



Americans with Disabilities Act (ADA) Review and Approval Process

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“The City strives to be a leader in accessibility!”

AMERICANS WITH DISABILITIES (ADA)

The Americans with Disabilities Act of 1990 is a Federal civil rights law that was enacted by the US Congress that prohibits discrimination based on disability. Under this law, the City of Brookings is required to provide individuals with disabilities an equal opportunity to participate in all its programs, services, and activities.

Title II of the ADA prohibits public entities from discriminating against or excluding people from programs, services, or activities on the basis of disability. The standard which programs and services will be measured for the purpose of ADA compliance is one of overall program accessibility. All City of Brookings programs, services, and activities, when viewed in its entirety, must be readily accessible to and usable by individuals with disabilities.

Programs/Services/Facilities/Activities

All programs, services, and activities owned and/or funded by the City Brookings, when viewed in its entirety, must be readily accessible to and usable by individuals with disabilities.

1. CITY: All city-owned new, remodeled, and retrofitted facilities must comply with the requirements of the federal Americans with Disabilities Act guidelines and all city ADA related policies.
2. CITY-FUNDED: All entities receiving city funding for new, remodeled, and retrofitted facilities must comply with the requirements of the federal Americans with Disabilities Act guidelines and all city ADA related policies. Compliance is a condition for acceptance of the funding for all city funding applicants.

Compliance Reviewers

The City ADA Compliance Officer and the Brookings Committee with Disabilities will review and approve the project scope, final plans, and bid package of all new construction, remodels, and retrofits of City owned and/or funded facilities. The scope and budget development of capital improvement projects will include the identification of ADA needs related to these projects to ensure compliance and accessibility standards.

1. ADA Compliance Officer: Pursuant to the law, each governmental entity is required to appoint an official ADA Compliance Officer responsible to coordinate compliance with Title II of the Americans with Disabilities Act and investigate any complaints of Title II violations. The City of Brookings appointed Shari Thornes as the City ADA Compliance Officer in 1992 by Resolution No. 64-92.

2. *Brookings Committee for People who have Disabilities*: The ADA requires Title II entities seek input from people with disabilities regarding its programs, services and activities to continually review and modify policies and practices to ensure compliance. Pursuant to this requirement, the City consults with the Brookings Committee for People who have Disabilities. The Committee was created in 1990 to provide a framework for community-based advocacy in the removal of mobility and attitudinal barriers faced by individuals with disabilities. The eleven committee members are volunteers appointed by the Mayor and serve as advocates for the rights of people in Brookings area who have disabilities. The goals of this committee are to improve the quality of life for people with disabilities through enhancing the knowledge base of entities in the community; and to further serve as a community-based advocacy group enhancing the ability of local entities to comply with Federal Civil Rights legislation.

National Accessibility Requirements

It is important to utilize multiple resources for guidance, including consulting with people with disabilities when designing a facility. Reviewers utilize the following current and updated National accessibility requirements and guidelines (i.e. this list will continue to change and evolve). Additional guidelines may be utilized for specific programming and design areas.

- 1) 2010 ADA Standards for Accessible Design
- 2) Guidance on the 2010 ADA Standards for Accessible Design
- 3) U.S. Department of Justice ADA Technical Assistance Materials
- 4) U.S. Access Board Proposed Rulemaking Documents
- 5) U.S. Department of Justice settlement agreement findings
- 6) American Association of State Highway and Transportation Officials "AASHTO for Bicycle Facilities"

Local Accessibility Requirements

1. Review Process Required Policy

The City of Brookings requires all city-owned and/or funded new, remodeled, and retrofitted facilities comply with the requirements of the federal Americans with Disabilities Act guidelines. (Policy, Appendix A)

Under this policy, the City ADA Compliance Officer and Brookings Committee for People who have Disabilities will review the project scope, final plans, and bid package of all new construction, remodels, and retrofits of City owned and/or funded facilities. The scope and budget development of capital improvement projects will include the identification of ADA needs related to these projects to ensure compliance and accessibility standards.

2. Accessible Family Restroom Policy

Policy: The City of Brookings requires the installation of accessible family restrooms in all new construction, remodels, and retrofits of all City owned and/or city--funded facilities. (Policy, Appendix B)

Purpose/Definition: The inclusion of appropriately placed and fully functional family restrooms, addresses the quality of life for individuals with disabilities and others. Family restrooms provide a higher level of privacy than the multi-stall public restroom and also allow additional access space for physical or medical needs. Family restrooms allow individuals who need to use them, the right to maintain their dignity and be respected while in public places. Family restrooms also provide an inclusive and welcoming environment.

Individuals benefiting from family restrooms include the following:

- People who use wheel chairs or other mobility devices,
- People who need assistance when using the restroom,
- People living with ostomy,
- People living with chronic medical conditions (Crohn's disease, Paruresis, digestive disorders, etc),
- Parents with children of the opposite sex,
- Transgendered persons, and
- People with vision loss and blindness.

Location(s): Applicant is required to consult with the City ADA Compliance Officer and the Committee regarding placement of the family restrooms. Family restrooms and its door must be installed in a location that is physically visible and without obstructed access within public congregating areas or adjacent to the men's and women's bathrooms.

The total number of restrooms and unisex restrooms in a facility does not replace the family restroom requirement. It is of significant importance where the family restroom is located and how it is accessible to the general public.

Exemption: All city facilities and city funded facilities will include the installation of a family restroom unless specifically exempted by the City Manager. To exempt a project, the department head must submit a written request identifying specific reasons for the exemption to the ADA Compliance Officer. The Officer will provide a written recommendation to the appropriate department head and City Manager. The City Manager will make a decision in the matter. The City Council will be advised of any exemptions and provided the opportunity to override the City Manager's decision.

3. Platform Lift Policy

Policy: Platform lifts, mechanical lifts or wheelchair lifts are not allowed in the new construction, remodel, or retrofit of city owned or city funded facilities, except under special exemptions cited below. Elevators or ramps must be provided as a means of access. (Policy, Appendix C)

Purpose: Although the ADAAG, Section 1109.7 Lifts, states that platform (wheelchair) lifts are permitted to be a part of a required accessible route in new construction in some circumstances, the City of Brookings recognizes that platform lifts typically result in a separate, stigmatizing experience for people who use them, a situation that violates the spirit of the ADA as well as the principles of universal design.

Exemption: Lifts will only be considered where it is infeasible to install a ramp or elevator. To exempt a project, the department head or funding applicant must submit a written request identifying specific reasons for the exemption to the ADA Compliance Officer. The Officer will provide a written recommendation to the appropriate department head and City Manager. The City Manager will make a decision in the matter. The City Council will be advised of any exemptions and provided the opportunity to override the City Manager's decision.

4. **Automatic Door Opener Policy**

Policy: Automatic and/or manual (push-button) door openers are required in all new construction, remodel, or retrofit of city owned or city funded facilities. (Policy, Appendix D)

Purpose: The City of Brookings recognizes automatic door openers can provide improved access to its services for all citizens, including those with disabilities. Automatic doors are not specifically required by the 1991 or 2010 ADA Standards; however, they are the only way some individuals with severe mobility limitations can enter a facility without assistance.

Location(s): Automatic door opening devices, in compliance with ADAAG requirements, must be installed in primary entrances closest to the accessible parking.

Exemption: To exempt a project, the department head or funding applicant must submit a written request identifying specific reasons for the exemption to the ADA Compliance Officer. The Officer will provide a written recommendation to the appropriate department head and City Manager. The City Manager will make a decision in the matter. The City Council will be advised of any exemptions and provided the opportunity to override the City Manager's decision.

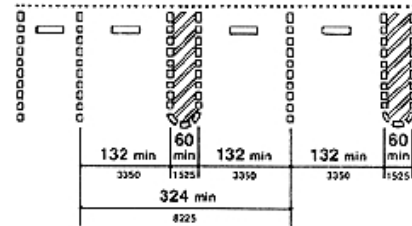
Best Practices

The 2010 ADA Standards for Accessible Design define the minimum standards for accessibility. The City continually seeks input from people with disabilities to identify best practices to implement. Users have found the following design elements provide a higher level of accessibility to programs, services and facilities.

1. Universal Parking Space Design

Use of the Universal Parking Space Design (132" wide) is beneficial for the following reasons:

- The parking space and access aisle allow enough space for a person using a wheelchair or other mobility aid to exit and enter a ramp or lift.
- This accessible parking space is usable by either a car or van.
- The small access aisle lessens the chance that a person will park in it, since it is smaller than the width of a car. Any intrusion into the access aisle will make it impossible for a person using a mobility aid to exit a vehicle.
- Accessible parking should be located on the shortest accessible route of travel from the adjacent parking to the accessible entrance. Typically, in new construction, accessible parking is located at the nearest spaces to the accessible entrance. If more than one accessible entrance is provided, accessible parking should be dispersed at each of these entrances.
- Sometimes the slope of existing parking or natural slope of the site prevents modifying the parking spaces to meet the exact standards of ADAAG 4.6. With these constraints in an existing parking lot, accessible parking should then be located on the nearest area that meets ADAAG 4.6 standards and is on an accessible route.



(b)
Universal Parking Space Design

Fig. A5
Parking Space Alternatives

2. Signage for Van Width Access Aisles. If the Universal Parking Space Design is not used, then van-width access aisles should be marked with vertical signage. See “Accessible Parking Requirements” brochure for details.
3. Parking counts are determined per area rather than an overall total. Where there are multiple accessible entrances, particularly if they provide access to separate primary use spaces, some accessible parking spaces should be dispersed on the shortest accessible route to each entrance. An employee lot must also provide for appropriately dispersed accessible spaces. Daytime, evening and weekend programming use must be determined for each entrance.
4. Automatic Door Opener Pedestal. Individuals with disabilities strongly suggest the placement of the exterior automatic door opener button on a pedestal, rather than on the building. The location of the button on a free-standing pedestal provides visibility and is a practical, user-friendly solution.
5. Cabinetry
 - Fifty percent (50%) of upper cabinetry must comply with minimum reach range requirements using ANSI A117.1-2003 as guidance.
 - Pantry-style cabinets are strongly encouraged to facilitate greater accessibility.
6. Larger Accessible Toilet Stalls
Designing accessible toilet stalls to exceed ADA Standard’s dimensions is recommended to accommodate the larger wheelchairs and power scooters. The original Standards were developed to accommodate manual wheelchairs.
7. Assembly Areas and Event Spaces:
 - Install traffic-slowing signage and crossing between parking spaces and the building access points
 - Doors/Entrances: Install power doors at club and suite levels.
 - Suites: Title II entities are required to provide equal access to all programs. The “suite” in and of itself is a program and all functions within the suite must be accessible. This is in addition to providing accessible ticketed seating.
 - Recommend that gurney viewing positions are available in some sports venues such as football stadium.
 - Electrical power stations/outlets: Install one power outlet in each accessible seating platform for the use of guests with electric wheelchairs and other medical equipment (respirators, etc.).
 - Bathrooms Scope Requirements: Make standard stalls wider and deeper. Many are too narrow and not deep enough so larger people won’t use them and tie up accessible stalls.
 - Companion seating - Provide more than minimum to accommodate large groups.
 - Programming:
 - Designate a Disability Services Manager for event halls
 - Create Disability Access Guide
 - Provide wheelchair escort services
 - Interpretive services for hearing impaired guests
 - Require ushers to carry a key to remove seats in areas to allow for a wheelchair
 - Provide accessible shuttle to transport guests if shuttles are provided
 - Large print and Braille season schedules
8. Ramps to elevated playground equipment. The Committee recommends the installation of a ramp for any large elevated play components because many children in wheelchairs can’t utilize transfer platforms

and stairs. The Committee recommends the City and School District include ramps in all future designs as a best practice.

9. Playground Surface Material.

- Professionally installed Poured in Place (PIP) rubber is very accessible, but is very expensive. Only areas that are required to be both safe and accessible need a material like PIP. Concrete and other solid materials can be used for accessibility outside the use zones. Pea gravel, which is usually cheaper and more durable than mulch or wood chips, can serve fall attenuation needs outside of accessible routes. Play areas should be strategically designed to allow the shortest routes possible to provide access to ground level play components and the entry and exit points of elevated structures.
- Rubber tiles can work if properly installed and maintained.
- Engineered Wood Fibers may not be used as accessible playground surface material. They are loose, unstable and not compliant.

ADA Review and Approval Process

1. Project Narrative

Applicant must email a completed City of Brookings ADA Project Narrative that defines project scope, timeline, and projects contacts to include department heads, architect, designer, and vendor to the City ADA Compliance Officer (sthornes@cityofbrookings.org).

2. Required meetings/discussions with City ADA Compliance Officer

After submittal of narrative, applicant is required to meet with or communicate by phone with the ADA Compliance Officer to discuss the project scope, fully identify all programs and review items, and develop draft schedule. A minimum of two reviews are required during this planning phase; one at completion of conceptual design and one at completion of construction documents. General conformance will be evaluated during conceptual design and actual compliance with the ADA policy will be determined during construction documentation.

3. Committee Review

- a. Some projects require multiple reviews. Work with ADA Compliance Officer to develop review schedule.
- b. The Committee meets monthly, time and day vary, depending on member availability.
- c. Special meetings can be arranged with proper notification.
- d. All Committee meetings are open to the public and subject to open meeting requirements.
- e. All agendas and meeting information is available online.
- f. All Committee agenda packets are electronic, therefore, all materials must also be provided in digital and paper formats.
- g. Prior meeting notice to the media and posting at the meeting location is required.
- h. A quorum of the Committee is required to take action.
- i. Representatives are required to attend Committee meetings via phone or in person, unless other arrangements have been made.
- j. Majority of communication will be done via email. Failure to respond in a timely manner may delay the review process.

4. Materials

- a. All materials are public and will be made available on the city's website.

- b. All materials must be provided at least one week prior to the scheduled meeting, unless prior arrangements have been made with the ADA Compliance Officer.
 - c. Include written narrative with each review submittal indicating scope of plans, any changes from previous plans, and questions to be resolved.
 - d. Plans:
 - 1) Paper sets, one (1), full-size, delivered to the City Clerk at least one week prior to scheduled Committee meeting (City Clerk/ADA Compliance Officer, PO Box 270, 520 3rd Street, Suite 230, Brookings, SD 57006)
 - 2) Electronic plans, via email, drop-box or other document-sharing system
 - 3) Narratives/description via email
5. Items to be reviewed and approved during planning phase:
- a. Conceptual – Site plan, floor plans, elevations, general dimensions, reach range elements, etc.
 - b. Construction documents – Detailed exterior and interior plans with all required dimensions and reach ranges defined. All additional elements/installations defined (i.e. hardware, assisted listening devices, furnishings, cabinetry, signage packages, “anything the public will use,” etc.)
6. Items to be reviewed and approved during the construction phase
- a. Change Orders: Applicant shall notify ADA Compliance Officer in advance of any change orders order(s) involving ADA issues prior during the project construction. Change order directives may require additional review by the Committee.
7. Closing/Final Inspections: The ADA Compliance Officer will inspect the project to determine if the finished work complies with the project plans and specifications. Final review and approval is required as terms of funding.
8. Complaints: The ADA Compliance Officer must be notified of any ADA accessibility complaint pertaining to an ADA matter immediately for review, mediation and documentation purposes.

Compliance Required

Per the City of Brookings Funding Application, compliance with these requirements is a condition for acceptance of the funding for all city funding applicants. Failure to comply with any part of the review process will result in withholding of funds or future funding.

Projects not involving public access or other ADA sensitive work and for routine street projects, may be reviewed and approved by the ADA Compliance Officer without Committee review.

**City of Brookings
Americans with Disabilities Act
City Facilities Policy**

The Americans with Disabilities Act (ADA) provides comprehensive civil rights protections to individuals with disabilities in the areas of employment, public accommodations, state and local government services and programs. Title II of the ADA states, in part, that *“no otherwise qualified disabled individual shall, solely by reason of such disability, be excluded from the participation in, be denied the benefits of, or be subject to discrimination in programs or activities sponsored by a public entity.”* (City of Brookings Policy and Procedures Manual)

**ADA Compliance Review Required
of New Construction, Remodels, and Retrofits of City Facilities and Parks**

Title II of the ADA prohibits public entities from discriminating against or excluding people from programs, services, or activities on the basis of disability. The standard against which programs and services will be measured for the purpose of ADA compliance is one of overall program accessibility: all City of Brookings programs, services, and activities, when viewed in its entirety, must be readily accessible to and usable by individuals with disabilities.

Therefore, the City of Brookings requires all city owned and/or funded new, remodeled, and retrofitted facilities comply with the requirements of the federal Americans with Disabilities Act guidelines.

Under this policy, the City ADA Compliance Officer will review the project scope, final plans, and bid package of all new construction, remodels, and retrofits of City owned and/or funded facilities. The scope and budget development of capital improvement projects will include the identification of ADA needs related to these projects to ensure compliance and accessibility standards.

**City of Brookings
Americans with Disabilities Act**

Family Restroom Policy

The Americans with Disabilities Act (ADA) provides comprehensive civil rights protections to individuals with disabilities in the areas of employment, public accommodations, state and local government services and programs. Title II of the ADA states, in part, that *“no otherwise qualified disabled individual shall, solely by reason of such disability, be excluded from the participation in, be denied the benefits of, or be subject to discrimination in programs or activities sponsored by a public entity.”* (City of Brookings Policy and Procedures Manual)

**Family Restrooms Required
in New Construction, Remodels, and Retrofits of City Facilities and Parks**

In addition to men’s and women’s restrooms, the installation of a family or “unisex” restroom is recommended, not required, by the Americans with Disabilities Act. The City of Brookings recognizes that all citizens can benefit from a family restroom in city facilities. A family restroom provides flexibility by meeting the needs of many people while providing a private environment. For this reason, the City of Brookings will require all new construction, remodels, and retrofits of all **City owned and/or city funded** new facilities include the installation of a family restroom in addition to compliance with all other requirements of the federal Americans with Disabilities Act guidelines.

All city facilities **and city funded facilities** will include the installation of a family restroom unless specifically exempted by the City Manager. To exempt a project, the department head must submit a written request identifying specific reasons for the exemption to the ADA Compliance Officer. The Officer will provide a written recommendation to the appropriate department head and City Manager. The City Manager will make a decision in the matter. The City Council will be advised of any exemptions and provided the opportunity to override the City Manager’s decision.

City of Brookings
Americans with Disabilities Act

Platform Lifts

The Americans with Disabilities Act (ADA) provides comprehensive civil rights protections to individuals with disabilities in the areas of employment, public accommodations, state and local government services and programs. Title II of the ADA states, in part, that *“no otherwise qualified disabled individual shall, solely by reason of such disability, be excluded from the participation in, be denied the benefits of, or be subject to discrimination in programs or activities sponsored by a public entity.”* (City of Brookings Policy and Procedures Manual)

**Use of Platform Lifts Prohibited
in New Construction, Remodels, and Retrofits
of City Owned or City Funded Facilities**

Although the ADAAG, Section 1109.7 Lifts, states that platform (wheelchair) lifts are permitted to be a part of a required accessible route in new construction in some circumstances, the City of Brookings recognizes that platform lifts typically result in a separate, stigmatizing experience for people who use them, a situation that violates the spirit of the ADA as well as the principles of universal design.

Therefore, platform lifts (also referred to as mechanical lifts or wheelchair lifts) will not be allowed in the new construction, remodel, or retrofit of city owned or city funded facilities, except under special exemptions cited below. Elevators or ramps must be provided as a means of access.

Lifts will only be considered where it is infeasible to install a ramp or elevator. To exempt a project, the department head or funding applicant must submit a written request identifying specific reasons for the exemption to the ADA Compliance Officer. The Officer will provide a written recommendation to the appropriate department head and City Manager. The City Manager will make a decision in the matter. The City Council will be advised of any exemptions and provided the opportunity to override the City Manager’s decision.

City of Brookings
Americans with Disabilities Act

Automatic Door Openers

The Americans with Disabilities Act (ADA) provides comprehensive civil rights protections to individuals with disabilities in the areas of employment, public accommodations, state and local government services and programs. Title II of the ADA states, in part, that *“no otherwise qualified disabled individual shall, solely by reason of such disability, be excluded from the participation in, be denied the benefits of, or be subject to discrimination in programs or activities sponsored by a public entity.”* (City of Brookings Policy and Procedures Manual)

**Automatic Door Openers Required
in New Construction, Remodels, and Retrofits
of City Owned or City Funded Facilities**

The City of Brookings recognizes automatic door openers can provide improved access to its services for all citizens, including those with disabilities. Therefore, automatic and/or manual (push-button) door openers will be required in all new construction, remodel, or retrofit of city owned or city funded facilities. Automatic door opening devices, in compliance with ADAAG requirements, must be installed in primary entrances closest to the accessible parking.

To exempt a project, the department head or funding applicant must submit a written request identifying specific reasons for the exemption to the ADA Compliance Officer. The Officer will provide a written recommendation to the appropriate department head and City Manager. The City Manager will make a decision in the matter. The City Council will be advised of any exemptions and provided the opportunity to override the City Manager’s decision.