

# ADA Self-Evaluations and Transition Plans

## Fact Sheet

### Americans with Disabilities Act of 1990

The Americans with Disabilities Act of 1990 (ADA) prohibits discrimination and ensures equal opportunity for persons with disabilities in employment, state and local government services, public accommodations, commercial facilities, and transportation. It also mandates the establishment of telecommunications access.

It has been over 25 years since ADA was passed, and nationwide there has been incomplete achievement of key ADA goals: equal opportunity, full participation, independent living, and economic self-sufficiency. As a result, there has been growing litigation and administrative challenges to lack of access; Federal PACER (Public Access to Court Electronic Records) data shows that Plaintiffs have filed more than 2,000 ADA public accommodation lawsuits in 2015 alone.

ADA Transition Plans demonstrate a community's commitment to systematically addressing barriers to accessibility. Developing a plan with participation from the public, and in particular from disabled community members, can reduce the risk of litigation while working to ensure compliance with the law.

All Berkshire County municipalities are encouraged to complete a self-evaluation and transition plan.

### Conducting A Self Evaluation Plan

Before beginning a self-evaluation, an ADA Coordinator should be designated. This individual should ideally be someone with some authority to enact change within the municipality.

The self-evaluation, led by the ADA Coordinator, is the process by which a municipality will:

- Review any policies and practices that may affect physical or communications access to programs, service, or activity, and describe any modifications made or planned as a result of the evaluation.
  - Includes grievance/complaint procedures, public notices, procedures for requesting auxiliary aids and services, Procedures for requesting other reasonable accommodations, technical infeasibility/variance request procedures, maintenance, including snow and ice removal, etc.
- Evaluate the technical survey of agency owned/operated facilities, transportation facilities, buildings, and all other infrastructure, according to the appropriate standards, and describe all deficiencies identified.
  - Includes curb ramps and sidewalks, pedestrian signals and signage, parks and recreational facilities, access to public buildings, elevators, restrooms, etc.
- Develop a public participation plan that affords interested persons, including individuals with disabilities or organizations that represent individuals with disabilities, an opportunity to participate in the self-evaluation.
  - Includes reaching out to all stakeholders, including the disabled community, seeking information regarding barriers to programs and services, providing updates and an ability to provide continuous input, providing findings and the opportunity to comment.

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### Developing A Multi-Year ADA Transition Plan

An ADA Transition Plan uses the information collected through the self-evaluation to develop a long-term, prioritized plan for structural changes to existing facilities to make them accessible, given the availability of funding. Such plans are required when relocation of a program/service or use of alternative methods are impractical.

A Transition Plan will:

- Describe the methods to bring facilities into compliance.
  - Including the prioritization system used to evaluate the deficiencies identified in the self-evaluation, the programs or projects through which the alterations will occur, and the process to ensure that each deficient facility is programmed for alteration.
- Set a budget for the alterations that represents the maximum feasible amount that can be dedicated year-to-year without creating an undue financial or administrative burden to the municipality.
  - Changes in budgets will affect alteration schedules; when the budget changes, a revised plan/alteration schedule(s) should be created
- Include a monitoring plan to ensure scheduled deficiencies are incorporated into project plans and compliance with standards is maintained.
- Plan for updates and reports, since this is a “living” document and its highlights and changes should be shared with the public.
  - The plan should keep pace with changes due to budget, program modifications, delays in contract awards, construction timelines/ impacts of weather, etc.
- Include public participation by providing the public with at least one opportunity to discuss and examine the draft plan, documenting outreach/consultation with organizations serving or representing the disabled, and documenting explicit consideration and the disposition of all comments.

### Resources

Berkshire Regional Planning Commission is able to assist municipalities in the preparation of self-evaluations and transition plans. For more info, contact Associate Planner Nancy Doucette.  
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[Massachusetts Office on Disabilities](#)

[Architectural Access Board](#)

[Massachusetts Commission Against Discrimination](#)

[United States Access Board](#)



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