

# **City of Sioux Falls**

## **ADA Title II Transition Plan Recommendations**

### **Report Overview**

This report presents recommendations for structural corrective actions for the City of Sioux Falls (the City) in order to provide access to the public programs and services conducted at or within various sites and facilities. Programmatic solutions have been recommended in some cases as an alternative to structural (physical) changes. Programmatic changes in lieu of structural modifications to provide accessibility are allowed for existing facilities under the program accessibility subpart of Title II (28 CFR part 35.150) of the Americans with Disabilities Act (ADA).

These recommendations, upon approval of the City, are intended to serve as the transition plan as required by Title II 28 CFR part 35.150(c) for the facilities and sites listed in the attached 5-year capital plan. All of the recommendations in this report for structural or programmatic solutions are subject to review, revision, and approval of the City of Sioux Falls Administration.

It is important to note that this report only addresses recommended changes to provide program accessibility. Any additional future renovations, alterations, additions or modifications made to any site or facility owned by the City or the programs, services and activities conducted by the City may trigger additional requirements under the ADA and/or other accessibility laws and must be addressed on a case-by-case basis.

Rooms or elements that are used exclusively by employees within existing facilities are generally not required to be modified as part of the city's program accessibility mandate. Reasonable accommodations necessary for employees as specified in Title II 28 CFR part 35.140 would be made on a case-by-case basis and will not be addressed by these recommendations.

A policy review for each city department was also conducted which provides the City recommendations for policy and practice modifications. The summary for this review is included in a separate document titled Self Evaluation Recommendations.

### **Methodology**

LCM Architects developed site and facility survey forms for use by the City's local consultant to evaluate sites and facilities as listed in the 5-year capital plan. Training was provided to the City and its consultant on the use of these forms. This review completed by the City's consultant compared the physical elements used by the general public within City sites and facilities with the ADAAG requirements for newly constructed facilities. This process identified the physical barriers to the portions of the sites and facilities used by the general public in accessing programs and services offered by the City. As Title II does not necessarily require a public entity to bring existing sites and facilities up to new construction standards, the following recommendations only address barriers that were interpreted to bar access to programs and services. LCM exercised its reasonable professional efforts and experience to interpret the data provided by the City's consultant in developing recommendations for ADA compliance. LCM does not warrant or guarantee that its interpretations will comply or agree with the interpretations of others, including, but not limited to code enforcement officials, federal enforcement agencies and court interpretations.

### **Detailed Report**

A detailed report for each of the below listed sites and facilities was developed including a description of the barrier, recommendations for removal of the barrier, the ADAAG reference to be followed when the barrier is removed, an order of magnitude cost projection of the costs associated with removal of the barrier, and the assignment of a priority score for each barrier. The

priority scores were added for each facility and adjusted with a multiplier based on the annual attendance for each site or facility. This resulted in an adjusted priority score for each site or facility. This score was used in determining the order and year the facilities were assigned in the recommended 5-year capital plan.

### **Recommended 5-Year Capital Plan**

Recommendations for a 5-year Capital Plan have also been developed in conjunction with the City. In the electronic version, clicking on the name of each facility in the Capital Plan automatically opens a worksheet including the detailed report for that site or facility.

### **Parks Recommended for Relocated Programs and Services**

The 5-year Capital Plan also includes a list of parks where no recommendations for barrier removal has been made due to the proximity of these facilities to other parks which offer similar facilities and programs. 28 CFR part 35.150(a)(1) of the Title II regulations clarifies that the statute does not necessarily require a public entity to make each of its existing facilities accessible to and usable by individuals with disabilities as long as access is provided to all programs and services. For example, if an archery course is offered at a park that has been selected for relocation of programs and services, this class would be moved to a park with accessible features on an “as needed” basis. The list of parks recommended in this report is not a comprehensive list. At the City’s discretion, parks may be added or removed from this list as long as the program accessibility mandate of Title II as described above can be maintained.

### **Issues Unique to the Parks Department**

Due to emerging regulations for areas of recreation and the continual advancement of accessible equipment and materials for accessible facilities, the recommendations made in the transition plans are intended to achieve programmatic accessibility for the City’s Park programs. The standards that have been referenced within the recommendations are guidelines and proposed guidelines that have been developed through research by the U.S. Access Board. These regulations, however, have not yet been adopted by the U.S. Department of Justice.

Our recommendations in the transition plans for existing playing fields is to make 50% of each type of playing field at each accessible park be served by an accessible route and an accessible viewing area. At parks where greater than 50% of the fields could easily be made accessible, the greater percentage was recommended. This recommendation assumes that this percentage will allow adequate facilities to relocate programs as necessary to provide accessibility.

Where new playing fields are being developed, we would recommend that each field be made accessible. This would include an accessible route to the spectator area, an accessible seating area and an accessible route to any fixed player seating.