

AMERICANS WITH DISABILITIES ACT (ADA) TRANSITION PLAN FOR PUBLIC RIGHTS-OF-WAY

CITY OF
Winchester



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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 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 Winchester 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 Winchester has designated the Mayor 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 the Mayor.

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 Winchester. 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:

ADA Coordinator
113 East Washington
P.O. Box 408
Winchester, IN 47394

Within 15 calendar days after 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 print, Braille, or audio tape. The response will explain the

position of the City of Winchester 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 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 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 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/her designee, appeals to the ADA Coordinator or his/her designee, and responses from the ADA office will be retained by the City of Winchester for at least three years.

C. SELF EVALUATION/COMMITMENT

The City of Winchester will conduct an inventory of curbs, ramps, and sidewalks using aerial views and field evaluations. Additionally, the City will continually evaluate all city-owned properties and structures for ADA compliance. The City is committed to making all sidewalks, curbs, ramps, and public 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 City of Winchester will be in compliance with the ADA;
- The City will have in place an annual sidewalk repair program;
- The City of Winchester is committing (as of 2012) approximately \$30,000.00 per year for installing new curbs, ramps, and reconstructing existing curbs, ramps to meet compliance and for the City's Sidewalk Rehabilitation Assistance Program. Missing or non-complaint curbs, ramps shall be prioritized.
- Buildings and municipal-owned structures will be brought into compliance as funds are available. Specific complaints will be prioritized. A self-evaluation/assessment of the City's physical facilities will be conducted by December 31, 2013, if not sooner. The ADAAG standards will be used to evaluate and collect the data on the buildings.

D. ADA STANDARDS/GUIDELINES:

The standards are intended to apply to all construction undertaken within the City Right-of-Way. The Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way (PROWAG) shall be used for any sidewalk or curbs constructed in Winchester. Any Winchester owned buildings that are constructed, remodeled or updated shall be constructed in accordance with the most current Accessibility Guidelines for Buildings and Facilities (ADAAG) regulations and standards. Other standards, if necessary, will be applied at the discretion of the ADA Coordinator.

E. INVENTORY

Sidewalks: In an effort to remove barriers to streets and sidewalks, the City of Winchester arranged for an inventory of all curbs and sidewalks within Winchester's jurisdiction. The inventory procedure is intended to identify a comprehensive list or inventory of all curbs and sidewalks in the Winchester's jurisdiction that are not ADA compliant. This is composed of an effort to both fully inventory all present infrastructure and then to identify those items in the system which are not compliant with ADA requirements.

The City of Winchester has developed its inventory of the existing system in three steps:

Step 1: Aerial Maps

Aerial photographs of Winchester were used to map the locations on the system that include sidewalks and/or curbs. City staff will measure the width of visible sidewalks. All sidewalks at least four feet in width, and those where width could not be determined, will be evaluated in the field by staff. All curb ramps will be measured.

Step 2: Preparation of a Map of Compliant and Non-Compliant features Prioritization maps will be produced for both sidewalks and curb ramps.

Step 3: Request for Review and Public Input

As part of the Transition Planning process, the draft plan will be made available for comment. The draft plan will be available for review on the City's website and on display at the City Hall.

F. ASSESSMENT PROCEDURES

The assessment procedure is intended to establish the relative importance or priority of the various obstacles that are identified in the Inventory Phase.

Sidewalks and curb ramps were assessed separately. Sidewalks could score between 0 and 7. Ramps could score between 0 and 8, with higher scores indicating more compliance issues for both sidewalks and ramps. Inventory and priority maps are to be prepared at a future time.

Scoring Method

Sidewalk Scoring

Width:

Less than 4 feet = 1

4 feet or greater = 0

Minimum depth:

No = 1

Yes = 0

Cross-Slope:

Greater than 2% = 1

2% or less = 0

Sidewalk Obstructions:

Utility fixtures:

Present = 1

Absent = 0

Vegetation:

Present = 1

Absent = 0

Surface Irregularities:

Present = 1

Absent = 0

Gap or absence of pavement:

Yes = 1

No = 0

Curb Ramp Scoring

Ramp Width:

Less than 4 feet = 1

4 feet or greater = 0

Ramp Running Slope:

Greater than 8% = 1

8% or less = 0

Ramp Cross-Slope:
Greater than 2% = 1
2% or less = 0

Flare Width:
Less than 2 feet = 1
2 feet or greater = 0

Flare Cross-Slope:
Greater than 10% = 1
10% or less = 0

Landing depth:
Less than 2 feet = 1
2 feet or greater = 0

Landing Width:
Less than 5 feet = 1
5 feet or greater = 0

Landing Slope:
Greater than 2% = 1
2% or less = 0

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: Complaint / 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:
