

CITY OF PIGEON FORGE, TENNESSEE



Americans with Disabilities Act Self-Evaluation and Transition Plan



FINAL VERSION

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Prepared by:



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List of Abbreviations/Acronyms

AA – Affirmative Action
AASHTO – American Association of State Highway and Transportation Officials
ABA – Architectural Barriers Act of 1968
ADA – Americans with Disabilities Act of 1990
ADAAG – 1991 ADA Accessibility Guidelines
ADASAD – 2010 Americans with Disabilities Act Standards for Accessible Design
CDBG – Community Development Block Grant
CFR – Code of Federal Regulations
DOJ – U.S. Department of Justice
DOT – U.S. Department of Transportation
DW – Detectable Warnings
EEOC – Equal Employment Opportunity Commission
EMS – Emergency Medical Services
FHWA – U.S. DOT Federal Highway Administration
FTA – U.S. DOT Federal Transit Administration
G.E.D. – General Educational Development or General Educational Diploma
GIS – Geographic Information System
HR – Human Resources Department
HTML - Hyper Text Markup Language
ISA – International Symbol of Accessibility
IT – Information Technology
MOT – Maintenance-of-Traffic
NCA – National Center on Accessibility
PAR – Pedestrian Access Route
PCA – Pedestrian Circulation Area
PDF – Portable Document Format
PROWAG – 2011 Proposed Accessibility Guidelines for Pedestrian Facilities within Public Right-of-Way
RA – Rehabilitation Act of 1973
ROW – Right-of-Way
SETP – Self-Evaluation and Transition Plan
TDD – Telecommunications Devices for Deaf Persons
TDOT – Tennessee Department of Transportation
TTY – Teletypewriter
UFAS – Uniform Federal Accessibility Standards
VP – Video Phone
VRI – Video Relay Interpretation
VRS – Video Relay System

Executive Summary

The Americans with Disabilities Act (ADA) is a comprehensive Federal civil rights statute enacted in 1990. Comprised of five major parts, or “titles”, the ADA’s stated purpose was to provide a “clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities”. It is estimated by the U.S. Census Bureau that over 50 million U.S. residents have a disability, and over 50% of senior citizens age 65 or older have a disability. Title II requires that all public entities with 50 or more employees perform a self-evaluation, prepare a transition plan, make the transition plan available for three years, publish a notice of non-discrimination, designate an ADA Coordinator, and develop a formal complaint form and grievance procedure.

The City of Pigeon Forge (City) has completed a self-evaluation of all City facilities, including facilities within the public right-of-way (ROW), programs, and procedures and prepared this Transition Plan. Pigeon Forge has made efforts over the years to improve accessibility, including the completion of this Self-Evaluation and Transition Plan (SETP). This Transition Plan outlines the necessary steps to become compliant with the requirements of Title II of the ADA. The City will strive to ensure that all residents and visitors are able to access all services, programs, and activities, and will promptly investigate any formal grievance filed according to the grievance procedures outlined. Additionally, the City will strive to include annual budgetary allotments to make required improvements that will eventually make the various facilities fully accessible, with emphasis given to the improvements that most impact the ability of persons with disabilities to access facilities or programs. Where access cannot be attained, an alternate means to offer the same opportunities to persons with disabilities will be provided.

In performing this self-evaluation, the City identified areas open to the public and employee common-use areas at facilities providing programs and services. These areas were assessed at the following City facilities:

City Facilities (Owned, Leased, or Hosting Programs)

- City Hall Building
- City Hall Annex
- Community Center
- Fire Station 1
- Fire Station 2
- LeConte Convention Center
- Public Parking at the LeConte Center
- Public Library
- Police Department
- Special Events Center (Information Center)
- The Compound
- Trolley Offices
- Public Parking at Trolley Offices
- Visitor Center
- Wastewater Treatment Plant
- Water Treatment Plant

City Parks

- Old City Park
- Patriot Park
- Wear Farm Park

The City also owns the property upon which the U.S. Post Office and Ripken Experience are located, but the City provides no programs at either facility. No evaluation of these facilities was completed based on the uses and lack of City programs at these locations. Public areas reviewed for facilities included parking lots, walks, park/site amenities, and areas within buildings that are not restricted to employees, such as restrooms, meeting spaces, reception areas, stairways, elevators, and hallways. Some buildings or areas of certain buildings have infrequent public access and were evaluated under the same guidelines. Typical employee common-use areas evaluated included break rooms, employee restrooms, locker rooms, conference rooms, etc. Spaces dedicated as employee work areas are exempt from the self-evaluation process, but that does not

obviate the need of the City to ensure full accessibility is provided to employees with disabilities, consistent with the requirements of Title I of the ADA.

In addition to City facilities, the self-evaluation reviewed existing City policies and procedures within each department. The focus of this review began with distribution of a questionnaire to each department, followed by interviews or other data gathering if needed to better understand the responses or the operation of each department. Key items reviewed within each department included ADA-specific training of employees, past interaction and accommodation of persons with disabilities, review of publications produced by each department, and staff suggestions to help them accommodate persons with disabilities. Following this review, recommendations were made to improve accessibility of programs for each department.

It is the goal of the City to make facilities for all services, programs, and activities fully accessible within 30 years, though this will be largely dependent on a number of economic factors and future changes to the ADA Standards for Accessible Design (ADASAD) or other unforeseen requirements that would necessitate additional improvements to City facilities. The City has committed to provide training for staff on the requirements of the ADA and make accommodations for employees with disabilities, many of which can be done without costly architectural renovations. The Transition Plan will be reviewed and updated periodically to ensure the City is fully compliant with ADASAD standards and Title II.

The self-evaluation identified a number of architectural barriers at City facilities. The estimated cost to correct these deficiencies is over **\$733,850**. In addition, approximately **\$391,500** in deficiencies on the greenways within the city and over **\$6,873,582** in pedestrian right-of-way facility deficiencies were identified based on the evaluation by LDA Engineering. In some cases, the cost of corrective action could not be defined due to additional investigation being needed that is outside the scope of an ADA self-evaluation. Investigation of structural walls, plumbing and other utilities within walls, compliance with plumbing and other codes, etc. are examples of additional investigations that might make estimating costs impossible as part of this plan. The degree to which these barriers limited accessibility and their priority for corrective action was subjectively categorized as “High”, “Medium”, or “Low”. “High” priority included barriers that effectively prohibited access to a service or program or present a safety hazard. “Medium” priority included barriers that either partially prohibited access or made it quite difficult. “Low” priority barriers typically do not limit access but are not compliant with standards. In some cases, the priority was adjusted based on the type of facility and proximity to high use areas. The improvements will be categorized into a xx-year phasing program to spread out the cost for implementation and address the most serious deficiencies at the most used City facilities. The actual implementation schedule, budgeting, and prioritization is up to the administration and is likely to be impacted by complaints, new regulations and requirements, and availability of funding. Note that these costs are to resolve accessibility issues by making architectural improvements and in many instances, there are procedural changes or other modifications that can be made to provide equal access to City programs. Additions and some modifications are not required until renovations are completed. These modifications are noted within this report.

The City welcomes input on the contents of this Transition Plan at any time. Comments, requests, suggestions, etc. should be provided to the ADA Coordinator by phone at (865) 453-9061 or email at ebrackins@cityofpigeonforgetn.gov.

The statements and findings contained in this Transition Plan and supporting information are the opinion of DLZ based on our knowledge and interpretation of ADA requirements. Nothing in this document should be considered as legal advice. Clients are urged to seek appropriate legal assistance as needed on ADA issues.

1.0 Introduction and Overview

1.1 Introduction

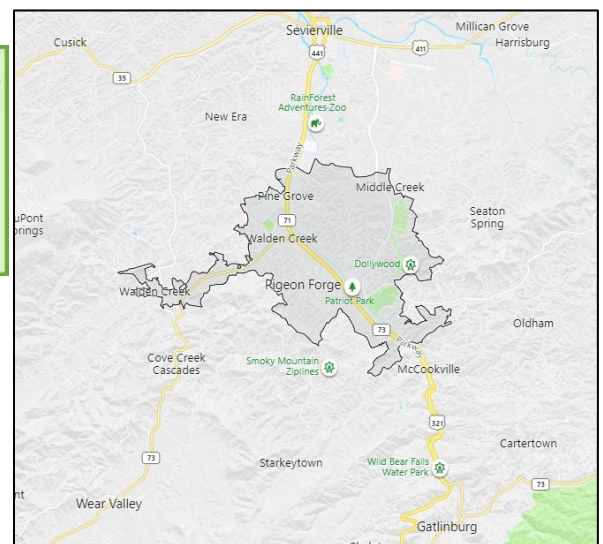
The [Americans with Disabilities Act of 1990](#) (ADA), enacted on July 26, 1990, is a Federal civil rights statute, under the jurisdiction of the United States Department of Justice (DOJ), which provides civil rights protection to qualified individuals with disabilities in the areas of employment, public accommodations, state and local government services, transportation, and telecommunications. The DOJ is the lead agency that oversees the ADA. The ADA itself is not enforceable by any state or local governmental unit code official. The law states its purpose is “to provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities”. Similar protections are provided by Section 504 of the Rehabilitation Act of 1973. The ADA was signed into law by President George Bush on July 26, 1990, extending civil rights protections to individuals with physical or mental disabilities in the following areas:

1. **Title I** – Employment (all Title II employers and employers with 15 or more employees)
2. **Title II** – Public Services (state and local government, including public school districts and public transportation)
3. **Title III** – Public Accommodations and Services operated by Private Entities
4. **Title IV** – Telecommunications
5. **Title V** – Miscellaneous

Pigeon Forge is located in east-central Tennessee (Figure 1-1) in central Sevier County, approximately 39 miles southeast of Knoxville. The City had a population of approximately 5,875 at the 2010 Census and contains a total land area of approximately 11.6 square miles. Pigeon Forge, and much of Sevier County, is a popular tourist area, with the daily population in Pigeon Forge often exceeding 50,000 and estimates for Sevier County of over 12 million visitors annually. It is classified as a “public entity” pursuant to Title II of the ADA. The City is also required to comply with Title I, which requires state and local government entities to practice nondiscrimination in all parts of the employment process.



Figure 1-1 – City of Pigeon Forge Location Map



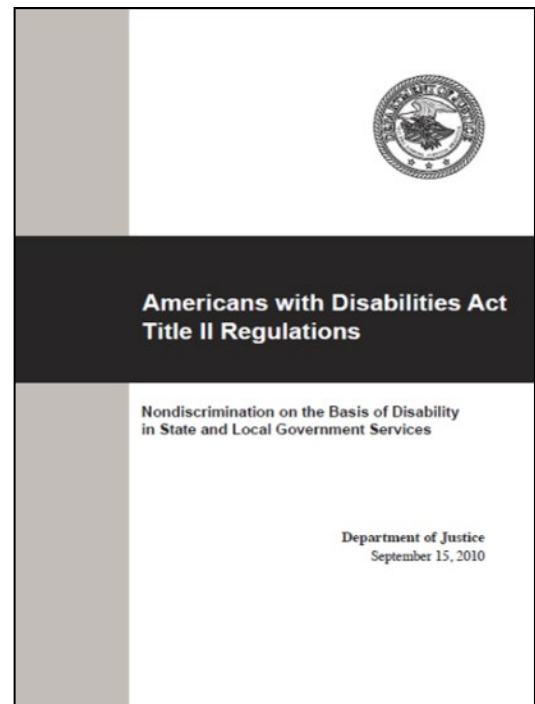
1.2 Purpose

Regulations (CFR) is the codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the Federal government. It is divided into 50 titles that represent broad areas subject to Federal regulation. Each volume of the CFR is updated once each calendar year and is issued on a quarterly basis.

Relative to the ADA on July 26, 1990, the DOJ issued rules implementing Title II, which is codified at [28 CFR Part 35](#), which applies to Pigeon Forge. Title II requires state and local governments to make their programs and services accessible to persons with disabilities. This requirement extends not only to physical access at government facilities, programs, and events, but also to policy changes that state and local governmental entities must make to ensure that all people with disabilities can take part in, and benefit from, the programs and services of state and local governments.

The ADA regulations [ref. U.S. DOJ, [28 CFR Part 35, Subpart A, 35.105 and 35.150\(a\) and \(d\)](#)] require state and local governments to conduct a self-evaluation of their programs and services to identify barriers to access. One of the fundamental reasons for performing the self-evaluation is to identify potential problems before they occur, so that discrimination complaints won't be necessary. By identifying the policies, programs, services, and activities that do not comply, the City can take action to remove those barriers to ensure that the City is not discriminating against individuals with disabilities. Title II of the ADA stipulates that Pigeon Forge is required to perform six administrative responsibilities:

1. Publicize the name and contact information of the designated ADA Coordinator responsible to oversee compliance [[28 CFR 35.107 \(a\)](#)]
2. Administer and write a self-evaluation of the programmatic barriers in services offered by the local government and provide an opportunity to interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the self-evaluation process by submitting comments [[28 CFR 35.105](#)]
3. Publicize and inform applicants, participants, and beneficiaries of the City's policy of nondiscrimination on the basis of disability related to City services, programs, and activities [[28 CFR 35.106](#)]
4. Establish a complaint/grievance procedure to respond to complaints of noncompliance from the public [[28 CFR 35.107 \(b\)](#)]
5. Develop a transition plan if structural changes are necessary for achieving program accessibility [[28 CFR 35.150 \(a\) and \(d\)](#)]
6. Retain the self-evaluation and provide it for public inspection for three years [[28 CFR 35.105 \(c\)](#)]



The City is committed to complying with the tenets of Title II of the ADA of 1990, and other Federal and state statutes and regulations intended to make City-owned and operated facilities, programs, services, and activities accessible to persons with disabilities. This ADA Self-Evaluation and Transition Plan (SETP) establishes a new benchmark for compliance with ADA and identifies a plan to remove barriers.

1.3 Transition Plan Overview

The City of Pigeon Forge became aware of the need to be in full compliance with the requirements of the ADA by the Tennessee Department of Transportation (TDOT), who sent letters to all local public agencies requiring them to have a compliant ADA Transition Plan to remain eligible for federal funding. The City

responded by contracting in summer 2018 with LDA Engineering, Inc., and sub-consultant DLZ National, Inc., to assist in preparing a SETP.

A work plan to assess City-owned and operated facilities, programs, policies, services, and activities for compliance with ADA was initiated to complete the ADA SETP. Facility audits were performed only in those areas open to the public for this project, along with employee common-use areas. Other areas within City-owned facilities that are not accessible to the public must also be accessible for employees with disabilities as a requirement of Title I. Accessibility in employee work areas will be assessed on a case-by-case basis based on the needs of the individual and nature of their disability. The City is committed to ensuring that all workspaces are accessible pursuant to the requirements of each job and making the necessary modifications and reasonable accommodations when needed for a disabled employee to perform essential job functions. City pedestrian facilities within the public City right-of-way (ROW) were included.

All the recommendations in this plan for structural or programmatic solutions to facilitate the opportunity of access to all individuals are subject to review, revision, and approval of the City Commission and appropriation of funding to implement the improvements. These recommendations are intended to serve as the transition plan and framework for implementation.

This transition plan is an on-going, dynamic document that will need periodic review and updating. In particular, additional evaluations will be required when updates are made to the ADA or supporting statutes, existing accessibility guidelines change, or new guidelines are established. In its efforts to maintain compliance, the City has several mechanisms in place to provide for an ongoing update of the transition plan:

- Designated ADA Coordinator is empowered with oversight responsibility for implementation of the requirements of the ADA.
- Implementation activities will be part of the City's annual Capital Improvement Plan.

1.4 Legislative Background & Framework

For more than 40 years, Pigeon Forge has been subject to many of the non-discrimination provisions contained in the ADA. Significant precursory legislation to the ADA includes the [Architectural Barriers Act of 1968](#) (ABA) and [Section 504 of the Rehabilitation Act of 1973](#) (RA).

Congress' first significant effort to address discrimination on the basis of disability was its enactment of the ABA, which provided that all buildings constructed, altered, leased, or financed by the U.S. Government shall be accessible to, and usable by, individuals with physical disabilities.

Section 504 of the Rehabilitation Act states: "No otherwise qualified individual with a disability in the United States shall, solely by reason of his disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance or under any program or activity conducted by any Executive Agency". It also requires Federal agencies to provide accessible programs and facilities.

The ADA was effective on January 26, 1992, and modeled after Section 504. The ADA applies to state and local government entities, public accommodations, public transportation, and commercial establishments. The key points of understanding for ADA are:

- The ADA is fundamentally civil rights legislation. This legislation protects the rights of people with disabilities in employment, transportation, public accommodation, and access to services offered to the public.
- The ADA addresses facility access and access to programs and services. Buildings are required to be accessible and the activities that are offered inside and outside those buildings also must be accessible.
- Outdoor recreation standards as they relate to ADA for a variety of facilities were included in the 2010 ADA Standards for Accessible Design (ADASAD). Standards for amusement rides, boating and fishing facilities, exercise machines and equipment, golf and miniature golf facilities, play areas, and swimming/wading pools and spas went into effect on March 15, 2012 for all new or altered facilities.

The primary focus of this report is to assess the compliance of Pigeon Forge facilities, programs, policies, services, and activities related to Title II of the ADA.

Governmental entities must ensure effective communication, including the provision of necessary auxiliary aids and services, so that individuals with disabilities can participate in civic functions. Public entities are not required to take actions that would result in undue financial and administrative burdens. However, 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.

One important way to ensure that Title II's requirements are being met in communities of all sizes is through self-evaluation, which is required by the ADA regulations. Self-evaluation enables local governments to pinpoint the facilities, programs, and services that must be modified or relocated to ensure that local governments are complying with Title II requirements of the ADA. A public entity that employs 50 or more employees must retain its self-evaluation for a minimum of three (3) years.

1.5 Facility Access versus Program Access

The ADA addresses two types of accessibility:

- Facility accessibility
- Program accessibility

Facility accessibility requires that a building or structure be physically accessible. Individuals with disabilities cannot be provided access to programs, services, and activities if a building is inaccessible. Program accessibility includes facility accessibility, but also means that a person with a qualified disability receives the same benefits from a program or service and has an equal opportunity to participate as any other participant. The ADA requires all City programs, but not all City buildings, to be accessible. The regulation implementing Title II, 28 CFR Part 35 (as amended September 15, 2010) contain two "safe harbor" provisions. Under the first "safe harbor" provision, elements of existing facilities that already comply with either the 1991 ADA Standards or Uniform Federal Accessibility Standards (UFAS) are not required to comply with the 2010 ADA Standards unless they were altered on or after March 15, 2012. Under the second "safe harbor" provision elements comprising a path of travel to an altered primary function area are not required to comply with the 2010 ADA Standard merely as the result of an alteration to a primary function area, provided those elements comply with the 1991 ADA Standard or UFAS.

There is some flexibility with regard to program accessibility. Not every building (or each part of every building) needs to be accessible. Structural modifications are required only when there is no alternative available for providing program access.

The City is required to provide program access, which means that programs, services, and activities when viewed in their entirety, are readily accessible to and usable by individuals with disabilities. When choosing a method of providing program access, the City will give priority to the one that results in the most integrated setting appropriate to encourage interaction among all users, including individuals with disabilities. In accordance with Title II program accessibility requirements, the City is required to:

- Provide equal access to programs, services, and activities as provided to other members of the community. [[28 CFR 35.130\(a\)-\(b\)\(1\) \(vii\)](#)]
- Provide programs, services and activities in an integrated setting, unless separate or different measures are necessary to ensure equal opportunity. [[28 CFR 35.130\(b\)\(2\); \(d\)](#)]
- Absorb any costs necessary to ensure nondiscriminatory treatment, such as making modifications required to provide program accessibility or providing qualified interpreters. [[28 CFR 35.130\(f\)](#)]
- Allow a person with a disability to participate in a program, service or activity regardless of disability. [[28 CFR 35.130\(g\)](#)]
- Eliminate unnecessary eligibility standards or rules that deny individuals with disabilities an equal opportunity to enjoy programs, services or activities unless necessary for the provisions of the program, service or activity. [[28 CFR 35.130\(b\)\(8\)](#)]
- Modify policies, practices, or procedures that deny equal access to individuals with disabilities [[28 CFR 35.130\(b\)\(7\)](#)]
- Furnish auxiliary aids and services when necessary to ensure effective communication. [[28 CFR 35.160\(b\)\(1\)-\(2\)](#)]
- Provide appropriate signage and structural communication to inform and alert individuals with visual, mobility, and hearing disabilities. [[28 CFR 35.163](#)]
- Eliminate physical barriers to programs, services, and activities by remodeling existing facilities, constructing new facilities, or moving programs, services or activities to an accessible location. [[28 CFR 35.150\(b\)\(1\)](#)]
- Ensure that newly constructed or altered buildings and facilities are free of physical and communication barriers that restrict accessibility of people with disabilities. [[28 CFR 35.151](#)]

1.6 Undue Burden

The City does not have to take any action that it can demonstrate would result in a fundamental alteration in the nature of a program or activity, would create a hazardous condition for other people, or would represent an undue financial and administrative burden. A fundamental alteration is a change to such a degree that the original program, service, or activity is no longer the same. For example, assume that a community sponsors college-level classes that may be used toward a college degree. To be eligible to enroll, an individual must have either a high school diploma or a General Educational Development certificate (“G.E.D”). If someone lacks a diploma or G.E.D. because of a cognitive disability, it is unlikely that the community would have to alter the requirement to provide equal access. Modifying the rule would change the class from college level to something less than college level and would fundamentally alter the original nature of the class.

The determination that an undue financial burden would result must be based on an evaluation of all resources available for use in a program. For example, if a barrier removal action is judged unduly burdensome, the City must consider other options for providing access that would ensure that individuals with disabilities receive the benefits and services of the program or activity.

1.7 ADA Self-Evaluation and Transition Plan Requirements

The purpose of this ADA SETP is to document the City's review of access to facilities, programs, services, and activities by individuals with disabilities in order to determine if there are any discriminatory or potentially discriminatory practices, policies, or procedures.

In accordance with the Title II requirements for self-evaluation, the City:

- 1) Identified all the public entity's programs, activities, and services. [[28 CFR 35.105\(a\)](#)]
- 2) Reviewed all the policies and practices that govern the administration of the City's programs, activities, and services. [[28 CFR 35.105\(a\)](#)]

If structural changes are identified to provide program accessibility as part of the self-evaluation, the ADA identifies specific elements to be included in the transition plan. At a minimum, the elements of the transition plan are:

- 1) A list of the physical barriers in the City's facilities that limit the accessibility of its programs, activities, or services to individuals with disabilities. [[28 CFR 35.150 \(d\)\(3\)\(i\)](#)]
- 2) A detailed outline of the methods to be utilized to remove these barriers and make the facilities accessible. [[28 CFR 35.150 \(d\)\(3\)\(ii\)](#)]
- 3) The schedule for taking the necessary steps to achieve compliance with Title II of the ADA. If the time period for achieving compliance is longer than one year, the plan should identify the interim steps that will be taken during each year of the transition period. [[28 CFR 35.150 \(d\)\(3\)\(iii\)](#)]
- 4) The name of the official responsible for the plan's implementation. [[28 CFR 35.150 \(d\)\(3\)\(iv\)](#)]

1.8 Self-Evaluation and Transition Plan Process

A work plan and method to assess City-owned and operated facilities, programs, policies, services, and activities for compliance with the ADA was implemented to complete the ADA SETP. This work plan included:

- Facility audits (interior and exterior)
- Self-evaluation of City programs, services, and activities
- Public outreach to advocacy groups
- Facilitate designating an ADA Coordinator
- Develop grievance procedures
- Identify required/suggested training for City staff
- Prioritize facilities improvements for accessibility
- Develop transition plan
- Public involvement
- Adoption

Recommendations are intended to serve as the transition plan and framework for implementation. All the recommendations in this plan for structural or programmatic solutions to facilitate the opportunity of access to all individuals are subject to review, revision, and approval of the City Commission.

1.9 Facility Audit

In 2018 and 2019, audits of building and facility interiors, exterior site features, and facilities within the public ROW were performed. These audits included only those areas of each facility that are open to the public and employee common-use areas. This review identified physical and architectural barriers and provided

recommendations to comply with Federal accessibility requirements. The locations of City facilities and parks (by number) are shown on Figure 1-2, addresses for each can be found in the appendix.

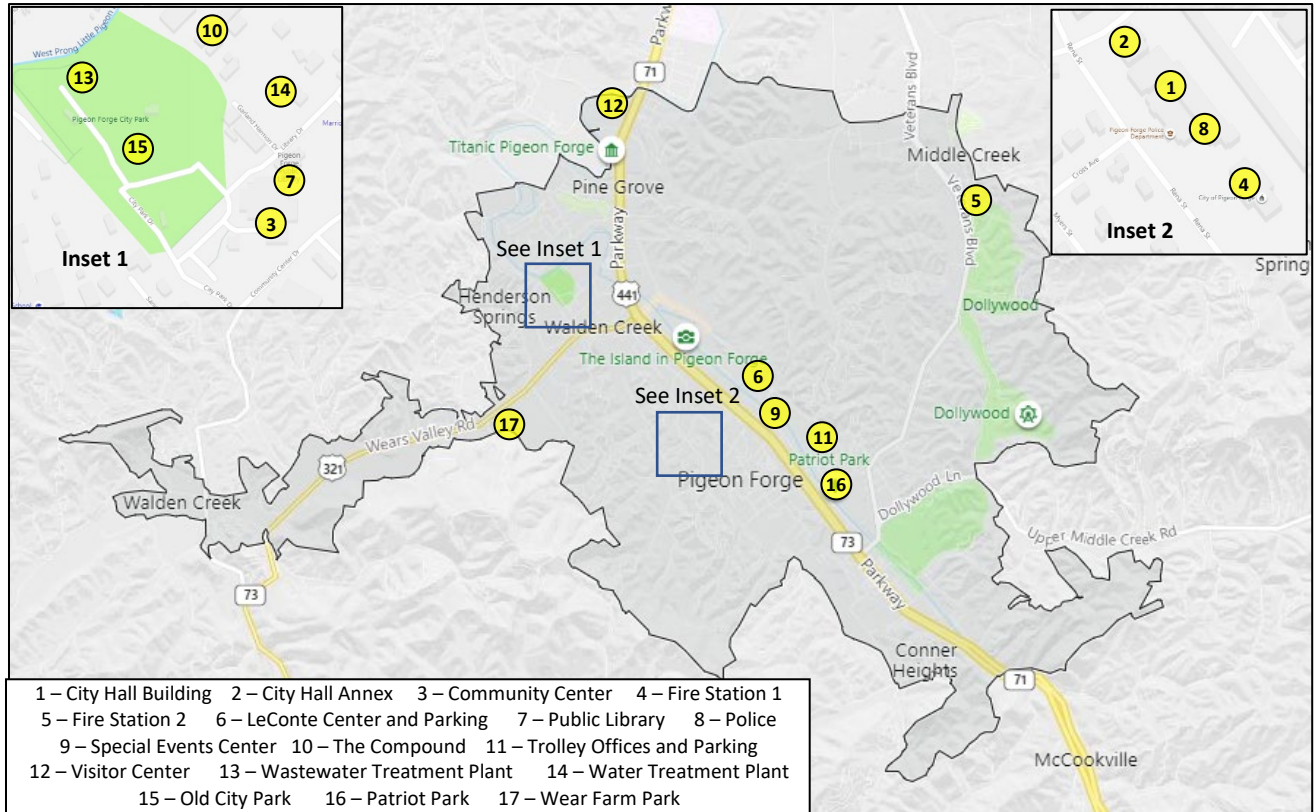


Figure 1-2. Pigeon Forge Facilities Location Map.

Photographs of architectural and site conditions at the time of the inspection for all building amenities were taken for the record. The specific site and architectural improvements recommended to remove barriers and improve accessibility are listed in the appendices.

1.10 City Administration and Departments

There are several distinct departments that provide City services, programs, and activities that are available to the public. The level of interaction of each Department is classified as extensive (high numbers daily), regular (variable but generally low numbers daily to weekly), limited (generally weekly or less), or none. These Departments and descriptions of their functions and types and regularity of interaction with the public are:

- **City Administration (3221 Rena Street)** – The administrative office is responsible for the operation and management of the city. The offices of the City Manager, Human Resources, and Finance are located in the City Hall building. The administration staff oversees the financial and fiscal affairs of the city, as well as management, from the City Manager’s office. This office is responsible for the processing of all revenues for the city, including the collection of all property tax, business license, gross receipt taxes, amusement taxes, room occupancy taxes, as well as miscellaneous permits, etc. The annual fiscal budgets are prepared in these offices to present to the City Commission for their approval and implementation.

The administrative offices also oversee the fiscal operations and the personnel affairs of each department. Personnel representatives administer items relating to employees, including fringe benefits,

life and health insurance, workman's compensation, and general policies relating to the Federal, State, and City requirements. All permanent copies of documents, including City Charter, City Ordinances, City Resolutions, and minutes of all City meetings, are maintained and stored in the administrative offices. Interaction with the public is extensive.

- **City Court (3225 Rena Street)** – City Court handles all citations from the City Police Department which were issued for moving, parking and any other city ordinance violations. Interaction with the public is regular.
- **Department of Community Development (3211 Rena Street)** – The Department of Community Development is responsible for providing planning information and technical assistance to the Planning Commission, Board of Zoning Appeals, and the City Commission in regard to growth and development in the City. Technical assistance includes the review of proposed developments and working with the public to ensure conformance of the city's ordinance and development regulations in matters such as zoning, land development, and floodplain management. Interaction with the public is extensive.
- **Department of Tourism (135 Jake Thomas Road)** – The Department of Tourism promotes tourism in the City, including providing information on the MyPigeonForge.com website. A link to the website is located on the main City website for the department and the website provides extensive information for things to do, lodging, restaurants, and various events happening in and around Pigeon Forge. The Department manages the LeConte Convention Center, Visitor Center, and Special Event Center. Interaction with the public is extensive.
- **Finance (3221 Rena Street)** – The Finance Department plans, organizes, and directs operations in the areas of accounting, reporting, purchasing, tax collection, and other financial activities. The Finance Department is responsible for maintaining insurance coverage for the City, payroll, utility billing and collection, and assisting the City Manager with the preparation of the annual budget and capital budget for all funds. This department assists to ensure that all financial operations are performed in compliance with applicable local, state, and federal laws, as well as with acceptable standard principles of accounting and finance. Interaction with the public is limited.
- **Fire Department (3229 Rena Street)** – It is the mission of the Pigeon Forge Fire Department to protect life and property, promote public safety, safeguard the well-being of its employees, and foster economic growth through leadership, management, and action as an all-risks and life-saving fire department. The department has 38 full-time career and 12 volunteer firefighters. These individuals provide fire suppression, vehicle extrication, basic water rescue, hazardous materials response, wildland/urban interface firefighting, elevator rescue, and Advanced Life Support Emergency Medical Services. Interaction with the public is extensive.
- **Information Technology (3221 Rena Street)** – The IT Department is responsible for all of the city's information technology infrastructure and its operation, including the city's phone system infrastructure, cameras throughout the City, computer hardware and software and printing needs for all departments, and updating the website. Interaction with the public is limited.
- **Mass Transit (186 Old Mill Avenue)** – The Pigeon Forge and Sevierville transit system were established to bring mass transit to the two cities for the purpose of helping to keep the Smoky Mountain air clean for locals and visitors alike. The Mass Transit Department operates over 6 routes that originate and end at the Trolley Station on Old Mill Drive. A large parking lot is provided at the station, with another large municipal parking lot located on Teaster Lane. Transportation from the Municipal Parking Lot to Patriot Park is free. Interaction with the public is extensive.
- **Library (2449 Library Drive)** – The Pigeon Forge Public Library is a member of the Clinch River Regional Library System and part of the Tennessee State Library & Archives Regional library system. It is not a part

of the Sevier County Library System. Pigeon Forge Public Library has a variety of materials available for check out, including books, audio books, movies, and CDs. In addition, paperbacks may be borrowed or swapped without a library card, and magazines and newspapers read within the library. Free internet access is available via wi-fi and patron computers. Interaction with the public is extensive.

- **Human Resources (3221 Rena Street)** – The Human Resources Department is responsible for the coordination of all human resource related functions for the City. The department also provides the administration of employee benefits, recruitment/retention and staffing, development and enforcement of personnel policies and procedures, maintaining and updating the classification and compensation plan, and addressing complaints and grievances filed by current or former employees. Additional responsibilities include oversight of workers compensation claims, recruiting new employees, auditing and monitoring of personnel files to ensure compliance with federal and state regulations, and providing assistance to city departments and offices with employee-related questions and issues.
- **Police (3225 Rena Street)** – The Pigeon Forge Police Department is primarily charged with the preservation of the peace and order of the City of Pigeon Forge, the enforcement of all criminal ordinances and laws of the City of Pigeon Forge, the State of Tennessee, and the United States. Currently there are seventy-eight (78) employees, which include 63 sworn officers. Of those 63 sworn officers, 50 work in patrol and 7 work in criminal investigations, including one that is attached to the Street Crimes Unit. Six officers are in administrative positions. The department has 12 communication officers and three that work in the records division. Interaction with the public is extensive.
- **Public Works (3211 Rena Street)** – The administrative office of the Public Works Department supervises and oversees eight departments in Public Works. The department consists of (1) administration, (2) building inspection, (3) streets, (4) sanitation, (5) fleet maintenance, (6) utility, (7) water plant, and (8) wastewater plant. The office also works on capital projects with engineers and contractors, such as road widening projects, water and wastewater plant expansions, water and sewer construction projects, and other city improvements. Interaction of the administration with the public is regular. More information about selected departments is provided below. Note that the direct public interaction of many departments is limited but the role each plays in the service to residents, businesses, and visitors is significant.
 - 1) **Building Inspection Department (3211 Rena Street)** – The Building Inspection Department reviews plans, issues permits, and performs inspections. The goal is to provide safe and habitable buildings within the city. Any questions pertaining to building, storm water, new water and sewer lines should be directed to this department. Interaction with the public is extensive.
 - 2) **Street Department (2320 Garland Harmon Drive, Suite 308B)** – The Street Department involves the maintenance and construction of approximately 86 miles of streets within the city limits. The department oversees the maintenance of storm sewers, ditches, mowing right-of-way, litter removal, Winterfest light installation, pothole patching, and street paving. The department also makes street name markers, replaces light bulbs and traffic control signals, paint street markings, and perform sidewalk maintenance and construction. The department consists of 27 employees who also perform the annual leaf pick up program, animal control, and sweep and clean streets. Interaction with the public is limited.
 - 3) **Sanitation Department (2320 Garland Harmon Drive, Suite 308C)** – The Sanitation Department is responsible for collection of residential and commercial garbage and recycling. The department also seasonally collects yard waste and brush. Interaction with the public is limited.
 - 4) **Utility Department (2320 Garland Harmon Drive, Suite 206)** – The Utility Department performs maintenance and construction of service lines, pressure reducing valves stations, booster stations, flushers, inspections, installation, removal, cleaning, repairing and testing of meters and sewer lines

on the city's water system. The City of Pigeon Forge Utility Department serves water customers in the county as far away as Wears Valley, Richardson Cove, and Jones Cove. The system consists of approximately 181 miles of water main piping, fire hydrants, 20 water tanks, and 19 water pump stations. The City has 4076 residential and 1511 commercial water customers. Interaction with the public is limited.

- 5) **Fleet Maintenance Department (2320 Garland Harmon Drive, Suite 402)** – The Fleet Maintenance Department is responsible for maintenance, service, and repair of all city police cars, fire trucks, light trucks, heavy trucks, and various light and heavy pieces of equipment, including maintaining an inventory of replacement parts. The mechanics also maintain the fueling station at the service department complex. The City of Pigeon Forge has approximately 272 pieces of equipment and 234 vehicles. Interaction with the public is limited.
 - 6) **Wastewater Treatment (2530 City Park Drive)** – The department is responsible for the operation of the city's wastewater system, including the 6 MGD treatment plant, 19 lift stations, 89 miles of sewer lines, and 1,973 manholes. Staff also perform a very active ongoing Inflow and Infiltration program. Interaction with the public is limited.
 - 7) **Water Treatment (2432 Library Drive)** – The department is responsible for the operation of the city's water supply system, including a 12 million gallon MGD water plant with raw water intake at Douglas Lake and additional raw water intake at the Vulcan Quarry located on Park Road and Waldens Creek. The city currently has a system storage inventory of 8.3 million gallons. Work performed includes the maintenance of raw water intakes and storage tanks and maintenance, inspection, and operation of the filter plant 24 hours a day, 7 days a week. The City of Pigeon Forge also provides Gatlinburg up to a million and half gallons of water a day. Interaction with the public is limited.
- **Parks and Recreation Department (170 Community Center Drive)** – The department is responsible for a variety of programs and activities at the Community Center and parks scattered throughout the city. The City park system is made up of 134 acres of park land, over 6 miles of greenways, and the Pigeon Forge Community Center. The Community Center is a hub of activity in the City and includes an indoor and outdoor pool and a number of spaces for sporting and community activities. Interaction with the public is extensive.

1.11 Department Self-Evaluation

As part of this self-evaluation, DLZ provided a questionnaire to the ADA Coordinator in order to better understand the operation and services offered by various City departments regarding ADA compliance. A blank questionnaire is in Appendix C. Responses provided by each department were used to compile the information in this SETP. Policies, programs, activities, and services were evaluated, and in the case where policies are not currently in place, this report provides recommendations for the implementation of corrective actions to comply with the ADA. Refer to Section 2.19 Department Self-Evaluation - Findings & Recommendations.

1.12 Public Outreach

Public outreach began by sending notices by U.S. mail to several local and regional disability advocacy groups (see Appendix D). In addition, an online survey posted on the home page of the City's website was provided to solicit input from the public and business owners. The online survey was open from May 2019 to May 2020, with all responses being anonymous to ensure full transparency for the respondents to provide any comment they desired. The online survey was hosted on the City's website, with a direct link provided. A total of 13 responses were provided by the public, and the results are below. Some comments provided information about non-City facilities or other issues not under the control of the City. Comments deemed to

be relevant and which were considered in the Transition Plan have been highlighted. Some minor spelling errors have been corrected in the comments to provide clarity about the response in this document and personal information of respondents (names, phone numbers, email, etc.) has been redacted if included in responses. Response ratio for questions that allowed multiple selections by responders may not total 100%.

| Constant Contact Survey Results | | |
|--|----------------------|-----------------------|
| Survey Name: City of Pigeon Forge ADA Survey | | |
| 1. What is your association with the City of Pigeon Forge? Check all that apply. | | |
| | # Response(s) | Response Ratio |
| Resident | 7 | 53.8% |
| Business Owner | 0 | 0.0% |
| Work in Pigeon Forge | 5 | 38.4% |
| Visitor/tourist | 2 | 15.3% |
| None of the above | 1 | 7.6% |
| 2. Do you or a family member have a disability? | | |
| | # Response(s) | Response Ratio |
| Yes (please describe below) | 4 | 30.7% |
| No (please continue with survey) | 9 | 69.2% |
| No Responses | 0 | 0.0% |
| 5 Comment(s) | | |
| - wife has hip replacements and she has limited mobility. We generally have to use handicapped access for parking, sidewalks, etc. | | |
| - But my mother is elderly and cannot get around very well. | | |
| - Nee (EDITOR'S NOTE: this is an incomplete submittal) | | |
| - Boyfriend fell 3 stories landed on back | | |
| - Bear Camp Cabin Rentals IS NOT ADA COMPLIANT!!! | | |
| 3. Have you, a family member, or someone you know encountered any difficulties accessing city facilities or programs due to the disability? | | |
| | # Response(s) | Response Ratio |
| Yes (please describe below) | 3 | 23.0% |
| No | 9 | 69.2% |
| No Responses | 1 | 7.6% |
| 3 Comment(s) | | |
| - Mostly with sidewalks and ramps not be compliant. | | |
| - Hard time boarding trolley due to the first step being too high. | | |
| - Bear Camp Cabin Rentals IS NOT ADA COMPLIANT!!! | | |
| 4. Have you, a family member, or someone you know had difficulty accessing city parks or programs offered at city parks? | | |
| | # Response(s) | Response Ratio |
| Yes (please describe below) | 1 | 7.6% |
| No | 11 | 84.6% |
| No Responses | 1 | 7.6% |
| 1 Comment(s) | | |
| - Bear Camp Cabin Rentals IS NOT ADA COMPLIANT!!! | | |
| 5. Are there specific accessibility barriers you believe need to be addressed immediately by the city? | | |
| | # Response(s) | Response Ratio |
| Yes (please describe below) | 7 | 53.8% |
| No | 5 | 38.4% |
| No Responses | 1 | 7.6% |
| 7 Comment(s) | | |
| - City Hall needs to be more accessible as well as the tennis courts. | | |
| - Access on some sidewalks need dimple pads and renovating on the curb ramps. | | |

- Crosswalk signals need to be timed correctly. There is not enough time allocated to get completely across the street before the don't walk sign comes on.
- Crosswalks at intersections that do not have any visible walkways or signage.
- We live in downtown Sevierville. It seems to me that we have this fabulous Veterans Hwy that gets little to no use. I believe it is because it doesn't access the parkway in Pigeon Forge often enough. Other than Governors Crossing cut through, there really isn't anywhere other than at the far end. I wonder if the cheapest and easiest solution would be to make a couple more cut through roads or even a couple of bridges or tunnels going from Vets Blvd to Teaster to the Parkway etc.
- Bear Camp Cabin Rentals IS NOT ADA COMPLIANT!!!
- Sidewalk in front of Dollar General Wears Valley Rd. -- metal square protrusion. This is very dangerous for wheelchairs, not to mention walkers.

6. Please rate the accessibility of city buildings you have visited.

| | # Response(s) | Response Ratio |
|--|---------------|----------------|
| Very Good - no access issues | 3 | 23.0% |
| Good - only very minor issues | 7 | 53.8% |
| Fair - many issues encountered | 1 | 7.6% |
| Poor - portions of facilities not accessible | 1 | 7.6% |
| No Responses | 1 | 7.6% |

2 Comment(s)

- Community Center and LeConte Center are great. City Hall needs work.
- Bear Camp Cabin Rentals IS NOT ADA COMPLIANT!!!

7. Please rate the accessibility of parking at city buildings or public parking lots you have visited.

| | # Response(s) | Response Ratio |
|--------------|---------------|----------------|
| Very Good | 3 | 23.0% |
| Good | 4 | 30.7% |
| Fair | 4 | 30.7% |
| Poor | 1 | 7.6% |
| No Responses | 1 | 7.6% |

1 Comment(s)

- Bear Camp Cabin Rentals IS NOT ADA COMPLIANT!!!

8. Please rate the accessibility of sidewalk curb ramps you have used.

| | # Response(s) | Response Ratio |
|--------------|---------------|----------------|
| Very Good | 1 | 7.6% |
| Good | 6 | 46.1% |
| Fair | 4 | 30.7% |
| Poor | 1 | 7.6% |
| No Responses | 1 | 7.6% |

1 Comment(s)

- Bear Camp Cabin Rentals IS NOT ADA COMPLIANT!!!

9. Please rate the accessibility of city sidewalks you have used.

| | # Response(s) | Response Ratio |
|--------------|---------------|----------------|
| Very Good | 1 | 7.6% |
| Good | 6 | 46.1% |
| Fair | 4 | 30.7% |
| Poor | 1 | 7.6% |
| No Responses | 1 | 7.6% |

3 Comment(s)

- The sidewalk behind the new Publix is very narrow.
- Many city sidewalks have cracks, broken pavement or are non-existent
- Bear Camp Cabin Rentals IS NOT ADA COMPLIANT!!!

| 10. Please rate the accessibility of city parks and greenways you have visited. | | |
|--|----------------------|-----------------------|
| | # Response(s) | Response Ratio |
| Very Good | 5 | 38.4% |
| Good | 5 | 38.4% |
| Fair | 0 | 0.0% |
| Poor | 1 | 7.6% |
| No Responses | 2 | 15.3% |
| 1 Comment(s) | | |
| - Bear Camp Cabin Rentals IS NOT ADA COMPLIANT!!! | | |
| 11. How do you get information about city government, meetings, etc.? | | |
| | # Response(s) | Response Ratio |
| City Web Site | 7 | 63.6% |
| Personal visits to facilities | 4 | 36.3% |
| Telephone | 0 | 0.0% |
| Newspapers | 2 | 18.1% |
| Friends or family members | 2 | 18.1% |
| Other | 3 | 27.2% |
| 2 Comment(s) | | |
| - Quarterly newsletter | | |
| - Bear Camp Cabin Rentals IS NOT ADA COMPLIANT!!! | | |
| 12. Please provide any specific information about your access needs to city facilities or programs that can assist the city in prioritizing accessibility improvements at our facilities. | | |
| 3 Response(s) | | |
| - My wife has a hard time with limited mobility with the following: | | |
| <ul style="list-style-type: none"> - Getting on a Trolley since the first step to get on most Trolleys are high. - Stepping up or off sidewalks where no ramps are available. - Since she does not walk fast because of limited mobility it is hard for her to have enough time to cross at provided cross-walks. | | |
| - More crosswalks with correctly timed walk/don't walk times are needed to help get pedestrians and those with disabilities across the road safely. | | |
| - Bear Camp Cabin Rentals IS NOT ADA COMPLIANT!!! | | |

The responses and comments from the public survey above will be considered in the Transition Plan recommendations in Section 6.

Following completion of the draft SETP, it was made available for public review. It was placed at the following locations in Pigeon Forge:

- Pigeon Forge City Hall, 3221 Rena Street, Pigeon Forge
- Pigeon Forge Community Center, 170 Community Center Drive, Pigeon Forge
- Pigeon Forge Public Library, 2449 Library Drive, Pigeon Forge
- City web site (<http://cityofpigeonforge.com/index.aspx>)

The City welcomes input on the contents of this Transition Plan at any time, but especially during the public comment period. Comments, requests, suggestions, etc. should be provided to the ADA Coordinator by phone at (865) 453-9061 or email at ebrockins@cityofpigeonforgetn.gov. The report was available from July 1 to 15, 2020, for public review and comment. No public comments were received during the comment period.

2.0 Self-Evaluation of City Policies, Services, Activities, and Programs - Findings & Recommendations

This section of the self-evaluation summarizes the review of current City-wide policies, services, activities, and programs based on correspondence with City staff and responses to the program accessibility questionnaire received from City departments and divisions. The findings and recommendations contained in this section will provide the basis for the implementation of specific improvements for providing access to City programs.

2.1 Program Evaluation Interdepartmental Memo

The self-evaluation of the City's services, programs, and activities required and involved the participation of all City departments. Pigeon Forge evaluated its policies, procedures, and programs to determine current levels of service and the extent to which its policies and programs created barriers to accessibility for persons with disabilities. DLZ distributed a questionnaire to the City ADA Coordinator as one measure to determine the level of ADA compliance. Each department was also issued a department specific questionnaire (See *Appendix C*).

The primary purpose of the questionnaires was to allow DLZ staff to better understand how each department operates and the programs provided by each so that an accurate assessment can be made of architectural and procedural barriers and how each can be corrected to provide access. The level of investigation into the operations of the various departments was generally consistent with the amount of interaction with the public and the extent of the public programs offered by each. Note that the response rate to the questionnaire is often less than 100%. In some instances, the information provided below may not be accurate due to either lack of response to the questionnaire, inaccurate answers being provided on submitted questionnaires, or the lack of detail in some responses.

2.2 Overall Findings – General Policies and Practices

The self-evaluation of the Departments identified common accessibility issues between all City departments. The findings from the City departments can be organized into the following general categories:

- Public Information
- Designation of ADA Coordinator
- Grievance/Uniform Complaint Procedures
- Public Meetings
- Accommodations to Access Programs, Services, and Activities
- Special Events and Private Events on City Property
- Ordinances, Design Standards, and Other Documents
- Contracted Services and Contractors
- Customer Service, Satisfaction, and Input
- Equally Effective Communication
- Alternate Communication Formats
- Fees and Surcharges
- Information and Signage
- Staff Training

- Emergency Evacuation Procedures
- Employment
- Department Self-Evaluation Findings & Recommendations

The findings and recommendations in the following subsections generally apply to all departments except where noted. Items specifically quoted from various information reviewed is included in *italic font*, with items of special note having ***emphasis added*** by also underlining and bolding portions of the information.

2.3 Public Information

The City is required to notify the public of their rights and protections under the ADA ([28 CFR 35.106](#)), which states: “A public entity shall make available to applicants, participants, beneficiaries, and other interested persons information regarding the provisions of this part and its applicability to the services, programs, or activities of the public entity, and make such information available to them in such manner as the head of the entity finds necessary to apprise such persons of the protections against discrimination assured them by the Act and this part.” In addition, notices regarding ADA should be included in a number of other situations to inform the public of their rights and opportunities to ensure accessibility, including signage directing the public to accessible routes and entrances.

Self-Evaluation General Findings:

- A poster entitled “Equal Opportunity is the Law”, defining the requirements of Title VII, was observed in most City buildings.
- The City has not assembled an internal ADA Team, which would be comprised of the ADA Coordinator and representatives from other departments, or formed a citizen’s committee, which is typically comprised of key City staff and representatives of the community that are disabled, advocate for the disabled, or are caregivers.
- The City does not have a formal, written grievance procedure. The City does have a complaint form for the ADA that is available on the website. See Appendix E.
- The City has not published an ADA Notice of Non-Discrimination.
- Public meeting agendas for the City Commission and other boards/commissions provide no non-discrimination statement regarding how someone needing a meeting accommodation would proceed or who to contact.
- Most printed materials reviewed have no information regarding ADA accommodation.
- The Class Registration Form for Parks and Recreation and the Community Center Membership Application include the statement “If you need ***special accommodations for your program participation***, please contact our office by phone (865) 429-7373 or in writing to: Pigeon Forge Department of Parks and Recreation, P.O. Box 605, Pigeon Forge, TN 37868-0605.”
- ADA compliance information on the website is limited to the Complaint Form, located on the City website at <http://cityofpigeonforge.com/uploadedFiles/Includes/doc22078520200122135910.pdf>.
- Signage is absent at most larger facilities directing visitors to the accessible entrances where multiple entrances are present and not all are accessible. The International Symbol of Accessibility (ISA) is not present or in clear view at all accessible entrances.
- The “Contact Us” link and page on the website lists no TDD phone numbers.
- The Mass Transit Department web page notes that hearing-impaired callers may contact them through the Tennessee Relay Center, by calling 800-848-0298.

Recommended Action:

- The City should consider forming an ad-hoc committee comprised of the ADA Coordinator and representatives from various city departments, particularly those that have extensive interaction with the public or those that are responsible for various city facilities. The responsibilities of this committee can be reviewed and established internally in conjunction with the administration. The City could also consider forming a committee that includes residents with experience in disability access and issues to assist in implementation of this Transition Plan.
- Public meeting agendas for the City Commission and other boards/commissions should all have a non-discrimination statement that provides information regarding how someone needing a meeting accommodation would proceed or who to contact. The statement could include language similar to the following *“Individuals with disabilities who require accommodations for participation in meetings must request accommodations at least 3 business days ahead of the scheduled meeting. Contact the ADA Coordinator, Eric Brackins, at (865) 453-9061 or email at ebrackins@cityofpigeonforgetn.gov.”*
- The City should develop and utilize an ADA Grievance Procedure to formalize and communicate the process and timelines involved in the investigation and resolution of ADA-related complaints and the appeal process(es). An example provided on the USDOJ website is included in Appendix E.
- A Notice of Non-Discrimination should be adopted and used by all departments for all City publications and printed materials as applicable. An example provided on the USDOJ website is included in Appendix E. It is recommended that referenced timelines for requests for accommodation be modified in the example to provide 3 business days notice rather than 48 hours. Many communities have public meetings on Monday and Tuesday, making the 48 hour notice fall within the weekend when staff may not receive it until Monday morning.
- Increase outreach to persons with disabilities by finding additional methods and formats to provide information about meetings and other City activities. The City should endeavor to inform the public of the possible modifications required to make its services, programs, and activities accessible.
- Include the following notice on all materials printed by the City that are made available to the public: *“This publication can be made available in alternative formats, such as Braille, large print, audiotope, or .pdf. Requests can be made by calling (865) 429-7373. Please allow at least 3 business days for your request to be processed.”*
- Provide ADA-related compliance documents on the website (see also Section 2.12).
- List City agencies, departments, and specialized services that offer TDD, VP, and VRI/VRS in printed City directories (see also section 2.12 and 2.13).
- Signage directing visitors to City buildings should be placed along the accessible routes and the ISA should be placed in clear view at all accessible entrances.

2.4 Designation of ADA Coordinator

The ADA regulations require any public entity with fifty or more employees to designate at least one employee to coordinate ADA compliance ([28 CFR 35.107 \(a\)](#)). Federal regulations require public entities to make available to interested persons the name, office address and telephone number of the ADA Coordinator. The ADA Coordinator’s role is to plan, coordinate, organize, facilitate, and promote compliance efforts. The Coordinator responds to requests for accommodations or barrier removal. The Coordinator also receives and investigates complaints and grievances.

Self-Evaluation Findings:

- Pigeon Forge appointed the Assistant City Manager as the ADA Coordinator. No details regarding when this appointment was made was found.
 - Mr. Eric Brackins, ADA Coordinator

- Phone: (865) 453-9061
- Email: ebrackins@cityofpigeonforgetn.gov
- The contact information for the ADA Coordinator is included only on the ADA Complaint Form. It was found on no other documents or on the website.

Recommendations:

- Consider formalizing the appointment of the ADA Coordinator if it has not been done. It is recommended that consideration be given to identifying the ADA Coordinator by position and provide generic contact information to ensure continuity in the event the specific person changes. For example, designate the Assistant City Manager (current and future) as the ADA Coordinator and provide an email address that is simple and directed to the coordinator (e.g., ADA@cityofpigeonforge.gov).
- Activities related to ADA compliance should be directed to the Coordinator, and each City department should designate a liaison for ADA issues and publicize the identity of this person.
- Information regarding the identity of the City's ADA Coordinator should be provided to staff, posted at all City facility locations, incorporated into employee handbooks, staff, and public phone directories, placed in frequently used publications, and on the City website.
- The designated ADA Coordinator should be familiar with the requirements of ADA and get appropriate training to ensure compliance by the City.
- It is strongly suggested that each department have one individual with knowledge of ADA issues that can respond to issues that arise within their department and assist the ADA Coordinator.

2.5 Grievance/Uniform Complaint Procedures

A public entity that employs 50 or more employees must adopt and publish grievance procedures which provide for the prompt and equitable resolution of complaints alleging any action that would be prohibited by the ADA ([28 CFR 35.107 \(b\)](#)).

Self-Evaluation Findings:

- Pigeon Forge has no published ADA Grievance Procedure.
- An ADA Complaint Form is available on the website. The form is a PDF scan that must be printed.

Recommendations:

- Develop and adopt a grievance procedure and update as needed. An example provided on the USDOJ website is included in Appendix E. Some recommendations include:
 - Specifically address issues that the public may have with accessibility to City programs. Ensure that all steps for the review of the grievance includes specific timelines, details of how the investigation will be performed, how the results are communicated to the person filing the grievance, and the appeal process.
 - Modify/update the ADA Complaint Form to be a PDF converted directly from the original program and not a scanned PDF that may not be readable by person that have vision loss and use a screen-reading program. Ensure all information needed to review complaints is provided. An example grievance form used by TDOT can be found in Appendix E, which can be adapted for use by the City. Verify that forms are available at all facility locations and consider providing the form on the City website, along with the grievance procedure that should be developed.
- Centralized record-keeping of complaints and tracking of complaint resolution will help the City to regularly update its compliance efforts, and plan for additional compliance implementation. The ADA Coordinator should ensure that records are kept of all ADA-related complaints, including informal items brought to their attention.

- The City should review its current administrative policy and be able to provide the recommended ADA Complaint Form in an alternate accessible format, i.e. Braille, audio-tape, e-text, large print, etc.
- Administrative policies and procedures should continue to be developed, adopted, and implemented to provide consistency for filing complaints or grievances and record-keeping.

2.6 Public Meetings

Public meetings are routinely held by various City departments, boards, and commissions. The ADA prohibits public entities from excluding persons with disabilities from programs, services, or activities offered by a public entity. The law does allow a public entity to use both structural and nonstructural methods to achieve accessibility to programs, services, and activities ([28 CFR 35.150 \(a\)\(1\); \(b\)\(1\)](#)). While most of the meetings are open to the general public and advertised as required by law, the public does not regularly attend several of the meetings of the groups noted.

Self-Evaluation Findings:

- The following boards/commissions meet at various times on City business and would be considered open meetings that can be attended by members of the general public. Other groups may meet, but do not have regular published schedules. Meetings are held in the Pigeon Forge City Hall Council Room (3221 Rena Street), unless otherwise noted.
 - City Commission – 2nd and 4th Monday each month, with additional meetings as-needed, in the City Hall Council Room and Meeting Rooms A & B.
 - Planning Commission – 4th Tuesday monthly
 - Board of Zoning Appeals – as-needed following each Planning Commission Meeting
 - Board of Adjustments and Appeals – monthly
 - Beer Board – 4th Wednesday monthly
 - Tree Board – as-needed, at the Community Center
 - Library Board – last Wednesday quarterly (March, June, September, and December), Library Meeting Room (2249 Library Drive)
 - Tourism Advisory Board – as-needed, LeConte Center Boardroom (135 Jake Thomas Road)
 - Educational Funding Board – monthly as-needed, City Hall Meeting Room A
 - Industrial Development Board – as-needed, City Hall Meeting Room A
 - Parks and Recreation Board – as-needed, at the Community Center
 - Tourism Development Board – as-needed
 - The Public Works Department noted that they have held public meetings at the Annex Building and the conference room at their administrative offices.
 - The Parks and Recreation Department noted that they have held public meetings at the Community Center.
 - The Library noted that they have held public meetings at the Library or meeting room.
 - The Community Development Department noted that they sponsor public meetings at the City Hall City Commission Meeting Room and the City Hall Annex Building.
 - The City Hall Council Room does not have an Assistive Listening System (ALS) and Assistive Listening Devices (ALD) as required to permit persons with hearing loss to participate in meetings. All public meeting rooms with audio amplification are required to provide and ALS.
 - The City Court Room does not have an ALS and ALDs as required to permit persons with hearing loss to participate in court proceedings. All courtrooms are required to provide and ALS.
 - A number of other rooms in city facilities were identified as being used for various meetings. None of the rooms have an audio amplification system or an ALS.
-

- City Commission meetings are not typically televised live. During the COVID-19 pandemic, meetings were broadcast live using WebEx. WebEx has the capability to provide closed captioning as a cost-based service provided by third party but none of the meetings were captioned. Meetings are not recorded and re-broadcast.
- Public meeting agendas for the City Commission and other boards/commissions provide no non-discrimination statement regarding how someone needing a meeting accommodation would proceed or who to contact.
- Public meeting agendas are posted in a variety of places, including newspaper advertisements, website, and posted in some City facilities. Notices on the website www.cityofpigeonforge.com/meetings.aspx contained no information about meeting accommodations.
- Some documents on the website are scanned documents and not able to be used by computer screen reading software for the vision impaired. Recent meeting minutes are in the proper format.
- Agendas for the City Commission and other boards and commissions are posted on the City website.
- No requests for special accommodations, including American Sign Language or other interpreters, has been made at public meetings.

Recommendations:

- The City should schedule and hold public meetings in the most accessible locations whenever possible. Meetings which the public regularly attends should be made the highest priority.
- An ALS needs to be installed in the City Council Room, a total of 3 receivers are required, 2 of which must be hearing-aid compatible. Ensure that there are hearing-aid compatible receivers available and post the required signage conspicuously outside the room at the main public entrance.
- An ALS needs to be installed in the City Court Room, a total of 2 receivers are required, 2 of which must be hearing-aid compatible. Ensure that there are hearing-aid compatible receivers available and post the required signage conspicuously outside the room at the main public entrance.
- Other rooms used for meetings do not utilize audio amplification. If installed in the future, these rooms should also be equipped with an ALS and the appropriate number of assistive listening devices. The City should review which meetings are held in locations without audio amplification and consider the ability of someone with hearing loss to participate in those meetings.
- Standard language on all City publications regarding availability of and requests for accommodations should be provided to departments.
- Public notices for meetings should include information related to compliance with the ADA, including reasonable accommodations for persons with disabilities needing it to participate in meetings. Notices should include the name and contact person, along with deadlines, for requests to be made. The statement could include language similar to the following *“Individuals with disabilities who require accommodations for participation in meetings must request accommodations at least 3 business days ahead of the scheduled meeting. Contact the ADA Coordinator, Eric Brackens, at (865) 453-9061 or email at ebrackins@cityofpigeonforgetn.gov.”*
- The City should develop procedures for obtaining and providing auxiliary aids such as sign language interpreters, readers, descriptive services, and other assistive technologies. (See also section 2.11.)
- The City should make reasonable modifications to enable individuals with disabilities to attend and participate in all public meetings.
- Ensure that all documents provided on the website are in a format that are usable by persons utilizing a screen reading program due to vision loss. Signed documents are often scanned, a picture of the scanned signature could be utilized instead or a notation made on the signature line that an original with signature can be reviewed at the appropriate department office.



International Symbol of
Access for Hearing Loss

- Provide meeting agendas and minutes in alternative formats when requested.
- If the City opts to either continue to live broadcast City meetings and/or re-broadcast taped meetings, ensure that closed captioning is provided for the hearing impaired.
- The City should assemble and maintain a list of readily accessible meeting spaces to facilitate the scheduling of meetings and/or the relocation of meetings upon request.
- The City should create a simple checklist for creating accessible meetings and selection of accessible meeting spaces. This checklist should be utilized and available to all City departments for their programs and events.

2.7 Accommodations to Access Programs, Services, and Activities

The ADA prohibits public entities from excluding persons with disabilities from programs, services, or activities offered by a public entity. A public entity may not adopt policies that are discriminatory or engage in practices that are discriminatory. This prohibition applies to policies that are explicitly exclusionary and to those which appear to be neutral but have discriminatory effect. The law does allow a public entity to use both structural and nonstructural methods to achieve accessibility to programs, services, and activities ([28 CFR 35.130 \(b\)\(3\)](#); [35.150 \(a\)\(1\)](#); [\(b\)\(1\)](#)).

Self-Evaluation Findings:

- There is no evidence of intentional discriminatory practices, intentional exclusion of individuals with disabilities, or practices to segregate individuals with disabilities or limit access to City programs, services, or activities.
- The Library staff noted that the circulation staff can be contacted to obtain books from the shelves, check them out, and take them to customer's vehicles if needed and upon request. Staff regularly assists these and other patrons by retrieving books for them.
- The Police Department noted that they have assisted individuals with disabilities regularly, including assistance with arranging transportation.
- Several departments noted that access to the Public Works/Community Development public entrance is difficult and assistance is sometimes provided when needed.
- The Parks and Recreation Department noted that they have provided transportation for persons with disabilities to their summer camps when needed, they provide vehicles and golf carts at various locations to assist persons from parking to events, and the front desk staff has interacted with hearing-impaired persons by writing notes to communicate.
- The Pigeon Forge Parks and Recreation Spring 2020 Program Guide includes an "Access Statement" that states *"It is the policy of the City of Pigeon Forge not to discriminate on the basis of race, color, national origin, age, sex or disability in its hiring and employment practices, or in admission to, or operation of, its programs, services, activities and facility usage. **If you need special accommodations for program participation**, please contact our office by phone (865) 429-7373, or in writing to: Department of Parks and Recreation, PO Box 605, Pigeon Forge, TN 37868-0605. We will be happy to assist with your special needs. An ADA Complaint form can be found on the City of Pigeon Forge's Website, www.cityofpigeonforge.com if any needs have not been met."*
- The Library offers audio materials both on CD and digitally, has large-print materials, has magnifiers at the circulation desk that can be used with regular print materials upon request, patron computers can be set to aid patrons with sight or hearing issues, earbuds are available, eBooks are available which can be used by many patrons since they can be modified for sight issues on patron devices, and they can request materials from the Tennessee Library for Accessible Books and Media (LABM) through the Inter-Library Loan program.

- Public meetings are held in locations that are thought to be accessible to persons with mobility impairments and staff had no recollection of any previous complaints or issues. Not all facilities may be owned by the City and only City facilities were part of the self-evaluation.

Recommended Action:

- Information directing the public how to request accommodations should appear on all public notices, announcements, and agendas.
- Front line staff, such as administrative assistants, receptionists, and staff that has everyday contact with the public, should receive training on interacting and accommodating individuals with disabilities.
- The City should provide additional and ongoing training for staff, including volunteers, regarding the requirements of the ADA and accommodations that provide equal access to programs, services, and activities.
- High use facilities that sponsor a variety of programs should have an accommodation request form available on the website and all publications that provide information about the programs sponsored there. The statement should provide contact information and deadlines for accommodation requests to participate in the programs.
- The ADA Coordinator should continue to monitor programmatic access, making any necessary changes to ensure access and document compliance efforts.

2.8 Special Events and Private Events on City Property

The City could provide opportunities for private organizations to utilize City facilities for special or private events. Contained within the ADA are two titles that pertain to public and private entities. Public entities are not subject to Title III of the ADA. Conversely, private entities are not subject to Title II. In many situations, however, public entities have close relationships with private entities that are covered by Title III (Public Accommodations), with the result that certain activities may be at least indirectly affected by both Titles. This is the case with certain special events or private organizations that may use City facilities.

Self-Evaluation Findings:

- The City allows for use/rental by the public, the Community Center indoor pool, Library meeting room, and facilities at the LeConte Center.
- Pavilions and gazebos are available for rental from March 1 to October 31 at all three City parks.
- The Special Events Application does not appear to include any specific information related to the responsibility of renters for accessibility based on the needs of persons attending their event. The rental agreement does not address any accessibility requirements by the end user nor do they specify whether each of these facilities is accessible.
- The City sponsors/participates in a number of special events that occur on City property, including Music in the Mountains Spring Parade, Patriot Festival, Veterans Homecoming Parade, Winterfest Kick-Off, and Winterfest Community Celebration.
- A wide variety of programs at City parks and properties are sponsored by the Pigeon Forge Parks and Department.

Recommended Action:

- Address the facility accessibility needs identified in Appendix A.
- The City should thoroughly review the current accessibility conditions of the facilities available for rent and indicate availability of accessible facilities on the rental descriptions and website.
- Consider adding language to the Special Events Applications regarding accessibility, including ensuring that any special access needs for the event of private individuals is the responsibility of the group leasing

the facility. Consult the City attorney for any appropriate language in rental agreements about accessibility needs and responsibility for access.

- In situations where private organizations sponsor events in City facilities, the City should encourage private organizations to comply with applicable ADA requirements. The City may want to provide a checklist and information during the application process to inform organizers of their responsibility for accessibility under the ADA, if applicable.
- Ensure that appropriate temporary accessible facilities are provided as needed for events regardless of whether they are sponsored by the City or another group, including accessible portable restrooms and accessible parking.
- Guidelines or policies should be in place for ensuring that all special events are accessible, including items such as accessible parking, designated wheelchair seating, and accessible restroom facilities. Ensure that accessible facilities are clearly marked with the ISA and that directional signage is provided, accessible facilities are shown on literature for the event, and that accessible routes are provided to and from all amenities of the events.

2.9 Ordinances, Design Standards, and Other Documents

Title II entities typically have a number of documents that specify requirements, design standards, and other requirements for construction of various facilities. Often, these documents reference pertinent guidance, such as state DOT, International/State Building Codes, etc. A review of documents that contain, or should contain, provisions related to accessibility was done by searching key words where possible.

Self-Evaluation Findings:

- Pedestrian facilities within the public ROW utilize PROWAG requirements and use TDOT standard details. Standards for greenways utilize PROWAG and AASHTO.
- The City utilizes the 2015 International Building Code, 2015 International Fire Code, 2015 International Plumbing and Mechanical Codes, and 2010 ADA Accessibility Code (Effective July 13, 2016).
- No information was provided regarding any specific training for plan reviewers or inspectors related to ADA requirements.
- Review of the Pigeon Forge Municipal Code noted the following:
 - The term “handicapped” is rarely used in the document when referring to persons with disabilities but included in at least three (3) locations.
 - Section 11-705. ‘Wearing Masks’ prohibits the wearing of “*any mask*”, with some exceptions. None of the exceptions provide for those persons with medical conditions, disabilities, or other medically necessary reasons (e.g., pollen masks for allergies, etc.).
 - Section 15.604(1) prohibits the parking of vehicles on a sidewalk.
 - Section 16-110(1) provides that “*The section shall not be construed to prohibit the use of wheelchairs or other devices being used by handicapped persons or carriages used to transport infant children.*” in reference to certain prohibitions on sidewalks or walkways.
 - Section 20-914 ‘Pruning, corner clearance’ states ‘*Every owner of any tree overhanging any street or right-of-way within the city shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of **eight (8) feet above** the surface of the street or **sidewalk.***’.
- Review of the Pigeon Forge Zoning Ordinance (updated through January 2019) provides no guidance or information regarding requirements for off-street disabled parking spaces, sidewalks at driveways, etc.
- Review of the Subdivision Regulations (including Amendments through October 2009) found no information related to requirements and standards for construction of sidewalks, curb ramps, or other pedestrian facilities within subdivisions.

- Review of the City of Pigeon Forge Greenways and Bikeways Master Plan (dated June 2018) found the following items of note:
 - Table 3-2 provides data that shows 16.8% of the non-driving population of Pigeon Forge are disabled, exceeding the State of Tennessee (15.4%) and United States (12.5%) averages.
 - The plan notes several areas of the City that lack connectivity in the pedestrian network, which would benefit wheelchair users in addition to bicyclists.
 - The plan provides limited information on including ADA improvements within funded road, drainage improvement, and utility projects.
 - The survey taken for the project noted that 18% of respondents believe that the pedestrian facilities are in poor condition and 39.8% believed the intersections to be unsafe for pedestrians.
 - Review of the City of Pigeon Forge Multimodal Corridor Study (dated September 2019) found that several items for consideration would benefit disabled pedestrians, including better crosswalks, signal timing adjustments, driveway reduction, trolley stop enhancements, and intersection geometry modifications, to varying degrees.
 - Review of the Pigeon Forge Parks, Facilities and Trails Rules and Regulations (within the 2020 Spring Program document) found the following:
 - *“3.3 The wearing of masks or any device covering the face is prohibited at all City owned parks or trails. (Per section 11-705 of the Pigeon Forge Municipal Code).”*
 - *“6.1 Dogs, cats and other animals must be kept on a leash (maximum 6 feet long) except in areas specifically designated as ‘off-leash.’”*
 - *“6.2 No animals **except for service animals** will be allowed into the Pigeon Forge Community Center or inside the fenced area of Wear Farm Park, unless permitted by the Parks and Recreation Director for special events.”*
 - *“7.3 Motorized Vehicles, skateboards and scooters are not permitted at City owned parks or trails.”*
 - Review of the LeConte Center Event Owner’s Guide (revised 7/22/14) includes the following:
 - In the ‘Facility Policies, Rules & Regulations’, under ADA ACCESS on page 7, it notes *“As defined in the American Disabilities Act, the LeConte Center is in compliance with accessibility for wheelchairs and physically challenged. Restrooms throughout the Center are wheelchair accessible. All entrance doors are flush to the floor and are compliant with current ADA standards. It is the responsibility of you, the Licensee, and your service contractor to ensure that all structures you utilize for the purpose of your Event are in compliance with all ADA guidelines within the LeConte Center. Any structure that is not within ADA guidelines will be removed from the premise.”*
 - In the ‘Facility Policies, Rules & Regulations’, under ANIMALS on page 7, it notes *“For safety, sanitation purposes, and attendees with pet allergies, no animals or pets are permitted in the building except as approved by management. **Qualified service animals are exempt.**”*
 - The Library Card Application includes a location for the Driver’s License Number of adult patrons or parents of juvenile patrons. It is not indicated whether this information is a requirement for consideration of a library card, which would preclude persons with disabilities that don’t allow them to drive from applying.
 - There was no mention in City documents regarding the prohibition of the use of Other Power-Driven Mobility Devices (OPDMD) on sidewalks, parks, etc. where wheelchairs are allowed. There were some locations noted on the website limiting the use of motorized vehicles in some areas of parks and greenways.
 - There was no information found regarding a specific policy city-wide regarding service animals. The Park Rules includes a statement *“All animals are prohibited within fenced athletic fields **except service animals**”*.
-

- Many documents and applications reviewed from the Department of Parks and Recreation include the statement *“It is the policy of the City of Pigeon Forge not to discriminate on the basis of race, color, national origin, age, sex or **disability** in its hiring and employment practices, or in admission to, or operation of its **programs, services and activities.**”* Documents with this statement include the Community Center Fee Schedule, Community Center Membership Application, Community Center Guest/Visitor Registration, Homeschool Program form, and Pickleball form

Recommended Action

- Continue to utilize known standards (ADASAD, PROWAG, and TDOT) for consistency.
- For all documents, ensure updates reflect current nomenclature. For example, remove all forms and tenses of “handicap” and replace with the appropriate tense of “accessible” or “disability”.
- Ensure that ordinances or City policies that apply are consistent with the ADA requirements of Other Power-Driven Mobility Devices (OPDMD). OPDMD is defined in the new rules as *“any mobility device powered by batteries, fuel, or other engines . . .that is used by individuals with mobility disabilities for the purpose of locomotion, including golf cars, electronic personal assistance mobility devices... such as the Segway® PT, or any mobility device designed to operate in areas without defined pedestrian routes, but that is not a wheelchair”*. This would include review of the Parks, Facilities and Trails Rules and Regulations current prohibition on motorized vehicles at City owned parks and trails. See guidance on OPDMDs at the USDOJ website at www.ada.gov/opdmd.pdf.
- Provide training for plan reviewers and field inspectors on the requirements of ADA facilities and ensure that design plans meet the relevant standards and that construction meets the design plans.
- Provide references to the various ADA standards and guidelines in all documents that reference design and construction.
- Consider updates to the City Municipal Code, Zoning Ordinance, and Subdivision Regulations to address the minor issues noted above as needed.
- When considering improvements to the non-motorized network, consider utilizing the sidewalk self-evaluation to assist in prioritizing the improvements to sidewalks and the filling of gaps in the system in conjunction with the Greenways and Bikeways Master Plan and Multimodal Corridor Study.
- Consider an educational campaign regarding the barriers presented, and the prohibition by ordinance, to persons with mobility impairments of blocking sidewalks with parked vehicles, even when those vehicles are within driveways, and other temporary obstructions.
- Address all the other items noted above to ensure City documents properly and adequately address ADA requirements for all properties in the City.
- Ensure that all documents prepared by and for the City include appropriate references regarding ADA accessibility and consideration of the special needs of the disabled population in Pigeon Forge, including residents and visitors.
- Ensure that the Public Library does not require a driver’s license as a condition of getting a library card by allowing another government-issued picture identification instead.
- Consider providing information about the removal of snow from sidewalks and curb ramps. Specifically, include who is responsible for snow removal (homeowner, businesses, city, etc.), general timeframes for removal (e.g., within 24 hours of the end of the snow event for residential properties, etc.), and special considerations for ensuring access for the disabled. Important considerations should include removal of all snow from sidewalks and curb ramps as soon as practical, with the priority being streets, then curb ramps and sidewalks. For commercial properties it is also suggested that consideration be given to a City policy or ordinance prohibiting the storage of plowed snow in disabled parking spaces and ensuring that curb ramps and other access points are cleared.

- Consider a blanket service animal policy that would apply at all City facilities that meets the requirements of federal law in regard to where service animals (dogs) must be allowed and the conditions in which they can be asked to be removed or restricted. See guidance at www.ada.gov/service_animals_2010.htm.

2.10 Contracted Services and Contractors

Public entities cannot use contract procurement criteria that discriminates against persons with disabilities ([28 CFR 35.130 \(b\)\(5\)](#)). In addition, selected contractors should be held to the same nondiscrimination rules as the City.

Self-Evaluation Findings:

- No discriminatory or exclusionary practices were evident in the selection of contractors and contracted services.

Recommended Action:

- All City contracts should be reviewed to ensure that they include specific, detailed ADA language to ensure that contractors that provide City services to the public comply with the ADA.
- It is recommended that the City consider a means to maintain compliance when contracting for services or when leasing facilities by:
 - Including ADA compliance requirements in new requests for proposals.
 - Reviewing ADA requirements when contracts or leases are negotiated, revised, or renewed.

2.11 Customer Service, Satisfaction, and Input

ADA requires a public entity to provide an opportunity to interested persons and organizations to participate in the self-evaluation process. For three years after completion of the self-evaluation, a public entity must maintain a record of any problems identified ([28 CFR 35.105](#)).

Self-Evaluation Findings:

- Notices of this SETP process were sent to a number of disability advocacy groups and provided on the City website.
- No complaints or grievances were reported related to inability to accommodate customers with disabilities or inability of persons with disabilities to access City programs or facilities.
- There were some comments provided in the Public Input Survey related to accessibility of some facilities including sidewalks and curb in the City, trolleys, City Hall, and the tennis courts.

Recommended Action:

- Consider periodic customer satisfaction surveys or gather input from recipients of City services using an alternate method, such as public hearings or focus groups. An additional emphasis should be made to survey individuals with disabilities and organizations representing individuals with disabilities.
- Partner with persons with disabilities, their caregivers, and advocates for the disabled to identify concerns and gather comments on capital improvement projects to improve accessibility to people with disabilities during design. Valid comments provided to the City should be considered in the scheduling and prioritization of projects.
- Work with private businesses through educational programs to encourage improvements that would provide better access to potential customers with disabilities.

2.12 Equally Effective Communication

The ADA calls for public entities to provide applicants, participants, members of the public, and companions with disabilities with communication access that is equally effective as that provided to persons without disabilities ([28 CFR 35.160\(a\)-\(d\)](#)). The regulations also require that the public entity provide the appropriate auxiliary aids and services where necessary to give people with disabilities an equal opportunity to participate in, and enjoy the benefits of a service, program, or activity of a public entity. The law stipulates that the individuals can request the auxiliary aids and services of their choice and that the City will honor the request unless a suitable substitute exists or the request is not required under the law. In addition, the City may provide qualified interpreters via video from a remote location as long as it can meet the performance requirements of [28 CFR 35.160\(d\)](#).

AUXILIARY AIDS AND SERVICES

Self-Evaluation Findings:

- No departments stated that they have hired/utilized transcription services and readers.
- The City Hall Council Room lacks the required ALS and ALDs.
- The City Court Room lacks the required ALS and ALDs.
- The LeConte Center sponsors programs for a variety of Title II and Title III entities. The LeConte Center has many meeting and other rooms with audio amplification but no ALS is provided.
- The City does not have any contracts for interpretation services or other service providers to honor requests for accommodation.

Recommended Action:

- The City should provide staff training and information regarding auxiliary aids and effective communication. Encourage staff to offer alternate means to complete transactions and assistance to complete City forms if possible.
- Ensure that a list of providers for interpretation services is available and consider contracting with one or more (such as the Knoxville Center of the Deaf for interpretation services).
- The City should ensure that all assembly areas (i.e., meeting rooms) with audio amplification and the City Court have an ALS in place and that the proper number and type of assistive listening devices are provided for each. Compliant signage that includes the International Symbol of Access for Hearing Loss should be provided outside of all entries to rooms that provide an Assistive Listening System and Devices. Signs should include guidance on where the devices are located.
- The City should ensure that the LeConte Center can provide an ALS in all required spaces and an adequate number of ALDs, with provisions in place for checking devices in and out as needed. Compliant signage that includes the International Symbol of Access for Hearing Loss should be provided outside of all entries to rooms that provide an Assistive Listening System and Devices. Signs should include guidance on where the devices are located.
- The City should have a complete list of auxiliary service providers, i.e. Braille transcription services, computer assisted transcript, dictation and transcription, American Sign Language (ASL) interpreters, etc.

INTERPRETER SERVICES

Self-Evaluation Findings:

- No departments indicated use of or requests for interpreters.
- The City has no contracts in place for interpretation services.

Recommended Action:

- The City should maintain a City-wide contract for qualified ASL interpreter services that departments could utilize as needed. At a minimum, a list of qualified individuals should be maintained for all potential services that might be required on short notice. The City could also explore the viability of providing qualified ASL interpreters from a remote location and transmitting the disabled participant's response to the interpreter in accordance with [28 CFR 35.160\(d\)](#).
- Interpreters should be provided upon request for accommodations or considered in situations where an interpreter is known or likely to be required.
- Maryville College provides a bachelor's degree program in ASL and could potentially provide students for ASL interpretation as part of the college's Experiential Learning program (www.maryvillecollege.edu/academics/programs-of-study/american-sign-language/).

TELECOMMUNICATIONS DEVICES FOR THE DEAF

Self-Evaluation Findings:

- The Transit Department includes the statement "*Hearing impaired callers may contact Pigeon Forge Mass Transit through the Tennessee Relay Center, by calling 800-848-0298*" on the Paratransit Information Page of the website.
- The City's website does not identify numbers capable of use with TDD.
- The Police Department Dispatch Center is responsible for answering all 911 calls. The 911 phone system includes technology compatible with TDD to communicate with citizens who call and have hearing loss.
- Phone systems in Pigeon Forge facilities are not currently compatible with TDD systems.

Recommended Action:

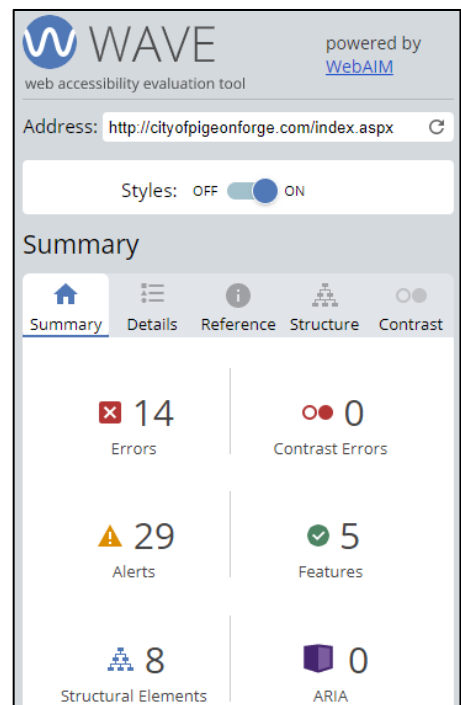
- Consider using the Tennessee Relay Service and publishing the phone number (7-1-1 or 1-800-848-0298) for TTY/Voice communication for all departments. A person who is deaf, hard-of-hearing, deaf-blind, or speech-disabled uses a TTY to type his/her conversation to a Communications Assistant (CA), who then reads the typed conversation to a hearing person. The CA relays the hearing person's spoken words by typing them back to the TTY user. This information could be placed on the recommended website page for accessibility and all departments should be made aware of this resource.
- Where the City uses an automated answering system for receiving and directing incoming telephone calls, the City should enable this system to provide real-time communication with individuals using auxiliary aids and services, including TDD and telecommunications relay systems ([28 CFR 35.161\(b\)](#)).
- All staff responsible for responding to incoming telephone calls should be trained in the protocol and use of TDD, VP, and VRI/VRS communications. Information and training should be provided on an ongoing basis.
- The City should develop procedures to ensure that TDD are maintained in a working and operable condition.

WEBSITE

Currently there are no adopted standards for websites that apply to Title II or Title III entities. However, numerous lawsuits have been filed recently, alleging discrimination due to websites not meeting the Web Content Accessibility Guidelines (WCAG), which apply to federal websites. Some decisions that make it to Federal Appeals Courts may be binding to all similar entities in that court jurisdiction. It is very likely that the WCAG will be the enforceable standard for all websites at some point in the future. It is highly recommended that all Title II and Title III entities work towards modifications to websites to meet WCAG sooner rather than later.

Self-Evaluation Findings:

- The City website home page address is <http://cityofpigeonforge.com/index.aspx>. The website includes a number links that may be confusing for some people to use.
- Information about ADA is very limited, including only the ADA Complaint Form.
- A number of interactive features are included on the website, including payment of utility bills, bidding on City surplus auction, property tax lookup, a variety of applications, applying for permits via MyGovernmentOnline, applying for jobs, trolley maps, sign up for CodeRED, etc.
- Documents available online in PDF format appear to be a mix of formats readable by a screen reader program, with some being scanned PDF documents that cannot be read by screen reading programs.
- Content on the website is generally readable by the screen reader program NVDA. Some documents have paragraphs that read as expected where others provide no immediate program response. Moving the cursor within paragraphs of text sometimes provides the expected NVDA response when placed in the precise position.
- Numerous forms and documents are provided by several departments via the website. Documents provided are not all readable by the screen reader program NVDA.
- Running an accessibility check with the Web Accessibility Evaluation Tool (WAVE - wave.webaim.org/) generated the following information (see report for the home page on the next page). An unusually high number of errors was found, along with other limitations, such as structural elements, labels and description, and low contrast between text and backgrounds (which can be difficult for persons with certain visual impairments to read).
- Links to a number of exterior websites can be found on the City website. The accessibility of those websites was not evaluated.
- Links to exterior websites were found at the following department home pages (not all inclusive):
 - Home Page – CodeRED, Jobs4TN, Google Translate, My Pigeon Forge, and U.S. Census.
 - Public Works and Community Development – both pages link to MyGovernmentOnline.org for permits.
 - Library – Tennessee Electronic Library.
 - Tourism – MyPigeonForge.com, which provides an abundance of information for visitors and tourists, and the LeConte Center website.
 - Transit – provides no links from the home page but includes many on their ‘Links’ page.
- The website links to Facebook and Twitter pages for the City of Pigeon Forge Government (My Pigeon Forge) on several department home pages.
- Parks and Recreation, Forever Parks Foundation, Police Department, Library, Fire Department, Tourism, LeConte Center, and likely others have individual Facebook pages, though none appear to have a direct link from the website. They were found by doing a search on Facebook.
- The City Facebook page is at www.facebook.com/MyPigeonForgeTN/.
- Few videos were found on the City website:
 - The home page includes a video that has no dialogue, only the video with music. The video plays via Flash Player and does not give the viewer any options other than mute, pause, stop, or play. A hearing-impaired person would not know there is no voiceover.
 - Section 2.6 above discusses issues with City Commission meeting live broadcasts and recorded video.



Recommended Action:

- The City’s website should be reviewed by the web developer to maintain, update, and monitor website accessibility. When the website is redone, consider simplification in the presentation of the information. Note also that the website is not secure, which could expose the City to issues. Consider a “Documents” page that includes all documents the public would normally look for, such as meeting agendas, minutes, forms, etc. that are currently accessed on various department pages. The following may provide useful information:
 - Utilize an accessibility checklist similar to that published by the [Access Board](#).
 - The University of Wisconsin Trace Center (<https://minds.wisconsin.edu/handle/1793/6747>) provides resources and on-line information that might assist the City in development and implementation of an accessible website.
 - The Web Accessibility Initiative (WAI) provides guidance on making websites fully accessible (www.w3.org/WAI/).
 - The International Center for Disability Resources on the Internet (ICDRI) provides information on accessibility (www.icdri.org/section508/index.htm).
 - The [General Services Administration \(GSA\)](#) provides resources on their website for development of compliant websites.
 - The ADA National Network provides regular live webinars, which are also archived, with information on various ADA topics. Registration is free. An archived presentation entitled ‘Evaluating Websites for Accessibility’ (from September 5, 2019) can be found at <https://www.accessibilityonline.org/ao/archives/110746>.
- Ensure that all PDF documents are directly converted to PDF and not a scan of the original document. Scans are not compatible with many reader programs. Ensure that non-PDF format documents are properly formatted and usable by screen reader programs. Consider running a test of all documents to be posted to the website to ensure compliance and compatibility with screen readers prior to posting to the website.
- Consider having the IT Department and other staff responsible for web content download NVDA or other commonly used screen reader program to test content (www.nvaccess.org/download/).
- Few individual department Facebook pages and other social media sites provide a direct link from the respective home pages, consider adding that where appropriate.
- Consider adding a general disclaimer on the City website “*The City of Pigeon Forge cannot confirm the accessibility of third party websites*”.
- Consider adding a dedicated page for ADA and Title VI information, which is significantly lacking currently. ADA-related website content should include publicity of the statement of ADA compliance, contact information for the City ADA Coordinator, grievance and complaint procedures and form, publication of the self-evaluation and transition plan when completed, an annual list of ADA projects, a list of the departments that offer TDD and the phone numbers, etc.
- Provide compliant captioning of all video live stream and video recordings provided on the website to allow persons with hearing loss to have access to this program of the City.

2.13 Alternate Communication Formats

A public entity has a responsibility to provide information in alternative formats to comply with [28 CFR 35.160](#). This section of the ADA requires state and local government entities to communicate effectively with individuals who are deaf, hard-of-hearing, or have a speech, vision, or learning disability. Communication access involves providing content in methods that are understandable and usable by people with reduced or no ability to: speak, see, or hear and limitations in learning and understanding. Some alternative formats can

be produced in-house at minimal costs, i.e. large print, disks, and e-mail attachments. Other formats, such as Braille and audio-formats, may need to be produced by a vendor. Alternate communication formats that are likely to be requested include, but are not limited to: audio-formats, Braille, large print, captioned films and video, electronic text/disk/CD-ROM, or sign interpreted films and video.

Self-Evaluation Findings:

- The ADA Coordinator will be the main point of contact for requesting and providing information in alternate formats on a request for accommodation basis and will communicate with other departments as needed.
- Many City departments and offices produce printed information that is distributed and available to the public.
- The City has not been asked to provide written materials and publications in Braille.
- No departments have a standard procedure to communicate and produce accessible alternate formats for people with disabilities.

Recommended Action:

- The City should provide staff training regarding the requirements of accessible alternate formats, what accessible alternate formats are, and how to provide accessible alternate formats.
- Procedures and methods should be established for the development of accessible alternate formats of documents to ensure that requests are handled in a uniform and consistent manner.
- The City should centralize the production of alternate formats for agendas, publications, and documents, which may result in efficiency and a cost savings.

2.14 Fees and Surcharges

Public entities may not charge a fee or add a surcharge to a fee to cover the cost of making its facilities, programs, services, or activities accessible to persons with disabilities ([28 CFR 35.130\(f\)](#)).

Self-Evaluation Findings:

- There was no evidence of fees charged to individuals *with* disabilities that were not charged to individuals *without* disabilities to access programs, services, and activities.

Recommended Action:

- The City should continue to monitor and review policies and practices to ensure that fees and surcharges are not charged to individuals *with* disabilities that were not charged to individuals *without* disabilities.

2.15 Information and Signage

A public entity is required to ensure that individuals with disabilities are directed to an accessible entrance to a building and to the location and existence of accessible services, activities, and facilities. The ISA shall be used at each accessible entrance of a facility ([28 CFR 35.163](#)). Paragraph (b) requires the public entity to provide signage at all inaccessible entrances to each of its facilities that directs users to an accessible entrance or to a location with information about accessible facilities.

Self-Evaluation Findings:

- Accessible directional and informational signs were not provided at all City facilities. Many facilities have only one (1) entrance visible from accessible parking and are not a concern. For facilities with multiple exterior entrances visible from accessible parking, the accessible entrances should be clearly marked with the ISA on the door. Inaccessible or employee-only entrances should have directional signage located to

avoid/minimize backtracking informing users where the accessible entrances are located (See Appendix A).

- Signage within City buildings varies. Some of facilities provide mostly compliant signage, but other facilities frequently exhibit non-compliances including the following issues with signs: signage that is missing, signage mounted in the wrong location or wrong height, signs that provide no tactile characters and/or Braille, signs that have Braille or fonts that are not compliant, etc.

Recommended Action:

- An accessible signing strategy for the non-compliant City facilities should be developed for interior and exterior directional, informational, and permanent room signs.
- Design standards for accessible signs should be created to guide the production and installation of the accessible signs.
- Signage replacement projects should include replacement or installation of accessible signs as required.

2.16 Staff Training

On-going compliance with the ADA can only be achieved if City staff receives training and education about the rights of persons with disabilities and the obligations of public entities and its employees under Title II of the ADA. Although specific training is not required by the ADA (other than ensuring that users of VRI technology and other involved individuals can quickly and efficiently set up and operate the VRI – see www.law.cornell.edu/cfr/text/28/35.160), training regarding the requirements of the ADA is strongly recommended to fully understand the City’s obligations for compliance.

Self-Evaluation Findings:

- City staff has attended the following training courses on various ADA topics:
 - The Human Resource Manager attends annual training on HR issues, including ADA compliance. The most recent training was attended in November 2019.
 - Library staff has taken a variety of workshops at state and regional conferences on various topics, from service animals to offering story time programs for children on the autism spectrum. Their summer reading conference in 2017 “Build a Better World” included a component on serving patrons with disabilities.
 - The Parks Superintendent attended an ADA training session sponsored by the National Center on Accessibility at Montgomery Bell State Park in March 2015.
- The Police Department noted that they provide annual in-service training on various ADA topics, including how to deal with persons with disabilities, including mental illness.
- Several departments suggested in-house education for employees on ADA-related topics.
- Several departments indicated training on the ADA and responsibilities for accommodation would be helpful.

Recommended Action:


- The ADA Coordinator and other key staff should consider annual training on various ADA issues relevant to their respective department responsibilities.
- The City should provide training regarding ADA and related civil rights legislation. Suggested training topics include, but are not limited to:
 - Requirements of the ADA for Pigeon Forge as a Title II entity
 - Consequences of Non-Compliance
 - Disability Etiquette – a good resource is www.unitedspinal.org/disability-etiquette/
 - Acceptable Terminology and Phrases

- Grievance/Complaint Procedures
- Reasonable Accommodations
- Awareness and Sensitivity
- Accessible Locations for Meetings
- Barriers to Access – Programmatic and Physical
- Auxiliary Aids and Services
- TDD, VP, VRI/VRS, and other assistive technologies (e.g., Zoom)
- Building Evacuation Procedures to Assist Persons with Disabilities, especially in multi-story buildings with public access to upper floors
- Building and engineering inspectors and plan reviewers should be familiar with the requirements of ADA standards and guidelines that pertain to the facilities they are responsible for. This would include ensuring compliance with the most stringent regulation (ADA-specific at a minimum) for City facilities constructed by City or private contractors prior to acceptance or approval.
- Training materials and handbooks should be prepared, if needed, in alternate formats.
- The ADA Coordinator should coordinate additional ADA training for all Department managers and staff who have regular contact with the public.
- The ADA National Network provides regular live webinars, which are also archived, with information on various ADA topics. Registration is free. Staff should be encouraged to review the benefit of registration on the site and watching both live webinars and reviewed archived presentations relevant to their service area. A number of ADA training sources are provided at their website at <https://adata.org/ada-training>.
- It is recommended that Police Department officers receive training annually on ADA accessibility issues related to their activities. Training could include how to interact with people with mental illnesses and disabilities, addictive disorders, autism, and developmental disabilities, communicating with people who are deaf or hard of hearing (reference www.ada.gov/lawenfcomm.pdf), and developing a policy on the topic as well (refer to www.ada.gov/lawenfmodpolicy.pdf). Review of other guidance should be done as well, including the publication “Commonly Asked Questions About the Americans with Disabilities Act and Law Enforcement” (www.ada.gov/qanda_law.pdf).
- Additional training materials may be made available to officers on “Disabilities and Law Enforcement”, which is available on the U.S. Department of Justice web site (www.ada.gov/policeinfo.htm).

2.17 Emergency Evacuation Procedures

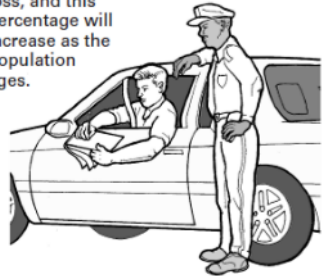
The City is required to establish emergency evacuation procedures to safely evacuate persons with disabilities who may need special assistance in an emergency. These plans and procedures should include identification of assembly locations for persons with disabilities in each facility, staff assigned to ensure that assembly areas are checked prior to leaving buildings during an emergency, identification of assembly locations for pickup and transport of persons with disabilities, and location of accessible shelters to be used for various types of emergencies. Depending on the nature of the emergency, some shelters may not be appropriate.

U.S. Department of Justice
Civil Rights Division
Disability Rights Section



**Communicating with People
Who Are Deaf or Hard of Hearing**
ADA Guide for Law Enforcement Officers

As a law enforcement officer, you can expect to come into contact with people who are deaf or hard of hearing. It is estimated that up to nine percent of the population has some degree of hearing loss, and this percentage will increase as the population ages.



A driver who is deaf writes on a pad of paper to communicate with an officer.

Guide is available [HERE](#)

Self-Evaluation Findings:

- Several departments in Pigeon Forge coordinate emergency responses with the Sevier County Emergency Management Agency (EMA). The EMA is responsible for writing, updating, and disseminating the Sevier County Basic Emergency Operations Plan (BEOP), Strategic Preparedness Plan, Standard Operating Procedures, Memoranda of Understanding (MOU), and Mutual Aid Agreements.
- The Sevier County Emergency Operations Center (EOC) is the physical location where multi-agency coordination occurs in an emergency. The purpose of the EOC is to provide a central coordination hub for the support of local emergency response activities and is located at the Sevier County 911 Building, 245 Bruce Street, Sevierville. The alternate EOC site is the Sevier County EMA building at 321 Court Avenue, Sevierville, which may be activated at the discretion of the EMA Director and concurrence of the County Mayor.
- City agencies/personnel that provide emergency services coordinators (ESC) or are identified in the BEOP as support agencies/persons for various Emergency Support Functions (ESFs) include the Finance Department, Police Department, Utility Department, Fire Department, City Manager, Public Works, Street Department, Water Plant, and Wastewater Treatment Plant.
- The Pigeon Forge Community Center has an emergency evacuation procedure and is utilized by the American Red Cross as a shelter in the event of a natural disaster or emergency.
- The Pigeon Forge Public Library has an Emergency Plan (dated June 2018) which provides general guidance for staff members, including knowledge of the facility, emergency contacts and phone numbers, evacuation procedure, procedures for various types of emergency situations (Fire or Explosion, Bomb Threat, Active Shooter, Severe Weather, etc.), general facility issues (power loss, loss of heat or water, lightning strike, and structural damage), false alarm fire & sprinkler procedure, and disaster recovery. The plan provides good guidance at a low level of detail. It is not known where this procedure is posted or how it is provided to employees and staff at the Library.
- Pigeon Forge participates in the CodeRED program, which allows residents to enroll and receive emergency alerts and notifications. A link to the CodeRED registration page is provided on the City website at cityofpigeonforge.com/index.aspx and Fire Department 'Safety Tips' Page at cityofpigeonforge.com/safety-tips.aspx.
- There does not appear to be a comprehensive list of homebound clients and group homes that may need additional assistance during an emergency.
- Based on departmental questionnaire responses and observations during facility evaluations, it appears that limited City facilities have plans in place for special preparation for emergency events, such as pre-determined meeting places, drills, and safety coordinators for each building. At most City facilities, fire escape signage and information on tornado and lockdown procedure is provided but is visual only. Generally, the evacuation routes are identified on a building layout diagram. Established procedures are in place for a variety of emergencies. However, it does not appear all departments have established emergency evacuation procedures to specifically address safe evacuation of persons with disabilities.

Recommended Action:

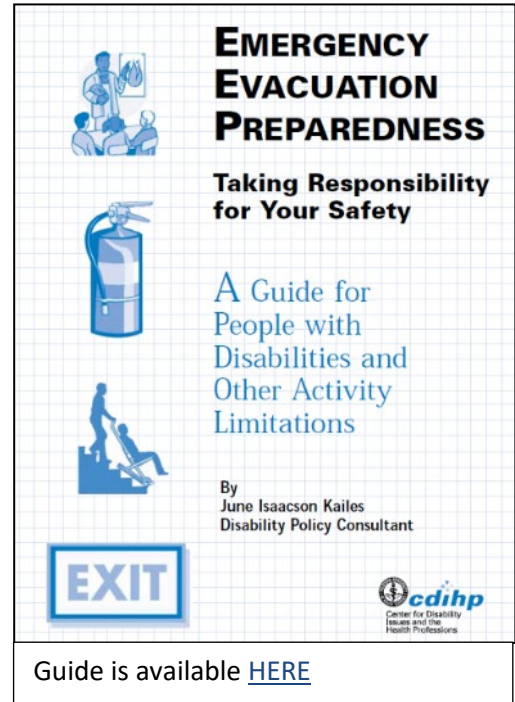
- Work with Sevier County EMA to address issues specifically related to the disabled population in the County, including identification of these individuals and where they live, ensuring availability of vehicles able to accommodate wheelchairs and other specialized medical equipment in the event of an evacuation, accessibility of emergency shelters that must include accessible shower/bathing facilities for the disabled if shower/bathing facilities are provided, and availability of shelters to accommodate persons with service animals.
- Revisit emergency plans and signage for each facility. Include guidelines for the evacuation of persons with disabilities for various emergency situations. Verify on a regular basis that each department is aware

of what to do when an alarm is triggered; aware of meeting places for assistance and evacuation at staircases; and have identified floor captains who will ensure that each floor is vacated prior to leaving themselves and ensuring that persons that need assistance are removed to safety or sheltered safely until emergency personnel can evacuate them.

- For departments and facilities with specific emergency plans, ensure that plans are provided to all employees and relevant information is posted in employee-only areas for easy access in the event of an emergency, including break rooms.
- Larger facilities that do not have a specific emergency plan in place should be considered for development of one, including the LeConte Center.
- Include persons with disabilities and their advocates and caregivers in planning for emergencies.
- City staff responsible for coordination with the Sevier County EMA Director should review and complete the Title II Emergency Management checklist at www.ada.gov/pcatoolkit/chap7emergencymgmtadd1.htm for additional information about ensuring the BEOP considers persons with disabilities adequately.
- Excellent additional resources can be found at:
 - [FEMA](http://www.fema.gov)
 - www.ada.gov/emergencyprepguide.htm
 - <http://hfdhp.org/emergency-preparedness/>
 - onlinepubs.trb.org/onlinepubs/tcrp/tcrp_rpt_150.pdf
 - www.nad.org/resources/emergency-preparedness/
 - www.tn.gov/health/cedep/cedep-emergency-preparedness/tennessee-disaster-support-network/during-a-disaster.html
 - www.tn.gov/health/cedep/cedep-emergency-preparedness/tennessee-disaster-support-network/pre-disaster-planning.html

2.18 Employment

Title I of the ADA requires public entities not to discriminate against persons with disabilities in all parts of the recruitment and employment process (28 CFR 35.140 and 29 CFR 1630.4). It is recommended that employment-related items be discussed with a labor attorney and/or human resources specialist familiar with ADA and case law related to essential job functions, reasonable employee accommodation, and other employment issues. The findings and recommendations below are based on limited knowledge of these issues but warrant mention and consideration to allow the City to further evaluate the need for potential updates and/or changes.



EMERGENCY EVACUATION PREPAREDNESS

Taking Responsibility for Your Safety

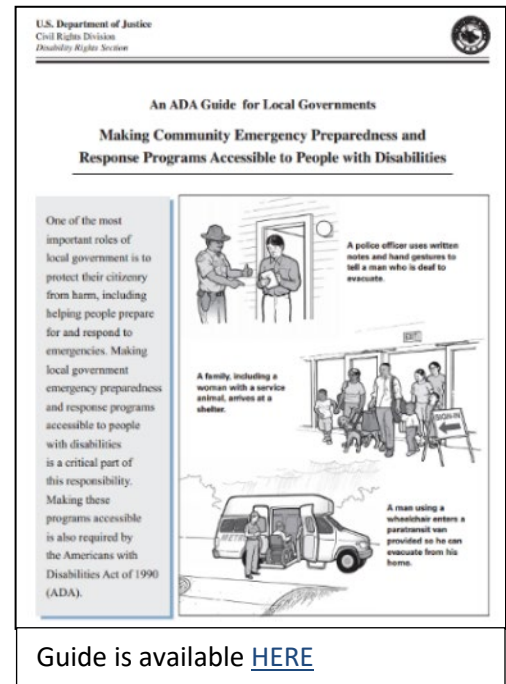
A Guide for People with Disabilities and Other Activity Limitations

By June Isaacson Kailes
Disability Policy Consultant

EXIT

cdihp
Center for Disability Issues and the Health Professions

Guide is available [HERE](#)



U.S. Department of Justice
Civil Rights Division
Disability Rights Section

An ADA Guide for Local Governments
Making Community Emergency Preparedness and Response Programs Accessible to People with Disabilities

One of the most important roles of local government is to protect their citizenry from harm, including helping people prepare for and respond to emergencies. Making local government emergency preparedness and response programs accessible to people with disabilities is a critical part of this responsibility. Making these programs accessible is also required by the Americans with Disabilities Act of 1990 (ADA).

A police officer uses written notes and hand gestures to tell a man who is deaf to evacuate.

A family, including a woman with a service animal, arrives at a shelter.

A man using a wheelchair enters a paratransit van provided so he can evacuate from his home.

Guide is available [HERE](#)

Self-Evaluation Findings:

- The Human Resources home page has the following statement “*The City of Pigeon Forge is an Equal Opportunity Employer and considers applicants for all positions, including those that are federal or state sponsored, without regard to race, color, religion, creed, gender, national origin, age, **disability**, marital or veteran status, sexual orientation, or any other legally protected status.*”
 - The City Human Resources Department performs functions of human resources by providing services to job applicants, City employees, and retirees.
 - The City of Pigeon Forge Employee Handbook (dated January 1, 2018) includes:
 - ‘Section I. Personnel Policies, B. Purpose:’ includes the statement, “*The handbook shall provide a means to select, develop, and maintain an effective municipal work force through the impartial application of personnel policies and procedures free of personal and political considerations and without regard to race, creed, color, national origin, age, religion, gender, marital status, status with regard to public assistance, veteran status, **physical or mental disability**, or sexual orientation.*”
 - ‘Section I. Personnel Policies, C. Coverage:’ includes the statement, “*These policies and procedures shall apply to all employees of the City, whether full-time, part-time, seasonal, temporary, volunteer, or serving as other personnel, unless specifically noted otherwise in this Handbook, the Charter, or the ordinances of the City without regard to race, creed, color, national origin, age, religion, gender, marital status, status with regard to public assistance, veteran status, **physical or mental disability**, or sexual orientation.*”
 - ‘Section II. Employment Practices, B. Equal Employment Opportunity:’ includes the statement, “*It is the City’s policy to provide equal employment opportunity to all employees and applicants for employment, and not to discriminate based upon race, creed, color, national origin, age, religion, gender, marital status, status with regard to public assistance, veteran status, **physical or mental disability**, sexual orientation, or any other basis prohibited by law.*”
 - ‘Section II. Employment Practices, C. Americans with Disabilities Act:’ includes the statement, “*It is the City of Pigeon Forge policy **not to discriminate against qualified individuals with disabilities** in regard to application procedures, hiring, advancement, discharge, compensation, training, or other terms and conditions of employment. The City of Pigeon Forge will comply with all federal, state, and local laws, public law 101-336, including the Americans with Disability Act (ADA) of 1990 concerning the employment of persons with disabilities. The City of Pigeon Forge **will reasonably accommodate qualified individuals with disabilities** so that they can **perform the essential functions of the job**, without undue hardship on the City. At the same time, no person may be hired or maintained as a City employee who poses a direct threat to the health or safety of themselves or other individuals in the workplace.*”
 - ‘Section IV. Employment, A. Policy Statement:’ includes the statement, “*No person shall be employed, promoted, demoted, or discharged, or in any way favored or discriminated against because of race, creed, color, national origin, age, religion, gender, marital status, status with regard to public assistance, veteran status, **physical or mental disability**, or sexual orientation.*”
 - ‘Section IV. Employment, B. Type of Employees:’ includes the statement, “*These policies and procedures shall cover all employees of the City unless specifically noted in this Handbook, the Charter, or the ordinances of the City without regard to race, creed, color, national origin, age, religion, gender, marital status, status with regard to public assistance, veteran status, **physical or mental disability**, or sexual orientation.*”
 - ‘Section IV. Employment, D. Application Process:’ includes the statement, “*The City Manager will make **reasonable accommodations in the application process to applicants with disabilities making a request for such accommodations.***”
-

- 'Section IV. Employment, E. Interviews:' includes the statement, *"The City of Pigeon Forge will make **reasonable accommodations in the interview process to applicants with disabilities making a request for such accommodations.**"*
- 'Section X. Workplace Violence and Harrassment (sic), A. Workplace Violence:' includes the statement, *"No form of harassment will be tolerated, including sexual harassment and harassment based on race, creed, color, national origin, age, religion, gender, marital status, status with regard to public assistance, veteran status, **physical or mental disability**, sexual orientation, or any other basis prohibited by law."*
- 'Section X. Workplace Violence and Harrassment (sic), B. Workplace Harassment – Purpose:' includes the statement, *"It is the City's policy to provide a professional, fair, positive, and respectful work environment, free of harassment due to race, creed, color, national origin, age, religion, gender, marital status, status with regard to public assistance, veteran status, **physical or mental disability**, sexual orientation, or any other category protected by state and federal law."*
- 'Section X. Workplace Violence and Harrassment (sic), B. Workplace Harassment – Harassment Types, VI. Other Forms of Harassment:' includes the statement, *"Other forms of harassment may include, but not be limited to, any action that could be reasonably interpreted as derogatory to an individual because of their race, creed, color, national origin, age, religion, gender, marital status, status with regard to public assistance, veteran status, **physical or mental disability**, or sexual orientation."*
- 'Section X. Workplace Violence and Harrassment (sic), B. Workplace Harassment – Reporting:' includes the statement, *"Employees who wish to file a complaint will be required to submit a written, signed, and dated statement as to the description of the incident(s), location(s), as well as the date(s) of occurrence."*
- 'Section XII. Separations and Disciplinary Actions, A. Types of Separations, 3. Disability:' includes the statement, *"An employee **may be separated because of disability when he/she cannot perform the essential functions of the job because of physical or mental impairment which cannot be reasonably accommodated by the City without undue hardship.** Such a separation must be supported by medical evidence acceptable to the City Manager. In order to accomplish this, the City may require an examination at its expense and performed by a licensed physician of the City's choice. Should an employee wish to be separated from the City as a result of disability, rather than by resignation, they must send that request in writing and make it clear that they are requesting this type of separation. The request should be accompanied by a physician's statement setting forth why the employee is unable to continue his or her employment with reasonable accommodation."*
- 'Section XII. Separations and Disciplinary Actions, C. Grievance Procedures:' includes information related to the process involved in reporting a grievance and process for resolution.
- The Employee Handbook includes a signature and date page that all employees complete.
- The City does not appear to have an Accommodation Request Form available for employees in the event they want to request an accommodation in the workplace.
- A poster entitled "Equal Opportunity is the Law", defining the requirements of Title VII, is located in most City buildings.
- The Job Openings section includes a listing of all positions for which applications are being accepted. The only application process provided was on the City website, no hard copy forms are known to exist. The Application for Employment can be downloaded at the Human Resources home page.
- No jobs were open on the website at the time of preparation of this report. Copies of two recent job postings noted the following:
 - The statement *"The City of Pigeon Forge is an Equal Opportunity Employer and considers applicants for all positions, including those that are federal or state sponsored, without regard to race, color,*

*religion, creed, gender, national origin, age, **disability**, marital or veteran status, sexual orientation, or any other legally protected status.”* is included on the bottom of job postings.

- The Employment Application 2019 includes:
 - The statement “*We consider applications for all positions without regard to race, color, religion, creed, gender, national origin, age, **disability**, sexual orientation, citizenship status, genetic information, or any other legally protected status.”* at the top of the first page.
 - The statement “*Start with your present or last job. Include any job-related military service assignments and volunteer activities. You may exclude organizations which indicate race, color, religion, gender, national origin, **disabilities**, or other protected status.”* at the beginning of the ‘Employment Experience’ section.
 - The statement “*City of Pigeon Forge is an Equal Employment Opportunity employer and **complies with the ADA** and Title VI. Applications are only accepted for open positions.”* at the end of the application.
 - A review of a limited number of job descriptions for positions at the City of Pigeon Forge noted the following relevant items:
 - Job descriptions appear to be prepared by City staff. Job descriptions reviewed were last updated in 2016.
 - Job descriptions include the headings “Nature of Work”, “Illustrative Examples of Work”, “Necessary Requirements of Work”, “Necessary Special Requirements”, “ and “Physical Requirements”. Each section includes a written description and several sections provide specific information or examples of various knowledge, abilities, and skills required and examples of work.
 - The “Physical Requirements” section list requirements that persons with some disabilities cannot meet, including:
 - *‘Work requires **climbing, stooping, crouching, reaching, standing, walking, pushing, pulling, lifting and grasping**’*
 - *‘**Visual acuity is required** for preparing and analyzing written or computer data, determining the accuracy and thoroughness of work, and observing general surroundings and activities’*
 - *‘**Vocal communication is required** for expressing or exchanging ideas and commands by means of the spoken word.’*
 - *‘**Hearing is required** to perceive information at normal spoken word levels.’*
- Some of these requirements may exclude anyone with some disabilities from being qualified to perform many jobs that do not actually require the ability to meet all these physical demands. There are some jobs where these physical requirements could be essential (police officer, building inspector, paramedic, etc.) but others would be difficult to justify.
- “Normal” and other subjective terms are not defined in any way and could easily be subjectively applied or interpreted.

Recommended Action:

- The City should continue to practice the City policies of non-discrimination as required by ADA and other applicable laws.
- Consider developing a grievance form that includes all required information consistent with the grievance procedure for both employees and non-employees to utilize.
- The City should continue to practice the City policies of non-discrimination as required by ADA and other applicable laws.
- Members of the public, including individuals with disabilities and groups representing individuals with disabilities, should be encouraged to submit suggestions to the City ADA Coordinator and HR Department

on how the City might better meet the needs of individuals with disabilities pursuant to employment policies.

- Consider modifications to some language in the City of Pigeon Forge Employee Handbook, including:
 - Consider adding language in appropriate locations to clarify that reasonable accommodation may include: making facilities readily accessible to individuals with a disability, restructuring jobs, modifying work schedules, modifying equipment, or other similar accommodations.
 - Consider including a basic statement of non-discrimination such as *“It is the policy of the City of Pigeon Forge that qualified individuals with disabilities not be excluded from participation in or benefit from the services, programs, or activities of the City. It is the policy of the City of Pigeon Forge not to discriminate against a qualified individual with a disability in: job application procedures; the hiring, advancement or discharge of employees; employee compensation; job training; and other terms, conditions and privileges of employment. It is the intent of the City to comply with all applicable requirements of the Americans with Disabilities Act (ADA).”*
 - Employee requests for an accommodation should be required to be submitted in writing on the ADA Accommodation Request Form and noted as such in the Employee Handbook.
- Ensure that a poster entitled “Equal Opportunity is the Law”, defining the requirements of Title VII, is located in every City building.
- The City should consider carefully examining and updating all job descriptions if necessary. Updates could include modernizing language to simplify the existing information as often suggested by HR professionals at the National ADA Symposium as well as a job analysis to ensure accuracy of information relied upon to update job descriptions, if needed. Update as needed to ensure that all job descriptions:
 - Simplify the layout of job descriptions to include three (3) basic major categories:
 - Summary of the position – reason for/function of the position, purpose, role, how it fits with the operations of the organization, etc.
 - Essential Job Functions – methods, techniques, procedures and/or tools to complete the job, time allowed to perform functions, how often function is performed, how success is measured
 - Job Specifications/Qualifications – qualifications, skills and required abilities, educational criteria, certifications/licensure requirements, specialized knowledge/experience, environmental, psychological, and/or physiological requirements, etc.
 - Provide job functions identified as ‘Essential’ based on documentable evidence about the existence of the position for performance of the function, the limited number of employees that can perform the function, and the specialization and expertise required to perform the function. Further evidence would include employer judgment, amount of time performing the function, the consequences being serious if an infrequently performed function is not performed when needed, etc.
 - Ensure that ‘Other Duties as Assigned’ is not included as an essential job function.
 - Do not include marginal or peripheral functions of positions within Essential Job Functions area, though these lesser functions can be included elsewhere if appropriate.
 - Use clear, concise, non-technical language and avoid gender-specific language, jargon, technical language, ambiguity, and language that may screen out individuals with disabilities.
 - Updates should include “ADA Compliant Language”. Examples include modifying statements such as ‘stand or sit’ to ‘stationary position’, ‘talk/hear’ to ‘communicate, convey, express oneself, exchange information’, ‘use hands/fingers to handle or feel’ to ‘operate, activate, use, prepare, inspect, detect, position’, ‘see’ to detect, perceive, identify, recognize, observe, inspect, assess’, ‘carry or lift’ to ‘transport, move, position, put, install’.
 - Ensure requirements in all sections are actual requirements of the position and avoid use of subjective words such as ‘normal’ when describing visual acuity, hearing, etc. Determine need for

- requirements such as sense of smell or taste, depth and/or texture perception, color perception, etc., which for many jobs is unlikely to be needed to perform the duties of the job.
- Review which jobs require a valid driver's license or commercial driver's license and remove the requirement from jobs that do not, instead substituting the requirement for a valid photo ID.
 - An excellent resource to review when considering updates or modifications to various documents, including job descriptions, is the Job Assistance Network at <https://askjan.org/topics/jobdesc.cfm> and the U.S Department of Labor, Office of Disability Employment Policy at <https://www.dol.gov/odep/#>.

2.19 Department Self-Evaluation Findings and Recommendations

DLZ distributed a questionnaire to the ADA Coordinator that requested information about various departments, policies, and procedures of the City. This information included departmental specific items to provide information to help DLZ better understand the policies and procedures of each related to ADA understanding, training, and accommodation (see *Appendix C*). DLZ reviewed responses and coordinated clarifications and questions with the ADA Coordinator. The questionnaire also allows DLZ to gain an understanding of how well the person completing the questionnaire understands the obligation to ensure their programs are accessible and how to provide accommodations. Additional inquiries were also made during the facility evaluations. A general summary follows.

Self-Evaluation Findings:

- The City has numerous departments with extensive, daily public interaction both in person and over the telephone.
- No departments responded that the programs offered for persons with disabilities were different in any way.
- The City has no ADA Committee comprised of individuals from several departments or Citizens Committee comprised of residents with disabilities, advocates, and caregivers.
- Many departments have publications, documents, and forms that are reviewed, provided, or submitted to them by the public. Many of these documents are completed at office service counters, which are frequently non-compliant (See Appendix A).
- No City boards or commissions appear to include an ADA statement on agendas.
- Most public meetings are held in the City Council Room, with some meetings in conference or meeting rooms in other City facilities.
- No accommodation requests appear to have been made during public meetings.

Recommended Action:

- Public interactions with persons needing special accommodation due to a disability is likely to occur for all departments at some point. Training should be provided to all departments to review how to accommodate various disabilities and provide the same level of service.
- All departments should have a liaison identified that will interact with the ADA Coordinator and be responsible for ADA compliance in their department.
- Continue to ensure that all programs offered do not segregate customers with disabilities and provide the same type and level of service.
- Ensure that all publications, documents, and forms that are provided to the public can be made available in alternate formats easily. This would include large print versions and electronic versions in multiple file formats. All departments should have an accessible workspace or clipboard that can be provided to someone that cannot reach counters that are above required height until such time that counter heights are made compliant.

- All departments evaluated have barriers present, nearly all of which can be addressed by architectural modifications, various methods of equal accommodation, or changes in procedures.
- Funding will be a key component in some instances but many improvements in service to persons with disabilities can be done inexpensively and within a short timeframe.
- The report includes a number of ways that departments can accommodate persons with various disabilities, but circumstances and barriers vary between departments. Training of staff is a key component to knowing how to accommodate and provide equal service to persons with disabilities of all kinds.
- Plan reviewers, inspectors, etc. that review plans and inspect buildings and sites should have adequate knowledge of the applicable standards in ADASAD (and PROWAG for ROW facilities) and special training as needed to ensure compliance with all requirements.

2.20 Facility Self-Evaluation Findings and Recommendations

DLZ performed a self-evaluation of the following City facilities. A comprehensive review of accessibility at all public areas of these facilities was performed consistent with ADASAD. Specific information by facility can be found in Appendix A.

City Facilities (Owned, Leased, or Hosting Programs)

- | | |
|--|--|
| <ul style="list-style-type: none">• City Hall Building• City Hall Annex• Community Center• Fire Station 1• Fire Station 2• LeConte Convention Center• Public Parking at the LeConte Center• Public Library• Police Department• Special Events Center (Information Center) | <ul style="list-style-type: none">• The Compound• Trolley Offices• Public Parking at Trolley Offices• Visitor Center• Wastewater Treatment Plant• Water Treatment Plant |
|--|--|

City Parks

- Old City Park
- Patriot Park
- Wear Farm Par

Recommended General Actions:

- Specific priorities for each facility and corrections needed, with planning level costs, to fully comply with ADA standards are included in the following section of this report and the appendices.
- In some cases, comprehensive costs for alteration of some spaces, especially restrooms, may not be possible due to additional investigation required outside the scope of an ADA self-evaluation. Additional investigations required for spaces that need to be enlarged by removing a wall could include structural review for load bearing, review of plumbing or ductwork in the wall, etc. Appendix A identifies the cost for these items as “TBD”.
- There are many interim fixes that can be implemented immediately to address various deficiencies and provide equal access to all users until permanent solutions are implemented. Other improvements are relatively low cost and should also be considered for implementation in early phases of the Transition Plan. These include:
 - Restripe parking lots to provide compliant spaces and access aisles, with proper signage, at locations closest to accessible entrances at all facilities. When a facility has multiple parking lots, precedence should be given to the lots that have the most use by the public and are closest to facility entrances or amenities. However, all lots that serve an accessible entrance must provide accessible spaces.

- Develop a master signage plan for all facilities that includes exterior directional signage to accessible entrances and required signage within each facility. Ensure that at least one entrance at all facilities is fully accessible until the required 60% of public entrances can be made accessible and that non-accessible entrances are adequately signed to direct the public to the accessible entrance(s).
- Work closely with TDOT to ensure that public ROW facilities along state routes within the City, including on-street parking, sidewalks, pedestrian signals, and curb ramps, are compliant, or made compliant, based on maintenance agreements.
- For objects that protrude inside buildings, either move these items closer to the floor where they are cane detectable, move them outside the pedestrian circulation route in buildings, or place a permanent object that is cane detectable below them. Ensure that vegetation is trimmed so it does not protrude into the path of circulation outside of facilities.
- Provide a cup dispenser at all interior non-compliant drinking fountains below 48" height at a level location that can be used by anyone at functional drinking fountains, along with a waste container, until a new compliant hi-lo drinking fountain is installed. Note that this is a very short-term solution since some users may not be able to utilize a cup to drink for various reasons.
- Develop a lockset replacement plan for all doors that have knobs and/or locks that require grasping and turning to operate. In rooms with doors that have knobs, ensure staff can see into the hallway in the event someone on the outside cannot open the door. Consider a policy that doors with non-compliant hardware are left open at all times during business hours.
- In rooms with light switches above 48" that are operated by the public, consider installation of occupancy sensors and timer controls for lighting control. The 1991 ADAAG allows up to 54" height, so in many cases this recommendation is not required until the space is altered.
- In areas that have all electrical outlets below 15" and/or above 48", consider mounting a power strip or extension cord to the wall that is accessible within the required height range. This is especially important in today's electronic age, with people often looking to charge their mobile devices.
- Ensure that compliant pedestrian routes exist from parking to the accessible entrances for all buildings. This may entail new construction or reconstruction of existing sidewalks. Also ensure that compliant accessible routes are provided from the public ROW to accessible entrances to City facilities.
- Determine if adjustments can be made to interior door closers to reduce the opening pressure to 5 pounds or less and/or slow the closing time to at least 5 seconds from 90 degrees open to 12 degrees from closure. If this cannot be attained, a new closer will need to be purchased and installed. Closers can also be removed from some doors.
- Review corrective actions needed for at least one accessible set of restrooms for each facility initially and provide signage to direct persons from non-accessible restrooms to the accessible one. Depending on the size and use of a facility, one set may not be adequate and one set per floor or wing may be more appropriate.
- Ensure that all public assembly areas (meeting rooms) with audio amplification have the proper number and types of assistive listening devices available and signage is installed alerting people where they are available.
- Consider automatic door openers at facilities with inadequate space in alcoves, excessive opening force requirements, or closing speeds that are too fast for exterior doors.
- Ensure that all departments that have public contact at service counters with a surface above 34" have compliant work surfaces available for persons to complete paperwork or review documents. A clipboard can be used as an accommodation temporarily until the counter can be altered.
- Move furniture or other obstructions that could be in the way of required clear spaces for persons using wheelchairs, such as door maneuvering spaces, operable parts of various items, etc.

- Lower or install an additional coat hook in each restroom stall and room where coats may be hung on the wall that is at 48" maximum height.
- Consider installation of kick plates and filler strip on the push side of all doors with glass or vents below 10" above the floor to prevent glass breakage by wheelchair users.
- Reposition items in restrooms that are too high, including soap dispensers, mirrors, paper towel dispensers, etc. In some instances, it may be less costly to provide an additional amenity within compliant height (e.g., add a second mirror on different wall, install a second soap dispenser, etc.).

3.0 Self-Evaluation of Pedestrian Facilities within the Public ROW – Project Approach

This section of the SETP summarizes the approach for review of existing ROW facilities. The findings and recommendations contained in Sections 3-5 will provide the basis for the implementation of specific improvements for pedestrian access within the public ROW. Detailed information about sidewalk and curb ramp findings is provided in Section 4 and 5, respectively, with this section providing detailed information about other ROW elements. Additional elements that may be encountered during right-of-way evaluation include site furnishings, accessible pedestrian signals, transit stops, roundabouts, marked or metered on-street parking, and rail crossings. Pedestrian signals and trolley stop were assessed in detail (see more this section). Other features were assessed and included in the sidewalk evaluation described above, specifically excluded as part of the scope of this project, or were not present (e.g., no on-street parking in the City is marked or metered).

Site furnishings included benches, bicycle racks, and trash receptacles and were uncommon. All site furnishings observed complied with reach range and clearances and did not obstruct the PAR. Furnishings should be located on an accessible route, provide clear level ground space for approaches and wheelchair parking adjacent to benches, and meet reach range requirements for any operable parts, such as trash receptacle openings.

3.1 Data Collection and Methodology

All ROW pedestrian facilities were inventoried and assessed using PROWAG, dated July 26, 2011, as published by United States Access Board. Data collection was completed using tablets and applications to record the location of each data collection point, the numerical data, and to correlate the data with a photo of the facility inventoried. The GeoJot+ application by GeoSpatial Experts was used for data collection. The GeoJot+ application provided a platform for the creation of ADA specific attribute lists to track inventory data. Data collection was completed for most facilities in place prior to the 2019 construction season. Facilities added or modified after this date should be monitored for compliance by the City at time of construction.

3.2 Database Analysis

Upon completion of the Inventory and Assessment, the data collected was compiled into a summary for each data collection point or location. Throughout the SETP, 'location' refers to a single data collection point. This may be a block, a portion thereof with logical stopping point, such as an alley or area with no sidewalk present, curb ramp, intersection or non-roadway related portion of public ROW. Each location was reviewed for compliance with each criterion required within the PROWAG. A barrier ranking (High, Medium, or Low priority) was assigned to the location. Each location was then assigned a cost parameter based on the amount of modification or reconstruction required to achieve accessibility.

3.3 Barrier Ranking

The self-evaluation of the public ROW takes into account factors such as level of use, degree to which accessibility is limited, complaints or requests for repair received, and other factors. These factors can be grouped into two categories. **Contributing contextual factors** account for use patterns and distribution in relation to City services, residential zones, schools, and other public services. **Physical Impedance factors** include the actual physical characteristics of the specific right-of-way feature and the severity of the barrier to use.

Contributing Contextual Factors:

- **Areas of High Pedestrian Activity** – High priority areas include areas with high levels of pedestrian traffic. These included, but are not limited to, those areas adjacent to downtown, schools, community centers, churches, public transportation hubs, retail centers, and parks.
- **Areas with a Higher Concentration of persons with disabilities** – High priority areas include senior centers, assisted living communities, and areas adjacent to medical facilities.
- **Areas of High Volume Streets** – High priority areas include the pedestrian facilities along major arterial streets. These are frequently the connectors between residential areas and destinations such as shopping centers, employment, and medical centers.
- **Areas accessing Places of Public Accommodation** – High priority areas include those pedestrian facilities serving local government offices and facilities, such as municipal office buildings, public libraries, and community centers.

Physical Impedance Factors:

- **High priority** – High priority areas include areas with conditions that make travel difficult or impossible for the independent pedestrian and affect the ability of persons with disabilities to access or use a facility or program, or are generally hazardous for any pedestrian. These include, but are not limited to, missing curb ramps, steep slopes (especially cross slopes), changes in level over 1", and fixed obstructions limiting vertical and horizontal clearance, trip hazards, and major protrusions.
- **Medium priority** – Medium priority areas include areas with conditions that make travel moderately difficult, but passable and affect the quality of usage for persons with disabilities to a greater extent than that afforded the non-disabled. These include, but are not limited to, moderate deviations in running and cross slopes, changes in level ½" to 1", obstructions that allow tight passage, landing and PAR width deviations.
- **Low priority** – Low priority areas include areas with conditions that deviate from codes and standards but alternative means of use may be available to provide equal access or opportunities. In low priority areas, conditions may be an inconvenience, but neither travel nor safety is greatly impacted. These areas allow significant usability and independent travel is possible in most cases. These included, but are not limited to, minor deviations in running and cross slopes, changes in level, landings and PAR width deviations, and presence of standard elements such as detectable warnings not in compliance with guidelines.

3.4 Accessible Pedestrian Signals

Pedestrian signals were not included in the 1991 or 2010 ADA Standards, but are addressed in the 2011 PROWAG and the previous draft documents from 2005 and 2002. This document also incorporates by reference sections of the 2009 Manual on Uniform Traffic Control Devices (MUTCD). Note that per R209.2 of PROWAG, existing pedestrian signals shall comply with the referenced sections of MUTCD only when altered, specifically when the signal controller and software are altered, or the signal head is replaced.

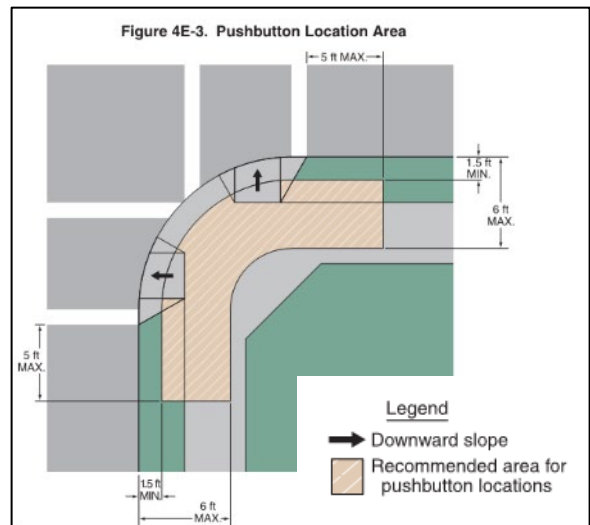
Requirements:

According to PROWAG, 'An accessible pedestrian signal and pedestrian push button is an integrated device that communicates information about the WALK and DON'T WALK intervals at signalized intersections in non-visual formats (i.e., audible tones and vibro-tactile surfaces) to pedestrians who are blind and have low vision.' Per R209, 'where pedestrian signals are provided at pedestrian street crossings, they shall include accessible pedestrian signals (APS) and pedestrian push buttons complying with sections 4E.08 through 4E.13 of the 2009 Manual on Uniform Traffic Control Devices (MUTCD)'. When the City plans infrastructure improvement projects where new pedestrian signal construction or alterations of existing pedestrian signals

including signal controller, software, or signal head replacement occurs, accessible pedestrian signals must be provided.

To determine compliance of existing pedestrian signals with Sections 4E.08 through 4E.13 of the MUTCD, the following characteristics were evaluated. Note that not all existing pedestrian signals are required to meet these standards at this time but were evaluated to these current standards.

- **Function:** Per MUTCD, accessible pedestrian signal detectors may be pushbuttons or passive detection devices. At accessible pedestrian signal locations where pedestrian pushbuttons are used, each pushbutton shall activate both the walk interval and the accessible pedestrian signals.
- **Location:** On an accessible route and there is an adjacent level clear space to the push button.
- **Distance from curb:** Between 1.5' and 6' from edge of curb, shoulder, or pavement, 10' max if impractical.
- **Distance from crosswalk:** Between edge of crosswalk line farthest from intersection to 5' max. beyond.
- **Distance between pushbuttons:** 10' min. separation where two are provided on the same corner, if less, special provisions apply.
- **Height and orientation of pushbutton:** Face parallel to crosswalk to be used, height of approx. 42" with 48" max. ht.)
- **Pushbutton Operating Force:** 5 lbs. max.
- **Pedestrian pushbuttons** shall be a minimum of 2 inches across in one dimension and shall contrast visually with their housing or mounting.
- **Audible WALK Indications:** Percussive tone if pushbuttons are separated by at least 10'; speech message if less.
- **Vibrotactile Arrow:** Located on the pushbutton, have high visual contrast (light on dark or dark on light), shall be aligned parallel to the direction of travel on the associated crosswalk, and vibrates during walk interval.
- **Locator Tone:** duration of 0.15 seconds or less repeating at 1-second intervals, intensity responsive to ambient sound, and be audible 6 to 12 feet from the pushbutton, or to the building line, whichever is less.
- **Pushbutton Signage:** Signs shall be Integral and adjacent to pushbuttons and include a tactile arrow aligned parallel to the crosswalk direction. The arrow shall be raised 0.03 inches minimum and shall be 1-1/2" inches minimum in length. The arrowhead shall be open at 45 degrees to the shaft and shall be 33 percent of the length of the shaft. Stroke width shall be 10 percent minimum and 15 percent maximum of arrow length. The arrow shall contrast with the background.
- **Pilot Light:** If provided, illuminated only at activation, remain illuminated until WALK signal indication is displayed, accompanied by speech message to 'WAIT'.



Self-Evaluation Findings:

- A total of 18 intersections (76 locations/quadrants) had pedestrian signals in one or more quadrants. Most signals include pushbuttons though there are some locations with a combination of pedestrian-

activated pushbuttons and pedestrian signal heads that cycle with every traffic signal cycle. None have passive detection.

- Several of the pedestrian signals have been installed or altered recently and they do not meet all of the current standards. Some of those installed recently may have been installed by TDOT. It is not known when construction of any pedestrian signals occurred or the scope of the work.
- A majority of locations with more than one crossing direction in the same quadrant had pushbuttons located on the same pole.
- Some pedestrian signal pushbuttons evaluated were not located on an accessible route and many provided a clear space of less than 30"x48" and/or exceeded 2% max. slope. at the pushbutton. In some cases, there has been additional concrete added to attempt to provide a clear space but access to these areas requires negotiation of steep cross slopes.
- Several pushbuttons were non-compliant for distance from curb and may be difficult for some persons with disabilities to find.
- Most locations had signage present some locations had signs that were not compliant with current requirements or did not include any signage.
- Most pushbuttons met the requirement for less than 5 lbs. of operating force.
- No pushbuttons were below 42" desired height or above the maximum height of 48".
- Few locations had small recessed buttons that do not meet current requirement for operable parts to be operated with a closed fist and/or being 2" minimum in diameter.
- Tactile arrows were provided at most pushbuttons and no pushbuttons included vibrotactile features. There were some locations with newer buttons that were 2" diameter but did not include a tactile directional arrow on the button. Several locations with tactile arrows on the button had arrows that pointed in the incorrect direction (primarily down).
- No audible walk indicators were provided at any location.
- No locations had a speech message provided for the direction of walk or to wait.
- Locator tones were provided at most locations. Of those with locator tones, few had issues with volume being audible within the required 6'-12' range.

Addressing the Issue:

As the City plans infrastructure improvement projects where new signal construction or alterations including signal controller, software, or signal head replacement occurs, accessible pedestrian signals must be installed that meet the applicable



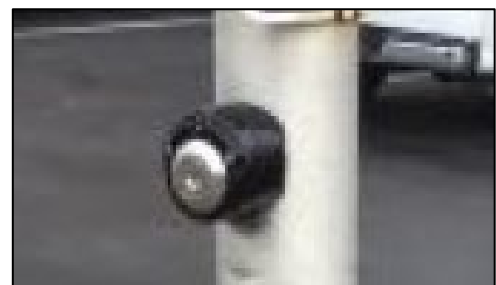
Example of non-compliant pushbutton operable parts (met previous standard)



Example of pushbuttons on shared pole.



Example of pushbutton that is 2" diameter and includes tactile directional arrow on the pushbutton but arrow points down.



Example of pushbutton that is 2" diameter but has no tactile directional arrow on the pushbutton.

standard at that time. Particular items that will need to be addressed and are prevalent at currently signalized intersections is the separation of the pushbuttons when audible and vibrotactile components are added, installation of compliant buttons and signage, provision of level clear spaces at all pushbuttons, etc. Until that time, consider addressing the following items that would present the most difficult conditions for especially wheelchair users, but also other disabled pedestrians:

- Provide sidewalks and/or replace sidewalks adjacent to pushbutton locations to provide a compliant size and level clear space, particularly where slopes exceed 2.5%. This particularly important at locations where pushbuttons are not located within reach of the PAR and essentially not able to be used by persons in wheelchairs (see some examples below).
- Adjust pushbuttons that require excessive force to operate and/or are outside the 36"-48" height required.
- Consider providing buttons that can be operated with a closed fist. Some existing buttons are recessed and quite small, making it very difficult to impossible for persons with upper body mobility impairments to operate the signals.

Costs are difficult to assess given unknowns about the ability to move wiring for pushbuttons, presence of conduit under pavement, etc. It is likely that the cost for the minor items noted as interim measures would be \$800-1500 per crossing. Given the total number of approximately 76 crossings, the total cost would likely exceed \$100,000 for the interim improvements. Costs for complete upgrades to current MUTCD standards are also difficult to determine, since the costs for controllers, signal heads, items that can be reprogrammed and reused instead of being replaced, etc. cannot be determined with the information available. Installation of a new accessible pedestrian signal can easily exceed \$50,000 each, and significantly more if extensive re-wiring and installation of poles and posts is required. See Appendix B for the pedestrian signal inventory data by location.



Pushbutton with signage that does not include a crossing direction arrow.



Pushbutton with no signage on pole.



Example of pushbuttons that are not located on an accessible route or which are obstructed.

3.5 On-Street Parking

On-street parking is often provided in downtown shopping districts and some residential areas. The City of Pigeon Forge does not have a typical downtown, with the entire Parkway and other main arterials providing corridors for commercial uses and tourist attractions.

On-Street Parking Self-Evaluation Findings:

Within certain areas of the City, on-street parking is allowed but not marked or metered, and therefore not required to include designated accessible spaces. There are some locations where parking is partially located in the ROW, especially along the Parkway, but the parking is primarily for an adjacent property and not evaluated within the scope of this project.

Addressing the Issue of On-Street Parking:

At the current time there are no on-street parking issues to address.

3.6 Transit Stops and Transit Shelters

The Pigeon Forge trolley system is the second largest rural transit system in the U.S. Pigeon Forge Mass Transit, formerly known as Fun Time Trolleys, boasts a fleet of more than 40 vehicles and transports millions of people each year over the six (6) trolley routes. Pigeon Forge trolleys travel to approximately 184 unique stops in Pigeon Forge, as well as select locations in Gatlinburg and Sevierville, with several stops serving multiple routes. All Pigeon Forge trolleys and trams are lift-equipped for wheelchairs and/or other mobility aids and may be accessed at any designated trolley stop. All routes include a stop at the Transit Offices at 186 Old Mill Avenue. Several stops are located on multiple routes and all trolleys in the fleet are noted as being ADA-accessible.

Requirements:

Per R213 of the PROWAG, 'Where provided, transit stops and transit shelters shall comply with R308.' R308 Transit Stops and Shelters includes the following requirements for transit stops and shelters that are part of Gatlinburg's trolley system:

- R216.6 Benches. At least 50 percent, but not less than one, of benches at each location shall provide clear spaced complying with R404 (30"x48" and 2% or less slopes) adjacent to the bench.
- R308.1.1.1 Dimensions. Boarding and alighting areas shall provide a clear length of 8' minimum, measured perpendicular to the curb or street or highway edge, and a clear width of 5' minimum, measured parallel to the street or highway.
- R308.1.1.2 Grade. Parallel to the street or highway, the grade of boarding and alighting areas shall be the same as the street or highway, to the extent practicable. Perpendicular to the street or highway, the grade of boarding and alighting areas shall not be steeper than 2 percent.
- R308.1.3.1 Surfaces. The surfaces of boarding and alighting areas . . . shall comply with R302.7:
 - R302.7 Surfaces. The surfaces of pedestrian access routes and elements and spaces required to comply with R302.7 that connect to pedestrian access routes shall be firm, stable, and slip resistant and shall comply with R302.7.

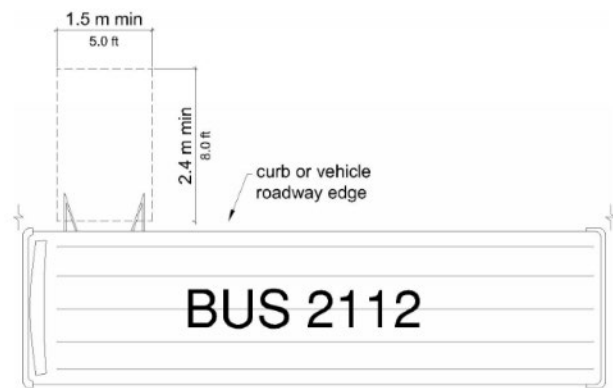


Figure R308.1.1.1
Dimensions

- R302.7.2 Vertical Surface Discontinuities. Vertical surface discontinuities shall be 0.5" maximum. Vertical surface discontinuities between 0.25" and 0.5" shall be beveled with a slope not steeper than 50 percent. The bevel shall be applied across the entire vertical surface discontinuity.
- R 302.7.3 Horizontal Openings. Horizontal openings in gratings and joints shall not permit passage of a sphere more than 0.5" in diameter. Elongated openings in gratings shall be placed so that the long dimension is perpendicular to the dominant direction of travel.
- R308.1.3.2 Connection. Boarding and alighting areas . . . shall be connected to streets, sidewalks, or pedestrian circulation paths by pedestrian access routes complying with R302:
 - R302.3 Continuous Width. Except as provided in R302.3.1, the continuous clear width of pedestrian access routes shall be 4' minimum, exclusive of the width of the curb.
 - R302.5.1 Grade Within Street or Highway Right-of-Way. Where pedestrian access routes are contained within a street or highway right-of-way, the grade of pedestrian access routes shall not exceed the general grade established for the adjacent street or highway. Where pedestrian access routes are not contained within a street or highway right-of-way, the grade of pedestrian access routes shall be 5 percent maximum.
 - R302.6 Cross Slope. . . the cross slope of pedestrian access routes shall be 2 percent maximum.
- R308.2 Transit Shelters. Transit shelters shall be connected by pedestrian access routes complying with R302 to boarding and alighting areas . . . complying with R308.1. Transit shelters shall provide a minimum clear space complying with R404 entirely within the shelter. Where seating is provided within transit shelters, the clear space shall be located either at one end of a seat or shall not overlap the area within 1.5' from the front edge of the seat. Environmental controls within transit shelters shall be proximity-actuated. Protruding objects within transit shelters shall comply with R402 (leading edges between 27" and 80" above the finish surface shall protrude 4" maximum horizontally into pedestrian circulation paths), including post-mounted objects.

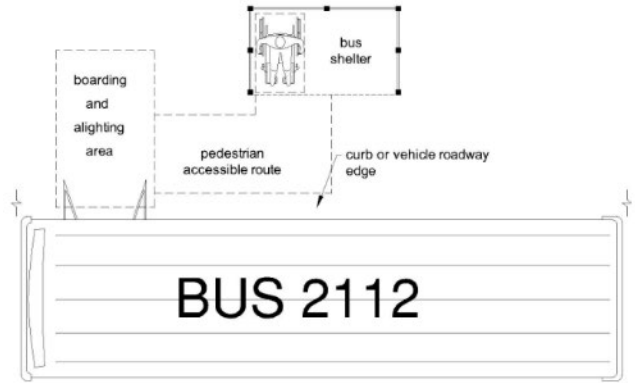


Figure R308.1.3.2
 Connection

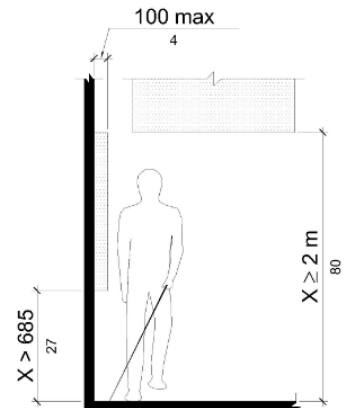


Figure R402.2
 Protrusion Limits

Self-Evaluation Findings:

- A total of 184 trolley stops are present in the City, 57 of which have a shelter, with some having multiple shelters. A majority of the stops are located along the public ROW sidewalks in the Parkway, Wears Valley Road, Teaster Lane, Dollywood Lane, and Veterans Parkway, with several stops at high volume destinations and parking areas such as Dollywood, Visitor Center, LeConte Center, Transit Offices, Library, and Community Center, as well as several campgrounds, hotels, and resorts.
- Most stops have signage designating the location as a trolley stop. Signs do not appear to include color coding for routes.



Typical trolley stop signage.

- Most stops do not have a compliant boarding/alighting area, with common issues including lack of 8' deep compliant surface, slopes of the area, no connection between the curb and PAR, or no PAR.
- Many of the non-compliant stops can be easily corrected with addition of areas of concrete or reconstruction of the boarding area.
- The primary issue present at most non-compliant sites is slopes exceeding 2% perpendicular to the roadway for all or portions of the trolley stop. This is especially common where the stop is located at a driveway.
- While full compliance of stops overall is moderately low (19 stops fully comply), the issues noted are typically less impacting on accessibility than in other communities.



Examples of trolley stops lacking a compliant boarding/alighting area. Many lack the required 5' wide x 8' deep dimensions, non-compliant slopes, have a grass strip between the curb and PAR, or no PAR present.

- There are a number of trolley stops on the site of or at specific tourist destinations, with variable conditions present at each. In some cases, there is no interior accessible route connection and the drop-off location may be partially or entirely within the site driveway or parking area.
- Most shelters are connected to the boarding and alighting platform area with a compliant surface material route, but not all routes meet requirements for slopes.
- There are two (2) typical shelter types at stops, where provided. An older design includes a simple wood frame construction with bench seating and overhead roof with no side enclosures. More modern shelters provide enclosure on three sides and seating inside. Most modern shelters provide clear space under the shelter for a wheelchair, though some do not.
- Some shelters fail to provide the required 30" x 48" clear space adjacent to the bench or 1.5 feet minimum clearance from the front edge of the bench to allow a wheelchair to be entirely under the covered portion of the shelter. Most older shelters have benches that span the full width of the shelter, though some have either a small area adjacent to the bench or benches that are oriented perpendicular to the adjacent PAR and provide no compliant clear space. Some shelters do have a level paved area adjacent to

the outside wall of the shelter but it is not located entirely under the roof of the structure and often is obstructed by objects such as trash receptacles.



Examples of shelters, with benches that are full width and provide no wheelchair clear space entirely under the shelter.



Examples of trolley stops (with or without shelters) located on private property, often within or adjacent to parking areas.

Addressing the Issue:

- Consider reviewing each stop to ensure it is meeting the needs of trolley users. The goal of the trolley system should be on providing stops that meet all the needs of trolley riders, which includes having stops often enough to encourage use but not so many that maintenance is difficult and results in difficulty keeping schedules. Bus stop spacing has a major impact on transit performance and affects both access time and line-haul time. There is a tradeoff between more, closely spaced frequent stops with shorter walking distance and more time on the vehicle and stops spaced further apart and longer walking distances, but less time on the vehicle. See guidance provided on the sites “Stops, Spacing, Location and Design-Bus Stop Spacing” from the FTA at www.transit.dot.gov/research-innovation/stops-spacing-

[location-and-design “Pedestrian Safety Guide for Transit Agencies” from the FHWA at safety.fhwa.dot.gov/ped_bike/ped_transit/ped_transguide/ch3.cfm.](https://www.safety.fhwa.dot.gov/ped_bike/ped_transit/ped_transguide/ch3.cfm)



Examples of trolley stops/shelters not located on an accessible route (may also lack a compliant 5' wide x 8' deep boarding/alighting area).

- Ensure that signage is present and visible at all stops. If stop locations are altered at any time, ensure that signage is relocated to the new location. Be certain to not have signage at locations that are not used and also ensure that all stops are updated on the website for users of real-time trolley locations.
- Review all current stop locations to ensure that they meet all requirements. All stops are required to have a 5'x8' boarding/alighting area to allow for deployment of a wheelchair lift. Without this area, wheelchairs may not have adequate room available to board trolleys. Some locations have space available or an adjacent paved area (parking or driveway) is part of the boarding area, which should be avoided to eliminate conflicts with vehicles. In many locations that currently lack an 8' deep area, additional pavement can be placed. It may be less costly in many locations to relocate stops within close proximity to existing stops where a level, compliant boarding/alighting platform is already present.
- Ensure that all stops are located on a compliant PAR, though some trolley stops at specific tourist destinations, particularly those remote from the Parkway, may not have a PAR available. In those cases, ensure that the stop is located near the accessible route to the destination entrance or provides direct access to the site.
- Existing shelters have a variety of issues to address, particularly lack of compliant clear space within and/or non-compliant sloped surfaces at the shelter, accessing the shelter, or accessing the trolley stop from the shelter. Some stops/shelters have a step or other vertical elevation change that does not permit access to the shelter from the stop or adjacent area. Investigate options to correct issues at these locations.
- Some trolley stops have a curb ramp provided. Curb ramps should not be provided to connect the boarding/alighting area to the street as it could be confusing to visually impaired pedestrians that may treat it as a street crossing. Trolleys are provided with ramps that deploy to the level area at stops, curb ramps are not needed or desired.
- Trolley stops at a particular destination should be considered for a direct connection from the stop/shelter to the site. Ensure that use of vehicle driveways is not required to access sites from the PAR. Coordinate compliance efforts with private property owners, who would most benefit from this access. In some higher traffic destinations, consideration could also be given to relocating the stop to the interior of the site.
- The City should evaluate and develop a new standard for stops and shelters that includes:
 - A compliant boarding/alighting area at the curb or street level at all stops that meets R308.

- A level 30"x48" minimum area adjacent to benches that is entirely under the overhead roof cover of all shelters and entirely outside the PAR if no shelter is present. Ensure that all other items at the shelter (e.g., trash receptacles) do not encroach into these clear spaces or obstruct the PAR.
- A compliant accessible route to and from the shelter to and from both the trolley stop and the PAR or site accessible route for stops at specific tourist destination drop off locations.



Examples of shelters with vertical displacements at the shelter pad.

Primary corrective actions needed for an accessible stop at each location include meeting the primary requirements of dimensions and slope of a boarding/alighting area and connection to an accessible route of some type provide the boarding/alighting area, which in some locations is assumed to also include some adjacent PAR replacement. Costs have not been provided for individual stops since there are many that should be considered for relocation given existing conditions and developing costs would not be accurate due to unknowns at a number of the sites. A rough cost using an average estimate of \$600-1500 per stop is included in the cost summary as a placeholder similar to what was done with APS, though replacement of the old style shelters will incur a higher cost. The City is encouraged to develop their own prioritization for the importance of each stop based on ridership of the various fixed routes, number of persons boarding or getting off at each stop, and conditions at each stop as documented in Appendix B and review sites to determine the best and least costly option to provide a compliant stop.

3.6 Future Improvements

While the ADA does not require pedestrian facilities in the absence of a pedestrian route, it does require that pedestrian facilities, when newly constructed or altered, be accessible. Pedestrian facilities would include, but not be limited to, sidewalks, curb ramps, pedestrian signals, and site furnishings. The previous sections of this SETP addressed those facilities already existing. The focus of this section is on future construction and connection of existing corridors.

While many City construction projects do include pedestrian facilities, not all project areas are suitable for pedestrian use. As such, the following publications could be used as a guide to determine the appropriateness of pedestrian facilities in any given corridor. Any future requests for pedestrian facilities necessitate an assessment of current conditions and needs in order to be considered for implementation.

Per the policy statement in FHWA's [Accommodating Bicycle and Pedestrian Travel: A Recommended Approach](#), "bicycle and pedestrian ways shall be established in new construction and reconstruction projects in all urbanized areas unless one or more of three conditions are met:

- *Bicyclists and pedestrians are prohibited by law from using the roadway. In this instance, a greater effort may be necessary to accommodate bicyclists and pedestrians elsewhere within the right of way or within the same transportation corridor.*

- *The cost of establishing bikeways or walkways would be excessively disproportionate to the need or probable use. Excessively disproportionate is defined as exceeding twenty percent of the cost of the larger transportation project.*
- *Where sparsity of population or other factors indicate an absence of need.”*

From the FHWA’s publication, ‘**Bicycle and Pedestrian Transportation Planning Guidance**’, an assessment might include the following:

- Determination of current levels of use for bicycling and walking transportation trips, and current numbers of injuries and fatalities involving bicyclists and pedestrians.
- Evaluation of the existing transportation infrastructure (including on- and off-road facilities) to determine current conditions and capacities and to identify gaps or deficiencies in terms of accommodating potential and existing bicycle and pedestrian travel.
- Identification of desired travel corridors for bicycle and pedestrian trips.
- Examination of existing land use and zoning, and the patterns of land use in the community.
- Basis of the need for modifications to the transportation system through surveys, origin destination studies, public input, or other data collection techniques.

‘The challenge for transportation planners, highway engineers and bicycle and pedestrian user groups, therefore, is to balance their competing interest in a limited amount of right-of-way, and to develop a transportation infrastructure that provides access for all, a real choice of modes, and safety in equal measure for each mode of travel.’

(Excerpt from FHWA’s *Accommodating Bicycle and Pedestrian Travel: A Recommended Approach*)

(A complete listing of recommended considerations can be found at https://www.fhwa.dot.gov/planning/processes/pedestrian_bicycle/)

4.0 Self-Evaluation of Pedestrian Facilities within the Public ROW – Sidewalk Inventory

This section of the SETP summarizes the review of current sidewalks within the public ROW. The findings and recommendations contained in this section will provide the basis for the implementation of specific improvements to accessibility on City sidewalks. A total of approximately 34 miles of City sidewalk was assessed.

4.1 Pedestrian Access Route

Per R105.5 of PROWAG, *'a pedestrian access route is a continuous and unobstructed path of travel provided for pedestrians with disabilities within or coinciding with a pedestrian circulation path.'* R204.2 adds that *'A pedestrian access route shall be provided within sidewalks and other pedestrian circulation paths located in the public right-of-way. The pedestrian access route shall connect to accessible elements, spaces, and facilities required by section 206.1 of appendix B to 36 CFR part 1191 or section F206.2.1 of appendix C to 36 CFR 1191 that connect building and facility entrances to public streets and sidewalks.'* R204.3 and R204.4 note that pedestrian street crossings and pedestrian overpasses and underpasses are considered part of the pedestrian access route.

Per the Technical provisions of the PROWAG, the PAR consists of multiple elements that are listed in R302.2, which must meet the following general criteria:

- R302.3 Continuous Width
- R302.4 Passing Spaces
- R302.5 Grade (Running Slope)
- R302.6 Cross Slope
- R302.7 Surfaces

Within the following text, 'location' refers to a single data collection point. This may be a single block face, a portion thereof with logical stopping point, such as an alley or area with no sidewalk present, or non-roadway related portion of public ROW. Percentages and numbers shown should not be interpreted as a quantity of infrastructure. Likewise, compliance for one criterion does not indicate compliance for all criteria.

Pigeon Forge has an extensive non-motorized network of sidewalks, with most of the PAR being located along the Parkway and other major tourist areas, with relatively little PAR in residential areas. Much of the sidewalk infrastructure in Pigeon Forge is aged and in varying condition, particularly in areas that were developed decades ago and have not been maintained or replaced since. There were many sections of new PAR along the Parkway and other areas that have been recently developed.

4.2 Width

Requirements:

Per R302.3, the continuous clear width shall be 4' minimum exclusive of the width of curb, with 5' width required at all medians and pedestrian refuge islands. Five feet of width is preferred, as when the clear width is less than 5', passing spaces must be provided every 200' maximum. This provides greater flexibility to the pedestrian to accommodate changes in direction, passing movements, and turning space.

All sidewalks within the City were 4' or greater, with many walks 5' in width. Some 4' wide sections exceed 200' of length with no passing space available. Issues observed that reduced the sidewalks to less than 48" minimum included sidewalks built prior to current standards and overgrown turf and obstructions.

Addressing the Issue in Future:

- As part of the City's long-term plan for addressing sidewalks, work with owners of obstructions to either have them removed or investigate the feasibility of providing a compliant width PAR around obstacles. Also encourage homeowners to maintain vegetation that overhangs the PAR.
- Five foot width should be considered for all new sidewalk construction.

4.3 Grade (Running Slope)

Requirements:

Per R302.5, the grade (running slope) of the sidewalk PAR shall not exceed 5% or the grade of the adjacent street if the street is over 5%. The second part of this requirement that was included in the 2011 PROWAG is significant for many communities, though less so in Pigeon Forge overall compared to other communities in the Smoky Mountains. There are areas of the City that have streets with a running slope that exceeds 5%. Without this provision in PROWAG, the amount of non-compliance of the PAR would increase dramatically due to running slope issues.

Within the City, there were few locations over 5% maximum running slope or exceed the running slope of the adjacent roadway. Often these areas of excessive running slope are limited and have other non-compliance issues. There are limited areas where the excessive running slope was implemented to minimize sidewalk replacement at driveways and provide a ramp on each side.

Addressing the Issue:

For areas with excessive running slopes, potential solutions may include:

- Lowering grade, which may require sections of curbing or other retaining structure to keep the limits within the public ROW.
- Removing and regrading adjacent shallowly sloped panels to spread the slope over a greater run and achieve a more even, compliant slope throughout.

4.4 Cross Slope

Requirements:

Per R302.6, the cross slope of the sidewalk PAR shall be 2% maximum. Exceptions to this rule occur only at pedestrian street crossings without yield or stop control or midblock crossings.

During the evaluation, it was noted that many blocks exhibited some level of non-compliance for cross slope. While this included some areas with minor deviations that may not be compliant but are ultimately highly useable, many of the issues are often more severe. The most significant issue is often driveways. The transition along the PAR at many driveways accommodates the driveway without consideration of the resulting cross slope of the PAR. Many driveways are built through the sidewalk, with a severe cross slope presented to pedestrians crossing the driveway. In some instances, a vertical level change (curb) is constructed at the edge of the sidewalk in an apparent attempt to not have to perform work on sidewalk panels adjacent to the driveway.



Examples of driveway transitions at the PAR that introduce severe cross slopes and/or vertical elevation changes.

Addressing the Issue:

For areas with cross slopes of over 2% that are not due to incorrect driveway construction, potential solutions may include:

- Lowering the sidewalk grade.
- Removing and regrading adjacent tree lawn, if present, to achieve a compliant slope throughout.

In locations where the cross slopes issues are more extensive and due to numerous driveway issues, the only option is reconstruction of the PAR through the driveways. The slope of the driveways needs to be considered in the design and construction of the driveway to ensure not only that the PAR cross slopes are maintained at 2% or less but also that the driveway slopes are not as severe. This may require detailed investigations at locations with steep driveways to ensure vehicle transitions are able to be negotiated without scraping bottom.

4.5 Changes in Level / Surface Condition

Requirements:

Per R302.7, the surface of the PAR shall be firm, stable, and slip-resistant. Grade breaks shall be flush. Vertical surface discontinuities (changes in level) shall be ½" maximum with those between ¼" and ½" being beveled at a slope not steeper than 50% across the entire discontinuity. Horizontal openings, such as grates and joints, may not exceed ½". Elongated openings should be placed perpendicular to the dominant direction of travel. During the evaluation, surface condition was evaluated for damage from cracking and spalling.

In general, newer sidewalks are relatively free of cracks, spalling, and displacements. Sidewalks in the most residential areas tended to be older and exhibit more surface condition concerns. In most areas that exhibited issues with displacements, surface condition, or changes in level, there were other issues (e.g., cross slope). Tree roots can cause heaving of sidewalks, but was uncommon in the City.



Examples of displacements, separations, and pavement in poor condition in need of maintenance.

Addressing the Issue:

Changes in level and surface condition are a common problem as infrastructure ages. These issues tend to be worse in more temperate areas that have extremes in temperature that cause heaving and where excessive salt use affects the surface. Temporary fixes of high hazard areas can be implemented to promote the safety of all users while long-term solutions are set into action. Public input is particularly important in locating hazardous areas as they occur since issues can occur at any time. In general, the following solutions can address changes in level and surface condition. It may be helpful to set up a protocol for public reporting of such areas.

Level Changes

- Temporary placement of concrete or asphalt to ramp from adjacent panel where level changes are severe
- Grinding the edge at surface level changes of up over ½” to achieve allowable bevel
- Replacement of concrete sidewalk panels



Grinding of small displacements



Temporary patching for large displacements

Surface Condition

- Replacement of damaged concrete sidewalk panels
- Minimize use of salt and other compounds that can affect surface condition of pavements
- Maintenance to keep free of vegetation and debris

4.6 Obstructions, Protrusions, and Utility Considerations

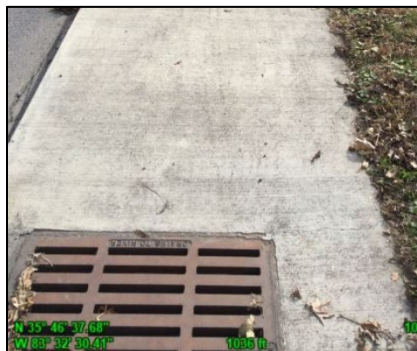
Requirements:

Per R402.2, protruding objects are those objects with leading edges more than 27" and not more than 80" above the finish surface which protrude more than 4" horizontally into pedestrian circulation paths. Per R210, street furniture and other objects may not reduce the minimum clear width of the PAR. These items would be considered an obstruction of the continuous clear width provided.

Obstructions typically include light and utility poles, newspaper and mailboxes, vegetation, signs, hydrants, and site furnishings. Other barriers include, but are not limited to, manholes, valve covers, open grate castings, and access boxes. These conflicts are generally classified as vertical displacements and slip hazards. There are limited areas where vehicles in parking lots abut the PAR. Some parking lots do not have curbing or bumper blocks that restrict the vehicles from overhanging the PAR and reducing it to less than 48" width. Obstructions can also be temporary in nature, including trash and recycling containers that are placed weekly at the curb on the PAR, cars in residential driveways, and chairs and tables for outdoor dining outside of businesses. There are many residential areas with sidewalks immediately adjacent to a mountable curb or no curb where cars were observed often riding up onto the PAR to obstruct it for pedestrian traffic.



Temporary obstructions include cars in parking lots overhanging the PAR, trash and recycling containers, and outdoor dining tables and chairs and signs.



Examples of utility structures and debris along the PAR that can present issues for disabled users.

Addressing the Issues:

Moveable obstructions may include furniture, signage, parked cars, and trash and recycling containers. These items may be addressed by enactment and/or enforcement of ordinances regarding their placement. Some communities have opted to include within their design standards a requirement to ensure parking on commercial sites does not overhang the PAR. Others have enacted ordinances to prohibit blocking the PAR, both within private parking lots as well as in residential areas where objects are often placed in a manner that blocks the PAR. Pigeon Forge has an ordinance prohibiting the obstruction of sidewalks by parked

vehicles. Similar restrictions on location of trash bins for pickup could be developed. Education of residents of the importance of maintaining a clear PAR is essential to the success of the issues being addressed. Vegetative obstructions and protrusions can be managed with routine maintenance and by encouraging homeowner participation in maintaining a clear ROW.



Examples of obstructions of the PAR that reduces the width to less than 48".

Fixed obstructions may be costly to address as they generally occur with utilities and may require relocation or purchase of right-of-way from adjacent landowners. For these items, a work-around solution is often preferred. These may include widening a small portion of sidewalk where possible or providing an equivalent alternate route. Providing a narrow area of tree lawn between the curb and sidewalk can assist by providing an area for items such as signs and mailboxes to be placed without obstructing the PAR and can also assist with resolving issues for temporary items like trash and recycling containers. Vegetation needs to be maintained by adjacent property owners to ensure it does not obstruct the PAR.



Example of overgrown vegetation that reduces the PAR width to less than 48".

4.7 Overall Compliance

The information above is useful in identifying trends in the deficiencies as a means to prevent them from occurring in new construction. However, the goal of this Transition Plan is to list the physical barriers in the City’s ROW facilities that limit the accessibility and, therefore, it is necessary to look at each location as a whole to determine overall compliance in order to provide a detailed outline of the methods to be utilized to remove these barriers and make the facilities accessible. All solutions offered address only the criteria indicated. The PAR network within Pigeon Forge, particularly along the Parkway, warrants attention to correct deficiencies, particularly when construction projects are planned on adjacent private properties. The biggest issue to address, particularly along the Parkway, is the large number of driveway curb cuts and non-compliant cross slopes at the crossing of the PAR. Complete reconstruction may be required where multiple compliance issues are involved. *See Appendix B* for data reports.

4.8 Sidewalk Barrier Ranking Analysis

The City’s self-evaluation of the public ROW takes into account factors such as level of use, degree of danger posed, complaints or requests for repair received, and other factors and are grouped into two categories – Contributing Contextual Factors and Physical Impedance Factors. These categories are further defined in Section 3 of this report.

Self-Evaluation Findings:

Based on the data collected, a percentage of replacement required was calculated for each data location. This percentage was then applied to the linear footage of that data collection area and multiplied by the approximate cost of sidewalk replacement (in 2019 dollars). Based upon these calculations, the following table illustrates the estimated value of improvements required to make all sidewalk facilities accessible. The evaluation resulted in finding over 52.3% of sidewalk locations in the City being out of compliance overall. This is dramatically lower than many communities, which often exceed 70% non-compliance. Even though not all panels of sidewalk are non-compliant, the actual amount of reconstruction likely to occur will require the small areas that are compliant to be included within projects since it is typically more costly to do selective sidewalk reconstruction over reconstruction of entire sections with logical endpoints.

The amount of High Priority sidewalk is very low, as there are limited areas where accessibility is limited due to primarily cross slopes and driveway issues discussed above. The City should closely evaluate the cost implications vs. the increase in accessibility in regard to corrections to highly usable areas. A percentage of the Low Priority items are due to minor cross slope deviations, but are otherwise in excellent condition. The High Priority areas typically have significant areas along each block face that have issues that severely limit accessibility, again being primarily cross slopes and driveway issues. Note that the costs provided do not include costs for ROW purchase, easements, appraisals, surveying, design, etc. and it is very likely that actual costs of the program will vary based on a number of factors. *See Appendix B* for data reports.

Table 4.1. Summary of Sidewalk Costs.

| Sidewalk Summary | |
|---|--------------------|
| Low Priority Sidewalk | \$2,707,462 |
| Medium Priority Sidewalk | \$2,579,774 |
| High Priority Sidewalk | \$401,847 |
| Total Estimated Sidewalk Improvement Costs | \$5,689,082 |

5.0 Self-Evaluation of Pedestrian Facilities within the Public ROW – Curb Ramp Inventory

This section of the SETP summarizes the review of current curb ramps within the public ROW. Curb ramps are an essential facility within the public ROW that allows for continuation of the PAR at street crossings. ADA regulations require that a curb ramp be provided at intersections where a PAR is present. The requirements for curb ramps, as contained in R304 of PROWAG, include standards for running slope (1:12 or 8.33% maximum), cross slope (1:50 or 2% maximum), width (48" minimum), presence of landings and/or turning spaces (TS), clear spaces, grade breaks, and detectable warnings (DW).

PROWAG includes within R207.1 the provision that *'A curb ramp, blended transition, or a combination of curb ramps and blended transitions complying with R304 shall connect the pedestrian access routes at each pedestrian street crossing. The curb ramp (excluding any flared sides) or blended transition shall be contained wholly within the width of the pedestrian street crossing served.'* R207.1 essentially requires a dedicated curb ramp be provided for each direction of street crossing for all new construction and alterations, with the exception in R207.2 that *'alterations where existing physical constraints prevent compliance with R207.1, a single diagonal curb ramp shall be permitted to serve both pedestrian street crossings.'*

The findings and recommendations contained in this section will provide the basis for the implementation of specific improvements to accessibility on City curb ramps. Approximately 394 data collection locations were evaluated. In some cases, curb ramps were not provided where a PAR is present or crossings were not provided in all possible directions. A determination was made regarding the need to provide crossings where they are not currently provided based on existing conditions and options available.

5.1 Curb Ramp Types

Curb ramps types are classified based on the orientation of the ramp to the adjacent curb. As stated in Advisory R304.1 of the PROWAG, the following types of curb ramps exist:

Perpendicular Curb Ramp

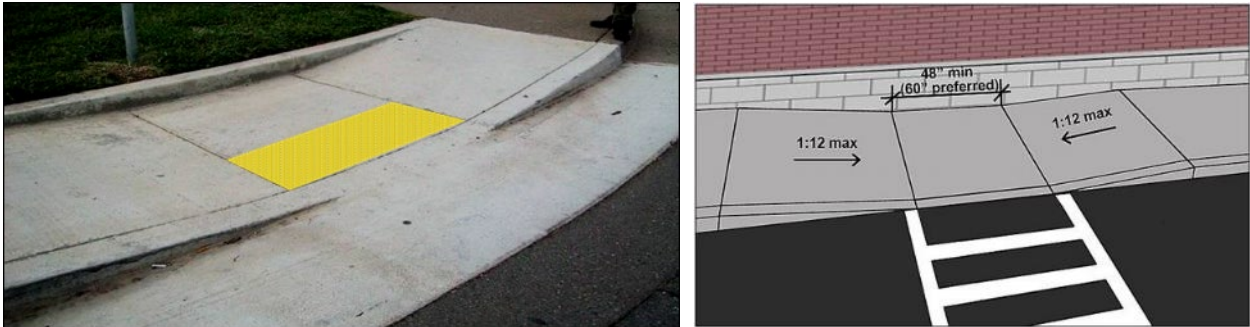
Perpendicular curb ramps have a running slope that cuts through or is built up to the curb at right angles or meets the gutter break at right angles where the curb is curved. The general direction of the curb ramp is perpendicular to the curb. Perpendicular curb ramps do not require edge delineation where the adjacent area is not part of the pedestrian circulation area (PCA) and is cane-detectable (e.g., turf). Where a PCA is adjacent on one or both sides, side flares are required.



Example perpendicular curb ramps, with and without flares based on presence/absence of PCA.

Parallel Curb Ramp

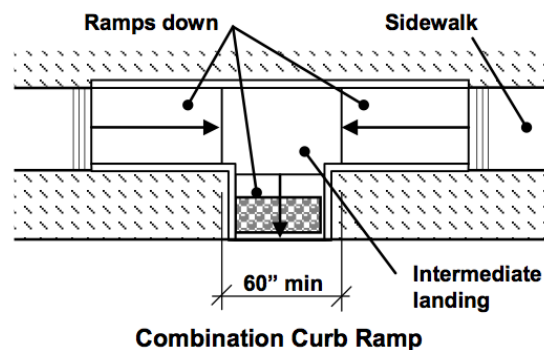
Parallel curb ramps have a running slope that is parallel to the curb and have a ramp in each direction from the point of entry from the street. Parallel ramps can be useful where ROW is limited to get a pedestrian from street level to the sidewalk in a shorter depth space. Parallel ramps are also useful along PARs where driveway transitions require either elevation or lowering of the PAR approach to the driveway.



Example parallel curb ramps, showing the level area at the intersection with the street crossing and adjacent

Combination Curb Ramp

Parallel and perpendicular curb ramps can be combined and can be utilized where the sidewalk approaches are much higher in elevation than the street level at the intersection. A parallel curb ramp is often used to lower the sidewalk to a mid-landing/turning space and a short perpendicular curb ramp connects the landing to the street. Combination curb ramps can be provided where the sidewalk is at least 6.0 feet wide and can provide access in situations where the sidewalk is much higher than 6" above the street elevation.



Example combination curb ramp, with a perpendicular ramp to a common landing and adjacent parallel ramps.

Blended Transition

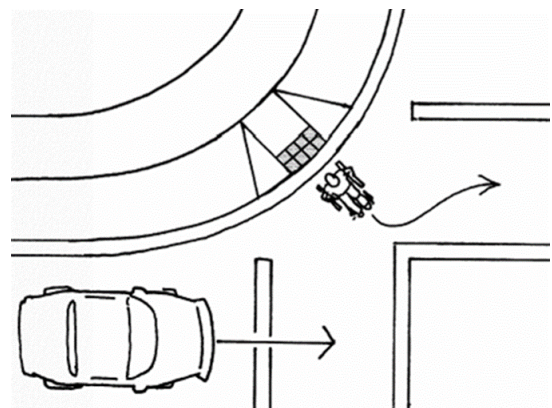
Blended transitions are raised pedestrian street crossings, depressed corners, or similar connections between pedestrian access routes at the level of the sidewalk and the level of the pedestrian street crossing that have a grade of 5 percent or less. Blended transitions are suitable for a range of sidewalk conditions. In many locations, particularly in downtown business districts, diagonal blended transitions were commonly used where there were subtle differences between the PAR and adjacent roadway at intersections. As discussed below, diagonal curb ramps/blended transitions are no longer allowed per PROWAG except under unusual conditions.



Diagonal blended transition. Note the level transition from the street crossing to the PAR.

Diagonal Curb Ramp/Blended Transition

A very common type of curb ramp, including many in the City, are diagonal curb ramps. Diagonal curb ramps can be either perpendicular or blended transitions. Regardless of the type, diagonal curb ramps provide access to multiple directions of street crossings. Per R207.1 of PROWAG, two ramps are typically required at each corner. Diagonal curb ramps are not the preferred method of construction due to lack of directional cues for pedestrians using the crossing and safety concerns created by vehicles misconstruing pedestrian intentions. Per R207.2, where existing physical constraints prevent compliance with R207.1, a single diagonal curb ramp shall be permitted to serve both pedestrian street crossings.



Diagonal blended transition (left) and diagonal perpendicular ramp (right). Both provide access to street crossings of more than one direction and are permitted by PROWAG R207.1 only in certain locations.

Per the Technical provisions of R304 and R305 of PROWAG, curb ramps must meet the following general criteria. Some of the requirements are specific to the type of ramp, whereas others are common requirements of all ramps. Additional discussion about most is included in following subsections:

- Turning Spaces – R304.2.1 Perpendicular Ramp and R304.3.1 Parallel Ramp
- Running Slopes – R304.2.2 Perpendicular Ramp, R304.3.2 Parallel Ramp, and R304.4.1 Blended Transition
- R304.2.3 Perpendicular Ramp Flared Sides
- R304.5.1 Width
- R304.5.2 Grade Breaks
- R304.5.3 Cross Slope
- R304.5.4 Counter Slope
- R304.5.5 Clear Space

- R305 Detectable Warning Surfaces

5.2 Ramp Width

Requirements:

Per R304.5.1, the clear width of curb ramp runs (excluding any flared sides), blended transitions, and turning spaces shall be 4.0 feet minimum. The ramp width is typically measured at the point that the curb is at or very near the same level as the street.

Findings:

A vast majority of curb ramps evaluated were compliant for width. A relatively small number were less than the required 4' width and typically had other compliance issues that affected accessibility more than the width.

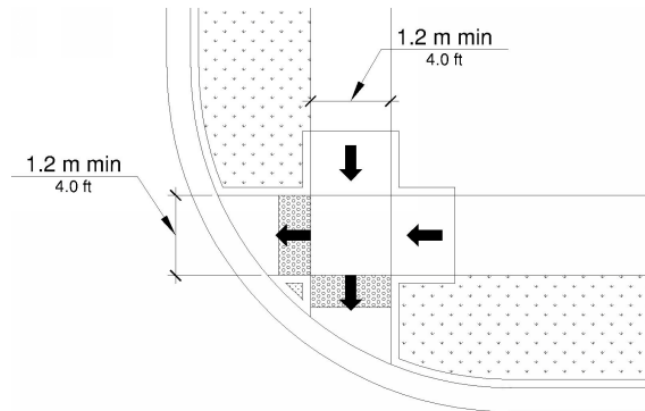


Figure R304.5.1
Width



Examples of curb ramps that are less than the minimum 48" width required.

Addressing the Issue:

Ramp width is typically not restricted and attaining the minimum 48" should be accomplished without difficulty. In some cases there could be permanent obstructions but typically when curb ramps are too narrow it is a result of construction errors. If an unobstructed area is available within the ROW at a current non-compliant location for width, the ramp can be widened by replacement or addition of pavement. If ROW or an obstruction is a limiting factor, a different ramp configuration may alleviate the problem. If not, the ramp or obstruction may need to be relocated, or inquiries made about obtaining additional ROW.

5.3 Ramp Running Slopes

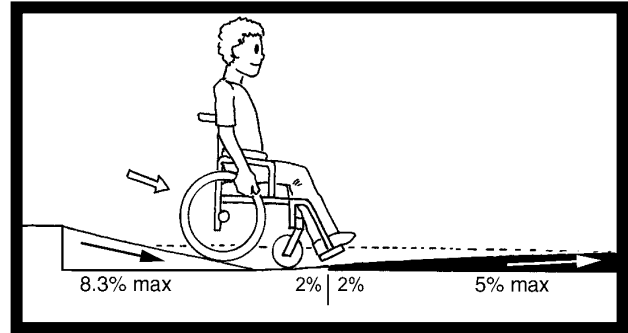
Requirements:

Per R304.2.2, the running slope of the curb ramp shall cut through or shall be built up to the curb at right angles or shall meet the gutter grade break at right angles where the curb is curved. The running slope of a curb ramp is 5% minimum and 8.3% maximum but shall not require the ramp length to exceed 15 feet. If less than 5%, it is considered a blended transition instead of a ramp. The counter slope of the gutter or street at the foot of curb ramp runs, blended transitions, and turning spaces shall be 5 percent maximum. Counter slopes and/or ramp running slopes that exceed these maximums can cause a wheelchair user's footrests to

hit the ground when going down the ramp and spill the user forward out of their chair. For that reason, ramps with extreme running slopes over 10% are typically a high priority to address.

Findings:

As noted above for ramp width, the number of ramps that were not in compliance with the 8.33% maximum running slope was relatively small though higher than the number of ramps with non-compliant width. To provide a compliant 8.33% maximum running slope for a perpendicular ramp for a typical 6" curb, the distance required from the grade break to the top of the ramp is 6 feet minimum, at which point a minimum 48" top landing is required. In many areas the running slope complies but there is no landing or TS provided because of the lack of depth.



Addressing the Issue:

Non-compliant ramp running slopes can be caused by a number of factors including construction tolerances, design inconsistencies, design and/or contractor error, construction prior to current standards, steep roadway grades, adjacent buildings or obstructions, or limited ROW. In Pigeon Forge, most instances of running slope non-compliance was due to trying to construct a perpendicular ramp within a space that would not allow for a compliant solution. As part of the transition plan for curb ramps, given the limited ROW available at most locations, it is likely that:



Curb ramp with excessive running slope.

- Curb ramps will need to be constructed as parallel ramps rather than perpendicular
- Construction of 2 ramps at an existing diagonal ramp will be needed
- Construction of a combination ramp may be needed where elevation differences on intersection approaches of the PAR are high
- Incorporating returned curbs or retaining wall to avoid adjacent obstructions or limited ROW

5.4 Ramp Cross Slopes

Per R304.5.3, the cross slope of curb ramps, blended transitions, and turning spaces shall be 2 percent maximum.

Requirements:

Per R304.5.3, the cross slope of curb ramps, blended transitions, and turning spaces shall be 2 percent maximum. At pedestrian street crossings without yield or stop control and at midblock pedestrian street crossings, the cross slope shall be permitted to equal the street or highway grade.

Findings:

Within the City, there were a limited number of curb ramps with cross slopes over 2%. Some are minor deviations that do not affect the usability, though many of these have other issues not related to ramp cross slope that present a barrier to access.



Curb ramps with excessive cross slopes. These ramps also typically have non-compliant landing/TS cross slope.

Addressing the Issue:

Non-compliant ramp cross slopes are usually the result of minor field adjustments by contractors or errors during construction or a poor transition from the roadway/driveway to the ramp. A 2% slope, the maximum cross slope allowed, is only 1/4" of elevation change per foot, so even minor adjustments or errors tend to result in non-compliant cross slopes. The only solution available is reconstruction of ramps that have excessive cross slopes.

5.5 Landings/Turning Spaces

Requirements:

Per R304.2.1, perpendicular ramps require a turning space of 4.0 feet minimum by 4.0 feet minimum be provided at the top of the curb ramp, which also serves as a landing or rest area. Where the turning space is constrained at the back-of-sidewalk by a building for example, the turning space shall be 4.0 feet minimum by 5.0 feet minimum, with the 5.0 foot dimension provided in the direction of the ramp run. Parallel ramps also require a turning space per R304.3.1, which has the same dimensional requirements and is required to be 5.0 feet in the direction of the street crossing if the turning space is constrained on two or more sides. Turning spaces are also required at changes in direction that occur along the PAR, which is typically in the area of the curb ramps.

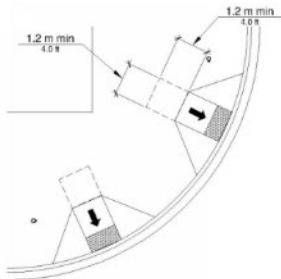


Figure R304.2.1
 Turning Space

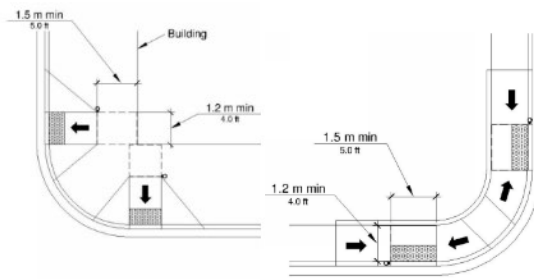


Figure R304.3.1
 Turning Space

Findings:

Within the City, as in most communities, there are a number of primarily perpendicular curb ramps that do not provide compliant turning spaces. These locations typically are located where there is not adequate room to construct a perpendicular ramp and results in no turning space being provided. Wheelchairs attempting to use these ramps would be in jeopardy of tipping over when attempting to turn. This was the most prevalent high priority issues to address with curb ramps in the City. As illustrated in the examples shown, curb ramps with non-compliant turning spaces often have other non-compliance issues. Parallel ramps with non-compliant turning spaces were often highly usable.



Example of curb ramps that lack a compliant turning space.

Addressing the Issue:

Non-compliant turning spaces/landings are caused primarily by construction of the wrong kind of ramp in a space that is inadequate to provide the required slopes and dimensions. In most cases the only means to provide a compliant turning space/landing is to reconstruct the ramp and use a parallel configuration. In areas where there is adequate space that was simply not used in the original construction, reconstruction to the extent required to provide compliant dimensions and slopes is needed. In some cases, separation of a single ramp into 2 ramps is the best solution.

5.6 Flares

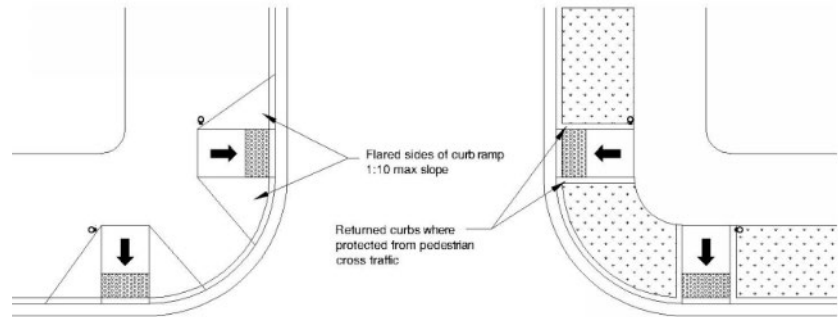
Requirements:

Per R304.2.3, where a pedestrian circulation path crosses the curb ramp, flared sides shall be sloped 10 percent maximum, measured parallel to the curb line. The flares are not considered part of the PAR but as part of the PCA, the slopes assist in transitioning the steep slope of perpendicular curb ramps to the flat slope of the PAR. Note that per Advisory R304.2.3, where there is no PCA adjacent to the ramp, such as a turf area, or there are objects adjacent to the ramp that essentially block it from being part of the PCA, no flares are required. In these cases, vertical curbs can be used and are preferred since they provide directional cues.

Findings:

During the self-evaluation, it was found that:

- Few locations did not require a flared side. A majority of sidewalks in the City are located immediately adjacent to the curb or street.



**Figure R304.2.3
Flared Sides**

- A low number of perpendicular curb ramps that require 10% maximum flares that far exceeded the standard. The flares that were present were often a rolled curb that exceeded 25% slope. These severe slopes are trip hazards in the PCA. In some locations, there are other more severe non-compliance issues, including lack of turning spaces.

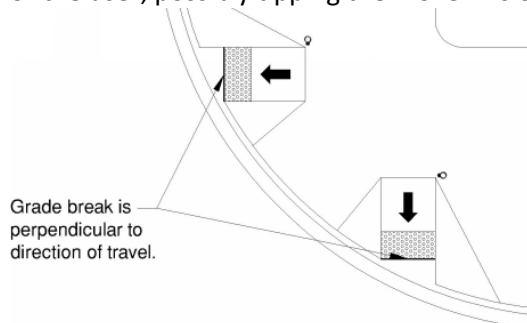
Addressing the Issue:

Non-compliant flare slopes or configurations are typically caused by design and/or construction errors and installation of perpendicular curb ramps where there isn't adequate room to install a ramp that meets all dimensional and slope requirements. The only solution in most cases is reconstruction of the entire ramp. Where flare slopes are the only compliance issue, placement of an obstruction to the side is another option but these situations are rare.

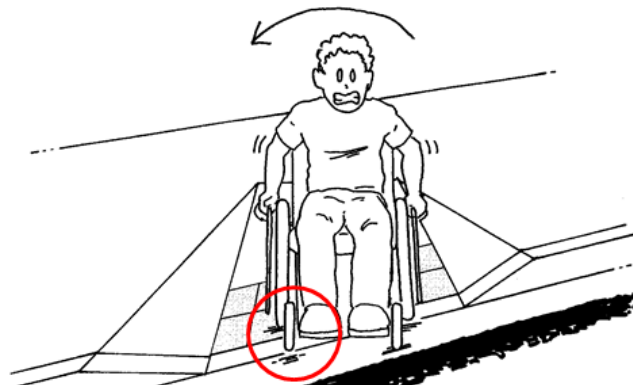
5.7 Ramp Grade Breaks and Clear Space

Requirements:

R304.5.2 requires that grade breaks at the top and bottom of curb ramp runs be provided that are perpendicular to the direction of the ramp run. Grade breaks are not permitted on the surface of the ramp run or turning spaces and slopes that meet at grade breaks are required to be flush. Grade breaks that are not perpendicular to the ramp run can cause wheelchair front casters to lift off the ground and be a hazard for the user, possibly tipping them over if slopes are severe enough.



**Figure R304.5.2
Grade Breaks**



In addition, R304.5.5 requires a 4.0 foot by 4.0 foot minimum clear space beyond the bottom grade break that is located both within the crosswalk and entirely outside of the parallel vehicle travel lane. This clear space allows a wheelchair user to negotiate the curb ramp and have a space at the bottom outside the traffic lane within which to wait to cross.

Findings:

During the self-evaluation, it was found that relatively few curb ramps failed to provide either a compliant grade break or clear space. Some of this is due to the high number of diagonal ramps that provide crossings in multiple directions. The few locations where there was an issue had other compliance issues in most cases.

Addressing the Issue:

There are no solutions to correcting these issues short of full reconstruction of the ramp. Altering the grade break will generally require chasing the grade one or more sections of sidewalk away from the curb and clear space issues will require relocation or total reconfiguration of curb ramps, most likely to a parallel ramp or reconstruction at the intersection to separate a single ramp into two.

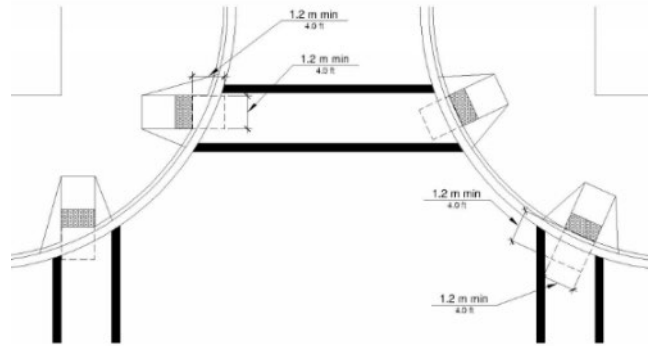


Figure R304.5.5
Clear Space



Example of curb ramp that does not provide the required perpendicular grade break.

5.8 Detectable Warnings

Requirements:

Detectable warning (DW) surfaces indicate the boundary between pedestrian and vehicular routes where there is a flush rather than curbed connection (i.e., at curb ramps). Per R208.1, DW surfaces are required at curb ramps and blended transitions at pedestrian street crossings, pedestrian refuge islands (unless at street level AND less than 6' in length), pedestrian at-grade rail crossings not located within a street or highway and transit stops, and some boarding platforms for transit. DWs are not intended to provide guidance for wayfinding for blind or low vision pedestrians.

DWs have historically been poorly understood and misapplied in many situations that create confusion for blind and low vision pedestrians. DWs should not be provided at crossings of residential driveways as the pedestrian ROW continues across residential driveway aprons. They can be provided at high traffic volume commercial driveways that function similarly to roadways, such as those found at large commercial centers. Detectable warnings are not required outside the public ROW other than some transit platforms.

Per R305.1, Detectable warning surfaces shall extend 2.0 feet minimum in the direction of pedestrian travel and the full width of the ramp run (excluding any flared sides), blended transition, or turning space. Some DW products require a concrete border for proper installation, which is not allowed to exceed 2 inches per Advisory R305.2. DW surfaces are required to contrast visually with the adjacent gutter, street, and PAR, either light-on-dark or dark-on-light.

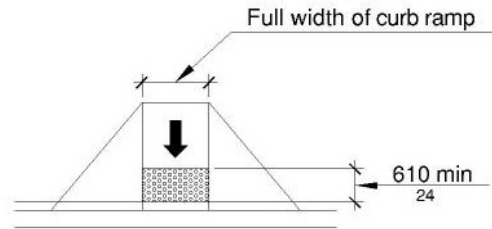
For perpendicular curb ramps, DWs are required to be placed:

1. Where the ends of the bottom grade break are in front of the back of curb, detectable warning surfaces shall be placed at the back of curb.
2. Where the ends of the bottom grade break are behind the back of curb and the distance from either end of the bottom grade brake to the back of curb is 1.5 m (5.0 ft) or less, detectable warning surfaces shall be placed on the ramp run within one dome spacing of the bottom grade break.
3. Where the ends of the bottom grade break are behind the back of curb and the distance from either end of the bottom grade brake to the back of curb is more than 1.5 m (5.0 ft), detectable warning surfaces shall be placed on the lower landing at the back of curb.

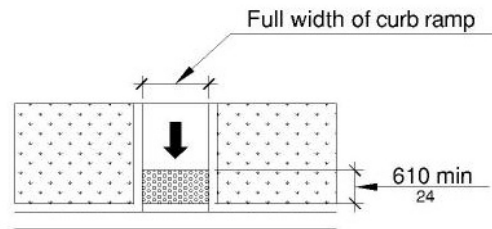
DWs at parallel curb ramps are required to be placed on the turning space at the flush transition between the street and sidewalk (R305.2.2) DWs for blended transitions are required at the back of curb.

Findings:

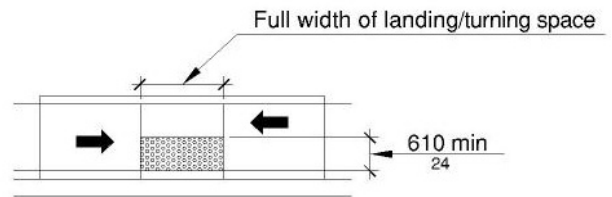
DWs were provided at a surprisingly low proportion of existing curb ramps. There were some locations where DWs have been placed on existing curb ramps but the DW is not full width of the ramp. In addition, there were some recently constructed ramps with DWs installed incorrectly, with the most common errors being DWs that were not full width of the ramp or oriented in a way that does not provide a full 24" depth for the entire ramp width. Note also that there are many locations in the City where DWs are used both on interior sites at parking lots and other areas and at low volume driveways. DWs should be discouraged from use outside of the public ROW except where required by ADASAD (e.g., transit platforms) and within the ROW at driveways that do not have high traffic volumes or have signal control.



(a) perpendicular

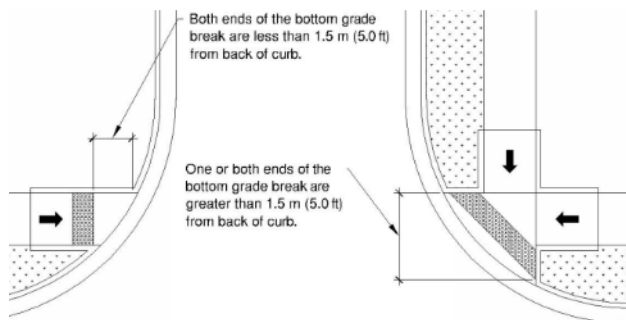


(b) returned curb

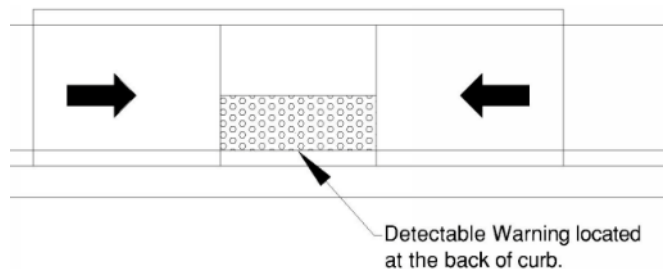


(c) parallel

**Figure R305.1.4
 Size**



**Figure R305.2.1
 Perpendicular Curb Ramps**



**Figure R305.2.2
 Parallel Curb Ramps**



Example of curb ramps with detectable warnings that are not full width of the ramp.



DWs that are oriented poorly and are not 24" depth in entire direction of pedestrian movement.

Addressing the Issue:

In many cases, curb ramps with non-compliant or missing DWs have other issues that cannot be easily addressed without reconstruction, with many ramps having only a missing DW as a non-compliant feature. Retrofit DW kits are available for use on ramps where all other criteria are compliant and should be considered for use in these locations. Some non-compliant locations with high pedestrian volumes or known blind pedestrian users should be considered for these retrofit kits until the ramp can be corrected entirely. For locations where the DW does not extend full width or required 24" depth, they can be removed and replaced along with any concrete damaged by the operation. For all future DW installations, steel, HDPE, or cast iron products that provide greater durability for the truncated domes are recommended. Using these products in lieu of a brick or cast concrete panel may minimize plow damage and wear of truncated domes.



Curb ramps lacking DWs as required or which have low contrast.

5.9 Drainage

Requirements:

Curb ramps should be located such that they are not located at low points in the gutter where water may pond. This water can be several inches deep in some cases, something a blind person would not know about until they walked through it. Wheelchair users have no options other than to use curb ramps in many cases, and these poor drainage locations can be an issue. During times of cold weather, even shallow depths of water can freeze, creating a slip and fall hazard at the bottom of the curb ramp. In addition to the hazard and inconvenience provided by ponded water and/or ice, sediment carried by runoff tends to accumulate where water ponds. This sediment can cause issues with slip resistance of the surface.

According to the FHWA publication “Designing Sidewalks and Trails for Access”, *‘poor drainage at the bottom of a curb ramp is inconvenient to all pedestrians. It is a particular nuisance for people who rely on the curb ramp for access and who will, therefore, not be able to avoid the area. When the water eventually dries up, debris, which further impedes access, is usually left at the base of the ramp. In cold-weather locations, water that does not drain away can turn into slush or ice, creating a more hazardous situation’.*

Findings:

The self-evaluation noted a number of locations with either standing water within the curb ramp at the time of the evaluation or deposits of sediment, indicating that standing water is common. In some cases, the poor drainage is a result of changes to the low point in the gutter from an asphalt overlay. In others, drainage was either not considered adequately during design of the roadway or was not constructed according to the plans.

Addressing the Issue:

Best practices for avoiding drainage issues include locating drainage structures on the uphill side of ramps, locating low points 6’ or more from the ramp, ‘tabling’ the intersection slightly where tying into ramps,

designing gutter slopes with continuous flow to carry water past the foot of ramps, eliminating changes in level at the gutter line, and maintaining inlets and gutters to ensure adequate flow during rain events. Many of the curb ramps with noted drainage issues have other compliance issues, including providing only one ramp for multiple road crossings.



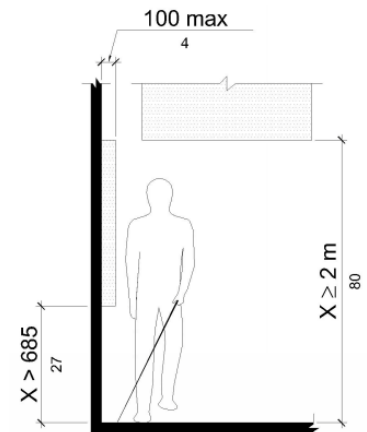
Examples of curb ramps with drainage issues and/or evidence of regular ponding, often with sediment deposition.

5.10 Obstructions, Protrusions, Vertical Discontinuities, and Horizontal Openings

Requirements:

Per R302.3, the continuous clear width of the PAR shall be 4.0 feet minimum, exclusive of the width of the curb. Curb ramps are extensions of the PAR and therefore required to maintain the same clear width. Further, R210 states that objects along or overhanging any portion of the PCA shall comply with R402 (protruding objects) and shall not reduce the clear width required for PAR. Per R402.2, protruding objects are those objects with leading edges more than 27" and not more than 80" above the finish surface which protrude more than 4" horizontally into pedestrian circulation paths. Common obstructions and protruding objects include utility and light poles, signposts and signs, and a variety of other permanent objects.

R302.7.2 requires vertical surface discontinuities be 0.5" maximum and beveled if 0.25-0.5 inches. In addition, per R302.7.3, horizontal openings in gratings and joints or cracks shall not permit passage of a sphere more than 13 mm (0.5 in) in diameter. Elongated openings in gratings shall be placed so that the long dimension is perpendicular to the dominant direction of travel.



**Figure R402.2
 Protrusion Limits**

Findings:

Obstructions that were observed included light and utility poles, signposts, hydrants, and utility cabinets. In most cases, these obstructions encroached on the clear width of a turning space though some were located on the ramp run. Some obstructions could be worked around when curb ramps are reconstructed, but there are several that do not have an easy solution due to lack of ROW and other significant constraints.



Example of curb ramp with obstruction at the turning space.

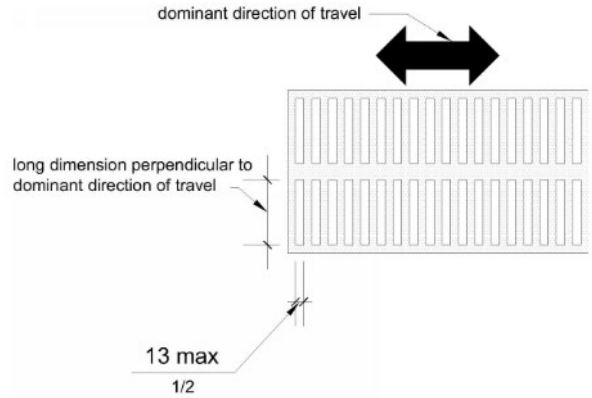


Figure R302.7.3
 Horizontal Openings

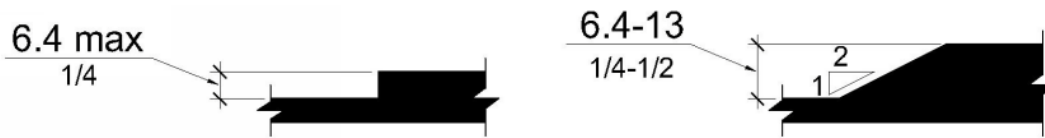


Figure R302.7.2
 Vertical Surface Discontinuities

Vertical discontinuities were somewhat common, with the most common issue being located at the gutter pan or interface with the roadway. Some discontinuities were several inches high. Other issues were observed at displaced cracks in the pavement, at the top of the ramp at the TS, or raised utility structures.



Examples of curb ramps with vertical discontinuities that exceed 1/2" at the curb, on the ramp, or the TS.

Horizontal openings were not common, but included drainage structures located within clear spaces and cracks that have separated to exceed 1/2". Some storm structures with 1/2" openings are not oriented such that the openings are perpendicular to the primary path of pedestrian travel.

Addressing the Issue for Future Construction:

Fixed obstructions may be costly to address as they generally occur with utilities and may require relocation or purchase of ROW from adjacent landowners. For these items, a work-around solution is often preferred

and may include widening a small portion of sidewalk where possible or providing an equivalent alternate route. In some cases, obstructions may have no options for work arounds without being creative, such as providing bulbouts if on-street parking is available or the street width allows. Other obstructions, like signs, should be able to be relocated to provide the required 48" clear width of the PAR. Many locations with obstructions had other non-compliance issues that will require curb ramps reconstruction. Consideration of how to treat obstructions will need to be determined during the design phase.



Example of curb ramp with utility structure on the clear space.

A low number of curb ramps have issues with vertical discontinuities. In most cases, curb ramps with vertical discontinuities exhibit other non-compliance issues that will require reconstruction. For locations that are compliant other than vertical discontinuities, these can be corrected by grinding the edge to provide the maximum ½" allowable bevel or a temporary patch of asphalt or other compliant material can be placed to eliminate the vertical issue.

Horizontal displacement issues were not common but need to be addressed. In instances where drainage structures are located within clear spaces, covers should be provided that have openings that do not exceed ½" and oriented properly. Curb ramps with horizontal crack openings can be temporarily filled until the concrete panel can be replaced.

5.11 Overall Compliance

Overall compliance of curb ramps in the City is moderate, with over 11% of existing ramps meeting all requirements. Many of the non-compliant ramps (over 17%) with one or more issues are still quite usable and typically designated as "Low" priority. Higher priority ramps tend to have compliance issues that create a more significant barrier to use, with "High" priority ramps (almost 27%) presenting issues that would make use by a wheelchair extremely difficult. The goal of this transition plan is to list the physical barriers in the City's ROW facilities that limit the accessibility and, therefore, it is necessary to look at each location as a whole to determine overall compliance in order to provide a detailed outline of the methods to be utilized to remove these barriers and make the facilities accessible. All solutions offered address only the criteria indicated. Complete reconstruction will often be required where multiple compliance issues are involved.

The extent of reconstruction required for existing ramps and blended transitions varies, but it is likely that most ramps will need to be reconstructed to various extents. Some locations may require simple fixes such as replacing or installing tactile warnings or replacement of a non-compliant flare. A vast majority of the intersection quadrants only provide a single curb ramp for multiple crossing directions. R207.1 requires a curb ramp or blended transition for each pedestrian street crossing, essentially a dedicated ramp for each direction of street crossing. The exception to this is the presence of an existing physical constraint that prevents provision of a ramp for each crossing, in which case a single diagonal ramp would be allowed (R207.2). This exception is not applicable to most non-compliant cases found in the City. Each location will require a thorough examination in order to design the correct solution to its unique situation. Locations without a curb ramp provided constitute the greatest barrier to use and require full replacement.

5.12 Curb Ramp Barrier Analysis

The City’s self-evaluation of the ROW takes into account factors such as level of use, degree of danger posed, complaints or requests for repair received, and other factors and can be grouped into two categories – Contributing Contextual Factors and Physical Impedance Factors. These categories are further defined in Section 3 of this report. Within Appendix B, the curb ramps are ranked as Compliant, Low Priority, Medium Priority, and High Priority after considering the physical impedance factors. See information regarding contextual factors in Section 3.

In addition, the methodology used for estimating costs of corrections included categorizing all curb ramps into cost groups based on amount of rework required. The categorization includes, in most cases, the assumption that existing diagonal ramps will be separated into two ramps. Note that the costs provided below do not include costs for ROW purchase, easements, appraisals, survey, design, inspections, etc. and it is very likely that actual costs of the program will vary based on a number of factors and be much higher. See *Appendix B* for data summary by location.

Table 5.1. Summary of Curb Ramp Costs.

| | |
|--|------------------|
| Curb Ramp Summary | |
| Low Priority Curb Ramps | \$128,300 |
| Medium Priority Curb Ramps | \$450,400 |
| High Priority Curb Ramps | \$321,800 |
| Total Estimated Curb Ramp Improvement Costs | \$900,500 |

6.0 Transition Plan

The Transition Plan describes how Pigeon Forge will be transitioning to full compliance with the ADA and the applicable standards. Public entities, like the City, are required to provide access to City programs, services, and activities for all recipients. Thus, the City must provide access for individuals with disabilities and document areas of non-compliance. Additional documentation should be provided as barriers are removed.

If structural changes are identified to provide program accessibility as part of the self-evaluation, the ADA identifies specific elements to be included in the transition plan. At a minimum, the elements of the Transition Plan are:

- 1) A list of the physical barriers in the City's facilities that limit the accessibility of its programs, activities, or services to individuals with disabilities [\[28 CFR 35.150 \(d\)\(3\)\(i\)\]](#)
- 2) A detailed outline of the methods to be utilized to remove these barriers and make the facilities accessible [\[28 CFR 35.150 \(d\)\(3\)\(ii\)\]](#)
- 3) The schedule for taking the necessary steps to achieve compliance with Title II of the ADA. If the time period for achieving compliance is longer than one year, the plan should identify the interim steps that will be taken during each year of the transition period [\[28 CFR 35.150 \(d\)\(3\)\(iii\)\]](#)
- 4) The name of the official responsible for the plan's implementation. [\[28 CFR 35.150 \(d\)\(3\)\(iv\)\]](#)

The transition plan is a reaction to the findings of the facility audits, assessments of City policies, services, programs, and activities, and input from advocacy groups and the public. Recommended actions for City policies and programs can be found in Section 2.0.

The specific architectural and site improvement modifications required to make programs accessible are listed in the Pigeon Forge Facility Reports (see *Appendix A*). Facility reports include buildings and their related grounds that are owned, operated, or leased by Pigeon Forge or facilities that provide programs of Pigeon Forge Government. Each facility report contains a list of items that do not meet current ADASAD standards and suggested barrier removal actions. Not all of these barriers must be removed by making renovations to the facilities in order to provide program compliance with the ADA. Removing barriers limiting access to programs or those which present a safety hazard should be the City's first priority.

6.1 Phasing of Corrections

A phased implementation of the required corrections to remove physical barriers at City-owned facilities is recommended and required. The City, like most Title II agencies, has limited funds and cannot immediately make all facilities fully compliant with ADA standards. Prior to setting priorities, baseline criteria needed to be established to develop a starting point for ranking the deficient facilities identified during the self-evaluation.

Site priorities were determined by evaluating each site's level of use, social need, civic function, and the general uniqueness of the site. At the time of the development of this report, few public complaints had been received about City-owned facilities. Complaints were not used as criteria to determine the phasing of improvements for any particular site, though future complaints could be the basis for funding improvements.

Each of these criteria is assumed to have equal weight and no priority over another:

- **Level of Use:** Is the facility utilized quite frequently and by a large cross-section of the public?

- **Social Need:** Does the facility provide a social service or program for less fortunate or transient citizens?
- **Civic Function:** Does the facility provide access to civic programs and services that implement the civil and political rights provided by the government?
- **General Uniqueness of the Site:** Does the building, facility, or site provide a distinct program or service that cannot occur at a different location or facility?

6.2 Public Outreach

Public participation on the final contents of the Transition Plan, including setting of priorities and the phasing of improvements, is critical to the success of the endeavor and is required by law. A draft Transition Plan was made available at the Pigeon Forge Community Center, Library, and City Hall for public review and comment from July 1 to 15, 2020, for public review and comment. A PDF version was also posted on the City web site. Comments could also be provided via email as advertised and posted in a public notice placed in City Hall and published in The Mountain Press. No comments were received during the public comment period. The final Transition Plan will be submitted to the City formal acceptance. See also *Section 1.12 – Public Outreach*.

6.3 Priorities for Barrier Removal

In creating priorities, it should be the City's intent to evaluate all areas of potential deficiency and to make structural changes where necessary and when equal accommodation cannot be made in another manner. The assignment of priorities is intended to facilitate public review and to address specific concerns of the local disabled community. It must be emphasized that it is the City's intention that all individuals with all types of disabilities be reasonably accommodated to provide access to all programs offered at all facilities.

The timing of the improvements by site within each transition plan implementation phase will be determined by the City based on their preferences and criteria as established by elected and appointed official, staff, and the public. Details regarding implementation will need to be developed following acceptance of the Transition Plan, including the public input process for guiding the decision-making process. In general, the required physical improvements to meet ADA specifications at City facilities were split into three priority groups:

- High priority improvements
- Medium priority improvements
- Low priority improvements

All barriers are not equal in the impact they have on persons with various disabilities to have equal access to City facilities or programs. Following evaluation of all facilities and programs, a prioritization was done to identify a ranking system to utilize when determining which capital improvements need to be considered first and those that could be implemented in subsequent years.

1. **High priority** barriers prohibit access for disabled persons, make access extremely troublesome, or present safety hazards to all users. These barriers likely do not have acceptable alternative routes or treatments to overcome the barrier. Typically, these barriers are significant obstacles located at entry walks and doors, interior corridors, curb ramps, rest rooms, and transaction and information counters. Examples of high priority barriers would include:

- lack of barrier-free parking
- lack of accessible route to the building's door

- stairs where ramps or level surface are needed
 - doors that are too narrow
 - lack of elevator in a multi-level building
 - extremely non-compliant slopes for accessible routes or ramps
 - displacements in walks or high thresholds
 - missing handrails
 - some signage (particularly those related to life/safety)
2. **Medium priority** barriers partially prohibit access or make access quite difficult for disabled persons. For medium priority barriers, alternative routes or treatments to overcome the barrier may or may not exist. Typically, these barriers are obstacles to amenities such as secondary entry points, light switches, vending machines, and drinking fountains. Medium priority barriers may also be barriers which are significant obstacles prohibiting access but for which alternative access is available or assistance is readily available to navigate around the barrier. The presence of the medium priority barrier possibly causes a minor hazard to a disabled person who is attempting to use the facility. Examples of medium priority barriers would include:
- minor non-compliant slopes
 - some signage
 - minor issues with doors (small dimensional non-compliance, opening force and closing speed)
 - non-compliant dimensional issues (vestibules, corridors, etc.)
 - stairwell/stair issues, particularly where an elevator is not available
 - accessible restrooms
 - accessible work and service counters
 - moderately non-compliant dimensional issues
 - some protruding objects
3. **Low priority** barriers typically do not limit access to facilities or services for disabled persons. For low priority barriers, alternative routes or treatments are typically available or assistance can be provided to overcome the barrier. It is not likely that the presence of a low priority barrier would cause a danger to a disabled person who is attempting to use or access the facility. Examples of low priority barriers would include:
- many signage issues
 - minor issues with light switches, electrical outlets, etc.
 - minor non-compliant dimensional issues

The costs to remove barriers by priority for each site are shown in Table 1 and detailed for each facility in *Appendix A*. In addition, a time frame had to be identified to determine an average annual budget to consider. For the purposes of this report, a 15-year time frame was utilized to address non-compliance issues and assumes that standards and guidelines are not modified in a manner that would modify compliance. This further assumes that funding is available each budget cycle to make the necessary improvements. It is highly unlikely given the economy that this is realistic, particularly when considering that there are also likely to be a large number of other improvements needed by the City as part of regular maintenance, upkeep, and repairs.

In some instances, it may be advantageous to construct all improvements at a site at once rather than correct the high priority barriers first and come back at a later date to correct the medium or low priority barriers.

For some sites, the total cost of construction for the corrections requires that they be spread out over two or more phases. Pigeon Forge has the right to modify the priorities based on funding levels and changes in City programs, activities, and services to have flexibility in accommodating community requests and complaints. Interim resolutions, such as assigning aids, temporary signing for alternate routes or sites, and modifications of programs, activities, and services may be implemented at the City’s discretion to handle existing insufficiencies or access complaints received. All costs noted in *Appendix A* and Table 1 are 2019 cost opinions. These cost opinions are subject to change based on market conditions, economic conditions, inflation, material selection, etc. Multiple phases of projects, multiple bidding packages, design parameters, etc. all have an impact on project costs that cannot be finitely identified in a study with this level of detail and uncertainty related to funding.

Table 6-1. Pigeon Forge facilities with priority and probable costs for corrective action.

| PIGEON FORGE ADA SELF EVALUATION STUDY AND TRANSITION PLAN | | | | |
|---|---------------------|------------------------|----------------------|----------------------------|
| FACILITY SUMMARY | | | | |
| Name & Location | Low Priority | Medium Priority | High Priority | Total Probable Cost |
| City Hall , 3221 Rena Street | \$9,050 | \$25,120 | \$48,000 | \$82,170 |
| City Hall Annex , 3225 Rena Street | \$3,150 | \$19,150 | \$8,300 | \$30,600 |
| Community Center , 170 Community Center Drive | \$22,550 | \$55,015 | \$12,300 | \$90,365 |
| Fire Station #1 , 225 Pine Mountain Road | \$18,500 | \$23,250 | \$700 | \$42,450 |
| Fire Station #2 , 2553 Veterans Boulevard | \$10,200 | \$9,115 | \$700 | \$20,015 |
| LeConte Center , 2986 Teaster Lane | \$8,350 | \$71,500 | \$10,400 | \$90,250 |
| Library , 2449 Library Drive | \$650 | \$8,900 | \$700 | \$10,250 |
| Old City Park , 170 Community Center Drive | \$5,630 | \$46,200 | \$4,500 | \$56,330 |
| Patriot Park , 186 Old Mill Avenue | \$12,000 | \$20,800 | \$0 | \$32,800 |
| Police Department , 3225 Rena Street | \$24,440 | \$14,570 | \$3,900 | \$42,910 |
| Special Events Center , 3107 Parkway | \$4,150 | \$18,935 | \$1,700 | \$24,785 |
| The Compound , 2320 Garland Harmon Drive | \$95,145 | \$0 | \$0 | \$95,145 |
| Trolley Office , 186 Old Mill Avenue | \$8,515 | \$8,900 | \$1,500 | \$18,915 |
| Visitor Center , 1950 Parkway | \$4,530 | \$7,050 | \$5,100 | \$16,680 |
| Wastewater Treatment Plant , 2428 Library Drive | \$11,350 | \$15,400 | \$400 | \$27,150 |
| Water Treatment Plant , 2432 Library Drive | \$17,620 | \$2,400 | \$500 | \$20,520 |
| Wear Farm Park , 623 Wears Valley Road | \$12,915 | \$17,100 | \$2,500 | \$32,515 |
| TOTALS | \$268,745 | \$363,405 | \$101,700 | \$733,850 |

Based on the costs developed to address the architectural and site engineering improvements required to fully comply with ADASAD standards, almost \$735,000 in improvements would be required (2019 costs) to achieve ADA compliance at all the City facilities. It is important to note at this point that many of the noted deficiencies are not significant barriers to access and some improvements are not required until major building alterations are completed. This does not avoid the need for Pigeon Forge to ensure all programs are accessible by some means. It must also be mentioned that the cost to correct some significant non-compliant items cannot be determined based on the scope of the ADA self-evaluation. Additional investigation is needed to evaluate the various options and likely will include a review of other codes (plumbing, electrical, etc.) and possibly also review of the feasibility of removing walls (i.e., structural engineering review). Examples of these types of items would include:

- Conversion of multi-user restrooms to single user due to non-compliant space (may require analysis of plumbing code requirements for the number of fixtures required)
- Moving of walls to enlarge multi-user restrooms to enlarge an existing non-compliant stall to meet requirements (may require structural engineering review)

- Investigation required to determine how to best provide a level space at an entry door or to provide compliant clear spaces

Costs provided are estimated based on information available from the self-evaluation and may not account for hidden items not readily visible which may impact costs (e.g., lack of backer boards where toilet grab bars need to be relocated would require drywall removal and replacement that is not included in noted costs). In some cases, the cost identified is for a specific solution and there are often multiple options with costs that can be quite variable. If Pigeon Forge were to set a goal for completing all the necessary improvements to correct non-compliance issues within a 15-year time frame, it would require an annual budget of approximately \$50,000 (in 2020 dollars) to bring all the City facilities evaluated in Appendix A and B of this report up to current ADA standards (no inflation included). These costs do not include any issues that require additional investigation, costs associated with training of staff, staff time related to training or overseeing implementation, design services, etc. Pigeon Forge's FY 2021 general fund budget is approximately \$54.5 million, including line items for some specific facilities. No guidance regarding the percentage of annual general fund budget allocations to correct ADA issues has been provided and the reasonableness of this plan would be up to regulatory authorities to determine.

In addition to the facilities listed above, the City has over 6 miles of greenway. The greenways inventoried for compliance with ADA requirements and split into 8 segments. Several segments of greenway lie within the ROW and the compliance included in the PAR details. There are also some sections that lie within parks that were not considered the primary greenway and the assessment of those segments is included in the assessment for that park facility. The results of the greenway inventory found less than 7% of the greenway had compliance issues, including excessive cross slopes, excessive running slopes, lack of resting spaces at steep sections, and minor obstructions and separations. The estimated cost of correcting the non-compliant areas of the greenway is \$391,500, which includes existing pavement removal, minor grading, and new pavement. The costs do not include surveying, design, or grading over extensive areas to correct running slopes. Details about the greenway are included in Appendix A, including mapping of the segments and a table with details about each segment length, non-compliant length, and cost. Note that the costs provided include estimates for compliance of all areas of the greenway. Further investigation may note that existing topography makes compliance impractical, in which case the City should ensure that continuous sections of compliant greenway be identified that have logical termini and sections of the greenway that exceed ADA running slope standards include signage noting the extent and length of the non-compliance to allow users to make a determination about whether they are able to physically negotiate those challenging sections, whether they have a disability or not.

Pigeon Forge should identify the most urgent access needs based on their experiences, other capital projects, and the results of the self-evaluation. A review of facility utilization and programs provided at each is critical to assisting in prioritizing which facilities should be given priority for improvements and order in which improvements should be completed. However, the facility prioritization should not be looked at in a vacuum, as improvements at lower use facilities may still warrant consideration for improvements in the near future if a barrier exists to program access. Facilities have been placed into three tiers based on their utilization by the public and programs provided at each. Note that some areas of facilities may fall within a lower or higher tier. Tier 1 facilities have the highest use and should be the first priority, with Tier 2 facilities to follow. Tier 3 facilities are relatively low use for the public or have only employee common-use areas that require corrective actions. The facilities in each tier is as follows:

Table 6-2. Pigeon Forge Government facility tier listing for prioritization.

| Tier 1 | Tier 2 | Tier 3 |
|----------------------------|-----------------|----------------------------|
| City Hall | Police | The Compound |
| City Court (within Police) | City Hall Annex | Fire Station 1 |
| Community Center | Old City Park | Fire Station 2 |
| LeConte Center | Patriot Park | Wastewater Treatment Plant |
| Library | | Water Treatment Plant |
| Trolley Offices | | |
| Visitor Center | | |
| Wear Farm Park | | |
| Special Event Center | | |

6.4 Transition Plan Phasing

One of the most important compliance efforts for a Title II entity is to ensure that all programs provided to the public are accessible in some manner. Often there are short-term or temporary accommodations that can be made to provide this accessibility. Where these types of accommodations can be made, the priority for permanent corrections is reduced until an alteration is made to correct architectural barriers. Often, removal of architectural barriers can be accomplished during implementation of normal maintenance activities at the various facilities or as part of other capital improvements already anticipated.

An entity as large as Pigeon Forge Government has the daunting task of reviewing a large number of facilities and programs to ensure access is provided. The programs of the City cross numerous departments and facilities, with some programs not being provided in City-owned facilities (primarily voting). The phasing of improvements for accessibility is not something to typically be done by any one individual without consultation of various department heads. The completion of this Transition Plan is a key first step to identifying the required facility and programmatic access needs. The next logical step is the formation of a committee of key department heads to review the results and formulate a strategy and capital improvement plan to make the necessary alterations. This committee is typically chaired by the ADA Coordinator and Facilities Department. Procedural and other changes that cross department lines should also be reviewed by a committee of key department heads, typically chaired by the ADA Coordinator and Human Resources Director. Changes within departments can be done by each department head for their individual department.

Generally, the improvements to be made are suggested in the following order:

1. Approach and Entrance – compliant parking, accessible route from parking to the public accessible entrance, and an accessible entrance
2. Access to Services – within each facility, ensuring that all programs have an accessible route and are accessible
3. Restroom Access – access to a compliant, wheelchair accessible restroom, preferably one per floor for each gender or unisex
4. Other Access – access to lower priority items, such as drinking fountains, electrical outlets, etc.

Considering the above general recommendations, each facility needs to focus on the above priority order for improvements, while also considering the tiering provided in Table 6-2. Highest use facilities need to have improvements done to provide at least basic access to programs or determine another means to provide access. That could include relocating a program elsewhere within the facility that is accessible or relocating a program to an accessible facility until it can be accessible at its current location. Utilization of signage to

identify the location of the accessible routes and entrances, accessible restroom locations, etc. can be very helpful until all necessary improvements can be made.

The ADA Coordinator, through the ADA Committee, should work closely with the City Manager and City Commission to make funding available where possible to make the most urgent improvements to ensure all programs are accessible. Note that actual phasing, transitioning of improvements, etc. can be impacted by a number of factors that may be unknown currently, as well as economic conditions, grant opportunities, etc. The City is committed to becoming ADA compliant within the confines of preserving existing programs and services to all and budgetary limitations. Many of the items that are not compliant with current standards may be compliant with previous standards and are not required to be modified until a building renovation is completed. Any facility changes after the sites were surveyed are not reflected in these basic cost estimates. Additionally, it is the City's responsibility, as required by the ADA mandate, to regularly update the Transition Plan based on the latest requirements of the ADA laws and to document constructed improvements and facilities that are brought up to current ADA standards. Finally, the site surveys performed for this report are not to design level detail and are intended to be used to give a framework to the Transition Plan. When the Transition Plan is approved, and the planning stages are begun for implementation of the first improvements, a more detailed survey of each site will need to be performed, and improvements designed by licensed professionals that are knowledgeable with ADA as well as all other applicable codes, including building and fire codes. At this time, costs are estimated but precise costs cannot be determined until final design, and the Transition Plan should be adjusted to reflect this knowledge.

Note that if any complaints are received regarding access to specific facilities or City programs, it may alter the priorities of the improvements. If the City receives complaints about access at a particular site that is not slated for upgrades for several years, they should consider adjusting the Transition Plan phasing to accommodate the implementation of improvements to be sooner or as necessary.

6.5 Plan Updates and Enforcement

Changes to Pigeon Forge's policies and programs should be drafted, implemented, and documented by the ADA Coordinator. Examples of some of these changes were provided in the Self-Evaluation. These changes should have little cost of implementation, mainly consisting of the time to develop the language of the policy and program changes, time to train City staff, and administrative costs. Some of the suggested language for City ADA documentation has been suggested in this report, but these suggestions are not exhaustive. It is also important for the ADA Coordinator to receive the necessary training to implement this Transition Plan and keep apprised of changes to ADA standards and guidelines.

6.6 Summary of Transition Plan Costs

Table 6.3 details the costs and priorities for the overall ADA program for the City of Pigeon Forge, including all ROW facilities, buildings, parks, and greenways. The costs included in the table are estimated based on available information as discussed earlier. It is very likely that the actual cost will vary to account for items not included (design, survey, etc.), unknown costs for alterations that cannot be quantified with available information (other applicable codes, structural wall analysis, etc.), changes to ADA standards that apply at the time of the alteration, phasing of improvements (i.e., costs may vary based on amount of improvements per contract), and other factors. Costs for facility improvements that cannot be quantified, including accessible pedestrian signals, etc. would be in addition to those shown in the table.

Table 6.3. Overall ADA Program Costs for the City of Pigeon Forge

| Facility Type | Low Priority | Medium Priority | High Priority | Total Cost |
|---------------------------------|--------------------|--------------------|--------------------|--------------------|
| Buildings and Parks | \$268,745 | \$363,405 | \$101,700 | \$733,850 |
| Trolley Stops ¹ | \$0 | \$92,000 | \$92,000 | \$184,000 |
| Greenways | \$0 | \$184,500 | \$207,000 | \$391,500 |
| Sidewalks | \$2,707,462 | \$2,579,774 | \$401,847 | \$5,689,082 |
| Curb Ramps | \$128,300 | \$450,400 | \$321,800 | \$900,500 |
| Pedestrian Signals ² | \$0 | \$50,000 | \$50,000 | \$100,000 |
| TOTALS | \$3,104,507 | \$3,720,079 | \$1,174,347 | \$7,998,932 |

¹Cost of trolley stops is assuming approximately \$1000 per stop, actual cost may vary depending on site conditions and changes to stop locations. Some improvements for trolley stops can better be integrated into sidewalk projects to reduce costs. Costs are split evenly between Medium and High Priority as a placeholder.

²Cost of APS is rough estimate and divided evenly between Medium and High Priority as placeholder. Cost provided is primarily for accessible route improvements, actual costs for equipment, wiring, etc. will likely be much higher but cannot be quantified without knowing additional information about infrastructure that is not visible.

7.0 ADA Tool Kit

7.1 Introduction

In order to facilitate access to all City programs and departments, the City will maintain program accessibility guidelines, standards, and resources. This information is available to all employees and volunteers. The City will add to these guidelines when necessary to address its needs and include information and technological devices that help staff and volunteers communicate with individuals with a variety of disabilities. The City will periodically review the components of this section, as new technologies are developed in order to ensure that the best types of modifications are included. This section also contains the accessibility standards of care that govern new construction and alterations to facilities.

If you need any additional assistance, please contact:

Mr. Eric Brackins, ADA Coordinator
Phone: (865) 453-9061
Email: ebrackins@cityofpigeonforgetn.gov

7.2 Federal Accessibility Standards and Regulations

U.S. Department of Justice

The U.S. DOJ provides many free ADA materials including the ADA text. Printed materials may be ordered by calling the ADA Information Line [(800) 514-0301 (Voice) or (800) 514-0383 (TDD)]. Publications are available in standard print as well as large print, audiotape, Braille, and computer disk for people with disabilities. Documents, including the following publications, can also be downloaded from the DOJ website (www.ada.gov).

Unless noted, the ADA publications have not been updated to reflect the recent revisions to the ADA regulations that took effect on March 15, 2012.

- *ADA Regulation for Title II*. This publication describes Title II of the ADA (www.ada.gov/regs2010/ADAregs2010.htm#titleII_final_2010), Pub. L. 101-336, which prohibits discrimination on the basis of disability by public entities. Title II of the ADA protects qualified individuals with disabilities from discrimination on the basis of disability in the services, programs, or activities of all state and local governments. This rule adopts the general prohibitions of discrimination established under Section 504, as well as the requirements for making programs accessible to individuals with disabilities and for providing equally effective communications. It also sets forth Standards for what constitutes discrimination on the basis of mental or physical disability, provides a definition of disability and qualified individual with a disability, and establishes a complaint mechanism for resolving allegations of discrimination.
- *Title II Technical Assistance Manual (1993) and Supplements*. This 56-page manual (www.ada.gov/taman2.html) explains in lay terms what state and local governments must do to ensure that their services, programs, and activities are provided to the public in a nondiscriminatory manner. Many examples are provided for practical guidance.
- *Accessibility of State and Local Government Websites to People with Disabilities*. This is a 5-page publication providing guidance (www.ada.gov/websites2.htm) on making state and local government websites accessible.

U.S. Access Board

The full texts of Federal laws and regulations that provide the guidelines for the design of accessible facilities and programs are available from the U.S. Access Board. Single copies of publications are available free and can be downloaded from the Access Board's website (www.access-board.gov/the-board/laws). In addition to regular print, publications are available in large print, disk, audiocassette, and Braille. Multiple copies of publications can be ordered by sending a request to pubs@access-board.gov. In addition to the guidelines, guidance material is also available to assist staff in understanding and implementing Federal accessibility guidelines.

The following publications are currently available from the U.S. Access Board.

Guidelines and Standards for Facilities

Federal guidelines and standards are subject to periodic revision based on research findings and guidance from advisory committees. The City should have a regular practice of reviewing research materials posted to the U.S. Access Board's website and updating local guidelines and practices as new standards are adopted or existing standards are revised.

- *ADA Standards for Accessible Design (ADASAD)*. This document (www.ada.gov/2010ADASTandards_index.htm) contains scoping and technical requirements for accessibility to buildings and facilities by individuals with disabilities under the ADA, including special provisions where applicable for elements designed specifically for children ages 12 and under. These scoping and technical requirements are to be applied during the design, construction, and alteration of buildings and facilities covered by Titles II and III of the ADA to the extent required by regulations issued by Federal agencies, including the DOJ and the DOT, under the ADA.
- *Accessibility Guidelines for Play Areas*. The Access Board has developed accessibility guidelines for newly constructed and altered play areas. This bulletin is designed to assist in using the play area accessibility guidelines and provides information regarding where the play area guidelines apply, what a play component is considered to be, how many play components must be an accessible route, and the requirements for accessible routes within play areas. (www.access-board.gov/guidelines-and-standards/recreation-facilities/guides/play-areas)
- *Accessibility Guidelines for Recreation Facilities*. The Access Board issued accessibility guidelines for newly constructed and altered recreation facilities in 2002. The recreation facility guidelines are a supplement to ADASAD. They cover the following facilities and elements: amusement rides, boating facilities, fishing piers and platforms, miniature golf courses, golf courses, exercise equipment, bowling lanes, shooting facilities, swimming pools, wading pools, and spas. These summaries were updated following issuance of ADASAD (www.access-board.gov/guidelines-and-standards/recreation-facilities/guides/play-areas).
- *Accessibility Guidelines for Outdoor Developed Areas*. The Regulatory Negotiation Committee on Accessibility Guidelines for Outdoor Developed Areas was established in June 1997. The accessibility guidelines proposed by the Committee include consideration of the latest information, design, and construction practices in existence. Proposed Section 16 of ADAAG requires all areas of newly designed or newly constructed and altered portions of existing trails connecting to designated trailheads or accessible trails to comply with this section. This proposed section also provides design guidelines for all newly constructed and altered camping facilities, picnic areas, and beach access routes. It is recognized that compliance with this section will not always result in facilities that will be accessible to all persons with disabilities. These guidelines recognize that often the natural environment will prevent full compliance with certain technical provisions, which are outlined in this publication ([---

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board.gov/guidelines-and-standards/recreation-facilities/outdoor-developed-areas/draft-final-guidelines/text-of-the-guidelines).

Guidance Material and Advisory Reports for Facilities

The following publications provide additional information on specific aspects of the above guidelines and standards for facilities. Employees are encouraged to refer to these publications to obtain more detailed and up-to-date information when evaluating and implementing accessibility improvements to facilities. Note that several websites have been reconfigured and some outdated information removed. Some web addresses or hyperlinks may not be functional and not all information contained in the documents references current standards.

- *Using ADAAG Technical Bulletin*. This bulletin was developed to serve the specific needs of architects and other design professionals who must apply the ADAAG to new construction and alterations projects covered by Titles II and III of the ADA. It is also intended to clarify accessibility regulations generally, including those that apply to existing facilities covered by the ADA.
- *Detectable Warnings Update (March 2014)*. Currently, the Access Board is in the process of developing guidelines on public rights-of-way that, once finalized, will supplement the new ADASAD and be the enforceable standard for ROW facilities. This update was expected in 2013 but as of publication of this SETP is still pending. While ADASAD covers various features common to public streets and sidewalks, such as curb ramps and crosswalks, further guidance is necessary to address conditions unique to public ROW. Constraints posed by space limitations at sidewalks, roadway design practices, slope, and terrain raise valid questions on how and to what extent access can be achieved. Guidance on providing access for blind pedestrians at street crossings is also considered essential. This bulletin outlines the requirements of detectable warnings, a distinctive surface pattern of domes detectable by cane or underfoot, which are used to alert people with vision impairments of their approach to streets and hazardous drop-offs. Note that detectable warnings are required in very few locations outside of the public ROW and are often installed in parking lots and similar site conditions where they are not required and should not be placed. Overuse of detectable warnings can lead to confusion for persons with vision loss and can create unsafe conditions for persons using mobility devices. (www.access-board.gov/guidelines-and-standards/streets-sidewalks/public-rights-of-way/guidance-and-research/detectable-warnings-update)
- *Assistive Listening Systems Technical Bulletins*. Assistive listening systems are devices designed to help people with hearing loss improve their auditory access in difficult and large-area listening situations. Typically, these devices are used in such venues as movie houses, theaters, auditoriums, convention centers, and stadiums, where they are piggybacked on a public-address system. They may also be used in smaller listening locations like courtrooms, museums, classrooms, and community centers. This web site provides information about the types of systems that are currently available and tips on choosing the appropriate systems for different types of applications (www.nidcd.nih.gov/health/assistive-devices-people-hearing-voice-speech-or-language-disorders).

Guidelines for Transportation

- *ADAAG for Transportation Vehicles*. This publication provides minimum guidelines and requirements for accessibility standards for transportation vehicles required to be accessible by the ADA, including over-the-road bus and tram systems. (www.access-board.gov/guidelines-and-standards/transportation/vehicles/adaag-for-transportation-vehicles).
- *ADAAG for Transportation Vehicles; Over-the-Road Buses*. This publication outlines the amendments to the accessibility guidelines for over-the-road buses (OTRB) made by the Architectural and Transportation

Barriers Compliance Board and the DOT to include scoping and technical provisions for lifts, ramps, wheelchair securing devices, and moveable aisle armrests. Revisions to the specifications for doors and lighting are also adopted. The specifications describe the design features that an OTRB must have to be readily accessible to and usable by persons who use wheelchairs or other mobility aids. (www.access-board.gov/guidelines-and-standards/transportation/vehicles/technical-assistance-manuals-on-adaag-for-transportation-vehicles/subpart-g-over-the-road-buses-and-systems)

- *American Association of State Highway and Transportation Officials (AASHTO)*. AASHTO is the organization that maintains the "Green Book" for design of roads and highways and has begun to address accessibility of pedestrian networks. Several AASHTO publications, which can be ordered from the AASHTO website (<http://transportation.org/>), address accessible circulation systems, including: *AASHTO Guide for the Planning, Design, and Operation of Pedestrian Facilities* (1st edition) and *Guide for the Development of Bicycle Facilities* (3rd edition).
- *Federal Transit Administration (FTA)*. FTA regulates and enforces requirements of the ADA covering transportation facilities and systems. FTA maintains a technical assistance line on ADA questions (888-446-4511) and on their website (www.fta.dot.gov).
- *Securement of Wheelchairs and Other Mobility Aids*. As a public or private transit authority, the responsibility of safe, efficient service from public agencies who offer transportation services has been enlarged to affording ridership to people using a wide variety of mobility aids. In considering not only the many types of mobility aid devices, but also the variety and sizes of lifts, and the numerous makes of buses and vans, it can be easily seen that there is no single, definitive solution to accessibility on mass transit vehicles. Various publications can be found that report on the experience of transit agencies that have taken the initiative to involve the ridership in needs assessment and have established policies, educated operators, and informed the public to achieve greater accessibility in their bus transit systems. See the example at trid.trb.org/view/362763.

Guidance Material for Communication

- *Standards for Electronic and Information Technology*. The Access Board is issuing final accessibility standards for electronic and information technology covered by Section 508 of the Rehabilitation Act Amendments of 1998. Section 508 requires the Access Board to publish standards setting forth a definition of electronic and information technology and the technical and functional performance criteria necessary for such technology to comply with section 508. (www.access-board.gov/guidelines-and-standards/communications-and-it/about-the-section-508-standards/section-508-standards).
- Section 508 also requires that individuals with disabilities, who are members of the public seeking information or services from a Federal agency, have access to and use of information and data that is comparable to that provided to the public who are not individuals with disabilities, unless an undue burden would be imposed on the agency. (www.section508.gov/).
- *Bulletin on the Telecommunications Act Accessibility Guidelines*. As technology continues to improve our means of telecommunication, it can pose challenges to accessibility on one hand, while on the other hold the key to innovative access solutions. Section 255 of the Telecommunications Act requires telecommunications products and services to be accessible to people with disabilities. This is required to the extent access is "readily achievable," meaning easily accomplishable, without much difficulty or expense. Telecommunications products covered include: wired and wireless telecommunication devices, such as telephones (including pay phones and cellular phones), pagers, and fax machines; other products that have a telecommunication service capability, such as computers with modems, and equipment that

carriers use to provide services, such as a phone company's switching equipment. (<https://www.access-board.gov/the-board/laws/telecommunications-act>).

Federal guidelines and standards are subject to periodic revision based on research findings and guidance from advisory committees. The City should have a regular practice of reviewing research materials posted to the U.S. Access Board's website and updating local guidelines and practices as new standards are adopted or existing standards are revised.

7.3 Resources for Providing Accessible Programs & Facilities

- *ADA Document Portal*: This website (adata.org/ada-document-portal) provides links to more than 7,400 documents on a wide range of ADA topics. The ADA Document Portal is supported by the 10 ADA & IT Technical Assistance Centers.
- *The U.S. Department of Labor, Office of Disability Employment Policy*: www.dol.gov/odep/: The Office of Disability Employment Policy (ODEP) is the only non-regulatory federal agency that promotes policies and coordinates with employers and all levels of government to increase workplace success for people with disabilities.
- *National Center on Accessibility (NCA)*: The Center (<http://ncaonline.org>) is a cooperative effort between the National Park Service (NPS) and Indiana University to provide information and technical assistance, primarily on recreation access. An example of the research activities of the NCA is the National Trails Surface Study. Initiated in 2005, this longitudinal study is primarily the result of questions that the National Center on Accessibility has, for many years and continues to receive from organizations, agencies and individuals who desire to make their trails accessible; are interested in an unobtrusive surface that blends and is friendly to the environment; and provides a quality trail experience for people with and without disabilities.
- *National Center on Health, Physical Activity, and Disability*: The Center (www.ncpad.org) provides information and resources on physical activity to help people with disabilities find ways to become more active and healthier. The Center also provides information on how to provide access to fitness centers, schools, recreation facilities, camps, and health and leisure services.
- *National Park Service*: NPS has many programs that address the issue of providing accessible recreation services to people with disabilities. These include Wilderness Accessibility for People with Disabilities (www.ncd.gov/publications/1992/December1992#8-1a) and Director's Order #42-Accessibility, which establishes the purpose and role of the NPS Accessibility Program (www.nps.gov/accessibility.htm), lists applicable laws, standards, and authorities, implementation strategies, roles, and responsibilities. It also addresses NPS policies and provides links to additional information sources.

7.4 Technical Resources

The City should utilize the many disability-related resources available through the internet. Begin at AbleData (www.abledata.com), maintained by the National Institute on Disability and Rehabilitation Research of the U.S. Department of Education. The site provides up-to-date links to assistive technologies and disability-related resources. AbleData's mission is to provide objective information on such assistive products as:

- *Aids for Daily Living*: Products to aid in activities of daily living, including bathing, carrying, childcare, clothing, dispenser aids, dressing, drinking, feeding, grooming/hygiene, handle padding, health care, holding, reaching, time, smoking, toileting, and transfer.

- *Blind and low vision*: Products for people with visual disabilities, including computers, educational aids, information storage, kitchen aids, labeling, magnification, office equipment, orientation and mobility, reading, recreation, sensors, telephones, tools, travel, typing, and writing (Braille).
- *Communication*: Products to help people with disabilities related to speech, writing, and other methods of communication, including alternative and augmentative communication, signal systems, telephones, typing, and writing.
- *Computers*: Products to allow people with disabilities to use desktop and laptop computers and other kinds of information technology including software, hardware, and computer accessories.
- *Controls*: Products that provide people with disabilities with the ability to start, stop, or adjust electric or electronic devices, including environmental controls and control switches.
- *Deaf and hard of hearing*: Products for people with hearing disabilities, including amplification, recreational electronics, signal switches, and telephones.
- *Deaf and blind*: Products for people who are both deaf and blind.
- *Education*: Products to provide people with disabilities with access to educational materials and instruction in school and in other learning environments, including classroom and instructional materials.
- *Environmental Adaptations*: Products that make the built environment more accessible, including indoor environment, furniture, outdoor environment, vertical accessibility, houses, polling place accessibility, lighting, and signs.
- *Housekeeping*: Products that assist in cooking, cleaning, and other household activities, as well as adapted appliances. Includes food preparation, housekeeping, cleaning, ironing, laundry, and shopping.
- *Orthotics*: Braces and other products to support or supplement joints or limbs.
- *Prosthetics*: Products for amputees, including lower and upper extremity.
- *Recreation*: Products to assist people with disabilities with their leisure and athletic activities, including crafts, electronics, gardening, music, photography, sewing, sports, and toys.
- *Safety and Security*: Products to protect health and home, including alarm and security systems, childproof devices, electric cords, lights, and locks.
- *Seating*: Products that assist people to sit comfortably and safely, including seating systems, cushions, and therapeutic seats.
- *Therapeutic Aids*: Products that assist in treatment for health problems and therapy and training for certain disabilities, including ambulation training, biofeedback, evaluation, exercise, fine and gross motor skills, perceptual motor, positioning, pressure/massage modality equipment, respiratory aids, rolls, sensory integration, stimulators, therapy furnishings, thermal/water modality equipment, and traction.
- *Transportation*: Products to enable people with disabilities to drive or ride in cars, vans, trucks, and buses, including mass transit vehicles and facilities, vehicles, and vehicle accessories.
- *Walking*: Products to aid people with disabilities who are able to walk or stand with assistance, including canes, crutches, and walkers.
- *Wheeled mobility*: Products and accessories that enable people with mobility disabilities to move freely indoors and outdoors, including wheelchairs (manual, sport, and powered), wheelchair alternatives (scooters), wheelchair accessories, transporters, stretchers, and carts.
- *Workplace*: Products to aid people with disabilities at work, including agricultural equipment, office equipment, tools, vocational assessment, vocational training, and workstations.

Assistive Technology Vendors and Service Providers

- National Center for Accessible Media – A research and development facility dedicated to the issues of media and information technology for people with disabilities in their homes, schools, workplaces, and communities. NCAM has developed an authoring tool to make web- and CD-ROM-based multimedia

materials accessible to persons with disabilities. Called Media Access Generator (MAGpie, versions 1.0 and 2.01) create captions and audio descriptions of rich media and can be downloaded on their website (ncam.wgbh.org).

- American Sign Language Interpreters – A pool of on-call American Sign Language interpreters should be developed. This list should be routinely updated to ensure their availability. Some programs may need to have a pool of interpreters who are available on a 24-hour basis to handle emergency procedures. The required qualifications of these interpreters should be established. Many non-certified interpreters provided by local services may have excellent skills and be qualified to handle most circumstances. However, unique circumstances, such as the provision of emergency medical services, may require interpreters who are approved by the courts and can ensure a level of confidentiality. Resources and contacts for qualified sign language interpreters and information for the deaf and hard of hearing are at the following locations:
 - Vocational Rehabilitation Regional Office
20 West Summit Hill Drive
Suite 301
Knoxville, Tennessee 37902
Telephone: (865) 594-6060
 - Knoxville Center of the Deaf – <http://kcdtn.org/>
 - Registry of Interpreters for the Deaf – www.rid.org/, including the Tennessee Chapter (www.tennrid.org/).
 - Maryville College – provides a bachelor’s degree program in ASL and could potentially provide students for ASL interpretation as part of the college’s Experiential Learning program (www.maryvillecollege.edu/academics/programs-of-study/american-sign-language/).
- Assistive Technology

Systems and devices amplify sound for persons with hearing disabilities should be available for public meetings and conferences. Different types of devices are more suitable for different types of hearing disabilities. Devices should be chosen to accommodate the greatest number of individuals.

 - *Telecommunications Devices Access Programs (TDAP)*: The Telecommunications Devices Access Program (TDAP) is established by Chapter 417 of the Public Acts of 1999. In accordance with the Act, the program is designed to distribute appropriate telecommunications devices so that persons who have a disability may effectively use basic telephone service. The Tennessee Public Utility Commission was given the responsibility and authority to implement and manage this program. Devices are issued on a first-come, first-served basis. However, there are certain qualifiers that might enable individuals to receive devices on a priority basis. www.tn.gov/tpuc/telecommunications-devices-access-programs-tdap.html
 - *Tennessee Relay Services (TNRS)*: As a service to Tennessee's deaf, deaf-blind, hard-of-hearing, and hearing and speech-impaired community, the Tennessee Relay Service (TNRS) provides free, statewide assisted telephone service to those with speech, hearing, and visual impairments. (www.tn.gov/tpuc/relay-center-services.html).
 - *Tennessee Relay Service*: The Tennessee Relay Service is a free service for all Tennesseans, connecting individuals who are deaf, deaf-blind, hard-of-hearing, or have a speech disability with users of standard telephones. Whether calling on a standard telephone or a text telephone (TTY, a special phone with a typewriter-style keyboard), relay makes communication simple, 24 hours a day, 365 days a year. Simply dial 7-1-1 to connect with the state relay provider. Confidentiality for relay users and CA's is assured by Federal Communications Commission (FCC) ruling. Using relay is easy and

- offers access to the world for Tennesseans with hearing loss who are seeking two-way telecommunication. <https://www.tennrelay.com/>
- *Technology Access Center (TAC)*: The Technology Access Center has offered services for middle Tennesseans with disabilities and functional limitations since 1989. The Center is operated by the nonprofit corporation, Access Services of Middle Tennessee. The mission of the corporation's board and staff members is to promote the independence and participation of individuals of all ages with disabilities in school, work, play and everyday activities through their use of assistive technology. (tacnashville.org/).
 - *Spark (formerly East Tennessee Technology Access Center (ETTAC))*: Spark is a regional nonprofit agency that helps people with disabilities gain knowledge about and access to assistive technology devices. These devices help people with disabilities gain education and employment skills, perform activities of daily living, and lead more independent, productive lives. Spark's assistive technology equipment is used for assessment and training, and some devices may also be available for loan. (<https://www.sparktn.org/>).
 - *Closed Caption Machine* - To the extent practical, City divisions should have access to a device for encoding closed captioning on films and videotapes used for training and other programs.
 - *Enlarging Printed Materials* - A copy machine capable of enlarging printed materials should be available for each site where programs or transaction counter services are provided to the public.
 - *Optical Readers* - Equipment that can translate printed information into an audio format should be available to Departments.
 - *TDD* - To the extent necessary, City Divisions should have access to a text telephone or have access to a telephone transfer service as required by the law and offered by public telephone companies.
 - *TDI* – TDI's (formerly known as Telecommunications for the Deaf and Hard of Hearing, Inc.) mission is to promote equal access in telecommunications and media for people who are deaf, hard of hearing, late deafened, or deaf blind. TDI's online resources (tdiforaccess.org/) include information about telecommunications access such a TTY, pagers, telephony, VoIP, and more.

Guide to Disabilities and Disability Etiquette

A summary guide to disabilities and disability etiquette has been included below. The guide will allow staff members to become familiar with a variety of types of disabilities and help them to be more sensitive to the abilities and needs of people with disabilities in order not to offend or demean them. The guide should be periodically updated to ensure that it includes current acceptable language for talking about disabilities.

The National Organization on Disability reports that more than 59 million Americans have a disability. This section is for anyone — with or without a disability — who wants to interact more effectively with people who are disabled.

The ADA was conceived with the goal of integrating people with disabilities into all aspects of American life, particularly the workplace and the marketplace. Sensitivity toward people with disabilities is not only in the spirit of the ADA, it makes good business sense. It can help the City expand its services to citizens, better serve its customers and improve relationships with its employees.

When supervisors and co-workers use disability etiquette, employees with disabilities feel more comfortable and work more productively. Practicing disability etiquette is an easy way to make all people feel more comfortable and welcomed in their environment.

There is no reason to feel awkward when dealing with a person who has a disability. This section provides some basic tips for City staff to follow. If a City employee is ever unsure how to best serve a person with a disability, just ask them.

- **Ask Before You Help** – Just because someone has a disability, don't assume he/she needs your help. If the setting is accessible, people with disabilities can usually get around fine without assistance. Adults with disabilities want to be treated as independent people. Offer assistance only if the person appears to need it. If they do want help, ask what type of help they would like before you offer any assistance. What you think they may need may not be what they really need.
- **Do Not Touch!** – Some people with disabilities depend on their arms for balance. Grabbing them – even if you mean well – could knock them off balance and create an injury. This is especially true of a person using a cane, crutches, or walker. When someone is in a wheelchair, never pat their head or touch their wheelchair (or scooter) without permission. This equipment is part of their personal space and touching it is considered rude.
- **Engage Your Mind Before Engaging Your Mouth** – Always speak directly to the person with the disability NOT to their companion, aide, or sign language interpreter. Making small talk with a person who has a disability is great; just talk to him/her like you would anyone else. Respect his/her privacy and don't ask questions about their disability unless they invite the discussion. If you are with a child who asks, don't make the situation awkward for everyone; let the person with the disability respond directly to the child. They are used to children's questions.
- **Make No Assumptions** – People with disabilities are the best judge of what they can or cannot do. Do not make any decisions for them about participating in any activity or what they may or may not be able to do. Simply respond to their questions and let them make their own decisions. Depending on the situation, it may be a violation of the ADA to exclude someone because of a wrong decision on what they're capable of doing.
- **Respond Graciously to Requests** – When people who have a disability ask for an accommodation at a City-owned property, it is not a complaint. It shows they feel comfortable enough in your establishment to ask for what they need. If they get a positive response, they will enjoy their transaction and feel comfortable to come back again and again. Unless they are asking for something outlandish, provide what is asked for. If they request something unreasonable, contact your ADA Coordinator for a direction toward a resolution.
- **Terminology** – PUT THE PERSON FIRST! Always say "person with a disability" rather than "disabled person". This recognizes that they are a person first, not a disability first. If someone has a specific disability, it would be a "person who is blind", a "person who is deaf", or a "person with dwarfism". Each person may have their own preferred terminology, and if you're not sure what to use, just ask them. Most, however, will recognize the effort when you just refer to them as "people".
 - Avoid outdated, politically incorrect terms like "handicapped" or "crippled". Be aware that many people with disabilities dislike jargon and euphemistic terms like "physically challenged" and "differently abled". Say "wheelchair user" instead of "confined to a wheelchair" or "wheelchair bound". The wheelchair is what enables the person to get around, but they are neither confined by it nor bound to it. The wheelchair is liberating, not confining.
 - With any disability, avoid negative, disempowering words like "victim" or "sufferer". Say "person with AIDS" instead of "AIDS victim" or person who "suffers from AIDS".
 - It's okay to use idiomatic expressions when talking to people with disabilities. For example, saying "It was good to see you" and "See you later" to a person who is blind is completely acceptable. They will use the same terminology and it's inappropriate to respond with questions like, "How are you going to see me later?"

- People in wheelchairs will say things like, “Let’s go for a walk” and it’s okay for you to say it too. The situation will only become awkward if you make it so.
- Many people who are Deaf communicate with sign language and consider themselves to be members of a cultural and linguistic minority group. They refer to themselves as Deaf (with a capital D) and may be offended by the term “hearing impaired.” Others may not object to the term, but in general it is safest to refer to people who have hearing loss but communicate through a spoken language as “people with hearing loss” and those who have a profound hearing loss as “people who are Deaf”.

Community Groups, Organizations, Associations, and Commissions

There are a large number of groups nationally, regionally, and within each state that provide specialized services, information, and advocacy for persons with all disabilities. A number of advocacy groups are listed below, the list is not intended to be complete by any means:

- *Ability Resources, Inc.:* Ability Resources Inc. (www.ability-resources.org/home.org) was founded in 1976. Their mission is to assist people with disabilities in attaining and maintaining their personal independence. One way this can be achieved is in the creation of an environment in which people with disabilities can exercise their rights to control and direct their own lives.
- *ADA National Network:* The ADA National Network (<http://adata.org/>) provides information, guidance and training on the Americans with Disabilities Act (ADA), tailored to meet the needs of business, government and individuals at local, regional and national levels. The ADA National Network consists of ten Regional ADA National Network Centers located throughout the United States that provide local assistance to ensure that the ADA is implemented wherever possible.
- *American Council of the Blind:* ACB (www.acb.org) is a national organization advocating on behalf of persons who are blind or have low vision. ACB also publishes A Guide to Making Documents Accessible to People Who Are Blind or Visually Impaired. ACB is located at 1155 15th St. NW, Suite 1004, Washington, DC 20005 (800.424.8666) or by e-mail at info@acb.org.
- *American Association of People with Disabilities:* The American Association of People with Disabilities (www.aapd.com/) is the largest non-profit, non-partisan, cross-disability organization in the United States.
- *Maryville College:* Maryville College developed the first bachelor’s degree program in interpreting for ASL, and could be a local resource for interpretation (www.maryvillecollege.edu/academics/programs-of-study/american-sign-language/).
- *National Association of the Deaf:* NAD is a national consumer organization representing people who are deaf and hard of hearing. NAD provides information about standards for American Sign Language Interpreters and the Captioned Media Program on its website (www.nad.org).
- *National Federation of the Blind:* NFB is a national organization advocating on behalf of persons who are blind or have low vision. NFB provided online resources (www.nfb.org/) for technology for the blind, including a technology resource list, a computer resource list, screen access technology, sources of large print software for computers, and sources of closed circuit TV (CCTVs). There is also a Tennessee state chapter (www.nfbtn.org/).
- *National Organization on Disability:* The National Organization on Disability promotes the full and equal participation and contribution of America’s 54 million men, women and children with disabilities in all aspects of life. NOD maintains an on-line directory of information and links including transportation-related resources (www.nod.org/).
- *Paralyzed Veterans of America:* PVA is a national advocacy organization representing veterans. PVA’s Sports and Recreation Program promotes a range of activities for people with disabilities, with special emphasis on activities that enhance lifetime health and fitness. PVA’s website (www.pva.org/) provides information on useful sports publications and a list of contacts.

- *United Spinal Association*: United Spinal Association is a membership organization serving individuals with spinal cord injuries or disease. Formerly known as the Eastern Paralyzed Veterans Association, the organization expanded its mission to serve people with spinal cord injuries or disease regardless of their age, gender, or veteran status. Information on accessibility training and consulting services and recreational opportunities for people with spinal cord injuries or disease is available on their website (www.unitedspinal.org/).
 - *World Institute on Disability*: WID is an international public policy center dedicated to carrying out research on disability issues and overcoming obstacles to independent living. WID maintains an on-line information and resource directory on technology, research, universal design, and the ADA. (www.wid.org/resources).
 - *Tennessee Department of Human Services* – provides information on a wide variety of disability services (www.tn.gov/humanservices/disability-services.html). Information is provided for
 - Vocational Rehabilitation
 - Blind & Visually Impaired Services
 - Deaf, Deaf-Blind, and Hard of Hearing Services
 - Tennessee Rehabilitation Center
 - Community Tennessee Rehabilitation Centers
 - Disability Determination Services
 - Tennessee Technology Access Program
 - Councils and Committees
 - Tennessee Business Enterprises
 - Vocational Rehabilitation (VR) Office Locations
 - *Tennessee Commission on Aging and Disability*: The Tennessee Commission on Aging and Disability (formerly the Commission on Aging) was created by the Tennessee General Assembly in 1963. The Commission is the designated state agency on aging and is mandated to provide leadership relative to aging issues on behalf of older persons in the state. Our mission is to bring together and leverage programs, resources, and organizations to protect and ensure the quality of life and independence of older Tennesseans and adults with disabilities. (www.tn.gov/aging.html).
 - *Tennessee Association of the Deaf*: The Tennessee Association of the Deaf (TAD) is a state association affiliated with the National Association of the Deaf and the local chapters across Tennessee. It serves as an advocate for more than 500,000 deaf and hard of hearing people living in Tennessee. The TAD is a non-profit state association operating independently of federal, state, and local. Membership includes deaf, hard of hearing, and hearing people. The mission of TAD is to promote the general welfare of deaf, hard of hearing, and hearing people by advocating accessible services and programs across Tennessee. The paramount significance of this mission is that it will enable all individuals to achieve full participation into the mainstream of life and community (www.deaftenn1897.org/).
 - *Southeast ADA Center*: The Southeast ADA Center (formerly known as Southeast DBTAC) is a leader in providing information, training, and guidance on the Americans with Disabilities Act (ADA) and disability access tailored to the needs of business, government, and individuals at local, state, and regional levels. They also conduct research to reduce and eliminate barriers to employment and economic self-sufficiency and to increase the civic and social participation of Americans with disabilities. adasoutheast.org/
 - *Tennessee Disability Pathfinder*: Tennessee Disability Pathfinder provides free information, resources, support, and referrals to Tennesseans with disabilities and their families. Through three major program components, they provide information and resources to individuals of all ages, all types of disabilities, and language spoken. vkc.mc.vanderbilt.edu/vkc/pathfinder/
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- *Disability Rights Tennessee*: Disability Rights Tennessee (DRT) was founded as E.A.C.H. in 1978 and recently the agency was known as Disability Law & Advocacy Center of Tennessee. Today, DRT is Tennessee's Protection & Advocacy System and has served—at no cost—more than 40,000 clients with disabilities. Their mission is to protect the rights of Tennesseans with disabilities. DRT provides services to people with disabilities across the state with numerous issues, including employment discrimination, safety in schools, abuse and neglect, and access to community resources and services. www.disabilityrightstn.org/
- *Tennessee Disability Coalition*: The Tennessee Disability Coalition is an alliance of organizations and individuals joined to promote the full and equal participation of people with disabilities in all aspects of life. The Coalition and its member organizations represent Tennesseans of every age, economic background, political persuasion and disability. Some are disability-specific groups, like the Autism Society of Middle Tennessee, while others are cross-disability and may focus on specific issues, such as independent living, employment, or assistive technology. Each is committed to collaboration toward improving the lives of all Tennesseans who are touched by a disability. www.tndisability.org/
- *Statewide Independent Living Council of Tennessee (SILC)*: Their mission has been to promote independent living philosophies in Tennessee and support its practices and values. As such, the SILC TN educates the community and public leaders about the IL philosophy, provides training and support to the Independent Living community, and, per new language of the Workforce Innovation and Opportunity Act (WIOA), facilitates funding opportunities for expanding the practice of IL in Tennessee. silctn.org/
- *The Arc Tennessee*: The Arc Tennessee is a grassroots, non-profit, statewide advocacy organization for people with intellectual and developmental disabilities and their families. www.thearctn.org/
- *Tennessee Council of the Blind (TCB)*: The Tennessee Council of the Blind (TCB) is a 501(c)(3) not-for-profit membership organization whose members are concerned about the dignity and well-being of blind people and a proud affiliate of the American Council of the Blind. Their members include persons who are blind, losing vision, or are parents of a child who is blind or visually impaired or fully sighted. tennesseecounciloftheblind.org/
- *Support and Training for Exceptional Parents (STEP)*: Their mission is to improve the lives of families of children with disabilities by guiding them through challenges they face accessing education and community programs. STEP provides services that promote working together with school staff to resolve issues often faced by children with disabilities at school, such as harassment, bullying, low expectations, and social isolation. www.tnstep.org/.
- *East Tennessee Human Resource Agency (ETHRA)*: Since 1973, their mission is to help families and individuals remain independent with opportunities to succeed. They maintain a Sevier County ETHRA office and American Job Center in Sevierville. www.ethra.org/
- *Deaf Link*: Provides accessible hazard alert system (AHAS), video remote interpreting (VRI), pre-recorded interpreting (PRI), and Shelter Link (an internet-based interpreting service for sheltering and mass care agencies) to provide the highest standard of inclusion for persons who are Deaf, Blind, Hard-of Hearing and Deaf-Blind. www.deaflink.com/.

Potential Funding Opportunities

Grants may be available from a wide variety of sources from state and federal agencies to private agencies and non-profits. A number of potential programs are listed below. The list is not intended to be complete by any means and not all grants are funded at all times.

- **Tennessee Department of Environment & Conservation** offers a number of grants for parks and recreation facilities. Recreation Educational Services is responsible for administering federal and state recreational grant programs to local and state governments. The Division manages the Local Parks and

Recreation Fund (LPRF), the Recreational Trails Program (RTP), and the Tennessee Recreation Initiative Program (TRIP), the Land and Water Conservation Fund (LWCF), and the Natural Resources Trust Fund (NRTF). Refer to their website for a matrix of grant programs (www.tn.gov/environment/program-areas/res-recreation-educational-services/res-recreation-educational-services-grants0.html).

- **Tennessee Department of Transportation** administers several grant programs for transportation-related projects (<https://www.tn.gov/tdot/government/g/gr/tdot-grant-information.html>).

8.0 Definitions

The words, phrases and definitions summarized below are included in the ADA. Refer to the ADA 28 CFR 35.104 for full definitions. A list of common terms and definitions are included below.

2010 Standards: the 2010 Standards for Accessible Design (SAD), which consist of the 2004 ADA Accessibility Guidelines (ADAAG) and requirements contained in 35.151.

Access Board: an independent Federal agency devoted to accessibility for people with disabilities. The [Access Board](#) developed the accessibility guidelines for the ADA and provides technical assistance and training on these guidelines.

Accessible: refers to a site, facility, work environment, service, or program that is easy to approach, enter, operate, participate in, and/or use safely and with dignity by a person with a disability.

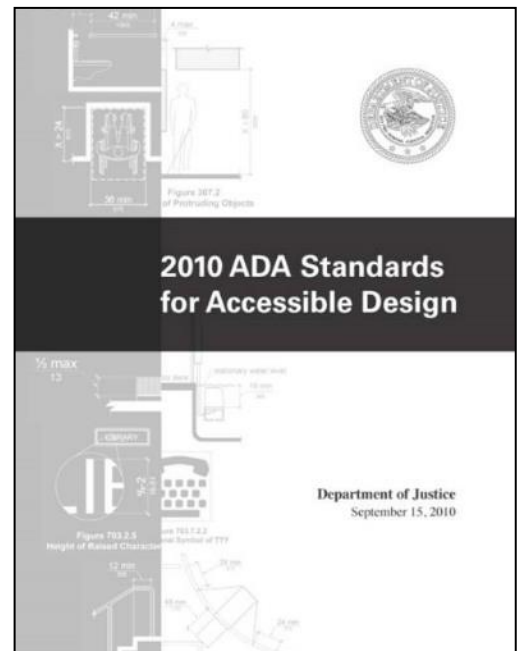
Affirmative Action (AA): a set of positive steps that employers use to promote equal employment opportunity and to eliminate discrimination. It includes expanded outreach, recruitment, mentoring, training, management development and other programs designed to help employers hire, retain and advance qualified workers from diverse backgrounds, including persons with disabilities. Affirmative action means inclusion, not exclusion. Affirmative action does not mean quotas and is not mandated by the ADA.

Alteration: a change to a facility in the public right-of-way that affects or could affect pedestrian access, circulation, or use. Alterations include, but are not limited to, resurfacing, rehabilitation, reconstruction, historic restoration, or changes or rearrangement of structural parts or elements of a facility.

Americans with Disabilities Act (ADA): a comprehensive, Federal civil rights law that prohibits discrimination against people with disabilities in employment, state and local government programs and activities, public accommodations, transportation, and telecommunications.

ADA Standards for Accessible Design (ADASAD): consist of the 2004 ADAAG and requirements contained in 35.151 with scoping and technical requirements (dated September 15, 2010) to be applied during the design, construction, and alteration of buildings and facilities covered by Titles II and III of the ADA to the extent required by regulations issued by Federal agencies, including the DOJ and the Department of Transportation (DOT).

Auxiliary Aids and Services: under Titles II and III of the ADA, includes a wide range of services and devices that promote effective communication or allows access to goods and services. Examples of auxiliary aids and services for individuals who are deaf or hard of hearing include qualified interpreters, note takers, computer-aided transcription services, written materials, telephone handset amplifiers, assistive listening systems, telephones compatible with hearing aids, closed caption decoders, open and closed captioning, telecommunications devices for deaf persons (TDDs), videotext displays, and exchange of written notes. Examples for individuals with vision impairments include qualified readers, taped texts, audio recordings, Braille materials, large print materials, and assistance in locating items. Examples for



individuals with speech impairments include TDDs, computer terminals, speech synthesizers, and communication boards.

Civil Rights Act of 1991: Federal law that capped compensatory and punitive damages under Title I of the ADA for intentional job discrimination. The law also amended the ADA's definition of an employee, adding "with respect to employment in a foreign country, such term includes an individual who is a citizen of the United States."

Complaint: a written statement, alleging violation of the ADA, which contains the complainant's name and address and describes the City's alleged discriminatory action in sufficient detail to inform them of the nature and date of the alleged violation. It shall be signed by the complainant or by someone authorized to do so on his or her behalf. Complaints filed on behalf of classes or third parties shall describe or identify (by name, if possible) the alleged victims of discrimination.

Covered Entity: under the ADA, "covered entity" is an entity that must comply with the law. Under Title I, covered entities include employers, employment agencies, labor organizations, or joint labor-management committees. Under Title II, covered entities include state and local government instrumentalities, the National Railroad Passenger Corporation, and other commuter authorities, and public transportation systems. Under Title III, covered entities include public accommodations such as restaurants, hotels, grocery stores, retail stores, etc., as well as privately owned transportation systems.

Cross Slope: the grade that is perpendicular to the direction of pedestrian travel.

Curb Ramp: a ramp that cuts through or is built up to the curb. Curb ramps can be perpendicular or parallel, or a combination of parallel and perpendicular ramps.

Direct Threat: a significant risk to the health or safety of others that cannot be eliminated by reasonable accommodation.

Disability: with respect to an individual, means: a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment. Discrimination on the basis of disability: means to:

- Limit, segregate, or classify a citizen in a way that may adversely affect opportunities or status because of the person's disability;
- Limit, segregate, or classify a participant in a program or activity offered to the public in a way that may adversely affect opportunities or status because of the participant's disability;
- Participate in a contract that could subject a qualified citizen with a disability to discrimination;
- Use any standards, criteria, or methods of administration that have the effect of discriminating on the basis of disability;
- Deny equal benefits because of a disability;
- Fail to make reasonable accommodations to known physical or mental limitations of an otherwise qualified individual unless it can be shown that the accommodation would impose an undue burden on the City's operations;
- Use selection criteria that exclude otherwise qualified people with disabilities from participating in the programs or activities offered to the public; and
- Fail to use tests, including eligibility tests, in a manner that ensures that the test results accurately reflect the qualified applicant's skills or aptitude to participate in a program or activity.

Employer: a person engaged in an industry affecting commerce who has 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, and any agent of such person, except that, for two years following the effective date of this subchapter, an employer means

a person engaged in an industry affecting commerce who has 25 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding year, and any agent of such person.

Exceptions: The term "employer" does not include the United States, a corporation wholly owned by the government of the United States, or an Indian tribe; or a bona fide private membership club (other than a labor organization) that is exempt from taxation under section 501(c) of Title 26 [the Internal Revenue Code of 1986].

Equal Employment Opportunity Commission (EEOC): the Federal agency charged with enforcing Title I of the ADA.

Essential Job Functions: the fundamental job duties of the employment position that the individual with a disability holds or desires. The term "essential functions" does not include marginal functions of the position.

Equal Employment Opportunity: an opportunity to attain the same level of performance or to enjoy equal benefits and privileges of employment as are available to an average similarly-situated employee without a disability.

Existing Facility: refers to buildings that were constructed before the ADA went into effect. A public building constructed before the effective date of Title II does not have to be fully accessible unless the removal of barriers, including structural ones, is readily achievable.

Facility: all or any portion of buildings, structures, improvements, elements, and pedestrian or vehicular routes located in the public right-of-way.

Grade Break: the line where two surface planes with different grades meet.

Historic Properties: those properties that are listed or eligible for listing in the National Register of Historic Places or properties designated as historic under State or local law.

Job Analysis: a formal process in which information about a specific job or occupation is collected and analyzed.

Job Description: a detailed summary, usually written, of the major components of a job. A typical job description consists of six major components: essential job functions, knowledge and critical skills, physical demands, environmental factors, the roles of the ADA and other Federal laws such as the Occupational Safety Health Act, and any explanatory information that may be necessary to clarify job duties or responsibilities.

Job Related and Consistent with Business Necessity: standard used to determine whether a qualification standard or employment policy concerns an essential aspect of the job and is required to meet the needs of the business.

Light Duty: generally, "light duty" refers to temporary or permanent work that is physically or mentally less demanding than normal job duties. Some employers use the term "light duty" to mean simply excusing an employee from performing those job functions that s/he is unable to perform because of an impairment. "Light duty" also may consist of particular positions with duties that are less physically or mentally demanding created specifically for the purpose of providing alternative work for employees who are unable to perform some or all of their normal duties. Further, an employer may refer to any position that is sedentary or is less physically or mentally demanding as "light duty". The term is often associated with workers compensation programs.

Major Life Activity: term used in the ADA definition of disability. It refers to activities that an average person can perform with little or no difficulty, such as walking, seeing, speaking, hearing, breathing, learning, performing manual tasks, caring for oneself, and working. These are examples only. Other activities such as sitting, standing, lifting, or reading are also major life activities.

Marginal Job Functions: functions that are not considered essential to a job. Employers must consider removing marginal job functions as an accommodation under the ADA, but do not have to remove essential functions as an accommodation.

Medical Examination: a procedure or test that seeks information about an individual's physical or mental impairments or health. The following factors should be considered to determine whether a test (or procedure) is a medical examination: (1) whether the test is administered by a health care professional; (2) whether the test is interpreted by a health care professional; (3) whether the test is designed to reveal an impairment or physical or mental health; (4) whether the test is invasive; (5) whether the test measures an employee's performance of a task or measures his/her physiological responses to performing the task; (6) whether the test normally is given in a medical setting; and, (7) whether medical equipment is used. In many cases, a combination of factors will be relevant in determining whether a test or procedure is a medical examination. In other cases, one factor may be enough to determine that a test or procedure is medical.

Mitigating Measures: medical treatment or devices that lessen the effects of an impairment, such as medication, a prosthesis, or a hearing aid. When determining whether a person has a disability under the ADA, the effect of mitigating measures is to be considered.

Pedestrian Access Route (PAR): a continuous and unobstructed path of travel provided for pedestrians with disabilities within or coinciding with a pedestrian circulation path.

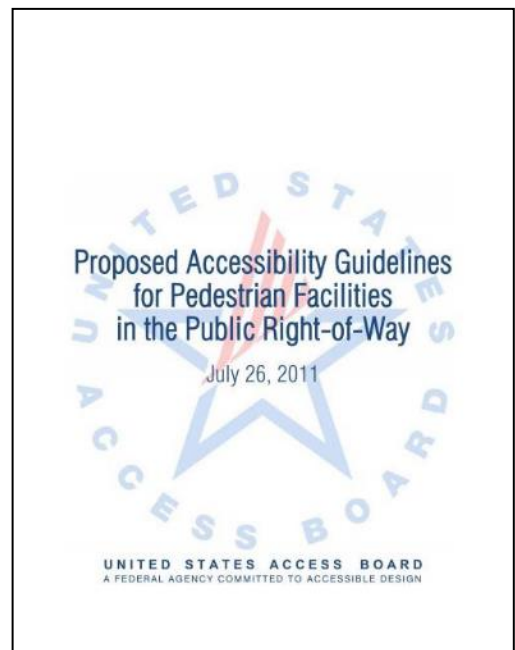
Pedestrian Circulation Path: a prepared exterior or interior surface provided for pedestrian travel in the public right-of-way.

Physical or Mental Impairment: a physical or mental limitation that may include, but are not limited to: vision, speech, and hearing impairment; emotional disturbance and mental illness; seizure disorders; mental retardation; orthopedic and neuromotor disabilities; learning disabilities; diabetes; heart disease; nervous conditions; cancer; asthma; hepatitis B; HIV infection (HIV condition); and drug addiction if the addict has successfully completed or is participating in a rehabilitation program and no longer uses illegal drugs.

- The following conditions are not physical or mental impairments: tranvestism, illegal drug use; homosexuality or bisexuality; compulsive gambling; kleptomania; pyromania; pedophilia; exhibitionism; voyeurism; pregnancy; height; weight; eye color; hair color; left-handedness; poverty; lack of education; a prison record; and poor judgment or quick temper if not symptoms of a mental or physiological disorder.

PROWAG: Proposed Accessibility Guidelines for Pedestrian Facilities within Public Right-of-Way. These proposed guidelines (dated July 26, 2011) provide design criteria for public streets and sidewalks, including pedestrian access routes, street crossings, curb ramps and blended transitions, on-street parking, street furniture, and other elements. The specifications comprehensively address access that accommodates all types of disabilities, including mobility and vision impairments, while taking into account conditions and constraints that may impact compliance, such as space limitations and terrain.

Public Accommodations: entities that must comply with Title III. The term includes facilities whose operations affect commerce and fall within at least one of the following 12 categories: places



of lodging (e.g., inns, hotels, motels) (except for owner-occupied establishments renting fewer than six rooms); establishments serving food or drink (e.g., restaurants and bars); places of exhibition or entertainment (e.g., motion picture houses, theaters, concert halls, stadiums); places of public gathering (e.g., auditoriums, convention centers, lecture halls); sales or rental establishments (e.g., bakeries, grocery stores, hardware stores, shopping centers); service establishments (e.g., laundromats, dry-cleaners, banks, barber shops, beauty shops, travel services, shoe repair services, funeral parlors, gas stations, offices of accountants or lawyers, pharmacies, insurance offices, professional offices of health care providers, hospitals); public transportation terminals, depots, or stations (not including facilities relating to air transportation); places of public display or collection (e.g., museums, libraries, galleries); places of recreation (e.g., parks, zoos, amusement parks); places of education (e.g., nursery schools, elementary, secondary, undergraduate, or postgraduate private schools); social service center establishments (e.g., day care centers, senior citizen centers, homeless shelters, food banks, adoption agencies); and places of exercise or recreation (e.g., gymnasiums, health spas, bowling alleys, golf courses).

Public Entity: entities that must comply with Title II. The term is defined as: any state or local government; any department, agency, special purpose district, or other instrumentality of a state or local government; or certain commuter authorities as well as Amtrak. It does not include the Federal government.

Qualified Individual with a Disability: an individual with a disability who, with or without reasonable modification to rules, policies, or practices, removal of architectural, communication, or transportation barriers, or the provision of auxiliary services or aids, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by the City.

Readily Achievable: easily accomplishable and able to be carried out without much difficulty or expense. In determining whether an action is readily achievable, factors to be considered include nature and cost of the action, overall financial resources and the effect on expenses and resources, legitimate safety requirements, impact on the operation of a site, and, if applicable, overall financial resources, size, and type of operation of any parent corporation or entity. Under Title III, public accommodations must remove barriers in existing facilities if it is readily achievable to do so.

Reasonable Accommodation: under Title I, a modification or adjustment to a job, the work environment, or the way things usually are done that enables a qualified individual with a disability to enjoy an equal employment opportunity. Reasonable accommodation is a key nondiscrimination requirement of the ADA.

Reasonable Program Modifications: if an individual's disabilities prevent them from performing the essential functions of the program or activity, it is necessary to determine whether reasonable program modifications would enable these individuals to perform the essential functions of the program or activity.

Reasonable program modification is any change in a program or activity, or in the way things are customarily done, that enables an individual with a disability to enjoy equal program opportunities. Accommodation means modifications or adjustments:

- To a registration or application process to enable an individual with a disability to be considered for the program or activity;
- To the program or activity environment in which the duties of a position are performed so that a person with a disability can perform the essential functions of the program or activity; and
- That enables individuals with disabilities to enjoy equally the benefits of the program or activity as other similarly situated individuals without disabilities enjoy.

Modification includes making existing facilities and equipment used by individuals readily accessible and usable by individuals with disabilities. Modification applies to known disabilities only. Modification is not

required if it changes the essential nature of a program or activity for the person with a disability, it creates a hazardous situation, adjustments or modifications requested are primarily for the personal benefit of the individual with a disability, or it poses an undue burden on the City.

Record of an Impairment: an individual is disabled if he or she has a history of having an impairment that substantially limits the performance of a major life activity or has been diagnosed, correctly or incorrectly, as having such an impairment. An example: a man, who is in line for a promotion, has a history of cancer treatment, although he is now free of cancer. He is not given the promotion because his bosses are worried that, if his cancer returns, he won't be able to do the job. He does not, at this point, meet the first part of the definition of disability because he does not have a physical or mental impairment that substantially limits one or more major life activities. However, based on his "record of" an impairment, he is being discriminated against.

Regarded as Having a Disability: an individual is disabled if he or she is treated or perceived as having an impairment that substantially limits major life activities, although no such impairment exists. An example: a woman applies for a job as a customer service representative at a department store. Her face is badly scarred from an automobile accident. The interviewer doesn't want to give her the job, in spite of her skills and experience, because he thinks customers will be uncomfortable looking at her. She is not substantially limited in any major life activity, but the interviewer is "regarding her as" if she has a disability.

Running Slope: the grade that is parallel to the direction of pedestrian travel.

Safe Harbor: elements of existing facilities that already comply with either the 1991 ADA Standards or UFAS are not required to comply with the 2010 ADA Standards unless they were altered on or after March 15, 2012 and elements comprising a path of travel to an altered primary function area are not required to comply with the 2010 ADA Standard merely as the result of an alteration to a primary function area, provided those elements comply with the 1991 ADA Standard or UFAS.

Service Animal: any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. See the 2010 revised requirements at https://www.ada.gov/service_animals_2010.htm.

Substantial Limitation on Major Life Activities: an individual is disabled if she or he has a physical or mental impairment that (a) renders her or him unable to perform a major life activity, or (b) substantially limits the condition, manner, or duration under which she or he can perform a particular major life activity in comparison to other people.

In determining whether physical or mental impairment substantially limits the condition, manner, or duration under which an individual can perform a particular major life activity in comparison to other people, the following factors shall be considered:

- The nature and severity of the impairment;
- The duration or expected duration of the impairment; and
- The permanent or long term impact (or expected impact) of, or resulting from, the impairment.

Title V of the Rehabilitation Act of 1973: title of the law that prohibits discrimination on the basis of a disability by the Federal government, Federal contractors, by recipients of Federal financial assistance, and in Federally conducted programs and activities.

Transition Plan: refers to a requirement that state and local governments employing 50 or more people develop plans detailing structural changes necessary to achieve facility and program accessibility.

Undue Burden: means significant difficulty or expense incurred in the provision of accommodation. Undue burden includes, but is not limited to, financial difficulty. Undue burden refers to any modification that would be unduly costly, extensive, substantial, or disruptive, or that would fundamentally alter the nature of operation of the business of the City. Whether a particular accommodation will impose an undue hardship is determined on a case-by-case basis. If a particular modification is determined to cause an undue burden to Pigeon Forge, the City shall attempt to identify another modification that would not pose such a burden. If cost causes the undue burden, the City must consider whether funding for the modification is available from an outside source. If no such funding is available, the City must give the person with a disability the opportunity to provide the modification or to pay for that portion of the modification that constitutes an undue burden.

Undue Hardship: with respect to the provision of an accommodation under Title I of the ADA, significant difficulty or expense incurred by a covered entity, when considered in light of certain factors. These factors include the nature and cost of the accommodation in relationship to the size, resources, nature, and structure of the employer's operation. Where the facility making the accommodation is part of a larger entity, the structure and overall resources of the larger organization would be considered, as well as the financial and administrative relationship of the facility to the larger organization. Employers do not have to provide accommodations that cause an undue hardship.

Uniform Federal Accessibility Standards (UFAS): one of two standards that state and local governments can use to comply with Title II's accessibility requirement for new construction and alterations that took place before March 15, 2012. The other standard is the ADA Accessibility Guidelines, which is the enforceable standard for new construction or alternations done after March 15, 2012.

U.S. Department of Justice: Federal agency that is responsible for enforcing Titles II and III of the ADA.

U.S. Department of Transportation: Federal agency that enforces nondiscrimination in public and private transportation. Nondiscrimination includes access to public bus, train and paratransit, as well as privately operated bus and shuttle transportation. The ADA does not cover air transportation, which is subject to the Air Carrier Access Act.

Video Remote Interpretation (VRI): Video remote interpreting (VRI) is a video telecommunication service that uses web cameras, videophones, or other devices to provide sign language or spoken language interpreting services via a remote or offsite interpreter. VRI facilitated communication with persons with hearing loss and cannot utilize voice communication systems.