

# Town of Pembroke ADA Transition Plan (DRAFT)



September 2019



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## Executive Summary

Title II of the Americans with Disabilities Act (ADA) regulates programs, activities and services provided by state and local governments. As such, the Town of Pembroke must comply with this section, which states: “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).

In accordance with Title II, the Town of Pembroke conducted an ADA compliance selfevaluation of its services, programs, activities, and facilities on public property and in public rights-of-way. With this information, an ADA Transition Plan has been developed to share findings of the self-evaluation and to establish strategies for improving ADA accessibility within our community.

Our self-evaluation reviewed three fundamental areas for ADA compliance: (1) communications, information and facility signage; (2) public buildings and spaces; and (3) pedestrian facilities and public rights of way. Results of the self-evaluation are contained in Appendix A – Self Evaluation.

Improvements for each of these three areas are addressed by an Implementation Strategy (Appendix B – Implementation Strategy), which contains short- and long-term implementation actions. Short-term improvements generally require a minimal amount of planning, design and financial investment. Long-term improvements are certain to require higher levels of planning, design and financial investment. To accommodate these larger-scale projects, the Town will integrate many into our Powell Bill Program and Capital Improvement Plan (CIP) and will continue to work with the North Carolina Department of Transportation (NCDOT) to align Transportation Improvement Program (TIP) projects with ADA compliance needs.

ADA self-evaluation, transition planning and implementation will be a continuous effort for the Town of Pembroke. The Town is committed to updating the ADA Transition Plan annually with oversight of the Town Manager. Involvement of other community leaders and support organizations is, and will continue to be, a critical part of the ADA transition process.

## 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. The Town of Pembroke 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), the Town of Pembroke 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, the Town of Pembroke 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), the Town of Pembroke has designated the following person to serve as ADA Title II Coordinator, to oversee the Town's policies and procedures:

Name: Amira Hunt  
Job Title: Town Clerk

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

Name: Tyler Thomas  
Job Title: Town Manager

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 Town/County 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

The Town of Pembroke 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 – Self-Evaluation under the headings of Communications, Information and Facility Signage (A1), Public Buildings and Spaces (A2) and Pedestrian Facilities and Public Rights of Way (A3).

### 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.

Other examples of important communication items/devices include Accessible Pedestrian Signals (APS) used at intersections, and signs, pavement markings and other traffic control devices used to provide advance warning and positive guidance in the vicinity of construction, maintenance or utility work areas/zones that impact sidewalks, crosswalks or other pedestrian access routes. The Pedestrian Checklist and Considerations for Temporary Traffic Control Zones provides an overview of pedestrian-related considerations to enhance safety and accessibility for these types of situations. Appendix A3 of this Transition Plan provides additional information about communication items related to Pedestrian Facilities / Public Rights-of-Way.

The Town 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, the Town of Pembroke plans to implement improvements for the items that have been identified as potential obstacles to accessibility – refer to Appendix B – Implementation Strategy.

**Building Facilities and Related Parking Lots/Facilities**

The Town of Pembroke is responsible for the following publicly accessible buildings:

- Building 1- Town Hall, 100 S Union Chapel Rd, Pembroke, NC 28372

- Building 2- Pembroke Fire Department, 201 Main Street Pembroke, NC 28372
- Building 3- Town of Pembroke Public Library, 413 Blaine St, Pembroke, NC 28372.
- Building 4- Pembroke Recreation Center, 7164 NC Hwy 711 E, Pembroke, NC 28372.
- Building 5- Town Memorial Park, 418 W. Third St., Pembroke, NC 28372.

The Town 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. The findings from this evaluation are provided in Appendix A2. The accessibility barriers/issues identified as currently existing have been ranked in order of priority for improvement.

### **Improvement Schedule**

Moving forward, the Town of Pembroke plans to implement improvements for the items that have been identified as potential obstacles to accessibility – refer to Appendix B – Implementation Strategy.

### **Pedestrian Facilities / Public Rights-of-Way**

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

- 4.45 miles of sidewalks
- 25 curb ramps

The Town of Pembroke utilizes two methods for upgrading pedestrian facilities to current ADA standards:

1. Scheduled street improvements through the Powell Bill Program. All pedestrian facilities impacted by these projects are upgraded to current ADA accessibility standards.
2. External coordination -- North Carolina Department of Transportation (NCDOT) and Lumber River Rural Transportation Planning Organization (RPO). These external agencies main long-range planning and capital programming documents for a majority of the Town's transportation network. Coordination is necessary to ensure that planning and programming documents align with ADA compliance priorities.

### **Improvement Schedule**

Moving forward, the Town of Pembroke plans to implement improvements for the items that have been identified as potential obstacles to accessibility – refer to Appendix B – Implementation Strategy.

## **Public Outreach**

The Town of Pembroke recognizes that public participation is an important component in the development of this transition plan. Input from the community has been gathered and used to help define priority areas for improvements within the jurisdiction of the Town of Pembroke.

This document was also made available for public comment. Appendix C provides a summary of comments received and detailed information regarding the public outreach activities.

## **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 the Town of Pembroke's facilities and services believe the Town has not provided a reasonable accommodation, they have the right to file a grievance. In accordance with 28 CFR Sec. 35.107(b), the Town 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 Town 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 Town's public outreach efforts.

The Town of Pembroke 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 or process 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 or, updated ADA Transition Plan is hereby adopted by the Town of Pembroke, effective Month of Year.

Signed:

\_\_\_\_\_  
ADA Title II Coordinator

\_\_\_\_\_  
Date

\_\_\_\_\_  
ADA Transition Plan Implementation Coord.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Authorizing Official

\_\_\_\_\_  
Date

## Appendix A – Self-Evaluation

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.

### Interested Persons Consulted

Town of Pembroke staff conducted the self-evaluation in the various areas of Communications, Information and Facility Signage, Building Facilities and Related Parking Lots/Facilities, and Pedestrian Facilities/Public Rights-of-Way. Staff included representatives from various Departments and Divisions of the Town to include Building Inspections Division, Facilities Maintenance, Engineering, Media, Town Clerk's Office, Management, and Transportation.

Descriptions of areas examined, problems identified and any modifications made are listed in the following sections A1, A2 and A3.

## A1. Communications, Information & Facility Signage

The Town strives to ensure that persons with vision, hearing or speech disabilities can communicate with, receive information from, and convey information to, the Town of Pembroke. The Town 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 and Findings

The Town strives to achieve inclusion from all interested parties in all activities by:

- Ensuring that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others and promotes that availability for request for accommodations at any Town meeting, event, public hearing etc. by inclusion on all public notices and advertisements that accommodation is available upon request.
- Auxiliary aids and services are available with notice to afford individuals with disabilities an equal opportunity to participate in, and enjoy the benefits of, agency services, programs, or activities.
- Efforts to 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. Services available are sign language interpreters, readers, Braille, large print text, etc. are available upon request.
- 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.
- Signage within buildings are to be designed to provide the most accommodation as possible without further intervention.
- Provision of telecommunications devices for the deaf (TDD) Communication System and promotes its availability on official communications to include Town stationary, business cards and Town website.

### Correspondence and Printed Documents

Adherence to principles contained within the Town's Style Guide promotes branding consistency while also furthering ADA compliance for written correspondence and printed documents. Use of prescribed templates with minimum font sizes, appropriate colors and in a legible format meets current ADA standard. Where needed, the Town will provide large print documents and other specialized communication means (such as Braille) for those with vision disabilities.

## **Website Accessibility**

The Town's website will be redesigned with the creation of Alt Tags for all images and video. Impaired users can 'mouse' over the image and then read the description through their enhanced technology. On the bottom of the Town's homepage, the Town lists Accessibility Information that describes in detail how the Town strives to be ADA compliant through meeting the design standards of Section 508 (Section508.gov) as well as 2.0A and AA (Web Accessibility Initiative).

The webpage allows users to request assistive technology (such as Braille reader, a screen reader or text telephone) and provides contact information in the event that the format of any material on the website is inaccessible. We ask that users requesting an accommodation indicate the nature of their accessibility problem, the preferred format in which to receive the material, the web address of the requested information and their contact information.

Section 508 accommodations are also present for the Town's mobile website.

## **Additional Evaluation Required**

Upon completion of this initial self-evaluation, it is clear that additional efforts are needed to further explore ADA compliance in this particular area. While staff has made great progress with the current Transition Plan draft, work will continue over the next year to evaluate Communications, Information and Facility Signage.

## **A2. Building Facilities & Related Parking Lots/Facilities**

In August 2019, the Town conducted a detailed accessibility evaluation of each of its public buildings and spaces, utilizing the ADA Checklist for Existing Facilities publication, which is based on the 2010 ADA Standard for Accessible Design and/or the latest North Carolina Building Code. Examples of these types of facilities include recreational areas, playgrounds, shelters, office buildings, parking areas and other types of public buildings and structures. Results of the evaluation are listed as follows.

### **Inventory and Findings**

Each building facility was reviewed concerning accessibility. Using the ADA Checklist for Existing Facilities and the latest NC Building Code, each building facility evaluated the four priority areas that were identified in the Department of Justice ADA Title II regulations:

Priority 1 - An accessible route from site arrival points and an accessible entrance to the facility should be provided. This includes evaluation of parking lots and other parking facilities with regard to ADA requirements for provision of accessible parking spaces.

Priority 2 - Access to goods and services. This evaluates the layout of the building, which should allow for people with disabilities to obtain goods and services and to participate in activities without assistance.

Priority 3 – Access to public restrooms. If a restroom is open to the public, they should be accessible to people with disabilities.

Priority 4 – Additional access. Amenities such as drinking fountains, play areas, and public telephones should be accessible to people with disabilities.

Refer to Attachment 1 – Self-Evaluation Public Buildings and Spaces for more detailed information regarding specific results of the Public Buildings and Spaces inventory.

### **Additional Evaluation**

Upon completion of this initial self-evaluation, it is clear that additional efforts are needed to further explore ADA compliance in this particular area. While staff has made great progress with the current Transition Plan, work will continue over the next year to evaluate Public Buildings and Spaces.

## **A3. Pedestrian Facilities / Public Rights-of-Way**

The Town conducted a self-evaluation of pedestrian facilities and public rights of way in August 2019, utilizing the Guidelines and Standards provided by the United States Access Board titled Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right of Way, July 26, 2011.

### **Inventory and Findings**

Refer to Attachment 2 – Self-Evaluation Pedestrian Facilities and Public Rights-of-Way for more detailed information regarding specific results of inventoried public transportation assets.

### **Additional Evaluation**

Upon completion of this initial self-evaluation, it is clear that additional efforts are needed to further explore ADA compliance in this particular area. While staff has made great progress with the current Transition Plan, work will continue over the next year to evaluate Pedestrian Facilities and Public Rights of Way.

## Appendix B – Implementation Strategy

The Town recognizes that overcoming accessibility challenges is a continuous effort. While some challenges may be addressed with minimal action and financial commitment, others require significant investment in both time and money. As such, the Town's ADA implementation strategy is broken into components. The first section is related to short-term actions that may be taken by individual Town Departments with funding allocated through the annual operating budget. Longer-term and more costly efforts are identified and managed through the Town's Capital Improvement Plan (CIP). Public requests for improvements not identified within this strategy will be evaluated and prioritized for implementation accordingly by the Town's ADA Compliance Committee.

### Short-Term Implementation Actions

These short-term actions will focus on training and education to include the promotion of ADA accommodations to the public, available resources, and education on the law. These short-term actions will be an immediate and continuous effort.

#### Communications

- The Town will continue to promote the availability of ADA accommodations on all outward correspondence with the public.
- The Town will provide training to educate employees on ADA communication requirements for various types of disabilities.
- The Town will provide training about ADA resources available to those requesting special accommodations for key Town staff that frequently communicate with the public.
- The Town will work to provide an ADA compliant website.

#### Interior Building Signage

- Providing appropriate interior wayfinding signage for locations that do not meet ADA regulations is a high-priority for short-term implementation.
  - Project Scope: Update interior wayfinding signage for all public Town buildings to meet minimum ADA requirements.

#### Parking Areas

- Handicapped parking spaces do not meet current ADA standard for several Town owned public parking areas that were inspected. Providing appropriate handicapped parking for all of these locations is a high-priority for short term implementation.
  - Project scope: Restripe parking stalls.

### Long- Term Implementation Actions

## Building Facilities and Related Parking Lots and Facilities

Some of the Town’s buildings and facilities have already been identified for upgrades and improvements. Over the next ten years, the Town will work towards removing or remediating any barriers and will be included in the annual budgetary process or incorporated into the Capital Improvement Plan.

## Pedestrian Facilities and Public Rights of Way

As improvements are made to existing infrastructure, the Town also makes improvements to existing pedestrian facilities and public rights-of-way or installs these improvements as part of a larger project. The following areas have been identified either through an Town project as part of the Capital Improvement Plan or in conjunction with NCDOT planned projects.

Type of Corrective Action	Project Name/ NCDOT Project Number	Projected Completion Fiscal Year
Widen NC 711 and add sidewalk	R-4428	2022

## NCDOT Five-Year Resurfacing List

NCDOT maintains a five-year annual street resurfacing list by county. When streets are scheduled for resurfacing, NCDOT and the Town collaborate to identify intersections that curb ramps, pedestrian crosswalks, or pedestrian signals should be installed. The following NCDOT maintained roads have been identified for resurfacing. This list is not all inclusive and roads may be added, removed or the limits modified to account for actual road conditions.

Project Year	Street Name	Limits	
2019	SR 1339 (Deep Branch Road)	SR 1354	SR 1347
2020	NC 711 (E. 3 <sup>rd</sup> St)	Entire Road	
2020	SR 1565 (E. Wardell St)	SR 1564	SR 1563
2020	SR 1564 (E. Railroad St)	Entire Road	
2021	SR 1556 (Normal St)	SR 1339	NC 711
2021	NC 711 (W. 3 <sup>rd</sup> St)	NC 710	SR 1561
2021	SR 1561 (University Rd)	NC 711	SR 1515
2023	SR 1557 (Redmond Rd)	SR 1339	SR 1351

## Appendix C – Public Outreach

Public Notices and ADA Section added to website- August 6, 2019

### ADA - AMERICANS WITH DISABILITIES ACT

## ADA COORDINATOR

### STATEMENT OF COMPLIANCE

#### AMERICANS WITH DISABILITIES ACT

The Town of Pembroke, NC does not discriminate on the basis of disability in admission to, access to, or operations of its programs, services, or activities. The Town of Pembroke, NC does not discriminate on the basis of disability in its hiring or employment practices. This notice is provided as required by Title II of the Americans with Disabilities Act of 1990. Questions, concerns, complaints (Please refer to the Grievance Procedure), or requests for additional information regarding the Americans with Disabilities Act (ADA) may be forwarded to the Town of Pembroke's designated ADA Compliance Coordinator, listed below:

Amira Hunt,  
Town Clerk  
100 S. Union Chapel Rd.  
Pembroke, NC 28372

Phone Number: 910-668-1476  
Email: [amira@pembrokenc.com](mailto:amira@pembrokenc.com)

Individuals who need auxiliary aids for effective communication in programs and services of the Town of Pembroke are invited to make their needs and preferences known to the ADA Compliance Coordinator.

### ADA PUBLIC TRANSITION PLAN OUTREACH NOTICE

### AMERICANS WITH DISABILITIES NOTICE

### TOWN OF PEMBROKE ADA GRIEVENCE NOTICE

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Mass email sent through UNCP's Accessibility Resource Center- August 20, 2019



Nicolette Campos <nicolette.campos@uncp.edu>

shayla@pembrokeenc.com

8/20/2019

**Town of Pembroke Accessibility Check - Your Input Requested**

This message was sent with High importance.

Good Morning,

If you have received this email, Ms. Shayla Douglas would like your input regarding accessibility in the town of Pembroke. If you would like to comment, please contact Shayla directly via her email (she is copied on this email) or by calling 910-521-9758. Also, please forward to any current or recent student who may want to add commentary.

*Nicolette*

*Changing Lives Through Accessible Education*

**Dr. NICOLETTE CAMPOS, Ed.D, ACTCP**  
**DIRECTOR & ADA/504 COORDINATOR**  
**ACCESSIBILITY RESOURCE CENTER**  
1 University Drive | P.O. Box 1510 | Pembroke, NC 28372  
O: 910.521.6695 | F: 910.521.6891  
711 (NC Relay)  
[www.uncp.edu/arc](http://www.uncp.edu/arc) | [nicolette.campos@uncp.edu](mailto:nicolette.campos@uncp.edu)

**Public input from Alicia Chavis- August 22, 2019**

- Discussed barriers at Town business's, particularly high counters that cannot be used by someone in a wheelchair
- Discussed issues with Lumbee Homecoming, particularly the blocking of sidewalks. While the purpose of these barriers is to keep golf carts off of sidewalks, it limits the accessibility of individuals in wheelchairs.

**Ad in local newspaper- August 24, 2019 and August 31, 2019**



- Discussed issues on Prospect Rd regarding the newly installed curb ramps, suggested that more signage be placed to warn those who are visually impaired.

### Social Media Announcement- August 29, 2019



**Town of Pembroke, North Carolina**



Published by Shayla Douglas [?] · August 29 at 9:19 AM · 🌐

In an effort to make the Town of Pembroke's public facilities accessible to all, the Town is engaged in developing an American with Disabilities Act (ADA) Transition Plan for the town's public facilities. The ADA Transition Plan for public facilities demonstrates the Town of Pembroke's commitment to providing equal access to all of its public programs, services, facilities, and activities for citizens with disabilities.

The Transition Plan process is currently underway and the Town would like your comments and concerns regarding facility accessibility to assist in the development of the Transition Plan. Please help with this process and list your concerns regarding accessibility of the public facilities within the Town of Pembroke.

Those wishing to provide input should contact Shayla Douglas by phone at 910-521-9758 or by email at [shayla@pembrokenc.com](mailto:shayla@pembrokenc.com).

## Appendix D – Public Notice of ADA Requirements and Grievance Procedure

As required by the Americans with Disabilities Act, the Town 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 ("ADA"), the Town of Pembroke will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

**Employment:** The Town of Pembroke 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 ADA.

**Effective Communication:** The Town of Pembroke generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the Town of Pembroke'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:** The Town of Pembroke will make all 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 Town of Pembroke 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 program, service, or activity of the Town of Pembroke should contact the town's ADA Coordinator (*Amira Hunt* | 910-668-1476 | [amira@pembrokenc.com](mailto:amira@pembrokenc.com)) as soon as possible but no later than 48 hours before the scheduled event.

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

Complaints that a program, service, or activity of the Town of Pembroke is not accessible to persons with disabilities should be directed to (*Amira Hunt* | 910-668-1476 | [amira@pembrokenc.com](mailto:amira@pembrokenc.com)).

The Town of Pembroke 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.

## **Grievance Procedure**

### **Town of Pembroke 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 Town of Pembroke. The Town'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:

**Amira Hunt**  
**ADA Coordinator and Town Clerk**  
**100 S Union Chapel Rd, Pembroke, NC 28372**  
**910-668-1476 | [amira@pembrokenc.com](mailto:amira@pembrokenc.com)**

Within 15 calendar days after receipt of the complaint, Amira Hunt or her designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, Amira Hunt 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 the Town of Pembroke and offer options for substantive resolution of the complaint.

If the response by Amira Hunt 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 Town Manager or his designee.

Within 15 calendar days after receipt of the appeal, the Town Manager or his designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the Town Manager 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 Amira Hunt or her designee, appeals to the Town Manager or his designee, and responses from these two offices will be retained by the Town of Pembroke for at least three years.

## Appendix E – Contact Information

### ADA Title II Coordinator

**Name: Amira Hunt                      Job Title: Town Clerk**

**Office Address: 100 S Union Chapel Rd, Pembroke, NC 28372**

**Phone: 910-668-1476**

**E-mail: [amira@pembrokenc.com](mailto:amira@pembrokenc.com)**

### ADA Transition Plan Implementation Coordinator

**Name: Tyler Thomas                      Job Title: Town Manager**

**Office Address: 100 S Union Chapel Rd, Pembroke, NC 28372**

**Phone: 910-521-9758**

**E-mail: [tyler@pembrokenc.com](mailto:tyler@pembrokenc.com)**

# **Appendix F – Agency ADA Design Standards and Improvement/ Compliance Procedures**

## **ADA Resources and Design Standards**

[Federal Highway Administration \(FHWA\) - Civil Rights - ADA/Section 504](#)

[Americans with Disabilities Act Accessibility Guidelines \(ADAAG\)](#)

[Public Rights-of-Way \(PROWAG\) Notice of Proposed Rule Making, July 26, 2011](#)

[Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way \(PROWAG\)](#)

[2010 ADA Standards for Accessible Design](#)

[ADA Checklist for Existing Facilities](#)

[ADA Best Practices Tool Kit for State and Local Governments](#)

[ADA Update: A Primer for State and Local Governments](#)

[Ohio Manual of Uniform Traffic Control Devices](#)

[Americans with Disabilities Act of 1990, as Amended \(2008\)](#)

[Title 28 CFR Part 35 – \*Nondiscrimination on the Basis of Disability in State and Local Government Services\*](#)

## **Improvement/Compliance Procedures**

The challenge of dealing with physical or site constraints in alteration projects has been recognized by the authors of ADA accessibility standards for years. The Civil Rights Division of the U.S. Department of Justice has recognized that there could be instances where it might be technically infeasible to construct an alteration in full and strict compliance with ADA accessibility standards, because of physical or site constraints. In such circumstances, state and local agencies must provide accessibility to the maximum extent feasible. Before reaching a conclusion about technical infeasibility, state and local agencies need to consider the extent to which physical or site constraints could be addressed by alternative designs. The burden of proving technical infeasibility rests with the agency/owner that is responsible for the facility, element or feature.

## **Intersection Corners**

The Town will work in good faith to have curb ramps or blended transitions constructed or upgraded to achieve ADA compliance within all capital improvement projects. There may be limitations which make it technically infeasible for an intersection corner to achieve full accessibility within the scope of a project. If so, those limitations will be noted and those intersection corners will remain on the transition plan. As future projects or opportunities arise, those intersection corners shall continue to be incorporated into future work. Regardless of whether full compliance can be achieved in all cases, each intersection corner shall be made as compliant as possible in accordance with the judgment of Town staff.

## **Sidewalks / Trails**

The Town will work in good faith to have sidewalks and bicycle/pedestrian trails constructed or upgraded to achieve ADA compliance within all capital improvement projects. There may be limitations which make it technically infeasible for segments of sidewalks or trails to achieve full accessibility within the scope of a project. If so, those limitations will be noted and those segments will remain on the transition plan. As future projects or opportunities arise, those segments shall continue to be incorporated into future work. Regardless of whether full compliance can be achieved in all cases, each sidewalk or trail shall be made as compliant as possible in accordance with the judgment of Town staff.

## **Traffic Control Signals**

The Town will work in good faith to have traffic control signals constructed or upgraded to achieve ADA compliance within all capital improvement projects. There may be limitations which make it technically infeasible for individual traffic control signal locations to achieve full accessibility within the scope of a project. If so, those limitations will be noted and those locations will remain on the transition plan. As future projects or opportunities arise, those locations shall continue to be incorporated into future work. Regardless of whether full compliance can be achieved in all cases, each traffic signal control location shall be made as compliant as possible in accordance with the judgment of Town staff.

## **Other policies, practices and programs**

The Town's other policies, practices and programs not identified in this document will follow the applicable ADA standards.

## Appendix G – Glossary of Terms

ABA: See Architectural Barriers Act.

ADA: See Americans with Disabilities Act.

ADA Transition Plan: Transportation system plan that identifies accessibility needs, the process to fully integrate accessibility improvements, and aims to ensure that all transportation facilities, services, programs, and activities are accessible to all individuals.

ADAAG: See Americans with Disabilities Act Accessibility Guidelines.

Accessible: A facility that provides access to people with disabilities using the design requirements of the ADA.

Accessible Pedestrian Signal (APS): A device that communicates information about the WALK phase in audible and vibrotactile formats.

Alteration: A change to a facility in the public right-of-way that affects or could affect access, circulation, or use. An alteration must not decrease or have the effect of decreasing the accessibility of a facility or an accessible connection to an adjacent building or site.

Americans with Disabilities Act (ADA): Civil rights legislation passed in 1990 and effective July 1992. The ADA sets design guidelines for accessibility to public facilities, including sidewalks and trails, by individuals with disabilities.

Americans with Disabilities Act Accessibility Guidelines (ADAAG): Contains scoping and technical requirements for accessibility to buildings and public facilities by individuals with disabilities under the Americans with Disabilities Act (ADA) of 1990.

APS: See Accessible Pedestrian Signal.

Architectural Barriers Act (ABA): 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.

Capital Improvement Program (CIP): The CIP for a public agency typically includes an annual capital budget and a five-year plan for funding the new construction and reconstruction projects on the agency's transportation system.

DOJ: See United States Department of Justice.

Federal Highway Administration (FHWA): A branch of the U.S. Department of Transportation that administers the federal-aid Highway Program, providing financial assistance to states to construct and improve highways, urban and rural roads, and bridges.

FHWA: See Federal Highway Administration.

**Pedestrian Access Route (PAR):** A continuous and unobstructed walkway within a pedestrian circulation path that provides accessibility.

**Pedestrian Circulation Route (PCR):** A prepared exterior or interior way of passage provided for pedestrian travel.

**PROWAG:** An acronym for the Guidelines for Accessible Public Rights-of-Way issued in 2005 by the U.S. Access Board. This guidance addresses roadway design practices, slope and terrain related to pedestrian access to walkways and streets, including crosswalks, curb ramps, street furnishings, pedestrian signals, parking and other components of public rights-of-way.

**Right-of-Way:** A general term denoting land, property, or interest therein, usually in a strip, acquired for the network of streets, sidewalks and trails creating public pedestrian access within a public entity's jurisdictional limits.

**Section 504:** The section of the Rehabilitation Act that prohibits discrimination by any program or activity conducted by the federal government.

**Uniform Federal Accessibility Standards (UFAS):** Accessibility standards that all federal agencies are required to meet; includes scoping and technical specifications.

**United States Access Board:** An independent federal agency that develops and maintains design criteria for buildings and other improvements, transit vehicles, telecommunications equipment, and electronic and information technology. It also enforces accessibility standards that cover federally-funded facilities.

**United States Department of Justice:** Federal executive department responsible for enforcement of the law and administration of justice (also referred to as the Justice Department or DOJ).

# **Attachment 1 – Self-Evaluation Public Buildings and Spaces**

<b>Pembroke Recreation Center</b>						
<b>Inspection Date</b>	<b>Inspection Type</b>	<b>Access Issue</b>	<b>Solution</b>	<b>Target Date</b>	<b>Official Responsible</b>	<b>Estimated Costs</b>
8/8/19	Approach and Entry	Accessible space closest to tree not 8 feet wide.	Reconfigure by repainting lines.	2020	Public Works Director	\$500
8/8/19	Goods and Services	Concession counter higher than 36 inches.	Lower section of counter.	2020	Public Works Director	\$1,500
8/8/19	Goods and Services	No accessible portion of counter.	Alter accessible portion.	2021	Public Works Director	Cost included in item above.
8/8/19	Goods and Services	No space under counter at least 17 inches for knee clearance.	Reconfigure to provide knee clearance.	2021	Public Works Director	Cost included in item above.
8/19/19	Toilet Rooms	Entry doors to toilet rooms require more than five pounds of pressure to open.	Add automatic openers	2022	Public Works Director	\$1,650 x 4
8/8/19	Toilet Rooms*	Bottom edge of mirrors over lavatories higher than 40 inches.	Lower mirrors.	2022	Public Works Director	\$300 x 12
8/8/19	Toilet Rooms	Operational parts of hand dryer higher than 48 inches.	Adjust dispensers.	2022	Public Works Director	\$300 x4
8/8/19	Toilet Rooms	Side grab bar only extends 49 inches from rear wall.	Relocate grab bar.	2022	Public Works Director	\$250 x 4
8/19/19	Toilet Rooms	Water closet door not self-closing.	Add closer.	2022	Public Works Director	\$500 x 4
<b>Total Estimated Costs</b>						<b>\$17,600</b>

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<b>Library</b>						
<b>Inspection Date</b>	<b>Inspection Type</b>	<b>Access Issue</b>	<b>Solution</b>	<b>Target Date</b>	<b>Official Responsible</b>	<b>Estimated Costs</b>
8/5/19	Approach and Entry	Bottom of International Symbol of Accessibility sign not 60 inches above the ground.	Raise signs.	2020	Public Works Director	\$0
8/5/19	Approach and Entry	Inaccessible entrances do not have signs indicating the location of the nearest assessable entrance.	Install signs on route.	2020	Public Works Director	\$15
8/5/19	Approach and Entry	No sign with International Symbol of Accessibility at accessible entrance.	Install signs.	2020	Public works Director	\$15
8/5/19	Goods & Services	Service counter higher than 36 inches above the floor.	Lower section of counter.	2021	Public Works Director	\$1,500
8/5/19	Goods & Services	No accessible portion of counter.	Alter counter to add accessible portion.	2021	Public Works Director	Cost included in item above.
8/5/19	Goods & Services	No knee clearance for a forward approach to counter.	Reconfigure to provide knee clearance no less than 27 inches above the floor.	2021	Public Works Director	Cost included in item above.
8/5/19	Toilet Rooms <sup>†</sup>	No clear path to lavatory that is at least 36 inches wide.	Remove obstructions.	2023	Public Works Director	\$1500 x 2
8/5/19	Toilet Rooms	Not enough clear floor space for a person in a wheelchair to turn around in a circle at least 60 inches.	Move or remove partitions, fixtures or objects.	2023	Public Works Director	Cost included in item above

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8/5/19	Toilet Rooms	Bottom edge of mirror is higher than 40 inches above the floor.	Lower mirror or add mirror	2023	Public Works Director	\$300 x 3
8/5/19	Toilet Rooms	Lavatory does not have clear floor space for a forward approach at least 30 inches wide and 48 inches long.	Alter or replace lavatory.	2023	Public Works Director	\$1000 x 2
8/5/19	Toilet Rooms	Soap dispenser higher than 44 inches above the floor.	Adjust dispensers.	2023	Public Works Director	\$300 x 2
8/5/19	Toilet Rooms	Towel dispenser higher than 44 inches above the floor.	Adjust dispensers.	2023	Public Works Director	\$300 x 3
8/5/19	Toilet Rooms	Side wall in accessible water closet does not have 60 inches of clearance.	Alter compartment for clearance.	2023	Public Works Director	\$1,500 x 2
8/5/19	Toilet Rooms	Compartment not at least 60 inches wide.	Widen compartment.	2023	Public Works Director	Cost included in item above.
8/5/19	Toilet Rooms	No grab bar along rear wall in accessible water closet.	Install grab bar.	2023	Public Works Director	\$200 x 2
8/5/19	Toilet Rooms	Water closet door not self-closing.	Add closer.	2023	Public Works Director	\$500 x 3
<b>Total Estimated Costs</b>						<b>\$13,330</b>

<b>Town Hall and Police Department</b>						
<b>Inspection Date</b>	<b>Inspection Type</b>	<b>Access Issue</b>	<b>Solution</b>	<b>Target Date</b>	<b>Official Responsible</b>	<b>Estimated Costs</b>
8/2/19	Approach and Entry	Access aisles not adjoined to an accessible route.	Relocate accessible space.	2020	Public Works Director	\$400
8/2/19	Approach and Entry	Bottom of International Symbol of Accessibility sign not 60 inches above the ground.	Raise signs.	2020	Public Works Director	\$0
8/2/19	Approach and Entry	No signs reading "van accessible" at van accessible spaces.	Install signs that read "van accessible."	2020	Public Works Director	\$60
8/2/19	Approach and Entry	No sign with International Symbol of Accessibility at accessible entrance.	Install signs.	2020	Public works Director	\$15
8/2/19	Approach and Entry	Tactile sign lettering above 60 inches from ground.	Change sign height.	2020	Public Works Director	\$0
8/2/19	Approach and Entry	Welcome sign blocks clear floor space to access fire alarm.	Rearrange equipment and furniture.	2020	Public Works Director	\$0
8/2/19	Approach and Entry <sup>‡</sup>	No automatic doors.	Install automatic doors.	2020	Public Works Director	\$1500
8/2/19	Goods & Services	Not an adequate number of wheelchair spaces	Reconfigure to add 3 additional wheelchair spaces.	2021	Public Works Director	\$2500

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		provided in council room.				
8/2/19	Goods & Services	Single wheelchair space in council room not at least 36 inches wide.	Alter space.	2021	Public Works Director	Cost included in item above.
8/2/19	Goods & Services	Wheelchair space can only be entered from the side and is not at least 60 inches deep.	Alter Space.	2021	Public Works Director	Cost included in item above.
8/2/19	Goods & Services	Accessible portion of counter not extended the same depth as other portions.	Alter accessible portion.	2021	Public Works Director	\$1500
8/2/19	Toilet Rooms	No clear path at least 36 inches to lavatory.	Alter space and remove obstructions.	2024	Public Works Director	\$1500 x 3
8/2/19	Toilet Rooms	Bottom edge of mirror is higher than 40 inches above the floor.	Lower the mirror or add another mirror.	2024	Public Works Director	\$300 x 4
8/2/19	Toilet Rooms	Not at least one lavatory with clear floor space at least 30 inches wide and 48 inches long.	Alter or replace lavatory.	2024	Public Works Director	\$1000 x 3
8/2/19	Toilet Rooms	Door is not self-closing.	Add closer or replace door.	2024	Public Works Director	\$500 x 4
<b>Total Estimated Costs</b>						<b>\$16,615</b>

<b>Fire Department<sup>s</sup></b>						
<b>Inspection Date</b>	<b>Inspection Type</b>	<b>Access Issue</b>	<b>Solution</b>	<b>Official Responsible</b>	<b>Target Date</b>	<b>Estimated Costs</b>
8/13/19	Approach and Entry	No van accessible space.	Reconfigure by repainting lines.	Public Works Director	2025	\$500
8/13/19	Approach and Entry	No accessible aisles.	Mark access aisles.	Public Works Director	2025	Cost included in item above.
8/13/19	Approach and Entry	No signs with the International Sign of Accessibility.	Install signs.	Public Works Director	2025	\$100
8/13/19	Approach and Entry	No curb ramp from parking lot onto sidewalk.	Install curb ramp.	Public Works Director	2025	\$3,500
<b>Total Estimated Costs</b>						<b>\$4,100</b>

<b>Town Memorial Park</b>						
<b>Inspection Date</b>	<b>Inspection Type</b>	<b>Access Issue</b>	<b>Solution</b>	<b>Official Responsible</b>	<b>Target Date</b>	<b>Estimated Costs</b>
8/13/19	Approach and Entry	Access aisles do not adjoin to accessible route.	Create accessible route and relocate accessible space.	Public Works Director	2020	\$2,500
8/13/19	Approach and Entry	Accessible route crosses curb, but no curb ramp is in place.	Install curb ramp.	Public Works Director	2020	\$3,500
<b>Total Estimated Costs</b>						<b>\$6,000</b>

## **Attachment 2 – Self-Evaluation Pedestrian Facilities and Public Rights-of-Way**

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<b>Curb Ramp Inspections for the Town of Pembroke**</b>							
<b>Inspection Date</b>	<b>Inspection Type</b>	<b>Nearest Intersection</b>	<b>Description</b>	<b>Compliant</b>	<b>Target Date</b>	<b>Official Responsible</b>	<b>Estimated Costs</b>
8/12/19	Curb Ramps	Darkwater Ln. and Pine Cone Ct.	ADA compliant curb ramps with truncated domes present.	Yes	N/A	Public Works Director	N/A
8/12/19	Curb Ramps	Darkwater Ln. and Terrapin Dr.	No ADA compliant curb ramps. Install ADA compliant curb ramps.	No	2024	Public Works Director	\$4,000 x 2
8/12/19	Curb Ramps	Darkwater Ln. and Newasin Dr.	No ADA compliant curb ramps. Install ADA compliant curb ramps.	No	2026	Public Works Director	\$4,000 x 2
8/12/19	Curb Ramps	Pine Cone Ct. and Badin Dr.	No ADA compliant curb ramps. Install ADA compliant curb ramps.	No	2022	Public Works Director	\$4000 x 1
8/12/19	Curb Ramps	Badin Dr. and Clovis Dr.	No ADA compliant curb ramps. Install ADA compliant curb ramps.	No	2023	Public Works Director	\$4,000 x 1
8/12/19	Curb Ramps	Mound Dr. and Badin Dr.	No ADA compliant curb ramps. Install ADA compliant curb ramps.	No	2025	Public Works Director	\$4,000 x 2
8/12/19	Curb Ramps	End of Blaine St.	No ADA compliant curb ramps. Install ADA compliant curb ramps.	No	2020	Public Works Director	\$4,000 x 1
8/12/19	Curb Ramps	Blaine St. and Ruth Dial	No ADA compliant	No	2020	Public Works Director	\$4,000 x 1

Draft ADA Transition Plan for the town of Pembroke, North Carolina

			curb ramps. Install ADA compliant curb ramps.				
8/12/19	Curb Ramps	Barker St. and West Railroad St.	No ADA compliant curb ramps. Install ADA compliant curb ramps.	No	2027	Public Works Director	\$4,000 x 1
8/12/19	Curb Ramps	Barker St. and First St.	No ADA compliant curb ramps. Install ADA compliant curb ramps.	No	2030	Public Works Director	\$4,000 x 2
8/12/19	Curb Ramps	Barker St. and Godwin St.	No ADA compliant curb ramps. Install ADA compliant curb ramps.	No	2030	Public Works Director	\$4,000 x 2
8/12/19	Curb Ramps	Barker St. and Roberts Ave.	No ADA compliant curb ramps. Install ADA compliant curb ramps.	No	2030	Public Works Director	\$4,000 x 1
8/12/19	Curb Ramps	Chavis Park and Lowery St.	No ADA compliant curb ramps. Install ADA compliant curb ramps.	No	2029	Public Works Director	\$4,000 x 3
8/12/19	Curb Ramps	First St. at The Commons Apartments	No ADA compliant curb ramps. Install ADA compliant curb ramps.	No	2033	Public Works Director	\$4,000 x 1
8/12/19	Curb Ramps	Fourth St. and Oxendine St.	No ADA compliant curb ramps. Install ADA compliant curb ramps.	No	2026	Public Works Director	\$4,000 x 1

Draft ADA Transition Plan for the town of Pembroke, North Carolina

8/12/19	Curb Ramps	Godwin St. and Roberts Ave.	No ADA compliant curb ramps. Install ADA compliant curb ramps.	No	2034	Public Works Director	\$4,000 x 1
8/12/19	Curb Ramps	Harry West Ln. and Howard Rd.	No ADA compliant curb ramps. Install ADA compliant curb ramps.	No	2031	Public Works Director	\$4,000 x 2
8/12/19	Curb Ramps	Harry West Ln. at Pembroke Pointe Ln.	No ADA compliant curb ramps. Install ADA compliant curb ramps.	No	2031	Public Works Director	\$4,000 x 2
8/12/19	Curb Ramps	Harry West Ln. and Braves Dr.	No ADA compliant curb ramps. Install ADA compliant curb ramps.	No	2031	Public Works Director	\$4,000 x 2
8/12/19	Curb Ramps	Locklear St. and Second St.	No ADA compliant curb ramps. Install ADA compliant curb ramps.	No	2025	Public Works Director	\$4,000 x 2
8/12/19	Curb Ramps	Vance St. and West Railroad St.	No ADA compliant curb ramps. Install ADA compliant curb ramps.	No	2027	Public Works Director	\$4,000 x 1
8/12/19	Curb Ramps	Vance St. and First St.	No ADA compliant curb ramps. Install ADA compliant curb ramps.	No	2028	Public Works Director	\$4,000 x 2
8/12/19	Curb Ramps	Vance St. and Godwin St.	No ADA compliant curb ramps. Install ADA compliant curb ramps.	No	2028	Public Works Director	\$4,000 x 1

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8/21/19	Curb Ramps	Main St. and Second St.	No ADA compliant curb ramps. Install ADA compliant curb ramps.	No	2021	Public Works Director	\$4,000 x 1
<b>Total Estimated Costs</b>							<b>\$140,000</b>

<b>Sidewalk Assessments for Town Owned Streets with Sidewalks<sup>††</sup></b>							
<b>Inspection Date</b>	<b>Inspection Type</b>	<b>Street Name</b>	<b>Description</b>	<b>Length of Sidewalk (miles)</b>	<b>Compliant</b>	<b>Target Date</b>	<b>Estimated Costs (Low to High)</b>
8/8/19	Sidewalk	Badin	60 inches wide. Slope 2.6 %. No obstructions.	0.09	Yes	N/A	N/A
8/13/19	Sidewalk	Barker	Many places 36 inches wide, but have no passing space of at least 60 inches every 200 feet. 0.6 % slope. Large cracks in sidewalk and raised sidewalk panels. No obstructions.	0.24	No	2030	\$15,206-\$25,344
8/13/19	Sidewalk	Blaine	48 inches wide. Slope 3.6%. No obstructions.	0.04	No	2021	\$2,534-\$4,224
8/13/19	Sidewalk	Chavis Park	60 inches wide. 1.6% slope. No obstructions.	0.16	Yes	N/A	N/A
8/8/19	Sidewalk	Clovis	65 inches wide. 0.4 % slope. No obstructions.	0.25	Yes	N/A	N/A
8/13/19	Sidewalk	Darkwater	60 inches wide. 0.8% slope. Brick Pillars on sidewalk only give 33 inches of width at one point.	0.42	No	2026	\$5,000

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8/13/19	Sidewalk	First	46 inches wide, but no passing space of at least 60 inches every 200 feet. 0.3 % slope. Large cracks throughout sidewalk. No obstructions.	0.15	No	2033	\$9,504-\$15,840
8/13/19	Sidewalk	Fourth	60 inches wide. 0.6% slope. No obstructions.	0.03	Yes	N/A	N/A
8/13/19	Sidewalk	Godwin	63 inches wide. 1.6% slope. No obstructions.	0.05	Yes	N/A	N/A
8/13/19	Sidewalk	Harry West	60 inches wide. 0.5% slope. Large cracks in sidewalk. No obstructions.	0.32	No	2031	\$20,275-\$33,792
8/13/19	Sidewalk	Howard	60 inches wide. 0.5% slope. Large cracks in sidewalk. No obstructions.	0.27	No	2032	\$17,107-\$28,512
8/13/19	Sidewalk	Locklear	60 inches wide. 0.6% slope. No obstructions.	0.22	Yes	N/A	N/A
8/13/19	Sidewalk	Lowery	60 inches wide. 0.6% slope. No obstructions.	0.12	Yes	N/A	N/A
8/13/19	Sidewalk	Lumbee	60 inches wide. 1.3% slope. Large cracks and raised panels in sidewalk. No obstructions.	0.20	No	2029	\$12,672-\$21,120

Draft ADA Transition Plan for the town of Pembroke, North Carolina

8/13/19	Sidewalk	Lumbee Bank	60 inches wide. 1.8% slope. No obstructions.	0.04	Yes	N/A	N/A
8/21/19	Sidewalk	Main	Sidewalk cracked and uneven.	0.06	No	2021	\$3,801-\$6,336
8/8/19	Sidewalk	Mound	60 inches wide. 0.4% slope. No obstructions.	0.05	Yes	N/A	N/A
8/13/19	Sidewalk	Newasin	60 inches wide. 0.1% slope. No obstructions.	0.06	Yes	N/A	N/A
8/13/19	Sidewalk	Oxendine	60 inches wide. 1.3% slope. No obstructions.	0.12	Yes	N/A	N/A
8/13/19	Sidewalk	Pine Cone	60 inches wide. 1.2% slope. No obstructions.	0.10	Yes	N/A	N/A
8/13/19	Sidewalk	Roberts	60 inches wide. 0.2% slope. Large cracks in sidewalk.	0.56	No	2034	\$35,481-\$59,136
8/13/19	Sidewalk	Second	60 inches wide. 0.7% slope. No obstructions.	0.06	Yes	N/A	N/A
8/13/19	Sidewalk	Sixth	60 inches wide. 0.4% slope. Large cracks and uneven panels in sidewalk.	0.08	No	2020	\$5,068-\$8,448
8/13/19	Sidewalk	Terrapin	60 inches wide. 0.4% slope. No obstructions.	0.07	Yes	N/A	N/A
8/13/19	Sidewalk	Vance	Sidewalk 36 inches wide, but has no passing space of 60	0.14	No	2028	\$8,870-\$14,784

Draft ADA Transition Plan for the town of Pembroke, North Carolina

			inches every 200 feet. 2.0% slope. Panels uneven.				
8/13/19	Sidewalk	West Railroad	48 inches wide, but has no passing space of 60 inches every 200 feet. 0.4% slope. No obstructions.	0.16	No	2027	\$10,137-\$16,896
<b>Total Estimated Costs</b>							\$145,665-\$239,432

## **Attachment 3 – Project Breakdown by Fiscal Year**

<b>Fiscal Year 2020</b>		
<b>Project</b>	<b>Description</b>	<b>Estimated Costs</b>
Creating accessible parking at Pembroke Recreation Center.	Town will reconfigure non-accessible parking space at Recreation Center to meet ADA standards.	\$500
Placing proper accessibility signage at entry of Pembroke Public Library.	Town will add signage to indicate accessible entrance at library.	\$30
Creating a proper accessible entrance for the Town Hall and Police Department.	Town will reconfigure non-accessible parking space, place proper accessibility signage at entry of the town hall, and install automatic doors.	\$1,975
Making an accessible entrance to Town Memorial Park.	Town will create an accessible route to the park from the parking lot, including installing a curb ramp.	\$6,000
Replacement of sidewalk on Blaine St.	Town will reconstruct sidewalk to meet ADA standards.	\$2,534- \$4,224
Installation of curb ramps on Blaine St.	Town will install curb ramps to meet ADA standards.	\$8,000
<b>Total Estimated Costs</b>		\$19,309- \$20,729

<b>Fiscal Year 2021</b>		
<b>Project</b>	<b>Description</b>	<b>Estimated Costs</b>
Replacing concession counter at Pembroke Recreation Center.	Town will install new concession counter to meet ADA requirements.	\$1,500
Replacing service counter at Pembroke Public Library.	Town will replace existing service counter to meet ADA requirements.	\$1,500
Replacing service counter at Town Hall.	Town will replace existing service counter to meet ADA requirements.	\$1,500
Adding wheelchair accessible spaces in council room.	Town will work to add wheelchair accessible space in the council room inside Town Hall.	\$2,500
Replacement of sidewalk on Sixth St.	Town will reconstruct sidewalk to meet ADA standards.	\$5,068-8,448
Replacement of sidewalk on Main St.	Town will reconstruct sidewalk to meet ADA standards.	\$3,801- \$6,336
Installation of curb ramp on at Main St. and Second St.	Town will install curb ramp to meet ADA standards.	\$4,000
<b>Total Estimated Costs</b>		\$19,869-\$25, 784

<b>Fiscal Year 2022</b>
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Draft ADA Transition Plan for the town of Pembroke, North Carolina

<b>Project</b>	<b>Description</b>	<b>Estimated Costs</b>
Creating ADA compliant restrooms at Pembroke Recreation Center.	Town will add automatic doors to toilet rooms, adjust mirrors and hand dryers to meet height requirements, and relocate grab bars in accessible stalls to meet ADA requirements.	\$14,400
Installation of curb ramp at Pine Cone Ct. and Badin Dr.	Town will install curb ramp to meet ADA standards.	\$4,000
<b>Total Estimated Costs</b>		<b>\$18,400</b>

<b>Fiscal Year 2023</b>		
<b>Project</b>	<b>Description</b>	<b>Estimated Costs</b>
Creating ADA compliant restrooms at Pembroke Public Library.	Town will create clear paths to water closets and lavatories, adjust dispensers to meet requirements, and reconfigure stalls to meet requirements.	\$12,300
Installation of curb ramp at Badin Dr. and Clovis Dr.	Town will install curb ramp to meet ADA standards.	\$4,000
<b>Total Estimated Costs</b>		<b>\$16,300</b>

<b>Fiscal Year 2024</b>		
<b>Project</b>	<b>Description</b>	<b>Estimated Costs</b>
Creating ADA compliant restrooms at Pembroke Town Hall.	Town will create clear paths to lavatories, adjust mirrors to meet height requirements, and add closers to accessible stalls.	\$10,700
Installation of curb ramp at Darkwater Ln. and Terrapin Dr.	Town will install curb ramps to meet ADA standards.	\$8,000
<b>Total Estimated Costs</b>		<b>\$18,700</b>

<b>Fiscal Year 2025</b>		
<b>Project</b>	<b>Description</b>	<b>Estimated Costs</b>
Creating accessible parking at Pembroke Fire Department.	Town will reconfigure parking space to create van accessible space, install signage with International Sign of Accessibility, and install curb ramp for accessible entry.	\$4,100
Installation of curb ramp at Locklear St and Second St.	Town will install curb ramps to meet ADA standards.	\$8,000
Installation of curb ramps at Mound Dr. and Badin Dr.	Town will install curb ramps to meet ADA standards.	\$8,000

**Total Estimated Costs** | \$20,100

## Fiscal Year 2026

Project	Description	Estimated Costs
Replacement of sidewalk on Darkwater Ln.	Town will reconstruct sidewalk to meet ADA standards.	\$5,000
Installation of curb ramps at Darkwater Ln. and Newasin Dr.	Town will install curb ramps to meet ADA standards.	\$8,000
Installation of curb ramp at Fourth St. and Oxendine St.	Town will install curb ramp to meet ADA standards.	\$4,000
<b>Total Estimated Costs</b>		\$17,000

## Fiscal Year 2027

Project	Description	Estimated Costs
Replacement of sidewalk on West Railroad St.	Town will reconstruct sidewalk to meet ADA standards.	\$10,137- \$16,896
Installation of curb ramp at Barker St. and West Railroad St.	Town will install curb ramp to meet ADA standards.	\$4,000
Installation of curb ramps at Vance St. and West Railroad St.	Town will install curb ramps to meet ADA standards.	\$8,000
<b>Total Estimated Costs</b>		\$22,137- \$28,896

## Fiscal Year 2028

Project	Description	Estimated Costs
Replacement of sidewalk on Vance St.	Town will reconstruct sidewalk to meet ADA standards.	\$8,870- \$14,784
Installation of curb ramps at Vance St. and First St.	Town will install curb ramps to meet ADA standards.	\$8,000
Installation of curb ramp at Vance St. and Godwin St.	Town will install curb ramp to meet ADA standards.	\$4,000
<b>Total Estimated Costs</b>		\$20,870- \$26,784

## Fiscal Year 2029

Project	Description	Estimated Costs
Replacement of sidewalk on Lumbee St.	Town will reconstruct sidewalk to meet ADA standards.	\$12,672- \$21,120

Installation of curb ramps at Chavis Park and Lowery St.	Town will install curb ramps to meet ADA standards.	\$12,000
<b>Total Estimated Costs</b>		\$24,672-\$33,120

## Fiscal Year 2030

Project	Description	Estimated Costs
Replacement of sidewalk on Barker St.	Town will reconstruct sidewalk to meet ADA standards.	\$15,206-\$25,344
Installation of curb ramps at Barker St. and First St.	Town will install curb ramps to meet ADA standards.	\$8,000
Installation of curb ramps at Barker St. and Godwin St.	Town will install curb ramps to meet ADA standards.	\$8,000
Installation of curb ramp at Barker St. and Roberts Ave.	Town will install curb ramp to meet ADA standards.	\$4,000
<b>Total Estimated Costs</b>		\$27,206-\$37,344

## Fiscal Year 2031

Project	Description	Estimated Costs
Replacement of sidewalk on Harry West Ln.	Town will reconstruct sidewalk to meet ADA standards.	\$20,275-\$33,792
Installation of curb ramps at Harry West Ln. and Howard Rd.	Town will install curb ramps to meet ADA standards.	\$8,000
Installation of curb ramps at Harry West Ln. and Pembroke Pointe Lane.	Town will install curb ramps to meet ADA standards.	\$8,000
Installation of curb ramps at Harry West Ln. and Braves Dr.	Town will install curb ramps to meet ADA standards.	\$8,000
<b>Total Estimated Costs</b>		\$44,275-\$57,792

## Fiscal Year 2032

Project	Description	Estimated Costs
Replacement of sidewalk on Howard Dr.	Town will reconstruct sidewalk to meet ADA standards.	\$17,107-\$28,512
<b>Total Estimated Costs</b>		\$17,107-\$28,512

## Fiscal Year 2033

Project	Description	Estimated Costs
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Draft ADA Transition Plan for the town of Pembroke, North Carolina

Replacement of sidewalk on First St.	Town will reconstruct sidewalk to meet ADA standards	\$9,504- \$15,840
Installation of curb ramp on First St. in front of The Commons Apartments.	Town will install curb ramp to meet ADA standards.	\$4,000
<b>Total Estimated Costs</b>		\$13,504- \$19,840

## Fiscal Year 2034

<b>Project</b>	<b>Description</b>	<b>Estimated Costs</b>
Replacement of sidewalk on Roberts Ave.	Town will reconstruct sidewalk to meet ADA standards.	\$35,481- \$59,136
Installation of curb ramp at Roberts Ave. and Godwin Ave.	Town will install curb ramp to meet ADA standards.	\$4,000
<b>Total Estimated Costs</b>		\$39,481- \$63,136

# **ATTACHMENT 4 – NCDOT Transition Plan Review Report**



# **Town of Pembroke**

## **ADA Transition Plan Review Report**

**Prepared By**  
North Carolina Department of Transportation  
Office of Civil Rights  
ADA Program  
Ashley C. Council, J.D., ADA Specialist

**I. General Information**

**Organization Name:** Town of Pembroke  
100 South Union Chapel Road  
Pembroke, North Carolina 28372

**Contact Persons:** Amira Hunt/ADA Coordinator  
(910) 668-1476  
amira@pembrokenc.com

**ADA Coordinator:** Amira Hunt  
100 South Union Chapel Road  
Pembroke, North Carolina 28372  
(910) 668-1476  
amira@pembrokenc.com

**Report Prepared by:** Ashley C. Council, J.D. – ADA Specialist  
North Carolina Department of Transportation  
Office of Civil Rights  
1511 Mail Service Center  
Raleigh, NC 27699

**Report Date:** September 27, 2019

**Review Date(s):** September 27, 2019

**Reviewer(s):** Ashley C. Council, J.D.

## II. Jurisdiction and Authorities

The North Carolina Department of Transportation (NCDOT) is responsible for monitoring sub-recipients of federal-aid highway funds, Americans with Disabilities Act (ADA) 28 CFR § 35.130(b)(1)(v), to ensure their compliance with Title II of the ADA and Sec. 504 of the Rehab Act with respect to both federal and state funded projects and programs that the sub-recipients implement.

Under ADA (28 CFR § 35.130(b)(1)(v)), "A public entity, in providing any aid, benefit, or service, may not, directly or through contractual, licensing, or other arrangements, on the basis of disability . . . (v) Aid or perpetuate discrimination against a qualified individual with a disability by providing significant assistance to an agency, organization, or person that discriminates on the basis of disability in providing any aid, benefit, or service to beneficiaries of the public entity's program . . . ."

Similarly, the regulations implementing Section 504 of the Rehabilitation Act of 1973 (49 CFR § 27.7(b)(1)(v)) provides that as a recipient of FHWA funds, NCDOT "in providing any aid, benefit, or service, may not, directly or through contractual, licensing, or other arrangements, on the basis of disability . . . (v) Aid or perpetuate discrimination against a qualified handicapped person by providing financial or other assistance to an agency, organization, or person that discriminates on the basis of disability in providing any aid, benefit, or service to beneficiaries of the recipient's program or activity . . . ."

The ADA regulations may be found at 28 Code of Federal Regulations (CFR) Part 35. Section 504 regulations may be found at 49 CFR Part 27. The ADA and Section 504 prohibit public entities from discriminating against persons with disabilities. 28 CFR 35.149; 49 CFR 27.7.

A public entity must ensure that its programs and services, when viewed in their entirety, are readily accessible to and usable by individuals with disabilities. 28 CFR 35.150(a). In fulfilling this requirement, public entities do not have to make each of their existing facilities accessible and usable by persons with disabilities. A public entity must, however, maintain the operable working condition of its existing facilities that are required to be accessible. 28 CFR 35.133. As part of this maintenance obligation, a public entity must implement a reasonable and consistent plan to maintain facilities in the public right-of-way, including a sidewalk maintenance plan. A sidewalk maintenance ordinance that is not enforced fails to implement a reasonable and consistent plan for maintenance.

Public entities that employ 50 or more employees must develop a transition plan, setting forth the steps necessary to complete the structural changes that must be taken to bring their existing facilities into compliance with ADA standards, including the provision of curb ramps. 28 CFR 35.150(d). Public entities must provide an opportunity for interested persons to participate in the development of the transition plan. In addition, the plan must be based on a self-evaluation of facilities that are barriers to access. 28 CFR 35.105(a).

The public entities' curb ramp transition plans must identify street locations where sidewalks lack ADA-compliant curb ramps at intersections and include a schedule for providing ADA-compliant curb ramps at those locations, "giving priority to walkways serving entities covered by the [ADA], including State and local government offices and facilities, transportation, places of public accommodation, and employers, followed by walkways serving other areas." 28 CFR 35.150(d)(2). Once completed, the public entity must make its transition plan available for public inspection. 28 CFR 35.150(d)(1).

The ADA requires public entities to ensure that existing facilities are accessible to persons with disabilities, and to have a program access plan to ensure access for persons with disabilities to public entity facilities, including a reasonable curb ramp transition plan and reasonable program access plans for sidewalks or pedestrian trails in the public entity's jurisdiction. See 28 CFR 35.133(a), 35.149, 35.150(a), (d).

The ADA does not require public agencies to provide pedestrian facilities where none exist, or where the public entity does not have jurisdiction. However, where pedestrian facilities are provided, they must be accessible to persons with disabilities. Accessibility must be provided at the same time that a new or altered facility is constructed, within the scope of the construction project. 28 CFR 35.149-151.

Alterations to a facility require that a public entity make the facility accessible and usable to persons with disabilities to the maximum extent feasible. 28 CFR 35.151(b). If a public entity claims that a facility cannot be brought into full compliance with the ADAAG standards, the public entity bears the burden of proving technical infeasibility. See U.S. Department of Justice's (DOJ) *ADA Best Practices Tool Kit* at Chapter 6, Part. F.3.

If new construction or alteration of existing facilities is undertaken after July 26, 1992, but before September 15, 2010, the construction or alteration must comply with the Uniform Federal Accessibility Standards (UFAS) or the 1991 DOJ ADA Standards (1991 ADA Accessibility Guidelines (ADAAG)).

If new construction or alteration of existing facilities is undertaken on or after September 15, 2010, but before March 15, 2012, the construction or alteration must comply with the UFAS, 1991 ADAAG, or the 2010 DOJ Standards (consisting of the 2004 ADAAG along with 28 CFR 35.151).

The 2010 Standards are silent with respect to detectable warnings on curb ramps, but the U.S. Department of Transportation's (DOT) regulations at 49 CFR Part 37, Appx. A, 406.8 (effective November 29, 2006), maintain the requirement that curb ramps shall have detectable warnings complying with Section 705 of the 2010 Standards.

The ADAAG requirements for curb ramps can be found at Section 406 of the 2004 ADAAG. Also, the Department of Justice's *ADA Best Practices Tool Kit for State and Local Governments, Chapter 6, Curb Ramps and Pedestrian Crossings Under Title II of the ADA* can be found at this website:  
<http://www.ada.gov/pca toolkitchap6toolkit.htm>.

The ADAAG requirements for pedestrian access route can be found at Section 4.3.

Accessible pedestrian facilities must be provided at the same time that a new or altered facility is constructed, within the scope of the construction project, to the maximum extent feasible. 28 CFR 35.151. For any existing accessible facilities outside of the scope of a project, a public entity must have a reasonable program access plan to ensure the facilities are built to ADA standards. 28 CFR 35.149, 35.150. For all projects built after March 15, 2012, the Department of Justice (DOJ) 2010 standards for accessibility are required. 28 CFR 35.151(c).

### III. Purpose and Objective

The NCDOT Office of Civil Rights' ADA program has the responsibility to conduct ADA Transition Plan reviews of NCDOT federal fund sub-recipients to assure compliance with ADA and Section 504 of the Rehabilitation Act of 1973. The purpose of a Transition Plan review is to determine if the municipality has satisfied its requirements under the ADA and Section 504 for Self-Evaluation and Transition Planning and that the requirements are being implemented effectively.

The objectives of this review were to determine if the municipality has satisfied its requirements as outlined above in respect to ADA and Section 504; to determine if the municipality has evaluated its programs, services and facilities identifying any barriers to accessibility; to determine if the municipality has inventories of its facilities and existing barriers; and to determine if the municipality has established timelines and schedules for addressing any identified barriers. Finally, this process will provide the municipality with opportunities to remedy any deficiencies through appropriate corrective action and technical assistance.

#### IV. Background Information

NCDOT's 2015 "Self-Assessment and Transition Plan" established a plan for ensuring sub-recipient compliance with ADA and Section 504. Major municipalities were defined as those with 50 or more employees. Municipalities with 50 or more employees must have a Transition Plan. To determine which municipalities meet this definition, NCDOT identified approximately 260 in North Carolina with populations over 40,000. NCDOT surveyed these municipalities to determine: whether the municipality had 50 or more employees; and if so, whether the municipality had an ADA Transition Plan; and if so, whether the municipality was implementing the transition plan. Based on the results of that survey, the NCDOT ADA program began providing technical assistance and monitoring to the major municipalities as defined above.

Those municipalities reporting no ADA Transition Plan are receiving NCDOT assistance through the provision of technical assistance on the requirements for a plan as well as consultation on the process of developing a plan. Municipalities reporting an established transition plan are being reviewed for compliance to determine that the plan meets FHWA and USDOJ minimum requirements and that the plan is being implemented.

#### V. Review Methodology

In June, 2018, the Manager for the Town of Pembroke responded to an NCDOT survey regarding ADA Transition Plan qualification and status. The OCR provided assistive materials regarding performing self-evaluations and developing Transition Plans. On or about August 7, 2019, the Town submitted a copy of its ADA Transition Plan for review.

The Town sent very thorough documentation and I reviewed the same with the NCDOT's/OCR Transition Plan Checklist, identifying whether specific regulatory requirements were in place or not (yes or no).

#### VI. Review Findings Narrative

I would like to thank and commend the Town of Pembroke, Tyler Thomas and Shayla Douglas for their cooperation with the Office of Civil Rights. Upon notification of the need for a self-evaluation and ADA Transition Plan Review, they took great initiative and worked very hard to come into compliance with Federal Regulations. Their communication and provision of documentation made this a much simpler ADA compliance review process.

The Americans with Disabilities Act (ADA) was adopted by Congress in 1990. At that time, it set forth requirements for local governments to establish a transition plan to assist cities in bringing facilities and properties under their jurisdiction into compliance with the regulations of Subtitle "A" - "II" of the Act.

The Town of Pembroke complied with that requirement and a Transition Plan was adopted. Since that time, the Town has taken specific actions to implement the Transition Plan.

Recognizing the importance of continued efforts to advance the goals of the Americans with Disabilities Act, the Town of Pembroke intends to be proactive. To that end, the Town agrees to establish a fixed time plan intended to address the ADA issues identified in Town buildings, parks and sidewalk systems under the jurisdiction of the Town and to address the complaints filed with the Town.

The Town of Pembroke provided documents such as the Town of Pembroke Transition Plan, the Statement of ADA Policy, the ADA Grievance Procedures. All of these documents were used in the process of this compliance review.

The Town of Pembroke's self-evaluation and ADA Transition Plan is in compliance with the statutory requirements set forth in 28 C.F.R. § 35, *et al* and Section 504 of the Americans with Disabilities Act.

#### VII. Summary of Deficiencies

- There are no deficiencies found.

Draft ADA Transition Plan for the town of Pembroke, North Carolina

This report is the final report. Since there were no deficiencies there is no need for a review period before the final report is issued.

**VII. Review Checklist**

The responses in the review checklist below were determined based on plan reviews, discussions with pertinent staff, and a review of additional documentation provided.

1. Does the municipality have 50 or more employees? 28 CFR 35.150(d)(1)	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
o If yes, a transition plan is required.		
2. Identify the municipality's ADA Coordinator by name and title: 28 CFR 35.107(a) Amira Hunt, ADA Coordinator, Town of Pembroke		
• Is the coordinator's contact information made readily available to the public?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
3. Does the municipality have an ADA position statement? 28 CFR 35.106 SEE ATTACHED "ADDENDUM A"	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
• If yes, is the position statement readily available to all interested parties?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
4. Does the municipality have a complaint/grievance process? 28 CFR 35.107(b) SEE ATTACHED "ADDENDUM A"	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
5. Does the municipality have record of a self-evaluation of services, policies and practices? SEE ATTACHED "ADDENDUM A" 28 CFR 35.105(a)	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
6. Does the municipality have a transition plan? 28 CFR 35.150(d)(1) SEE ATTACHED "ADDENDUM A"	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
7. Is there a clear designation of the person responsible for the Transition Plan? 28 CFR 35.150(d)(3)(iv)	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
8. Are the self-evaluation and transition plan available for public inspection? 28 CFR 35.105(c); 28 CFR 35.150(d)(1)	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
9. Were interested parties allowed to provide comment/feedback during the self-evaluation and transition plan process? See attached "ADDENDUM A" 28 CFR 35.150(d)(1); 28 CFR 35.105(b)	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
o If yes, is there a description of the process which allowed public to readily access and submit comments for both self-evaluation and transition plan?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
o If yes, is there a list of the interested persons consulted?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
10. Are there inventories of all the municipality's facilities identifying any existing barriers? (Intersection information, curb ramps, sidewalks and other accessibility elements) 28 CFR 35.150(d)(3)(i); 28 CFR 35.105(a) SEE ATTACHED "ADDENDUMS A"	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
o Vertical facilities (administration buildings, museums, community centers, etc.)?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
o Pedestrian facilities (sidewalks, intersections, curb cuts/ramps, etc.)?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
o If no inventories exist is there an action plan established for producing the inventories?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
11. Does the municipality have a schedule/plan for removing barriers identified in their facility inventory? 28 CFR 35.150(d)(2); 28 CFR 35.150(d)(3)	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
12. Does the municipality have a clear and detailed description of methods used to make facilities accessible? 28 CFR 35.150(d)(3)(ii)	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>

## Notes

\* Assessment of Toilet Rooms includes bathrooms at the Park Director's office and the maintenance building.

† Toilet Room assessments apply to both the main restrooms and the family restroom.

‡ While not required, the Town hopes to implement this change by the end of the next fiscal year.

§ Fire Department is not a publicly accessible facility, but in emergency situations has been used as a staging area.

\*\* Curb ramp installation will coincide with sidewalk replacements, if curb ramp installation and sidewalk repairs are necessary.

†† Sidewalk updates and repair for ADA Compliance will be managed by the Public Works Director.