

Marshall County

Americans with Disabilities Act Transition Plan: Pedestrian Facilities in the Public Right-of-Way



2012

Table of Contents

Introduction.....	1
Transition Plan History and Overview	1
Legal Requirements	1
Identified Obstacles to the Public Right-of-Way	2
Preliminary Evaluation	2
Detailed Evaluation	2
Methods to Removing Barriers – Policies & Priorities	3
Barrier Removal Priorities	3
Location Priority	3
Accessibility Condition	3
Priority Rank	4
Public Complaint Process	4
New Construction & Alterations	4
Schedule	5
Responsible Individual	5
Public Input.....	5
Attachment A	7
Attachment B	11
Attachment C	13
Attachment D	15

INTRODUCTION

The purpose of this plan is to ensure that the County creates reasonable, accessible paths of travel in the public right-of-way for everyone, including people with disabilities. The County has made a significant and long-term commitment to improving the accessibility of their pedestrian facilities. The Transition Plan identifies physical barriers and prioritizes improvements that should to be made throughout the County. This Transition Plan describes the existing policies and programs to enhance the overall pedestrian accessibility.

TRANSITION PLAN HISTORY AND OVERVIEW

Over the past several years, Marshall County has worked diligently to provide handicapped accessibility in the various county buildings. The County has modified all sidewalks leading to the county buildings for handicapped accessibility, and all public restrooms are equipped with handicapped facilities and accessible. In December, 2011, the Marshall County Commissioners adopted the ADA Accessibility Guidelines for Standards for Accessible Design and Guidelines for Pedestrian Facilities in the Public Right-of-Way, and adopted the ADA Coordinator and Procedures. In the past year, the County installed automated doors at the County Building, with plans to install them in the near future at the Court House, Museum and Jail. The fire and emergency alarm systems have been upgraded to be compliant with ADA requirements. The County is responsible for only one sidewalk in the County, and modifications are presently being completed.

LEGAL REQUIREMENTS

The federal legislation known as the American with Disabilities Act (ADA), enacted on July 26, 1990, provides comprehensive 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 specifically applies to “public entities” (state and local governments) and the programs, services, and activities they deliver. Title II Article 8, requires public entities to take several steps designed to achieve compliance. The plan shall, at a minimum includes:

1. A list of the physical barriers in a public entity’s facilities that limit the accessibility of its programs, activities, or services to individuals with disabilities.
2. A detailed outline of the methods to be utilized to remove these barriers and make the facilities accessible.
3. The schedule for taking the necessary steps to achieve compliance with Title II.
4. The name of the official responsible for the plan’s implementation.

Transition plans provide a method for a public entity to schedule and implement ADA required improvements to existing streets and sidewalks. Before a transition plan can be developed, an inventory of the current curb ramps and sidewalks must be developed.

Identified Obstacles to the Public Right-of-Way

The County has a two-tiered system to identify and assess obstacles in the public right of way: a Preliminary Evaluation and a Detailed Evaluation. The barriers used in the evaluations are based on the *Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way* (ADA Guidelines) from the U.S. Architectural and Transportation Barriers Compliance Board.

PRELIMINARY EVALUATION

The first tier is a Preliminary Evaluation of the intersections. The purpose of this evaluation is to determine which intersections are obviously non-compliant to the ADA Guidelines and to get a comprehensive overview of the complete pedestrian network. The preliminary inventory evaluates three (3) criteria for curb ramps and three (3) criteria for sidewalks:

Curb Ramps

1. Is there a curb ramp?
2. Does the curb ramp have a color contrasting detectable warning?
3. Does the curb ramp have a clear landing at the top of the ramp?

Sidewalks

1. Is there a continuous clear space for pedestrian access?
2. Does the sidewalk appear to provide adequate passing zones?
3. Does the sidewalk appear to be smooth without grade breaks?

The Preliminary Evaluation utilizes aerial and street-level photography to view each intersection. The criteria used can be seen on these aerials and are key design components to determine ADA compliance. If the curb ramps and sidewalks do not meet the criteria, then that intersection does not need further evaluation because it is obviously non-compliant with the ADA Guidelines. If it did meet the criteria, then that intersection would be “potentially compliant” and would need a Detailed Evaluation to determine if it fully complies with the ADA Guidelines.

DETAILED EVALUATION

The second tier is a Detailed Evaluation of the intersections identified as “potentially compliant” during the Preliminary Evaluation. This requires fieldwork at the intersection and measuring of specific physical attributes, such as width, running slope, and gaps in the curb ramp or sidewalk, to determine compliance to the identified ADA barriers. For a description of the identified barriers see Attachment A. When the data is gathered, it is

recorded into an intersection database¹. The result from this evaluation is a detailed understanding of the ADA barriers at that intersection.

METHODS TO REMOVING BARRIERS – POLICIES & PRIORITIES

The County utilizes many different approaches in removing barriers in the public right-of-way, including proactively identifying and eliminating the barrier, responding to public complaints, and ensuring the appropriate design and build-out of new construction following the most recent design guidelines.

BARRIER REMOVAL PRIORITIES

Marshall County bases barrier removal priorities on two factors: location and the accessibility condition of the intersection.

Location Priority

According to the *Accessible Rights-of-Way: A Design Guide*, “the DOJ regulation imposes a specific construction requirement...specifies a priority for locating (curb ramps) at: State and local government offices and facilities; transportation; places of public accommodation; places of employment; and other locations.” Following this guidance, the City identified its location priority as follows:

1. Intersections serving government facilities,
2. Intersections serving commercial and employment centers, and
3. Intersections serving other areas.

Accessibility Condition

Using the data from the Preliminary Evaluation and the Detailed Evaluation, an accessibility condition, or Access Grade, can be determined. Points are assigned to the identified ADA barriers and calculated for each intersection. This will give the intersection an overall Condition Score for accessibility. The Access Grade assesses the Condition Score out of the total possible points and assigns a letter grade. This letter grade is A through E, A being the most accessible and E being the least accessible.

¹ The database is quite large and is constantly updated; it is not feasible for it to be included in the text of this ADA Transition Plan. The database may be made available for public review by advanced written request to the ADA Coordinator.

Priority Rank

In order to determine the overall priority of an intersection, or Priority Rank, the City uses the following matrix to match the location priority to the Access Grade.

	Location Priority		
	1	2	3
Access Grade	Locations serving Government Facilities	Locations serving Commercial & Employment Centers	Locations serving Other Areas
E	1E	2E	3E
D	1D	2D	3D
C	1C	2C	3C
B	1B	2B	3B
A	1A	2A	3A

Priority Rank Levels

High	Medium	Low
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The County determines the priority of improvements by identifying which of the groupings are high, medium, or low priorities. A listing of priority intersections and a map,² that shows which intersections are high, medium, and low priorities for barrier removal, are in Attachment B.

PUBLIC COMPLAINT PROCESS

The public complaint process is an integral part of the Transition Plan. Public complaints or requests may often drive the prioritization of improvements. To file a complaint or a request regarding accessibility of a sidewalk or curb ramp, contact the ADA Coordinator in writing and describe the issue in detail, including the location. The ADA Coordinator will route this information to the appropriate County department for inspection and possible action. That department will then respond to the ADA Coordinator with its findings, and the ADA Coordinator will record the formal response and reply to the complainant/requestor. All complaints or requests will be kept on file and will include the response. Attachment C is a copy of the County's public Grievance Procedure for Pedestrian Facilities in the Public Right-of-Way.

NEW CONSTRUCTION & ALTERATIONS

In order to ensure the correct design of curb ramps, sidewalks, and crosswalks in new construction and alterations, the County has adopted the *Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way* (see Attachment C for a copy of the resolution). Whenever there is an intersection improvement project or new construction

² The map is constantly updated and may be currently out-of-date from this plan. An updated map may be made available for public review by advanced written request to the ADA Coordinator.

project, any affected curb ramps, sidewalks, and crosswalks will be rebuilt to these ADA design guidelines, where feasible and reasonable.

SCHEDULE

As opportunity allows, the County will make efforts to improve the ADA Accessibility of pedestrian facilities in the public right-of-way. As stated in the *Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way*, "compliance is required to the extent practicable within the scope of the project." There will be times when it is technically infeasible to provide technical compliance: for example, if clear space at the top of the ramp is obstructed by a building or the slope of a hill is so extreme as to prevent a reasonable slope for a ramp in both directions. The inventory process may not account for such situations and could show a high-priority rating when all feasible actions have been taken.

Additionally, given a program as broad and comprehensive as the County's pedestrian network, the County will follow the concept of Program Access under Title II of the ADA. Program Access does not necessarily require a public entity to make each of its existing facilities accessible to and usable by individuals with disabilities, as long as the program as a whole is accessible. Under this concept, the County may choose not to install a sidewalk at some locations (or to install them as a lower priority later), as long as a reasonable path of travel is available even without the sidewalk.

RESPONSIBLE INDIVIDUAL

The official responsible for the implementation of the County's ADA Transition Plan for the pedestrian facilities in the public right-of-way is:

Doug Masterson
Maintenance Supervisor
112 W Jefferson Street
Marshall Co Bldg, Rm 205
Plymouth, IN 46563

Email: doug@co.marshall.in.us
Phone: (574) 935-8555
Fax: (574) 936-4863

PUBLIC INPUT

Marshall County provided opportunities for individuals to comment on this Transition Plan, which included:

- Document copies available and notices sent to local public libraries
- Document made available on Marshall County's website
- Open house and presentation at a public meeting on January 7, 2013

The County published legal notices in the major newspapers, the Plymouth Pilot News, Bremen Inquirer, Culver Citizen and Bourbon Mirror, starting on December 27, 2012. The legal notices announced the availability of the Transition Plan draft at the local public library with easy public access. These notices also provided instructions regarding the timetable for comments and where to send them. Public comments were accepted for a period of no less than 30 days, ending February 7, 2013. Public comment form is available on Attachment D.

Formal adoption of the Transition Plan took place on February 18, 2013. It will be available on the web and by written formal request to the ADA Coordinator.

ATTACHMENT A

1. ADA GUIDELINES USED IN DETAILED EVALUATION

2. EVALUATION FORM

ADA GUIDELINES USED IN DETAILED EVALUATION

Curb Ramps

In evaluating the accessibility of existing curb ramps, the following factors were considered:

1. Is there a curb ramp?
2. Is there a curb ramp where a sidewalk crosses a street?
3. What type of curb ramp?
 - a. Perpendicular curb ramp
 - b. Parallel curb ramp
 - c. Blended transitions
4. Is the width of the curb ramp at least 4 feet wide (excluding flares)?
5. Are there detectable warnings properly installed where a curb ramp or blended transition connects to a street?
6. Is the running slope greater than 5% but less than 8.3% (blended transition 5% maximum)?
7. Is the cross slope less than 1%?
8. Is the landing a minimum of 4 feet x 4 feet?
9. Is the surface of the curb ramp or blended transition firm, stable, and slip resistant and clear of gratings, access covers, and other appurtenances?
10. Is the grade break at the top and bottom of the ramp flush and not located on the surface of the curb ramp, landing, or gutter areas?
11. Is the counter slope of the gutter or street at the foot of the curb ramp less than 5%?
12. Is the clear space beyond the curb face at least 4' x 4'?
13. If the curb ramp is perpendicular, is the slope of the flared sides less than 10% where a pedestrian path crosses the curb ramp or if the sides are returned, are they protected from cross travel?

Sidewalks

In evaluating the accessibility of existing sidewalks, the following factors were considered:

1. Is there a sidewalk at each corner?
2. Is there at least 4 feet of continuous and unobstructed clear width of a sidewalk (excluding the curb width)?
3. If the continuous width is less than 5 feet, are the passing spaces at least every 100 feet along the sidewalk that are 5 feet wide or greater?
4. Is the cross slope of the sidewalk less than 1%?
5. Where the sidewalk is adjacent to the street, does the grade of the sidewalk not exceed the general grade of the street?
6. Is the surface of the sidewalk firm, stable, and slip resistant?
7. Are any gaps in the surface less than ½ inch?
8. Is the sidewalk clear of grates or if there is a grate:
 - a. are the openings no more than ½ inch wide and
 - b. do the elongated openings run perpendicular to the direction of travel?
9. Is the sidewalk clear of protruding objects? If there is a protruding object is:
 - a. the leading edge of that object less than 17 inch and more than 80 inch above the ground, or
 - b. the protrusion less than 4 inches into the travel path of the sidewalk, or
 - c. a barrier is provided no more than 17 inches from the ground where the vertical clearance is less than 80 inches.

Crosswalks

In evaluating the accessibility of existing crosswalks, the following factors were considered:

1. Is there a crosswalk that connects two sidewalks across a street?
2. Is the width of the marked crosswalk at least 6 feet?
3. Does the cross slope of the crosswalk meet the following guidelines:
 - a. If the crosswalk is crossing a street with a stop control, is the cross slope less than 1%?
 - b. If the crosswalk is crossing a street without a stop control, is the cross slope less than 5%?
4. Is the running slope of the crosswalk less than 5%?
5. If the crosswalk crosses a median, is the length of the median at least 6 feet and does it contain detectable warnings located at curb line or edge of the roadway?
6. If the intersection signalized, does it have a pedestrian signal, if so, does the pedestrian signal phase allow enough time for a walking speed of 3.5 ft/sec?

LPA: _____ N/S: _____ E/W: _____ Ins: _____ Date: _____ ID: _____

Marshall County | Attachment A

ATTACHMENT B

1. ADA PRIORITIES MAP

2. PRIORITY LISTING OF INTERSECTIONS

ADA Priorities Map

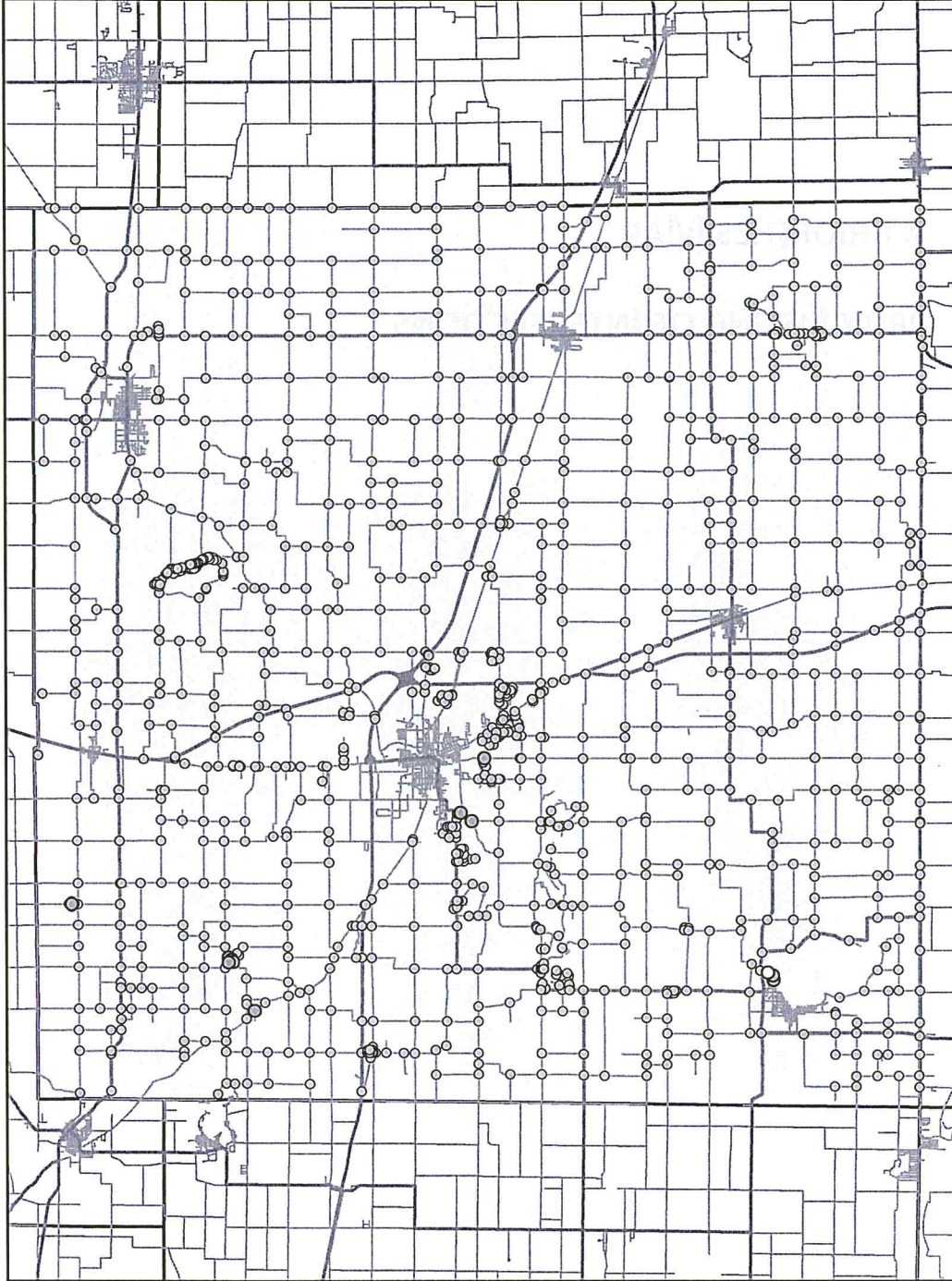
Marshall County



Miles
0 25 50 100 150 200

Coordinate grid is based on Indiana East State Plane Coordinate System 1983 North American Datum.

Information shown on this map is not warranted for accuracy or merchantability. Further reproduction or distribution of this material is not authorized without the expressed written permission of MACOG.



Date Printed: 10/3/2012
Source: Map Source, date of validity, and other relevant information.

Legend




- Low
- Medium
- High
- No Sidewalk

F:\GIS\Working\ADA\ADA Intersection.mxd

Priority Matrix

Marshall County

Total Intersection Per Priority

Access Grade	1	2	3	Legend
	Locations serving Government Facilities	Locations serving Commercial & Employment Centers	Locations serving Other Areas	
E	0	0	0	High: 
D	0	0	0	Med: 
C	0	1	0	Low: 
B	1	0	6	
A	0	0	4	

Ranking Intersections by Priority

Med 1						
ID	N/S Street	E/W Street	Zone	Condition	Priority	Type of Evaluation
5010503	Academy Road	N Terrace Drive	Commercial	71.7	2C	Preliminary
Low 11						
ID	N/S Street	E/W Street	Zone	Condition	Priority	Type of Evaluation
5010506	N Terrace Drive	Academy Road	Government	75.8	1B	Preliminary
5010768	Miller Street	Main Street	Other	78.3	3B	Preliminary
5010758	French Street	Main Street	Other	78.3	3B	Preliminary
5010764	French Street	Walnut Street	Other	78.3	3B	Preliminary
5010725	Plymouth Laporte Trail	Academy Drive	Other	81.7	3B	Preliminary
5010757	French Street	Vine Street	Other	81.7	3B	Preliminary
5010440	N Shore Lane	Academy Road	Other	83.3	3B	Preliminary
5012665	N Queen Road	Polk Street	Other	88.3	3A	Preliminary
5013706	Muckshaw Road	Nutmeg Trail	Other	88.3	3A	Preliminary
5011099	Glenn Overmyer Drive	Olive Trail	Other	88.3	3A	Preliminary
5011108	Olive Trail	Dixon Lake Trail	Other	88.3	3A	Preliminary

ATTACHMENT C

1. RESOLUTION ADOPTING ADA DESIGN GUIDELINES
2. RESOLUTION APPOINTING ADA COORDINATOR
3. ADA GRIEVANCE PROCEDURE
4. RESOLUTION ADOPTING THE AMERICANS WITH
DISABILITIES ACT TRANSITION PLAN: PEDESTRIAN
FACILITIES IN THE PUBLIC RIGHT-OF-WAY

RESOLUTION 2011-012

**A RESOLUTION OF THE BOARD OF COMMISSIONERS
OF MARSHALL COUNTY, INDIANA
ADOPTING THE AMERICANS WITH DISABILITIES ACT (ADA)
ACCESSIBILITY GUIDELINES FOR STANDARDS FOR ACCESSIBLE DESIGN
AND
GUIDELINES FOR PEDESTRIAN FACILITIES IN THE PUBLIC RIGHT-OF-WAY**

WHEREAS, the Federal government enacted the Americans with Disabilities Act of 1990 (ADA) to prevent discrimination of the physically and mentally disabled relating to employment and access to public facilities; and

WHEREAS, Title II of the ADA requires that municipalities adopt the Americans with Disabilities Standards for Accessible Design that provide accessibility, through proposed structural modifications to remove accessibility barriers; and

WHEREAS, Title II of the ADA recommends that municipalities adopt the Americans with Disabilities Guidelines for Pedestrian Facilities in the Public Right-of-Way that provide accessibility, through proposed structural modifications to remove accessibility barriers; and

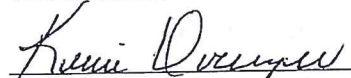
WHEREAS, the United States Department of Justice recently modified the ADA Standards for Accessible Design and the Guidelines for Pedestrian Facilities in the Public Right-of-Way in 2010 and 2011, respectively; and

WHEREAS, the Board of Commissioners of Marshall County, Indiana remains committed to the ADA and the elimination of barriers to public facilities; and


NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Marshall County, Indiana, hereby adopts the 2010 Americans with Disabilities (ADA) Standards for Accessible Design and 2011 Guidelines for Pedestrian Facilities in the Public Right-of-Way.

PASSED, APPROVED AND ADOPTED this 30th day of December 2011.

**MARSHALL COUNTY BOARD OF
COMMISSIONERS**


Kevin Overmyer, President


Jack Roose, Vice President


Greg Compton, Commissioner

RESOLUTION 2011-013
A RESOLUTION OF THE BOARD OF COMMISSIONERS
OF MARSHALL COUNTY, INDIANA
ADOPTING THE AMERICANS WITH DISABILITIES ACT (ADA)
ADA COORDINATOR AND PROCEDURES

WHEREAS, the Federal government enacted the Americans with Disabilities Act of 1990 (ADA) to prevent discrimination of the physically and mentally disabled relating to employment and access to public facilities; and

WHEREAS, in compliance with Title II of the ADA the Marshall County Board of Commissioners shall name an ADA Coordinator; and

WHEREAS, in compliance with Title II of the ADA the Marshall County Board of Commissioners shall adopt a grievance procedure for resolving complaints alleging violation of Title II of the ADA; and

WHEREAS, in compliance with Title II of the ADA the Marshall County Board of Commissioners shall publish a notice to the public regarding the ADA;

WHEREAS, in compliance with Title II of the ADA the Marshall County Board of Commissioners shall post the ADA coordinator's name, office address, and telephone number along with the ADA Notice and ADA grievance procedure on its website.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Marshall County, Indiana:

The Buildings & Grounds Supervisor is designated as the ADA Coordinator for Marshall County.

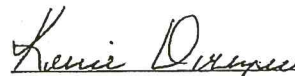
The Notice under the Americans with Disabilities Act, a copy of which is attached hereto, is adopted as Marshall County's Notice under the Americans with Disabilities Act.

The Marshall County Grievance Procedure under the Americans with Disabilities Act, a copy of which is attached hereto, is adopted as the grievance procedure for addressing complaints alleging discrimination on the basis of disability in the provision of services, activities, programs or benefits by Marshall County, Indiana.

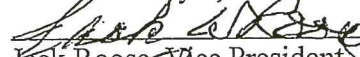
Compliance with Federal and State laws as set forth above, the Marshall County Board of Commissioners resolves to post the required information regarding the ADA coordinator, Notice under the Americans with Disabilities Act, and Marshall County's Grievance Procedure under the Americans with Disabilities Act on its website and at such other locations as may be determined from time to time.

PASSED, APPROVED AND ADOPTED this 30th day of December, 2011.

**MARSHALL COUNTY BOARD OF
COMMISSIONERS**



Kevin Overmyer, President



Jack Roose, Vice President



Greg Compton, Commissioner

Marshall County, Indiana Grievance Procedure under The Americans with Disabilities Act

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 Marshall County. Marshall County's Personnel Policy 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:

**Doug Masterson
ADA Coordinator and Maintenance Supervisor
112 W. Jefferson Street, Plymouth, IN 46563**

Within 15 calendar days after receipt of the complaint, Doug Masterson or his designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, Doug Masterson or his 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 Marshall County and offer options for substantive resolution of the complaint.

If the response by Doug Masterson or his 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 Marshall County Board of Commissioners, or their designee.

Within 15 calendar days after receipt of the appeal, the Marshall County Board of Commissioners or their designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the Marshall County Board of Commissioners or their 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 Doug Masterson or his designee, appeals to the Marshall County Board of Commissioners or their designee, and responses from these two offices will be retained by Marshall County for at least three years.

RESOLUTION 2013-01
A RESOLUTION OF THE BOARD OF COMMISSIONERS
OF MARSHALL COUNTY, INDIANA
ADOPTING THE AMERICANS WITH DISABILITIES ACT (ADA)
TRANSITION PLAN
FOR PEDESTRIAN FACILITIES IN THE PUBLIC RIGHT-OF-WAY

WHEREAS, the Federal government enacted the Americans with Disabilities Act of 1990 (ADA) to prevent discrimination of the physically and mentally disabled relating to employment and access to public facilities; and

WHEREAS, Title II of the ADA requires that municipalities develop and adopt a Transition Plan documents physical barriers to accessibility, proposed structural modifications to remove those barriers, and a schedule to complete the modifications; and

WHEREAS, the Board of Commissioners of Marshall County, Indiana, adopted Resolution 2011-012 pertaining to ADA Standards for Accessible Design and Guidelines for Pedestrian Facilities in the Public Right-of-Way; and

WHEREAS, the United States Department of Justice recently modified the ADA Standards for Accessible Design and the Guidelines for Pedestrian Facilities in the Public Right-of-Way in 2010 and 2011, respectively; and

WHEREAS, the Board of Commissioners of Marshall County, Indiana remains committed to the ADA and the elimination of barriers to public facilities; and

WHEREAS, a Transition Plan for the pedestrian network has been prepared that reflects current municipality infrastructure and ADA design standards, referred to as the "ADA Transition Plan: Pedestrian Network;"

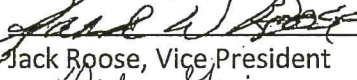
NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Marshall County, Indiana hereby approves the ADA Transition Plan: Pedestrian Network.

PASSED, APPROVED AND ADOPTED this 20th day of May, 2013.

MARSHALL COUNTY BOARD OF COMMISSIONERS



Kevin Overmyer, President

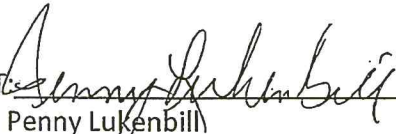


Jack Roose, Vice President



Deb Griewank, Commissioner

ATTEST



Penny Lukenbill
Marshall County Auditor

ATTACHMENT D

1. PUBLIC COMMENT AND RESPONSE FORM

2012

AMERICANS WITH DISABILITIES ACT TRANSITION PLAN:
PEDESTRIAN FACILITIES IN THE PUBLIC RIGHT-OF-WAY

PUBLIC COMMENT AND RESPONSE FORM

Date of Comment: _____

Name of Person: _____

Comment: _____

Response: _____
