



Appendix D



Accessibility Definitions

The following is a summary of many definitions found in the ADA and ADAAG. Please refer to the Americans with Disabilities Act of 1990, the Title II Technical Assistance Manual, and the ADA Accessibility Guidelines for Buildings and Facilities (ADAAG) as amended through September 2002 for the full text of definitions and explanations.

Accessible Route

An *accessible route* is a continuous unobstructed path that connects all accessible elements and spaces of a building or facility and that complies with Chapter 4 of ADAAG. Interior accessible routes may include corridors, floors, ramps, elevators, lifts, and clear floor space at fixtures. Exterior accessible routes may include parking access aisles, curb ramps, crosswalks at vehicular ways, walks, ramps, and lifts.

ADA

Acronym for the Americans with Disabilities Act.

Adaptive/Auxiliary Aids and Services

The term *auxiliary aids and services* include:

- Qualified interpreters or other effective methods of making orally delivered materials available to individuals with hearing impairments;
- Qualified readers, taped texts, or other effective methods of making visually delivered materials available to individuals with visual impairments;
- Acquisition or modification of equipment or devices; and
- Other similar services and actions.

ASL

American Sign Language. Manual (hand) language with its own syntax and grammar used primarily by people who are deaf.

Complaint

A *complaint* is a claimed violation of the ADA.

Curb Ramp

A *curb ramp* is a short ramp cutting through a curb or built up to it.

Detectable Warning

Detectable warnings are standardized surface features built in or applied to walking surfaces or other elements to warn individuals with visual impairments of hazards on a circulation path.

Disability

The term *disability* means, with respect to an individual:

- A physical or mental impairment that substantially limits one or more of the major life activities of such individual;
- A record of such impairment; or
- Being regarded as having such impairment.

A) Qualified Individual with a Disability

A *qualified individual with a disability* means an individual with a disability who, with or without reasonable modification to rules, policies, or practices; the removal of architectural, communication, or transportation barriers; or the provision of auxiliary aids and services,

meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by the City.

B) Regarded as Having a Disability

An individual is disabled if she or he is treated or perceived as having an impairment that substantially limits major life activities, although no such impairment exists.

Discrimination on the Basis of Disability

Discrimination on the basis of disability means to:

- Limit, segregate, or classify a citizen in a way that may adversely affect opportunities or status because of the person's disability;
- Limit, segregate, or classify a participant in a program or activity offered to the public in a way that may adversely affect opportunities or status because of the participant's disability;
- Participate in a contract that could subject a citizen with a disability to discrimination;
- Use any standards, criteria, or methods of administration that have the effect of discriminating on the basis of disability;
- Fail to make reasonable modifications to accommodate known physical or mental limitations of an otherwise qualified individual with a disability unless it can be shown that the modification would impose an undue burden on the City's operations;
- Use selection criteria that exclude otherwise qualified people with disabilities from participating in the programs or activities offered to the public; and
- Fail to use tests in a manner that ensures that the test results accurately reflect the qualified applicant's skills or aptitude to participate in a program or activity.

Having a Record of Impairment

An individual is disabled if he or she has a history of having an impairment that substantially limits the performance of a major life activity; or has been diagnosed, correctly or incorrectly, as having such impairment.

Hearing Impairment

Partial or total deafness.

Learning disabilities

Any form of physical or mental disability that delays development or acquisition of knowledge.

Marked Crossing

A *marked crossing* is a crosswalk or other identified path intended for pedestrian use in crossing a vehicular way.

Mobility disabilities/mobility impairment

A condition limiting physical ability; generally considered to include lack of a limb or loss of limb use due to disease, amputation, paralysis, injury, or developmental condition; or limitation of movement due to cardiovascular or other disease.

Physical or Mental Impairments

Physical or mental impairments may include, but are not limited to: vision, speech, and hearing impairments; emotional disturbance and mental illness; seizure disorders; mental retardation;

orthopedic and neuromotor disabilities; learning disabilities; diabetes; heart disease; nervous conditions; cancer; asthma; hepatitis B; HIV infection (HIV condition); and drug abuse if the drug user has successfully completed or is participating in a rehabilitation program and no longer uses illegal drugs.

The following conditions are not physical or mental impairments: transvestitism; transexualism; current illegal drug use; homosexuality or bisexuality; compulsive gambling; kleptomania; pyromania; pedophilia; exhibitionism; voyeurism; pregnancy; height; weight; eye color; hair color; lefthandedness; poverty; lack of education; a prison record; and poor judgment or quick temper that are not symptoms of a mental or physiological disorder.

Program Accessibility

A public entity's services, programs, or activities, when viewed in their entirety, must be readily accessible to and usable by individuals with disabilities. This standard, known as *program accessibility*, applies to all existing City facilities.

Reasonable Modification

If individuals' disabilities prevent them from performing the essential functions of the program or activity, it is necessary to determine whether *reasonable modification* would enable these individuals to perform the essential functions of the program or activity.

Reasonable modification is any change in program or activity or in the way things are customarily done that enables an individual with a disability to enjoy equal program opportunities. Modifications may mean adjustments:

- To a registration or application process to enable an individual with a disability to be considered for the program or activity; and
- That enables individuals with disabilities to enjoy equally the benefits of the program or activity as other similarly situated individuals without disabilities enjoy.

Modification includes making existing facilities and equipment used by individuals readily accessible and usable by individuals with disabilities.

Modification applies to:

- All decisions and to the application or registration process;
- All services provided in connection with the program or activity; and
- Known disabilities only.

Modification is not required if:

- It changes the essential nature of a program or activity;
- It creates a hazardous situation; or
- It poses an undue burden.

Service Animal

The ADA defines a service animal as any guide dog, signal dog, or other animal individually trained to provide assistance to an individual with a disability. If they meet this definition, animals are considered service animals under the ADA regardless of whether they have been licensed or certified by a state or local government. Service animals perform some of the functions and tasks that the individual with a disability cannot perform for himself or herself. Some of the typical uses of service animals are:

- Guiding persons with visual impairments;
- Alerting persons with hearing impairments to sounds;
- Pulling wheelchairs or carrying and picking up things for persons with mobility impairments; or
- Assisting persons with mobility impairments to maintain their balance.

Although a number of states have programs to certify service animals, agencies or businesses may not insist on proof of state certification before permitting the service animal to accompany the person with a disability.

SETP

Acronym for Self-Evaluation and Transition Plan.

Substantial Limitation of Major Life Activities

An individual is disabled if she or he has a physical or mental impairment that:

- Renders her or him unable to perform a major life activity, or
- Substantially limits the condition, manner, or duration under which she or he can perform a particular major life activity in comparison to other people.

Major life activities are functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

In determining whether a physical or mental impairment *substantially limits* the condition, manner, or duration under which an individual can perform a particular major life activity in comparison to other people, the following factors shall be considered:

- The nature and severity of the impairment;
- The duration or expected duration of the impairment; and
- The permanent or long-term impact (or expected impact) of or resulting from the impairment.

TDD

A Telecommunication Device for the Deaf allows a person to transmit typed messages over the phone lines to another person with a TDD. Most TDD's include a keyboard for typing messages to send and a display and/or printer to receive messages.

TTY

TTY stands for Text Telephone and is a registered trademark for a specific kind of TDD.