



American's with Disability Act ADA Transition Plan for Public Rights-of-Way



Town of McCordsville, Indiana
Sept. 26, 2012



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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 telecommunications.

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 an 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 persons with disabilities. This Transition Plan is intended to outline 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 disabilities in the community, the Town of McCordsville 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 McCordsville has designated the Town Manager as the ADA coordinator. The ADA coordinator shall coordinate the Town'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 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 to the Town Manager.

B. GRIEVANCE PROCEDURE:

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 (ADA). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the Town of McCordsville. The Town of McCordsville's Personnel Handbook governs employment-related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape 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 60 calendar days after the alleged violation to:

Tonya Galbraith, Town Manager
6280 W. 800 North
McCordsville, IN 46055

Within 15 calendar days after receipt of the complaint, the town manager 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 town manager 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 McCordsville and offer options for substantive resolution of the complaint.

If the response by the town manager 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 Town Council president or his/her designee.

Within 15 calendar days after receipt of the appeal, the Town Council president or his/her designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the Town Council

president 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 town manager or his/her designee, appeals to the Town Council president or his/her designee, and responses from these two offices will be retained by the Town of McCordsville for at least three years. **The Grievance Form can be found in Appendix A.**

C. SELF EVALUATION/COMMITMENT

The Town of McCordsville has conducted an inventory of evaluation of curbs, ramps and sidewalks using on-site inspections and review of construction drawings. The Town of McCordsville recognizes that pedestrian sidewalks that are the responsibility of the Town often play a key role in providing access to government programs and services. When walkways cross a curb at intersections, a ramp or sloped surface is needed. Curb ramps allow people with mobility impairments to gain access to the sidewalks.

- 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 Town will add sidewalk repair and curb ramp installation or reconstruction to the annual Capital Projects Plan. In setting timelines for implementing this Transition Plan for existing curbs and sidewalks, the actual number of curb ramps installed in any given year is limited by the Town's financial and administrative limitation. The missing or non-compliant curb ramps shall be prioritized.
- **The Inventory can be found in Appendix B.**
- **The Replacement Program can be found in Appendix C.**
- **Barriers can be found in Appendix D.**

D. ADA STANDARDS/GUIDELINES:

The standards are intended to apply to all construction undertaken within the Town of McCordsville 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 Town of McCordsville intends to implement this Transition Plan effective the date of this document. Not only does the Town 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.

Appendix A – Grievance Form

**Title II of the Americans with Disabilities Act
Section 504 of the Rehabilitation Act of 1973
Discrimination Complaint Form**

Instructions: Please fill out this form completely, in black ink or type. Sign and return to the address below:

Complainant: _____

Address: City, State and Zip Code: _____

Telephone: Home:

Business:

Person Discriminated Against:
(if other than the complainant)Address: _____

City, State, and Zip Code: _____

Telephone: Home:

Business:

Government, or organization, or institution which you believe has discriminated:

Name: _____

Address: _____

County: _____

City/Town: _____

State and Zip Code: _____

Telephone Number: _____

When did the discrimination occur? Date: _____

Describe the acts of discrimination providing the name(s) where possible of the individuals who discriminated (use an additional sheet of paper if necessary):

Have efforts been made to resolve this complaint through the internal grievance procedure of the government, organization, or institution?

Yes _____ No _____

If yes: what is the status of the grievance? _____

Do you intend to file with another agency or court?

Yes _____ No _____

Agency or Court _____

Address: _____

City, State and Zip Code: _____

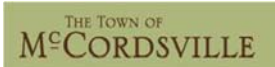
Telephone Number:

Signature: _____

Date: _____

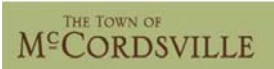
Return to:

ADA Coordinator
Town of McCordsville
6280 W. 800 North
McCordsville, IN 46055



Appendix B: ADA Transition Plan Inventory

Town Facilities		Compliance Date	
Town Hall	Constructed 2011	Checked 9/19/2012	9/19/2012
Public Works		Checked 9/19/2012	9/19/2012
Town Hall Park	Not Constructed		N/A
Subdivision/Area	# of curb ramps in compliance	# of curb ramps not in compliance	Compliance Date
Austin Trace	0	59	
Bay Creek (East Side of 600 W)	0	31	
Bay Creek (West Side of 600 W)	0	30	
Bay Creek (Sect 4)	0	10	
Bay Creek (Sect 4) Multi-use Path	0	1	
Bay Creek East	1	3	
Cardinal Woods (Cardinal Dr.)	0	0	9/19/2012
Cardinal Woods (Mallard Ln.)	0	0	9/19/2012
Deer Crossing	3	24	
Emerald Springs	0	36	
Gateway Crossing	0	56	
Geist Ridge	0	0	9/19/2012
Geist Woods Estates	3	7	
Geist Woods Estates (Multi-use Path) *Marion Cty Jurisdiction	2	0	N/A
Hampton Cove Multi-use Path	0	3	
Highland Springs McCordsville Commons	0	0	9/19/2012
McCordsville Corner Shoppes	0	5	
McCordsville Corner Shoppes	0	4	
Villages at Brookside	14	4	
Old Town	0	2	
600 W Multi-use Paths (E Side) RTP Replacement	0	8	
VAB Interior Multi-use Path	0	2	
600 W Multi-use Paths (VAB)	1	1	
600 W Multi-use Paths (Bay Creek) Broadway	0	1	
Sidewalks/Paths	14	0	9/19/2012
Elementary School (Sidewalk)	0	2	
Elementary School (Multi-use path)	0	2	
Railroad Street (McDonald Dentist)	0	4	
			# Ramps
Total:	36	295	331
Percentage:	11.00%	89.00%	



Appendix C: Replacement Program

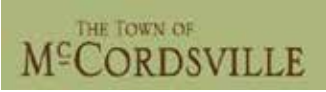
Total Cost: \$177,000.00
Yearly Budget: \$20,000.00
Ramps Per Year: 30
Unit Cost: \$600.00
Yearly Total: \$18,000.00
Contingency: \$2,000.00

Replacement Schedule:

Funded by Performance Bonds		
Bay Creek East	3 Ramps	

600 W Multi-use Path	8 Ramps	Bay Creek (Sect 4) Multi-use Path	1 Ramp
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Funded by MVH							
Year 1:	Austin Trace	30 Ramps	Elementary School (Sidewalk)	2 Ramps			
Year 2:	Austin Trace	29 Ramps	Gateway Crossing	1 Ramp	Elementary School (Multi-use path)	2 Ramps	
Year 3:	Gateway Crossing	30 Ramps					
Year 4:	Gateway Crossing	25 Ramps	McCordsville Commons	5 Ramps			
Year 5:	Emerald Springs	30 Ramps	600 W Multi-use Paths (VAB)	1 Ramp			
Year 6:	Emerald Springs	6 Ramps	Bay Creek (Section 4)	10 Ramps	Bay Creek (West Side of 600 W)	14 Ramps	
Year 7:	Bay Creek (West Side of 600 W)	16 Ramps	Bay Creek (East Side of 600 W)	14 Ramps			
Year 8:	Bay Creek (East Side of 600 W)	15 Ramps	Deer Crossing	15 Ramps	600 W Multi-use Paths (Bay Creek)	1 Ramp	
Year 9:	Deer Crossing Villages at Brookside	9 Ramps	Geist Woods Estates Villages	7 Ramps	Hampton Cove	3 Ramps	McCordsville Corner Shoppes 4 Ramps
Year 10:	Railroad Street (McDonald Dentist)	4 Ramps	Multi-use Path	2	Old Town	2 Ramps	
10 Year Plan							



Appendix D: Inventory of Barriers



Multi-use Path Distrupted
Bayfront Shore + 600 W



Disconnected Path
Port Dr.



No Ramp/Curb Inlet Barrier
Crestview Tr.



Multi-use Path Distrupted
Falling Waters Dr.



Street Light Encroaching
Bayfield Dr. and Bayhill Cir.



Multi-use Path Distrupted
Bayfront Shore + 600 W



Disconnected Path
Port Dr.



Multi-use Path Distrupted
Nautica Blvd. + 600 W



Street Light Encroaching
Port Dr.