

ADA Transition Plan for Public Rights-of-Way

**Section 504 of the Rehabilitation Act
of 1973 (29 USC 794 (a))
Americans with Disabilities Act (ADA)
of 1990 (42 USC 12111)**

Town of Avilla

William Ley, Town Manager
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INTRODUCTION

The Americans with Disabilities Act (ADA) was enacted on July 26, 1990, and later amended effective January 1, 2009. As written and implemented, the ADA provides comprehensive civil rights protections to persons with disabilities in the areas of employment, state and local government services, access to public accommodations, transportation and telecommunication. The ADA is a companion civil rights legislation to the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973. In order to be protected by the ADA, one must have disability or have a relationship or association with an individual with a disability. An individual with a disability is defined by the ADA as a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such impairment, or a person who is perceived by others as having such impairment. The ADA, however, does not specifically name all of the impairments that are covered.

The ADA is divided into five sections covering the following topics:

Title I: Employment

Title II: Public Services (and Transportation)

Title III: Public Accommodations (and Commercial Facilities)

Title IV: Miscellaneous Provisions.

Title II specifically prohibits state and local governments from discrimination against persons with disabilities or from excluding participation in or denying benefits of programs, services or activities to persons with disabilities. It is under this title that this transition plan has been prepared. This transition plan is intended to outline the methods by which physical changes will be made to give effect to the non-discrimination policies described in Title II.

TRANSITION PLAN DEVELOPMENT

To ensure program accessibility for people with disability in the community, the Town of Avilla has developed a Transition Plan, which is to be considered good practice. *This Transition Plan for Public Rights-of-Way considers the following:*

A. ADA COORDINATOR:

Effective communication is essential to address all the complaints or concerns of all individuals. In order to keep maintaining the lines of communication open, and thereby ensuring effective communication between all parties, the Town of Avilla has designated the Town Manager as the ADA coordinator. The ADA Coordinator shall coordinate the Towns' efforts to comply with and carry out its responsibilities under Title II of the ADA, including any investigation of any complaint communicated to the ADA coordinator. Such complaints may take the form of alleging noncompliance with ADA mandates or alleging any actions that would be prohibited under the ADA. The Town shall make available to all interested individuals the name, office address and telephone number of the employee(s) so designated and shall adopt and publish procedures for the prompt and equitable resolution of complaints. Every complaint must be directed in writing to the ADA Coordinator, in this case, the Town Manager.

B. GRIEVANCE PROCEDURE:

The Grievance procedure established here is intended to adhere to the standards outlined in the ADA. The procedures must be used by anyone who wishes to file a complaint

alleging discrimination on the basis of disability in the provisions of services, activities, programs or benefits provided by the Town of Avilla.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number or complainant and location, date, and description of the problem. Grievance Forms must be used to lodge a complaint. A Grievance Form can be found in Appendix A. Alternative means of filing complaints, such as personal interviews or recording of the complaint will be made available for persons with disabilities upon request. The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 180 calendar days after the alleged violation to:

William Ley
Title VI Coordinator
PO Box 49
Avilla, Indiana 46710-0049
E-mail: bley@townofavilla.com

Within 15 calendar days after receipt of the complaint, the ADA Coordinator or his/her designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, the ADA Coordinator or his/her designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille or audio tape. The response will explain the position of the Town of Avilla and offer options for substantive resolution of the complaint.

If the response by the ADA Coordinator or his designee does not satisfactorily resolve the issue, the complainant or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the ADA Coordinator or his designee. Within 15 calendar days after receipt of the appeal, the ADA Coordinator or his/her designee will meet again with the complainant to discuss the appeal and possible resolutions. Within

15 calendar days after the meeting, the ADA Coordinator or his/her designee will respond in writing, and, where appropriate, in one of the formats described above that is accessible to the complainant, with a final resolution of the complaint.

All written complaints received by the ADA Coordinator or his/her designee, appeals to the ADA Coordinator or his designee, and responses from the ADA office will be retained by the Town of Avilla for at least three years.

C. SELF EVALUATION /COMMITMENT

The Town of Avilla has conducted an inventory and a visual evaluation of curb ramps and sidewalks by driving by each intersection in Town. The majority of these do not meet ADA requirements. The Town is committed to making all sidewalk and curb ramp areas accessible to all pedestrians including those with disabilities. This will be accomplished through the following means:

- All new street construction, reconstruction, resurfacing or any other alterations, including federal projects under the control and/or inspection of the Town of Avilla will include curb ramp upgrades in compliance with the ADA;
- The Town will have in place a sidewalk repair program annually.
- The missing or non-compliant curb ramps shall be prioritized.
- Using a conservative estimate of \$1,500 per curb ramp installation or reconstruction, the Town of Avilla is committing \$10,000 each year for the next 20 years from the Local Road Street Fund. The Town of Avilla will complete this work with its own forces or will obtain bids to complete this work for the purpose of installing new curb ramps and reconstructing existing curb ramps to meet ADA standards.
- Missing or non-compliant sidewalk areas beyond the public right-of-way that connect building and facility entrances to public streets and sidewalks may fall

under other ADA guidelines. As such, these are outside the scope of this document.

- The Indiana Department of Transportation will be responsible and will cover all crosswalks and curb ramps on all corners directly adjacent to the state roads, including those curb ramps and crosswalks running parallel to a state road, for the purposes of this inventory.

D. ADA STANDARDS/GUIDELINES:

The standards are intended to apply to all construction undertaken within the Town of Avilla Rights-of-Way. The Town of Avilla's standards and specifications together with the Indiana Department of Transportation design guidelines, standard drawings, and standard specifications will provide the key standards and guidelines for this plan. Other standards, if necessary, will be applied at the discretion of the ADA Coordinator.

Copies of the latest INDOT Standard Drawings for curb, curb ramp and sidewalk construction are included in **Appendix B**. The latest version of INDOT's Standard Specifications may also be located at the following web address:

<https://www.in.gov/dot/div/contracts/standards/book/sep17/sep.htm>

IMPLEMENTATION

The Town of Avilla intends to implement this Transition Plan effective immediately upon approval by the Avilla Town Council. Not only does the Town of Avilla commit to following the guidelines set forth in this Transition Plan but it also commits to actively

revising and amending this document as new information is discovered. As a matter of policy, this document will be updated at least every five years. A copy of this document will also be placed on the Town of Avilla's website.

Appendix A: Complaint/Grievance Form

Grievant Information:

Please Print

Grievant Name: _____
Address: _____ City: _____ State: ____ Zip: _____
Phone: _____ E-mail: _____
Alternative Phone: _____

Person Preparing Complaint Relationship to Grievant (if different from Grievant)

Name: _____
Address: _____ City: _____ State: ____ Zip: _____
Phone: _____ E-mail: _____
Alternative Phone: _____

Please specify any location(s) related to the complaint or grievance (if applicable):

Please provide a complete description of the specific complaint or grievance:

Please state what you think should be done to resolve the complaint or grievance:

Please attach additional pages as needed.

Printed Name: _____

Signature: _____ Date: _____

Return this form to: Title VI Coordinator, PO Box 49, Avilla, Indiana 46710-0049 or deliver to 108 South Main Street, Avilla, Indiana. Forms may also be sent via fax to (260) 897-2605, or e-mailed to bley@townofavilla.com.

Upon request, reasonable accommodation will be provided in completing this form or copies of the form will be provided in alternative formats. Contact the ADA Coordinator at the address listed above or via telephone (260) 897-2781.

Appendix B: INDOT Standard Drawings