

**Title II of Americans with Disabilities Act of 1990
and Section 504 of the Rehabilitation Act of 1973
Self-Evaluation and Transition Plan**

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About Metroplan

Metroplan is a voluntary association of local governments that has operated by interlocal agreement since 1955. Originally formed as the Metropolitan Planning Commission of Pulaski County, Metroplan now has members in the six-county area. Metroplan is the designated metropolitan planning organization (MPO) under Title 23 of the United States Code (see specifically Section 134 on Metropolitan Planning) and has been since 1972. As the MPO, Metroplan must adopt both a long range transportation plan, covering at least twenty years, and a short range plan, the Transportation Improvement Program (TIP), which selects projects from the long range plan to fund for construction. These plans are to be developed in a “comprehensive, cooperative and continuous” fashion and cover federal aid surface transportation projects in the CARTS area. No federal transportation funds can be spent on a road project in the area unless that project is on the long-range transportation plan and the TIP.

Metroplan Member Jurisdictions

Municipalities:

City of Alexander
 City of Austin
 City of Benton
 City of Bauxite
 City of Bryant
 City of Cabot
 City of Cammack Village
 City of Conway
 City of Haskell
 City of Jacksonville

City of Little Rock
 City of Maumelle
 City of Mayflower
 City of North Little Rock
 City of Shannon Hills
 City of Sheridan
 City of Sherwood
 City of Vilonia
 City of Ward
 City of Wooster
 City of Wrightsville
 Hot Springs Village

Counties:

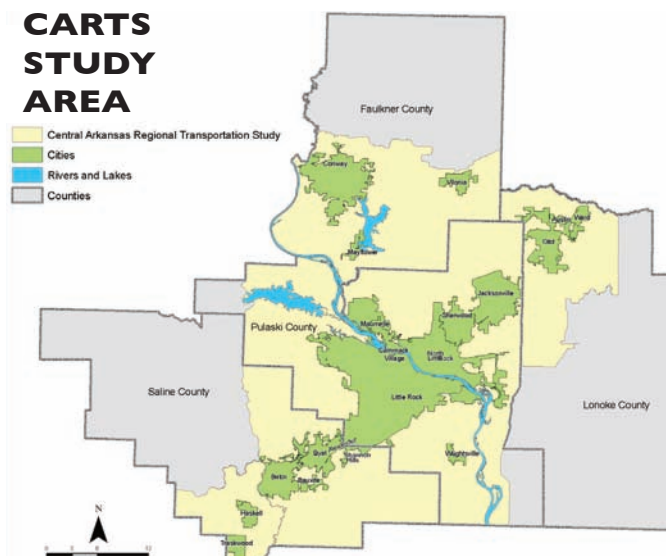
Faulkner County
 Grant County
 Lonoke County
 Pulaski County
 Saline County

Other:

Central Arkansas Transit Authority (CATA)
 Arkansas State Highway and Transportation Department (AHTD)

About CARTS

The Central Arkansas Regional Transportation Study, or CARTS, is the cooperative effort by the participating communities, transportation providers and many other interested parties to develop a long-range transportation plan for the metropolitan area.



Introduction and Statement of Commitment

As a recipient of federal funding, Metroplan must comply with a variety of federal and state legislative regulations. Regarding matters of nondiscrimination on the basis of disability, Metroplan falls under two federal laws, the Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973.

The ADA prohibits discrimination on the basis of disability. Title II of ADA applies specifically to all activities of state and local governments, including metropolitan planning organizations such as Metroplan, and requires that government entities give people with disabilities equal opportunity to benefit from all of the programs, services and activities that may be offered.

As the federally designated metropolitan planning organization, Metroplan must adhere to the standards set forth in Title II, which include both physical accommodations (accessibility to buildings and meetings) and in policies, practices and procedures. Under Title II, Metroplan is required to make reasonable accommodations in order to provide access and to communicate effectively with people who have hearing, vision or speech impairments. Likewise, Metroplan is required to make reasonable modification to policies, practices and procedures where necessary to avoid discrimination.

The Rehabilitation Act prohibits discrimination on the basis of disability in programs conducted by federal agencies, in programs receiving federal financial assistance, in federal employment and in the employment practices of federal contractors. The standards for determining employment discrimination under the Rehabilitation Act are the same as those used in Title I of the ADA.

Section 504 states that “no qualified individual with a disability in the United States shall be excluded from, denied the benefits of, or be subjected to discrimination under” any program or activity that receives federal financial assistance. Requirements common to the regulations set forth in Section 504 include reasonable accommodation for employees with disabilities, program accessibility and effective communication with people who have hearing or vision disabilities.

As an MPO, Metroplan is required to perform the following:

- ✓ Apply ADA Law
- ✓ Apply Section 504 law
- ✓ Appoint an ADA/504 Coordinator
- ✓ Provide an agency nondiscrimination statement
- ✓ Perform an agency self-evaluation
- ✓ Develop a Transition Plan
- ✓ Make auxiliary aids (TTD/TTY) available for use
- ✓ Provide assurance of compliance

Metroplan is committed to complying with both the letter and spirit of the requirements set forth in Title II of the ADA and Section 504 of the Rehabilitation Act (hereafter ADA/504).

Methodology for Self-Evaluation

This document was developed by the Metroplan ADA/504 Coordinator, in consultation with a Compliance Team, who assisted in the physical evaluation of Metroplan's premises, and in the evaluation of Metroplan's policies and practices. Team members reviewed and made recommendations to the Self-Evaluation document, as well as to the separately developed Transition Plan (found in the appendix, beginning on page 13).

David Deere, Executive Director, Partners for Livable Communities
Eric Meyerson, CATA Planning Manager
Timothy Miles, CARMA
Doris Smith, Mainstream Coordinator

This Self-Evaluation is in two parts: (1) an evaluation of Metroplan's policies and practices and, (2) an evaluation of Metroplan's premises. This document describes the policies and procedures that Metroplan uses to comply with ADA/504. Steps that will be undertaken to correct any deficiencies are detailed in the appended Transition Plan.

Public Comment

In accordance with Metroplan's own policies and procedures, and in compliance with the requirements of the above-referenced legislation, the public was given a thirty-day opportunity for review and comment. Notice was placed in area newspapers and on the Metroplan website on July 30, 2008. The draft Self-Evaluation was made available through distribution to member jurisdictions and area libraries.

Public Review and Comment

The public is invited to review and comment on Metroplan's draft Self Evaluation and Transition Plan. Metroplan is the metropolitan planning organization for central Arkansas.

Transportation legislation (SAFETEA-LU) requires that MPOs conduct a self evaluation of its programs and facility accessibility, and to prepare a Transition Plan that describes any deficiencies, remedies, time-frame for carrying out remedies and approximate costs.

The public comment period is from Wednesday, July 30, 2008, until close of business day on Tuesday, September 2, 2008.

The draft Self-Evaluation and Transition Plan is available for viewing at the following locations: Central Arkansas Library and branch locations, William F. Laman Library, City and County clerks' offices, and Metroplan. Or visit the Metroplan web site: www.metroplan.org. Upon request, large-print or Braille versions may be made available. Written comments should be submitted to Susan Dollar, ADA/504/ Title VI Coordinator, Metroplan, 501 W. Markham Street, Suite B, Little Rock, AR 72201. All comments must be postmarked no later than Monday, April 23, 2007. Comments may also be faxed to 372-8060, or e-mailed to comments@metroplan.org. Call Metroplan at 372-3300 for further information.

Update, October 2010

The ADA/504 Coordinator is charged with the task of monitoring and updating the Self-Evaluation and Transition Plan as needed. Accordingly, this document was reviewed and updated in September 2010, and adopted by the Metroplan Board of Directors in October. Additional and updated material reflects information gleaned from an FHWA-AHTD on-site Title VI evaluation, as well as progress made on projects identified in the Transition Plan.

Because the update consists of only minor tweaks, it was not deemed necessary to reconvene the evaluation team or to undergo a thirty-day public review period. In keeping with Metroplan's public participation policy, the documents was provided to the team members and advertised for a fifteen-day public review and comment period. The updated document was placed on the Metroplan website and made available to the public upon request.

New material is indicated in red font.

Evaluation of Metroplan Policies and Practices

Following is a description of Metroplan's policies and practices that may affect people with disabilities.

ADA/504 Coordinator

Metroplan's ADA/504 Coordinator is charged with the following tasks:

- Collaborate and coordinate ADA/504 compliance efforts with the heads of major division and departments. Metroplan is a small office, composed of a planning department and administrative department. The ADA/504 Coordinator works closely with all of the staff in both departments.
- Serve as a point of contact and liaison to the public on ADA/504 compliance issues. Contact information is provided on the Metroplan website and in all Metroplan publications.
- Establish and maintain collaborative relationships with critical external stakeholders, such as disability advocacy groups and government agencies.
- Monitor the STA's policies, procedures, practices and processes with respect to ADA/504 compliance; identify shortcomings in compliance and develop remedies.
- Investigate and resolve complaints filed under the STA's ADA/504 grievance procedures. Grievance procedures are described on page 7.
- Monitor and update the implementation of the STA's ADA/504 Self-Evaluation and Transition Plan.
- Provide or coordinate the provision of requested auxiliary aids and reasonable accommodations to individuals with disabilities.
- Perform ADA/504 program, process or compliance reviews; inspect facilities for accessibility.

Public Participation

Metroplan's Public Participation Plan (PPP) was first developed and adopted under the requirements of 1990 transportation legislation. Subsequent legislative enactments led Metroplan to place greater emphasis on bringing traditionally under-represented groups to the table. In 2007, the plan was again refined and updated to address the requirements of the Safe, Accountable, Flexible, Efficient Transportation Act: A Legacy for Users—SAFETEA-LU. The policies and strategies detailed in the PPP reference accessibility, but do not specifically address the requirements of Title II and 504. Additionally, the PPP is lacking a detailed procedure for dealing with complaints relating to discrimination due to a disability.

Public Meetings and Opportunity for Comment

All meetings held by Metroplan are open to the public. Many meetings are held in the Pulaski County Regional Center, in the media/meeting room adjacent to Metroplan offices. That room is fully accessible.

When meetings are conducted in other venues, Metroplan strives to assure that the facility is accessible, externally and internally. When possible, meeting locations are selected along public bus routes.

Sign language interpreters are made available if requested in advance of the meeting. Documents and handouts are also available in large print versions. Metroplan can also make printed material available as Braille, again if requested in advance. Information regarding this is included in meeting notices that are posted on the Metroplan website and as legal notices in area newspapers.

Publications

A Notice of Nondiscrimination is required to be placed in all plans, studies and processes undertaken by Metroplan. Documents produced since March 2008, include the following statement.

NOTICE OF NONDISCRIMINATION

Metroplan complies with **all civil rights provisions of federal statutes and related authorities that prohibit discrimination in programs and activities receiving federal financial assistance.** Therefore, **Metroplan** does not discriminate on the basis of race, sex, color, age, national origin, religion or disability; in admission or access to and treatment in programs and activities; as well as in hiring or employment practices. Complaints of alleged discrimination and inquiries regarding nondiscrimination policies may be directed to Susan Dollar, ADA/504/Title VI Coordinator, 501 West Markham Street, Suite B, Little Rock, AR 72201, (501) 372-3300, or the following e-mail address: sdollar@metroplan.org. **(Hearing impaired may dial 711.)**

This notice is available from the ADA/504/Title VI Coordinator in large print, on audiotape and in Braille.

Two documents that directly address the needs of people with disabilities are the Public Participation Plan (adopted in 2007) and Metroplan's employee manual, Personnel Policies and Procedures (updated in 2008). The PPP is discussed on page 6; the personnel manual is discussed under Grievance Procedures, below.

Grievance Procedures for Metroplan Employees

It is the intent of Metroplan to ensure that no qualified individual, because of a disability, is discriminated against with regard to any term or condition of employment, provided that such individual can perform the essential functions of the job with or without reasonable accommodation.

A **disability** is defined as (1) a physical or mental impairment that renders the individual

unable to perform, or significantly limits the individual's ability to perform one or more major life activities as compared to an average person in the general population, (2) a record of such an impairment, or (3) being regarded as having such an impairment.

Qualified individual is defined as an individual with a disability who satisfied the requisite skill, experience, education and other job-related requirements of the employment such individual holds or desires, and who, with or without reasonable accommodation, can perform the essential functions of such position.

Reasonable accommodation is defined as a modification or adjustment to the job, the work environment, or the way things usually are done that enable a qualified person with a disability to enjoy an equal employment opportunity. Metroplan is not required to take such actions to accommodate that would result in undue financial and administrative burdens.

Metroplan, upon request, will provide reasonable accommodation to employee(s) in compliance with the ADA. Any employee who believes he needs an accommodation in order to perform the essential functions of the job should notify his immediate supervisor. Requests will be handled on a case-by-case basis.

Any employee who believes he has been or is being discriminated against because or as a result of a disability should first contact his immediate supervisor, as outlined in Metroplan's "open door" policy contained in the personnel policies manual. If the employee is not satisfied with the conclusion of that interview, then he may file a grievance with the ADA/504 Coordinator. Upon receipt of the formal grievance, the ADA/504 Coordinator will collect information and investigate the complaint, and make a recommendation to the Executive Director within ten business days. The complainant will be kept fully informed throughout the process, and will be notified in writing of the resolution.

Complaint Procedures for the General Public

Metroplan has established a process for investigating and resolving complaints alleging disability discrimination related to MPO services, programs and its office. Regulations implementing provisions of Section 504 and Title II of the ADA can be found at 49 CFR Parts 27 and 37, and 28 CFR Part 35.

Metroplan's ADA/504 Coordinator is responsible for overseeing investigations and responses to complaints of discrimination based on disability.

Required complaint information includes:

- Complainant's name, mailing address and daytime phone number
- Specific information relating to the incident in question: date, time, location, how the person was discriminated based upon disability, and any other pertinent details.

Complaints with incomplete information may result in delayed investigations and responses. Metroplan will not respond to complaints without the complainant's name and mailing address.

Complaints may be submitted to Metroplan as follows:

- By telephone to Metroplan, 501-372-3300. The ADA/504 coordinator will talk to

the complainant and obtain detailed information relating to the complaint. Information obtained from the telephone interview will be recorded in writing and read to the complainant.

- In writing to the Metroplan ADA/504 Coordinator, Susan Dollar, 501 West Markham Street, Suite B, Little Rock, AR 72201. Complaints may also be faxed to 501-372-8060 or e-mailed to sdollar@metroplan.org.
- In person at Metroplan, 501 West Markham Street, Suite B, Little Rock, AR 72201. Normal office hours are from 8:00 a.m. until 4:45 p.m., Monday through Friday. It is advisable to call the ADA/504 Coordinator in advance to schedule an appointment.

Within three business days upon receipt of a complaint, a letter or card will be mailed to the complainant with the following information:

- Acknowledgment that the complaint has been received and is pending investigation.
- Estimated date by which a response will be sent to the complainant.

The ADA/504 Coordinator will investigate the complaint and respond in writing within a reasonable time, not to exceed 30 days from receipt of the complaint. The response will provide information concerning the resolution of the complaint.

A record of all ADA/504 complaints will be maintained by Metroplan for a minimum of five years. Each record will include the name and address of the complainant, nature of the complaint, problems identified, resolution of the complaint and any resulting modifications made to a Metroplan program, service or its office facility.

Evaluation of Metroplan Premises

Metroplan leases 4250 sq ft of the Jeffrey Hawkins Building, 501 West Markham Street, Little Rock, Arkansas. The building is located on the corner of Markham and Broadway, and the entrance to the premises is on the Markham Street side. (*see floor plan on page 10*)

Access to the building

The external entrance to the building is wheelchair accessible, as are the building lobby, media (meeting) room and restrooms. Back entrance to the building and to Metroplan office is accessible. Additionally, Metroplan is located along a regular bus route.

Doorways and hardware

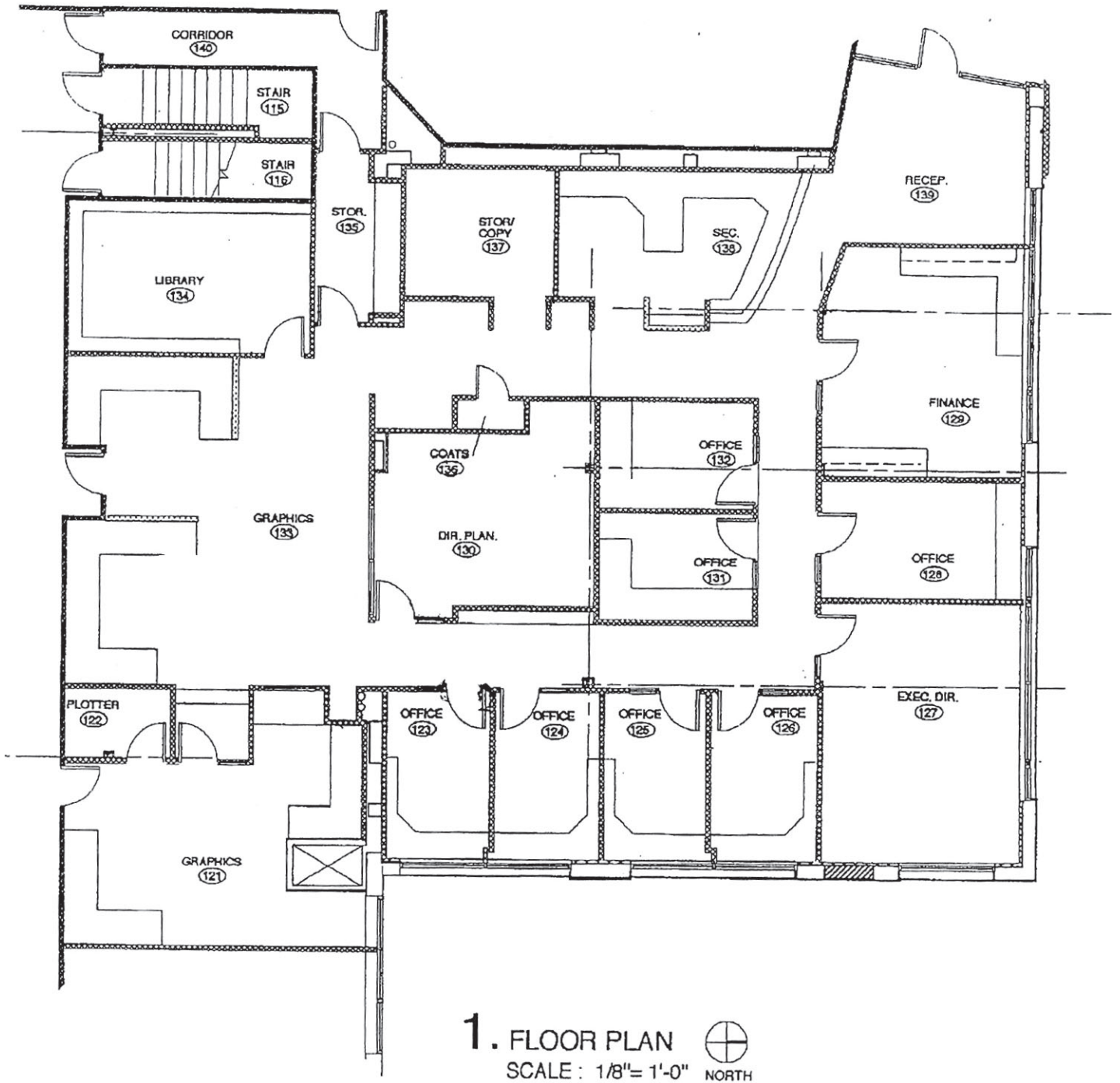
All internal and external doorways are wheelchair accessible. All door hardware is designed for use by people with disabilities and is in good working order.

Reception area

Metroplan's reception area is accessible by both visitors and employees. However, the reception counter is 45.5 inches high—too high to be accessed by people who use wheelchairs.

Supply room

The supply room is accessible, as are most supplies contained therein. Countertops are not constructed to accommodate wheelchair users. A structural post is situated directly in front of one set of cabinet doors, creating a permanent obstacle for all users. Other obstacles



1. FLOOR PLAN
SCALE: 1/8" = 1'-0" NORTH

are temporary, and consist of boxes and supplies deposited in the room but not put away.

Coat closet

The coat closet is accessible. **An accessible clothes rod has been added to accommodate people who use wheelchairs.**

Kitchen

The entrance to the kitchen is accessible. The distance between the counter and wall is five feet, although it narrows to less than five feet between the refrigerator and exit. The refrigerator and ice maker are accessible. The microwave and sink are accessible, but although a person in a wheelchair could reach the coffee maker, it would be risky. Access to eating utensils is good.

Offices

All offices are constructed to permit access and use.

Windows

Eight offices have windows. **Extension rods were installed so that the blinds may be reached and adjusted** by someone who uses a wheelchair.

Internal navigation

Office hallways are accessible and generally free of obstacles, except on an occasional basis.

Communication

Office telephones are within easy access, or can be readily put within access. Metroplan does not currently use either TTD/TTY technology to accommodate people with hearing impairments.

The Metroplan website is not accessible by people with vision impairments.

Library/Conference room

Metroplan's conference room and library has limited accessibility. The room can be entered, but the conference table takes up much of the floor space and likely could not be circumnavigated by a wheelchair user. There are also other obstacles, although they are all nonpermanent or temporary.

Evaluation of Metroplan Website

Metroplan already substantially complies with guidelines for making website material accessible to hearing and sight impaired people. Recent changes to regulations prompted a revisit of those efforts and found the following deficiencies.

- **PDF documents are not accessible by vision impaired people.**
- **Not all images are properly captioned to accommodate reader software for vision impaired people.**

Conclusions

Deficiencies noted within this Self-Evaluation are recorded in the Transition Plan, along with recommended remedies and a time frame for making the recommended improvements. Metroplan reviews its public documents, including this one, on an annual basis. Any changes to programs, policies or practices are noted and the document is revised as needed.

Appendix

Title II of Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973

Transition Plan

Introduction

As a recipient of federal funding, Metroplan must comply with a variety of federal and state legislative regulations. Regarding matters of nondiscrimination on the basis of disability, Metroplan falls under two federal laws, the Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973.

Transportation legislation (SAFETEA-LU) requires that MPOs conduct a self evaluation of its programs and facility accessibility, and to prepare a Transition Plan that describes any deficiencies, remedies, time-frame for carrying out remedies and approximate costs. In June 2008, Metroplan conducted a Self-Evaluation of (1) its policies and practices and, (2) its physical premises.

This Transition Plan was developed as a result of the Self-Evaluation.

Deficiencies Identified in Evaluation of Metroplan Policies and Practices

| Deficiency | Remedy | Approx. Cost | Status |
|---|---|--|----------|
| <i>Metroplan Personnel Policies and Procedures</i> to include the grievance procedures detailed in the Self evaluation. | Amend the <i>Metroplan Personnel Policies and Procedures</i> to include the grievance procedures detailed in the Self Evaluation. | Minimal - cost of administration time and publication of legal notice. | Underway |
| <i>The Public Participation Plan (PPP)</i> does not directly address ADA and Section 504 requirements. | Amend the PPP to include specific language that reflects Metroplan's actual and intended policies and practices. | Minimal - cost of administration time and publication of legal notice. | Underway |

Deficiencies Identified in Evaluation of Metroplan Premises

| Deficiency | Remedy | Approx. Cost | Status |
|--|---|---------------------|--|
| Reception area counter is too high for anyone using a wheelchair. | Construct a portion of the counter to be accessible (30 inches from floor). | \$600 - \$1,000 | Under development. |
| Coat rack is too high to be reached by wheelchair users. | Add a lower bar. | \$20 - \$25 | Done. |
| Not all office windows can be accessed to adjust the blinds. | Add extension to control rods. | \$75 - \$100 | Done. |
| Internal navigation is occasionally impeded for people with disabilities by the presence of temporary obstacles. | Remove any obstacles that interfere with free flow of pedestrian traffic. | No cost. | Ongoing and as needed. |
| Telephone is not equipped with TTD/TTY. | Acquire TTD or TTY. (Coordinate with AHTD on this.) | No cost. | Done. After considering alternatives, Metroplan decided to utilize the 711 relay system. |

Deficiencies Identified in Evaluation of Metroplan Website

| Deficiency | Remedy | Approx. Cost | Status |
|---|---|--|---|
| Not all images are properly captioned to permit access by vision impaired people. | Add "alternate image name" for all existing images on website. | Staff time, plus some assistance from web consultants. | Completed, except for top banner and icons at the bottom of the page. |
| PDF files cannot be accessed by vision impaired people. | Providing link to Adobe Acrobat Reader for text to speech conversion. | Staff time only. | Underway. |