

May 11, 2010

THE MPO ADA SELF EVALUATION AND TRANSITION PLAN

THE WEST MEMPHIS METROPOLITAN PLANNING ORGANIZATION

**Title II of Americans with Disabilities Act of 1990
and Section 504 of the Rehabilitation Act of 1973
Self-Evaluation and Transition Plan**



Title II of Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973 Self-Evaluation and Transition Plan

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THE CITY OF WEST MEMPHIS AS THE DESIGNATED METROPOLITAN PLANNING ORGANIZATION (MPO) FOR THE WEST MEMPHIS-MARION AREA TRANSPORTATION STUDY (WMATS)

NOTICE OF NONDISCRIMINATION

The City of West Memphis (City) complies with all civil rights provisions of federal statutes and related authorities that prohibit discrimination in programs and activities receiving federal financial assistance. Therefore, the City does not discriminate on the basis of race, sex, color, age, national origin, religion or disability, in the admission, access to and treatment in the City's programs and activities, as well as the City's hiring or employment practices. Complaints of alleged discrimination and inquiries regarding the City's nondiscrimination policies may be directed to Judy Moore, Personnel Director, Paul Luker, ADA Coordinator, or Eddie Brawley, MPO Study Director at 796 West Broadway, West Memphis, AR 72301 (870)735-8148 or wm.mpo@sbcglobal.net. You may also call 870-732-7500 or TTY/Voice number 711.

This notice is available from the ADA/504/Title VI Coordinator in large print, on audiotape or CD and in Braille.

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About the MPO

The purpose of the West Memphis MPO is to implement and coordinate the comprehensive urban transportation planning process. To receive any Federal capital or operating assistance, the West Memphis area must have in place a *continuing, cooperative, and comprehensive* planning process. This process serves as the basis for developing plans and programs that are consistent with the comprehensively planned development of the West Memphis metropolitan area.

The West Memphis MPO serves as the forum for collective and cooperative decision making by principally elected officials of local government. The City of West Memphis was designated by Governor Clinton as the Metropolitan Planning Organization/MPO for the West Memphis-Marion Area, Arkansas portion of the Memphis Urbanized Area, in 1983, and subsequent agreements between the Arkansas State Highway and Transportation Department (AHTD) and the West Memphis MPO developed the organizational structure and membership.

Because the City of West Memphis is designated as the MPO and because Brawley Consulting Engineers, Inc. is currently under contract with the City of West Memphis to perform the tasks outlined in the annual work program known as the Unified Planning Work Program all references to the MPO in this document will refer to both the City of West Memphis and to Brawley Consulting Engineers, Inc. unless otherwise noted.

MPO Member Jurisdictions

City of West Memphis
Town of Marion
Town of Sunset
Part of Crittenden County

About WMATS

The West Memphis-Marion Area Transportation Study (WMATS) is the cooperative effort by the participating communities, transportation providers and many other interested parties to develop a long-range transportation plan for the West Memphis-Marion Area, Arkansas portion of the Memphis Urbanized Area.

Introduction and Statement of Commitment

As a recipient of federal funding, The MPO must comply with a variety of federal and state legislative regulations. Regarding matters of nondiscrimination on the basis of disability, the MPO falls under two federal laws, the Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973.

The ADA prohibits discrimination on the basis of disability. Title II of ADA applies specifically to all activities of state and local governments, including metropolitan

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planning organizations and requires that government entities give people with disabilities equal opportunity to benefit from all of the programs, services and activities that may be offered.

As the federally designated metropolitan planning organization, the MPO must adhere to the standards set forth in Title II, which include both physical accommodations (accessibility to buildings and meetings) and in policies, practices and procedures. Under Title II, the MPO is required to make reasonable accommodations in order to provide access and to communicate effectively with people who have hearing, vision or speech impairments. Likewise, the MPO is required to make reasonable modification to policies, practices and procedures where necessary to avoid discrimination.

The Rehabilitation Act prohibits discrimination on the basis of disability in programs conducted by federal agencies, in programs receiving federal financial assistance, in federal employment and in the employment practices of federal contractors. The standards for determining employment discrimination under the Rehabilitation Act are the same as those used in Title I of the ADA.

Section 504 states that “no qualified individual with a disability in the United States shall be excluded from, denied the benefits of, or be subjected to discrimination under” any program or activity that receives federal financial assistance. Requirements common to the regulations set forth in Section 504 include reasonable accommodation for employees with disabilities, program accessibility and effective communication with people who have hearing or vision disabilities.

The MPO is required to perform the following:

- Apply ADA Law
- Apply Section 504 law
- Appoint an ADA/504 Coordinator
- Provide an agency nondiscrimination statement
- Perform an agency self-evaluation
- Develop a Transition Plan
- Make auxiliary aids (TTD/TTY) available for use
- Provide assurance of compliance

The MPO is committed to complying with both the letter and spirit of the requirements set forth in Title II of the ADA and Section 504 of the Rehabilitation Act (hereafter ADA/504).

Methodology for Self-Evaluation

This document was developed by the MPO ADA/504 Coordinator, in consultation with a Compliance Team, who assisted in the physical evaluation of MPO’s premises, and in the evaluation of the MPO’s policies and practices. Team members reviewed and made

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recommendations to the Self-Evaluation document, as well as to the separately developed Transition Plan (found in the appendix, beginning on page 12.).

Mr. Paul Luker, Director of Planning and Development, City of West Memphis and MPO
ADA/504 Coordinator
Mr. Eddie E. Brawley, P.E., MPO Study Director
Mr. Bobby Williams, MPO

This Self-Evaluation is in two parts: (1) an evaluation of the MPO's policies and practices and, (2) an evaluation of the MPO's premises. This document describes the policies and procedures that the MPO uses to comply with ADA/504. In the event that deficiencies are identified, steps that will be undertaken to correct said deficiencies as detailed in the appended Transition Plan.

Public Comment

In accordance with the MPO's own policies and procedures, and in compliance with the requirements of the above-referenced legislation, the public was given a thirty-day opportunity for review and comment. Notice was placed in the area newspaper, the local access channel and on the MPO website on March 22, 2010. The draft Self-Evaluation was made available to the public in accordance with the MPO Public Participation Plan and at the locations listed below.

Public Review and Comment

The public is invited to review and comment on the MPO's draft Self Evaluation and Transition Plan. The City of West Memphis is the metropolitan planning organization for the West Memphis-Marion Area, Arkansas portion of the Memphis Urbanized Area. Transportation legislation (SAFETEA-LU) requires that MPOs conduct a self evaluation of its programs and facility accessibility, and to prepare a Transition Plan that describes any deficiencies, remedies, time-frame for carrying out remedies and approximate costs.

The public comment period is from March 22, 2010, until close of business day on April 16, 2010.

The draft Self-Evaluation and Transition Plan is available for viewing at the following locations:

Office of the MPO Study Director
796 West Broadway
West Memphis, AR 72301

West Memphis City Hall
205 South Redding
West Memphis, AR 72301

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Marion City Hall
14 Military Road
Marion, AR 72364

Sunset City Hall
300 Highway 77 Bypass
Marion, AR 72364

Office of the Crittenden County Judge
Court House
Marion, AR 72364

Public Library
Oliver and Avalon
West Memphis, AR 72301

Woolfolk Public Library
100 N. Currie Street
Marion, AR 72364

MPO Web Site
<http://mpo.midsouthcc.edu>

Written comments should be mailed to Mr. Paul Luker, Director of Planning and Development, City of West Memphis and MPO ADA/504 Coordinator, 205 South Redding, West Memphis, AR 72301. All comments must be postmarked no later than April 16, 2010. Comments may also be faxed to 870-732-7650, or e-mailed to pluker@citywm.com. Please call the MPO at 870-735-7500 or TTY 711 for further information.

Evaluation of the MPO's Policies and Practices

Following is a description of the MPO's policies and practices that may affect people with disabilities.

ADA/504 Coordinator

The MPO's ADA/504 Coordinator is charged with the following tasks:

- Collaborate and coordinate ADA/504 compliance efforts with the heads of major division and departments. The ADA/504 Coordinator works closely with all of the staff.
- Serve as a point of contact and liaison to the public on ADA/504 compliance issues. Contact information is provided on the MPO website and in all MPO publications.

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- Establish and maintain collaborative relationships with external stakeholders, such as disability advocacy groups and government agencies.
- Monitor the MPO's policies, procedures, practices and processes with respect to ADA/504 compliance; identify shortcomings in compliance and develop remedies.
- Investigate and resolve complaints filed under the MPO's ADA/504 grievance procedures. Grievance procedures are described on page 8.
- Monitor and update the implementation of the MPO's ADA/504 Self-Evaluation and Transition Plan.
- Provide or coordinate the provision of requested auxiliary aids and reasonable accommodations to individuals with disabilities.
- Perform ADA/504 program, process or compliance reviews; inspect facilities for accessibility.

Public Participation

The MPO's Public Participation Plan (PPP) was first developed and adopted under the requirements of 1990 transportation legislation. Subsequent legislative enactments led the MPO to place greater emphasis on bringing traditionally under-represented groups to the table. In 2007, the plan was again refined and updated to address the requirements of the Safe, Accountable, Flexible, Efficient Transportation Act: A Legacy for Users—SAFETEA-LU.

Public Meetings and Opportunity for Comment

All meetings held by the MPO are open to the public. Many meetings are held in the West Memphis City Hall. The conference rooms are fully accessible.

When meetings are conducted in other venues, the MPO strives to assure that the facility is accessible, externally and internally. When possible, meeting locations are selected along public bus routes.

If possible, sign language interpreters are made available if requested in advance of the meetings. Also, given advance notice, documents and handouts are available in large print versions. Information regarding this is included in meeting notices that are posted on the MPO website and as legal notices in the local newspaper.

Publications

A Notice of Nondiscrimination is required to be placed in all plans, studies and processes undertaken by the MPO. MPO documents will include the following statement.

NOTICE OF NONDISCRIMINATION

The West Memphis MPO complies with the Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973, Title VI and the Civil Rights Act of 1964, and other federal equal opportunity laws and therefore does not discriminate on the basis of race, sex, color, age, national origin, religion or disability; in admission or access to and treatment in programs and activities; as well as in hiring or employment practices. Complaints of alleged discrimination and inquiries regarding nondiscrimination policies may be directed to the ADA/504/Title VI Coordinator, Mr. Paul Luker, 205 South Redding, West Memphis, AR 72301. Phone number 870-732-7500 or TTY/Voice number 711.

This notice is available from the ADA/504/Title VI Coordinator in large print, on audiotape or CD and in Braille.

Grievance Procedures for MPO Employees

It is the intent of the MPO to ensure that no qualified individual, because of a disability, is discriminated against with regard to any term or condition of employment, provided that such individual can perform the essential functions of the job with or without reasonable accommodation.

A disability is defined as (1) a physical or mental impairment that renders the individual unable to perform, or significantly limits the individual's ability to perform one or more major life activities as compared to an average person in the general population, (2) a record of such an impairment, or (3) being regarded as having such an impairment.

Qualified individual is defined as an individual with a disability who satisfied the requisite skill, experience, education and other job-related requirements of the employment such individual holds or desires, and who, with or without reasonable accommodation, can perform the essential functions of such position.

Reasonable accommodation is defined as a modification or adjustment to the job, the work environment, or the way things usually are done that enable a qualified person with a disability to enjoy an equal employment opportunity. The MPO is not required to take such actions to accommodate that would result in undue financial and administrative burdens. The MPO, upon request, will provide reasonable accommodation to employee(s) in compliance with the ADA. Any employee who believes he needs an accommodation in order to perform the essential functions of the job should notify his immediate supervisor. Requests will be handled on a case-by-case

basis. Any employee who believes he has been or is being discriminated against because or as a result of a disability should first contact his immediate supervisor. If the employee is not satisfied with the conclusion of that interview, then he may file a grievance with the ADA/504 Coordinator. Upon receipt of the formal grievance, the ADA/504 Coordinator will collect information and investigate the complaint, and make a recommendation to the Mayor of West Memphis within ten business days. The complainant will be kept fully informed throughout the process, and will be notified in writing of the resolution.

Complaint Procedures for the General Public

The MPO has established a process for investigating and resolving complaints alleging disability discrimination related to MPO services, programs and its office. Regulations implementing provisions of Section 504 and Title II of the ADA can be found at 49 CFR Parts 27 and 37, and 28 CFR Part 35.

The MPO's ADA/504 Coordinator is responsible for overseeing investigations and responses to complaints of discrimination based on disability.

Required complaint information includes:

- Complainant's name, mailing address and daytime phone number.
- Specific information relating to the incident in question: date, time, location, how the person was discriminated based upon disability, and any other pertinent details.

Complaints with incomplete information may result in delayed investigations and responses. The MPO will not respond to complaints without the complainant's name and mailing address.

Complaints may be submitted to the MPO as follows:

- By telephone to the MPO, 870-735-7500 or TTY 711. The ADA/504 Coordinator will talk to the complainant and obtain detailed information relating to the complaint. Information obtained from the telephone interview will be recorded in writing and read to the complainant.
- In writing to the ADA/504 Coordinator, 205 South Redding, West Memphis, AR 72301
- In person at, 205 South Redding, West Memphis, AR 7230. Normal office hours are from 8:00 a.m. until 4:00 p.m., Monday through Friday. It is advisable to call 870-735-7500 or TTY 711 in advance to schedule an appointment.

Within three business days upon receipt of a complaint, a letter or card will be mailed to the complainant with the following information:

- Acknowledgment that the complaint has been received and is pending investigation.
- Estimated date by which a response will be sent to the complainant.

As mentioned earlier, upon receipt of the formal grievance, the ADA/504 Coordinator will collect information and investigate the complaint, and make a recommendation to the Mayor of West Memphis within ten business days. The ADA Coordinator will then respond in writing within a reasonable time, not to exceed 30 days from receipt of the complaint. The response will provide information concerning the resolution of the complaint.

A record of all ADA/504 complaints will be maintained by the MPO for a minimum of five years. Each record will include the name and address of the complainant, nature of the complaint, problems identified, resolution of the complaint and any resulting modifications made to a MPO program, service or office facility.

Evaluation of the MPO Premises

The MPO locations are 796 West Broadway and 205 South Redding, West Memphis, AR 72301.

Access to the building, offices and meeting rooms

At least one external entrance to the buildings is wheelchair accessible. All conference rooms, offices and restrooms are wheelchair accessible. Both buildings are located along a regular bus route.

Doorways and hardware

All internal and external doorways are wheelchair accessible. All door hardware is designed for use by people with disabilities and is in good working order.

Reception areas

The MPO buildings reception areas are accessible by both visitors and employees.

Offices

All offices are constructed to permit access and use.

Internal navigation

Office hallways are accessible and generally free of obstacles, except on an occasional basis.

Communication

Office telephones are within easy access, or can be readily put within access. For access to TTD/TTY technology please call 711 and follow instructions.

The MPO website is not accessible by people with vision impairments.

Conference rooms

The MPO's conference rooms are accessible.

Conclusions

The MPO considers this Self-Evaluation an ongoing process. As deficiencies are identified, they will be recorded and added to the Transition Plan, along with recommended remedies and a time frame for making the recommended improvements.

The MPO reviews its public documents, including this one, on an annual basis. Any changes to programs, policies or practices are noted and the document is revised as needed.

Appendix

Title II of Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973

Transition Plan

Introduction

As a recipient of federal funding, The MPO must comply with a variety of federal and state legislative regulations. Regarding matters of nondiscrimination on the basis of disability, the MPO falls under two federal laws, the Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973.

Transportation legislation (SAFETEA-LU) requires that MPOs conduct a self evaluation of its programs and facility accessibility, and to prepare a Transition Plan that describes any deficiencies, remedies, time-frame for carrying out remedies and approximate costs. In September 2009 the MPO conducted a Self-Evaluation of (1) its policies and practices and, (2) its physical premises. There were no deficiencies identified. The following table is an example of a transition plan if or when deficiencies are identified.

Deficiencies Identified in Evaluation of the MPO Policies and Practices

Deficiency	Remedy	Approx. Cost	Time Frame