Technical Assistance for ADA Access Plans for Towns with Fewer than 50 Employees

Purdue Road School
March 5, 2013

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FHWA, Indiana Division Office
Outline

- ADA Initiative for Indiana
- Discussion on ADA Requirements
- How to “Make your own…” accessibility plan for ADA compliance
- Questions
ADA Initiative for Indiana - Why now?

FHWA/INDOT Joint Review findings:
• Less than 30% reported Transition Plans
• Those that did have them…most not current

Increasing number of public complaints

FHWA Risk Item…for Indiana and Nationally

Also USDOT & US Department of Justice area of special interest

As a result, FHWA, Indiana embarked on an 18-24 month effort to provide technical assistance to the State, cities, towns and counties. (Primarily serving governments with 50 or more employees.)
ADA settlements in Indiana – Why now?


- Settlement agreement between the United States of America and Jeffersonville, Indiana under the Americans with Disabilities Act, DJ# 204-26s-152 (2004) http://www.ada.gov/jeffersonvillessa.htm

- Settlement agreement between the United States of America and the City of Gary, Indiana under the Americans with Disabilities Act DJ# 204-26-62 (2005) http://www.ada.gov/garysa.htm

- Settlement agreement between the United States of America and Allen County, Indiana under the Americans with Disabilities Act DJ# 204-26-61 (2005) http://www.ada.gov/allenssa.htm
ADA Initiative for Indiana - Training and Tools

- Provided training and discussion of ADA requirements among a wide range of peers

- Discussed common issues for how to attain compliance and maintain

- Shared “Best Practices” including a seven-step approach to develop an effective ADA plan

- Checklists for compliance
Discussion on ADA requirements

Communities with 50 or more employees, required to develop a transition plan for the removal of barriers for Americans with Disabilities

- Plan that shows policy/procedures for the removal of barriers to the maximum extent feasible possible
- In the public right-of-way, this may include:
  - Curb ramps
  - Clear zones for sidewalk areas
  - Intersections that provide warning for the blind as well as sighted individuals
- Public involvement

Communities with fewer than 50 employees are not required to develop transition plans but they must still demonstrate a commitment to removing barriers under Section 504 (Similar elements as ADA transition plans but to a lesser level of detail)
Discussion on ADA requirements (continued)

Common misunderstandings about ADA:

- Everything has to be upgraded done today!
  - No, but at the same time, it has been required for 20 years
  - Set reasonable expectations using your plan

- It’s something only “they” need. It’s only for a select few.
  - Population is aging and even those with temporary disabilities benefit

- It costs too much and takes too long
  - There is a cost, but it is not nearly as great as we imagine.
  - Use existing meetings and budget process to clarify what can and cannot be done.

*It is about “managing expectations.”*
How to “Make your own…” accessibility plan for ADA compliance

Consistent with seven elements of Best Practices, an accessibility plan for a small town should…

- Identify an ADA Coordinator
- Identify Complaint Process
- Develop/Adopt Design Standards
- Identify Public Involvement Opportunities
- Identify Barriers to Access
- Identify Plan (time and budget) to Remove Barriers
- Reevaluation Schedule
Chapter Three: Identifying Priorities for Pedestrian Improvements

Frankton, Indiana Walkability Distances

The percentage in each concentric ring represents the percentage of people willing to walk the distances described below.

- Inner Ring = 0 mi
- Middle Ring = 0.5 mi
- Outer Ring = 1 mi

Source: "Accommodating the Pedestrian", Richard Untermann

FRANKTON Pedestrian Mobility Plan 2008
Examples

FRANKTON, INDIANA:
Source:

Prioritize Based On:

- Age - Assumption Relating to Need for Pedestrian Mobility
- Disability - Known Populations
- Income - Poverty and Need for Pedestrian Mobility
Examples

Figure 1: Percentage of Curb Ramps meeting ADA Guidelines

Curb Ramps
- 91% - 100%
- 81% - 90%
- 71% - 80%
- 61% - 70%
- 51% - 60%
- 1% - 50%
- 0%

Each curb ramp at the surveyed intersections were evaluated against the ADA Guidelines. The percent given is the percentage of guidelines the intersection has met. This shows what areas need improvements and what areas meet most of the guidelines.
Template for Accessibility Plans

EXAMPLE:
ADA ACCESSIBILITY PLAN FOR SMALL TOWN, INDIANA

1. DESIGNATION OF ADA COORDINATOR
The ADA Coordinator for Smalltown, Indiana is [Name of Town official], in their official role at [Name of Official Position] for the town.

The ADA Coordinator is responsible for ensuring this plan is current, and that grievances are properly addressed and recorded maintained. Some facilities in our town are the responsibility of other agencies. For example, the County and State DOT both operate facilities in our town. Therefore, our ADA Coordinator will sometimes need to work with other ADA Coordinators to address situations in our area that involve their facilities.

<table>
<thead>
<tr>
<th>Other ADA Coordinators</th>
<th>ADA Coordinator’s Name &amp; Title</th>
<th>Coordinator’s Phone Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>County ADA Coordinator</td>
<td>John Smith, Public Works Director</td>
<td>555-555-5555</td>
</tr>
<tr>
<td>Indiana DOT - Division</td>
<td>Jane Smith, ADA Coordinator</td>
<td>555-555-5555</td>
</tr>
<tr>
<td>School District</td>
<td>Mary Smith, Superintendent</td>
<td>555-555-5555</td>
</tr>
</tbody>
</table>

2. OPPORTUNITY FOR PUBLIC NOTICE
Opportunity of the public to learn and comment on how Smalltown, Indiana is working to meet the federal Americans with Disabilities Act requirements is provided during any town meeting. Every two years, the town will also hold open houses at our town meeting, to ensure the public and our officials may be updated and learn more about our progress at making our community ready to access. The town and/or federal official responsible for ADA may also be invited to so that we may learn how they are also taking steps to meet these requirements in our town.

3. GRIEVANCE PROCEDURE
Complaints about access to public services or facilities in Smalltown, Indiana are received at the town hall. These are then given to the ADA coordinator to be coordinated and resolved. If the complaint cannot be resolved, then our County’s or the State of Indiana’s ADA Coordinator may help mediate the complaint. At any time, a complaint may be submitted directly to the U.S. Department of Justice.

4. DESIGN STANDARDS, SPECIFICATIONS AND DESIGN DETAILS
For design standards, specifications, and design details Smalltown, Indiana relies upon the design standards used by the County, and the Indiana Department of Transportation. Both of these agencies have developed design standards that are ADA compliant.

5. INVENTORY OF FACILITIES
Using a map of our town to first identify where we offer public services, an initial inventory of sidewalks, curb ramps and intersections was completed on 0X/0X/0X. A map showing the inventory is on the following page.

EXAMPLE: ADA ACCESSIBILITY PLAN

6. SCHEDULE & BUDGET FOR IMPROVEMENTS
Each year, Smalltown Indiana receives approximately $10,000 in local revenues from the State, which is used for our annual budget. At this time, it is estimated that $1,000 can be provided to address non-compliant curb ramps, intersections and other barriers. Based upon this estimated amount and our map showing the location of public services, the following improvements are planned to be addressed over the next three to five years:

<table>
<thead>
<tr>
<th>Access for</th>
<th>Treatment &amp; Location</th>
<th>Estimated Cost</th>
<th>Priority/Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Town hall</td>
<td>Curb ramps to be updated</td>
<td>$1,000</td>
<td>2015-16</td>
</tr>
<tr>
<td>Post office</td>
<td>Sidewalk repaired &amp; curb ramps</td>
<td>$700</td>
<td>2015-16</td>
</tr>
<tr>
<td>Park</td>
<td>Sidewalk repaired &amp; curb ramps</td>
<td>$1,400</td>
<td>2014-15</td>
</tr>
<tr>
<td>Public School</td>
<td>Sidewalk along State Road</td>
<td>Owned by INDOT</td>
<td>Need to coordinate with INDOT</td>
</tr>
</tbody>
</table>

7. MONITORING PROGRESS
Smalltown Indiana will evaluate this plan every two years as part of our regular budget meetings and then review our plan as needed. An opportunity to discuss this plan will be held during the town’s regular administrative meetings.

Respectfully submitted:

Name of Town Official
Date

EXAMPLE: ADA ACCESSIBILITY PLAN

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### Template for Accessibility Plans

**Advantages:**
- Intended to demonstrate 504 compliance
- Uses same “seven steps” or elements as ADA transition plans
- Incorporates ADA contacts from other agencies to allow for better coordination (i.e., State projects in a local town)
- Easy to develop quickly using common tools like MS Word, GoogleMaps or GoogleEarth.
Next Steps…

- Working with INDOT to evaluate local projects as they are considered for construction letting

- Projects in communities that cannot demonstrate compliance with ADA or Section 504 may be delayed until a plan is completed

- Continue to provide technical assistance and to share best practices within Indiana (FHWA Indiana was recently contacted by a city in Illinois for guidance.)

- Monitor completion of plans but also progress to removing of barriers
Questions?