

REPORT

Americans with Disabilities Act Self-Evaluation

This document, developed by the BMC ADA/504 Coordinator, in consultation with a Compliance Team, includes a physical evaluation of BMC's premises, and an analysis of BMC and BRTB policies and practices.

2016



Baltimore Metropolitan Council and Baltimore Regional Transportation Board

Title VI of Americans With Disabilities Act Of 1990 and

Section 504 Of The Rehabilitation Act Of 1973

Self-Evaluation And Transition Plan



Table of Contents

About The BMC and The BRTB	4
BMC Members	4
BRTB Members	4
Introduction and Statement of Commitment.....	5
Methodology for Self-Evaluation.....	7
Evaluation of BMC Policies and Practices	8
ADA/504 Coordinator.....	8
Public Participation	8
Public Meetings	9
Publications	9
Grievance Procedures for BMC Employees.....	10
Complaint Procedures for the General Public	11
Evaluation of BMC Premises.....	13
Access to the Building.....	13
Doorways and hardware.....	13
Reception area.....	14
Supply room	14
Coat closet	14
Kitchen	14
Offices.....	14
Windows	14
Internal navigation.....	14
Communication Devices	15
Library	15
Evaluation of BMC Website	16
Conclusions	17
APPENDIX	18

About The BMC and The BRTB

The BMC is a private, non-profit planning entity in the Baltimore region. One of the organization's functions is to support the Baltimore Regional Transportation Board (BRTB) and its regional transportation planning activities. BMC also provides support to member local governments in several other areas including procurement, reservoir protection and water quality, sustainable community planning, and workforce development.

BMC Members

Anne Arundel County	Carroll County
Baltimore County	Harford County
Baltimore City	Howard County
House of Delegates Representative	Senate Representative
Governor's Representative	

BRTB Members

City of Annapolis	Howard County
Anne Arundel County	Maryland Department of Transportation
Baltimore County	Maryland Transit Administration
Baltimore City	Maryland Department of the Environment*
Carroll County	Maryland Department of Planning*
Harford County	Queen Anne's County*
	* Non-Voting

Introduction and Statement of Commitment


As a recipient of federal funding, BMC must comply with a variety of federal and state legislative regulations. Regarding matters of nondiscrimination on the basis of disability, BMC 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 planning organizations such as the BRTB, 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 BRTB 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 BRTB 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 BRTB 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.



Title II of Americans with Disabilities Act includes more than program accessibility and barrier removal. There are also requirements for nondiscriminatory policies and practices and for the provision of auxiliary aids and services, such as sign language interpreters for people who are deaf and material in Braille for people who are blind.

As an MPO, the BRTB 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

BMC 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 BMC ADA/504 Coordinator, in consultation with a Compliance Team, who assisted in the physical evaluation of BMC's premises, and in the evaluation of BMC's policies and practices. Team members reviewed and made recommendations to the Self-Evaluation document, as well as to the separately developed Transition Plan (found in the appendix, beginning on page 11).

This Self-Evaluation is divided into three parts: 1) an evaluation of BMC's policies and practices, 2) an evaluation of BMC's premises, and 3) the BMC website. This document describes the policies and procedures that BMC uses to comply with ADA/504. Steps that will be undertaken to correct any deficiencies are detailed in the appended Transition Plan.



Evaluation of BMC Policies and Practices

The following is a description of BMC's policies and practices that may affect people with disabilities.

ADA/504 Coordinator

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

- Collaborate and coordinate ADA/504 compliance efforts throughout the agency. BMC is a small office, composed of a planning department and administrative department. The ADA/504 Coordinator works closely with all of the staff in both departments.
- Serve as a point of contact and liaison to the public on ADA/504 compliance issues. Contact information is provided on the BMC website and in all BMC and BRTB publications.
- Establish and maintain collaborative relationships with critical external stakeholders, such as disability advocacy groups and government agencies.
- Monitor 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 ADA/504 grievance procedures. Grievance procedures are described on page 6.
- Monitor and update the implementation of the 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 BRTB Public participation Plan was updated in 2014 with a focus of “Access For All”. The Plan includes policies to ensure compliance with the following statements:

The BRTB values the diversity within the region, as well as the importance of full and fair participation in the transportation decision-making process by those individuals and groups who have been traditionally underserved.

To ensure the public is aware of the BRTB’s commitment to ensuring access for all, the following notice is placed on all BRTB agendas and meeting announcements (flyers, advertisements, etc.):

The Baltimore Regional Transportation Board (BRTB) operates its programs and services without regard to race, color, or national origin in accordance with Title VI of the Civil Rights Act of 1964, and other applicable laws.

Appropriate services can be provided to qualified individuals with disabilities or those in need of language assistance, who submit a request at least seven days prior to a meeting. Call 410-732-0500.

Public Meetings

All meetings held by BMC are open to the public. Most meetings are held in the BMC offices at 1500 Whetstone Way, Baltimore, Maryland 21230.

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

Sign language interpreters are made available if requested in advance of the meeting. Documents and handouts are also available in large print versions. BMC can also make printed material available as Braille, again if requested in advance. Information regarding this is included in meeting notices that are posted on the BMC website and in all advertising).

Publications

A Notice of Nondiscrimination is required to be placed in all plans, studies and processes undertaken by BMC.

Notice of Non-Discrimination

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Appropriate services can be provided to qualified individuals with disabilities or those in need of language assistance, who submit a request at least seven days prior to a meeting. Call 410-732-0500.

Documents that directly address the needs of people with disabilities are the Public Participation Plan (discussed on page 5) and the Personnel Manual (discussed on page 6).

Grievance Procedures for BMC Employees

It is the intent of BMC 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 essentials 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. BMC is not required to take such actions to accommodate that would result in undue financial and administrative burdens.

BMC, upon request, will provide reasonable accommodation to employee(s) in compliance with the ADA. Any employee who believes they need an accommodation in order to perform the essential functions of the job should notify their immediate supervisor. Requests will be handled on a case-by-case basis.

Any employee who believes they have been, or is being discriminated against, because or as a result of a disability should first contact his immediate supervisor, as outlined in BMC's "open door" policy contained in the BMC Personnel Policy and Procedure Manual (updated 2016). If the employee is not satisfied with the conclusion of that interview, then they may file a grievance with the Executive Director, who will inform the ADA/504 Coordinator. Upon receipt of the formal grievance, the ADA/504 Coordinator will collect information, investigate the complaint, and make a recommendation to the Executive Director 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

BMC 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.

BMC'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. BMC will not respond to complaints without the complainant's name and mailing address.

Complaints may be submitted to BMC as follows:

- By telephone to BMC, 410-732-0500 ext. 1020. 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 BMC ADA/504 Coordinator. Complaints may also be faxed to 410-732-8248 or e-mailed to bshepter@baltometro.org.
- In person at BMC, Offices @ McHenry Row, 1500 Whetstone Way, Suite 300, Baltimore, Maryland 21230.

Normal office hours are from 8:00 a.m. until 4:30 p.m., Monday through Friday. It is advisable to call the ADA/504 Coordinator 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.

The ADA/504 Coordinator will investigate the complaint and 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 BMC 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 BMC program, service or its office facility.

Evaluation of BMC Premises

BMC utilized the *ADA Checklist for Existing Facilities* based on the 2010 ADA Standards for Accessible Design produced by: Institute for Human Centered Design – <http://www.ADAchecklist.org>

BMC leases 13,761 square feet of the McHenry Row office building, 1500 Whetstone Way, Baltimore, Maryland 21230. The building is located on the corner of Whetstone Way and Woodall Street, and the entrance to the premises is on the Whetstone Way side.

Access to the Building

The external entrance to the building is wheelchair accessible, as is the building lobby, meeting rooms and restrooms. Neither the main entrance to the building nor the entrance to the BMC's office on the 3rd floor has an automatic door opener. The main entrance does have a guard stationed inside that can provide assistance during business hours and there is a doorbell to the BMC office with a receptionist directly inside that can also provide assistance. BMC is located on the 3rd floor and is served by two elevators that are both wheelchair accessible. The call buttons are located 40 inches above the floor (54 inches maximum) and the in-car controls are 40 inches above the floor. The elevator is 75 inches deep and 65 inches wide.


BMC is located near a bus route with a stop on Fort Avenue, approximately 600 feet from the building. That stop is served by MTA Route #1 and the Charm City Circulator Banner Route.

Doorways and hardware

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

The doors are equipped with hardware that is operable with one hand and does not require tight grasping, pinching or twisting of the wrist. The operable parts of the hardware are 42 inches above the floor (minimum 34 inches, maximum 48 inches).

The 3rd floor entrance to the lobby is served by two double doors with a clear opening width of 70 inches total.



Signs designating rooms and spaces are provided all through the BMC office. Text characters contrast with their background and signs are also provided in Braille. The baseline of the lowest character is 54 inches above the floor (48 inches minimum, 60 maximum).

All doors have a minimum opening width of at least 32 inches clear, between the face of the door and the stop, when the door is open 90 degrees. All doors within the premises can be opened easily with the exception of the supply room door. For doors with a closer (conference room A) it takes slightly less than the 5 second minimum to close from an open position of 90 degrees to a position of 12 degrees from the latch.

Reception area

BMC's reception area is accessible by both visitors and employees. The reception counter is designed on one side to be easily accessed by people who use wheelchairs.

Supply room

The supply room is accessible, as are most supplies contained therein. Countertops are not constructed to accommodate wheelchair users. Other obstacles are temporary, and consist of recently delivered supplies deposited in the room but not put away.

Coat closet

The coat closet is accessible. However it does not have a clothes rod for people who use wheelchairs.

Kitchen

The entrance to the kitchen is accessible. The refrigerator and ice maker are accessible. The microwave and toaster oven are not easily accessible to someone in a wheel chair.


Offices

All offices are constructed to permit access and use.

Windows

The main conference rooms and nine offices have windows. Extension rods were not installed so that the blinds may be reached and adjusted by someone who uses a wheelchair.

Internal navigation



Office hallways are accessible and generally free of obstacles.

Communication Devices

Office telephones are within easy access, or can be readily put within access. BMC does not currently use either TTD/TTY technology to accommodate people with hearing impairments.

The BMC website is generally accessible by people with vision impairments.

Library

BMC's library has full accessibility. However, the reception counter exceeds the 38" maximum height (it is 42" high).

Evaluation of BMC Website

On August 7, 1998, President Clinton signed into law the Rehabilitation Act Amendments of 1998 which covers access to federally funded programs and services. Under Section 508, agencies must give disabled employees and members of the public access to information that is comparable to access available to others.

BMC already substantially complies with guidelines for making website material accessible to hearing and sight impaired individuals. Recent changes to regulations prompted a revisit of those efforts and found the following deficiencies.

- PDF documents are not accessible by vision impaired people.
- Not all images are properly captioned to accommodate reader software for vision impaired people.

The web accessibility evaluation tool Wave was used to determine what, if any, accessibility issues the baltometro.org site might have. The Wave accessibility report for baltometro.org can be viewed at

<http://wave.webaim.org/report#/http://baltometro.org/>.

This evaluation tool is applied annually or when major updates occur.



Conclusions



Deficiencies noted within this Self-Evaluation are recorded in the Transition Plan, along with recommended improvements and a time frame for making those improvements. BMC reviews its public documents, including this one, once every four years. Any changes to programs, policies or practices are noted and the document is revised as needed.

Other documents in this series include: Title VI Program, Disadvantaged Business Enterprise Program, Public participation Plan, and Limited English Proficiency Plan.



APPENDIX



This Transition Plan was developed as a result of the Self-Evaluation.

Deficiencies Identified during the Evaluation of BMC Policies and Practices

Deficiency	Remedy	Approx. Cost	Status
<i>BMC Personnel Policies and Procedures</i> to include the grievance procedures detailed in the Self-evaluation.	Amend the <i>BMC Personnel Policies and Procedures</i> to include the grievance procedures detailed in the Self-Evaluation.	Minimal - cost of administration time and legal services.	Completed Spring 2016

Deficiencies Identified in Evaluation of BMC Premises

Deficiency	Remedy	Approx. Cost	Status
Coat rack is too high to be reached by wheelchair users.	Add a lower bar.	\$20 - \$25	Hooks were installed in 2 key locations. Completed Spring 2016
Not all conference room or office windows can be accessed to adjust the	Add extension to control rods.	\$75 - \$100	Rods have been ordered. To be completed Spring 2016
Internal navigation is occasionally impeded for people with disabilities by the presence of temporary	Remove any obstacles that interfere with free flow of pedestrian traffic.	No cost.	Ongoing and as needed.

Telephone is not equipped with TTD/ TTY.	Acquire TTD or TTY.	No cost.	Done. After considering alternatives, BMC decided to utilize the 711 relay system.
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Deficiencies Identified in Evaluation of BMC Website

Deficiency	Remedy	Approx. Cost	Status
Not all images are properly captioned to permit access by vision impaired individuals.	Add "alternate image name" for all existing images on website.	Staff time, plus some assistance from web consultants.	Staff adding alternate images and expect to be complete by June 2016. Web consultant has provided alternate text for logos and icons throughout the

