrier removal. When qualified individuals with disabilities can independently access public programs, in the most integrated setting appropriate to their needs, through reasonable modifications of policies, alternative venues or online access, architectural barrier removal may not be necessary.

3.0 TRANSITION PLAN CREATION

The County designated MTC's scope of work to include a survey of identified County buildings/facilities, trailheads/open spaces, and the County Fairgrounds. In addition, the County tasked the consultant with an evaluation of the County's *current services, policies, and practices, and the effects thereof, that do not or may not meet the requirements* of the ADA's Part 35 regulations. The purpose of these processes is to ensure that the County can ensure ongoing compliance with title II of the ADA, providing inclusive programs for qualified people of all abilities. Implied in this process is the effort of the County to identify barriers, structural or procedural, which might impede access by qualified people to its services, programs, or activities. When those barriers are identified the County recognizes that it has the legal duty to find methods and means to overcome those barriers, whether caused by the absence of a qualified interpreter to provide equally effective communication for a person who is deaf, the inaccessible surface of a parking lot, or a sidewalk that is too narrow for a wheelchair user.

3.1 Where Can Facility Barriers Be Eliminated?

Most public entities expect a public presence in most of their facilities at some time. But some facilities and some areas of other facilities are off-limits to the public. In some areas of public buildings, public access is restricted at certain times or not allowed at all without supervision or escort by a public employee. Locations having such restrictions might include law enforcement facilities/jails or even the offices of workers such as employees providing social services. However, even in these areas there may be some spaces where physical barriers prevent or at minimum limit the full and equal participation of qualified individuals with disabilities.

An example of a space where barriers to a program cannot be facilitated by an employee, is a restroom within a public supervised area of a facility. When a restroom in a public supervised area is available for use by other members of the public, it must be accessible to and usable by individuals with disabilities, including people who use wheelchairs. Assisting with toileting, for people with disabilities, is not required of, or appropriate for County staff.

When individuals are escorted by public employees into offices or meeting rooms and assistance with doors is provided or meetings can be held in an alternate space, rather than the employee's cubicle, then program access is being provided. In residential programs, such as the County jail, where participants are always accompanied or escorted by staff or have been assigned another participant as a personal care attendant, reach ranges and slopes that might otherwise be critical barriers, are generally not barriers to program access.

However, barriers such as protruding objects in circulation paths or alarm systems lacking a visible component may still be considered barriers to program access even in public supervised areas. Protrusions in circulation paths which are invisible to individuals who are blind and alarms which are inaudible to individuals who are deaf continue to present barriers to program access, as well as safety risks, even when individuals are provided with assistance. The safety risks may raise concerns in emergencies.

3.1.1 Identifying Structural Barriers

The consultant, using appropriate tools and electronic tablet technology using proprietary software, conducted comprehensive measurement and observation of County facilities, collecting *as-is* conditions, focusing on those elements of the built environment which affect or might affect access by people with disabilities. Measurements and observations were analyzed for compliance with the appropriate minimum accessibility requirements. Results of the analysis was compiled in data tables which have been used in the development of this Transition Plan. The County was provided with findings, referencing applicable citations, recommendations for mitigation, and assessment of priorities by the consultant. The data represent snapshots in time and conditions identified in that data may have been remedied between the time the data was collected and the delivery of this plan. In other instances, some conditions may have deteriorated during that interval. While outside the scope of this project, the

consultant recommends the calculation of opinions of probable construction cost to provide budget level information to inform the scheduling of projects to remove barriers from County properties.

The ultimate purpose of this Transition Plan is to identify barriers where structural changes to facilities must be made to achieve program accessibility.

3.1.2 Identifying Non-Structural Issues

The identification of *as-is* conditions which are not consistent with accessible design requirements is merely the beginning of the process. The County's efforts to assess the ability of staff to modify County policies, practices, and procedures to circumvent structural barriers and provide inclusive access, in the most integrated setting appropriate to the needs of qualified individuals with disabilities were facilitated by the consultant. Title II of the ADA does not necessarily require the County to make all facilities accessible and allows the County to find alternative methods or means to achieve program accessibility.

The County to discover means by which it can circumvent physical barriers and continue to provide inclusive access to its programs, took the following measures:

- Inventory and review of County policies/recommendation of revised and additional policies/guidance
- Interviews with County management to assess practices and understanding of ADA requirements
- Survey of County employees to identify gaps in ADA knowledge
- Interaction with staff to identify areas of facilities where public access is restricted, or where staff gives assistance which circumvents physical barriers to program accessibility

The County has reviewed and evaluated each finding in the collected data to determine whether the conditions identified present or might present barriers which limit or exclude opportunities for inclusive access to the services, programs, or activities in the location of the finding. The County acknowledges that in given spaces, for example, public sidewalks, trailheads/open spaces, and parking lots, without removing identified barriers, the programs provided in those spaces cannot be independently accessible to qualified people of all abilities in the most integrated setting appropriate to their needs.

The County will apply knowledge gained from completing its Self-evaluation to determine whether it would be better – more cost-effective – to resolve some of the structural findings through methods and means other than architectural barrier removal. The County recognizes that potentially, the relocation of some services, programs or activities may be the most practical and cost-effective means to surmount major structural barriers in its built environment. Programs which can be made virtually accessible, such as web-based applications and streamed public meetings, may eliminate the need to remove some more difficult and costly architectural barriers.

In spaces such as offices and public assembly areas, the County assumes that it has a duty to ensure that assistance and accommodations, including auxiliary aids and services to ensure effective communication, are readily available to people with disabilities with or without a making a request. The County will continue to make reasonable modifications to its policies, procedures, and practices to prevent disability-based discrimination, except in those instances where the County can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity.

Boulder County, with the participation of people with disabilities or organizations representing them, will expand the scheme for completing mitigation of barriers and assigning the responsibility for implementing the Transition Plan. Mitigation of barriers in facilities alone, outside of the context of the accessibility of the County's programs, policies, and practices, cannot ensure the absence of prohibited disability-based discrimination. Discoveries made through its Self-evaluation should be included. The consultant is available to the County to provide further guidance on implementation of its Transition Plan.

3.1.3 Consideration of “When Viewed in Its Entirety” Factors

A title II entity must operate each service, program, or activity so that the service, program, or activity, *when viewed in its entirety*, is readily accessible to and usable by individuals with disabilities. The phrase, *when viewed in its entirety*, has been the cause of some confusion and speculation since the Part 35 regulations were adopted. The regulations do not require a public entity to make each of its existing facilities accessible to and usable by individuals with disabilities. That said, there is not a formula to apply which numerically or proportionally defines how many or which of a public entity’s facilities must be made accessible to and usable by people with disabilities, to satisfy the *viewed in its entirety* language. In its [Title II Regulations 2010 Guidance and Section-by-Section Analysis](#), the DOJ gives the following explanation of factors to be assessed to determine whether a program is accessible *when viewed in its entirety*:

In determining how many facilities of a multi-site program must be made accessible in order to make the overall program accessible, the standard has always been an assessment of what is reasonable under the circumstances to make the program readily accessible to and usable by individuals with disabilities, taking into account such factors as the size of the public entity, the particular program features offered at each site, the geographical distance between sites, the travel times to the sites, the number of sites, and availability of public transportation to the sites.

In its guidance, DOJ gives as an illustration of how to interpret the requirement to make, each service, program, or activity conducted by a public entity, *when viewed in its entirety*, readily accessible to and usable by individuals with disabilities, a question of how many swimming pools must be accessible when a public entity has more than one pool. Determining which pool(s) to make accessible and whether more than one accessible pool is necessary to achieve program access requires considering several factors, including, but not limited to the following:

- size of the public entity
- geographical distance between pool sites
- whether more than one community is served by particular pools
- travel times to the pools
- total number of pools
- availability of lessons and other programs and amenities at each pool
- availability of public transportation to the pools

The above illustration, in the context of Boulder County, can be applied to trailheads (not swimming pools). The County provides the *activity* of hiking in natural settings, at nearly three dozen locations inspected for this project. At one level it might be argued that every trailhead offers the identical activity, meaning that within reason, perhaps only a few (maybe just one?) of the trailheads needs to provide accessible parking, restrooms, picnic tables, and trailhead signage consistent with ABAAS/ODA provisions. If that were the case, then perhaps the County need only offer one trailhead for everyone, assuming a single trail could provide the wide variety of hiking terrain, views, and other experiences currently offered by dozens of trails. However, it seems likely that the County’s many avid backcountry hikers would report that no two trails offer the same experience. Various trails may be favored for snowshoeing, birdwatching, or just to see the aspens turn in September. Some may only go as far as the trailhead having no further desire for exercise. Some may only visit the trailhead closest to home or the one which is on their way home from work. County staff will conduct an assessment, applying factors, such as those listed above, to determine which and how many trailheads must be accessible before the County can consider the *activity* of hiking in natural settings, to be accessible when viewed in its entirety.

Some County offices may have staff who travel to the homes of their clients. To some extent this practice could offset some facility barriers, thereby making a program, *viewed in its entirety*, accessible. At other offices, clients are typically served in areas where access is procedurally limited. Clients are accompanied, escorted, and or assisted

in these areas. These policies, procedures, and practices allow barriers to be avoided or otherwise mitigated through methods and means other than structural barrier removal, making a program, *viewed in its entirety*, accessible.

Nevertheless, there are certain barriers that might not be avoided, regardless of assistance provided by staff. For example, protruding objects in circulation paths continue to present potential hazards for individuals who are blind or visually impaired. Where others have access to public restrooms, at least one fully accessible restroom must be provided for individuals with disabilities, including those who use wheelchairs. Accessible parking, accessible routes from site arrival points (including public sidewalks, public transportation, and accessible parking) to each accessible entrance, and all the way to a point where service is provided, such as an accessible reception counter, are necessary to make the services, programs, and activities offered at any location accessible, *when viewed in their entirety*.

3.1.4 Virtual Program Access

While access to online programs provided on websites or through other electronic means has certainly been recognized as a title II requirement as long ago as 1998 (when the Rehabilitation Act was amended to include section 508 provisions), the need to make virtual environments accessible has become critically important in the past year, as the County has limited in-person contact between its employees and the public to adapt to statewide public health restrictions. Technically, the regulations do not require the County to list virtual barriers, such as the absence of captions and audio description on streamed public meetings, in its Transition Plan. The advent of digital access to public services, programs, and activities on public websites, in many instances has made those programs more accessible to many people with disabilities, by eliminating the need for accessible transportation, facilities, etc. However, as County programs that would normally have been delivered in-person, are currently being delivered online through *virtual facilities* (i.e., websites), the County recognizes the need to make efforts to identify and remove virtual barriers, within the requirements of the Self-evaluation process.

See detailed website assessment, Appendix [C](#).

3.1.5 Barriers Not Necessarily Required to Be Removed

It is not necessary to schedule structural barrier removal, where program access, *viewed in its entirety*, is provided in the most integrated setting appropriate to the needs of qualified individuals with disabilities, regardless of built elements of existing facilities which are not consistent accessible design standards.

While a Transition Plan must list these (potential) barriers, removal of such barriers is not necessarily required until certain events trigger structural barrier removal. Events which might trigger structural barrier removal include, but are not limited to the following:

- Request for a reasonable accommodation under title I of the ADA
- Alterations to these built elements
- Relocation of a program or repurposing of the space
- General renovation of a facility
- A determination that a finding was created by new construction or alteration after January 26, 1992, not covered by safe harbor
- A specific complaint from the public

It is important to consider a review of any construction, in a title II facility, after January 26, 1992. Findings that do not currently present barriers to program access, built since that date, must be removed. Any structural barrier that is the subject of a public complaint, unless it can be circumvented through alternative methods or means, must be removed.

Program access may be limited in those circumstances when a public entity can document that a modification in policy or eligibility criteria or architectural barrier removal would result in a fundamental alteration to the program, undue financial and administrative burdens, or contradiction of a legitimate safety requirement.

In those circumstances where personnel of the public entity believe that the proposed action would fundamentally alter the service, program, or activity or would result in undue financial and administrative burdens, a public entity has the burden of proving that compliance... would result in such alteration or burdens. The decision that compliance would result in such alteration or burdens must be made by the head of the public entity or his or her designee after considering all resources available for use in the funding and operation of the service, program, or activity and must be accompanied by a written statement of the reasons for reaching that conclusion. (§ 35.150(a)(3))

It is important to note that, if the County determines a proposed action would cause an undue financial and administrative burden or a fundamental alteration, the County is required to take actions that would nevertheless ensure that individuals with disabilities receive the benefits or services provided by the County.

3.1.6 Exceptions Allowing Less Than Full Compliance

At times, it may be technically infeasible or structurally impracticable to fully comply with applicable ADA standards. *Structurally impracticability* applies to new construction which the ADA defines as construction that commenced after January 26, 1992. *Technically infeasible* applies to alterations of buildings or facilities that existed prior to January 26, 1992.

Structural Impracticability. Full compliance will be considered structurally impracticable only in those rare circumstances when the unique characteristics of terrain prevent the incorporation of accessibility features. (§ 35.151(a)(2)(i))

Technically Infeasible. With respect to an alteration of a building or a facility, something that has little likelihood of being accomplished because existing structural conditions would require removing or altering a load-bearing member that is an essential part of the structural frame; or because other existing physical or site constraints prohibit modification or addition of elements, spaces, or features that are in full and strict compliance with the minimum requirements. (ADA Standards 106.5)

If either of the above-mentioned conditions are deemed by the County to apply to a given barrier, room/space or facility, compliance with the applicable ADA standards is still required to the maximum extent feasible. For example, if it would be *technically infeasible* to widen a toilet compartment to a size usable by an individual who uses a wheelchair due to the bathroom containing a load bearing wall, the toilet compartment still must be made accessible for individuals who can use an [ambulatory compartment](#). In addition, all other elements within the restroom should be made accessible to the maximum extent feasible. This provision of the ADA exemplifies the reality that not all individuals with a disability use a wheelchair.

In addition, places of historical significance are not required to remove barriers that would “threaten or destroy” their historic significance. To be considered a historically significant site the building must be “eligible for listing in the National Register of Historic Places under the National Historic Preservation Act or... designated as historic under State or local law.” If the County asserts that the act of removing a barrier at a historical property would “threaten or destroy” historical significance, adherence to the applicable standards is still required to the maximum extent feasible and program access still must be provided.

3.2 Where to Begin

The cost of providing access to services, programs, and activities might be very high, when and if the only resolution to provide access involves major renovation or alteration of a facility, to remedy structural barriers. Conversely, in many cases, where difficult-to-mitigate physical barriers exist, methods and means other than architectural barrier removal may be able to provide access to services, programs, and activities at significant cost savings. The intention is to suggest a process by which some of the most difficult/expensive to mitigate findings can be eliminated without resorting to architectural barrier removal.

At the same time, the County will demonstrate progress in implementing the Transition Plan by eliminating many easily mitigated barriers (i.e., *low-hanging fruit*) in the short-term. Many of these barriers can be removed through normal maintenance or repair activities. Intrinsic to the recommended priorities for barrier mitigation is the idea that easily eliminated barriers should be addressed as quickly as possible. More complex and difficult to remove barriers will require extended time to organize resources and appropriate budgets.

The County will begin the implementation of a Transition Plan following this twofold approach. The County will begin actions to remove the *low-hanging fruit* immediately and simultaneous efforts to investigate all potential means to eliminate major physical barriers to access and establish budgets to fund eventual architectural mitigation projects.

The County has identified the Clerks satellite office on 136 Miners Drive, Lafayette as a leased property which the County will be vacating before the lease ends. The Public Works Building (2525 13th Street) in Boulder is a shared ownership between Boulder County and Clinica. No data was collected (i.e., there are no findings or barriers) at Miners Drive. In public and employee common areas of the building which are utilized by the County, at the Public Works Building, 181 findings were documented. Of those 181 findings, only 78 are or might be barriers to program access.

The County will use a separate approach to prioritizing barrier removal in leased properties and when it chooses to lease facilities in the future. It is prudent to consider the cost of improvements to facilities that are not owned, when signing or terminating a lease and relocating might be more cost effective. Leased facilities may also have barriers that are not directly under the County's control; barriers for which a landlord is responsible. Should the County contemplate leasing spaces, in the future, it must take due diligence to ensure that such spaces comply with ADA Standards and make such facilities accessible to and usable by people of all abilities.

3.2.1 Barriers with Low Mitigation Difficulty (Low-Hanging Fruit)

Low difficulty barriers should be addressed as quickly as possible. However, when major renovations at a facility are anticipated, the removal of some low difficulty barriers may be postponed until a renovation is scheduled. Many of these barriers can be managed as in-house maintenance or repair activities. However, the County will take care that incremental adjustments or repairs do not result in wasted effort that will be removed by subsequent renovation to a facility. In some cases, where multiple attributes of an element are not compliant it will not be possible to make the element accessible without addressing all the attributes. For example, at a toilet, if a side grab bar's location is too high and too far from the back wall, its diameter is too small, and it is too short, then no amount of relocation can fix the deficiency without first acquiring a new grab bar between 1.25 and 2 inches in diameter and 42 inches long minimum.

Or, to give another example, re-stripping parking spaces and access aisles can be done easily for minimal cost, but it will not solve a maximum slope steeper than 1:48 (2.08 percent). However, relocation of designated accessible parking spaces to an alternate location where the maximum slope is compliant and connection to an accessible route is possible, might cost far less than the regrading and repaving the existing spaces which are too steep.

When maintenance and repair activities are used to resolve barriers to program access, the County will document these actions in the Transition Plan to track progress. Evidence of the adoption and implementation of a Transition Plan may be critical in the event of investigation of complaints or litigation.

3.2.2 Barriers with High Mitigation Difficulty

The County will consider, early in its deliberations, barriers categorized as having high mitigation difficulty or needing significant budgets. This will allow time to eliminate barriers where methods and means other than architectural barrier removal can be equally effective to provide programmatic access for qualified people of all abilities.

The consultants *Suggested Net Priorities* (which are provided to imply relative priority for remediation) for high difficulty barriers range from 1 to 36 for County buildings/facilities, 1 to 8 for County trailheads/open the time spaces, and 1 to 8 for the Fairgrounds. All these barriers should be considered first, to determine whether relocation of a program or methods or means other than architectural barrier removal can resolve program access issues. The potential cost savings justify the scrutiny necessary to identify alternative methods and means of resolving these findings.

Barriers in spaces used by the public, in particular outdoor spaces, such as trailheads, typically unsupervised spaces, have the highest intrinsic priority (or risk of discrimination) and often require a high level of cost and effort to accomplish removal.

Accessibility surveys typically find many barriers to program access in restrooms. Even in facilities where a significant amount of program access is facilitated by staff, privacy and independent access to toileting must be provided. When spaces such as toilet compartments are not sufficient to accommodate a wheelchair, assistance from staff is of little or no use, and inappropriate. Significantly, at the County's buildings/facilities nearly two-thirds (795 of 1,289 findings, 61.7 percent) of barriers found in restrooms are expected to require low mitigation difficulty. Of all high mitigation difficulty barriers, in all County buildings/facilities, slightly more than 1 in 5 (157 of 718 findings, 21.9 percent) are found in restrooms.

Where access to restrooms is most important, at trailheads/open spaces, about one-third (300 of 909, 33 percent) of barriers are found in restrooms. However, fewer than one-tenth (29 of 300, 9.7 percent) of barriers in restrooms anticipate high mitigation difficulty. Removal of most barriers (255 of 300, 85.0 percent) in restrooms at trailheads/open spaces, should take minimal effort and expense.

4.0 TRANSITION PLAN

4.1 Physical Obstacles in County Buildings/Facilities Limiting Program Access

Summary of key barrier removal actions required:

4.1.1 Tentative Timeline:

(Priorities reevaluated every 3 years)

- Accessibility at all Maintenance items: 2021 – 2024 (Years 1-4)
- Accessibility at all Parking and Walkways: 2024-2030 (Years 4-6)
- Accessibility at all Entry Points: 2026-2028 (Years 6-8)
- Accessibility and barrier issues in Restrooms: 2030-2032 (Years 10-12)
- Accessibility at all Workplace areas: 2030-2032 (Years 10-12)
- Accessibility at all Fairgrounds: 2022-2028 (Years 2-6)
- Accessibility at all Trailheads and Open Space: 2022-2032 (Years 2-10)

4.1.2 2021-2024: Maintenance Items

Summary of key barrier removal actions required:

- Minor adjustments to main entry door
- Remove or provide cane-detectable surfaces at all protrusions
- Provide accessible tactile signage for permanent spaces
- Remove/replace/adjust barriers along hallways and at doors
- Replace inaccessible operating hardware

4.1.3 2024-2030: Parking and Walkways

Summary of key barrier removal actions required:

- Provide compliant slopes, dimensions, and markings at designated accessible parking spaces
- Remove and replace inaccessible sidewalk segments and ramp – exterior routes
- Remove or provide cane-detectable surfaces at all protrusions
- Remove and replace inaccessible sidewalk segments from the parking lot to front entry – exterior routes
- Provide compliant slopes, dimensions, and number of vehicle spaces at designated accessible parking spaces

4.1.4 2026-2028: Entry Points

Summary of key barrier removal actions required:

- Lobby areas – remove barriers at doorway
- Lobby areas – remediate protrusions, operable parts, service counter, etc.
- Remove and replace excessive slopes, non-compliant hardware at the entrance
- Remove and replace inaccessible sidewalk segments from the parking lot to front entry – exterior routes

4.1.5 2030-2032: Restrooms

Summary of key barrier removal actions required:

- Remove/replace/adjust barriers in all restrooms

4.1.6 2030-2032: Workplace

Summary of key barrier removal actions required:

- Remove/replace/adjust barriers in break room
- Remove/replace/adjust barriers to conference rooms

- Provide accessible clearances and features throughout the facility at doorways

All other locations are projected to be addressed in years 5-10 with the assumption that we will receive adequate funding.

4.1.7 2026: The highest priority facilities have been ranked as follows:

- Justice Center, Boulder
- Longmont Courts
- Clerk and Recorder
- St. Vrain Community Hub, Longmont
- Downtown Historic Courthouse
- Courthouse Annex, Boulder

4.1.8 2022-2025: Justice Center

Summary of key barrier removal actions required:

- Provide compliant slopes, dimensions, and markings at designated accessible parking spaces
- Remove and replace inaccessible sidewalk segments– exterior routes
- Remove/replace/adjust barriers in all restrooms
- Provide accessible clearances and features at the entrance
- Provide accessible clearances throughout the facility at doors and elements available to the public
- Court Room – provide required accessible wheelchair spaces
- Court Room – ensure that signage for assistive listening system is provided

4.1.9 2022-2025: Longmont Courts

Summary of key barrier removal actions required:

- Provide compliant slopes, dimensions, and markings at designated accessible parking spaces
- Remove and replace inaccessible sidewalk segments– exterior routes
- Remove/replace/adjust barriers in all restrooms
- Provide accessible clearances and features at the entrance
- Provide accessible clearances throughout the facility at doors and elements available to the public
- Court Room – provide required accessible wheelchair spaces
- Court Room – ensure that signage for assistive listening system is provided

4.1.10 2022-2025 Clerk and Recorder

Summary of key barrier removal actions required:

- Provide compliant slopes, dimensions, and markings at designated accessible parking spaces
- Remove and replace inaccessible sidewalk segments– exterior routes
- Remove/replace/adjust barriers in all restrooms

4.1.11 2022-2025: St. Vrain Community Hub – Longmont

Summary of key barrier removal actions required:

- Remove/replace/adjust barriers in all restrooms
- Provide accessible clearances throughout the facility at doors and elements available to the public
- Remove/replace/adjust barriers in break room
- Remove/replace/adjust barriers to conference rooms

- Provide accessible clearances and features throughout the facility at doorways

4.1.12 2022-2025: Downtown Historic Courthouse

Summary of key barrier removal actions required:

- Provide compliant slopes, dimensions, and markings at designated accessible parking spaces
- Remove and replace inaccessible sidewalk segments– exterior routes
- Remove/replace/adjust barriers in all restrooms
- Provide accessible clearances and features at the entrance
- Provide accessible clearances throughout the facility at doors and elements available to the public
- Hearing Room – provide required accessible wheelchair spaces
- Hearing Room – ensure that signage for assistive listening system is provided
- Provide accessible routes to and clear spaces at Hearing Room dais and podium

4.1.13 2022-2025: Courthouse Annex

Summary of key barrier removal actions required:

- Provide compliant slopes, dimensions, and markings at designated accessible parking spaces
- Remove and replace inaccessible sidewalk segments– exterior routes
- Remove/replace/adjust barriers in all restrooms
- Provide accessible clearances and features at the entrance
- Provide accessible clearances throughout the facility at doors and elements available to the public

4.2 Physical Obstacles in County Trailheads/Open Spaces Limiting Program Access

Summary of key barrier removal actions required:

Tentative Timeline:

(Priorities reevaluated every 3 years)

- Accessibility at all Maintenance items: 2022 – 2028 (Years 1-6)
- Accessibility at all Parking and Walkways: 2024-2028 (Years 3-6)
- Accessibility at all Entry Points: 2022-2028 (Years 1-6)
- Accessibility and barrier issues in Restrooms: 2024-2028 (Years 3-6)

4.2.1 2022-2028: Maintenance Items

Summary of key barrier removal actions required:

- Provide an accessible ground surface to the outdoor picnic area
- Remove protrusions in outdoor circulation paths
- Provide accessible routes connecting features and amenities within site

4.2.2 2024-2028: Parking and Walkways

Summary of key barrier removal actions required:

- Provide minimum number of compliant accessible parking spaces with required access aisles, signs, and connection to accessible routes

4.2.3 2022-2028: Entry Points

Summary of key barrier removal actions required:

- Provide accessible routes from site arrival points to features and amenities (such as benches, trash receptacles, picnic tables, drinking fountains, etc.) at trailhead / open space

4.2.4 2024-2028: Restrooms

Summary of key barrier removal actions required:

- Replace existing portable restroom with accessible portable restroom
- Remove/replace/adjust barriers in all restrooms

4.2.5 2022-2028: The highest priority Trailheads and Open Space have been ranked as follows:

- Stearns Lake Trailhead at Carolyn Holmberg Preserve
- Mud Lake Trailhead
- Pella Crossing Trailhead
- Walden Ponds Wildlife Habitat Wally Toevs Trailhead
- Betasso Preserve

(Note: ADA upgrades currently underway at AHC/McIntosh Barn)

4.2.6 2022-2028: Stearns Lake Trailhead at Carolyn Holmberg Preserve

Summary of key barrier removal actions required:

- Provide an accessible ground surface
- Remove protrusions in outdoor circulation paths
- Remove/replace/adjust barriers in all restrooms
- Provide accessible routes connecting features and amenities within site
- Provide minimum number of compliant accessible parking spaces with required access aisles, signs, and connection to accessible routes

4.2.7 2022-2028: Mud Lake Trailhead

Summary of key barrier removal actions required:

- Provide an accessible ground surface to the outdoor picnic area
- Provide an accessible ground surface
- Remove protrusions in outdoor circulation paths
- Remove/replace/adjust barriers in all restrooms
- Provide accessible routes connecting features and amenities within site
- Provide minimum number of compliant accessible parking spaces with required access aisles, signs, and connection to accessible routes

4.2.8 2022-2028: Pella Crossing Trailhead

Summary of key barrier removal actions required:

- Provide an accessible ground surface to the outdoor picnic area
- Provide an accessible ground surface
- Remove protrusions in outdoor circulation paths

- Remove/replace/adjust barriers in all restrooms
- Provide accessible routes connecting features and amenities within site
- Provide minimum number of compliant accessible parking spaces with required access aisles, signs, and connection to accessible routes

4.2.9 2022-2028: *Walden Ponds Wildlife Habitat Wally Toevs Trailhead*

Summary of key barrier removal actions required:

- Provide an accessible ground surface to the outdoor picnic area
- Provide an accessible ground surface
- Remove protrusions in outdoor circulation paths
- Remove/replace/adjust barriers in all restrooms
- Provide accessible routes connecting features and amenities within site
- Provide minimum number of compliant accessible parking spaces with required access aisles, signs, and connection to accessible routes

4.2.10 2022-2028: *Betasso Preserve*

Summary of key barrier removal actions required:

- Provide an accessible ground surface to the outdoor picnic area
- Provide an accessible ground surface
- Remove protrusions in outdoor circulation paths
- Remove/replace/adjust barriers in all restrooms
- Provide accessible routes connecting features and amenities within site
- Provide minimum number of compliant accessible parking spaces with required access aisles, signs, and connection to accessible routes

4.3 Physical Obstacles at County Fairgrounds Limiting Program Access

The Transition Plan priority schedule for removing barriers in the County Fairgrounds follows:

All locations are projected to be addressed in 1-7 years with the assumption that upgrades will be made during the Fairgrounds Master Plan Implementation.

4.3.1 2022-2028: *Fairgrounds Master Plan Implementation*

- Provide minimum number of compliant accessible parking spaces with required access aisles, signs, and connection to accessible routes
- Provide accessible routes from site arrival points to features and amenities (such as benches, trash receptacles, picnic tables, drinking fountains, etc.) at facility
- Provide accessible routes connecting features and amenities within site
- Provide accessible routes to and wheelchair spaces at both sides of court sports/team and player seating areas/spectator seating areas

4.4 Individual(s) Responsible for Implementation of the Plan

HR:

Julia K. Larsen; HR Director & ADA Coordinator

Public Works:

Karla Schultz

James Butler

David McLeod

Jesse Newcomb

Marc Dominguez

IT and Website:

Tim Thiessen

Conrad Gonzales

Barbara Halpin

Policy:

Carrie Doyle

Parks & Open Space:

Mary Olson

Jeffrey Moline

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5.0 IMPLEMENTING THIS PLAN

An ADA Transition Plan is required when structural changes to facilities will be undertaken to achieve program accessibility. The Transition Plan sets forth the steps necessary to complete such changes. The Transition Plan is one outcome of the Self-evaluation process. A separate report detailing the Self-evaluation process and alternative methods and means identified to avoid costly structural solutions will be delivered when the process is completed. That report will include actions which have already been completed or initiated and identify other actions which will be taken to ensure that all County services, programs, and activities will be inclusive of qualified people of all abilities.

First and foremost, Boulder County will ensure that all services, programs, and activities, *when viewed in their entirety* are accessible to and usable by qualified individuals with disabilities. Every effort to eliminate barriers through alternative methods and means or through architectural barrier removal must be made to implement an effective Transition Plan. The County has deferred more than one-third (1,904/5,201) of findings in buildings which have been identified as conditions not currently limiting or preventing program access. These findings will not need to be remedied until triggered by subsequent events, because they do not affect access to County services, programs, or activities. Elimination of *low-hanging fruit* and long-term planning for high mitigation difficulty barriers – possibly through methods or means other than structural barrier removal – will begin immediately.

Second, regardless of program access, all architectural barriers caused by alterations or new construction must be structurally eliminated. Such architectural deficiencies in alterations or new construction have been prohibited since January 26, 1992. In addition, if any programs have been located or moved to inaccessible (owned or leased) facilities, since that date, architectural barriers in those facilities must be removed or the programs must be relocated to other sites and locations that comply with the 2010 ADA Standards. Research to identify dates of construction, origination of leases, and renewal of leases is a necessary component of the Transition Plan.

Third, budgetary and logistical considerations make immediate removal of all barriers impossible. The information provided to the County, through this project, allows short-term, mid-term, and long-term planning that will be spread across many fiscal years.

Finally, to the extent that facilities have been altered, built, or leased which are not compliant with the relevant standards for accessible design (i.e., the Uniform Federal Accessibility Standards [UFAS], the 1991 ADA Accessibility Guidelines [ADAAG], or the 2010 ADA Standards), the County will develop policies, procedures, and practices to avoid future deficiencies. Training for key individuals responsible for designing new facilities, renovating existing facilities, or negotiating leases for additional facilities, is essential. The County will strive to prevent the construction or acquisition of new barriers, in addition to removing those which currently exist. The County will adopt engineering criteria for developers and designers ensuring that the construction of new pedestrian facilities and alterations to facilities connecting new developments will be consistent with accessibility requirements and best practices to meet program access requirements of the ADA.

6.0 RESOURCES

Information and Technical Assistance on the ADA

ADA Information Line: U.S. Department of Justice

ADA Information Line:

800-514-0301 (voice)

800-514-0383 (TTY)

Website: <https://www.ada.gov>

U.S. Access Board

1331 F Street NW, Suite 1000

Washington, DC 20004-1111

Phone (voice): 202-272-0080, toll free: 800-872-2253

Phone (TTY): 202-272-0082, toll free: 800-993-2822

Fax: 202-272-0081

Email: info@access-board.gov

Website: <https://www.access-board.gov>

2010 ADA Standards: <https://www.access-board.gov/ada/>

Architectural Barriers Act Accessibility Standards: <https://www.access-board.gov/aba/>

Region 8 [Rocky Mountain ADA Center](#)

Address: Meeting the Challenge Inc.

3630 Sinton Road, Suite 103

Colorado Springs, CO 80907

Phone: 800.949.4232, 719.444.0268

U.S. Department of Justice ADA Title II/Part 35 Regulations

Address: Civil Rights Division

950 Pennsylvania Avenue, NW

4CON, 9th Floor

Washington, DC 20530

Phone (voice): 800-514-0301

Phone (TTY): 800-514-0383

Website: https://www.ada.gov/regs2010/titleII_2010/titleII_2010_regulations.htm

7.0 APPENDIX

- A. Executive Summary – ADA Facility and Trailheads Transition Plan Development
- B. Executive Summary – County Fairgrounds Facilities
- C. Website Tester /WCAG 2.1 Audit Report
- D. Summary: Management Interviews
- E. ADA Staff Knowledge Surveys
- F. Americans with Disabilities Act Policies Inventory and Review
- G. Americans with Disabilities Act Glossary of Terms and Acronyms

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Appendix A. Executive Summary – ADA Facility and Trailheads Transition Plan Development

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Boulder County, Colorado

Executive Summary – ADA Facility & Trailheads – Transition Plan Development

November 13, 2020

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INTRODUCTION

Boulder County, Colorado (County) contracted Meeting the Challenge Inc. (MTC) to conduct an on-site review of compliance with the Americans with Disabilities Act (ADA) at County facilities and trailheads. This report includes an analysis of the data collected from the 33 facilities and 32 trailheads identifying and describing barriers, applicable sections of the 2010 Standards, *best practices* for trails provided in the Outdoor Developed Areas (ODA) provisions in Chapter 10 of the Architectural Barriers Act Accessibility Standards (ABAAS), and priorities for barrier removal as recommended by the Department of Justice (DOJ). The County plans to incorporate the subsequent data collection of findings for elements which were not compliant with the scoping and technical provisions of the 2010 ADA Standards for Accessible Design (2010 Standards) into its Transition Plan.

The scope of work for this project includes the evaluation of the Boulder County's policies, procedures, practices, and programs compared to regulatory requirements for title II of the ADA. MTC will provide an additional report which incorporates findings from our Self-evaluation and physical site assessments into one final report.

Transition Plan Requirements

Regulations require a transition plan when physical changes to facilities are necessary to achieve program accessibility. The purpose of title II of the ADA is not to drive an urban renewal plan for the County's infrastructure and buildings. Rather, the ADA is a civil rights law intended to include people with disabilities in the day-to-day life of American communities. To envision the ADA as an architectural code would be short-sighted. It is more than a list of findings to be fixed.

A transition plan must provide a path to a future that is accessible and inclusive for everyone. Like any plan, it should set objectives based on priorities that create realistic time-sensitive goals. The document should set "forth the steps necessary to complete such changes" ([§35.150\(d\)\(1\)](#)). Regulations originally required public entities with 50 or more employees to develop a transition plan "within six months of January 26, 1992". Structural changes were expected to "be made within three years of January 26, 1992, but in any event as expeditiously as possible" ([§35.150\(c\)](#)).

The transparency of the transition plan process is essential to giving ownership of the plan to all stakeholders. Inherent to the motto of many in the disability community, "nothing about us, without us," is the understanding that members of society (other than people with disabilities), are not better informed or situated, than people with disabilities, themselves to make decisions about or for people with disabilities. The participation by people with disabilities or organizations representing them in the formal adoption of a transition plan is essential. Among the intentions and purposes of the ADA, is the need to correct for historical attitudes and practices that excluded people with disabilities from making decisions or acting on their own behalf.

The regulation clearly states: A public entity shall provide an opportunity to interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the development of the transition plan by submitting comments. A copy of the transition plan shall be made available for public inspection ([§35.150\(d\)\(1\)](#)).

A transition plan, per title II regulation ([§35.150\(d\)\(3\)](#)) must at minimum:

- Identify physical obstacles in the public entity's facilities that limit the accessibility of its programs or activities to individuals with disabilities;
- Describe in detail the methods that will be used to make the facilities accessible;
- Specify the schedule for taking the steps necessary to achieve compliance with this section and, if the time period of the transition plan is longer than one year, identify steps that will be taken during each year of the transition period; and
- Indicate the official responsible for implementation of the plan.

REPORT

The collection of data and the subsequent findings from the 33 facilities and 32 trailheads surveyed by MTC have been listed in two separate transition plan databases (TPDs). The TPDs were produced by MTC to identify structural conditions in County facilities that present or might present barriers preventing or limiting the opportunity of people with disabilities to access County services, programs, and activities.

This report summarizes the process by which MTC developed the underlying data tables. It describes how the data was gathered and analyzed and recommends how the findings should be used. The TPDs also include recommendations for structural mitigation of each finding.

Each TPD includes the preliminary information necessary to the development of the County's Transition Plan. Neither the TPDs nor this summary or the combination of the two constitutes a transition plan. The intention is to provide an overview of the data and findings in the TPDs. This report is not intended to provide narrative list of those findings.

The County must align any decisions about which of these findings should be mitigated, how they should be mitigated, and when they should be mitigated. This should be done in conjunction with its Self-evaluation of programs, policies, and practices.

The final section of this report will discuss the next steps necessary to create the County's Transition Plan starting from the TPDs.

Facilities Audited

The facilities (buildings and sites) covered by this report are:

- ARC (Addiction Recovery and Detox)
- ARC/ 3470 Broadway. Boulder Child and Family Services on Broadway (MHP) (Addiction Recovery Center)
- McIntosh Barn (Agricultural Heritage Center)
- Alaska (Alaska Road Transportation)
- Altona Schoolhouse
- Annex, Land Use, Community Planning and Permitting (CP&P) (Courthouse Annex)
- East Wing (Courthouse)
- County Courthouse /Historic County Courthouse (Main)
- West Wing (Courthouse)
- County Jail

- Ron Stewart Administration Building, OSTC Parks Administration Building, Building 1 (Parks and Administration Building)
- Recycling Center Complex (RCD) (Resource Conservation Division)
- 33rd Street (Clerk and Recorder Building)
- Communication Center/ Comm Center/ EOC (Sheriff)
- Coroner's (Office)
- Goodhue (House)
- 3400-3450 Broadway/North Broadway (Health and Human Services)
- 1333 Iris (Building)
- JC/CJC/Criminal Justice Center
- 2525 13th Street/50 Cent Building /"Kaiser"/Clinica
- Fire Cache (Longhorn Road Maintenance)
- Longhorn (Vehicle Maintenance)
- Longmont Courts
- Iris Fields (North Broadway Ballfields)
- 3460 Broadway/OCH (Old County Hospital)
- Parks Shop, Biomass Building, Nocular, Large Vehicle Storage, Fleet Maintenance Building (OSTC)
- Sheriff Headquarters/SH HQ (Sheriff's Office & Sheriff's Office Headquarters)
- Longmont Community Hub (St. Vrain)
- Sundquist (Building)
- Mining Museum (Nederland)
- Walden Ponds Wildlife Habitat/Wally Toevs/at Cottonwood Marsh/VNC/Volunteer Naturalist Center
- Walker Ranch

The trailheads covered by this report are:

- AHC (Agricultural Heritage Center Trailhead)
- Anne U. White Trailhead
- Bald Mountain Scenic Area (Trailhead)
- Betasso Preserve (Main and East)
- Betasso Preserve Bummer's Rock (Trailhead)
- Caribou Ranch Open Space (Trailhead)
- Coalton Trailhead
- Corral Trailhead at Heil Valley Ranch
- Dodd Reservoir
- Ethel Harrold Trailhead at Walker Ranch
- Flagg Park Trailhead
- Hall Ranch, upper lot (& Bitterbrush Trailhead)
- Heatherwood Trailhead at Walden Ponds
- Kerr Community Gardens Harney-Lastoka Open Space (Trailhead)
- Lagerman Agricultural Preserve (Trailhead)
- Lefthand Valley Grange Trailhead (Niwot Trails)
- Legion Park (Trailhead)
- Lichen Loop Trail Access at Heil Valley Ranch
- Main Trailhead at Heil Valley Ranch

- Meyer's Gulch Trailhead at Walker Ranch
- Monarch Park Trailhead (Monarch Road)
- Mud Lake Trailhead
- Niwot Loop Trailhead
- Pella Crossing (East Trailhead)
- Picture Rock Trailhead at Heil Valley Ranch
- Ron Stewart Preserve at Rabbit Mountain Open Space (Trailhead)
- Stearns Lake Trailhead at Carolyn Holmberg Preserve Rock Creek Farm
- Twin Lakes Trailhead at Eaton Park
- Walden Ponds Wildlife Habitat Trailhead at Cottonwood Marsh
- Walden Ponds Wildlife Habitat Wally Toevs Trailhead
- Walker Ranch Loop Trailhead
- Wapiti Trailhead & Lichen Loop Trailhead at Heil Valley Ranch

SYNTHESIS OF PROGRAM ACCESS EVALUATION AND THE TRANSITION PLAN

When considering the large number of physical deficiencies discovered in the County's facilities and trailheads, it is critical to be aware that all barriers are not created equal. Based on the regulatory requirements, the first barriers that must be identified in the County's Self-evaluation and Transition Plan processes are those that prevent access to services, programs, and activities, when viewed in their entirety. Next, those barriers that were created by new construction and/or alterations must be identified. Finally, those barriers that exist, and have existed since prior to the ADA, that currently present no barrier to program access, must be listed in the transition plan even when there is no current requirement for their removal.

The objective of this report is not necessarily to prescribe, for each finding listed, the precise means by which the County should mitigate each barrier. Rather, the objective here, is to develop a process for deciding when and if a given barrier can be mitigated through methods or means other than an architectural remedy. The regulations do not necessarily require a public entity to make each of its facilities accessible. Public entities must make each of their services, programs, and activities, when viewed in their entirety accessible to and usable by qualified individuals with disabilities, including those individuals who use wheelchairs or other mobility devices. The availability of more than one facility to deliver a service, program, or activity may make it acceptable to designate one of those facilities as the accessible facility when barriers at other facilities are not removed. The DOJ's [2010 Guidance and Section-by-Section Analysis](#) of the regulations, while providing no mathematical or formulaic definition of *viewed in their entirety*, does provide the following, non-exhaustive list of factors to apply in deciding whether programs are accessible, when viewed in their entirety:

- size of the public entity
- the particular program features offered at each site
- the geographical distance between sites
- the travel times to the sites
- the number of sites
- availability of public transportation to the sites

Overview of County Buildings and Sites

Table 1 stratifies the findings for the County’s buildings and sites (other than trailheads) based on intrinsic priority – i.e., degree of risk/potential of discrimination – and the practical magnitude of difficulty to remedy the finding. The table is shaded to indicate, based on those factors, a pragmatic approach to prioritizing the County’s Transition Plan. Those areas shaded in **pale red** are for findings that could be considered to be *low-hanging* fruit, many of the findings in this area might be resolved through normal maintenance activities. In order of priority the findings shaded in **pale green**, **bright yellow**, and **light blue** may take more effort, time, and cost to complete. Of course, there are other considerations to prioritizing and scheduling the County’s Transition Plan. However, the table demonstrates that most of the high-risk findings identified in this study should require minimal effort and cost to resolve.

Table 1 – Summary of Findings at Buildings and Sites					
Intrinsic Priority	Mitigation Difficulty				
	1-Low	2-Moderate	3-High	Total	
1-Entry	356	60	407	823	15.8%
2-Services	1,510	388	245	2,143	41.2%
3-Restrooms	1,291	554	278	2,123	40.8%
4-Other	32	34	46	112	2.2%
Total	3,189	1,036	976	5,201	100%
	61.3%	19.9%	18.8%	100%	
	3,605	586	930	80	5,201
	69.3%	11.3%	17.9%	1.5%	100%

A total of 16,809 attributes were collected at County facilities (buildings and sites). Of those attributes, 5,201 findings have been identified as not compliant or not best practice. The 11 *not best practice* findings are for those conditions for which the 2010 ADA Standards have no specific requirements. Of the 11, 10 are for access aisles from which travel behind cars is required. This is discouraged by a recommendation in the 2010 ADA Standards (Advisory 502.3). The other not best practice finding is for windows in the viewing room at the Coroner’s Office. MTC recommends that, as the average eye level – 40 inches (see for reference 707.7.1) – of an individual sitting in a wheelchair, is lower than the 43.5 inches measured for these windows, the bottom edge of the windows should be lowered to a height of 40 inches maximum to achieve program access.

As this draft is being written, the question of program access is being researched and evaluated by County staff for 2,256 (43.4%) of the 5,201 total findings. Of those, 2,255 are for spaces categorized as *Employee Common*. The other finding, in a space categorized as *Public Supervised*, is the *not best practice* condition identified for the viewing windows at the Coroner’s Office, noted in the previous paragraph. In *Employee Common* spaces, it is very difficult for data collectors, working in empty buildings, to intuit whether or how often the public enters these spaces and whether policies and practices are in place to ensure program access.

For example, restrooms in Employee Common areas, in facilities built or altered before January 26, 1992, are not necessarily required to be accessible where designated for employee-only use, except if needed to fulfill a title I reasonable accommodation request. However, if the public has access to these areas, and the restrooms are available for public use, then the restrooms must be accessible, as assisting an individual with a disability to use the restroom is

neither required nor appropriate. Assessing findings in Employee Common spaces for program access needs can have a very significant effect on the prioritization, effort, and cost of implementing the County's Transition Plan.

In addition, even when program access is not currently or potentially needed, in each space, facilities/elements built or altered after January 26, 1992, must comply with the accessible design standards in force at the time of construction. Such facilities and elements, though having a lesser priority than barriers to program access, must be included in the County's Transition Plan. Where MTC has identified conditions in County facilities which are not consistent with current ADA Standards (and where program access is not a current concern), the County would be prudent to research and document the dates when the latest construction or alterations were completed.

Overview of County Trailheads

Table 2 stratifies the findings for the County's trailheads based on intrinsic priority – i.e., degree of risk/potential of discrimination – and the practical magnitude of difficulty to remedy the finding. The table is shaded to indicate, based on those factors, a pragmatic approach to prioritizing the County's Transition Plan. Those areas shaded in **pale red** are for findings that could be considered to be *low-hanging* fruit, many of the findings in this area might be resolved through normal maintenance activities. In order of priority the findings shaded in **pale green**, **bright yellow**, and **light blue** may take more effort, time, and cost to complete. Of course, there are other considerations to prioritizing and scheduling the County's Transition Plan. However, the table demonstrates that most of the high-risk findings identified in this study should require minimal effort and cost to resolve.

Table 2 – Summary of Findings at Trailheads					
Intrinsic Priority	Mitigation Difficulty				
	1-Low	2-Moderate	3-High	Total	
1-Entry	286	14	159	459	50.5%
2-Services	54	15	81	150	16.5%
3-Restrooms	255*	16	29	300	33%
4-Other	-	-	-	-	0%
Total	595	45	269	909	100%
	65.4%	5%	29.6%	100%	
	624	16	269	-	909
	68.6%	1.8%	29.6%	0%	100%

* Note: two, single-user, unisex restrooms at Caribou Ranch Trailhead, were locked at the time of the site inspection. MTC presumes that at minimum some low mitigation difficulty conditions might exist in these restrooms.

A total of 2,454 attributes were collected at County trailheads. Of those attributes, 909 have been identified as not compliant or *not best practice*. The 190 *not best practice* findings are for those conditions that are not consistent with (ABAAS) ODA provisions, though not specifically covered by the 2010 ADA Standards. MTC considers all to be actual or potential barriers to program access, i.e., the Room/Space Type indicated by data collectors is *Public Unsupervised*. Outdoor recreation spaces are seldom (if ever?) monitored/supervised by County staff. The public accesses these spaces very independently, without significant supervision/monitoring. On the one hand, that means the need for program access is implied. However, the nature of the program at these facilities – unpaved trails – is not likely to attract large

numbers of hikers with severely limited mobility. It is also not likely that the County will be able to provide or improve program access through changes in policies, procedures, or practices to accommodate qualified individuals with disabilities in lieu of physically removing barriers.

Due to the specific topographical features and views associated with each of these trails, it seems improbable, though not necessarily impossible, that the program – call it *natural/open space hiking* – could, *when viewed in its entirety*, be considered to be accessible by simply making a limited number of these sites fully accessible. Furthermore, while parking, restrooms, and other amenities at trailheads must meet scoping and technical provisions of the 2010 ADA Standards, beyond that point, alterations to achieve compliance with more than the ODA’s limited specifications for accessibility might *fundamentally alter* the nature of the program. MTC presumes, that to a great extent, the physical challenges of these rough, natural trails are features and/or benefits of the program desired by the program’s participants.

Barriers to Program Access

Meeting the Challenge, Inc. (MTC) identifies *barriers* as any attribute of an element or feature of a facility that is not consistent with the scoping and/or technical provisions of the 2010 ADA Standards for Accessible Design or other accessibility guidance, such as ODA. Such deficiencies that exist in rooms or spaces, where public access is not supervised or monitored by a public entity, and prevent or might prevent access to a service, program, or activity, are barriers to program access. These barriers have the highest priority for mitigation. When structural barrier removal is not a feasible, short-term option, mitigation of the barrier must be accomplished through alternative methods or means as soon as possible.

Barriers that exist in rooms or spaces, where public access is not supervised or monitored by a public entity, are typically found in parking facilities, exterior walkways, facility entrances, at reception counters in lobby areas, and public restrooms. In rooms or spaces where staff of a public entity are present, such as the County employees’ offices, procedural measures to provide program access, for individuals with disabilities, can often mitigate barriers without physical barrier removal. When qualified individuals with disabilities can independently access public programs, in the most integrated setting appropriate to their needs, through reasonable modifications to policies, alternative venues or on-line access, architectural barrier removal may not be necessary.

Where Can Facility Barriers Be Eliminated?

Most public entities expect a public presence in most of their facilities at some time. But some facilities and some areas of some facilities are off-limits to the public. In some areas of public buildings, public access is restricted at certain times or not allowed at all without supervision or escort by a public employee. Locations having such restrictions might include law enforcement facilities or even the offices of County staff. However, even in these areas there may be some spaces where physical barriers prevent or at least limit the full and equal participation of qualified individuals with disabilities. For example, at a public swimming pool, where staff supervision is present, the absence of a compliant pool lift or sloped entry to the pool might prevent program access. Bodily lifting individuals from their wheelchairs and carrying them into a swimming pool is not considered to be an acceptable or appropriate means of providing program access.

Another example would be a restroom within a public supervised area of a facility. When a restroom in a public supervised area is available for use by other members of the public, it must be accessible to and usable by individuals with disabilities, including people who use wheelchairs.

Alternative Methods and Means for Program Access

When individuals are escorted by public employees into offices or meeting rooms and assistance with doors is provided or meetings can be held in an alternate space, rather than the employee's cubicle, then program access is being provided. In residential programs where clients are always accompanied or escorted by staff, reach ranges and slopes that might otherwise be critical barriers, are generally not barriers to program access.

However, barriers such as protruding objects in circulation paths or alarm systems lacking a visible component may still be considered barriers to program access even in Public Supervised areas. Protrusions in circulation paths that cannot be seen by individuals who are blind and alarms that cannot be heard by individuals who are deaf continue to present barriers to program access, as well as safety risks, even when individuals are provided with assistance. The safety risks may raise concerns in emergencies.

Other alternatives include the opportunity to participate in programs or access services through the County's website or have programs and services delivered at an alternative facility or at a qualified individual's residence. The ADA does not allow surcharges for provision of programs or services, to qualified individuals with disabilities, through alternative means or reasonable modification of policies and practices.

Limitations of This Analysis

New construction and alterations to existing facilities completed since January 26, 1992, regardless of program access evaluation, must comply with the accessible design standards in effect at the time of construction.

In determining the site or location of a facility – in essence the location of a program – public entities are prohibited from *making selections that have the effect of excluding individuals with disabilities from those facilities, denying them the benefits of those facilities, or otherwise subjecting them to discrimination.*

Barriers in New Construction and Alterations

MTC, per DOJ emphasis in title II settlement agreements, regards barriers in new construction or alterations to existing facilities as the next highest priority. In a Project Civic Access settlement agreement, the DOJ states that public entities are required "to ensure that facilities for which construction or alteration was begun after January 26, 1992, are readily accessible to and usable by people with disabilities, in accordance with 1) the Department of Justice's (DOJ) title II regulation and 2) the 1991 ADA Standards or UFAS, or the 2010 ADA Standards, as applicable, 28 C.F.R. § 35.151." Obviously, listing of these (newly constructed) barriers was not considered in the original requirements for a transition plan. Construction completed after January 26, 1992, and prior to March 15, 2012, consistent (to the *maximum extent feasible*) with either the 1991 ADA Standards or the Uniform Federal Accessibility Standards (UFAS), has *safe harbor*.

Nevertheless, despite all good intentions to the contrary, existing facilities have been altered and new facilities built that do not comply with any of the referenced standards. These *post-ADA* barriers must be included in the updated County Transition Plan. Regardless of whether these deficiencies present current or imminent barriers to program access, a public entity is required to structurally correct these barriers. New construction or alterations to existing facilities, which do not comply with any of the referenced standards, are separate violations of the ADA regulations.

At times, alterations can also trigger the “path of travel” provision of the ADA. This provision requires that any alterations, initiated after January 26, 1992, that affect or could affect the usability or access to a primary function area of a facility must also include addressing accessibility deficiencies along the path of travel to the altered area. Examples of items included in this “path of travel”, per 28 C.F.R. § 35.151(4), are: walks and sidewalks, curb ramps, parking areas, corridors, and restrooms. A primary function of a facility is a major activity for which the facility is intended. Examples include: the dining area of a cafeteria, the meeting rooms in a conference center, as well as offices and other work areas in which the activities of the public entity using the facility are carried out. Alterations to comply with the ADA along the path of travel are only required to the level of disproportionally. Disproportionally is reached when the cost of alterations to path of travel elements exceed 20 percent of the cost of the alteration to the primary function area.

The County must examine any alterations it has undertaken, initiated after January 26, 1992, to owned facilities that may have triggered the “path of travel” provision. Alterations that were required to take place under this provision, that did not, are required to be executed regardless of program access implications. It is important to note that alterations undertaken solely to improve or meet accessibility requirements of the ADA do not trigger the “path of travel” requirement.

Safe Harbor, New Construction, and Alterations

Identification of elements having safe harbor is not possible, in the absence of specific, detailed information as to the dates and locations of construction and alterations to facilities. Generically, there are a limited number of elements having *as-is* conditions consistent with previous standards that would not also be compliant with the 2010 ADA Standards. Most of the elements, for which safe harbor may be applied, have relatively low mitigation difficulty. Among the features that may qualify for *safe harbor* are the following:

- Surfaces of doors up to ten inches that are not smooth
- Water closets centerlines between 18 and 18.5 inches from the near wall
- Single wheelchair accessible (i.e., low) drinking fountains
- Operable parts between 48 and 54 inches or between 9 and 15 inches
- Single, low (i.e., wheelchair accessible) drinking fountains

The County will need to determine, independent of MTC, when *safe harbor* applies.

Consideration of “When Viewed in Its Entirety” Factors

A title II entity must operate each service, program, or activity so that the service, program, or activity, *when viewed in its entirety*, is readily accessible to and usable by individuals with disabilities. The phrase, *when viewed in its entirety*, has been the cause of some confusion and speculation since the Part 35 regulations were adopted. The regulations do not require a public entity to make each of its existing facilities accessible to and usable by individuals with disabilities. That

said, there is not a formula that numerically or proportionally defines how many or which of a public entity's facilities must be made accessible to and usable by people with disabilities, in order to satisfy the *viewed in its entirety* language. In its Title II Regulations 2010 Guidance and Section-by-Section Analysis, the DOJ gives the following explanation of factors to be assessed to determine whether a program is accessible *when viewed in its entirety*:

In determining how many facilities of a multi-site program must be made accessible in order to make the overall program accessible, the standard has always been an assessment of what is reasonable under the circumstances to make the program readily accessible to and usable by individuals with disabilities, taking into account such factors as the size of the public entity, the particular program features offered at each site, the geographical distance between sites, the travel times to the sites, the number of sites, and availability of public transportation to the sites.

As an example, consider a parks and recreation department with 4 swimming pool locations that serves the entire community. Due to geographical distances between pools and considerable travel times to access any of these pools, it might not be reasonable to consider that barriers at any pool could be excepted on the basis that program access, *when viewed in its entirety*, can be achieved by referring an individual to a pool in another location.

Some County offices might have staff who travel to the homes of their clients. To some extent this practice may offset some facility barriers, thereby making a program, *viewed in its entirety*, accessible. At other offices, clients are typically served in areas where access is procedurally limited. Clients are accompanied, escorted, and or assisted in these areas. These policies, procedures, and practices allow barriers to be avoided or otherwise mitigated through methods and means other than structural barrier removal, making a program, *viewed in its entirety*, accessible.

Nevertheless, there are certain barriers that might not be avoided, regardless of assistance provided by staff. For example, protruding objects in circulation paths continue to present potential hazards for individuals who are blind or visually impaired. Where others have access to public restrooms, at least one, fully accessible restroom must be provided for individuals with disabilities, including those who use wheelchairs. Accessible parking, accessible routes from site arrival points (including public sidewalks, public transportation, and accessible parking) to each accessible entrance, and all the way to an accessible reception counter, are necessary to make the services, programs, and activities offered at any location accessible, *when viewed in their entirety*.

The multitude of County trailheads suggests that perhaps it is not necessary to make every trailhead accessible to ensure the County's *natural/open space hiking* program/activity, *when viewed in its entirety*, is accessible to and usable by qualified individuals with disabilities. To determine whether or not this is true, the County must evaluate *the particular program features offered at each site*, such as the presence of streams or ponds, scenic vistas, the distance(s) of the available hike(s), the relative degree of difficulty of the trail(s), as well as any other amenities provided at the trail head. The variety of unique experiences between different County's trails should not be overlooked. Including descriptive details about accessibility to the information on the County website's [Hiking](#) page would be a best practice.

Barriers Not Necessarily Required to Be Removed

It is not necessary to schedule structural barrier removal, where program access, *viewed in its entirety*, is provided in the most integrated setting appropriate to the needs of qualified individuals with disabilities, regardless of built-elements of existing facilities that do not fully adhere to accessible design standards.

While the County's Transition Plan must include these barriers, removal of such barriers is not necessarily required until certain events trigger structural barrier removal. Events that might trigger structural barrier removal include, but are not limited to the following:

- Request for a reasonable accommodation under title I of the ADA
- Alterations to these built elements
- Relocation of a program or repurposing of the space
- General renovation of a facility
- A determination that a barrier was created by new construction or alteration after January 26, 1992, not covered by *safe harbor*
- A specific complaint from the public

It is important to consider a review of any construction, in a title II facility since January 26, 1992. Findings, even those which currently present no barriers to program access, built since that date, must be removed. Any structural barrier that is the subject of a public complaint, unless it can be circumvented through alternative methods or means, must be removed.

Program access may be limited in those circumstances when a public entity can document that a modification in policy or eligibility criteria or architectural barrier removal would result in a fundamental alteration to the program or undue financial and administrative burdens.

In those circumstances where personnel of the public entity believe that the proposed action would fundamentally alter the service, program, or activity or would result in undue financial and administrative burdens, a public entity has the burden of proving that compliance... would result in such alteration or burdens. The decision that compliance would result in such alteration or burdens must be made by the head of the public entity or his or her designee after considering all resources available for use in the funding and operation of the service, program, or activity and must be accompanied by a written statement of the reasons for reaching that conclusion.

Note: if the County determines that a proposed action would cause an undue financial and administrative burden or a fundamental alteration, the County is required to take actions that would nevertheless ensure that individuals with disabilities receive the benefits or services provided by the County.

Conventional Industry Tolerances

The 2010 ADA Standards permit the application of conventional industry tolerances, but no authority is named for defining them. Determining if an element's condition falls into a conventional industry tolerance is up to the entity and its design professionals. Once a set of tolerances are adopted by the County, the application of those tolerances may allow for certain barriers to remain in place. The below sections and advisory are taken directly from the 2010 ADA Standards for further guidance.

104.1 Dimensions. Dimensions that are not stated as "maximum" or "minimum" are absolute.

104.1.1 Construction and Manufacturing Tolerances. All dimensions are subject to conventional

industry tolerances except where the requirement is stated as a range with specific minimum and maximum end points.

Advisory 104.1.1 Construction and Manufacturing Tolerances. Conventional industry tolerances recognized by this provision include those for field conditions and those that may be a necessary consequence of a particular manufacturing process. Recognized tolerances are not intended to apply to design work.

It is good practice when specifying dimensions to avoid specifying a tolerance where dimensions are absolute. For example, if this document requires "1 inches," avoid specifying "1 inches plus or minus X inches."

Where the requirement states a specified range, such as in Section 609.4 where grab bars must be installed between 33 inches and 36 inches above the floor, the range provides an adequate tolerance and therefore no tolerance outside of the range at either end point is permitted.

Where a requirement is a minimum or a maximum dimension that does not have two specific minimum and maximum end points, tolerances may apply. Where an element is to be installed at the minimum or maximum permitted dimension, such as "15 inches minimum" or "5 pounds maximum", it would not be good practice to specify "5 pounds (plus X pounds) or 15 inches (minus X inches)." Rather, it would be good practice to specify a dimension less than the required maximum (or more than the required minimum) by the amount of the expected field or manufacturing tolerance and not to state any tolerance in conjunction with the specified dimension.

Specifying dimensions in design in the manner described above will better ensure that facilities and elements accomplish the level of accessibility intended by these requirements. It will also more often produce an end result of strict and literal compliance with the stated requirements and eliminate enforcement difficulties and issues that might otherwise arise. Information on specific tolerances may be available from industry or trade organizations, code groups and building officials, and published references.

MTC recommends David Kent Ballast's guidance, [Dimensional Tolerances in Construction and for Surface Accessibility](#), on the U.S. Access Board's website. Ballast's, [Handbook of Construction Tolerances \(2nd Edition\)](#) is also a recognized resource for understanding construction tolerances. Design for new construction and alterations should allow for tolerances to ensure that completed construction will comply with ADA Standards. For example, a design standard specifying sidewalk cross slopes at 1.5 percent maximum will ensure that the 0.5 percent tolerance for concrete would still meet the 2.08 percent (1:48) maximum required by the ADA Standards.

Exceptions Allowing Less Than Full Compliance

At times, it may be technically infeasible or structurally impracticable to fully comply with applicable ADA standards. Structurally impracticable applies to new construction which the ADA defines as construction that commenced after

January 26, 1992. Technically infeasible applies to alterations of buildings or facilities that existed prior to January 26, 1992.

Structural Impracticability. Full compliance will be considered structurally impracticable only in those rare circumstances when the unique characteristics of terrain prevent the incorporation of accessibility features.

Technically Infeasible. With respect to an alteration of a building or a facility, something that has little likelihood of being accomplished because existing structural conditions would require removing or altering a load-bearing member that is an essential part of the structural frame; or because other existing physical or site constraints prohibit modification or addition of elements, spaces, or features that are in full and strict compliance with the minimum requirements.

If either of the above-mentioned conditions are deemed by the County to apply to a given barrier, room/space or facility, compliance with the applicable ADA standards is still required to the maximum extent feasible. For example, if it would be technically infeasible to widen a toilet compartment to a size usable by an individual who uses a wheelchair due to the bathroom containing a load bearing wall, the toilet compartment should still be made accessible for individuals who have an ambulatory limitation that does not require the use of a wheelchair. In addition, all other elements within the restroom should be made accessible to the maximum extent feasible. This provision of the ADA exemplifies the reality that not all individuals with a disability use a wheelchair.

Variances that might be allowed under building code do not apply to provisions required by the ADA regulations and ADA Standards. In some instances, variances to building code might be required to fully comply with the ADA. For example, in a multi-user restroom expanding a toilet compartment to meet ADA-required dimensions might necessitate a reduction in the number of fixtures required by building code. When such conflicts arise, careful evaluation of the effect a decision might have, must be made on a case-by-case basis. When a building code variance is not possible, addition of a separate, fully accessible single-user restroom in place of a non-compliant toilet compartment may be required.

Where to Begin

MTC recognizes that the cost of providing access to services, programs, and activities might be very high, when and if the only resolution to provide access involves major renovation or alteration of a facility, to remedy structural barriers. Conversely, in many cases, where difficult-to-mitigate physical barriers exist, methods and means other than architectural barrier removal may be able to provide access to services, programs, and activities at significant cost savings. The intention is to suggest a process by which some number of the costliest to mitigate findings can be eliminated without resorting to architectural barrier removal.

At the same time, demonstrable progress in implementing a transition plan is possible by eliminating many easily mitigated barriers in the short-term. Intrinsic to MTC's suggested net priority for barrier mitigation is the idea that easily eliminated barriers should be addressed as quickly as possible. More complex and difficult to remove barriers will require extended time to organize resources and allocate budgets. Program access may be limited in those circumstances when a public entity can document that a modification in policy or eligibility criteria or architectural barrier removal would result in a fundamental alteration to the program or undue financial and administrative burdens. (See regulatory

language regarding financial and administrative burden in the above section: *Barriers Not Necessarily Required to Be Removed.*)

MTC suggests that the process of beginning the implementation of a transition plan should follow this twofold approach. Begin actions to remove the *low-hanging fruit* immediately. Initiate simultaneous efforts to investigate all potential means to eliminate major physical barriers to access and establish budgets to fund eventual architectural mitigation projects. Separate approaches and schedules are recommended for owned facilities and any leased facilities, if any of the County's programs are provided in leased facilities. *It is prudent to consider the cost of improvements to facilities that are not owned, when terminating a lease and relocating might be more cost effective. Leased facilities may also have barriers that are not directly under your control; barriers for which a landlord is responsible.* In the event the County needs to lease space, even on a temporary basis, to relocate services or programs during ADA-necessitated alterations to County-owned facilities, the ADA requires verification that the space to be leased complies with ADA Standards.

Barriers with Low Mitigation Difficulty (Low-hanging Fruit)

In owned facilities, low difficulty barriers should be addressed as quickly as possible. However, when major renovations at a facility are anticipated, the removal of some low difficulty barriers may be postponed until a renovation is scheduled.

In leased facilities, more time is scheduled even for easily mitigated barriers. Termination of a lease – as an alternative to mitigating these barriers – might or might not be a cost-effective decision. More difficult barriers must consider long-term budgets and landlord cooperation. Efforts to have barriers removed from areas of facilities, such as parking and exterior walkways, for which a landlord bears responsibility, should be initiated at the earliest opportunity. Identification of the responsible party is part of the process. The possibility of lease termination should be considered before beginning any costly barrier removal.

Barriers with High Mitigation Difficulty

Early consideration of findings categorized as having high mitigation difficulty, is a practical approach to allow time to eliminate findings from the transition plan database, through methods and means other than architectural barrier removal.

High priority findings have a *Suggested Net Priority* of 1 to 9. All of these barriers should be considered first, to determine whether relocation of a program or methods or means other than architectural barrier removal can resolve program access issues. The potential cost justifies the time and scrutiny necessary to identify alternative methods and means of resolving these findings.

It is apparent that modification of policies, practices, and procedures may go a long way to ensure program access through methods and means other than architectural barrier removal.

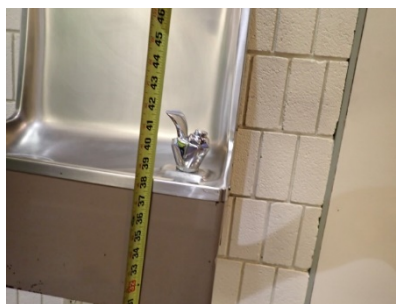
TYPICAL BARRIERS FOUND IN COUNTY FACILITIES

Below are typical findings that MTC identified during the onsite assessment in County facilities. This is not an exhaustive list of typical findings. All non-compliant findings are provided in the TPD.

Typical Low Mitigation Difficulty Barriers

Typical Observation: Protrusions throughout facilities

2010 ADA Standards Reference: 307

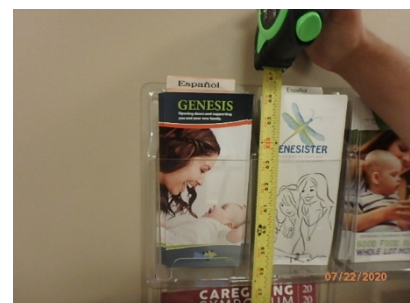
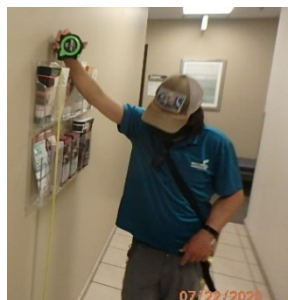


Typical Observation: Door opening force is more than 5 pounds

2010 ADA Standards Reference: 404.2.9

Typical Observation: Operable parts are not located within reach range

2010 ADA Standards Reference: 308



Typical Observation: Toilet paper dispenser is mounted in the wrong location

2010 ADA Standards Reference: 604.7



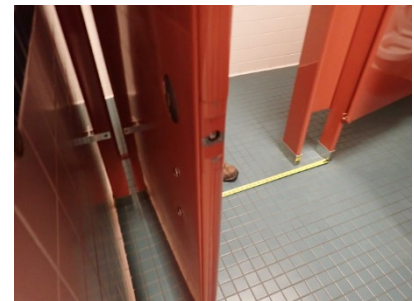
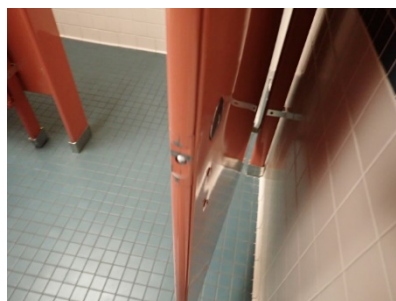
Typical Observation: Mirrors are mounted too high

2010 ADA Standards Reference: 603.3



Typical Observation: Toilet compartment door does not have a pull handle on both sides of the door

2010 ADA Standards Reference: 604.8.1.2



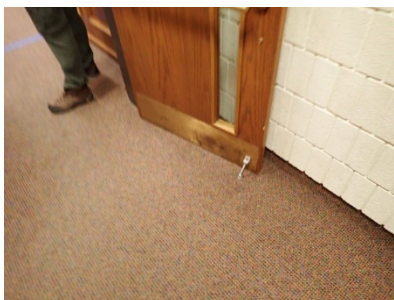
Typical Observation: Toilet seat too low/too high.

2010 ADA Standards Reference: 604.4



Typical Observation: Smooth surface not provided bottom 10 inches of door.

2010 ADA Standards Reference: 404.2.10



Typical Observation: Grab bar position is not compliant

2010 ADA Standards Reference: 604.5

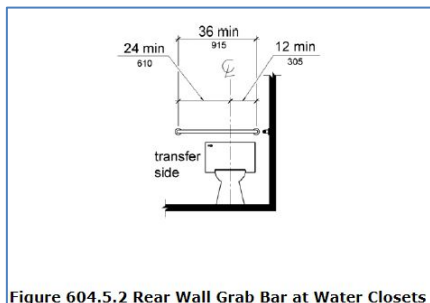


Figure 604.5.2 Rear Wall Grab Bar at Water Closets

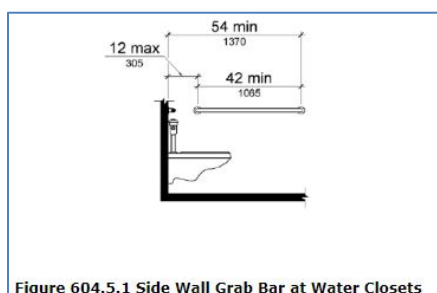
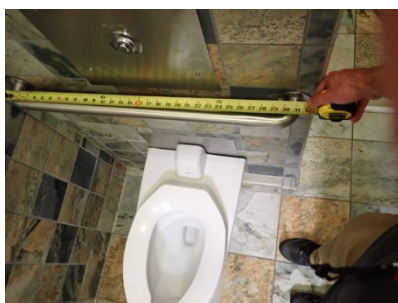


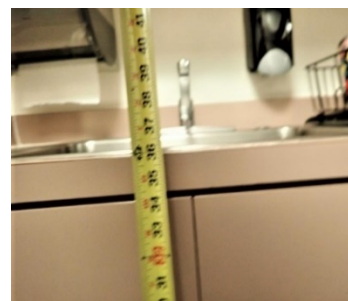
Figure 604.5.1 Side Wall Grab Bar at Water Closets



Typical Moderate Mitigation Difficulty Barriers

Typical Observation: Lavatory height and depth of knee clearance are not compliant

2010 ADA Standards Reference: 606



Typical Observation: Toilet sidewall to centerline is not compliant

2010 ADA Standards Reference: 604.2

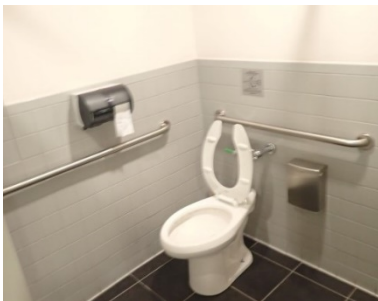


Typical Observation: High and low drinking fountain is not provided

2010 ADA Standards Reference: 211.2

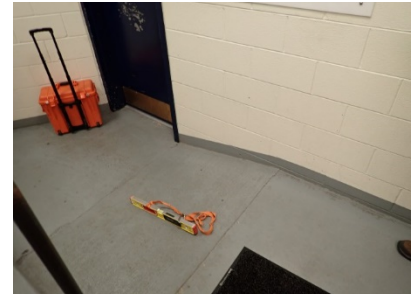


Typical Observation: Flush controls are located on the wrong/narrow side of the toilet **2010 ADA Standards** 604.6



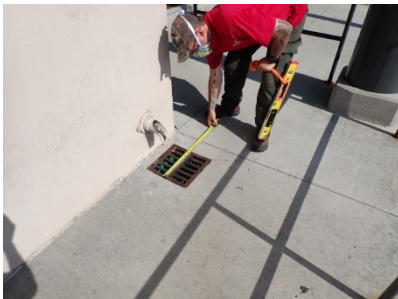
Typical Observation: Ramps missing handrails

2010 ADA Standards Reference: 405.8, 505



Typical Observation: Openings in floor/ground surfaces allow passage of a sphere more than 1/2-inch diameter

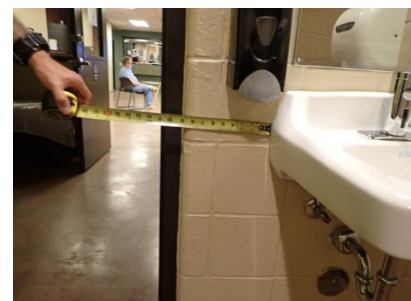
2010 ADA Standards Reference: 302.3



Typical High Mitigation Difficulty Barriers

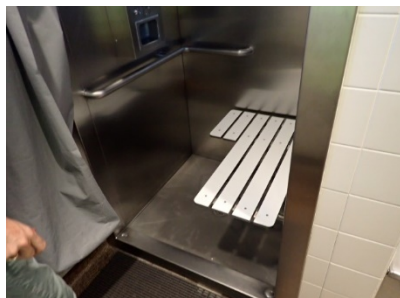
Typical Observation: Door maneuvering clearance is not compliant

2010 ADA Standards Reference: 404.2.4



Typical Observation: Inaccessible shower compartments

2010 ADA Standards Reference: 213.3.6, 608& 610



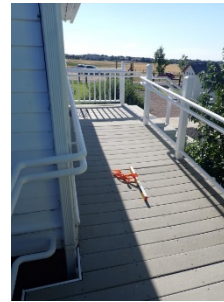
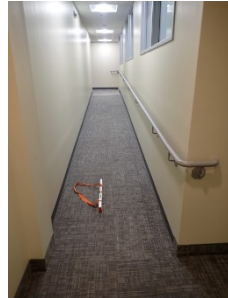
Typical Observation: Inaccessible restrooms.

2010 ADA Standards Reference: 213.2, 604



Typical Observation: Ramps with slopes too steep.

2010 ADA Standards Reference: 405.2



TYPICAL BARRIERS FOUND AT COUNTY TRAILHEADS

Below are typical barriers that MTC identified during the onsite assessment in County trailheads.

Typical Low Mitigation Difficulty Barriers

Typical Observation: No designated accessible parking spaces/access aisles are marked/signed

2010 ADA Standards Reference: 208, 502.3.3, 502.6



Typical Observation: Protrusions throughout facilities

2010 ADA Standards Reference: 307



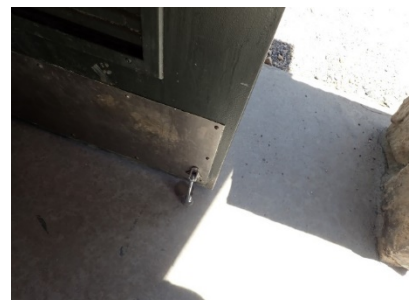
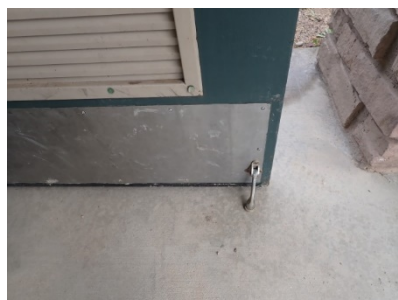
Typical Observation: Operable parts are mounted above reach range, reach range is obstructed, or clear ground space is not provided

2010 ADA Standards Reference: 308, 309



Typical Observation: Fixed doorstop obstructs the smooth surface of the bottom 10 inches on the push side of the door

2010 ADA Standards Reference: 404.2.10



Typical Observation: No trailhead signs that include trail length, surface type, typical & minimum tread width, & typical & maximum running & cross slopes

ABAAS/ODA Reference: 1017.10



Typical Observation: Grab bar position is not compliant

2010 ADA Standards Reference: 604.5

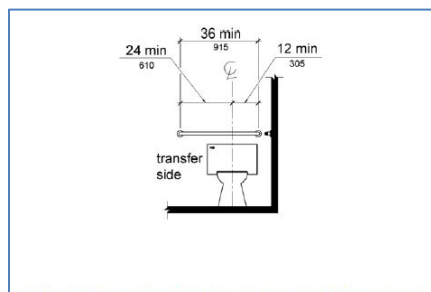


Figure 604.5.2 Rear Wall Grab Bar at Water Closets

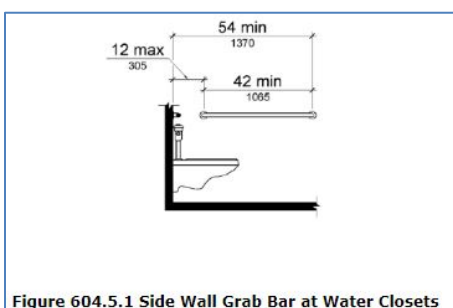
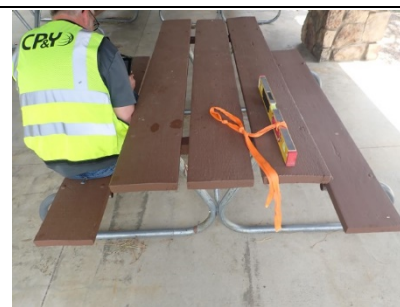


Figure 604.5.1 Side Wall Grab Bar at Water Closets



Typical Observation: Wheelchair spaces not provided at picnic tables

ABAAS/ODA 1011.4.2



Typical Moderate Mitigation Difficulty Barriers

Typical Observation: Vertical changes in level greater than ½-inch beveled

2010 ADA Standards Reference: 303.2



Typical Observation: Portable toilet compartment too narrow

2010 ADA Standards Reference: 604.8.1.1



Typical Observation: Fire ring or grill (cooking surfaces) too low

ABAAS/ODA Reference: 1011.5.2.



Typical High Mitigation Difficulty Barriers

Typical Observation: Gravel surface of designated accessible parking spaces is not stable, firm, and slip resistant

2010 ADA Standards Reference 502.4, 302.1



Typical Observation: Maximum slope of designated accessible parking spaces is too steep

2010 ADA Standards Reference: 502.4





Typical Observation: Walking surfaces with running and cross slopes too steep

2010 ADA Standards Reference: 403.3



TRANSITION PLAN DEVELOPMENT

MTC's scope of work was limited to a survey of identified County facilities/buildings and trailheads. MTC identified *as-is* conditions in those facilities that were not consistent with the scoping and technical provisions of the 2010 ADA Standards for Accessible Design and other accessibility guidelines.

MTC's TPD is merely the beginning of the process by which the County's Transition Plan will be developed, adopted, and implemented by Boulder County. MTC recommends that the County carefully consider if it needs to mitigate each finding, based on program access discoveries made in its Self-evaluation.

MTC recommends that the County apply knowledge gained from its Self-evaluation to determine whether it would be better – more cost-effective – to resolve some of the structural findings in MTC's TPD through methods and means other than architectural barrier removal.

Boulder County, with participation of people with disabilities or organizations representing them, must expand the scheme for completing mitigation of findings and assigning the responsibility for implementing the plan. Mitigation of findings in facilities alone, outside of the context of the accessibility of the County's programs, policies, and practices, cannot ensure the absence of prohibited discrimination based on disability. Discoveries made through the Self-evaluation will be included in the final report. MTC will continue to be available to the County to provide further consultation on development of its Transition Plan.

CONCLUSIONS

First and foremost, title II entities must ensure that their services, programs, and activities, when viewed in their entirety are accessible to and usable by qualified individuals with disabilities. Every effort to eliminate barriers through alternative methods and means or through architectural barrier removal must be made to implement an effective transition plan. More than one quarter of all findings in previous MTC facility surveys could have been potentially deferred until triggered by certain events, as these identified architectural deficiencies did not affect program access. Elimination of *low-hanging fruit* and long-term planning for high mitigation difficult barriers should begin immediately.

Second, regardless of program access, all architectural barriers caused by alterations or new construction must be structurally eliminated. Such architectural deficiencies in alterations or new construction have been prohibited since January 26, 1992. In addition, if any programs have been located or moved to inaccessible facilities, since that date, architectural barriers in those facilities must be removed or the programs must be relocated to other sites and locations that are compliant with the 2010 ADA Standards. Research to identify dates of construction, origination of leases, and renewal of leases is a required component of a transition plan.

Third, budgetary and logistical considerations make immediate removal of all barriers impossible. The information provided in an MTC transition plan database – which can be sorted and filtered in many ways, allows short-term, mid-term, and long-term planning that can be spread across several fiscal years.

Finally, to the extent that facilities have been altered, built, or leased that are not compliant with the relevant standards for accessible design (i.e., the Uniform Federal Accessibility Standards, the 1991 ADA Accessibility Guidelines, or the 2010 ADA Standards), policies, procedures, and practices must be developed to avoid future deficiencies. Training, for key individuals responsible for designing new facilities, renovating existing facilities, or negotiating leases for additional facilities, is essential and will be provided to the County by MTC in the near future. It is as important to prevent the construction or acquisition of new barriers as it is to remove those that currently exist.

Appendix B. Executive Summary – County Fairgrounds Facilities

DRAFT

Boulder County, Colorado

Executive Summary – County Fairgrounds Facilities

February 24, 2021

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INTRODUCTION

Design Workshop, Inc. (DWI) contracted Meeting the Challenge Inc. (MTC) to conduct an on-site review of compliance with the Americans with Disabilities Act (ADA) at the Boulder County (County) Fairgrounds. This report includes an analysis of the data collected at 15 facilities on the County Fairgrounds site, identifying and describing barriers, applicable sections of the 2010 ADA Standards for Accessible Design (ADA Standards) or the Architectural Barriers Act Accessibility Standards (ABAAS) for Outdoor Developed Areas (ODA), and priorities for barrier removal as recommended by the Department of Justice (DOJ). The County plans to incorporate the subsequent data collection of findings for elements which are not consistent with the scoping and technical provisions of the ADA Standards or ABAAS/ODA into its Transition Plan.

Transition Plan Requirements

Regulations require a Transition Plan when physical changes to facilities are necessary to achieve program accessibility. The ADA is a civil rights law intended to include people with disabilities in the day-to-day life of American communities. To envision the ADA as an architectural code would be short-sighted. It is more than a list of findings to be fixed.

A Transition Plan must provide a path to a future that is accessible and inclusive for everyone. Like any plan, it should set objectives based on priorities that create realistic time-sensitive goals. The document should set “forth the steps necessary to complete such changes” ([§35.150\(d\)\(1\)](#)). Regulations originally required public entities with 50 or more employees to develop a Transition Plan “within six months of January 26, 1992”. Structural changes were expected to “be made within three years of January 26, 1992, but in any event as expeditiously as possible” ([§35.150\(c\)](#)).

The transparency of the Transition Plan process is essential to giving ownership of the plan to all stakeholders. Inherent to the motto of many in the disability community, “nothing about us, without us,” is the understanding that members of society (other than people with disabilities), are not better informed or situated, than people with disabilities, themselves to make decisions about or for people with disabilities. The participation by people with disabilities or organizations representing them in the formal adoption of a Transition Plan is essential.

The regulation clearly states: A public entity shall provide an opportunity to interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the development of the Transition Plan by submitting comments. A copy of the Transition Plan shall be made available for public inspection ([§35.150\(d\)\(1\)](#)).

A Transition Plan, per title II regulation ([§35.150\(d\)\(3\)](#)) must at minimum:

- Identify physical obstacles in the public entity's facilities that limit the accessibility of its programs or activities to individuals with disabilities;
- Describe in detail the methods that will be used to make the facilities accessible;
- Specify the schedule for taking the steps necessary to achieve compliance with this section and, if the time period of the transition plan is longer than one year, identify steps that will be taken during each year of the transition period; and
- Indicate the official responsible for implementation of the plan.

REPORT

The collection of data and the subsequent findings from the 15 facilities surveyed by MTC have been listed in a Transition Plan data-table (TPD). The TPD was produced by MTC to identify structural conditions in the County's

facilities that present or might present barriers preventing or limiting the opportunity of people with disabilities to access the County's services, programs, and activities.

This report summarizes the process by which the underlying data table was developed. It describes how the data was gathered and analyzed and recommends how the findings should be used. The TPD also includes general recommendations for structural mitigation of each finding.

The TPD includes the preliminary information necessary to the development of a Transition Plan. Neither the TPD nor this summary or the combination of the two constitutes a Transition Plan. The intention is to provide an overview of the data and findings in the TPD. It is not intended as a narrative list of those findings.

The County must align any decisions about which of these findings should be mitigated, how they should be mitigated, and when they should be mitigated. This should be done in conjunction with its Self-evaluation of programs, policies, and practices delivered at the Fairgrounds.

The final section of this report will discuss the next steps necessary to create a Transition Plan based on the TPD.

Facilities Audited

The facilities at the Fairgrounds covered by this report are:

- Barn A
- Barn B
- Barn C
- Barn D
- Barn E
- Campground/RV Park Office Building
- Clover Building
- Exhibit Building
- Exterior (North Boston Vehicle/Pedestrian entry, ---South side of site)
- Fairground Management Office (Affolter House-Historic)
- Indoor Arena
- Jack Murphy Arena
- Natural Resources Building - CSU Extension
- Outdoor Arena behind Jack Murphy Arena
- Warm Up Area - SW of Jack Murphy Arena

SYNTHESIS OF PROGRAM ACCESS EVALUATION AND THE TRANSITION PLAN

When considering the large number of physical deficiencies discovered in the Fairground facilities, it is critical to be aware that all barriers are not created equal. Based on the regulatory requirements, the first barriers that must be identified in the Self-evaluation and Transition Plan processes are those that prevent access to services, programs, and activities, when viewed in their entirety. Next, those barriers that were created by new construction and/or alterations must be identified. Finally, those barriers that exist, and have existed since prior to the ADA, that currently present no barrier to program access, must be listed in the Transition Plan even when there is no current requirement for their removal. Due to the nature of services and activities delivered at the Fairgrounds and the fact that virtually all venues and facilities on the site are open to the public, very few findings at the site are not or might not limit or prevent access to and participation in County programs. At the time of this writing, approximately 13 findings of conditions which are not consistent with accessibility requirements are pending the County's

determination of the need to provide program access. All are in locations labeled by MTC data collectors as either *Tenant Common* or *Employee Common*, indicating that data collectors could not independently determine whether these spaces would typically be accessed or used by the public.

The objective of this report is not necessarily to prescribe, for each finding listed, the precise means by which the County should mitigate each barrier. Rather, the objective here is to identify potential barriers and develop a process for deciding when and if a given barrier can be mitigated through methods or means other than an architectural remedy. The regulations do not necessarily require a public entity to make each of its facilities accessible. Public entities must make each of their services, programs, and activities, when viewed in their entirety accessible to and usable by qualified individuals of all abilities, including those individuals who use wheelchairs or other mobility devices. The DOJ's [2010 Guidance and Section-by-Section Analysis](#) of the regulations, while providing no mathematical or formulaic definition of *viewed in their entirety*, does provide the following, non-exhaustive list of factors to apply in deciding whether programs are accessible, when viewed in their entirety:

- size of the public entity
- the specific features of the program offered at each site
- the geographical distance between sites
- the travel times to the sites
- the number of sites
- availability of public transportation to the sites

Practical Approach to Priority

Table 1 shows the numbers and percentages of findings by degree of intrinsic priority and estimated mitigation difficulty. Findings in the cells shaded orange (the **orange** zone), to the upper left, are those that MTC recommends be addressed first. Findings in the cells shaded light blue (the **blue** zone), to the lower right, are those that can wait the longest.

Table 1 – Summary of Findings					
Intrinsic Priority	Mitigation Difficulty				
	3-Low	2-Moderate	1-High	Total	
1-Entry	46	60	27	133	20.6%
2-Services	77	45	12	134	21.0%
3-Restrooms	259	67	27	353	54.6%
4-Other	19	6	0	25	3.8%
Total	401	178	66	645	100%
	62.2%	27.6%	10.2	100%	
	487	86	66	6	645
	75.5%	13.3%	10.2%	1.0%	100%



A transition plan must list barriers for which *structural changes to facilities will be undertaken to achieve program accessibility* ([§ 35.150\(d\)\(1\)](#)). County staff is reviewing all original findings to identify those findings which do not currently or potentially present barriers to program access. Following this assessment, the original 647 findings could be reduced to 634 findings for which structural changes to facilities will be undertaken to achieve program access. Title II regulations make it clear that public entities are not required to make all facilities fully accessible ([§ 35.150\(a\)\(1\)](#)).

Barriers to Program Access

MTC defines findings as any element or feature of a facility having one or more attributes which are not consistent with the scoping and/or technical provisions of the ADA Standards or other guidelines for accessibility recognized as best practices. Findings which exist in rooms or spaces, where public access is not supervised or monitored by a public entity, and prevent or might prevent access to a service, program, or activity, are barriers to program access. These barriers have the highest priority for mitigation. When structural barrier removal is not a feasible, short-term option, mitigation of the barrier must be accomplished through alternative methods or means as soon as possible.

Barriers in rooms or spaces, where public access is not supervised or monitored by a public entity, are typically found in parking facilities, exterior walkways, facility entrances, at reception counters in lobby areas, and public restrooms. In rooms or spaces where staff of a public entity are present, such as offices delivering social services, procedural measures to provide program access, for individuals with disabilities, can often mitigate findings without physical barrier removal. When qualified individuals with disabilities can independently access public programs, in the most integrated setting appropriate to their needs, through reasonable modifications of policies, alternative venues or online access, architectural barrier removal may not be necessary.

During MTC's audit of the Fairgrounds, data collectors identified almost all areas as being open to unsupervised public access.

Where Can Facility Barriers Be Eliminated?

Most public entities expect a public presence in most of their facilities at some time. But some facilities and some areas of other facilities are off-limits to the public. In some areas of public buildings, public access is restricted at certain times or not allowed at all without supervision or escort by a public employee. Locations having such restrictions might include police facilities or even the offices of workers such as social service counselors. However, even in these areas there may be some spaces where physical barriers prevent or at least limit the full and equal participation of qualified individuals with disabilities. For example, at a public swimming pool, where staff supervision is present, the absence of a compliant pool lift or sloped entry to the pool might prevent program access. Lifting an individual from their wheelchair and carrying them into a swimming pool is not an acceptable means of providing program access. Another example would be a restroom within a public supervised area of a facility. When a restroom in a public supervised area is available for use by other members of the public, it must be accessible to and usable by individuals with disabilities, including people who use wheelchairs. Title II regulations do not require County employees to provide services of a personal nature including assistance in eating, toileting, or dressing, to individuals with disabilities.

When individuals are escorted by public employees into offices or meeting rooms and assistance with doors is provided or meetings can be held in an alternate space, rather than the employee's cubicle, then program access is being provided. In residential programs where clients are always accompanied or escorted by staff, reach ranges and slopes that might otherwise be critical barriers, are generally not barriers to program access.

However, barriers such as protruding objects in circulation paths or alarm systems lacking a visible component may still be considered barriers to program access even in public supervised areas. Protrusions in circulation paths which cannot be seen by individuals who are blind and alarms which cannot be heard by individuals who are deaf continue to present barriers to program access, as well as safety risks, even when individuals are provided with assistance. The safety risks may raise concerns in emergencies.

Limitations of This Analysis

New construction and alterations to existing facilities completed since January 26, 1992, regardless of program access evaluation, must comply with the accessible design standards in effect at the time of construction.

In determining the site or location of a facility – in essence the location of a program – public entities are prohibited from *making selections that have the effect of excluding individuals with disabilities from those facilities, denying them the benefits of those facilities, or otherwise subjecting them to discrimination* (§ [35.130](#)(b)(4)).

Barriers in New Construction and Alterations

MTC, per DOJ emphasis in title II settlement agreements, regards barriers in new construction or alterations to existing facilities as the next highest priority. In Project Civic Access settlement agreements, the DOJ states that public entities are required “to ensure that facilities for which construction or alteration was begun after January 26, 1992, are readily accessible to and usable by people with disabilities, in accordance with 1) the Department of Justice’s (DOJ) title II regulation and 2) the 1991 ADA Standards or UFAS, or the 2010 ADA Standards, as applicable, 28 C.F.R. § 35.151.” Obviously, listing of these barriers was not considered in the original requirements for a Transition Plan. Construction completed after January 26, 1992, and prior to March 15, 2012, consistent (to the *maximum extent feasible*) with either the 1991 ADA Standards or the Uniform Federal Accessibility Standards, has safe harbor.

Nevertheless, despite all good intentions to the contrary, existing facilities have been altered and new facilities built which do not comply with any of the referenced standards. These *post-ADA* barriers must be included in an updated Transition Plan. Regardless of whether these deficiencies present current or imminent barriers to program access, a public entity is required to structurally correct these barriers. New construction or alterations to existing facilities, which do not comply with any of the referenced standards, are separate violations of the ADA regulations.

Path of Travel

At times, alterations can also trigger the “path of travel” provision of the ADA. This provision requires that any alterations, initiated after January 26th, 1992, which affect or could affect the usability or access to a primary function area of a facility must also include resolving accessibility deficiencies along the path of travel to the altered area. Examples of items included in this “path of travel”, per 28 C.F.R. § [35.151](#) (4), are: walks and sidewalks, curb ramps, parking areas, corridors and restrooms. A primary function of a facility is a major activity for which the facility is intended. Examples include: the dining area of a cafeteria, the meeting rooms in a conference center, as well as offices and other work areas in which the activities of the public entity using the facility are carried out. Alterations to comply with the ADA along the path of travel are only required to the level of disproportionally. Disproportionally is reached when the cost of alterations to path of travel elements exceed 20 percent of the cost of the alteration to the primary function area.

It is important for the County to examine any alterations undertaken by the County, that took place after January 26th, 1992, to owned facilities that may have triggered the “path of travel” provision. Alterations that were required to take place under this provision, which did not, are required to be executed regardless of program access implications. It is important to note that alterations undertaken for the sole purpose of improving or meeting accessibility requirements of the ADA do not trigger the “path of travel” requirement.

MTC is not able to determine independently whether the barriers identified by this audit of the Fairground facilities existed before January 26, 1992. Nor is MTC able to determine independently where barriers which existed at the time of an alteration, since that date, would have triggered the path of travel requirement. Therefore, the County would be prudent to investigate the dates of alterations in its facilities that may have triggered removal of barriers

even when those barriers did not limit or prevent access to its services, programs, or activities. These conditions often exist in employee only areas of facilities that have been renovated since January 26, 1992. MTC recommends that barriers which can be remedied with little difficulty or expense be scheduled in the Transition Plan whether remedies would have been within the scope of previous alterations or not. The priority of these barriers, though lower than the removal of barriers to program access, is not immaterial.

Safe Harbor, New Construction, and Alterations

Safe harbor refers to:

Elements that have not been altered in existing facilities on or after March 15, 2012, and that comply with the corresponding technical and scoping specifications for those elements in either the 1991 Standards or in the Uniform Federal Accessibility Standards (UFAS), Appendix A to 41 CFR part 101–19.6 (July 1, 2002 ed.), 49 FR 31528, app. A (Aug. 7, 1984) are not required to be modified in order to comply with the requirements set forth in the 2010 Standards (§ [35.150](#)(b)(2)(i)).

Identification of elements having safe harbor is not possible, in the absence of specific, detailed information as to the dates and locations of construction and alterations to facilities. Typically, there are a limited number of elements having *as-is* conditions that adhere to previous standards that would not also be compliant with the 2010 ADA Standards. Most of the elements, for which safe harbor may be applied, have relatively low mitigation difficulty. Among the features that may qualify for safe harbor are the following:

- Surfaces of doors up to ten inches that are not smooth
- Water closets centerlines between 18 and 18.5 inches from the near wall
- Single wheelchair accessible (i.e., low) drinking fountains
- Operable parts between 48 and 54 inches or between 9 and 15 inches

The County must determine, independent of MTC, when safe harbor applies based on construction dates. To claim safe harbor for an element the County must have evidence that the element in question was built/alterd prior to March 15, 2012. Safe harbor *does not apply to those elements in existing facilities that are subject to supplemental requirements (i.e., elements for which there are neither technical nor scoping specifications in the 1991 Standards)* (§ [35.150](#)(b)(2)(ii)).

Consideration of “When Viewed in Its Entirety” Factors

A title II entity must operate each service, program, or activity so that the service, program, or activity, *when viewed in its entirety*, is readily accessible to and usable by individuals with disabilities. The phrase, *when viewed in its entirety*, has been the cause of some confusion and speculation since the Part 35 regulations were adopted. The regulations do not require a public entity to make each of its existing facilities accessible to and usable by individuals with disabilities. That said, there is not a formula that numerically or proportionally defines how many or which of a public entity’s facilities must be made accessible to and usable by people with disabilities, in order to satisfy the *viewed in its entirety* language. In its [Title II Regulations 2010 Guidance and Section-by-Section Analysis](#), the DOJ gives the following explanation of factors to be assessed to determine whether a program is accessible *when viewed in its entirety*:

In determining how many facilities of a multi-site program must be made accessible in order to make the overall program accessible, the standard has always been an assessment of what is reasonable under the circumstances to make the program readily accessible to and usable by

individuals with disabilities, taking into account such factors as the size of the public entity, the particular program features offered at each site, the geographical distance between sites, the travel times to the sites, the number of sites, and availability of public transportation to the sites.

For example, consider a large community with five swimming pools that serve the entire County. Due to geographical distances between the pools and considerable travel times to access any of these pools, it is not reasonable to consider that barriers at any one pool could be excepted on the basis that program access, *when viewed in its entirety*, can be achieved by referring an individual to an (accessible) pool in another location.

Some County offices may have staff who travel to the homes of their clients. To some extent this practice could offset some facility barriers, thereby making a program, *viewed in its entirety*, accessible. At other offices, clients are typically served in areas where access is procedurally limited. Clients are accompanied, escorted, and or assisted in these areas. These policies, procedures, and practices allow barriers to be avoided or otherwise mitigated through methods and means other than structural barrier removal, making a program, *viewed in its entirety*, accessible.

Nevertheless, there are certain barriers that might not be avoided, regardless of assistance provided by staff. For example, protruding objects in circulation paths continue to present potential hazards for individuals who are blind or visually impaired. Where others have access to public restrooms, at least one fully accessible restroom must be provided for individuals with disabilities, including those who use wheelchairs. Accessible parking, accessible routes from site arrival points (including public sidewalks, public transportation, and accessible parking) to each accessible entrance, and all the way to an accessible reception counter, are necessary to make the services, programs, and activities offered at any location accessible, *when viewed in their entirety*.

It is apparent, based on MTC's on-site observations and conversations with County staff, that most (if any) programs offered by the County at the Fairgrounds are not delivered or offered at any other location.

Barriers Not Necessarily Required to Be Removed

It is not necessary to schedule structural barrier removal, where program access, *viewed in its entirety*, is provided in the most integrated setting appropriate to the needs of qualified individuals with disabilities, regardless of built-elements of existing facilities which are not consistent with accessible design standards.

While a Transition Plan must list these (potential) barriers, removal of such barriers is not necessarily required until certain events trigger structural barrier removal. Events that might trigger structural barrier removal include, but are not limited to the following:

- Request for a reasonable accommodation under title I of the ADA
- Alterations to these built elements
- Relocation of a program or repurposing of the space
- General renovation of a facility
- A determination that a barrier was created by new construction or alteration after January 26, 1992, not covered by safe harbor
- A specific complaint from the public

It is important to consider a review of any construction, in a title II facility since January 26, 1992. Findings that do not currently present barriers to program access, built since that date, must be removed. Any structural barrier that is the subject of a public complaint, unless it can be circumvented through alternative methods or means, must be removed.

Program access may be limited in those circumstances when a public entity can document that a modification in policy or eligibility criteria or architectural barrier removal would result in a fundamental alteration to the program or undue financial and administrative burdens.

In those circumstances where personnel of the public entity believe that the proposed action would fundamentally alter the service, program, or activity or would result in undue financial and administrative burdens, a public entity has the burden of proving that compliance... would result in such alteration or burdens. The decision that compliance would result in such alteration or burdens must be made by the head of the public entity or his or her designee after considering all resources available for use in the funding and operation of the service, program, or activity and must be accompanied by a written statement of the reasons for reaching that conclusion. ([§ 35.150\(a\)\(3\)](#))

It is important to note that, if the County determines a proposed action would cause an undue financial and administrative burden or a fundamental alteration, the County is required to take actions that would nevertheless ensure that individuals with disabilities receive the benefits or services provided by the County.

Conventional Industry Tolerances

The 2010 ADA Standards permit the application of conventional industry tolerances, but no authority is named for defining them. Determining if an element's condition falls into a conventional industry tolerance is up to the County and DWI. Once a set of tolerances are adopted by the County, the application of those tolerances may allow for certain barriers to not be removed. The below sections and advisory are taken directly from the 2010 ADA Standards for further guidance.

104.1 Dimensions. Dimensions that are not stated as "maximum" or "minimum" are absolute.

104.1.1 Construction and Manufacturing Tolerances. All dimensions are subject to conventional industry tolerances except where the requirement is stated as a range with specific minimum and maximum end points.

Advisory 104.1.1 Construction and Manufacturing Tolerances. Conventional industry tolerances recognized by this provision include those for field conditions and those that may be a necessary consequence of a particular manufacturing process. Recognized tolerances are not intended to apply to design work.

It is good practice when specifying dimensions to avoid specifying a tolerance where dimensions are absolute. For example, if this document requires "1 inches," avoid specifying "1 inches plus or minus X inches."

Where the requirement states a specified range, such as in Section 609.4 where grab bars must be installed between 33 inches and 36 inches above the floor, the range provides an adequate tolerance and therefore no tolerance outside of the range at either end point is permitted.

Where a requirement is a minimum or a maximum dimension that does not have two specific minimum and maximum end points, tolerances may apply. Where an element is to be installed at the minimum or maximum permitted dimension, such as "15 inches minimum" or "5 pounds maximum", it would not be good practice to specify "5 pounds (plus X pounds) or 15 inches

(minus X inches)." Rather, it would be good practice to specify a dimension less than the required maximum (or more than the required minimum) by the amount of the expected field or manufacturing tolerance and not to state any tolerance in conjunction with the specified dimension.

Specifying dimensions in design in the manner described above will better ensure that facilities and elements accomplish the level of accessibility intended by these requirements. It will also more often produce an end result of strict and literal compliance with the stated requirements and eliminate enforcement difficulties and issues that might otherwise arise. Information on specific tolerances may be available from industry or trade organizations, code groups and building officials, and published references.

MTC recommends Ken Ballast's [Handbook of Construction Tolerances](#), 2nd Edition (March 2007), as an excellent guide for determining acceptable construction tolerances. Ballast also wrote ["Dimensional Tolerances in Construction and for Surface Accessibility"](#), for the U.S. Access Board.

Exceptions Allowing Less Than Full Compliance

At times, it may be technically infeasible or structurally impracticable to fully comply with applicable ADA standards. *Structurally impracticability* applies to new construction which the ADA defines as construction that commenced after January 26, 1992. *Technically infeasible* applies to alterations of buildings or facilities that existed prior to January 26, 1992.

Structural Impracticability. Full compliance will be considered structurally impracticable only in those rare circumstances when the unique characteristics of terrain prevent the incorporation of accessibility features. ([§ 35.151\(a\)\(2\)](#))

Technically Infeasible. With respect to an alteration of a building or a facility, something that has little likelihood of being accomplished because existing structural conditions would require removing or altering a load-bearing member that is an essential part of the structural frame; or because other existing physical or site constraints prohibit modification or addition of elements, spaces, or features that are in full and strict compliance with the minimum requirements. ([ADA Standards 106.5 Defined Terms](#).)

If either of the above-mentioned conditions are deemed by the County to apply to a given barrier, room/space or facility, compliance with the applicable ADA standards is still required to the maximum extent feasible. For example, if it would be *technically infeasible* to widen a toilet compartment to a size usable by an individual who uses a wheelchair due to the bathroom containing a load bearing wall, the toilet compartment must still be made accessible for individuals who have an ambulatory impairment, if possible. In addition, all other elements within the restroom should be made accessible to the maximum extent feasible. This provision of the ADA exemplifies the reality that not all individuals with a disability use a wheelchair.

In addition, places of historical significance are not required to remove barriers that would "threaten or destroy" their historic significance. To be considered a historically significant site the building must be "eligible for listing in the National Register of Historic Places under the National Historic Preservation Act or... designated as historic under State or local law." If the County asserts that the act of removing a barrier at a historical property would "threaten or destroy" historical significance, adherence to the applicable standards is still required to the maximum extent feasible and program access must still be provided.

Where to Begin

MTC recognizes that the cost of providing access to services, programs, and activities might be very high, when and if the only resolution to provide access involves major renovation or alteration of a facility, to remedy structural barriers. Conversely, in many cases, where difficult-to-mitigate physical barriers exist, methods and means other than architectural barrier removal may be able to provide access to services, programs, and activities at significant cost savings. The intention is to suggest a process by which some number of the costliest to mitigate findings can be eliminated without resorting to architectural barrier removal.

At the same time, demonstrable progress in implementing a Transition Plan is possible by eliminating many easily mitigated barriers in the short-term. Intrinsic to MTC's recommended priorities for barrier mitigation is the idea that easily eliminated barriers, i.e., *low-hanging fruit*, should be addressed as quickly as possible. More complex and difficult to remove barriers will require extended time to organize resources and allocate budgets. Obviously, renovations at the Fairgrounds are already planned. Redesign and construction in areas where barriers have been identified should strive to provide access to those areas to the maximum extent feasible.

MTC suggests that the process of beginning the implementation of a Transition Plan should follow this twofold approach. Begin actions to remove the *low-hanging fruit* immediately. Initiate simultaneous efforts to investigate all potential means to eliminate major physical barriers to access and establish budgets to fund eventual architectural mitigation projects.

Barriers with Low Mitigation Difficulty (Low-Hanging Fruit)

Low difficulty barriers should be addressed as quickly as possible. However, when major renovations at a facility are anticipated, the removal of some low difficulty barriers may be postponed until a renovation is scheduled. Many of these barriers can be managed as in-house maintenance or repair activities. However, the County should take care that incremental adjustments or repairs do not result in wasted effort that will be removed by subsequent renovation to a facility. In some cases, where multiple attributes of an element are not compliant, it will not be possible to make the element accessible without addressing all the attributes. For example, if a side grab bar's location is too high and too far from the back wall, its diameter is too small, and it is too short, then no amount of relocation can fix the deficiency without first acquiring a new grab bar between 1.25 and 2 inches in diameter and 42 inches long minimum. That said, in this study, many side grab bars were identified which were compliant grab bars installed in the wrong location.

For example, while striping the access aisle and trimming tree branches that overhang a designated accessible parking space south of the first floor entry to the Clover Building could be easily accomplished, fixing the 3 percent cross slope of the access aisle will be much more difficult.

When maintenance and repair activities are used to resolve barriers to program access, document these actions in the Transition Plan to track progress. Evidence of the adoption and implementation of a Transition Plan may be critical in the event of investigation of complaints or litigation.

Barriers with High Mitigation Difficulty

It is practical for the County to consider, early in its deliberations, findings categorized as having high mitigation difficulty. This will allow time to eliminate findings from the Transition Plan Database (TPD) where methods and means other than architectural barrier removal can be equally effective to provide programmatic access for qualified people of all abilities.

In the TPD, Program Scores are abstract calculations factoring the intrinsic risk (need for removal), the expected public use of the space, and the relative difficulty of mitigating the barrier. These scores range from 1 to 8, where 1 represents a high priority and 8 represents a low priority for barrier removal. The number of findings that fall within each Program Score is shown in the **Table 2**:

Table 2 – Number of Findings by Program Score								
Program Score	1	2	3	4	5	6	7	8
# of Findings	46	134	68	274	87	32	3	1

Barriers in spaces used by the public, in particular outdoor spaces, such as arenas, typically unsupervised spaces, have the highest intrinsic priority (or risk of discrimination) and may require a high level of cost and effort to accomplish removal.

Significantly, most (353, 54.6 percent) of the barriers to program access discovered in MTC’s study are in restrooms. In many public buildings we would not consider restrooms as primary function areas. However, the nature of programs at the Fairgrounds, where people, including children, may spend hours or an entire day attending events mean that restrooms have a higher than average priority. Even in facilities where a significant amount of program access is facilitated by staff, privacy and independent access to toileting must be provided. When spaces such as toilet compartments are not sufficient to accommodate a wheelchair, assistance from staff is of little or no use. Nearly three-quarters (259 of 353, 73.4 percent) of the barriers found in restrooms at the Fairgrounds are considered to have low mitigation difficulty. However, for many of the restrooms maneuvering clearances at doors, due to narrow hallways, will present the greatest difficulty in making restrooms accessible. Removal of these barriers will ultimately take substantial effort and expense.

Typical Barriers Found in County Facilities

Below are typical barriers that MTC identified during the onsite assessment. The following are presented as examples and are not intended to be a comprehensive re-iteration of findings in the accompanying TPD.

Typical Low Mitigation Difficulty Barriers

Typical Observation: Tree branches obstructing vertical clearance above designated accessible parking space.
[2010 ADA Standards [502.5](#).]



Typical Observation: Designated accessible parking spaces without surface marking/stripes to identify spaces and mark access aisles to discourage parking in them. [2010 ADA Standards [502.3.3.](#)]



Typical Observation: Designation signage without braille. [2010 ADA Standards [216.2](#) and [703.](#)]



Typical Observation: Toilet compartment door is not self-closing. [2010 ADA Standards [604.8.1.2.](#)]



Typical Observation: Toilet compartment door without pull (handle) both sides. [2010 ADA Standards [604.8.1.2](#) and [404.2.7.](#)]



Typical Observation: Water supply and drain pipes are not insulated under lavatories. [2010 ADA Standards: [606.5.](#)]



Typical Observation: Side grab bar does not extend 54 inches from rear wall. [2010 ADA Standards [604.5.1.](#)]



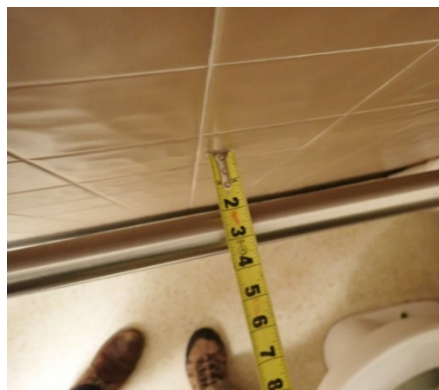
Typical Observation: Operable part or hardware requires operation with two hands or tight grasping, pinching, or twisting of the wrist. [ADA Standards [309.4.](#)]



Typical Observation: Objects mounted too close above grab bar. [2010 ADA Standards [609.3.](#)]

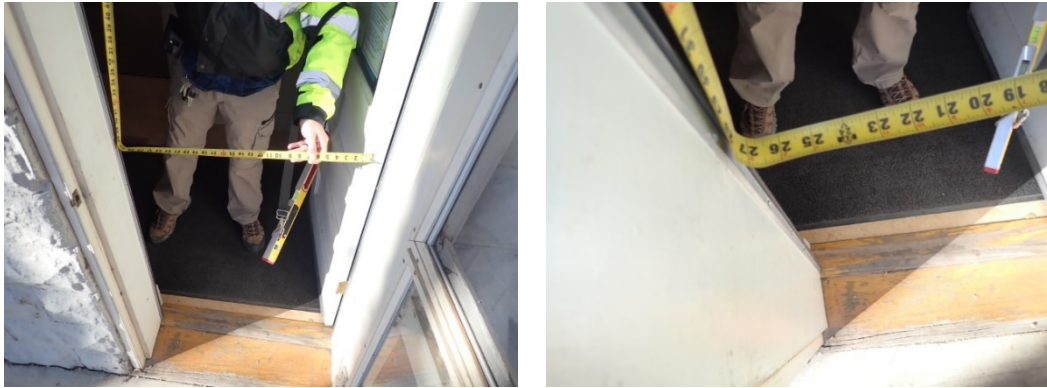


Typical Observation: The space between the wall and the grab bar is more than 1½ inches. [2010 ADA Standards [609.3.](#)]



Typical Moderate Mitigation Difficulty Barriers

Typical Observation: Clear width of door opening is less than 32 inches. [2010 ADA Standards Reference: [404.2.3.](#)]



Typical Observation: Clear floor space at sink is too narrow. [2010 ADA Standards Reference: [606.2](#) and [305.3.](#)]



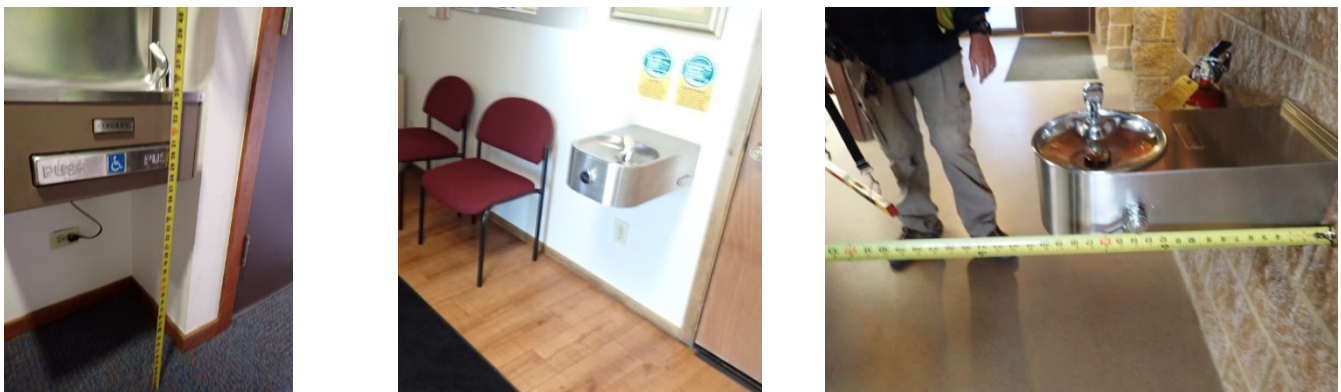
Typical Observation: Ambulatory toilet compartment too wide. [2010 ADA Standards Reference: [604.8.2.1.](#)]



Typical Observation: Centerline of toilet is too far from the wall. [2010 ADA Standards Reference: [604.2](#).]



Typical Observation: High-low drinking fountain not provided. [2010 ADA Standards Reference: [211.2](#) and [602](#).]

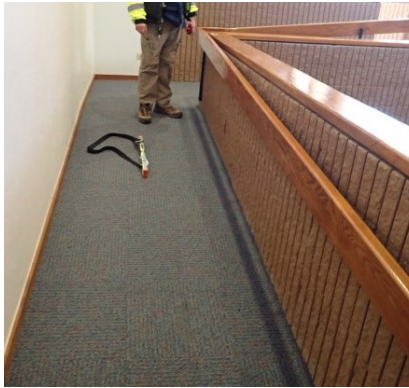
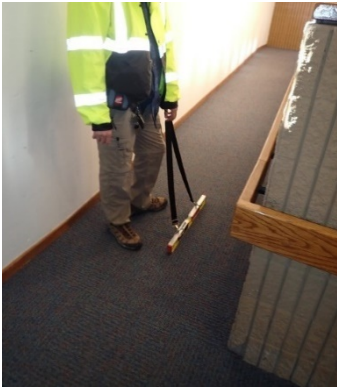


Typical Observation: Hydrant not properly centered within the clear ground space and obstacles in outdoor recreation access route (not best practices). [ABAAS (ODA) Reference: [1011.2.1](#), see table, and [1016.5](#).]



Typical High Mitigation Difficulty Barriers

Typical Observation: Ramp running slopes too steep. [2010 ADA Standards Reference: [405.2.](#)]



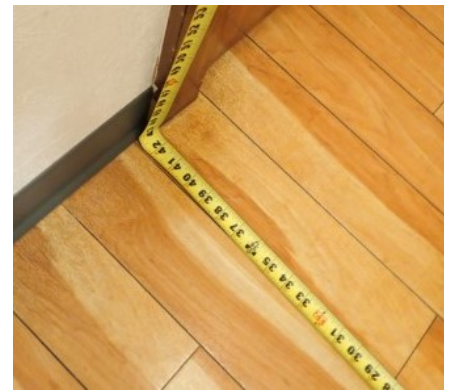
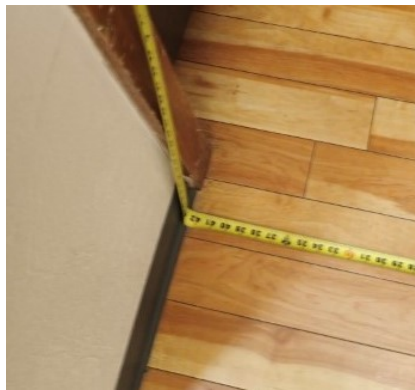
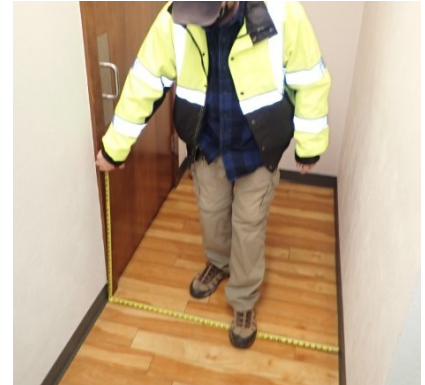
Typical Observation: Inaccessible shower compartments. [2010 ADA Standards Reference: [608.](#)]



Typical Observation: Clear floor/maneuvering space too steep at drain. [2010 ADA Standards Reference: [305.2.](#)]



Typical Observation: Insufficient maneuvering clearance at restroom doors. [2010 ADA Standards Reference: [404.2.4.1.](#)]



TRANSITION PLAN DEVELOPMENT

MTC is including this report and the accompanying TPD to Boulder County to be included with other facilities in the County's Transition Plan.

MTC's TPD is merely the beginning of the process by which a Transition Plan will be developed, adopted, and implemented by the County. MTC recommends that the County carefully consider if it needs to mitigate each finding, considering discoveries made in its Self-evaluation.

MTC recommends that the County apply knowledge gained from its Self-evaluation to determine whether it would be better – more cost-effective – to resolve some of the structural findings in MTC's TPD through methods and means other than architectural barrier removal.

The County, with participation of people with disabilities or organizations representing them, must expand the scheme for completing mitigation of findings and assigning the responsibility for implementing the plan. Mitigation of findings in facilities alone, outside of the context of the accessibility and inclusivity of the County's programs, policies, and practices, cannot ensure the absence of prohibited discrimination based on disability. Discoveries made through its Self-evaluation should be included. MTC continues to be available to the County and DWI to provide further consultation on development of the Transition Plan.

CONCLUSIONS

First and foremost, title II entities must ensure that their services, programs, and activities, when viewed in their entirety are accessible to and usable by qualified individuals with disabilities. Every effort to eliminate barriers through alternative methods and means or through architectural barrier removal must be made to implement an effective Transition Plan. More than one-quarter of all findings in previous MTC facility surveys potentially could have been deferred until certain triggering events, when identified architectural deficiencies did not affect program access. Elimination of *low-hanging fruit* and long-term planning for high mitigation difficulty barriers should begin immediately.

Second, regardless of program access, all architectural conditions which are not consistent with ADA Standards, caused by alterations or new construction, must be structurally eliminated. Such architectural deficiencies in alterations or new construction have been prohibited since January 26, 1992. In addition, if any programs have been located or moved to inaccessible facilities, since that date, architectural barriers in those facilities must be removed or the programs must be relocated to other sites and locations that are compliant with the 2010 ADA Standards. Research to identify dates of construction is a necessary component of Transition Plan implementation.

Third, budgetary and logistical considerations make immediate removal of all barriers impossible. The information provided in an MTC Transition Plan Data-table (TPD) – which can be sorted and filtered in many ways, allows short-term, mid-term, and long-term planning that can be spread across several fiscal years.

Finally, to the extent that facilities have been altered, built, or leased that are not compliant with the relevant standards for accessible design (i.e., the Uniform Federal Accessibility Standards [UFAS], the 1991 ADA Accessibility Guidelines [ADAAG], or the 2010 ADA Standards), policies, procedures, and practices must be developed to avoid future deficiencies. Training for key individuals responsible for designing new facilities, renovating existing facilities, or negotiating leases for additional facilities, is essential. It is as important to prevent the construction or acquisition of new barriers as it is to remove those that currently exist.

Recommendations and conclusions provided by MTC in this report are based on our experience and knowledge of the ADA. These recommendations and conclusions are intended as our expert but informal guidance, not as legal advice, for compliance with federal civil rights laws.

Appendix C. Website Tester /WCAG 2.1 Audit Report

DRAFT

BOULDER COUNTY, COLORADO- WEBSITE TESTER/WCAG 2.1 AUDIT REPORT

February 23, 2021

Geoff Ames
games@cpyi.com

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County of Boulder - Website Tester/WCAG Audit Report

Prepared by Meeting the Challenge, Inc., A CP&Y Company – February 23, 2021

Introduction

Meeting the Challenge, Inc. (MTC) has been engaged by Boulder County (County), as part of its Americans with Disabilities Act (ADA) Self-evaluation process to evaluate/audit the County's compliance with WCAG (Web Content Accessibility Guidelines) digital accessibility guidelines. To assist in this audit, MTC has assigned a group of individuals (four contractors) with disabilities to access a specific set of URLs on Boulder County website. While individual assessment of all County webpages/URLs is not feasible, within the scope of this project, a random cross-section of webpages/URLs and interactive tasks were assigned to these testers and MTC technical sub-consultant Ron Stauffer/Lieder Digital.

The testers are not seeking specific technical issues, though they do discover some, but rather, they are tasked with evaluating the navigability, accessibility, and ease of use of the content on the County's websites. Testers were asked to access a number of webpages that require user interaction, for example, filling out forms, or requesting to be put on an email contact list. In addition, MTC asked each tester to navigate the website, beginning at the URL: <https://www.bouldercounty.org>, complete a variety of functional tasks, and to find and report the ADA Coordinator's name, address, email, and phone number. The specific tasks and instructions given to each tester will be detailed in their section of this report.

The significance and relevance of actual user testing of websites presumes that, regardless of compliance with the abstract, technical guidelines (WCAG 2.0 Level AA) stipulated by DOJ in its settlement agreements, actual user experience might vary depending on the abilities of individuals and any assistive technologies (such as JAWS® or ZoomText) they use. Access to information on websites is necessary to fulfill the basic title II requirement to ensure that services, programs, and activities of state and local governments are accessible to and usable by qualified people with disabilities. Public entities must also ensure that their communication with people with disabilities is as effective as their communication with others. As the guidelines for accessible web content have expanded, Lieder Digital now assesses 17 additional success criteria found in [WCAG 2.1](#), as the best practices available.

One of MTC's testers is blind. The second has low-vision. The third has Cerebral Palsy. And the fourth is Deaf. Each tester is more than a casual user of technology with average or better skill at using computers and the Internet.

MTC instructed each tester to access the URLs and complete the tasks specified below, linking directly from their task orders or by copying and pasting the URL into their browsers.

The following general directions/suggestions were given to the testers, specific to their abilities and limitations:

The Testers will complete an accessibility assessment for webpages within the scope identified by MTC. MTC will provide the URLs (see below) of third-party websites or webpages to be investigated. The

Testers will, using their own equipment, assistive technology devices, and applications, navigate the web pages within the scope of the task. The Testers will navigate through the pages, test hyperlinks, and evaluate accessibility of content including but not limited to functional performance with screen-reading software. Specifically, the Testers will determine whether any features or web content in the task scope are inaccessible to them, personally, or, in general, to individuals who are blind or have other limitations that prevent visual interaction with web content; and/or require the use of a mouse. The Testers will document any barriers to navigation or lack of functional accessibility, indicating the URL of any pages where such barriers are encountered.

Site URL to be Evaluated and Tested

Begin assessment with Boulder County's homepage URL, <https://www.bouldercounty.org>. Complete a general assessment of navigational links on the homepage. Complete additional assigned functional tasks. Including the following:

- Find the County's ADA Notice of non-discrimination based on disability and grievance (complaint) procedure. Can you complete a grievance form? Report the URL where you find any of this information.
- Find the ADA Coordinator's name, address, phone number, and email. Report the URL where you find any of this information.

See attached, Work Order URLs and Task Detail for Boulder County Website Testing, for detailed instructions.

[Editor's note: In this report, aside from some minor edits for punctuation and spelling, each tester's report will be presented in his or her own words, to ensure the most candid expression of the experience each tester had in exploring the County's website.]

Summary Comments

As will be noticed in the reports from our testers, this is not a technical report. Specific coding changes are not suggested or dictated by the testers. Each tester finds different barriers or hurdles to overcome. For example, a page that presents no barriers for our tester who is deaf may present numerous issues for our tester who is blind or our tester who has low-vision. The absence of alternative text on images will not impede our user who is deaf or our user who has Cerebral Palsy. Conversely, the absence of captions on audible content does not impact our users who are blind and have low-vision, as their ability to hear is not an issue. Navigation that is facile for a user who is blind, using JAWS® ([Job Access With Speech](#)), may be extremely difficult to access for someone who has limited muscular coordination.

The County's website provides consistent navigation, design, and structure that enhances continuity of branding across the County's web presence, as well as improving accessibility for users of all abilities.

Many of the issues that are identified in this report can be resolved globally for those pages that source the same templates and/or cascading style sheets. When different areas of websites rely on different sources of design code, resolving accessibility design issues will require separate efforts to resolve similar problems. For example, contrast deficiencies ([SC 1.4.3](#)) (i.e., between text and background) that present access barriers to individuals who are color-blind or have low-vision, can typically be resolved by

correcting those color values in one template. However, when different areas of a website depend on different templates to standardize text colors (as well as font and size) and background colors, every template will need to be corrected.

Notably, none of our testers was totally excluded from investigating the County's website. Each of them found features that they liked and of which they encouraged the use. This report should be used in conjunction with the technical report to be provided by MTC's sub-consultant, Ron Stauffer/Lieder Digital. Our testers can also provide answers to specific questions regarding their observations, upon request.

Observations by Tester Who Is Blind

Our first tester, who is blind and uses JAWS® (Job Access With Speech), a screen-reading application, was given the general instructions in the *Introduction* above, as well as the those in the attached, *Work Order URLs and Task Detail for Boulder Website Testing*.

Please test using more than one of the following browsers and indicate instances where accessibility or usability varied noticeably between browsers:

- Microsoft Edge
- Google Chrome
- Mozilla Firefox
- Microsoft Internet Explorer

The Tester's report, in her own words follow.

I was given the general instructions in the Introduction above as well as the Work Order URLs and Task Detail for Boulder County Website Testing.

Introductory Remarks: I am using Microsoft Edge initially for this report. Will switch to other browsers during the report and will let you know details at that time.

At first glance at the home page (just using down arrows to scroll down the page) I noticed lines with no sound/not even JAWS saying "blank" for the empty line. Secondly, Graphics weren't labeled, and if they were, the descriptions were vague. "collage of Boulder County Historic photos". Third, often would say "link graphic" on the first line then have another link on the second. I'm going to test links now and may have more comments afterwards.

[**Technical Reviewer's Note:** this is due to a failure of [S.C. 1.1.1 Non-text Content](#). All images, videos, images of text, and other "non-text content" require text alternatives. There are many images on this website that lack alternative text.]

Specifics:

TASK 1. <https://www.bouldercounty.org>

One thing I like is when on the home page, if I press a link (properties, volunteers, etc.) that the link goes directly to that location on the next page. i.e., I do not have to scroll down past all the previously mentioned items on the home page to get to where I want to go. Other websites could learn from this.

Ah, I spoke too soon. *Elections* link did not do this, nor did it take me to the elections page. Does not seem to work at all.

[**Technical Reviewer's Note:** this complaint is due to the website's lack of "bypass blocks" (sometimes called "skip links"), which are links that allow keyboard-only users to "skip to main content." Without these, users relying on a keyboard for navigation are forced to tab past every single item in the main / top

navigation menu. In the case of Boulder County, this top menu contains at least 67 drop-down menu items, and many more sub-menu items. This results in a user having to tab past the navigational menus which can contain up to 100 links before ever getting to the “main content” on the page. This is a failure of [S.C. 2.4.1 Bypass Blocks](#), which is a fairly simple problem to fix. The issue here is that the WordPress theme being used doesn’t appear to have bypass blocks built in, so it may require an additional plugin.]

The contact link takes me to a page that has:

Directory of programs and offices

I think this is misleading. To me, contact means a link where I should find their name, phone number, address, email, etc.

Perhaps the title should be what it is: *Directory of programs and offices*.

And another link thereafter entitled: *Contact information, giving contact information*.

Combo Box: pop up menu select language. I went into that for fun and found an extensive list of language choices; however, when I pressed a link (for Arabic for example) I thought I’d get the website in a foreign language. What I found was few odd characters (perhaps the language); however, I couldn’t return to the home page under any circumstances. I had to “Alt 4” and then start from scratch by entering on the URL’s website link to get in again.

[Technical Reviewer’s Note: this complaint refers to the Google Translate language widget. Unfortunately, Boulder County has no control over the ability of this proprietary third-party widget to provide accessibility support. This is a common complaint, in fact, that users relying on assistive technology have: Google Translate is complicated, frustrating to use, and doesn’t “act” in an accessible way. Also, unfortunately, Google has stopped providing support for Google Translate so I do not think this will be fixed anytime soon.

The specific complaint this user has sounds like a failure of [S.C. 2.1.2 No Keyboard Trap](#), where the user’s active focus was caught in a “trap” and unable to leave the widget. I was unable to replicate this during my audit, so I didn’t mark it as a failure, but it is something to pay attention to.]

The search link does not seem to work.

[Technical Reviewer’s Note: This is a failure of [S.C. 2.1.1 Keyboard](#), where a user relying on only a keyboard for navigation will be frustrated in their attempt to search the website. Boulder County’s website uses two separate search functions: one as a central function of the homepage, and one as a persistent menu item in the top navigation. Both search functions have provided accessibility challenges depending on how the user interacts with them. The navigation menu search, in particular, seemed to be much more finicky, simply returning an empty “link” voiceover when trying to interact with it. This is fairly common for WordPress websites, especially with older, third-party themes: many built-in search features provide accessibility challenges. I was able to replicate this failure multiple times during my audit. A more robust search plugin or approach to website search may be employed to solve this problem.]

Open Space and recreation link. Was fine; however, this link I had to scroll down to find the information (which is normal for most websites.) However, since the other links went directly to the spot indicated on the home page, this could be changed to match the other fabulous links.

Property and Land. Great! The link goes directly to that location on the next page

Roads and Transportation. Was fine; however, this link I had to scroll down to find the information (which is normal for most websites). However, since the other links went directly to the spot indicated on the home page, this could be changed to match the other fabulous links.

Environment & Sustainability. Link worked Great. The link goes directly to that location on the next page.

Safety and Law: The link worked great. The link goes directly to that location on the next page.

Licenses Permits and Records: The link worked great. The link goes directly to that location on the next page.

Under *Covid-19 sign up to be notified*: When I went into that page, once there and wanting to return to the home page, I could not navigate back and/or to the top of the page. I once again had to get out of the website altogether and then go back in, to return to the home page.

[Technical Reviewer's Note: this is not technically a failure of any particular success criterion, but it is frustrating for users with visual limitations: a link that opens in a new window or a new tab is unexpected behavior, at least when it's not announced ahead of time to the user. This results in a very frustrating experience, since the user, upon completion of the task in the new window, then presses the "back" button, which, in a new window or tab does absolutely nothing. At some point, the user will give up, quit the session, and start over. This is time-wasting and confusing, as the user is left in the dark about why the keyboard controls aren't working "as expected." The WCAG success criteria recommend that websites act in a "predictable" way. Please review [G201: Giving users advanced warning when opening a new window](#) to learn more about ways to help with this.]

General comment. There is a blank line in between each section, i.e.:

- Boulder County excepting research proposals for small grants
- Boulder County releases 2020 waste action ...
- Boulder County recruitment ...

In all the above cases and the rest on this page:

A: there are six lines in the section.

B: Top line has a link

C: Lines 2 and 3 are descriptions

D: Line four has a link to read more (not sure how come you need this since line one has a link)

E: Line five (with a graphic link) goes to the next topic/section (this is where the blank line should be)

F: Line 6 has a link all by itself with no explanation.

I would think each section should look like:

- Line one: Heading, Boulder County excepting research proposals for small grants
- Lines 2 and 3: descriptions
- Line 4: More information link. Only need one link.

Upcoming events:

- County Commissioners' meeting: I had to scroll down on the next page to find out the information.
- Planning Commission virtual Public meeting: The link worked great. The link goes directly to that location on the next page.

Some event links went directly to the page indicated while others I had to scroll down quite a bit to find what I was looking for.

Under *Boulder County Links* on this same home page, one line would state title, next would be silent. This was the norm until I got to *Subscribe to Updates*.

TASK 2. Complete an application for a building permit at: <https://assets.bouldercounty.org/wp-content/uploads/2017/03/b01-building-permit-application.pdf>

No, I could not fill out the form. I tried saving, Pinning, pressing enter to insert text. Nothing worked. Did not see a place to download the file. Only way I could fill out the form was to select and copy the file and paste into a word document.

Later: I changed browser to Google Chrome and found a download button. Hurray! I downloaded the form. Since it's a PDF file, I imagine I would need to copy and paste into a Word document then I could fill the form out? I could not figure out how to fill out the form in its current PDF format.

TASK 3. What is the cost of a regional transit pass – see: <https://www.bouldercounty.org/transportation/multimodal/mobilityforall/transportation-resources/>

Moving back to Microsoft Edge.

Could not find regional transit pass exactly. Found a link that took me to RTD.

There are only a zillion pass options not counting access-a-ride, eco, day passes, regional, local, you name it, they have it. Costs went from \$3 to \$200 depending. With that said, I could not find something called regional transit pass.

[Editor's note: It appears that the graphic, below, which includes the \$171 transit pass does not have alternative text on the webpage.]



*Averages per month based on organization data and research.

[**Technical Reviewer's Note:** this is a failure of [S.C. 1.4.5 Images of Text](#). It is not enough to provide an image of text to convey information: images of text must also have text alternatives. In the case of a user with visual impairments, *especially* in the case of a user that is totally blind, all the information contained in the graphic above is completely lost. This can result in a particular form of discrimination (though surely unintended) against a certain class of users: everyone with full use of vision will be able to find out what the costs are for various modes of transportation, but blind users won't, *and they won't even know that the information is there at all.*

One solution for image like the one above is to change the graphic so it only shows the vehicles, and place text below that can be crawled by screen readers. Another is to employ the sufficient technique [H45: Using longdesc](#), to provide a long description on a separate page for the meaningful information that the graphic conveys.

Note: simply using alt text would not be sufficient in this case. There's too much information in use here. Alt text is for simple explanations of what an image shows (i.e. "an orange cat on a white background, playing with a red ball of yarn." The longdesc function allows for a full description with dollar amounts and more.]

TASK 4. Subscribe to weekly Board of County Commissioners meeting agenda notices at: <https://www.bouldercounty.org/government/public-meetings/>

I was able to subscribe to the weekly Board of County Commissioners meeting agenda notices with no issues.

Parks and Open Space Advisory Committee meeting on December 17, 2020, at <https://bouldercountyco.igmp2.com/Citizens/default.aspx>.

Missed the above meeting on December 17, 2020, sorry.

A recorded meeting of the Board of County Commissioners on December 10, 2020. They did show slides. No audio description provided.

TASK 5. Who would you contact if you have questions regarding the accessibility of the County’s website or need assistance completing the employment application process due to a disability, see: <https://www.bouldercounty.org/jobs/>

I would contact:

Julia Larsen, Human Resources Division Director, at
303-441-3525
Website has an email link which would not copy.

TASK 6. Find the address of the Boulder County Justice Center (*hint: use “Departments” menu on homepage*).

Switching to Microsoft Internet Explorer.

I did not find an address for Boulder County Justice Center. The closest (I did see at one point a graphic that referred to Cannon street) I could find was Boulder Community Justice Services at:

1777 6th St.
Boulder, CO 80302
303-441-3690
303-441-4775 (fax)

For following tasks, used the search function on the Boulder County homepage.

TASK 7. Can you find the amount of the County’s fine for a *parked vehicle blocked access to curb ramps*, passenger loading zones, or accessible routes? If so, how much is the fine?

Possibly the County’s fine for a parked vehicle might be \$30. The search button on the home page doesn’t verify or have a submit button. When on the next search page/button again doesn’t have a submit button. I never see the need or use for a search button on the home page, then once clicked, having to do the same search a second time on the next page. Redundant in my opinion.

[Editor’s note: the fine (\$32) is found in a table at this URL:
<https://www.bouldercounty.org/safety/sheriff/traffic-regulation-enforcement/>. **Tables are often difficult to perceive and understand when using screen-reading software.]**

TASK 8. Find and sign up for the *Emergency Mass Notification System*. Use 3280 Airport Road, Boulder, CO, 80301 as your address. Can you request notification by text or TTY?

Good news I signed up using Geoff’s name and email-aren’t you lucky! Sorry, I think I made you 70-years-of age! Oh well, aren’t you glad that’s fake news! Bad news, I did not find a place to submit the physical address you provided.

TASK 9. Find the name of the County’s ADA Coordinator. Can you find contact information, such as office address, email address, or phone number, for the County’s ADA Coordinator?

ADA Coordinator:

Julia K. Larsen
Human Resources Division Director
2025 14th Street
Boulder, CO 80302
Phone: 303-441-3525
Fax: 303-441-3494
email: jlarsen@bouldercounty.org

TASK 10. Find the County's ADA Notice and or ADA complaint or grievance procedure. Can you find/complete a complaint or grievance form? (No need to submit.)

Good news here is that I was able to complete the form; I did not submit!

Unlike the building permit which I was unable to fill out online and/or download.

Observations by Tester Who Has Low-Vision

Our second tester, who has low-vision, was given the general instructions in the *Introduction* above, as well as the those in the attached, *Work Order URLs and Task Detail for Boulder Website Testing*.

Please test using more than one of the following browsers and indicate instances where accessibility or usability varied noticeably between browsers:

- Microsoft Edge
- Google Chrome
- Mozilla Firefox
- Microsoft Internet Explorer

The Tester's report, in her own words follow.

Introductory Remarks:

I have very low-vision but rely on the Zoom Text Magnifier screen reader program set usually at 20x magnification. I am now using the 2021 version. I work on a Dell laptop running Windows 10 operating system.

Observation on the Browsers

Three browsers were used to test the various tasks: Google Chrome, Mozilla Firefox, and Microsoft Edge. They work virtually identically on the assigned tasks. Only Firefox differed in reading a pdf application for a building permit—it opened a document to be filled out that was not in pdf format. It was much more readable and moved by tabbing to all fields. The other two browsers did not tab to all fields on the form. Any other variations between the browsers are noted in the individual tasks reviewed below.

Overall Effective Accessibility Features

1. The layout of the website and its components is uncluttered with consistent “zones” for common elements like related links, header size and color, and contact details. Considerable white space is left between the elements. That greatly facilitates identifying them. A stance of “less is more” effectively dominates the layout.
2. General use of color is both consistent and easily visible. The red spectrum of shades, so difficult for color-blind readers, is wonderfully avoided. A limited pallet focuses the reader on the contents rather than unnecessary artwork. Graphics are limited and relevant.
3. Contrast is adequate to good on most pages. When header text is highlighted, or simply “rolled over”, it becomes an easily read thicker white lettering on a teal background. This enables easy visual tracking of where the reader is on a page.
4. The drop-down menus from the major heading “banners” were supplemented with repeated access on most of the main pages for those headings. This is convenient when the drop-down menus are “finicky”

and disappear before a slow reader can reach the bottom of the listings. This happens most when moving a mouse too close to the edges of the menu. That makes it disappear. Such is common when mouse movement lacks fine depth control—an issue triggered by both physical as well as visual disabilities.

5. The ability to return “home” by clicking on the County logo located on the upper left corner of each page is another convenient feature. (This seems to have become a convention on most government websites.) Such a return facilitates access to the “search” bar enabling quick location of already-known topics.

Overall Accessibility Problems

1. The biggest problem is the color-changing feature when rolling over the links. They change color from a light orange to the grey of the surrounding text. This happens whether the link is in a separate column (a nice feature of most topic “home” pages) or whether embedded in the text. Such links then simply disappear and require much random mouse movement to locate and click on them. A simple “fix” would be to have links change from orange to any color other than the grey of the website’s text. Or minimally, make links underlined as with the “standard” underlined blue links. That would not be as useful as a color shift, but much improvement over no differentiation from the text.

[Technical Reviewer’s Note: this is due to a failure of [S.C. 1.4.3 Contrast \(Minimum\)](#). Text on a page should have a contrast ratio of 4.5:1 to provide stark visual contrast. The color itself is not an issue so much as the difference between the color of the text and its corresponding background.

Note: this contrast ratio must remain in place at all times. Even when a link is styled differently in a variety of states: a:link, a:visited, a:hover, a:active, etc. A change of color is fine, but the contrast ratio must remain 4.5:1.]

2. The photographic and the few graphic heading banners, particularly the “Maps and GIS” and the “Licenses etc.” are particularly appropriate. Unfortunately, no images were captioned or alt-tagged. Using the right click gives the option to “Get image descriptions from Google”—but after following the set-up instructions, nothing happens. While these images are not essential, most have been carefully chosen to show more about the specific features of the County. Operating from the “a picture can show more than a thousand words” stance, it is unfortunate that they are invisible to those without adequate sight.

3. The color of the text throughout is a dark grey, rather than the more easily seen black. This seems to be very common on all kinds of websites, but the advantage over a higher-contrast black is not apparent.

Specific Investigations:

TASK 1. <https://www.bouldercounty.org>

All browsers: As no specific task was assigned, here I conducted a general overview of the website layout and organization. It is clear, usefully redundant (topics can be found by major banner heading dropdown menus, text headers on the topic pages, and often on the categories of the bottom banner). Nice balance of photographs and other graphics with well-spaced text. Website demonstrates consistent use of elements between categories.

TASK 2. Complete an application for a building permit at <https://assets.bouldercounty.org/wp-content/uploads/2017/03/b01-building-permit-application.pdf>

Chrome: The link went directly to the form. Downloading the pdf made it possible to fill in and save the form. When an error was made deliberately on the telephone number, it was highlighted and showed the proper number of digits. The tab took the curser to the next question, even when there were multiple “choose one” choices in a given question. The icon to locate where the curser went, however, was very small and blended into the text/box borders. The biggest problem was that it was not available orally—none of the boxes were alt-tagged. Low contrast color made it difficult to see visual, though the ability to increase the size of the image improved readability.

[**Technical Reviewer’s Note:** while PDFs are a proprietary file format by Adobe® and therefore not technically part of Boulder County’s website, they serve as an important part of the website’s functionality in that PDFs are required for certain tasks that people visit the website to accomplish. Ensuring that a PDF is “tagged” properly, with alt text for images and images of text is crucial. Please review [PDF Techniques for WCAG 2.0](#) for more information.]

Edge: While Edge opened the form without downloading specifically, it only filled out a few boxes and froze when the wrong telephone format was entered. I had to close the browser to “thaw” the computer. Visually it was hard to see and there was no way to enlarge the text size.

Firefox: This opened directly into a non-pdf form that was page sized and much easier to read. It filled out as expected but did not catch the deliberately wrong format on the telephone number. It tabbed easily from box to box but required an “enter” at the beginning of each box before it would type. It also saved easily. This was by far the best treatment of forms among the browsers.

TASK 3. What is the cost of a regional transit pass – see:
<https://www.bouldercounty.org/transportation/multimodal/mobilityforall/transportation-resources/>

All browsers: Following the link led to a side link to RTD which shifted to the RTD website and then following links to Fares then Passes then Monthly Passes, it was possible to find that a regular monthly regional pass is \$200. All browsers performed the same, and as expected.

[Editor’s note: the actual cost is \$171 – which is apparently not clear to our tester with low-vision. It does not appear that the graphic includes an alternative text.]

TASK 4. Subscribe to weekly Board of County Commissioners meeting agenda notices at:
<https://www.bouldercounty.org/government/public-meetings/>

All browsers: Visibly this worked as expected. It has the nice touch of telling the reader that the email is to be entered before the exact email documents are chosen. Without this message, the process would have been counterintuitive and probably kept new users from completing the request.

Parks and Open Space Advisory Committee meeting on December 17, 2020, at
<https://bouldercountyco.igm2.com/Citizens/default.aspx> on :

All Browsers: This link connected to a recorded meeting of the Board of County Commissioners on Stewardship and Capital Improvement Projects for 2021. It took three times of entering the URL for it to work, but it finally came up and performed as expected. The access by date using a calendar was very direct but scrolling down below February brought up December meetings and that was even easier. It is unclear why the month order was so counterintuitive, though.

TASK 5. Who would you contact if you have questions regarding the accessibility of the County's website or need assistance completing the employment application process due to a disability, see: <https://www.bouldercounty.org/jobs/>

All browsers: The website clearly gives the following as the contact for accessibility issues regarding position applications:

Julia Yager, Human Resources Division Director, at 303-441-3525

Emphasis clear that this contact is solely for accessibility issues for that process. This was a particularly simple to locate contact.

TASK 6. Find the address of the Boulder County Justice Center (*hint: use "Departments" menu on homepage*).

All browsers: The Justice Center address is 1777 Sixth Street, Boulder, 80302. It was simple to find from the "Departments" main page with the "Related Links" on the right side of the page listing: "Office and Building Locations" which listed each building alphabetically. Unfortunately, a map with building markers lies between the heading and the alphabetical listing. It is difficult to page below it. I spent time in each browser trying to find a way to scroll below it rather than enlarging/reducing the size of the map. Listing the building names first would probably help many people—most folks looking for an address know the name of the building. The map is probably used much less often.

For following tasks, used the search function on the Boulder County homepage.

TASK 7. Can you find the amount of the County's fine for a *parked vehicle blocked access to curb ramps*, passenger loading zones, or accessible routes? If so, how much is the fine?

All browsers: This would seem to fall under:

"Stopped/parked/left standing vehicle where restricted/or prohibited by signs/markings/traffic control devices"

- On sidewalk
- Within intersection
- On a crosswalk"

The fine is \$15.00 with surcharge(s) for \$19.50 (for slow payment?). The details were found as expected by searching for "Parking fines" and reading down the list.

[Editor's note: the fine (\$32) is found in a table at this URL: <https://www.bouldercounty.org/safety/sheriff/traffic-regulation-enforcement/>. Tables are often difficult to perceive and understand for individuals with low-vision. Simply magnifying the page does not make it clear that numerous tables can be expanded on the page.]

TASK 8. Find and sign up for the *Emergency Mass Notification System*. Use 3280 Airport Road, Boulder, CO, 80301 as your address. Can you request notification by test or TTY?

All browsers: I easily signed up for notifications. (I used my real address as a Boulder County resident). One difficulty was that verification of the longitude/latitude location required choosing a map “pin” on a Google map—not a simple task with low vision, hopeless with no vision. One can request TTY or TDD notification—I do not know what “test” notification is. It was not mentioned.

TASK 9. Find the name of the County’s ADA Coordinator. Can you find contact information, such as office address, email address, or phone number, for the County’s ADA Coordinator?

All browsers: A direct link to all information is prominent on the footer banner. There was no need to “search” for it. Full contact information is:

Julia K. Yager
Human Resources Division Director
2025 14th Street
Boulder, CO 80302
Phone: 303-441-3525
Fax: 303-441-3494
Or email: jyager@bouldercounty.org

TASK 10. Find the County’s ADA Notice and or ADA complaint or grievance procedure. Can you find/complete a complaint or grievance form? (No need to submit.)

All browsers: The grievance instructions and procedure were easily found. I had to look three times for the online form—another instance of the orange URL link turning the grey of the text and disappearing. Once found, it was easily filled in. One small glitch: tags on the name field read only “first” and “last”—as they are the first entries on the form, “First name” and “Last name” would be more helpful. Otherwise, the form wise well tagged.

This is the end of my assigned investigations into the Boulder County website. If there are any questions about these comments and suggestions, you are welcome to contact me by telephone at 303-443-1665 or by e-mail at pdfoss@gmail.com. Thank you for the opportunity to examine this website. It is a fascinating and engaging activity. This website is generally very constructed for low vision users who do not rely on the speech functions of ZoomText Magnifier/Reader.

Observations by Tester Who Has Cerebral Palsy

Our third tester has Cerebral Palsy and uses no assistive technology to access websites. He was given the general instructions in the *Introduction* above, as well as the those in the attached, *Work Order URLs and Task Detail for Boulder Website Testing*.

The Tester's report, in his own words follow.

Introductory Remarks:

For clarity, it should be noted that I live with a mild case of cerebral palsy, which limits my muscular coordination. Individuals with more severe cases will experience greater difficulty accessing this site than I did. Those with less severe cases will experience less difficulty. The challenge to make this website accessible to as many as possible should be taken into account when reading this report. These findings reflect only my experience with this website.

Most specifically, I am quite skilled at using a computer mouse. When using a mouse, my arm is generally resting on the table or desk I am sitting at. This provides great stability for my hand while using a mouse. By contrast, when touching the screen on my computer, my arm is in the air, and I have nothing to stabilize my hand. Because my hand is, for lack of a better term, shaky, touching a specific location on the screen can be more difficult. Therefore, I generally prefer to use a mouse, rather than touching the screen on my computer.

With that said, I realize that the use of touchscreens is increasing in popularity. I am also aware that the WCAG recommends the use of touchscreen as an alternative to using a mouse. Therefore, in testing this website for accessibility, I alternately used both techniques for browsing the website.

In using the touchscreen, I have been mindful of the fact that people with more steady hands will have an easier time with using a touchscreen than I do. Therefore, in my assessment of how the client's website incorporates touchscreen technology into its ADA compliance, I have sought to effectively ignore how unsteady my own hand can be. Instead, I have sought to assess how well someone with a steadier hand will be able to use this technology.

I draw attention to this because, on one hand, if the hyperlinks on a web page are too small, with little or no spacing between them, they will be difficult for users to access, no matter how steady their hand. On the other hand, if a user's hand is excessively shaky (as mine can sometimes be), it does not matter how well certain techniques are incorporated by the client. That user will have difficulty using touchscreen technology.

Other specific tasks I've been asked to perform will be addressed throughout this report.

Specifics:

I was asked to do accessibility testing on several specific URLs within the web domain owned by the client. This report will reflect my experience with each, in turn. The client should be aware that I am not assessing

either the content or aesthetics of their website. I am only reflecting the ease with which I can navigate the site, using the links contained therein.

TASK 1. <https://www.bouldercounty.org> Are there any navigation difficulties on this page? Did you notice any contrast problems on this page (please note any contrast concerns as you complete other testing tasks)? Do images/graphics have meaningful alternative text?

In a word, No. There are no navigation difficulties on this page.

In previous reports, I have written detailed reports, chronicling what has worked well, and what has not. For this report, I do not sense the need to do so. On this homepage, I simply do not have any problems with the navigational links. All of them are easily accessed via the mouse, as well as touchscreen. Likewise, the accessibility problems which I often encounter in a page's drop-down menus simply are not here. I find them all to be quite accessible.

For me? There are no contrast problems on this page. However, in consideration of others, I can see where there might be a contrast problem. This page contains three columns which feature news articles. Each column features a light bluish gray background. The text featured is not black but seems to be a dark gray. For me, the contrast between the dark gray text and the light bluish gray background is sufficient. However, I can see how this would be problematic for someone with poorer vision. In particular, someone who is color blind might possibly have a real problem with this.

In my estimation, using black font, regardless of background color—as long as it is a light color—will always provide the best contrast. If the background is of a dark color, then white font would probably provide the best contrast.

[Technical Reviewer's Note: as noted before, the color itself is not specified by the WCAG guidelines. However, a contrast ratio of 4.5:1 is required to pass the success criteria.]

There are four images on this homepage. The first is a scenic picture, taken somewhere within Boulder County. It is accompanied by the text, "Welcome to Boulder County." The others are featured at the top of columns featuring news articles, pertinent to Boulder County. The headlines serve as alternate text for the images.

TASK 2. Complete an application for a building permit at: <https://assets.bouldercounty.org/wp-content/uploads/2017/03/b01-building-permit-application.pdf> Did you have any difficulty accessing this fillable PDF?

The text fields in this PDF are easily accessible. However, the form contains sections featuring checkboxes. These checkboxes are very small, and there is no spacing between them. Accurately selecting one is problematic. With the mouse, it requires a steady hand. Via touchscreen, it is incredibly difficult just to get the system to register that a selection is being made. This may be because my finger alone is larger than each checkbox. It is possible that when I attempt to touch one checkbox, I am actually touching two or three, and the system does not know what to do.

There is a zoom feature at the top of the page. Zooming in on the document does make the task of selecting a checkbox easier. However, the zoom feature works in "steps." Each time I click the zoom in

button, the page gets a little larger. I had to click the button three or four times before the checkboxes were large enough that I could, with relative ease, select one of them.

Under the default zoom setting, these checkboxes are so small that just about anyone, including people who are not disabled, would have problems with accurately selecting them. And while the ability to zoom in on the document is helpful, I am not convinced that this feature truly complies with the spirit of accessibility. I do not find it very ingratiating to tell disabled people, “You can access this page or document, if you zoom in on it three or four times.” As a user, my thought is that I should not be required to zoom in on something, to make it accessible to myself. That is not true accessibility.

[Technical Reviewer’s Note: The complaints listed above all relate to “target size,” which is becoming more and more an issue as users have switched to touch-screen devices and smaller hand-held devices such as iPads, and iPhones. While this audit is for AA-level compliance with the WCAG 2.1 guidelines, there is an additional level of conformance: AAA, which has more stringent requirements for the exact scenario outlined by the user above. To learn more, please read [S.C. 2.5.5 Target Size](#). This success criterion lists multiple sufficient techniques to “provide sufficiently large activation target” which would allow for users with large fingers or with motor disabilities to interact with the website without accidentally clicking on the wrong link. Even if compliance with the WCAG guidelines at the AAA level is not required or desired, the techniques can still be employed to provide a more accessible user experience.]

Unfortunately, my immediate thought is that this is done simply for the sake of keeping the document to just one page. For the sake of saving paper, should the form be printed, they have made it very inaccessible.

TASK 3. What is the cost of a regional transit pass – see:

<https://www.bouldercounty.org/transportation/multimodal/mobilityforall/transportation-resources/>

A Regional Transit Pass costs \$171.00.

TASK 4. Subscribe to weekly Board of County Commissioners meeting agenda notices at:

<https://www.bouldercounty.org/government/public-meetings/>

If possible, access the live stream of the Parks and Open Space Advisory Committee meeting on December 17, 2020, at <https://bouldercountyco.igam2.com/Citizens/default.aspx>. Any difficulty with access? Are real time captions provided? Is audio description provided? Access a recording of a meeting, using the “Archive” link to choose, view or download, and play any Board of County Commissioners meeting from December 3, 2020 or earlier. Are captions and/or audio description provided?

I was not able to access the video of the meeting which I was asked to access. The link above does feature a tab labeled “Video Archive.” This opens a new section within the page, called, “Media Center.” The organization of this section is less than desirable.

Immediately under “Media Center,” I find the heading, “Board of Adjustment.” Following it is a list of links to video archives of that Board’s past meetings. Scrolling past that, I come to “Board of County Commissioners.” This section features a list of links to video archives for this Board’s WEEKLY meetings, dating back several years. So, this is a very long list, and it takes some time, scrolling past it. Finally, I come

to the section, “Parks & Open Space Advisory Committee.” There, I see that monthly meetings are held. However, the most recently posted video archive is from a meeting that took place on June 25, 2020.

In my estimation, it would be more advantageous to list the various Boards and Committees, featuring the links to their video archives within drop-down menus. Much less scrolling would be required before getting to the Committee a user is interested in.

Having said that, selecting one link, to access its video archive, was easy to do with the mouse, as well as via touchscreen.

I did access the link for the video archive of the aforementioned June 25, 2020 meeting. Upon doing so, a new window opened. The video was featured in the upper left corner of the page and began playing automatically. Immediately below, a screen features the agenda of the meeting, presented along with available downloads. These downloads include “Agenda,” “Agenda Packet,” “Summary,” and “Minutes.”

The video contains no closed captions.

[Technical Reviewer’s Note: A lack of captions provided is a failure of [S.C. 1.2.2 Captions \(Prerecorded\)](#). This is, unfortunately, extremely common, especially for large websites with a lot of archived video recordings from the past. However, it is still a failure of the success criterion. Users with hearing loss of any kind may not be able to understand the content provided in video format. Please also note that the term “captions” is very specific and the WCAG guidelines specify that simply providing captions per se is not enough. An additional level of information must be conveyed which includes details such as what is happening in the video. For example, describing who is speaking, a description of non-speech sounds (laughter, off-screen voices, etc.) This can be provided in either text format via transcription, or via “audio description” (an audible narration track overlaid on the original video itself). Learn more about this by reviewing [S.C. 1.2.3 Audio Description or Media Alternative \(Prerecorded\)](#).]

Accessing these downloads via touchscreen was rather easy but was on the verge of being difficult. There is minimal spacing between these links, and the font used is quite small. Given how small they are, and how little spacing exists between them, I was surprised, at how easily I accessed them. Increasing the font and/or spacing used here would be advantageous.

Upon selecting one of the downloadable documents, it opens in the right panel, which is larger than the left panel. Four buttons appear above; “Hide Outline,” “Files,” “Go Back,” and “Save File.” These buttons are of adequate size, and the spacing between them is sufficient to allow easy access via both the mouse and touchscreen.

Parks and Open Space Advisory Committee meeting on December 17, 2020, at <https://bouldercountyco.igm2.com/Citizens/default.aspx>.

This link opens a page featuring a list of Upcoming Meetings, then a list of Past Meetings. The Dec. 17, 2020 meeting is featured at the top of the second list. Its link redirects to a page featuring the meeting agenda. At the top, two documents are available for download: the Agenda, and an Agenda Packet. No video archive of this meeting is posted. The links for the two downloads are well-suited for ease of access.

TASK 5. Who would you contact if you have questions regarding the accessibility of the County’s website or need assistance completing the employment application process due to a disability, see: <https://www.bouldercounty.org/jobs/>

“If you would like to contact us regarding the accessibility of our website or need assistance completing the application process due to a disability, please contact Julia Larsen, Human Resources Division Director, at 303-441-3525.”

TASK 6. Find the address of the Boulder County Justice Center (hint: use “Departments” menu on homepage).

Justice Center
1777 6th Street
Boulder, CO 80302

For following tasks, used the search function on the Boulder County homepage.

TASK 7. Can you find the amount of the County’s fine for a parked vehicle blocked access to curb ramps, passenger loading zones, or accessible routes? If so, how much is the fine?

The fine/surcharge for a “Parked vehicle blocked access to curb ramps, passenger loading zones, or accessible routes” is \$32.00.

I found this information by entering “curb access” into the website’s search field. The very first result was the page, “Traffic Regulation Enforcement. All of the results generated by this search were listed in such manner as to facilitate easy access via either mouse or touchscreen.

Within the aforementioned page, there is a list of categories. Each acts as a drop-down menu, revealing specific offenses (and their fines) within the category. This particular offense/fine is listed under the category, “Parking, Stopping, & Improper Backing.” And I just used intuition to discern that this would be the proper category to look in. After that, I just scrolled through the list until I found what I was looking for.

Accessing the list was as simple as clicking on it with the mouse or touching it with my finger. Both were easy to do. I did notice that clicking or touching it a second time does NOT collapse said menu. By design, opening one drop-down menu closes another. But once one menu has been opened, it will not close until another is opened.

For users wanting to find specific information, but have opened the wrong menu, it may be annoying that they need to scroll through that entire menu before getting to the rest of the listed categories. I would recommend adding a toggle function to each of these menus. Click or touch it once to open the menu. Click/touch it a second time to collapse it.

TASK 8. Find and sign up for the Emergency Mass Notification System. Use 3280 Airport Road, Boulder, CO, 80301 as your address. Can you request notification by text or TTY?

From the main page, the tab “Safety & Law” opens a drop-down menu when the mouse hovers over it, or when touched with my finger. Within that menu, “Emergency” opens a secondary menu, featuring two menu items. Each is easily accessed via mouse and touchscreen.

“Emergency Mass Notification” is the first of these two menu items. Within the page to which it redirects, there is a link to an external website, the “Everbridge Emergency Alert Program site.” Its URL is <https://member.everbridge.net/453003085612231/login>, where users can either login to their accounts, or sign up for a new account.

The text fields for creating a new account are easily accessible.

On the second screen, options for how to receive Emergency Notifications are available. One of these options is SMS (Text to Cell). Another is TTY.

The fields for entering information are easily accessible.

The third screen is where I input the mailing address above. These text fields are easily accessible.

Since I do not actually need to receive Emergency Alerts for Boulder, I then sent an e-mail, requesting deletion of the account I had just created.

TASK 9. Find the name of the County’s ADA Coordinator. Can you find contact information, such as office address, email address, or phone number, for the County’s ADA Coordinator?

Julia Larsen, the county’s Equal Opportunity Officer, to whom any complaints are to be addressed. Her address is 2025 14th Street, Boulder, CO 80302. Her Phone number is (303) 441 – 3525. Her e-mail address is jlarsen@bouldercounty.org.

TASK 10. Find the County’s ADA Notice and or ADA complaint or grievance procedure. Can you find/complete a complaint or grievance form? (No need to submit.)

From the main page, <https://www.bouldercounty.org>, I conducted a keyword search for “ADA.” The second item listed in the search result was the county’s “ADA and EEO Notices” page: <https://www.bouldercounty.org/government/ada-eeo-notices/>. A list of three links is featured below the first paragraph on this page. The first link is for the online Complaint Form.

The font used in these links is relatively small. However, the spacing between them is sufficient to allow for ease of access via both the mouse and the touchscreen.

Within the online Complaint Form, I found the fields to be quite accessible. Selecting a field, for the purpose of inputting information, can easily be done with both the mouse and touchscreen. Additionally, when typing in one field, pressing the TAB key moves the cursor to the next field. And, if necessary, pressing SHIFT + TAB takes me to the previous fields.

I had no problem accessing this page.

Observations by Tester Who Is Deaf

Our fourth tester is Deaf and uses no assistive technology to access websites. He was given the general instructions in the *Introduction* above, as well as the those in the attached, *Work Order URLs and Task Detail for Boulder Website Testing*.

The Tester's report, in his own words follow.

This website assessment report will use each of the following browsers to ensure accessibility or usability across browsers:

- Chrome (Google)
- Firefox (Mozilla)
- Edge (Microsoft)

I tested on my Apple MacBook Pro across the three above browsers. I did not have Microsoft Explorer which is no longer available in the Apple App Store. Additionally, Microsoft had phased out their Explorer browser in favor of their Edge browser.

TASK 1. <https://www.bouldercounty.org> Are there any navigation difficulties on this page? Did you notice any contrast problems on this page (please note any contrast concerns as you complete other testing tasks)? Do images/graphics have meaningful alternative text?

None across all 3 browsers

Did you notice any contrast problems on this page?

To me, across all 3 browsers, the home page was clear, welcoming, and accessible. The only concern that I have is that the letters "Welcome to" of "Welcome to Boulder County" appears to be on the thin side and may not be visible to some individuals.



The 6-minute, 35-second YouTube video “About Boulder County” on the home page had high quality closed captioning that was not autogenerated.

TASK 2. Complete an application for a building permit at: <https://assets.bouldercounty.org/wp-content/uploads/2017/03/b01-building-permit-application.pdf> Did you have any difficulty accessing this fillable PDF?

No difficulty across all 3 browsers. However, for the clickable boxes, more than one box can be checked per section even though one might be requested to “(Check Only One)”

TASK 3. What is the cost of a regional transit pass – see: <https://www.bouldercounty.org/transportation/multimodal/mobilityforall/transportation-resources/>

I was unable to locate the cost of a regional transit pass across all 3 browsers.

TASK 4. Subscribe to weekly Board of County Commissioners meeting agenda notices at: <https://www.bouldercounty.org/government/public-meetings/>

If possible, access the live stream of the Parks and Open Space Advisory Committee meeting on December 17, 2020, at <https://bouldercountyco.igmp2.com/Citizens/default.aspx>. Any difficulty with access? Are real time captions provided? Is audio description provided? Access a recording of a meeting, using the “Archive” link to choose, view or download, and play any Board of County Commissioners meeting from December 3, 2020 or earlier. Are captions and/or audio description provided?

[Technical Reviewer’s Note: this tester was unable to attend the POSAC meeting on December 17th, 2020. However, I was able to attend, and was not surprised to see that, like most government meetings currently being live-streamed, it was not captioned. This is a failure of the [S.C. 1.2.4 Captions \(Live\)](#). I am sympathetic to the difficulty of accomplishing live captions: almost all government entities whose websites I have reviewed for accessibility fail in this regard. Fortunately, there are options available depending on the platform uses.

- 1) Zoom: [Closed captioning and live transcription](#).
- 2) Google Meet: [Use captions in a video call](#).
- 3) Facebook Live: [Enabling Closed Captions on Facebook Live Broadcasts](#)
- 4) Webex: [How Do I Enable Closed Captions?](#)

Ultimately, the platform selected by Boulder County is a decision that should be made carefully, with the consideration of all users who may wish to attend public meetings virtually, no matter their level of ability or disability. Getting buy-in from the ultimate decision-maker(s) for platforms used may be difficult, but the supporting materials listed above may help.]

I was able to enter and subscribe to the weekly Board of County Commissioners meeting agenda notices but chose not to complete the process. The steps to subscribe were clear and easy to follow and had the options to be updated through SMS (text) or email. However, I encountered an interesting situation when I tried to cancel instead of submitting my information, I encountered a “404 situation”:

<p>Email/SMS Updates</p> <p>Boulder County offices and divisions offer email and text notification of important news and information.</p> <p>Manage your preference or sign-up to receive Email or SMS/Text Messages on a variety of subjects.</p> <p>You will have an opportunity to select topics after you enter your contact information below and click 'submit'</p> <p>Subscription Type <input type="text" value="Email"/></p> <p>Email Address * <input type="text" value="paulksimmons@gmail.com"/></p> <p><input type="button" value="Submit"/> <input type="button" value="Cancel"/></p>	<p>OOPS, THIS PAGE COULD NOT BE FOUND. Error 404</p> <p>Seems you're off the beaten path</p> <p>The web page you just entered or tried to link to does not exist on the Boulder County website.</p> 
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I was able to access and find the Parks and Open Space Advisory Committee meeting on December 17, 2020 that took place at 6:30PM. I clicked on Agenda, Agenda Packet, Summary, and Minutes and did not experience any problems accessing these pdf documents. I was unable to locate a video recording of the Parks and Open Space Advisory Committee meeting on December 17, 2020.

I was able to access the Board of County Commissioners meeting from December 3, 2020 in the video archive.

Clicking on the "12/03/2020 09:00AM" or "Regular meeting" would take you to a MediaTraq Webcast at <https://bouldercountyco.igm2.com/Citizens/SplitView.aspx?Mode=Video&MeetingID=2104> that was not accessible to me as I couldn't find any way to activate captions.

The videos, in both HD (720) and SD (480) formats had to be downloaded and this took quite a while. After downloading, both files were opened in QuickTime and they did not have captioning either.

[Technical Reviewer's Note: please refer to the aforementioned lack of captions.]

TASK 5. Who would you contact if you have questions regarding the accessibility of the County's website or need assistance completing the employment application process due to a disability, see: <https://www.bouldercounty.org/jobs/>

Julia Larsen, Human Resources Division Director, at 303-441-3525

TASK 6. Find the address of the Boulder County Justice Center (*hint: use "Departments" menu on homepage*).

Took a bit of searching but was able to locate the address in the Office & Building Locations: 1777 6th Street, Boulder, CO, 80302

Justice Center

BOULDER

1777 6th Street | Boulder, CO, 80302

1777 6th Street
Boulder, CO 80302

GET DIRECTIONS

For the following tasks, you may need to use the search function on the Boulder County homepage.

TASK 7. Can you find the amount of the County’s fine for a *parked vehicle blocked access to curb ramps*, passenger loading zones, or accessible routes? If so, how much is the fine?

\$32.00 at <https://www.bouldercounty.org/safety/sheriff/traffic-regulation-enforcement/>

42-4-1208(4)	Parked vehicle blocked access to curb ramps, passenger loading zines, or accessible routes	Misdemeanor	Penalties, costs, and surcharges imposed by	\$32.00
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TASK 8. Find and sign up for the *Emergency Mass Notification System*. Use 3280 Airport Road, Boulder, CO, 80301 as your address. Can you request notification by test or TTY?

Signed up for alerts at the [Everbridge Emergency Alert](#) Program site.

Here's how to contact me. (Complete at least 2)

Move up or down to change the order.

1) SMS (Text to Cell)

United States

(201) 555-0123

2) TTY / TDD

United States

(201) 555-0123

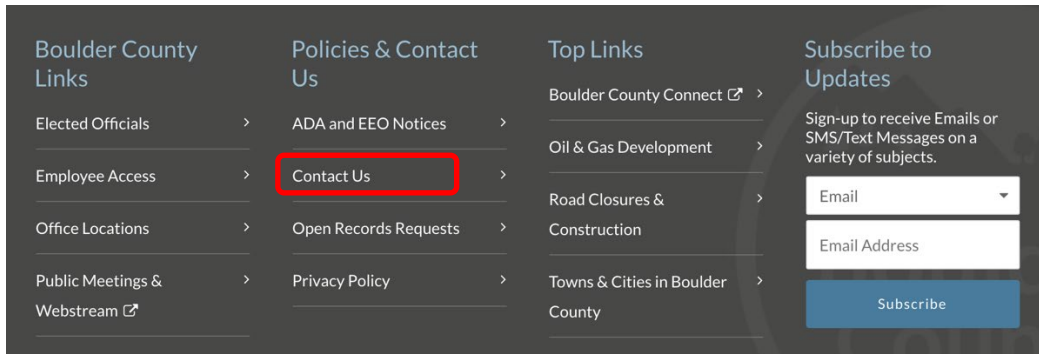
TASK 9. Find the name of the County’s ADA Coordinator. Can you find contact information, such as office address, email address, or phone number, for the County’s ADA Coordinator?

At the bottom of the home page under **Policies & Contact Us**, you will be able to find that the name of the ADA Coordinator is **Julia K. Yager**, Human Resources Manager, 2025 14th Street Boulder, CO 80302

Phone: 303.441.3525

e-mail: jyager@bouldercounty.org

Found at <https://assets.bouldercounty.org/wp-content/uploads/2017/03/as-adacomplaintproc.pdf>

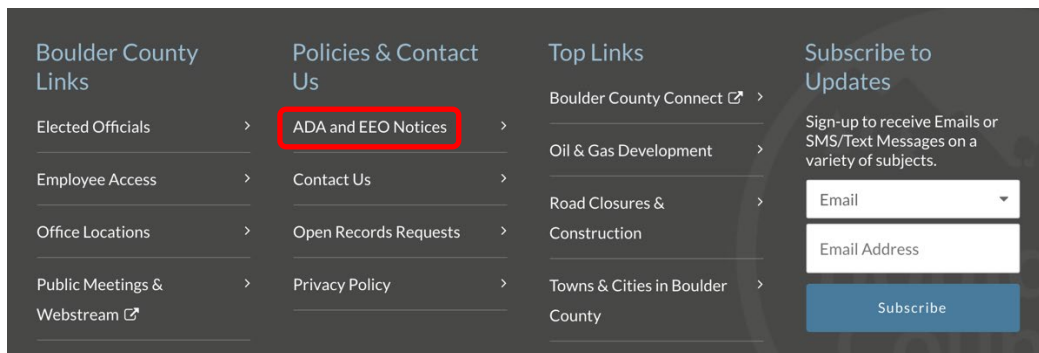


Note: It will be helpful to avoid using the term “hearing impaired” rather use TTY/TDD with regards to accessible telephones. New terminology – RTT (Real Time Text) is in the works as per FCC (Federal Communications Commission) as per their [Factsheet](#) released on October 2, 2018

Contact Us		
Human Resources ☎ 303-441-3525 800-659-2656 hearing impaired ✉ Submit a question	Location Downtown Boulder 2025 14th St Boulder, CO 80301 🗺 Map & Directions Hours: 7:30 a.m. - 5 p.m. M-Th	Mailing Address Human Resources PO Box 471 Boulder CO 80306

TASK 10. Find the County’s ADA Notice and or ADA complaint or grievance procedure. Can you find/complete a complaint or grievance form? (No need to submit.)

At the bottom of the home page under **Policies & Contact Us**:



After clicking on the **ADA and EEO Notices** from where you will be directed to: <https://www.bouldercounty.org/government/ada-eeo-notices/> and you will find the following:

Notice

Title II of the Americans with Disabilities Act (ADA) requires that Boulder County make county facilities, programs, and services accessible to persons with disabilities in accordance with the standards of the ADA. If you feel that you have not been able to access a Boulder County facility, program, or service because of a lack of accessibility or

that you have been discriminated against because of your disability, please fill out the ADA Complaint Form.

- [ADA Complaint Form](#)
- [Complaint Procedures and Instructions](#)
- [ADA Printable Complaint Procedures and Instructions](#)

For ADA concerns with organizations outside of Boulder County, please contact the Department of Justice at 1-800-514-0301 or visit their website at: www.ada.gov.

Report for Public Website of Boulder County, Colorado **(<https://www.bouldercounty.org>)**

Report Creator: Ron Stauffer, December 1, 2020 – February 22, 2021

Evaluation Commissioner: CP&Y/Meeting the Challenge, Inc. – Geoff Ames

Summary of the Evaluation Findings

This website is built in WordPress, which generally has quite a bit of web accessibility features built-in. However, the WordPress theme selected, Unicon, is visually pleasing but is lacking some of those major accessibility features. There are a few specific items of concern, such as a lack of bypass blocks, content carousels, many instances of empty links, and quite a few contrast issues. Some of these would be relatively simple to fix.

On a note not quite related to accessibility, but still of concern, is the fact that the website has a content section on the homepage with the heading "This is Boulder County, Colorado" with an accompanying DIV that contains explanatory content and a video called "About Boulder County." For some reason that could not be determined during this audit, this content panel simply vanishes from time to time, appearing and reappearing depending on the browser being used, whether a browser's cache had been cleared, etc.

Note: it appears in Safari here: <https://share.liederdigital.com/rRukNRWk> but not using Firefox here: <https://share.liederdigital.com/GGu6Ej4R>.

Overall, the biggest challenges for accessibility appear to be the calendar, search function, a lack of bypass blocks, and many empty links. It's hard for a user relying on only a keyboard to understand what information the website is conveying and then trying to interact with the content. The search function may be essentially useless for many keyboard users, depending on the program they're using for screen reading.

Scope of the Evaluation

Website name	Public Website of Boulder County, Colorado
Scope of website	Web content of the public website of County of Boulder, located at https://www.bouldercounty.org .
WCAG Version	WCAG 2.1
Conformance target	Level AA
Relied upon technologies	<ul style="list-style-type: none">• CSS• WAI-ARIA• HTML5

Overview of Audit Results

Principle	Level A	Level AA
1. Perceivable	5/9	6/11
2. Operable	9/14	1/3
3. Understandable	3/5	3/5
4. Robust	0/2	0/1
Total	17/30	11/20

Detailed Audit Results

Principle 1 Perceivable

1.1 Text Alternatives

1.1.1 Non-text Content: (Level A) [success criterion](#)

Results for the entire sample:

Outcome: Failed

Findings: Multiple failures related to alt text for images. See more info below. Also, <https://share.liederdigital.com/kpuNx6zx> and <https://share.liederdigital.com/2Nu0DPZQ>.
Results for: (<https://www.bouldercounty.org/>)

Outcome: Failed

Findings: 1 X Missing alternative text

1 X Missing form label

Results for: (<https://www.bouldercounty.org/departments/assessor>)

Outcome: Failed

Findings: 4 X Linked image missing alternative text

Results for: (<https://www.bouldercounty.org/departments/clerk-and-recorder/news/>)

Outcome: Failed

Findings: –

Results for: (<https://www.bouldercounty.org/elections/new-voters/>)

Outcome: Failed

Findings: 1 X Missing alternative text

Results for: (<https://www.bouldercounty.org/environment/recycle/drop-off-centers/>)

Outcome: Failed

Findings: 92 X Missing alternative text

1 X Missing form label

Results for: (<https://www.bouldercounty.org/events/>)

Outcome: Failed

Findings: 1 X Linked image missing alternative text

1 X Empty form label

1 X Empty heading

Results for: (<https://www.bouldercounty.org/events/posac-dec-17/>)

Outcome: Failed

Findings: 11 X Missing alternative text

1 X Image map area missing alternative text

Results for: (<https://www.bouldercounty.org/records/licenses/restaurant-and-food-vendor-licensing/>)

Outcome: Failed

Findings: 1 X Linked image missing alternative text

1 X Complex image containing substantial information – more than can be conveyed in a short phrase or sentence. Screenshot: <https://share.liederdigital.com/4guO84mk> and more information:

<https://lieder.us/2KWV7JP>.

Results for: (<https://www.bouldercounty.org/safety/sheriff/law/fire-management/>)

Outcome: Failed

Findings: 1 X Missing alternative text

Results for: (<https://www.bouldercounty.org/transportation/closures-and-construction/>)

Outcome: Failed

Findings: 8 X Empty heading

1.2 Time-based Media

1.2.1 Audio-only and Video-only (Prerecorded): (Level A) [success criterion](#)

Results for the entire sample:

Outcome: Passed

Findings: No such content encountered during audit.

1.2.2 Captions (Prerecorded): (Level A) [success criterion](#)

Results for the entire sample:

Outcome: Passed

Findings: Captions provided for embedded YouTube videos.

1.2.3 Audio Description or Media Alternative (Prerecorded): (Level A) [success criterion](#)

Results for the entire sample:

Outcome: Failed

Findings: Audio descriptions or media alternatives not provided for embedded YouTube videos.

Example: <https://youtu.be/F3A1VffiOH4>.

1.2.4 Captions (Live): (Level AA) [success criterion](#)

Results for the entire sample:

Outcome: Passed

Findings: No such content encountered during audit. Note: please see additional report called "POSAC Meeting 12-17-20 (Accessibility Report)" for more information on this.

1.2.5 Audio Description (Prerecorded): (Level AA) [success criterion](#)

Results for the entire sample:

Outcome: Failed

Findings: Audio description not provided for embedded YouTube videos. Example of video with audio description: <https://youtu.be/F3A1VffiOH4>.

1.3 Adaptable

1.3.1 Info and Relationships: (Level A) [success criterion](#)

Results for the entire sample:

Outcome: Failed

Findings: –

Results for: (<https://www.bouldercounty.org/environment/recycle/drop-off-centers/>)

Outcome: Failed

Findings: Form <input> elements must have labels

Results for: (<https://www.bouldercounty.org/events/>)

Outcome: Failed

Findings: 1 X Empty heading

Results for: (<https://www.bouldercounty.org/transportation/closures-and-construction/>)

Outcome: Failed

Findings: 8 X Empty heading

1.3.2 Meaningful Sequence: (Level A)

Results for the entire sample:

Outcome: Passed

Findings: –

1.3.3 Sensory Characteristics: (Level A)

Results for the entire sample:

Outcome: Passed

Findings: –

1.3.4 Orientation: (Level AA)

Results for the entire sample:

Outcome: Passed

Findings: –

1.3.5 Identify Input Purpose: (Level AA)

Results for the entire sample:

Outcome: Passed

Findings: –

1.4 Distinguishable

1.4.1 Use of Color: (Level A)

Results for the entire sample:

Outcome: Failed

Findings: Color is used as the only visual means of conveying a visual element: in multiple cases, only color is used to distinguish links. Examples: <https://share.liederdigital.com/5zudKPJ2>, <https://share.liederdigital.com/JruqE8pb>, and <https://share.liederdigital.com/nOuD71Ed>. View solution and more information: <https://lieder.us/38gR7wv>.

1.4.2 Audio Control: (Level A)

Results for the entire sample:

Outcome: Passed

Findings: No such content encountered during audit.

1.4.3 Contrast (Minimum): (Level AA) [success criterion](#)

Results for the entire sample:

Outcome: Failed

Findings: Multiple contrast errors on most pages audited. Most are minor and can be fixed easily.

Results for: (<https://www.bouldercounty.org/>)

Outcome: Failed

Findings: 3 X Very low contrast

Results for: (<https://www.bouldercounty.org/departments/assessor>)

Outcome: Failed

Findings: 1 X Very low contrast

Results for: (<https://www.bouldercounty.org/departments/clerk-and-recorder/news/>)

Outcome: Failed

Findings: 1 X Very low contrast

Results for: (<https://www.bouldercounty.org/elections/new-voters/>)

Outcome: Failed

Findings: 1 X Very low contrast

Results for: (<https://www.bouldercounty.org/environment/recycle/drop-off-centers/>)

Outcome: Failed

Findings: 4 X Very low contrast

Results for: (<https://www.bouldercounty.org/events/>)

Outcome: Failed

Findings: 6 X Very low contrast

Results for: (<https://www.bouldercounty.org/events/posac-dec-17/>)

Outcome: Failed

Findings: 2 X Very low contrast

Results for: (<https://www.bouldercounty.org/government/contact-us/>)

Outcome: Failed

Findings: 8 X Very low contrast

Results for: (<https://www.bouldercounty.org/jobs/>)

Outcome: Failed

Findings: 1 X Very low contrast

Results for: (<https://www.bouldercounty.org/news/boulder-county-to-test-a-four-day-work-week-pilot-program-for-some-services/>)

Outcome: Failed

Findings: 1 X Very low contrast

Results for: (<https://www.bouldercounty.org/property-and-land/treasurer/taxes/>)

Outcome: Failed

Findings: 1 X Very low contrast

Results for: (<https://www.bouldercounty.org/records/licenses/restaurant-and-food-vendor-licensing/>)

Outcome: Failed

Findings: 1 X Very low contrast

Results for: (<https://www.bouldercounty.org/safety/sheriff/law/fire-management/>)

Outcome: Failed

Findings: 1 X Very low contrast

Results for: (<https://www.bouldercounty.org/transportation/closures-and-construction/>)

Outcome: Failed

Findings: 1 X Very low contrast

Results for: (<https://www.bouldercounty.org/families/financial/>)

Outcome: Failed

Findings: 1 X Very low contrast

Results for: (<https://www.bouldercounty.org/news/boulder-county-elections-releases-election-security-community-briefing/>)

Outcome: Failed

Findings: 1 X Very low contrast

1.4.4 Resize text: (Level AA) [success criterion](#)

Results for the entire sample:

Outcome: Failed

Findings: Zooming and scaling is disabled: user-scalable="0" prevents proper text resizing. Resizing text to 200 percent (as required) creates loss of functionality. Example of normal zoom:

<https://lieder.us/3baGm0l>. Example of resize text: <https://lieder.us/2KXnwiS>.

1.4.5 Images of Text: (Level AA)

Results for the entire sample:

Outcome: Failed

Findings: A few instances of images of text: these are minor issues easily fixed.

Results for: (<https://www.bouldercounty.org/news/boulder-county-to-test-a-four-day-work-week-pilot-program-for-some-services/>)

Outcome: Failed

Findings: –

Results for: (<https://www.bouldercounty.org/records/licenses/restaurant-and-food-vendor-licensing/>)

Outcome: Failed

Findings: –

Results for: (<https://www.bouldercounty.org/news/boulder-county-elections-releases-election-security-community-briefing/>)

Outcome: Failed

Findings: –

1.4.10 Reflow: (Level AA)

Results for the entire sample:

Outcome: Passed

Findings: –

1.4.11 Non-text Contrast: (Level AA) [success criterion](#)

Results for the entire sample:

Outcome: Failed

Findings: – Multiple instances of non-text contrast failures.

1.4.12 Text Spacing: (Level AA)

Results for the entire sample:

Outcome: Passed

Findings: –

1.4.13 Content on Hover or Focus: (Level AA)

Results for the entire sample:

Outcome: Passed

Findings: –

Principle 2 Operable

2.1 Keyboard Accessible

2.1.1 Keyboard: (Level A) [success criterion](#)

Results for the entire sample:

Outcome: Failed

Findings: –

Results for: (<https://www.bouldercounty.org/events/>)

Outcome: Failed

Findings: 5 X Broken ARIA menu

2.1.2 No Keyboard Trap: (Level A)

Results for the entire sample:

Outcome: Passed

Findings: Requires more testing.

2.1.4 Character Key Shortcuts: (Level A)

Results for the entire sample:

Outcome: Passed

Findings: No character key shortcuts encountered during audit.

2.2 Enough Time

2.2.1 Timing Adjustable: (Level A)

Results for the entire sample:

Outcome: Passed

Findings: No such content encountered during audit.

2.2.2 Pause, Stop, Hide: (Level A) [success criterion](#)

Results for the entire sample:

Outcome: Failed

Findings: Content carousel has auto-advancing content without clear mechanism for pausing/stopping/hiding. Example: <https://share.liederdigital.com/kpu7JZ9E>.

2.3 Seizures and Physical Reactions

2.3.1 Three Flashes or Below Threshold: (Level A)

Results for the entire sample:

Outcome: Passed

Findings: No such content encountered during audit.

2.4 Navigable

2.4.1 Bypass Blocks: (Level A) [success criterion](#)

Results for the entire sample:

Outcome: Failed

Findings: No bypass blocks exist: users must tab through dozens of menu links before reaching main page content. Example: <https://share.liederdigital.com/geuo7E9m>.

2.4.2 Page Titled: (Level A) [success criterion](#)

Results for the entire sample:

Outcome: Passed

Findings: –

2.4.3 Focus Order: (Level A)

Results for the entire sample:

Outcome: Passed

Findings: –

2.4.4 Link Purpose (In Context): (Level A) [success criterion](#)

Results for the entire sample:

Outcome: Failed

Findings: Links must have discernible text: multiple links encountered have no link text at all, preventing the user from determining the purpose of the link.

Results for: (<https://www.bouldercounty.org/environment/recycle/drop-off-centers/>)

Outcome: Failed

Findings: 37 X Empty link

Results for: (<https://www.bouldercounty.org/events/>)

Outcome: Failed

Findings: 1 X Empty link

Results for: (<https://www.bouldercounty.org/safety/sheriff/law/fire-management/>)

Outcome: Failed

Findings: 2 X Empty link

2.4.5 Multiple Ways: (Level AA)

Results for the entire sample:

Outcome: Passed

Findings: Search bar allows more than one way to locate a web page. A visual/HTML sitemap is also recommended if possible.

2.4.6 Headings and Labels: (Level AA)

Results for the entire sample:

Outcome: Failed

Findings: Empty headings fail to describe topic or purpose. Example:

<https://share.liederdigital.com/OAug4ygk>.

Results for: (<https://www.bouldercounty.org/events/>)

Outcome: Failed

Findings: 1 X Empty heading

Results for: (<https://www.bouldercounty.org/transportation/closures-and-construction/>)

Outcome: Failed

Findings: 8 X Empty heading

2.4.7 Focus Visible: (Level AA)

Results for the entire sample:

Outcome: Failed

Findings: Keyboard focus indicator is not visible on most anchors throughout entire site. Tabbing between items often has no focus indicator at all leaving the user unsure of what will happen when selecting the active focus. Example: <https://share.liederdigital.com/DOuoEKW0>.

2.5 Input Modalities

2.5.1 Pointer Gestures: (Level A)

Results for the entire sample:

Outcome: Failed

Findings: –

Results for: (<https://www.bouldercounty.org/environment/recycle/drop-off-centers/>)

Outcome: Failed

Findings: Using a mobile device, "use two fingers to move the map" requires two-fingered gestures and has no alternative.

2.5.2 Pointer Cancellation: (Level A)

Results for the entire sample:

Outcome: Passed

Findings: Requires more testing.

2.5.3 Label in Name: (Level A) [success criterion](#)

Results for the entire sample:

Outcome: Passed

Findings: Requires more testing.

2.5.4 Motion Actuation: (Level A)

Results for the entire sample:

Outcome: Passed

Findings: No such content encountered during audit, but this does not guarantee consistency throughout entire website.

Principle 3 Understandable

3.1 Readable

3.1.1 Language of Page: (Level A) [success criterion](#)

Results for the entire sample:

Outcome: Passed

Findings: –

3.1.2 Language of Parts: (Level AA)

Results for the entire sample:

Outcome: Failed

Findings: Improper structure for language of parts: pages in Spanish have "en" set as language of page but have Spanish language without changing lang attribute.

Results for: (<https://www.bouldercounty.org/events/todo-lo-que-debo-saber-acerca-de-credito-2-2-2/>)

Outcome: Failed

Findings: –

3.2 Predictable

3.2.1 On Focus: (Level A)

Results for the entire sample:

Outcome: Passed

Findings: –

3.2.2 On Input: (Level A)

Results for the entire sample:

Outcome: Failed

Findings: –

Results for: (<https://www.bouldercounty.org/departments/assessor>)

Outcome: Failed

Findings: Link to sub-page for county assessor opens in new window. Read more on this issue: <https://lieder.xyz/fzj>.

3.2.3 Consistent Navigation: (Level AA)

Results for the entire sample:

Outcome: Passed

Findings: –

3.2.4 Consistent Identification: (Level AA)

Results for the entire sample:

Outcome: Passed

Findings: –

3.3 Input Assistance

3.3.1 Error Identification: (Level A) [success criterion](#)

Results for the entire sample:

Outcome: Passed

Findings: –

3.3.2 Labels or Instructions: (Level A) [success criterion](#)

Results for the entire sample:

Outcome: Failed

Findings: "Subscribe to Updates" form: required field missing aria-required

Results for: (<https://www.bouldercounty.org/events/>)

Outcome: Failed

Findings: 1 X Empty heading

Results for: (<https://www.bouldercounty.org/transportation/closures-and-construction/>)

Outcome: Failed

Findings: 8 X Empty heading

3.3.3 Error Suggestion: (Level AA) [success criterion](#)

Results for the entire sample:

Outcome: Passed

Findings: –

3.3.4 Error Prevention (Legal, Financial, Data): (Level AA)

Results for the entire sample:

Outcome: Failed

Findings: Most forms involving legal or financial transactions are performed via external websites such as mydmv.colorado.gov. One exception is the Wufoo contact form on the contact us page.

Results for: (<https://www.bouldercounty.org/government/contact-us/>)

Outcome: Failed

Findings: User does not get an opportunity to review and confirm the transaction before committing it, nor is the action reversible. The affirmation that the user acknowledges that their submission "is considered an item of public record and must be made available by request under the Colorado Open Records Act (CORA). Public information includes name, email address, phone number, and other supplied information."

Principle 4 Robust

4.1 Compatible

4.1.1 Parsing: (Level A) [success criterion](#)

Results for the entire sample:

Outcome: Failed

Findings: Multiple (minor) parsing errors encountered using W3 validator (view results here: <https://lieder.us/3pVEhtg>).

Results for: (<https://www.bouldercounty.org/>)

Outcome: Not checked

Findings: ID attribute values must be unique - Fix any of the following: Document has multiple static elements with the same id attribute: uew_2

Results for: (<https://www.bouldercounty.org/events/>)

Outcome: Failed

Findings: IDs used in ARIA and labels must be unique.

4.1.2 Name, Role, Value: (Level A) [success criterion](#)

Results for the entire sample:

Outcome: Failed

Findings: Links must have discernible text

Results for: (<https://www.bouldercounty.org/environment/recycle/drop-off-centers/>)

Outcome: Failed

Findings: Form <input> elements must have labels / select element must have an accessible name

Results for: (<https://www.bouldercounty.org/events/>)

Outcome: Failed

Findings: 5 X Broken ARIA menu.

4.1.3 Status Messages: (Level AA) [success criterion](#)

Results for the entire sample:

Outcome: Passed

Findings: –

Sample of Audited Web Pages

- Home Page <https://www.bouldercounty.org/>
- County Assessor <https://www.bouldercounty.org/departments/assessor>
- Clerk & Recorder Updates <https://www.bouldercounty.org/departments/clerk-and-recorder/news/>
- County Assessor <https://www.bouldercounty.org/departments/assessor>
- Clerk & Recorder Updates <https://www.bouldercounty.org/departments/clerk-and-recorder/news/>
- Elections - New Voters <https://www.bouldercounty.org/elections/new-voters/>
- Recycle Drop-Off Centers <https://www.bouldercounty.org/environment/recycle/drop-off-centers/>
- Upcoming Events <https://www.bouldercounty.org/events/>
- Parks & Open Space - Dec 17 <https://www.bouldercounty.org/events/posac-dec-17/>
- Contact Us <https://www.bouldercounty.org/government/contact-us/>
- Jobs <https://www.bouldercounty.org/jobs/>
- News - 4 Day Pilot Program <https://www.bouldercounty.org/news/boulder-county-to-test-a-four-day-work-week-pilot-program-for-some-services/>
- Treasurer - Taxes <https://www.bouldercounty.org/property-and-land/treasurer/taxes/>
- Licenses - Restaurant <https://www.bouldercounty.org/records/licenses/restaurant-and-food-vendor-licensing/>
- Law - Fire Management <https://www.bouldercounty.org/safety/sheriff/law/fire-management/>
- Traffic Closures <https://www.bouldercounty.org/transportation/closures-and-construction/>
- Credit Class (Spanish) <https://www.bouldercounty.org/events/todo-lo-que-debo-saber-acerca-de-credito-2-2-2/>
- Families - Financial <https://www.bouldercounty.org/families/financial/>
- Elections Security Briefing <https://www.bouldercounty.org/news/boulder-county-elections-releases-election-security-community-briefing/>

Record of Evaluation Specifics

Browsers used:

- Safari
- Chrome
- Firefox

Tools used:

- Colorzilla
- Colour Contrast ANalyser (CCA)
- Deque aXe Pro
- Google Chrome with ChromeVox Screen Reader
- Google Lighthouse
- Grayscale Bookmarklet
- HeadingsMap
- HTML Codesniffer
- Nu Html Checker (W3C Markup Validation Service)
- Tota11y
- Web Developer Browser Extension
- WebAIM WAVE

Related WCAG 2 resources

- [Web Content Accessibility Guidelines \(WCAG\)](#)
Overview: www.w3.org/WAI/intro/wcag
- [How to Meet WCAG 2.1 Quick Reference](#)
www.w3.org/WAI/WCAG21/quickref/
- [WCAG Evaluation Methodology \(WCAG-EM\)](#)
Overview: www.w3.org/WAI/eval/conformance

Appendix D. Summary: Management Interviews

DRAFT



JANUARY 2021

SUMMARY: MANAGEMENT ADA INTERVIEWS

JANUARY 2021

BOULDER COUNTY, COLORADO

DANA BARTON

MEETING THE CHALLENGE, INC.
3630 SINTON ROAD, SUITE 103, COLORADO SPRINGS, CO 80907

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DRAFT

BACKGROUND

Boulder County (the County) has engaged the services of Meeting the Challenge, Inc. (MTC), to assist in the completion of a Self-evaluation and transition plan to ensure compliance with title II of the Americans with Disabilities Act (ADA). The title II regulations require each state and local government to *evaluate its current services, policies, and practices, and the effects thereof, that do not or may not meet the requirements of this part and, to the extent modification of any such services, policies, and practices is required, the public entity shall proceed to make the necessary modifications* (§ [35.105\(a\)](#)). MTC believes that an essential aspect of the evaluation process is to identify the programs, policies, and practices of each department or division of the County.

By conducting conversational interviews, MTC probes managers and those in leadership positions so we can understand their programs and their obligations, particularly those of public facing employees, to appropriately interact with members of the public who have disabilities. Public employees must ensure that interaction with people with disabilities is provided *in the most integrated setting appropriate to the needs of qualified individuals with disabilities* (§ [35.130\(d\)](#)). This requires public employees to offer, upon request, *reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability* (§ [35.130\(b\)\(7\)](#)). Public-facing employees should receive sufficient training, appropriate to their duties, to be aware of and sensitive to individual needs, and to properly assist and treat individuals with disabilities in a respectful and courteous way, with proper attention to differences among people with disabilities.

Interaction with and the need to accommodate people with disabilities is not, typically, a routine or everyday duty of public employees. Accordingly, public entities must have policies and procedures in place and provide training to employees to ensure they are prepared for the infrequent occasions when they are asked to provide a sign language interpreter or decide about a service animal. These interviews serve to inform MTC of potential gaps in knowledge but can also provide informative dialogue for public employees.

THE INTERVIEWS

Dana Barton and Geoff Ames, MTC's Director and Senior Project Manager respectively, conducted virtual interviews of the County's managerial staff between December 6, 2020 and January 14, 2021. Barton and Ames interviewed members of County management representing the following departments and divisions:

- Sheriff's Office
- Public Works

- Community Planning and Permitting
- Public Health
- Building Services
- Facilities
- Assessor's Office
- Parks and Open Space
- Boulder County Jail
- Workforce Boulder County
- Boulder County Fairgrounds
- Fire Management
- Health and Human Services
- Treasurer
- Information Technology

Participants were assured that this report will not directly quote any persons interviewed or attribute any content in this report to any individual. Subjects were told that conversations are confidential, and notes will be accessed by MTC staff only, to compile summarized findings. Specific content of interviews has not been made public or shared with other employees. The intention was to make clear that people could speak freely with an assurance of anonymity.

Interviews began with introduction of Mr. Ames or Ms. Barton by either Karla Schultz, Boulder County Facilities Planner and Project Manager, or James Butler, Boulder County Lead Architect. Following the introduction, both Ames and Barton explained that MTC's role is to assist the County to ensure that its services, programs, activities, and facilities comply with requirements of title II of the ADA. They further clarified that their role is not adversarial and that while looking for gaps in policies and practices, they are not here to find fault.

Each conversation began with the following questions:

- How familiar are you with ADA?
- Have you ever dealt with an ADA complaint or issue? If so, how did you handle it?
- Have you or your staff had any formal ADA training?

Each conversation generally asked participants to discuss topics such as the following:

- A list of the facilities where you provide services and programs to the public
- Services, programs, and activities your department/division provides

- Any processes – methods or means – of providing access to programs when/if barriers in facilities might prevent some people with disabilities from accessing those programs
- Any criteria used to qualify individuals to participate in your programs
- How/where the public can access your department’s programs – County owned facilities or other venues – including temporary events
- Specific experience/incidents you have had involving service animals, requests for effective communication/auxiliary aids and services, etc.
- Any acquaintances, friends, or family members who have a disability



FAMILIARITY WITH THE ADA

Most subjects reported minimal familiarity with the ADA. What knowledge they did have was learned on the job, or in past employment. To some extent, understanding of the ADA is broken into categories specific to individual duties. For example, participants who work in areas such Building Services have a basic understanding of accessible design features; those who manage or support public programs understand the requirement to provide auxiliary aids and effective communication. This is not unusual.

The County’s employees who are directly involved with structural design and practical construction, in facilities and the right-of-way, are broadly aware of the requirements for physical accessibility. Most of the participants in these interviews are more cognizant of physical barriers than barriers to communication, or other procedural barriers that prevent or might prevent access to the County’s services, programs, and activities. This is not unusual for employees who have little direct contact with the public. Those who do not have regular direct contact with the public may have less experience with – or expectations of – requests for auxiliary aids or services to achieve effective communication, and other requests for accommodation.

ADA COMPLAINTS AND REQUESTS

Several subjects related their experiences in handling ADA complaints or requests for Reasonable Accommodation (employment) or Reasonable Modification of policies (public programs). As related by those that were interviewed, their approach and handling of complaints and requests from individuals with disabilities was appropriate and compliant with ADA regulations. For example, an employee who was assigned to an office location on a second-level floor in a building where the elevator was not working, was allowed to work from home. In another example, when the use of a wheelchair prevents a client from being able to get close enough to a service window to communicate with confidentiality, the client was able to meet with a County employee in a private room.

Though some interviewees reported having had some ADA training specific to their duties, almost all described their response to requests for accommodations and modifications, as being more intuitive than informed. The attitudes expressed by interviewees consistently demonstrated genuine concern for inclusion of people with disabilities in the County's programs. However, for most, interaction with people who have visible or noticeable disabilities remains a relatively rare event requiring a non-standard way of processing routine duties.

Most comments pertained to the County's efforts to respond to requests for Reasonable Modifications to public programs from Boulder County constituents. County employees have made auxiliary aids available or will meet a customer in a parking lot to gather paperwork if there is not an accessible route. One person communicated that they had received a complaint about the readability of a trail map by a person with colorblindness.

Based on the comments made, MTC believes that the County has made good faith efforts to comply with both the ADA's title II (program access) requirements and title I (employment) requirements.

ADA TRAINING

Several subjects report that they have received some training specific to ADA-related requirements of their duties, either during their tenure with the County, or during previous employment. However, the majority of the subjects could not remember any formal ADA-related training. Most reported that they would value additional training. It is apparent, that, while individuals have positive attitudes and willingness to accommodate employees with disabilities and modify procedures and practices to make programs

accessible for members of the public with disabilities, they are not necessarily aware of County policies that inform and support their efforts.

As the opportunities to accommodate employees or ensure program access for the public are not necessarily routine or everyday experiences, training is necessary for management and even more so for public-facing staff. Training is needed to prepare individuals for those relatively infrequent situations when they will need to interact with individuals with disabilities in a respectful and courteous way, with proper attention to differences among people with disabilities.

Comprehensive knowledge and understanding of all ADA regulations is not necessarily critical for every County employee. However, some fundamental understanding of the ADA, including at minimum, disability etiquette or awareness, is critical for all public employees. MTC recommends disability etiquette and implicit bias training for all public employees. While such training is fundamental to ensuring compliance with ADA regulations, the primary purpose is to enhance the comfort and confidence of employees in their interaction with people of all abilities.

In addition, every employee should have more than superficial knowledge of their title I rights as employees and the County's responsibilities as an employer. Employees should know that they are not required to disclose a disability until and unless they are requesting a Reasonable Accommodation. Every employee should understand the interactive process for Reasonable Accommodations. Supervisors need to appreciate the fact that employees may not always be able to clearly articulate their requests for accommodations. Employees need to understand the right to confidentiality of co-workers with disabilities who are accommodated under title I of the ADA.

Participants were informed that, following the revision of existing and development of new ADA-related policies or guidance materials, all County employees will receive additional ADA training appropriate to their duties. Further discussion will be necessary to develop training materials to target specific categories of employees.

OTHER TOPICS AND AREAS OF INTEREST

Facilities

Architectural findings in the County's buildings and trailheads has been covered in the Transition Plan Database (TPD) and facilities summary report. Several discussions noted that County constituents have

made complaints about sidewalks and curb ramps. It was not clear if these complaints were for accessible routes at County facilities or were within Pedestrian facilities. As noted earlier in this report, at least one interviewee noted that there is not an accessible route to enter their office location, so they will meet a citizen outside in the parking lot when necessary

Regarding physical access issues, improvements to pedestrian facilities in the County's right-of-way, may be a greater challenge than deficiencies in buildings and sites. Pedestrian facilities in the public right-of-way are not included in the scope of this project.

Individuals who work within the Boulder County Jail were aware of several architectural barriers and noted steps the County has taken to remove these barriers. For example, the showers have been updated to be wheelchair accessible within the last four years and bunk-heights can be adjusted as needed. Other barrier removal is scheduled, such as updating the height of sinks within the Jail.

There was also some discussion of the difference between public and employee common areas of facilities. For example, where offices, conference rooms, break rooms, or restrooms are for employee use only, access to those rooms or spaces is not a program access issue. That said, there are several triggers for addressing barriers in employee common spaces. At the time that alterations are completed to a primary function area of a facility, paths of travel serving the primary function area, including employee restrooms, must be addressed (up to the 20 percent limit of disproportionality). If an employee with a disability needs accessibility within a space, then barriers in employee only/employee common areas must be addressed to provide reasonable accommodation. Also, when/if those spaces are made available to the public, for example, during public meetings, programmatic access requirements apply.

Other Methods and Means

County staff are aware that members of the public accessing services at County offices must be provided with those services in accessible spaces. The availability and accessibility of conference rooms on the first floor, and elevators providing vertical access to upper floors, make it convenient for staff to meet with constituents in accessible spaces. In general, interviewees reported that they are aware that auxiliary aids and services must be provided when requested by qualified individuals with disabilities, though some were unsure of the process for accessing resources for effective communication, such as sign language interpreters or braille documents. While some were aware that should they have questions regarding resources for the provision of auxiliary aids and services, they would ask the County's ADA Coordinator,

Julia Larsen, others communicated they would seek direction or assistance from James Butler, Lead Architect.

While we often imagine the typical interactions between County employees happening within a County facility, many interactions may take place on a roadside or at the front doors of residents. These interactions may be initiated by constituents or they may be initiated by law enforcement officers or other County staff. Sensitivity to and awareness of the need of people with disabilities to have certain accommodations, such as effective communication, are imperative in circumstances outside of County facilities and standard operating procedures. Examples of encounters of this type, given by employees demonstrate an admirable capacity of County staff for providing empathic customer service.

Key Areas of Interest

Service animals are a common concern in public facilities. Public entities must be very circumspect in dealing with dogs that might or might not be service animals. Public employees are wise to avoid asking unnecessary (or prohibited) questions about service animals or about individuals' disabilities when those disabilities are not obvious. There decidedly are places in public facilities where service animals can be excluded. Specific policy language should be adopted to identify such locations and situations and clearly state the reasons (e.g., fundamental alteration, legitimate safety requirements, etc.) for exclusion. An ADA service animal policy should also clearly state the behavioral conditions for which an animal can be excluded.

During several discussions, program access and effective communication as it related to the Boulder County website was discussed. Boulder County hosts its own website, maintains social media channels, and provides information to constituents via email and newsletters. Within the County, communications are decentralized between offices who have their own communications or marketing staff member. Staff shared that within the past 12 years, there have been four revisions of the County website and that website design is by committee, without much thought around accessibility.

When the ADA was passed in 1990, Congress did not predict in the ADA's provisions, the enormous role the Internet would have in the lives of Americans in the 21st Century. Today in the shadow of a pandemic, it is difficult to imagine how society could function – how we could communicate in this time of social distancing – without the Internet. Websites serve as virtual facilities used by businesses to distribute their goods and services and by federal, state, and local governments to provide critical services and communication when brick-and-mortar facilities are closed. Most Americans can take for granted that most

of life's essentials can be accessed from personal computers, tablets, or mobile devices. Many of us can work remotely using technology that did not exist a few short years ago. A few clicks of a mouse and the global supply chain puts products on our doorsteps overnight. The IRS deposits funds directly to personal checking accounts. Daily updates to the COVID-19 emergency are posted to millions of websites.

And yet, many people – those with cognitive, sensory, or manual mobility limitations – have difficulty perceiving, operating, or understanding the functions and communications of those websites. Virtual trainings and hiring events that are streamed without accurate, real-time captions are meaningless to people who are deaf. Critical information posted as scanned text is unreadable to people who are blind. Websites that are not navigable without a mouse are unhelpful to people who are blind and people who have manual mobility impairments that make pointing and clicking impossible.

Several staff relayed that Boulder County has shifted to providing programs, services, and activities virtually since the COVID-19 pandemic began. Public hearings have shifted online and while they may be more accessible to individuals with transportation or physical limitations, the County has had to adjust to finding interpreters, captioners, and ensuring that transcriptions are provided.

MTC perceives that even though some interviewees have not personally received any complaints or requests for an accommodation, there is nevertheless a need for targeted training to ensure the County's culture of inclusivity. There is a willingness to accommodate people with disabilities and consistent efforts are made to announce the availability of accommodations for public meetings.

CONCLUSION

Without exception, members of the Boulder County management team demonstrate a positive attitude about providing inclusive programs for everyone in the community. Though not always thoroughly informed about the specific requirements of title II of the ADA, the participants in these discussions expressed a willingness to go-out-of-their-way to ensure that people with disabilities are not denied opportunities to participate in the County's programs. The County's culture of providing exceptional customer service provides a solid foundation for meeting the accommodation and accessibility needs of people with disabilities. In some instances, where solid footing is not provided in policy and procedures, participants spoke of circumstances where creative and innovative approaches were implemented "on-the fly" to ensure that individuals with disabilities had equal opportunities to participate. While this *improvisation* is admirable, it is not the best plan to consistently ensure that employees will take appropriate actions in the future.



There is no plan or set of procedures that can guarantee, without question, the exact steps that the County's employees must take to achieve effective and compliant interaction with qualified individuals with disabilities. However, broad policies or guidance documents aligned with the requirements and intent of the ADA's title I and title II regulations are essential to preparing the County's employees to respond effectively and appropriately in the delivery of services to qualified individuals with disabilities.

RECOMMENDATIONS

As excellent as the County's leaders are, and as willing as their staff might be, there are gaps in knowledge and understanding of the ADA that present potential for unintended discrimination against people with disabilities. To achieve a better understanding of the ADA and minimize the potential risk of discrimination, MTC recommends the development and adoption of a comprehensive ADA policies or guidance documents that address the regulatory requirements of title I and title II. Once these policies/guidelines are adopted,

each County department must develop appropriate procedures to implement those. And finally, the County must provide targeted training to all employees to ensure a functional understanding of the practices necessary to ensure compliance with the ADA and inclusion of people with disabilities in the County's programs, as well as the County's workforce.

Beyond the policies and before training specific to compliance with the ADA's regulatory requirements, the foundation for all training is disability etiquette or disability awareness training, including implicit bias training. This training introduces the audience to an understanding of how to properly assist and treat individuals with disabilities who participate in the County's programs, in a respectful and courteous way, paying appropriate attention to the differences among individuals with disabilities. Further understanding of the needs for training will be evaluated, based on data from the employee survey.

County services, programs, and activities must be, to the extent possible and practical, independently and seamlessly accessible to qualified individuals with disabilities. It is certainly appropriate to provide Reasonable Modification to the County's policies and practices, on a case-by-case basis, when requested to do so by qualified individuals who have disclosed their disabilities (§ [35.130\(b\)\(7\)\(i\)](#)). The County *may not deny a qualified individual with a disability the opportunity to participate in services, programs, or activities that are not separate or different, despite the existence of permissibly separate or different programs or activities* (§ [35.130\(b\)\(2\)](#)).

Appendix E. ADA Staff Knowledge Surveys

DRAFT

January 2021

Boulder County, Colorado

ADA Staff Knowledge Surveys

Prepared by:



Dana Barton

Meeting the Challenge, Inc., A CP&Y Company

3630 Sinton Road, Suite 103, Colorado Springs, Colorado 80907

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Introduction and Summary Comments

Meeting the Challenge (MTC) assisted Boulder County in the development and distribution of a survey intended to assess the Americans with Disabilities Act (ADA) knowledge of Boulder County employees. The survey was deployed on-line using the SurveyMonkey® application. A significant purpose of this survey is to identify gaps in knowledge for which the County needs to develop and provide better guidance support to its employees. In addition, MTC will develop targeted training materials to underscore the County's ADA policies and provide the County's employees with training that will inform them of appropriate procedures and practices to prevent discrimination against people with disabilities when participating in the County's services, programs, and activities. The survey contributes to the broader task of completing an evaluation of all of the County's programs to ensure compliance with the ADA.

The survey data are mostly self-explanatory. We will not delve into detailed analysis of each question and its range of responses. There are not, per se, right or wrong answers as the purpose here is to assess the degree of ADA awareness common to County employees. We wanted to know what employees think about the ADA. We are willing to meet and discuss the results of the survey at length if the County has questions. Anonymous staff comments are found, by question, in the Appendix at the end of this report.

Parameters of the Survey

Questions one to four serve to provide demographic information about the survey's respondents. A total of 1,051 employees responded to the survey. The survey was deployed in both English and Spanish for inclusivity of all Boulder County employees. 1,048 of the responses were received for the English-language survey and three (3) responses were provided to the Spanish-language survey. The Spanish-language responses were only 33% complete and, therefore were excluded from analysis. Based on the total number of County employees (2,014) the number of responses is sufficient for useful statistical analysis (52%). The responses were broadly distributed across departments (with the exception of the Surveyor and Foreclosures/Public Trustee Departments with zero (0) responses, and Housing and Human Services Department with 236 responses – 22.5% of all responses). Responses were also dispersed based on the different assigned work locations in the County. Work locations of the St. Vrain Community Hub, the Courthouse, and *Other* received larger response rates than other locations (12.8%, 10.1% and 21.5% respectively). Respondents were asked to specify their location when selecting *Other*. It was clear that the naming conventions of buildings/locations vary, as respondents sometimes specified the numerical address, rather than the building name. Additionally, 25 respondents indicated that they work from home, which may not be the assigned work location before or after the COVID-19 pandemic.

Nearly 75% of respondents indicated that they work in a non-supervisory position. Respondents' length of service with County was well distributed, with those employed 1-3 years representing 23.4% of the responses. Employees with over 16 years of service represented 20.7% of the responses.

Not all 1,051 respondents responded to every question.

What Did We Learn from the Survey?

In general, County employees have low confidence in their, knowledge, and understanding of the ADA. The majority responded *Unsure*, to 20 survey questions (out of 25 questions in which *Unsure* was an available response). In MTC's experience, the typical ADA knowledge survey will receive an *Unsure* response to approximately half of the survey questions. Additionally, 71% of respondents answered that they were unsure of the name of Boulder County's ADA Coordinator. Only 17% of those who responded correctly named Julia Larsen (nee Yager) as the ADA Coordinator. However, a majority of respondents (45.5%) indicated that they have seen notices indicting nondiscrimination with regard to disability in their facility. Regarding service animals, 61% affirmed that service animals are allowed anywhere

in County facilities (question #11) but 64% responded *Unsure* (467) or *Yes* (145) that, if in doubt, it would be appropriate to request proof that an animal is a service animal (question #12). This demonstrates a general awareness that the ADA recognizes the use of service animal as a right of people with disabilities, but a lack of specific understanding that people with disabilities cannot be required to provide proof or documentation that their dog (or miniature horse) is a service animal. This means that there is considerable likelihood that more than two-thirds of respondents might ask for proof that an animal is a service animal – which could violate the ADA rights of a qualified individual with a disability.

The very nature of the ADA, as a civil rights law, presents, even for those with very much knowledge of the law, considerable ambiguity. There are truly very few black-and-white answers to the questions posed in this survey. Realistically, few employees will have, in the course of their duties, more than rare encounters with people who have disabilities requiring assistance or accommodation to access the County's services, programs, or activities. The ambiguity of how to respond and the infrequent situations where County employees will need to appropriately respond to the specific need of a person with a disability are the reasons that all employees but in particular those who regularly interact with the public should receive ADA-related training. The need to have functional knowledge of the ADA, in the probably rare circumstances when a specific accommodation is needed to serve a person with a disability, is critical because every-day, routine, standard operating procedures may be inappropriate or unacceptable in those circumstances. Specific to their duties, the County's employees must be trained to properly assist and treat individuals with disabilities who participate in the County's programs in a respectful and courteous way, giving appropriate attention to the difference among individuals with disabilities.

Most of the survey data are presented in tables and graphic representation. Additional comments and narrative responses are provided at the end of this report. A brief overview of those comments appears to have a common thread – the County's employees not only need but would like to have more understanding of the ADA.

Comments

MTC concludes that County employees typically would take actions necessary to give an opportunity to individuals with disabilities to participate in the County's services, programs, and activities. That said, County employees' specific knowledge of title II regulatory requirements does not necessarily inform such intentions or actions. The fact that more policy support, guidance, and training are necessary is clearly stated in the following comment (see question #34):

Although we want to be an inclusive and welcoming organization, I am unsure about most things related to ADA. It would be good to get training and resources so that I'm better informed and prepared to assist coworkers and the public, as well as make changes to our projects, programs, and facilities where possible.

MTC believes that the survey indicates, overall, a need for development of ADA-implementing policies and procedures (or an ADA guidance manual for employees) and targeted training on the intent and letter of the ADA, as well as disability etiquette. The development and adoption of policies and procedures, as well as an opportunity for public comment on results of facility assessments and the program evaluation process should be completed prior to employee training sessions. In MTC's experience, face-to-face training, offering an environment welcoming interaction and discussion between trainer and audience, is most effective. However, considering current restrictions on large gatherings during the pandemic, MTC can also provide training through webinars and/or online interactive training modules that permit certification of employee engagement in the training. Alternatively, archived webinars and online training modules can serve the need for ongoing training for new hires and refresher training for existing employees. For example, see [online training modules](#) on MTC's Rocky Mountain ADA Center website.

Text and graphic details of the survey follow.

Respondents' additional comments in response to survey questions, are provided in the Appendix at the end of this report. Please note that comments are shared verbatim, without editing to spelling or grammatical errors.

Survey Questions and Responses

Q1. In which of these departments do you work?

Answer Choices	Response %	Responses
Assessor's Office	3.44%	36
Clerk and Recorder's Office	4.68%	49
Commissioners' Office	1.53%	16
Community Planning and Permitting	4.58%	48
Community Services	11.64%	122
Coroner's Office	0.57%	6
County Attorney	2.00%	21
District Attorney's Office	3.63%	38
Housing and Human Services	22.52%	236
Human Resources	1.81%	19
Parks and Open Space	8.68%	91
County Administrator	1.15%	12
Financial Management	1.62%	17
Sustainability, Climate Action, and Resilience	0.86%	9
Public Health	9.54%	100
Public Works	7.44%	78
Sheriff's Office	11.64%	122
Treasurer's Office	0.48%	5
Information Technology (IT)	2.19%	23
Answered	100.00%	1048
Skipped		0

Q2. In which of these locations do you work? (If you typically work in the field, please choose your assigned location.)

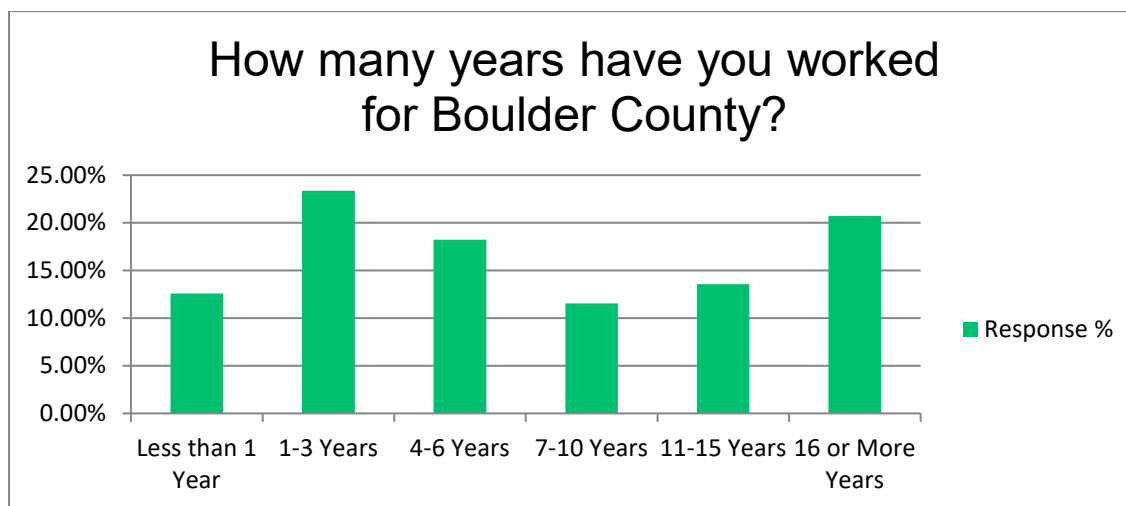
Answer Choices	Response %	Responses
Casa de la Esperanza	0.10%	1
Clerk and Recorder	4.77%	50
Communications Center	1.62%	17
Community Services (Sundquist Building)	2.39%	25
Coroner's Building	0.57%	6
Courthouse	10.11%	106
Fairgrounds	0.95%	10
Hazardous Materials Management Facility	0.29%	3
Lafayette Community School	0.38%	4
Woodlands	0.38%	4
Housing (Administration and Weatherization)	0.48%	5
Housing and Human Services	7.82%	82
Jail	6.11%	64
Justice Center	6.39%	67
Lyons Town Hall	0.19%	2
Mental Health Center	0.10%	1
Nederland Community Center	0.10%	1
Nederland Transfer Station	0.10%	1
Public Health	4.39%	46
Public Works	2.96%	31
Recycling Center	0.76%	8
Rembrandt Buildings	0.10%	1
Ron Stewart Parks and Open Space Building	4.68%	49
Sheriff's Office	5.25%	55
St. Vrain Community Hub	12.79%	134
Dagny School	0.38%	4
Workforce Building - North Broadway	1.43%	15
North Broadway Campus (Please list specific building in Other field)	11.35%	119
Fairgrounds (Please list specific building in Other field)	0.67%	7
Longmont Courts	1.62%	17
Courthouse - East Wing	2.58%	27
Courthouse - West Wing	2.96%	31
Community Planning and Permitting (Annex)	3.24%	34
OSTC - Parks and Open Space Complex – Longmont (Please list specific building in Other field)	4.58%	48
Other (please specify)	21.47%	225
Answered	100%	1048
Skipped		0

Q3. Which best describes your position?

Answer Choices	Response %	Responses
Manager (Includes EODH and anyone who manages supervisors)	8.68%	91
Supervisor (Supervises FTE)	17.27%	181
Non-Supervisor	74.05%	776
Answered	100%	1048
Skipped		0

Q4. How many years have you worked for Boulder County?

Answer Choices	Response %	Responses
Less than 1 Year	12.60%	132
1-3 Years	23.38%	245
4-6 Years	18.23%	191
7-10 Years	11.55%	121
11-15 Years	13.55%	142
16 or More Years	20.71%	217
Answered	100%	1048
Skipped		0



Q5. What is the name of your organization's ADA coordinator? Type the name below. Type "unknown" if you are unsure of the answer.

Answered (listed in Appendix)	966
Skipped	82

Q6. Where would the public find contact information for your ADA coordinator? Type the answer below. Type "unknown" if you are unsure of the answer.

Answered (listed in Appendix)	966
Skipped	82

Q7. I have seen notices indicating nondiscrimination with regard to disability at my facility.

Answer Choices	Response %	Responses
Yes	45.55%	440
Unsure	42.96%	415
No	11.49%	111
If yes, please list locations below.		303
Answered	92.2%	966
Skipped	7.8%	82

Q8. What type of disability accessibility information is available at your information desk?

Answer Choices	Response %	Responses
None	6.31%	61
A brochure	8.90%	86
I don't know	64.91%	627
We don't have an information desk	11.39%	110
Not applicable	4.45%	43
Other (please specify)	8.49%	82
Answered	92.2%	966
Skipped	7.8%	82

Q9. I know how to assist a customer with a disability or accommodation complaint.

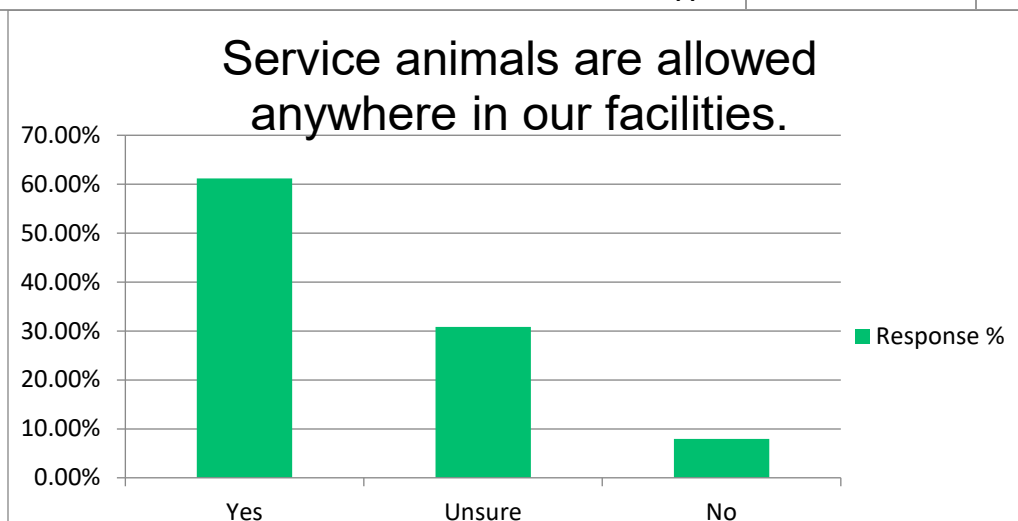
Answer Choices	Response %	Responses
Yes	26.92%	260
Unsure	48.65%	470
No	24.43%	236
Answered	92.2%	966
Skipped	7.8%	82

Q10. If you know, please identify where to get a customer complaint form.

Answered (listed in Appendix)	190
Skipped	858

Q11. Service animals are allowed anywhere in our facilities.

Answer Choices	Response %	Responses
Yes	61.19%	585
Unsure	30.86%	295
No	7.95%	76
If you know them, please enter areas in your facility where service animals are not allowed:		78
Answered	91.2%	956
Skipped	8.8%	92



Q12. If in doubt that an animal is a service animal I should request proof that the animal is a service animal.

Answer Choices	Response %	Responses
Yes	15.17%	145
Unsure	48.85%	467
No	35.98%	344
If yes, what questions might you ask to determine if the animal is a service animal?		133
Answered	91.2%	956
Skipped	8.8%	92

Q13. I am familiar with my primary office location's emergency plan.

Answer Choices	Response %	Responses
Yes	55.74%	529
Unsure	23.08%	219
No	21.18%	201
Answered	90.50%	949
Skipped	9.50%	99

Q14. In an emergency situation, such as a fire in the office, what procedures are in place for notification, evacuation assistance, and transportation for clients or employees with disabilities? Please list them below. Type 'Unknown' if you are unsure of the answer.

Answered (listed in Appendix)	841
Skipped	207

Q15. Powered scooters used by people with disabilities are restricted from some areas of our facilities.

Answer Choices	Response %	Responses
Yes	6.55%	62
Unsure	58.56%	554
No	34.88%	330
If you know of any Powered Scooter restricted areas, please list them:		60
Answered	90.3%	946
Skipped	9.7%	102

Q16. Other powered mobility devices (mobility scooters or Segways), when used by people with disabilities, are allowed in all public areas of our facilities.

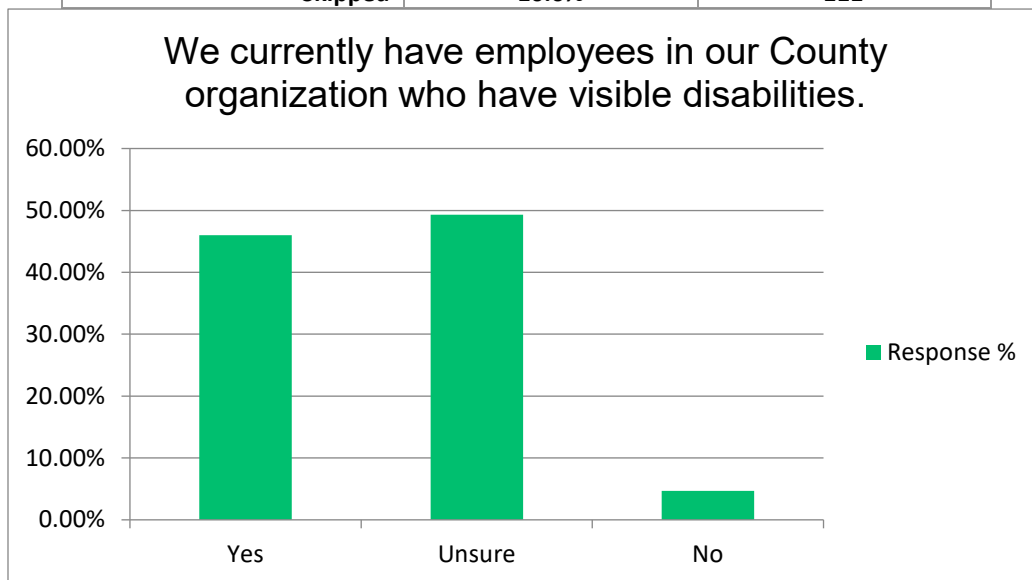
Answer Choices	Response %	Responses
Yes	41.23%	390
Unsure	56.55%	535
No	2.22%	21
If you know of any restricted areas, please list them:		25
Answered	90.3%	946
Skipped	9.7%	102

Q17. A wheelchair user could be hired for any position in Boulder County's government.

Answer Choices	Response %	Responses
Yes	37.67%	353
Unsure	38.10%	357
No	24.23%	227
If you know of some, please enter some jobs that a wheelchair user could not perform in your organization:		209
Answered	89.4%	937
Skipped	10.6%	111

Q18. We currently have employees in our County organization who have visible disabilities.

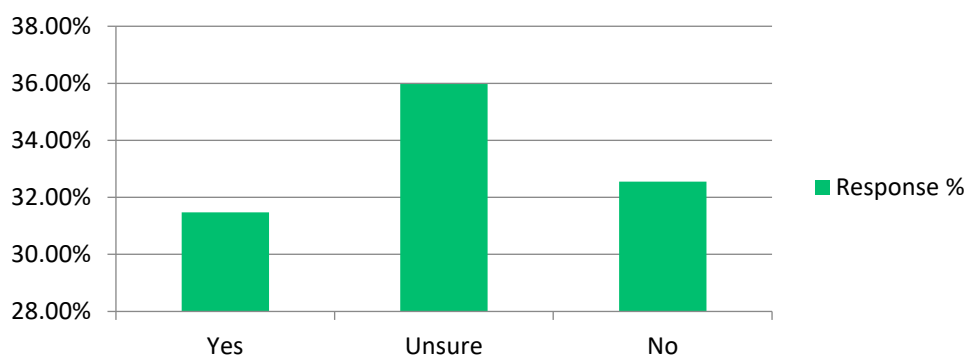
Answer Choices	Response %	Responses
Yes	46.00%	431
Unsure	49.31%	462
No	4.70%	44
Answered	89.4%	937
Skipped	10.6%	111



Q19. I know how to file a complaint related to my employment as it relates to the Americans with Disabilities Act.

Answer Choices	Response %	Responses
Yes	31.48%	295
Unsure	35.97%	337
No	32.55%	305
Answered	89.4%	937
Skipped	10.6%	111

I know how to file a complaint related to my employment as it relates to the Americans with Disabilities Act.



Q20. Pregnancy is a disability under the Americans with Disabilities Act.

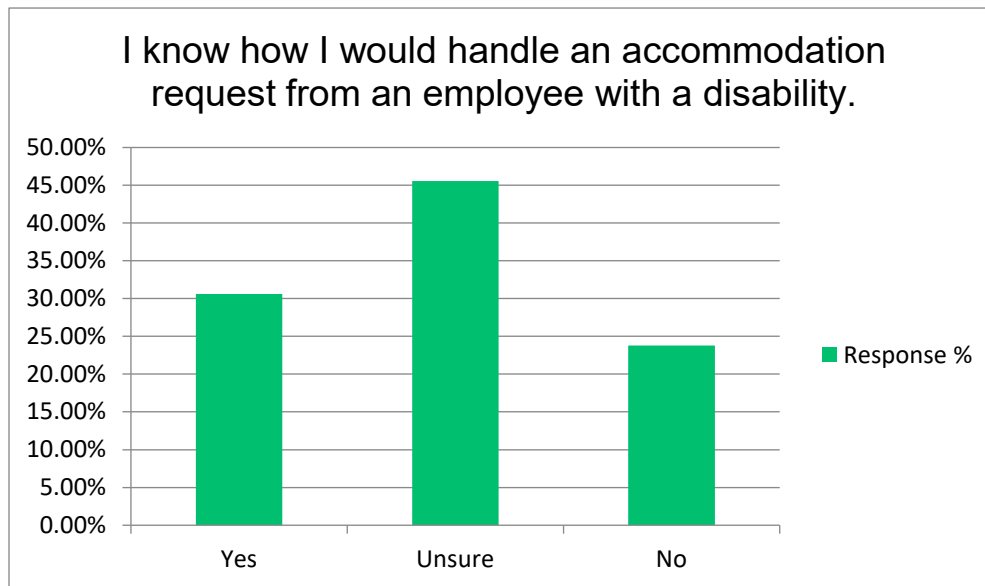
Answer Choices	Response %	Responses
Yes	18.89%	177
Unsure	53.90%	505
No	27.21%	255
Answered	89.4%	937
Skipped	10.6%	111

Q21. Providing a sign language interpreter for an employee is a reasonable accommodation under the ADA.

Answer Choices	Response %	Responses
Yes	62.54%	586
Unsure	35.43%	332
No	2.03%	19
Answered	89.4%	937
Skipped	10.6%	111

Q22. I know how I would handle an accommodation request from an employee with a disability.

Answer Choices	Response %	Responses
Yes	30.63%	287
Unsure	45.57%	427
No	23.80%	223
Answered	89.4%	937
Skipped	10.6%	111



Q23. Our County's brochures are available in large print and Braille.

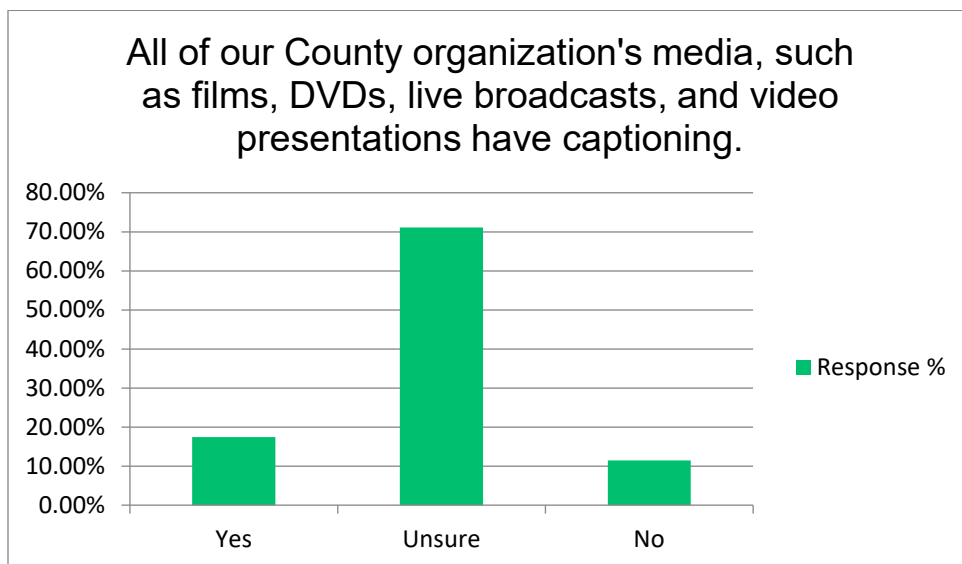
Answer Choices	Response %	Responses
Yes	13.14%	123
Unsure	77.78%	728
No	9.08%	85
Answered	89.3%	936
Skipped	10.7%	112

Q24. We have Text Telephone Typewriter (TTY) devices at various locations in our organization.

Answer Choices	Response %	Responses
Yes	22.12%	207
Unsure	73.29%	686
No	4.59%	43
If yes, please list locations:		85
Answered	89.3%	936
Skipped	10.7%	112

Q25. All of our County organization's media, such as films, DVDs, live broadcasts, and video presentations have captioning.

Answer Choices	Response %	Responses
Yes	17.41%	163
Unsure	71.15%	666
No	11.43%	107
Answered	89.3%	936
Skipped	10.7%	112



Q26. Our County organization offers transportation to our customers as part of some of our programs and activities.

Answer Choices	Response %	Responses
Yes	44.23%	414
Unsure	50.96%	477
No	4.81%	45
Answered	89.3%	936
Skipped	10.7%	112

Q27. Transportation provided to our customers, such as buses, have lifts.

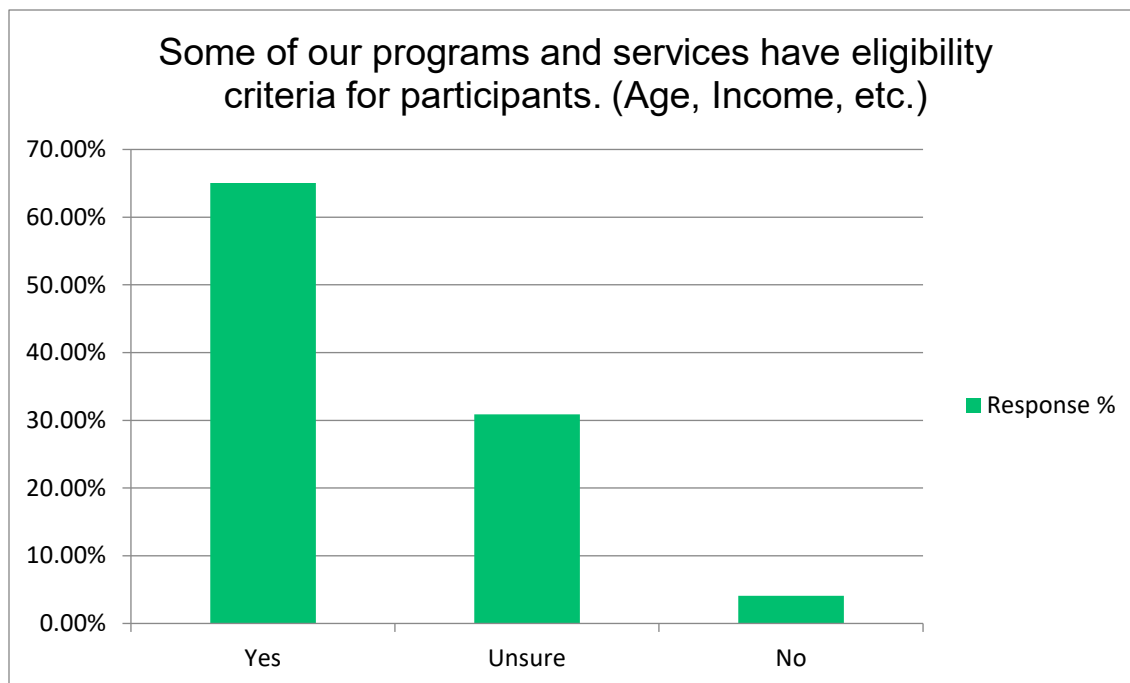
Answer Choices	Response %	Responses
Yes	42.20%	395
Unsure	54.27%	508
No	3.53%	33
Answered	89.3%	936
Skipped	10.7%	112

Q28. All transportation vehicles used to transport customers as part of a County program or activity are accessible to people with disabilities.

Answer Choices	Response %	Responses
Yes	23.72%	222
Unsure	64.96%	608
No	11.32%	106
Answered	89.3%	936
Skipped	10.7%	112

Q29. Some of our programs and services have eligibility criteria for participants. (Age, Income, etc.)

Answer Choices	Response %	Responses
Yes	65.05%	605
Unsure	30.86%	287
No	4.09%	38
Answered	88.7%	930
Skipped	11.3%	118



Q30. Individuals who are blind or have limited vision can participate in all programs and activities offered by our County organization.

Answer Choices	Response %	Responses
Yes	35.70%	332
Unsure	59.78%	556
No	4.52%	42
Answered	88.7%	930
Skipped	11.3%	118

Q31. Individuals who are deaf or hard of hearing can participate in all programs and activities offered by our County organization.

Answer Choices	Response %	Responses
Yes	38.82%	361
Unsure	57.53%	535
No	3.66%	34
Answered	88.7%	930
Skipped	11.3%	118

Q32. Individuals who use wheelchairs or have limited mobility can participate in all programs and activities offered by our County organization.

Answer Choices	Response %	Responses
Yes	38.28%	356
Unsure	55.38%	515
No	6.34%	59
Answered	88.7%	930
Skipped	11.3%	118

Q33. Is the County's website as accessible to people with disabilities as it is to others?

Answer Choices	Response %	Responses
Yes	23.98%	223
Unsure	67.53%	628
No	8.49%	79
Answered	88.7%	930
Skipped	11.3%	118

Q34. Do you have any final comments about the ADA? Your comments will be anonymous.

Answered (listed in Appendix)	252
Skipped	796

Appendix

Q2. In which of these locations do you work? (If you typically work in the field, please choose your assigned location.)

- Sundquist
- home
- BCPH
- Sundaquist
- Boulder Juvenile Assessment Center
- I work in different buildings. I am in the custodial department I am unsure into what category that falls into in the previous question.
- Lyons Walt Self Senior Housing
- Iris
- Remote
- Parks
- working virtual but would be working in boulder or longmont
- Sundquist
- 1333 Iris
- Building 1 and 5
- Sundquist
- 1333 Iris
- OSTC, Building 5
- Kaiser but currently WFH
- Longhorn
- Road maint
- Work in most county buildings
- Virtual
- Clinica Family Health Lafayette
- Sundquist
- Alaska Ave
- 3450 Broadway- public health
- 3400
- Sister Carmen
- Sundquist
- 5
- Mountains
- Lafayette Community
- Iris Building
- Kaiser
- Fire Management Cache
- Sundquist
- Online
- my team covers all locations as needed
- Sundquist
- 1333 Iris North Broadway
- Started as a work from home employee 12-16
- Just moved to the Iris Building from Kaiser
- Sunquist
- EH / Admin
- Justice Complex Boulder
- teach all over the county normally so includes HUB and other community locations
- North annex (3460 Broadway)
- Parks Administrative Building 1
- Courthouse Annex
- 1333 Iris
- Work from home
- 3460
- Work from home
- Tungsten
- the whole grounds I guess
- Ned CFSY 29 Ridge Rd & Meeker Park CFSY 8200 Hwy 7
- Sundquist Building
- Kaiser Bldg-2525 13th St.
- remote
- Lafayette Clinica Campesina
- 4
- 1333 Iris
- 3450
- Iris Building
- 1333 Iris
- Sundquist
- Work in field no assigned location
- working from home currently
- from home
- POS building
- PH Admin
- 1333 Iris
- walden ponds shop
- 3460 Broadway
- 3460 Building
- impact

- 3460
- 3400
- 1333 Iris
- Home based since 3/13/2020
- Agricultural Heritage Center
- Das office
- at home right now
- Remote
- Fire Management Cache Longhorn Rd
- 3400
- workforce Longmont
- Remotely/Home
- Housing and Human Services
- Sundquist
- 3460
- 3400 Broadway
- 3450 Admin building
- Extension - Natural Resources Building
- Work remotely during pandemic.
- Lyons, Nederland,
Longmont, Lafayette, Louisville
- remote work
- 1333 Iris
- All POS trail heads
- CSU Extension Office
- COVID Recovery Center
- Long Term Care Facility
- 3450
- 3400 Building
- Natural Resources Building
- 3400
- Sundquist
- 3460 Broadway
- Sundquist
- 3482
- Ron Stewart Parks & Open Space bldg
- home visitation
- All - Primarily mountains
- Currently working remotely from home
since March 16, 2020.
- Assessors office- Pearl St Mall
- Lafayette Housing Sites
- 1288 Alaska, Longmont
- Iris
- Sister Carmen Community Center
- Finance
- Walden Ponds

- Patrol
- Sundquist
- Sundquist
- COVID Recovery Center
- Remote
- 3400 Broadway
- 1333 Iris
- Sundquist building Broadway location and
HUB in Longmont
- Clover Building
- Alaska site
- Building 1
- Remotely from home
- Iris
- 1333 IRIS
- work for finance budget from home - hourly
- Road Maintenance - Fleet Building
- Patrol of open space lands and buildings.
- 3400
- Longhorn Fire Management Cache
- Sundquist
- Ron Stewart building
- 3450 Broadway PH-Admin
- Grounds
- Electrician
- Various site visits throughout the county
- Remote; at Home
- OSTC TRANSPORTATION BUILDING
- 3460
- On patrol in POS lands throughout the
county
- I work 100% remotely; even before the
pandemic.
- Agricultural Heritage Center
- home
- 3460 Broadway
- Sundquist
- Public Health Admin and Sundquist
- Treehouse/Also work extensively in the
community
- All of Boulder County
- N/A
- Admin building
- 1333 Iris
- 3400
- Annex
- Longmont HUB

- 1333 Iris Ave
- Clover Building
- remote- COVID-19 response
- Courthouse Annex - 3045 13th St
- sundquist
- Environmental Health
- WFH due to COVID
- work from home
- 3460 N Broadway
- remotely (was in the Courthouse - East Wing)
- remote
- Home
- 3400
- Sundquist
- building closest to Broadway and Iris
- Since March working for home
- Main
- Different housing sites
- mostly working from home
- Iris building
- remote
- Sundquist
- FYI: Mesa Elementary is no longer a location with Community Services, Head Start
- Currently working full-time remotely
- 1333 Iris
- I work from home
- 3460
- 3450
- Currently WFH
- Home
- The "Treehouse" Building
- home
- 3460
- I don't know the name
- From home
- Courthouse - Main Building
- 3400
- Sundquist
- Walter Self Senior Housing, Lyons/Allenspark Fire Station
- Longmont HHS
- Courthouse 1325 Pearl St.
- 3460
- Remote
- Building 5
- Was working from HUB until COVID, now working from home
- Sundquist
- Iris
- 3460 Broadway
- 3460
- 3450
- Sundquist
- Sister carmen Community Center
- New HHS Offices
- Remote
- Kestrel, Aspinwall
- Home (preferred)
- 1333
- Bldg. 5
- All Buildings
- 3400 Broadway
- Work from home; pandemic

Q5. What is the name of your organization's ADA coordinator? Type the name below. Type "unknown" if you are unsure of the answer.

- **There were 699 instances of 'Unknown'**
- 303-441-3525
- ADA Coordinator with the Boulder County Resources Office?
- Al Hardy and Mary Olson
- Al Hardy, if Parks has one; County Level is HR director Julia Yager. Not the best-written question.
- Amber Mozet and Human resources Dept
- American with Disabilities
- America's Disability Act
- Angel Bond - not sure?
- Beverly Hirsekorn
- Boulder County WIC
- Brad Light
- Brandon Ladd
- Child Protection Division
- Chris Saunders (guess)
- Commander Oliveira
- Deb Beaton

- Julia Yeager
- Julia Yeager
- Julia Yeager
- Julia Yeager
- Julia Yeager
- Julia Yeager
- Julia Yeager
- Julia Yeager
- Julie Yager, HR Director/ADA Coordinator
- Karla Schultz
- Krisitna Buckles
- Kristi Sykes
- Kristina
- Kristina Buckles
- Mary Olson
- Megan Hatten
- Megan Hatten/Jordan Bullard, Julia Yaeger
- Michelle Crain
- Michelle Krezek
- N/A
- Nicole Leadens
- no clue
- No clue.
- no idea
- Not applicable
- Payton Quistorff
- probably Erin Gray?
- Ravyn Wayne
- Ravyn Wayne
- Ravyn Wayne
- Ravyn Wayne
- Rebecca Seidan?
- Rebecca Wagner
- Rebecca Wagner
- Rebecca Wagner
- Rebecca Wagner, Julia Yager
- Rebecca Wagner/Julia Yager
- Rebecca Wagner?
- Resource coordination
- Shannon Carbone
- Shannon Carbone
- Shannon Carbone
- Shannon Carbone

- Shannon Carbone
- Shannon Carbone?
- Sign
- someone in our Human Resources Department
- Staff Supervisor
- Sue Tiernan
- Sue Tiernan
- Sue Tiernan
- Sue Tiernan
- Sue Tiernan and Julia Yager
- Sue Tiernan, Julia Yager
- Sydney Power
- Sydney Power
- Sydney Power, Ravyn Wayne
- Terri Scott
- Tim Olivera for jail inmates, not known for staff
- unknown - I think Erin Gray - but not sure
- unknown (only been an employee for a week!)
- Unknown / Dana McCune?
- unknown but I could probably search inBC to find it.
- Unknown but I defer to our Landscape Architects
- Unknown but would guess Terry Scott
- Unknown or Julia Y
- Unknown, newly transferred to division.
- unknown... .HR
- Unsure
- unsure
- unsure
- unsure
- unsure
- We do not have a coordinator and rely on facilities and HR for policy direction and facility compliance. We handle ADA in planning for our emergency response plan and ESF capabilities.
- We have a number of people who deal with it
- We use Julia Yager and I believe there is a second person in HR but not sure who. Also for certain things that do not require HR approval I assist our staff by getting the correction answer.

Q6. Where would the public find contact information for your ADA coordinator? Type the answer below. Type "unknown" if you are unsure of the answer.

- **There were 563 instances of 'Unknown'**
 - 303-441-3525
 - 303-441-3525
 - a
 - A back entrance to the DA's office off of the main hallway
 - AAA
 - All of our RA policies are found on our website, www.bouldercountyhousing.org under plans/policies is the RA committee information. This is the direct link <https://www.bouldercounty.org/families/housing/fair-housing-and-reasonable-accommodation/>.
 - Ask Chris Saunders :)
 - Ask HR
 - Asking a manager.
 - assessor@bouldercounty.org
 - at HR office
 - BC Public Website
 - BC website
 - BC Website
 - BC website
 - BC Website
 - BC website or on any of our publicly noticed meeting announcements
 - BCSO website
 - Boco website
 - BOCO Human Resources
 - BoCo Public Website
 - BOCO website
 - BOCO website
 - boco website
 - BoCo website
 - BOCO website- ADA
 - BoCo website, do search
 - Boulder County website
 - Boulder county ADA website
 - Boulder County HHS website
 - Boulder County HHS website under disabilities
 - Boulder County Human Resources
 - Boulder County Human Resources office downtown
 - Boulder County public web site
 - Boulder County public website
 - Boulder County public website
 - boulder county sheriff website
 - Boulder County Sheriff's Website
 - Boulder County Web Site
 - Boulder County web site - Human Resources
 - Boulder County Web site - type in ADA
 - BOULDER COUNTY WEBPAGE
 - Boulder County Website
 - Boulder County Website
 - Boulder County website
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- Boulder County website
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- Boulder County website
- Boulder County website
- Boulder County website
- Boulder County Website
- Boulder County Website
- Boulder County website - search ADA
- Boulder County Website - they can do a search on there for the ADA Coordinator
- Boulder County Website has the information clearly.
- boulder county website I think, but unsure
- Boulder County website search ADA
- Boulder County Website under HR
- Boulder County website, HR by phone or web site
- Boulder county website, <https://www.bouldercounty.org/ada-policy/>
- Boulder County website, Human Resources
- Boulder County website, not sure of the exact location on there
- Boulder County Website, on brochures and other informational/text materials offered to the public
- Boulder County website; ADA Complaint Procedures and Instructions
- Boulder County Website?
- Boulder County Website?
- Boulder County website?
- Boulder County website?
- Boulder County.org
- Boulder county's website
- Boulder District Attorney's Website
- Boulder Intranet
- bouldercounty.com
- BoulderCounty.org
- Bouldercounty.org
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- Bouldercounty.org
- bouldercounty.org
- BoulderCounty.org
- bouldercounty.org website
- Bouldercounty.org/ada-policy
- bouldercounty.org/ada-policy/
- Breakroom
- bulletin board
- By calling - 303-441-3525
- Call the DA's Office and ask for the ADA coordinator
- Chief Deputy Office thru Deputy Clerk
- Commissioners' Advance Agendas
- County home website at bouldercounty.org
- County HR or Public Health Admin Services Director
- County web site
- County Website
- county website
- County Website
- County Website
- County website
- County website
- County Website
- County website
- County Website
- county website
- county website
- County Website
- County website
- County website
- County Website / County Directory
- County website or ADA website
- County Website, HR Page
- County's website
- DA or Boulder County website
- Did a Google search and contact was HR
- Directory, In BC
- District Attorney Website
- Don't know. Need to do.
- flyers on the wall

- from my supervisor
 - From myself or the manager
 - Front office when you walk into the 3460 Broadway building
 - Front receptionist
 - General inquiry on Boulder County Website
 - Go to BoulderCounty.org home page. At the very bottom of page look under "Policies & Contact us" and click on ADA and EEO Notices, this is where one can find contact info on ADA coordinator.
 - Google
 - Google
 - Google
 - google search
 - Google Search or Search through the Boulder County Website
 - google. Or search from the bouldercounty.org website.
 - google?
 - google?
 - googling boulder county ada, hr website or using the contact information for ada on the BC website
 - HR
 - HR
 - HR
 - HR Department
 - HR INBC resources page
 - HR page and when they ask me I tell them Julia.
 - HR web site
 - HR website
 - HR website
 - HR website
 - HR Website or from my supervisor
 - HR website, governmentjobs.com
 - HR website?
 - HR?
 - <https://www.bouldercounty.org/?s=ADA+coordinator>
- 303-441-3525
- <https://www.bouldercounty.org/ada-policy/>
 - <https://www.bouldercounty.org/ada-policy/>

- <https://www.bouldercounty.org/ada-policy/>
- <https://www.bouldercounty.org/ada-policy/>
- <https://www.bouldercounty.org/ada-policy/>
- <https://www.bouldercounty.org/ada-policy/>
- <https://www.bouldercounty.org/ada-policy/complaint-procedures/>
- <https://www.bouldercounty.org/ada-policy/complaint-procedures/>
- <https://www.bouldercounty.org/government/ada-eeo-notices/>
- <https://www.bouldercounty.org/government/ada-eeo-notices/>
- <https://www.bouldercounty.org/government/ada-eeo-notices/>

This is not really easy to find via a google search. I tried "ADA Coordinator Boulder County" and also tried a search of the inBC intraweb.

It took several google searches before this one "ADA accessibility boulder county" turned up the ADA notices page 2nd from the top.

- Human Resources
- Human Resources office
- Human resources or front desk staff
- Human Resources page of inBC
- Human resources webpage
- Human Resources webpage employee look up
- Human Resources website (guess)
- I assume on the BoCo website in the HR section.
- I cannot find in inBC
- I looked in One Note
- I think of it as appearing at the bottom of the web page about employment opportunities on the county website.
- I would ask our HR supervisor Amanda Sandoval for this information

- I would assume there is information somewhere on the walls of the HUB but I don't know where.
- I would hope somewhere at Bouldercounty.org and will look there after this survey myself
- I would hope to find it on the Accessibility on Open Space webpage (for Parks); There is an ADA/EEO page - but it is not written in a proactive manner, but a reactive/compliance-driven manner.
- I would look on the source
- I'd have to Google that...unknown.
- I'm not sure that's publicly available for our office...
- I'm not sure this is available to the public. The website directs people to a 1-800 number.
- IN BC
- In the Boulder County Website
- In the lobby next to the Information Desk
- inBC
- inBC
- INBC
- Inbc
- inBC
- inBC
- inBC
- InBC
- InBc
- inBC
- InBC or Kronos personnel directory
- inBC website directory
- InBC, public website, HR
- InBC?
- Inside BC
- Inside BC
- Inside BC
- inside BC/website
- InsideBC
- internet
- intranet
- Intranet
- intranet (InBC)
- It should be posted on the website and in the offices yet I'm not sure if it is
- It's noted on our Public Hearings and Webstream webpage and it's on the bottom banner when one reaches the county's webpage.
- Jail website
- Julia Yager
- Julia Yager in HR
- Look on web site
- Main Boulder website or in BC
- Main desk or main phone
- main website
- Maybe on the Boulder County webpage?
- N/A
- Needing
- no clue
- No clue.
- Not applicable
- not publicized
- Office and website I believe
- Office website
- on BOCO web page
- On Boulder County website under ADA and EEO Notices
- On county website
- On our county website and on flyers for events.
- On our public website for Boulder County
- on our website
- On our website
- On our website
- On our website.
- On our website?
- On the Boulder County site under HR (?)
- On the Boulder County web site
- On the Boulder county website
- On the Boulder County Website
- On the Boulder County website
- On the Boulder County website
- On the Boulder County website. Also in public communication where the public is anticipated to be present.
- On the County website
- on the County's website
- On the County's website
- On the HR website, and I think there also is a link on the main county webpage

- on the In BC/sharepoint site? on the external facing County website?
- on the public facing website
- on the website
- On the website as well as written on public meeting notifications, flyers, etc. There is also a notice on a bulletin board in our office.
- On the Website or referral if they call our main number, 303-441-3525
- online
- ONLINE
- online
- Online—searching the Boulder County Staff Directory
- Our BOCO website and BOCO Human Resources
- Our HR rep is where I would start not aware we have a designated ADA coordinator.
- our website
- our website
- Outlook, Sharepoint
- Parks website?
- Posted in all our physical locations where public come and go. And on our web site at the bottom where the links are.
- posted in our buildings
- Posters
- Probably on the Boulder County website
- Public Boulder County website
- Public Boulder County website under Policies & Contact Us
- Public Website
- Public Website
- public website
- Public website
- public website
- Public website
- public website - bouldercounty.org
- Receptionist
- Search ADA on Boulder County website
- Search on county website
- Search on the web
- Several locations, listed for any Public meeting, in some signs that go up around the county.
- Sheriff's IWEB page or County Home page under Human Resources
- Sheriff's Office Website
- Sheriff's Office website
- Should be on our website and should also be at the front desk (not sure that is happening through esp with pandemic)
- Signs at the courthouse and also the front desk
- Somewhere in the Boulder County Web-Site.
- source on computer
- Teams
- the boulder county website
- The Boulder County website
- The lobby at the DA's Office
- The public can find the ADA coordinator Boulder County Website. Employees can find the ADA coordinator on inBC.
- The public can type in ADA in the search bar of our the website.
- The source or BC Time
- The Source?
- they could google it
- They would escalate it to a staff member who would escalate it to supervisor/manager who would put them in touch with Sydney
- Through various documents, notifications and messaging we send to the community and suppliers when inviting them to engage in meetings and hearings. Contact information is also shared via phone and in-person requests.
- Uncertain, maybe bouldercounty.org
- Under ADA notices on the website
- Under the Human Resources website page
- Unknown - I know her email/phone number from the past emails she has sent us.
- unknown - maybe in teams
- unknown - the county's website staff page?
- unknown but I would probably ask HR or my sup.
- unknown, though we do have a comprehensive accessibility web page
- Unknown. Assuming our website.
- unknown. inBC possibly?
- unknown...our public website?

- Unsure
- via HR
- Via the employee portal
- We list contact info in our Bid documents if any bidders require assistance throughout that process. Info is available on our public website.
- We should all be able to provide her contact information
- WEB
- web site
- website
- website
- website
- Website
- Website
- Website
- website
- website
- website
- website
- Website
- website
- website
- website
- Website
- website
- website
- Website
- Website
- Website
- Website
- Website and on all our public meeting/hearing notices
- Website and public notices
- Website and public notices displayed at office.
- Website, For property tax appeals, it is listed on the letters that are sent to the petitioner.
- Website, info desk
- Website/bouldercountymv
- Website?
- www.Bouldercounty.org
- www.bouldercounty.org
- www.bouldercounty.org
- www.ouldercounty.org

Q7. I have seen notices indicating nondiscrimination with regard to disability at my facility.

- "we are BoCo" signs throughout the county buildings
- "We are Boulder County" signs
- 10 feet from my office door
- 1288 Alaska avenue
- 1288 Alaska building.
- 1333 Iris
- 2nd Floor Kitchen east wing
- 3400 Broadway, Boulder
- 3450 Broadway Lobby
- A back entrance to the DA's office off of the main hallway
- Across the campus
- All entrances
- All housing sites are required to post information in alignment with Fair Housing requirements.
- At doors and on the Boulder County nondiscrimination signs
- at HUB, Sundquist, on BC events flyers
- At our front door
- At the front entrance and at cjs
- At the front reception desk
- bathroom, entry doors
- Bathrooms, workout areas.
- Because I am such a new employee, during COVID times, I have not physically been inside of my building where I am based.
- Been working from home too long to remember where things are. Somewhere in the HMMF office
- bilingual signs right at the front door.
- boards in public areas
- Boards, stairs
- booking
- Booking
- Both entrances at courthouse
- break room
- Break room
- break room
- Break Room
- break room

- Break room
- BREAK ROOM
- Break room
- Break room
- Break room
- Break room
- Break room
- Break room and briefing room
- Break room, briefing room, lobby
- Break rooms at the Hub
- Break rooms, typically
- breakroom
- Breakroom
- breakroom
- Breakroom
- breakroom, employee manual
- breakroom, hallway
- Breakroom/kitchen areas in the Hub
- Breakrooms
- Breakrooms and near time stamp clocks.
- Breakrooms/ copy rooms
- building entrances
- Bulletin board
- Bulletin board by the coffee maker and by the copier
- bulletin board in lunch room
- Bulletin Boards
- bulletin boards in public areas and maybe stickers on the doors. Been a while since I have been to the office.
- Bulletin Boards in the hallway and in the Kitchen
- Bulletin Boards near bathroom downstairs and also in my office suite area.
- Bulletin boards, job positing's
- Bulletin boards?
- bullitan boards
- by the copier
- by the copy machines
- By the front desk
- By the printer room in IRIS building
- By the restrooms and entrances
- By the staff kitchen at the Justice Center and in the copier room in the Longmont courts.
- Central bulletin boards
- Clerk & Recorder's office

- common rooms, entrances
- Communications Center
- Community Services-Sundquist
- Copy room /break room
- copy room, break rooms
- Copy room?
- courthouse
- courthouse website offices when i was onsite
- Do not remember
- Don't remember
- door
- Doors, Parking lots, Signs, Phone TDD options or ability to have translations
- Doors/restrooms/parking space
- due to remote onboarding, I am unfamiliar with building layouts
- Each division in the building has them including the entry ways.
- East wing bulletin board
- emails
- Emails
- Emails since virtual
- EMPLOYEE MANUAL
- Entrance and exit
- entrance to buildings
- Entrance to the Hub
- Entrance, break room
- Entrances
- entrances
- Entry
- Former Boulder office of Workforce
- Foyer and next to time clock in open break/meeting area
- Front desk
- Front desk
- Front desk
- Front desk and by elevator
- front desk area
- front desk area
- front door
- front door
- front door
- Front door
- Front door, front desk.
- Front door, on our website
- Front door/window

- Front entrance
- Front entrances to the building
- front office and breakroom
- hallway
- hallway and break room near auditorium
- Hallway by the restrooms in the east wing.
- hallways
- Hallways and entryways
- Handicapped signs on multiple floors
- Haven't been in the office for 9 months - hard to remember.
- Haven't been in the office to see this due to COVID. Thankful for the county being safe when it comes to COVID.
- Haven't worked in office since hire due to COVID.
- HR Board
- Hub
- Hub
- HUB Bulletin Boards
- HUB St. Vrain
- Hub, north Broadway
- I am sure there are notices but given I started a month ago and have only been to the office to pick up equipment, I can't say I've noticed them.
- I am unsure about nondiscrimination with specific regard to disabilities, but do know there is a notice of the Parks Admin building being a 'safe zone' with regard to non-discrimination, both in English and Spanish.
- I believe there is an ADA dogs allowed on the entrance door.
- I came on after the pandemic work-from-home, have only been in the building a couple of times
- I don't know what this is asking, tbh.
- I don't understand the question
- I have been primarily worked from home due to COVID since starting.
- I have never worked in the office. I started my position from home.
- I have not been in building much or long to notice.
- I have not been to the facility
- I have only been in the office three time since my start date, due to COVID.

- I have worked remotely since I started so have only been into the building a few times
- I haven't been in the office since March. I think I have seen signs but cannot be sure at this time.
- I know there are nondiscrimination flyers up at locations but I do not know if they pertain to disability
- I only had a month in the office before pandemic hit
- I used to see documentation before building was rebuilt.
- I was hired during COVID and so I not familiar with any notices.
- I was hired during the pandemic so I work virtually from home and have not been in the office.
- I worked at Kaiser previously. The notices were posted near the public entry on the second floor.
- I'm pretty sure but I don't remember exact locations.
- In all the public areas at Public /health
- In break rooms
- in building
- in every county building
- in front office
- in hallways and public areas
- In hiring notices, emails, and signage.
- In lunch room
- in our break area
- In our breakroom
- In our front office, personal office and screening room.
- In our lobbies, on our notices that we send to clients, etc.
- In our WIC screening room
- In the break rooms and Lobby's at 3400, at the HUB, in 3460 etc
- In the copy room
- In the front lobby
- In the front office area
- In the Kitchen area of most Buildings
- In the lobby area and I believe in the basement down our hall in 3460.
- In the lobby next to the Information Desk
- In the lobby of our 3rd floor office.

- In the old WfBC there was a sign hung in the staff kitchenette and at the entrance.
- In work area near copiers and printers.
- It is located in the break room between HHS and Public Health on the wall.
- It might be posted on bulletin boards and I just didn't notice
- It's been a while since I've been in the office. I think the notices are there, just can't say 100% yes.
- It's been awhile since I've been in the office, so I can't really say.
- it's been so long since I've been at the office prior to going home, i was there for only 4 months
- I've been at home most of the year and can't recall
- I've been working at home due to Covid for my entire time with the County.
- I've not spent a lot of time in the office, and my in-office is not my permanent location due to COVID spacing. I think there are some in the hallway leading to ballot processing
- Jail
- Job postings
- Job postings and notices when there are issues with our elevators
- Justice Center, Sundquist, The Hub, Longmont Court
- Kaiser
- Kaiser Building

3400, 3460, Iris and Sundquist, HUB, Alaska

- kitchen
- Kitchen
- kitchen
- kitchen area
- kitchen area - upstairs
- Kitchen at the Hub, and in lobby
- Kitchen/break room
- kitchen/breakroom
- Kitchenette area, HR
- Lobby
- Lobby
- lobby
- Lobby at OCH
- Lobby locations of N Broadway

- lobby of Sundquist
- Lobby, briefing room
- Locker room
- Lol, I haven't been in the office in months. I know I've seen them though.
- lunchroom area
- mailroom
- Mailroom & lunch/break room
- Main Entrance
- main lobby
- Main lobby
- Main Lobby of my building
- multiple places within the building
- Near breakroom
- Near main entrance to second floor of Public Works offices at 2525 13th St. Also at copy machine in Public Works Offices.
- near the entrances and bathroom
- Near the kitchen
- next to upstairs breakroom
- north boulder campus
- North Broadway buildings and the HUB
- North Broadway campus
- notices regarding nondiscrimination seem pretty general
- office break room / lobby
- Offices and hallway
- On bulletin board near kitchen
- on bulletin boards
- On bulletin boards in entry ways
- On job postings through the County website
- On the big tack board next to the coffee machine
- On the doors of the building. It has been a while since i have been in the office, but I believe they are posted next to the sign saying firearms are prohibited.
- On the entrance doors to each office
- On the front door
- on the front door to guide them around the corner to the elevator
- on wall in hallway
- OSTC Buildings (Main office building, shop)
- OSTC, fairgrounds, sheriffs office
- our front desk

- our office policy manual and flyers posted in breakrooms, common area cork boards, etc.
- Parking lots, building entrances, restrooms, water fountains.
- Please see below comment under other
- Policies, emails, updates.
- Posted on doors and walls
- Posted outside of Copy Room
- poster board in hallway
- posters
- posters throughout county buildings
- postings on bulletin boards
- probably- but now that I telework nearly 100% of the time (and have since March), I can't recall where I might have seen them
- Probably in the lobby, but there are so many other fliers posted I'm not sure I can think of where it is specifically.
- public bulletin boards
- Public facing lobby, staff breakroom (I think...), and hallway boards.
- Public hiring, website
- Public wait area
- Seems like I've seen them in the common areas, like the break room.
- Sheriff's HQ and Jail
- sign on building that lets people know which entrance is ADA accessible
- Signs on doors, restrooms, parking spaces
- St Vrain Hub
- St Vrain Hub
- St Vrain hub, on the wall in the common area
- St. Vrain Community Hub / You Are Welcome Here signs from PH
- St. Vrain Hub
- St. Vrain Valley HUB
- Staff break area or work room
- Staff breakroom
- Sundquist
- Sundquist
- Sundquist
- Sundquist bldg
- Sundquist break room
- Sundquist Building
- Sundquist Building East back door, bulletin board in "kitchen".
- Telework only
- The Hub
- There are usually posters in the lobby, second floor of the HUB stating non-discrimination.
- There is a sign for entry at the courthouse for wheelchair and other accommodations to avoid the steps on the main floor.
- unknown
- Unknown
- Unknown where but have seen
- Unsure of what these notices should look like.
- used to be everywhere, now I don't see any.
- various door, entrances to different departments
- Various locations.
- Various places
- Via email
- via our internal County email
- wall near front desk, Prairie rooms
- Walt. Self
- We are Boulder County Signs
- We are Boulder County signs posted in HMM office and in HMMF near receiving desk.
- We are required by state law to have multiple copies placed in our lobby in English and Spanish.
- We have them listed at the entrance to our office, in our volunteer area, at my office door, and on the general bulletin board in the atrium.
- Web site, employment opportunity, etc
- Website, handouts, signage at location
- website, printed documents, HUB
- WfBc, HHS
- Within the jail
- Woodland entrance
- Work areas
- Working from home

Q8. What type of disability accessibility information is available at your information desk?

- a
- A blue hearing impaired plaque mounted on the front desk and a "microphone" for those with hearing impairment to utilize
- A brochure but unsure of type
- a sign
- able to look it up online, if needed.
- Admin staff
- Assuming we had an information desk which our branches don't. Then we have signs saying we Spanish speakers, chairs for disability are labeled and very obvious in COVID climate. We do not have brochures.
- At the Front Desk, if someone calls in on how to access our Lobby (Pre-COVID), I would let them know we have elevator access
- Blue and white placard on the door.
- Bulletin board in lobby
- hearing
- Hearing aid information
- hearing impaired assistance
- home based
- HR
- I am often working remotely at different locations and some are not boulder county buildings
- I do not know what's available at the Ned CC, it's not a county building.
- I don't recall but I believe there may be posters or brochures in Boulder - it's hard for me to recall since I was there a short time as the pandemic hit
- I don't remember. It's been a while since I've been in.
- I have no idea. I have never asked.
- I have not worked on-site in the office, only remotely.
- I no longer know since we have moved due to remodeling through June 2020
- I work from home but I have seen tha info in training.
- I work remotely
- In normal times, also a front desk attendant who should know the ADA information
- Information about our system designed to link with a hearing aid if someone needs it
- information desk
- Information desk is located in the 3400 building
- Informational handouts
- Map
- Mobility for All brochures
- Not sure as we have not been in the office for several months
- Not sure what the information desk is. Assuming it means the front desk?
- not sure, working from home and ahve not been in courthouse in a while
- Not sure...I've only worked from home :).
- Office is closed.
- on application
- Only have experience working virtually from home since hired during the pandemic
- Our park brochures

- Our receptionist points people to the elevator, but otherwise, I'd say "I don't know".
- Our specific building does not have an information desk, as it is not a publicly accessible facility
- Our website has extensive information about what people with disabilities can expect to find at our trailheads ranging from ADA compliant restrooms to trail surfaces/grades as well as information about Other Powered Mobility Device use on open space.
- placard
- Posted signs such as TTY information on front door
- poster
- Poster
- poster
- Poster
- Poster on bulletin board
- posters
- Posters are posted in the lobby regarding non-discrimination, etc.
- posters, and at some sites admin and occupancy plans
- Prior to our remodel, we had information on T-coil audio settings at the front desk. We no longer have this.
- Receptionist with knowledge about accessibility.
- Sign relating to availability of equipment for the hearing impaired
- Signage
- Signage
- Signage, on paper material
- Signs
- Signs
- Signs
- signs and posters
- signs for hearing impaired.
- The public can speak with front desk staff for this information.
- This is not a public building
- unknown
- unknown
- unknown
- unknown
- unknown
- Unsure - I've only been with the county for a week, and it's all remote work!
- Upon request from Planners on Call
- very little, our resources focus on criminal justice assistance and housing/assistance for homeless
- We also have a device to help hearing impaired persons available at the front desk (Assist to Hear)
- We do not have a front desk. I am not sure if the front desk have this information, but there is poster in every lobby.
- We don't have an info desk anymore since we're working from home.
- we have some information I believe it is on the counter by front door
- We post them in our classrooms and on bulletin boards
- We refer people to the Rocky Mountain ADA number and web site.
- What desk do you think I'm near?
- when the info desk is open/ we also have staff who can assist obtain ADA information for the public as requested

- work remotely

Q10. If you know, please identify where to get a customer complaint form.

- 3460 Front Desk
- American with Disabilities Act Notice on Boulder county website. If needed, I could also reach out to our HR liaison for assistance.
- An ADA complaint form can be located and printed from the ADA & EEO Notices page at the Boulder County.org website.
- As a new employee I would contact my supervisor for this information
- At the information desk
- BC website
- Boulder County Web page, type in ADA form
- boulder county website
- Boulder County website
- Boulder County website - ADA and EEO Notices page
- Boulder County Website under Americans with Disabilities Act Notice
- Boulder County website; ADA Complaint Form; ADA Printable Complaint Procedures and Instructions
- BoulderCounty.org
- bouldercounty.org
- bouldercounty.org/ada-policy
- bouldercounty.org/ada-policy/
- CA
- Community Support Division of HHS has this form in One Note available to all staff
- Complaint form is available on the public Boulder County web page
- complaint form??? How about just providing the solution. I do know how to do that.
- Consumer Protection
- contact Booking
- Contact Julia Yager
- Contact Julia Yager, if approved, purchase services or equipment for accommodations
- Could not find it on inbc where I assume it would be. Otherwise I would ask Julia Yager directly.
- County website
- County website
- County website
- County Website
- County website
- County's website
- customer grievances with my program are vetted through Sue Tiernan
- Customers at our front desk or who call in or e-mail us.
- Depending on the issue, I have the web forms bookmarked on my laptop
- Don't know
- Don't know
- don't know
- Don't know. Contact HR liaison / Julia
- Download from the HR website
- forms are on file at this location

- From HR
- From our internal SharePoint site.
- From the county website on the main page at the bottom
- Front desk
- FRONT DESK
- Front desk of Hub
- front reception area
- HR
- HR
- HR
- HR
- HR
- HR Employee Complaint form
- HR website
- HR website
- HR website
- HR website (InBC)
- HR website or CSD site
- HR?
- <https://bouldercounty.wufoo.com/forms/x133gjt1w80y37/>
- <https://bouldercounty.wufoo.com/forms/x133gjt1w80y37/> or <https://www.bouldercounty.org/wp-content/uploads/2018/05/ada-complaint-form.pdf>
- <https://www.bouldercounty.org/ada-policy/>
- <https://www.bouldercounty.org/ada-policy/>
- <https://www.bouldercounty.org/ada-policy/>
- <https://www.bouldercounty.org/ada-policy/>
- <https://www.bouldercounty.org/ada-policy/> >click on the ADA complaint form OR if you need instructions to assist filling out then click on >ADA Printable Complaint Procedures and Instructions
- <https://www.bouldercounty.org/ada-policy/>
<https://bouldercounty.wufoo.com/forms/x133gjt1w80y37/>
- <https://www.bouldercounty.org/ada-policy/> or call HR
- <https://www.bouldercounty.org/ada-policy/complaint-procedures/>
- <https://www.bouldercounty.org/ada-policy/complaint-procedures/>
- <https://www.bouldercounty.org/ada-policy/complaint-procedures/>
- <https://www.bouldercounty.org/government/ada-eeo-notices/>
- Human Resource page
- Human Resources
- Human resources page
- Human Resources site
- I assume inBC
- I believe they can get one by asking our front desk
- I can ask Sue Tiernan
- I do not know
- I don't know
- I don't know
- I don't know how to do a complaint but I know what accommodations we can make for people with a physical disability and what spaces are open for use without needing to use stairs.

- I don't know this.
- I have complaint forms. I am the coordinator for HHS.
- I have them in my office.
- I know for housing how to give someone a reasonable accommodation request
- I thought you meant just assisting t
- I was not aware of a customer complaint form - I usually reach out to my supervisor and then they coordinate with Julia Yager.
- I work in child welfare and it seems this survey is not directed my work. I have ADA clients and we know how to assist in meeting this needs in our fields.
- I would ask Julia Yager to assist the person with an HR ADA complaint, assuming that all requests that come to me are related to recruitment.
- I would ask members of my team where to find the info; I wouldn't refuse to help simply because I'm new and don't know things
- I would ask our Operations Division Manager, or the Director.
- I would contact Julia Yager or others in HR who are familiar with ADA policy.
- I would contact my supervisor for the form
- I would first look on the County SharePoint forms and if I couldn't find it there I would contact our ADA Coordinator Julia Yager to get it.
- I would get this from our Network Drive.
- I would just forward the complaint to my supervisor. I was unaware there was a specific form.
- I would just get Paul Weissmann.
- I would look on SharePoint
- I would reach out to our front desk staff. Within our own department, we have a reasonable accommodations process that we can refer clients to when they request accommodations due to a disability.
- I would reach out to Security or Sharon, on the first floor of the HUB, and discuss the individual's concerns. Security or Sharon would have the best recommendations as to how to proceed at that time. They would help determine the follow-up actions necessary for the scenario.
- I would refer them to Sue Tiernan or directly to Julia
- I would use the county ADA web page and either print a form or direct the client to it.
- If I could not make the necessary accommodations myself, I would pass it on to my supervisor or contact HR for help
- If it was for Boulder County buildings I would give them Rebecca Wagner or Julia Yager email or phone number, if outside the county Rocky Mountain ADA information.
- If there is an issue they are directed to Property Management for the proper forms
- In jail, consider inmate a customer; We use kites
- inbc
- InBC or through HR
- info desks and website
- Inmate's submit a kite or grievance for their complaint. These are available in every module workstation.
- inside BC
- inside bc
- Intranet
- It can be found in One Note or by going on the website for USDA Office of the Assistant Secretary for Civil Rights at <https://www.ascr.usda.gov> - also found in One Note
- iWeb (?)
- Julia Yager; Boulder County website

- kite
- Maranda our office mgr.
- Michelle Crain
- no customer complaint form. Only RA request
- Motor Vehicle office
- Not 100% sure but I would go to InBC and look under HR and ADA for a form.
- NOT CERTAIN WHERE TO GET ONE.
- not sure
- Not sure currently. client can fill out a written statement or if given verbally the tech should complete this
- office manager
- office manager
- Office of human resources or their web resources
- On line
- On our website
- on the ADA/EEO page
- On the county website, in the ADA section
- On the HHS Intranet SharePoint site.
- On wed site
- online
- online
- Online on the County website
- Online, BC
- Our Division has a customer complaint form that can be provided to them. We have them printed off at our office to hand out. Once filled out they get turned into our Division Manager
- Our Inmate grievance form once a kite has been filled out.
- Print from Boulder County website or contact Julia Yeager, or HR in general
- Public website
- Public website
- request one from HR or direct to the website.
- Risk Management, Jordan Bullard or Julia Yager
- Sharepoint
- Sue Tiernan is our coordinator for fair housing violations she will take complaints from the website. Housing specific issues can be routed through Division of Housing or HUD and we provide those complaint forms or links to them.
- Supervisor
- supervisor
- Supervisor
- supervisor, inBC
- that I'm not sure about. I know how to deal with locations regarding setup for vote centers around ADA compliance, but that is proactive rather than reactive
- The ADA complaint form is located in the Boulder County Website
- The Boulder County website has a hot link for the complaint or a phone number to call
- The County ADA website <https://www.bouldercounty.org/ada-policy/>
- the front office
- The web site
- The website - I can print one out or refer a customer to the website <https://bouldercounty.wufoo.com/forms/x133gjt1w80y37/>

- there's a link on the public website.
- they are on the center island in the lobby
- they can come in many forms (verbal, in person, by phone), but I am guessing there is an official one on the website
- Unknown
- Unknown
- unknown
- unknown
- Unknown
- unknown
- unknown
- unknown
- unknown
- unknown
- unknown
- Unknown
- unknown
- Unknown
- Unknown - I would just get the problem solved
- Unknown, but would check website and ask supervisor
- We are directed to email Sue Tiernan with an discrimination or ADA complaints.
- We do not have formal customer complaint forms because we don't deal with "customers." We do make accomodations for victims of crimes
- We have paper copy's ready to give to anyone who asks.
- we have them on our teams notebook under our track documents folder
- We have them printed and provide them with emails and phone numbers too
- web site
- well, that I don't know! More like, I know to manage a person complaining and how to help best accomodate them as needed, get mgmt, etc.
- Workforce Boulder County website under ADA Notice: <https://www.bouldercounty.org/government/ada-eeo-notices/>
- Would serach Sharepoint, contact Chris Saunders or HR liasion
- Yes, the form is located within the ADA and any employee can have access through the bottom banner located in the county's website.

Q11. Service animals are allowed anywhere in our facilities.

- I work remotely
- only in public places not in back of jail or court room at judge discretion
- anywhere except kitchen area
- Maybe in a kitchen area where food is prepared?
- in our yard hi-vis clothing is needed due to large trucks coming in and out.
- secure non public areas
- I would think they'd be allowed where the public is allowed and not in areas that say "employees only".
- Restricted areas where membes of the public are not allowed
- Inside the secure area of the Jail

- People bring in their dogs ALL the time and most of the time, I have no idea in what relation they are to their owner.
- Jail
- I can't think of anywhere they aren't allowed
- all public access areas
- Secured areas of the jail
- Work in a jail, in the court room, Reception
- Secure areas
- Throughout the Justice Center
- I think the answer to this is 'yes' but I'm not sure
- Data Center
- True services animals, dog or miniature horse are allowed.
- Office areas if an employee
- i believe so under ADA though not 100% clear
- I just know they are not allowed everywhere
- The only true exception is within the Boulder County Jail
- Secure areas like inside of jail
- Where the public has access
- Maybe in food areas
- Hazardous locations such as the power tool area
- Only dogs and shetland ponies are trained service animals
- Jail
- Jail cells
- To be allowed inside the courtroom, must be certified service animal
- They are not allowed in for arrestees and not for the modules.
- Not in the employee access areas - or employee secured areas (general public is not allowed in those areas)
- Restricted areas where the owner is not allowed
- kitchens, bathrooms, secured areas.
- except if the animal is not housebroken or out of control (can be subjective and can be problematic)
- I'm not sure if the judges are allowing the animals in court
- May not be allowed on certain trails/open space
- Service animals are allowed anywhere customers are allowed.
- I believe they are not allowed in property and evidence.
- Service animals are allowed where the public have access, receiving desk, reuse, and public restroom.
- inmate at the jail
- Inside jail
- back of jail with inmates
- Very limited public access
- Jail
- anywhere the owner isn't allowed
- Anywhere on campus as long as they are for ADA assistance.
- all of it
- I assume that they are not allowed in our Fleet building or the Road Maintenance building because of the large equipment
- unknown
- all of them

- Maybe not allowed in areas like the CHARM or Jail for safety reasons
- It appears that dogs are allowed anywhere in the Courthouse, service or not.
- HUB and 3400 has allowed service animals in parent child visitation and for meetings with case team
- unknown
- In the back of the jail/booking and housing areas
- Inside the Jail (Secured Area)
- Kitchen areas
- Annex Building
- server room
- I am not sure if they are allowed in the Parks & Open Space shop.
- Jail
- Public areas. "Backstage" areas with approval.
- The ADA does not require covered entities to modify policies, practices, or procedures if it would "fundamentally alter" the nature of the goods, services, programs, or activities provided to the public. Nor does it overrule legitimate safety requirements. If admitting service animals would fundamentally alter the nature of a service or program, service animals may be prohibited. In addition, if a particular service animal is out of control and the handler does not take effective action to control it, or if it is not housebroken, that animal may be excluded.
- not in areas where may be working with TB or Immunizations
- none
- Not all types of service animals are allowed on parks and open spaces
- Dogs not allowed in Food Preparation areas
- No where except the front public area of the facility, also known as the reuse area, when we aren't under covid restrictions
- Probably not the jail, but for my purposes, everywhere.
- They are allowed in most communal/public areas.
- If the person with them is allowed into secure areas the service animal would be allowed as well
- they are always allowed
- I mean, yes BUT be careful because people can buy a vest and put it on non-service dogs too, so? Only areas accessible to the public in general.
- None.
- I'd imagine service animals aren't allowed in modules with incarcerated persons. I imagine accommodations could be made if one needed to have the animal present though.

Q12. If in doubt that an animal is a service animal I should request proof that the animal is a service animal.

- Do you have paperwork showing this animal is a service animal?
- I would ask if they had any paperwork proving the animal was a service animal.
- Is that a service animal? Is it specifically trained to perform a service?
- license form, or identifying paperwork.
- Is the animal present due to a disability? What skill is the animal trained to provide?
- Service animal creds
- A service animal should have a visible vest or something proving they are a service animal, however, you can't demand proof. If it is an emotional support animal/companion animal, you can request a letter from a doctor.
- Documentation of training, connection to the client
- At the Justice Center we would report concern to Court Security and they would handle the situation.

- In situations where it is not obvious that the dog is a service animal, staff may ask only two specific questions: (1) is the dog a service animal required because of a disability? and (2) what work or task has the dog been trained to perform?
- Is this a service animal, and what service does it provide. There is no documentation that someone can provide regarding a service animal. You can only ask 2 questions, no "proof"
- If they have documentation or a contact number
- I know there are very specific questions you're allowed to ask. I think it's something like "what service does the animal provide?"
- You can ask what task is the animal trained to perform.
- do you have documentation of the service animal
- Because BC is politically correct, I think we may be discouraged to ask someone!
- You may ask if you are disabled under the ADA (but you may not inquire about what the disability is) and you may ask if the animal assist with that disability.
- I do not think we ask. If the customer says it is a service animal and if the animal is wearing proper id.
- Is your animal companion required due a disability? What task does the animal perform?
- My understanding is that while legal to ask, it is a form of discrimination to request a disabled individual to "prove" their disability, or to request certifications/paperwork.
- Do you have documentation that your animal is a service animal?
- Do you have proof, doctors note or prescription for a service animal or a service animal vest?
- Ask what skills/tasks they perform
- Is your dog a service animal that is required due to a disability and what type of work or tasks is your service animal trained to perform?
- We can't request "proof" (as in documentation) but can ask if the dog is a service animal required due to a disability and/or what type of work or tasks the service animal is trained to perform.
- We cannot require proof but can ask...1) Is your dog a service animal that is required due to a disability? 2) What type of work or tasks is your service animal trained to perform?
- "Is this animal a service animal trained to perform a specific support function?" That's all I can ask.
- Legally we can ask what tasks they are trained to assist with but I don't know that we are encouraged to. We have heard not to ask nor have volunteers ask in case something is worded/taken incorrectly
- What service is your animal trained to perform?
- Do you have documentation that this animal is a certified service animal?
- Ask for any documentation that shows the animal went through some type of service animal training
- Ask the owner
- "What service has your dog been trained to provide for you?"
- Specific task the animal is training to perform
- Ask what service the animal provides.
- We have to be careful about inquiring about this- certainly can't ask what the disability is. I tend to act conservatively in this area, but don't encounter it often at all.
- Is the service animal necessary due to a disability? What does the service animal do to provide service?
- Ask for documentation confirming the animal is certified as a service animal?
- what service does the animal provide? (I think legally that's all you can ask?)
- Is that a service animal? What service does the animal provide?
- Look for Service Animal Vest.
- we do not do that for inside our office when serving public, but the courts can sometimes require it
- What service does it provide and what are the signals they give? i.e. Seizures, etc.
Is there some action I need to do to, other than call an ambulance
- is this a service dog/animal? does the animal have its collar or vest? is it on a leash?

- Is your animal a service animal?
- What service does this animal provide?
- If they had their service jacket on them or service card
- In my facility, I don't think there's any harm in allowing a doubtful animal to accompany its owner. But if there were a reason to challenge an animal in doubt, I would ask What service is this animal trained to perform?
- Is your animal a service animal that is required due to a disability 2) What type of work/tasks is your service animal trained to perform
- unknown
- Do you have anything like a certificate that shows it's a service animal?
- Is the animal a registered service animal?
- You can ask what task animal is trained to perform? Is the animal required because of your disability?
- what service does it perform
- Does animal have a service vest?
- What service is the animal trained to perform?
- I say 'Yes' because our building is a no dogs building. Do you have a certificate or a vest for your animal?
- it seems all animals are allowed in our office (I have seen dogs/non service, cats, birds)
- I thought if you questioned a service animal you could ask the owner if the animal was a service animal but you could not require proof. That may have changed after two disclosed service dogs (not wearing vests) had a fight in our lobby.
- You can only ask if it is a service animal for a disability and what services the animal performs
- It should be wearing a certified vest and have paperwork handy.
- I would ask the customer if the animal is a service animal.
- ADA does not require proof. You may ask if it is a service animal and what service the animal is trained to perform.
- Emotional support animals are not recognized the same as a true service dog.
- What does the animal help you to do?
- What tasks the animal has been trained to perform
- The documentation required to verify service animal status
- You may ask if it is a service animal. But I'd leave it at that unless the dog was unruly.
- unsure
- I can ask what service the animal has been trained to provide
- can ask the animal's task
- Ask what tasks the service animal performs.
- What is the animal trained to do? Is this animal required due to a disability?
- You are allowed to ask what service the animal performs
- Only if it is a service animal, and what disability it has been trained to assist with.
- You can ask what service the animal performs, but not for them to perform the service.
- Ask if they are a service animal, I can ask what tasks they are able to do.
- Is your animal a service animal?
- At this time, the state of Colorado does not document service animal training. However, I can ask what the animal is trained to do for the individual.
- Difficult to ascertain, I would contact my Supervisor.
- what type of service does your animal provide
- What service does the animal provide?
- Is this an emotional support animal?

- Start a conversation - What a great dog! What's his or her name? How long has he or she been a service animal?
- Is the animal potty trained, or aggressive?
- "What service does this animal provide for you?"
- Ask if it is a service animal and what duties the animal performs
- Where was it trained?
- State or National Documents.
- Is this a service animal? I would want proof, but unsure how/what to ask.
- Is the dog a service animal for a specific disability? What tasks does the animal assist with?
- May I please see the service animal certificate?
- Is that a service animal?
- Usually they have a vest and you can just tell. Typically you wouldn't ask but if you had to for whatever reason, you can ask to pet the animal because usually a service animal is not supposed to be petted.
- Not for our public areas (lobby and courtroom).
- We are NOT supposed to ask what is the disability for which the animal is providing assistance. I think it's okay to ask if the animal is a service animal. I'm not sure about asking for proof, but that seems like a good idea because we don't want non-service animals in certain areas.
- They could always be an emotional support animal that is not wearing a vest.
- I defer to ADA coordinator. Typically, I would not question the credentials of a service animal or ESA.
- Is the animal certified as a service animal? The animal is suppose to be also wearing some type of identifier. If there is no objection from other occupants in the area the larger question is why ask if no trouble seems like a reaosnable accomodation.
- Is your animal a registered service animal? Do you have the registration information available?
- You can't ask for verification or proof - you can ask (1) is the dog a service animal required because of a disability? and (2) what work or task has the dog been trained to perform?
- Hi, does your animal have a notice vest to wear in public and can you put that on?
- A service animal is defined as a dog that has been individually trained to do work or perform tasks for an individual with a disability. The task(s) performed by the dog must be directly related to the person's disability. You might ask what specific job or task the service animal has been trained to conduct. Covered entities may not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal, as a condition for entry.
- The only question allowed is what the animal is trained to do.
- I may only ask "is this animal a service animal?" and "what service is the animal trained to provide?"
- We can ask if the animal is trained to perform a particular task and if the animal performs that task for the individual in possession of the animal to accommodate a disability.
- What service(s) does the animal perform for you?
- Do you have any documents that show your pet is a service animal?
- would you mind sharing your service animal documentation? thank you
- is your animal an emotional support dog or a service dog? Do you have documentation on hand to support them being a service animal for you? Can you provide a copy?
- I don't believe we can ask for credentials.
- HHS has a policy about service animals, I would look for it on Sharepoint.
- All that one can ask is whether the person with the service animal has a disability and whether the animal (dog) has been trained to perform tasks to accommodate the person's disability.
- What work or task has this animal been trained to perform?
- I would just have them ask if the animal is a service animal. If they answer yes then I don't think we should inquire further.

- is it trained in a specific duty/job
- What service does the animal provide?
- This is a trick question. You may inquire as to what service the animal provides them. You may not ask for "proof"
- What service does animal provide you
- Do not request proof, but you can ask: What service is this animal trained to provide for you? You cannot ask anything additional.
- What service does the animal provide?
- What is the animal specially trained to assist with? I.e. seeing eye dog, seizure assist dog, retrieve dropped items, hearing assist dog. Emotional support animals are not service animals and are not covered under ADA protections.
- there are no requirement other than for person to say the animal is a service animal - altho airlines have recently limited service animals to dogs only
- documentation
- I believe one could ask if the animal is trained to preform a specific task. I do not think you can ask for any physical proof (ID, letter, etc.) or exactly what task the animal is trained to preform.
- what type of service is the animal trained to provide
- do you have your certificate identifying the animal as a service animal
- I'm pretty sure you can ask what service an animal is trained to provide, but that is all.
- you may not ask for proof
- proof of disability requiring service
- I would pass this up to someone else honestly.
- If the customer has paperwork identifying the animal as a service animal
- "Is that a service animal?" "What task is this animal trained to perform?"

Q14. In an emergency situation, such as a fire in the office, what procedures are in place for notification, evacuation assistance, and transportation for clients or employees with disabilities? Please list them below. Type 'Unknown' if you are unsure of the answer.

- **There are 634 instances of 'Unknown' or 'Unknow'**
- a chain of command situation would be deployed at the jail setting.
- Alarm system (visual and audible); Building maps posted throughout building
- Alarm system; Several employee's are designated to assist with evacuation assistance as well as security; We have wheelchairs available to use
- alarm will go off, exit building immediately, congregate in parking lot across the street
- Alarms and supervisors checking each office to make sure everyone has gotten out safely.
- Alarms; Emails; We are working on a plan for emergency communication within our sites
- Alarms, lights, clearly marked exits
- An employee with a disability has been assigned another employee to help them evacuate
- BCHS uses REMIND texting program to communicate with families for all emergencies. We have a plan in place for removal of all children from the facilities, which required a specific plan for adaptation for any children with mobility imparements
- BEEM notebooks
- been a while since i was onsite but knew process back before restructure and remodel so unknown at this time
- BUDDY SYSTEM
- Buddy system; plan for helping folks down the stairs incase of elevator issues - 911 responders

- building intercom
- Bulletin Boards
- call 911 Lyons firehouse is 2 minutes away
- Call 911; Make sure everyone is evacuated; Meet by North gate
- Call 911, inform the emergency response team of a person(s) with disabilities in the building
- Call security for assistance.
- calls and emails go out
- Clear the building all while assisting the disabled, we may receive calls from certain departments that there are people in need of assistance.
- COOP plan for each department/location
- COOP plans and disaster procedures, maps , employee contact lists.
- Currently no employees with disabilities
- Depending on situation customers will be escorted through front or back door across street. teams in place to check bathrooms, back office space & break room, emergency pack located by employee entrance door front.
- Depends on location. Fire alarm and set meeting point. Unknown of anything specific to clients or employees with disabilities.
- depends on the disability
- Depends on the location. Some buildings have multiple floors with stairs and elevators. In those situations we have the disabled person wait at the elevator or stairs and then notify the FD of their location. Some offices have "Emergency wheelchairs" that give people the ability to navigate stairs with the disabled person in them.
- Designated employees 1. check that all work areas are evacuated and mark doorways, and 2. direct staff and guests to building exits.
- Designated members of the team are assigned to assist disabled teammates with evacuation and other accommodations, as needed
- Detailed instructions are posted on wall at office.
- detailed location procedures that were updated this past year and made available in various places, including posted all over the office. They are very available
- documentation for the Hub are available and were emailed to all employees. Not sure where new employees would find it.
- Don't currently have any employees with disabilities
- During Covid we moved to N Broadway from the Kaiser Building. I am familiar with the emergency plan at Kaiser but not N Broadway.
- Each department has emergency person, they wear a vest and make sure everyone can safely exit the building.
- Each person in our office is assigned a buddy to make sure they get out of the building. People are also assigned specific tasks, such as calling 911, taking attendance, and making sure all members of the public exit the building.
- Emergency coordinators are responsible for ensuring everyone evacuates
- emergency evacuation procedures.
- Emergency evacuation rendez vous location, wing monitors to clear the building.
- Emergency procedures reference guides are on the wall near the primary door of division offices in Sundquist
- Employee's and clients exit out the west side of the building, and stand in the grass area unless told different by Emergency Responders. If someone can not get to safety due to a disability, a worker will let Responders know of exact location
- EOC, currently working on emergency site plans for all housing sites

- Evacuation plan for exiting the building
- Evacuation plan....also there are spaces designated for a flood or tornado.
- evacuation route is determined based on location of office; employees are directed to gather in the parking lot
- Everyone has a partner they are assigned to and are to get themselves out the nearest exit while directing customers to do the same. Location meetup is the Pine Street Parking Lot
- Everyone has an assigned role to evacuate the building.
- Everyone is assigned a partner to ensure all personal get out of the building. Supervisors are in charge of getting the public out and assisting anyone with disabilities.
- exit out the nearest door
- Exit the building and head toward the ball fields to the east of the campus
- exit the building furthest from the fire or smoke.
- Exit the building, go to the baseball field, supervisors take a photo of the in/out board and take roll.
- Exits are marked. Aisles are kept clear and open.
- Exits are marked. Managers have a laptop they need to carry with them. We should go to the farthest corner of the parking lot, and not stand in the way of emergency services vehicles and personal. The manager is in charge to call and verify all the employees are accounted for.
- find your assigned "partner"; if accessible, exit the south access to the Kaiser Building; gather at Casey Middle School
- Fire alarm and emergency calls
- fire extinguisher
- Flashing lights along with the alarm
- flashing lights in back door area, wheel chair stored in back door area, track lights on floor
- Follow poster and signs
- Follow directions of emergency leaders
- Generally follow BC Emergency Operations Plan aka "Rainbow Guide" as well as internal office "Emergency Plan"
- Get everyone to a safe location, with assistance from deputies in building if needed.
- get out of the building and meet at the north west corner of the parking lot
- Go Box for Comm Center Dispatchers to take along with channel radios and relocation plan
- Go to the ball field, assist individuals through the ramps.
- Have not been in the office for such training due to COVID.
- Help evacuate.
- Help them out of the building
- HQ Safety Intercom and PA system
- I am sure they are there and I know where the exit is but I have worked remotely since starting
- I believe we have designated people to help.
- I do not know how to get a person that is unable to use stairs down to the first level, otherwise all persons would be assisted to the lower level and designated exit.
- I do not know.
- I don't remember but they are posted on our walls, with one of them at our back door.
- I drive my office wherever I go
- I have not seen one, ever
- I have yet to work in the office
- i know there are fire alarms.
- I typed yes, only because we had one practice since we moved in the building on Coffman Street in Longmont but truly don't know

- I was hired during COVID so I have not learned my office location's emergency plan.
- I was hired post-covid so I work from home so, um, no, not really?
- i will get a text, email and evacuate to the ball fields
- I would think we'd ensure everyone around us is able to evacuate and go to our designated area outside
- If elevators are not operational you would have to carry or help them down the stairs. Notification is an alarm system.
- If the elevator shuts down people with mobility or other health issues have a problem. Steps are not always an option at least not safely.
- In my building, there is no public access. All staff including people with disabilities are assigned a buddy in the same office for evacuation purposes. We also have onsite security to assist with evacuations of the public, and there used to be a transport chair in the information desk area but I'm not sure if it's still there.
- intercom, office has a set place to meet outside
- Internal intercom system for notification that goes out building wide, exits clearly marked to exit the building.
- It's my 'position' job to get them out
- Klaxon
- Knowledge of the emergency evacuation plan/procedures and use of a buddy system - this is for employees. Unknown regarding clients or employees with disabilities.
- Lead the person (and animal) to safety. This can be an issue in the Public Health building if they are in the basement and cannot access the elevator (elevator shouldn't be used in a fire to go up).
- leave and meet up in front of the court house
- leave in calm and orderly fashion to predetermined locations.
- leave the area and regroup outside at assigned area
- Leave the office immediately/do not try to retrieve personal items; go to the baseball fields in a calm and steady manner for the N. Broadway campus. Be quiet to hear instructions from our safety coordinators for next steps.
- Lighted fire alarms, loud fire alarms, unknown for assistance
- Look at the wall sheet. However, in stress that didn't work. I went to Twitter.
- Managers/supervisors are responsible for this if applicable
- Map on the wall
- Mapped routes to exit the building.
- master is notified as well as the ops. they plan goes from where the fire is located.
- Meet across the street on Canyon Blvd.
- Meet out by the ballfields
- Msds and evacuation
- My office doesn't have a person with physical limitation that couldn't exit the building.
- My understanding is that each location has at least one staff member who is charged with notifying others in that location about evacuation and help arrange any assistance that might be necessary. Each location has its designated evacuation point. I also believe there are email notifications that are sent by our Operations team to the affected staff members. I am unsure about how transportation for clients or employees with disabilities would be arranged.
- N/A at the moment. We moved into Iris Building this past August, and have been working from home since March.
- N/A- I work from home/ Unknown
- near door
- New building I haven't been in yet so unknown

- no clue
- None
- None
- None are in place for either clients or employees
- Nothing specific for clients. Employees with disability other staff check with them and ask if they need assistance.
- notification- everbridge, teams, WebEOC. unknown for evacuation assistance, and transportation for clients or employees with disabilities
- Notification provided by radio, and master control. Incident command is established. Doors are manned by staff to hold open and direct emergency response. Medical staff will assist with movement of inmates with disabilities.
- Notification: Everbridge. Evacuation: to the Pine Street parking lot. Other than that I do not know.
- Notify 911. Calmly exit the building using one of the 5 exits, and await further instructions at a safe location from the building.
- notify or call for help, evacuate using ADA exits
- notify the fire department staff
- Office sweeps on each floor to verify people are able to evacuate. -- need to update and publicize
- One employee assigned to call 911, one employee assigned to evacuate staff and other employees. Rendezvous point is at the RCD building. Grab red emergency response binder on the way out of the building. Nothing specific for clients or employees with disabilities.
- Our "Active Harmer" evacuation plan uses exits with ramp and level surfaces.
- Our evacuation procedures would be the same, one staff would be assigned to assist any individual who required assistance. Transportation during an emergency could be a bigger challenge.
- our front line staff would help evacuate via ramps
- PA through the phones will announce an emergency. Public is generally only allowed in the front lobby and records staff is available to assist them out the building if needed.
- Pager, alarm
- Policies/Master control/Radio
- Previously, in the Kaiser Building, the escape routes were posted as drawings on the wall just as you were leaving the office and on the stairwells.
- Radio
- Radio, Incident Command, evacuate civilians, inmates.
- Refuge area by the elevator
- same notification procedure. evacuation depends on the emergency.
- scba and moving inmates to different areas
- Small office, identified lead individuals for response.
- staff closest to individual with disabilities should approach individual and let them know calmly that there is a need for evacuation assistance; ask what supports the individual needs, help them evacuate the building and make contact with necessary transportation if needed.
- staff is assigned to assist w/folks in their workgroup who need assistance
- Staff will assist the client they are working with to evacuate , ramps are available and management will make sure that everyone is accounted for
- Step in an help by asking the individual how I can help them but ya unknown.
- Steps to mitigate the concern, and an emergency meeting place away from the building.
- Supervisors and Staff exit the building and into the field East of the main parking lot. If staff is working out on a job supervisors must try and contact staff and notify them of the emergency.
- Tell fellow employees on our floor. Evacuation no tice by elevator. unknown for transportation

- The "Buddy" system; what person (s) are responsible for what area's and who they might be.
- The BEEM located next to the printer/copier
- The building is very small so it's easy to know if we have someone in the building with a disability that we can assist in evacuating.
- There are designated staff members who are to alert on-site staff of the emergency. There are also books available throughout the office that provide information on our plans for emergency
- There are packets of info throughout the building with info on what to do in emergencies
- there are people on each floor to assist or alert fire personnel
- There is a emergency database that we all had to sign up for to receive either email of call notification.
- There is a safety and emergency plan but I don't know the details
- There is nothing listed in BEEM about this topic that I am aware.
[https://inbc.boco.co.boulder.co.us/sites/sheriff/OEM/Documents/Boulder%20Employee%20Emergency%20Manual%20\(BEEM\).pdf#search=BEEM](https://inbc.boco.co.boulder.co.us/sites/sheriff/OEM/Documents/Boulder%20Employee%20Emergency%20Manual%20(BEEM).pdf#search=BEEM)
- There is only one ADA door.
- There should be a buddy assigned to anyone who needs assistance. I am not sure whether buddies are assigned. Unknown.
- Totally unknown
- Turn off computer/lights Move outside away from building
- unknown - but the Workforce has only moved in to building, and has not utilized the space yet.
- unknown - due to the re-org, I moved to a new office four days before the pandemic and therefore have been working from home ever since
- unknown - have been working from home since starting this new position
- Unknown - I work remote
- unknown - though i know that the emergency situation cards and guides are located in several locations (in our old building) I havent actually been to our new building yet to see where to find these things. for sure by front desk would be first place to look.
- unknown - was not in the office long enough to learn due to COVID 19
- Unknown (I also have worked from home during my entire time at Boulder County)
- unknown for how our plan applies to someone with disabilities
- unknown have not yet moved into the new building
- Unknown- never worked in the office
- Unknown - I just got hired and have been working from home.
- Unknown; used to have a buddy system
- Unknown, but information is posted on our office walls in easy to find locations
- Unknown, I have been trained and have worked remotely.
- unknown, I have only worked for Boulder County for a short time and it has all been remote
- Unknown, I work from home
- Unknown, just aware of the procedures for non-disabled.
- Unknown, probably a buddy system
- unknown, though I would expect security or the front desk to assist persons in wheel chairs because they would have escorted them into the building so they would be the most aware of their presence.
- Unknown. I am not the person in our office assigned to assist with evacuation.
- unknown. When our emergency plan was presented nothing was mentioned about people w/ disabilities
- Unknown. I am not familiar with our new office location (Iris) plan because I haven't spent any time there yet. I was familiar with the plan for our old office (2525 13th Street) location.
- Unknown. I assume they could use the parking lot ramps.
- Unknown. I believe the deputies would be charged with the safety of the incarcerated persons in the jail.

- Unknown. I was onboarded remotely and have not worked onsite during the pandemic.
- Unknown. My office location changed prior to the pandemic and have not been given information about my new location.
- unknown. that said, we had only moved into our new office space 4 days before we went to work-from-home.
- unless there have been changes, at the HUB, we are to take our clients and ourselves to the rear of the Building past the parking to the sidewalk area and wait to hear when it is safe to return (usually after the fire dept has arrived and managers have been given instruction hat it's safe to tell everyone we can go back in).
- unsure
- Unsure
- Unsure
- Unsure
- Unsure
- Unsure
- Unsure
- unsure
- Unsure
- unsure
- Unsure - unaware of anyone in the building with disabilities at this moment in time (been here one month)
- Unsure since we have not been in the office for sometime now - I would need a refresher for sure.
- Use stairs would be my assumption
- Walk them out or if they need assistance we could put them in a chair with wheels and wheel them out.
- We are in the jail. If staff working in the office are unable to walk without assistance they can exit from our office through the garage. This can accommodate a wheelchair, walker or crutches
- We are to exit the building and meet in the northeast corner of our parking lot for role call and further direction.
- We don't have clients at our office, and we have multiple exits from our building, which is single story.
- we had an identified assistant for an ADA employee. I kept a wheel chair accessible to help that employee in the event of an evacuation
- We have a BEEM plan hanging on most walls in the building. It has the information necessary.
- We have a buddy system and an emergency plan in the g drive on our computers.
- We have a buddy system in the East wing when we are there in person to ensure that everyone is helped out of the building.
- We have a buddy system listing co-workers in immediate office.
- We have a designated meeting place for fire and flood.
- we have a document that spells it out
- We have a fire alarm and a meeting location for staff and students. We practice fire drills monthly to ensure that both students and staff know the procedures for evacuation.
- We have a policy and procedure in place on what to do.
- We have a set list with who is responsible for evacuation of the building and all the public
- We have an emergency coordinator, emergency contacts and procedures booklet with all of this info on every employee's desk - we are not in the office until Summer 2021
- We have an emergency evac chair but it is not widely known the location so we need to address this.
- We have an emergency plan. Our department is mostly at home for probably the duration so I don't know if this applies to us at this time.

- We have an evacuation plan that everyone has been trained on. We have a buddy system. We grab a laptop bag, which contains everyone's contact and emergency contact information. We do reenter the building until given the all clear.
- We have an evacuation plan that we have practiced (at least twice). We also have designated people who check rooms/floors. Specifically for disability people, Unknown.
- we have designated exit route and meeting place when we get out of the building
- We have designated staff that ensure all are evacuated in an emergency. Those designated staff would identify a peer or a staff member who is serving the disabled customer to support/help the peer or customer to the Emergency Evacuation Safety Location for that particular building or campus.
- We have emergency exits, I personally remember the access route to a ramp for wheelchairs leading outside.
- we have had drills
- We have jail policies for this
- We have no clients. Locked employee office only
- We have our emergency plan that directs us to leave premises and go to our safe location down the street. We have a buddy list to make sure everyone is present, we have an emergency backpack to bring supplies. We always do a sweep of the office to make sure everyone is out safely before we leave.
- We have procedure pamphlets available for review in common areas.
- We have sheltering plans and medical evaluation plan, transportation plan and preparedness capabilities with partner agencies to address disabilities in disasters. The facility is ADA compliant for access, fire alarms are audible and flashing visual strobes.
- We have specific team members assigned to different duties with backup coverage as well. Duties can be, but are not limited to, notifying the public, checking rooms for the all clear, grabbing the emergency preparedness bag, assisting the public and or staff out of the office.
- We have this printed upfront in each location- I don't have them memorized.
- We just moved to Iris. Usually the disabled employee has a buddy, we have wheelchairs available to move employee to the ball fields. Not sure about the client in the office, but I am thinking the employee helping the disabled person would help them get to the ball fields. At least I would hope so.
- We used to do monthly fire drills, however, I am not sure what's the procedures for client with disabilities
- We very rarely see clients at our location
- We walk to the side walk on the West side of building. Other than that, I have no clue.
- We work after the public leaves the building. I know what our emergency procedure are but I don't know what I would do if I were to encounter someone who needed assistance at that time.
- We would assist a client with elevator access and accompany them to the rendezvous location in an emergency situation.
- We would get everyone out of our office. Then we meet at pine st for a check in.
- We would make sure that all persons in our facility are advised of the emergency and assisted in getting to safety.
- Wheelchair

Q15. Powered scooters used by people with disabilities are restricted from some areas of our facilities.

- all clients are restricted in employee areas. employees with powered scooters are not restricted.
- All doors have an automatic entrance when the button is pushed and we have an elevator.
- An example would be an area that is closed to public access.
- Anywhere where no elevators or ramps are available to them, right?
- anywhere with stairs

- As stated before, anywhere in our yard hi-vis clothing (at least a vest) must be worn due to large equipment loading, entering and exiting.
- Assumption due to the fact that not all areas are accessible to the public in general.
- back of jail
- Back of the jail inmate area
- But there's some places that are VERY difficult for them to enter such as 3460. I think the entrance is in the back. I once helped someone and realized how difficult that is.
- CP&P 3rd floor has a 2 step which connect West and East sections of the office building. This is not ADA compliant. Also most of our doors are not accessible using a handicap press button, nor are the 2nd and 3rd floor bathrooms.
- From areas they are unable to access. Most the historic buildings.
- FYI- This question doesn't read well. Are you asking if they aren't allowed or can't get to a location because of obstacles?? If it's the latter- Can't access the info desk in the Courthouse from a main door (Stairs on both sides).
- I believe there areas in our building only accessible by stairs
- I do not think all areas are accessible for a scooter
- I don't know if the elevator provides access to the top floor. Meeting rooms have compliant access.
- I don't think it is restricted but there are parts of this building that are not county owned so can't speak for the whole building. No restrictions in our particular office/part of building. I believe there is at least 1 bathroom area that was never upgraded and is not ADA compliant. I don't think it could be upgraded based on current footprint. Several other bathrooms in office that are ADA compliant
- I would guess only if there is a physical barrier or no accessible access.
- i wouldnt think so though I am not 100% - i guess if there were safety issues or space issued that would make sense
- If necessary for the disabled person yes but not a power scooter that is used for recreation.
- If someone has a mobility disability, they may use a powered scooter unless it is unsafe.
- I'm not sure if our current layout is ADA compliant
- Inside the jail
- it's not really a restriction, but due to the layout of the building, some areas are inaccessible due to stairs, so alternate routes are required
- Jail
- Jail
- Jail
- jail
- Jail
- Jail cell
- Morgue, Cooler, Freezer areas due to inherent environmental hazards
- Most of the HMMF is off limits to the public, however BC employees with the level of training to enter the off limits area of the HMMF can use power scooters.
- Normal restricted areas unless they are an employee and have a badge. Stairways.
- Not a restriction but some areas of the courthouse are inaccessible to scooters because of the size of the elevator.
- Not in areas open to the public
- Not restricted in the sense they are not allowed, I just don't think the "Tree House" area of 3460 is accessible. The whole building is old and would be challenging to navigate on a powered scooter.
- not sure how it applies in the jail
- Not sure these scooters could safely be maneuvered in several modules or areas of the jail.

- On the third floor of the Annex there is a break between levels where there are only stairs, so while you can get to the third floor via elevator you cannot get to the west side of the third floor.
- possibly the jail
- Restricted to public access area.
- secure non public areas
- stairs
- stairs
- Stairs
- The courthouse isn't well suited to people with physical disabilities due to the 2 staircases on the first floor but i don't know that there is any places that are impossible to get to for the public
- There are restrictions based on the physical structure of the building (old hospital building).
- they couldn't get to the back offices of the 3rd floor of the Land Use annex due to the stairs.
- They may be limited due to tight spaces but not restricted as in not allowed.
- They should be permitted
- They would not be allowed in the back of the jail for inmates without the approval of the Division Chief.
- This is a new one on me. I will have to check out the answer!
- This web page lists areas allowed/restricted to powered scooters and "Other Power-Driven Mobility Devices (OPDMDs)personal mobility devices" <https://www.bouldercounty.org/open-space/parks-and-trails/accessibility/>
- Trails unless they are classified as an accepted OPMD
- unless they won't fit?
- West Wing - no auto door available
- where the user isn't allowed
- Wherever common sense would say it's a bad idea or not safe
- Would not fit at 3400 or 3460
- You would think that power scooters would be restricted to the first floor for safety reasons but I really don't know what BOCO policy is on this.

Q16. Other powered mobility devices (mobility scooters or Segways), when used by people with disabilities, are allowed in all public areas of our facilities.

- Again, I do not know the answer to this, but it seems it may be dangerous to have someone power scooting to the ball field. Could be dangerous for others.
- All areas?
- An example would be a trail that truly can't be safely accessed with a mobility device.
- back of jail
- Both question 14 and question 15 mention scooters. That's confusing.
- court room and back of jail maybe
- Don't know for sure, but I assume so.
- except trails unless allowed as OPMD
- I have see scooters in the building but not Segways
- I would think they are, so 'Yes'
- Jail
- Most of the HMMF is restricted to public access due to the hazardous nature of hazardous materials and the training requirements. BC employees with the right training would have those limitations
- OPDMD are permitted everywhere where they are not prohibited
- Other than the trails listed above in Q14, I think the OPMD are allowed

- Restricted staff only areas
- same answer as above. No restrictions inside our office except one bathroom area. As for the entire justice center, i cannot say
- stairs
- Stairs
- Stairways.
- Stairwell
- The Courthouse is difficult for people with disabilities because of the stairs in the first floor lobby.
- They should be permitted
- To the best of my knowledge, powered mobility devices are allowed in public areas.
- Wherever common sense would say it's a bad idea or not safe
- Yes unless it is unsafe or will cause significant damage to resources.

Q17. A wheelchair user could be hired for any position in Boulder County's government.

- A deputy
- A person is eligible to be hired for a job when reasonable accommodations can be made in order for them to perform the job. A wheelchair user could not perform the job of a fire fighter.
- A position requiring maintenance where lifting over 50 pounds is necessary and/or roof access that requires a ladder.
- Active Duty Deputies
- Any position where the need to hike or trek on a trail or someplace without wheelchair accessibility seems like a job they couldn't hold.
- Any position where they can perform the required duties.
- Any positions with physical ability restrictions -- i.e. maintenance
- As long as reasonable accommodations would allow them to perform the duties of the job. If not, then no.
- as long as they can accomplish their job with or without an accommodation
- As long as they meet minimum job qualifications.
- As long as they met the job skills required.
- BCSO - jail and officer positions?
- Being able to complete physical management training and safely physically manage an acting out client are required duties within our small team.
- Building Inspector
- Building Inspector
- can't be a patrol officer
- Certain positions at the sheriff's department
- Certain positions in open space and in law enforcement that require mobility in non accessible areas.
- Certain positions within parks and open space, especially those that build trails.
- Certain Sheriff's Office positions and Parks and Open space positions.
- Clerical; Administrative; Department Head, and any position that an abled body person can be hired for.
- Climbing radio towers, working in bucket trucks, peace officers charged with arrests, firefighters, wilderness search and rescue operations
- Death Investigator
- Deputies
- Deputies
- Deputy

- deputy
- Deputy
- Deputy
- deputy
- Deputy
- Deputy
- Deputy
- deputy
- Deputy
- deputy
- Deputy
- Deputy
- Deputy
- Deputy and consecutive.
- Deputy or any enforcement positions
- Deputy sheriff
- Deputy Sheriff
- Deputy Sheriff
- Deputy sheriff
- Deputy, construction worker
- Deputy, Crew Boss
- Deputy, Jail Deputy, other jobs that require walking/running
- Deputy, Jail or Ops
- Deputy, Maintenance Worker
- deputy/firefighter
- Doing physical shoveling or labor entailed with building trails?
- Drive trucks, run heavy equipment, install culverts
- Equipment operations
- equipment operator
- Equipment Operators; Sherriff Deputies; Parks
- Facilities care
- Field arborist (no way to make safe, reasonable accommodations for all required duties), trails ranger (not all trails that need to be patrolled are ADA accessible, or even accessible by horse if a wheelchair user wanted to go that route)
- Field jobs where it is difficult to near impossible to get around in rugged terrain?
- Field positions that require working on open space. Interpretive positions could be a wheel chair user, but a trail builder could not.
- Field staff for trail crew, forestry, etc. may be required to hike off trail
- Field work, such as SO Deputies, some POS workers
- Filed inspections where access to the jobsite is inhibited due to construction equipment necessarily being in the way (i.e., while performing a task of necessary work) or uneven surfaces between vehicle and work being performed making it too far from vehicle to adequately see the work being performed.
- firefighter, patrol deputy, ranger
- Firefighter. Patrol office/sheriff. EMT. Any number of field positions in Parks & Open Space.
- First responders, a few jobs in Parks, some maintenance positions. Jobs that are very physically.
- For certain field jobs that require climbing ladders and stairs, being in a wheelchair would be a challenge.
- For our Elections Judges: In our election's wing, where we prepare ballots - Signature Verification; Possibly front office; Motor Vehicle; Recording;

- Heavy equipment mechanic, truck driver, traffic control, road crew,
- Horse-mounted patrol, emergency responder, police, fire, etc.
- Housing maintenance
- I
- I am not aware of the full range of positions in boulder County government. It's possible that there are some that could not be performed by a person in a wheelchair even with accommodations.
- I assume certain positions in the Parks and Rec wouldn't be open but I don't have any exact information.
- I believe some positions have physical requirements.
- I do know know
- I have seen job descriptions that say that there positions require sitting, standing, etc. but reasonable accommodations must be made if requested. Not sure though, for example if a person that uses a wheelchair applied to be a park ranger, if/how that would work.
- I imagine there are positions that require full physical mobility though, such as with Public Works Dept's Road Maintenance Division.
- I know that there are some positions that require a certain amount of lifting and this may exclude wheelchair bound individuals. But there are only a few, I believe.
- I suspect there might be certain jobs where that might not work, such as police officer.
- I think it depends on the nature of the job and what is needed to do the job. lifting bending
- I think it would be difficult to the point of impossible for an employee in a wheelchair to work in some of the positions in Parks and Open spaces, and some maintenance positions which require an ability to lift, twist, and bend.
- I wish this were a yes but I believe the physical requirements for peace officers could be prohibitive.
- i would imagine that if it's related to employment that requires physical work such as parks and open space, heavy machinery or building services, then there may be restrictions.
- I would imagine that some of the sheriff's office and parks and open space (trail maintenance and ranger duties) would be inaccessible for someone in a wheelchair.
- I would say yes, although some positions may require an adaptation of duties for someone in a wheelchair
- i would think no if the position required physical movement that the employee may not be able to accomplish or if accommodations were unable to be made to allow them to complete the required work for that position.
- I would think some positions with POS would be difficult to accommodate a wheelchair, maintaining roads, trails, etc.
- I would think that jobs that require access to something like hiking trails would not be suitable for a wheelchair user
- I'd imagine some of the jobs that require physical labor might be challenging to accomodate. But I would hope that the county is as accommodating as possible.
- If a wheelchair user is unable to perform the fundamental role of the position and no reasonable accommodation is available, then they may not be hired. For example, a person in a wheelchair may not be appropriate if the position required manual labor and there was no accommodation to perform the manual labor in a wheelchair.
- If an essential function of the position requires climbing ladders such as a maintenance worker, or pursuing suspects such as a law enforcement officer, a wheelchair user would not be able to perform the essential functions with or without reasonable accommodation.
- if posted job description requirements are not possible due to physical limitations/disability and cannot be accommodated
- If the duties of the job require field work in rugged terrain or places inaccessible to wheel chairs like a building inspector.

- If the position is known to have limitations, such as construction that is required to climb. All applicants can be considered and interviewed to ask the questions about clearly explained duties on the advertised job description to determine if the candidate can fulfill the requirements.
- If the wheelchair prevents the employee from doing some of the tasks assigned to the position (working off trail, having to lift heavy objects to high places etc.)
- If there are physical requirements of the job that can not be done by a person with mobility issues.
- If they are unable to perform a bona fide job requirement they may not be hired to fill that position.
- I'm not sure, but perhaps cutting down trees, or certain types of trail building? But perhaps a wheelchair user could still do these activities (?)
- In my work area, conservation easement monitoring field work that requires hiking on remote open space properties with no trails, climbing over fencing and rugged terrain. I am also guessing Trail Crew positions that require the same, but I don't feel comfortable representing that
- It seems unlikely that a wheelchair user would be eligible for the CDL classification for driving large equipment like snowplows.
- It would depend on the position and listed job requirements that require a physical test for agility and dexterity, some of which I believe could be waived depending on the job.
- I've heard questions related to visitation employees and what adjustments would have to be made for an employee in a wheelchair.
- Jail deputy
- jail deputy
- Jail Deputy or Patrol Deputy, Animal control officer
- Jail deputy, patrol deputy, positions where the applicant couldn't perform the essential functions with or without an accommodations.
- Jail or patrol
- Jail, Fleet
- Job descriptions that require physical work that someone in a wheelchair could not be accommodated for with lifts, assistance devices, etc.
- Jobs requiring climbing
- Jobs that may require certain physical abilities such as law enforcement officer.
- Jobs that require climbing trees or ladders?
- Jobs that require heavy lifting or other physical requirements
- Juvenile Center - there are stairs in the juvenile center where juveniles are housed that are not accessible to someone in a wheel chair.
- Maintenance
- maintenance tech 1-3, sheriff deputy, park ranger
- Maintenance, electrical, painter etc
- Maintenance/Facilities
- Master Control at the jail
- Maybe Parks and working trails?
- maybe positions at the Sheriff's Dept or POS.
- Most jail staff
- my position of Wildfire Mitigation Specialist would be almost impossible to do from a wheelchair since it involves walking on often-steep slopes in the woods.
- None
- not in my org, but I was thinking POS Ranger or BCSO deputy.
- ongoing team and even intake team.
- Only if reasonable accommodations couldn't be made for the individual's circumstances

- open space ranger
- operating equipment for road maintenance
- Our office does not have any positions that would be restricted to non-wheelchair users but I'm sure other departments do have such positions (e.g. snowplow driver, park ranger)
- park ranger
- park ranger ... trail builder?
- Park ranger that utilizes horses
- Park ranger, construction work, facilities work like yard maintenance
- park ranger, deputy are two that come to mind
- Parks and Rec trails crew
- Parks Construction and Maintenance. A lot of our job sites have un even terrain, and require being on ladders.
- Patrol and Jail deputy
- Patrol deputy or Jail Deputy
- Patrol Deputy, Jail Deputy
- Patrol police officer; Firefighter that goes to fires
- Police Officer
- Police officer, fire management, some facilities jobs...
- Police officer, investigator,
- POS Rangers
- Position dependent question. I am sure for the SO to be a modular deputy they would need to pass a physical test of some sort.
- positions that would require a staff
- Possibly a sheriff's deputy that needs to go out on patrol
- Possibly as a patrol deputy.
- probably inventory which involves moving items more than 50 lbs
- probably some positions that require walking outside
- Ranger, weed manager, some wildife biologist positions, etc.
- Roads, electrician
- Seasonal laborer, jobs that require hiking and use of heavy equipment
- security officer
- Sheriff deputy
- Sheriff Deputy because of mobility.
- Sheriff or deputies.
- Sheriff/Jail
- Sheriffs Deputy
- Sheriff's Deputy
- Sheriffs Deputy- Safety concerns on the roads, jail etc. Plow drivers for transportation unless the county refitted the plow to accommodate the persons needs to assist with entry and exiting of vehicle and driving and I would imagine providing a back up vehicle in case the main vehicle was being serviced.
- Sheriffs deputy/jail-detention deputy/park ranger
- Some classifications require physical ability.
- Some job requirements do need individuals with the ability to have full function of their limbs to include running, walking, and lifting. This is a requirement for deputies that work on patrol or within the jail facility.

- Some jobs require walking or getting around on steep terrain, climbing ladders, and accessing construction sites. We would have to look at the specifics to see if we could come up with accommodations that might work for some of these jobs.
- Some jobs would seem to preclude this--those requiring extensive walking across uneven space, e.g. (park rangers, for instance). But I'm not sure if "wheelchair user" here is meant to include *only* people who use a wheelchair at all times, i.e. who don't walk at all.
- Some of our job duties require ability to access uneven terrain and would not be possible with most mobility assisting devices. However, reasonable accommodations may be able to be considered.
- Some of the jobs that maintenance does in our apartments using ladders, getting on the roof, etc.
- Some of the maintenance tasks for BCHA units or facilities might be logistically difficult. Positions that require home visiting might be difficult in the case the participant's home was not wheelchair accessible. Parks and Open space might be challenging unless the specific area they are working is wheelchair accessible.
- Some OSMP or landscape maintenance jobs
- Some positions (i.e. Deputy Sheriff) have physical ability requirements.
- some positions require physical responsibilities that are disclosed on the job descriptions
- Some sheriff jobs would require the use of the legs and no reasonable accommodation could be provided
- Some with specific physical requirements that can not be accommodated, I thinking of POS and Sherriff's Office
- Someone who drives? I don't know if our vehicles are wheelchair friendly.
- Sworn law enforcement
- the following divisions within the department require physical abilities to hike and/or carry equipment the duties can be very physically demanding: trails, grounds, forestry, weeds, building and rangers
- The only position I could think of is an on duty police officer
- There are no restricted jobs within our office where a wheelchair user would be prohibited. However, I can think of positions throughout the County where this may not be possible.
- There are open space and trail maintenance positions which require specific physical requirements such as the ability to walk on uneven surfaces, climb ladders, lift a certain number of pounds from the floor, etc.
- There are physical requirements for some positions in the jail. This can include completion of the EJD course. Positions such as deputy or nurse require the ability to stand, push, pull, lift, etc.
- There are physical requirements of the position in the Juvenile Assessment Center that have to do with ability to perform restraints on clients if necessary.
- There are some jobs that list physical requirements that might be above a wheelchair user's capability, otherwise the answer is yes.
- There may be some activities at the HMMF that a wheelchair would be prohibitive, like pouring flammable liquids in a 55 gallon bulking drum, but that can be worked out too if required.
- There may be some positions where standing or walking are a critical component of the job, such as trail maintenance or jail deputy.
- There maybe carpenters, housing maintenance, etc. that need to climb, walk, etc. that would not be eligible for a person in a wheelchair to be hired.
- There would be some facilities, maintenance, Sherriff law enforcement, road maintenance such as snow plow driver ect, heavy equipment operation positions they could not perform.
- There's position at Parks and Open Space that are construction related and known sometime they need to work on roofs and can see lots of there work being out doors and not ADA accessible.
- They could be hired for almost any position, but I'd imagine that some positions like Sheriff's Deputies/Patrol Officers might not be able to make a reasonable accommodation for a person confined to

a wheelchair. That doesn't mean they couldn't still get a position with the Sheriff's Office in another capacity.

- They would not be allowed to be a deputy.
- To be a deputy you must be able to complete a physical test. I don't believe a person in a wheelchair would be able to.
- Trail cleanup, policing, farm work and snow removal?
- Trail maintenance crew member
- Trails crew, Rangers, arborists
- Trails maintenance?
- Transfer Station Clerk, trail crew, custodian?, facilities maintenance
- unaware of any in the DA's Office
- unknown
- Unless restricted and does not meet under regulations (CDOT) that are required for certification and licensing.
- Unsure if user could work any position within the jail
- Unsure, but I believe there might be some positions within county road maintenance or trail maintenance with parks and open space.
- Vin Verifications,
- We have an elevator, but the 3rd floor of the annex would be hard to navigate in a wheelchair (steps, narrow halls, small restroom)
- We have jobs that require field work, hiking across uneven/rough terrain, etc.
- wildland firefighter
- Wildland firefighter requires passing a pack test - walking 3 miles in under 45 minutes with 45 lbs on your back. Deputies cannot be wheelchair bound, either.
- Yes with accommodations. I would think those positions that require physical lifting or moving might pose challenges, but could be accommodated if needed
- Yes, except in the case of BFOQ.

Q24. We have Text Telephone Typewriter (TTY) devices at various locations in our organization.

- 3400 & 3560 Broadway
- 3460, Hub
- 911 CPE has TTY ability.
- Assuming the Communication Center would have one
- at sheriff communication center
- At the Jail
- avail anywhere, you just have to request
- BC Communications Center
- BOCC Hearing room, Courtrooms, Jury Assembly
- booking
- booking
- Boulder; Longmont
- but not sure how to access it
- Comm. office at the jail
- commanders office
- Commanders office
- commanders office in jail

- communications
- Courthouse
- Court House Annex
- Courthouse, Justice Center
- Dispatch
- Dispatch
- Dispatch
- Dispatch and possibly records
- Dispatch Communications Center
- Dispatch has the ability to do TTY on incoming phone calls
- Don't know
- Front counter of Annex building
- Front desk
- front desk, conference room
- front desk... I think
- Front desks and phone/call centers.
- HHS offices; BOCC
- HR has one...not sure where else.
- HR, Commissioner's Office,
- HUB and 3400 Broadway
- HUB, Broadway offices
- Human Resources
- I assume so, but again was in the office for a month
- I believe Microsoft TEAMS has a TTY option for talk/text
- I know of one at the jail
- I know there is one at the Jail. I just don't know where at the Jail.
- I know we did when I worked for HHS
- I know we have one at the jail. Not sure where else
- I think in the Social sphere (HHS, CCP)
- I'm aware they exist, but not where they are kept or how to access them.
- I'm not sure of physical TTY devices but I'm pretty sure we do have a number people can call for that service.
- In multiple locations with the TTY signage. One is in Julia's office.
- In the lobby next to the Information Desk
- Info desk
- It's in the Commanders Office
- It's part of our phone system
- I've seen signs but i can't remember where
- Jail
- Jail
- Jail
- jail
- Jail Commander's Office
- Jail commander's office
- Jail... not sure elsewhere
- Justice Center
- Lobby of the HUB

- Motor Vehicle, Courthouse, Clerk and Recorder
- Not sure of locations, but I believe I've seen this indicated on the county website
- Not sure where
- Sheriffs department
- sheriff's office
- Sheriff's Office HQ front counter
- the call center
- The Court House and Jail
- The jail has a device called Ubiduo for in person communication and TTY equipment for the phone.
- The jail has TTY devices for both inmates and staff
- There is probably one or two at the HUB.
- TTY: 1-800-659-3656
- unknown
- Unknown
- unknown
- unknown
- Unknown
- unkonwn
- Unsure where.
- We use them in the jail
- we used to have one but not sure if it's still in use
- Workforce

Q34. Do you have any final comments about the ADA? Your comments will be anonymous.

- **There are 58 instances of 'No,' 'Not at All,' or 'Not at this time'**
- a lot of these questions are absolutes, so you are going to receive responses that do not accurately describe the county's services and the accommodations that are in place for ADA needs
- A volunteer of the county was told she could not participate in jury duty in Boulder County because she was blind. I found it hard to believe that this wasn't discrimination.
The commissioners' office really needs new software for video streaming AND live captions (w/ translating) so that we can provide more accessibility to those with hearing and/or vision loss in this new virtual time. We are having a very hard time with IT supporting us in this process.
Also, we need to make sure that all of our ADA information is published in both English and Spanish.
One thing I didn't see mentioned here, that I know is covered by ADA, is discrimination against those of us with mental illness. There is always a stigma about asking for help or time off due to mental illness - so please make sure you are thinking about those invisible disabilities too - not just the visible ones. Boulder County culture seems like they are OK with exacerbating mental health issues of its employees with this increased workload, but not helping to alleviate them with long-term and sustaining solutions. I know as we go farther into this pandemic, these mental health issues of employees and our constituents will increase, and education around this topic is desperately needed.
Thank you for putting out this survey.
-Brianna Barber
- ADA is coming up a lot more recently in the Child Welfare Dependency & Neglect (D&N) Court cases since the definition has been broadened to include cognitive functioning and understanding and we are asked to make specific accommodations for client/parents. These must be requested on record and ordered in the D&N Cases. But it would be important for all BC Staff to have some training on these broader interpretations and required accommodations when they are identified and requested...and to know

understand if/when/how to accommodate with all customers, not just Child Welfare Involved customers/clients, who identify the ADA accommodation need due to their ADHD, Bipolar disorder, or other mental health diagnosis that impairs their cognitive functioning for tracking information, retaining information, and ultimately impairs their capacity to complete tasks (such as public services applications).

- ADA is very helpful to citizens, but it's an ever evolving process. The public/scammers sometimes take advantage of the intent of the ADA to assist.
- After doing this survey it is apparent to me that more information is needed for all departments located in the County.
- After reading all of those questions, I find myself feeling very unknowledgeable about the whole ADA program in the county.
- After taking this survey I realize how lacking we are in information.
- After taking this survey, I realize I have a big knowledge gap in this area.
- Although not an ADA issue, some of our applications are only available online. They are not accessible for a mobile device.
- Although we want to be an inclusive and welcoming organization, I am unsure about most things related to ADA. It would be good to get training and resources so that I'm better informed and prepared to assist coworkers and the public, as well as make changes to our projects, programs, and facilities where possible.
- Apparently I don't know a whole lot about this for our organization and look forward to learning more! Thanks!
- As an employee who produces a lot of communications for the county, I would love to have a more accessible website (like City of Longmont), the opportunity to provide our division materials in large print and Braille, and support to increase accessibility of advisory council participation for our community members living with disabilities. One of my advisory council members is blind and I have mostly had to lean on her to make sure the meetings are accessible. I'd also love decent closed captioning tools for our internal and public meetings. Outside of ADA, we need to better support our Spanish speaking community members through live translation and so much more.
- Because I've been away from the office for so long due to COVID, some of the questions are hard to answer because I don't remember or vaguely remember. Thanks!
- Clarification on ADA compliant programs would be good
- Clearly there's a lot I don't know about ADA!!! Look forward to any education you give us :-)
- Clearly, I need some education and awareness about this topic!
- clearly, more information (answers to these questions) is needing to be sent out county wide.
- definitely need to provide county training
- do we have services available for hard of hearing and deaf people that any employee can utilize to communicate with a member of the public?
- Don't know much about it as it pertains to our department.
- Equipment operations are not ADA compliant
- Even though I don't know specific answers to many of these questions, I feel like I'd be able to find out if I needed to.
- Ever tried to use a wheelchair at the Parks and Open Space properties?
- For most of my "unsure" answers: I'm not disabled, so I may not have memorized where/how/when to contact people, but usually a quick google search, search on the bouldercounty.org website, or a search of our organization's onenote can solve the issue (I didn't try for this survey, because I figured you wanted "base" knowledge). I really *hope* we have TTY and Braille, but it has not come up in my job so I do not know for certain. I'm based at the Hub, and we're pretty cool with regular animals (let alone a service animal), and the modern buildings would have no problems with scooters/mobility devices/wheelchairs (but the older offices in Boulder may have space issues). I think that in general, Boulder County is as or

more progressive regarding ADA adherence than other counties (and in school I experienced using a wheelchair on "wheelchair ramps" that were so steep you could go nowhere, yet it was "ADA-compliant". So, I realize that almost all older buildings need to be revamped, which probably includes the ones in Boulder).

- Glad you guys are doing this survey. As evidenced by my answers the communication around ADA is almost non-existent from my perspective.
- Guess I know less than I thought about ADA. Hope to learn more in 2021
- Having started my position during Covid I have had very little time to spend in the communities I support. I believe, under normal circumstances, this information would be available to me. I am familiar with the ADA
- Hmm, I think I need better training.
- Hoping all county leader, supervisor, management, treat all disability the same, and fair.
- I am a temp worker as part of the COVID response and have never worked on-site so some of my answers may not be very helpful.
- I am amazed at how little I understand this area!
- I am ashamed to say I know very little about ADA and how it applies to my workplace, I believe this should have been a larger part of my onboarding and training
- I am disappointed that I am so unaware of my resources and county practices.
- I am new to the county and still learning about this information.
- I am still very new and have a lot to learn.
- I am sure I will learn more as we return to facilities after COVID subsidies.
- I am surprised by how much I don't know.
- I am unsure about some of the office signage since I have not been in the office since March.
- I am unsure of the answers to many of these questions, as I am in a very limited public-facing role. However, I do not think that the answers would be difficult to find.
- I am very glad that the County is taking steps toward becoming an accessible organization and training its employees in these areas, I hope we can do this quickly and we can all soon be proud to be an accessible organization.
- I answered a lot of questions with "unsure" as we've been out of the office for quite some time and I can't remember if some of the notices are there or not. I don't think our group will return to the offices in the future.
- I answered some questions as unsure but to my knowledge we have to be ADA compliant
- I appreciate Boulder County's commitments to accessibility. My answers are more about not being in the office at all this year so not getting the awareness piece in.
- I appreciate the focus on this issue. I know we as a department are working to ensure all people have the same access to the same information and services, however I also know we're not there yet.
- I believe if an employee had an accommodation request I would contact HR, but I'm not sure. My organization has eligibility criteria to make sure there are female and male staff working in the Juvenile Assessment Center.
- I believe there remains issues/limitations on full accessibility to all activities by those with disabilities. For example, we work with the courts constantly. They often provide a sign interpreter, but that may not be full accommodation needed for that person. Same for seeing impaired person. Our nameplates and room numbers have braille, but most documentation/forms/handouts from courts, us, and other criminal justice agency partners do not have versions in braille. Finally there are parts of the older building that are not totally ADA compliant for wheelchair accessibility. When upgrades have been done, those areas have been corrected if possible.
- I can only answer questions based on the information I have for our office, I do not have information for ALL county offices, as implied by some of the questions.

- I cannot recall ever having been trained on ADA specifics.
My role at Boulder County doesn't require me to interact with the public so I am not sure what I could offer there, but your survey made me notice I don't know how to help our disabled employees in an emergency situation and would like to have some training or reminders about this.
- I clearly don't know very much about the County's ADA policies and procedures and that should change.
- I consider myself a person that is aware of county information and resources, however, this survey certainly outlines how much I do not know about ADA and it certainly highlights that the county has not put a strong effort towards educating employees of Boulder County.
- I could use a training to learn the things I don't know.
- I did not realize how little I know about this topic.
- I didn't realize how much I don't know in this area. Sad!
- I do not think any of this was covered in my onboarding materials. New hire Summer 2020
- I do not.
- I don't know much about Boulder County and ADA
- I don't know very much about the ADA as relates to county services and employees.
- I feel bad not knowing this stuff - I'm a quite new employee, and it's possible I missed an orientation video. Onboarding has been very fast paced due to the nature of my role, and I haven't been able to take the supervisor classes yet.
- I feel like I have knowledge to direct someone around my building or possibly to other places on the Broadway campus, but as a whole don't really know about the county's overall accessibility and possible restrictions.
- I feel really uninformed and unaware of the ADA accommodations provided by Boulder County
- I feel this is something I should know more about. Unfortunately 'unsure' seemed to be an appropriate answer.
- I find I actually no very little about ADA at Boulder County. I am not in a role to affect change. Most of the time, I doubt I would be in a place where I am asked to accommodate someone, but I am not aware of what my resources or limitations are.
- I guess I am a little uneducated when it comes to our ADA practices other than with the sheriffs office
- I guess I better brush up on this
- I guess there is a lot more that I am unsure of for the county as a whole.
- I have a lot to learn
- I have a lot to learn.
- I have been involved in filling ADA accommodations. It was an arduous, confusing, and difficult process. I have a family member who uses a wheelchair who could not fully access CJS services and programs due to architecture and lack of policy/planning. While the county does better than many private organizations, there is still so much that must be done to increase accessibility physically and to increase county employee awareness.
- I have never heard of any complaints regarding accessibility. If there have been some, I would be interested to hear about this so I could better understand where we need to make improvements.
- I have not been exposed to learning much about our ADA policies and accommodations.
- I have very little knowledge about it.
- I hope we will receive a fact sheet after this survey letting us know of all the rules and responsibilities.
- I know nothing about ADA
- I know that the County offers a TTY number on the web pages and also states: If you need special assistance attending a meeting or event at Boulder County, contact the ADA Coordinator at 303-441-3525 at least 48 hours before the scheduled event.
However, I don't think we are able to accommodate all requests due to budget constraints or lack of services available.

More prominent presence for ADA information through the external and internal web pages is needed. Training for able bodied individuals to raise awareness of the challenges a person with mobility, vision or hearing impairments experience would be very valuable. Trainings that encourage participants to navigate a building while using a wheelchair or crutches, wearing special vision impairment glasses and ear phones that limit sound are examples.

- I know we can improve and I look forward to doing so!
- I like working from home, in part, because it's nice to avoid the bright fluorescent and halogen lights that gave me migraines for years! It's impossible to ask for every light to be changed out, but working from I don't have to worry about the headaches. Really great!
- I need to brush up on this subject, for sure
- I need training on ADA.
- I needed to use a scooter for a period of time after an injury, and I found it extremely difficult to navigate the employee-only areas within my office building without assistance from co-workers (North Broadway campus). The public-facing areas were easily accessible, but in order to use the restroom or access the employee break area, I needed help from someone else to open doors since they do not have buttons to open the doors like in the public-facing areas of the building. Additionally, in the employee training room area on the East wing of the Courthouse, there is no handicap accessible restroom on the main floor, and there is no signage telling someone where a handicap accessible restroom is within the building (it's in the basement).
- I obviously know little to nothing in this realm.
- I obviously need more information/training about this subject.
- I only learned about the ADA act from a law suit at the jail a few years back.
- I realize that I need a refresher/crash class on ADA.
- I realize I do not know much about our organization's ADA accommodations!
- I realize I know very little.
- I realize that I do not have enough knowledge about ADA.
- I realized there is a lot I do not know for sure and look forward to learning more.
- I really don't know much about it.
- I recently started and started remotely so I know a lot of things that may have come up during orientation or as I was walking around the buildings were not able to come up during a regular course of business for myself.
- I see by the questions here that I am unfamiliar with specific components of the ADA.
- I think a lot of these questions will depend on the exact scenario. I am confident that if presented with a particular situation I would know who to ask in order to be connected with the right resources.
- I think a training on ADA would be very helpful to our department.
- I think broader county wide training on these topics would be very helpful to employees, as well as on location training for more specific instances that may occur during the workday
- I think it's incredibly important to have conversations about accessibility to buildings and services in our county. It was challenging to answer questions about the physical office since I have been remote for almost a year at this point.
- I think Julia Yager is very knowledgeable with ADA. The questions about if a customer is blind, hard of hearing etc can participate in all programs offered by the county. The benefit programs have eligibility criteria that the disabled person may not be eligible.
- I think the answer is "yes" to many questions I entered "unsure", but expect there may be some exceptions to each. Thanks for looking at this!
- I think the use of "ALL" in most of the questions is a reason to be unsure in the majority of my answers. I would tend to be the type of person to find answers as situations arouse.
- I think this is very important but I'm sure there are different factors for each department and locations

- I think we could use some training on how to make our programming more accessible to people with disabilities. Even when we think we are being inclusive, I don't think we are doing the best we can. It would help to have a budget to assess our programming and to implement these changes as well.
- I think we try to accommodate the disabled community without actually soliciting their input on what it is they would like to see. I see the ADA as a minimum standard blueprint, not necessarily the last word on accessibility. I think we also need to reach out to individuals or groups with disabilities to make sure their needs are being met within our diverse environment.
- I wish I could have answered these better. So sorry! I have only worked for Boulder County a short time and this work has all been done on a remote basis
- I work at 3460 Broadway Boulder. I have seen people with wheelchairs circling the building trying to figure out how to get in. They cannot get up the huge staircase at the entrance.
- I work at home so I'm not as familiar with current ADA at location right now, but would get updated if I were back onsite
- I would assume that Boulder County does have a lot of services but given that I am not in need and have limited interaction with the public I am not aware of the programs.
- I would like more information on this topic. I would like to know who is the Hubs ADA contact person. How to reach other parties such as sign language interpreter. I would like to know our fire and emergency protocol as well, where do we evacuate when there is an alarm or true fire?
- I would like to go over this material again as I have forgotten some of the information or locations of certain areas that are accessible, restricted or the do's and don'ts.
- I would like to know more about our available accommodations!
- I would like to learn more!!!! I clearly don't know what I should given my role!
- I'm glad we are learning more. I know who to ask, but do not know all of the answers. Thanks so much!
- I'd like to see an ADA services report each year from HR or BOCC office.
- I'm a newer supervisor and realized I don't know a lot about ADA and specifically for the building I work in.
- I'm appalled had how little I am aware of our provisions for ADA
- I'm familiar with the ADA, but I was hired as a COVID level-4 employee, so I've barely visited my main office, and I'm not familiar with its disability accommodations.
- I'm not sure how the County is able to offer help for clients to complete applications for public assistance if they are not able to complete one due to a disability. Besides the best attempts made by individual workers. I'm especially concerned for those who are home and unable to come into the office for that type of assistance.
- I'm sorry to say I'm just not that familiar with ADA after taking this survey. It's made me want to know more. Thank you
- I'm surprised as to how little I know about my job and ADA
- I'm surprised how little of this I know, I look forward to learning more.
- I'm unsure about many aspects of the ADA but hoping to learn more.
- InBC needs to have the search bar updated so one can search for something and actually find it. All I got was a bunch of links that went nowhere.
- It is clear to me that I do not know anything about ADA policies
- It seems that I have not been informed of all what the County offers for a person with disability.
- It was difficult to answer many of these questions as they assumed I know all the ins and outs of all programs Boulder County offers - I do not. I assumed by "your organization" you meant Boulder County and not just my department. I think many of our programs/documents, etc. are accessible but I'm sure not all of them (I just couldn't name specifics).
- It would be great to know this information and have an annual review to stay updated on it. In all my years with the county I am sure I learned about this at some point but don't remember a lot of it.

- It would be nice to have this information easily available. I can ask supervisors, co-workers or google it to find answers but it would be nice to have concrete answers for our County. Thank you!
- It would be nice to know who the ADA coordinator is for BOCO and how to contact them
- It would have been nice to have the answers to some of those questions (the ones that were not opinion) at the end of the survey.
- It's hard to start a job during a pandemic so I feel that I may have had more of this training/awareness/understanding if I had been exposed to different buildings, or if there were opportunities to meet co-workers, etc.
- I've worked with the count for over 12 years and I don't think I'm aware as I should be of the accommodations the county has available for clients and staff.
- Just noticed the county website has an ADA and EEO tab at the bottom of the page that leads to ADA information.
- Many county buildings are ADA accessible for clients but not for staff. I had a staff member with a knee injury and used a scooter for a few months and she really struggled to get around staff only areas.
- Many of the Boulder County buildings themselves are not ADA compliant. The Hub doors to enter employee areas do not have automatic opening functionality for those who need to enter with wheelchairs, for example. Further, some buildings such as the Treehouse Building on the North Broadway campus is not accessible should an employee with a physical disability need to enter.
- More education is needed to employees. As an employee of 25 years I was shocked at how little I know about what is available to clients.
- My guess is we need A LOT more training, if all staff are expected to know all of the details within these questions & answers, or at the minimum, who within our departments/divisions would know and is ready to help the rest of us.
- My husband is profoundly Deaf & my swearing in ceremony was live on teams. The person recording forgot that captioning has to be ENABLED on teams in order for it to be accessible. his accessibility to my ceremony was not respected. County employees need to be STRONGLY reminded to ALWAYS enable captioning on teams for deaf and heard of hearing employees and visitors.
- My own disability is invisible but I am not aware of the rules and resources we possess.
- My program has very, very little interaction with any clients. We make accommodations for individuals that don't have access to a computer, but beyond that, there's very limited interaction with any persons with disabilities. Our location is compliant, and we can make adjustments as needed, and we have a network of people we can contact if we have questions.
- My program's ADA compliance is through CSU. I am very familiar with working to provide accomodation to my volunteers in their education through CSU services. But not via the county.
- need more information regarding ADA accommodations/requirements for staff and customers
- New employees should receive ADA and Emergency Plan training.
- No comments about the ADA other than apparently I'm unaware of many things. I will say, for some reason this survey is... not good. The way the questions are asked, I'm not sure but it's one of the worst written survey's I've taken. In fact, I can't think of another time that thought has even crossed my mind.
- No, I'm actually surprised at how many time I marked 'unsure'
- Not all disabilities are readily identifiable, many are invisible. Some people may have a temporary disability as they recover from ailment or injury. Our office counter where clients are met to discuss projects are not accessible. Our building exits are not identified in braille at the stairs, where the exit discharge is located in multilevel buildings.
- Not both offices in Boulder or Longmont are treated equal for disable folks. I have had 2 occurrence in each location where a disable client was in need of a wheel chair. In the Boulder Office, it was offered freely and in Longmont there was stipulation where the wheel chair was for certain teams or department. Boulder County HHS should have disable equipment to accommodate disable client who might need extra

help or doesn't own one of their own just for the visit and not just lower desk. We need at least 2 wheel chair to accommodate elderly and disable folks and a cane. Aging Services is at the 3rd floor in Longmont and even though there is an elevator, its a slow long ride. Some elderly folks are so frail and shaky that standing up is exhausting. I just think we need to make it fair across the board in each offices in Boulder and Longmont a central location for Wheel chair, walker and canes specifically for our clients use during their visit in our office. Literally I am begging for this.

- Obviously having older buildings presents a challenge to proving ADA accessibility and changing all the buildings would be a huge cost. Given the current ability for many of us to work from home, I think the county should invest in smaller, more accessible offices for public facing positions and the public. Those of us who can work from home can remain here and then the county can potentially save on retro-fitting and maintenance.
- Obviously I probably need to look into these things. I have never had an issue with a disabled person and their access into the jail. If I had any questions, I would ask my supervisor for help.
- Oh my gosh, I'm embarrassed about my answers. I don't know anything. Please help. And consider Autism, ADHD and others too.
- On many of these question I think the answer is yes but do not know for sure so answered unsure
- On the questions about transportation, our individual department does not have customer transportation, therefore the answers following to that question may be skewed and does not reflect other departments in the county.
- One option for several of this questions should have been "yes, but inconsistently"
- Parks is an interesting place to investigate ADA access. Much of what we do is in unproved areas and intentionally so, so how can we make accommodations for users who want to help with projects in the field who cannot physically reach some of the project locations?
- People with disabilities can wear face masks too.
- Pregnancy is not covered by ADA specifically, however symptoms that are related to pregnancy are covered. I just wanted to clarify that question was worded in an odd way.
- Question 21 should have had a comment box. It would depend on the job and job duties if a sign-language interpreter is a reasonable accommodation.
- Re: transportation options - we provide access to other transportation options (such as Via) rather than provide the service in a county vehicle.
- Response to visitors/users of our parks and museums with service animals has created some seemingly arbitrary rules and fear among staff. Instead of training staff to ask legal questions about the animal, we're told not to say anything and allow service OR emotional support animals (which is not covered by ADA by my understanding) to avoid potential litigation. How can we ensure safe interactions among service/emotional support animals, livestock, and other visitors at our museums?
- Seems like I need to learn more about it!
- Self-done (aka just you doing them) Social media videos are very challenging to make ADA compliant; Not sure how to solve

County really needs one person to take ownership of external website and provide assistance to communications / support staff who update sites; In addition to helping dept staff make changes to make website more ADA compliant, this person could help rectify design issues across county, fix never ending broken links/typos, provide consistency (timing/text) on web alerts for closures, and basically act as the website sheriff keeping all depts and divisions in line. Right now, no such person exists.

Re website ADA - We have no formal check list of things to check for or do or not do. Other than always adding alt text to photos, I have no idea what I am supposed to do to make website more ADA friendly.

- Should be more (or any focus) on non visible disabilities also. Not all disabilities among either customers or staff are evident.

- Should have some questions about outside access to buildings related to ADA. The Engineering department pays special attention to providing ADA access to all new construction and retrofitting of existing sidewalks found within unincorporated Boulder County.
- Some of these answers I think I know but am unsure and didn't want to say yes or no, one way or another.
- Some questions were not worded well- caused confusion in what you were asking. Answers were different based on what I thought you were asking. I'm glad this is being looked at. I've never had any information provided around this in all the time I've been here (it's barely reviewed in the supervisor level courses or refreshers).
- Taking this survey was eye opening at how little I know about the ADA! I hope to change that soon.
- Thank you for doing this important work!
- Thank you for working creating this Transition plan!
- Thanks for the survey. I don't know much about ADA in the workplace. I think I should learn more especially when we go back into the office.
- Thanks for this survey. I really need to do more learning about ADA and Boulder County.
- The Clover Building is not very ADA compliant. I know from experience.
- The jail setting is very different than other county facilities.
- The process for accommodations for employees is available but if you don't know how to ask for it then it is very difficult to navigate on your own without disclosing your disability to others in the organization. This only leads to potential discrimination within the organization.
- The questions about individuals being able to participate in activities and programs. I'm assuming that you are talking about clients and employees.
- The questions in the survey were vague. I have been here 18 years and there has never been an ADA training class to dispense any of this information.
- There should be more standardized processes for wheelchair accessibility when it comes to the transportation available for programs in the county.
- This is a subject I am not very familiar with and would like to know more.
- This survey brought to my attention that I do not know enough about county's ADA compliance.
- This survey demonstrates how little I know about the ADA and BC services! Shame on me.
- this survey has shown me that I do not know much about ADA
- This survey made me realize the county is definitely not inclusive.
- This survey showed how little I really know about ADA. Thank you
- This survey was very eye opening - thank you!
- This was not covered as a new employee. I have a number of who to put people in contact with as it relates to my job. However, it is my understanding that historically they have wanted my office to come up with a solution and didn't have set protocols to pass along to me. Or, the ADA person didn't implement and work with the person themselves. So, if that is the case, I would think a lot more education is needed.
- Topic has never been discussed in the period of time I have worked in the building.
- unknown
- Unsure if our marketing, websites, etc. cater to all disability groups.
- Usually flyer for any public BC activity/program has info who to contact if special accomodation are requested
- We clearly need more information about it.
- We have benefited greatly from having one of our volunteers who has limited sight and one of her colleagues did an audit of the county's website and found it to be accessible to people who are blind and with limited vision. We have also benefited from having a commissioner with limited hearing which made us think of things in a different way.

- We have made a good start on accessibility with the passage of the e-bike policy in late 2019. A great next step would be to work with City of Boulder to make this policy apply to the entire LoBo Trail. Currently it's a mishmash, since it has a blend of county and city ownership and regulations. The city allows ADA access, but accessibility is broader than that, e.g. aging boomers. We get regular comments and questions from this segment of the population.
- We need more information about how the procedures to accommodate a disabled person.
- We need to be better trained in this. :) Thanks.
- We need to be more clear about Boulder County Government ADA vs. Boulder City or other cities. We get calls from people who need to go to the Rocky Mountain ADA since we only focus on Boulder County buildings or programs.
- we should all learn more about ADA. the county especially HR should do an improved job helping us learn at BOCO.
- What was the point of this survey? Expecting every employee to know the answers to these questions is rather misguided.
- Wow - there is a lot that I do not know. The majority of my "Unsure" answers really are "I sure hope so".
- Wow, based on how many times I wrote "unsure" I guess some training on this would be helpful!

Appendix F. Americans with Disabilities Act Policies Inventory and Review

DRAFT

August 26, 2020

Boulder County, Colorado

Americans with Disabilities Act Policies

Inventory and Review

Prepared by:



Geoff Ames, RAS

Meeting the Challenge, Inc., A CP&Y Company

3630 Sinton Road, Suite 103, Colorado Springs, Colorado 80907

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Background

Meeting the Challenge, Inc., A CP&Y Company (MTC) has been contracted by Boulder County to facilitate an evaluation of the County's current services, policies, and practices, and the effects thereof, that do not or may not meet the requirements of the Americans with Disabilities Act (ADA) title II, Part 35 regulations. To the extent modification of any such services, policies, and practices is required, MTC will provide guidance and assistance with the process of making needed modifications. A significant facet of that evaluation is the inventory and review of the County's ADA-related policies and procedures. While not specifically required by the regulations, MTC believes it is prudent for state and local governments to adopt a set of ADA-specific policies that ensure ongoing compliance with the regulatory requirements of title II. Other policies, including but not limited to personnel policies and law enforcement policies should reflect the need to modify policies, provide auxiliary aids and services, and make other efforts to ensure that people of all abilities have access to public services, programs, and activities in the most integrated setting appropriate to their needs. Good policies inform compliant procedures and practices.

Explicit Administrative Requirements

There are three specific administrative requirements in the Part 35 regulations that the County must meet and make public: 1) a notice of nondiscrimination on the basis of disability (through compliance with the ADA), 2) provision of the name and contact information of an individual or individuals assigned to coordinate the County's efforts to comply with and carry out its responsibilities under the regulations, including any investigation of any complaint communicated to it alleging noncompliance with the regulations or alleging any actions that would be prohibited by the regulations, and 3) adoption and publication of a grievance procedure providing for prompt and equitable resolution of complaints alleging any action that would be prohibited by ADA title II regulations.

Purpose

This report will:

- Inventory existing County policies compared to expected policies (based on regulatory requirements)
- Review existing County policies and evaluate for consistency with ADA title II requirements and prohibitions
- Provide a full set of policy templates to replace, enhance, or supplement existing County policies

MTC understands that the County may choose to edit or re-word the templates. The County may choose not to formally adopt any or all of these templates (listed in the following section). The County may prefer to make these templates less formal guidance documents to be bundled and disseminated to staff. MTC recommends including some form of these templates on the County's website, making them available to the public, to clearly demonstrate the County's good faith effort to comply with the ADA.

Key Policy Documents

In addition to the explicit administrative documents, MTC recommends 14 other key policies or documents, each of which aligns with specific regulatory sections or guidance and enforcement actions by the U.S. Department of Justice (DOJ), covering title II. MTC considers these to be key policies to ensure ongoing ADA compliance. Those key ADA policies, which include the above-mentioned administrative requirements (indicated by *, in the list below), follow:

- Appendix A - Self-Evaluation ([§35.105](#))
- Appendix B - Notice of compliance ([§35.106](#))*
- Appendix C - Designation of ADA Coordinator ([§35.107\(a\)](#))*
- Appendix D - Grievance procedure ([§35.107\(b\)](#))*
- Appendix E - General program access ([§35.130](#))
- Appendix F - Contractor Reps & Certs ([§35.130\(b\)](#))
- Appendix G - Reasonable modification program policy ([§35.130\(b\)\(7\)](#))
- Appendix H - Eligibility criteria ([§35.130\(b\)\(8\)](#))
- Appendix I - Service animal policy ([§35.136](#))
- Appendix J - Powered mobility policy ([§35.137](#))
- Appendix K - Ticketing policy ([§35.138](#))
- Appendix L - Equal employment policy ([§35.140](#))
- Appendix M - Reasonable accommodation in employment ([§1630.9](#))
- Appendix N - Effective communication policy ([§35.160](#))
- Appendix O - Transportation access policy ([§37.5](#))
- Appendix P - Emergency management plan (see [DOJ Settlement Agreements](#))
- Appendix Q – Information & communication technology (ICT) accessibility policy (see [DOJ Settlement Agreements](#))

MTC bases this list on regulation for accessibility compliance included in the ADA Amendments Act, as well as review of DOJ Project Civic Access settlement agreements. We base the order of the list on the [Part 35 regulations](#) for title II from DOJ. These templates (previously delivered via email, April 8, 2020) are provided at the end of this report.

Inventory of Policy Documents

MTC has counted, reviewed, and evaluated policy and procedure documents, provided by the County, or discovered on the County website, to determine whether the County has policies corresponding with the above listed key policies. MTC has determined whether the documents are sufficient to ensure that the County's practices and procedures are consistent with the demands and prohibitions of the Part 35 regulations. MTC's inventory concludes that the County has provided documentation for the three administrative requirements. However, each document has one or more deficiencies.

- ADA Notice is incomplete (see template), webpage is not fully accessible
- Julia Yager is named with contact information in Complaint Procedure and Complaint Form – but she is not specifically named, nor is contact information provided in the ADA Notice
- Complaint Procedures webpage is not fully accessible
- Complaint Procedures and Instructions download is not a fully accessible PDF

- ADA Complaint form (online at: <http://bouldercounty.wufoo.com/forms/americans-with-disabilities-act-complaint-form/>) has been improved – orphaned form labels have been fixed – but is not yet fully accessible

Of the other 14 key policy documents (listed above), two documents provided by the County or discovered by MTC vaguely align with the following:

- Service animal policy (§35.136)
- Powered mobility policy (§35.137)
- Effective communication policy (§35.160)

None of these is totally sufficient and the allowance for service animals on Open Spaces and in emergency shelters are not comprehensive – for example, there is no guidance on where, when, or why service animals can be excluded – nor are they meant to be applicable across all of the County’s services, programs, and activities.

The County provided, or MTC discovered on the County website, the policy and procedure documents listed in the following table:

Document Title	See Comments	No Comments
Americans with Disabilities Act Notice	X	
ADA Complaint Procedures and Instructions	X	
Americans with Disabilities Act Complaint Form	X	
Accessibility on Open Space	X	
Boulder OEM Emergency Preparedness Guide	X	

Policy Templates Provided

Appendices A-Q, at the end of this report, are policy templates for all required or recommended policies. These can be used to supplement existing policies or to inform new policies that will ensure that the County will comply with ADA title II regulations. MTC recommends that the County compile a full set of over-arching policies or ADA guidance documents as a resource for all departments that will ensure consistent practices and procedures across all departments and divisions of the County. Unique circumstances and conditions will require some departments to adopt unique practices for the implementation of the County’s ADA policies. For example, the Parks and Recreation Department should have a specific exclusion of service animals from swimming pools, as allowing service animals in swimming pools could fundamentally alter the nature of aquatic programs; the Sheriff's Office is not required to allow service animals to accompany individuals in holding cells.

Review and Comments on Boulder County ADA-Related Policy Documents

This section of the report will provide observations and comments for documents marked to “See Comments,” in the preceding table.

Americans with Disabilities Act Notice

It was easy to find the County's Notice on its website from search on home page.

DOJ recommended Noticeⁱ includes "should contact the office of [Name and contact info for ADA Coordinator]" see [§ 35.107](#) Designation of responsible employee and adoption of grievance procedures. The ADA Notice should include employment, effective communication, modification of policies and procedures, prohibition of surcharges, and identify, by name, the ADA Coordinator, with contact information including office address, phone number, and email address.

ADA Complaint Procedures and Instructions

Generally, this is a more than adequate policy document. However, the printable PDF is not fully accessible.

Americans with Disabilities Act Complaint Form

The online complaint form has been improved by fixing orphaned form labels. However, the printable form which can be downloaded, *ada-complaint-form.pdf*, is not a fully accessible PDF.

Accessibility on Open Space

This document refers to trained service animals, wheelchairs, and manually-powered mobility aids. A definition of service animals is provided. However, there is no guidance on where, when, or why service animals can be excluded. The County should have a comprehensive, County-wide policy on service animals. Some departments and facilities may need to implement procedures specific to areas or circumstances where service animals can be excluded legitimately, because their presence might result in a fundamental alteration of a program.

This policy allows the use wheelchairs and manually-powered mobility aids on any trail open to pedestrian use. However, the policy effectively prohibits or excludes other power-driven mobility devices (OPMD) without assessing whether a particular other power-driven mobility device can be allowed in a specific facility as a reasonable modification.

Part 35 regulations provide the following assessment factors that must be considered to determine whether an OPMD may be excluded:

- i. The type, size, weight, dimensions, and speed of the device
- ii. The facility's volume of pedestrian traffic at a given time
- iii. The facility's design and operational characteristics
- iv. Whether legitimate safety requirements can be established to permit the safe operation of the OPMD in the specific facility
- v. Whether the use of the OPMD creates a substantial risk of serious harm to the immediate environment or natural or cultural resources, or poses a conflict with Federal land management laws and regulations

Notably, there is no mention of signage to indicate whether a trail is accessible and if so for what distance. Provision of signage to advise trail users, including trail users with disabilities, as a best practice found in the Architectural Barriers Act provisions for Outdoor Developed Area ([Sec. 1017](#)) require trail information signs at trailheads to include the following:

1. Length of the trail or trail segment
2. Surface type
3. Typical and minimum tread width
4. Typical and maximum running slope
5. Typical and maximum cross slope

Boulder Office of Emergency Management Emergency Preparedness Guide

This is, overall, a very comprehensive document. The ADA title II regulations do not address emergency management planning or operations directly. However, investigations and settlement agreements initiated by DOJ under [Project Civic Access](#) have consistently highlighted gaps in planning for meeting the needs of people with disabilities during emergent situations. The areas of emergency plans that typically do not fully evaluate and anticipate the needs of people with disabilities include, but are not limited to, communications, evacuation, transportation, and sheltering. As with any other title II program, the continuation of operations is a program that must be accessible to and usable by people of all abilities.

Boulder OEM Emergency Preparedness Guide refers to people who are deaf or hard-of-hearing, service animals, mobility impaired persons, people with special needs, and provides a link to www.disabilitypreparedness.gov. However, there is little detail regarding the specific provisions that might be necessary to accommodate individuals with disabilities during an emergency. A brief, non-exhaustive list of things to be considered during an emergent event include:

- Are accessible vehicles available to evacuate people with mobility limitations
- Are proposed shelters accessible – including restrooms and showers
- Do proposed shelters have relief areas for service animals
- Do proposed shelters have refrigeration and auxiliary power for people whose medications must be refrigerated
- Do proposed shelters have areas with reduced noise/stimulation to accommodate individuals on the autism spectrum
- Are emergency communications for mandatory evacuations etc., broadcast with captions
- Can reverse 9-1-1 calls be texted to people who are deaf or hard of hearing

Communications

Plan for and consider that a variety of auxiliary aids and services may be necessary to effectively communicate with people who have sensory, speech, or cognitive disabilities. The type of auxiliary aid or service needed may depend on the nature, length, and complexity of the communication involved; and the context in which the communication is taking place. Under normal circumstances title II requires public entities to give primary consideration to the methods of communication requested by people with disabilities. In an emergency, involving an imminent threat to the safety or welfare of an individual or the public where there is no interpreter available, a public entity may rely on an adult accompanying an individual with a disability or a minor child to interpret or facilitate communication. When individuals

requiring auxiliary aids and services for effective communication will be sheltered for an extended time, every effort should be made to provide the type of auxiliary aid or service requested by individuals with disabilities.

In an emergency, information and directions to the public – what areas are being evacuated, what transportation methods and routes are open, where shelters are open, etc. – will probably be posted on public websites. It is critical to ensure that such information is accessible to people with disabilities. Information content should be text accessible to screen-reading applications. Real-time captions should be provided for the audio on live-streamed updates. For video content that is recorded and posted on a website open or closed captions must be present to provide effective communication for people who are deaf or hard of hearing.

For people who are blind, print information in braille or audible formats – cassettes, CD, or sound files – may be needed for effective communication. When giving directions to a person who is blind, remember that describing where they need to go is effective; pointing is not.

Evacuation and Transportation

Many people with disabilities and older adults may need assistance with transportation in an emergency. For example, people who are blind or have low-vision will not be driving themselves to emergency shelters. People who use wheelchairs who do not have their own vehicles to drive, will typically need accessible buses or vans to transport them to safety. Emergency plans should ensure that a sufficient number of accessible vehicles can be available at the right time in the right place during an emergency.

Community resources such as ambulances or private non-emergency medical transportation should be enlisted for use in emergencies. Give people with disabilities an opportunity to (voluntarily) sign-up in advance for safe accessible transportation. This will make it possible to have knowledge of the number and locations of people who will need assistance and possibly accessible vehicles to evacuate them in an emergency. Entering this information in the County's GIS can save time in an emergent event.

Remember that some individuals will need more than curb-to-curb service. Emergency responders/transportation providers should be prepared to physically assist people with leaving their homes and with entering emergency shelters.

Shelters

The best practice is to ensure that all sites that might be used for emergency shelters are accessible to people of all abilities, including those who use wheelchairs. In the event that all potential shelters are not accessible, verify which ones are accessible and document accordingly. If all potential emergency shelters are not accessible to people of all abilities, then disseminate accurate information regarding which shelters are fully accessible and which are not.

Shelters must provide refrigeration for medications such as insulin, that may be needed by older adults and people with disabilities. Ensure that accessible toileting and shower facilities, including portable units are provided at temporary and long-term evacuation/shelter sites. Where portable toilets are provided five percent, or a minimum of one toilet must be accessible.

People who have service animals must not be required to shelter separately from others in the community who are similarly situated because they use a service animal. Service animals must not be removed from a shelter or separated from their owners unless the animal is out of control and the animal's handler does not take effective action to control it; or the animal is not housebroken. Provide relief areas for service animals. A public entity is not responsible for the care or supervision of a service animal. However, in an emergency shelter, where people who are taking refuge are being provided with food, it is reasonable to provide food and water for service animals.

Cots or sleeping mats will not typically be accessible to people who use wheelchairs. People who use wheelchairs may not be able to sit in their chair overnight. Make provisions for beds to which a person in a wheelchair can transfer.

When possible, provide some secluded or quiet areas to accommodate individuals with psychiatric or developmental disabilities. Bright lights or flickering fluorescent lighting can cause seizures, headaches, or other symptoms for some individuals with disabilities. Spaces that provide low stimulation should be available for children and adults on the autism spectrum. It may not be necessary to provide all elements of accessibility at every shelter for every incident. The purpose of planning is to be sure that, when features providing accessibility are needed, those needs, having been anticipated, can be readily provided.

Other Advance Preparation

Provide portable air filters during wildfire incidents or other incidents that impact air quality – portable whole-house air filtration units may be needed for people with respiratory disabilities who shelter-in-place. Similarly, the need for air filtration systems at evacuation shelters can be essential in a variety of emergent situations. Having an inventory of supplemental oxygen for people with respiratory conditions may be necessary in the event of extended stays in a shelter.

Emergency responders and volunteers should receive training on disability etiquette and implicit bias, to help them better anticipate the needs and appropriate interaction with people of all abilities.

A voluntary registry of people who may have special needs for communication, evacuation, transportation, or sheltering is one of the best ways of understanding the needs and tracking the numbers and locations of people who will require extra assistance in the event of a disaster. An invitation to older adults and people with disabilities to join this voluntary registry and enroll in a reverse 9-1-1 system will help to ensure that this population has access to one of the most critical programs provided by local governments.

Appendices

Appendix A - Self-evaluation (\$35.105)

THE AMERICANS WITH DISABILITIES ACT (ADA) SELF-EVALUATION POLICY (§35.105)

It is the policy of **Boulder County, Colorado** to continually evaluate its current services, programs, activities, policies, practices, and the effects thereof, to identify any that do not or may not meet the requirements of the Americans with Disabilities Act Part 35 regulations. To the extent modification of any such services, programs, activities, policies, and practices is required, Boulder County will proceed to make the necessary modifications.

Boulder County will provide an opportunity to interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the self-evaluation process by submitting comments.

Among Boulder County ADA Coordinator's duties is the responsibility for ensuring that the self-evaluation process is maintained. The ADA Coordinator will keep a log of interested persons who have been consulted, or who have made comments, or filed complaints. When complaints are filed, the ADA Coordinator will follow Boulder County Grievance Procedure.

The ADA Coordinator will maintain a log describing areas of facilities or programs that have been examined and any problems identified; and description of modifications made to mitigate problems.

Boulder County will ensure that accessible features of its facilities are maintained in operating order. While temporary interruptions in service or access due to maintenance or repairs are permitted, Boulder County will make efforts to ensure the prompt return to service of accessible features.

When new services, programs, or activities are introduced, Boulder County will ensure that such services, programs, and activities, when viewed in their entirety, will be accessible to and usable by individuals with disabilities. When programs are re-located to different facilities, Boulder County will remove or mitigate any architectural barriers in such facilities, prior to re-location of services, programs, or activities.

Appendix B - Notice of Compliance (\$35.106)*



NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT (§35.106)

In accordance with the requirements of title II of the Americans with Disabilities Act of 1990 ("ADA"), **Boulder County, Colorado** will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

Employment: Boulder County does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under title I of the Americans with Disabilities Act (ADA).

Effective Communication: Boulder County will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in Boulder County programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

Modifications to Policies and Procedures: Boulder County will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all Boulder County programs, services, and activities. For example, individuals with service animals are welcomed in Boulder County offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a **Boulder County** program, service, or activity, should contact the office of **[NAME and contact info for ADA Coordinator]** as soon as possible but no later than 48 hours before the scheduled event.

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

Complaints that Boulder County program, service, or activity is not accessible to persons with disabilities should be directed to **[NAME and contact information of ADA Coordinator]**.

Boulder County will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

Appendix C - Designation of ADA Coordinator (§35.107(a))*

THE AMERICANS WITH DISABILITIES ACT (ADA) DESIGNATION OF ADA COORDINATOR (§35.107(a))

Boulder County, Colorado has designated an ADA Coordinator as required by the ADA. Questions, concerns, suggestions, or requests related to issues covered by the ADA must be brought to the attention of the ADA Coordinator.

The duties of Boulder County ADA Coordinator will include the coordination of the **County's** efforts to comply with and carry out its responsibilities under the Americans with Disabilities Act title II regulations. **Boulder County's** ADA Coordinator will investigate any complaint communicated to the **County** alleging its noncompliance with the Americans with Disabilities Act title II regulations or alleging any actions that would be prohibited by the Americans with Disabilities Act title II regulations. In response to complaints from the public, individuals with disabilities, or organizations representing individuals with disabilities, the ADA Coordinator will follow Boulder County Grievance Procedure

Boulder County ADA Coordinator can be contacted by writing to: **[NAME]**, ADA Coordinator, **Boulder County**, **[XXXX Street, XXXXXX, XX XXXXX]**; by telephoning **[(XXX) XXX-XXXX]** between the hours of **[X:00 a.m. and X:00 p.m.]** on weekdays; by email at **[ADACoordinator@xxxxmail.gov]**.

Where it is appropriate and necessary, **Boulder County** departments and divisions will designate an employee to coordinate the department or divisions efforts to comply with and carry out its responsibilities under the Americans with Disabilities Act title II regulations. Any employees designated to perform these duties within their departments or divisions will liaise, interact, and coordinate with **Boulder County's** ADA Coordinator to ensure the **County's** consistent and comprehensive compliance with the Americans with Disabilities Act title II regulations.

Appendix D - Grievance Procedure ([§35.107\(b\)](#))*

THE AMERICANS WITH DISABILITIES ACT (ADA) GRIEVANCE PROCEDURE (§35.107(b))

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990. It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by **Boulder County**, Colorado. The **County's** Personnel Policy governs employment-related complaints of disability discrimination.

Submitting a Complaint

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than **60** calendar days after the alleged violation to:

[Name and address, email address, & phone # of ADA Coordinator]

Complaint Process

Within 15 calendar days after receipt of the complaint, **[NAME of ADA Coordinator]** or **[NAME of his/her designee]** will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, **[NAME of ADA Coordinator]** or **[NAME of his/her designee]** will respond in writing, and where appropriate, in format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of Boulder County and offer options for substantive resolution of the complaint.

Appeal

If the response by **[NAME of ADA Coordinator]** or [his/her designee] does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within **[XX]** calendar days after receipt of the response to **[County Manager/Mayor]** or **[NAME of his/her designee]**.

Appeal Process

Within **[XX]** calendar days after receipt of the appeal, **[County Manager/Mayor]** or **[NAME of his/her designee]** will meet with the complainant to discuss the complaint and possible resolutions. Within **[XX]** calendar days after the meeting, **[County Manager/Mayor]** or [his/her designee] will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

Response

All written complaints received by **[NAME of ADA Coordinator]** or **[NAME of his/her designee]**, appeals to **[County Manager/Mayor]** or **[NAME of his/her designee]**, and responses from these two offices will be retained by the **County** for at least three years.

Appendix E - General Program Access ([§35.130](#))

THE AMERICANS WITH DISABILITIES ACT (ADA) GENERAL PROGRAM ACCESS POLICY (§35.130)

It is the policy of the **Boulder County, Colorado** to ensure that no qualified individual with a disability will, on the basis of disability, be excluded from participation in or be denied the benefits of its services, programs, or activities, or be subjected to discrimination by **Boulder County**.

Boulder County, in providing any aid, benefit, or service, will not, directly or through contractual, licensing, or other arrangements, on the basis of disability—

- (i) Deny a qualified individual with a disability the opportunity to participate in or benefit from the aid, benefit, or service;
- (ii) Afford a qualified individual with a disability an opportunity to participate in or benefit from the aid, benefit, or service that is not equal to that afforded others;
- (iii) Provide a qualified individual with a disability with an aid, benefit, or service that is not as effective in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others;
- (iv) Provide different or separate aids, benefits, or services to individuals with disabilities or to any class of individuals with disabilities than is provided to others unless such action is necessary to provide qualified individuals with disabilities with aids, benefits, or services that are as effective as those provided to others;
- (v) Aid or perpetuate discrimination against a qualified individual with a disability by providing significant assistance to an agency, organization, or person that discriminates on the basis of disability in providing any aid, benefit, or service to beneficiaries of the public entity's program;
- (vi) Deny a qualified individual with a disability the opportunity to participate as a member of planning or advisory boards;
- (vii) Otherwise limit a qualified individual with a disability in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving the aid, benefit, or service.

Boulder County will not deny a qualified individual with a disability the opportunity to participate in services, programs, or activities that are not separate or different, despite the existence of permissibly separate or different programs or activities.

Appendix F - Contractor Reps & Certs (§35.130(b))

THE AMERICANS WITH DISABILITIES ACT (ADA) CONTRACTORS, LICENSING, and CERTIFICATION POLICY (§35.130(b))

Boulder County, Colorado will not directly or through contractual or other arrangements, utilize criteria or methods of administration:

- i. That have the effect of subjecting qualified individuals with disabilities to discrimination on the basis of disability;
- ii. That have the purpose or effect of defeating or substantially impairing accomplishment of the objectives of **Boulder County's** program with respect to individuals with disabilities; or
- iii. That perpetuate the discrimination of another public entity if both Boulder County and the other entity are subject to common administrative control or both are agents of the State of Colorado.

Boulder County, in the selection of procurement contractors, may not use criteria that subject qualified individuals with disabilities to discrimination on the basis of disability.

Boulder County will not administer a licensing or certification program in a manner that subjects qualified individuals with disabilities to discrimination on the basis of disability, nor will Boulder County establish requirements for the programs or activities of licensees or certified entities that subject qualified individuals with disabilities to discrimination on the basis of disability. The programs or activities of entities that are licensed or certified by Boulder County are not, themselves, covered by title II.

Appendix G - Reasonable Modification Program Policy (§35.130(b)(7))

THE AMERICANS WITH DISABILITIES ACT (ADA) REASONABLE MODIFICATION POLICY (§35.130(b)(7))

It is the policy of **Boulder County, Colorado** to make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability.

Requests for modifications in policies, practices, or procedures will be granted unless Boulder County can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity.

Boulder County is not required to provide a reasonable modification to an individual who meets the definition of “disability” solely under the “regarded as” prong of the definition of disability. Nothing in the Americans with Disabilities Act Part 35 regulations provides the basis for a claim that an individual without a disability was subject to discrimination because of a lack of disability, including a claim that an individual with a disability was granted a reasonable modification that was denied to an individual without a disability.

Boulder County may impose legitimate safety requirements necessary for the safe operation of its services, programs, or activities. However, Boulder County will ensure that its safety requirements are based on actual risks, not on mere speculation, stereotypes, or generalizations about individuals with disabilities.

ADA Part 35 regulations do not require Boulder County to provide to individuals with disabilities personal devices, such as wheelchairs; individually prescribed devices, such as prescription eyeglasses or hearing aids; readers for personal use or study; or services of a personal nature including assistance in eating, toileting, or dressing.

Appendix H - Eligibility Criteria (§35.130(b)(8))

THE AMERICANS WITH DISABILITIES ACT (ADA) NONDISCRIMINATORY ELIGIBILITY CRITERIA POLICY (\$35.130(b)(8))

Boulder County, Colorado will not impose or apply eligibility criteria that screen out or tend to screen out an individual with a disability or any class of individuals with disabilities from fully and equally enjoying any service, program, or activity, unless such criteria can be shown to be necessary for the provision of the service, program, or activity being offered.

Boulder County may impose or apply eligibility criteria that screen out or might screen out an individual with a disability or any class of individuals with disabilities from fully and equally enjoying any service, program, or activity, when such eligibility criteria are in place to avoid a fundamental alteration in the nature of a program or because of a legitimate safety requirement. **Boulder County** will ensure that its safety requirements are based on actual risks, not on mere speculation, stereotypes, or generalizations about individuals with disabilities.

In those circumstances where personnel of **Boulder County** believe that waiving eligibility criteria would fundamentally alter a service, program, or activity, **Boulder County** must prove that waiving eligibility criteria would result in such alteration. The decision that waiving eligibility criteria would result in such alteration must be made by **Boulder County** manager or his or her designee after considering all reasonable methods or means of providing access to the service, program, or activity, and must be accompanied by a written statement of the reasons for reaching that conclusion. If an action would result in such an alteration, **Boulder County** must take any other action that would not result in such an alteration but would nevertheless ensure that individuals with disabilities receive the benefits or services provided by **Boulder County**.

Appendix I - Service Animal Policy (\$35.136)

THE AMERICANS WITH DISABILITIES ACT (ADA) SERVICE ANIMAL POLICY (§35.136)

It is the policy of the **Boulder County, Colorado** to ensure that individuals with disabilities may be accompanied by their service animals wherever members of the public may go.

The U.S. Department of Justice enforces Title II of the ADA and the associated regulations and standards that apply to state and local governments. Under the ADA, service animals are dogs that are individually trained to do work or perform tasks for people with disabilities. Boulder County welcomes persons with disabilities who are accompanied by service animals in all of our buildings, programs, and activities. No identification or special tags are required. Service animals must be harnessed or leashed unless those devices would interfere with the work the service animal performs. In cases where the service animal is not leashed or harnessed, the handler must have the service animal under voice or signal control. If a service animal becomes disruptive, a **County** staff person may ask that the service animal be removed. Boulder County will consider making a reasonable modification to this policy to permit the use of miniature horses, as a service animal, on a case-by-case basis. The **County's** ADA coordinator should be contacted to discuss this.

Service animals are defined as dogs that are individually trained to do work or perform tasks for people with disabilities. Examples of such work or tasks include guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and protecting a person who is having a seizure, reminding a person with mental illness to take prescribed medications, calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack, or performing other duties. Service animals are working animals, not pets. The work or task a dog has been trained to provide must be directly related to the person's disability. Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA.

Where Service Animals Are Allowed

Under the ADA, Boulder County generally must allow service animals to accompany people with disabilities in all areas of the facility where the public is normally allowed to go. *For example, in a hospital it would be inappropriate to exclude a service animal from areas such as patient rooms, clinics, cafeterias, or examination rooms. However, it may be appropriate to exclude a service animal from operating rooms or burn units where the animal's presence may compromise a sterile environment.*

Service Animals Must Be Under Control

Under the ADA, service animals must be harnessed, leashed, or tethered, unless these devices interfere with the service animal's work or the individual's disability prevents using these devices. In that case, the individual must maintain control of the animal through voice, signal, or other effective controls.

Inquiries, Exclusions, Charges, and Other Specific Rules Related to Service Animals

- When it is not obvious what service an animal provides, only limited inquiries are allowed. Staff may ask two questions: (1) is the dog a service animal required because of a disability, and (2) what work or task has the dog been trained to perform. Staff cannot ask about the person's disability, require medical

documentation, require a special identification card or training documentation for the dog, or ask that the dog demonstrate its ability to perform the work or task.

- Allergies and fear of dogs are not valid reasons for denying access or refusing service to people using service animals. When a person who is allergic to dog dander and a person who uses a service animal must spend time in the same room or facility, for example, in a school classroom or at a homeless shelter, they both should be accommodated by assigning them, if possible, to different locations within the room or different rooms in the facility.
- A person with a disability cannot be asked to remove her service animal from the premises unless: (1) the dog is out of control and the handler does not take effective action to control it or (2) the dog is not housebroken. When there is a legitimate reason to ask that a service animal be removed, staff must offer the person with the disability the opportunity to obtain goods or services without the animal's presence.
- Establishments that sell or prepare food must allow service animals in public areas even if state or local health codes prohibit animals on the premises.
- People with disabilities who use service animals cannot be isolated from other patrons, treated less favorably than other patrons, or charged fees that are not charged to other patrons without animals. In addition, if a program or agency requires a deposit or fee to be paid by patrons with pets, it must waive the charge for service animals.
- If a program or agency normally charges patrons for damage that they cause, a customer with a disability may also be charged for damage caused by himself or his service animal.
- Staff are not required to provide care or food for a service animal.

Appendix J - Powered Mobility Policy (§35.137)

THE AMERICANS WITH DISABILITIES ACT (ADA) MOBILITY DEVICE POLICY (§35.137)

It is the policy of **Boulder County, Colorado** to permit individuals with mobility disabilities to use wheelchairs and manually-powered mobility aids, such as walkers, crutches, canes, braces, or other similar devices designed for use by individuals with mobility disabilities in any areas open to pedestrian use.

Boulder County will make reasonable modifications in its policies, practices, or procedures to permit the use of other power-driven mobility devices by individuals with mobility disabilities, unless **Boulder County** can demonstrate that the class of other power-driven mobility devices cannot be operated in accordance with legitimate safety requirements adopted by the **Boulder County**. **Boulder County** will ensure that its safety requirements are based on actual risks, not on mere speculation, stereotypes, or generalizations about individuals with disabilities. The operation of other power-driven mobility devices in a manner or in a facility where such operation violates **Boulder County's** legitimate safety requirements would fundamentally alter the nature of the program.

In determining whether a particular other power-driven mobility device can be allowed in a specific facility, as a reasonable modification, **Boulder County** will apply the following assessment factors:

- i. The type, size, weight, dimensions, and speed of the device;
- ii. The facility's volume of pedestrian traffic (which may vary at different times of the day, week, month, or year);
- iii. The facility's design and operational characteristics (e.g., whether its service, program, or activity is conducted indoors, its square footage, the density and placement of stationary devices, and the availability of storage for the device, if requested by the user);
- iv. Whether legitimate safety requirements can be established to permit the safe operation of the other power-driven mobility device in the specific facility; and
- v. Whether the use of the other power-driven mobility device creates a substantial risk of serious harm to the immediate environment or natural or cultural resources, or poses a conflict with Federal land management laws and regulations.

Boulder County employees will not ask an individual using a wheelchair or other power-driven mobility device questions about the nature and extent of the individual's disability.

However, **Boulder County** employees may make inquiries into use of other power-driven mobility devices. **Boulder County** employees may ask a person using an other power-driven mobility device to provide a credible assurance that the mobility device is required because of the person's disability. **Boulder County**, when permitting the use of an other power-driven mobility device by an individual with a mobility disability, will accept the presentation of a valid, State-issued, disability parking placard or card, or other State-issued proof of disability as a credible assurance that the use of the other power-driven mobility device is for the individual's mobility disability. In lieu of a valid, State-issued disability parking placard or card, or State-issued proof of disability, **Boulder County** will accept as a credible assurance a verbal representation, not contradicted by observable fact, that the other power-driven mobility device is being used for a mobility disability. A "valid" disability placard or card is one that is presented by the individual to whom it was issued and is otherwise in compliance with the State of issuance's requirements for disability placards or cards.

Appendix K - Ticketing Policy (§35.138)

THE AMERICANS WITH DISABILITIES ACT (ADA) TICKETING POLICY (§ 35.138)

Boulder County, Colorado will provide wheelchair spaces and companion seats that comply with sections 221 and 802 of the 2010 Standards along with any other seats required to be offered for sale to people with disabilities. Boulder County will ensure that individuals with disabilities have an equal opportunity to purchase tickets for accessible seating when selling tickets for a single event or series of events at Boulder County facilities. Boulder County will ensure that people with disabilities will have an equal opportunity:

- (i) During the same hours;
- (ii) During the same stages of ticket sales, including, but not limited to, pre-sales, promotions, lotteries, wait-lists, and general sales;
- (iii) Through the same methods of distribution;
- (iv) In the same types and numbers of ticketing sales outlets, including telephone service, in-person ticket sales at the facility, or third-party ticketing services, as other patrons; and
- (v) Under the same terms and conditions as other tickets sold for the same event or series of events.

Identification of Available Accessible Seating

Boulder County will, upon inquiry:

- (1) Inform individuals with disabilities, their companions, and third parties purchasing tickets for accessible seating on behalf of individuals with disabilities of the locations of all unsold or otherwise available accessible seating for any ticketed event or events at the facility;
- (2) Identify and describe the features of available accessible seating in enough detail to reasonably permit an individual with a disability to assess independently whether a given accessible seating location meets his or her accessibility needs; and
- (3) Provide materials, such as seating maps, plans, brochures, pricing charts, or other information, that identify accessible seating and information relevant thereto with the same text or visual representations as other seats, if such materials are provided to the general public.

Ticket Prices

Boulder County will set the price of tickets for accessible seating for a single event or series of events no higher than the price for other tickets in the same seating section for the same event or series of events. Boulder County will make available tickets for accessible seating at all price levels for every event or series of events. If tickets for accessible seating at a particular price level are not available because of inaccessible features, then Boulder County will offer for purchase the percentage of tickets for accessible seating that should have been available at that price level (determined by the ratio of the total number of tickets at that price level to the total number of tickets in the assembly area), at that price level, in a nearby or similar accessible location.

Purchasing Multiple Tickets

- (1) Boulder County will make available for purchase three additional tickets for seats in the same row that are contiguous with the wheelchair space, for each ticket for a wheelchair space purchased by an individual with a disability or a third-party purchasing such a ticket at his or her request, if at the time of purchase there are three such seats available. The ADA's title II regulations require Boulder County to provide no more than three contiguous seats for each wheelchair space. Such seats may include wheelchair spaces.
- (2) When there are fewer than three such additional contiguous seat tickets available for purchase, and if Boulder County allows patrons to purchase at least four tickets, Boulder County will offer the next highest number of such seat tickets available for purchase and will make up the difference by offering tickets for sale for seats that are as close as possible to the accessible seats.
- (3) When Boulder County limits sales of tickets to fewer than four seats per patron, then Boulder County will offer as many seats to patrons with disabilities, including the ticket for the wheelchair space, as it would offer to patrons without disabilities.
- (4) When Boulder County allows patrons to purchase more than four tickets, Boulder County will allow patrons with disabilities to purchase up to the same number of tickets, including the ticket for the wheelchair space.
- (5) When a group includes one or more individuals who need to use accessible seating because of a mobility disability or because their disability requires the use of the accessible features that are provided in accessible seating, Boulder County will place the group in a seating area with accessible seating so that, if possible, the group can sit together. If it is necessary to divide the group, Boulder County will divide the group so that the individuals in the group who use wheelchairs will not be isolated from their group.

Hold-and Release of Tickets for Accessible Seating

- (1) Boulder County may release unsold tickets for accessible seating for sale to individuals without disabilities for their own use for a single event or series of events only under the following, limited circumstances—
 - (i) When all non-accessible tickets (excluding luxury boxes, club boxes, or suites) have been sold;
 - (ii) When all non-accessible tickets in a designated seating area have been sold and the tickets for accessible seating are being released in the same designated area; or
 - (iii) When all non-accessible tickets in a designated price category have been sold and the tickets for accessible seating are being released within the same designated price category.
- (2) The ADA's title II regulations do not require a facility to release tickets for accessible seating to individuals without disabilities for their own use.
- (3) Boulder County will allow release of series-of-events tickets on a series-of-events basis, per the following:

(i) When series-of-events tickets are sold out, where no ownership rights are attached, and Boulder County releases and sells accessible seating to individuals without disabilities for a series of events, Boulder County will establish a process that prevents the automatic reassignment of the accessible seating to such ticket holders for future seasons, future years, or future series. Boulder County will ensure that individuals with disabilities who require the features of accessible seating and who become newly eligible to purchase tickets when these series-of-events tickets are available for purchase have an opportunity to do so.

(ii) When series-of-events tickets with an ownership right in accessible seating areas are forfeited or otherwise returned to **Boulder County**, Boulder County will ensure that its practices and procedures afford individuals with mobility disabilities or individuals with disabilities that require the features of accessible seating an opportunity to purchase such tickets in accessible seating areas.

Ticket Transfer

Boulder County will permit individuals with disabilities who hold tickets for accessible seating to transfer tickets to third parties under the same terms and conditions and to the same extent as other spectators holding the same type of tickets, whether they are for a single event or series of events.

Secondary Ticket Market

(1) Boulder County will ensure that an individual with a disability may use a ticket acquired in the secondary ticket market under the same terms and conditions as other individuals who hold a ticket acquired in the secondary ticket market for the same event or series of events.

(2) If an individual with a disability acquires a ticket or series of tickets to an inaccessible seat through the secondary market, Boulder County will allow the individual to exchange his ticket for one to an accessible seat in a comparable location when accessible seating is vacant at the time the individual presents the ticket to **Boulder County**.

(3) Consistent with Boulder County CONTRACTORS, LICENSING, and CERTIFICATION POLICY, Boulder County will ensure that any entity acting on behalf of Boulder County in the sale or distribution of tickets for events at Boulder County facilities will comply with all requirements of this policy.

Prevention of Fraud in Purchase of Tickets for Accessible Seating

Boulder County will not require proof of disability, including, for example, a doctor's note, before selling tickets for accessible seating.

(1) For the sale of single-event tickets, the ADA's title II regulations permit Boulder County to inquire whether the individual purchasing the tickets for accessible seating has a mobility disability or a disability that requires the use of the accessible features that are provided in accessible seating, or is purchasing the tickets for an individual who has a mobility disability or a disability that requires the use of the accessible features that are provided in the accessible seating.

(2) For series-of-events tickets, the ADA's title II regulations permit Boulder County to ask the individual purchasing the tickets for accessible seating to attest in writing that the accessible seating is for a person who has a mobility disability or a disability that requires the use of the accessible features that are provided in the accessible seating.

(3) The ADA's title II regulations permit Boulder County to investigate the potential misuse of accessible seating where there is good cause to believe that such seating has been purchased fraudulently.

Appendix L - Equal Employment Policy (§35.140)

THE AMERICANS WITH DISABILITIES ACT (ADA) EQUAL EMPLOYMENT POLICY (§35.140)

Boulder County, Colorado will provide equal employment opportunities for individuals with disabilities.

Boulder County will not discriminate on the basis of disability against a qualified individual in regard to:

- (i) Recruitment, advertising, and job application procedures;
- (ii) Hiring, upgrading, promotion, award of tenure, demotion, transfer, layoff, termination, right of return from layoff, and rehiring;
- (iii) Rates of pay or any other form of compensation and changes in compensation;
- (iv) Job assignments, job classifications, organizational structures, position descriptions, lines of progression, and seniority lists;
- (v) Leaves of absence, sick leave, or any other leave;
- (vi) Fringe benefits available by virtue of employment, whether or not administered by **Boulder County**;
- (vii) Selection and financial support for training including: apprenticeships, professional meetings, conferences and other related activities, and selection for leaves of absence to pursue training;
- (viii) Activities sponsored by **Boulder County**, including social and recreational programs; and
- (ix) Any other term, condition, or privilege of employment.

Prohibited Discrimination

For purposes of this policy, the term discrimination includes, but is not limited to, the following actions:

- i. Segregation, or classification of a job applicant or employee in a way that adversely affects his or her employment opportunities or status on the basis of disability.
- ii. Participation in a contractual or other arrangement or relationship that has the effect of subjecting **Boulder County** own qualified applicant or employee with a disability to the discrimination prohibited by this Americans with Disabilities title I regulations. The phrase contractual or other arrangement or relationship includes, but is not limited to, a relationship with an employment or referral agency; labor union, including collective bargaining agreements; an organization providing fringe benefits to an employee of **Boulder County**; or an organization providing training and apprenticeship programs. This section applies to **Boulder County**, with respect to its own applicants or employees, whether the County offered the contract or initiated the relationship, or whether the County accepted the contract or acceded to the relationship. Boulder County is not liable for the actions of the other party or parties to the contract which only affect that other party's employees or applicants.
- iii. Boulder County will not use standards, criteria, or methods of administration, which are not job-related and consistent with business necessity, and:
 - (a) That have the effect of discriminating on the basis of disability; or
 - (b) That perpetuate the discrimination of others who are subject to common administrative control.

- iv. Boulder County will not exclude or deny equal jobs or benefits to, or otherwise discriminate against, a qualified individual because of the known disability of an individual with whom the qualified individual is known to have a family, business, social or other relationship or association.
- v. Boulder County will make reasonable accommodation to the known physical or mental limitations of an otherwise qualified applicant or employee with a disability, consistent with Boulder County **ADA Reasonable Accommodation Policy**.
- vi. Boulder County will not use qualification standards, employment tests or other selection criteria that screen out or tend to screen out an individual with a disability or a class of individuals with disabilities, on the basis of disability, unless the standard, test, or other selection criteria, as used by **Boulder County** is shown to be job related for the position in question and is consistent with business necessity.
- vii. Boulder County will not use qualification standards, employment tests, or other selection criteria based on an individual's uncorrected vision, unless the standard, test, or other selection criterion, as used by **Boulder County**, is shown to be job related for the position in question and is consistent with business necessity. An individual challenging the **Boulder County's** application of a qualification standard, test, or other criterion based on uncorrected vision need not be a person with a disability but must be adversely affected by the application of the standard, test, or other criterion.
- viii. Boulder County will select and administer tests concerning employment in the most effective manner to ensure that, when a test is administered to a job applicant or employee who has a disability that impairs sensory, manual or speaking skills, the test results accurately reflect the skills, aptitude, or whatever other factor of the applicant or employee that the test purports to measure, rather than reflecting the impaired sensory, manual, or speaking skills of such employee or applicant (except where such skills are the factors that the test purports to measure).
- ix. Boulder County will not discriminate against any individual because that individual has opposed any act or practice made unlawful by the Americans with Disabilities Act title I regulations or because that individual made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing to enforce any provision contained in the Americans with Disabilities Act title I regulations.
- x. Boulder County will not coerce, intimidate, threaten, harass or interfere with any individual in the exercise or enjoyment of, or because that individual aided or encouraged any other individual in the exercise of, any right granted or protected by the Americans with Disabilities Act title I regulations.
- xi. Boulder County will not allow its employees to coerce, intimidate, threaten, or harass any employee or applicant with a disability.
- xii. Boulder County will not, except as permitted by EEOC regulation [§1630.14](#), conduct a medical examination of an applicant or make inquiries as to whether an applicant is an individual with a disability or as to the nature or severity of such disability.
- xiii. Boulder County will not, except as permitted by EEOC regulation [§1630.14](#), require a medical examination of an employee or make inquiries as to whether an employee is an individual with a disability or as to the nature or severity of such disability.

Effective Communication

Boulder County will ensure that communication with applicants and employees who are deaf, hard of hearing, blind, low-vision, or have impaired speaking skills is as effective as communication with other applicants and employees. To achieve effective communication, Boulder County will provide auxiliary aids and services consistent with Boulder County **ADA Effective Communication Policy**.

Applicants

Boulder County may make pre-employment inquiries into the ability of an applicant to perform job-related functions, and/or may ask an applicant to describe or to demonstrate how, with or without reasonable accommodation, the applicant will be able to perform job-related functions.

Boulder County may require a medical examination (and/or inquiry) after making an offer of employment to a job applicant and before the applicant begins his or her employment duties, and may condition an offer of employment on the results of such examination (and/or inquiry), if all entering employees in the same job category are subjected to such an examination (and/or inquiry) regardless of disability. Boulder County will collect and maintain on separate forms and in separate medical files and treat as a confidential medical record any information obtained resulting from such medical examination (and/or inquiry), regarding the medical condition or history of the applicant, except that:

- (i) Supervisors and managers may be informed regarding necessary restrictions on the work or duties of the employee and necessary accommodations;
- (ii) First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment; and
- (iii) Government officials investigating compliance with this part will be provided relevant information on request.

Boulder County will not use the results of such examination for any purpose inconsistent with the Americans with Disabilities Act title I regulations.

Employees

Boulder County may conduct medical examinations in accordance with the above section (*Prohibited Discrimination, xiii.*) that are not job-related and consistent with business necessity. However, if Boulder County uses certain criteria to screen out an employee or employees with disabilities as a result of such an examination or inquiry, the exclusionary criteria must be job-related and consistent with business necessity, and performance of the essential job functions cannot be accomplished with reasonable accommodation as required by the Americans with Disabilities Act title I regulations.

Boulder County may require a medical examination (and/or inquiry) of an employee that is job-related and consistent with business necessity. Boulder County may make inquiries into the ability of an employee to perform job-related functions.

Boulder County will collect and maintain on separate forms and in separate medical files and treat as a confidential medical record any information obtained under the previous sections, regarding the medical condition or history of any employee, except that:

- (i) Supervisors and managers may be informed regarding necessary restrictions on the work or duties of the employee and necessary accommodations;
- (ii) First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment; and
- (iii) Government officials investigating compliance with this part shall be provided relevant information on request.

Boulder County will not use information regarding the medical condition or history of any employee for any purpose inconsistent with the Americans with Disabilities Act title I regulations.

Boulder County may conduct voluntary medical examinations and activities, including voluntary medical histories, which are part of an employee health program available to employees at the work site.

Appendix M - Reasonable Accommodation in Employment (\$1630.9)

THE AMERICANS WITH DISABILITIES ACT (ADA) REASONABLE ACCOMMODATION POLICY (§1630.9)

Boulder County, Colorado will make reasonable accommodation to the known physical or mental limitations of an otherwise qualified applicant or employee with a disability, unless Boulder County can demonstrate that the accommodation would impose an undue hardship on the operation of **Boulder County's** business.

Boulder County will not deny employment opportunities to an otherwise qualified job applicant or employee with a disability based on the need of the County to make reasonable accommodation to such individual's physical or mental impairments.

Americans with Disabilities Act title I regulations do not require an individual with a disability to accept an accommodation, aid, service, opportunity, or benefit which such qualified individual chooses not to accept. However, Americans with Disabilities Act title I regulations do not require Boulder County to consider to be qualified, an individual who rejects a reasonable accommodation, aid, service, opportunity or benefit that is necessary to enable the individual to perform the essential functions of the position held or desired, and who cannot, as a result of that rejection, perform the essential functions of the position.

Boulder County, absent undue hardship, will provide a reasonable accommodation to an otherwise qualified individual who meets the definition of disability under the Americans with Disabilities Act title I regulations' "actual disability" prong, or "record of" prong. Boulder County will not provide a reasonable accommodation to an individual who meets the definition of disability solely under the Americans with Disabilities Act title I regulations' "regarded as" prong.

Boulder County will, upon the request of a qualified individual who is known to have, or who discloses, a disability (as defined by the Americans with Disabilities Act title I regulations, [§1630.2 Definitions](#)), enter into an interactive process to identify an appropriate reasonable accommodation for that individual. An appropriate reasonable accommodation will overcome a qualified individual's limitations, making it possible for the individual to perform the essential job functions of their position. An appropriate reasonable accommodation will not impose an undue hardship on the operation of **Boulder County's** business, cause a direct threat to members of the public or other **Boulder County** employees, or violate legitimate safety requirements.

Appendix N - Effective Communication Policy (\$35.160)

THE AMERICANS WITH DISABILITIES ACT (ADA) EFFECTIVE COMMUNICATION POLICY (§35.160)

It is the policy of **Boulder County, Colorado** to ensure that communications with applicants, participants, members of the public, and companions with disabilities are as effective as communications are with others.

Boulder County, through its agencies, will furnish appropriate auxiliary aids and services where necessary to afford qualified individuals with disabilities, including applicants, participants, members of the public, and companions an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity conducted by the **County**.

The type of auxiliary aid or service necessary to ensure effective communication will vary in accordance with the method of communication involved; and the context in which the communication is taking place. In order to be effective, auxiliary aids and services will be provided in accessible formats, in a timely manner, and in such a way as to protect the privacy and independence of the individual with a disability.

Auxiliary aids and services include:

- (1) qualified interpreters on-site or through video remote interpreting (VRI) services, notetakers, real-time computer-aided transcription services, written materials, exchanges of written notes, telephone handset amplifiers, assistive listening devices, assistive listening systems, telephones compatible with hearing aids, closed caption decoders, open and closed captioning, including real-time captioning, voice, text, and video-based telecommunications products and systems, including text telephones (TTY's), video telephones, and captioned telephones, or equally effective telecommunications devices, videotext displays, accessible electronic and information technology, or other effective methods of making aurally delivered information available to individuals who are deaf or hard of hearing; and
- (2) qualified readers; taped texts; audio recordings, Braille materials and displays, screen reader software, magnification software, optical readers, second auditory programs (SAP), large print materials, electronic and information technology, or other effective methods of making visually delivered materials available to individuals who are blind or have low vision.

When an auxiliary aid or service is requested, Boulder County will give primary consideration to the choice expressed by the individual with disabilities. The **County** will honor the choice unless:

- (1) it can show that another effective means of communication is available;
- (2) it can show that the use of the means chosen would result in a fundamental alteration in the service, program, or activity; or
- (3) it can show that the use of the means chosen would result in undue financial burden to the **County**

A **Boulder County** agency will consult with the individual with a disability to identify an effective manner of communication that can be achieved with the individual in the context of the agency's program, service,

or activity. The **County** will not require an individual with a disability to bring another individual to interpret for him or her.

Boulder County will not require an adult accompanying an individual with a disability to interpret or facilitate communication except -

- (1) In an emergency involving imminent threat to the safety or welfare of an individual or the public where there is no interpreter available; or
- (2) Where the individual with a disability specifically requests that the accompanying adult interpret or facilitate communication, the accompanying adult agrees to provide such assistance, and reliance on the adult for assistance is appropriate under the circumstances

Boulder County will not rely on a minor child to interpret or facilitate communications, except in an emergency involving an imminent threat to the safety or welfare of an individual or the public where there is no interpreter available.

When Boulder County uses an automated-attendant system, including, but not limited to, voice mail and messaging, or an interactive voice response system, for receiving and directing incoming telephone calls, that system must provide effective real-time communication with individuals using auxiliary aids and services, including TTY's and all forms of FCC-approved telecommunications relay systems, including Internet-based relay systems.

Boulder County will respond to telephone calls from a telecommunications relay service established under Title IV of the ADA in the same manner that it responds to other telephone calls.

Appendix O - Transportation Access Policy (\$37.5)

THE AMERICANS WITH DISABILITIES ACT (ADA) TRANSPORTATION ACCESS POLICY (§37.5)

Boulder County, Colorado will not discriminate against an individual with a disability in connection with the provision of transportation service.

Notwithstanding the provision of any special transportation service to individuals with disabilities, Boulder County will not, on the basis of disability, deny to any individual with a disability the opportunity to use Boulder County transportation service for the general public, if the individual is capable of using that service. This applies to transportation that is provided as a benefit or condition of participation in any service, program, or activity of **Boulder County**.

Boulder County will not require an individual with a disability to use designated priority seats if the individual does not choose to use these seats.

Boulder County will not impose special charges on individuals with disabilities, including individuals who use wheelchairs, for providing services required by this U.S. Department of Transportation title II, Subpart B regulations or otherwise necessary to accommodate them.

Boulder County will not require that an individual with disabilities be accompanied by an attendant.

Boulder County will not refuse to serve an individual with a disability or require anything contrary to this U.S. Department of Transportation title II, Subpart B regulations because its insurance company conditions coverage or rates on the absence of individuals with disabilities or requirements contrary to U.S. Department of Transportation title II, Subpart B regulations.

It is not discrimination under U.S. Department of Transportation title II, Subpart B regulations for Boulder County to refuse to provide service to an individual with disabilities because that individual engages in violent, seriously disruptive, or illegal conduct, or represents a direct threat to the health or safety of others. However, Boulder County will not refuse to provide service to an individual with disabilities solely because the individual's disability results in appearance or involuntary behavior that may offend, annoy, or inconvenience employees of Boulder County or other persons.

Boulder County, in the event that it provides any designated public transportation will make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability or to provide program accessibility to their services, subject to the limitations of U.S. Department of Transportation title II, Subpart B regulations [§37.169(c)(1)-(3)].

In choosing among alternatives for meeting nondiscrimination and accessibility requirements with respect to new, altered, or existing facilities, or designated transportation services, Boulder County will give priority to those methods that offer services, programs, and activities to qualified individuals with disabilities in the most integrated setting appropriate to the needs of individuals with disabilities.

Appendix P - Emergency Management Plan

(see [DOJ Settlement Agreements](#))

THE AMERICANS WITH DISABILITIES ACT (ADA) EMERGENCY MANAGEMENT PLAN DEVELOPMENT POLICY

Boulder County, Colorado will not discriminate against an individual with a disability in connection with participation in services and activities provided in the development, implementation, and execution of Boulder County emergency management plan. Boulder County will ensure that in every aspect, facet, and feature its emergency management plan will give consideration to any potential barriers that might exclude or limit the opportunity for people with disabilities to participate in and benefit from Boulder County emergency management plan. This policy extends to any and all public or private entities and organizations in conjunction with Boulder County managed response to emergent situations.

Boulder County recognizes that emergency management is wide-ranging. It includes all programs, services, and activities related to emergencies and disasters, including, but not limited to the following:

- Preparation – advance planning for emergencies and disasters;
- Testing of Preparedness – staging emergency simulations and other approaches to testing the effectiveness of emergency preparedness;
- Notification – alerting the public to emergencies and disasters and to available programs, services, and activities;
- Ensuring the functional operation of reverse 9-1-1, including texting capacity, and captioned warning announcements on television and websites;
- Provision for auxiliary aids and services necessary for effective communication at all planned emergency shelters;
- Community Evacuation and Transportation;
- Emergency Shelter Programs;
- Temporary Lodging and Housing;
- Social Services and Emergency- and Disaster-Related Benefit Programs;
- Emergency Medical Care and Services;
- Emergency food, water, and medical supplies;
- Relocation Programs, Activities, and Services;
- Transition and Transportation Back to the Community Following an Emergency or Disaster;
- Emergency and Disaster Recovery Programs, Services, and Activities; and
- Remediation of Damage Caused by Emergencies and Disasters– repairing and rebuilding damaged facilities, removing debris, and relocation and re-introduction of state and local government programs, services, and activities following an emergency or disaster.

Boulder County will create a voluntary registry for citizens requiring special assistance because of age or disability, during an emergency. Boulder County will include in its plans to provide the necessary capacity to transport, shelter, and provide any other necessary services for this population.

Appendix Q – Information & Communication Technology (ICT) Accessibility Policy

(see [DOJ Settlement Agreements](#))

Information & Communication Technology Accessibility Policy

Introduction

The **Boulder County, Colorado** is committed to providing equal access to all services, programs, and activities in accordance with federal and state laws. As a part of that commitment, to creating an information and communication technology (ICT¹) environment that is accessible to all, including individuals with disabilities. Ensuring equal and effective electronic information and communication technology access is the responsibility of Boulder County staff, administrator, and supervisors.

Implementation Period: The **[ICT Accessibility Committee]** shall establish a prioritization schedule defining when different programs, services and activities must be compliant with this policy.

Definitions

- I. Accessibility Guidelines: [Federal Access Board's Electronic and Information Technology Accessibility Standards.](#)
- II. Accessibility: A person with a disability is afforded the opportunity to acquire the same information, engage in the same interactions and enjoy the same services as a person without a disability in an equally effective and equally inclusive manner, with substantially equivalent ease of use.
- III. Disability: Means a physical or mental impairment that substantially limits one or more life activities.
- IV. Information and Communication Technology: Any electronic system or equipment and content therein, use to create, convert, communicate, or duplicate data or information. The intent of this definition is to capture an inclusive spectrum of current and emerging technology.

ADA Coordinator

Boulder County shall appoint an ADA Coordinator who is responsible:

- I. Creating, revising, and publishing ICT accessibility standards, best practices, and resource information.
- II. Monitor regulatory changes and coordinate with regulatory agencies as appropriate.
- III. Providing guidance regarding implementation of ICT accessibility standards
- IV. Reviewing and reporting on program effectiveness.
- V. Day-to-day management for the ICT accessibility program.
- VI. Maintaining ICT accessibility training content
- VII. Executing any other responsibilities as assigned.

Accessibility Review Board

Boulder County will establish and maintain an ICT Accessibility Review Board, which shall include **[types of positions]**; these board members will be responsible for:

- I. Approval of ICT accessibility standards, best practices and resource information proposed by the ADA Coordinator.

¹ Note: ICT is the acronym used by the U.S. Access Board- Section 508

- II. Review and grant any exceptions to this policy or the Accessibility Standards.
- III. Determine the content and frequency of trainings.
- IV. Periodically review and update this Policy and the ICT Accessibility Standards.
- V. From time to time, not less than annually, oversee an evaluation of ICT accessibility compliance through diagnostic tests and end-user testing by individuals with various disabilities.

Procedure

- I. Boulder County will make training and resources readily available to all employees regarding accessible ICT. The training and resources shall include specific information for employee who are responsible for creating, selecting, or maintaining ICT in any program, service, or activity. The training will also include how to make ICT accessible, how to both manually check and use automated tools to ensure accessibility of content therein, furthermore, how to receive assistance.
- II. Boulder County employees responsible for designing, developing, or maintaining ICT Resources should ensure the resources comply with the Accessibility Guidelines.
- III. Boulder County employees purchasing ICT Resources should ensure resources comply with Accessibility Guidelines before purchase.

Effective Date

_____ XX, 2020

End Notes

ⁱ Notice Under the Americans with Disabilities Act, https://www.ada.gov/denver_pca/denver_atta.html, accessed August 25, 2020.

Appendix G. Americans with Disabilities Act Glossary of Terms and Acronyms

DRAFT

Americans with Disabilities Act Glossary of Terms and Acronyms

1991 Standards – Means the requirements set forth in the ADA Standards for Accessible Design, originally published on July 26, 1991, and republished as Appendix D to 28 CFR part 36, aka ADAAG. Note: obsolete, replaced by 2010 ADA Standards for Accessible Design.

2004 ADAAG – Means the requirements set forth in appendices B and D to 36 CFR part 1191 (2009).

2010 Standards – Means the 2010 ADA Standards for Accessible Design, which consist of the 2004 ADAAG and the requirements contained in § 35.151.

AASHTO – American Association of State Highway and Transportation Officials.

ABAAS – Architectural Barriers Act Accessibility Standards.

ACAA – Air Carriers Access Act.

Access Aisle – An accessible pedestrian space between elements, such as parking spaces, seating, and desks, that provides clearances appropriate for use of the elements.

Access Board – The United States Architectural and Transportation Barriers Compliance Board is an independent federal agency that promotes equality for people with disabilities through leadership in accessible design and the development of accessibility guidelines and standards.

Accessible – A site, building, facility, or portion thereof that complies with parts 35 and 36 Dept. of Justice Title 28 regulations; describes a facility in the public right-of-way that complies with PROWAG (Public Rights-of-Way Guidelines); means, with respect to vehicles and facilities, complying with the accessibility requirements of parts 37 and 38 Dept. of Transportation Title 49 regulations.

Accessible Means of Egress – A continuous and unobstructed way of egress travel from any point in a building or facility that provides an accessible route to an area of refuge, a horizontal exit, or a public way.

Accessible Route – A continuous unobstructed path connecting all accessible elements and spaces of a building or facility. Interior accessible routes may include corridors, floors, ramps, elevators, lifts, and clear floor space at fixtures. Exterior accessible routes may include parking access aisles, curb ramps, crosswalks at vehicular ways, walks, ramps, and lifts.

Act – Means the Americans with Disabilities Act (Pub. L. 101-336, 104 Stat. 327, 42 U.S.C. 12101-12213 and 47 U.S.C. 225 and 611). [see also ADA]

ADA – The Americans with Disabilities Act, comprehensive civil rights law protecting people with disabilities and prohibiting disability-based discrimination by employers, state and local governments, (private) places of public accommodation, and transportation providers, signed into law by President George H.W. Bush, July 26, 1990.

ADAAG – Americans with Disabilities Act Accessibility Guidelines, generally refers to 1991 Standards.

ADA Transition Plan – See Transition Plan.

ADA Paratransit – See Paratransit.

Adaptability – The ability of certain building spaces and elements, such as kitchen counters, sinks, and grab bars, to be added or altered to accommodate the needs of individuals with or without disabilities or to accommodate the needs of persons with different types or degrees of disability.

Administrator – Means Administrator of the Federal Transit Administration, or his or her designee.

Addition – An expansion, extension, or increase in the gross floor area or height of a building or facility.

Administrative Authority – A governmental agency that adopts or enforces regulations and guidelines for the design, construction, or alteration of buildings and facilities.

AFF – Above Finish Floor.

Agency – Any agency or department of the United States as defined in 44 U.S.C. 3502, and the United States Postal Service.

ALS – See Assistive Listening System.

Alt-Text or Alt-tag – See Alternative Text.

Alteration – [ADA Standards] A change to an existing building or facility that affects or could affect the usability of the building or facility or portion thereof. Alterations include, but are not limited to, remodeling, renovation, rehabilitation, reconstruction, historic restoration, resurfacing of circulation paths or vehicular ways, changes or rearrangement of the structural parts or elements, and changes or rearrangement in the plan configuration of walls and full-height partitions. Normal maintenance, reroofing, painting, or wallpapering, asbestos removal, or changes to mechanical and electrical systems are not alterations unless they affect the usability of the building or facility.

Alteration – [ICT/Section 58] A change to existing ICT that affects interoperability, the user interface, or access to information or data.

Alteration – [PROWAG] A change to a facility in the public right-of-way that affects or could affect pedestrian access, circulation, or use. Alterations include, but are not limited to, resurfacing, rehabilitation, reconstruction, historic restoration, or changes or rearrangement of structural parts or elements of a facility.

Alternative Text/Alt-Text or Alt-tag – Is used to describe a picture and convey its purpose or meaning in the context of document in which the picture appears. Alternative text is readable/convertible into speech and/or braille by screen-reading software.

Amusement Attraction – Any facility, or portion of a facility, located within an amusement park or theme park which provides amusement without the use of an amusement device. Amusement attractions include, but are not limited to, fun houses, barrels, and other attractions without seats.

Amusement Ride – A system that moves persons through a fixed course within a defined area for the purpose of amusement.

Amusement Ride Seat – A seat that is built-in or mechanically fastened to an amusement ride intended to be occupied by one or more passengers.

ANSI – American National Standards Institute.

Application – Software designed to perform, or to help the user to perform, a specific task or tasks.

APS – Accessible Pedestrian Signal.

A-Ride – Amusement Ride.

Area of Refuge (IBC) – An area where persons unable to use stairways can remain temporarily to await instructions or assistance during emergency evacuation. For example, people in wheelchairs or elderly people would have difficulties going down the stairs, so they need an area where they can wait for help. These waiting areas must be fire-resistant and protected from smoke, so people can safely wait for emergency responders.

Area of Rescue Assistance – See Area of Refuge.

Area of Sport Activity – That portion of a room or space where the play or practice of a sport occurs.

Assembly Area – A building or facility, or portion thereof, used for the purpose of entertainment, educational or civic gatherings, or similar purposes. For the purposes of these requirements, assembly areas include, but are not limited to, classrooms, lecture halls, courtrooms, public meeting rooms, public hearing rooms, legislative chambers, motion picture houses, auditoria, theaters, playhouses, dinner theaters, concert halls, centers for the performing arts, amphitheaters, arenas, stadiums, grandstands, or convention centers.

Assistant Attorney General – Means the Assistant Attorney General, Civil Rights Division, United States Department of Justice.

Assistive Listening System (ALS) – An amplification system utilizing transmitters, receivers, and coupling devices to bypass the acoustical space between a sound source and a listener by means of induction loop, radio frequency, infrared, or direct-wired equipment.

Assistive Technology (AT) – Any item, piece of equipment, or product system, whether acquired commercially, modified, or customized, that is used to increase, maintain, or improve functional capabilities of individuals with disabilities.

ASTM International – Formerly known as American Society for Testing and Materials.

ATM – Automatic Teller Machine, see Kiosk.

Atypical – Refers to configurations or designs of infrastructure or facilities which are not commonly seen, possibly customized to fit a specific location, context, or existing physical constraint; a *work-around* to existing structural impracticability or existing site constraints; hybrid configurations or designs of infrastructure or facilities which combine more than one typical design or configuration.

Audio Description – Narration added to the soundtrack to describe important visual details that cannot be understood from the main soundtrack alone. Audio description is a means to inform individuals who are blind or who have low vision about visual content essential for comprehension. Audio description of video provides information about actions, characters, scene changes, on-screen text, and other visual content. Audio description supplements the regular audio track of a program. Audio description is usually added during existing pauses in dialogue. Audio description is also called “video description” and “descriptive narration”.

Authoring Tool – Any software, or collection of software components, that can be used by authors, alone or collaboratively, to create or modify content for use by others, including other authors.

Automatic Door – A door equipped with a power-operated mechanism and controls that open and close the door automatically upon receipt of a momentary actuating signal. The switch that begins the automatic cycle may be a photoelectric device, floor mat, or manual switch. (See also, power-assisted door.)

Auxiliary aids and services include:

- (1) Qualified interpreters on-site or through video remote interpreting (VRI) services; notetakers; real-time computer-aided transcription services; written materials; exchange of written notes; telephone handset amplifiers; assistive listening devices; assistive listening systems; telephones compatible with hearing aids; closed caption decoders; open and closed captioning, including real-time captioning; voice, text, and video-based telecommunications products and systems, including text telephones (TTYs), videophones, and captioned telephones, or equally effective telecommunications devices; videotext displays; accessible electronic and information technology; or other effective methods of making aurally delivered information available to individuals who are deaf or hard of hearing
- (2) Qualified readers; taped texts; audio recordings; Braille materials and displays; screen reader software; magnification software; optical readers; secondary auditory programs (SAP); large print materials; accessible electronic and information technology; or other effective methods of making visually delivered materials available to individuals who are blind or have low vision
- (3) Acquisition or modification of equipment or devices; and
- (4) Other similar services and actions.

Automated Guideway Transit System (AGT) – Means a fixed-guideway transit system which operates with automated (driverless) individual vehicles or multi-car trains. Service may be on a fixed schedule or in response to a passenger-activated call button.

Barrier – (title II) When or where a finding of noncompliance or not-best-practice prevents or might prevent or limit the opportunity for qualified people with disabilities to access or participate in a service, program, or activity of a public entity; (title III) when or where a finding of noncompliance or not-best-practice prevents or might prevent or limit the opportunity for people with disabilities to access the goods of a place of public accommodation, subject to limitations that the barrier removal is readily achievable and would not cause an undue burden.

Best Practice – In the absence of specific ADA regulatory requirements or accessibility standards, the application of the best recognized guidance, guidelines, or other advisory commentary, to make a *good faith effort* to prevent disability-based discrimination. Such guidance, guidelines, or other advisory commentary may be based on criteria established by the U.S. Access Board, AASHTO (American Association of State Highway and Transportation Officials), FHWA/MUTCD (Federal Highway Administration Manual on Uniform Traffic Control Devices for Streets and Highways), or other federal standards (which have not yet been issued as ADA regulations).

Blended Transition – A raised pedestrian street crossing, depressed corner, or similar connection between the pedestrian access route at the level of the sidewalk and the level of the pedestrian street crossing that has a grade of 5 percent or less.

Boarding Pier – A portion of a pier where a boat is temporarily secured for the purpose of embarking or disembarking.

Boat Launch Ramp – A sloped surface designed for launching and retrieving trailered boats and other watercraft to and from a body of water.

Boat Slip – That portion of a pier, main pier, finger pier, or float where a boat is moored for the purpose of berthing, embarking, or disembarking.

BT – Blended Transition, see Curb Ramp.

BTWN – Between.

Building – Any structure used or intended for supporting or sheltering any use or occupancy.

Bus – Means any of several types of self-propelled vehicles, generally rubber-tired, intended for use on city streets, highways, and busways, including but not limited to minibuses, forty- and thirty-foot buses, articulated buses, double-deck buses, and electrically powered trolley buses, used by public entities to provide designated public transportation service and by private entities to provide transportation service including, but not limited to, specified public transportation services. Self-propelled, rubber-tired vehicles designed to look like antique or vintage trolleys are considered buses.

Camp Shelter – A partially enclosed structure that provides campers and hikers cover from weather and that does not contain plumbing fixtures or kitchen appliances. Camp shelters are not transient lodging facilities or residential dwelling units. (See ABAAS.)

Camping Facility – A site, or portion of a site, developed for outdoor recreational purposes that contains camping units. (See ABAAS.)

Camping Unit – An outdoor space in a camping facility used for camping that contains outdoor constructed features, parking spaces for recreational vehicles or other vehicles, tent pads or tent platforms, or camp shelters. (See ABAAS.)

CART – See Communication Access Realtime Translation.

Cascading Style Sheet/CSS – Computer file with standard style details, such as fonts, colors, etc., that is read by browsers so that style is consistent over multiple webpages.

Catch Pool – A pool or designated section of a pool used as a terminus for water slide flumes.

CC – See Closed Captions.

Characters – Letters, numbers, punctuation marks and typographic symbols.

CFS – See Clear Floor Space.

CGS – Clear Ground Space [see CFS]

Children's Use – Describes spaces and elements specifically designed for use primarily by people 12 years old and younger.

Circulation Path – An exterior or interior way of passage provided for pedestrian travel, including but not limited to, walks, hallways, courtyards, elevators, platform lifts, ramps, stairways, and landings. [See also: Pedestrian Circulation Path.]

CL – Curb Line

Clear – Means unobstructed.

Clear Floor Space – The minimum unobstructed floor or ground space required to accommodate a single, stationary wheelchair and occupant. AKA, wheelchair footprint, typically 48 inches long by 30 inches wide

Closed Captions/CC – Display text on a television, video screen, or other visual display to provide additional or interpretive information. Typically used as a transcription of the audio portion of a program as it occurs (either verbatim or in edited form), sometimes including descriptions of non-speech elements. Unlike subtitles or Open Captions, Closed Captions are not visible until activated by the viewer.

Closed-Circuit Telephone – A telephone with a dedicated line such as a house phone, courtesy phone or phone that must be used to gain entry to a facility.

Closed Functionality – Characteristics that limit functionality or prevent a user from attaching or installing assistive technology. Examples of ICT with closed functionality are self-service machines, information kiosks, set-top boxes, fax machines, calculators, and computers that are locked down so that users may not adjust settings due to a policy such as Desktop Core Configuration.

CMS – See Content Management System.

Commerce – means travel, trade, traffic, commerce, transportation, or communication:

- (1) Among the several States
- (2) Between any foreign country or any territory or possession and any State; or
- (3) Between points in the same State but through another State or foreign country.

Commercial Facilities – Means facilities:

- (1) Whose operations will affect commerce;
- (2) That are intended for nonresidential use by a private entity; and
- (3) That are not:
 - (i) Facilities that are covered or expressly exempted from coverage under the Fair Housing Act of 1968, as amended (42 U.S.C. 3601 - 3631)
 - (ii) Aircraft; or
 - (iii) Railroad locomotives, railroad freight cars, railroad cabooses, commuter, or intercity passenger rail cars (including coaches, dining cars, sleeping cars, lounge cars, and food service cars), any other railroad cars described in section 242 of the Act or covered under title II of the Act, or railroad rights-of-way. For purposes of this definition, "rail" and "railroad" have the meaning given the term "railroad" in section 202(e) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431(e)).

Commission – Means, in the context of title I, the Equal Employment Opportunity Commission established by section 705 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-4).

Common Use – Interior or exterior circulation paths, rooms, spaces, or elements that are not for public use and are made available for the shared use of two or more people.

Communication Access Realtime Translation/CART – Are realtime captions used by people who are deaf or hard of hearing to access content delivered by spoken words and sounds.

Commuter Authority – Means any state, local, regional authority, corporation, or other entity established for purposes of providing commuter rail transportation (including, but not necessarily limited to, the New York Metropolitan Transportation Authority, the Connecticut Department of Transportation, the Maryland Department of Transportation, the Southeastern Pennsylvania Transportation Authority, the New Jersey Transit Corporation, the Massachusetts Bay Transportation Authority, the Port Authority Trans-Hudson Corporation, and any successor agencies) and any entity created by one or more such agencies for the purposes of operating, or contracting for the operation of, commuter rail transportation.

Commuter Bus Service – Means fixed route bus service, characterized by service predominantly in one direction during peak periods, limited stops, use of multi-ride tickets, and routes of extended length, usually between the central business district and outlying suburbs. Commuter bus service may also include other service, characterized by a limited route structure, limited stops, and a coordinated relationship to another mode of transportation.

Commuter Rail Car – Means a rail passenger car obtained by a commuter authority for use in commuter rail transportation.

Commuter Rail Transportation – Means short-haul rail passenger service operating in metropolitan and suburban areas, whether within or across the geographical boundaries of a state, usually characterized by reduced fares, multiple rides, and commutation tickets and by morning and evening peak period operations. This term does not include light or rapid rail transportation.

Complete Complaint – Means a written statement that contains the complainant's name and address and describes the public entity's alleged discriminatory action in sufficient detail to inform the agency of the nature and date of the alleged violation of this part. It shall be signed by the complainant or by someone authorized to do so on his or her behalf. Complaints filed on behalf of classes or third parties shall describe or identify (by name, if possible) the alleged victims of discrimination.

Complex – Describes a finding for a built element (which may be a barrier), having more than one attribute or feature which is not consistent with accessibility criteria applicable to the element. Generally, a barrier requiring significant effort and expense to resolve. For example, a grab bar which is too short and therefore is not and cannot be properly located.

Compliant – Condition of a structural element or facility when all its attributes are consistent with the applicable accessibility design standards issued by DOJ, DOT, or other federal regulatory authority; when the provisions for eligibility and participation in public services, programs, and activities, in the most integrated setting appropriate to the needs of individuals with disabilities, are consistent with the regulatory requirements and prohibitions of the applicable regulations issued by DOJ, DOT, or other federal regulatory authority.

Content – Electronic information and data, as well as the encoding that defines its structure, presentation, and interactions.

Content Management System/CMS – Is computer software used to manage the creation and modification of digital content.

Continuity of Operations Planning/COOP – Is an effort within an agency to ensure that its essential functions continue to be performed during a wide range of emergencies. See FEMA.

COOP – See Continuity of Operations Planning.

Covered Entity (title I) – Means an employer, employment agency, labor organization, or joint labor management committee.

CR – See Curb Ramp.

Cross Slope – The slope/grade that is perpendicular to the direction of pedestrian travel (see running slope). Also known as, transverse slope/grade.

CSS – See Cascading Style Sheet.

Curb Line – A line at the face of the curb that marks the transition between the curb and the gutter, street, or highway.

Curb Ramp – A ramp that cuts through or is built up to the curb. Curb ramps can be perpendicular or parallel, or a combination of parallel and perpendicular ramps.

Current Illegal Use of Drugs – Means illegal use of drugs that occurred recently enough to justify a reasonable belief that a person's drug use is current, or that continuing use is a real and ongoing problem.

Demand Responsive System – Means any system of transporting individuals, including the provision of designated public transportation service by public entities and the provision of transportation service by private entities, including but not limited to specified public transportation service, which is not a fixed route system.

Designated Public Transportation – Means transportation provided by a public entity (other than public school transportation) by bus, rail, or other conveyance (other than transportation by aircraft or intercity or commuter rail transportation) that provides the general public with general or special service, including charter service, on a regular and continuing basis.

Designated Agency – Means the Federal agency designated under subpart G of this part to oversee compliance activities under this part, for particular components of State and local governments.

Detectable Warning – A standardized surface feature built in or applied to walking surfaces or other elements to warn of hazards on a circulation path. Also known as truncated domes.

Direct Threat – Means a significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices, or procedures, or by the provision of auxiliary aids or services as provided in § 35.139.

Direct Threat (title I) – Means a significant risk of substantial harm to the health or safety of the individual or others that cannot be eliminated or reduced by reasonable accommodation. The determination that an individual poses a “direct threat” shall be based on an individualized assessment of the individual's present ability to safely perform the essential functions of the job. This assessment shall be based on a reasonable medical judgment that relies on the most current medical knowledge and/or on the best available objective evidence. In determining whether an individual would pose a direct threat, the factors to be considered include:

- (1) The duration of the risk;
- (2) The nature and severity of the potential harm;
- (3) The likelihood that the potential harm will occur; and
- (4) The imminence of the potential harm.

Disability:

(a)

(1) Disability means, with respect to an individual:

- (i) A physical or mental impairment that substantially limits one or more of the major life activities of such individual

- (ii) A record of such an impairment; or
- (iii) Being regarded as having such an impairment as described in paragraph (f) of this section.

(2) Rules of construction.

- (i) The definition of “disability” shall be construed broadly in favor of expansive coverage, to the maximum extent permitted by the terms of the ADA.
- (ii) An individual may establish coverage under any one or more of the three prongs of the definition of “disability” in paragraph (a)(1) of this section, the “actual disability” prong in paragraph (a)(1)(i) of this section, the “record of” prong in paragraph (a)(1)(ii) of this section, or the “regarded as” prong in paragraph (a)(1)(iii) of this section.
- (iii) Where an individual is not challenging a public entity’s failure to provide reasonable modifications under § 35.130(b)(7), it is generally unnecessary to proceed under the “actual disability” or “record of” prongs, which require a showing of an impairment that substantially limits a major life activity or a record of such an impairment. In these cases, the evaluation of coverage can be made solely under the “regarded as” prong of the definition of disability, which does not require a showing of an impairment that substantially limits a major life activity or a record of such an impairment. An individual may choose, however, to proceed under the “actual disability” or “record of” prong regardless of whether the individual is challenging a public entity’s failure to provide reasonable modifications.

(b)

(1) Physical or mental impairment means:

- (i) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems, such as: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin, and endocrine; or
- (ii) Any mental or psychological disorder such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disability.

(2) Physical or mental impairment includes, but is not limited to, contagious and noncontagious diseases and conditions such as the following: orthopedic, visual, speech and hearing impairments, and cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, intellectual disability, emotional illness, dyslexia and other specific learning disabilities, Attention Deficit Hyperactivity Disorder, Human Immunodeficiency Virus infection (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism.

(3) Physical or mental impairment does not include homosexuality or bisexuality.

(c)

(1) Major life activities include, but are not limited to:

- (i) Caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, writing, communicating, interacting with others, and working; and
- (ii) The operation of a major bodily function, such as the functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive systems. The operation of a major bodily function includes the operation of an individual organ within a body system.

(2) Rules of construction.

- (i) In determining whether an impairment substantially limits a major life activity, the term major shall not be interpreted strictly to create a demanding standard.
- (ii) Whether an activity is a major life activity is not determined by reference to whether it is of central importance to daily life.

(d) Substantially limits.

(1) Rules of construction. The following rules of construction apply when determining whether an impairment substantially limits an individual in a major life activity.

- (i) The term “substantially limits” shall be construed broadly in favor of expansive coverage, to the maximum extent permitted by the terms of the ADA. “Substantially limits” is not meant to be a demanding standard.
- (ii) The primary object of attention in cases brought under title II of the ADA should be whether public entities have complied with their obligations and whether discrimination has occurred, not the extent to which an individual’s impairment substantially limits a major life activity. Accordingly, the threshold issue of whether an impairment substantially limits a major life activity should not demand extensive analysis.
- (iii) An impairment that substantially limits one major life activity does not need to limit other major life activities to be considered a substantially limiting impairment.
- (iv) An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.
- (v) An impairment is a disability within the meaning of this part if it substantially limits the ability of an individual to perform a major life activity as compared to most people in the general population. An impairment does not need to prevent, or significantly or severely restrict, the individual from performing a major life activity to be considered substantially limiting. Nonetheless, not every impairment will constitute a disability within the meaning of this section.
- (vi) The determination of whether an impairment substantially limits a major life activity requires an individualized assessment. However, in making this assessment, the term “substantially limits” shall be interpreted and applied to require a degree of functional limitation that is lower than the standard for substantially limits applied prior to the ADA Amendments Act.
- (vii) The comparison of an individual’s performance of a major life activity to the performance of the same major life activity by most people in the general population usually will not require scientific, medical, or statistical evidence. Nothing in this paragraph (d)(1) is intended, however, to prohibit or limit the presentation of scientific, medical, or statistical evidence in making such a comparison where appropriate.
- (viii) The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures. However, the ameliorative effects of ordinary eyeglasses or contact lenses shall be considered in determining whether an impairment substantially limits a major life activity. Ordinary eyeglasses or contact lenses are lenses that are intended to fully correct visual acuity or to eliminate refractive error.
- (ix) The six-month “transitory” part of the “transitory and minor” exception in paragraph (f)(2) of this section does not apply to the “actual disability” or “record of” prongs of the definition

of “disability.” The effects of an impairment lasting or expected to last less than six months can be substantially limiting within the meaning of this section for establishing an actual disability or a record of a disability.

(2) Predictable assessments.

(i) The principles set forth in the rules of construction in this section are intended to provide for more generous coverage and application of the ADA’s prohibition on discrimination through a framework that is predictable, consistent, and workable for all individuals and entities with rights and responsibilities under the ADA.

(ii) Applying these principles, the individualized assessment of some types of impairments will, in virtually all cases, result in a determination of coverage under paragraph (a)(1)(i) of this section (the “actual disability” prong) or paragraph (a)(1)(ii) of this section (the “record of” prong). Given their inherent nature, these types of impairments will, as a factual matter, virtually always be found to impose a substantial limitation on a major life activity. Therefore, with respect to these types of impairments, the necessary individualized assessment should be particularly simple and straightforward.

(iii) For example, applying these principles it should easily be concluded that the types of impairments set forth in paragraphs (d)(2)(iii)(A) through (K) of this section will, at a minimum, substantially limit the major life activities indicated. The types of impairments described in this paragraph may substantially limit additional major life activities (including major bodily functions) not explicitly listed in paragraphs (d)(2)(iii)(A) through (K).

- (A) Deafness substantially limits hearing
- (B) Blindness substantially limits seeing
- (C) Intellectual disability substantially limits brain function
- (D) Partially or completely missing limbs or mobility impairments requiring the use of a wheelchair substantially limit musculoskeletal function
- (E) Autism substantially limits brain function
- (F) Cancer substantially limits normal cell growth
- (G) Cerebral palsy substantially limits brain function
- (H) Diabetes substantially limits endocrine function
- (I) Epilepsy, muscular dystrophy, and multiple sclerosis each substantially limits neurological function
- (J) Human Immunodeficiency Virus (HIV) infection substantially limits immune function; and
- (K) Major depressive disorder, bipolar disorder, post-traumatic stress disorder, traumatic brain injury, obsessive compulsive disorder, and schizophrenia each substantially limits brain function.

(3) Condition, manner, or duration.

(i) At all times taking into account the principles set forth in the rules of construction, in determining whether an individual is substantially limited in a major life activity, it may be useful in appropriate cases to consider, as compared to most people in the general population, the conditions under which the individual performs the major life activity; the manner in which

the individual performs the major life activity; or the duration of time it takes the individual to perform the major life activity, or for which the individual can perform the major life activity.

(ii) Consideration of facts such as condition, manner, or duration may include, among other things, consideration of the difficulty, effort or time required to perform a major life activity; pain experienced when performing a major life activity; the length of time a major life activity can be performed; or the way an impairment affects the operation of a major bodily function. In addition, the non-ameliorative effects of mitigating measures, such as negative side effects of medication or burdens associated with following a particular treatment regimen, may be considered when determining whether an individual's impairment substantially limits a major life activity.

(iii) In determining whether an individual has a disability under the "actual disability" or "record of" prongs of the definition of "disability," the focus is on how a major life activity is substantially limited, and not on what outcomes an individual can achieve. For example, someone with a learning disability may achieve a high level of academic success but may nevertheless be substantially limited in one or more major life activities, including, but not limited to, reading, writing, speaking, or learning because of the additional time or effort he or she must spend to read, write, speak, or learn compared to most people in the general population.

(iv) Given the rules of construction set forth in this section, it may often be unnecessary to conduct an analysis involving most or all the facts related to condition, manner, or duration. This is particularly true with respect to impairments such as those described in paragraph (d)(2)(iii) of this section, which by their inherent nature should be easily found to impose a substantial limitation on a major life activity, and for which the individualized assessment should be particularly simple and straightforward.

(4) Mitigating measures include, but are not limited to:

(i) Medication, medical supplies, equipment, appliances, low-vision devices (defined as devices that magnify, enhance, or otherwise augment a visual image, but not including ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aid(s) and cochlear implant(s) or other implantable hearing devices, mobility devices, and oxygen therapy equipment and supplies

(ii) Use of assistive technology

(iii) Reasonable modifications or auxiliary aids or services as defined in this regulation

(iv) Learned behavioral or adaptive neurological modifications; or

(v) Psychotherapy, behavioral therapy, or physical therapy.

(e) Has a record of such an impairment.

(1) An individual has a record of such an impairment if the individual has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

(2) Broad construction. Whether an individual has a record of an impairment that substantially limited a major life activity shall be construed broadly to the maximum extent permitted by the ADA and should not demand extensive analysis. An individual will be considered to fall within this prong of the definition of "disability" if the individual has a history of an impairment that substantially limited one or more major life activities when compared to most people in the general population or was

misclassified as having had such an impairment. In determining whether an impairment substantially limited a major life activity, the principles articulated in paragraph (d)(1) of this section apply.

(3) Reasonable modification. An individual with a record of a substantially limiting impairment may be entitled to a reasonable modification if needed and related to the past disability.

(f) Is regarded as having such an impairment. The following principles apply under the “regarded” as prong of the definition of “disability” (paragraph (a)(1)(iii) of this section):

(1) Except as set forth in paragraph (f)(2) of this section, an individual is “regarded as having such an impairment” if the individual is subjected to a prohibited action because of an actual or perceived physical or mental impairment, whether or not that impairment substantially limits, or is perceived to substantially limit, a major life activity, even if the public entity asserts, or may or does ultimately establish, a defense to the action prohibited by the ADA.

(2) An individual is not “regarded as having such an impairment” if the public entity demonstrates that the impairment is, objectively, both “transitory” and “minor.” A public entity may not defeat “regarded as” coverage of an individual simply by demonstrating that it subjectively believed the impairment was transitory and minor; rather, the public entity must demonstrate that the impairment is (in the case of an actual impairment) or would be (in the case of a perceived impairment), objectively, both “transitory” and “minor.” For purposes of this section, “transitory” is defined as lasting or expected to last six months or less.

(3) Establishing that an individual is “regarded as having such an impairment” does not, by itself, establish liability. Liability is established under title II of the ADA only when an individual proves that a public entity discriminated based on disability within the meaning of title II of the ADA, 42 U.S.C. 12131–12134.

(g) Exclusions. The term “disability” does not include—

(1) Transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders

(2) Compulsive gambling, kleptomania, or pyromania; or

(3) Psychoactive substance use disorders resulting from current illegal use of drugs.

Disability (title I) — (1) In general. Disability means, with respect to an individual—

(i) A physical or mental impairment that substantially limits one or more of the major life activities of such individual;

(ii) A record of such an impairment; or

(iii) Being regarded as having such an impairment as described in paragraph (f) of this section. This means that the individual has been subjected to an action prohibited by the ADA as amended because of an actual or perceived impairment that is not both “transitory and minor.”

(2) An individual may establish coverage under any one or more of these three prongs of the definition of disability, i.e., paragraphs (g)(1)(i) (the “actual disability” prong), (g)(1)(ii) (the “record of” prong), and/or (g)(1)(iii) (the “regarded as” prong) of this section.

(3) Where an individual is not challenging a covered entity's failure to make reasonable accommodations and does not require a reasonable accommodation, it is generally unnecessary to proceed under the “actual disability” or “record of” prongs, which require a showing of an impairment that substantially limits a major life activity or a record of such an impairment. In these cases, the evaluation of coverage can be made solely under the “regarded as” prong of the definition of disability, which does not require a showing of an impairment that substantially limits a major life activity or a record of such an impairment. An individual may choose, however,

to proceed under the “actual disability” and/or “record of” prong regardless of whether the individual is challenging a covered entity's failure to make reasonable accommodations or requires a reasonable accommodation.

Note to paragraph (g): See §1630.3 for exceptions to this definition.

Document – Logically distinct assembly of content (such as a file, set of files, or streamed media) that: functions as a single entity rather than a collection; is not part of software; and does not include its own software to retrieve and present content for users. Examples of documents include, but are not limited to, letters, email messages, spreadsheets, presentations, podcasts, images, and movies.

DOJ – United States Department of Justice, Office of Civil Rights, Disability Rights Section responsible for regulation and enforcement of titles II and III of the ADA.

DOT – United States Department of Transportation.

Drug – Means a controlled substance, as defined in schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812).

DTW – Detectable Warning.

EEOC – Equal Employment Opportunity Commission (federal agency responsible for regulating and enforcing title I of the ADA).

Egress, Means of – A continuous and unobstructed way of exit travel from any point in a building or facility to a public way. A means of egress comprises vertical and horizontal travel and may include intervening room spaces, doorways, hallways, corridors, passageways, balconies, ramps, stairs, enclosures, lobbies, horizontal exits, courts and yards. An accessible means of egress is one that complies with these guidelines and does not include stairs, steps, or escalators. Areas of rescue assistance or evacuation elevators may be included as part of accessible means of egress.

Element – An architectural or mechanical component of a building, facility, space, site, or public right-of-way.

Elevated Play Component – A play component that is approached above or below grade and that is part of a composite play structure consisting of two or more play components attached or functionally linked to create an integrated unit providing more than one play activity.

Emergency Management Plan – A living document that is continuously updated based on new information, lessons learned from regular exercises, hazard assessments, actual emergencies, environmental factors, changes to legislation, and scheduled reviews. See also, Continuity of Operations Planning (COOP, FEMA).

Emergency Transportable Housing Unit – A single or multiple section prefabricated structure that is transportable by a single transport vehicle and that can be set-up and installed on a temporary site in response to an emergency need for temporary housing. Such structures include, but are not limited to, travel trailers, park models, manufactured housing, and other factory-built housing. For the purposes of this document, emergency transportable housing units are considered a type of residential dwelling unit. (See ABAAS.)

Employee – Means an individual employed by an employer.

Employee Work Area – All or any portion of a space used only by employees and used only for work. Corridors, toilet rooms, kitchenettes and break rooms are not employee work areas.

Employer — (1) In general. Means a person engaged in an industry affecting commerce who has 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, and any agent of such person, except that, from July 26, 1992 through July 25, 1994, an employer means a person engaged in an industry affecting commerce who has 25 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding year and any agent of such person.

(2) Exceptions. The term employer does not include—

- (i) The United States, a corporation wholly owned by the government of the United States, or an Indian tribe; or
- (ii) A bona fide private membership club (other than a labor organization) that is exempt from taxation under section 501(c) of the Internal Revenue Code of 1986.

Engineered Wood Fiber/EFW – Is an organic safety surfacing product used on Use Zones of play areas. It is spun from the inside of trees, not the bark. [While properly installed EWF can meet HIC and the ASTM F 1951 accessible ground surface standards in a laboratory, typical real-world installations are not installed according to manufacturer specifications for compaction to result in stable surfaces.]

Entrance – Any access point to a building or portion of a building or facility used for the purpose of entering. An entrance includes the approach walk, the vertical access leading to the entrance platform, the entrance platform itself, vestibule if provided, the entry door or gate, and the hardware of the entry door or gate.

Equivalent facilitation – The use of designs, products, or technologies as alternatives to those prescribed, provided they result in substantially equivalent or greater accessibility and usability.

Essential functions — (1) In general. The term essential functions means the fundamental job duties of the employment position the individual with a disability holds or desires. The term “essential functions” does not include the marginal functions of the position.

(2) A job function may be considered essential for any of several reasons, including but not limited to the following:

- (i) The function may be essential because the reason the position exists is to perform that function;
 - (ii) The function may be essential because of the limited number of employees available among whom the performance of that job function can be distributed; and/or
 - (iii) The function may be highly specialized so that the incumbent in the position is hired for his or her expertise or ability to perform the particular function.
- (3) Evidence of whether a particular function is essential includes, but is not limited to:
- (i) The employer's judgment as to which functions are essential;
 - (ii) Written job descriptions prepared before advertising or interviewing applicants for the job;
 - (iii) The amount of time spent on the job performing the function;
 - (iv) The consequences of not requiring the incumbent to perform the function;
 - (v) The terms of a collective bargaining agreement;
 - (vi) The work experience of past incumbents in the job; and/or
 - (vii) The current work experience of incumbents in similar jobs.

EFW – See Engineered Wood Fiber.

Existing Facility – Means a facility in existence on any given date, without regard to whether the facility may also be considered newly constructed or altered under ADA regulations.

Existing ICT – ICT that has been procured, maintained or used on or before January 18, 2018. (See Information and Communication Technology.)

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, including pedestrian or vehicular routes located in the public right-of-way.

FEMA – Federal Emergency Management Agency.

FHWA – Federal Highway Administration (U.S. DOT).

Finding – Determination that the condition of an architectural/built element or feature of a covered facility is not consistent with the scoping or technical provisions of the ADA Standards or other accessibility guidelines which are recognized as best practices.

First Mile-Last Mile/FMLM – Refers to the gaps in public transit from one's origination point to public transit service access (first leg) and from public transit arrival to one's destination point (last leg).

Fixed Route System – Means a system of transporting individuals (other than by aircraft), including the provision of designated public transportation service by public entities and the provision of transportation service by private entities, including, but not limited to, specified public transportation service, on which a vehicle is operated along a prescribed route according to a fixed schedule.

FL – Front Load.

FT Act – Means the Federal Transit Act of 1964, as amended (49 U.S.C. App. 1601 et seq.).

FTA – Federal Transit Administration.

Fundamental Alteration – A change to a facility the result of which would substantially affect the nature of the service, program, or activity for which the facility is intended.

Gangway – A variable-sloped pedestrian walkway that links a fixed structure or land with a floating structure. Gangways that connect to vessels are not addressed by this document.

GB – Grade Break.

Golf Car Passage – A continuous passage on which a motorized golf car can operate.

Grade Break – The line where two surface planes with different grades meet.

Ground Floor – Any occupiable floor less than one story above or below grade with direct access to grade. A building or facility always has at least one ground floor and may have more than one ground floor as where a split-level entrance has been provided or where a building is built into a hillside.

Ground Level Play Component – A play component that is approached and exited at the ground level.

Hardware – A tangible device, equipment, or physical component of ICT, such as telephones, computers, multifunction copy machines, and keyboards.

Has a record of such an impairment — (1) In general. An individual has a record of a disability if the individual has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

(2) Broad construction. Whether an individual has a record of an impairment that substantially limited a major life activity shall be construed broadly to the maximum extent permitted by the ADA and should not demand extensive analysis. An individual will be considered to have a record of a disability if the individual has a history of an impairment that substantially limited one or more major life activities when compared to most people in the general population, or was misclassified as having had such an impairment. In determining whether an impairment substantially limited a major life activity, the principles articulated in paragraph (j) of this section apply.

(3) Reasonable accommodation. An individual with a record of a substantially limiting impairment may be entitled, absent undue hardship, to a reasonable accommodation if needed and related to the past disability. For example, an employee with an impairment that previously limited, but no longer substantially limits, a

major life activity may need leave or a schedule change to permit him or her to attend follow-up or “monitoring” appointments with a health care provider.

Head Injury Criterion/HIC – Measure of the likelihood of head injury arising from an impact. The HIC can be used to assess safety related to use/fall zones in play areas, personal protective gear, and sport equipment.

HIC – See Head Injury Criterion.

High Speed Rail – means a rail service having the characteristics of intercity rail service which operates primarily on a dedicated guideway or track not used, for the most part, by freight, including, but not limited to, trains on welded rail, magnetically levitated (maglev) vehicles on a special guideway, or other advanced technology vehicles, designed to travel at speeds in excess of those possible on other types of railroads.

Historic Preservation Programs – Processes and efforts conducted by a public entity that have preservation of historic properties as a primary purpose.

Historic Properties – Those properties that are listed or eligible for listing in the National Register of Historic Places or properties designated as historic under State or local law.

Housing at a Place of Education – Housing operated by or on behalf of an elementary, secondary, undergraduate, or postgraduate school, or other place of education, including dormitories, suites, apartments, or other places of residence.

IBC – International Building Code.

ICC – International Code Council.

ICT – See Information and Communication Technology.

Illegal Use of Drugs – Means the use of one or more drugs, the possession or distribution of which is unlawful under the Controlled Substances Act (21 U.S.C. 812). The term illegal use of drugs does not include the use of a drug taken under supervision by a licensed health care professional, or other uses authorized by the Controlled Substances Act or other provisions of Federal law.

Individual with a Disability – Means a person who has a disability. The term individual with a disability does not include an individual who is currently engaging in the illegal use of drugs, when the public entity acts based on such use.

Information and Communication Technology (ICT) – Information technology and other equipment, systems, technologies, or processes, for which the principal function is the creation, manipulation, storage, display, receipt, or transmission of electronic data and information, as well as any associated content. Examples of ICT include, but are not limited to: computers and peripheral equipment; information kiosks and transaction machines; telecommunications equipment; customer premises equipment; multifunction office machines; software; applications; Web sites; videos; and, electronic documents.

Information Technology – Shall have the same meaning as the term “information technology” set forth in 40 U.S.C. 11101(6).

Interactive Transaction Machine – See Kiosk.

Intercity Rail Passenger Car – Means a rail car, intended for use by revenue passengers, obtained by the National Railroad Passenger Corporation (Amtrak) for use in intercity rail transportation.

Intercity Rail Transportation – Means transportation provided by Amtrak.

“Is regarded as having such an impairment” – Refers to the following principles apply under the “regarded as” prong of the definition of disability (paragraph (g)(1)(iii) of this section) above:

- (1) Except as provided in §1630.15(f), an individual is “regarded as having such an impairment” if the individual is subjected to a prohibited action because of an actual or perceived physical or mental impairment, whether

or not that impairment substantially limits, or is perceived to substantially limit, a major life activity. Prohibited actions include but are not limited to refusal to hire, demotion, placement on involuntary leave, termination, exclusion for failure to meet a qualification standard, harassment, or denial of any other term, condition, or privilege of employment

(2) Except as provided in §1630.15(f), an individual is “regarded as having such an impairment” any time a covered entity takes a prohibited action against the individual because of an actual or perceived impairment, even if the entity asserts, or may or does ultimately establish, a defense to such action.

(3) Establishing that an individual is “regarded as having such an impairment” does not, by itself, establish liability. Liability is established under title I of the ADA only when an individual proves that a covered entity discriminated on the basis of disability within the meaning of section 102 of the ADA, 42 U.S.C. 12112.

ISA – International Symbol of Accessibility.

ITM – Interactive Transaction Machine, see Kiosk.

Job Access With Speech/JAWS® – Is a software application created by Freedom Scientific which reads text and converts it to speech and/or braille making text-based content in webpages and digital documents accessible to people who are blind or have low-vision.

Joint Use – Interior or exterior rooms, spaces, or elements that are common space available for use by all occupants of the building. Joint use does not include mechanical or custodial rooms, or areas occupied by other tenants. (See ABAAS.)

Key Station – Rapid and light rail stations, and commuter rail stations, as defined under criteria established by the Department of Transportation in 49 CFR 37.47 and 49 CFR 37.51, respectively.

Keyboard – A set of systematically arranged alphanumeric keys or a control that generates alphanumeric input by which a machine or device is operated. A keyboard includes tactilely discernible keys used in conjunction with the alphanumeric keys if their function maps to keys on the keyboard interfaces.

Kiosk – A machine which provides transactions through multi-media, interactive tactile, audible, and visual input/output features, supported by hardware displays and controls, and software applications. Also known as, Self-Service Transaction Machines (SSTMs) and Interactive Transaction Machines (ITMs). Examples of kiosks include but are not limited to Automatic Teller Machines (ATMs), Fare Machines, and automated airport boarding pass/baggage checking stations.

Label – Text or a component with a text alternative, that is presented to a user to identify content. A label is presented to all users, whereas a name may be hidden and only exposed by assistive technology. In many cases, the name and the label are the same.

Landing – Level space at the bottom, top, or in between flights of stairs or ramp runs.

Learning Management System/LMS – Is a software application used to organize and distribute e-learning materials, assignments, and assessments; track and calculate grades; and facilitate communication among students and teachers.

Lease – Any agreement which establishes the relationship of landlord and tenant. (See ABAAS.)

Light Rail – Means a streetcar-type vehicle operated on city streets, semi-exclusive rights of way, or exclusive rights of way. Service may be provided by step-entry vehicles or by level boarding.

LMS – See Learning Management System.

LZ – Loading Zone.

Mail Boxes – Receptacles for the receipt of documents, packages, or other deliverable matter. Mail boxes include, but are not limited to, post office boxes and receptacles provided by commercial mail-receiving agencies, apartment facilities, or schools.

Major life activities — (1) In general. Major life activities include, but are not limited to:

(i) Caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, and working; and

(ii) The operation of a major bodily function, including functions of the immune system, special sense organs and skin; normal cell growth; and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions. The operation of a major bodily function includes the operation of an individual organ within a body system.

(2) In determining other examples of major life activities, the term “major” shall not be interpreted strictly to create a demanding standard for disability. ADAAA section 2(b)(4) (Findings and Purposes). Whether an activity is a “major life activity” is not determined by reference to whether it is of “central importance to daily life.”

MAN CLR – Maneuvering Clearance.

Marked Crossing – A crosswalk or other identified path intended for pedestrian use in crossing a vehicular way.

Maximum Extent Feasible – Applies to the occasional case where the nature of an existing facility makes it virtually impossible to comply fully with applicable accessibility standards through a planned alteration. In these circumstances, the alteration must provide the maximum physical accessibility feasible. Any altered features of the facility which can be made accessible must be made accessible. For example, if providing accessibility for individuals with certain disabilities (e.g., those who use wheelchairs) would not be feasible, the facility must be made accessible to persons with other types of disabilities (e.g., those who use crutches, those who have impaired vision or hearing, or those who have other impairments). [See also, Technically Infeasible.]

MB – Mid-Block.

Menu – A set of selectable options.

Mezzanine or Mezzanine Floor – An intermediate level or levels between the floor and ceiling of any story with an aggregate floor area of not more than one-third of the area of the room or space in which the level or levels are located. Mezzanines have sufficient elevation that space for human occupancy can be provided on the floor below.

Military Installation – A base, camp, post, station, yard, center, homeport facility for any ship, or other activity or operation under the jurisdiction of the Department of Defense, including any leased facility. Military installation does not include any facility used primarily for civil works, rivers and harbors projects, or flood control projects. Multiple, contiguous, or collocated bases, camps, posts, stations, yards, centers, or home ports shall not be considered as constituting a single military installation. (See ABAAS.)

Multifamily Dwelling – Any building containing more than two dwelling units.

MUTCD – Manual on Uniform Traffic Control Devices for Streets and Highways (FHWA).

Name – Text by which software can identify a component to the user. A name may be hidden and only exposed by assistive technology, whereas a label is presented to all users. In many cases, the label and the name are the same. Name is unrelated to the name attribute in HTML.

New Vehicle – Means a vehicle which is offered for sale or lease after manufacture without any prior use.

Non-Web Document – A document that is not: a Web page, embedded in a Web page, or used in the rendering or functioning of Web pages.

Non-Web Software – Software that is not: a Web page, not embedded in a Web page, and not used in the rendering or functioning of Web pages.

Noncompliant – Refers to an architectural/built element which is not consistent with ADA Standards; a policy, procedure, or practice which does not conform to prohibitions or requirements of ADA regulations issued by DOJ, DOT, EEOC, or other federal department or agency having the authority to issue ADA regulations.

Not-best-practice – Refers to an architectural/built element which is not consistent with the best recognized guidance, guidelines, or other advisory commentary or a policy, procedure, or practice which does not conform to prohibitions or requirements of the best recognized guidance, guidelines, or other advisory commentary, to make a *good faith effort* to prevent disability-based discrimination.

Occupant Load – The number of persons for which the means of egress of a building or portion of a building is designed.

Occupiable – A room or enclosed space designed for human occupancy in which individuals congregate for amusement, educational or similar purposes, or in which occupants are engaged at labor, and which is equipped with means of egress, light, and ventilation.

OCR – See Optical Character Recognition.

ODA – Outdoor Developed Area [see Architectural Barriers Act Accessibility Standards].

Open Captions – Are encoded directly into the video stream of a video, similar to subtitles, making it impossible to disable them for viewers who do not want or require them. The quality of open captions is also directly tied to the quality of the video: If the video is blurry or otherwise low-quality, then the captions are also blurry and may be difficult to read.

Operable Part – A component of an element used to insert or withdraw objects, or to activate, deactivate, or adjust the element.

Operable Part – [ICT/Section 508] Hardware-based user controls for activating, deactivating, or adjusting ICT.

Operates – Includes, with respect to a fixed route or demand responsive system, the provision of transportation service by a public or private entity itself or by a person under a contractual or other arrangement or relationship with the entity.

OPMD – Other Powered/Power-driven Mobility Device.

Optical Character Recognition/OCR – Is the electronic or mechanical conversion of images of typed, handwritten or printed text into machine-encoded text, whether from a scanned document, a photo of a document, a scene-photo or from subtitle text superimposed on an image.

ORAR – Outdoor Recreation Access Route.

Origin-to-Destination Service – Means providing service from a passenger's origin to the passenger's destination. A provider may provide ADA complementary paratransit in a curb-to-curb or door-to-door mode. When an ADA paratransit operator chooses curb-to-curb as its primary means of providing service, it must provide assistance to those passengers who need assistance beyond the curb to use the service unless such assistance would result in a fundamental alteration or direct threat.

OSP – On-Street Parking.

Other Power-driven Mobility Device (OPMD or OPDMD) – Means any mobility device powered by batteries, fuel, or other engines—whether or not designed primarily for use by individuals with mobility disabilities—that is used by individuals with mobility disabilities for the purpose of locomotion, including golf cars, electronic personal assistance mobility devices (EPAMDs), such as the Segway® PT, or any mobility device designed to operate in areas without defined pedestrian routes, but that is not a wheelchair within the meaning of this section. This definition does not apply to Federal wilderness areas; wheelchairs in such areas are defined in section 508(c)(2) of the ADA, 42 U.S.C. 12207(c)(2).

OTRB – See Over-the-Road Bus.

Outdoor Constructed Features – Picnic tables, fire rings, grills, fireplaces, wood stoves, trash and recycling receptacles, water hydrants, utility and sewage hookups, outdoor rinsing showers, benches, and viewing scopes provided at outdoor recreation facilities. (See ABAAS.)

Over-the-Road Bus/OTRB – Means a bus characterized by an elevated passenger deck located over a baggage compartment.

PAR – Pedestrian Access Route.

Paratransit – Means comparable transportation service required by the ADA for individuals with disabilities who are unable to use fixed route transportation systems. A transit system that operates in parallel with fixed route transit.

PCA – See Project Civic Access.

PDF – See Portable Document File.

PED – Pedestrian.

Pedestrian Access Route (PAR) – A continuous and unobstructed path of travel provided for pedestrians with disabilities within or coinciding with a pedestrian circulation path.

Pedestrian Circulation Path – A prepared exterior or interior surface provided for pedestrian travel in the public right-of-way.

PERP – Perpendicular.

Person, labor organization, employment agency, commerce and industry affecting commerce – Shall have the same meaning given those terms in section 701 of the Civil Rights Act of 1964 (42 U.S.C. 2000e).

Physical or mental impairment – Means:

(1) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems, such as neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin, and endocrine; or

(2) Any mental or psychological disorder, such as an intellectual disability (formerly termed “mental retardation”), organic brain syndrome, emotional or mental illness, and specific learning disabilities.

Picnic Facility – A site, or portion of a site, developed for outdoor recreational purposes that contains picnic units. (See ABAAS.)

Picnic Unit – An outdoor space in a picnic facility used for picnicking that contains outdoor constructed features. (See ABAAS.)

Pictogram – A pictorial symbol that represents activities, facilities, or concepts.

PIP – Poured-in-Place surface material.

Place of public Accommodation – Means a facility operated by a private entity whose operations affect commerce and fall within at least one of the following categories –

(1) Place of lodging, except for an establishment located within a facility that contains not more than five rooms for rent or hire and that is occupied by the proprietor of the establishment as the residence of the proprietor. For purposes of this part, a facility is a "place of lodging" if it is –

(i) An inn, hotel, or motel; or

(ii) A facility that –

(A) Provides guest rooms for sleeping for stays that primarily are short-term in nature (generally 30 days or less) where the occupant does not have the right to return to a specific room or unit after the conclusion of his or her stay; and

(B) Provides guest rooms under conditions and with amenities like a hotel, motel, or inn, including the following –

- (1) On- or off-site management and reservations service
 - (2) Rooms available on a walk-up or call-in basis
 - (3) Availability of housekeeping or linen service; and
 - (4) Acceptance of reservations for a guest room type without guaranteeing a particular unit or room until check-in, and without a prior lease or security deposit.
- (2) A restaurant, bar, or other establishment serving food or drink
 - (3) A motion picture house, theater, concert hall, stadium, or other place of exhibition or entertainment
 - (4) An auditorium, convention center, lecture hall, or other place of public gathering
 - (5) A bakery, grocery store, clothing store, hardware store, shopping center, or other sales or rental establishment
 - (6) A laundromat, dry-cleaner, bank, barber shop, beauty shop, travel service, shoe repair service, funeral parlor, gas station, office of an accountant or lawyer, pharmacy, insurance office, professional office of a health care provider, hospital, or other service establishment
 - (7) A terminal, depot, or other station used for specified public transportation
 - (8) A museum, library, gallery, or other place of public display or collection
 - (9) A park, zoo, amusement park, or other place of recreation
 - (10) A nursery, elementary, secondary, undergraduate, or postgraduate private school, or another place of education
 - (11) A day care center, senior citizen center, homeless shelter, food bank, adoption agency, or other social service center establishment; and
 - (12) A gymnasium, health spa, bowling alley, golf course, or other place of exercise or recreation.

Platform Lift – Means a small elevator, having a wheelchair space, used for short-distance vertical transportation.

Platform Software – Software that interacts with hardware or provides services for other software. Platform software may run or host other software, and may isolate them from underlying software or hardware layers. A single software component may have both platform and non-platform aspects. Examples of platforms are: desktop operating systems; embedded operating systems, including mobile systems; Web browsers; plug-ins to Web browsers that render a particular media or format; and sets of components that allow other applications to execute, such as applications which support macros or scripting.

Play Area – A portion of a site containing play components designed and constructed for children; playground.

Play Component – An element intended to generate specific opportunities for play, socialization, or learning. Play components are manufactured or natural; and are stand-alone or part of a composite play structure.

Play Component Type – Refers to the category of play experience provided by a ground level play component. For example, play components may include spring rockers, swings, diggers, and stand-alone slides.

Portable Document Format/PDF – Is a file format developed by Adobe® in 1993 to present documents, including text formatting and images, in a manner independent of application software, hardware, and operating systems. Accessible

PDF files are screen-readable by applications such as JAWS® (Job Access With Speech) or Window-Eyes and include other features such as linked tables of contents and style headings.

Poured-in-Place/PIP – Refers to rubber surfacing material which can be used to provide safe and accessible play area surfaces when properly installed. Poured-in-Place material has been laboratory tested to meet ASTM F 1951 accessible ground surface requirements in play area Use Zones. [While PIP typically provides safe and accessible surfaces, it must be properly installed to a thickness to meet HIC as well as slopes and other surface requirements of the ADA Standards.]

Power-assisted Door – A door used for human passage with a mechanism that helps to open the door, or relieves the opening resistance of a door, upon the activation of a switch or a continued force applied to the door itself. (See also, Automatic Door.)

Primary Consideration – When an auxiliary aid or service is required, the public entity must provide an opportunity for individuals with disabilities to request the auxiliary aids and services of their choice and must give primary consideration to the choice expressed by the individual. "Primary consideration" means that the public entity must honor the choice, unless it can demonstrate that another equally effective means of communication is available, or that use of the means chosen would result in a fundamental alteration in the service, program, or activity or in undue financial and administrative burdens.

Private Building or Facility – A place of public accommodation or a commercial building or facility subject to title III of the ADA and 28 CFR part 36 or a transportation building or facility subject to title III of the ADA and 49 CFR 37.45.

Private Club – Means a private club or establishment exempted from coverage under title II of the Civil Rights Act of 1964 (42 U.S.C. 2000a(e)).

Private Entity – Means a person or entity other than a public entity.

Program Access (title II) – Refers to the obligation of state and local governments to ensure the opportunity or right of qualified people of all abilities to participate in and receive the benefits of public services, programs, or activities provided in the most integrated setting appropriate to individual needs. This opportunity or right cannot be denied because of physical or procedural barriers, such as policies or unnecessary eligibility criteria, that would exclude or might tend to exclude people with disabilities. The meaning of program should be interpreted in a broad sense.

Programmatically Determinable – Ability to be determined by software from author-supplied data that is provided in a way that different user agents, including assistive technologies, can extract and present the information to users in different modalities.

Project Civic Access/PCA – The U.S. Department of Justice's wide-ranging effort to ensure that counties, cities, towns, and villages comply with the ADA by eliminating physical and communication barriers which prevent people with disabilities from participating fully in community life.

PROW – Public right-of-way. See Public Right-of-Way and Public Way.

PROWAG – Public Rights-of-Way Accessibility Guidelines, aka Proposed Guidelines for Pedestrian Facilities in the Public Right-of-Way.

PSC – Pedestrian Street Crossing.

PT – Paper Towel.

Public Accommodation – Means a private entity that owns, leases (or leases to), or operates a place of public accommodation.

Public Building or Facility – A building or facility or portion of a building or facility designed, constructed, or altered by, on behalf of, or for the use of a public entity subject to title II of the ADA and 28 CFR part 35 or to title II of the ADA and 49 CFR 37.41 or 37.43.

Public Entity – means:

- (1) Any State or local government
- (2) Any department, agency, special purpose district, or other instrumentality of a State or States or local government; and
- (3) The National Railroad Passenger Corporation, and any commuter authority (as defined in section 103(8) of the Rail Passenger Service Act).

Public Entrance – An entrance that is not a service entrance or a restricted entrance.

Public Facing – Content made available by an agency to members of the general public. Examples include, but are not limited to, an agency Web site, blog post, or social media pages.

Public Use – Interior or exterior rooms, spaces, or elements that are made available to the public. Public use may be provided at a building or facility that is privately or publicly owned.

Public Right-of-Way – Public land acquired for or dedicated to transportation purposes, or other land where there is a legally established right for use by the public for transportation purposes. [See PROW.]

Public School Transportation – Means transportation by school bus vehicles of schoolchildren, personnel, and equipment to and from a public elementary or secondary school and school-related activities.

Public Way – Any street, alley, or other parcel of land open to the outside air leading to a public street, which has been deeded, dedicated, or otherwise permanently appropriated to the public for public use and which has a clear width and height of not less than 10 feet (3050 mm). [See PROW.]

Purchase or Lease (with respect to vehicles) – Means the time at which an entity is legally obligated to obtain the vehicles, such as the time of contract execution.

Qualification Standards – Means the personal and professional attributes including the skill, experience, education, physical, medical, safety and other requirements established by a covered entity as requirements which an individual must meet in order to be eligible for the position held or desired.

Qualified (title I) – Means, with respect to an individual with a disability, that the individual satisfies the requisite skill, experience, education and other job-related requirements of the employment position such individual holds or desires and, with or without reasonable accommodation, can perform the essential functions of such position. See §1630.3 for exceptions to this definition.

Qualified Historic Building or Facility – A building or facility that is listed in or eligible for listing in the National Register of Historic Places or designated as historic under an appropriate State or local law.

Qualified Individual with a Disability – Means an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a public entity.

Qualified Interpreter – Means an interpreter who, via a video remote interpreting (VRI) service or an on-site appearance, able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include, for example, sign language interpreters, oral transliterators, and cued-language transliterators.

Qualified Reader – Means a person who can read effectively, accurately, and impartially using any necessary specialized vocabulary.

Ramp – A walking surface that has a running slope steeper than 1:20 (5 percent).

Rapid Rail – Means a subway-type transit vehicle railway operated on exclusive private rights of way with high level platform stations. Rapid rail also may operate on elevated or at grade level track separated from other traffic.

RAS – See Registered Accessibility Specialist.

Readily Achievable – Means easily accomplishable and able to be carried out without much difficulty or expense. In determining whether an action is readily achievable, factors to be considered include –

- (1) The nature and cost of the action needed under this part
- (2) The overall financial resources of the site or sites involved in the action; the number of persons employed at the site; the effect on expenses and resources; legitimate safety requirements that are necessary for safe operation, including crime prevention measures; or the impact otherwise of the action upon the operation of the site
- (3) The geographic separateness, and the administrative or fiscal relationship of the site or sites in question to any parent corporation or entity
- (4) If applicable, the overall financial resources of any parent corporation or entity; the overall size of the parent corporation or entity with respect to the number of its employees; the number, type, and location of its facilities; and
- (5) If applicable, the type of operation or operations of any parent corporation or entity, including the composition, structure, and functions of the workforce of the parent corporation or entity.

Real-Time Text (RTT) – Communications using the transmission of text by which characters are transmitted by a terminal as they are typed. Real-time text is used for conversational purposes. Real-time text also may be used in voicemail, interactive voice response systems, and other similar application.

Reasonable accommodation – (1) The term reasonable accommodation means:

- (i) Modifications or adjustments to a job application process that enable a qualified applicant with a disability to be considered for the position such qualified applicant desires; or
 - (ii) Modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable an individual with a disability who is qualified to perform the essential functions of that position; or
 - (iii) Modifications or adjustments that enable a covered entity's employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by its other similarly situated employees without disabilities.
- (2) Reasonable accommodation may include but is not limited to:
- (i) Making existing facilities used by employees readily accessible to and usable by individuals with disabilities; and
 - (ii) Job restructuring; part-time or modified work schedules; reassignment to a vacant position; acquisition or modifications of equipment or devices; appropriate adjustment or modifications of examinations, training materials, or policies; the provision of qualified readers or interpreters; and other similar accommodations for individuals with disabilities.
- (3) To determine the appropriate reasonable accommodation it may be necessary for the covered entity to initiate an informal, interactive process with the individual with a disability in need of the accommodation. This process should identify the precise limitations resulting from the disability and potential reasonable accommodations that could overcome those limitations.
- (4) A covered entity is required, absent undue hardship, to provide a reasonable accommodation to an otherwise qualified individual who meets the definition of disability under the “actual disability” prong (paragraph (g)(1)(i) of this section), or “record of” prong (paragraph (g)(1)(ii) of this section), but is not required

to provide a reasonable accommodation to an individual who meets the definition of disability solely under the “regarded as” prong (paragraph (g)(1)(iii) of this section).

Reasonable Modification (title II) – A change or adjustment in policies, practices, or procedures made when necessary to avoid disability-based discrimination and making such a change or adjustment would not fundamentally alter the nature of a service, program, or activity.

Registered Accessibility Specialist/RAS – Person licensed by the Texas Department of Licensing and Regulation to review plans and inspect construction to certify compliance with the Texas Accessibility Standards.

Religious Entity – Means a religious organization, including a place of worship.

Remanufactured Vehicle – Means a vehicle which has been structurally restored and has had new or rebuilt major components installed to extend its service life.

Residential Dwelling Unit – A unit intended to be used as a residence, that is primarily long-term in nature. Residential dwelling units do not include transient lodging, inpatient medical care, licensed long-term care, and detention or correctional facilities (i.e., penitentiaries, prisons, jails, etc.).

Restricted Entrance – An entrance that is made available for common use on a controlled basis but not public use and that is not a service entrance.

Revised 508 Standards – The standards for ICT developed, procured, maintained, or used by agencies subject to Section 508 of the Rehabilitation Act as set forth in 508 Chapters 1 and 2 (36 CFR part 1194, Appendix A), and Chapters 3 through 7 (36 CFR part 1194, Appendix C).

RTT – See Real-Time Text.

Running Slope – The slope/grade that is parallel to the direction of travel (see cross slope).

RV – Recreational Vehicle.

Safe Harbor – Is the allowance for elements in compliance with accessibility standards in force at the time of construction or alteration not to be modified to comply with updated standards unless or until a future alteration is undertaken.

SCORM – See Shareable Content Object Reference Model.

SE – See Self-evaluation.

Secretary – Means the Secretary of Transportation or his/her designee.

Section 504 – Means Section 504 of the Rehabilitation Act of 1973 (Pub. L. 93-112, 87 Stat. 394 (29 U.S.C. 794), as amended.

Section 508 – Means Section 508 of the Rehabilitation Act of 1973 (Pub. L. 93-112, 87 Stat. 394 (29 U.S.C. 794), as amended, which addresses information and communication technology and electronic equipment, such as computers, and smart phones.

Self-evaluation – Process by which a public entity evaluates its current services, policies, and practices, and the effects thereof, that do not or may not meet the requirements of the ADA’s title II Part 35 regulations and, to the extent modification of any such services, policies, and practices is required, the public entity’s process or plans to make the necessary modifications.

Self-Service Storage – Building or facility designed and used for the purpose of renting or leasing individual storage spaces to customers for the purpose of storing and removing personal property on a self-service basis.

Self-Service Transaction Machine – See Kiosk.

Service Animal [DOJ definition applying to title II & III] – Means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other

mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the individual's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition.

Service Animal [DOT definition applying to transportation services] – Means any guide dog, signal dog, or other animal individually trained to work or perform tasks for an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.

Service Entrance – An entrance intended primarily for delivery of goods or services.

Sharable Content Object Reference Model – Is a collection of standards and specifications for web-based electronic educational technology. SCORM defines communications between client-side content and a host system, which is commonly supported by a learning management system (LMS).

Shared Use Path/SUP – A multi-use path designed primarily for use by bicyclists and pedestrians, including pedestrians with disabilities, for transportation and recreation purposes. Shared use paths are physically separated from motor vehicle traffic by an open space or barrier and are either within the highway right-of-way or within an independent right-of-way, aka SUP.

Signage – Displayed verbal, symbolic, tactile, and pictorial information.

Simple – Describes a finding for a built element (which may be a barrier), having only one attribute or feature which is not consistent with accessibility criteria applicable to the element. Generally, a barrier requiring minimal effort or expense to resolve. For example, an operable part which is mounted more than 48 inches above finish floor.

Site – A parcel of land bounded by a property line or a designated portion of a public right-of-way.

Site Improvement – Landscaping, paving for pedestrian and vehicular ways, outdoor lighting, recreational facilities, and the like, added to a site.

Sleeping Accommodations – Rooms in which people sleep; for example, dormitory and hotel or motel guest rooms or suites.

Small Operator – Means, in the context of over-the-road buses (OTRBs), a private entity primarily in the business of transporting people that is not a Class I motor carrier. To determine whether an operator has sufficient average annual gross transportation operating revenues to be a Class I motor carrier, its revenues are combined with those of any other OTRB operator with which it is affiliated.

Soft Contained Play Structure – A play structure made up of one or more play components where the user enters a fully enclosed play environment that utilizes pliable materials, such as plastic, netting, or fabric.

Software – Programs, procedures, rules, and related data and documentation that direct the use and operation of ICT and instruct it to perform a given task or function. Software includes, but is not limited to, applications, non-Web software, and platform software.

Software Tools – Software for which the primary function is the development of other software. Software tools usually come in the form of an Integrated Development Environment (IDE) and are a suite of related products and utilities. Examples of IDEs include Microsoft® Visual Studio®, Apple® Xcode®, and Eclipse Foundation Eclipse®.

Solicitation – Means the closing date for the submission of bids or offers in a procurement.

Space – A definable area, such as a room, toilet room, hall, assembly area, entrance, storage room, alcove, courtyard, or lobby.

Specified Public Transportation – Means transportation by bus, rail, or any other conveyance (other than aircraft) provided by a private entity to the general public, with general or special service (including charter service) on a regular and continuing basis.

SSTM – Self-Service Transaction Machine, see Kiosk.

State – Means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

Station – Means, with respect to intercity and commuter rail transportation, the portion of a property located appurtenant to a right of way on which intercity or commuter rail transportation is operated, where such portion is used by the general public and is related to the provision of such transportation, including passenger platforms, designated waiting areas, restrooms, and, where a public entity providing rail transportation owns the property, concession areas, to the extent that such public entity exercises control over the selection, design, construction, or alteration of the property, but this term does not include flag stops (i.e., stations which are not regularly scheduled stops but at which trains will stop to board or detain passengers only on signal or advance notice).

STD – Standard.

Story – That portion of a building or facility designed for human occupancy included between the upper surface of a floor and upper surface of the floor or roof next above. A story containing one or more mezzanines has more than one floor level.

Structural Frame – The columns and the girders, beams, and trusses having direct connections to the columns and all other members that are essential to the stability of the building or facility as a whole.

Structurally Impracticable – Refers to those rare circumstances when the unique characteristics of terrain prevent the incorporation of accessibility features. In that case, any portion of the facility that can be made accessible must be made accessible to the extent that it is not structurally impracticable.

Substantially limits (title I) — (1) Rules of construction. The following rules of construction apply when determining whether an impairment substantially limits an individual in a major life activity:

- (i) The term “substantially limits” shall be construed broadly in favor of expansive coverage, to the maximum extent permitted by the terms of the ADA. “Substantially limits” is not meant to be a demanding standard.
- (ii) An impairment is a disability within the meaning of this section if it substantially limits the ability of an individual to perform a major life activity as compared to most people in the general population. An impairment need not prevent, or significantly or severely restrict, the individual from performing a major life activity in order to be considered substantially limiting. Nonetheless, not every impairment will constitute a disability within the meaning of this section.
- (iii) The primary object of attention in cases brought under the ADA should be whether covered entities have complied with their obligations and whether discrimination has occurred, not whether an individual's impairment substantially limits a major life activity. Accordingly, the threshold issue of whether an impairment “substantially limits” a major life activity should not demand extensive analysis.
- (iv) The determination of whether an impairment substantially limits a major life activity requires an individualized assessment. However, in making this assessment, the term “substantially limits” shall be

interpreted and applied to require a degree of functional limitation that is lower than the standard for “substantially limits” applied prior to the ADAAA.

(v) The comparison of an individual's performance of a major life activity to the performance of the same major life activity by most people in the general population usually will not require scientific, medical, or statistical analysis. Nothing in this paragraph is intended, however, to prohibit the presentation of scientific, medical, or statistical evidence to make such a comparison where appropriate.

(vi) The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures. However, the ameliorative effects of ordinary eyeglasses or contact lenses shall be considered in determining whether an impairment substantially limits a major life activity.

(vii) An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.

(viii) An impairment that substantially limits one major life activity need not substantially limit other major life activities in order to be considered a substantially limiting impairment.

(ix) The six-month “transitory” part of the “transitory and minor” exception to “regarded as” coverage in §1630.15(f) does not apply to the definition of “disability” under paragraphs (g)(1)(i) (the “actual disability” prong) or (g)(1)(ii) (the “record of” prong) of this section. The effects of an impairment lasting or expected to last fewer than six months can be substantially limiting within the meaning of this section.

(2) Non-applicability to the “regarded as” prong. Whether an individual's impairment “substantially limits” a major life activity is not relevant to coverage under paragraph (g)(1)(iii) (the “regarded as” prong) of this section.

(3) Predictable assessments—(i) The principles set forth in paragraphs (j)(1)(i) through (ix) of this section are intended to provide for more generous coverage and application of the ADA's prohibition on discrimination through a framework that is predictable, consistent, and workable for all individuals and entities with rights and responsibilities under the ADA as amended.

(ii) Applying the principles set forth in paragraphs (j)(1)(i) through (ix) of this section, the individualized assessment of some types of impairments will, in virtually all cases, result in a determination of coverage under paragraphs (g)(1)(i) (the “actual disability” prong) or (g)(1)(ii) (the “record of” prong) of this section. Given their inherent nature, these types of impairments will, as a factual matter, virtually always be found to impose a substantial limitation on a major life activity. Therefore, with respect to these types of impairments, the necessary individualized assessment should be particularly simple and straightforward.

(iii) For example, applying the principles set forth in paragraphs (j)(1)(i) through (ix) of this section, it should easily be concluded that the following types of impairments will, at a minimum, substantially limit the major life activities indicated: Deafness substantially limits hearing; blindness substantially limits seeing; an intellectual disability (formerly termed mental retardation) substantially limits brain function; partially or completely missing limbs or mobility impairments requiring the use of a wheelchair substantially limit musculoskeletal function; autism substantially limits brain function; cancer substantially limits normal cell growth; cerebral palsy substantially limits brain function; diabetes substantially limits endocrine function; epilepsy substantially limits neurological function; Human Immunodeficiency Virus (HIV) infection substantially limits immune function; multiple sclerosis substantially limits neurological function; muscular dystrophy substantially limits neurological function; and major depressive disorder, bipolar disorder, post-traumatic stress disorder, obsessive compulsive

disorder, and schizophrenia substantially limit brain function. The types of impairments described in this section may substantially limit additional major life activities not explicitly listed above.

(4) Condition, manner, or duration—

(i) At all times taking into account the principles in paragraphs (j)(1)(i) through (ix) of this section, in determining whether an individual is substantially limited in a major life activity, it may be useful in appropriate cases to consider, as compared to most people in the general population, the condition under which the individual performs the major life activity; the manner in which the individual performs the major life activity; and/or the duration of time it takes the individual to perform the major life activity, or for which the individual can perform the major life activity.

(ii) Consideration of facts such as condition, manner, or duration may include, among other things, consideration of the difficulty, effort, or time required to perform a major life activity; pain experienced when performing a major life activity; the length of time a major life activity can be performed; and/or the way an impairment affects the operation of a major bodily function. In addition, the non-ameliorative effects of mitigating measures, such as negative side effects of medication or burdens associated with following a particular treatment regimen, may be considered when determining whether an individual's impairment substantially limits a major life activity.

(iii) In determining whether an individual has a disability under the “actual disability” or “record of” prongs of the definition of disability, the focus is on how a major life activity is substantially limited, and not on what outcomes an individual can achieve. For example, someone with a learning disability may achieve a high level of academic success, but may nevertheless be substantially limited in the major life activity of learning because of the additional time or effort he or she must spend to read, write, or learn compared to most people in the general population.

(iv) Given the rules of construction set forth in paragraphs (j)(1)(i) through (ix) of this section, it may often be unnecessary to conduct an analysis involving most or all of these types of facts. This is particularly true with respect to impairments such as those described in paragraph (j)(3)(iii) of this section, which by their inherent nature should be easily found to impose a substantial limitation on a major life activity, and for which the individualized assessment should be particularly simple and straightforward.

(5) Examples of mitigating measures—Mitigating measures include, but are not limited to:

(i) Medication, medical supplies, equipment, or appliances, low-vision devices (defined as devices that magnify, enhance, or otherwise augment a visual image, but not including ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aid(s) and cochlear implant(s) or other implantable hearing devices, mobility devices, and oxygen therapy equipment and supplies;

(ii) Use of assistive technology;

(iii) Reasonable accommodations or “auxiliary aids or services” (as defined by 42 U.S.C. 12103(1));

(iv) Learned behavioral or adaptive neurological modifications; or

(v) Psychotherapy, behavioral therapy, or physical therapy.

(6) Ordinary eyeglasses or contact lenses—defined. Ordinary eyeglasses or contact lenses are lenses that are intended to fully correct visual acuity or to eliminate refractive error.

SUP – See Shared Use Path.

SW – Sidewalk.

Tactile – An object that can be perceived using the sense of touch.

TDD – Telecommunication Devices for the Deaf. (See Text Telephone/TTY.)

Technically Infeasible – With respect to an alteration of a building or a facility, something that has little likelihood of being accomplished because existing structural conditions would require removing or altering a load-bearing member that is an essential part of the structural frame; or because other existing physical or site constraints prohibit modification or addition of elements, spaces, or features that are in full and strict compliance with the minimum requirements.

Teeing Ground – In golf, the starting place for the hole to be played.

Telecommunications – The signal transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

Terminal – Device or software with which the end user directly interacts and that provides the user interface. For some systems, the software that provides the user interface may reside on more than one device such as a telephone and a server.

Text – A sequence of characters that can be programmatically determined and that expresses something in human language.

Text Telephone – Machinery or equipment that employs interactive text-based communications through the transmission of coded signals across the standard telephone network. Text telephones can include, for example, devices known as TDDs (telecommunication display devices or telecommunication devices for deaf persons) or computers with special modems. Text telephones are also called TTYs, an abbreviation for tele-typewriter.

TL – Top-Load.

TP – Toilet Paper.

TP – See Transition Plan.

Trail – Pedestrian route developed primarily for outdoor recreational purposes. A pedestrian route developed primarily to connect elements, spaces, or facilities within a site is not a trail. Trails are not typically paved with concrete or asphalt. (See ABAAS.)

Trailhead – An outdoor space that is designated by an entity responsible for administering or maintaining a trail to serve as an access point to the trail. The junction of two or more trails or the undeveloped junction of a trail and a road is not a trailhead. (See ABAAS.)

Transfer Device – Equipment designed to facilitate the transfer of a person from a wheelchair or other mobility aid to and from an amusement ride seat.

Transfer Platform – Structure designed to facilitate the transfer of a child from a wheelchair or other mobility aid to and from the entry point of an elevated play structure.

Transient Lodging – A building or facility containing one or more guest room(s) for sleeping that provides accommodations that are primarily short-term in nature. Transient lodging does not include residential dwelling units intended to be used as a residence, inpatient medical care facilities, licensed long-term care facilities, detention or correctional facilities (i.e., penitentiaries, prisons, jails, etc.), or private buildings or facilities that do not contain more than five rooms for rent or hire and that are actually occupied by the proprietor as the residence of such proprietor. The Department of Justice's policy and rules further define what is covered as transient lodging.

Transition Plan – Is the plan for barrier removal required of a public entity when structural changes to facilities will be undertaken to achieve program accessibility. Originally required to be developed by public entities having 50 or more employees within six months of January 26, 1992.

Transition Plate – A sloping pedestrian walking surface located at the end(s) of a gangway.

Truncated Domes – The semi-spherical bumps on detectable warning surfaces which are tactilely discernable. See also, Detectable Warning.

TS – Turning Space.

TTY – An abbreviation for teletypewriter. Machinery that employs interactive text-based communication through the transmission of coded signals across the telephone network. Equipment that enables interactive text-based communications through the transmission of frequency-shift-keying audio tones across the public switched telephone network. TTYs may include, for example, devices known as TDDs (telecommunication display devices or telecommunication devices for deaf persons) or computers with special modems. (See Text Telephone.)

Typical – Conditions, designs, or configurations regularly found in the built environment; infrastructure or facilities which may have been built prior to accessible design requirements.

UBC – Uniform Building Code.

UFAS – See Uniform Federal Accessibility Standards.

Undue Burden (title III) – Means significant difficulty or expense. In determining whether an action would result in an undue burden, factors to be considered include –

- (1) The nature and cost of the action needed under this part
- (2) The overall financial resources of the site or sites involved in the action; the number of persons employed at the site; the effect on expenses and resources; legitimate safety requirements that are necessary for safe operation, including crime prevention measures; or the impact otherwise of the action upon the operation of the site
- (3) The geographic separateness, and the administrative or fiscal relationship of the site or sites in question to any parent corporation or entity
- (4) If applicable, the overall financial resources of any parent corporation or entity; the overall size of the parent corporation or entity with respect to the number of its employees; the number, type, and location of its facilities; and
- (5) If applicable, the type of operation or operations of any parent corporation or entity, including the composition, structure, and functions of the workforce of the parent corporation or entity.

Undue hardship – (1) In general. Undue hardship means, with respect to the provision of an accommodation, significant difficulty or expense incurred by a covered entity, when considered in light of the factors set forth in paragraph (p)(2) of this section.

- (2) Factors to be considered. In determining whether an accommodation would impose an undue hardship on a covered entity, factors to be considered include:
 - (i) The nature and net cost of the accommodation needed under this part, taking into consideration the availability of tax credits and deductions, and/or outside funding;
 - (ii) The overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation, the number of persons employed at such facility, and the effect on expenses and resources;
 - (iii) The overall financial resources of the covered entity, the overall size of the business of the covered entity with respect to the number of its employees, and the number, type and location of its facilities;
 - (iv) The type of operation or operations of the covered entity, including the composition, structure and functions of the workforce of such entity, and the geographic separateness and administrative or fiscal relationship of the facility or facilities in question to the covered entity; and

(v) The impact of the accommodation upon the operation of the facility, including the impact on the ability of other employees to perform their duties and the impact on the facility's ability to conduct business.

Uniform Federal Accessibility Standards – Structural designs developed by the four federal agencies responsible for issuing standards under the Architectural Barriers Act of 1968. The Act requires that buildings and facilities designed, constructed, or altered with federal funds be accessible and these standards were developed to define what “accessible” means.

Undue Financial and Administrative Burden (title II) – Means an (extraordinary) circumstance where the necessary cost to make a facility accessible for a program would exceed the financial capacity and administrative resources available to a state or local government. A public entity must prove that compliance with §35.150(a) of title II regulations would result in such burdens. The decision that compliance would result in such burdens must be made by the head of a public entity or his or her designee after considering all resources available for use in the funding and operation of the service, program, or activity, and must be accompanied by a written statement of the reasons for reaching that conclusion. If an action would result in such burdens, a public entity must take any other action that would not result in such burdens but would nevertheless ensure that individuals with disabilities receive the benefits or services provided by the public entity.

Use Zone – The ground level area beneath and immediately adjacent to a play structure or play equipment that is designated by ASTM F 1487 (incorporated by reference, see “Referenced Standards” in Chapter 1) for unrestricted circulation around the play equipment and where it is predicted that a user would land when falling from or exiting the play equipment.

Used Vehicle – Means a vehicle with prior use.

Vanpool – Means a voluntary commuter ridesharing arrangement, using vans with a seating capacity greater than 7 persons (including the driver) or buses, which provides transportation to a group of individuals traveling directly from their homes to their regular places of work within the same geographical area, and in which the commuter/driver does not receive compensation beyond reimbursement for his or her costs of providing the service.

Variable Message Signs (VMS) – Non-interactive electronic signs with scrolling, streaming, or paging-down capability. An example of a VMS is an electronic message board at a transit station that displays the gate and time information associated with the next train arrival.

Viewing Area – An outdoor space developed for viewing landscapes, wildlife, or other points of interest. (See ABAAS.)

Vehicle – As the term is applied to private entities, does not include a rail passenger car, railroad locomotive, railroad freight car, or railroad caboose, or other rail rolling stock described in section 242 of title III of the Act.

Vehicular Way – A route provided for vehicular traffic, such as in a street, driveway, or parking facility.

Vertical Surface Discontinuities – Vertical differences in level between two adjacent surfaces.

Video Remote interpreting (VRI) Service – Means an interpreting service that uses video conference technology over dedicated lines or wireless technology offering high-speed, wide-bandwidth video connection that delivers high-quality video images as provided in § 35.160(d).

VMS – See Variable Message Sign.

Voice over Internet Protocol (VoIP) – A technology that provides real-time voice communications. VoIP requires a broadband connection from the user’s location and customer premises equipment compatible with Internet protocol.

Walk – An exterior prepared surface for pedestrian use, including pedestrian areas such as plazas and courts.

WC – Water Closet, also known as, toilet or commode.

Web page (or Webpage) – A non-embedded resource obtained from a single Universal Resource Identifier (URI) using HyperText Transfer Protocol (HTTP) plus any other resources that are provided for the rendering, retrieval, and presentation of content.

Web Content Accessibility Guidelines/WCAG – Are design criteria with the goal of providing a single shared standard for web content accessibility which meets the needs of individuals, organizations, and governments internationally.

Wheelchair [DOJ definition applying to titles II & III] – Means a manually operated or power-driven device designed primarily for use by an individual with a mobility disability for the main purpose of indoor, or of both indoor and outdoor locomotion. This definition does not apply to Federal wilderness areas; wheelchairs in such areas are defined in section 508(c)(2) of the ADA, 42 U.S.C. 12207 (c)(2).

Wheelchair [DOT definition applying to transportation services] – Means a mobility aid belonging to any class of three- or more-wheeled devices, usable indoors, designed or modified for and used by individuals with mobility impairments, whether operated manually or powered.

Wheelchair Space – Space for a single wheelchair and its occupant.

Work Area Equipment – Any machine, instrument, engine, motor, pump, conveyor, or other apparatus used to perform work. As used in this document, this term shall apply only to equipment that is permanently installed or built-in in employee work areas. Work area equipment does not include passenger elevators and other accessible means of vertical transportation.