

CITY OF SAN MARCOS, TEXAS

ADA Implementation Report

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INTRODUCTION

The City of San Marcos (hereinafter referred to as the “City”) has been named the fastest-growing city in the United States for two consecutive years. Interestingly enough, the Austin-Round Rock metropolitan area had the fastest-growing ‘pre-senior’ (age 55 through 64) population in the nation and ranked second in senior (age 65 and older) population growth in the 2010 U.S. Census. Given the city’s already diverse culture and expected continual growth, a fully functional governing body that addresses the needs of citizens is critical to the city’s well-being.

The United States Census Bureau reports that approximately 56.7 million U.S. citizens – 19 percent of the population – had a disability in 2010. More than half of these disabilities were deemed severe. The year 2015 marks the 25th anniversary of the Americans with Disabilities Act. The milestone law guarantees equal opportunity for citizens with disabilities. The City of San Marcos does not take this obligation lightly, knowing that its population is only going to increase – bringing with it one disabled person for every five citizens.



Figure 1. President George H.W. Bush signs the Americans with Disabilities Act into law on July 26, 1990.

Population 65 Years and Over Austin-Round Rock MSA, 2010		
County	Number 65+	Percent 65+
Bastrop County, Texas	8,501	11%
Caldwell County, Texas	4,510	12%
Hays County, Texas	13,285	8%
Travis County, Texas	74,759	7%
Williamson County, Texas	37,681	9%
Total: Austin-Round Rock MSA	138,736	8%

Table 1. 2010 Central Texas senior population. Source: 2010 Census, Summary File 1, Table QT-P1.

Looking into the future, an increased percentage of the Central Texas population with disabilities is expected, as the senior population will continue to grow rapidly both in number and as a share of the population. Building pedestrian facilities now and for the future means taking into consideration not only the reported disabilities of current residents, but also the physical and cognitive changes that many individuals experience over the course of their lifetime.

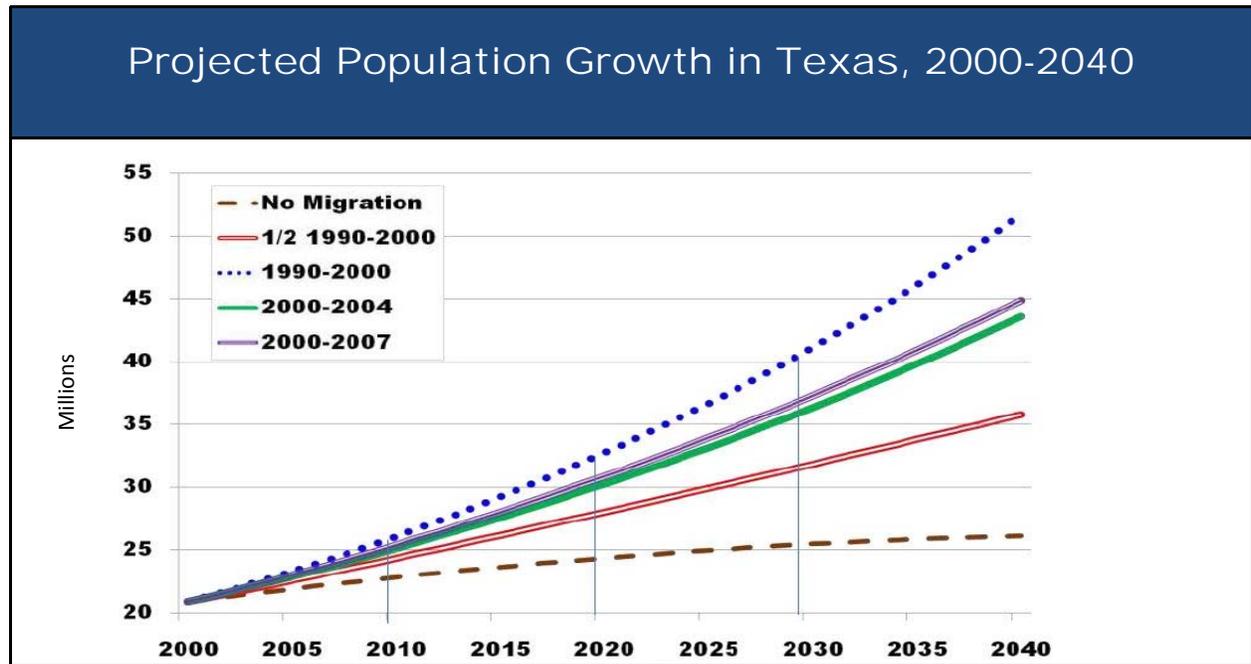


Table 2. Projected population growth in Texas using multiple historical growth rates. Source: 2010 Census, Summary File 1.

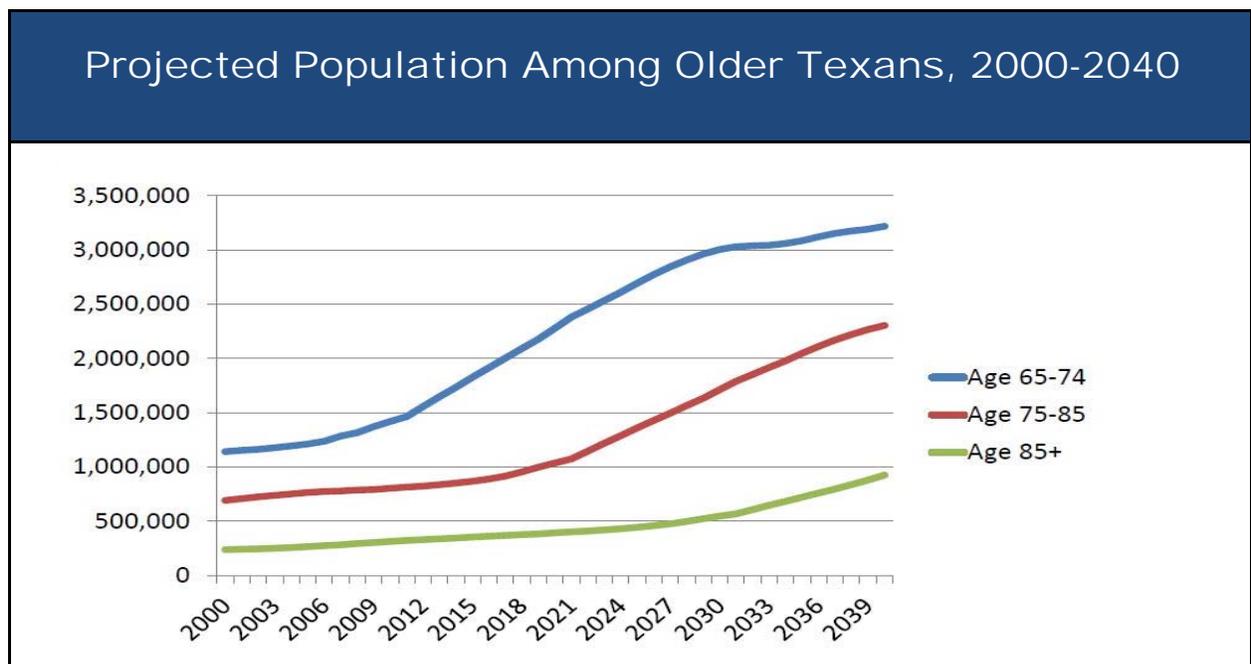
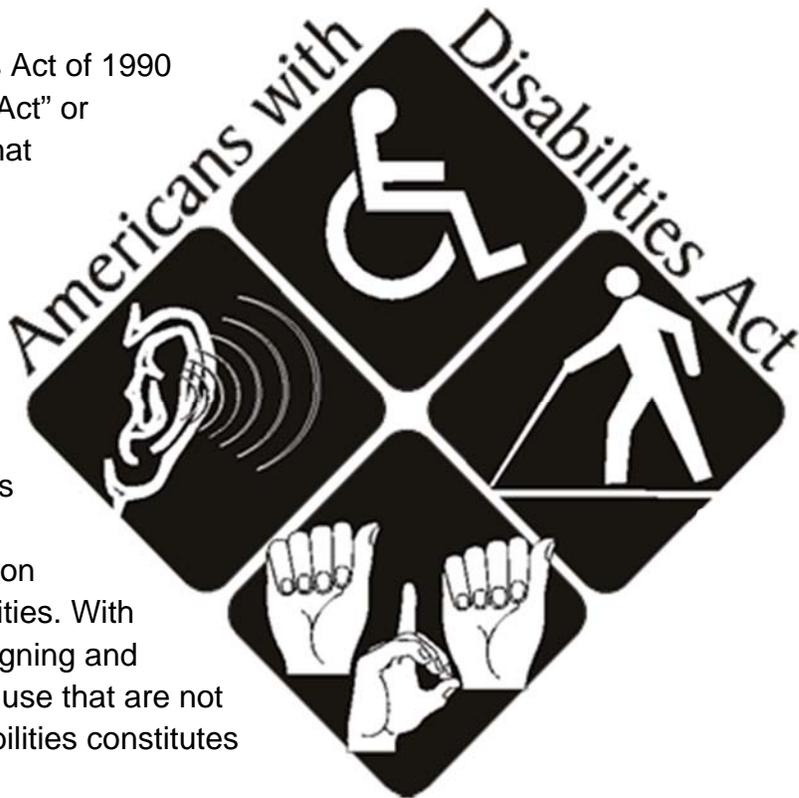


Table 3. Projected senior population growth in Texas through 2040. Source: 2010 Census, Summary File 1.

BACKGROUND

The Americans with Disabilities Act of 1990 (hereinafter referred to as the “Act” or “ADA”) is a civil rights statute that prohibits discrimination against people who have disabilities.

There are five separate titles, or sections, of the Act relating to different aspects of potential discrimination. Title II of the Act specifically addresses the subject of making public services and public transportation accessible to those with disabilities. With the introduction of the Act, designing and constructing facilities for public use that are not accessible by people with disabilities constitutes discrimination.



The ADA is divided into five sections, addressing the following areas:

Title I: Employment

Under Title I, employers, including governmental agencies, must ensure that their practices do not discriminate against persons with disabilities in the application, hiring, advancement, training, compensation, or discharge of an employee. Discrimination against other terms, conditions, and rights of employment are prohibited.

Title II: Public Services

Title II prohibits state and local governments from discriminating against persons with disabilities or from excluding participation in or denying benefits of programs, services, or activities to persons with disabilities. It is under this title that an ADA transition plan (hereinafter referred to as “transition plan”) is to be prepared. Transition plans are intended to outline the methods by which physical or structural changes will be made to affect the non-discrimination policies described in Title II.

Title III: Public Accommodations

Title III requires places of public accommodation to be accessible to and usable by persons with disabilities. The term *public accommodation* as used in the definition often is misinterpreted as applying solely to public agencies; but the intent of the term is to refer to any privately funded and operated facility serving the public.

Title IV: Telecommunications

Title IV covers regulations regarding private telephone companies, and requires common carriers offering telephone services to the public to increase the availability of interstate and intrastate telecommunications relay services to individuals with hearing and speech impairments.

Title V: Miscellaneous Provisions

Title V contains several miscellaneous regulations, including construction standards and practices, provisions for attorney's fees, and technical assistance provisions.

The Act applies to all facilities, including both facilities built before and after 1990. Cities are required to develop a program access plan, which can be called a transition plan, to address any deficiencies. ADA transition plans are intended to achieve the following:

- identify physical obstacles that limit the accessibility of facilities to individuals with disabilities,
- provide a schedule for making the accessibility modifications, and
- identify the public officials responsible for implementation of the transition plan.

The transition plan is required to be updated periodically until all accessibility barriers are removed.

Applicability to the City of San Marcos

The requirements of the Americans with Disabilities Act apply to all public entities or agencies. The formal transition plan procedures as outlined in Title 28 of the Code of Federal Regulations, Section 35.150, only govern those public entities with more than 50 employees. All public entities have the obligation of providing a planning method that makes facilities ADA-accessible. This includes the City of San Marcos. The development or updating of a transition plan is now an ongoing activity or a goal at many municipalities. More information about the City of San Marcos' ADA Transition Plan can be found on page 11 of this report.



Focus

ADA transition plans are required for all cities and must cover all facilities under their jurisdiction. This includes buildings and rights-of-way. The focus of this report is solely on city-managed facilities and public rights-of-way. This typically includes city buildings, sidewalks, pedestrian paths, curb ramps, street crossings, driveway crossings, crosswalks, median crossings, public transit stops, and pedestrian-activated signal systems. While the accessibility of pedestrian facilities in the public right-of-way is only one facet for providing equal access to government programs, services, and activities, it affects many citizens on a daily basis.

ADA COORDINATOR

A city must designate at least one responsible employee to coordinate ADA compliance. The ADA Coordinator is responsible for facilitating the implementation of the Americans with Disabilities Act within the City of San Marcos. The ADA affects many areas such as: public services, employment opportunities, communication, and the evacuation of citizens with disabilities in the instance of a disaster. The benefits of having an ADA Coordinator are that:

- it makes it easier for members of the public to identify someone to help them with questions and concerns about disability discrimination,
- it provides a single source of information to ensure that questions can be answered quickly and consistently, and
- it designates an individual who can focus on and who can be instrumental in moving compliance plans forward.

The most important responsibility of the ADA Coordinator is to monitor effective compliance with the law. Compliance is required in services the City provides and the programs it administers, as well as physical accessibility in streets, sidewalks, and other

facilities. The person who is appointed to this position must be familiar with the City's operation, trained in the requirements of the ADA and other laws pertaining to

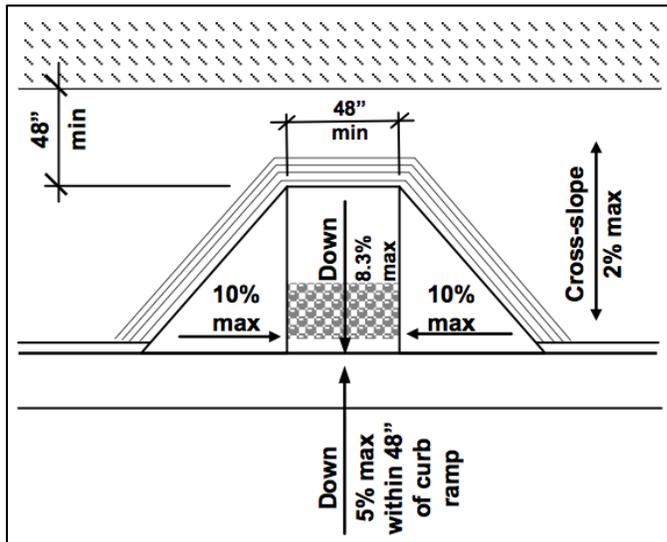


Figure 2. Perpendicular curb ramp with appropriate grading and dimensions.

discrimination, and able to deal effectively with other local governments, advocacy groups, and the public. The City of San Marcos is committed to complying with legislation set forth by the Americans with Disabilities Act.

The City's ADA Coordinator, Cindy Conyers, is the Risk Manager. She can be reached by telephone at (512) 393-8065 (or Voice/711 Texas Relay Service) or via email at cconyers@sanmarcostx.gov.

The City's ADA Coordinator oversees the appointment and activities of field surveyors. Field surveying and site evaluations began in June of 2013 and ended in August of 2014. During this 14-month period, surveyors spent over 200 hours collecting detailed measurements and other data within the city. The surveyors underwent training on equipment, data collection methods, procedures, and ADA principles. The surveyors followed procedures outlined in the ADA checklist downloaded from the ADA Tool Kit and obtained additional information from various departments within the City.

A city must provide public notice about the rights of the public and the responsibilities of the city under the ADA. Providing notice is not a one-time requirement, but a continuing obligation.



Figure 3. Tools used during site evaluations include a GPS unit, tape measurer, and a level tool. A safety vest is required when working around traffic.

The audience at public forums addressing the accessibility of City facilities might include a large number of individual citizens that would not be readily identifiable. Groups that are likely to be included in the target audience are public transit users and advocacy groups. A notice can be found on the City's website, www.sanmarcostx.gov, with information on the location and time for public meetings. See "ADA Information" on the home menu.

ADA Guidelines

To comply with the Americans with Disabilities Act in the evaluation of a facility, common areas of focus include the dimensions of accessible pathways, proper signage of services, and the accessibility of public areas within the facility. Below is a summary of essential ADA requirements, per the 2010 ADA Standards for Accessible Design provided by the Department of Justice. This list is not comprehensive.



DIVISION	CRITERIA
Accessible Entrance	Must not require the use of stairs.
	At least 36 inches in width.
	Protruding objects must be cane-detectable.
Accessible Facility Ramps	Slope no greater than 1:12.
	At least 36 inches in width.
	Must have railings that are longer than 6 feet on both sides and between 34 and 38 inches in height.
Accessible Parking Spaces	Must be 8 feet wide and include a 5-foot access aisle.
	98 inches of vertical clearance available for lift-equipped vans.
	At least one of every 8 accessible spaces must be van-accessible, with a minimum of one van-accessible space in all cases.
	Must be marked with the International Symbol of Accessibility.
Doors	Must have a clear opening of at least 32 inches.
	At least 18 inches of clear wall space on the pull side of the door.
	Door handle must be no higher than 48 inches and operable with a closed fist.
Restrooms	Stall doors must be operable with a closed fist, on the inside and outside of the door.
	Wheelchair-accessible stalls must have an area of at least 5 feet by 5 feet.
	Toilet seats must be between 17 and 19 inches in height.
	Faucets must be operable with a closed fist.
Signage for Goods and Services	Signs must be mounted with centerline 60 inches from the floor.
	Must have brailled text of the same information.

Table 4. Essential accessibility requirements for public facilities.

COMMUNITY OUTREACH

The opportunity for the disabled community and other interested parties to participate in updating the transition plan is an integral part in providing accessibility throughout the city. The dissemination of information and requests for comments takes place through individual meetings, public forums, awareness days, and the City's website. Sources of input for transition plan updates include activists and general citizens. Feedback is obtained through comment forms at individual meetings and public forums.

ADA Grievance Procedure & Accommodation

The City of San Marcos' grievance procedure establishes a system for resolving complaints of disability discrimination in a prompt and fair manner. Making the grievance procedure as straightforward as possible for the public can help avoid the escalation of grievance issues. Complaints are directed to the City's ADA Coordinator. An appropriate first step is to file a complaint with the City; it provides an opportunity to resolve an issue at the local level.

However, the exhaustion of a city's grievance procedure is not a prerequisite to filing a complaint with either a federal agency or a court. The City's grievance procedure can be found on its website.

The City of San Marcos is committed to promoting positive participation and a quality experience by providing reasonable accommodations for individuals with disabilities upon request. The City of San Marcos will not place a surcharge on a particular individual with a disability, or any group of individuals with disabilities, to cover the cost of providing auxiliary aids/services or reasonable modifications of policy. Common accommodation requests include:

- the presence of service animals,
- sign language interpreters,
- assistive listening devices,
- information in alternative forms, and
- adapted equipment and techniques.



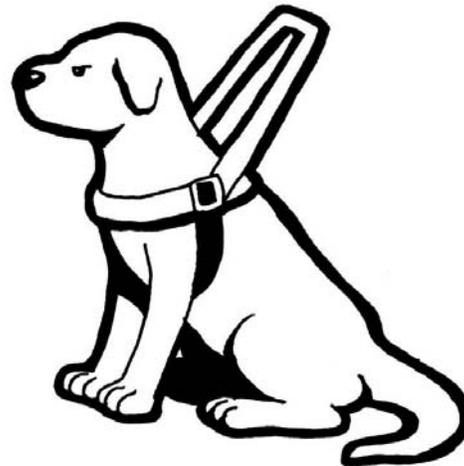
Figure 4. Therapy dogs at the public library.

City of San Marcos ADA Notice

In accordance with the guidelines of Title II of the Americans with Disabilities Act of 1990, the City of San Marcos will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or facilities.

Employment: The City of San Marcos does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations stated by the U.S. Equal Employment Opportunity Commission under Title I of the Americans with Disabilities Act.

Effective Communication: Upon request and when possible, the City of San Marcos will provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they are able to participate equally in the City's programs, services, and activities.



Modifications to Policies and Procedures: The City of San Marcos will make reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in the City of San Marcos' offices, even where pets are generally prohibited.

Structural Modifications: The City of San Marcos will make reasonable modifications required to achieve compliance through the City's ADA Transition Plan.

Individuals requiring an auxiliary aid or service for effective communication or a modification of policies or procedures to participate in a program, service, or activity of the City of San Marcos should contact the office of the ADA Coordinator, Cindy Conyers, by telephone at (512) 393-8065 (or Voice/711 Texas Relay Service) or via email at ADArequest@sanmarcostx.gov as soon as possible, but no later than 72 hours before the scheduled event. Cindy Conyers may also be contacted at cconyers@sanmarcostx.gov. See "ADA Information" on the City's website for further details.

The Americans with Disabilities Act does not require the City of San Marcos to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Citizen Contribution



Figure 5. ADA Advocate Eric West leads ADA Coordinator Cindy Conyers and Streets and Drainage Manager Jesse Shroyer on a wheelchair ride down Springtown Way to provide hands-on experience for the two city employees.

It is the goal of the City of San Marcos to address the needs of the public in an effective manner. In an effort to increase the accessibility of city facilities and programs, the City has called on citizens to address necessary improvements. Through public forums, city officials acquire input regarding the improvement of accessibility for citizens with disabilities. Public meetings bring to light issues that may have been overlooked by government officials.

Moreover, public forums allow for the introduction of community projects, along with an opportunity for participants to voice their ideas and concerns. The meetings also serve as a common ground for discussion between citizens and officials, in an attempt to create consensus for action.

The City of San Marcos strives to make itself available to citizens. All citizens have the opportunity to schedule a personal meeting with the ADA Coordinator.



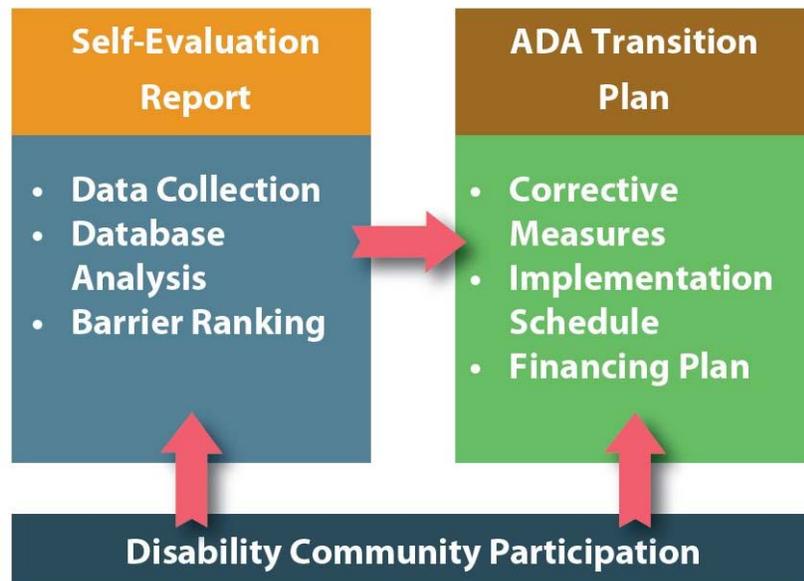
Figure 6. Citizens attend a public forum pertaining to sidewalk accessibility. Factors such as width and cross slope determine the accessibility of a sidewalk.

ADA TRANSITION PLAN

After evaluating all city property, the ADA Coordinator assembled a list of needs and recommendations to pave the way for citywide ADA compliance. To remain eligible for federal transportation funding, the City of San Marcos is required to update their ADA transition plan.

The first task in updating an ADA transition plan is to conduct an inventory of existing physical barriers in facilities operated by the organization and listing all barriers that limit accessibility. This is often referred to as the self-evaluation process. Possible inventory approaches include on-ground surveys, windshield surveys, aerial photo studies, or drawing reviews.

Relationship Between the Self-Evaluation Report and the ADA Transition Plan



An ADA transition plan consists of the following elements:

- a list of physical barriers in the organization’s facilities that limit accessibility of individuals with disabilities (the self-evaluation),
- a detailed description of the methods to remove these barriers and make the facilities accessible,
- a schedule for taking the necessary steps,
- the names of the officials responsible for implementation, and
- a record of the opportunity given to the disabled community and other interested parties to participate in the development of the transition plan.

Periodic updates to the transition plan are required in order to ensure ongoing compliance. An up-to-date transition plan can be found on the City of San Marcos’ Americans with Disabilities Act web page. The document lists city-owned property that is not in compliance with the ADA, along with an estimated date of completion for each solution.

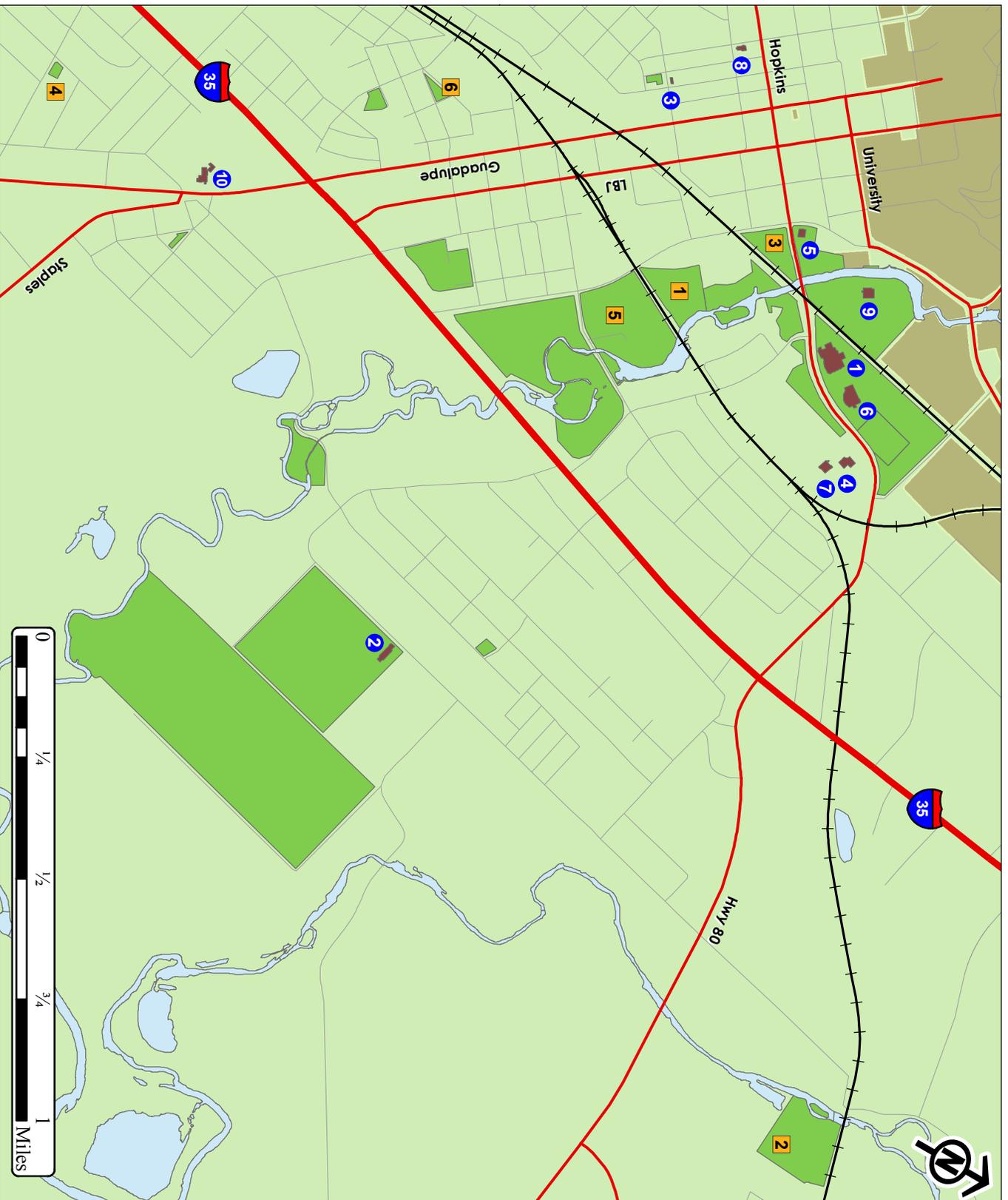
City of San Marcos ADA-Accessible Facilities

Buildings

- 1 Activity Center
- 2 Animal Shelter
- 3 Calaboose Museum
- 4 City Hall
- 5 Grant Harris
- 6 Library
- 7 Municipal Court
- 8 Price Center
- 9 Recreation Center
- 10 Electric Utility

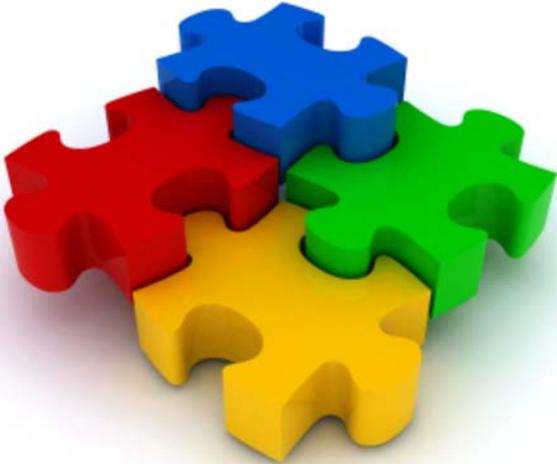
Parks

- 1 Children's Playscape
- 2 Gary Sports Complex
- 3 Juan Veramendi
- 4 Paul Pena
- 5 Rio Vista
- 6 Victory Gardens



IMPLEMENTATION OF ACCESSIBLE DESIGN

Community Services Division



In partnership with Capital Area Rural Transportation Systems (CARTS), the City of San Marcos is working to enhance the accessibility of bus stops. This is a critical renovation, as much of the disabled community is unable to operate a personal vehicle. To increase independence, many citizens elect to ride the bus. Bus stops must comply with connectivity, slope, and seat availability requirements established in the Americans with Disabilities Act.

In collaboration with the Human Resources Department, an updated version of the City’s ADA Transition Plan was completed in October of 2014. The Community Services Division identified facilities that were not in compliance with the ADA and required renovation in order to become accessible.



Figure 7. An ADA-compliant CARTS bus stop.

Engineering & Capital Improvements Department



Figure 8. The Engineering & Capital Improvements Department and other City staff participate in an activity aimed towards familiarizing participants with various accessibility barriers and the responsibilities of the City under the Americans with Disabilities Act.

to participants. Legal policies, sidewalk design, pedestrian crossings, intersections, curb ramps, construction, maintenance, pedestrian signals, and temporary traffic control were largely emphasized.

Human Resources Department

The ADA Coordinator is located in the Human Resources Department. The Department administers the procedure for responding to requests for reasonable accommodations as mandated by the Americans with Disabilities Act. The Human Resources Department oversees compliance with regulations specified by the Equal Employment Opportunity Commission to assist in the protection of city employees from discrimination.

As part of the process of updating the City's ADA Transition Plan, the Human Resources Department facilitated discussions between city departments and citizens to establish a preliminary list of facilities that are not in compliance. The Department was also responsible for conducting site evaluations and collecting data pertaining to city facilities and modes of transportation.

In July of 2013, the Engineering & Capital Improvements Department coordinated with the Association of Pedestrian and Bicycle Professionals to offer the Designing Pedestrian Facilities for Accessibility course to City staff. Developed in a partnership between the Federal Highway Administration and U.S. Access Board, the educational program provides an overview of the Americans with Disabilities Act guidelines and policies for public rights-of-way. The course incorporated both classroom learning and field work to iterate important concepts



Figure 9. City staff attend the Designing Pedestrian Facilities for Accessibility course.



Parks and Recreation Department

The San Marcos Parks and Recreation Department is committed to providing parks, trails, and recreational facilities and activities for people of all abilities. Recreational facilities that are not in compliance with the Americans with Disabilities Act are covered in the City of San Marcos' ADA Transition Plan. The staff is continually looking for ways to make upgrades as part of other maintenance or construction projects. There are approximately 1,700 acres of parkland in San Marcos, which represents 48 parks. Some of these areas are meant to preserve the natural topography, and are not accessible. However, the Department continually strives to provide a diverse experience for all users.



Transportation Department

The Transportation Department manages current ramp and sidewalk projects. The Department works alongside the ADA Coordinator to facilitate the selection and



prioritization of curb ramp and sidewalk projects. Priorities are determined by consulting the Sidewalk Master Plan, along with citizen input and criteria set forth by the Americans with Disabilities Act. The Sidewalk Master Plan establishes a method to meeting San Marcos' need for assessing sidewalk infrastructure and supplements the City's existing ADA Transition Plan.

RECOGNITION

In June of 2014, the Public Risk Management Association (PRIMA) presented the City of San Marcos with an Honorable Mention for its *Interactive Process of Reasonable Accommodation* program. PRIMA's membership is made of more than 2,000 entities in over 1,800 jurisdictions. The Association's mission is to promote effective risk management as an essential component of public administration. The City of San Marcos was recognized for its efforts in providing accommodations for employees.



Additionally, the City was acknowledged for its accomplishment in designating a representative from each department to receive updated information regarding ongoing training pertaining to the Americans with Disabilities Act. Representatives are tasked with addressing employment concerns, facility issues, and the dissemination of information in alternative formats. Each department completes a Program Accessibility questionnaire that is used to collect data on how accessible departmental programs are, or are not, for people with disabilities. Doing so assists departments in improving their ability to serve its citizens. Areas of concentration in the self-evaluation include:

- public service,
- outreach and information,
- training and staffing,
- programs and facilities, and
- accessible and adaptive equipment

SUMMARY

The City of San Marcos will continue to be proactive in considering individuals with disabilities in its planning processes. Hosting citizen request programs and public forums, as well as continuing to stay up-to-date with ADA guidelines, are effective methods of collecting the information needed to make informed decisions. To allow for greater opportunities for citizens of San Marcos with disabilities, the City strives to meet and exceed minimum standards established by the Americans with Disabilities Act. The City works to make San Marcos a livable city for all of its citizens.



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