



welcome neighbors.



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Executive Summary

The Town of Bennett is a statutory town located in both Adams and Arapahoe Counties. The Town is governed by a Board of Trustees elected for four-year terms. Bennett was incorporated on September 25, 1929. The 2022 Census update identified approximately 11.1 % of Bennett's population as with a disability.

Introduction to the Americans With Disabilities Act

More than 61 million Americans have disabilities. This represents 26% of the U.S. population or 1 in 4 Americans. People with disabilities in Bennett, like all Americans, participate in a variety of programs, services, and activities provided by the Town. This includes many people who became disabled while serving in the military. Additionally, by the year 2030, approximately 71.5 million baby boomers will be over age 65 and will need services and surroundings that meet their age-related physical needs.

People with disabilities have often been excluded from enjoying basic civic activities like using public transportation, serving on a jury, voting, seeking refuge at an emergency shelter, or simply attending their child's or grandchild's school events. The Americans with Disabilities Act (ADA) is a Federal civil rights law that prohibits discrimination against people with disabilities. Under the ADA, people with disabilities are entitled to all the rights, privileges, advantages, and opportunities that others have when participating in civic activities.

The Americans with Disabilities Act became effective on July 26, 1990, and it extended legislation intended to eliminate discrimination against individuals with disabilities in federally funded facilities under the Rehabilitation Act to all activities of State and local governments regardless of whether these entities receive Federal financial assistance. It provides for equal access and equal opportunities for individuals with disabilities to participate in programs, services, and activities provided by public entities such as those offered by the Town of Bennett.

The ADA is divided into five sections, which are referred to as titles.

Employment (Title I)

Title I requires covered employers to provide reasonable accommodations for applicants and employees with disabilities and prohibits discrimination based on disability in all aspects of employment. Reasonable accommodation includes, for example, restructuring jobs, making worksites and workstations accessible, modifying schedules, providing services such as interpreters, and modifying equipment and policies.

Public Services (Title II)

Under Title II, public services (which include State and local government agencies) cannot deny services to people with disabilities or deny participation in programs or activities that are available to people without disabilities. In addition, public transportation systems, such as public transit buses, must be accessible to individuals with disabilities.

Public Accommodations (Title III)

Public accommodations include facilities such as restaurants, hotels, grocery stores, retail stores, etc., as well as privately owned transportation systems. Title III requires that all new construction and modifications must be accessible to individuals with disabilities. For existing facilities, barriers to services must be removed if readily achievable.



Telecommunications (Title IV)

Telecommunications companies offering telephone service to the public must have telephone relay service to individuals who use telecommunication devices for the deaf (TTYs) or similar devices.

Miscellaneous (Title V)

This title includes a provision prohibiting either (a) coercing or threatening or (b) retaliating against individuals with disabilities or those attempting to aid people with disabilities in asserting their rights under the ADA. The US Department of Justice (DOJ) revised its regulations implementing the ADA in September 2010. The new rules clarify issues that arose over the previous 20 years and contain new requirements, including the 2010 ADA Standards for Accessible Design (2010 Standards). This document provides general guidance to assist State and local governments in understanding and complying with the ADA's requirements.

For more comprehensive information about specific requirements, Bennett officials and residents can consult the [ADA title II regulations](#), the [2010 ADA Standards for Accessible Design](#), and the [Department of Justice ADA technical assistance publications](#).

ADA and its Relationship to Other Laws

Title II of the ADA is companion legislation to two previous federal statutes and regulations, the [Architectural Barriers Act](#) (ABA) 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.

Federal Accessibility Requirements

The US Access Board was established by section 502 of the Rehabilitation Act of 1973 (Rehab Act). The Board consists of 25 total members, 13 of which are appointed by the President from the public and which must be individuals with disabilities. The remaining 12 members are the heads of 12 Federal departments and agencies specified by statute, including the heads of the DOJ and the Department of Transportation (DOT). Originally, the Access Board was established to develop and maintain accessibility guidelines for facilities designed, constructed, altered, or leased using Federal funds under the Architectural Barriers Act of 1968 (ABA). The passage of the ADA in 1990 expanded the Access Board's responsibilities to "issue minimum guidelines that shall supplement the existing Minimum Guidelines and Requirements for Accessible Design to ensure that buildings, facilities, rail passenger cars, and vehicles are accessible, in terms of architecture and design, transportation, and communication, to individuals with disabilities".

The DOJ issues and enforces accessibility standards applicable to facilities subject to ADA title II that are consistent with the "minimum guidelines" issued by the Access Board.

The Access Board began revising their 1990 standards in 1994 by establishing an advisory committee composed of members of the design and construction industry, the building code community, and State and local government entities, as well as individuals with disabilities. In 1998, the Access Board added specific guidelines on State and local government facilities and building elements designed for use by children. Other updates to the 1990 ADA Standards have been made with the final version being



compiled in the 2004 ADA/ABA Guidelines. The 2004 ADA/ABA Guidelines were the culmination of a long-term effort to facilitate ADA compliance by eliminating inconsistencies among Federal accessibility requirements (ADA & ABA Standards) and between Federal accessibility requirements and State and local building codes. In support of this effort, the US DOJ amended its regulation implementing title II and adopted standards consistent with 2004 ADA/ABA Guidelines, naming them the 2010 ADA Standards for Accessible Design.

On March 15, 2011, the final rule on the 2010 ADA Standards for Accessible Design became effective to revise the 1990 regulations that implement title II of the ADA that prohibit discrimination based on disability in State and local government services. The final rule was issued to adopt enforceable accessibility standards under the ADA that are more consistent with the minimum guidelines and requirements issued by the Access Board, and to update or amend certain provisions of the title II regulation so that they better reflect the Department's legal and practical experiences in enforcing the ADA since 1991. These new regulations provide a higher degree of clarity to State and local agencies who put forth the effort to comply with the spirit and intent of the ADA.

ADA Self-Evaluation and Transition Plan Requirements

Title II of the ADA applies to all State and local governments and all departments, agencies, special purpose districts, and other instrumentalities of State or local government ("public entities"). It applies to all programs, services, or activities of public entities, from adoption services to zoning regulation. Title II entities that contract with other entities to provide public services, such as non-profit organizations that operate drug treatment programs, also have an obligation to ensure that their contractors do not discriminate against people with disabilities.

Access to civic life by people with disabilities is a fundamental goal of the Americans with Disabilities Act. To ensure that this goal is met, Title II of the ADA requires Bennett to make its programs and services accessible to persons with disabilities. This requirement extends not only to physical access at Bennett government facilities, programs, and events -- but also to policy changes that Bennett must make to ensure that all people with disabilities can take part in, and benefit from, Bennett programs and services. In addition, Bennett must ensure effective communication -- including the provision of necessary auxiliary aids and services -- so that individuals with disabilities can participate in Bennett civic activities.

ADA Title II Exceptions

Title II requires State and local governments to ensure that all 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 government services, programs, and activities, but it generally does not require that a State and local government make each facility, or each part of a facility, accessible. For example, each restroom in a facility need not be made accessible. However, signage directing people with disabilities to the accessible features and spaces in a facility should be provided. Program accessibility may be achieved in a variety of ways. State and local governments may choose to make structural changes to existing facilities to achieve access. State and local governments can also pursue alternatives to structural changes to achieve program accessibility. For example, governments can move public meetings to accessible buildings and can relocate services for individuals with disabilities to accessible levels or parts of buildings. When choosing between possible methods of program accessibility, however, governments must give priority to the choices that offer services, programs, and activities in the most integrated setting appropriate. In addition, all newly constructed State and local government facilities must be fully accessible to people with disabilities.

When programs, services, or activities are in Town facilities, Bennett must make sure that they are also available to persons with disabilities, unless to do so would fundamentally alter a program, service, or



activity or result in undue financial or administrative burdens. When a service, program, or activity is in a building that is not accessible, Bennett can achieve program accessibility in several ways. It can:

- Relocate the program or activity to an accessible facility.
- Provide the activity, service, or benefit in another manner that meets ADA requirements.
- Make modifications to the building or facility itself to provide accessibility.

Historic Significance

The ADA does not require anything that impacts the historic significance of historic property.

Historically significant facilities are those facilities or properties that are listed or eligible for listing in the National Register of Historic Places or properties designated as historic under State or local law. Structural changes to these facilities that would threaten or destroy the historical significance of the property or would fundamentally change the program being offered at the historic facility need not be undertaken. Nevertheless, a State or local government must consider alternatives to structural changes in these instances, including using audio-visual materials to depict the inaccessible portions of the facility and other innovative solutions.

Technically Infeasible

The ADA defines technically infeasible as “as something that has little likelihood of being accomplished because existing structural conditions would require removing or altering a load-bearing member that is an essential part of the structural frame; or because other existing physical or site constraints prohibit modifications or additions that comply fully with the Standards.”

Programs and Services Viewed in Their Entirety

Title II of the ADA does not require all facilities to be accessible. Programs must be accessible when “viewed in their entirety.” A key concept is that public programs and services, when viewed in their entirety, must be accessible to people with disabilities, but not all facilities must necessarily be made accessible. For example, if a city or town has multiple public swimming pools and limited resources, it can decide which pools to make accessible based on factors such as the geographic distribution of the sites, the availability of public transportation, the hours of operation, and the programs offered at each site so that the swimming program is accessible to and usable by people with disabilities.

Fundamental Alteration of a Service or Program

A fundamental alteration is a modification that is so significant that it alters the essential nature of the goods, services, facilities, privileges, advantages, or accommodations offered. If a public entity can demonstrate that the modification would fundamentally alter the nature of its service, program, or activity, it is not required to make the modification.

Example: If a city or town requires a 12-foot set-back from the curb in the central business district, it may be reasonable to grant a 3-foot variance for a store wishing to install a ramp at its entrance to meet its ADA obligations. If the setback is smaller and the ramp would obstruct pedestrian traffic, granting the variance may “fundamentally alter” the purpose of the public sidewalk.

Undue Financial and Administrative Burden

An undue burden is described as requiring significant difficulty or expense to make a service or program accessible to people with disabilities. While it is rare that the Town may not be able to provide program access, there are some instances where it is permissible under the ADA. Program access does not require each facility to be made physically accessible, in all instances. However, physical accessibility is a requirement for new facilities intended to provide Town programs. The Town is not

required to incur an undue financial or administrative burden. If a public entity believes that a modification to a service or program to achieve accessibility would fundamentally alter the service or program or would result in an undue burden, the public entity has the burden of proving that it would result in a fundamental alteration of the service or an undue burden. That decision must be made by the head of the public entity or his or her designee after considering all the 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 decision. Even if there is a conclusion of undue burden, the Town will still need to perform all other remediations that would not result in an undue burden but would improve accessibility to the maximum extent possible.

ADA Requirements for the Town of Bennett

Under Title II, Bennett 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.
- 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.
- Must make reasonable modifications in policies, practices and procedures that deny equal access to individuals with disabilities unless a fundamental alteration in the program would result.
- 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.
- 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.
- Must designate at least one responsible employee to coordinate ADA compliance. This person is typically 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.
- 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. The notice must include the identification of the employee serving as the ADA Coordinator and must provide this information on an ongoing basis.
- Must establish a grievance procedure. Public entities must adopt and publish grievance procedures providing for prompt and equitable resolution of complaints. 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.

Title II of the ADA and its related federal Equal Employment Opportunity Commission (EEOC), DOJ, and DOT regulations link the concepts of discrimination and access which include physical access and program access.

Physical Access

Physical access requires a facility to be free of barriers preventing participation. Barriers are any obstacles that prevent or restrict access or use of a facility, right-of-way, or park amenity as identified in ADA Title II, Section 35.1492.



Program Access

Program access is defined by ADA Title II, Section 35.150(a)3. It may include physical accessibility, but also covers policies, practices, communications, and procedures. Program access requires that individuals with disabilities be provided an equally effective opportunity to participate in, or benefit from, programs and services. Program access may be achieved by either structural or non-structural methods. Non-structural methods include acquisition or redesign of equipment, assignment of auxiliary aids and assistance, or provision of services at alternate sites. In general, both may be utilized to ensure program access. Program access includes advertisement, orientation, eligibility, participation, testing or evaluation, physical access, provision of auxiliary aids, transportation, policies, and communication.

Designation of Responsibility

In accordance with 28 CFR 35.107(a), Bennett has designated the following person to serve as ADA Title II Coordinator, to oversee the Town's policies and procedures:

Name: Gerilynn Scheidt
Title: Town Safety Officer
Phone: (303) 644-3249 ext. 1004
Email: gscheidt@bennett.co.us
Address: 207 Muegge Way, Bennett CO, 80102

ADA Self-evaluation and Transition Plan Overview

Under Title II of the ADA, public entities are required to perform a self-evaluation of their current services, policies, and practices regarding accessibility. The goal of the self-evaluation is to verify that, in managing its programs and facilities, Bennett is providing accessibility and not adversely affecting the full participation of individuals with disabilities.

The intent of the ADA self-evaluation is to review Bennett's entire public program, including all facilities on public property and within public rights-of-way and to identify any obstacles or barriers to accessibility that need to be addressed. The general categories of items to be evaluated include:

- Communications, Information, and Facility Signage.
- Building Facilities – these include offices, parks, garages, and other types of buildings.
- Pedestrian Facilities (Pedestrian Circulation Routes / Pedestrian Access Routes) – these include sidewalks, curb ramps, bicycle/pedestrian trails, and traffic control signals that are located within Bennett's rights-of-way.

Public entities are required to provide an opportunity for interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the self-evaluation process by submitting comments.

Furthermore, a public entity that employs 50 or more persons is required, for at least three years following the completion of the self-evaluation, to maintain on file and make available for public inspection:

- A list of the interested people consulted.
- A description of areas evaluated, and any problems identified.
- A description of any modifications made.



Bennett ADA Self-evaluation and Transition Plan Scope

With the help of Mile High Accessibility Consultants (MHAC), the Town of Bennett has undertaken a comprehensive evaluation of facilities, parks, and the public right-of-way to determine the extent to which individuals with disabilities may be restricted in their access to Town services and activities. Additionally, Bennett employees reviewed many Town facilities while MHAC surveyed the Town's parks and the public right-of-way.

This document describes the process developed to complete the evaluation of the Town's facilities, parks, and public rights-of-way and presents a Transition Plan for the modification of facilities, parks, and public rights-of-way to ensure accessibility. This will help guide the planning and implementation of necessary program and facility modifications over the next 10 years. The ADA Self-evaluation and Transition Plan is significant in that it establishes the Town's ongoing commitment to the development and maintenance of policies, programs, and facilities that include all the Bennett community.

Public Outreach

Public input is crucial for the self-evaluation and transition plan process. The ADA regulation requires that State and local governments provide an opportunity for people with disabilities, and other interested individuals or organizations, to review and comment on the self-evaluation and transition plan. This allows for people with disabilities and organizations to contribute to the process of generating accessibility solutions that are more effective and creative. Also, involving the public enhances the accountability of the self-evaluation and transition plan process and helps ensure the prudent use of public resources that are limited. One of the most important benefits of public input is that it can help the Town prioritize the removal of barriers to accessibility that are highly significant to the public.

Mile High Accessibility encourages the representation of a diverse range of people with disabilities when possible. This includes people that have physical, visual, hearing, speech, intellectual, learning, behavioral health, and other disabilities, and the organizations that represent people with these disabilities.

To facilitate public input, the Town of Bennett broadly publicized a Public Outreach Survey (see Attachment 1). The results of this survey will be available in the final Transition Plan.

Mile High Accessibility will meet with Bennett staff to facilitate a public meeting to review the draft ADA Self-evaluation and Transition Plan document, identify priorities, and solicit any feedback. Any public comments or suggestions will be documented in the final transition plan.

Transition Plan Management

This Transition Plan is a living document that will continue to be updated as conditions within the Town evolve. The initial schedule is to formally review the complete document (main body and appendices) at least once per year, to identify any need for updates. Updates to the appendices or attachments may be made more frequently as needed. Any substantive updates to the main body of this document should include a public comment period to continue the Town's public outreach efforts.

The Town of Bennett recognizes that ADA compliance is an ongoing responsibility which will require monitoring to discover future accessibility issues that may be encountered. For example, facilities that currently meet ADA requirements could fall out of compliance in the future due to factors such as damage, disrepair, or changes within public rights-of-way that could create new accessibility obstacles. Therefore, the ADA Title II Coordinator will establish an on-going monitoring/inspection program or process to ensure that facilities continue to comply with ADA requirements. Town employees will also be encouraged to report any accessibility concerns or deficiencies that they may come across.



ADA Surveys of Bennett Owned Buildings and Parks

Mile High Accessibility Facilities and Parks Survey Methodology

Mile High Accessibility used tablet-based technology for facility, park, and public right-of-way, data analysis, and reporting. MHAC has provided Site Accessibility Evaluation Reports for each facility and park surveyed along with an Excel ADA Transition Plan Database which is fully searchable and filterable.

Mile High Accessibility surveys the following for compliance with the ADA:

Accessible Routes

- Entrance
- Parking Facility
- Walkways
- Doors
- Doorways
- Curb Ramps

Site Elements

- Parking Spaces
- Access Aisles
- Passenger Loading Zones
- Stairways
- Handrails
- Ramps

Built-In Elements

- Signage
- Fire Alarm Systems
- Assistive Listening Devices
- Work Surfaces
- Service Counters
- Elevators

Plumbing Elements

- Drinking Fountains
- Restrooms
- Water Closets
- Toilet Compartments
- Urinals
- Lavatories and Sinks
- Grab Bars

Special Rooms and Spaces

- Exhibit Areas
- Break Rooms
- Reception Areas
- Conference Rooms
- Auditoriums
- Meeting Rooms

Accessibility Elements

- Turning Space
- Clear Floor Space
- Changes in Level
- Reach Ranges
- Operable Parts
- Protruding Objects
- Knee and Toe Clearance

Recreation Facilities

- | | | |
|----------------------------|---------------------|------------------|
| • Play Areas | • Picnic Facilities | • Fishing Piers |
| • Sports Fields and Courts | • Skate Parks | • Swimming Pools |
| • Seating | • Shelters | |



Accessible Routes

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Accessibility Elements

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- Clear Floor Space
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- Reach Ranges
- Operable Parts
- Protruding Objects
- Knee and Toe Clearance

Facility and Park Prioritization

MHAC assigns a priority of 1 – 4 for each accessibility barrier discovered. The prioritization process is essential so Bennett can determine what needs to be remediated immediately and what can be delayed until a future date. MHAC priorities are based on the following:

Priority 1 – High:

Should be completed within 12 months. Includes findings that have little or no cost, were in violation of the codes at the time of construction, pose an imminent safety threat, or would remove barriers to the greatest number of people to the City's programs and services.

Priority 2 – Important:

Should be completed within 24 months. Includes barriers that have a lower budgetary impact on the entity in relationship to the degree of access provided and that impede access to higher numbers of people with disabilities.

Priority 3 – Moderate:

Should be completed within 36 months due to a technical violation that is difficult and costly to remediate and may not result in providing greater access to people with disabilities. Includes findings that create a moderate to minimal impact on accessibility compared to the cost of the remediation.

Priority 4 – Low:

Includes accessibility barriers in employee only spaces. These barriers should be addressed when any employee with a disability requests reasonable accommodations within the employee only space.

Probable Construction Costs (Cost Estimates)

A probable construction cost estimate range to remediate each barrier was included in MHAC reports and databases.

Facilities and Parks Transition Plan Databases

The Town's Facilities and Parks ADA Transition Plan Databases documents facility findings in several formats that allow Town staff a straightforward plan that prioritizes a path to compliance. The databases are ArcGIS compatible and are entirely customizable.



Each facility and park finding is addressed with a prioritized recommendation that will rectify the barrier. The Transition Plan Databases contains:

- Finding Number
- Area Description
- Latitude and Longitude Coordinates
- Finding Description
- As-built Condition
- Recommendation and Specifications for Barrier
- 2010 ADA Standards Citations
- Barrier Priority
- Cost Estimate Range
- Status of Finding (Open/Noncompliant, or Compliant)
- Photograph of Finding
- Notes

FACILITIES SURVEYED

Antelope Hills Maintenance Building

Community Center

Mount View Cemetery

Muegee House

North Municipal Complex

Old Public Works Shop

Old Town Hall and Annex Building

Shared Services Building

Town Hall

Wastewater Treatment Plant/North Shop/Treatment Basins

Facilities ADA Findings Summary Reports

Antelope Hills Maintenance Building

Priority:	# of Findings	Cost Estimate Range	
		Low	High
High	5	\$450	\$775
Important	1	\$650	\$1,050
Moderate	1	\$3,650	\$5,300
Low	15	\$2,075	\$4,150
Total Findings	22	\$6,825	\$11,275

Community Center

Priority:	# of Findings	Cost Estimate Range	
		Low	High
High	22	\$1,620	\$2,330
Important	2	\$300	\$600
Moderate	2	\$4,000	\$8,000
Low	0	\$0	\$0
Total Findings	26	\$5,920	\$10,930

Mount View Cemetery

Priority:	# of Findings	Cost Estimate Range	
		Low	High
High	0	\$0	\$0
Important	0	\$0	\$0
Moderate	0	\$0	\$0
Low	0	\$0	\$0
Total Findings	0	\$0	\$0

Muegge House

Priority:	# of Findings	Cost Estimate Range	
		Low	High
High	3	\$180	\$300
Important	5	\$1,000	\$1,800
Moderate	1	\$1,500	\$2,000
Low	0	\$0	\$0
Total Findings	9	\$2,680	\$4,100

North Municipal Complex

Priority:	# of Findings	Cost Estimate Range	
		Low	High
High	2	\$3,000	\$3,750
Important	0	\$0	\$0
Moderate	0	\$0	\$0
Low	19	\$10,575	\$16,100
Total Findings	21	\$13,575	\$19,850

Old Public Works Building

Priority:	# of Findings	Cost Estimate Range	
		Low	High
High	2	\$300	\$650
Important	1	\$1,000	\$1,500
Moderate	0	\$0	\$0
Low	25	\$5,075	\$7,950
Total Findings	28	\$6,375	\$10,100

Old Town Hall and Annex

Priority:	# of Findings	Cost Estimate Range	
		Low	High
High	8	\$450	\$900
Important	4	\$3,400	\$5,100
Moderate	0	\$0	\$0
Low	8	\$7,950	\$12,325
Total Findings	20	\$11,800	\$18,325

Shared Services Building

Priority:	# of Findings	Cost Estimate Range	
		Low	High
High	11	\$60	\$80
Important	6	\$2,550	\$3,800
Moderate	0	\$0	\$0
Low	2	\$6,300	\$8,500
Total Findings	19	\$8,910	\$12,380

Town Hall			
Priority:	# of Findings	Cost Estimate Range	
		Low	High
High	14	\$1,775	\$3,225
Important	1	\$200	\$300
Moderate	1	\$2,500	\$3,000
Low	12	\$4,050	\$5,775
Total Findings	28	\$8,525	\$12,300

Wastewater Treatment Plant/North Shop/Basins			
Priority:	# of Findings	Cost Estimate Range	
		Low	High
High	0	\$0	\$0
Important	0	\$0	\$0
Moderate	0	\$0	\$0
Low	9	\$2,275	\$3,300
Total Findings	9	\$2,275	\$3,300

FACILITIES GRAND TOTALS			
Priority:	# of Findings	Cost Estimate Range	
		Low	High
High	67	\$7,835	\$12,010
Important	20	\$9,100	\$14,150
Moderate	5	\$11,650	\$18,300
Low	90	\$38,300	\$58,100
TOTAL FINDINGS	182	\$66,885	\$102,560



PARKS SURVEYED BY MILE HIGH ACCESSIBILITY

Bennett Regional Park & Open Space

Brothers Four Park

Centennial Park

Civic Center Park

Community Park

Corridor of Honor Military Memorial

Field of Dreams

Future Park

Trupp Park

Parks ADA Findings Summary Reports

BENNETT REGIONAL PARK AND OPEN SPACE

	# of Findings	Cost Estimate Range	
		Low	High
Priority:			
High	3	\$900	\$1,250
Important	2	\$1,000	\$2,000
Moderate	0	\$0	\$0
Low	0	\$0	\$0
TOTAL FINDINGS	5	\$1,900	\$3,250

BROTHERS 4 PARK

	# of Findings	Cost Estimate Range	
		Low	High
Priority:			
High	0	\$0	\$0
Important	0	\$0	\$0
Moderate	0	\$0	\$0
Low	0	\$0	\$0
TOTAL FINDINGS	3	\$0	\$0

CENTENNIAL PARK

	# of Findings	Cost Estimate Range	
		Low	High
Priority:			
High	5	\$1,850	\$2,550
Important	1	\$1,500	\$2,000
Moderate	1	\$3,000	\$5,000
Low	0	\$0	\$0
TOTAL FINDINGS	7	\$6,350	\$9,550

CIVIC CENTER PARK

	# of Findings	Cost Estimate Range	
		Low	High
Priority:			
High	7	\$400	\$575
Important	0	\$0	\$0
Moderate	1	\$1,500	\$2,500
Low	0	\$0	\$0
TOTAL FINDINGS	8	\$1,900	\$3,075

COMMUNITY PARK

Priority:	# of Findings	Cost Estimate Range	
		Low	High
High	17	\$550	\$825
Important	6	\$13,750	\$21,500
Moderate	2	\$5,500	\$11,000
Low	0	\$0	\$0
TOTAL FINDINGS	25	\$19,800	\$33,325

CORRIDOR OF HONOR MILITARY MEMORIAL

Priority:	# of Findings	Cost Estimate Range	
		Low	High
High	4	\$825	\$1,125
Important	0	\$0	\$0
Moderate	4	\$4,500	\$10,750
Low	0	\$0	\$0
TOTAL FINDINGS	8	\$5,325	\$11,875

FIELD OF DREAMS

Priority:	# of Findings	Cost Estimate Range	
		Low	High
High	2	\$500	\$750
Important	0	\$0	\$0
Moderate	1	\$2,000	\$3,000
Low	0	\$0	\$0
TOTAL FINDINGS	3	\$2,500	\$3,750

FUTURE PARK

Priority:	# of Findings	Cost Estimate Range	
		Low	High
High	11	\$250	\$400
Important	3	\$900	\$1,350
Moderate	6	\$10,100	\$14,300
Low	0	\$0	\$0
TOTAL FINDINGS	20	\$11,250	\$16,050

TRUPP PARK

Priority:	# of Findings	Cost Estimate Range	
		Low	High
High	1	\$50	\$100
Important	1	\$1,500	\$2,000
Moderate	0	\$0	\$0
Low	0	\$0	\$0
TOTAL FINDINGS	2	\$1,550	\$2,100

PARKS FINDINGS GRAND TOTALS

Priority:	# of Findings	Cost Estimate Range	
		Low	High
High	53	\$5,325	\$7,575
Important	13	\$18,650	\$28,850
Moderate	15	\$26,600	\$46,550
Low	0	\$0	\$0
TOTAL FINDINGS	81	\$50,575	\$82,975



Survey of Bennett Owned Public Rights-of-way

Since the adoption of the ADA, Bennett has endeavored to provide accessible pedestrian features as part of the Town's capital improvement projects. As additional information was made available regarding the methods of providing accessible pedestrian features, the Town updated its procedures to accommodate these methods.

Bennett utilizes two methods for upgrading pedestrian facilities to current ADA standards. The first and most comprehensive method is through scheduled street and utility improvement projects. All pedestrian facilities impacted by these projects are upgraded to current ADA accessibility standards.

The Bennett goal is to continue to provide accessible pedestrian design features as part of its capital improvement projects. The Town has adopted Public Right-of-way Accessibility Guidelines (PROWAG) design standards. These standards will be kept current with nationwide and local best management practices.

The Town will consider and respond to all accessibility improvement requests. All accessibility improvements that are deemed reasonable will be scheduled consistent with transportation priorities.

The Town will coordinate with external agencies to ensure that all new or altered pedestrian facilities within the Town jurisdiction are PROWAG compliant to the maximum extent feasible.

Maintenance of pedestrian facilities within the public rights-of-way will continue to follow the policies set forth by the Town. Examples of typical maintenance items relating to accessibility include snow removal and ice control for sidewalks, sidewalk repair policy, renewal of crosswalk markings, and signal hardware.

Requests for accessibility improvements can be submitted to the ADA Title II Coordinator.

Other agencies are responsible for pedestrian facilities within the jurisdiction of Bennett. The Town will coordinate with those agencies to assist with identifying and facilitating elimination of accessibility barriers along their routes.

Mile High Accessibility surveyed the following public right-of-way elements for compliance with the Public Right-of-way Accessibility Guidelines:

- Pedestrian Access Routes
- Curb Ramps and Blended Transitions
- Accessible Pedestrian Signals
- Pedestrian Push Buttons
- Alternate Pedestrian Access Routes
- Detectable Warning Surfaces
- Pedestrian Street Crossings
- Passenger Loading Zones

For natural surface trails, Mile High Accessibility collected data for the trail head, trail head parking, and trail head amenities.

Public Right-of-way Prioritization

The prioritization of public right-of-way barriers to accessibility is based on location and access to Bennett programs and services. With the PROWAG and the ADA, there are two categories of barrier removal that are identified in a self-evaluation and transition plan to help prioritize the removal of barriers in the public right-of-way:



1. Public right-of-way barriers which prevent access to local governments' services, programs, and activities, when viewed in their entirety.
2. Public right-of way barriers which were created by new construction or alterations (i.e., new construction of sidewalks and intersections in the public right-of-way built after January 26, 1992), which do not comply with enforceable ADA standards or PROWAG at the time of construction.

To help determine when public right-of-way barriers to accessibility should be remediated, the barriers in sidewalks, curb ramps, and shared use paths are prioritized in the following order:

- A. Arterial roads with access to many programs.
- B. Collector roads with access to many programs.
- C. Local roads with access to fewer programs.
- D. Residential Roads and Shared use paths with minor access to few programs
- E. Little to no access to available programs.

Mile High Accessibility assigns the barriers within the above categories a priority level of High, Important, Moderate, and Low, depending on the type of road or public right-of-way, and the type of barrier.

In addition to the prioritization based on the type of road and the access to available programs, sidewalk and curb ramp barriers are prioritized by the type of barrier existing in a sidewalk or curb ramp as demonstrated in the tables below.

Sidewalk Barrier Prioritization

	PRIORITY KEY	HIGH	IMPORTANT	MODERATE	LOW
Description	Arterial roads with access to various programs	Collector roads with access to various programs	Local roads with access to fewer programs	Residential roads and shared use paths with minor access to few programs	Little to no access to available programs
No sidewalk provided	A1 - S (1/1/2026-1/1/2027)	B1 - S (1/1/2027-1/1/2028)	C1 - S (1/1/2028-1/1/2030)	D1 - S (1/1/2030-1/1/2034)	E1 - S - TBD
Sidewalk in <36"	A2 - S (1/1/2026-1/1/2027)	B2 - S (1/1/2027-1/1/2028)	C2 - S (1/1/2028-1/1/2030)	D2 - S (1/1/2030-1/1/2034)	E2 - S - TBD
Width is between 36" and 48", Cross slope and/or running slope is excessive	A3 - S (1/1/2026-1/1/2027)	B3 - S (1/1/2027-1/1/2028)	C3 - S (1/1/2028-1/1/2030)	D3 - S (1/1/2030-1/1/2034)	E3 - S - TBD
Built protrusions are present	A4 - S (1/1/2026-1/1/2027)	B4 - S (1/1/2027-1/1/2028)	C4 - S (1/1/2028-1/1/2030)	D4 - S (1/1/2030-1/1/2034)	E4 - S - TBD
Vertical Discontinuities, Horizontal openings, or other damages to sidewalk are present	A5 - S (1/1/2026-1/1/2027)	B5 - S (1/1/2027-1/1/2028)	C5 - S (1/1/2028-1/1/2030)	D5 - S (1/1/2030-1/1/2034)	E5 - S - TBD
Organic protrusions that interfere with headroom, or width are present	A6 - S (1/1/2024-1/1/2026)	B6 - S (1/1/2024-1/1/2026)	C6 - S (1/1/2024-1/1/2026)	D6 - S (1/1/2024-1/1/2026)	E6 - S - TBD
No deficiencies reported	A7 - S	B7 - S	C7 - S	D7 - S	E7 - S

Curb Ramp Barrier Prioritization

	PRIORITY KEY	HIGH	IMPORTANT	MODERATE	LOW
Description	Arterial roads with access to various programs	Collector roads with access to various programs	Local roads with access to fewer programs	Residential roads with minor access to few programs	Little to no access to available programs
No curb ramp provided public access route	A1 - CR (1/1/2026-1/1/2027)	B1 - CR (1/1/2027-1/1/2028)	C1 - CR (1/1/2028-1/1/2030)	D1 - CR (1/1/2030-1/1/2034)	E1 - CR - TBD
Running slope, Cross slope, or Counter slope deficiencies	A2 - CR (1/1/2026-1/1/2027)	B2 - CR (1/1/2027-1/1/2028)	C2 - CR (1/1/2028-1/1/2030)	D2 - CR (1/1/2030-1/1/2034)	E2 - CR - TBD
Damaged	A3 - CR (1/1/2026-1/1/2027)	B3 - CR (1/1/2027-1/1/2028)	C3 - CR (1/1/2028-1/1/2030)	D3 - CR (1/1/2030-1/1/2034)	E3 - CR - TBD
Side flares, width, and turning space	A4 - CR (1/1/2026-1/1/2027)	B4 - CR (1/1/2027-1/1/2028)	C4 - CR (1/1/2028-1/1/2030)	D4 - CR (1/1/2030-1/1/2034)	E4 - CR - TBD
Detectable warning deficiencies	A5 - CR (1/1/2026-1/1/2027)	B5 - CR (1/1/2027-1/1/2028)	C5 - CR (1/1/2028-1/1/2030)	D5 - CR (1/1/2030-1/1/2034)	E5 - CR - TBD
Vertical discontinuity or various minor deficiencies	A6 - CR (1/1/2024-1/1/2026)	B6 - CR (1/1/2024-1/1/2026)	C6 - CR (1/1/2024-1/1/2026)	D6 - CR (1/1/2024-1/1/2026)	E6 - CR - TBD
No deficiencies reported	A7 - CR	B7 - CR	C7 - CR	D7 - CR	E7 - CR

BENNETT STREETS SURVEYED

Adams St	Ash St
Bennett Ave	Birch St
Centennial Dr	Centennial Way
Cleveland Ct	Clover Ave
Coolidge Ct	Eighth St
Elm St	Fourth St
Fox St	Grant Ave
Hancock Ct	Hancock Dr
Harrison Dr	Iris Ave
Jackson Ct	Jefferson Drive
Kiowa Ave	Laceleaf Dr
Lilac Ave	Lincoln Ave
Madison Dr	Madison Way
Maple St	McKinley Dr
Monarch St	Orchid Ave
Palmer Ave	Penrith Way



BENNETT STREETS SURVEYED

Racer St	Red Tail Dr
Roosevelt Ave	Second St
Seventh St	Shari's Ct
Silverdrop Ave	Spruce St
Third St	Truman Ave
Walnut St	Washington Ave
Yellowtail St	

BENNETT NEIGHBORHOOD WALKWAYS/SHARED USE PATHS

Neighborhood Loop at Edward Ave	Neighborhood Walkway at Lilac Ave
Neighborhood Walkway at Maple St	Pass-through Walkway
Shared Use Path	Shared Use Path at Edward Ave



Public Right-of-way Transition Plan Database

The Mile High Accessibility Public Right-of-way Transition Plan Database contains these fields:

- Finding Number
- Area Description
- Latitude and Longitude Coordinates
- Finding Description
- As-built Condition
- Recommendations to Remove Barrier
- Milestone Dates for Barrier Removal
- PROWAG Guidelines Citations
- Barrier Priority
- Cost Estimate Range
- Status of Finding
- Photograph of Finding
- Notes

Public Right-of-way Summary Report

Cost Estimate Range					
Curb Ramps		Sidewalks		Total	
Low	High	Low	High	Low	High
\$255,575	\$334,450	\$704,350	\$961,810	\$959,925	\$1,296,260

Town of Bennett Website Accessibility Audit

Website accessibility refers to the design and development of websites in such a way that they can be used and accessed by everyone, including people with disabilities. An accessible website ensures equal access to information and functionality for everyone, regardless of their abilities.

There are various types of disabilities that can affect a person's ability to use a website, such as visual impairments, hearing impairments, motor disabilities, cognitive disabilities, and more. To make a website accessible, developers need to consider these disabilities and incorporate features that accommodate them.



Effective website accessibility involves:

1. Providing appropriate alternate text descriptions for images and multimedia content so that people who are visually impaired can understand the content.
2. Designing an easy-to-use navigation and layout that can be accessed through keyboard strokes alone for people who have difficulty using a mouse.
3. Ensuring that the website has a high level of color contrast to make it easier for color-blind or low-vision users to differentiate between elements.
4. Incorporating closed captions or providing transcripts for all multimedia content for the benefit of people with hearing impairments.
5. Providing clear and concise text that can be easily read by individuals who have cognitive or learning disabilities.

In Colorado, state and local governments are compelled to have accessible websites through Colorado bill HB21-1110. HB21-1110 is a new interpretation of Colorado's existing laws against discrimination toward people with disabilities. It prohibits excluding an individual with disability from participation or denying benefits of services, programs, or activities of any entity.

HB 21-1110 Bill defines accessibility as "Perceivable, operable, understandable, and robust digital content. It enables citizens with disabilities to access, engage, and make use of the same interactions offered to other citizens. They are protected with the same privacy, independence, and ease of use as exists for individuals without a disability."

This Bill sets consistent standards and penalties for non-compliance. The highlights of the legislation include:

- All government agencies must submit their website accessibility plans to the Office of Information Technology by July 1, 2022.
- Websites must implement the accessibility plans by July 1, 2024.
- State agencies that do not comply with the web accessibility standards face penalties including hefty fines and actual monetary damages.

Effective July 1, 2022, and onwards, Colorado state agencies must comply with accessibility standards. These are developed by the Office of Information Technology (OIT) by July 1, 2024.

All entities must make digital content "used by the public or government entity employee" accessible per WCAG 2.1 AA guidelines.

Digital content could be websites, applications, kiosks, digital signage, documents, video, audio, third-party tools, text, links, images, forms, PDFs, documents, embedded third-party applications, and more.

Unlike past Colorado legislation on accessibility, these new laws will require accessibility for all disabilities. It has a clear system of enforcement and consequences for inaccessible digital content. If state agencies or entities do not comply, they will face a website accessibility lawsuit in a state court. Non-compliance by state agencies and entities to make their digital content accessible results in:

- A court order
- Monetary damages
- A fine of \$3,500, payable to the plaintiff

AIM Scoring for the Town of Bennett Website

Automated Accessibility Score – 9.3 out of 10

The Automated Accessibility Score is generated by the powerful WAVE Stand-alone API and Testing Engine, which identifies programmatically detectable accessibility barriers and compliance issues across Bennett's entire public website. The AIM engine compiles the number and density of accessibility errors, and number of likely errors (WAVE alerts) for every page provided, then aligns these three values to a sample of one million pages as analyzed annually in the WebAIM Million project to generate a score from 1 to 10. A score of 10 indicates that the site is among the very best in comparison to web pages generally. A score of 5 indicates that the detected errors on the site are about average compared to other pages on the web.

Manual Accessibility Impact Score – 8.2 out of 10

The **Manual Accessibility Impact Score** is generated via expert human testing of a sample of four web pages, typically the home page, two significant content pages, and one randomly selected page. Testers review the four pages to measure the human accessibility impact of the following items:

1. Accuracy of the web page's defined language
2. Appropriateness of image alternative text
3. Impact of empty links and buttons if present
4. Impact of labeled or unlabeled form inputs
5. Impact of low contrast content
6. Appropriateness of page title
7. Presence and prevalence of animation and movement
8. Presence of keyboard focus indicators
9. Impact of other keyboard accessibility issues
10. Page support for reflow and responsive design

While this is not a comprehensive list of possible accessibility issues, these are among the most common and most impactful. The Manual Accessibility Impact Score gives a meaningful measure of how these issues impact users with disabilities on these pages.

Accessibility Impact (AIM) Score – 8.2 out of 10

The Accessibility Impact (AIM) Score is a combination of the Automated Accessibility Score and Manual Accessibility Impact Score above. It provides insight into the overall accessibility of the site in relation to web pages generally and as calculated by a human tester. Higher scores are better.

Web AIM Report

Errors

The Town's website had 44 detectable errors across 97 pages, or 0.5 errors on average per page. Errors indicate WCAG conformance failures and negative impact on users with disabilities with a very high reliability.

All the Town's website errors have been corrected since the results of the Website Accessibility Audit were presented to the Town's website content manager.

Manual Website Testing Report

Why Manual Accessibility Testing is Necessary

WAVE and WAVE Runner are excellent automated tools for identifying some of the most common accessibility problems on websites and those which can be identified via automated code review. It is important to note though that not all accessibility problems can be identified automatically. By some estimates, only 30% of accessibility problems can be identified by automated testing.

Manual Testing Web Content Accessibility Guidelines (WCAG)

WCAG 2.0 AA is the standard that most government-funded websites need to follow under Section 508 of the Rehabilitation Act. This is generally considered to be the bare minimum standard for meeting website accessibility requirements. Though no clear legal guidance exists for how government entities can meet ADA requirements, from a “risk of lawsuit perspective,” having a website that complies with WCAG 2.0 AA is considered best practice.

WCAG 2.0 AA contains 38 “success criteria” or items that need to be achieved to ensure accessibility. Thirty-four of the success criteria require manual review by a human.

To ensure true WCAG, Section 508, or ADA compliance, in addition to auditing Bennett’s website with automated testing, it was critical that Bennett’s website was manually tested for accessibility.

What is Manual Accessibility Testing?

Manual accessibility testing is the review process a human goes through to determine if any accessibility problems exist on a website. Examples of manual accessibility testing include:

- Navigating through the website with only a keyboard to ensure that all content can be accessed, used, and engaged with by a user who cannot use a mouse.
- Listening to the website with a screen reader to make sure text content and controls can be accessed by a screen reader and is understandable when read aloud.
- Watching embedded media to check for the presence and accuracy of closed captions, and that no rapid flashing is present.
- Using the website on multiple device sizes and at multiple resolutions to ensure that it is just as easy to use on a phone as on a desktop computer and can be used if significantly zoomed in.

Manual Accessibility Testing Results

The Town’s website had only 5 errors discovered during manual accessibility testing. These errors have been corrected.

Conclusion

The ADA self-evaluation and transition planning process are vital steps towards creating an inclusive environment for individuals with disabilities. It demonstrates a commitment to equal access and provides a roadmap for necessary improvements and accommodations. By identifying and addressing barriers, the Town of Bennett can enhance accessibility, promote diversity and inclusion, and ensure compliance with ADA guidelines. Continuously reviewing and updating the self-evaluation and transition plan will help maintain an inclusive environment over time.



Attachment 1 – Public Outreach Survey



welcome neighbors.

PUBLIC OUTREACH SURVEY

1. **How would you rate the Town of Bennett's accessibility? This includes communication, programs, services, events, access to government facilities, parks, parking, trails, etc.**
 - ☐ Highly Accessible
 - ☐ Accessible with few challenges
 - ☐ Generally accessible, but could be improved
 - ☐ Not at all accessible
2. **How well do Town of Bennett's policies and procedures support people with disabilities?**
 - ☐ Very well
 - ☐ Somewhat
 - ☐ Needs improvement
 - ☐ Not sure
3. **Do you know who to contact if you need assistance, have a concern or complaint, or need accommodations to access a facility or service?**
 - ☐ No, I don't know who to contact
 - ☐ Yes, I do know who to contact

If Yes, please list who you would contact:

4. **Have you ever experienced or observed a situation when you or another individual were unable to participate in a program, access information, or obtain services due to any of the following circumstances? (check all that apply)**

Building not accessible

- ☐ Educational program not accessible
 - ☐ Material not available in alternate format
 - ☐ Interpreter not provided
 - ☐ Activity or event not accessible
 - ☐ Services not accessible
 - ☐ Website not accessible
 - ☐ Not applicable
 - ☐ Other (please specify)
- _____

5. Have you ever requested an accommodation for a disability from the Town?

☐ Yes

☐ No

6. Check all programs, services or activities in which you participate at a Town facility.

☐ Classes

☐ Recreation

☐ Meetings

☐ Sporting events

☐ Seminars

☐ Volunteer Work (Employee)

☐ Other (please describe)

7. What do you feel should be the Town's highest priority to improve accessibility for persons with disabilities?

Appendix A: ADA Definitions

Alterations

When a public entity chooses to alter any of its facilities, the elements and spaces being altered must comply with the 2010 Standards. An alteration is defined as remodeling, renovating, rehabilitating, reconstructing, changing, or rearranging structural parts or elements, changing or rearranging plan configuration of walls and full-height or other fixed partitions, or making other changes that affect (or could affect) the usability of the facility. Examples include restriping a parking lot, moving walls, moving a fixed ATM to another location, installing a new service counter or display shelves, changing a doorway entrance, or replacing fixtures, flooring, or carpeting. Normal maintenance, reroofing, painting, wallpapering, or other changes that do not affect the usability of a facility are not considered alterations. The 2010 Standards set minimum accessibility requirements for alterations. In situations where strict compliance with the Standards is technically infeasible, the entity must comply to the maximum extent feasible (see Technically Infeasible below).

Auxiliary Aids and Services

- Qualified interpreters or other effective methods of making orally delivered materials available to individuals with hearing impairments.
- Qualified readers, taped texts, or other effective methods of making visually delivered materials available to individuals with visual impairments.
- Acquisition or modification of equipment or devices; and other similar services and actions.

Complaint

A complaint is a claimed violation of the ADA.

Disability

- A physical or mental impairment that substantially limits one or more of the major life activities of an individual.
- A record of such impairment; or
- Being regarded as having an impairment.

Discrimination Based on Disability

- Limit, segregate, or classify a citizen in a way that may adversely affect opportunities or status because of the person's disability.
- Limit, segregate, or classify a participant in a program or activity offered to the public in a way that may adversely affect opportunities or status because of the participant's disability.
- Participate in a contract that could subject a qualified citizen with a disability to discrimination.
- Use any standards, criteria, or methods of administration that have the effect of discriminating based on disability.
- Deny equal benefits because of a disability.
- Fail to provide reasonable accommodations to known physical or mental limitations of an otherwise qualified individual unless it can be shown that the accommodation would impose an undue burden on the organization's operations.
- Use selection criteria that exclude otherwise qualified people with disabilities from participating in the programs or activities offered to the public.

- Fail to use tests, including eligibility tests, in a manner that ensures that the test results accurately reflect the qualified applicant's skills or aptitude to participate in a program or activity.

Fundamental Alteration

A modification that is so significant that it alters the essential nature of the goods, services, facilities, privileges, advantages, or accommodations offered. If a public entity can demonstrate that the modification would fundamentally alter the nature of its service, program, or activity, it is not required to make the modification. If a public accommodation (private entity) can demonstrate that a modification would fundamentally alter the nature of the goods, services, facilities, privileges, advantages, or accommodations it provides, it is not required to make the modification.

Having a Record of Impairment

An individual is disabled if he or she has a history of having an impairment that substantially limits the performance of a major life activity; or has been diagnosed, correctly or incorrectly, as having such impairment.

Physical or Mental Impairments

Physical or mental impairments may include, but are not limited to: vision, speech, and hearing impairments; emotional disturbance and mental illness; seizure disorders; mental retardation; orthopedic and neuromotor disabilities; learning disabilities; diabetes; heart disease; nervous conditions; cancer; asthma; Hepatitis B; HIV infection (HIV condition); and drug addiction if the addict has successfully completed or is participating in a rehabilitation program and no longer uses illegal drugs.

The following conditions are not physical or mental impairments: transvestitism; illegal drug use; homosexuality or bisexuality; compulsive gambling; kleptomania; pyromania; pedophilia; exhibitionism; voyeurism; pregnancy; height; weight; eye color; hair color; left-handedness; poverty; lack of education; a prison record; and poor judgment or quick temper if not symptoms of a mental or physiological disorder.

Qualified Individual with a Disability

A qualified individual with a disability means an individual with a disability who, with or without reasonable modification to rules, policies, or practices; the removal of architectural, communication, or transportation barriers; or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by the Town.

Reasonable Program Modifications

If the individual's disabilities prevent them from performing the essential functions of the program or activity, it is necessary to determine whether reasonable program modifications would enable an individual to perform the essential functions of the program or activity.

Reasonable program modification is any change in program or activity or in the way things are customarily done that enables an individual with a disability to enjoy equal program opportunities. Accommodation means modifications or adjustments:

- To a registration or application process to enable an individual with a disability to be considered for the program or activity.
- To the program or activity environment in which the duties of a position are performed so that a person with a disability can perform the essential functions of the program or activity.
- That enables individuals with disabilities to enjoy equally the benefits of the program or activity as other similarly situated individuals without disabilities enjoy.

Modification includes making existing facilities and equipment used by individuals readily accessible and usable by individuals with disabilities.



Modification applies to:

- All decisions and to the application or registration process.
- All services provided in connection with the program or activity.
- Known disabilities only.

Modification is not required if:

- It changes the essential nature of a program or activity of the person with a disability.
- It creates a hazardous situation.
- Adjustments or modifications requested are primarily for the personal benefit of the individual with a disability.
- It poses an undue burden.

Regarded as Having a Disability

An individual is disabled if she or he is treated or perceived as having an impairment that substantially limits major life activities, although no such impairment exists.

Reasonable Modification of Policies and Procedures

Many routine policies, practices, and procedures are adopted by public entities without thinking about how they might affect people with disabilities. Sometimes a practice that seems neutral makes it difficult or impossible for a person with a disability to participate. In these cases, the ADA requires public entities to make "reasonable modifications" in their usual ways of doing things when necessary to accommodate people who have disabilities. For example:

- A person who uses crutches may have difficulty waiting in a long line to vote or register for college classes. The ADA does not require that the person be moved to the front of the line (although this would be permissible), but staff must provide a chair for him and note where he is in line, so he does not lose his place.
- A person who has an intellectual or cognitive disability may need assistance in completing an application for public benefits.
- A public agency that does not allow people to bring food into its facility may need to make an exception for a person who has diabetes and needs to eat frequently to control his glucose level.
- A city, town, or county ordinance that prohibits animals in public places must be modified to allow people with disabilities who use service animals to access public places. (This topic is discussed more fully later.)
- A city, town, or county ordinance that prohibits motorized devices on public sidewalks must be modified for people with disabilities who use motorized mobility devices that can be used safely on sidewalks.

Only "reasonable" modifications are required. Any modification that would result in a "fundamental alteration" -- a change in the essential nature of the entity's programs or services -- is not required.

Safe Harbor

The requirements in the 2010 ADA Standards are, for many building elements, identical to the 1991 Standards and the earlier Uniform Federal Accessibility Standards (UFAS). For some elements, however, the requirements in the 2010 Standards have changed. For example:

- The 1991 Standards allowed light switches, thermostats, and other controls to be installed at a maximum height of 54 inches. Under the 2010 Standards, the maximum height is 48 inches.

- The 1991 Standards required one van-accessible space for every eight accessible spaces. The 2010 Standards require one van-accessible space for every six accessible spaces.
- The 2010 Standards for assembly areas contain revised requirements for dispersion of accessible seating, sightlines over standing spectators, and companion seating.

If a facility was in compliance with the 1991 Standards or UFAS as of March 15, 2012, a public entity is not required to make changes to meet the 2010 Standards. This provision is referred to as the “safe harbor.” It applies on an element-by-element basis and remains in effect until a public entity decides to alter a facility for reasons other than the ADA. For example, if a public entity decides to restripe its parking lot (which is considered an alteration), it must then meet the ratio of van accessible spaces in the 2010 Standards. The ADA’s definition of the term “alteration” is discussed below.

The 2010 Standards also contain requirements for recreational facilities that were not addressed in the 1991 Standards or UFAS. These include swimming pools, play areas, exercise machines, court sport facilities, and boating and fishing piers. Because there were no previous accessibility standards for these types of facilities, the safe harbor does not apply. The program access rules apply, and the 2010 Standards must be followed when structural change is needed to achieve program access.

Service Animals

Under the ADA, a service animal is defined as a dog that has been individually trained to do work or perform tasks for an individual with a disability. The task(s) performed by the dog must be related to the person’s disability. For example, many people who are blind or have low vision use dogs to guide and assist them with orientation. Many individuals who are deaf use dogs to alert them to sounds. People with mobility disabilities often use dogs to pull their wheelchairs or retrieve items. People with epilepsy may use a dog to warn them of an imminent seizure, and individuals with psychiatric disabilities may use a dog to remind them to take medication. Dogs can also be trained to detect the onset of a seizure or panic attack and to help the person avoid the attack or be safe during the attack. Under the ADA, “comfort,” “therapy,” or “emotional support” animals do not meet the definition of a service animal because they have not been trained to do work or perform a specific task related to a person’s disability.

Allowing service animals into a “no pet” facility is a common type of reasonable modification necessary to accommodate people who have disabilities. Service animals must be allowed in all areas of a facility where the public is allowed except where the dog’s presence would create a legitimate safety risk (e.g., compromise a sterile environment such as a burn treatment unit) or would fundamentally alter the nature of a public entity’s services (e.g., allowing a service animal into areas of a zoo where animals that are natural predators or prey of dogs are displayed and the dog’s presence would be disruptive). The ADA does not override public health rules that prohibit dogs in swimming pools, but they must be permitted everywhere else.

The ADA requires that service animals be always under the control of the handler and be harnessed, leashed, or tethered, unless these devices interfere with the service animal’s work or the individual’s disability prevents him from using these devices. Individuals who cannot use such devices must maintain control of the animal through voice, signal, or other effective controls.

Public entities may exclude service animals only if 1) the dog is out of control and the handler cannot or does not regain control; or 2) the dog is not housebroken. If a service animal is excluded, the individual must be allowed to enter the facility without the service animal.

Public entities may not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal, as a condition for entry. In situations where it is not apparent that the dog is a service animal, a public entity may ask only two questions: 1) is the animal required because of a disability? and 2) what work or task has the dog been trained to perform? Public entities may not ask about the nature or extent of an individual’s disability.

The ADA does not restrict the breeds of dogs that may be used as service animals. Therefore, a town ordinance that prohibits certain breeds must be modified to allow a person with a disability to use a service animal of a prohibited breed, unless the dog's presence poses a direct threat to the health or safety of others. Public entities have the right to determine, on a case-by-case basis, whether use of a particular service animal poses a direct threat, based on that animal's actual behavior or history; they may not, however, exclude a service animal based solely on fears or generalizations about how an animal or breed might behave.

The ADA does not require service animals to be certified, licensed, or registered as a service animal. Nor are they required to wear service animal vests or patches, or to use a specific type of harness. There are individuals and organizations that sell service animal certification or registration documents to the public. The Department of Justice does not recognize these as proof that the dog is a service animal under the ADA.

Substantial Limitations of Major Life Activities

Individuals are disabled if they have a physical or mental impairment that (a) renders them unable to perform a major life activity, or (b) substantially limits the condition, manner, or duration under which they can perform a particular major life activity in comparison to other people.

Major life activities are functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

In determining whether physical or mental impairment substantially limits the condition, manner, or duration under which an individual can perform a particular major life activity in comparison to other people, the following factors shall be considered:

- The nature and severity of the impairment.
- The duration or expected duration of the impairment.
- The permanent or long-term impact (or expected impact) of or resulting from the impairment.

Technically Infeasible

Is defined as an alteration that has little likelihood of being accomplished because existing structural conditions would require removing or altering a load-bearing member that is an essential part of the structural frame; or because other existing physical or site constraints prohibit modifications or additions that comply fully with the Standards. The 2010 Standards also contain an exemption for certain alterations that would threaten or destroy the historic significance of an historic property.

Undue Burden

The Town of Bennett shall not provide an accommodation that imposes an undue burden on the operation of the Town's business. An undue burden means significant difficulty or expense incurred in the provision of accommodation. Undue burden includes, but is not limited to, financial difficulty. Undue burden refers to any modification that would be unduly costly, extensive, substantial, or disruptive, or that would fundamentally alter the nature of operation of the business of the Town.

Whether a particular accommodation will impose an undue hardship is determined on an individual basis. If a particular modification is determined to cause an undue burden to the Town of Estes, the Town shall attempt to identify another modification that would not pose such a burden. If cost causes an undue burden, the Town must consider whether funding for modification is available from an outside source. If no such funding is available, the Town must give the person with a disability the opportunity to provide the modification or to pay for that portion of the modification that constitutes an undue burden.

Appendix B: Glossary of Terms

ABA: See Architectural Barriers Act.

ADA: See Americans with Disabilities Act.

ADA Transition Plan: Transportation system plan that identifies accessibility needs, the process to fully integrate accessibility improvements, and aims to ensure that all transportation facilities, services, programs, and activities are accessible to all individuals.

ADAAG: See Americans with Disabilities Act Accessibility Guidelines.

Accessible: A facility that provides access to people with disabilities using the design requirements of the ADA.

Accessible Pedestrian Signal (APS): A device that communicates information about the WALK phase in audible and vibrotactile formats.

Alteration: A change to a facility in the public right-of-way that affects or could affect access, circulation, or use. An alteration must not decrease or have the effect of decreasing the accessibility of a facility or an accessible connection to an adjacent building or site.

Americans with Disabilities Act (ADA): Civil rights legislation passed in 1990 and effective July 1992. The ADA sets design guidelines for accessibility to public facilities, including sidewalks and trails, by individuals with disabilities.

Americans with Disabilities Act Accessibility Guidelines (ADAAG): Contains scoping and technical requirements for accessibility to buildings and public facilities by individuals with disabilities under the Americans with Disabilities Act (ADA) of 1990.

APS: See Accessible Pedestrian Signal.

Architectural Barriers Act (ABA): 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.

Capital Improvement Program (CIP): The CIP for a public agency typically includes an annual capital budget and a five-year plan for funding the new construction and reconstruction projects on the agency's transportation system.

Detectable Warning: A surface feature of truncated domes, built in or applied to the walking surface to indicate an upcoming change from pedestrian to vehicular way.

DOJ: See United States Department of Justice.

Federal Highway Administration (FHWA): A branch of the U.S. Department of Transportation that administers the federal-aid Highway Program, providing financial assistance to states to construct and improve highways, urban and rural roads, and bridges.

FHWA: See Federal Highway Administration.

Pedestrian Access Route (PAR): A continuous and unobstructed walkway within a pedestrian circulation path that provides accessibility.

Pedestrian Circulation Route (PCR): A prepared exterior or interior way of passage provided for pedestrian travel.

PROWAG: An acronym for the *Proposed Guidelines for Pedestrian Facilities in the Public Right-of-Way* issued in 2005 by the U.S. Access Board. This guidance addresses roadway design practices, slope and terrain related to pedestrian access to walkways and streets, including crosswalks, curb ramps, street furnishings, pedestrian signals, parking, and other components of public rights-of-way.



Right-of-Way: A general term denoting land, property, or interest therein, usually in a strip, acquired for the network of streets, sidewalks and trails creating public pedestrian access within a public entity's jurisdictional limits.

Section 504: The section of the Rehabilitation Act that prohibits discrimination by any program or activity conducted by the federal government.

Uniform Federal Accessibility Standards (UFAS): Accessibility standards that all federal agencies are required to meet; includes scoping and technical specifications.

United States Access Board: An independent federal agency that develops and maintains design criteria for buildings and other improvements, transit vehicles, telecommunications equipment, and electronic and information technology. It also enforces accessibility standards that cover federally funded facilities.

United States Department of Justice: Federal executive department responsible for enforcement of the law and administration of justice (also referred to as the Justice Department or DOJ).



Appendix C – Additional Reports

Due to the size of the extensive data collected, the files noted in these documents are not directly attached to the ADA Transition Plan but are available from the Town upon request.

1. Facilities ADA Transition Plan Database
2. Parks ADA Transition Plan Database
3. Public Right-of-way Transition Plan Database
4. Facilities Site Accessibility Evaluation Reports
5. Parks Site Accessibility Evaluation Reports