

Americans with Disabilities Act

ADA Transition Plan for Public Rights-of-Way

CITY OF NORTH VERNON, IN

December 1, 2012
Authored by: FPBH, Inc.
72 Henry St, PO Box 47
North Vernon, IN 47265

TABLE OF CONTENTS

1. INTRODUCTION.....	2
2. TRANSITION PLAN DEVELOPMENT	3
A. ADA COORDINATOR	3
B. GRIEVANCE PROCEDURE	3
C. SELF EVALUATION/COMMITMENT/SCHEDULE	5
D. ADA STANDARDS AND GUIDELINES	5
3. IMPLEMENTATION	6

APPENDICES

APPENDIX A: COMPLAINT/GRIEVANCE FORM	7
--	---

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 a 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: Telecommunications

Title V: Miscellaneous Provisions

Title II, specifically prohibits state and local governments from discriminating against persons with disabilities or from excluding participation in or denying benefits of programs, services, or activities to person 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 city of North Vernon 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 City of North Vernon has designated FPBH, Inc. as the ADA coordinator. The ADA Coordinator shall coordinate the City's 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 City 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 FPBH, Inc. Every complaint will be delivered and presented to the City of North Vernon Board of Public Works for their review and final disposition.

B. GRIEVANCE PROCEDURE:

The Grievance Procedure established below is intended to adhere to the standards outlined in the ADA. The procedure 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 City of North Vernon.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complaint and location, date, and description of the problem. Grievance Forms must be used to lodge a complaint, please make reference to 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:

**North Vernon ADA Coordinator
C/O FPBH, Inc.
72 Henry St, PO Box 47
North Vernon, IN 47265**

Within 15 calendar days after receipt of the complaint, ADA Coordinator or his designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, ADA Coordinator or his 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 City of North Vernon and offer options for substantive resolution of the complaint.

If the response by 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 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 designee will respond in writing, and, where appropriate, in a format 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 designee, appeals to the ADA Coordinator or his designee, and responses from ADA office will be retained by the City of North Vernon for at least three years.

C. SELF EVALUATION/COMMITMENT:

The City of North Vernon has conducted an inventory of evaluations of curbs ramps and sidewalks using aerial views. The majority of these do not meet ADA requirement. The City 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 programs:

- All new construction, reconstruction, roadwork construction or alterations, including federal projects under the control and/or inspection of the Department of Public Works will be in compliance with the ADA;
- The city will have in place a sidewalk repair program annually;
- Allotting a conservative estimate of \$4,000.00± per intersection for construction or reconstruction, the City of North Vernon is committing from CEDIT funds approximately \$250,000.00± for the next 25 years to solicit separate contracts for the purpose of installing new curb ramps and reconstructing existing curb ramps to meet compliance.

The missing or non-complaint curb ramps shall be prioritized.

D. ADA STANDARDS/GUIDELINES:

The standards are intended to apply to all construction undertaken within the City Right-of-Way. The Indiana Department of Transportation design guidelines and standard drawing will serve as the primary standards and guidelines for this plan. Other standards, if necessary, will be applied at the discretion of the ADA Coordinator.

IMPLEMENTATION

The City intends to implement this Transition Plan effective the date of this document. Not only does the City 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. Further, as a matter of policy, this document will be updated at least every five years. Finally, a copy of this document will be placed on the City's website.

Appendix A: Compliant / Grievance Form

Grievant Information:

Grievant Name:			
Address:	City:	State:	Zip Code:
Phone:	Email:		
Alternative Phone:			

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

Name:			
Address:	City:	State:	Zip Code:
Phone:	Email:		
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:



NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT

In accordance with the requirements of title II of the Americans with Disabilities Act of 1990 ("ADA"), the **City of North Vernon** will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

Employment: **The City of North Vernon** does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under title I of the ADA.

Effective Communication: **The City of North Vernon** will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in **The City of North Vernon's** programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

Modifications to Policies and Procedures: **The City of North Vernon** will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in **The City of North Vernon** offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of **The City of North Vernon**, should contact the office of **FPBH, Inc. (812-346-2045, 72 Henry St, PO Box 47, North Vernon, IN 47265)** as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the **City of North Vernon** to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Complaints that a program, service, or activity of **The City of North Vernon** is not accessible to persons with disabilities should be directed to **FPBH, Inc. (812-346-2045, 72 Henry St, PO Box 47, North Vernon, IN 47265)**.

The City of North Vernon will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.