

# ADA TITLE II TRANSITION PLAN

*prepared for*

**Gavilan College**  
5055 Santa Teresa Boulevard  
Gilroy, CA 95020  
Jeff Gopp



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ADA TITLE II TRANSITION PLAN  
OF  
GAVILAN COLLEGE  
5055 SANTA TERESA BOULAVARD  
GOLROY, CA 95020

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# 1. CERTIFICATION

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Bureau Veritas has completed a Comprehensive Accessibility Evaluation of the Gavilan College properties in Gilroy, California, in accordance with the requirements of 28 CFR Part 35, the 2010 ADA Design Standards for Accessible Design, and the State of California Building Code sections related to accessibility.

The conclusions and recommendations presented in this report are based on the evaluations of properties under the jurisdiction of the Gavilan College, associated documentation related to the properties, and input from the Gavilan College staff.

The conclusions and recommendations presented in this Transition Plan report are based on the evaluations of properties under the jurisdiction of Agency Name.

Accessibility evaluations were conducted by Bureau Veritas Project Architects and Project Engineers during site visits to individual properties. Project Architects' and Engineers' observations were made during site visits conducted in 2020. Cost estimates for barrier removal are planning level cost estimates based on Bureau Veritas's experience with similar properties.

The assessments were performed at the client's request using methods and procedures consistent with good commercial and customary practice for assessing compliance with the Title II provisions of the Americans with Disabilities Act (ADA), including the requirements of 28 CFR Part 35, and applicable state requirements. Accessibility barriers in areas which were not readily accessible, and/or may not have been visible, may exist. Individual facility reports describe property conditions at the time that the observations and research were conducted. The individual facility reports are not an engineering evaluation of physical conditions. The Self-Evaluation did not include engineering evaluations or engineering calculations to determine the adequacy of the park or facility's original design or to determine engineered cost estimates.

The opinions Bureau Veritas expresses in this report were formed utilizing the degree of skill and care ordinarily exercised by any prudent architect or engineer in the same community under similar circumstances. Bureau Veritas assumes no responsibility or liability for the accuracy of the information contained in this report, which has been obtained from the client or the client's representatives, from other interested parties, or from the public domain. The conclusions presented represent Bureau Veritas's professional judgment based on information obtained during the course of this assignment. The conclusions presented are based on the data provided, observations made, and conditions that existed specifically on the date of the assessments of individual properties.

Bureau Veritas certifies that Bureau Veritas has no undisclosed interest in the subject property, Bureau Veritas' relationship with the client is at arms-length, and that Bureau Veritas' employment and compensation are not contingent upon the findings or estimated costs to remedy any deficiencies.

This report has been prepared on behalf of and exclusively for the use of the Gavilan College for the purposes stated herein. The purpose for which this report shall be used shall be limited to the use as stated in the contract between the client and Bureau Veritas.

This report, or any of the information contained therein, is not for the use or benefit of, nor may it be relied upon by any other person or entity, for any purpose without the advance written consent of Bureau Veritas. Any reuse or distribution without such consent shall be at the client's or recipient's sole risk, without liability to Bureau Veritas.

If you have any questions regarding this report, please contact Bryon Scott, Senior Engineering Consultant, (800) 766-0660 x 6625.

**Certified by:**

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## 2. PURPOSE AND SCOPE

### 2.1 Overview of the AGENCY Name

Gavilan College prepares students to transfer to a university, get training in a skilled career, build academic skills, or attain needed classes for career advancement. As a relatively small community college, Gavilan College offers a more community-oriented and personalized experience than you might find at a larger school with high educational quality and access to technology.

The mission statement of Gavilan College is: Gavilan College actively engages, empowers, and enriches students of all backgrounds and abilities to build their full academic, social, and economic potential.

A Board of Trustees governs Gavilan College

Current staffing consists of [Insert staffing information (# full-time, # part-time, # funded by other sources, etc.).]

The Gavilan College facilities occupy 150 acres.

Physical amenities currently available within Gavilan College are:

AMENITY SUMMARY	
FACILITY	AMENITIES
Adapted Physical Education	Sports Facility
Art	Classrooms, Restrooms
Baseball Field	Sports Fields
Business	Classrooms, Restrooms
Chapel	Historic Structure
Community Development and Careers	Offices, Restrooms
Cosmetology	Classrooms, Salon, Restrooms
Coyote	Classrooms, Restrooms
Football/Track Storage	Sports Field
Golf Shed	Sports Field
Ground Supplies and Vehicle Storage	Maintenance Facility, Equipment Storage
Gymnasium	Sports Facility
Health Occupations Building	Classrooms, Restrooms
Hollister Center	Classrooms, Restrooms
Humanities	Classrooms, Restrooms
Library	Library, Offices, Restrooms
Life Science	Classrooms, Restrooms
Maintenance	Maintenance Facility, Equipment Storage
Mathematics	Classrooms, Restrooms
Mayock House	Historic Site
Multi-Purpose Building	Classroom, Restrooms
Music Hall	Classroom
Physical Science	Classroom, Restrooms
Pool Building	Pool, Lockerroom

<b>AMENITY SUMMARY</b>	
<b>Portable Buildings</b>	Classroom
<b>San Martin Aviation Building</b>	Hangers, Restrooms
<b>Security/Facilities Building</b>	Offices, Restrooms
<b>Site (Internal Paths)</b>	Parking, Sycamore Lane, connecting routes and ramps
<b>Soccer Field</b>	Sports Field
<b>Social Science</b>	Classroom, Restrooms
<b>Softball Field</b>	Sports Field
<b>Student Center/ Administration</b>	Office, Restrooms, Dining Hall
<b>Tennis courts</b>	Sports Field
<b>Theater</b>	Theater, Dressing Rooms, Restrooms
<b>Total Number of Amenities</b>	<b>34</b>

## 2.2 Purpose of the Transition Plan

The purpose of this Transition Plan is to plan accessibility compliance for Gavilan College with the requirements of Title II of the Americans with Disabilities Act (ADA) and applicable state regulations contained in the accessibility and related chapters of the California Building Code. The Transition Plan is part of the Self-Evaluation process required of Title II entities (state and local public agencies).

## 2.3 Basis for Probable Costs

The estimates for the repair and capital reserves items noted within this report are summarized in Section 3, and individual observation details are provided in Appendix A.

The estimates are based on invoice or bid documents provided either by the Owner/facility and construction costs developed by construction resources such as *R.S. Means* and *Marshall & Swift*, Bureau Veritas' experience with past costs for similar properties, city cost indexes, and assumptions regarding future economic conditions. Typically, barrier removal allowances are based upon the removal of the specific element being evaluated (for example, parking stalls, curb ramps, ramps). Grading plans based on field surveys using land surveyor instrumentation could result in significantly different material quantities and subsequent higher project costs. Bureau Veritas has no control over the final scope of work, pricing methods, and costs associated with a contractor constructing the project. The opinion of probable costs within this report cannot guarantee that the costs will accurately reflect the actual bids for construction.

## 2.4 Scope of Work

A Self-Evaluation is a governmental organizations' evaluation of its current services, policies and practices, and all physical facilities. The Self Evaluation comprises three components:

- Data gathering: assessments of individual physical properties and internal reviews of public services and programs, communications, and employment practices
- Transition Plan based on the physical and programmatic assessments
- Action necessary to make required additions or modifications to non-compliant elements

This Transition Plan represents the planned modifications to programs and physical facilities provided by Gavilan College. The Transition Plan is a summation and analysis of the barriers to the use of facilities.

## 2.5 Physical Barrier Assessments

A Bureau Veritas Subject Matter Expert visited each property within the Gavilan College to evaluate the facilities in accordance with the ADA and State of California Building Code and assess the existing property improvements' compliance with the Title II provisions of the Americans with Disabilities Act (ADA) and applicable state requirements.

The field observer conducted a thorough review of the facility to observe and identify barriers to accessibility and formulate recommendations to remedy the physical barriers. As a part of the review, the field observer met with a property representative with specific knowledge of the facility to gain a clear understanding of overall features, public use patterns, and relevant historical data. All features of the property are subject to observation, which includes but is not limited to parking lots, sidewalks, access ramps, and all common areas accessible to the public, as well as employee areas.

During the site walk-through, the field observer followed a Survey Form that meets or exceeds the current ADAAG format and utilizing a digital level, measuring tape, pressure gauge, and digital camera. The field observer identified and prioritized any existing improvements not in accordance with the applicable ADA requirements in the order of preference as set out by the DOJ in general categories and refined by Bureau Veritas.

The Bureau Veritas team assessed exterior and interior in order to identify existing conditions that are not in accordance with the applicable regulations. Examples of elements required to be accessible are:

- Parking- adequacy as to automobile number, van accessible number, signage, and markings
- Parking and passenger loading zones
- Accessible routes: sidewalks and paths, interior routes
- Space allowance and ranges
- Protruding objects
- Ground and floor surfaces
- Curb and other ramps; size, distance, slope, rails, and surface finishes
- Exterior and interior common stairs
- Platform lifts (wheelchair lifts)
- Entrances and exits to common areas and employee areas
- Handrails and grab bars
- Alarms (visual and audible) and warnings
- Signage, Braille, and visual
- Switches and outlets

Individual assessment reports for each property surveyed included:

- Summary of Findings for all amenity features (parking stalls, curb ramps, paths of travel, etc.)
- Individually recorded barriers
- Digital photos of observed deficiencies and representative photos of elements observed to be in compliance
- Geocode GPS references for the location of observed deficiencies
- Applicable ADA and State of California regulatory references
- Recommendations for viable corrective measures necessary to comply with regulations
- Planning level cost estimates for each barrier

Assessment results were tabulated into an ADA database using AssetCALC™, an online interactive database created by Bureau Veritas to manage ADA and state accessibility code information. The AssetCALC™ asset management database used by Bureau Veritas establishes an online database in [www.Assetcalc.net](http://www.Assetcalc.net), which is used to compile records of all deficiencies and accessibility barriers, store photos, and documents related to the individual facilities, and create reports. AssetCALC™ provides the ability to list, prioritize, query, and track accessibility barrier removals. Cost data in the database is calculated using rounding. Any minor discrepancies in the costs shown in this report are the result of rounding.

### 3. ACCESSIBILITY REQUIREMENTS

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The Americans with Disabilities Act (ADA) of 1990 provides comprehensive, wide-ranging rights and protections to individuals with disabilities in the areas of employment, public accommodations, state and local government services, and telecommunications. Many consider it to be one of the most important civil rights laws since the Civil Rights Act of 1964. The goal of the ADA is to ensure equality of opportunity, full participation, and independent living to all individuals, including those with disabilities; it expressly prohibits all state and local governments and most private businesses from discriminating on the basis of disability. The ADA provides a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities. The ADA includes the definition of a disability, and in 2008, the ADA Amendments Act expanded and better defined the definition of a disability.

The ADA defines a disability, with respect to an individual, in one of three ways: a physical or mental impairment that substantially limits one or more major life activities; a record or history of such impairment; or regarded as having such as an impairment. Major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

The ADA is divided into 5 Titles: Employment, Public Services, Public Accommodations and Commercial Facilities, Telecommunications, and Miscellaneous Provisions. This report focuses on the Title II requirements.

The Department of Justice (DOJ) is responsible for the enforcement of the provisions of the ADA other than employment policy related issues. The United States Department of Justice's regulations implementing Title II of the ADA dictate that local governments and public agencies such as [Agency Name](#) must evaluate their services, programs, policies, and practices and identify barriers that may limit accessibility for individuals with disabilities and develop transition plans describing how they will address identified barriers.

In 2010, the Department of Justice issued revised and expanded ADA regulations. The new regulations revised and updated earlier standards as well as included new standards for various recreational uses such as play equipment, amusement rides, fishing piers, etc. These are collectively called the 2010 ADA Standards for Accessible Design (the "2010 Standards"). These new standards guide all new park construction and renovation projects. All facilities and parks have been evaluated and audited using the 2010 Standards.

Generally, Title II of the Americans with Disabilities Act (ADA) prohibits discrimination by public entities to access and use of on the basis of disability. In addition, public agencies must provide program access to all programs of the agency. Program, as used in the phrase "program access", is defined by the Department of Justice as "programs, facilities, and activities" of the public agency. Regardless of their age, programs, facilities, and activities must be maintained and operated to comply with the Americans with Disabilities Act Accessibility Guidelines (ADAAG), and applicable state and local accessibility regulations.

Buildings completed and occupied after January 26, 1992 are required to comply fully with ADAAG. Existing facilities constructed prior to this date are held to the lesser standard of complying to the extent allowed by structural feasibility and the financial resources available, or a reasonable accommodation must be made. However, program access by the public is still required.

A full explanation of the ADA is located in Appendix A.

## 4. COMPLIANCE STRATEGY

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The proposed strategy for ADA compliance is a multi-phase approach for facility access as well as programmatic access. The goal of this strategy is to ensure that the programs, services, and opportunities offered by Gavilan College are accessible to the students, staff and guest of the Gavilan College community, regardless of abilities, yet provide a realistic plan for barrier removal, which is within the fiscal capabilities of the Gavilan College.

The provision of facility access is proposed to be based on a park/facility level, with the initial focus on the highest use properties. As its foundation, the proposed strategy is to ensure amenities which are in highest demand are accessible, subject to various limitations such as technically infeasible conditions and funding limitations. The strategy takes into account numerous factors such as usage levels, amenity uniqueness, and other factors. This strategy will enable the best use of available funds to provide the optimal facility access to the College programs for all students, staff and guest.

Programmatic access will be an ongoing effort. Gavilan College will initiate efforts to improve facility access, develop, and expands its review of its many programs with a focus on policy initiatives, inclusion, and reasonable accommodation needs. Not all barriers must be removed, as long as the disabled community is accommodated, and the unique programs, facilities, and services of the Gavilan College are made available for disabled users. Selected recurring amenities will be made barrier-free, so that at least one of each type of amenity is accessible.

Proceeds from Measure X Bond Measure will fund the completion of this Transition Plan.

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## 5. PRIORITIES

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### 5.1 Facility Priorities

The Gavilan College has established an accessibility priority rating for facilities using public usage criteria and alignment with current capital plans. Priorities 1 through 4 remediate barriers in facilities not defined in priorities 6 through 10: Priorities 6 through 10 align with defined capital plans.

1. Path of Travel
2. Path of Travel, Restrooms
3. Restrooms
4. Restrooms other Reach Range
5. Campus exterior Routes
6. Life Science Cluster
7. Theater
8. Grounds, Maintenance, Security
9. Library, Portable Buildings
10. Chapel, Mayock House

The number of amenities, services, and programs available at a facility is primary factors affecting facility usage levels. The distance required to travel from parking, proximity to public transportation, and safety are secondary factors affecting usage.

### 5.2 Barrier Priorities

The scope of the individual assessments were limited to exterior site features and amenities, specifically accessible parking and exterior accessible pedestrian paths of travel to and from all amenities and features provided at each site. Elements assessed included amenities such as parking, playgrounds, and restroom interiors. Bureau Veritas prioritized each of the captured barriers based on Department of Justice (DOJ) criteria focusing on the primary scope of work. Interior spaces such as common corridors, public restrooms, and other interior elements along the common path of travel, such as water fountains, that are the responsibility of the property owner, were included.

Per DOJ Guidelines, *people with disabilities should be able to arrive on the site, approach the building or facility and its amenities, and enter as freely as everyone else.*

The following priority levels have been used to assign priorities to barriers within each property and facility.

#### **Priority 1: Path of Travel-**

**Accessible Van Parking** – Access to a public facility begins with accessible parking. Van accessible parking is deemed the most important barrier. Those with the most severe disabilities tend to require a van accessible space to accommodate their vehicle and mobility device. In addition, when only the minimum number of accessible spaces is required, it must be a van accessible space. This priority includes all barriers associated with the compliance of a van accessible space including signage, restriping, constructing or reconfiguring the pavement to accommodate the required number of spaces.

**Accessible Car Parking** – Access to a public facility begins with accessible parking. Car accessible parking is deemed the second most important barrier. This priority includes all barriers associated with the compliance of a van accessible space including signage, restriping, constructing or reconfiguring the pavement to accommodate the required number of accessible spaces.

**Accessible Approach and Entrances** – A public agency is required to take measures to provide access to a place of public accommodation and employee areas from public sidewalks, parking, or public transportation. The DOJ dictates the minimum width, cross and running slope, signage, and handrail requirements associated with pedestrian accessible routes of travel. These measures include, for example, installing an entrance ramp, correcting tripping hazards or lessening the slope of a curb ramp. At least one route of travel to each amenity or feature should be safe and accessible for everyone, including people with disabilities.

**Priority 2: Elements used for programs, services, and activities-** Barriers may include play equipment, picnic tables, public counters, benches, and trash receptacles.

**Priority 3: Restrooms, Signage** - Barriers may include widening of toilet stalls, installation of grab bars, and lowering lavatories and mirrors.

**Priority 4: Access to Auxiliary Features and Amenities** – A public agency is required to take measures to provide access to auxiliary features and amenities along paths of travel, for instance, kiosks, water fountains, and kitchen appliances.

**Priority 5: Employee-only Areas-** Employee-only areas are required to have accessible entrances and exits, and accessible paths of travel within interior work areas and work stations. Corridors in employee-only areas, employee-only restrooms, employee-only kitchens and employee-only break rooms are considered public areas (rather than employee-only areas) under the ADA, and therefore, are required to fully comply with accessibility regulations governing those types of areas.

Employee areas have been set as the lowest priority, due to the fact that the total estimated cost for barrier removal in public areas is the more pressing need.

Some of the existing accessibility barriers require a minimal amount of effort or expense to remove, and are found throughout the system. These types of barrier removals are called "Low Hanging Fruit," or easy barrier removal. "Low hanging fruit" is defined as accessibility barrier removal which can be incorporated into recurring work being completed on a life cycle basis, and which is relatively low in cost.

## 6. AGENCY NAME FUNDING LEVELS

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As part of the Measure X bond measure, proceeds from the bond and planned capital improvements are being used to cover the remediation cost of this Transition Plan.

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## 7. TRANSITION PLAN COMPONENTS

### 7.1 Overview

The 2021 Transition Plan is a snapshot in time to evaluate and prioritize accessibility barrier removal throughout the Gavilan College system. The Transition Plan will be a living document and not a static view of the existing state of ADA compliance at Gavilan College. As such, it can be modified and updated on a periodic basis to reflect barrier removal efforts, changes in economic conditions, new and revised strategies, and reflect future public input.

The Transition Plan is a flexible document, as strategies, priorities, and funding opportunities change. Gavilan College's demographics may vary from the current demographic composition of Santa Clara County. Public preferences or facility use may change, while funding priorities and funding levels may change as well.

The Transition Plan will require modification as conditions and priorities are changed, new ADA requirements are issued by DOJ, and/or unanticipated policy, or fiscal needs shifts occur. To further complicate the difficulty of setting priorities, the Gavilan College system is intertwined with other entities, such as Santa Clara County, so that funding for corrective actions on facilities extends beyond the immediate control of its own boundaries.

As the ADA Coordinator, **Jeff Gopp**, for Gavilan College, is responsible for updating Gavilan College's Transition Plan. At a minimum of at least once a year, the Transition Plan should be updated, noting the barriers removed and any changes to the funding noted. Jeff Gopp can be reached at [JGopp@gavilan.edu](mailto:JGopp@gavilan.edu) Phone #.

### 7.2 System Barrier Summary

The removal of all identified physical accessibility barriers in the system is estimated to cost \$3,543,725. The existing barrier planning level cost estimate totals are summarized in Table 7.2 below:

Facility / Building	Priority 1		Priority 2		Priority 3		Priority 4		Priority 5		Total	
	Est. Cost	Items	Est. Cost	Items	Est. Cost	Items	Est. Cost	Items	Est. Cost	Items	Est. Cost	Items
ADAPPTED PHYSICAL ED	\$1,090	2			\$8,120	11					\$9,210	13
ART	\$8,431	13	\$7,289	3	\$2,626	8	\$4,545	6			\$22,891	30
BASEBALL FIELD	\$6,905	10	\$1,261	2							\$8,166	12
BUSINESS	\$135,985	22			\$3,468	8					\$139,453	30
CHAPEL	\$148,952	7									\$148,952	8
COMMUNITY DEV. & CAREERS	\$46,374	18	\$326	1	\$13,185	17	\$3,778	5			\$63,663	41
COSMETOLOGY	\$115,452	13	\$3,220	3	\$10,046	16					\$128,718	32
COYOTE	\$4,018	6	\$1,805	1	\$18,349	35					\$24,172	42
FOOTBALL/TRACK STORAGE	\$4,951	5									\$4,951	5
GOLF SHED	\$51,776	13	\$1,805	1	\$24,000	2	\$280	1			\$77,861	17
GROUNDS SUPPLIES AND VEHICLE STORAGE	\$5,562	5									\$5,562	5
GYMNASIUM	\$11,274	7	\$2,186	3	\$6,942	4					\$20,402	14
HEALTH OCCUPATIONS BLDG	\$32,522	15			\$7,803	10	\$1,098	1			\$41,423	26
HOLLISTER CENTER	\$4,026	11	\$3,610	10	\$7,850	27	\$2,500	4			\$17,986	52

HUMANITIES	\$21,980	14			\$1,212	4				\$23,192	18
LIBRARY	\$158,855	40	\$5,009	7	\$49,993	41	\$11,694	5		\$225,551	93
LIFE SCIENCE	\$77,204	15			\$17,074	19	\$1,098	1		\$95,376	35
MAINTENANCE	131,508	8			\$293	1				131,801	9
MATHEMATICS	\$17,369	13	\$1,805	1			\$115	1		\$19,289	15
MAYOCK HOUSE	\$136,219	12	\$22,608	3	\$12,000	1				\$170,827	16
MULTI-PURPOSE BLDG	\$18,054	12	\$5,009	7	\$13,814	25	\$1,759	5		\$38,636	49
MUSIC HALL	\$49,654	8	\$3,260	1						\$52,914	9
PHYSICAL SCIENCE	\$13,132	14	\$230	1			\$2,200	2		\$15,562	17
POOL BUILDING	\$1,210	3								\$1,210	3
PORTABLE BLDGS	\$153,780	13					\$2,196	2		\$155,976	15
SAN MARTIN AVIATION	\$3,833	18	\$230	2	\$4,700	16	\$3,196	5		\$11,959	41
SECURITY/FACILITIES	\$1,464	2	\$110	1	\$5,736	3				\$7,310	6
SITE (Internal Paths)	\$965,224	172	\$15,322	9			\$2,240	4		\$982,786	186
SOCCER FIELD	\$47,402	8	\$1,750	1						\$49,152	9
SOCIAL SCIENCE	\$111,393	29	\$115	1	\$2,288	11				\$113,796	41
SOFTBALL FIELD	\$5,323	5	\$1,031	1	\$2,498	4				\$8,852	10
STUDENT CENTER/ADMIN	\$21,166	7	\$8,495	4	\$22,747	17				\$52,408	28
TENNIS COURTS	\$461,279	8					\$280	1		\$461,559	9
THEATER	\$141,622	11	\$36,536	8	\$34,002	5				\$212,160	24
<b>Grand Total</b>	<b>\$3,114,991</b>	<b>1559</b>	<b>\$123,009</b>	<b>71</b>	<b>\$268,746</b>	<b>285</b>	<b>\$36,979</b>	<b>43</b>		<b>\$3,543,725</b>	<b>960</b>

For the accessibility summaries of individual facilities, see Appendix B.

### 7.3 Barrier Removal Strategy

The Gavilan College has adopted a multi-phase strategy using the ranking criteria of facility usage levels to determine the phases for barrier removal. The long-term goal is to make all unique amenities and at least one of each type of recurring amenity accessible. In order to meet the programmatic requirement for accessibility of programs, facilities, and services to the disabled by local agencies, the District will make accommodations for the disabled when requested. For further explanation of the obligations of a public agency, see Appendix A, section 1.2.1.

The planned phases for barrier removal are:

1. Path of Travel
2. Path of Travel, Restrooms
3. Restrooms
4. Restrooms other Reach Range
5. Campus exterior Routes
6. Life Science Cluster
7. Theater
8. Grounds, Maintenance, Security
9. Library, Portable Buildings
10. Chapel, Mayock House

The planning level cost estimates for each phase are summarized below:



Phases	Estimated Cost	Barriers
1 Path of Travel	\$424,341.00	129
2 Path of Travel, Restrooms	\$763,214	137
3 Restrooms	\$118,040	138
4 Restrooms other Reach Range	\$72,545.00	132
5 Campus exterior Routes	\$982,786	186
6 Life Science Cluster	\$130,227	67
7 Theater	\$212,61	24
8 Grounds Maintenance, Security	\$139,111	15
9 Library and Portable Buildings	\$381,527	108
10 Chapel and Mayock House	\$319,779	24
<b>Totals</b>	<b>\$3,543,731</b>	<b>960</b>

NOTE: Due to rounding, the totals shown in this table and the individual tables in the Appendices differ from Table 7.2,

See Appendix C for the full listing of barriers in each phase.

## 7.4 Conclusion

The establishment of planned phases for barrier removal is determined by the criteria adopted by Gavilan College, the regulations of the Americans with Disabilities Act, and by the necessity to schedule barrier removals within an established framework. The timing of the completion of each phase of barrier removal is subject to a number of factors. The framework timeline will be determined by the following factors, as well as potential unknown additional factors, which will determine any changes to and specificity of the Transition Plan, which may be required in future years:

- Funding sources and funding timelines
- Level of ADA barrier removal, with the highest ranking given to the highest use areas
- Opportunity to combine ADA barrier removal with scheduled capital improvements, such as playground replacements, parking lot renovations, restroom repairs or park reconstruction
- Development of a work program to eliminate "low hanging fruit" (easily removed barriers)
- Realistic time frame for accomplishment based on fiscal capability
- Demographic distributions
- Input from the community

Planning level estimated values for barrier removal will change over time due to inflation, changes in construction practices and materials, and unanticipated changes or additions to accessibility regulations. It is expected that the total cost of required accessibility barrier removal will change over time due to the completion of individual barrier removal efforts and due to funding of capital projects which incorporate barrier removal in the immediate and distant future.

## 8. APPENDICES

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Appendix A - ADA Title II Requirements

Appendix B - Accessibility Summaries by Facility

Appendix C - Barriers by Transition Plan Phase

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**APPENDIX A**  
**ADA TITLE II REQUIREMENTS**



## The Americans with Disabilities Act

With the passage of the Americans with Disabilities Act in 1990, people with disabilities were, for the first time, assured of access to all programs and services provided by state and local government agencies. Previously, under Section 504 of the Rehabilitation Act of 1973, as amended, only those public entities that receive federal funding were explicitly prohibited from discriminating on the basis of disability. Title II of the Americans with Disabilities Act applies Title I regulations to most public entities and became effective on January 26, 1992.

The Americans with Disabilities Act is divided into five areas, Titles I through V.

Title I- Employment: Title I of the Americans with Disabilities Act prohibits all employers, including government agencies, from discriminatory practices in the hiring, training, advancement, compensation, or discharge of any employee, or in any terms, conditions, and rights of employment.

Title II- Public Services: Title II of the American Disabilities Act, which governs state and local government entities, prohibits all public entities, even those completely independent from federal funding, from discriminating against people with disabilities. Generally, Title II of the Americans with Disabilities Act (ADA) prohibits discrimination by state and local government entities to access and use of "areas of public accommodations" and "public facilities" on the basis of disability.

Title III- Public Accommodations and Commercial Facilities: Title III requires places of public accommodation (privately funded and operated facilities) and commercial facilities that serve the public to be accessible to and usable by people with disabilities.

Title IV- Telecommunications: Title IV covers private telecommunication carriers offering services to the public to increase the availability of interstate and intrastate telecommunication relay services to individuals with hearing and speech impairments.

Title V- Miscellaneous Provisions: Title V contains miscellaneous provisions, including construction standards and practices, provisions for attorneys' fees, and technical assistance provisions.

Terms such as "Public Entity" and "Governmental Agency" are applicable to Title II entities, which are defined as state and local governments.

The Department of Justice (DOJ) is tasked with enforcement of the ADA.

## Scope of Title II

Title II is divided into two subtitles. This discussion focuses only on Subtitle A, which is implemented by the Department of Justice's Title II regulation at 28 CFR § Part 35. Subtitle B covers public transportation and is implemented by the Department of Transportation's regulation. Subtitle B provisions are not applicable to this report, since parks are not a mode of public transportation. The use of the term "Title II" anywhere in the Transition Plan report refers only to Subtitle A.

## 28 CFR §35.102 Application

(a) Except as provided in paragraph (b) of this section, this part applies to all services, programs, and activities provided or made available by public entities.

(b) To the extent that public transportation services, programs, and activities of public entities are covered by Subtitle B of Title II (42 U.S.C.12141) of the ADA, they are not subject to the requirements of this part.

The obligation to comply with Title II extends to all public entities, including:

- Any state or local government
- Any department, agency, special purpose district, or other instrumentality of a state or local government

All local agencies, including municipalities, are required to comply with Title II because they are considered "instrumentalities" of the state government. All programs, activities, and services of local government, including municipalities, must be in compliance with Title II. Examples of activities covered include:

- The operation of all services and programs offered by the entity;
- All aspects of the employment relationship; and
- Services carried out by contractors.

Title II covers any and all events the local government system offers, for example, any public meetings, entertainment or lecture series, all events offered by the school system including after-school activities and social events, festivals or other special events, and all services provided for the public or staff. Services provided by any private contractors on behalf of the municipal system must also comply fully with relevant provisions of Title II.

Under Title II, a public entity (i.e. governmental agency) shall 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 local government may not deny the benefits of its programs, activities and services to individuals with disabilities because its facilities are inaccessible.

Public meeting rooms must be accessible to people with disabilities. Buildings where public meetings, services, programs or activities take place must provide access to telephones and restrooms, if provided, for people with disabilities as well as the general public. When a program, service or activity is scheduled in an inaccessible location and a person with a disability notifies the agency of their desire or need to participate, that program, service or activity must be moved to an accessible location.

The government must maintain equipment and features of facilities in working order, if those features and equipment are required to provide ready access to individuals with disabilities. Isolated or temporary interruptions in access due to maintenance and repair of accessible features are not prohibited. For example, where the governmental agency must provide an accessible route, the route must remain accessible and not blocked by obstacles such as furniture, filing cabinets, or potted plants. An isolated instance of placement of an object on an accessible route, however, would not be a violation if the object is promptly removed. Similarly, accessible doors must be unlocked when the governmental agency's offices are open for business.

Mechanical failures in equipment such as elevators or automatic doors will occur from time to time. The obligation to ensure that facilities are readily accessible to and usable by individuals with disabilities would be violated if repairs are not made promptly or if improper or inadequate maintenance causes repeated failures.

However, this does not --

- (1) Necessarily require a public entity to make each of its existing facilities accessible to and usable by individuals with disabilities;
- (2) Require a public entity to take any action that would threaten or destroy the historic significance of an historic property; or
- (3) Require a public entity to take any action that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity or in 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 with 35.150(a) of this part 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 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 an alteration or such burdens, a public entity shall take any other action that would not result in such an alteration or such burdens but would nevertheless ensure that individuals with disabilities receive the benefits or services provided by the public entity.



In summary, Title II requires state, county, and city governments to ensure that all of their programs, services, and activities, when viewed in their entirety, are accessible to people with disabilities. Program access is intended to remove physical barriers to state, county, and city services, programs, and activities, but it generally does not require that a government agency make each facility, or each part of a facility, accessible. For example, all restrooms in a facility may not be accessible. However, signage directing people with disabilities to the accessible features and spaces in a facility, including at least one accessible restroom, should be provided.

Program accessibility may be achieved in a variety of ways. State, county, and city governments may choose to make structural changes to existing facilities to achieve access, or can pursue alternatives to structural changes to achieve program accessibility. For example, governments can move public meetings to accessible buildings, or can relocate services for individuals with disabilities to accessible levels or sections of buildings. When choosing between possible methods of program accessibility, governments must give priority to the choices that offer services, programs, and activities in the most integrated setting appropriate. [28 C.F.R. § 35.149, 35.150, 35.151, 35.163]

## Definition of Disability

The ADA stipulates a three-pronged definition of disability. Disability is defined as an individual who:

- Has a physical or mental impairment that substantially limits one or more major life activities; or
- Has a record or history of such an impairment; or
- Is perceived or regarded as having such an impairment;
- Major life activities encompasses activities such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working. [28 CFR § 35.104]

## Human Resources

The ADA requires equal opportunity for the disabled in all areas of employment practices, including the application process, interviewing, testing, hiring, job assignment, evaluation, discipline, medical examinations, compensation, promotion, on-the-job training, layoff/recall, termination, leave and benefits such as health insurance. The non-discrimination requirement applies to the hiring process, as well as employees.

The ADA requires that all employees be provided equal access to benefits, such as health insurance, regardless of disability. However, the regulations also indicate that certain restrictions, such as pre-existing condition waiting periods or caps on particular types of services, such as out-patient physical therapy, are permissible unless proven to be a subterfuge for discrimination.

The ADA requirements for the hiring protocol and all areas of responsibility of the human resources department extend to seasonal workers, workers covered by collective bargaining agreements and works who may be hired through outside agencies. Volunteers, interns or student teachers who may be placed at an agency program or recruiters are not necessarily defined as government employees.

An important factor in the Self-Evaluation process is the identification of unionized employees and the terms of union agreements. For example, the terms of a collective bargaining agreement may include job restructuring or reassignment requests, which may affect seniority provisions. If the granting of requests would create an undue hardship, the Equal Employment Opportunity Commission (EEOC) has the authority to determine on a case-by-case basis whether the claim of undue hardship is valid.

Employment regulations treat alcohol and drug use differently. Alcoholism is recognized as a disability under the ADA; however, employers do not have to tolerate poor work performance due to alcoholism. If a person with alcoholism is provided only one paid leave for treatment of the alcoholism, while persons with different diseases are provided multiple paid leave, then such a provision is a violation of the ADA.

The ADA does not protect an individual currently engaging in the illegal use of drugs. However, a person with a history of drug addiction who (1) has been successfully rehabilitated or is participating in a drug rehabilitation program and (2) is not engaging in the illegal use of drugs is protected if the person is a qualified individual with a disability. An individual who is erroneously regarded as being a drug addict is also protected. [28 CFR § 35.104, 131]

## Communications

People who have disabilities that affect hearing, seeing, speaking, reading, writing or understanding may use different ways to communicate than people who do not. Governmental agencies are required to take steps to ensure that the agency's communications with people with disabilities are as effective as communications with others. [28 CFR § 35.160(a)(1)]

This effective communication requirement applies to all members of the public with disabilities, including job applicants, program participants, and even people who simply contact state or local government agencies seeking information about programs, services, events or activities. The requirement applies to all agencies and to all modes of communication including written, spoken, telecommunications, television and video. Specifically, where the governmental agency communicates by telephone with applicants and any other person, text phones (TTY's) or equally effective telecommunications systems are required to be used for individuals who are deaf, hard of hearing, or have speech impairments. [28 CFR § 35.161]

When the government 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 for real-time communication with individuals using auxiliary aids and services, including TTY's and all forms of FCC-approved telecommunications relay system, including Internet-based relay systems. [28 CFR § 35.161]

Under 28 CFR § 35.161, the ADA requires that all Public Safety Answering Points (PSAPs) provide direct and equal access to their services for people with disabilities who use text phones (TTYs). All basic emergency services are included in this requirement. Both primary and secondary PSAPs have the same responsibilities under the ADA. To be in compliance, every call-taking position within the PSAP must have its own TTY or TTY-compatible equipment.

Additionally, telephone emergency services, including 911 services, shall provide direct access to individuals who use telecommunication devices for the deaf (TDD's) or computer modems. [28 CFR § 35.162]

The governmental agency must provide equal access to the programs, services and activities available on the agency's website(s). This can include making websites accessible to people with disabilities, or providing an alternative format for people to access the information, programs and services available through the web. In order to aid development of a government website which is accessible, the web administrator can consult the Web Content Accessibility Guidelines, developed by the Web Content Accessibility Working Group, which is part of the World Wide Web Consortium Web Accessibility Initiative, and available at <http://www.w3.org/TR/WCAG20>.

When an auxiliary aid or service is requested, the Department must provide an opportunity for the requester to specify aids or services of their choice, and that choice must be given primary consideration. There are many types of auxiliary aids and services that may be used to provide effective communication for people with disabilities, but not all ways work for all people or even for people with the same type of disability. The law does not require the agency to provide every one of these aids and services, but it does require that each person who interacts with the agency receives effective communication. [28 CFR § 35.160]

### Requirements for an ADA Coordinator

A Title II entity with more than 50 employees must designate an ADA Coordinator who coordinates agency efforts to comply with and carry out the responsibilities of the ADA. The coordinator provides a single point of contact for members of the public about ADA and the agency. In order to ensure that individuals can easily identify the ADA Coordinator, the governmental agency must provide the ADA Coordinator's name, office address, and telephone number to all interested individuals [28 CFR § 35.107].

The ADA Coordinator facilitates compliance with the ADA and provides expertise regarding the American Disability Act and ADA Standards. The ADA coordinator receives and investigates complaints related to discrimination on the basis of disability.

Under 28 CFR § 35.107, a grievance procedure is required for public entities of 50 or more employees. Title II entities are required to adopt and publish grievance procedures providing for prompt and equitable resolution of complaints alleging any action that would be prohibited by 28 CFR § 35.

## **New Construction and Alterations**

A public Title II entity may not deny the benefits of its programs, activities, and services to persons with disabilities because its existing facilities are inaccessible. Thus, it is the general availability of a program to persons with disabilities that must be evaluated, not compliance with facility standards developed for new construction and alterations.

While state and local governments may wish to measure the accessibility of their existing buildings against the scoping and technical provisions in the 2010 Standards, program accessibility may be achieved without making every existing facility - or every part of an existing building - accessible. Alternatives to building retrofit can include the temporary relocation of an activity to an accessible facility or the delivery of the service or benefit by other means. In many cases, however, permanent construction that provides physical access may be the most efficient and economical approach to program access, particularly when life cycle costs are considered.

Although physical changes are required only when there is no other feasible way to make a program accessible, public entities are nevertheless required to give priority to methods that result in the most integrated setting appropriate. The program access obligation is limited: title II entities do not have to take actions that they can demonstrate would result in a fundamental alteration in the nature of a program or that would impose undue financial or administrative burdens.

In compliance with 28 CFR §35.151 (c), if new construction and alterations to a facility were begun prior to September 15, 2010, then the facility or portion of the facility that is affected by the alteration shall comply with the 1991 standards. If new construction and alterations to a facility were begun on or after September 15, 2010, and before March 15, 2012, then either the 1991 standards or the 2010 ADA Standards for Accessible Design are applicable. For all new construction or alterations begun on or after March 15, 2012, the 2010 ADA Standards for Accessible Design are applicable. New construction and alterations must fully comply with all applicable 2010 ADA Standards for Accessible Design if begun on or after March 15, 2012.

The DOJ definition of the commencement of construction is the establishment of a physical object, such as a foundation wall, rather than the groundbreaking first shovel and initial grading of the site.

Existing facilities (including all buildings, exterior facilities, and the on-site access to them) constructed prior to January 26, 1992, and not altered in any way since that date, are held to the lesser standard of complying, with the extent allowed by structural feasibility and the financial resources available, or when a reasonable accommodation can be made.

If the cost of providing a path of travel to an altered facility is more than 20% of the cost of the alteration to the primary function area, then the cost is disproportionate to the overall area and therefore not required. Costs that may be considered as part of the cost of providing an accessible path of travel may include: (1) the costs associated with providing an accessible entrance and an accessible route to the altered area, for example, the cost of widening doorways or installing ramps; (2) costs associated with making restrooms accessible, such as installing grab bars, enlarging toilet stalls, insulating pipes, or installing accessible faucet controls, if the restroom is not the primary function of the area (e.g. the restroom is not in a highway rest area); (3) costs associated with providing accessible telephones, such as relocating the telephone to an accessible height, installing amplification devices, or installing a text telephone (TTY); and (4) costs associated with relocating an inaccessible drinking fountain. [28 C.F.R. § 35.151(b)(4)(iii)]

When the cost of alterations necessary to make the path of travel to the altered area fully accessible is disproportionate to the cost of the overall alteration, the path shall be made accessible to the extent that it can without incurring disproportionate costs. In choosing which accessible elements to provide, priority should be given to those elements that will provide the greatest access, in the following order: (1) an accessible entrance; (2) an accessible route to the altered area; (3) at least one accessible restroom for each sex or a single unisex restroom; (4) accessible telephones; (5) accessible drinking fountains; and (6) when possible, additional accessible elements such as parking storage and alarms. [28 CFR § 35.151(b)(4)(iv)] A series of smaller alterations cannot be used to evade the requirement if the alterations are served by a single path of travel. [28 C.F.R. § 35.151(b)(4)(v)]

## Safe Harbor

The 2010 ADA Standards for Accessible Design use the terms incremental change and supplemental change. Incremental changes are those elements which were requirements under the 1991 standards, but which were changed in some way under the 2010 standards. Supplemental changes are those regulations or regulatory areas which were not included in the 1991 standards, but are included in the 2010 standards.

"Safe harbor" is the term used in the 2010 ADA Standards to describe situations where the 2010 incremental changes to the ADA regulations are not required if alterations to the building or facility are not made. Specifically, "safe harbor" applies to a path of travel. "A 'path of travel' includes a continuous, unobstructed way of pedestrian passage by means of which the altered area may be approached, entered, and exited, and which connects the altered area with an exterior approach (including sidewalks, streets, and parking areas), an entrance to the facility and other parts of the facility." [28 CFR § 35.151(b)(4)(ii)] "An accessible path of travel may consist of walks and sidewalks, curb ramps and other interior or exterior pedestrian ramps; clear floor paths through lobbies, corridors, rooms, and other improved areas; parking access aisles; elevators and lifts; or a combination of these elements. For the purposes of the section the term 'path of travel' also includes the restrooms, telephones and drinking fountains serving the altered area." [28 C.F.R. § 35.151(b)(4)(ii)(B)]

Safe harbor applies only if a building or facility built after July 26, 1992 was compliant with the 1991 standards prior to the enforceable date of the 2010 regulations, which is March 15, 2012. "Safe harbor" is granted to facilities or buildings if and only if the facilities are fully in compliance with the 1991 standards prior to March 15, 2012. However, if alterations are made after March 15, 2012, the alteration of the building or facility must fully comply with the 2010 standards, and any other portions of the existing building or facility that are substantially affected by the alteration in terms of their use, must also comply with the 2010 standards. "Safe harbor" does not apply to areas of supplemental change. For instance, the 2010 standards include regulations for exercise equipment or exercise areas, play areas, recreational boating, mini-golf, swimming pools, bowling, and court sports, but those regulations are not governed by "safe harbor." Other supplemental changes not enumerated here are also not covered by "safe harbor". [28 C.F.R. § 35.151(b)(4)(ii)(c)]

For example, one of the regulated areas where "safe harbor" makes an impact is in a single occupant restroom. The 2010 ADA Standards for Accessible Design require a clear floor space next to the water closet, while the 1991 ADAAG allows the lavatory to overlap the clear space. The intent of the new provisions is to allow space for a side transfer to the water closet. The 2010 ADA Standards allow the door to swing into the bathroom as long as there is a clear floor space past the swing of the door, so that a person can enter the room, shut the door and then maneuver. The 1991 ADAAG does not allow the door swing and the clear floor space to overlap for any of the fixtures. While the 2010 standards do not allow clear space overlap in multi-stall bathrooms, overlap is allowed in single occupant bathrooms.

## Undue Burden

A public entity must operate each service, program, or activity so that when viewed in its entirety, the service, program, or activity is readily accessible to and usable by individuals with disabilities. This does not necessarily require the public entity to make each of its facilities accessible to and usable by individuals with disabilities. Additionally, a public entity is not required to take any action that would threaten or destroy the historical significance of an historic property.

If the state or local government agency can demonstrate that an action would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens, then the decision must be made in a written statement describing the reason for the conclusion, and the decision must be made by the head of the government agency, or his or her designee after considering all resources available for use in the funding and operation of the service, program, or activity. The public entity has the burden of proof that compliance with 28 CFR § 35.151 would result in such alterations or burdens.

If an action would result in a fundamental alteration of the service, program, or activity or in undue financial and administrative burdens, the Title II entity shall take any other action to ensure that individuals with disabilities receive the benefits or services provided by the state or local government agency.

## Self-Evaluation Requirements

A Self-Evaluation is a governmental organizations' evaluation of its current services, policies and practices, and all physical facilities. The Self Evaluation comprises three components: 1. Data gather/assessments/internal reviews, etc., 2. The Transition Plan, and 3. Action to make necessary modifications. A government entity is required to conduct a Self-Evaluation within one year of the effective date of 28 CFR § 35.105, the effective date being March 15, 2011. All governments were required to complete a Self-Evaluation of their facilities, programs, policies, and practices by January 26, 1993. The evaluation required by March 15, 2012 is required to cover any and all areas that were not covered under the previous Self-Evaluation, including any programs or facilities that were altered since the previous Self-Evaluation. If a previous self-evaluation was not conducted, then the Self-Evaluation required by March 15, 2012 must include all facilities, services, policies, and practices.

The Self-Evaluation identifies and corrects those policies and practices that are inconsistent with Title II's requirements. Self-Evaluations should consider all of a local government's programs, activities, and services, as well as the policies and practices that a governmental agency has put in place to implement its various programs and services. Remedial measures necessary to bring the programs, policies, and services into compliance with Title II should be specified -- including, but not limited to: (1) relocation of programs to accessible facilities; (2) offering programs in an alternative accessible manner; (3) structural changes to provide program access; (4) policy modifications to ensure nondiscrimination; and (5) auxiliary aids needed to provide effective communication. [28 CFR §§ 35.105, 35.150(d)] The Self-Evaluation process identifies those policies and practices that are inconsistent with the requirements of Title II of the ADA. As part of the Self-Evaluation, the governmental agency is required to:

- A. Identify all of its programs, activities, and services.
- B. Review all the policies and practices that govern the administration of the governmental agency's programs, activities, and services.
- C. Examine each program to determine whether any physical barriers to access exist, including whether individuals with mobility impairments are provided access to public meetings.
- D. Review its policies and practices to determine whether any have the effect of excluding or limiting the participation of individuals with disabilities in the governmental agency's programs, activities, or services. The Self-Evaluation should provide justification for any agency policy that creates a barrier for people with disabilities that will not be modified.
- E. Review its policies to assess whether communications with persons with disabilities are as effective as its communication with others.
- F. Review its policies for responding to requests for accommodations to ensure such requests are responded to expeditiously.
- G. Review its employment practices to assess whether they comply with other applicable nondiscrimination requirements, including Section 504 of the Rehabilitation Act and the ADA regulations issued by the Department of Justice.
- H. Review its building and construction policies to assess whether construction of each new facility or part of a facility, or alteration of existing facilities, conforms to the standards designated under the Title II regulations.
- I. Provide the opportunity to interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the Self-Evaluation process by submitting comments.

In addition, a public entity that employs 50 or more persons shall for at least three years following completion of the Self-Evaluation maintain on file and make available for public inspection: (1) a list of the interested persons consulted; (2) a description of areas examined and any problems identified, and (3) a description of any modification made.

## Transition Plan Requirements

If a state or local government that employs 50 or more persons decides to make structural changes to achieve program access, it must develop a transition plan that identifies those changes and sets a schedule for implementing them. Transition plans must be available to the public.

28 CFR §35.150 (d) Transition plan: (1) In the event that structural changes to facilities will be undertaken to achieve program accessibility, a public entity that employs 50 or more persons shall develop, within six months of the effective date of this part, a transition plan setting forth the steps necessary to complete such changes. 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.

(2) If a public entity has responsibility or authority over streets, roads, or walkways, its transition plan shall include a schedule for providing curb ramps or other sloped areas where pedestrian walks cross curbs, giving priority to walkways serving entities covered by the Act, including State and local government offices and facilities, transportation, places of public accommodation, and employers, followed by walkways serving other areas.

(3) The plan shall, at a 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.

28 CFR §35.151(b)(4) path of travel requirements apply only to alterations undertaken solely for purposes other than to meet program accessibility requirements of 28 CFR §35.150 provides additional guidance regarding the duty to provide accessible features in the event of disproportionality of the cost to make corrections to barriers with the overall project costs. In the event of disproportionality, 28 CFR §35.151 (b) (4) Path of Travel (iv) states that when the cost of alterations necessary to make the path of travel to the altered area fully accessible is disproportionate to the cost of the overall alteration, the path of travel shall be made accessible to the extent that it can be made accessible without incurring disproportionate costs. Additional guidance supplied in relation to choosing which accessible elements to provide, priority should be given to those elements that will provide the greatest access, in the following order—

**Priority 1:** An accessible entrance;

**Priority 2:** An accessible route to the altered area;

**Priority 3:** At least one accessible restroom for each sex or a single unisex restroom;

**Priority 4:** Accessible telephones

**Priority 5:** Accessible drinking fountains; and

**Priority 6:** When possible, additional accessible elements such as parking, storage, and alarms

These priorities are provided for guidance only. The individual Title II entity can develop its own priorities to provide reasonable accommodation.



**APPENDIX B**  
**ACCESSIBILITY SUMMARIES BY FACILITY**



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**APPENDIX C**  
**BARRIERS BY TRANSITION PLAN PHASE**

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