

PURPOSE

This report describes the activities of the Pueblo Americans with Disabilities Act (ADA) Advisory Committee from June 2011 through June 2012.

BACKGROUND

The Committee was established in 2004 under Ordinance #10097 as part of the Settlement Agreement between the Department of Justice (DOJ) and the City of Pueblo to monitor compliance with the Americans with Disabilities Act. Voting members are all citizens with disabilities who live within the city limits. Members are appointed by the City Manager for renewable terms of four years, or more if there are not enough candidates to fill the quota, and can include subject matter experts or advocates for those with disabilities (See Amended bylaws in the Appendix A). The Committee can have up to 15 members and there is a continuing outreach plan to reach this goal. We invite all of our City Council members to encourage constituents to apply. Disability does not discriminate and we need members with a range of experiences to represent this population effectively.

At the beginning of each year, we develop a work plan to set major goals and identify action steps we can take to achieve them. It is less important to complete each objective, especially since events can change the direction or priority of our thinking, than it is to attain measurable progress toward each goal. (See attachment.)

ACHIEVEMENTS

Goal #1: Review Access to City Facilities, Programs and Services

Our Committee participates in regular updates to design changes in the remodeling of City Hall and Memorial Hall. We are pleased that the Department of Justice finally accepted the fact that it is not possible to provide integrated seating in Memorial Hall because of the slope and construction of the foundation. The project architect has made some

recommendations that do provide accessible seating options at every level, which gives viewers a direct line of sight to the stage. On completion of the remodel of both buildings, all citizens will be able to participate in every aspect of civic engagement with their city government. This means maintaining the technical advances planned for City Council Chambers, an expense we do not take lightly in these challenging times, but which will provide lasting benefits.

It is worthy of note that one of the designers for Memorial Hall told us that BB King is still performing and one of the first questions among stage hands is, "How did you get him on stage?" In Pueblo, the stage will come down to him.

Access to Temporary Events

Because our meetings at SRDA have often changed rooms to accommodate the seniors who have priority use of the main conference room, we moved to the El Pueblo History Museum and gained access to the satellite office of the Chamber of Commerce. This gave us an immediate opportunity to address handicapped shuttle service to the Chili Fest, which is provided by a private entrepreneur whose equipment has occasionally been out of service on the day of the festivities. The principle here is that when shuttle service is provided to the general public, usually at Midtown or at the Municipal Parking Garage, to some kind of special event, there must be paratransit made available to people with disabilities.

We learned in the process that the grants supporting the Chili Fest do not allow for contracting with SRDA or CitiLift because of funding conflicts. We are therefore in full support of this independent business, which no doubt struggles with the expense of maintaining its lift equipment and will inquire about how we might be assured that it will be in good working order this year for the Chili Fest.

We greatly appreciate that the Professional Bullriders' Association has made their entire parking lot available for handicapped parking and their attendant will cone off extra space for lift equipped vehicles as requested. This is of substantial assistance, but it does not take the place of shuttle service.

We also made this inquiry of Pueblo Transit for the State Fair Shuttle. The Federal Transportation Authority responded that since this is not a regular service provided by Pueblo Transit and the buses themselves are accessible, no paratransit is required. Although many people have told us they can't stay out late at the Fair without this service, it would present a logistical nightmare.

Curb Ramps, Streetscapes and Sidewalk Repair and Maintenance.

We have continued to review the curb ramp requests from the Community Development Block Grant (CDBG) Committee as well as the citizen's request program with Public Works, which is now up to date and has been advertised in the Pueblo Chieftain to solicit more requests.

One of the most exciting developments in the curb ramp program has been the street scape projects on Northern, Lake and Abriendo Avenues. We were able to review and give feedback during the design phase of these projects and it is very gratifying to see them come to fruition. They make it easier not only for ourselves to cross the street safely, but also for all pedestrians. We have been briefed by the changes that needed to be made to the Lake Avenue project to accommodate large vehicles from Evraz Steel.

Likewise, our members participated heavily in the design phase of the 4th Street project. We are disappointed that east side merchants took such an overwhelmingly dim view of narrowing 4th Street and making it more pedestrian friendly. We have been advised that our most important goal, safe access across 4th Street to The Wayside Cross Mission, will be achieved with the construction of the Judicial Building.

But access to sidewalks is more than a curb ramp. Since the time this Committee was created, the ADA has evolved as the Supreme Court has interpreted cases brought before it. As many of you know, one of our greatest concerns for the city of Pueblo is to develop a sidewalk repair and maintenance policy. When the repairs to City Hall and Memorial Hall are complete, the original violations listed in the Settlement Agreement will have been largely addressed. The question of sidewalks is open because it is obviously impossible for any city in this nation to bring all of their sidewalks into compliance at once. We have watched, however, as several cities have lost lawsuits to the Department of Justice over sidewalk maintenance. Those

who have prevailed have a coherent policy for repair and maintenance over the long-term. The principle at work here is that it does no good to put in a curb ramp at the corner if the sidewalk is in such poor condition that there is no path to services. It is the service component that makes it the city's responsibility.

We have spoken with the previous City Manager about this and he assured us that now all departments communicate when there is work involving streets and sidewalks so that a street is not torn up several times for work by different departments and sidewalks are addressed whenever there are repairs. He also told us that sidewalk repair is addressed in the neighborhood plans and with the citizens' request program. These are all elements of a sidewalk maintenance plan, but not every neighborhood has a plan, and those that do are not always systematic in how they prioritize these projects, nor does CDBG cover the entire city, and that funding source is dwindling. We would like to see these all of these loosely stated policies pulled together into a more coherent and comprehensive plan.

To that end, we have made a contact with Colorado State University/ Pueblo (CSUP.) Apparently, there is now a push to involve graduate students in real world work in the community they live in that will greatly enhance both their employability and their community of residence. There are small grants available and we are investigating just how much we can do toward a sidewalk survey with some analysis and ideas for funding. Our city staff believes this will be a golden opportunity for engineering students and we are all willing to speak to classes about our ideas. Because the grants are small, the projects will be limited in scope, but they are a starting place.

Volunteer Handicapped Parking Enforcement Patrol

We have had several meetings with Chief Velez regarding the Volunteer Handicapped Parking Patrol. With the continuing reorganization of the Pueblo Police Department, we have supported the lone volunteer who still patrols. We have Chief Velez' assurance that the patrol is important and will be folded in to a much larger volunteer program at the earliest opportunity. We expect this to happen in any time now unless there is other more important business that needs finishing up. We have a follow up meeting scheduled.

Goal 2: Review Access to County Facilities, Programs and Services.

County Participation

One of our greatest achievements has been to attract the active participation of the county. This is, of course, outside the purview of the Settlement Agreement, but when Pueblo is the seat of county government, there is a great deal of cross over between the two jurisdictions and we appreciate the cooperation of the city administration in supporting our inclusion of the county.

This year, we were able to review the blueprints for the new Judicial Building and made several suggestions for changes to a full committee of experts, many of which were adopted. The most visible change is in the layout of the handicapped parking so that it is close to the building entrance and has easy access to the sidewalk. Design changes also allow enough space for people who have bariatric equipment to maneuver and participate in all aspects of the judicial process. This is beyond what the ADA calls for, but it addresses an obvious need in the population, which is the whole idea behind having a citizen's advisory committee. There will also be a family bathroom with a changing station to accommodate disabled adults who need it.

Simple changes have already been made at the Department of Social Services Building on Desert Flower and there are plans to systematically address all county facilities as the budget permits. Some buildings will be re-purposed and others may be simply demolished and re-built.

The most visible impact to the community is access to the County Courthouse. In 2010, the Secretary of State and the Legal Center for People with Disabilities reviewed access to polling places and elections offices across the state. Although Pueblo County has moved to voting stations in accessible locations, as have most cities, access to the County Courthouse has remained difficult. The elevators are too small to accommodate scooters and large wheelchairs and there is no room to enlarge them. The walk from the accessible entrance to the elevators is also daunting. The result is that now citizens with mobility impairments can Motor Vehicles and Elections in an office right inside the accessible entrance. All other county services will be offered from this office in the future as well. The elections office itself has moved to the Wachovia Bank building on 7th and Main where the

Division of Vocational Rehabilitation also has its offices. It is by necessity already accessible.

Pueblo Transit

Several years ago, Pueblo Transit asked to use the ADA Committee as its Transit Advisory Committee. We give them feedback about the service, participate in public hearings and receive regular updates. This includes the parallel paratransit van service provided by CitiLift through a contract with MV Transportation.

We are aware that because of budget shortfalls, Pueblo Transit is planning some cutbacks in service. This is regrettable, but we all see the climb in fuel prices. This Committee is not averse to including a modest fare increase in some of the proposals. It is ironic that sometimes it is the poorest of the poor who are willing to make the most sacrifice to keep what is most important to them, and our members are among them.

Some of us ride CitiLift and we have noticed that our requested pick up times are being negotiated into longer and longer waits, often hours. This is legal and we suspect it is because more people are using the service than it can easily tolerate. But paratransit service is the most expensive part of the transit budget and buying new vans and paying more drivers would mean cutbacks in the fixed route service, which benefits no one. Nonetheless, we think you should be aware that the system is stressed.

Our Third Goal is to Support Planning for a Regional Transportation Authority.

We have also made slow, but steady progress on the Regional Transportation Authority (RTA). Now that city staff has assumed the responsibilities of the Metropolitan Planning Organization, the RTA has been written in to the Unified Planning Work Program (UPWP) and there are plans to actively seek grant funding for a study about funding options and design. This RTA is for general transportation needs, such as bridges and roads as well as transit and possibly sidewalks. Public Works has made it very clear that Pueblo is now at a point where infrastructure cannot even be maintained at current levels with the funding it has and must seek a dedicated funding source just to keep up with basic maintenance.

Goal 4 is to Promote Emergency Preparedness for People with Disabilities.

The Department of Justice now requires that cities play a role in emergency preparedness for people with disabilities. To that end we have worked with Chief Velez, and Laura Whittrup, Dispatch Manager to the Pueblo Police Department, to develop a voluntary registry for people who would need assistance in the event of an emergency evacuation. Forms for this are available on the city website. Currently they must be downloaded and returned to the PPD because they require a signature. We encourage participation, but do not expect a large per cent of the eligible population to sign up.

We also participate in the Local Emergency Planning Committee, which includes first responders from both the city and county. Attendance increased dramatically once the location of the meetings was changed from the Emergency Operations Center, which is not easily accessible to anyone, to the City and County Health Department. We are encouraging the first responder community to include citizens and especially people with disabilities in emergency drills instead of using school children. We understand that there is a concern our population might be fragile and subject to unintended injury during such a drill, but we have spoken with the American Red Cross of the Pikes Peak Region and they are begging for such participation. We can call up a greater cross section of our community for a one-time event for our regular meetings. This is an area where people with disabilities can take the lead by setting an example instead of simply receiving services.

We encourage our city and county leadership to emphasize personal preparedness as a model for civic engagement. There have been enough blizzards, tornadoes, and other severe weather to give us warning that preparedness is something everyone needs to do.

Goal 5 is to Promote Awareness of Updates to the Americans with Disabilities Act.

Training on Significant Changes in the ADA

On July 26 of 2011, the anniversary of the signing of the ADA, the Committee hosted a workshop by Sandy Lehman from the Rocky Mountain ADA Center on several major changes that came into force on March 15 of 2011. There were at least 23 people in attendance. The overview mentioned changes in the rules regarding service animals, effective communication, wheelchairs and other power driven mobility devices, ticketing, places of lodging and reservations, examinations and courses, and direct threats to people with disabilities.

Obviously, this was too much information to cover in a two hour workshop. We requested an emphasis on service animals and effective communication, where there was considerable interest. There is a significant change in the definition of what a service animal is. The new rules limit service animals to dogs and miniature horses, simply because horses live so long. Concerned business owners are only allowed to ask what it is the animal does for the owner, which may include a wide variety of tasks. As always, the owner of the animal is responsible for the behavior of the animal and can be asked to leave with the animal if it is threatening other people or otherwise misbehaving.

This definition does not apply to public housing, where a service animal may be anything that assists the owner and requires only a doctor's letter of support, with the same requirements that the owner control the animal. There was interest on the part of some apartment owners for follow up that we were unable to arrange. It is clear there is a need to educate landlords on this issue and we plan to do so in the coming year.

Our Committee is interested in learning more about ticketing, which would largely apply to the State Fair, and places of lodging, because there are so many older hotel and motels in the area, but there does not seem to be an interest in the business community to support this. Bear in mind that with any structure built before 1992, we do not expect complete compliance with current rules and regulations. We are interested only in making such facilities as useful to our fellow travelers as can be readily achieved within the means of the owner.

Changes to requirements in facilities would require a two hour workshop in itself. Our city and county ADA Coordinators are very much interested and

agreed that they would arrange for this when it was possible to get everyone together, but have not done so yet.

Goal 6 is to Update our Publicity and Outreach.

When we moved to El Pueblo History Museum, we were joined by several new members, who reminded us that the city website still listed our meeting site at SRDA. We changed this immediately and posted a schedule for both our regular meetings and our work sessions, which are still at SRDA. We also pasted labels with the correct information on our brochures and updated our stationery. We have added PACOG to our heading because the county is now regularly represented. We still have room for more appointments.

Relationships with the Deaf Community

Although we include leaders of the deaf community in our mailing list, the only issues that draw their participation are service animals, effective communication and relations with the Police Department.

To our immense gratification, Chief Velez has met several times with members of Deaf Gathering to address several of their complaints about interaction with the police force. His staff has now worked out a placard people who are deaf can use to identify themselves to police officers, most often at traffic stops, without alerting anyone else to their status and opening themselves to victimization.

The problem of effective communication is nearly intractable. In recent years, the Commission on the Deaf and Hard of Hearing sponsored and passed a law strictly defining who could identify themselves as an interpreter. This was done to address several problems. For one, children were often being asked to interpret for their parents in sensitive medical and legal situations they could not possibly understand and should not have been exposed to. For another, interpreting in courts and medical situations requires skills beyond ordinary certification. Add to that the fact that many people who had simply taken a few courses and were not fully certified were acting in situations where a certified interpreter was clearly needed.

Unfortunately, the result of this law is that there even fewer interpreters available across the state. People who know some sign and could interpret

in simple, daily interactions cannot legally do so. In discussions with the Police Department, Access 2 Sign Language, a consulting group, has advised that the only legal interpreter in Pueblo is available on only Wednesdays. For initial contacts, videophones are now the preferred communication device. People who are deaf depend on access to cable, which is increasingly difficult to afford in this economy. We are aware that the Sheriff's Department has been sued over an effective communication incident and has simply paid a fine because there is not much recourse. We may well have to call a summit on ways to resolve this issue with technology.

STILL TO BE ACHIEVED

City Park Bathhouse

As we close out this year, we have two major concerns. One is that City Park Bathhouse has not been remodeled. It was omitted by accident from the original list of violations and has always been included when the city has submitted amendments to the Settlement Agreement. Because these projects have been funded by Greater Outdoor Colorado (GOCO) requests, it does not stress the city budget to do so.

The Parks and Recreation Department would like to make this a covered, indoor pool so that the community could enjoy in year round. With the new regulations requiring access to pools, this could provide the entire city with a much needed resource as some area hotels may choose to close their own pools. If Salida can do it, why can't Pueblo?

We'd also like to note that the Ice Arena is fully accessible and could attract sled hockey events and other disabled ice sports.

Our Continuing Status

As the Settlement Agreement comes to a close, we are concerned about our continuing status as an engaged and hard working committee. We have enjoyed a phenomenal relationship with city and county officials as we have worked to make Pueblo more accessible for all its citizens. This cannot continue to happen without the support of city council and the city manager, whoever that may be. It would also, quite frankly, not have happened at all

without a Settlement Agreement from the Department of Justice. Our principal role continues to be to make sure the city's services, programs, and facilities are not only accessible, but easily useful to people with disabilities and, as we have noted previously, the ADA is always changing.

To be truly effective, we have reached the point where we need some part time staff, perhaps ten hours a month, to make sure our notices are sent out promptly and in a professional manner and to follow up with contacting speakers and other people we need to do business with.

We also note that no one, not your ADA Coordinator, nor the individual members of this committee, has the time to keep up with all of the changes that are occurring. This leaves the city open to the kind of liability that led us to the Settlement Agreement in the first place. We would like to discuss with you how best to address this problem, perhaps something as simple as reviewing our grievance policy so that if anyone notices anything, there is one point of contact that brings it to our attention.

IN SUMMARY

We have participated very actively with both the city and county in reviewing ongoing construction and getting information about critical changes in the ADA. We have increased our visibility and our membership by moving our regular meetings to the El Pueblo History Museum. We have added the issue of emergency preparation to the scope of our mission and we have taken steps to help the city grapple with the overwhelming issue of sidewalk maintenance.

Yet much remains to be done. We could offer workshops in almost every category where the ADA has changed significantly if the funding were available. We still need to see that the City Park Bathhouse is remodeled. And we must continue the never-ending struggle to make Pueblo the most accessible city in our state.