

I. Introduction

A. Americans with Disabilities Act*

The Americans with Disabilities Act (ADA) is a civil rights law prohibiting discrimination against individuals based on disability. It was enacted July 26, 1990 and amended in 2008 with the ADA Amendments Act. It consists of five titles:

1. ADA Title I: Employment

Title I requires employers with fifteen or more employees to provide qualified individuals with disabilities an equal opportunity to benefit from the full range of employment-related opportunities available to others. It prohibits discrimination in recruitment, hiring, promotions, training, pay, social activities, and other privileges of employment. It restricts questions that can be asked about an applicant's disability before a job offer is made, and it requires that employers make reasonable accommodation to the known physical or mental limitations of otherwise qualified individuals with disabilities, unless it results in undue hardship.

Title I complaints may be filed with the U.S. Equal Employment Opportunity Commission (EEOC) within 180 days of the date of discrimination, or 300 days if the charge is filed with a designated state or local fair employment practice agency. Individuals may file a lawsuit in Federal court only after they receive a "right-to-sue" letter from the EEOC.

2. ADA Title II: State and Local Government Activities

Title II of the ADA pertains to the programs, activities and services provided by public entities. The Town of Rolesville must comply with this section of the Act, as it specifically applies to public service agencies. Title II 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".

Title II of ADA is companion legislation to two previous federal statutes and regulations. The Architectural Barriers Act of 1968 requires that facilities designed, built, altered or leased with Federal funds be accessible. Section 504 of the Rehabilitation Act of 1973 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 the ADA extended this coverage to all state and local government entities, regardless of whether they receive federal funding or not.

Public entities are not required to take actions that would result in undue financial and administrative burdens, but they are required to make reasonable modifications to policies, practices, and procedures where necessary to avoid discrimination, unless they can demonstrate that doing so would fundamentally alter the nature of the service, program, or activity being provided. Requests for Accommodations and Title II concerns or complaints are handled by the ADA Coordinator.

Title II complaints may be filed with the Department of Justice within 180 days of the date of discrimination. In certain situations, cases may be referred to a mediation program sponsored by the Department. The Department may bring a lawsuit where it has investigated a matter and has been unable to resolve violations.

3. ADA Title III: Public Accommodations

Title III prohibits discrimination by businesses and nonprofit service providers on the basis of disabilities in places of public accommodations, commercial facilities, and private entities that offer certain examination and courses related to educational and occupational certification. Public accommodations are private entities who own, lease, lease to, or operate facilities such as restaurants, retail stores, hotels, movie theaters, private schools, convention centers, doctors' offices, homeless shelters, transportation depots, zoos, funeral homes, day care centers, and recreation facilities including sports stadiums and fitness clubs. Transportation services provided by private entities are also covered by Title III.

Public accommodations must comply with basic nondiscrimination requirements that prohibit exclusion, segregation, and unequal treatment. They also must comply with specific requirements related to architectural standards for new and altered buildings; reasonable modifications to policies, practices, and procedures; effective communication with people with hearing, vision, or speech disabilities; and other access requirements. Additionally, public accommodations must remove barriers in existing buildings where it is easy to do so without much difficulty or expense, given the public accommodation's resources. All building permit applications for public accommodations are evaluated for their compliance with current ADA and North Carolina Accessibility Code Standards.

Complaints of Title III violations may be filed with the Department of Justice. In certain situations, cases may be referred to a mediation program sponsored by the Department. The Department is authorized to bring a lawsuit where there is a pattern or practice of discrimination in violation of Title III, or where an act of discrimination raises an issue of general public importance. Title III may also be enforced through private lawsuits. It is not necessary to file a complaint with the Department of Justice (or any Federal agency), or to receive a "right-to-sue" letter, before going to court.

4. ADA Title IV: Telecommunications Relay Services

Title IV addresses telephone and television access for people with hearing and speech disabilities. It requires common carriers (telephone companies) to establish interstate and intrastate telecommunications relay services (TRS) 24 hours a day, 7 days a week. TRS enables callers with hearing and speech disabilities who use telecommunications devices for the deaf (TDDs), which are also known as teletypewriters (TTYs), and callers who use voice telephones to communicate with each other through a third party communications assistant. Many people who are Deaf or Hard of Hearing also use Video Relay Services and captioned telephones.

The Federal Communications Commission (FCC) has set minimum standards for TRS services. Title IV also requires closed captioning of federally funded public service announcements. For more information about TRS, contact the Federal Communications Commission.

5. ADA Title V: Miscellaneous Provisions

Title V clarifies that both states and Congress are covered by all provisions of the ADA. It also provides for recovery of legal fees for successful proceedings pursuant to the Act and establishes a mechanism for technical assistance along with specific instructions to many federal agencies required to implement the Act. Additionally, Title V includes a provision prohibiting either (a) coercing or threatening or (b) retaliating against people with disabilities or those attempting to aid people with disabilities in asserting their rights under the ADA.

**Information for this Section of the Transition Plan is from the U.S. Department of Justice, [The ADA Guide for Small Towns](#)*

B. Agency Title II Requirements

Under Title II of the ADA, the Town of Rolesville must meet these general requirements:

- Must operate 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) and (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 of the ADA 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.

C. Plan Monitoring and Management

This Transition Plan is considered a living document that will continue to be updated as conditions within the Town evolve. A review of the document will be conducted at least once per year, to identify any need for updates. 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 ADA Transition Plan will be updated and presented to Town Board every five years.

The Town of Rolesville 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 due to factors such as damage, disrepair, or changes within public rights-of-way. Therefore, an annual review of the status of the on-going monitoring/inspection program will correlate with the formulation of the yearly Capital Improvement Plan. Town employees and community stakeholders are encouraged to report any accessibility concerns or deficiencies that are identified.

II. Public Notice of Town Policy

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990, the Town of Rolesville will not discriminate against qualified individuals based on disability in Town services, programs or activities. With the adoption of this Transition Plan, the Town Board of Commissioners adopts the following statement of policies:

A. Employment

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

B. Effective Communication

The Town will 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's programs, services, and activities, including qualified sign language interpreters and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

C. Modifications to Policies and Procedures

The Town will make all reasonable modifications to policies and procedures to ensure that people with disabilities have an equal opportunity to enjoy all Town programs, services and activities.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a Town program, service or activity, should contact the office of the ADA Coordinator as soon as possible but no later than 48 hours before the scheduled event.

Complaints that a program, service, or activity of the Town of Rolesville is not accessible to persons with disabilities should be directed to the ADA Coordinator.

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

The Town will not place a surcharge of fee 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.

III. Self-Evaluation

Under Title II of the ADA, 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 the agency is providing adequate accessibility and not adversely affecting the full participation of individuals with disabilities.

This self-evaluation should include a review of 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 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. Short term actions 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).

A. Communications, Information, and Facility Signage

Inventory and Findings

Employment Notices

Compliance with ADA requirements is reflected in the Town's Personnel Policy Manual, Article IV – Recruitment and Employment, Section 1 – Equal Employment Opportunity Policy: "...Applicants with physical disabilities shall be given equal consideration with other applicants for positions in which their disabilities do not represent an unreasonable barrier to satisfactory performance of duties with or without reasonable accommodation." The next update of the Personnel Policy will delete the word "physical" in order to better reflect actual practices.

Correspondence and Printed Documents

Future meeting notices, agendas, mailings, and public information (press releases, brochures, flyers, etc) should meet the following guidelines:

- Documents will use: no less than 12 point font; san serif font such as Arial, Calibri, Helvetica, or Tahoma; non-justified text; and no reverse type (white letters on black).
- Documents should include the statement: "The Town of Rolesville is committed to providing accessible facilities, programs and services for all people in compliance with the American with Disabilities Act. Should you need assistance or a particular accommodation for this meeting please contact the ADA Coordinator."

Where needed, the Town will provide large print documents or other specialized communication means for those with vision disabilities

Public Meetings

Individuals who are Deaf or Hard of Hearing should contact the Town Clerk no later than 48 business hours prior to a scheduled public meeting to facilitate the Town's provision of an interpreter for the duration of the public meeting.

Future PowerPoint presentations at public meetings should meet the following guidelines: no less than 18 point font; san serif font such as Arial, Calibri, Helvetica, or Tahoma; no blinking or flashing animations; hyperlink text should describe the directed website.

Website

The Town's website is designed with the creation of Alt Tags for all images and video. Users with vision impairments can 'mouse' over the image and then read the description through their enhanced technology.

The webpage allows users to use 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 individuals requesting an accommodation indicate the nature of their disability, the preferred format in which to receive the material, the web address of the requested information and their contact information.

B. Public Buildings and Spaces

Inventory

The Town has conducted a detailed accessibility evaluation of each of its building facilities based on ADA guidance, North Carolina State Building Code, and other established resources. Examples of these types of facilities include recreational areas, playgrounds, shelters, office buildings, parking areas and other types of public buildings and structures.

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

Town Hall & Community Center	School Park Restroom & Concession Stand
Police Department	School Park Shelter
105A W Young Street Building	RMS Restrooms & Concession Stand
Main Street Park Restrooms	Mill Bridge Amphitheater
Main Street Park Picnic Shelters A-D	
Main Street Park Gazebo	
Main Street Park Playground	

Each public-access building and facility was reviewed for accessibility. The barriers were ranked according to priority and a cost estimate was made. The Town plans to address High priority items from this list over the next two years through funding in the Capital Improvements Plan. The remaining items will be addressed in priority order over the following years, with a goal of having all items complete within a ten-year period. Some items may receive accelerated funding, if they are associated with other planned projects and can be incorporated into project plans. The review also considered areas accessed by employees-only; those areas will be addressed as needed to provide reasonable accommodation.

Findings

Area	Condition	Rank	Est Cost
Town Hall & Community Center			
Parking	Cross slopes and running slopes of parking spaces	High	10,125
Southwest Exterior	Gutter slopes and cross slopes of ramps and sidewalks	Med-High	11,475
General	Non-compliant signage	Medium	1,350
Meeting Hall	Handrails	Medium	1,350
Men's Restroom	Door handles, coat hooks, toilet placement	Low-Med	2,401
Women's Restroom	Door handles, coat hooks, toilet placement	Low-Med	2,401
Men's Restroom (L)	Toilet paper rack, towel dispenser, clear floor space	Low-Med	5,401
Women's Restroom (L)	Door handle, towel dispense, side grab bar	Low	1,351
Police Department			
Parking	No accessible parking stall	High	2,025
General	Sign location	Medium	
General	Non-compliant signage	Medium	2,025
Lobby	Counter height	Medium	3,375
105A West Young Street			
Exterior	Cross slope, no accessible route	Medium	5,400
Entrance	Knob hardware, opening, pull side clearance	Medium	7,088
Main Room	Knob hardware, door opening, pull side clearance	Medium	7,088
Restroom	Non-compliant restroom.	Medium	8,775

Main Street Park			
Parking	Number of spaces, height of signage	Med-High	1,013
Trails	Cross slopes, running slopes, changes in level, no accessible route	Med-High	99,900
Shelter A	No accessible tables, no accessible route	Medium	2,025
Shelter B	Running slope, no accessible tables, no accessible route	Med-High	3,375
Shelter C	Cross slope, no accessible tables, no accessible route	Medium	3,375
Shelter D	Cross slope, no accessible tables, no accessible route	Medium	4,050
Playground 1	No accessible route	Medium	2,025
Playground 2	Cross slope, no transfer support	Medium	2,025
Gazebo	Cross slopes	Med-High	12,825
Men's Restroom	Toilet placement, rear grab bar, sink height	Medium	4,725
Women's Restroom	Rear grab bar, sink height, flush handle, coat hook	Low-Med	5,063
Community School Park			
Exterior	Abrupt level changes, cross slopes	Medium	9,450
Pavilion	Elevation change to grill	Medium	675
Men's Restroom	Door closure, door handle, coat hook, pipe insulation, push clearance	Low-Med	4,727
Women's Restroom	Flush handle, door closure, door handles, coat hook, pipe insulation, push clearance	Low-Med	6,752
Concession	Counter height, drinking fountains	Medium	8,100
Rolesville Middle School			
Parking	Access aisle, running slopes, cross slopes	High	20,925
Exterior	Sidewalk running slopes, cross slopes	High	8,775
Mill Bridge Nature Park			
Exterior	Cross slopes	Med-High	14,850
Amphitheater	No accessible route, no accessible seating	High	12,825

C. Pedestrian Facilities and Public Rights-of-Way

Inventory

Pedestrian facilities include structures such as sidewalks, curb ramps, pedestrian crossings, pedestrian signals and pushbuttons, and bus stops.

Town-Maintained Streets

In order to bring pedestrian facilities to current ADA standards, the Town makes updates during scheduled street and utility improvement projects. As projects are carried out, pedestrian facilities impacted by these projects are designed and/or upgraded to current ADA accessibility standards.

State-Maintained Streets

Pedestrian improvements on these streets requires external coordination with the North Carolina Department of Transportation (NCDOT) and the Capital Area Metropolitan Planning Organization (CAMPO). These external agencies maintain 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.

The Town is currently coordinating with the North Carolina Department of Transportation to use funds from the Transportation Alternatives Program (TAP) to bring several curb ramps into compliance with current ADA standards through replacement and retrofit. That project is currently scheduled to have a March 2022 release date.

The following intersections have been requested for improvement:

- 303 N Main Street
- Bowling Drive at Main Street
- 213 N Main Street
- Williams Street at Main Street
- Perry Street at N Main Street
- School Street at N Main Street
- Redford Place Drive at N Main Street
- 408 S Main Street
- 410 S Main Street
- 413 S Main Street
- 414 S Main Street
- 415 S Main Street
- 420 S Main Street
- 500 S Main Street
- 501 S Main Street
- Storage Drive at S Main Street
- Wall Creek Road at S Main Street
- Southtown Circle at S Main Street
- Burlington Mills Road at S Main Street
- Village Waters Road at E Young Street
- Perry Street at E Young Street
- Pulley Street at E Young Street
- Scarborough Street at W Young Street
- Granite Falls Boulevard at W Young Street
- Cotton Paws Road at W Young Street
- Daniels Park Road at W Young Street
- Big Willow Way at W Young Street
- Magnolia View Lane at W Young Street

IV. Public Outreach

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. Input from the community has been gathered and used to help define priority areas for improvements within the jurisdiction of the Town of Rolesville.

A. Public Comments from Website

The Draft Transition Plan was made available for public comment on the Town's website at www.RolesvilleNC.gov and at the Rolesville Town Hall. The Town gave notice that the draft Plan was available for review and that a public input meeting was scheduled for July 7, 2020 at 7pm at Rolesville Town Hall for the public to hear the results of the self-evaluation as well as an opportunity to provide feedback.

B. Public Hearing

This document was also presented to the Town Board on July 7, 2020. During this public meeting, staff briefed the Town Board on the results of the self-evaluation and conveyed the short and long-term strategies. The public was invited to comment during this public hearing.

C. Distribution to Community Agencies

Staff also made contact with several groups in the region who provide service and support to persons with disabilities. This helped bring greater awareness of the draft Transition Plan, as well as aided in building relationships and local partnerships.

Alliance of Disability Advocates

3725 National Drive, Suite 105
Raleigh, NC 27612

Council of Developmental Disabilities

NC Department of Health and Human Services
820 South Boylan Avenue
Raleigh, NC 27603

Raleigh Mayor's Committee for Persons with Disabilities

222 West Hargett Street
Raleigh, NC 27601

City of Raleigh, Community Relations Administrator & ADA Coordinator

222 West Hargett Street
Raleigh, NC 27601

NC Vocational Rehabilitation Services

4900 Waters Edge Drive
Raleigh, NC 27606

D. Summary of Public Review

Comments from General Public:

- None received

Comments from Community Agencies:

- Page 1: Good use of people first language such as using “individuals with disabilities.”
- Page 2: ADA Title IV: Might be helpful to mention that many Deaf people now use Video Relay Services, and many Hard of Hearing people use some type of captioned telephone.
- Page 2: ADA Title V: Suggest changing “the disabled” to “people with disabilities”.
- Page 3 & 5: Like how this plan is considered a living document and how “overcoming accessibility challenges is a continuous effort.”
- Page 3: Provide more description on how the plan will be updated over time and how the implementation will be reviewed for progress.
- Page 6: The “employment notice” should say people with disabilities instead of physical disabilities specifically.
- Page 6: Reword employment notice: “...in which their disabilities do not represent an unreasonable accommodation to allow for satisfactory performance...”
- Page 6: Public Meetings: Instead of “Individuals with impaired hearing,” use the term “Individuals who are Deaf or Hard of Hearing.” Consider offering real-time captioning or other accommodation in addition to an interpreter. Not all Deaf or Hard of Hearing people know sign language.
- Page 6: Note communication accommodations due to language barriers (e.g. English to Spanish).
- Page 6: Have you considered assisted listening devices that will always be on hand if needed?
- Page 6: Website: Consider making videos accessible to Deaf and Hard of Hearing people through captioning. Replace the term “Impaired users” with “Users with visual impairments”.
- Page 8: Main Street Park: Can apply for funding from The NC Parks and Recreation Trust Fund for assistance with funding accessibility improvements.
- Page 9: Define what is considered a pedestrian facility.
- Grievance Form: Like the form. Add what resolution the complainant is seeking to the form.
- Various: grammatical and wording suggestions.

V. Grievance Procedure

Step 1. File the grievance

Complete the ADA Grievance Form, or prepare a written grievance that includes the following:
Name, address, and phone number of the person filing the grievance;
Location of the alleged violation; and
Description of the alleged violation and the remedy sought.

Step 2. Acknowledgement

Town of Rolesville will send an acknowledgement within 12 working days of receipt of the grievance.

Step 3. Informal resolution

Within 60 calendar days of receipt, Town of Rolesville will complete the investigation necessary to determine the validity of the alleged violation. If appropriate, the ADA Coordinator will arrange to meet with the grievant to discuss the matter and attempt to reach an informal resolution of the grievance. Any informal resolution of the grievance shall be documented in the ADA Coordinator file and the case will be closed.

Step 4. Written determination

If an informal resolution of the grievance is not reached in Step 3, within 75 calendar days of receipt of the grievance, a written determination as to the validity of the complaint, and description of the resolution, if appropriate, shall be forwarded by ADA Coordinator to the Town Manager for approval.

Step 5. Final determination and resolution

Town of Rolesville shall communicate the determination and resolution to the grievant within 90 calendar days of receipt of the grievance, unless the Town Manager authorizes additional time for further consideration of the grievance. Any authorized extension of time will be communicated to the grievant. Any request for reconsideration of Town of Rolesville's response to the grievance shall be at the discretion of the Town Manager. If the grievant is not satisfied with Town handling of the grievance at any stage of the process, or does not wish to file a grievance through Town of Rolesville's ADA Title II Grievance Procedure, the grievant may file a complaint directly with the U. S. Department of Justice or other appropriate state or federal agency.

Use of Town's grievance procedure is not a prerequisite to the pursuit of other remedies. The resolution of any specific grievance will require consideration of varying circumstances, such as the specific nature of the disability; the nature of the access to services, programs, or facilities at issue, the essential eligibility requirements for participation; the health and safety of others; and the degree to which an accommodation would constitute a fundamental alteration to the program, service, or facility, or cause an undue hardship to the Town of Rolesville. Accordingly, the resolution by the Town of Rolesville of any one grievance does not constitute a precedent upon which Town of Rolesville is bound or upon which other complainants may rely.

File Maintenance

The Town of Rolesville ADA Coordinator shall maintain ADA Grievance files for three years.

**Town of Rolesville
ADA GRIEVANCE FORM**

Name	
Address	
Phone	
Email	

Location of the Problem	
Description of the Problem and Remedy Sought	

I certify that the above statement is accurate and filled out to the best of my ability and knowledge.

Signature

Date

Return completed form to:
ADA Coordinator
PO Box 250
502 Southtown Circle
Rolesville, NC 27571
Phone: (919) 556-3506

VI. Contact Information

ADA Title II Coordinator (external)

In accordance with 28 CFR 35.107(a), the Town of Rolesville has designated the following individual to serve as ADA Title II Coordinator, to oversee the Town's policies and procedures:

Name: Eric Marsh
Job Title: Assistant Town Manager
Office Address: PO Box 250, 502 Southtown Cir, Rolesville, NC 27571
Phone: (919) 556-3506
Fax: (919) 556-6852
E-mail: eric.marsh@rolesville.nc.gov

ADA Title II Coordinator (internal)

In accordance with 28 CFR 35.107(a), the Town of Rolesville has designated the following individual to serve as ADA Title II Coordinator, to oversee the Town's policies and procedures:

Name: Lisa Alston
Job Title: Human Resources Director
Office Address: PO Box 250, 502 Southtown Cir, Rolesville, NC 27571
Phone: (919) 556-3506
Fax: (919) 556-6852
E-mail: lisa.alston@rolesville.nc.gov