

ADA
TRANSITION PLAN

**Americans with Disability Act
ADA Transition Plan for Public Rights-of-Way**

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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 a disability or 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 perceived by others as having such impairment. The ADA, however does not specifically name all 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 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 effect the no-discrimination policies described in Title II.

TRANSITION PLAN DEVELOPMENT

To ensure program accessibility for people with disabilities in the community, the County of Floyd 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 maintain lines of communication and thereby ensuring effective communication between all parties, the County of Floyd has designed the County Engineer and County Infrastructure Coordinator as being the ADA Co-Coordinator of the ADA Coordinator position. The ADA Coordinator shall coordinate the County'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 the ADA mandates or alleging any action that would be prohibited under the ADA. The County 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 the writing to the ADA Coordinator.

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, programs, or benefits provided by the County of Floyd.

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

ADA Coordinator
Floyd County Commissioners Office
Pineview Government Center
2524 Corydon Pike, Suite 204
New Albany, IN 47150

Within 15 calendar days after the receipt of the complaint, 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, ADA Coordinator or [his/her] designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large prints, Braille, or audio tape. The respondent will explain the position of the County of Floyd and offer options for substantive resolution of the complaint.

If the response by ADA Coordinator or his/her designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the ADA Coordinator or his/her designee.

Within 15 calendar days after the receipt of the appeal, the ADA Coordinator or his/her designee will meet again with the complainant to discuss the complaint 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 a format 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/her designee, and responses from these two offices will be retained by the County of Floyd for at least three years.

C. SELF EVALUATION/ COMMITMENT

The County of Floyd has conducted an inventory of evaluations of curbs, ramps, and sidewalks. There are 132 sidewalk intersections that do not meet ADA requirements. The County 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 County will be in compliance with the ADA;
- The County will herein place a sidewalk repair program annually;
- Allotting a conservative estimate of \$2500 per curb/ramp installation or reconstruction, the County of Floyd is committing \$33,000 per year for the sole purpose of installing new curb ramps and reconstructing existing curb ramps to meet compliance.

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

D. ADA STANDARDS/GUIDELINES

The standards are intended to apply to all construction undertaken within the County of Floyd 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 County intends to implement this Transition Plan effective the date of this document. Not only does the County 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 County's website.

Date April 5, 2013

Signed Mark B. Gibson