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DRVT is the Protection & Advocacy System for Vermont and our state's Mental Health Care Ombudsman

October 25, 2021

Katherine Westcom, Town Clerk
Town of Bakersfield
40 East Bakersfield Road
Bakersfield, VT 05441

RE: Polling Place Accessibility Survey

Dear Katherine:

I am writing to thank you for allowing Disability Rights Vermont (DRVT) to review your town's compliance with polling place accessibility requirements.

As you may recall, DRVT conducted an accessibility survey of your polling place at the Bakersfield Town Clerk's Office on October 6, 2021. Enclosed with this letter is a report that details the findings of our survey and offers some solutions to help you rectify any identified deficiencies.

Through this accessibility survey report DRVT is not guaranteeing or warranting that any aspect of your facility meets all applicable access standards or that if you adopt recommendations those identified aspects will meet access standards. DRVT's review and report on your facility's compliance with applicable accessibility standards is intended to alert you to potential access problems and identify potential solutions. This survey only covers areas of the building that are relevant to voting and is not a complete interpretation of requirements under the ADA. Contractors chosen and employed by your town are responsible for assuring ADA access compliance.

Defending and Advancing the rights of people with disabilities.

Email at info@DisabilityRightsVT.org,

On the web: www.disabilityrightsvt.org

DRVT is not liable for any violations you may have now or after any renovations are finished. DRVT's comments are recommendations and should not be interpreted as legal advice, and are not a substitute for your contractor to warrant ADA compliance. Furthermore, if your building is a historical building and is on the Historical Registry, different ADA standards may apply.

DRVT welcomes an opportunity to assist you with helping your town improve its accessibility to all voters.

Please do not hesitate to call with any questions or comments. Thank you again for your interest in assisting voters with disabilities to overcome barriers to full participation in the electoral process.

Respectfully,
Tina Hagen
Senior Investigator

Enclosure



Polling Place Accessibility Survey Report

Bakersfield Town Office



October 6, 2021

Prepared by:

Tina Hagen, Senior Investigator
Clark Postemski, Advocate
Disability Rights Vermont
141 Main Street, Suite 7
Montpelier, Vermont 05602
802-229-1355

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Introduction

In October 2002, the federal Help America Vote Act (HAVA) was signed into law by President Bush. HAVA requires that every state must improve its election process. HAVA also provided funds to help states improve voter registration and access, voting machine technology, and accessibility for voters with disabilities. Disability Rights Vermont has received a grant under this law to work with local election officials and other disability advocacy groups to help Vermont implement this important legislation.

On October 6, 2021, DRVT conducted an accessibility survey of the Bakersfield Town Office at 40 East Bakersfield Road in Bakersfield, a designated polling location for Bakersfield, Vermont. This survey was conducted using information from the following instruments:

1. 2010 ADA Standards for Accessible Design produced by the Department of Justice.

<http://www.ada.gov/regs2010/2010ADAStandards/2010ADAStandards.pdf>

2. ADA Checklist for Polling Places June 2016 by the U.S. Department of Justice, Civil Rights Division.

It is evident that the Town of Bakersfield has made efforts to make the facility accessible. However, our survey identified some areas that remain out of compliance with the Americans with Disabilities Act (ADA) (42 U.S.C. § 10801 et. seq.). This report details DRVT's findings and offers some short-term and long-term solutions to aid planners in correcting the identified deficiencies.

EVALUATING THE PHYSICAL ACCESSIBILITY OF POLLING PLACES

When choosing a new site for a polling place, election officials should select a facility that is accessible to voters who use wheelchairs or scooters or who have difficulty walking. Planning for an upcoming election also gives election officials the opportunity to improve existing polling places that are not accessible by using temporary elements, such as portable ramps, on Election Day or by working with building owners to make permanent alterations that improve the accessibility of the polling place.

The following checklist is designed to help voting officials determine whether a polling place has basic accessible features needed by most voters with disabilities. It may be used when evaluating the accessibility of potential new polling places and when identifying physical barriers in existing polling places before temporary or permanent modifications are made to improve accessibility for elections.

Parking

When parking is provided for voters, staff and volunteers, accessible parking must be provided for people with disabilities. Voters with disabilities who arrive by car need a parking space close to an accessible entrance. The accessible parking space has an adjacent access aisle that provides needed room for a person to open the car door fully and then stand with the aid of a walker, to transfer to a wheelchair, or to lower a wheelchair lift. The access aisle connects directly to an accessible route that leads to an accessible building entrance. In order to be usable, the access aisle must be relatively level, clear of gravel or mud, and the surface must be in good condition without wide cracks or broken pavement.

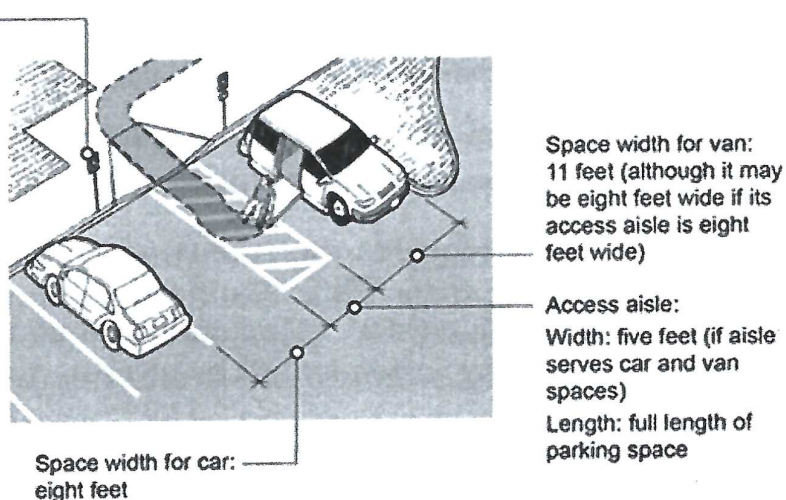
The following aspects of the parking for the Bakersfield Town Office were found not to be in compliance:

1. ADA Standards 208.2, 502.2, and 502.3 require that if parking is provided for the public, that there are an adequate number of accessible parking spaces provided including at least one van-accessible space. These standards are not met as there is no designated accessible parking space.

(See Photos 1 and 2). These standards could be met permanently by designating a van-accessible parking space closest to the accessible entrance that meets the criteria for van-accessibility (11-foot wide parking space with 5-foot wide access aisle, or 8-foot parking space with 8-foot access aisle) and affixing the appropriate parking signs. These standards could be met temporarily on Election Day by using traffic cones or other temporary elements to mark a parking space and access aisle.

Signage: international symbol of accessibility placed in front of the parking space mounted at least five feet above the ground, measured to the bottom of the sign. Van accessible spaces include the designation "van accessible".

Van Accessible Spaces: 2010 Standards—one for every six accessible spaces (1991 Standards required one for every eight)



(1)



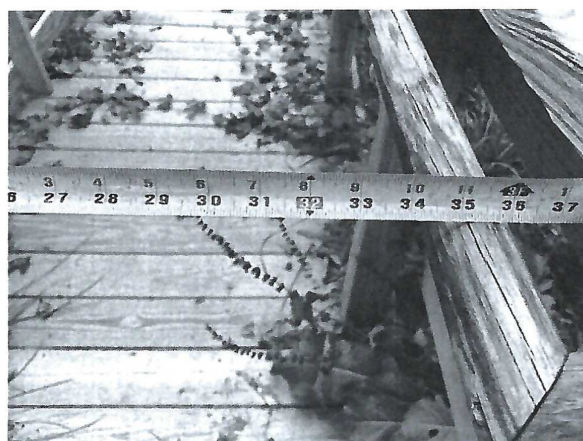
(2)

Exterior Accessible Routes and Ramps

There must be at least one exterior accessible route that connects accessible passenger drop-off areas, accessible parking spaces, and other accessible elements, such as a route from a bus stop to an accessible building entrance. The accessible route is essential for people who have difficulty walking or who use wheelchairs or other mobility aids to get to the accessible entrance of the polling place.

The following aspects of the exterior accessible route and ramp for the Bakersfield Town Office were found not to be in compliance:

1. ADA Standard 405.2 requires that the running slope of the ramp be no greater than 1:12 or 8.33%. This standard is not met at the ramp slope measures approximately 8.5%. This standard could be met at such time as the ramp or building is renovated by altering the ramp to meet the requirements.
2. ADA Standard 405.5 requires that the ramp, measured between handrails, is at least 36 inches wide. This standard is not met at the ramp, as the distance measured between handrails is approximately 34 inches wide. (See Photo 3). This standard could be met by altering the ramp and/or handrails to meet the requirements.



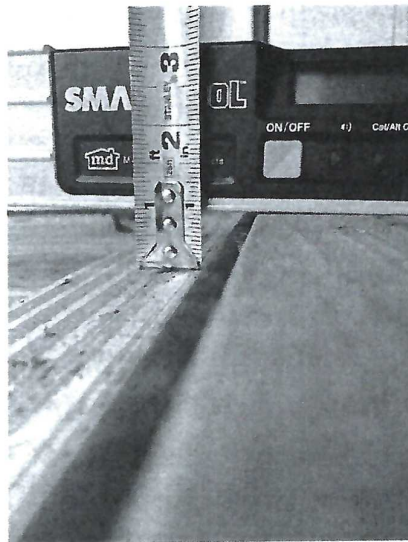
(3)

Accessible Entrance

An accessible polling place must have at least one accessible entrance. The accessible entrance must be connected to an accessible route. An accessible entrance must provide at least one accessible door with maneuvering space, accessible door hardware, and enough clear width to allow people who use crutches, a cane, walker, scooter, or wheelchair to use it.

The following aspects of the accessible entrance for the Bakersfield Town Office were found not to be in compliance:

1. ADA Standard 404.2.5 requires that door thresholds are no higher than $\frac{1}{2}$ inch. This standard is not met at the accessible entrance at the top of the ramp as the door threshold measures approximately 1-inch high. (See Photo 4). This standard could be met by reinstalling the threshold to meet the requirements.



(4)

Interior Accessible Routes

The interior accessible route connects the accessible entrance with the voting area. Typically made up of hallways, corridors, and interior rooms and spaces, the accessible route is essential for people who have difficulty

walking or who use wheelchairs or other mobility aids to get to the voting area.

DRVT noted no compliance issues with the interior accessible routes at the time of this survey.

Using the Polling Place

The accessible voting area must be on an accessible route and have an accessible entrance and adequate circulation and maneuvering space for voters who use wheelchairs or scooters or who walk with mobility aids.

DRVT noted no compliance issues with the voting area, as the area was not in use at the time of this survey.

Summary

DRVT would like to thank the Town of Bakersfield for their participation in the completion of this accessibility survey. While compliance issues were noted in certain areas of this building, overall there has been great effort to make the building accessible to all residents.

Through this accessibility survey report DRVT is not guaranteeing or warranting that any aspect of your facility meets all applicable access standards or that if you adopt recommendations those identified aspects will meet access standards. DRVT's review and report on your facility's compliance with applicable accessibility standards is intended to alert you to potential access problems and identify potential solutions. This survey only covers areas of the building that are relevant to voting and is not a complete interpretation of requirements under the ADA. Contractors chosen and employed by you are responsible for assuring ADA access compliance. DRVT is not liable for any violations you may have now or after any renovations are finished. DRVT's comments are recommendations and should not be interpreted as legal advice, and are not a substitute for your contractor to warrant ADA compliance. Furthermore, if your building is a historical building and is on the Historical Registry, different ADA standards may apply.

In addition to recommendations by DRVT noted throughout the report, for further information on polling place accessibility-related issues, the following organizations can be contacted:

Vermont Secretary of State's Office

802-828-2363 • 128 State Street • Montpelier VT 05633

Vermont Center for Independent Living (VCIL)

800-639-1522 to obtain help and advice in selecting appropriate adaptive equipment and assistance in designing the modifications for access for individuals with disabilities.

To learn more about the *Americans with Disabilities Act* visit:
<http://www.ada.gov>.

Please do not hesitate to contact DRVT with any questions or comments about our survey and findings noted above.