Town of Winona Lake

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

2012

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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 to 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

The Town of Winona Lake completed an ADA Transition Plan for architectural barriers in their buildings, facilities, and programs. Also since 2010, the Town has had an active Sidewalk Replacement Program and is working to replace or add curb ramps at intersections throughout the town. This plan is to demonstrate the continued progress by the Town of Winona Lake 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. 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-complaint 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[1]. 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 Winona Lake 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

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 Winona Lake'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 is it 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:

Craig J. Allebach, Town Coordinator
Town of Winona Lake
1310 Park Ave.
Winona Lake, IN 46590

Email: townmgr@kconline.com
Phone: 574-269-5112
Fax: 574-267-4793

PUBLIC INPUT

The Town of Winona Lake 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 Winona Lake's website
- Open house and presentation at a public meeting on December 27, 2012

The Town published legal notices in the major newspaper, Times-Union on December 17, 2012. The legal notices announced the availability of the Transition Plan draft at the Town Hall 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 January 18, 2013. Public comment form is available on Attachment D.

Formal adoption of the Transition Plan took place on December 11, 2012. 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.

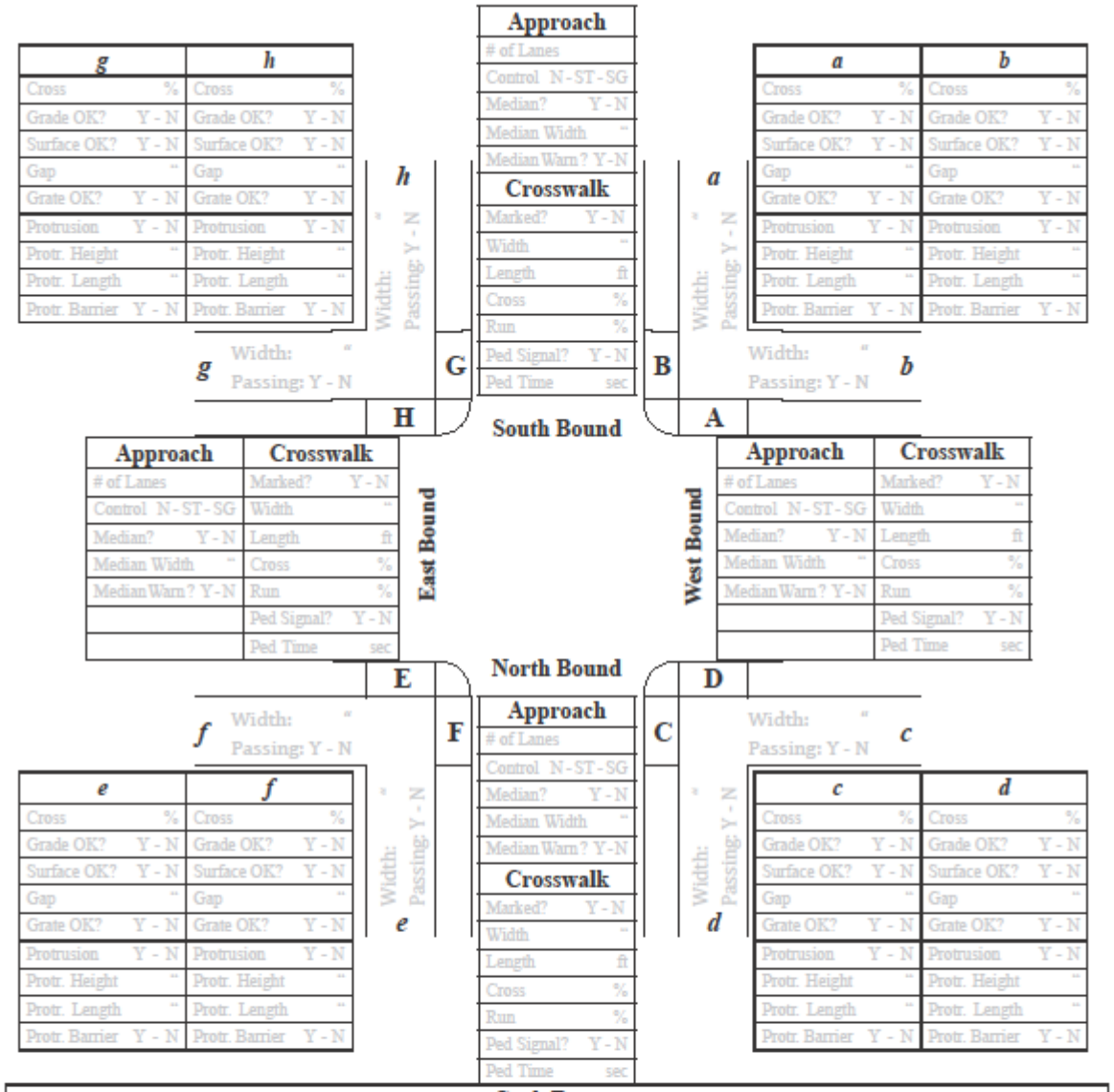
Crosswalks

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?

EVALUATION FORM

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



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

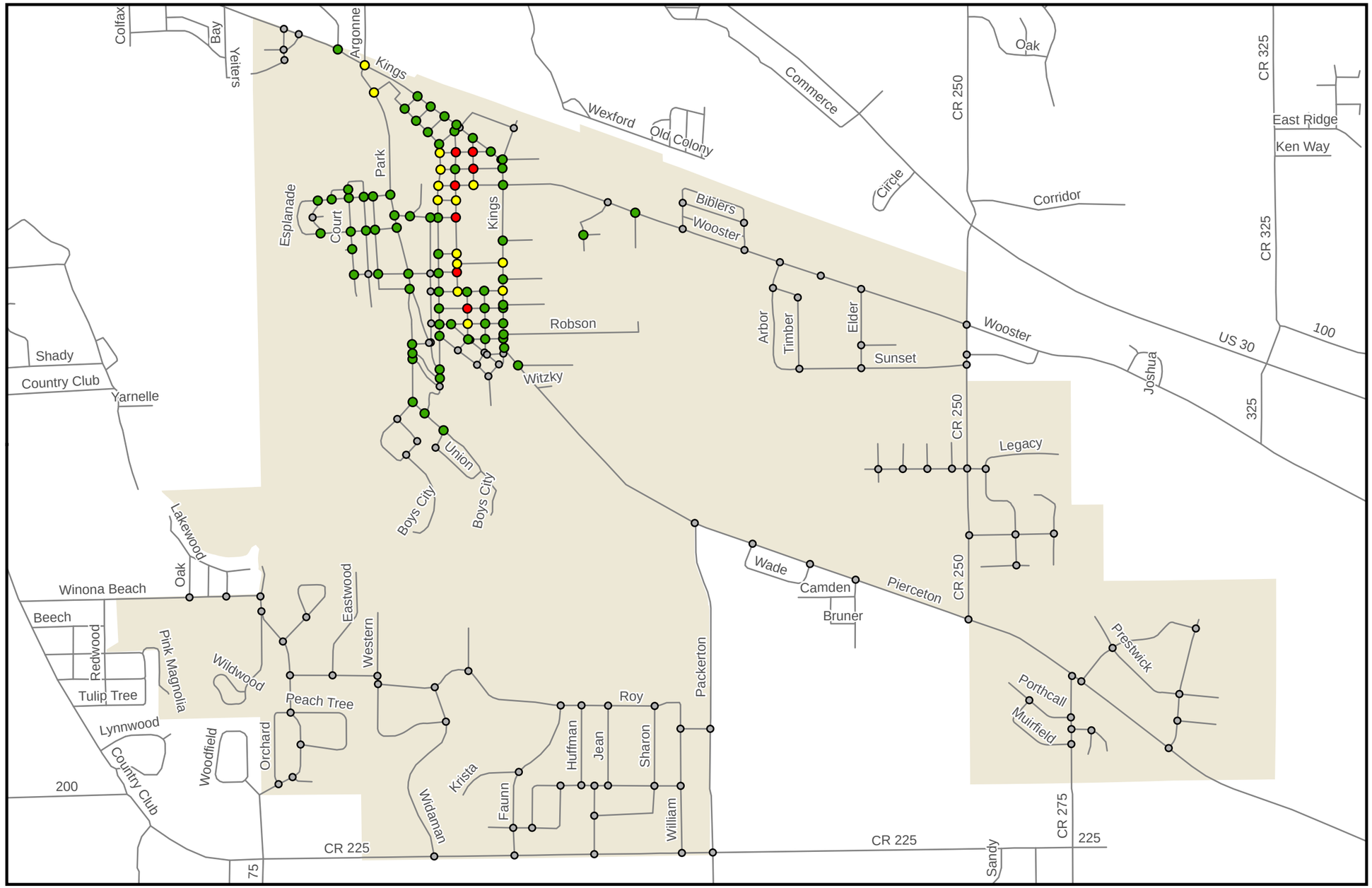
ATTACHMENT B

1. ADA PRIORITIES MAP

2. PRIORITY LISTING OF INTERSECTIONS

ADA Priorities

Town of Winon Lake



N

0 0.125 0.25 0.5 Miles

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

Legend

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

MACOG
Michiana Area Council of Governments

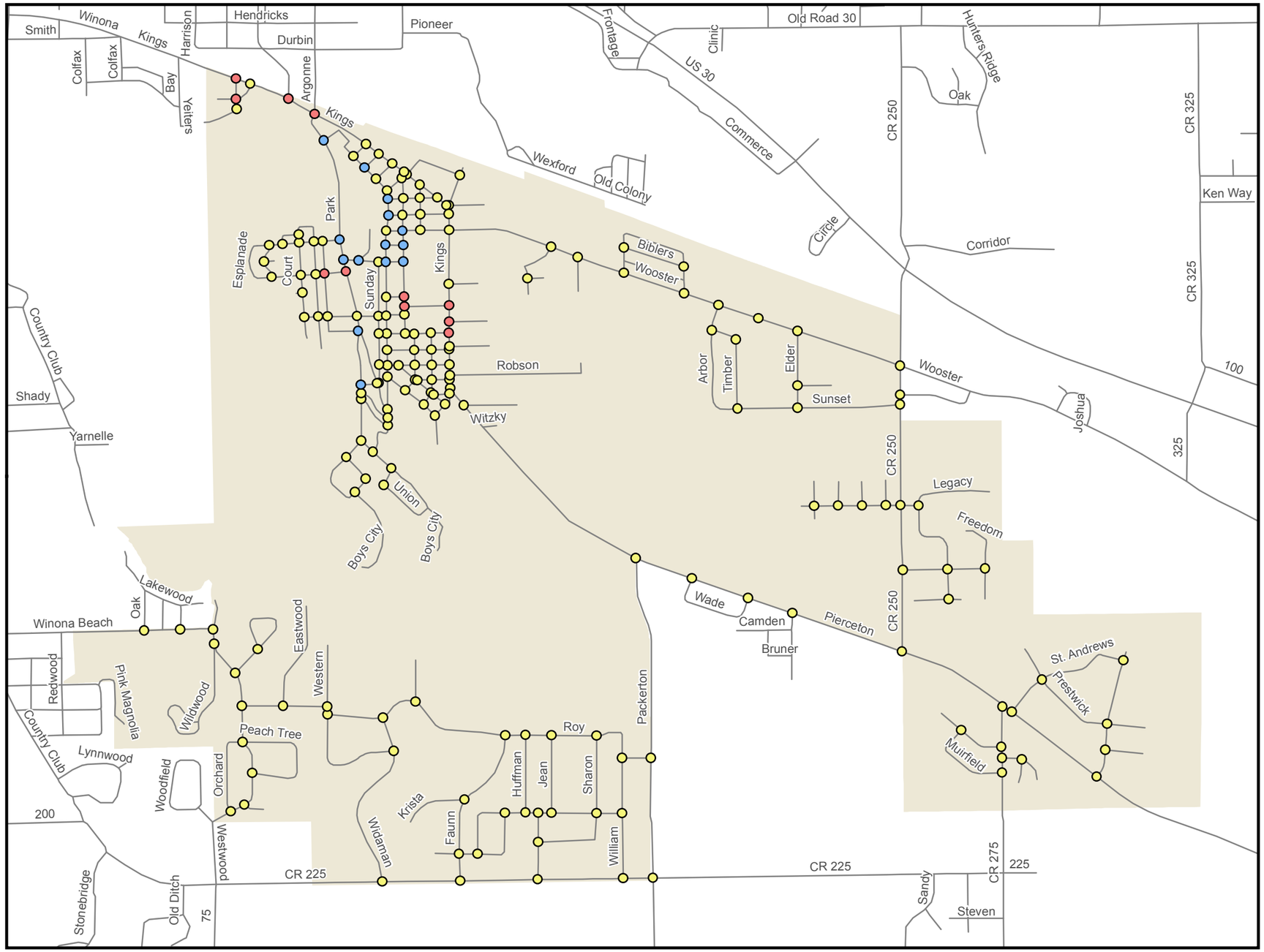
Date Printed: 11/20/2012

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

Source: MACOG ADA Database

ADA Zones

Town of Winona Lake



N

0 0.125 0.25 0.5 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

- Government
- Commercial/Employment
- Other

MACOG
Michiana Area Council of Governments

Date Printed: 11/9/2012

Source: Map Source, date of validity, and other relevant information.

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

Priority Matrix

Winona Lake

Total Intersection Per Priority

Access Grade	1 Locations serving Government Facilities	2 Locations serving Commercial & Emplyoment Centers	3 Locations serving Other Areas
E	0	0	5
D	2	3	4
C	5	2	10
B	3	2	29
A	4	2	19

Legend
High:
Med:
Low:

Ranking Intersections by Priority

High 7

ID	N/S Street	E/W Street	Zone	Condition	Priority	Type of Evaluation
4313540	Walnut Street	5th Street	Other	33.3	3E	Preliminary
4313541	Walnut Street	6th Street	Other	39.2	3E	Preliminary
4313526	Walnut Street	14th Street	Other	39.2	3E	Preliminary
4312886	College Avenue	E 12th Street	Other	45.0	3E	Preliminary
4312892	College Avenue	5th Street	Other	45.0	3E	Preliminary
4312894	College Avenue	7th Street	Government	52.5	1D	Preliminary
4313550	College Avenue	9th Street	Government	62.5	1D	Preliminary

Med 14

ID	N/S Street	E/W Street	Zone	Condition	Priority	Type of Evaluation
4313266	Chestnut Avenue	7th Street	Other	55.8	3D	Preliminary
4313517	Walnut Street	15th Street	Other	55.8	3D	Preliminary
4313518	College Avenue	13th Street	Other	56.7	3D	Preliminary
4313520	College Avenue	Publishers Drive	Commercial	57.5	2D	Preliminary
4312885	College Avenue	11th Street	Commercial	60.0	2D	Preliminary
4313552	Walnut Avenue	7th Street	Other	61.7	3D	Preliminary
4316773	Kings Highway	Publishers Drive	Commercial	61.7	2D	Preliminary
4313538	Kings Highway	13th Street	Commercial	66.7	2C	Preliminary
4313152	Park Avenue	Chestnut Avenue	Government	68.3	1C	Preliminary
4312895	Chestnut Avenue	8th Street	Government	69.2	1C	Preliminary
4313314	Argonne/Park Road/Ave	Winona/Kings Avenue/H	Commercial	70.8	2C	Preliminary
4313549	College Avenue	8th Street	Government	70.8	1C	Preliminary
4313257	Chestnut Avenue	6th Street	Government	71.7	1C	Preliminary
4313267	Chestnut Avenue	5th Street	Government	72.5	1C	Preliminary

Winona Lake

Low 69						
ID	**N/S Street**	**E/W Street**	**Zone**	**Condition**	**Priority**	**Type of Evaluation**
4312893	College Avenue	6th Street	Other	66.7	3C	Preliminary
4313521	Pope Avenue	15th Street	Other	66.7	3C	Preliminary
4313523	Walnut Street	13th Street	Other	67.5	3C	Preliminary
4317122	Chestnut Avenue	12th Street	Other	67.5	3C	Preliminary
4313556	College Avenue	4th Street	Other	67.5	3C	Preliminary
4313214	Chestnut Avenue	11th Street	Other	68.3	3C	Preliminary
4312891	Chestnut Avenue	4th Street	Other	70.0	3C	Preliminary
4313210	Court Street	Auditorium Boulevard	Other	72.5	3C	Preliminary
4313545	Kings Highway	6th Street	Other	73.3	3C	Preliminary
4312888	Chestnut Avenue	14th Street	Other	73.3	3C	Preliminary
4313227	Tennis Street	Administration Boulevar	Other	76.7	3B	Preliminary
4313562	Beta Drive	Alpha Circle	Other	76.7	3B	Preliminary
4313206	Park Avenue	Auditorium Boulevard	Commercial	76.7	2B	Preliminary
4313561	Kings Highway	Maple Street	Commercial	77.5	2B	Preliminary
4313222	Tennis Street	Auditorium Boulevard	Other	77.5	3B	Preliminary
4313532	Kings Highway	15th Street	Other	77.5	3B	Preliminary
4313230	Esplanade Street	Administration Boulevar	Other	77.5	3B	Preliminary
4313516	Kings Highway	14th Street	Other	77.5	3B	Preliminary
4313313	Park Avenue	Administration Boulevar	Government	77.5	1B	Preliminary
4313519	Poplar Street	15th Street	Other	78.3	3B	Preliminary
4313209	Court Street	Administration Boulevar	Other	78.3	3B	Preliminary
4312578	Kings/Kings Highway/Co	E Pierceton Road	Other	78.3	3B	Preliminary
4313232	Park Avenue	12th Street	Other	78.3	3B	Preliminary
4313217	Sunday Lane	9th Street	Other	80.8	3B	Preliminary
4313256	Park Avenue	9th Street	Government	81.7	1B	Preliminary
4316792	2nd Street	Kings Highway	Other	82.5	3B	Preliminary
4313221	Court Street	Court Circle	Other	82.5	3B	Preliminary
4312887	Poplar Street	13th Street	Other	83.3	3B	Preliminary
4317126	Esplanade Street	Esplanade Street	Other	83.3	3B	Preliminary
4312575	Chestnut Avenue	Mineral Springs Avenue	Other	83.3	3B	Preliminary
4313533	Kings Highway	Kelly Street	Other	83.3	3B	Preliminary
4312721	Chestnut Avenue	Boys City Drive	Other	83.3	3B	Preliminary
4313512	Kings Highway	Seminary Drive	Other	84.2	3B	Preliminary
4313522	Poplar Street	14th Street	Other	84.2	3B	Preliminary
4313234	E Canal Street	W 12th Street	Other	84.2	3B	Preliminary

Winona Lake

4313237	Chestnut Avenue	13th Street	Other	84.2	3B	Preliminary
4313259	W Canal Street	Administration Boulevar	Other	84.2	3B	Preliminary
4313213	W Canal Street	Auditorium Boulevard	Other	84.2	3B	Preliminary
4313258	E Canal Street	Administration Boulevar	Other	84.2	3B	Preliminary
4313150	1st Street	Chestnut Street	Other	84.2	3B	Preliminary
4312889	Chestnut Avenue	15th Street	Other	85.0	3B	Preliminary
4316791	3rd Street	Kings Highway	Other	85.8	3B	Preliminary
4313542	Kings Highway	7th Street	Other	87.5	3B	Preliminary
4312896	Chestnut Avenue	9th Street	Government	87.5	1B	Preliminary
4316777	Presidential Drive	E Wooster Road	Other	88.3	3A	Preliminary
4312890	3rd Street	Chestnut Avenue	Other	88.3	3A	Preliminary
4313544	Kings Highway	5th Street	Other	88.3	3A	Preliminary
4316786	Walnut Avenue	Kings Highway	Other	88.3	3A	Preliminary
4316789	4th Street	Kings Highway	Other	89.2	3A	Preliminary
4313224	Court Street	W 12th Street	Other	89.2	3A	Preliminary
4313211	E Canal Street	Auditorium Boulevard	Commercial	89.2	2A	Preliminary
4313535	Poplar Street	Kelly Street	Other	89.2	3A	Preliminary
4312577	Walnut Street	Pope Avenue	Other	89.2	3A	Preliminary
4313151	2nd Street	Chestnut Avenue	Government	90.0	1A	Preliminary
4312719	Park Avenue	Boys City Drive	Other	90.0	3A	Preliminary
4313269	Mckinley Street	E Winona Avenue	Commercial	90.0	2A	Preliminary
4312793	E Pierceton Road	Freedom Lane	Other	90.8	3A	Preliminary
4312897	1st Street	Kings Highway	Other	91.7	3A	Preliminary
4312731	Park Avenue	Columbia Drive	Other	92.5	3A	Preliminary
4313536	Kings Highway	Robson Road	Other	94.2	3A	Preliminary
4313233	Park Avenue	Fort Wayne/Grace Stree	Government	94.2	1A	Preliminary
4316770	Kings Highway	Mission Drive	Other	95.0	3A	Preliminary
4313514	School Street	Wood Street	Other	95.0	3A	Preliminary
4312726	Park Avenue	N Union Drive	Other	95.0	3A	Preliminary
4312579	Park Avenue	Oak Street	Government	95.0	1A	Preliminary
4312600	Chestnut Avenue	Sunday Lane	Other	95.0	3A	Preliminary
4312730	Chestnut Avenue	Columbia Drive	Other	95.0	3A	Preliminary
4312724	South Union/Montague	Boys City Drive	Other	95.0	3A	Preliminary
4313261	Terrace Drive	9th Street	Government	95.8	1A	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 2012-12-1

ADOPTING THE AMERICANS WITH DISABILITIES ACT (ADA) ACCESSIBILITY GUIDELINES FOR STANDARDS FOR ACCESSIBILE 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 Winona Lake 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 Winona Lake hereby adopts the 2010 Americans with Disabilities (ADA) Standards for Accessible Design and 2011 Guidelines for Pedestrian Facilities in the Public Right-of-Way.

Upon motion duly made and seconded, the Town Council of the Town of Winona Lake, Indiana adopted the Ordinance, on this 11th day of December, by a vote of 5 ayes and 0 nays and 0 abstentions.

AYE

Randy Swanson, President

John Boal, Vice-President

Philip Hood, Council Member

NAY

Randy Swanson, President

John Boal, Vice-President

Philip Hood, Council Member

Bruce Shaffner, Council Member

Greg Winn, Council Member

Bruce Shaffner, Council Member

Greg Winn, Council Member

WINONA LAKE TOWN COUNCIL

ATTEST:

Kent Adams, Clerk-Treasurer
Town of Winona Lake

RESOLUTION 2012-12-2

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN FO WINONA LAKE, 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 Winona Lake shall name an ADA Coordinator; and

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

WHEREAS, in compliance with Title II of the ADA the Town of Winona Lake 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 Winona Lake, Indiana:

The Town Coordinator is designated as the ADA Coordinator for the Town of Winona Lake.

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

The Town of Winona Lake 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 Winona Lake.

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 Winona Lake Grievance Procedure under the Americans with Disabilities Act on its website and at such other locations as may be determined from time to time.

Upon motion duly made and seconded, the Town Council of the Town of Winona Lake, Indiana adopted the Ordinance, on this 11th day of December, by a vote of 5 ayes and 0 nays and 0 abstentions.

AYE	NAY
Randy Swanson, President	Randy Swanson, President
John Boal, Vice-President	John Boal, Vice-President
Philip Hood, Council Member	Philip Hood, Council Member
Bruce Shaffner, Council Member	Bruce Shaffner, Council Member
Greg Winn, Council Member	Greg Winn, Council Member

WINONA LAKE TOWN COUNCIL

ATTEST:

Kent Adams, Clerk-Treasurer
Town of Winona Lake

Town of Winona Lake
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 Winona Lake. The Town of Winona Lake'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:

Craig J. Allebach
ADA Coordinator
P.O. Box 338, 1310 Park Ave., Winona Lake, IN 46590]

Within 15 calendar days after receipt of the complaint, Craig J. Allebach or his designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, Craig J. Allebach 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 the Town of Winona Lake and offer options for substantive resolution of the complaint.

If the response by Craig J. Allebach 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 Town Council President or his/her designee.

Within 15 calendar days after receipt of the appeal, the Town Council President or his/her designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the Town Council President or his/her 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 Craig J. Allebach or his designee, appeals to the Town Council President or his/her designee, and responses from these two offices will be retained by the Town of Winona Lake for at least three years.

RESOLUTION 2012-12-3

A RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF WINONA LAKE, 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 Winona Lake adopted Resolution 2012-12-2 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 Winona Lake 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 Winona Lake hereby approves the ADA Transition Plan: Pedestrian Network.

Upon motion duly made and seconded, the Town Council of the Town of Winona Lake, Indiana adopted the Ordinance, on this 11th day of December, by a vote of 5 ayes and 0 nays and 0 abstentions.

AYE

Randy Swanson, President

John Boal, Vice-President

NAY

Randy Swanson, President

John Boal, Vice-President

Philip Hood, Council Member

Bruce Shaffner, Council Member

Greg Winn, Council Member

Philip Hood, Council Member

Bruce Shaffner, Council Member

Greg Winn, Council Member

WINONA LAKE TOWN COUNCIL

ATTEST:

Kent Adams, Clerk-Treasurer
Town of Winona Lake

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 Winona Lake will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

Employment: Town of Winona Lake 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: Town of Winona Lake 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 Winona Lake's programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

Modifications to Policies and Procedures: Town of Winona Lake 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 welcomed in Town of Winona Lake, 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 Winona Lake, should contact the office of Craig J. Allebach, Town of Winona Lake, 1310 Park Ave., Winona Lake, IN 46590 as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the Town of Winona Lake 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 Town of Winona Lake is not accessible to persons with disabilities should be directed to Craig J. Allebach, Town of Winona Lake, 1310 Park Ave., Winona Lake, IN 46590.

Town of Winona Lake 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.

Town of Winona Lake
Grievance Procedure under
The Americans with Disabilities Act

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ATTACHMENT D

1. PUBLIC COMMENT AND RESPONSE FORM

PUBLIC COMMENT AND RESPONSE FORM

Date of Comment: _____

Name of Person: _____

Comment: _____

_____

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Response: _____

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