

CITY OF MIAMI ADA TRANSITION PLAN 2018

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ADA TRANSITION PLAN

INTRODUCTION

The City of Miami has developed an Americans with Disability Act (ADA) Transition Plan to better serve its community and develop policies and practices for removing barriers to programs, services and activities by implementing physical accessibility improvements in the City of Miami.

The Americans with Disabilities Act (ADA), enacted on July 26, 1990, is a federal civil rights law that provides protection for all persons with disabilities against discrimination by public and private entities. The ADA extends similar earlier protections provided by Section 504 of the Rehabilitation Act of 1973. This legislation mandates that qualified disabled individuals shall not be excluded from participation in, denied the benefit of, or be subjected to discrimination under any program, service or activity. The Act also protects employees with disabilities, with certain protections and requires employers to make reasonable accommodations for applicants and employees with disabilities.

The ADA is divided into five parts, covering the following areas:

TITLE I: EMPLOYMENT

Under Title I, employers, including governmental agencies, must ensure that their practices do not discriminate against person with disabilities in the application, hiring, advancement, training, compensation or discharge of an employee, or in other terms, conditions and rights of employment.

TITLE II: PUBLIC SERVICES

Title II prohibits state and local government from discriminating against person with disabilities or from excluding participation in or denying benefits of programs series or activities to persons with disabilities. It is under this Title that this ADA Transition Plan has been prepared. The ADA Transition Plan is intended to outline the methods by which physical or structural changes will be made to affect the non-discrimination policies described in Title II.

TITLE III: PUBLIC ACCOMMODATIONS

Title III requires places of public accommodation to be accessible and usable by persons with disabilities. The term public accommodation as it applies to public agency refers to any privately funded and operated facility serving the public.

TITLE IV: TELECOMMUNICATIONS

Title IV covers regulations regarding private telephone companies, and requires common carriers offering telephone services to the public to increase the availability of interstate and intrastate telecommunications relay services to individuals with hearing and speech impairments.

TITLE V MISCELLANEOUS PROVISIONS

Title V contains several miscellaneous regulations, including construction standards and practices, provision for attorney's fees and technical assistance provisions. This plan provides the action items necessary to ensure compliance with ADA Statutes based on the City of Miami Self-Assessment Evaluation.

The City of Miami has various responsibilities under Title II of the ADA. Title II of the ADA is similar to Section 504 of the Rehabilitation Act of 1973 but differs in that Section 504 applies only to government agencies that receive federal financial assistance. The purpose of Section 504 is to ensure that no otherwise qualified individual with disabilities shall, solely by reason of disability, be discriminated against under any program or activity receiving federal financial assistance. The City of Miami has been operating under the requirements of Section 504 for many years.

The public entity also is required to designate a person to be responsible for coordinating the implementation of ADA requirements and for investigating complaints of alleged noncompliance. As such, the City of Miami designated ADA Coordinator is:

Gloria Carvajal

Program Access Coordinator

City of Miami

444 SW 2nd Avenue, 9th Floor, Miami FL 33130

305-416-1790

gcarvajal@miamigov.com

Fax # 305-416-1710

TTY: 305-416-1735

ADA TRANSITION PLAN REQUIREMENTS

According to ADA, a public agency is required to prepare and ADA Transition Plan if physical or structural modifications to facilities are required to provide access to programs or services. Title II of the ADA Regulates government agencies, with its primary goal being to ensure that all their programs and services are accessible to individuals with disabilities. The ADA Transition Plan is limited to evaluating physical barriers: however, an analysis of the programs and services is important to determine what physical changes are necessary. The ADA Transition Plan documents what action the City will take to alter its facilities. The ADA requires that the ADA Transition Plan be submitted for public review before final approval and adoption by the appropriate regulatory agency.

Generally, the ADA Transition Plan lists existing barriers under the City's jurisdiction, and take affirmative steps to reasonably accommodate individuals with disabilities to the City programs. The City of Miami is required to provide access to all of its programs, but is not required to remove all architectural barriers in all of its facilities. In addition to making physical improvement, government agencies can choose from various administrative solutions such as relocating or modifying a particular program, to obtain overall program access.

The ADA Transition Plan is required by Department of Justice (DOJ) rules to address the following aspects of accessibility:

1) If a public entity has responsibility or authority over streets roads or walkway, this ADA Transition plan shall include a schedule for providing curb ramps or other sloped areas where pedestrian walks across curbs, giving priority to a walkways serving entities covered by the ADA, including State and local government offices and facilities, transportation, place of public accommodation, and employer, followed by walkways serving other areas.

2) The ADA Transition Plan shall identify physical obstacles in the public entity's facilities that limit the accessibility of its programs or activities to individuals with disabilities

3) The ADA Transition Plan shall describe the methods that it will use to make the facilities accessible: and

4) The ADA Transition Plan shall specify the schedule for taking the steps necessary to achieve compliance with the ADA and if the time period of the ADA Transition Plan is longer than one year, identify steps that will be taken during each of the transition periods.

PROGRAM ACCESSIBILITY

The Rules and Regulations of the ADA describe the requirements for program accessibility (Code of Federal Regulations, Title 28. Part 35, Subpart D). A public entity shall operate each service, program or activity, when viewed in its entirety, so that it is accessible to and usable by individuals with disabilities. The ADA does not require the public entity to make all its existing facilities accessible, nor does it require a public entity to take any action that would fundamentally alter the nature of a service, program or activity. Also, it does not require implementation of the ADA that would result in undue financial and administrative burdens. In such cases where documentation is provided in keeping with strict procedures outlined in the ADA, there are various methods that may be appropriate for providing programs accessibility in lieu of making actual physical changes to facilities.

The first step in determining what structural changes to existing facilities are necessary to develop an understanding of the specific public program and activities occurring at existing facilities within the City of Miami .This section attempts to describe the programs and activities in the public right of way. It should be noted that this section is not intended to be a self-evaluation as described in the ADA. A self-evaluation includes an analysis of all programs and services offered by a public entity.

The activity of using the public right of way may be considered a program in two different ways

1) Streets, sidewalks and curb rams may be part of a continuous path of travel between activities or programs. At various public and private facilities located on adjacent properties.

2) Streets, sidewalks and curb ramps may themselves represent a program or public pedestrian activities that are essential to the usage and enjoyment of a city's built environment.

The Department of Justice's Title II Technical Assistance manual point out that the a public entity's programs related to streets, sidewalks and curb ramps may be prioritized with respect to relative importance and frequency of usage. It further describes that program accessibility wouldn't require all streets, sidewalks and curb ramps to be fully accessible as required by current codes. A determination of what public rights-of-ways are programmatically required to be accessible may vary from jurisdiction to jurisdiction.

PUBLIC PARTICIPATION

The ADA states that a public entity is required to make available to applicants, participants, residents and other interested parties information regarding the ADA Transition Plan and its applicability to their services programs or activities of the public entity, and to apprise the public of the protection against discrimination afforded to them by the ADA. A public entity also is required to provide an opportunity for interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the development of the ADA Transition Plan by submitting comments and making specific recommendations. The ADA also requires that a copy of the draft ADA Transition Plan shall be made available for public inspection during formal public review period.

A copy of this Transition Plan will be published on the [City of Miami Website ADA](#). The plan will be updated, as needed. Comments on the plan can be provided by the City of Miami ADA Coordinator in writing by letter or email to gcarvajal@miamigov.com, in person or via phone at 305-417-1790. The City of Miami will maintain a log of all comments registered.

The City of Miami posts notices regarding the public meetings in accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in these proceedings may contact the Office of the City Clerk no later than two (2) business days prior to the proceeding at (305) 250-5361.

The City uses different forms of communication with the public including the City of Miami website, open public meetings, communications related to the programs, services and activities offered by the City. To ensure effective communication and provide accessibility to services, different forms of communications are used including the following:

Website Accessibility Policy

The City of Miami website is designed to be accessible to all users, regardless of disabilities and other special needs. Pages within this site are created and maintained, to the best of our ability, to be in compliance with the Americans with Disabilities Act (ADA) recommendations for accessible web site.

Website: [City of Miami Website ADA](#)

- **311**

A non-emergency phone number that residents can call in the City of Miami to find information about services, make complaints, or report problems. The City of Miami 311 service allows the use of mobile applications and digital platforms, the public can submit service requests online and they can also track and monitor them through the website.

- **Trolley**

The City of Miami Trolley as a provider of public transportation is committed to ensuring that no person is excluded from participation in, or denied benefits of, its Trolley Program on the basis of race, color, or national origin in accordance with Title VI of the Civil Rights Act of 1964. The City of Miami gives public notice to assure full adherence and compliance with all standards pursuant to Title VI.

[City of Miami Website Trolley](#)

DESIGN AND REGULATION OF IMPROVEMENTS

The City of Miami will adhere to the ADA design standards put forth by the Florida Department of Transportation Design Standards, and requirements of the Florida Building Code. The technical provisions of the Design Standards as well as the Florida Department of Transportation's Plans Preparation Manual, as related to ADA accessibility to public facilities, is adopted by reference as part of this report. Reference to Americans with Disabilities Act Accessibility Guidelines (ADAAG) have been used to determine considerations for accessible design.

ADA SELF-ASSESSMENT

The following section details the self-evaluation results for the City of Miami. Evaluations were undertaken in review of facilities and policies related to public buildings and facilities, including pedestrian facilities in the right-of way and curb ramps, employment effective communication and monitoring and reporting policies.

CRITICAL AREAS TO EVALUATE

- PUBLIC RIGHT OF WAY ACCESSING GOVERNMENT OFFICES, MEDICAL FACILITIES, DOWNTOWN CORE AREAS, SCHOOL ZONES, RESIDENTIAL AREAS
- REST AREAS, PARKS, SHARED USE TRAILS
- ACCESS TO PUBLIC BUILDING (PERMIT/LICENSING OFFICES, PUBLIC MEETING ROOMS, ECT).

TRANSITION PLAN

The purpose of the ADA transition Plan is to ensure that the residents of the City of Miami are provided with access to the City's services, programs or activities in a timely fashion as is reasonably possible. City programs, services and procedures will continue to be surveyed on an on-going basis, and the ADA Transition Plan may be revised to account for changes to City functions. The prioritization of improvements may change based on ADA self-assessment to address any possible new areas of noncompliance. The City continues to make progress in addressing non-compliant ADA items, a number of existing facilities have been upgraded in several locations through-out the city. The City is taking actions such as closing facilities until they can be ADA compliant. The Office of Capital Improvements Projects designs and construction incorporates up-to-date standards to bring areas under construction to current ADA standards.

BUILDINGS AND FACILITIES

The City of Miami has performed an evaluation of ADA accessibility for existing public buildings, please refer to the City most recent ADA compliance report submitted to DOJ (see **Exhibit 1**). The review is conducted by the Disability Rights Section of the Department's Civil Rights Division and focuses on the City's compliance with the title II requirements.

- To conduct a self-evaluation of its services, policies, and practices and make modifications necessary to comply with the Department's title II regulation, 28 C.F.R. § 35.105.
- To notify applicants, participants, beneficiaries, and other interested persons of their rights and the City's obligations under title II and the Department's regulation, 28 C.F.R. § 35.106.
- To designate a responsible employee to coordinate its efforts to comply with and carry out the City's ADA responsibilities, 28 C.F.R. § 35.107(a).
- To establish a grievance procedure for resolving complaints of violations of title II, 28 C.F.R. § 35.107(b).
- To operate each program, service, or activity so that, when viewed in its entirety, it is readily accessible to and usable by individuals with disabilities, 28 C.F.R. § 35.150.
- To ensure that facilities for which construction or alteration was begun after January 26, 1992, are readily accessible to and usable by people with disabilities, in accordance with 1) the Department's title II regulation and 2) the Standards or UFAS, 28 C.F.R. § 35.151.

- To ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others, including furnishing auxiliary aids and services when necessary, 28 C.F.R. § 35.160.
- To provide direct access via TTY (text telephone) or computer-to-telephone emergency services, including 9-1-1 services, for persons who use TTY's and computer modems, 28 C.F.R. § 35.162.
- To provide information for interested persons with disabilities concerning the existence and location of the City's accessible services, activities, and facilities, 28 C.F.R. § 35.163(a).
- To provide signage at all inaccessible entrances to each of its facilities, directing users to an accessible entrance or to information about accessible facilities, 28 C.F.R. § 35.163(b).

The City has posted on its website an ADA Public Notice [City of Miami Website ADA](#) the name and contact information for its ADA Coordinator, and its grievance procedure and instructions.

All public meeting notices contain a provision and instructions for requesting auxiliary aids and services in order to participate in the proceedings.

- Assistive listening systems have been installed at City Hall and assistive listening devices are available. Appropriate signage notifying persons of their availability have been posted.
- TTY/TDD's and or Relay Services are available in key departments and policies and procedures as well as training have been implemented.
- The City has a contract for providing qualified sign-language interpreting services.
- A Transition Plan for Parks and Recreation has been completed to assist the City with prioritizing accessibility upgrades to public facilities and programs in parks.
- All public streets, sidewalks and curb ramps have been surveyed for accessibility.
- The Fire-Rescue Department ensures that emergency operators are trained in TTY/TDD calls and has an enforceable Standard Operating Procedure (SOP) for employees. Every 9-1-1 call taker station is equipped with TTY capabilities.
- All contracts are now reviewed for appropriate ADA provisions, i.e., a transportation service must submit that it can supply accessible vehicles in case of a request.
- All new employees and supervisors have received ADA Title II training.
- Policies and procedures have been drafted for service animals.
- Deaf culture sensitivity training has been provided to police officers.

BARRIERS WITHIN THE PUBLIC RIGHT OF WAY

An evaluation was undertaken to address ADA accessibility for existing barriers within the public right of way in the City of Miami. The following is a summary of curbs, sidewalks, pedestrian crossings, pedestrian signals, shared use trails, parking lots and bus stops identified that would require ADA remediation.

Further, the City of Miami is committed to ensuring that any development or acquisition of additional public buildings or properties with the City will undergo an evaluation to determine compliance with ADA Standards. If necessary, remedial actions would be undertaken to ensure full compliance with applicable federal, state and local statutes.

RECORD KEEPING

The ADA Coordinator will maintain records, which include, but are not limited to, copies of the ADA complaints and lawsuits and related documentation, and records of correspondence to and from complainants, and ADA investigations. The ADA Coordinator shall be responsible for conducting annual reviews of ADA records and updating the Capital Improvements recommendations as necessary.

NOTICE UNDER THE AMERICANS WITH DISABILITY ACT

The City of Miami does not discriminate on basis of race, color, national origin, sex, age, religions, disability and family status. Those with question or concerns about nondiscrimination, those requiring special assistance under the American with Disabilities Act (ADA) or those requiring language assistance (free of charge) should contact Asseline Hyppolite (Title VI/Nondiscrimination Coordinator) at (305)-416-1990 or email address Ahypolite@miamigov.com

GRIEVANCE PROCEDURES

DISABILITY DISCRIMINATION OR ACCOMMODATION

The City of Miami is an affirmative action/equal opportunity institution and does not discriminate on the basis of race, color, religious or family status, sex, national origin, age or disability pursuant to Title VI of the Civil Rights Act of 1964, the Federal Highway Act of 1973, the Age Discrimination Act of 1975, the Civil Rights Restoration Act of 1987, the Americans with Disabilities Act of 1990, the Florida Civil Rights Act of 1992 and other nondiscrimination authorities, in any City affiliated program, service, or activity.

The City of Miami offers services, programs, facilities and activities for applicants, employees, residents and visitors. City of Miami facilities, services, programs and activities are those that are: (a) operated by City of Miami employees; (b) operated by appointed or elected City of Miami officials; (c) operated by an entity hired by the City of Miami; and or (d) funded by the City.

PROCEDURE FOR REQUESTING MODIFICATIONS TO CITY SERVICES, PROGRAMS OR ACTIVITIES

The City of Miami encourages anyone to request modifications to provide qualified individuals with a disability better access to its facilities, services, programs or activities.

1. Anyone who would like to request a modification to a City service, program or activity should contact the appropriate Department Director, or ADA Coordinator, by mail at 444 S.W. 2nd Avenue, Risk Management Department, Miami, FL 33130; by telephone at (305) 416-1790; by TTY/TDD at (305) 416-1735; or fax at (305) 416-1710. See request form: [City of Miami Accessible Route Request Form](#)

Requests for auxiliary aids and services to ensure effective communication for qualified individuals with a disability for public meetings should be directed to the Office of the City Clerk at (305) 250-5361; by TTY/TDD at 711(Florida Relay Service).

2. The Department Director or the ADA Coordinator shall respond to each request for modification in writing,

within a reasonable time of the request, and no later than thirty (30) days after receipt of the request.

3. Persons unsatisfied with any decision of the Department Director or ADA Coordinator may register a grievance.

A grievance form can be mailed or can be printed by accessing the City of Miami website at [City of Miami Grievance Form](#)

GRIEVANCE PROCEDURE UNDER THE AMERICAN DISABILITY ACT & TITLE VI OF THE CIVIL RIGHTS ACT

The following Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act & Title VI of the Civil Rights Act. It may be used by non-employees who wish to file a complaint alleging discrimination on the basis of disability in programs or benefits offered by the City of Miami, Florida.

The complaint should be completed in writing including the information regarding the alleged discrimination, citing the policy, statute or section of the federal regulations which have allegedly been violated as well as the specific location of the alleged violation. The complaint should contain the name, address and phone number of the individual initiating the complaint. Alternative formats for filing a grievance, such as personal interviews or tape recordings, will be available upon request for persons with disabilities. See Grievance form: [City of Miami Title VI Complaint Form](#)

The complaint should be submitted by the individual and/or his/her designee as soon as possible to the following individual:

Gloria Carvajal

ADA Coordinator, City of Miami

Risk Management

444 S.W. 2nd Avenue

Miami, FL 33130

Email: gcarvajal@miamigov.com

Tel. No: (305) 416-1790

Fax: (305) 416-1710

TTY: (305) 416-1735

Within 15 calendar days after receipt of the complaint, the ADA Coordinator will meet with the complainant to discuss the issue and possible resolutions. Within 15 calendar days of the meeting, the ADA Coordinator will respond in writing, and when appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the City of Miami on the matter and options for resolution of the complaint.

If such response does not satisfactorily resolve the matter, the complainant and/or his/her designee may file an appeal within 15 calendar days of receiving the response from the ADA Coordinator. The appeal should be in writing and directed to the Risk Management Administrator. The Risk Management Administrator will attempt to meet with the complainant within 15 calendar days of receiving the appeal. Within 15 calendar days of the meeting, the Risk Management Administrator will respond in writing or in a format accessible to the complainant.

All written grievances and appeals will be kept on file in the City of Miami for at least three years.

TITLE VI/NONDISCRIMINATION GRIEVANCE PROCEDURE

The City has established a discrimination complaint procedure and shall take prompt and reasonable action to investigate and eliminate discrimination when found. Any person who believes that he or she, or any specific class of persons has been subjected to discrimination or retaliation based upon race, color, religious or family status, sex, national origin, age or disability in connection with any City of Miami affiliated program, service or activity may file a complaint for discrimination under Title VI with the City's Title VI Liaison.

The City of Miami adopts the following Complaint Procedures to ensure uniformity and a clear understanding of the process involved in addressing complaints received from the public detailing possible discriminatory actions taken against any person or groups of persons in connection with City affiliated programs, services and/or activities.

Complaints Involving Pedestrian or Transportation Facilities

All discrimination complaints submitted to the City that directly involves a Florida Department of Transportation (FDOT) Local Agency Program (LAP) funded capital project of the City will be handled by the Office of Equal Opportunity/Diversity Programs.

However, if at any time a discrimination complaint involving pedestrian or transportation facilities cannot be satisfactorily resolved by the City, the entire complaint and investigative file will be forwarded to the appropriate Federal or State authority for further processing.

How to file a Title VI Complaint?

The Complainant may file a complaint with the Title VI Liaison no later than 180 days after the date of the alleged discrimination. If possible, the complaint should be submitted in writing and contain the following information:

- A. Full name and contact information of the Complainant;
- B. Names(s) and contact information of the official(s) alleged to have discriminated, if applicable;
- C. Basis for the allegations (i.e., race, color, national origin, sex, age, disability, religion, family status);
- D. Description of the alleged discrimination with the date of occurrence;
- E. Other agencies (state, local or Federal) where the complaint has been filed, if applicable; and
- F. The names and contact information of any witnesses, if applicable.

If the complaint cannot be submitted in writing, the Complainant should contact the Title VI Liaison for assistance.

Attention: Asseline Hyppolite

Title VI Liaison, City of Miami

Equal Opportunity and Diversity Programs

444 SW 2 Avenue, #642

Miami, FL 33130

Email: Ahyppolite@miamigov.com

Telephone: 305-416-1990

Fax: 305-416-1995

Hearing Impaired: 305-416-TBD

A Complainant's failure to respond to requests by the Title VI Liaison for additional information necessary to investigate the discrimination complaint may result in a delay in investigation of the complaint and may possibly

result in the administrative closure of the complaint due to a lack of information to properly conduct an investigation of the complaint.

The City's Title VI Liaison has 'easy access' to the City Manager and is not required to obtain management or other approval to discuss discrimination issues with the City Manager. However, should the Complainant be unable or unwilling to complain to the City, the Complainant may submit a written complaint directly to the Florida Department of Transportation ("FDOT") at the address below:

Florida Department of Transportation

Equal Opportunity Office

ATTN: Title VI Complaint Processing

605 Suwannee Street MS 65

Tallahassee, FL 32399

The Title VI Complaint Form may be used to submit the discrimination complaint. The complaint may be filed verbally or in writing to the City at the following contact information

NOTE: The City encourages all Complainants to certify all mail that is sent through the U.S. Postal Service and/or ensure that all written correspondence can be tracked easily. Complaints must be mailed to the Title VI Liaison no later than 180 days after the date of the alleged discrimination.

COMPLAINT FORMS

Disability Discrimination or Accommodation

ADA Access Request Form

[City of Miami Accessible Route Request Form](#)

ADA Grievance Form

[City of Miami Grievance Form](#)

Equal Opportunity & Diversity

Equal Opportunity & Diversity Programs Complaint Form

[City of Miami Title VI Complaint Form](#)

ASSURANCES

Every three years the City of Miami must certify to FHWA and FDOT that its programs, services, activities, facilities are being conducted in a nondiscriminatory manner. These certifications are assurances and document the City's commitment to nondiscriminatory and equitable service to its community.