

TOWN OF ERIE, COLORADO

**AMERICANS WITH DISABILITIES ACT
ACCESS AUDIT & TRANSITION PLAN PROJECT**

PARKS, FACILITIES, AND RIGHT-OF-WAY

FINAL REPORT

DECEMBER 12, 2025

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December 12, 2025

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INTRODUCTION AND THE ADA MANDATES

Federal law mandates the accessibility of Town of Erie sites. Pursuant to that, the Town of Erie retained WT Group AEC, LLC (WTG) in 2022. Our scope included:

- Access audits of all existing parks, facilities, and trails
- Access audits of right-of-way assets (sidewalks, transit stops, curb ramps, crossings);
- Site reports for parks, facilities, trails, transit stops, and crossings after the audits;
- Mapping dataset for sidewalks and curb ramps after the audits;
- Three community engagement events to identify retrofit priorities in the eyes of the public;
- A transition plan that phases retrofit work;
- A review of Town programs and policies;
- Consulting with Town staff regarding website accessibility;
- A task tracker to manage the transition plan following the project completion; and
- Preparing and presenting a Final Report to Town leadership.

This report is a summary of our findings and recommendations to make the Town of Erie more accessible to people with disabilities. The details and specific recommendations are in the site reports. This report includes advice that meets the federal requirements and incorporates smart practices.

The Town cannot implement all Transition Plan recommendations at once. We suggest a phased approach to retrofits. This report offers a gradual approach to our recommendations. We start by reviewing the requirements of the Americans with Disabilities Act and how those apply to Town of Erie facilities, parks, and right-of-way assets.

What are the Americans with Disabilities Act General Mandates?

The [Americans with Disabilities Act](#) (ADA) is a comprehensive federal civil rights law. It prohibits discrimination on the basis of disability. Effective January 26, 1992, Congress amended it only once, in 2008. The ADA has three principal titles. Title II applies to the Town of Erie and the 89,000 other units of state and local government across the country, and it requires the Town to make parks, facilities, right-of-way assets, policies, communications, and programs accessible to and usable by people with disabilities.

Another portion of the ADA prohibits discrimination by the Town of Erie as an employer (title I). Additionally, title III prohibits businesses and nonprofits from discrimination on the basis of disability.

The subject of this report includes all Town sites. We focus primarily on public-facing spaces. The Town may also have relationships with other entities, and when an entity uses or benefits from the use of Town property or resources, the entity is strictly prohibited from discrimination on the basis of disability. The ADA is to be broadly interpreted. In this section of the final report, we will define ADA terms and review the:

- ADA administrative requirements for the Town;
- Ways in which the ADA applies to new design and construction;
- ADA requirements for existing facilities;

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- ADA Transition Plan requirement;
- ADA requirements for Town of Erie public-facing policies;
- ADA requirements for Town of Erie programs;
- ADA requirements for Town of Erie communications; and
- A review of the limitations on the accessibility requirements, including technical infeasibility and the concepts of undue burden.

What Are the ADA Administrative Requirements?

The US Department of Justice (DOJ) published the title II implementing regulation in 1991, and it became effective on January 26, 1992. It has been amended once, and those changes became effective March 15, 2011. The current DOJ title II regulation is [here](#).

The Town faces many administrative requirements under title II of the ADA. In this section of the report, we will describe and review five key administrative requirements.

35.106 Notice Requirement: the Town must make its citizens aware of the “...protections against discrimination assured them...” by the ADA. In doing so, the Town must provide information about how parks, facilities, programs, policies, and communications are affected by the ADA. **We recommend the Town do so in a way that is inviting and appealing. This should also be consistent with the way the Town communicates with the public. Or, modify the statement below and use it as Notice Language.**

The Town of Erie invites persons of all abilities to Erie places, parks, facilities, programs, and services. For more information about how the Town of Erie welcomes people with disabilities, reach our ADA Coordinator at xxxxxxx@erieco.gov.

35.107(a) Designation of Responsible Employee: The Town must appoint at least one employee “...to coordinate its efforts to comply with and carry out...” its obligations under the ADA. Known as the ADA Coordinator, this employee investigates complaints regarding noncompliance and coordinates overall ADA implementation. Currently, the Risk and ADA Manager receives all requests for modifications. **We recommend the Town continue to identify Lori Wisner as the ADA Coordinator. We further recommend the Risk & ADA Manager (ADA Coordinator) become a [Certified ADA Coordinator](#).**

35.107(b) Complaint Procedure: The Town must have a process by which disputes regarding accessibility at sites, effective communications, and inclusion in programs and services can result in “...prompt and effective resolution...” DOJ calls this a “grievance procedure”. We recommend that the Town change the way it refers to this process. Naming this a grievance process makes it appear to be adversarial. It need not be, and in fact, many believe that a more positive approach yields “prompt and effective resolution” in a much more customer-friendly way. **We have provided the Town with an Access and Inclusion Solutions Process that meets the title II requirements.**

35.130(b)(7) Reasonable Modifications: The Town must make reasonable modifications that enable access to programs and facilities when so requested by a person with a disability, unless doing so creates an undue burden. The statute and the DOJ regulation identify many actions or processes that are a reasonable modification. In addition, court decisions and DOJ settlement agreements help further define the term and the limits on the concept of reasonable modification. The DOJ ADA website is a good source of information on this subject at www.ada.gov. We have broad experience with this topic as implementers of the ADA and consultants.

35.150(a)(3) Writing Requirement: The Town, whenever it denies a request for a reasonable modification, must create a writing. This is a mandate once it is determined by Town staff that a request would create an undue burden. Importantly, the writing is to be signed by "...the head of the entity or his or her designee..." In making this decision, the entity is to consider "...all resources available for use in the funding and operation of the service, program, or activity..." **We recommend that the Town Council delegate this authority to the Town Administrator**, and authorize the Town Administrator to delegate that authority to department or program heads as appropriate. We also recommend that the Town keep the writings together for ease of access and analysis. These have great risk management value and can forecast requests the Town receives.

What Are the ADA Requirements for New Design and Construction?

Many of the ADA requirements are open to some interpretation regarding compliance. There is, however, one crystal-clear requirement: all new design and construction must comply with the federal [2010 Standards for Accessible Design](#) and any State of Colorado requirements that are more stringent from an access perspective. The DOJ regulation at section 35.151 establishes this requirement, permitting a variance only if it is "structurally impracticable" to comply fully with the Standards.

Experts estimate that design and construction for ADA compliance adds not more than 1% to facility cost. For Erie, all designers and contractors, both internal and external, must comply with this mandate. Plan review and effective project management by Town staff ensure that designs and ongoing construction comply. The investment of human resources towards this goal is less costly than returning to new sites to correct design or construction errors.

New design and construction include alterations and additions; therefore, alterations and additions must adhere to the 2010 Standards. The DOJ title II regulation, at 35.151(b)(4), establishes a requirement that when alterations or additions occur at an existing Town facility, a "path of travel" is required to connect the accessible elements of the existing facility with accessible elements in the altered area or addition. In preparing the regulation, DOJ recognized the inequity of a result whereby the accessibility portion of an alteration or addition, the path of travel, could require more fiscal resources than the alteration or addition. The regulation, therefore, introduces the concept of disproportionality, which permits the Town to limit the path of travel costs to 20% of the cost of a project.

Three clarifications are necessary regarding the concept of disproportionality.

First, the Town *may* elect to apply the concept of disproportionality; it is not required to do so. If the Town wishes to make the path of travel cap higher, for example, 30%, it may do so. The ADA sets the floor, not the ceiling.

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Second, the path of travel must be applied when the alteration or addition is to a primary function area. A primary function area is "...a major activity for which the facility is intended." Examples in the title II regulation include "...the dining area of a cafeteria, the meeting rooms in a conference center, as well as offices and other work areas in which the activities of the public entity using the facility are carried out." We would add other examples pertinent to the Town sites. These include:

- Playground surfaces and playground components at Town playgrounds; and
- Bleachers at baseball fields.

Third, some work at an alteration or addition is simply maintenance, and the cost of that work may be deducted from the determination of the cost of the alteration or addition, thereby affecting the amount necessary to meet the 20% disproportionality test. At many sites, these non-alteration costs are very small. In a world where every Town of Erie penny counts, it is appropriate to apply the concept of disproportionality properly.

Access requirements for new design and construction are important in the context of the Town Capital Improvement Plan (CIP). CIP designers and contractors must meet or exceed federal and state requirements.

What Are the ADA Requirements for Existing Facilities?

The title II requirements for existing facilities begin with a requirement that the **programs** within those facilities and sites are what is to be made accessible. DOJ title II at 35.149 clearly states that "...no qualified individual with a disability shall, because a public entity's facilities are inaccessible to or unusable by individuals with disabilities, be excluded from participation in, or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any public entity."

The term "program" is to be broadly interpreted. For the Town, a program is an opportunity made available to the public. Swimming is a program. Making public comment at a Town Council meeting is a program. Sports fields are a program. Playgrounds are a program. Having picnic tables in a park is a program. Sidewalks are a program. Staffing and conducting recreation activities during the summer or afterschool is a program.

Think broadly here, and understand that a program is not just an organized activity for which one registers, pays a fee, and participates. In applying title II, it is a violation of the ADA if a person with a disability cannot access a Town program because the facility in which the program is located is inaccessible.

Title II at 35.150 guides the Town in making existing facilities accessible. It requires the Town to view that program "...in its entirety..." at 35.150(a). This means that all of the locations of a program, e.g., every Town playground, must be viewed before determining which ones will be made accessible and which will be left as is until next altered or replaced.

The statement above is made clear at 35.150(a)(1), where the Town is told by DOJ that these requirements do not "...necessarily require a public entity to make each of its existing facilities accessible to and usable by individuals with disabilities...". However, that assumes that other Town sites with the same "program" are indeed accessible. Making a program accessible does not always require making a facility accessible. DOJ explains this at title II

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35.150(b), where it reviews some of the methods to make a program accessible. The non-structural methods should always be considered. Though they may be impractical to implement, they are an important tool for the Town. The non-structural methods include, but are not limited to:

- Relocating a program from an inaccessible site to a site that is accessible;
- Providing a program at two or more sites, one of which is not accessible and at least one of which is accessible;
- Redesign or acquisition of equipment to make program participation possible;
- Bringing the program to the person with a disability by making home visits;
- Construction of new accessible facilities to house the program; and
- Providing extra staff to facilitate interaction by program beneficiaries.

Elsewhere in title II, the Town is required to make changes to rules and policies as well. These nonstructural alternatives may be effective in making a program accessible. However, when nonstructural alternatives are not effective in making the program accessible, 35.150(b) requires the Town to alter existing parks, facilities, sidewalks, and assets, and when doing so, to treat the alteration as new work and comply with title II 35.151.

The Town must also give the highest priority “...to those methods that offer services, programs, and activities...in the most integrated setting”. We review this mandate elsewhere in this report. The Town must also disperse the accessible programs that are to be retrofit. For example, all accessible playgrounds cannot be located in one neighborhood of the Town.

The 2011 title II regulation amendments introduced the concept of **safe harbor** for the Town and other state and local governments at 35.150(b)(2). If the Town designed and constructed an asset before March 15, 2012, and complied with the 1991 Standards for Accessible Design, it cannot be penalized if the Standards change at a later date.

An example of safe harbor is the reach range requirement. In the 1991 Standards, reach range could be as high as 54” above the finished floor (AFF) if a side approach was used and only 48” AFF if a forward approach was used. In the 2010 Standards, because of confusion about forward reach and side reach, the maximum reach range was simply reduced to 48” AFF. The safe harbor concept applies here, and at Town facilities designed and constructed before March 15, 2012, where a proper side reach can be used, an operating mechanism can be as high as 54” AFF. However, if that operating mechanism is at 55” AFF, it failed to meet the 1991 Standards and must be retrofit to meet the 2010 Standards maximum of 48” AFF.

It is important to note that many Town assets were not addressed by the 1991 Standards and were only addressed later in the 2010 Standards. That includes playgrounds, sports fields, and sports courts, to name a few. As such, the concept of safe harbor cannot apply to these assets, and the program access test reviewed earlier in this section rules. As an example, playgrounds, but not necessarily all playgrounds, must be accessible. See our discussion regarding the transition plan for more details.

What is the ADA Transition Plan Requirement?

The title II regulation, at 35.150(c) and 35.150(d), makes clear the Transition Plan requirements. A transition plan is a phased order of retrofit for all existing parks and facilities. At 35.150(d), the requirements are:

- Describe the deficits at every Town asset;
- Describe a solution for each deficit, or if it is to be left as is, describe why;
- Specify the year or the date or phase in which the retrofit will occur; and
- Name the Town official responsible for assuring compliance.

No Town plan can be effective, however, without cost references or estimates. The Transition Plan includes cost references for planning purposes to enable effective planning for the retrofits that will occur.

It is important that the Town understand the guidance as to by what date it must complete all retrofits. The title II regulation, at 35.150(c), discussing the time period for compliance, offers this guidance:

“Where structural changes in facilities are undertaken to comply with the obligations established under this section, such changes shall be made within three years of January 26, 1992, but in any event as expeditiously as possible.”

To suggest that this is not helpful guidance to the Town is an understatement for several reasons.

First, the ADA became effective on January 26, 1992.

Second, it would be impossible for the Town to have made all of the necessary retrofits by January 26, 1995. In fact, it would be impossible for the Town to make all retrofits that are necessary during any three-year period.

Third, when the DOJ amended the title II regulation, it became effective on March 15, 2011, this language was not updated with a new compliance date.

Fourth, when the 2010 Standards were published and included for the first time certain types of recreation assets, there was no change to the completion date of 1995.

The Town can draw guidance from the statement above by acknowledging that retrofits will occur as soon as possible. This requires a balancing of Town resources, integration of Transition Plan retrofits with CIP activity, and making Transition Plan work a higher priority than discretionary development and acquisition.

Regarding parks and facilities, there is other guidance by DOJ. If there is only one of a type of asset, it must be made accessible. If there are numerous assets of the same or similar type, such as playgrounds and sports fields, ***not necessarily all must be retrofit to be accessible.***

When the issue of recurring assets arises, DOJ does not specify a ratio or percentage that must be accessible. ***Our work in preparing transition plan recommendations relies on making a minimum of one of every three recurring assets accessible and dispersing accessible assets throughout the Town.*** This ensures that no matter where a resident is, some Town assets are nearby and accessible.

Lastly, title II at 35.150(d)(a) requires the Town to provide an opportunity for the public to participate in the development of the transition plan. The Town conducted two public feedback sessions on March 12, 2025. This is discussed in more detail later in this report.

What Are the ADA Requirements for the Town Communications?

The title II regulation, at 35.160, requires that Town communications to the public with disabilities must be “as effective” as communications to those without disabilities. People with certain health conditions such as deafness or impaired vision may not be able to ascertain the message. People with a cognitive impairment may not understand the message. People with physical disabilities that limit their ability to use a mouse or keyboard may not be able to get the cursor to the content on the website.

More and more local governments were using their websites for communication with the public as well as with employees. The broad requirements apply to the Town website, letters, contracts, aural communication that occurs at a Council meeting, emails, phone calls, and more. In recognition of this, the State of Colorado and DOJ has adopted new regulations for websites and applications used by local governments. Statewide, [HB21-110](#) requires the Town to meet website accessibility requirements that are more stringent than the federal standard. To ensure compliance, this project included a web review for compliance with the state code.

What Are the ADA Limitations? Technical Infeasibility and Undue Burden

Title II does impose some restraint on the making of reasonable modifications, removal of architectural barriers, and making communications accessible. DOJ expects that these restraints will be implemented as an exception, rather than the rule.

In the 2010 Standards, technical infeasibility is defined within section 106.5 Defined Terms. The Town need not make retrofits when doing so is technically infeasible. Again, recognizing that the ADA sets a floor and not the ceiling, the Town can choose to make the retrofit. The Town may deem a retrofit to an existing facility as technically infeasible when it meets the conditions described below:

“With respect to an alteration of a building or a facility, something that has little likelihood of being accomplished because existing structural conditions would require removing or altering a load-bearing member that is an essential part of the structural frame; or because other existing physical or site constraints prohibit modification or addition of elements, spaces, or features that are in full and strict compliance with the minimum requirements.”

Title II also defines undue burden. The concept of undue burden typically includes three elements: undue administrative burden, undue economic burden, and fundamental alteration. DOJ requires at 35.130(a)(3) that the Town bears the burden of demonstrating that denial of a request by a person with a disability rises to the level of one of these three conditions.

Each is cited and discussed below.

35.150(a)(3) Undue Administrative Burden: DOJ and the US Congress recognized that there may be circumstances in which a small local government, will find it difficult to administratively obtain the personnel, devices, and processes by which it can make reasonable modifications. This circumstance may be hard to show in the Town, as it is likely another jurisdiction, nonprofit, or business may have addressed and resolved the request related to disability faced by the Town.

35.150(a)(3) Undue Financial Burden: DOJ and the US Congress recognized that there may be circumstances in which a local government will find it difficult to provide the fiscal resources to make a modification or to remove barriers. DOJ guidance requires that the entire Town budget be considered before the Town claims Undue Financial Burden. For example, if a modification for a child with a physical disability will require the creation of a firm and stable accessible route to a playground, the Town must consider operating and capital budget unexpended resources in determining whether it can grant this request for modification. The Town 2026 budget exceeds \$250,000,000. It will be difficult to show undue economic burden.

As an important note, Town staff must apply the correct approach. Often, staff will consider only the budget they control in making decisions about Undue Financial Burden. That is not the correct approach. If a Town employee takes a job at another agency, and there are \$10,000 in salary savings due to that departure, it is the burden of the Town to show why that \$10,000 could not be allocated to the accessible route example above.

35.130(b)(7) Fundamental Alteration in Nature of the Service, Program, or Activity: DOJ and Congress recognized that a circumstance may arise where a local government will find it difficult to provide the requested modification based on disability because in doing so the fundamental nature of the service, program, or activity will be changed. As an example, sand volleyball is very popular. However, a person using a wheelchair will be unable to negotiate the sand surface in a sand volleyball court. If he or she requests a modification, such as replacing the sand with a hard surface court (wood, asphalt, concrete, etc.), the Town **could** do so, as the engineering is not complex. Were that to happen, however, the very nature of sand volleyball would be changed.

These same concepts apply to Town communications. These must be as effective for people with communication impairments as are communications for people without disabilities. Language identical to 35.150(a)(3) and 35.130(b)(7) is found at title II 35.164.

A GUIDE TO THIS REPORT

There are more than 2,700 access deficits identified in the 27 Park, Facility, and Trail site reports. The ADA requires that the access audit identify every access deficit at **every** site. For each deficit, a solution must be identified. The Town does **not necessarily have to make every site accessible**. The Town **does** have to make every program it conducts within its sites accessible.

In this report, we identify some broad solutions, such as refreshing all accessible parking, as a way to address issues identified in the site reports, and as a way for the Town to better manage compliance. This provides flexibility within compliance efforts, allowing the Town to move resources for optimal impact. We offer these systemic changes as a complement to a

site-by-site approach. The Town will determine how to proceed, and many local governments apply a hybrid of a systemic and site-by-site approach.

The scope of our work does not include the design of a solution. Our recommendations are performance-based. For example, if a parking stall at the Town Hall needs to be made accessible by having the proper striping and signage, we will make that recommendation and will note the dimensions and sign type. The design of a solution is a task for the Town staff or contractors.

We recommend the following to facilitate review:

First, read this Report. It provides a “big picture” review of the issues and solutions.

Second, read the 27 site reports. View the reports digitally for the best experience.

Third, use your knowledge of the sites and expertise of the Town staff. You know Town sites better than we do. Blend in what you know with what we recommend in the report. There are many ways to solve access problems, and the successful solution may be one you define.

COMMON PARK AND FACILITY ISSUES

In our work, some issues arose that complement the recommendations in the specific site reports. Below includes many of the common issues observed throughout Town of Erie sites.

Maintenance

The Town uses a conscientious staff to maintain its parks and facilities. However, over time, every site yields to wear and tear. The recommendations below describe ways in which attention to maintenance can specifically address some access deficits.

1. **Provide training** to maintenance staff regarding the features of an accessible route and how to ensure that it remains unobstructed so that park amenities, e.g., garbage cans or signs, are placed adjacent to the accessible route.
2. **Add door closer checks** to park maintenance staff checklists, and record observations on a regular basis. When too much force is required to open a door, adjust the closer.
3. **Purchase some new tools.** The Town needs battery-powered 2' digital levels, and tools to measure pounds of force that are designed for this purpose. Do not use 4' digital levels. These tools can be assigned to staff for scheduled spot checks.

Changes in Level and Gaps

The paths that make up the Town network of accessible routes are in fair condition. Wear and tear, settling, weather, and other factors combine to cause changes in level and gaps along portions of those accessible routes, making that portion noncompliant and a barrier to many visitors with physical and sensory disabilities. Removing changes in level and gaps has a significant universal design benefit too, as more people with all types of conditions can

more easily use the Town routes, such as staff pushing carts of supplies, parents with children in strollers, and people using an assistive device such as a wheelchair or walker.

4. **Add** a change in level of more than .25" **to maintenance safety checklists**. This will help identify and correct these problems before they expand. Make or buy pre-measured shims and distribute to employees for their use and ease of measurement.
5. **Add inspections for gaps** of greater than .5" **to maintenance safety checklists**. Identify and fill these gaps before they expand. **In the alternative, consider resurfacing segments of deteriorated asphalt routes.**
6. **Eliminate changes in level**. Severe changes in level are also safety issues. Therefore, make changes in level of greater than .75" the highest priority. Make changes in level of between .5" and .75" the second priority. Make beveling of changes in level of .25" to .5" the third priority.
7. **Consider acquiring or contracting for a grinder**. If the Town lacks a concrete grinder, it should consider acquiring or contracting for one.

Obstructed Accessible Routes

Staff **may** see an accessible route as an empty 36" wide space where a garbage fits perfectly. However, that placement would block or obstruct the required accessible route.

8. **Provide training to maintenance and facility staff** regarding the maintenance of accessible routes in Town facilities.

Accessible Parking

The Town maintains many public parking spaces. It is common to see barriers in parking, and the audits revealed many deficits in parking. The ratio of accessible stalls to all stalls applies to every individual parking lot. See our site reports for details.

9. **Create a parking stall template**. A suggested template is below.

Parking Stall Dimensions

Stalls are a minimum of 8' wide. An adjacent access aisle must also be a minimum of 5' wide. The access aisle can be shared by two accessible stalls.

The collection of signs must include the International Symbol for Accessibility. Federal settlement agreements require a second sign that says VAN ACCESSIBLE on at least one stall. This stall must be 11' wide with a 5' access aisle. An acceptable alternate is 8' and 8'.

Finally, the bottom edge of the lowest parking sign is a minimum of 60" above the finished grade. We suggest that the signpost be centered at the head of the accessible stall, and we suggest that the curb cut and detectable warning run the distance of the access aisle.

The most common deficit at Town parks and facilities is the slope in accessible parking stalls and access aisles. The Standards limit the slope to not more than 2.08% in any direction.

Connection to the Accessible Route

The access aisles should connect to an accessible route. The maximum running slope for the accessible route is 5%, and to account for heaving and settling, we recommend 4%. The maximum cross slope is 2.08%. To account for field errors, we recommend 1.7%.

Passenger Loading Zone

The loading zone must have an access aisle adjacent and parallel to vehicle pull-up space. The loading zone access aisle must be a minimum of 60" wide and 20' long.

10. **Develop a plan to correct or refresh every accessible stall** at every Town site. Incorporate this task into other plans that require parking lot repair, restriping, or resurfacing.

Running Slope and Cross Slope

There are many instances of running and cross slopes steeper than permitted. At some sites, this was a minimal issue, but at other sites, it was a significant variance. This condition naturally occurs when concrete settles, or when connections between new and old routes are off by fractions of an inch.

11. **Revise standard specifications and details** so that in new construction and alterations, the slope of the AR shall not exceed 1:21, or 4.7%, as opposed to 1:20, or 5%. This allows room for field error.
12. **Revise standard specifications and details** so that in new construction and alterations, the ramp slope shall not exceed 1:13, or 7.7%, as opposed to 1:12, or 8.33%. This allows room for field error. It also makes ramps easier to use for everyone, not just people with disabilities. This universal design approach is also a risk management tool.
13. **Revise standard specifications and details** so that in new construction or alterations, the cross slope shall be an integral part of the project and shall not exceed 2% or 1:50.

Door Opening Force Requirements

Town facilities have many doors. Many have closer mechanisms. Some of these need adjustment to bring the pounds of force (# push) necessary into compliance (5# push for interior doors and, as a smart practice, 8.5# push for exterior doors). However, some of the closers are just old. The wear and tear of 20 or more years erodes the closer effectiveness.

14. **Evaluate and determine the age of door closers.**
15. **Add door closer maintenance checks** to safety checklists in and for closers with 10 years of service or less, aggressively maintain them for effectiveness.
16. **Purchase and install new door closers** for all exterior doors (with closers 20 years old or more) and 50% of interior doors as soon as is possible.

17. **Purchase and install** new door closers for all remaining interior doors (with closers 20 years old or more) as soon as is possible.
18. **Consider acquiring, installing, and maintaining** power-assisted door openers for Town facilities with heavy consumer traffic.

Signage

Town signs serve several purposes. First, signs assist wayfinding in large sites such as Erie Community Park. Second, signs identify important permanent elements of facilities, such as restrooms. Third, signs facilitate access by people with vision and physical limitations.

The 2010 Standards treat two types of signs differently. Signs for permanent spaces, such as a bathroom, must be in both Grade 2 Braille and raised lettering. Signs that are directional or informational only require visual lettering of a certain size. Be certain to incorporate these approaches into signs in buildings and sites operated by the Town.

19. **Create a sign template for use by the Town**, and describe where and in what facilities signs will be used. The template could include the size of the sign, mounting height, mounting location, size of characters, space between characters, contrast between characters and background, icons or symbols used in the signs, Town information (name of facility, phone number, main office number?), and more.
20. **Implement signage template and refresh** Town signs.

Bathrooms

Bathrooms are an essential part of a visit to a Town site. Many Erie activities rely on one of the oldest designs known to us. Making those facilities accessible is tremendously important.

21. **Develop a bathroom template.** Confirm it with the State of Colorado. This is a list of criteria for restrooms, not a design template. Be sure to include temporary facilities such as portable toilets in the template. The template should address single and multi-use restrooms, the toilet, grab bars, items in the stall such as toilet paper and hooks, the stall, operating mechanisms, mirrors, sinks, hand towels, and more.
22. **Include bathroom renovations** at facilities in the Town Capital Improvement Plan.
23. **Consider the use of automatic flush controls.** These have environmental benefits and are a great way to eliminate some accessibility problems.
24. **In the interim, implement simpler modifications recommended in the site reports**, such as lowering mirrors, remounting grab bars, changing the height of toilets and urinals, installing compliant stall hardware, and so forth. These less costly changes on a site-by-site basis will serve your customers well until resources are available to renovate restrooms on a comprehensive scale.
25. **If the Town provides portable toilets at a site, it must make at least one portable toilet accessible.** Where portable toilets are provided, an accessible portable toilet must also be available and must be served by **an accessible route**.

The most common deficits across park and facility restrooms include grab bar mount or sizing errors, sinks lacking insulation, and incorrect mirror mounting height. Use our report recommendations, and require compliance design, construction, and maintenance staff, vendors, user groups, and concessionaires.

Publications and Online Information

The use of the Town website is an important tool for residents. The Town should also use it to communicate about access to programs. Create an icon for access and use it to mark assets that are compliant at the Town sites, such as picnic areas or playgrounds. It can also be used to note where future access work will occur.

26. **Update print material parks and facilities** information to reflect Town plans regarding access, and to note which sites are accessible or will be made accessible.
27. **Update website** information to reflect Town plans regarding access, and to note which sites are accessible or will be made accessible.

Unique Sites

Certain amenities at Town sites may be unique, such as the Community Center. This raises the bar on the expectation of access at this site. For Erie Community Center, the Town must work annually to correct access deficits. It can do so through existing capital plans or by following our recommendations in the site reports for specific retrofit work.

PARK AND FACILITY PROGRAM ACCESS TEST

The US DOJ test for existing facilities is the “program access test”. A “program” is an opportunity made available by the Town. It can be as diverse as eating a sandwich at a picnic table at Coal Creek Park, enjoying a playground at a Coal Miner Park, volunteering at the Food Pantry, and attending a Town Council meeting to make public comment. Importantly, this section notes that a “...public entity is not required to make structural changes in existing facilities...” when any other method, such as those noted above, is effective. This is discussed in detail earlier in the report.

Another element of the program access test is dispersion. For example, the Town currently has 17 playgrounds. The Town must disperse those that it will make accessible so that accessible playgrounds are available to all residents.

What is the right number, or ratio of accessible to inaccessible, for recurring assets? That is an unknown today. DOJ has not, and likely never will, establish a ratio or percentage. We do know that DOJ guidance indicates that unique or infrequently occurring assets should have a higher priority for retrofit than frequently occurring assets. We recommend that the Town make a minimum of one of three recurring sites accessible. Additionally, the Town shall make unique sites accessible unless doing so is technically infeasible.

The program access test for the Town and other units of state and local government is much more complex than the approach to existing facilities that a business or nonprofit may take. Federal District Courts, DOJ, the Department of Interior, state courts, and state enforcement agencies have accepted our approach of one of three. It is an effective approach and allows the Town to optimize resources and make sites accessible to residents.

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The concept of technical infeasibility is an important exception. The US DOJ 2010 Standards for Accessible Design note that when meeting the technical requirements, if the movement of a load-bearing wall or element is required, technical infeasibility may arise. The Town need not make alterations at a site when it is technically infeasible to do so.

In the subsequent discussions regarding playgrounds, trails, and other park assets, we apply our interpretation of the program access test. We note that this is a summary. For the detailed retrofit recommendations, see the individual site reports. For each asset category, we note whether we believe the asset is accessible, whether the asset should be retrofit for access, or whether the asset should be left as is and inaccessible because the asset category satisfies the program access test.

We take no position as to whether the Town has a number of assets in a category, such as tennis courts, that is adequate to the demand for tennis in Erie. That is not within our scope.

Playgrounds

The **minimum required** of the Town by title II of the ADA is that the “program” of playgrounds be accessible to residents. This is measured by the “program access test” described in section 35.150 of the title II regulation (see 28 CFR Part 35). For similar multiple sites, no guidance is given as to how many existing playgrounds must be accessible. Treat this as a planning exercise and aim for one of three playgrounds to be made accessible.

The American Society for Testing and Materials (ASTM) establishes standards, and the ADA adopted ASTM standards for playground surfaces. Therefore, playground surfaces must meet two requirements: accessibility (ASTM F1951), and impact attenuation (ASTM F1292). These certifications **must** be provided to the Town by vendors that sell playground surfaces.

The Town was unable to provide ASTM certifications for the play surfacing used at many play areas. This impaired our ability to verify compliance. We recommend obtaining the ASTM F1292 and the ASTM 1951 certifications for current and future play areas. Below, , play areas lacking verification are asterisked, and we have also added a notation.

Aside from limitations related to verification of accessible surfacing, all Town of Erie playgrounds met compliance requirements at the time of audit, with minimal corrections to maintenance and accessible routes. The Town must prioritize making all play areas designed, constructed, or altered after March 15, 2012, a priority due to the new construction requirement. The Town may consider maintaining all play areas to remain accessible, but a minimum, should prioritize three of the seven 2-12 designated play areas, three of eight 5-12 designated play areas, and at least one of two 2-5 designated play areas.

1. **Maintain and make minor corrections** cited in the report so the playgrounds below remain accessible:
 - **Arapahoe Ridge Park (2-12)**
 - **Coal Creek Park (5-12)***
 - **Country Fields Park (2-5, 5-12)***
 - **Erie Community Park (2-12, 2-12, 2-12, 5-12)***
 - **Lehigh Park (5-12)**
 - **Longs Peak Park (2-12)***
 - **Reliance Park (5-12)***

Only Arapahoe Ridge Park and Lehigh Park had the required certifications ensuring ASTM compliance.

2. **Leave as is** the playground at the following site, until next altered:

- **Clayton Park (5-12)***
- **Coal Miner Park (2-12)***
- **Crescent Park (5-12)***
- **Serene Park (2-12, 5-12)***
- **Star Meadows Park (2-5)***

None of these sites had the required certifications ensuring ASTM compliance.

3. **Advertise the accessible playgrounds** in the Town website and publications. This is an important way to make the public aware of opportunities, and complies with the section 35.106 notice requirement in the title II regulation.
4. **Consider the gradual elimination of engineered wood fiber as an impact attenuating playground surface.** For this surface to remain accessible, Town staff must more frequently inspect and maintain the surface. Unitary surfaces such as poured-in-place rubber or interlocking rubber tiles, and the artificial turf surface, are much easier to use for persons with mobility impairments and also meet the required standard for impact attenuation.
5. **In the alternative to the recommendation above, increase maintenance staff hours at each playground with an engineered wood fiber surface.** The four maintenance tasks required for this surface are replenishment, raking to level, watering, and compacting.

Athletic Fields

The **minimum required** of the Town by title II of the ADA is that the “program” of athletic fields be accessible to residents. This is measured by the “program access test” found in section 35.150 of the title II regulation (see 28 CFR Part 35). For similar multiple sites, no guidance is given as to how many existing fields should be accessible. We recommend that a minimum of one field of every three be accessible. We saw eleven athletic fields and one was accessible. **We recommend access to five.**

6. **Maintain and make minor corrections** cited in the report so the field below **remains** accessible:
- **Columbine Mine Park**
7. **Make corrections** cited in the reports so the fields below become accessible:
- **Arapahoe Ridge Park (1 of 2 fields)**
 - **Clayton Park (1 of 2 fields)**
 - **Country Fields Park**
 - **Crescent Park**

8. **Leave as is** the fields at the following sites, until next altered:

- **Arapahoe Ridge Park (1 of 2 fields)**
- **Clayton Park (1 of 2 fields)**
- **Erie Community Park (2 of 2 fields)**
- **Longs Peak Park**
- **Star Meadows Park**

9. **Advertise the accessible athletic fields** in the Town website and publications.

Tennis Courts

The **minimum required** of the Town by title II of the ADA is that the “program” of tennis be accessible to residents. This is measured by the “program access test” found in section 35.150 of the title II regulation (see 28 CFR Part 35).

We recommend that a minimum of one of every three tennis courts be accessible. We saw five tennis courts and all were accessible with the minor corrections identified in site reports.

10. **Make minor corrections** cited in the reports so the courts below **remain** accessible:

- **Clayton Park**
- **Erie Community Park (4)**

11. **Advertise the accessible courts** in the Town website and publications.

Basketball Courts

The **minimum required** of the Town by title II of the ADA is that the “program” of basketball be accessible to residents. This is measured by the “program access test” found in section 35.150 of the title II regulation (see 28 CFR Part 35).

We recommend a minimum of one of every three basketball courts be accessible. We saw five basketball courts, and all are accessible with minor corrections we note in site reports.

12. **Make minor corrections** cited in the reports so the courts below **remain** accessible:

- **Clayton Park**
- **Erie Community Park (2)**
- **Longs Peak Park**
- **Star Meadows Park**

13. **Advertise the accessible courts** in the Town website and publications.

Baseball Fields

The **minimum required** of the Town by title II of the ADA is that the “program” of baseball be accessible to residents. This is measured by the “program access test” found in section 35.150 of the title II regulation (see 28 CFR Part 35). We recommend that a minimum of one

of every three baseball fields be accessible. We saw 12 baseball fields and two are accessible. **We recommend access to six.**

14. **Make minor corrections** cited in the reports so the fields below **remain** accessible:

- **Columbine Mine Park**
- **Reliance Park**

15. **Make corrections** cited in the reports so the fields below become accessible:

- **Erie Community Park (4)**

16. **Leave as is** the fields at the following sites, until next altered:

- **Arapahoe Ridge Park**
- **Clayton Park (2)**
- **Country Fields Park (2)**
- **Longs Peak Park**

17. **Advertise the accessible fields** in the Town website and publications.

Picnic Areas and Picnic Shelters

The **minimum required** of the Town by title II of the ADA is that the “program” of picnicking be accessible to residents. This is measured by the “program access test” described in section 35.150 of the title II regulation (see 28 CFR Part 35). For similar multiple sites, no guidance is given as to how many existing shelters or picnic areas should be accessible. We saw 18 shelters and seven picnic areas. Of these, 17 shelters and two picnic areas are accessible. **We recommend no new access.**

Picnic area technical requirements are not yet a final and enforceable standard. The US Access Board offers guidance, and we apply it to Town picnic areas and shelters. However, the US Access Board does not have the authority to establish a Standard, which is a step above the **final guideline** that exists today. We recommend the Town continue as a smart practice to adhere to the Access Board guidance on this matter.

18. **Make corrections** needed to **maintain access** to shelters or picnic areas at:

- **Clayton Park (Shelter)**
- **Coal Creek Park (Picnic Area)**
- **Coal Miner Park (Shelter)**
- **Columbine Mine Park (Shelter)**
- **Country Fields Park (Shelter)**
- **Crescent Park (Shelter)**
- **Erie Community Park (6 of 6 Shelters)**
- **Lehigh Park (2 of 2 Shelters)**
- **Longs Peak Park (Shelter)**
- **Reliance Park (Shelter)**

- Serene Park (Shelter)
- Star Meadows Park (Shelter and Picnic Area)

19. Leave as is the shelters and picnic areas at the following sites, until next altered:

- Arapahoe Ridge Park (Picnic Area)
- Clayton Park (Picnic Area)
- Coal Miner Park (Picnic Area)
- Erie Community Park (2 of 2 Picnic Areas)
- Thomas Reservoir (Shelter)

20. **Advertise accessible pavilions and picnic areas** in the Town website and publications.

Trails Within Parks

There is no federal or Colorado **final and enforceable standard for trails for title II entities**. The US Access Board offered significant guidance, but for many reasons, the US DOJ had not issued guidance as a final and enforceable standard for the Town and all other units of state and local government. We highlight key issues below.

Is there any Federal Guidance Regarding Trails? Yes. The US Access Board published the Architectural Barriers Act Accessibility Guidelines (ABAAS) in 2013 and ABAAS governs trails developed by federal agencies such as Army Corps of Engineers, Forest Service, and National Park Service. As a smart practice, municipalities adhere to the ABAAS standards.

It is clear that some Town assets likely found in a typical park, such as playgrounds, and sports fields, and courts, are subject to the federal final and enforceable 2010 Standards for Accessible Design in each of the 50 states. However, as of this report in 2026, the federal government has not made a final and enforceable standard for viewing areas, trails, picnic areas, beaches, campsites, outdoor recreation access routes, and park furniture such as grills and picnic tables.

Some States Have Acted! Some states have tired of waiting for federal action and adopted guidance for those outdoor recreation assets into their state codes. Those states include Illinois and California. Texas is considering the same action. New Jersey, Massachusetts, Colorado, and other states have adopted more stringent restroom, playground, or website requirements, affecting park assets in those states. This is more likely to be a State issue.

What About Funder Requirements? We also note that some funders, such as the federal government, will require compliance with the ABAAS. This contractual requirement still mandates a newly designed and constructed trail, when federal funds are in use, to meet ABAAS. Failing to follow funder requirements could result in loss of grants, repayment of earlier funds, and ineligibility for future federal funds. Many states also require that when state funds are granted to a Town that the assets developed be accessible.

Must the Town of Erie Retrofit Every Trail? No. In fact, instead of making retrofits, developing a new trail that meets the access requirements may be more effective. Many jurisdictions have used this approach. It saves the resources in a retrofit and applies those

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human and fiscal resources to new site development. This approach is allowed in the title II regulation at 35.150(b).

The **minimum required** of the Town by title II of the ADA is that the “program” of each type of trail be accessible to residents. The “program access test” is at section 35.150 of the title II regulation (see 28 CFR Part 35). For similar recurring assets such as trails, title II offers no ratio or percentage as to how many existing trails should be accessible.

We recommend that a minimum of one trail of every three be the goal for accessibility. In advancing towards that goal, it is important to apply the 1019 conditions for exception. The town has two types of trails for residents: trails or walking paths within a park, as well as an estimated 50 miles of trail networks throughout the Town.

Within parks, we saw 12 trails and found eight to be accessible with minor corrections. **We recommend no new access to trails within parks.** The Program Access Park Grid illustrates the areas where we recommend work occur so that every resident is close to an accessible trail.

21. **Maintain and make minor corrections** cited in the reports so the trails within parks below remain accessible:
 - **Coal Creek Park**
 - **Columbine Mine Park**
 - **Country Fields Park**
 - **Crescent Park**
 - **Erie Community Park**
 - **Lehigh Park**
 - **Longs Peak Park**
 - **Serene Park**
22. **Leave as is** the trails within parks at the following sites, until next altered:
 - **Clayton Park**
 - **Star Meadows Park (2)**
 - **Thomas Reservoir**
23. **Advertise the accessible trails within parks** in the Town website and publications.

Spine Trails and Local Trails

In addition to trails within parks, the Town provides 40 to 50 miles of trails by way of its trail network. These are known as spine trails and local trails. The minimum required of the Town by title II of the ADA is that the “program” of each type of trail be accessible to residents. The “program access test” is at section 35.150 of the title II regulation (see 28 CFR Part 35). For similar recurring assets such as trails, title II offers no ratio or percentage as to how many existing trails should be accessible.

Throughout this three-year project, the trail inventory owned by the Town changed. We were not asked to evaluate new trails.

The result is that Town analysis of new trails (which, as it is new construction, must be accessible) should be blended with existing trails. We recommend that the goal be a minimum of one mile of accessible trail for every three miles of trail. This is subject to the 1019 Conditions for Exception for items such as interference with endangered species, naturally occurring steep terrain, and other factors.

24. **Review audit data for spine trails and local trails, and maintain and make minor corrections** cited in the reports so the trail segments deemed accessible with minor corrections and maintenance remain accessible.
25. **Leave as is** the spine trails and local trails cited in the reports where no retrofits are recommended.
26. **Ensure that all newly designed and constructed spine trails and local trails are accessible.**
27. **Advertise the accessible spine trails and local trails** in the Town website and publications.

TRANSITION PLAN FOR PARKS, TRAILS, AND FACILITIES

The Town must have a transition plan per 35.150(d) of the DOJ title II regulation. Here, we have developed a Transition Plan for parks, facilities, and trails. A transition plan should identify the barrier, the corrective work, the date by which the work will occur (in our reports, the Phase), and the person responsible for barrier removal.

The Town should remove barriers as soon as possible. Phasing the work facilitates access and makes the best use of Town resources. Each phase requires a different number of years for implementation. The Town should determine the annual activity within its fiscal years.

DOJ enforcement staff have said at meetings and in settlement agreements that work should have already been underway to identify and remedy access deficits.

We recommend work in three phases. We also note work we believe need **not** occur in a category titled Town Option. Should Town plans change, or should other resources become available, the corrective work needed at these sites is known. Finally, we do recommend that some work occur as a smart practice.

We have made cost **references for planning purposes** for the corrective work recommended. We note that these are not estimates and should be used only for planning purposes. The final design, the year in which the work will occur, the relationship with the contractor, and many other factors must be considered before a cost estimate is made.

Our total of all cost references is \$40,313,050. We have balanced work through all three phases, and the Town can choose to reorder those recommendations. We describe our phasing below.

- In Phase One, we recommend work in two categories: easy to do with existing staff and fiscal resources (low-hanging fruit), and work completed by the Town since March 15, 2012, if that work was constructed or designed in a way that fails the accessibility

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standards. We suggest that completion of this phase requires seven fiscal years. Cost references for Phase One are \$1,908,627.

- In Phase Two, we recommend work in areas that are new to the 2010 Standards. This typically includes sports fields and courts, playground surfaces, playground components, and other park assets. We suggest that completion of this phase requires four fiscal years. Cost references for Phase Two are \$911,235.
- In Phase Three, we recommend work in areas in two categories: employee spaces and elements where correction is complex or costly. We suggest that completion of this phase requires five fiscal years. Cost references for Phase Three are \$1,037,202.

The cost for the first three phases is \$3,857,064.

- We do phase some work as Town Option. This is work at a site or element with access deficits where we believe the Town already meets the program access test and needs not make these sites accessible until later altered for another purpose.

Cost references for Town Option are \$18,231,304.

- We identify corrections that are not currently subject to standards, but we refer to them as “smart practices in the column labeled “SP”. These corrections, we believe, make your services and assets more accessible and usable by individuals with disabilities.

Cost references for smart practices are \$18,224,682.

COMMUNITY ENGAGEMENT

The ADA requires the Town to provide an opportunity for public feedback in shaping priorities for the transition plan. A total of six public sessions were held throughout the project. Year one community engagement opportunities occurred May 15 and 16, 2023 at the Erie Community Center and focused on parks, trails, and facilities. Year two community engagement opportunities occurred on August 22 and 23, 2024 at the Erie Community Center and focused on right-of-way assets. Year three community engagement opportunities occurred on September 10 and 11, 2025 at the Erie Community Center and Town Hall and encompassed all Town owned parks, trails, facilities, and right-of-way assets. The sessions were sparsely attended and the survey yielded 64 total comments by people with disabilities.

Year two and year three community engagement efforts were complemented by online surveys. The community engagement sessions and the survey aim to identify any access preferences for the order of retrofit.

Sidewalks are addressed with a separate DOJ priority in which sidewalks serving Town, public school, Town, and other state and local government sites have the highest right-of-way priority. That said, Town sidewalks were discussed during community engagement efforts.

During the sessions, there was some attendee interest in prioritizing parks with a concentrated approach, so that one park is fully accessible, before moving to the next sites. There was also some interest in starting with the basics (parking, entries, accessible routes,

and restrooms). With regard to sidewalks, attendees addressed the lack of sidewalks, curb cuts, and crossings on busy roads and in residential areas, as well as timely maintenance of sidewalks during inclement weather. Many attendees request that the Town address right-of-way assets that serve schools be prioritized first.

The surveys slightly aligned with the feedback provided in the sessions. Across both surveys, the need for accessible facilities was identified the most, followed by the need for accessible park features. Following parks and facilities includes improvements to sidewalks and trails. Majority of feedback prefers the Town focus on high-use areas first.

For more information regarding survey analysis, see the following deliverables:

TOWN OF ERIE YEAR TWO COMMUNITY ENGAGEMENT SURVEY REPORT 202501.

TOWN OF ERIE YEAR THREE COMMUNITY ENGAGEMENT SURVEY REPORT 202501.

We urge the Town to continue to seek feedback from the communities of people with disabilities in Erie. An annual survey can help identify preferred retrofits and help the Town meet the perceived needs of residents with disabilities.

COMMON RIGHT-OF-WAY ISSUES

In our work evaluating the Town of Erie sidewalks, curb ramps, crossings, and transit stops, several recurring issues emerged that reinforce the need for a systematic approach to accessibility improvements. Title II, at 35.150(d)(2), establishes the required order in which barriers must be removed.

As such, sidewalks, curb ramps, and crossings that serve municipal facilities, public parks, schools, county and state buildings, and public transit must be retrofit first, followed by pedestrian routes serving places of public accommodation, then places of employment, and lastly “other” areas such as residential neighborhoods or assets that primarily serve private facilities. Within each title II priority category, the severity of the deficit *can* determine the order of retrofit, ensuring that the most hazardous or impassable conditions are addressed first.

Many of these issues align with Public Right-of-Way Accessibility Guidelines (PROWAG) technical requirements, and addressing them will substantially improve safety, usability, and overall access.

As to the cost of right-of-way retrofits, there are too many factors to enable us to offer a cost reference. The cost will be influenced by factors such as the Town relationship with the bidders, the fluctuating cost of concrete and asphalt, the years in which the work occurs, the size and scope of the project, the other right-of-way projects underway that may make prospective bidders pass on the project, the competitiveness of the market, and other factors. That said, if the work were done today, we project a square foot of sidewalk at \$122.50.

Changes in Level and Gaps

Between the sidewalk, curb ramp, crossing, and transit stop data, more than 1,390 changes in level and 2,700 gaps were identified. The network of pedestrian access routes shows

widespread deterioration, likely caused by weather, settlement, root heaving, and aging pavement.

These issues create surface discontinuities that exceed PROWAG limits for vertical changes in level and for horizontal openings. Eliminating these defects improves accessibility and benefits all users, including people using wheelchairs, strollers, walkers, and carts.

28. Add inspections for vertical changes in level greater than .25" to the Town's maintenance checklists to identify and repair hazards early.
29. Add routine inspections for gaps greater than 0.5" and incorporate a repair or replacement protocol before gaps widen.
30. In compliance with title II, prioritize retrofit of changes in level and gaps along pedestrian routes serving municipal facilities, parks, schools, and transit first. The severity of the deficit can determine the order of retrofit **within** each title II category.
31. Consider acquiring or contracting for a concrete grinder to address changes in level efficiently.

Running and Cross Slopes

Many sidewalks, crossings, and curb ramps exceed PROWAG slope limitations, likely due to settlement, construction tolerances, or mismatched paving sections. Excessive slopes significantly impair usability for many individuals with and without disabilities.

32. Revise Town standard specifications so that new and altered pedestrian access routes do not exceed a 4.7% running slope (1:21) to allow field tolerance and long-term settling.
33. Revise curb ramp specifications to a preferred maximum slope of 7.7% (1:13), improving usability and reducing future retrofit needs.
34. Revise cross-slope standards to a maximum of 2% and incorporate enhanced inspection procedures.
35. Prioritize slope-related corrections along pedestrian routes serving municipal operations, parks, schools, state facilities, and transit, as required by title II.

Accessible Pedestrian Signals (APS)

Across signalized intersections, APS installations are frequently missing or incomplete. Missing tactile arrows, lack of locator tones, lack of audible crossing indicators, inaccessible slopes in the clear ground space at pushbuttons, and improper pushbutton spacing limit safe crossing for individuals with blindness or low vision.

36. Develop an APS installation template aligned with PROWAG and the Manual of Uniform Traffic Control Devices (MUTCD), including tactile arrows, locator tones, vibrotactile WALK indications, and compliant pushbutton placement.

- 37. Require APS clear floor space at all signal locations and add this requirement to annual inspection checklists.
- 38. Prioritize APS retrofits along pedestrian routes serving municipal buildings, schools, transit stops, parks, and state facilities, consistent with the title II order of retrofit.

Curb Ramp Installation and Alignment

The right-of-way inventory shows a substantial number of noncompliant curb ramps, with 413 curb ramps with major barriers, 813 curb ramps with moderate barriers, and 603 curb ramps with minor barriers, as well as 5 missing curb ramps. Many ramps are misaligned with crosswalks, exceed slope limits, lack detectable warnings, or have abrupt transitions at gutter lines.

- 39. Adopt a directional curb ramp standard requiring ramps to align with crossing travel paths.
- 40. Require detectable warnings at every curb ramp, eliminating the 991 missing detectable warnings found in the inventory.
- 41. Require gutter transition checks to ensure vertical discontinuities do not exceed 0.5".
- 42. Prioritize curb ramp retrofits, first along title II priority pedestrian routes (municipal, educational, transit, and parks), then along routes to public accommodations, followed by employment sites and residential or "other" areas. Severity of deficit can determine the order of retrofit **within** each category.

Transit Stop Boarding Areas

Every transit stop lacked compliant boarding pads, accessible connections to sidewalks, or firm and stable surfaces. These deficiencies limit access to public transportation and require priority attention under title II.

- 43. Develop a Transit Stop Detail specifying the 96" × 60" boarding area, cross slope limits, surface materials, and accessible route connection.
- 44. Retrofit boarding areas at stops serving municipal facilities, schools, and parks first; then those serving public accommodations; then employment centers; and lastly residential zones, consistent with title II requirements.
- 45. Integrate slope and surface inspections for boarding areas into annual public works and transit partner evaluations.
- 46. Train transit staff on alternative methods to ensure individuals with disabilities can board, deboard, and access transportation programs.

RIGHT-OF-WAY TRANSITION PLAN

The Town's public right-of-way assessment included a comprehensive evaluation of approximately 240 miles of sidewalk, 2,248 curb ramps, more than 423 pedestrian street crossings, and 16 transit stops along Arapahoe Road. All features were evaluated against

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the 2024 Public Rights-of-Way Accessibility Guidelines (PROWAG) and the regulatory requirements established under title II of the Americans with Disabilities Act (ADA).

The assessment identified significant accessibility deficits across the system, including 27 miles of sidewalk with major barriers, 62 miles with moderate barriers, 75 miles with minor barriers, eight missing curb ramps, and 1369 curb ramps lacking detectable warnings. These findings highlight systemic issues impacting connectivity, safety, and usability throughout the Town.

Title II Right-of-Way Priorities

Title II requires the Town to remove barriers to right-of-way assets in a specific order. This framework guides the Town's recommended sequencing of PROW improvements.

Priority One – Sidewalks and Right-of-Way Assets Serving Municipal Programs and Public Services

Retrofits should begin with sidewalks, curb ramps, and crossings that directly serve:

- Town Hall
- Police Station and Courthouse
- Erie Community Center
- Town of Erie Parks
- Water Reclamation Plant and Water Treatment Plant
- Recreation and Civic Buildings
- Public Schools (Erie High School, Erie Elementary School, Erie Middle School, Soaring Heights PK–8)
- Transit Stops

These locations support governmental programs, essential public services, and daily municipal operations, and therefore require first-tier attention.

Priority Two – Sidewalks and Right-of-Way Assets Serving Public Accommodations and Commercial Corridors

These areas support retail, dining, gathering, and consumer-facing activities. Examples are:

- Downtown Erie, where high pedestrian volumes and aging sidewalks create accessibility challenges.
- Erie Parkway, a major east–west commercial connector that includes a large number of curb ramps and crossings.
- Commercial areas along County Line Road, Village Vista Drive, and Leon A. Wurl Boulevard.

Title II requires these corridors to be addressed after municipal and public-service routes.

Priority Three – Sidewalks and Right-of-Way Assets Serving Employment Centers

These areas include industrial, manufacturing, and office employment zones important to economic activity. Examples include:

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- Eclipse Engineering
- Magnum Plastics
- JEM Innovation
- Additional employment facilities north of Erie Parkway and east of County Line Road

While not open to the general public in the same manner as government or commercial spaces, these areas must be addressed as the third priority category.

Priority Four – Residential Areas and All Remaining Sidewalk Segments

Once municipal, commercial, and employment-serving routes are addressed, the final category includes:

- Sidewalks internal to residential subdivisions
- Connections between neighborhoods
- Pathways serving primarily private property
- Any remaining PROW assets not categorized above

These Priority Four areas holds the majority of total sidewalk mileage. These should be addressed after the DOJ higher priority routes are brought into compliance. This grouping has the largest amount of mileage, and can be prioritized by severity after the title II prioritization is applied.

Role of the ArcGIS Dataset and Transition Plan

A core deliverable of this project is the interactive ArcGIS dataset, which consolidates all right-of-way audit data including sidewalks, curb ramps, crossings, and transit stops, into a single platform. The dataset includes title II prioritizations, severity classifications, PROWAG measurements, missing infrastructure, and scan images. Staff can use ArcGIS to visualize deficits spatially, apply filters to isolate priority corridors, connect infrastructure conditions to Town-owned facilities, and sequence projects across multiple years of capital planning.

To complement the geospatial dataset, a Transition Plan table accompanies this report. While the ArcGIS platform serves as the primary operational and mapping tool, the Transition Plan table organizes this same information into a structured, text-based format that supports budgeting, internal coordination, and documentation needs. The table summarizes key attributes such as location, identified deficit, accessibility score, square footage, cost referencing, recommended retrofit, and phasing, but does so at a high level, allowing the ArcGIS system to carry the detailed geometry, measurements, and prioritization logic.

Together, the ArcGIS dataset and the Transition Plan table form the functional backbone of the Town's ADA PROW Transition Plan:

- ArcGIS provides the authoritative, spatially accurate system for tracking assets, visualizing deficiencies, updating field validations, and managing project sequencing.
- The Transition Plan table provides a companion reference that aligns with the dataset and ensures the Town has a clear, maintainable record of barriers and recommended actions.

This paired approach ensures the Town can maintain ADA compliance over time, integrate accessibility into long-range capital planning, and demonstrate a systematic, data-driven method consistent with title II requirements.

FUNDING ACCESS RETROFITS

This section identifies some of the potential funding sources other towns, counties, cities, and local governments have used for accessibility compliance. This is a primer on this topic and is not intended as a comprehensive list.

No Dedicated Federal Source

There is no dedicated source of federal funds for accessibility renovations to existing sites. This will not likely change. Even if change were to occur, federal funding is unpredictable, as we have seen from other federal programs. Certainly, in the current Administration, there is no likelihood of federal funding for compliance costs.

Congressionally Directed Spending

Some of our clients have pursued Congressional funds for access work. Formerly known as earmarks, Congressionally Directed Spending has become a practice the last ten years as both political parties have supported these efforts. This is an opportunity for the Town.

Community Development Block Grant Funds

Several of our clients have acquired federal Community Development Block Grant (CDBG) funds for accessibility renovations at existing sites. CDBG funds often have a scale of priority. It is important to establish accessibility as a priority for CDBG applications.

A CDBG administrator in a presentation in Washington DC remarked it is easier to describe what CDBG funds cannot be used for than to describe what they can be used for, including accessibility. The approach to be taken by this Administration is difficult to predict.

State Grants Programs

Several states, and several of our clients, have successfully pursued state legislation to set aside dedicated state funds that can be used for specific purposes, including access retrofits. To name a few, Illinois, New Jersey, Ohio, Florida, and Texas all have sources of revenue funded in various ways, such as a real estate transfer tax.

While the various states have all at times not fully funded these grant programs, they remain an effective tool for towns regarding site acquisition and development.

State Discretionary Funds

Most state legislatures provide some type of discretionary funding for members of the legislature. In some states, these are relatively small grants of under \$50,000. These can be a viable option for a town with good relationships with state legislators.

Private Giving

Some of our clients have successfully sought private gifts for accessibility purposes. The private giving area is subject to fluctuations depending on the economy, political issues, and related fiscal impacts. In our experience, private giving works best when an agency has an employee dedicated to this purpose.

Corporate Giving

Some of our clients have received grants from corporations. These may, for corporate purposes, come from marketing (such as naming rights to a facility) or from community giving. Many corporations have a foundation to manage corporate giving. In our experience, corporate giving works best when an agency has an employee dedicated to this purpose.

Community Foundations and Other Foundations

Community foundations, which operate on a regional basis, have also been involved in accessibility giving. Perhaps the greatest example here is the multi-million dollar Kellogg Foundation project that improved accessibility in Michigan, Ohio, Indiana, Illinois, and other states that bordered the Kellogg headquarters in Michigan.

Other Methods

There are many other methods, some of which a community creates to meet a unique set of circumstances. These include:

- A New Jersey community takes 100% of accessible parking fines and applies those toward recreation for people with disabilities.
- Several Illinois parks and recreation agencies have added a \$1 to \$10 surcharge to every registration, earmarking the fees generated for access and inclusion expenses.
- Several communities have successfully sought budget increases to address accessibility backlogs, just as they have with maintenance backlogs. Those increases may be general fund allocations, proceeds from successful referenda, or reallocations of under-expended funds originally budgeted for other local government purposes.

Risk Management

Investing in safety saves money by avoiding legal expenses related to injuries on Town properties. The same concept applies here. Investing in ADA compliance saves the Town the cost of staff time and attorneys to defend against ADA lawsuits or administrative complaints. While we do not believe a decision about access should hinge solely on risk management factors, we do recommend that the Town be aware of this factor going forward. ADA enforcement continues to grow and touch more and more communities. Relief under the ADA is to be injunctive in nature, but the time consumed and cost of litigation can be a great drain on human and fiscal resources.

The General Fund

Another method is to fund retrofits through the General Fund, Corporate Fund, or CIP. Some of the methods discussed earlier in this section help to reduce General Fund reliance. These typically are not a substitute for General Fund support.

IMPLEMENTATION STRATEGIES

Title II of the ADA is relatively straightforward. That said, we offer some suggestions regarding the implementation of the several mandates in the regulation.

1. ***Maintain a strong relationship with disability advisory groups.*** Make it a point to seek out and work with local advocacy groups, and seek their feedback on future initiatives. Having a good relationship between the Town and the advocacy groups will help greatly in meeting the ADA mandates and improving the quality of life for all, including those with disabilities.
2. ***Acquire and maintain the [Certified ADA Coordinator](#) credential.*** There is no nationwide credential required for ADA implementation. However, a Certified ADA Coordinator will benefit the Town, keeping it current on implementation strategies and smart practices used by other local governments in the United States.
3. ***Identify available sign language interpreters and enter into agreements*** before situations arise where the Town needs such services. Negotiate rates, availability, environments where the work will occur, and so forth.
4. One of the title II requirements for communications produced by the Town ***requires responding to inquiries in the form by which the person inquired.*** We also believe that this is the courteous way to respond. Here, if an inquiry to the Town comes as a Braille letter, the response from the Town should also be in Braille.

We recommend the Town either locate the nearest Braille printer and enter into an arrangement for use, or simply acquire one and have employees learn how to use it. For a review of this topic by the American Foundation for the Blind, visit [this site](#).

5. ***Acquire assistive listening systems.*** There are three principal types: inductive loop systems, infrared systems, and FM systems. These devices are helpful for persons with some residual hearing. These devices separate speech from ambient noise and amplify speech.

People who are deaf or hard of hearing may prefer, for various reasons, one type of device over the others. The National Association of the Deaf has a brief review of the topic [here](#).

6. ***Develop an ongoing series of disability training for employees.*** Every day, new products appear on the market, agencies issue new enforcement decisions, and local entities develop and refine strategies for inclusion and access. Keep current on these developments and share this news with the Town staff.
7. ***Require employees to add access and inclusion subject matter to their “diet” of continuing education.*** It is important to seek out and attend training events that relate to the work of the employee, and focus on access and inclusion.

8. ***Invest in accessibility*** so that the Town becomes an access destination and a model for other communities.

CONCLUSION

A demographic change is coming, and for some states, it has arrived. By 2030 at the latest, more residents will be older than 65 than under age 18. This has dramatic access implications as the incidence of disability for those older than 65 is 45%, compared to 14% for the general population.

The Town is unique in experience and has a variety of park assets. The skilled staff provides assets that the community wants and enjoys. This report identifies some issues that are typical in a municipal infrastructure and some that are unique to the Town. The Town takes steps towards accessibility every year, and that undoubtedly helps. That said, access work should occur every year during the Transition Plans.

While no one can say with certainty how long the Town can stretch these projects, the Town should make access retrofits an ongoing part of its annual plans and budgets. US Department of Justice officials have said work must be completed as soon as possible.

Be certain to understand that the Town could be forced to accelerate its pace. Making access work a high priority is critical.



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