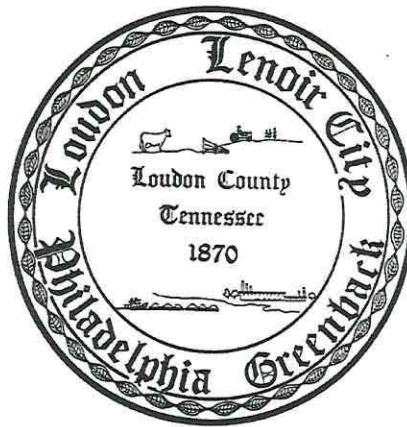


Americans with Disabilities Act (ADA) Transition Plan

Loudon County, Tennessee

August 27, 2020



100 River Road

Loudon, TN 37774

Loudoncounty-tn.gov

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Introduction

Transition Plan Need and Purpose

The [Americans with Disabilities Act \(ADA\)](#) is a civil rights law prohibiting discrimination against individuals on the basis of disability. It was enacted on July 26, 1990, and was amended in 2008 with the ADA Amendments Act. The ADA consists of five titles outlining protections in the following areas:

- I. Employment
- II. State and local government services
- III. Public accommodations
- IV. Telecommunications
- V. Miscellaneous Provisions

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

As required by Title II of ADA ([28 CFR Part 35 Sec. 35.105 and Sec. 35.150](#)), Loudon County has conducted a self-evaluation of its services, programs, activities, and facilities on public property and within public rights-of-way; and has developed this Transition Plan detailing the methods to be used to ensure compliance with ADA accessibility requirements.

ADA and its Relationship to Other Laws

Title II of 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.

Agency Requirements

Under Title II, Loudon County must meet these general requirements:

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

Designation of Responsibility

In accordance with [28 CFR 35.107\(a\)](#), Loudon County has designated the following person to serve as ADA Title II Coordinator, to oversee the City's policies and procedures:

Name: Kimberly Yager Job Title: Facilities Maintenance

In accordance with [28 CFR 35.150\(d\)\(3\)](#), Loudon County has designated the following person to serve as ADA Transition Plan Implementation Coordinator, to monitor the City's progress and manage review and updates of this document:

Name: Kimberly Yager Job Title: Facilities Maintenance

Contact information is provided in Appendix E.

Training is an important tool for ensuring compliance with ADA requirements. The ADA Coordinators will identify resources and opportunities for agency employees at various levels to receive ADA-related training appropriate to their job functions.

Self-Evaluation

Overview

Under Title II of the ADA ([28 CFR Sec. 35.105](#)), public entities are required to perform a self-evaluation of their current services, policies and practices with regard to accessibility. The goal of the self-evaluation is to verify that, in managing its programs and facilities, the agency is providing accessibility and not adversely affecting the full participation of individuals with disabilities.

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

- Communications, Information & Facility Signage.
- Building Facilities – these include offices, garages and other types of buildings.
- Pedestrian Facilities (Pedestrian Circulation Routes / Pedestrian Access Routes) – these include sidewalks, curb ramps, bicycle/pedestrian trails, traffic control signals and bus stops (and/or other transit facilities) that are located within the City'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 [\[28 CFR Sec. 35.105\(b\)\]](#).

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 persons consulted;
- A description of areas examined and any problems identified; and,
- A description of any modifications made.

Process & Findings

In June through October 2019, Loudon County completed a self-evaluation of its services, programs, activities, and facilities on public property and within public rights-of-way with regard to accessibility. Detailed inventories and findings from this review are provided in Appendix A, under the headings of Communications (A1), Building Facilities (A2) and Pedestrian Facilities (A3).

An important component of the self-evaluation process is the identification of obstacles or barriers to accessibility, and the corresponding modifications that will be needed to remedy these items. The following sections provide a summary of improvements that have already been made, and obstacles that the County plans to address as part of this Transition Plan.

Communications, Information & Facility Signage

Title II of ADA includes the following requirements regarding Communications.

General ([28 CFR Sec. 35.160](#))

- A public entity shall take appropriate steps to ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others.
- A public entity shall furnish appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity conducted by a public entity.
- In determining what type of auxiliary aid and service is necessary, a public entity shall give primary consideration to the requests of the individual with disabilities.

Information and Signage ([28 CFR Sec. 35.163](#))

- A public entity shall ensure that interested persons, including persons with impaired vision or hearing, can obtain information as to the existence and location of accessible services, activities, and facilities.
- A public entity shall provide signage at all inaccessible entrances to each of its facilities, directing users to an accessible entrance or to a location at which they can obtain

information about accessible facilities. The international symbol for accessibility shall be used at each accessible entrance of a facility.

The County has conducted a detailed evaluation of its communications, information and facility signage with regard to the ADA Title II requirements. The findings from this evaluation are provided in Appendix A1.

Improvement Schedule

Moving forward, Loudon County plans to implement improvements for the following items that have been identified as potential obstacles to accessibility.

<i>Communications, Information & Facility Signage</i>			
Item/Description	Accessibility Concern	Improvement Method	Schedule
Piney Ruritan	No handicap parking		2020-2021
Loudon Library	No handicap parking		2020-2021
Senior Center	Need additional handicap parking		2020-2021
County Office Building	Handicap Parking Signs		2020-2021
Hwy Department	Handicap Parking and Signs		2020-2021
Annex	Handicap Signs		2020-2021

Building Facilities and Related Parking Lots/Facilities

Loudon County is responsible for the following buildings:

- Building 1 – Loudon County Animal Shelter 250 Jamie Dr. Loudon TN 37774
- Building 2 – Loudon County Annex 101 Mulberry Street. Loudon TN 37774
- Building 3 – Loudon County Career Center 100 W Broadway, Lenoir City TN 37771
- Building 4 – Glendale Community Center
- Building 5 – Loudon County Health Department 600 Rayder Avenue Loudon, TN 37774
- Building 6 - Loudon County Highway Department 292 Blair Bend Rd, Loudon, TN 37774
- Building 7 – Loudon County Justice Center 12680 Hwy 11 Lenoir City, TN 37771
- Building 8 – Loudon County Juvenile Center 12665 E Lee Hwy Lenoir City, TN 37771
- Building 9 – Loudon Public Library 210 River Rd Loudon, TN 37774
- Building 10 – Loudon County Office Building 100 River Rd Loudon, TN 37774
- Building 11- Piney Ruritan Community Center
- Building 12 – Loudon County Senior Center 901 Main St Loudon, TN 37774

The County has conducted a detailed accessibility evaluation of each of its building facilities, and related parking lots/areas, based on the [ADA Checklist for Existing Facilities](#) publication. The findings from this evaluation are on file in the ADA coordinators office. Our findings are that only minor issues are present and can be and will be taken care of during normal maintenance and repair activities over the next 2 budget cycles.

Improvement Schedule

Moving forward, Loudon County plans to implement improvements for the following items that have been identified as potential obstacles to accessibility.

<i>Building Facilities and Related Parking Lots/Facilities</i>	
Schedule	Description of Accessibility Improvement Projects / Methods
Year 1 2021	Piney Ruritan (create handicap spaces and access to the building. Add handicap restrooms
Year 1 2021	Glendale Community Center (create handicap spaces and add handrails to restrooms.
Year 1 2021	Loudon Public Library (need correct signage)
Year 1 2021	Loudon County Senior Center (need correct signage)
Year 1 2021	Loudon County Office Building (need correct signage)

Year 1 2021	Loudon County Justice Center(replace water fountain)
Year 1 2021	Loudon County Highway Department (create handicap spaces and access to the building)
Year 1 2021	Loudon County Health Department (need correct signage)
Year 1 2021	Loudon County Career Center (need directional signage for handicap access points)
Year 1 2021	Loudon County Annex (need correct signage)
Year 1 2021	Loudon County Animal Shelter (create handicap spaces and access to the building)

Pedestrian Facilities / Public Rights-of-Way

As part of the self-evaluation process, Loudon County has conducted an inventory and evaluation of pedestrian facilities within its public rights-of-way, which consist of the following:

- 2 miles of sidewalks

A detailed evaluation of these facilities with regard to accessibility compliance is provided in Appendix A3, and will be updated annually.

Policy

Loudon County's goal is to continue to provide accessible pedestrian design features as part of its capital improvement projects. The County has adopted ADA design standards and procedures as listed in Appendix F. These standards and procedures will be kept up-to-date with nationwide and local best management practices.

The County will consider and respond to all accessibility improvement requests. All accessibility improvements that are deemed reasonable will be scheduled consistent with transportation priorities. The County will coordinate with external agencies to ensure that all new or altered pedestrian facilities within the County jurisdiction are ADA 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 County. Examples of typical maintenance items relating to accessibility include: Snow removal and ice control for sidewalks. Detailed information is provided in Appendix A3.

Requests for accessibility improvements can be submitted to the ADA Title II Coordinator or Transition Plan Implementation Coordinator. Contact information is provided in Appendix E.

Priority Areas

Loudon County has identified specific locations as priority areas for planned accessibility improvement projects. These areas have been selected due to their proximity to specific land uses such as schools, government offices and medical facilities, as well as from the receipt of public comments. The priority areas as identified in the self-evaluation are as follows:

- Glendale Community Center
- Piney Ruritan Community Center
- Loudon County Senior Center

Additional priority will be given to any location where an improvement project or alteration was constructed after January 26, 1991, and accessibility features were omitted.

External Agency Coordination

Many other agencies are responsible for pedestrian facilities within the jurisdiction of Loudon County. The County will coordinate with those agencies to assist with identifying and facilitating elimination of accessibility barriers along their routes.

Improvement Schedule

Loudon County has established the following schedule of goals for improving the accessibility of its pedestrian facilities within the County jurisdiction:

- Within 5 years (2020 to 2025), 100% of the pedestrian facility features constructed after January 26, 1991 are to be ADA compliant.

Public Notice of ADA Requirements and Grievance Procedure

Under the Americans with Disabilities Act, each agency is required to publish its responsibilities with regard to ADA compliance. A draft of this public notice is provided in Appendix D.

If users of Loudon County's facilities and services believe the County has not provided a reasonable accommodation, they have the right to file a grievance. In accordance with [28 CFR Sec. 35.107\(b\)](#), the County has developed a grievance procedure for the purpose of the prompt and equitable resolution of citizens' complaints or concerns. This grievance procedure is outlined in Appendix D.

Progress Monitoring and Transition Plan Management

This Transition Plan is considered to be a living document that will continue to be updated as conditions within the County 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 will include a public comment period to continue the County's public outreach efforts.


Loudon County recognizes that ADA compliance is an ongoing responsibility which will require monitoring to identify 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 and Transition Plan Implementation Coordinator will establish an on-going monitoring/inspection program to ensure that facilities continue to comply with ADA requirements. Agency employees will also be encouraged to report any accessibility concerns or deficiencies that are identified.

Formal Adoption of ADA Transition Plan

This ADA Transition Plan is hereby adopted by Loudon County Government, effective September of 2020.

Signed:

 9-10-2020
ADA Coordinator Date

 9-14-2020
Authorizing Official Date

Appendices

A. Self-Evaluation

A1. Communications, Information & Facility Signage

A2. Building Facilities & Related Parking Lots/Facilities

A3. Pedestrian Facilities / Public Rights-of-Way

B. Public Notice of ADA Requirements and Grievance Procedure

C. Contact Information

A1. Communications, Information & Facility Signage

The County has conducted a detailed evaluation of its communications, information and facility signage with regard to the ADA Title II requirements. The results are listed as follows.

Inventory & Findings

- Loudon County has made efforts to ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others.
- The County needs to add signage at all inaccessible entrances to each of the agency's facilities, directing users to an accessible entrance or to a location at which they can obtain information about accessible facilities.

A2. Building Facilities & Related Parking Lots/Facilities

Loudon County has conducted a detailed accessibility evaluation of each of its buildings, based on the [*ADA Checklist for Existing Facilities*](#) . The results are listed as follows.

Inventory & Findings

- Priority 1 – Access will need to be created at Piney Ruritan Community Center, Glendale Community Center and Loudon County Highway Department.
- Priority 2 – Found a counter at the Highway Department that is too high and will need to be lowered to meet ADA requirements.
- Priority 3 The restrooms at Glendale Community Center and Piney Ruritan Community Center will need to be remodeled.
- Priority 4 – A water fountain at the Loudon County Justice Center will need to be replaced.

A3. Pedestrian Facilities / Public Rights-of-Way

The County has conducted a detailed accessibility evaluation of pedestrian facilities within the agency's public rights-of-way. The results are listed as follows.

Inventory & Findings

All of the sidewalks that currently give access to the County Buildings meet ADA requirements, minus the ones listed below. When maintenance occurs to these sidewalks, all repairs will meet ADA requirements

The Loudon County Highway Department , Glendale and Piney Ruritan Community Centers need handicap accessible parking.

Appendix B – Public Notice of ADA Requirements and Grievance Procedure

As required by the Americans with Disabilities Act, the County has posted the following notice outlining its responsibilities with regard to ADA compliance.

Public Notice

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990, Loudon County Government will not discriminate against qualified individuals on the basis of disability in Loudon County's services, programs or activities.

Employment: Loudon County Government does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the Americans with Disabilities Act (ADA).

Effective Communication: Loudon County Government will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in Loudon County's programs, services and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing or vision impairments.

Modifications to Policies and Procedures: Loudon County Government will make all reasonable modifications to policies and procedures to ensure that people with disabilities have an equal opportunity to enjoy all Loudon County programs, services and activities. For example, individuals with service animals are welcomed in Loudon County Government offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a Loudon County program, service or activity, should contact the office of the ADA Coordinator as soon as possible but no later than 48 hours before the scheduled event: Kimberly Yager, Facilities Maintenance 1203 W Broadway Lenoir City, TN 37771 865-988-4077.

The ADA does not require the Loudon County to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Loudon County 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, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

**Loudon County Government
Grievance Procedure under
the Americans with Disabilities Act**

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the **Loudon County Government**. Loudon County's Personnel Policy governs employment-related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

**Kimberly Yager
ADA Coordinator /Facilities Maintenance**

1203 W Broadway, Lenoir City TN 37771

Within 15 calendar days after receipt of the complaint, **Kimberly Yager** or her designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, **Kimberly Yager or her** designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of Loudon County] and offer options for substantive resolution of the complaint.

If the response by Kimberly Yager or **her** designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the County Mayor or **his** designee.

Within 15 calendar days after receipt of the appeal, the **County Mayor** or **his** designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the **County Mayor** or his designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by **Kimberly Yager** or **her** designee, appeals to the **County Mayor** or **his** designee, and responses from these two offices will be retained by Loudon County Government for at least three years.

Appendix C – Contact Information

ADA Title II Coordinator

Name: Kimberly Yager

Job Title: Facilities Maintenance

Office Address: 1203 W Broadway Lenoir City TN 37771

Phone: 865-988-4077

Fax: 865-986-3464

E-mail: yagerk@loudoncounty-tn.gov