

Town of Osceola

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. The 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.

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

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 Osceola 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 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,² 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 Osceola'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 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 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.

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.

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 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 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:

Denese Thornburg
Clerk-Treasurer
850 Lincolnway West
Osceola, IN 46561

osceolath@comcast.net
Phone: 574-674-8114
Fax: 574-674-4377

PUBLIC INPUT

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

- Document copies available at Osceola Town Hall
- Open house and presentation at a public meeting on August 7, 2013

The Town published legal notice in the major newspapers, The South Bend Tribune on August 2, 2013. The legal notice announced the availability of the Transition Plan draft at Osceola Town Hall, 850 Lincolnway West, Osceola, IN with easy public access. This 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 September 5, 2013. Public comment form is available on Attachment D.

Formal adoption of the Transition Plan will take place on October 2, 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
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: _____

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ATTACHMENT B

1. ADA PRIORITIES MAP

2. PRIORITY LISTING OF INTERSECTIONS

ADA Priorities

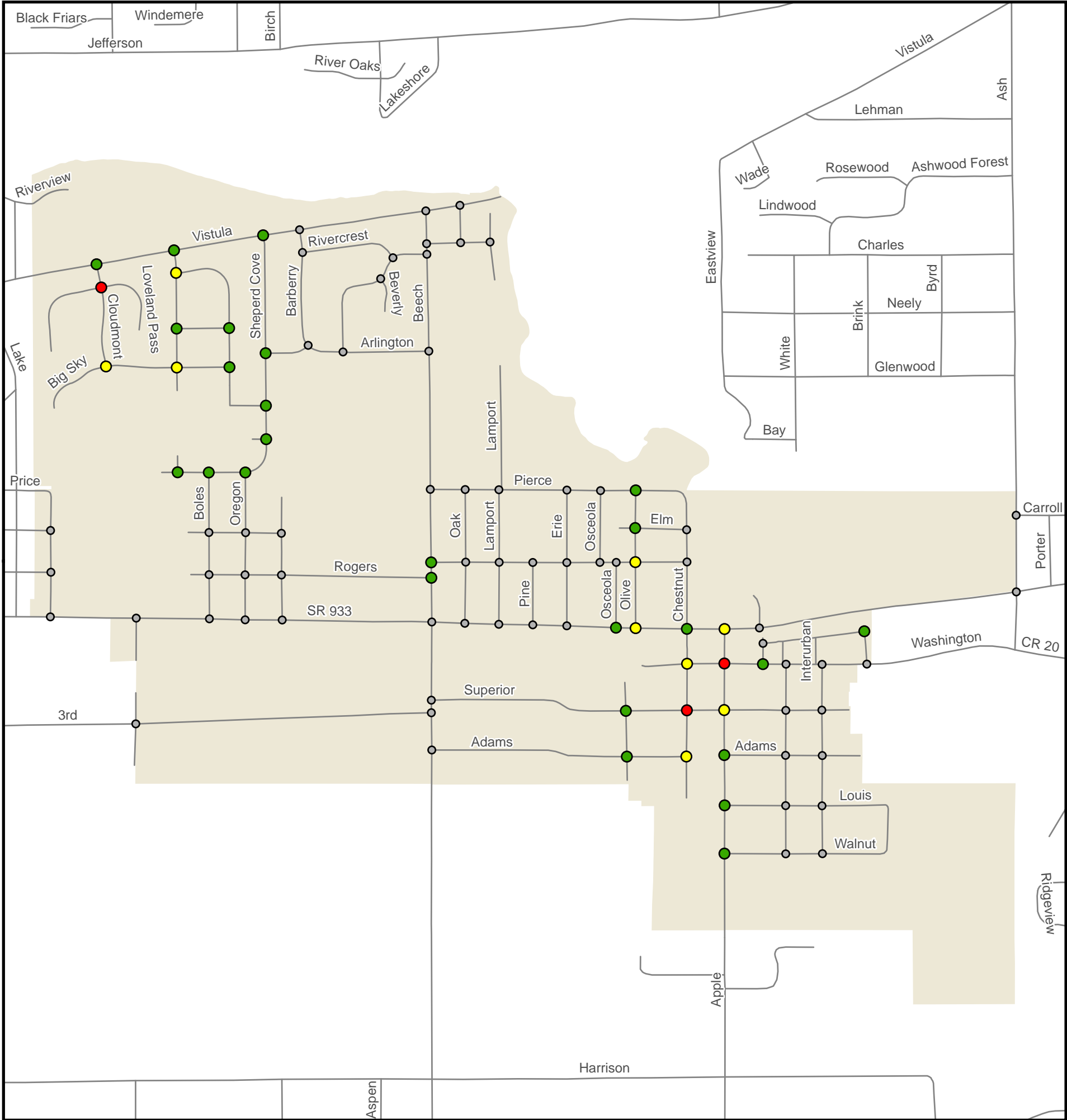
Town of Osceola



0 0.075 0.15 0.3 Miles

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.



Legend

- Low Priority
- Medium Priority
- High Priority
- No Sidewalks



Date Printed: 11/15/2012
Source: MACOG ADA Database

Priority Matrix

Osceola

Total Intersection Per Priority				Legend
	1	2	3	
Access Grade	Locations serving Government Facilities	Locations serving Commercial & Employment Centers	Locations serving Other Areas	
E	0	0	3	
D	0	0	6	
C	0	3	5	
B	1	1	13	High: <div></div> Med: <div></div> Low: <div></div>
A	1	1	3	

Ranking Intersections by Priority

High 3						
ID	N/S Street	E/W Street	Zone	Condition	Priority	Type of Evaluation
7121871	Cloudmont Drive	Loveland Pass Court	Other	33.3	3E	Preliminary
7121998	S Chestnut Street	W Superior Street	Other	45.0	3E	Preliminary
7122038	Apple Road	Washington Street	Other	50.0	3E	Preliminary
Med 9						
ID	N/S Street	E/W Street	Zone	Condition	Priority	Type of Evaluation
7122025	Apple Road	Superior Street	Other	50.8	3D	Preliminary
7121999	S Chestnut Street	W Washington Street	Other	55.8	3D	Preliminary
7121846	Cloudmont Drive	Green Grass Drive	Other	56.7	3D	Preliminary
7121994	S Chestnut Street	W Adams Street	Other	58.3	3D	Preliminary
7121917	Shepherds Way	Eagle Pass Drive	Other	59.2	3D	Preliminary
7121920	Shepherds Way	Green Grass Drive	Other	61.7	3D	Preliminary
7122100	Olive Street	W Rogers Street	Commercial	63.3	2C	Preliminary
7121989	Olive Street	SR 933 Road	Commercial	72.5	2C	Preliminary
7122035	Apple Road	SR 933 Road	Commercial	72.5	2C	Preliminary
Low 25						
ID	N/S Street	E/W Street	Zone	Condition	Priority	Type of Evaluation
7121913	Shepherds Cove Drive	Wilderness Trail	Other	65.8	3C	Preliminary
7121902	Shepherds Cove Drive	Angelfield Trail	Other	66.7	3C	Preliminary
7121916	Shepherds Cove Drive	Arlington Drive	Other	66.7	3C	Preliminary
7122105	Olive Street	Elm Street	Other	70.0	3C	Preliminary
7121908	Shepherds Way	Kingsman Way	Other	73.3	3C	Preliminary
7121905	N Oregon Street	Kingsman Way	Other	75.8	3B	Preliminary
7121907	N Boles Avenue	Kingsman Way	Other	75.8	3B	Preliminary
7122077	Olive Street	Pierce Street	Other	76.7	3B	Preliminary

Osceola

7122030	Long Street	E Washington Street	Other	77.5	3B	Preliminary
7122003	St Joseph Street	W Adams Street	Other	78.3	3B	Preliminary
7121844	Shephards Cove Drive	Vistula Road	Other	78.3	3B	Preliminary
7121847	Shepherds Way	Vistula Road	Other	78.3	3B	Preliminary
7121854	Cloudmont Drive	Vistula Road	Other	78.3	3B	Preliminary
7121925	Eagle Pass Drive	Green Grass Drive	Other	81.7	3B	Preliminary
7121924	Eagle Pass Drive	Eagle Pass Drive	Other	81.7	3B	Preliminary
7121985	Chestnut Street	SR 933 Road	Commercial	82.5	2B	Preliminary
7121636	N Beech Road	W Rogers Street	Government	83.3	1B	Preliminary
7121919	Shepherds Way	Eagle Pass Drive	Other	83.3	3B	Preliminary
7122022	Apple Road	E Adams Street	Other	83.3	3B	Preliminary
7122023	Apple Road	Louis Street	Other	83.3	3B	Preliminary
7122061	E Goshen Road	Baugo Avenue	Other	88.3	3A	Preliminary
7121990	Osceola Street	SR 933 Road	Commercial	88.3	2A	Preliminary
7122085	N Beech Road	W Rogers Street	Government	89.2	1A	Preliminary
7121995	Apple Road	E Walnut Street	Other	89.2	3A	Preliminary
7122005	St Joseph Street	W Superior Street	Other	89.2	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 3-2013

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF OSCEOLA, 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 Town of Osceola remains committed to the ADA and the elimination of barriers to public facilities; and

NOW, THEREFORE, BE IT RESOLVED THAT THE Town Council of the Town of Osceola 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 16th day of January, 2013.



Council President



Councilor



Councilor

ATTEST:



Clerk-Treasurer

RESOLUTION 4-2013

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF OSCEOLA, 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 Osceola shall name an ADA Coordinator; and

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

WHEREAS, in compliance with Title II of the ADA the Town of Osceola shall post the ADA coordinator's name, official 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 Osceola, Indiana:

The Clerk-Treasurer is designated as the ADA Coordinator for the Town of Osceola.

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

The Town of Osceola's 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 the Town of Osceola.

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 Osceola'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.

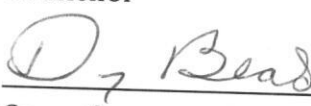
PASSED, APPROVED AND ADOPTED this 16th day of January, 2013.



Council President



Councilor



Councilor

ATTEST:



Clerk-Treasurer

RESOLUTION 10-2013

**A RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF OSCEOLA, 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 Town of Osceola adopted Resolution 3-2013 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 Town of Osceola 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 Town Council of the Town of Osceola hereby approves the ADA Transition Plan: Pedestrian Network.


PASSED, APPROVED AND ADOPTED this 2nd day of October, 2013.

ATTEST:


Clerk-Treasurer


Councilor


Councilor


Councilor

ATTACHMENT D

1. PUBLIC COMMENT AND RESPONSE FORM

PUBLIC COMMENT AND RESPONSE FORM**Date of Comment:** _____**Name of Person:** _____**Comment:** _____

Response: _____
