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TOWN OF OSGOOD

(AMERICAN WITH DISABILITIES ACT) **ADA TRANSITION PLAN**

JUNE 2017

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Table of Contents

<u>Section</u>	<u>Description</u>
1	Introduction
2	Public Participation and Input
3	ADA Grievance Procedure for Facilities in the Right-of-Way
4	Monitoring and Status Reporting
5	Inventory of Pedestrian Facilities in the Right-of-Way

Section 1: Introduction

Osgood, Indiana is a safe, walk-able community; as such it places pedestrians as a top priority. The Town is firmly committed to ensuring that its pedestrian facilities are accessible to all persons living or visiting the town. Therefore, Osgood will not discriminate on the basis of disability and will provide reasonable access to all facilities, programs, services, and activities. To ensure this commitment, Osgood will strive to follow the guidelines established by the Americans with Disabilities Act.

1.1 Americans with Disabilities Act of 1990


The federal legislations known as the 2010 ADA Standards for Accessible Design and the original Americans with Disabilities Act of 1990 [herein referred to as the “ADA”] provides civil rights protections to persons with disabilities in the areas of employment, state and local government services, and access to public accommodations, transportation, and telecommunications. Title II of the ADA requires certain standards to be met by local governments concerning equal access to public programs, services, and activities. With the advent of the ADA, designing and constructing facilities for public use that are not accessible by people with disabilities constitutes discrimination. Title II prohibits any local government from discriminating against persons with disabilities.

The ADA Standards for Accessible Design and the Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way are both very technical manuals which describe in detail all of the requirements to provide complete accessibility to public facilities. Both of these documents are hereby incorporated by reference into this report as if set forth fully herein. Should a person desire to read ADA requirements and guidelines, these documents are provided online at: <http://www.accessboard.gov/PROWAG/guide/PROWGuide.htm>.

Public Right-of-Way Accessibility Guidelines (PROWAG) is a proposed legislation which is expected to be adopted by the Department of Justice in the near future. As of this writing, public entities need only meet the more lenient ADA Accessibility Guidelines (ADAAG) standards. The Town applies the PROWAG standards to all pedestrian facility installations so as to meet the highest standards and prepare for the future passing of the PROWAG legislation.

1.2 What is a Transition Plan?

The ADA applies to all public facilities, including facilities built before and after 1990. Title II Article 8 requires public entities to take several steps to achieve accessibility for disabled persons. One of these steps is to create an ADA transition plan. A transition plan is a document which provides detailed information regarding a public entity’s pedestrian facilities. The Town, as a public entity, must create a transition plan to ensure compliance with the ADA and evaluate the accessibility of its current facilities. A transition plan is needed in order to lay out the methods, schedule, and status of ADA compliance in regards to public facilities, services and programs in the right-of-way. The Town’s Transition Plan is intended to achieve the following:



identify physical obstacles that limit the accessibility of facilities to individuals with disabilities, describe the methods to be used to make the facilities accessible, provide a schedule for making the access modifications, and identify the public officials responsible for implementation of the Transition Plan.

1.3 Project Scope

All public facilities and programs under the control of the Town must not discriminate against people with disabilities on the basis of disabilities. Pursuant to the ADA the aforementioned public facilities includes all services, programs, rights-of-ways, and buildings. The focus of this report is solely on Town managed pedestrian facilities within the public right-of-way. This includes sidewalks, pedestrian paths, curb ramps, street crossings, driveway crossings, crosswalks, median crossings, public transit stops, and pedestrian activated signal systems. A large part of the Transition plan will ultimately consist of numerous surveys which contain data on the current status of facilities in the right-of-way.

Section 2: Public Participation and Input

2.1: Public Notice

Osgood would like to provide ample notice to the public concerning the rights of the public under the ADA and the responsibilities which Osgood must uphold under the ADA. Below is a copy of the text which is to be displayed on the town website pending review from the Osgood Town Council.

ADA Non-discrimination Notice

Employment: The Town 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 Americans with Disabilities Act (ADA).

Effective Communication: The Town will generally, upon advance request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the Town'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 Town will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all Town programs, services, and activities. For example, individuals with service animals are welcomed in Town offices, even where pets are generally prohibited.


Anyone with a disability who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a Town program, service, or activity, should contact the office of the Town Administrator/ADA Coordinator as soon as possible but no later than five business days before the scheduled event.

The ADA does not require the Town 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 Town program, service, or activity is not accessible to persons with disabilities should be directed to the office of the Town Administrator/ADA Coordinator at 147 West Ripley Street, Osgood, Indiana 47037, (812) 689-3839.

The Town 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.

2.2: Public Participation



The ADA requires that public entities make available to applicants, participants, residents and other interested parties information regarding the Transition Plan and its applicability to the services, programs or activities of the public entity, and to apprise the public of the protections against discrimination afforded to them by the ADA. Beyond the legal requirements, public input is essential to assure that the facilities, services, and programs which impact those with disabilities most are taken into consideration.

The Town has intended for the Transition Plan to be a 'living' document. It is intended to be updated and edited regularly and as needed.

2.3 Public Review

A draft of the plan has not yet been presented to the public for comment. Prospectively, copies will be made to the public at the Osgood Town Hall, and comments will be accepted by telephone and at Osgood Town Council meetings.

The Town Council will continue to review the Transition Plan and will continue to be a source of public input. In addition, copies of the Transition Plan may be found on the Town's ADA webpage: <http://www.osgoodindiana.org/>. Comments or questions concerning the plan may be directed to the office of the Town Administrator/ADA Coordinator at 147 West Ripley Street, Osgood, Indiana 47037, (812) 689-3839.

Section 3: ADA Grievance Procedure for Facilities in the Right-of-Way

3.1 Introduction to the Grievance Procedure

The ADA states that a public entity is required to apprise the public of the protections against discrimination afforded to them by Title II of the ADA. Public entities are also required to provide an opportunity for interested persons to participate in the development of policies and procedures that affect the implementation of an ADA transition plan by submitting comments and making specific recommendations. Additionally, a public entity which employs 50 or more persons is required by the ADA to adopt and publish grievance procedures providing for prompt and equitable resolution of complaints or grievances alleging any action that would be prohibited by Title II of the ADA. If anyone feels that they have been the subject of discrimination based on disabilities they may file a grievance or complaint by following the procedure below. Due to the varying circumstances of each grievance, the resolution of any one grievance by the Town does not represent a standard upon which the Town is bound or upon which other complaining parties may rely. The Town's ADA Coordinator shall maintain all ADA grievance files for a period of three years.

3.2 Grievance Procedures and Instructions

The procedure to file a grievance is as follows:


Step 1. The complaint of the alleged discrimination should be filed on an ADA Grievance Form. If the complaint is not filed on the Grievance Form, it should nonetheless contain the following information:

- Name, address, and telephone number of the person filing the grievance.
- Name, address, and telephone number of the person discriminated against on the basis of disability, if other than the person filing the grievance.
- Location, date, and description of the problem
- State whether a complaint has been filed with the US Department of Justice or other federal or state civil rights agency or court.
- Identify agency or court where the other complaint was filed. Include filing date, and the name, address, and telephone number of a contact person with the agency with which the complaint was filed.

The complaint should be submitted by the grievant as soon as possible, but no later than 60 calendar days after the alleged violation to: The office of the Town Administrator/ADA Coordinator at the Osgood Town Hall, 147 West Ripley Street, Osgood, Indiana 47037, (812) 689-3839.

Step 2. The grievance shall be responded to or acknowledge in writing and, where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape, within 15 calendar days of receipt.

Step 3. Validity of the alleged discrimination shall be discerned by the ADA Coordinator by conducting an investigation within 30 calendar days of receipt. If appropriate, the ADA Coordinator shall arrange to meet with the grievant to discuss the matter. Within 15 calendar days of the meeting or completion of investigation, the ADA Coordinator shall respond in writing,



explaining the position of the Town of Osgood, and offer options for substantive resolution of the complaint. Any resolution of the grievance shall be documented in the Town's ADA Grievance File.

Step 4. The Town's grievance procedure is not required to seek out other remedies. If the grievant is unsatisfied with the Town's management of the grievance at any stage of the process or does not wish to file a grievance through the Town, the grievant may file a complaint directly with the US Department of Justice or other appropriate state or federal agency.

3.3: ADA Grievance Form

The following form is a copy of the Town's ADA Grievance form. The form may be found on the Town's website (<http://www.osgoodindiana.org/>) or by request from the Osgood Town Hall. This form may be used to file a complaint based on the Americans with Disabilities Act. The form encompasses all Town departments and may be used to file a complaint not only about a pedestrian facility in the right-of-way, but can be used for complaints regarding any Town owned or operated facilities.

Town of Osgood ADA Grievance Form



Town of Osgood
ADA Complaint Form

Date: Email Address:

First Name: Last Name:

Street Address: Street Address
Line 2:

City: State: Zip Code:

Date of incident
or situation:

Location:

Please describe what happened. Be as detailed as possible:

Desired outcome:

Section 4: Monitoring and Status Reporting

4.1: Purpose of Monitoring and Status Reporting

The Town currently is engaged in an on-going effort to construct curb ramps, sidewalks and other facilities at numerous locations. This construction activity is not specific to any ADA implementation, but is rather a part of the Town's many improvement efforts. As improvements are made to any of the various facilities in the right-of-way, those facilities will be brought up to ADA design standards where it is feasible and financially reasonable. Therefore, the monitoring of construction activities and the reporting of the status of improvements is a critical part of assuring an effective ADA compliance program. It is necessary that the different departments working on Transition Plan projects all communicate in order to carry out the Transition Plan as efficiently as possible. Since the plan is meant to be updated, it is critical that departments communicate in a timely manner so as to create up-to-date drafts.

4.2: Responsible Individual

The Town official responsible for the implementation of the Transition Plan and Self-Evaluation for the pedestrian facilities in the public rights-of-ways is the ADA Coordinator. Any questions, concerns, or comments should be forwarded to:

Osgood Town Administrator/ADA Coordinator
147 West Ripley Street
Osgood, Indiana 47037
Phone: (812) 689-3839

To find out who is the current ADA Coordinator, please visit the Town's ADA webpage at <http://www.osgoodindiana.org/>.

Section 5: Inventory of Pedestrian Facilities in the Right-of-Way

5.1 Design Standards

Sidewalks: Sidewalk and ramps constructed as part of planned development, replaced by or for Town of Osgood, replaced by or for a property owner through a Town of Osgood match funding program shall be constructed in accordance with the PROWAG (Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way) regulations and standards.

Buildings: Any Town of Osgood owned buildings that are constructed, remodeled or updated shall be constructed in accordance with the most current ADAAG (Accessibility Guidelines for Buildings and Facilities) regulations and standards.

5.2 Inventory

In an effort to remove barriers to streets and sidewalks, the Town of Osgood is working on an inventory of all curbs and sidewalks within the Town of Osgood's jurisdiction. The inventory procedure is intended to identify a comprehensive list or inventory of all curbs, crosswalks and sidewalks in the Osgood jurisdiction that are not ADA compliant. This is composed of an effort to both fully inventory all of the infrastructure that is present and then to identify those items in the system which are not compliant with ADA requirements. The Town of Osgood has developed its inventory of the existing system in five steps, which are modeled from the Town of Ossian's ADA Transition Plan:

Step 1: Aerial Maps

Aerial maps of the Town of Osgood will be used to map the locations on the system that include sidewalks and/or curbs and to conduct a preliminary evaluation of facilities.

Step 2: Preparation of a Map of Compliant and Non-Compliant features

A map will be produced that identifies all the sidewalks and ramps and their compliance rating. The map can sort by sidewalks or ramps.

Step 3: Request for Review and Public Input

As part of the Transition Planning process, the map prepared in Step 2 will be made available for comment. The map will be posted on the Town of Osgood website and on display at the Osgood Town Hall.

Step 4: Update of the Inventory

After receiving input from the public review and staff the inventory will be updated as needed. This will provide a comprehensive list of the needs that exist in the system.

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. This procedure will use four different evaluation factors. Each factor will have a score, with higher values indicating greater importance. Scores are then to be totaled to assist in the identification of which facilities are highest in priority.

Condition of Sidewalk or Ramp

1 pt = Rating of B **2 pts** = Rating of C **3 pts** = Rating of D or F

Vicinity of Pedestrian Destinations

(Pedestrian Destination includes commercial businesses, schools, parks, government buildings/offices, libraries, churches)

0 point = nothing nearby

1 point = within 1 block of pedestrian destination

2 points = within 1 block of multiple pedestrian destination

3 points = adjacent to a park, school, government building or library

Public Interest

0 point = no comments

1 point = multiple public comments received

2 points = subject of a formal ADA grievance filing

Local Priority

This is intended to be a local decision-makers tool to provide emphasis to a specific need based on a special concern, especially one of public safety, anticipated heavy pedestrian traffic, or special site condition.

0 point = no special concerns noted at or near location

1 point = some special concern exists at or near location

2 points = special local emphasis exists at or near location

By totaling these factors, the highest score achievable would be 10, with the lowest being at least a 1. Each obstacle identified in the Inventory phase will be evaluated under this procedure. A total score for each need can thus be provided, with higher scores revealing higher priority repairs and improvements.

Building Inventory


The Town of Osgood owns a number of properties including the Town Hall, the wastewater treatment plant, the water treatment plant, the fire department, and the gas and street department building. A self evaluation/assessment of the Osgood Town Hall Building will be conducted. The current ADAAG and PROWAG standards will be used to evaluate and collect the data on this building.

Funding & Scheduling

The Town of Osgood will identify funding sources to repair, modify or reconstruct sidewalk and ramps as soon as possible.

Review & Evaluation

Each year the Town Council will meet with the ADA Coordinator to review the Town of Osgood efforts put forth the previous year to comply with the ADA and the implementation of the Transition Plan. At this time an update to the Transition Plan will be done. This shall include any adjustment to the number of sidewalks and ramps that are non-compliant, any changes to funding sources and changes to the schedule, if needed. The Town Council and ADA Coordinator shall review the prioritization of repairs, modifications or replacement of sidewalks and curbs for the upcoming year. At this time they will also determine the number of sidewalks and curbs that can be brought into compliance with ADA standards (if different than previously stated in Transition Plan). The



review and evaluation will continue until all sidewalks and ramps are ADA compliant and the Transition Plan is completed.