

FRANKLIN COUNTY, IN



2019

ADA TRANSITION PLAN

FRANKLIN COUNTY COMMISSIONERS

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EXECUTIVE SUMMARY

The Americans with Disabilities Act (ADA) was signed into law on July 26, 1990 and provides civil rights protection to disabled individuals, guaranteeing equal opportunities in public accommodations, employment, transportation, telecommunications, as well as State and local government services. The United States Congress enacted this law to provide a “clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities”. Title II of the ADA requires all cities, towns, counties and other such local units of government that receive federal funds or that have more than 50 employees to complete a self-evaluation and corresponding Transition Plan, establish an ADA Coordinator and adopt grievance procedures for discrimination against qualified individuals with disabilities.

In developing the Transition Plan, all local communities and units of government covered under Title II need to first conduct a self-evaluation, which includes a comprehensive inventory of pedestrian facilities. This inventory will allow each community to identify non-compliant locations and develop a program for remedial repairs in order to bring facilities into compliance. Franklin County has undertaken this comprehensive self-evaluation to determine the extent to which individuals with disabilities may be restricted from access to county owned facilities. Furthermore, this Transition Plan includes this detailed review and it outlines barrier removal solutions which will result in improved access for all individuals.

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INTRODUCTION

The Americans with Disabilities Act (ADA) was enacted on July 26, 1990 and later amended January 1, 2009. The purpose of the statute is to prohibit discrimination as well as provide comprehensive civil rights protections to people with disabilities.

The ADA is divided into these five titles relating to various aspects of potential discrimination:

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 of the ADA addresses the subject of making public services and public transportation accessible to those with disabilities. Designing and constructing facilities for public use that are not accessible by people with disabilities is a form of discrimination.

THE SELF EVALUATION AND TRANSITION PLAN REQUIREMENTS

The most efficient way for communities to ensure Title II's requirements are being met is through self-evaluation. Self-evaluation enables local governments to pinpoint the facilities, programs, and other services that must be modified or relocated in order for that local government agency to comply with the ADA. Once a comprehensive self-evaluation has been completed, local government agencies are then required to develop a Transition Plan to address any and all deficiencies. The Transition Plan is intended to achieve the following:

- A. Identify physical obstacles that limit the accessibility of facilities to individuals with disabilities.
- B. Describe the methods to be used to make the facilities accessible.
- C. Provide a schedule or program for making the access modifications.
- D. Identify the public officials responsible for the implementation of the Transition Plan.

ADA Transition Plans are required from all local governmental agencies to cover all facilities under their control. The focus of this Transition Plan is on publicly managed pedestrian facilities located within the County owned rights-of-way. This includes sidewalks, curb ramps, street cross-walks, driveway crossings, and median crossings.

BASIC ACCESSIBILITY COMPONENTS

Under the ADA and Section 504, a local community should at a minimum:

1. Designate an employee of the local community as an ADA/504 Coordinator, who is responsible for overseeing compliance with the nondiscrimination laws (Rehabilitation Act, American Barriers Act, and Americans with Disabilities Act) as they relate to persons with a disability.
2. Develop and distribute on an ongoing basis a notice to the public regarding their rights under the ADA and Section 504, and the local community's responsibilities under the law.
3. Develop and/or adopt a grievance or complaint procedure that provides for prompt and equitable resolutions of complaints.
4. Develop and/or adopt accessibility standards, specifications and design details. Design standards should reflect the most current ADA and Americans with Disabilities Act Accessibility

- Guidelines (ADAAG) for buildings, and Public Rights of Way Accessibility Guideline (PROWAG) for compliant pedestrian facilities.
5. Complete a self-evaluation and inventory of all of its facilities, programs, policies and activities to evaluate whether there are access barriers for persons with disabilities. To avoid a duplication of efforts, communities located within the jurisdiction of a Metropolitan Planning Organization (MPO) planning area should contact their PO before beginning their inventory. Many MPOs have begun inventories of their planning areas.
 6. Develop Transition Plan for removing the access barriers identified in its inventory that includes a budget and schedule for improvements. All local communities receiving federal funds are required to have a transition plan. Additionally, all local communities with 50 or more employees, regardless of whether they receive federal funds, must have a plan.
 7. Implement the Transition Plan and monitor it regularly for progress in barrier removal. A re-evaluation should occur at least once every three years.

ROADWAY PRIORITIZATION METHODOLOGY

It is important to consider the challenge of transitioning all pedestrian facilities to be usable for everyone. Therefore, a main goal of this transition plan is to provide a practical prioritization and ranking methodology for the existing non-compliant facilities. The recommended ranking of priorities follows INDOT's Functional Classification list. Therefore, divided highways, expressways, and other major roadways will be considered high priority. Sidewalks and ramps giving access to local businesses integral to a citizen's life are given middle priority, while access to other residential areas are considered the lowest priority.

A field investigation of all County-owned sidewalk and curb cuts was not performed, due to the lack of sidewalks along County-owned roads. Any future improvement to County-owned roads shall be designed in compliance with current ADA design standards and overall accessibility to persons with disabilities. The County has the ultimate responsibility in determining the prioritization of improvements.

IMPLEMENTATION PLAN FOR PUBLIC RIGHT-OF-WAY

This implementation portion of this plan is to be used as a guide in removing the physical barriers and obstacles within the rights-of-way and other public facilities of Franklin County. The types of projects included in the implementation portion of the Transition Plan can be categorized as follows:

1. **Roadway and sidewalk construction and/or retrofit projects planned for the improvement of overall vehicular and pedestrian facilities.** These projects would include Road Rehabilitation, Roadway Widening or other such Roadway Reconstruction projects, Transportation Enhancement projects, Safe Routes to School projects and other surface transportation improvement initiatives.
2. **Whenever there are roadway alterations or resurfacing, proper curb ramps, sidewalks and such intersection crosswalk improvements should be included at all pedestrian crossings.** Where applicable, all street and sidewalk maintenance and rehabilitation activities and projects should be programmed and developed to implement barrier removal.
3. **Curb ramp, sidewalk and intersection crosswalk retrofit activities done in conjunction with private land development projects.** If public pedestrian facilities are affected during the construction of such projects, the replacement facilities should be done in accordance with the Codes and Standards listed herein. Under no circumstances should an intersection without curb ramps be allowed to be altered or reconstructed without installing new curb ramps that meet the PROWAG guidelines.
4. **Curb ramp, sidewalk and intersection crosswalk retrofit activities done in conjunction with drainage or utility projects.** Where applicable, any disturbance to the existing public pedestrian facilities by public or private utility companies should be restored in accordance with the Codes and Standards

listed herein. Again, under no circumstances should an intersection without curb ramps be allowed to be altered or reconstructed without installing new curb ramps that meet the PROWAG guidelines.

When sidewalks and curb ramps have identical rankings, the County will need to develop the final priority list to be used in the Implementation Plan. The following is intended as guidance and recommendations in developing that final list. The County should focus on curb ramps and sidewalks that serve and connect to:

- A. Buildings, parks, and other related City or County owned facilities including libraries, police and/or sheriff's offices, detention facilities and/or work release centers, fire and other first responder facilities.
- B. Buildings and other related state and federal facilities.
- C. Public hospitals, health clinics, doctor's offices, mental health facilities, and therapy centers.
- D. Public housing and homeless shelters.
- E. Schools, colleges, universities beginning at the lowest grade level and working progressively up through the ages of students being served.
- F. Privately owned hospitals, health clinics, doctor's offices, mental health facilities, and therapy centers.
- G. Senior centers, youth centers, and quasi-governmental, not-for-profit activity centers and facilities.
- H. Churches, cemeteries, and funeral homes.
- I. Museums, zoos, fraternal organizations, and lodges.
- J. Professional services such as banks, realtors, insurance offices, attorneys and design professionals such as engineers or land surveyors.
- K. Retail shopping centers and supermarkets.
- L. Major employers and industrial areas.
- M. Apartment and other multi-family complexes.
- N. Single family residential neighborhoods and any other use not listed above.

If the situation arises where the County needs to assess priority within one of the groups listed above, it is recommended to use the following:

- a. Reconstruct curb ramps at locations where the existing ramp and sidewalks have an unsafe condition that may cause a pedestrian to trip and fall. Examples of this are locations of vertical displacement of the ramp, steep side slopes, or severely deteriorated conditions.
- b. Construct curb ramps at locations where no ramp exists.

BUILDING ASSESSMENT METHODOLOGY

Each building under the County's jurisdiction was visited and assessed by both SJCA and Kovert Hawkins staff. The architects used the ANSI ICC A117.1-2009 Accessible and Usable Building and Facilities ADA guidelines. The individual assessments for each building are included in Appendix B. It is important to consider the challenge of transitioning all existing building facilities to be usable for everyone. Therefore, a main goal of this transition plan is to provide a practical prioritization and ranking methodology for the existing non-compliant facilities. The recommended ranking of priorities is as follows:

- Priority 1 – Approach & Entrance
- Priority 2 – Access to Goods & Services
- Priority 3 – Restrooms
- Priority 4 – Additional Access

IMPLEMENTATION PLAN FOR BUILDING FACILITIES

Because Franklin County has a relatively large number of public facilities, it is impossible to immediately remove all known barriers to access. Barriers in facilities must be removed systematically to ensure equality among all programs and facilities. It is the intent of Franklin County to address barriers to accessibility in its public buildings and parks within a reasonable time frame, depending on the immediate necessity, degree of complexity, and overall cost.

Franklin County reserves the right to modify barrier removal priorities in order to allow for flexibility in accommodating community requests, petitions for reasonable modifications from persons with disabilities, changes in County programs, as well as funding constraints and opportunities. It is the goal of this Transition Plan to provide access to the programs, activities and services provided by the County. Interim measures will be explored and implemented in order to provide programmatic access to the public pending the implementation of physical barrier removal projects.

When reviewing the assessments and setting priorities for each building, the following general recommendations are intended as guidance in developing the schedule of improvements:

Priority One: The highest priority should be placed on those barrier removal items that provide accessibility at the main entrance of a facility or improve the parking and/or a path of travel to the portion of the facility where program activities take place. Examples are as follows:

1. Connection from the main building entrance to the public right-of-way
2. Parking and passenger loading
3. Entrance walks
4. Entrance ramps
5. Entrance doors

Priority Two: The second priority should be placed on those barrier removal items that improve or enhance access to program use areas. Examples are as follows:

1. Transaction counters
2. Conference and meeting rooms
3. Public offices
4. Sports fields and courts
5. Public restrooms

Priority Three: The third level priority should be placed on those barrier removal items that improve access to amenities serving program areas. Examples are as follows:

1. Drinking fountains
2. Public telephones
3. Vending machines

Priority Four: The fourth and lowest level of priority is used to identify areas or features not required to be modified for accessibility because there are no public programs located in this space, or because there are similar features located nearby that reasonably provide programmatic access.

In addition to these general guidelines, other factors should be taken into consideration in developing the schedule for barrier removal. Such factors include, but are not limited to the following:

- Citizen requests, complaints, or grievances regarding inaccessible locations,
- Presence of a disabled population in proximity to certain facilities,

- The anticipated cost(s) to address a given problem or barrier versus the available budget or anticipated future funding sources,
- Population density.

ADA/504 COORDINATOR

Franklin County shall designate a person as the ADA and 504 Coordinator in accordance with Title II of the ADA. The ADA Coordinator shall be appointed by the County Commissioners and should be trained in the requirements of the ADA and other laws pertaining to discrimination. The Coordinator should be given adequate time away from other responsibilities to carry out the Coordinator functions.

The Coordinator's main duties include the following:

- Receive, review, and process all grievances, complaints, and other such concerns about alleged disability discriminations.
- Ensure that all grievances are investigated and resolved according to the County's Grievance Policy and Procedure.
- Ensure records of all grievances and/or complaints are documented and kept in accordance with the ADA and the U.S. Department of Justice requirements.
- Ensure proper public notice by Franklin County is being done (see below).
- Ensure proper documentation and recording of any work done to County-owned facilities that is intended to correct items noted in this Transition Plan as being not in compliance with the ADA.
- If an ADA Steering Committee is formed (see below), the Coordinator shall schedule and document all committee meetings. The following minimum items of information should be recorded:
 - Date, Time, and Location of the meeting.
 - List of all meeting attendees.
 - List of all recommendations from the Committee to the County for improvements to the County-owned facilities to be completed before the next meeting.

PUBLIC NOTICE

Franklin County shall provide on-going public notice about the rights of the public under the ADA and the responsibilities Franklin County has under the ADA. Under the ADA, Public Notice is not a one-time requirement, but a continuing responsibility. The County shall provide the following forms of public notice:

- A page on the County's website that includes:
 - A copy of the adopted ADA Transition Plan,
 - A copy of the grievance policy and procedure,
 - A copy of the Grievance Form available for download and printing.
 - The dedicated email address and postal address where written comments can be sent (see further explanation below)
- A printed copy of the ADA Transition Plan on file with at least one public library in the County.
- Fliers or other such written notice on display in the County Government Building.
- A prepared statement read aloud at County Commissioners meetings at least once per quarter, along with a time where comments from the public can be taken and read into the meeting minutes.
- A dedicated email address or postal address where citizens or advocacy groups can send written comments regarding the Transition Plan, its implementation, or to make requests for physical barrier removal.

STEERING COMMITTEE

The County will create an on-going ADA Steering Committee that will provide guidance and recommendations to the County Commissioners and County Council in developing the actual work program for barrier removal. The Committee should meet as needed, but not less than once per year. The Committee shall provide the following functions:

1. Provide a recommended sequential order of work for the minor building projects. Examples of this may include providing a recommendation to correct all the minor deficiencies in a single facility before moving on to the next, or perhaps correcting one deficient aspect (such as toilet room grab bars or braille signage) in all facilities. In either case, the Committee shall provide the recommended order that the facilities will be ranked. For example, buildings where public meetings and/or County business is conducted should be corrected before parks and recreational buildings. See the Funding Strategies section below.
2. Provide a recommendation as to whether any given County-owned facility is worth the expenditure of the needed funds to bring it into compliance. In some cases, it may be more cost effective or desirable to replace a building or relocate the office/service rather than to bring it into compliance.
3. Provide a recommended sequential order of work for major projects.
4. Provide a recommended order for work on sidewalk and curb ramp replacement projects.
5. Review all grievances filed since the last committee meeting along with the outcomes or potential outcomes for all grievances that haven't yet been resolved.

GRIEVANCE POLICY AND COMPLAINT PROCEDURE

If a person (or group of people) believes they may have been the victim of discrimination based on his or her disability, that person (or group of people) may file a grievance against the County. To expedite this process, Franklin County includes herein a policy that covers the process that the person (or group of people) should follow to file the grievance, as well as the process that the County must follow in evaluating and resolving the grievance. Please see Appendix A for the Grievance Policy, Procedure, and Form.

Franklin County will keep copies of all grievances filed, along with all paper work regarding the evaluation and resolution thereof for a minimum of six (6) years.

Franklin County strives to maintain the rights of its citizens at every level of government. Therefore, the County's grievance policy and procedure were developed such that a grievant could complete the local grievance procedure and appeal, if needed, and still have the opportunity to file a grievance with a state or federal agency within the known allowable timeframes from the date of the alleged discrimination.

FUNDING STRATEGIES

The County intends to fund the implementation of barrier removal in various ways.

First, for smaller, less expensive items such as curb ramp replacement, toilet room grab bars, braille signage, and door hardware, the County will designate a budgetary line item of not less than \$5,000.00 per year that will be used to purchase materials and various pieces of hardware, and the County's existing building maintenance and street staff will do the installations.

Second, for major projects that require specific allocation of funds by the County Council, the projects shall be undertaken and completed as funding allows. Projects such as this are intended to include major remodeling or reconstruction of existing facilities to correct non-compliance.