

# Town of Middlebury

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



2013

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## INTRODUCTION

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

### TRANSITION PLAN HISTORY AND OVERVIEW

In 1992, the Town of Middlebury completed an ADA accessibility assessment for architectural barriers in their buildings, facilities, and programs. The Town also has an active sidewalk replacement program. This Transition Plan is the next step toward continued progress by the Town to make their pedestrian facilities reasonably accessible for all persons.

## 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. A transition plan shall, at a minimum include:

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 Town 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 database<sup>1</sup>. The result from this evaluation is a detailed understanding of the ADA barriers at that intersection.

<sup>1</sup> 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.



## METHODS TO REMOVING BARRIERS – POLICIES & PRIORITIES

The Town 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

The Town of Middlebury 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 Town 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.

#### Priority Rank

In order to determine the overall priority of an intersection, or Priority Rank, the Town 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 Town 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<sup>2</sup> that shows which intersections are high, medium, and low priorities for barrier removal are in Attachment B.

Intersections with no existing sidewalks were not provided a priority ranking, since they are not currently a part of Middlebury's pedestrian network. Should sidewalks be added to these areas, it would be a priority to ensure that they meet ADA accessibility standards.

### PUBLIC COMPLAINT PROCESS

The public complaint process is an integral part of this 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 Town 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 Town'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 Town 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 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 Town will make efforts to improve the 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.

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<sup>2</sup> 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.



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

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Additionally, given a program as broad and comprehensive as the Town's pedestrian network, the Town 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 Town 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 Town's ADA Transition Plan for the pedestrian facilities in the public right-of-way is:

Name: Mark Salee	Email: <a href="mailto:info@middleburyin.com">info@middleburyin.com</a>
Title: Town Manager	Phone: 574-825-1499
Street Address: 418 N Main Street	Fax: 574-825-1485
City, IN Zip: Middlebury, IN 46540	

### PUBLIC INPUT

The Town of Middlebury provided opportunities for individuals to comment on this Transition Plan, which included:

- Document made available and notice sent to the Middlebury Public Library
- Document made available at the Middlebury Town Hall
- Presentation at a public meeting on June 3, 2013

The Town published a public notice in the Middlebury Independent on May 15, 2013. The public notice announced the availability of the Transition Plan draft at the Town Hall with easy public access. The notice 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 on June 21, 2013. The public comment form is included in Attachment D.

Formal adoption of the Transition Plan took place on July 1, 2013. It will be available 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
1. Is the width of the curb ramp at least 4 feet wide (excluding flares)?
2. Are there detectable warnings properly installed where a curb ramp or blended transition connects to a street?
3. Is the running slope greater than 5% but less than 8.3% (blended transition 5% maximum)?
4. Is the cross slope less than 1%?
5. Is the landing a minimum of 4 feet x 4 feet?
6. Is the surface of the curb ramp or blended transition firm, stable, and slip resistant and clear of gratings, access covers, and other appurtenances?
7. 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?
8. Is the counter slope of the gutter or street at the foot of the curb ramp less than 5%?
9. Is the clear space beyond the curb face at least 4' x 4'?
10. 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?



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

EVALUATION FORM

LPA: \_\_\_\_\_ N/S: \_\_\_\_\_ E/W: \_\_\_\_\_ Ins: \_\_\_\_\_ Date: \_\_\_\_\_ ID: \_\_\_\_\_

<b>g</b>		<b>h</b>		<b>h</b> Width: " _____ Passing: Y - N	<b>Approach</b>	<b>a</b>		<b>b</b>			
Cross	%	Cross	%		# of Lanes	Cross	%	Cross	%		
Grade OK?	Y - N	Grade OK?	Y - N		Control	N - ST - SG	Grade OK?	Y - N	Grade OK?	Y - N	
Surface OK?	Y - N	Surface OK?	Y - N		Median?	Y - N	Surface OK?	Y - N	Surface OK?	Y - N	
Gap	-	Gap	-		Median Width	-	Surface OK?	Y - N	Surface OK?	Y - N	
Grate OK?	Y - N	Grate OK?	Y - N		Median Warn?	Y - N	Gap	-	Gap	-	
Protrusion	Y - N	Protrusion	Y - N		<b>Crosswalk</b>	<b>a</b> Width: " _____ Passing: Y - N	Grate OK?	Y - N	Grate OK?	Y - N	
Protr. Height	-	Protr. Height	-		Marked?		Y - N	Protrusion	Y - N	Protrusion	Y - N
Protr. Length	-	Protr. Length	-		Width		-	Protr. Height	-	Protr. Height	-
Protr. Barrier	Y - N	Protr. Barrier	Y - N		Length		ft	Protr. Length	-	Protr. Length	-
<b>g</b>		<b>h</b>		Cross	%		Protr. Barrier	Y - N	Protr. Barrier	Y - N	
<b>g</b>		<b>h</b>		Run	%		<b>Width: " _____</b>				
<b>g</b>		<b>h</b>		Ped Signal?	Y - N		<b>Passing: Y - N</b>				
<b>g</b>		<b>h</b>		Ped Time	sec		<b>Passing: Y - N</b>				
<b>g</b>		<b>h</b>		<b>G</b>			<b>B</b>		<b>b</b>		

<b>Approach</b>	<b>Crosswalk</b>	<b>East Bound</b>	<b>Approach</b>	<b>Crosswalk</b>	<b>West Bound</b>
# of Lanes	Marked? Y - N		# of Lanes	Marked? Y - N	
Control	N - ST - SG		Control	N - ST - SG	
Median?	Y - N		Median?	Y - N	
Median Width	-		Median Width	-	
Median Warn?	Y - N		Median Warn?	Y - N	
Ped Signal?	Y - N		Ped Signal?	Y - N	
Ped Time	sec	Ped Time	sec		

<b>e</b>		<b>f</b>		<b>e</b> Width: " _____ Passing: Y - N	<b>Approach</b>	<b>c</b>		<b>d</b>			
Cross	%	Cross	%		# of Lanes	Cross	%	Cross	%		
Grade OK?	Y - N	Grade OK?	Y - N		Control	N - ST - SG	Grade OK?	Y - N	Grade OK?	Y - N	
Surface OK?	Y - N	Surface OK?	Y - N		Median?	Y - N	Surface OK?	Y - N	Surface OK?	Y - N	
Gap	-	Gap	-		Median Width	-	Surface OK?	Y - N	Surface OK?	Y - N	
Grate OK?	Y - N	Grate OK?	Y - N		Median Warn?	Y - N	Gap	-	Gap	-	
Protrusion	Y - N	Protrusion	Y - N		<b>Crosswalk</b>	<b>d</b> Width: " _____ Passing: Y - N	Grate OK?	Y - N	Grate OK?	Y - N	
Protr. Height	-	Protr. Height	-		Marked?		Y - N	Protrusion	Y - N	Protrusion	Y - N
Protr. Length	-	Protr. Length	-		Width		-	Protr. Height	-	Protr. Height	-
Protr. Barrier	Y - N	Protr. Barrier	Y - N		Length		ft	Protr. Length	-	Protr. Length	-
<b>e</b>		<b>f</b>		Cross	%		Protr. Barrier	Y - N	Protr. Barrier	Y - N	
<b>e</b>		<b>f</b>		Run	%		<b>Width: " _____</b>				
<b>e</b>		<b>f</b>		Ped Signal?	Y - N		<b>Passing: Y - N</b>				
<b>e</b>		<b>f</b>		Ped Time	sec		<b>Passing: Y - N</b>				
<b>e</b>		<b>f</b>		<b>F</b>			<b>C</b>		<b>d</b>		

Curb Ramps												
	Type	Width	Landing	Clear Space	Run %	Cross %	Gutter %	Edge Type	Flare %	Surface OK?	Warning OK?	Grd Brk OK?
A	PE - PA - BT - N	"	"	"	%	%	%	N - F - R	%	Y - N	Y - N	Y - N
B	PE - PA - BT - N	"	"	"	%	%	%	N - F - R	%	Y - N	Y - N	Y - N
C	PE - PA - BT - N	"	"	"	%	%	%	N - F - R	%	Y - N	Y - N	Y - N
D	PE - PA - BT - N	"	"	"	%	%	%	N - F - R	%	Y - N	Y - N	Y - N
E	PE - PA - BT - N	"	"	"	%	%	%	N - F - R	%	Y - N	Y - N	Y - N
F	PE - PA - BT - N	"	"	"	%	%	%	N - F - R	%	Y - N	Y - N	Y - N
G	PE - PA - BT - N	"	"	"	%	%	%	N - F - R	%	Y - N	Y - N	Y - N
H	PE - PA - BT - N	"	"	"	%	%	%	N - F - R	%	Y - N	Y - N	Y - N

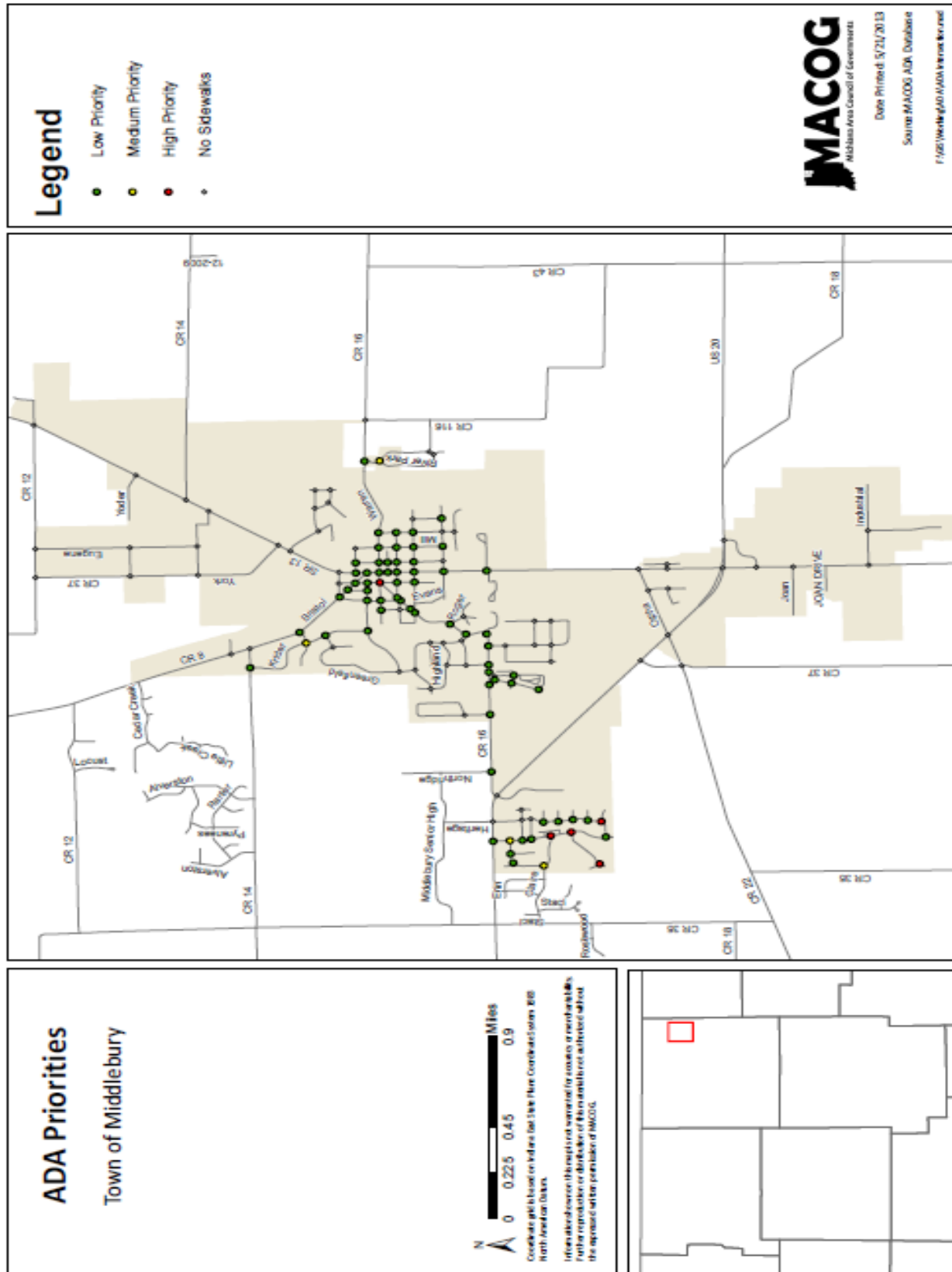


## **ATTACHMENT B**

- 1. ADA PRIORITIES MAP**
- 2. PRIORITY LISTING OF INTERSECTIONS**



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





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

Priority Matrix

Middlebury

Total Intersection Per Priority

Access Grade	Total Intersection Per Priority			Legend
	1	2	3	
	Locations serving Government Facilities	Locations serving Commercial & Employment Centers	Locations serving Other Areas	
E	1	0	4	High: <span style="background-color: #d9534f; color: white;"> </span>
D	0	1	3	Med: <span style="background-color: #f1c40f; color: white;"> </span>
C	0	0	8	Low: <span style="background-color: #8bc34a; color: white;"> </span>
B	2	12	15	
A	8	7	11	

Ranking Intersections by Priority

High 5						
ID	N/S Street	E/W Street	Zone	Condition	Priority	Type of Evaluation
2018090	Hidden Court	Hidden Meadow Lane	Other	44.2	3E	Preliminary
2018084	Heritage Drive	Highfield Court	Other	45.0	3E	Preliminary
2021831	Spring Valley Road	Claire Lane	Other	45.0	3E	Preliminary
2021264	N Brown Street	W Warren Street	Government	46.7	1E	Preliminary
2018089	Spring Valley Road	Hidden Meadow Lane	Other	50.0	3E	Preliminary
Med 4						
ID	N/S Street	E/W Street	Zone	Condition	Priority	Type of Evaluation
2013029	Krider Drive	Highland Park Drive	Other	56.7	3D	Preliminary
2018099	Spring Arbor Drive	Claire Lane	Other	56.7	3D	Preliminary
2021326	River Park Drive	River Park Circle	Other	56.7	3D	Preliminary
2018118	Spring Valley Road	Spring Arbor Drive	Commercial	56.7	2D	Preliminary
Low 63						
ID	N/S Street	E/W Street	Zone	Condition	Priority	Type of Evaluation
2018086	Day Spring Court	Summer Hill Court	Other	65.8	3C	Preliminary
2018085	Day Spring Court	Hawthorne Court	Other	66.7	3C	Preliminary
2018087	Heritage Dr/Day Spring C	Spring Hill Court	Other	67.5	3C	Preliminary
2021823	Spring Valley Road	S Heritage Drive	Other	67.5	3C	Preliminary
2018117	Spring Valley Road	Sharon Court	Other	70.8	3C	Preliminary
2021190	Greencroft Parkway	Crystal Drive	Other	72.5	3C	Preliminary
2021329	River Park Drive	CR 16 Road	Other	72.5	3C	Preliminary
2013028	Bristol Avenue	Highland Park Drive	Other	73.3	3C	Preliminary
2021260	Indiana 13 Road	Lawrence Street	Commercial	76.7	2B	Preliminary
2018105	Arbor Court	Spring Arbor Drive	Other	76.7	3B	Preliminary
2021367	Krider Drive	CR 14 Road	Other	76.7	3B	Preliminary



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2021309	Mill Street	E Berry Street	Other	77.5	3B	Preliminary
2021176	Krider Drive	Highland Pass Road	Other	77.5	3B	Preliminary
2021293	Blue Bird Lane	E Spring Street	Other	78.3	3B	Preliminary
2018101	Fieldstone Lane	Spring Arbor Drive	Other	78.3	3B	Preliminary
2021259	Brown Street	W Berry Street	Commercial	78.3	2B	Preliminary
2018115	Spring Valley Road	Spring Crossing Drive	Other	78.3	3B	Preliminary
2021296	Mill Street	E Warren Street	Commercial	79.2	2B	Preliminary
2021244	Indiana 13 Road	Winslow Street	Government	79.2	1B	Preliminary
2018058	Day Spring Court	Rocky Lane	Other	79.2	3B	Preliminary
2021188	Shoemaker Drive	Wayne Street	Other	81.7	3B	Preliminary
2021138	State Street	E Berry Street	Commercial	81.7	2B	Preliminary
2021282	State Street	E Warren Street	Commercial	82.5	2B	Preliminary
2021168	Brown Street	W Lawrence Street	Commercial	82.5	2B	Preliminary
2021845	Circle Drive	Wayne Street	Other	83.3	3B	Preliminary
2021262	Wayne Street	W Berry Street	Commercial	83.3	2B	Preliminary
2021221	Wayne Street	S Skyview Drive	Other	83.3	3B	Preliminary
2021192	Greencroft Parkway	Crystal Ridge	Other	84.2	3B	Preliminary
2021277	State Street	E Lawrence Street	Commercial	84.2	2B	Preliminary
2021317	Mill Street	E Lawrence Street	Other	84.2	3B	Preliminary
2021140	Scott Drive	E Lawrence Street	Other	85.0	3B	Preliminary
2021265	Wayne Street	W Berry Street	Commercial	85.8	2B	Preliminary
2021257	S Main Street	Berry Street	Commercial	86.7	2B	Preliminary
2021243	Grand Street	Wayne Street	Commercial	86.7	2B	Preliminary
2021312	Scott Street	E Berry Street	Other	86.7	3B	Preliminary
2021241	Railroad Street	W Crystal Valley Drive	Commercial	86.7	2B	Preliminary
2021284	Indiana 13 Road	Warren Street	Government	87.5	1B	Preliminary
2021254	Bristol Avenue	Railroad/Pleasant Street	Government	88.3	1A	Preliminary
2021238	Johnson Lane	W Crystal Valley Drive	Other	88.3	3A	Preliminary
2021145	Scott Street	E Warren Street	Other	88.3	3A	Preliminary
2021202	Circle Drive	Wayne Street	Commercial	89.2	2A	Preliminary
2021281	State Street	Winslow Street	Government	89.2	1A	Preliminary
2021185	S Main Street	Spring Street	Other	89.2	3A	Preliminary
2021288	Johnson Lane	Bristol Avenue	Other	89.2	3A	Preliminary
2021275	N Brown Street	W Crystal Valley Drive	Government	89.2	1A	Preliminary
2021236	N Brown Street	Bristol Avenue	Government	90.0	1A	Preliminary
2021272	Railroad Street	W Warren Street	Commercial	90.0	2A	Preliminary
2021253	Krider Drive	W Crystal Valley Drive	Other	90.0	3A	Preliminary



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2021200	Crystal Ridge	Crystal Drive	Other	91.7	3A	Preliminary
2013023	Northridge Drive	CR 16 Road	Government	92.5	1A	Preliminary
2021258	Main Street	Bristol Avenue	Government	93.3	1A	Preliminary
2021247	Wayne Street	W Lawrence Street	Commercial	93.3	2A	Preliminary
2021186	Twin Oaks Drive	Wayne Street	Commercial	94.2	2A	Preliminary
2021199	Greencroft Parkway	Circle Drive	Other	95.0	3A	Preliminary
2021286	State Street	E Mall Street	Commercial	95.0	2A	Preliminary
2021846	Redbud Lane	Wayne Street	Other	95.0	3A	Preliminary
2021184	Wayne Street	Sunrise Lane	Other	95.0	3A	Preliminary
2018120	Spring Valley Road	U.S. 20 Highway	Government	95.0	1A	Preliminary
2021142	Indiana 13 Road	Sunrise Lane	Government	95.0	1A	Preliminary
2021242	Grand Street	W Warren Street	Commercial	95.8	2A	Preliminary
2021137	Scott Street	E Spring Street	Other	95.8	3A	Preliminary
2021261	Main Street	E Mall Street	Commercial	96.7	2A	Preliminary
2021183	Wayne Street	Rogers Drive	Other	98.3	3A	Preliminary





## ATTACHMENT C

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



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

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**RESOLUTION 2013-01**

**A RESOLUTION OF THE TOWN COUNCIL  
OF THE TOWN OF MIDDLEBURY, 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 Town of Middlebury shall name an ADA Coordinator; and

**WHEREAS**, in compliance with Title II of the ADA the Town of Middlebury 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 Town of Middlebury shall publish notice to the public regarding the ADA;

**WHEREAS**, in compliance with Title II of the ADA the Town of Middlebury 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 Town Council of the Town of Middlebury, Indiana:

1. The Town Manager is designated as the ADA Coordinator for the Town of Middlebury.
2. The Notice under the Americans with Disabilities Act, a copy of which is attached hereto as Exhibit A, is adopted as the Town of Middlebury's Notice under the Americans with Disabilities Act.
3. The Town of Middlebury Grievance Procedure under the Americans with Disabilities Act, a copy of which is attached hereto as Exhibit B, 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 the Town of Middlebury.
4. In compliance with Federal and State laws as set forth above, the Town Council resolves to post the required information regarding the ADA coordinator, Notice under the Americans with Disabilities Act, and Town of Middlebury Grievance Procedure under the Americans with Disabilities Act on its website and at such other locations as may be determined from time to time.

ADOPTED this 4<sup>th</sup> day of February, 2013.

TOWN COUNCIL OF THE TOWN OF MIDDLEBURY, INDIANA

By Gary L. Dell  
Gary L. Dell, President

Attest: Peggy Hutchinson  
Peggy Hutchinson, Clerk-Treasurer  
Town of Middlebury



## **Exhibit A**

### **NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT**

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), the Town of Middlebury will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

***Employment:*** The Town of Middlebury 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 ADA.

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

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of Town of Middlebury, should contact the Town Manager as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the Town of Middlebury 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 program, service, or activity of the Town of Middlebury is not accessible to persons with disabilities should be directed to the Town Manager.

The Town of Middlebury 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.



## **Exhibit B**

### **Town of Middlebury 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 the Town of Middlebury. The Town's Employee 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, 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 30 calendar days after the alleged violation to:

**Middlebury Town Manager  
418 N Main Street  
Middlebury, IN 46540**

Within 15 calendar days after receipt of the complaint, the Town Manager or the appropriate 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 the appropriate 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 Middlebury and offer options for substantive resolution of the complaint.

If the response by the Town 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 Middlebury Town Council.

Within 15 calendar days after receipt of the appeal, the Town Council or the Council's designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the Town Council 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, appeals to the Town Council, and responses will be retained by the Town of Middlebury for at least three years.



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

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**RESOLUTION 2013-05**

**A RESOLUTION OF THE TOWN COUNCIL  
OF THE TOWN OF MIDDLEBURY, INDIANA  
REGARDING THE AMERICANS WITH DISABILITIES ACT (ADA)  
AND ACCESSIBILITY STANDARDS**

**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;

**WHEREAS**, Title II of the ADA requires that local government entities comply with the ADA and its implementing regulations, including standards for accessible design to remove accessibility barriers;

**WHEREAS**, the United States Department of Justice modified the ADA regulations and the ADA Standards for Accessible Design in 2010; and

**WHEREAS**, the Town of Middlebury remains committed to the ADA and the elimination of barriers to public facilities;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Council of the Town of Middlebury hereby confirms its intent to comply with the ADA and its implementing regulations, including the requirements of the 2010 ADA Standards for Accessible Design, all as hereafter amended from time to time.

ADOPTED this 20<sup>th</sup> day of May, 2013.

TOWN COUNCIL OF THE TOWN OF MIDDLEBURY, INDIANA

By *Gary L. O'Dell*  
Gary L. O'Dell, President

Attest:

*Peggy Hutchinson*  
Peggy Hutchinson, Clerk-Treasurer  
Town of Middlebury



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

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RESOLUTION NO. 2013-07

RESOLUTION ADOPTING ADA TRANSITION PLAN

WHEREAS Indiana Code § 36-1-3 permits any unit in the State of Indiana to exercise any power or to perform any function necessary to the public interest in the context of its governmental or internal affairs, which is not prohibited by the Constitution of the United States or of the State of Indiana, or denied or pre-empted by any other law, or is not expressly granted by any other law to another governmental entity;

WHEREAS the Town Council of the Town of Middlebury, Indiana is the Town legislative body and is by law authorized to adopt ordinances and resolutions for the performance of functions for the Town of Middlebury, Indiana;

WHEREAS the Town of Middlebury has previously adopted a Resolution designating an ADA Coordinator and providing a notice and grievance procedure under the ADA;

WHEREAS the Town of Middlebury has previously adopted a Resolution regarding compliance with the ADA and accessibility standards;

WHEREAS the Town of Middlebury has developed an ADA Transition Plan and has provided an opportunity for individuals to comment on the Transition Plan pursuant to legal notice and a public hearing;

NOW, THEREFORE, BE IT ORDERED, ESTABLISHED, AND RESOLVED by the Town Council of the Town of Middlebury, Indiana as follows:

1. That the 2013 Town of Middlebury Americans with Disabilities Act Transition Plan: Pedestrian Facilities in the Public Right-of-Way is hereby approved and adopted.



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

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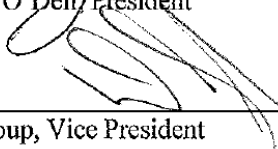
2. That the Town of Middlebury Transition Plan shall be on file for public inspection in the Office of the Middlebury Clerk-Treasurer and with copies available at any time by written request to the Town of Middlebury ADA Coordinator.

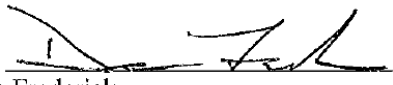
3. That this Resolution shall be effective upon its date of adoption.

RESOLVED this 1<sup>st</sup> day of July, 2013.

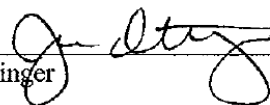
TOWN COUNCIL FOR THE TOWN OF  
MIDDLEBURY, INDIANA

By:   
Gary L. O'Dell, President


By:   
Dan Shoup, Vice President

By:   
Dan Frederick

By:   
Jack Kortle

By:   
Jon Ottinger

ATTEST:

  
Peggy A. Hutchison  
Middlebury Clerk-Treasurer



## ATTACHMENT D

### 1. PUBLIC COMMENT AND RESPONSE FORM





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

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**PUBLIC COMMENT AND RESPONSE FORM**

**Date:** \_\_\_\_\_

**Name:** \_\_\_\_\_

**Comments:** \_\_\_\_\_  
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**Optional Contact Information:** \_\_\_\_\_