



Real People. Real Solutions.

Marshalltown, IA

Americans with Disabilities Act Self-Evaluation and Transition Plan

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PART I – City of Marshalltown ADA Transition Plan Introduction

I. INTRODUCTION

A. Transition Plan Need and Purpose

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

1. Employment
2. State and local government services
3. Public accommodations
4. Telecommunications
5. Miscellaneous Provisions

Title II of ADA pertains to the programs, activities and services public entities provide. As a provider of public transportation services and programs, the City of Marshalltown must comply with this section of the Act as it specifically applies to public service agencies. Title II of ADA provides that, "...no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity." ([42 USC. Sec. 12132](#); [28 CFR. Sec. 35.130](#))

As required by Title II of [ADA, 28 CFR. Part 35 Sec. 35.105 and Sec. 35.150](#), the City of Marshalltown has conducted a self-evaluation of its facilities within public street rights-of-way and public facilities and has developed this Transition Plan detailing how the organization will ensure that all of those facilities are accessible to all individuals.

B. ADA and its Relationship to Other Laws

Title II of ADA is companion legislation to two previous federal statutes and regulations: the [Architectural Barriers Acts of 1968](#) and [Section 504 of the Rehabilitation Act](#) of 1973.

The Architectural Barriers Act of 1968 is a Federal law that requires facilities designed, built, altered or leased with Federal funds to be accessible. The Architectural Barriers Act marks one of the first efforts to ensure access to the built environment.

Section 504 of the Rehabilitation Act of 1973 is a Federal law that protects qualified individuals from discrimination based on their disability. The nondiscrimination requirements of the law apply to employers and organizations that receive financial assistance from any Federal department or agency. Title II of ADA extended this coverage to all state and local government entities, regardless of whether they receive federal funding or not.

C. Agency Requirements

Under Title II, the City of Marshalltown must meet these general requirements:

- Must operate their programs so that, when viewed in their entirety, the programs are accessible to and useable by individuals with disabilities [[28 C.F.R. Sec. 35.150](#)].
- May not refuse to allow a person with a disability to participate in a service, program or activity simply because the person has a disability [[28 C.F.R. Sec. 35.130 \(a\)](#)].
- Must make reasonable modifications to policies, practices and procedures that deny equal access to individuals with disabilities unless a fundamental alteration in the program would result [[28 C.F.R. Sec. 35.130\(b\) \(7\)](#)].
- May not provide services or benefits to individuals with disabilities through programs that are separate or different unless the separate or different measures are necessary to ensure that benefits and services are equally effective [[28 C.F.R. Sec. 35.130\(b\)\(1\)\(iv\) & \(d\)](#)].
- Must take appropriate steps to ensure that communications with applicants, participants and members of the public with disabilities are as effective as communications with others [[29 C.F.R. Sec. 35.160\(a\)](#)].
- Must designate at least one responsible employee to coordinate ADA compliance [[28 C.F.R. Sec. 35.107\(a\)](#)]. This person is often referred to as the "ADA Coordinator." The public entity must provide the ADA coordinator's name, office address, and telephone number to all interested individuals [[28 C.F.R. Sec. 35.107\(a\)](#)].
- Must provide notice of ADA requirements. All public entities, regardless of size, must provide information about the rights and protections of Title II to applicants, participants, beneficiaries, employees, and other interested persons [[28 C.F.R. Sec. 35.106](#)]. The notice must include the identification of the employee serving as the ADA coordinator and must provide this information on an ongoing basis [[28 C.F.R. Sec. 104.8\(a\)](#)].
- Must establish a grievance procedure. Public entities must adopt and publish grievance procedures providing for prompt and equitable resolution of complaints [[28 C.F.R. Sec. 35.107\(b\)](#)]. This requirement provides for a timely resolution of all problems or conflicts related to ADA compliance before they escalate to litigation and/or the federal complaint process.

D. Document Organization

This introduction is Part I of a three-part document. Subsequent parts include:

- **Part II** – Part II provides the ADA Transition Plan for pedestrian facilities within street rights-of-way in the City of Marshalltown. This section describes the Self-Evaluation methodology for identifying ADA deficiencies in policies, practices, and programs in public rights-of-way and provides a plan and schedule for the removal of these barriers.

- **Part III** – Part III provides ADA Transition Plan for each public building facility owned and operated by the City of Marshalltown. Each facility is reported individually with instances of non-compliance identified.

This document has been created to specifically cover accessibility within the public street rights-of-way and City owned building facilities. It does not include information on City programs, practices, or facilities not related to public rights-of-way or buildings not owned by the City.