

**AMERICANS WITH DISABILITIES  
ACT**

**SELF-EVALUATION REPORT**

**TOWN OF JOHNSTOWN, COLORADO**

**2013**

**ADA Self-Evaluation Report  
Town of Johnstown, CO**

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## INTRODUCTION

The purpose of this Americans with Disabilities Act (ADA) Title II Self-evaluation is to document the results of the review of access to programs, services, activities and events by individuals with disabilities in order to determine if any discriminatory or potentially discriminatory practices, policies or procedures exist. This report contains findings and recommendations based on the review of programs, services, activities and events provided.

As Johnstown continues to grow and evolve the Town recognizes the need to provide public programs, services and activities accessible to persons with disabilities.

Mr. John Franklin, Town Planner was assigned to coordinate the self-evaluation and prepare the report. The Johnstown Planning and Zoning Commission and other Town staff participated in the self-evaluation process.

The Town utilized resources found on the ADA.gov website, including ADA Guide for Small Towns, and publications such as the ADA Self-Evaluation Tool offered by

### Community Information

Johnstown is a Colorado Home-Rule Municipality with a current estimated population of 11,500 and employs 34 FTEs. As defined in Title II of the Americans with Disabilities Act, Johnstown is a "public entity".

The Town provides basic municipal services including water, sanitary sewer, storm drainage, and police. Trash services are by contract with a private company. Library services are managed by a Library Board. The Town provides a Senior Coordinator and activity center.

The Town owns and maintains several buildings and facilities in support of its municipal functions. The Town also owns and maintains several parks which include playgrounds.

Public roadways in Town limits are maintained by the Town, except for State Hwy 60, US Hwy 34 and Interstate 25. The roadway section includes pavement, curb/gutter and sidewalk. The Town Code requires property owners to maintain sidewalks along their property frontage(s).

### Town Organization

The Town of Johnstown is organized as follows:

- Citizens of Johnstown
  - Mayor and Town Council
    - Town Manager
      - Clerk/Treasurer
        - Finance
        - Administration
        - Records
        - Liquor Licensing
      - Building
      - Planning and Zoning
      - Public Safety
        - Police

- Public Works
  - Streets/Parks/Building & Grounds
  - Water/Wastewater/Cemetery

**SUMMARY  
OF  
EVALUATION**

## Summary of Findings and Recommendations

The self-evaluation is guided by the ADA Guide for Small Towns, a widely used ADA self-evaluation tool, inventories of Town facilities, and public comments. Finding and recommendations are summarized as follows:

ADA Coordinator: Public entities with over fifty employees are required to designate an ADA Coordinator.

**Finding:** The Town of Johnstown employees less than fifty employees and is not yet required to designate an employee to coordinate ADA compliance. John Franklin, Town Planner has been tasked with preparing the self-evaluation report.

**Recommendation:** As the Town staff grows to fifty employees, an ADA Coordinator will need to be designated, and contact information published.

Posting of Notice of Rights: The Town is required to distribute information concerning rights and protection under the ADA.

**Finding:** The Town does provide notice of non-discrimination in its Human Resource Policies.

**Recommendation:** In 2014 the Town should publish an ADA Policy Notice on its website and in frequently used publications, and post the policy in conspicuous places.

Notices of Accommodation: The Town is required to publish a 'notice of accommodation', in accessible formats.

**Finding:** The Town Council Chambers has personal amplifiers available on request, and large video displays of presentations.

**Recommendation:** In 2014 the Town should publish a notice of accommodation, especially for its public meetings in the Council Chambers. The Town should include the following statement to accompany future Town Council and Planning and Zoning Commission meeting agendas,

"In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Town Clerk at (970) 587-4664. Notification at least 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting"

Public Involvement in Self-Evaluation: The Town is required to afford opportunities to interested persons, including individuals with disabilities, to participate in the self-evaluation process by submitting comments.

Finding: The self-evaluation process included two public information meetings. Notice of the meetings was published three times in the Johnstown Breeze newspaper, on the Town's website and posted at Town Hall, Police Building, Library and Senior Center. The Town received extensive comments from one individual, which are include in the report.

Recommendation: The Town should maintain the record of self-evaluation and afford an opportunity for comments on an on-going basis.

ADA Grievance Process: Public Entities with more than fifty employees are required to adopt and publish grievance procedures for actions which may be prohibited under ADA.

Findings: The Town does not yet have fifty employees, but has adopted an employee grievance process as part of the Human Resource Policies and Procedures.

Recommendation: As the number of Town employees grows, a grievance process inclusive of the general public will need to be adopted and published.

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Access to Programs, Services and Activities: The Town may not adopt official policies nor engage in practices that are discriminatory under ADA.

Finding: The Town has adopted non-discriminatory hiring policy. The Town has reviewed its Purchasing Policies and Procedures which do not exclude potential bidders, contractors or vendors based upon disability. Town services offered on a walk-in basis at Town Hall are staffed, meaning that persons with hearing or vision disabilities have some readily-available accommodation. The Police Department and Library services also have employees who work directly with the public.

Recommendation: The Town should consider written procedures and employee training for responding to request for services by extreme hearing or visually disabled persons. The Town should include the following statement to accompany future Town Council and Planning and Zoning Commission meeting agendas,

"In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Town Clerk at (970) 587-4664. Notification at least 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting"

Existing Facilities:

Town facilities must achieve accessibility to all programs, services or activities.

Public Buildings:

Finding: The Town's primary public buildings – Town Hall, Police Building and Library – were constructed between 2003 and present. These buildings feature accessible parking, accessible entry, signage, restrooms and information. In 2010 the former Town Hall portion of the Community Center was re-tasked for Senior Center use. The Senior

Center/Community Center building affords accessible entry throughout, and accessible restrooms. The facility does not have accessible signage. The Town's new Public Works Building while not a public use facility, features accessible entry and employee restrooms. The Town owns the Parish House Museum, constructed in 1914. The Museum has limited access due to steps and narrow doors. The former Senior Center, is now rented to a religious group. The facility features accessible entry and restrooms. The water treatment plant and the two wastewater treatment facilities are not open to the public and are not fully accessible.

Recommendation: The Town should continue to conduct annual inspections of the facilities, maintain the accessible features, and respond promptly to repair requests. The Historical Society is seeking grants to allow remodeling of the Parish House garage into an accessible visitor center to accommodate disabled visitors.

### Parks

Finding: The Town owns and maintains several public parks, some of which feature accessible playgrounds.

Recommendation: As playground equipment is updated, the Town should provide sidewalk access to the playground and access into the required soft surface.

Sidewalks: The ADA requires that a public entity maintain accessible public sidewalks and install compliant curb ramps where sidewalks cross curbs.

Findings: The Town has re-fitted intersections in the older portions of Town with ramps and tactile surfaces. Sidewalks in older areas have experienced cracking and heave due to growth of street trees and the effects of freeze/thaw cycles. Under Town law property owners are responsible for the sidewalks along their property. New subdivisions are required to construct curb ramps where sidewalks or trails connections exist. The Town has published public improvements standards for curb ramps, and included requirements for tactile surfaces.

Recommendations: For 2014, the Town should conduct an annual sidewalk inspection and maintenance/maintenance enforcement program. Also, residents should be encouraged to report locations where sidewalks need to be fixed or repaired to provide access to all persons. Curb ramps meeting ADA requirements should be installed as part of the curb and gutter replacement, major streets overlay programs, and as part of private re-development projects. Curb ramps shall be installed at locations, including mid-block crosswalks, where they are missing and necessary for access to sidewalks. Where curb ramps and sidewalks are available, crosswalks should be marked in Spring 2014 across streets, such as crossings of Johnstown Center Drive at Medinah Ave., Castle Pines Ave. and Hwy 60.

Communication:

Public entities must ensure that applicants, participants and members of the public with disabilities have communication access that is equally effective as that provided to persons without disabilities.

Auxiliary Aids and Services:

Findings: The Town Council Chambers has three wireless hearing amplifiers available. There is not a posted notice of availability. The Town has no recent experience in communication with persons with disabilities; the Town does not offer training in communicating with persons with disabilities.

Recommendation: In 2014 a notice of hearing aid devices should be posted in the Council Chambers. The Town should provide training and information regarding effective communication to Town employees.

Sign Language Interpreter Services:

Findings: The Town has no recent experience or requests for sign language interpreters; there are no contract or volunteer interpreters known to be available.

Recommendations: In 2014 the Town should investigate area sign language interpreter services. Interpreters should be provided as determined through the request for accommodation process or in circumstances where an interpreter is known to be required. The Town should ensure that those individuals utilizing a language other than English and are deaf, are also provided interpreter services that specialize in signing for that language.

Telecommunications Devices for the Deaf:

Findings: The Town Hall has not established a relationship with a TDD/TTY service.

Recommendation: In 2014 the Town should subscribe to TDD/TTY services.

Town Websites:

Findings: The Town Government and Police have websites, but have not evaluated accessibility features with the website developers. Advances in personal computer software allow visual and/or audible enhancement of websites.

Recommendations: In 2014, the Town will update its website and department web pages and will have the Contractor provide and maintain standards for accessible web design and standards.

Alternate Formats:

Findings: The Town does not have alternate communication formats available.

Recommendation: The Town should have alternate formats available for all routine published information documents and forms. Alternatives may include provision of large print, information that was sent via e-mail, Braille, and pictograms.

ADA Compliance Orientation and Training:

Although not required by the ADA, training regarding the requirements of the ADA is recommended. On-going compliance with the ADA is aided if Town staff and officials receive orientation and training about the rights of persons with disabilities and the obligations of public employees under the ADA.

Findings: Other than required reading of Human Resource policies, there is no staff orientation regarding roles and responsibilities regarding the Americans with Disabilities Act and related civil rights legislation.

Recommendations: The Town should provide staff orientation and information regarding the ADA and related civil rights legislation.

**EVALUATION**

**WORKSHEETS**

**Town of Johnstown, Colorado**  
**Self-Evaluation of Local Government Compliance with Title II Regulations**

Reference: Title II, 2010 Update (Please note that the full text of the regulations was considered in the evaluation.)

**§ 35.105 Self-evaluation.**

**(a) A public entity shall, within one year of the effective date of this part, evaluate its current services, policies, and practices, and the effects thereof, that do not or may not meet the requirements of this part and, to the extent modification of any such services, policies, and practices is required, the public entity shall proceed to make the necessary modifications.**

**(b) A public entity shall 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.** The Town held two public information meetings before the Planning and Zoning Commission on August 21, 2013 and September 25, 2013. Notice of the meetings was published in the Johnstown Breeze local newspaper on three occasions, published on the Town Web site home page and posted at public buildings. The Commission reviewed the report at its public meeting of October 9, 2013. The Town Council reviewed the report on October 14

**§ 35.130 General prohibitions against discrimination.**

**(a) No qualified individual with a disability shall, on the basis of disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any public entity.**

EVALUATION:

**§ 35.131 Illegal use of drugs.**

**(a) General.**

**(1) Except as provided in paragraph (b) of this section, this part does not prohibit discrimination against an individual based on that individual's current illegal use of drugs.**

**(2) A public entity shall not discriminate on the basis of illegal use of drugs against an individual who is not engaging in current illegal use of drugs and who—**

**(i) Has successfully completed a supervised drug rehabilitation program or has otherwise been rehabilitated successfully;**

**(ii) Is participating in a supervised rehabilitation program; or (iii) Is erroneously regarded as engaging in such use.**

EVALUATION: The Town's Human Resources Policies and Procedures provides for compliance with the Drug-Free Workplace Act of 1988.

**§ 35.133 Maintenance of accessible features.**

**(a) A public entity shall maintain in operable working condition those features of facilities and equipment that are required to be readily accessible to and usable by persons with disabilities by the Act or this part.**

EVALUATION: The Town maintains all operable entrance doors and elevator.

**§ 35.134 Retaliation or coercion.**

**(a) No private or public entity shall discriminate against any individual because that individual has opposed any act or practice made unlawful by this part, or because that individual made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under the Act or this part.**

**(b) No private or public entity shall coerce, intimidate, threaten, or interfere with any individual in the exercise or enjoyment of, or on account of his or her having exercised or enjoyed, or on account of his or her having aided or encouraged any other individual in the exercise or enjoyment of, any right granted or protected by the Act or this part.**

EVALUATION: The Town's Human resources Policies and Procedures addresses employee conduct and the process for reporting and addressing discrimination.

**§ 35.135 Personal devices and services.**

**This part does not require a public entity to provide to individuals with disabilities personal devices, such as wheelchairs; individually prescribed devices, such as prescription eyeglasses or hearing aids; readers for personal use or study; or services of a personal nature including assistance in eating, toileting, or dressing.**

EVALUATION:

**§ 35.136 Service animals.**

**(a) General.**

**Generally, a public entity shall modify its policies, practices, or procedures to permit the use of a service animal by an individual with a disability.**

EVALUATION: -

**§ 35.137 Mobility devices.**

**(a) Use of wheelchairs and manually-powered mobility aids. A public entity shall permit individuals with mobility disabilities to use wheelchairs and manually-powered mobility aids, such as walkers, crutches, canes, braces, or other similar devices designed for use by individuals with mobility disabilities in any areas open to pedestrian use.**

EVALUATION: The Town does not prohibit, and does provide for access by way of mobility devices. Also see facilities Inventory.

**§ 35.138 Ticketing.**

EVALUATION: Not Applicable, as the Town has no events for which admission is charged.

**§ 35.139 Direct threat.**

**(a) This part does not require a public entity to permit an individual to participate in or benefit from the services, programs, or activities of that public entity when that individual poses a direct threat to the health or safety of others.**

EVALUATION: Acknowledged

**§ 35.140 Employment discrimination prohibited.**

**(a) No qualified individual with a disability shall, on the basis of disability, be subjected to discrimination in employment under any service, program, or activity conducted by a public entity.**

EVALUATION: The Town's Human resource Policies and Procedures specifically includes policies concerning non-discrimination – Equal Employment Opportunity – for all employees and applicants.

## **Subpart D—Program Accessibility**

### **§ 35.149 Discrimination prohibited.**

**Except as otherwise provided in § 35.150, no qualified individual with a disability shall, because a public entity's facilities are inaccessible to or unusable by individuals with disabilities, be excluded from participation in, or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any public entity.**

**EVALUATION:** The Town's public access facilities are accessible. Please refer to inventory.

### **§ 35.150 Existing facilities.**

**(a) General. A public entity shall operate each service, program, or activity so that the service, program, or activity, when viewed in its entirety, is readily accessible to and usable by individuals with disabilities.**

**EVALUATION:** Acknowledged. Refer to inventory

### **§ 35.151 New construction and alterations**

#### **(a) Design and construction.**

**(1) Each facility or part of a facility constructed by, on behalf of, or for the use of a public entity shall be designed and constructed in such manner that the facility or part of the facility is readily accessible to and usable by individuals with disabilities, if the construction was commenced after January 26, 1992.**

**EVALUATION:** This has occurred. Refer to inventory

## **Subpart E—Communications**

### **§ 35.160 General.**

**(a)**

**(1) A public entity shall take appropriate steps to ensure that communications with applicants, participants, members of the public, and companions with disabilities are as effective as communications with others.**

EVALUATION: The Town has not received comments or complaints concerning communication. The Town shall take steps to ensure that published information and the Town's website include visual accommodation.

**(2) A public entity shall furnish appropriate auxiliary aids and services where necessary to afford qualified individuals with disabilities, including applicants, participants, companions, and members of the public, an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity of a public entity.**

EVALUATION: The Town Council Chambers in Town Hall has a limited number of personal amplified hearing devices, which are available upon request.

### **§ 35.161 Telecommunications.**

**(a) Where a public entity communicates by telephone with applicants and beneficiaries, text telephones (TTYs) or equally effective telecommunications systems shall be used to communicate with individuals who are deaf or hard of hearing or have speech impairments.**

EVALUATION: The Town does not offer this system.

### **§ 35.163 Information and signage.**

**(a) A public entity shall ensure that interested persons, including persons with impaired vision or hearing, can obtain information as to the existence and location of accessible services, activities, and facilities.**

EVALUATION:

**(b) A public entity shall provide signage at all inaccessible entrances to each of its facilities, directing users to an accessible entrance or to a location at which they can obtain information about accessible facilities. The international symbol for accessibility shall be used at each accessible entrance of a facility.**

EVALUATION: Entrances are marked. Emergency exits which are not accessible are not marked. See inventory

# Town of Johnstown, Colorado

## Americans with Disabilities Act Self-Evaluation Tool

**Note: This Self-Evaluation Guide is based upon the "ADA Self-Evaluation Guide for Public Entities" developed by the Texas Governor's Committee on People with Disabilities and The Office for Civil Rights, U.S. Department of Health and Human Services.**

### TITLE II PUBLIC SERVICES

#### 1. Introduction to Title II, with Definition of Terms

Title II prohibits discrimination denying full and equal enjoyment of goods, services, privileges, advantages, or equal access to any local government activity.

#### KEY DEFINITIONS SUMMARY

{Important: See 28 Code of Federal Regulations Part 35 of the Department of Justice Title II Regulations Section 35.104 for State and Local Government Services.}

#### AUXILIARY AIDS AND SERVICES-INCLUDES THE FOLLOWING-

- (1) Qualified interpreters, note takers, transcription services, written materials, telephone handset amplifiers, assistive listening devices, assistive listening systems, telephones compatible with hearing aids, closed caption decoders, open and closed captioning, telecommunications devices for deaf persons (TDD's), videotext displays, or other effective methods of making aurally delivered materials available to individuals with hearing impairments;
- (2) Qualified readers, taped text, audio recordings, Brailled materials, large print materials, or other effective methods of making visually delivered materials available to individuals with visual impairments;
- (3) Acquisition or modification of equipment or devices; and
- (4) Other similar services and actions.

**FACILITY** - means all or any portion of buildings, structures, sites, complexes, equipment, rolling stock or other conveyances, roads, walks, passageways, parking lots or other real or personal property, including the site where the building, property, structure, or equipment is located.

**Historic Preservation Programs** - means programs conducted by a public entity that have preservation of historic properties as a primary purpose.

**Historic Properties** - means those properties that are listed or eligible for listing in the National Register of Historic Places or properties designated as historic under state and local law.

**Public Entity means -**

- (1) Any State or local government;

(2) Any department, agency, special purpose district, or other instrumentality of a State or States or local government; and

(3) The National Railroad Passenger Corporation, and any commuter authority (as defined in section 103(8) of the Rail Passenger Service Act).

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

**Qualified Interpreter** - means an interpreter who is able to interpret effectively, accurately, and impartially both receptively and expressively, using any necessary specialized vocabulary.

**Section 504** - means section 504 of the Rehabilitation Act of 1973 {Pub. L. 93-112, 87 Stat. 394 (29 U.S.C. 794)}, as amended.

**State** - means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

## 2. Self-Evaluation Guide for Title II

(Citations from DOJ Title II Regulations & Technical Assistance Manual)

### a) GENERAL ACCESSIBILITY (items 1-26)

Have you reviewed your Department services as a public entity under Title II, Americans with Disabilities Act, Public Services Section 201(1) and 28 CFR part 35 of Department of Justice Regulations

**to make certain that...**

#### Sect 35.105(a)

1. You have conducted an updated self-evaluation that evaluates your current services, polices, and practices (for both employment and provision of benefits and services) and the effects thereof that do not or may not meet the requirements of the ADA Regulations and, to the extent modifications of any such services, policies and practices is required, proceed to make the modifications?

Yes  No  Action/Due Date: *November 1, 2013*

Explanation: \_\_\_\_\_

#### Sect 35.105(b)

2. Have you provided an opportunity to interested persons, including individuals with disabilities, to participate in the self-evaluation process by submitting comments?

Yes  No  Action/Due Date: \_\_\_\_\_

Explanation: *The Johnstown Planning and Zoning Commission held two noticed public information meetings and one public meeting. Notice was published in the local newspaper and posted at Town Hall, Police Building, Library and Community Center/Senior Center.*

#### Sect 35.105(c)

3. Do departmental policy and procedure manuals state that for at least three years following completion of the self-evaluation, you maintain on file and make available for public inspection:

- a) a list of the interested persons consulted;
- b) a description of areas examined and any problems identified; and
- c) a description of any modifications made?

Yes  No  Action/Due Date: *11/4/13*

Explanation: *This report will be available upon submittal to FHWA.*

#### Sect 35.106

4. Do you have a means, in accessible formats for those with sensory impairments, for notifying and that you have notified applicants, participants, beneficiaries, unions and professional organizations with whom you have collective bargaining agreements and other interested persons about information regarding the provisions of the ADA and its applicability to your employment, services, programs, and activities and of your nondiscrimination policy?

Yes  No  Action/Due Date: *12/31/13*

Explanation: *The Town has no collective bargaining agreements.*

**Sect 35.106**

5. Do your written materials (publications) include a notice of nondiscrimination?

Yes  No  Action/Due Date: \_\_\_\_\_

**Explanation:** *The Town publication of notices of employment includes such a statement.*

**Sect 35.107(a)**

6. Have you designated at least one employee to coordinate your efforts to comply with and carry out your responsibilities under the ADA, including investigation of any complaints alleging noncompliance or any actions that would be prohibited by the ADA?

Yes  No  Action/Due Date: \_\_\_\_\_

**Explanation:** *The Town employees 34 full time employees, less than the 50 threshold. The Town Planner is tasked with preparing the self-evaluation.*

**Sect 35.107(a)**

7. Have you made available to all interested individuals the name, address and telephone number of the employee or employees designated to coordinate your responsibilities under the ADA?

Yes  No  N/A  Action/Due Date: \_\_\_\_\_

**Explanation:** *The Town is not yet required to designate a coordinator.*

**Sect 35.107**

8. Have you adopted and published grievance procedures that incorporate due process standards and that provide for the prompt and equitable resolution of complaints of discrimination against an individual with a disability, including job applicants, employees, customers, and visitors?

Yes  No  Action/Due Date: \_\_\_\_\_

**Explanation:** *The Town Human resources Policies includes a report process for employees. With less than fifty employees, the Town has no published process for ADA-related customer or visitor complaints.*

**Sect 35.130(b)(1)(I)-(IV)**

9. Nondiscriminatory treatment is given directly or through contractual licensing or other arrangements to people with disabilities in the full and equal enjoyment of aids, benefits, or services that is equal to and as effective in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that afforded to other individuals and that they are not provided differently or separately unless such action is necessary to ensure that services are as effective as those provided to others.

Yes  No  Action/Due Date: \_\_\_\_\_

**Explanation:** *The Town has no requirements which would discriminate.*

**Sect 35.130(b)(1)(V)**

10. Do you provide significant assistance to anyone that discriminates on the basis of disability in providing any aid, benefit, or service to beneficiaries of your public program?

Yes  No  Action/Due Date: \_\_\_\_\_

**Explanation:**

**Sect 35.130(b)(1)(VI)**

11. Have you made sure that individuals with disabilities are allowed the opportunity to participate as members of your planning or advisory boards?

Yes [ X ]                      No [ ]                      Action/Due Date: \_\_\_\_\_

**Explanation:** *The Town has never directly or implicitly restricted applications.*

**Sect 35.130(b)(2)**

12. Even if separate or different programs or activities are provided for individuals with disabilities, are they not denied the opportunity to participate in those that are not separate or different if they so choose?

Yes [ X ]                      No [ ]                      Action/Due Date: \_\_\_\_\_

**Explanation:** *The Town has never directly or indirectly restricted full access by all persons to any program or activity.*

**Sect 35.130(b)(3)**

13. Do you utilize, directly and/or through contractual or other arrangements, standards, criteria, or methods of admission that do not:

a) have the effect of subjecting qualified individuals with disabilities to discrimination on the basis of disability;

b) have the purpose or effect of defeating or substantially impairing accomplishment of the objectives of the public entity's program with respect to individuals with disabilities; or

c) perpetuate the discrimination of another public entity if you both are subject to common administrative control or are agencies of the State?

Yes [ X ]                      No [ ]                      Action/Due Date: \_\_\_\_\_

**Explanation:**

**Sect 35.130(b)(4)**

14. In your process for determining the site or location of a facility, do you make selections that have the purpose and effect of accomplishing the objectives of the service, program, or activity for individuals with disabilities?

Yes [ X ]                      No [ ]                      Action/Due Date: \_\_\_\_\_

**Explanation:** *Indirectly - Town site selection for public buildings has favored central sites with terrain favorable to accessibility.*

**Sect 35.130(b)(5)**

15. In your process for selection of procurement contractors, do you use selection criteria that do not subject qualified individuals with disabilities to discrimination?

Yes [ X ]                      No [ ]                      Action/Due Date: \_\_\_\_\_

**Explanation:** *The Town permits any contractor to submit quotes.*

**Sect 35.130(b)(6)**

16. Do you administer licensing and certification programs in a manner that allows qualified

individuals with disabilities full and equal access, and to the extent that you establish requirements for the programs or activities of licensees, or certified entities that such requirements ensure full and equal access for qualified individuals with disabilities to such programs or activities?

Yes  No  Action/Due Date: \_\_\_\_\_

Explanation: *Business and liquor licensing is based on factors other than disability/ability.*

**Sect 35.130(b)(7)**

17. Do you make reasonable modifications to policies, practices or procedures, when such modifications are necessary to offer goods or services, etc., to individuals with disabilities unless doing so would fundamentally alter the goods or services, etc.?

Yes  No  Action/Due Date: \_\_\_\_\_

Explanation:

**Sect 35.130(b)(8)**

18. Do you keep from imposing eligibility criteria that screens out individuals with disabilities (unless such criteria can be shown to be necessary for the provision of the goods, services, etc. being offered)?

Yes  No  Action/Due Date: \_\_\_\_\_

Explanation: *The Town Purchasing Procedures Manual does not include such criteria.*

**Sect 35.130(d)**

19. Do you administer services, programs, and activities in the most integrated setting appropriate to the needs of qualified individuals with disabilities. (where possible, the same setting offered to others)?

Yes  No  Action/Due Date: \_\_\_\_\_

Explanation: *Space availability would limit separation.*

**Sect 35.130(e) (1)**

20. Is it true that you do not require an individual with a disability to accept an accommodation, aid, service, opportunity, or benefit, designed to provide the individual with an equal opportunity to participate, which such individual chooses not to accept?

Yes  No  Action/Due Date: \_\_\_\_\_

Explanation: *The Town has no experience with such an event, but would anticipate no requirement.*

**Sect 35.130(e)(2)**

21. Is it true that notwithstanding Section 35.130(e)(1) and question number 20 above, you do not allow the representative or guardian of an individual with a disability autonomous authority to decline food, water, medical treatment, or medical services for that individual?

Yes  No  [N/A] Action/Due Date: \_\_\_\_\_

Explanation: *The Town provides no such experience or opportunity for such an event.*

**Sect 35.130(f)**

22. Is it true that you do not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of measures, such as the provision of auxiliary aids or program accessibility, that are required to provide that individual or group with nondiscriminatory treatment?

Yes [  ]      No [  ]      Action/Due Date: \_\_\_\_\_

**Explanation:**

**Sect 35.130(g)**

23. Are people with friends, associates or relatives of people with a disability provided goods, services, facilities, privileges, advantages, accommodations, and other opportunities on a nondiscriminatory basis?

Yes [  ]      No [  ]      Action/Due Date: \_\_\_\_\_

**Explanation:** \_

**Sect 35.131**

24. Do you serve and provide equal access to otherwise qualified individuals who are not engaging in current illegal use of drugs?

Yes [  ]      No [  ]      Action/Due Date: \_\_\_\_\_

**Explanation:**

**Sect 35.133**

25. Do you maintain in operable working conditions those features of facilities and equipment that are required to be readily accessible to and usable by persons with disabilities including snow removal from pathways of travel and ramped entrances?

Yes [  ]      No [  ]      Action/Due Date: \_\_\_\_\_

**Explanation:** *The Town provides for routine maintenance and repair of operable doors, and Town Hall elevator.*

**Sect 35.134 and Sect 1630.12 for employment under Part I**

26. Is it true that you do not, nor do those you do business with, discriminate against, coerce, intimidate, threaten, or interfere with any individual because that individual has opposed any act or practice made unlawful by the ADA, or because that individual made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under the ADA, or because that individual exercised, enjoyed or aided or encouraged any other individual in the exercise or enjoyment of any right granted or protected by the ADA?

Yes [  ]      No [  ]      Action/Due Date: \_\_\_\_\_

**Explanation:** *Town Human Resource Policies and Procedures*

b) **PROGRAM ACCESSIBILITY (items 27-51)**

**Sect 35.150**

27. Have facility audits of the agencies facilities been completed?

Yes  No  Action/Due Date: \_\_\_\_\_

Explanation: *See attached*

**Sect 35.150 (b)**

28. Has a plan for program modifications been developed that will effectively compensate for each facility barrier until the facility can be made accessible?

A public entity may comply with the requirements of this section through such means as redesign of equipment, reassignment of services to accessible buildings, assignment of aides to beneficiaries, home visits, delivery of services at alternate accessible sites, alteration of existing facilities and construction of new facilities, use of accessible rolling stock or other conveyances, or any other methods that result in making its services, programs or activities readily accessible to and usable by individuals with disabilities. (reference number 6 of the transition plan)

Yes  No  Action/Due Date: \_\_\_\_\_

Explanation: *No modifications anticipated other than inspections and routine maintenance.*

**Sect 35.150 (b)**

29. Have program modifications been attached to the facility audit/transition plan? (reference number 6 of the transition plan)

Yes  No  [N/A] Action/Due Date: \_\_\_\_\_

Explanation:

Have you reviewed agency program(s), service(s) and activitie(s) under Title II program accessibility of the ADA

**to determine if:**

**Sect 35.150(a)**

30. Do you operate each service, program, or activity so that the service, program, or activity, when viewed in its entirety, is readily accessible to and usable by individuals with disabilities?

{This does not: (1) Necessarily require a public entity to make each of its existing facilities accessible to and usable by individuals with disabilities; (2) require a public entity to take any action that would threaten or destroy the historic significance of an historic property; or (3) require a public entity to take any action that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens. The public entity may comply with the requirements of this section through such means as redesign of equipment, reassignment of services to accessible buildings, assignment of aides to beneficiaries, home visits, delivery of services at alternate accessible sites, alteration of existing facilities and construction of new facilities, use of accessible rolling stock or other conveyances, or any other

methods that result in making its services, programs, or activities readily accessible to and usable by individuals with disabilities. The public entity is not required to make structural changes in existing facilities where other methods are effective in achieving compliance with this section. The public entity in making alterations to existing buildings, shall meet the accessibility requirements of ADAAG. The public entity shall give priority to those methods that offer services, programs, and activities to qualified individuals with disabilities in the most integrated setting appropriate.)

Yes  No  Action/Due Date: \_\_\_\_\_  
Explanation: See report

**Sect 35.150(a)**

31. If an action called for in question number 31 above would result in a fundamental alteration in the nature of a service, program, or activity, or in undue financial and administrative burdens, do you take any other action that will not result in such an alteration or such burdens but will nevertheless ensure that individuals with disabilities receive the benefits or services provided by your public entity?

Yes  No  Action/Due Date: \_\_\_\_\_  
Explanation: Upon request, yes.

**Sect 35.150(d)(1)**

32. In the event that structural changes to facilities will be undertaken to achieve program accessibility, have you developed and posted a transition plan complete with an interim program accessibility plan setting forth the steps necessary to complete such changes?

Yes  No  Action/Due Date: \_\_\_\_\_  
Explanation: No planned structural changes - new facilities.

**Sect 35.150(c)**

33. Where structural changes in facilities are planned to comply with the obligations for program access, were such changes made by January 26, 1995, or in any event as expeditiously as possible?

Yes  No  [N.A] Action/Due Date: \_\_\_\_\_  
Explanation:

**Sect 35.150(d)(1)**

34. Do you provide an opportunity to interested individuals with disabilities or organizations representing individuals with disabilities, to participate in the development of the transition plan by submitting comments and a copy of the transition plan is made available for public inspection? (see Part IV Information and Assistance)

Yes  No  N/A  Action/Due Date: \_\_\_\_\_  
Explanation:

**Sect 35.150(d)(3)**

35. Does your transition plan, at the minimum: (i) identify physical obstacles in the public entity's facilities that limit the accessibility of its programs or activities to individuals with disabilities; (ii)

describe in detail the methods that will be used to make the facilities accessible; (iii) specify the schedule for taking the steps necessary to achieve compliance with this section and, if the time period of the transition plan is longer than one year, identifies steps that will be taken during each year of the transition period; and (iv) indicate the official responsible for implementation of the plan?

Yes [ ] No [ ] N/A [X] Action/Due Date: \_\_\_\_\_

Explanation:

**Sect 35.150(b)(2)**

36. In meeting the requirements of 35.150(a) in historic preservation programs, do you give priority to methods that provide physical access to individuals with disabilities?

Yes [ ] No [ ] N/A [X] Action/Due Date: \_\_\_\_\_

Explanation: *No such programs*

**Sect 35.150(b)(2)**

37. In cases where a physical alteration to an historic property is not required because the action would threaten or destroy the historic significance, or would result in a fundamental alteration in the nature of a service, program or activity, or in undue financial and administrative burdens, alternative methods of achieving program accessibility include: (i) using audio-visual materials and devices to depict those portions of an historic property that cannot otherwise be made accessible; (ii) assigning persons to guide individuals with disabilities into or through portions of historic properties that cannot otherwise be made accessible; or (iii) adopting other innovative methods and you adopt these alternatives where possible.

Yes [ ] No [X] Action/Due Date: \_\_\_\_\_

Explanation: **The Johnstown Historic Society is seeking a grant to remodel the Parish House Museum garage into an accessible visitor center.**

**Sect 35.150(d)(2)**

38. If your agency has responsibility or authority over streets, roads, or walkway, your transition plan includes a schedule for providing curb ramps or other sloped areas where pedestrian walks cross curbs that gives priority to walkways serving entities covered by the ADA, including state and local government offices and facilities, transportation, places of public accommodations, and employers, followed by walkways serving other areas.

Yes [ ] No [X] Action/Due Date: **2014**

Explanation: **Institute an annual inspection program and a repair /enforcement program.**

**Sect 35.151(a)**

39. Each facility or part of a facility constructed by, on behalf of, or for the use of a public entity are to be designed and constructed in such manner that the facility or part of the facility is readily accessible to and usable by individuals with disabilities, if the construction was commenced after January 26, 1992 {Design and construction in conformance with the Americans with Disabilities Act Accessibility Guidelines (ADAAG)[Appendix A to 28 CFR part 36] shall be deemed to comply with the requirements of this section.}

Yes  No  Action/Due Date: \_\_\_\_\_

Explanation: *See inventory*

**Sect 35.151(d)(1)**

40. Do alterations to historic properties comply, to the maximum extent feasible, with section 4.1.7 of ADAAG?

Yes  No  N/A  Action/Due Date: \_\_\_\_\_

Explanation:

**Sect 35.(151)(d)(2)**

41. If it is not feasible to provide physical access to an historic property in a manner that will not threaten or destroy the historic significance of the building or facility, have you provided alternative methods of access pursuant to the requirements of 35.150?

Yes  No  Action/Due Date: \_\_\_\_\_

Explanation:

**Sect 35.151(e)(1)**

42. Do newly constructed or altered streets, roads, and highways contain curb ramps or other sloped areas at any intersection having curbs or other barriers to entry from a street level pedestrian walkway?

Yes  No  Action/Due Date: \_\_\_\_\_

Explanation:

**Sect 35.151(e)(2)**

43. Do newly constructed or altered street level pedestrian walkways contain curb ramps or other sloped area at intersections to streets, roads, or highways?

Yes  No  Action/Due Date: \_\_\_\_\_

Explanation:

c) **COMMUNICATIONS ACCESSIBILITY (items 42-48)**

**Sect 35.160(a)**

44. Have you taken appropriate steps to ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others?

Yes [ ] No [X] Action/Due Date: \_\_\_\_\_

Explanation:

**Sect 35.160(b)(1)**

45. Have you furnished appropriate auxiliary aids and services (see part two title II definitions) where necessary to afford an individual with a disability an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity conducted by your public entity?

Yes [ X ] No [ ] Action/Due Date: \_\_\_\_\_

Explanation: *Town Hall Council Chambers has large video screens, and special hearing aids are available upon request. The Town has not yet posted a notice of hearing aid availability.*

**Sect 35.160(2)**

46. In determining what type of auxiliary aid and service is necessary, have you given primary consideration to the requests of the individual with disabilities?

Yes [ X ] No [ ] Action/Due Date: \_\_\_\_\_

Explanation: *No experience with such requests, but would respond affirmatively if reasonable.*

**Sect 35.161**

47. Have you taken steps to ensure that where you communicate by telephone with applicants and beneficiaries, TDD's or equally effective telecommunication systems are used to communicate with individuals with impaired hearing or speech?

Yes [ ] No [ X ] Action/Due Date: 2014

Explanation: *The Town will subscribe to a service.*

**Sect 35.162**

48. Are telephone emergency services, including 911 services, provided to ensure direct access to individuals who use TDD's and computer modems?

Yes [ ] No [ ] N/A [X] Action/Due Date: \_\_\_\_\_

Explanation: *911 provided through the two Counties.*

**Sect 35.163(a)**

49. Do you ensure that interested persons, including persons with impaired vision or hearing, can obtain information as to the existence and location of accessible services, activities, and facilities?

Yes [ ] No [ X ] Action/Due Date: 2014

Explanation:

**Sect 35.163(b)**

50. Do you provide signage at all inaccessible entrances to each of your facilities, directing users to an accessible entrance or to a location at which they can obtain information about accessible facilities and do you ensure that the international symbol for accessibility is used at each accessible entrance of a facility?

Yes [ ]      No [X]

Action/Due Date: 2014

Explanation:

## **Further Information on ADA Requirements**

For more specific information about ADA requirements affecting Public Services and Public Accommodations, contact:

**Office on the Americans with Disabilities Act  
Civil Rights Division  
U.S. Department of Justice  
P.O. Box 66118  
Washington, DC 20035-6118  
(202) 514-0301  
(202) 514-0383 (Text Telephone)**

For more specific information about ADA requirements affecting employment, contact:

**Equal Employment Opportunity Commission  
1801 L Street NW  
Washington, DC 20507  
1-800-669-EEOC  
1-800-800-3302 (Text Telephone)**

For more specific information about ADA requirements affecting transportation, contact:

**Department of Transportation  
400 Seventh Street SW  
Washington, DC 20590  
(202) 366-9305  
(202) 755-7687 (Text Telephone)**

For more specific information about requirements for accessible design in new construction and alterations, contact:

**Architectural and Transportation Barriers  
Compliance Board  
111 18th Street NW, Suite 501  
Washington, DC 20036  
1-800-USA-ABLE (Voice/Text Telephone)**

# APPENDIX

PUBLIC NOTICE

SELF-EVALUATION  
REQUEST FOR COMMENTS  
AND MEETINGS SCHEDULE

**PUBLIC NOTICE**  
**SELF-EVALUATION REGARDING ACCESSIBILITY UNDER THE AMERICANS WITH  
DISABILITIES ACT (ADA)**

In accordance with ADA requirements, the Town of Johnstown is conducting a self-evaluation of Town facilities, programs and services to identify any physical barriers or policies, practices or procedures that may limit or exclude participation by persons with disabilities.

As part of the self-evaluation, the Town is seeking comments from the public concerning accessibility to Town programs, and specific Town facilities and locations. Written comments are welcome, and may be delivered or mailed to John Franklin, Town Planner, 450 South Parish Ave. Johnstown, CO 80534, or submitted by e-mail to [jfranklin@townofjohnstown.com](mailto:jfranklin@townofjohnstown.com). Further, the Town Planning and Zoning Commission will hold two informal public meetings to receive verbal and/or written comments:

Meeting #1: Wednesday, August 21, 2013, 7:00 to 8:00 p.m.

Meeting #2: Wednesday, September 25, 2013 7:00 to 8:00 p.m.

Location: Town Council Chambers, 450 South Parish Ave. Johnstown, CO 80534

# DRAFT ADA PUBLIC NOTICE

**PUBLIC NOTICE REGARDING ADA REQUIREMENTS  
TOWN OF JOHNSTOWN, COLORADO**

**The Town of Johnstown has certain obligations under the Americans with Disabilities Act (ADA).** In accordance with the requirements of title II of the Americans with Disabilities Act of 1990 ("ADA"), the Town of Johnstown, Colorado will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

**Employment:** The Town of Johnstown, Colorado does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under title I of the ADA.

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

**Modifications to Policies and Procedures:** The Town of Johnstown, Colorado will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in Town of Johnstown, Colorado offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of Town of Johnstown, Colorado, should contact John Franklin, Town Planner, 450 S. Parish Ave., Johnstown, CO 80534, E-mail [jfranklin@townofjohnstown.com](mailto:jfranklin@townofjohnstown.com) as soon as possible, but no later than 48 hours before the scheduled event.

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

Complaints that a program, service, or activity of Town of Johnstown, Colorado is not accessible to persons with disabilities should be directed to John Franklin, Town Planner, 450 S. Parish Ave., Johnstown, CO 80534, E-mail [jfranklin@townofjohnstown.com](mailto:jfranklin@townofjohnstown.com)

Town of Johnstown, Colorado will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

**(This public notice is to be published in the Johnstown Breeze newspaper and posted on the Town's website at [www.townofjohnstown.com](http://www.townofjohnstown.com) , and posted at the Town Facilities Reception areas. )**

# FACILITIES EVALUATION

Town of Johnstown, Colorado ADA Self - Evaluation  
Inventory of Town Facilities, Programs, Standards

Public Buildings

Name	When Constructed/ remodeled	Location	Accessible Main Entry		Accessible Restrooms?	Tactile Signage?	Accessible Public Meetings Area?	Comments
			Accessible Main Entry?	Powered Doors?				
Town Hall	2009	450 S. Parish Ave.	yes	yes	yes	yes	yes (audio assist available)	Elevator for all floors
Police Building	2004	South Parish Ave.	yes		yes	yes	yes*	
Library	2005	South Parish Ave.	yes	yes	yes	yes	yes*	
Community/Sr. Center	/2009	101 Charlotte St.	yes	no	yes	no	yes	
Old Sr. Center Bldg.	1967/2006	1011 Jay St.	yes	yes	yes	no	yes	rented to church group
Parish House Museum	1914	701 Charlotte St.	no	no	no	no	n/a	Johnstown Historical Society
Public Works Building	2013	201 E. 1st Place	yes	no	yes	yes	yes*	Not a public use facility
Water Treatment Plant (Two buildings)	1960/2004	200 N. Colo Blvd.	At grade	no		no	n/a	Not a public use facility
Central Wastewater Plant	1950/2004	1441 E. S. 1st St.(CR 48, SHwy 60)	At grade	no		no	n/a	Not a public use facility
Low Point Wastewater Plant	2006	3269 High Plains Blvd.	At grade	no		no	n/a	Not a public use facility

Note:

\* Not a public meeting area, but available for training

Town of Johnstown, Colorado ADA Self - Evaluation  
 Inventory of Town Facilities, Programs, Standards

Public Parks

Name	Date Constructed/Major Improvements	Location	Accessible Main Entry?	Playground Area Access	Accessible Restrooms?	Comments
Aragon	2000/2006	Castle Pines Ave.	yes	Grass, at grade	yes (portalet)	skate park, replace roller hockey rink
Clearview	2012	Hawthorne Ave.	yes	ramp	yes (portalet)	
Hays	1998	Country Acres Dr.	yes	Grass, at grade	n/a	
Lake	2004	Alabaster Wy.	yes	ramp	n/a	
Lake - East	2008		yes	walk	n/a	
Parish	/2000	Charlotte St.	yes	Grass, at grade	n/a	
Pioneer Ridge	2005	Cinnanmon Teal Ave.	yes	n/a	n/a	School owns playground
Rolling Hills Ranch	2002	Rolling Hills Pkwy.	yes	walk	yes	
Sunrise Ridge	2008	N. Greeley Ave	yes	walk	yes	



# PUBLIC COMMENT

## John Franklin

---

**From:** CHARLES VADEN <charlesvaden@msn.com>  
**Sent:** Wednesday, October 02, 2013 8:02 AM  
**To:** John Franklin  
**Cc:** greg martinez; groudine; iwl925; john cater; Melinda.Urban; Rhoda.Cannon ada washington; Rob Gilkerson; scott windley

John Franklin  
planner,  
Johnstown, co 80534  
self evaluation,

John Franklin,

A portion of interstate 25 falls within Johnstown border of control, for that reason the bridge over highway 60 & HW-25 under CDOT and FHWA control must meet safety standards. Passage over that bridge is not restricted solely to vehicles alone, those riding bicycles or who are on foot ( this includes any and all people who fall within ADA disability guidelines) have legal right to pass over that bridge. The bridge as it now stands is not compliant with " Colorado department of transportation staff bridge design manual" subsection 2.2 effective: November 1, 1999. Geometric design criteria.

The existing railing to protect those on foot and even vehicle passing over the bridge do not even meet handrail height required for home residential safety established by uniform building code standards of (36" high). CDOT, in their report states the minimum height **shall** be 54" the height now existing is 29" which is 25" less than CDOT requirements, J. Franklin need to enter these findings into the self evaluation report required by FHWA, improper installation invites law suits.

thank you

Charles Vaden  
26 Victoria Dr  
Johnstown, Co 80534

note: In the interest of safety I am requesting changes be made, within the last 60 days a vehicle has busted thru the protection rail at this intersection.

## John Franklin

---

**From:** CHARLES VADEN <charlesvaden@msn.com>  
**Sent:** Saturday, September 28, 2013 10:35 AM  
**To:** John Franklin  
**Cc:** Alisha Rushing; Bill Edwards; Brian Phillips; crccolorado; Delbert L Schwartz; Donna Larson; Frankie Simmons; greg martinez; groudine; Hemmat, Heidi; Irma Lijnis; iwl925; jmbarlow for the blind; john cater; Melinda.Urban; MTokunaga; Phil DEJONG; Rhoda.Cannon ada washington; Rob Gilkerson; Rocky Mountain Access; scott windley; ta; United States Access Board  
**Subject:** ada compliance

J. Franklin  
self evaluation department  
Johnstown, Co 80534  
September/28/2013  
ADA non compliance department  
residents input.

J. Franklin,  
official requesting input.

ADA non compliance within old town Johnstown has gone unchecked by (Don Gardner) streets and sidewalks supervisor for several years and the buckled and raised concrete throughout town is a law suit waiting to happen, it could even happen to me while inspecting the curb cuts and buckled sidewalks at various areas, in addition within the year of 2013 going back to year 2001 Don Gardner has allowed builders to construct non compliant ADA curbing even though town manager Roy Lauricello handed down a memorandum stating all curb access shall be truncated and Don Gardner was to make sure ADA compliance was adhered to, non compliance is still going on as this letter is being typed. Johnstown cannot afford to build million dollar buildings using federal money while at the same time ignoring legal wants and needs of the disabled (which is their civil and legal right) FHWA-CDOT is mandated by DOJ to give stewardship to towns and cities which allows those public entities to do the job once, and do it right It is deplorable that residents are required to step forward to show ADA non compliance when FHWA, CDOT, and public entities should have the know how to get the task done without residents first showing how to do the job correctly.

Charles Vaden  
Johnstown, Colorado resident  
26 Victoria Dr.  
Johnstown, Co 80534

## John Franklin

---

**From:** CHARLES VADEN <charlesvaden@msn.com>  
**Sent:** Wednesday, September 25, 2013 7:31 AM  
**To:** John Franklin  
**Cc:** iw/925  
**Subject:** Department of Justice ADA Guide for Small Towns

John Franklin  
Johnstown self evaluation  
September /25/2013

I have a legal right to attend town council meetings even though there is an restraining order against me, I am requesting and the town needs to provide me with real time video and audio at the police station where the courts have ruled I can legally be.

Charles Vaden  
<http://www.ada.gov/smtown.htm#anchor15891>

John Franklin  
Johnstown planner  
town self evaluation  
450 South Parish Ave.  
Johnstown, Co 80534  
September, 19,2013

RECEIVED  
SEP 24 2013  
Town of Johnstown

*accumulate to P17*

Public Comment on ADA violations.

The town of Johnstown was to become compliant with the 1990 ADA CIVIL RIGHTS LAW no later than 1992, however, because the Federal government has no system in place to monitor compliance with the new law, most public entities just looked the other way as did most small businesses so the disabled just had to fight inaccessible barriers as they still do today. This communication is to better help John Franklin uncover and correct the short comings of town leaders and staff.

Millions of dollars have been spent over the last ten years constructing new unneeded buildings (including old town hall which is under construction as this letter is being typed) it is my opinion that a certain portion of those millions of dollars spent should have been allocated to needs of the disabled as the law stipulates must be done. I want to list below some of what needs to be done now.

#1, resurfacing of HW 60 from Telep into Rutheford needed to include adequate sidewalks and curb cuts for that complete distance including proper crossing constructed at the new traffic signal which is also non compliant for the blind, a blind person crossing from the North West sidewalk to the two opposite corners would stumble into a ditch causing injury or death (an easy case for legal action)

#2, The law does not allow new streets to be constructed with parallel parking which excludes disabled parking (Parish Ave.) safe adequate room exists for at least one parking space each side of street.

#3, The fence erected at Parish and HW 60 does not correct the illegal parallel ramps now existing, FHWA and CDOT knew, or should have known those two parallel were non compliant several years ago when remodeling was done at that intersection, two perpendicular ramps must be constructed.



SUBMITTED BY  
CHARLES VADEN  
26 VICTORIA DR  
JOHNSTOWN, CO  
SEPT / 24 / 2013

9/19/2013

- #4, The elevated sidewalk along Parish Ave. at Eddie Aragon park is unsafe for all users, it needs to be lowered or a compliant safe railing for the entire stretch of walkway, the sidewalk needs to be continuous and unobstructed up to the newly constructed library, police station, and town hall.
- #5, sidewalks each side of Johnstown Center Drive need to be continuous with proper curb cuts ( there are multiple areas to be corrected)
- #6, model animal park behind library has no access for disabled, library has non compliant parking signage, police station has no compliant ramps or signage, police holding cell is non compliant.
- #7, the entire area of old town bordering HW 60, 2nd street, Parish Ave, Telep Ave, has inadequate sidewalks (much of it non existing) and lack proper ADA curb cuts.
- #8, white street cross markings are missing at multiple street crossings throughout the entire town, bicycle street markings or signage throughout town also non existent.
- #9, multiple angel driveway entries crossing over sidewalks.
- #10, two new dangerous traffic signal areas at HW 60 and Telep and HW 60 and Colorado Blvd: 100% non compliant.
- #11, the following ramps into businesses non compliant, (Johnstown Breeze news paper and entry into appliance shop on Charlotte Ave) front entry into HUWA building non compliant.
- #12, incorrect parking signage in town parking lot behind ACE hardware.
- #13, improper handicapped entries from parking lot into local businesses behind ACE hardware.
- #14, alley entrance into rear of businesses on West side of Parish non compliant.
- #15, non existent handicapped parking at subway sandwich shop and beauty parlor.
- #16, newly constructed sidewalk in front of H&R auto non compliant and incomplete, H&R auto allowed to use public right of way for business with autos obstructing walkway for all disabled,
- #17, 90% of all curb cuts within the town are non compliant with ADA standards, prior to the ban being lifted in 2001 and after DOJ made truncated warnings again compliant from 2001 thru now.
- #18 sidewalks all over town are raised above what is required.
- #19, overpass bridge at highway 25 and HW 60 non compliant for disabled crossing, guardrail 29" high does not allow for safety of foot traffic.
- #20, town designer TST make error in 2004 in their design of ADA standard curb cuts, those TST designs are still in the municipal code today
- #21, Roy Lauricello puts out memorandum in 2008 stating truncated curb cuts are to be used, street supervisor Don Gardner ignores memorandum and curb cuts continue per status quo.
- #22, porta potty installed throughout the town non compliant.
- #23, all parks throughout are non compliant.
- #24, town allows new business to open in older buildings without first meeting ADA compliance.

**CHARLES VADEN**

**From:** "CHARLES VADEN" <charlesvaden@msn.com>  
**To:** <charlesvaden@msn.com>  
**Sent:** Saturday, September 21, 2013 9:32 AM  
**Subject:** Fw: self evaluation--Johnstown, Co.

----- Original Message -----

**From:** CHARLES VADEN  
**To:** charlesvaden@msn.com  
**Sent:** Saturday, September 21, 2013 9:26 AM  
**Subject:** self evaluation--Johnstown, Co.

#25, The TV broadcast of town hall meetings does not meet the ADA standards. For the town to broadcast to just a select few of viewers (meaning those whos subscribe to cable TV) denies the same access to those who have DISH, DIRECT TV, etc. in addition the rebroadcast is held up for several weeks sometimes even months before is is posted to Johnstown site for open viewing, even as it is now viewed by the select few of cable users standards of the ADAAG are not followed, it is easy for the viewer to identify the speaker when staff addresses the council because there is a close up of the speaker, however, when the council speaks the video is at a distance where it is impossible to identify who is speaking, add to that a person who has a hearing problem or deaf would need sign language or closed captioned ( I do not know if closed captioned is used or not) a blind person has the right to know what is going on even though they cannot see the TV, the mayor and council must identify which of the members is speaking so the blind can comprehend what is taking place.

#26, ramps into businesses along Charlotte Ave from Parish Ave. to Rutheford Ave. are non existent and there is no access to the businesses, in addition there is no diagonal handicapped parking or legal curb cuts, for the town to state the disabled can park across the street at the senior center and cross the street to access businesses is in itself discriminatory.

#27, It is impossible for the fire department trucks and/or school busses to navigate main street because as stated before by town manager Roy Lauricello the designer (TST-design) made it next to impossible for that type of traffic to travel main street.

#28 in many locations it is impossible for some handicapped people to reach their cluster mail boxes, and in some cases the cluster mail boxes are right in the middle of sidewalk.

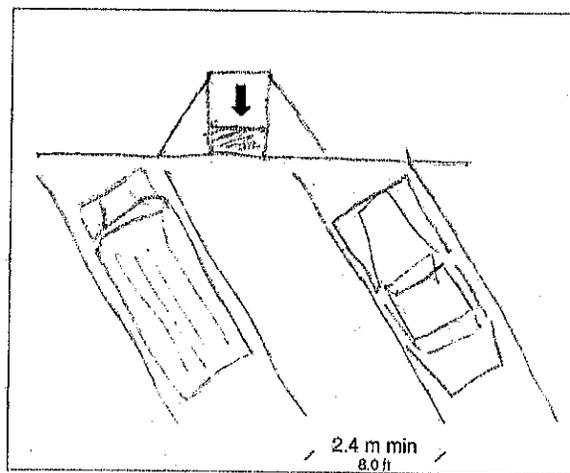
#29, The new police chief (Brian Phillips) has informed me by email that his station is not required to comply with ADA standards on holding cells because those who break the law are just held for short periods of time, there is nothing in ADAAG standards to support his claim.

#30, because there are multiple businesses located within the town West of highway 25, access crossing from the East side of highway 25 to West side of 25 must have safe access for those on foot, bicycle, motorized wheelchair, crutches, walker, cane, etc.

#31 there must be immediate change to design drawing made by (TST design) handicapped ramps because what now existing in public records is non compliant to ADA standards.

**R309.3 Perpendicular or Angled Parking Spaces.** Where perpendicular or angled parking is provided, an access aisle 2.4 m (8.0 ft) wide minimum shall be provided at street level the full length of the parking space and shall connect to a pedestrian access route. The access aisle shall comply with R302.7 and shall be marked so as to discourage parking in the access aisle. Two parking spaces are permitted to share a common access aisle.

**Figure R309.3 Perpendicular or Angled Parking Spaces**



**Advisory R309.3 Perpendicular or Angled Parking Spaces.** Perpendicular and angled parking spaces permit the deployment of a van side-lift or ramp.

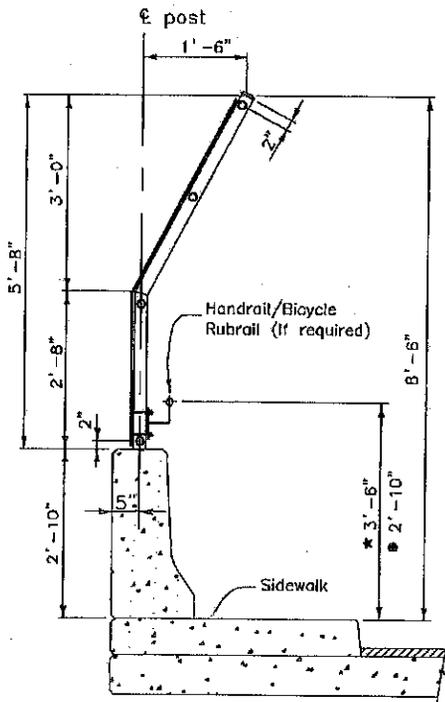
**R309.4 Curb Ramps or Blended Transitions.** Curb ramps or blended transitions complying with R304 shall connect the access aisle to the pedestrian access route. Curb ramps shall not be located within the access aisle.

**Advisory R309.4 Curb Ramps or Blended Transitions.** At parallel parking spaces, curb ramps and blended transitions should be located so that a van side-lift or ramp can be deployed to the sidewalk and the vehicle occupant can transfer to a wheelchair or scooter. Parking spaces at the end of the block face can be served by curb ramps or blended transitions at the pedestrian street crossing. Detectable warning surfaces are not required on curb ramps and blended transitions that connect the access aisle to the sidewalk, including where the sidewalk is at the same level as the parking spaces, unless the curb ramps and blended transitions also serve pedestrian street crossings (see R208).

governmental units affected by proposed requirements and questions in the preamble to the proposed guidelines that seek additional information on the governmental units affected.

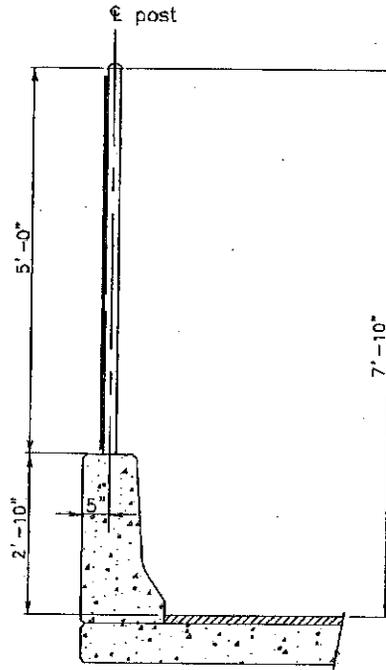
**Requirements in Proposed Guidelines That Will Have More Than Minimal Impacts on State and Local Transportation Departments**

Requirement	Governmental Units Affected
<p>Detectable warning surfaces required on newly constructed and altered curb ramps and blended transitions at pedestrian street crossings (R208.1 and R305)</p>	<p>Will affect state and local transportation departments that do not currently provide detectable warning surfaces on curb ramps</p> <p>All state transportation departments currently specify detectable warning surfaces on curb ramps in their standard drawings; most local transportation departments maintain standard drawings that are consistent with standard drawings maintained by their state transportation departments</p> <p>Questions 4, 5, and 6 in preamble seek information on state and local transportation departments that do not currently provide detectable warning surfaces on curb ramps</p>
<p>Accessible pedestrian signals and pushbuttons required when pedestrian signals newly installed or replaced at signalized intersections (R209)</p>	<p>Will affect state and local transportation departments that do not currently provide accessible pedestrian signals and pedestrian pushbuttons when pedestrian signals are newly installed or replaced at signalized intersections</p> <p>Some state and local transportation departments currently provide accessible pedestrian signals and pedestrian pushbuttons when pedestrian signals are newly installed or replaced at signalized intersections; TEA-21 (23 U.S.C. 217 (g)) directed that audible traffic signals be included in transportation plans and projects where appropriate</p> <p>Question 9 in preamble seeks information on state and local transportation departments that currently provide accessible pedestrian signals and pedestrian pushbuttons when pedestrian signals are newly installed or replaced at signalized intersections</p>



BRIDGE RAIL  
WITH PARTIAL ENCLOSURE

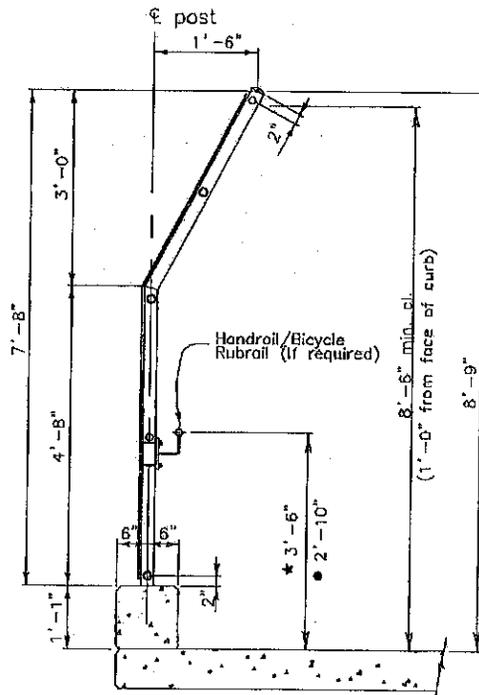
See B-607-6B for additional details.



BRIDGE RAIL  
WITH VERTICAL FENCE

See B-607-5 for additional details.

PROTECTION FENCE  
OVER HW 23 TO  
PREVENT FALLING



PARTIAL ENCLOSURE

See B-607-8B for additional details

- \* = (Bicycle Rubrail)
- = (Pedestrian Handrail)

## ARTICLE I

### General

#### Sec. 11-1. Certain ordinances relating to streets not affected by Code.

(a) Nothing in this Code or the ordinance adopting this Code shall be construed as repealing or otherwise affecting the validity of any ordinance:

- (1) Dedicating, accepting, naming, establishing, locating, relocating, opening, paving, widening or vacating any street or other public way in the Town;
- (2) Relating to municipal street maintenance agreements with the State;
- (3) Establishing or prescribing grades for streets in the Town;

(b) All such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length herein. (Prior code 22-1)

#### Sec. 11-2. Encroachments prohibited.

No encroachment or obstruction whatever, other than provided by law, authorized by the Board of Trustees, by provision of this Code or by other ordinance, shall be made or placed upon any street, alley, sidewalk, curb, gutter, curbside or other public place within the Town. (Prior code 22-2)

#### Sec. 11-3. Notice and removal of encroachments.

Whenever any encroachment or obstruction is made, located, permitted or maintained contrary to this Chapter, the Chief of Police shall give notice to the person who made, caused or permitted the same, or to the person who owns or controls the premises on which the same is located or connected, directing such person to remove such encroachment or obstruction within twenty-four (24) hours after receipt of the notice. In the event such notice shall not be obeyed, the Chief of Police may order the removal of the encroachment or obstruction; and the costs and expenses of such removal shall be assessed against the responsible person pursuant to the provisions of Chapter 7. (Prior code 22-3)

#### Sec. 11-4. Throwing broken glass, nails or dangerous substances on streets and sidewalks prohibited.

It shall be unlawful for any person to throw, deposit or cause to be thrown or deposited on any street, alley, sidewalk or other public way, any broken glass, broken crockery, nails or any other dangerous substance. (Prior code 22-4)

#### Sec. 11-5. Tree planting, maintenance and removal.

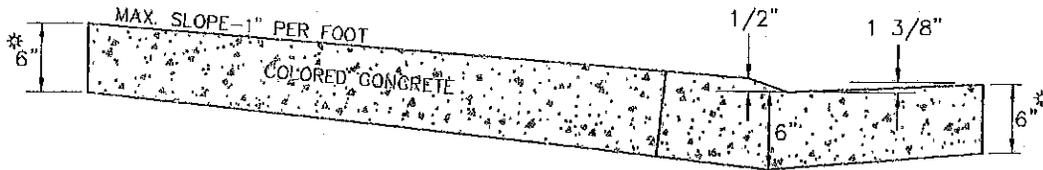
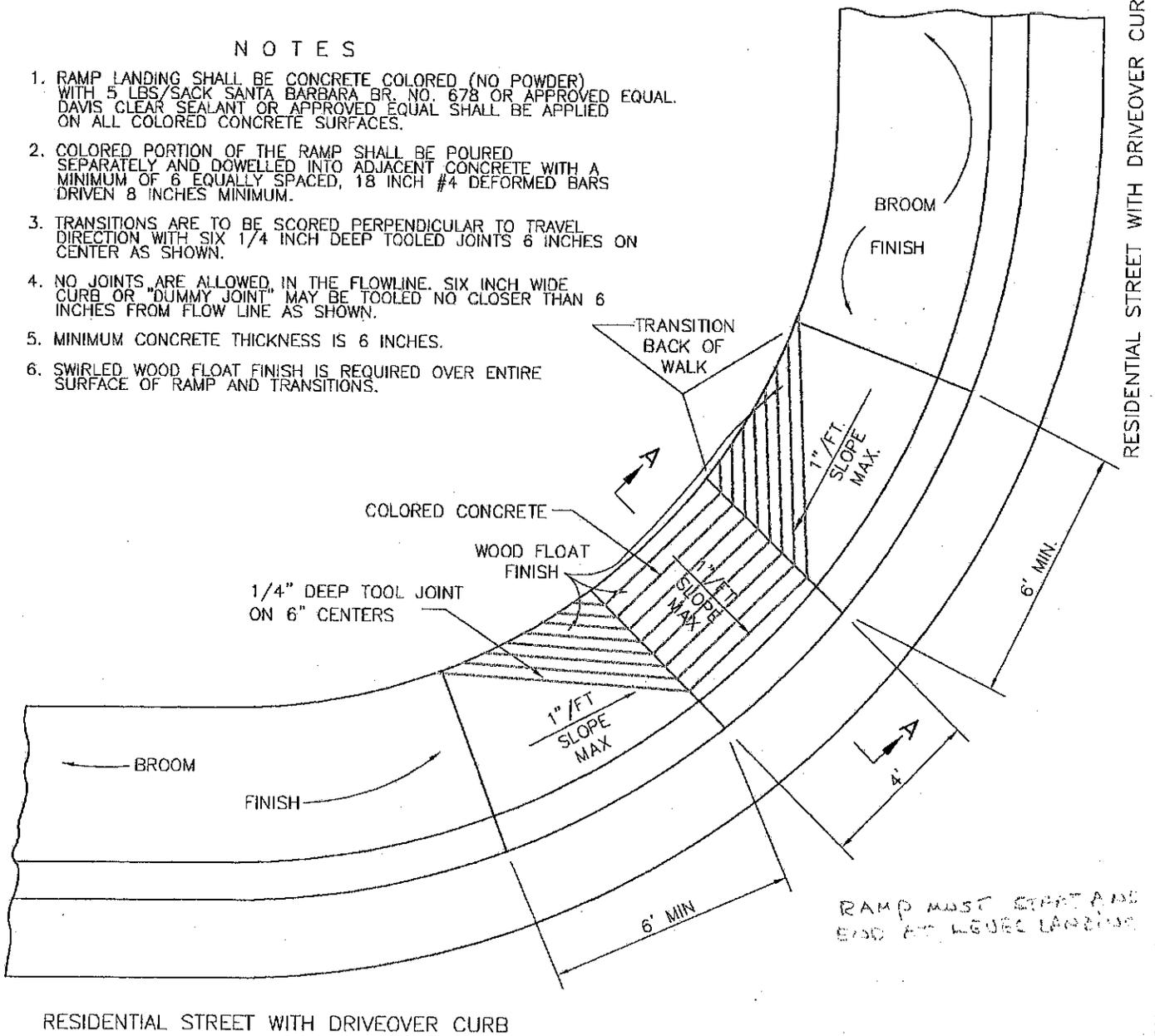
(a) It shall be unlawful to plant or cause to be planted any species of tree in the right of way of any street, alley, sidewalk or other public place within the Town which by its habit or growth would obstruct, restrict or conflict with necessary and safe use of the public right-of-way.

ILLEGAL USE BY HER AUTO

# Town Non Compliant Drawings 2004

## NOTES

1. RAMP LANDING SHALL BE CONCRETE COLORED (NO POWDER) WITH 5 LBS/SACK SANTA BARBARA BR. NO. 678 OR APPROVED EQUAL. DAVIS CLEAR SEALANT OR APPROVED EQUAL SHALL BE APPLIED ON ALL COLORED CONCRETE SURFACES.
2. COLORED PORTION OF THE RAMP SHALL BE POURED SEPARATELY AND DOWELLED INTO ADJACENT CONCRETE WITH A MINIMUM OF 6 EQUALLY SPACED, 18 INCH #4 DEFORMED BARS DRIVEN 8 INCHES MINIMUM.
3. TRANSITIONS ARE TO BE SCORED PERPENDICULAR TO TRAVEL DIRECTION WITH SIX 1/4 INCH DEEP TOOLED JOINTS 6 INCHES ON CENTER AS SHOWN.
4. NO JOINTS ARE ALLOWED IN THE FLOWLINE. SIX INCH WIDE CURB OR "DUMMY JOINT" MAY BE TOOLED NO CLOSER THAN 6 INCHES FROM FLOW LINE AS SHOWN.
5. MINIMUM CONCRETE THICKNESS IS 6 INCHES.
6. SWIRLED WOOD FLOAT FINISH IS REQUIRED OVER ENTIRE SURFACE OF RAMP AND TRANSITIONS.



## SECTION A-A

\*6" DEPTH APPLIES FOR ENTIRE CURB RETURN AREA (PC TO PC)

TOWN OF  
JOHNSTOWN

HANDICAP  
RAMP DETAIL

TST

**ADDENDUM TO TOWN OF JOHNSTOWN  
DESIGN CRITERIA AND CONSTRUCTION REGULATIONS**

EFFECTIVE DATE: MARCH 11, 2008

**PART II: STREET DESIGN, CONSTRUCTION STANDARDS & DETAILS  
SECTION 8: STREET DETAILS**

Handicap Ramps shall include a detectible warning tactile surface consisting of six running bond rows of brick paver-style truncated domes located at the lowest end of the ramp. Color is Santa Barbara Brown.

For further information please contact Don Gardner, Street Superintendent 970-587-4664

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By: Roy Lauricello, Town Manager

# POLICE STATION

## 232 Detention Facilities and Correctional Facilities

232.1 General. Buildings, facilities, or portions thereof, in which people are detained for penal or correction purposes, or in which the liberty of the inmates is restricted for security reasons shall comply with 232.

Advisory 232.1 General. Detention facilities include, but are not limited to, jails, detention centers, and holding cells in police stations. Correctional facilities include, but are not limited to, prisons, reformatories, and correctional centers.

*Note to Reader:* The Department of Justice's ADA standards also require the following:

**Detention and correctional facilities.** (1) New construction of jails, prisons, and other detention and correctional facilities shall comply with the 2010 Standards except that public entities shall provide accessible mobility features complying with section 807.2 of the 2010 Standards for a minimum of 3%, but no fewer than one, of the total number of cells in a facility. Cells with mobility features shall be provided in each classification level.

(2) Alterations to detention and correctional facilities. Alterations to jails, prisons, and other detention and correctional facilities shall comply with the 2010 Standards except that public entities shall provide accessible mobility features complying with section 807.2 of the 2010 Standards for a minimum of 3%, but no fewer than one, of the total number of cells being altered until at least 3%, but no fewer than one, of the total number of cells in a facility shall provide mobility features complying with section 807.2. Altered cells with mobility features shall be provided in each classification level. However, when alterations are made to specific cells, detention and correctional facility operators may satisfy their obligation to provide the required number of cells with mobility features by providing the required mobility features in substitute cells (cells other than those where alterations are originally planned), provided that each substitute cell—

(i) Is located within the same prison site;

(ii) Is integrated with other cells to the maximum extent feasible;

(iii) Has, at a minimum, equal physical access as the altered cells to areas used by inmates or detainees for visitation, dining, recreation, educational programs, medical services, work programs, religious services, and participation in other programs that the facility offers to inmates or detainees; and,

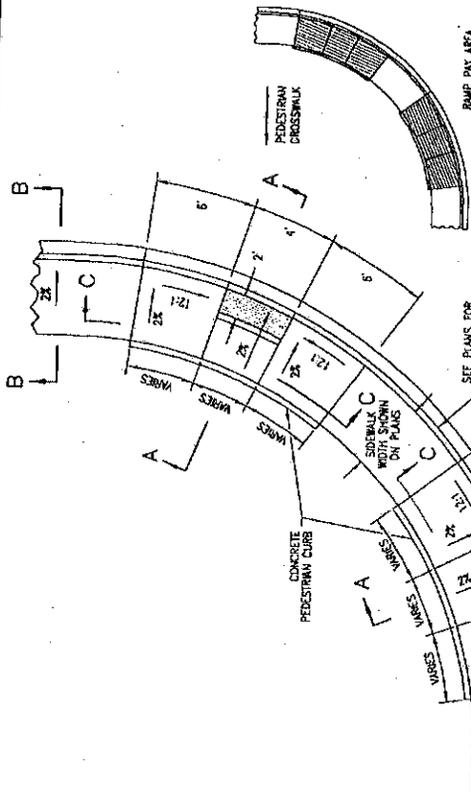
(iv) If it is technically infeasible to locate a substitute cell within the same prison site, a substitute cell must be provided at another prison site within the corrections system.

(3) With respect to medical and long-term care facilities in jails, prisons, and other detention and correctional facilities, public entities shall apply the 2010 Standards technical and scoping requirements for those facilities irrespective of whether those facilities are licensed.

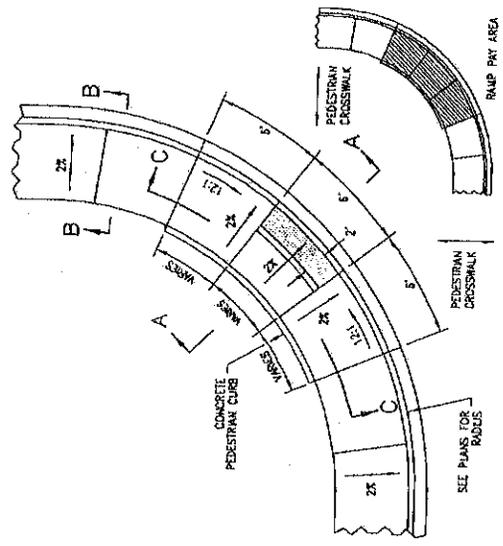
232.2 General Holding Cells and General Housing Cells. General holding cells and general housing cells shall be provided in accordance with 232.2.

EXCEPTION: Alterations to cells shall not be required to comply e

TIGARDS-300 (P) IS REQUIRED 28-11-25.150(D)  
 Town Non Compliant



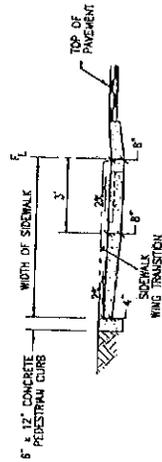
SIDEWALK RAMP TYPE 2A  
 PLAN



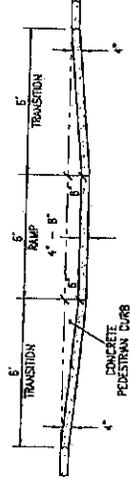
SIDEWALK RAMP TYPE 2B  
 PLAN

GENERAL NOTES

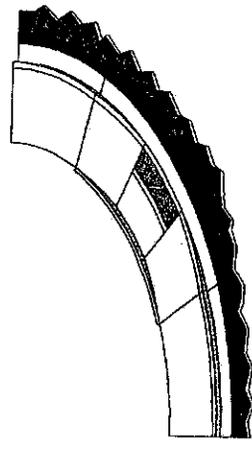
1. AVOID PLACING DRAINAGE STRUCTURES, TRAFFIC SIGNAL EQUIPMENT, JUNCTION BOXES OR OTHER OBSTRUCTIONS IN FRONT OF RAMP ACCESS AREAS.
2. RAMP SLOPES SHALL NOT BE STEEPER THAN 12:1. THE DETECTIBLE WARNING AND WELL AREA SLOPES SHALL NOT BE STEEPER THAN 20:1.
3. CONSTRUCTION OF THE CONCRETE PEDESTRIAN CURB TO BE INCLUDED IN THE COST OF THE CURB RAMP.
4. SIDEWALK RAMP 2A MAY BE USED IN MD-BLOCK.



SECTION A-A



SECTION C-C



ISOMETRIC VIEW

Colorado Department of Transportation  
 801 East Kentucky Avenue  
 Denver, Colorado 80223  
 Phone: (303) 757-8820 FAX: (303) 757-8033  
 Project Development Branch

Computer File Information  
 Path: [www.sdc.state.co.us/Design/Products/DesignSupport/MSD/MSD/MSD/](http://www.sdc.state.co.us/Design/Products/DesignSupport/MSD/MSD/MSD/)  
 Drawing File Name: 808010304.dwg  
 Acad Version: R14 Scale: 1/4" = 1' Units: English

Standard Plan Revised  
 Date: \_\_\_\_\_  
 Comments: \_\_\_\_\_

STANDARD PLAN NO.  
 M-608-1  
 Sheet No. 3 of 4

Issued By: Project Development Branch October 29, 2003

283RA 5/16/05 - CDDT-ADA

283RA 5/16/05 (P) IS REQUIRED 28-11-25.150(D)

JUDY ADF STRA...  
 TRANSPORTATION





## John Franklin

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**From:** CHARLES VADEN <charlesvaden@msn.com>  
**Sent:** Friday, September 27, 2013 6:56 AM  
**To:** John Franklin  
**Cc:** iw1925  
**Subject:** ADA

John Franklin  
ADA director,

In addition to the original list of non compliance ADA issues please add to it the railroad tracks crossing both sides of Charlotte Ave are required to have truncated strips as does the railroad crossing at highway 60.

Charles Vaden

## John Franklin

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**From:** CHARLES VADEN <charlesvaden@msn.com>  
**Sent:** Friday, August 30, 2013 12:43 PM  
**To:** John Franklin  
**Cc:** departmentofjustice; greg martinez; groudine; iw1925; john cater; Melinda.Urban; MTokunaga; Rhoda.Cannon ada washington; Rob Gilkerson; scott windley; ta; United States Access Board  
**Subject:** self evaluation

J. Franklin,

You John Franklin being the custodian of the "*ADA self evaluation*"---- under Colorado title 24 open public records act, this is my request for the self evaluation report to be made available to me as per FHWA communication to the town of Johnstown to submit their report no later than August 1, 2013--- as an elderly disabled person also disabled veteran, I believe it is my constitutional right to participate in the decisions Johnstown will make in the coming months to provide total access wherever ADA standards are required within this public entity to which I have been a resident in excess of 10 years. It is counter productive to deny the very people to which these ADA standards were designed to assist, by not allowing the disabled or any other able bodied person to view the towns intentions about what corrections will be done in the coming months, this is a civil rights law that town manager Roy Lauricello cannot keep from me.

thanks

Charles Vaden

## John Franklin

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**From:** CHARLES VADEN <charlesvaden@msn.com>  
**Sent:** Sunday, August 25, 2013 7:59 AM  
**To:** John Franklin  
**Subject:** ada compliance

John Franklin,  
ada self evaluation  
August/25/2013

J. Franklin,  
Johnstown planner,  
self evaluation specialist,

You are responsible for the self evaluation that Johnstown was required to submit to the civil rights division of FHWA on August 1/2013, everyone is entitled to review the "*new self evaluation of 2013*" I believe the court order states I can receive public documents at the police station so I am asking you to deliver to Chief Phillips the self evaluation that FHWA has informed me you are required to provide to me. If a state or local government has 50 or fewer employees, it is required to:

adopt and distribute a public notice about relevant provisions of ADA to all people who may be interested in it's program, activities, and services.

If I do not receive a copy of the (self evaluation) as required by FHWA I will start legal proceedings in federal court as per my civil rights, the jury trial in 2012 found me not guilty when three employees on the staff of Johnstown falsely charged me with violating the restraining order and had me arrested for my enquiry to senior building inspector Ken Kidd into non ADA compliance of a foot bridge along highway 60, I believe the courts may see that as a violation of my civil rights under 28 CFR 36.206 **Retaliation or coercion.**

Charles Vaden  
26 Victoria Dr  
Johnstown, Co. 80534

## John Franklin

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**From:** CHARLES VADEN <charlesvaden@msn.com>  
**Sent:** Saturday, August 17, 2013 7:53 AM  
**To:** John Franklin  
**Subject:** self evaluation

J. Franklin,

Title II technical assistance manual---II-8.4000 notice to public. The "self evaluation" report required by the FHWA no later than August/1/2013 needs to be distributed to the general public for review, I believe I am entitled to a copy of your report and am requesting the delivery of that report, I would like an email from you as to whether or not you will deliver that report to me.

thanks

Charles Vaden