

## **INSTRUCTIONS FOR ADDRESSING THE SEVEN KEY ELEMENTS OF AN AMERICANS WITH DISABILITY ACT (ADA) & SECTION 504 OF THE VOCATIONAL REHABILITATION ACT (504) PLAN**

### **STEP 1 - DESIGNATING AN ADA COORDINATOR**

Each local public agency (LPA) must designate at least one responsible employee to coordinate ADA/504 compliance, to be eligible for federal funding. The benefits of having an ADA/504 Coordinator are that:

- It makes it easier for members of the public to identify someone to help them with questions and concerns about disability discrimination,
- It provides a single source of information so questions from LPA staff and the public can be answered quickly and consistently, and
- It provides an individual who can focus on and be instrumental in moving compliance plans forward.

The person in this position must be familiar with the LPA's operations, trained in the requirements of the ADA/504 and other laws pertaining to discrimination and able to deal effectively with local governments, advocacy groups and the public. The coordinator should have the authority to coordinate, respond to and resolve ADA/504 issues on behalf of the LPA. Additionally, the coordinator should have sufficient time, free of other responsibilities, to fulfill his or her duties.

### **STEP 2 - PROVIDING NOTICE ABOUT THE ADA REQUIREMENTS**

An LPA must provide public notice about the rights of the public under the ADA and the responsibility of the LPA under the ADA/504. Providing notice is not a one-time requirement, but a continuing responsibility. The audience of those who may have an interest in accessibility on LPA facilities might include citizens that would be not be readily identifiable. Groups that are likely to include the target audience include public transit users and advocacy groups. An LPA has the responsibility to determine the most effective way to provide notice. The information presented must be accessible to all persons. Therefore, it must be available in alternative formats and widely distributed. The Department of Justice has a model notice available on its website at <http://www.ada.gov/pcatoolkit/chap2toolkit.htm>. See "Notice under the Americans with Disabilities Act" for more information.

**Public Outreach** The opportunity for the disabled community and other interested parties to participate in developing the ADA/504 plan is an integral part of the process. The dissemination of information and requests for comments can take place through awareness days, newsletters and websites. Possible sources of input to the ADA/504 plan are advocacy groups, general citizens, organizations that support the rights of the disabled, elected officials, other agencies, a Governor's Committee on People with Disabilities or other such body or a state ombudsman. Comments can be obtained through comment forms at

meetings, transcriptions of meetings, a dedicated hotline, an e-mail address or a postal address.

### **STEP 3 - ESTABLISHING A GRIEVANCE PROCEDURE**

The best practice for all LPA's is to adopt and publish a grievance procedure for the prompt and equitable resolution of complaints. An LPA with 50 or more employees is required to adopt and publish procedures for resolving grievances arising under Title II of the ADA. Additionally, an LPA with 15 or more employees who receives federal funds must have a grievance procedure for processing complaints. Generally, filing a complaint with an LPA is an appropriate first step, because it provides an opportunity to resolve a local issue at the local level. A person does not have to exhaust an LPA's grievance procedure before filing a complaint with either a federal agency or court. A model grievance procedure is available on the Department of Justice website at <http://www.ada.gov/pcatoolkit/noticetoolkit.pdf>.<sup>1</sup>

### **STEP 4 - DEVELOPMENT OF INTERNAL STANDARDS, SPECIFICATIONS AND DESIGN DETAILS**

The Architectural and Transportation Barrier Compliance Board (alternatively called the Access Board) has developed accessibility guidelines for pedestrian facilities in the public right-of-way. The Federal Highway Administration recognizes these as its currently recommended best practices. An LPA can adopt these accessibility guidelines into their own system of standards, specifications, and design details with modifications to meet local conditions. Development of design standards and design details within the LPA allows for consistency in the application of ADA requirements for new facilities. See <http://www.access-board.gov/prowac/guide/PROWGuide.htm> for more information.

### **STEP 5 – AN INVENTORY OF FACILITIES**

The inventory should consist of the following elements:

1. A list of physical barriers in the LPA's facilities that limit accessibility of individuals with disabilities (the self-evaluation),
2. A simple description of the methods to remove these barriers and make the facilities accessible,
3. A schedule for taking the necessary steps,
4. The name of the person or people responsible for implementation,
5. A schedule for providing curb ramps, and
6. A record of the opportunity given to the disability community and other interested parties to participate in the development of the plan.

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<sup>1</sup> See "Grievance Procedure under the Americans with Disabilities Act" for more information.

Periodic updates to the ADA/504 plan are required to ensure on-going compliance. Some of these key steps are described below.

**The Self-Evaluation** The first task involved in preparing an ADA/504 plan is conducting an inventory of existing physical barriers in the facilities operated by the LPA and listing all the barriers that limit accessibility. This is often referred to as the self-evaluation process. Possible inventory approaches are on-ground surveys, windshield surveys, aerial photo studies or drawing reviews. The table below lists some common deficiencies an LPA is likely to discover while conducting an inventory of its public rights of way facilities are:

<b>SELF-EVALUATION CHECKLIST</b>	
<b>ISSUE</b>	<b>POSSIBLE BARRIERS</b>
Sidewalk and Pathway Clear Width	Narrow, Below Guidelines
Sidewalk and Pathway Cross Slope	Steepness, Irregularity, Variability, Warping
Landings Along Sidewalks and Pathways	Less Than 4 feet by 4 feet
Sidewalk and Pathway Grade	Steepness, Angle Points
Materials and Finishes	Deterioration of Surfaces, Deterioration of Markings, Appropriateness of material (ex. Cobblestones)
Gratings	Grating Type, Grate Opening Orientation
Discontinuities	Missing Sections, Gaps, Drops, Steps
Detectable Warning System	Missing, Inappropriate Materials, Inadequate Size, Wrong Location
Obstructions	Signs, Mail Boxes, Fire Hydrants, Benches, Telephones, Traffic Signal Poles, Traffic Signal Controller Boxes, Newspaper Boxes, Drainage Structures, Tree Grates, Pole Mounted Objects, Standing Water, Snow or Ice
Traffic Signal Systems	Lack of Provision for the Visually Impaired such as Accessible Pedestrian Signals, Inadequate Time Allowed to cross an intersection, Inoperable Buttons, Inaccessible Buttons
Curb Ramp	Missing, Doesn't Fall within Marked Crosswalk, Doesn't Conform to Guidelines

<b>SELF-EVALUATION CHECKLIST</b>	
<b>ISSUE</b>	<b>POSSIBLE BARRIERS</b>
Curb Ramp Flares	Missing Where Required, Too Steep

The standards for each of these issues can be found in the US Architectural and Transportation Barriers Compliance Board’s Accessible Rights-of-Way: A Design Guide, Chapter 3 “Best Practices in Accessible Rights-of-Way Design and Construction”. For more information, refer to their website:

<http://www.access-board.gov/prowac/guide/PROWGuide.htm>.

The information developed through the inventory process has to be quantified and presented as a baseline so that progress can be monitored and measured. The inventory information can be presented in a variety of ways including aerial photos, a database or spreadsheet, marked up drawings or a geographic information system (GIS). Maps of your town may be freely available from your local county offices.

Self-evaluation also takes place after the ADA/504 plan is complete. Periodic reviews and updates to the plan must be conducted to ensure ongoing compliance with ADA requirements. Self-evaluation activities consist of reviewing the plan to determine the level of compliance and determining if any additional areas of upgrade are needed. If deficiencies are found, they are catalogued and the ADA/504 plan updated to detail how and when the barriers to pedestrian access will be removed. We recommend that an LPA update its plan every three to five years.

**STEP 6 - SCHEDULE AND BUDGET FOR IMPROVEMENTS**

The ADA/504 plan should include a schedule of improvements to upgrade accessibility in each year following the ADA/504 plan. Improvements can be presented as part of regularly scheduled maintenance and improvements project such as resurfacing projects, roadway rehabilitation and reconstruction projects and signal system installation projects. All new projects, regardless of funding sources, must include elements that are consistent with the ADA guidelines.

**Funding Sources** The most immediate source of funds for remediation efforts is the incorporation of improvements into existing projects under development, including signalization projects and incorporation into maintenance work. Potential sources of funding for accessibility improvements include the following:

- Local funding sources
- State funding sources
- Federal funding sources

**Prioritization (High-Medium-Low or Years 1-3, 3-5, 5+)** The prioritization of improvements may be based on a number of factors. Generally, priority should be given

to transportation facilities, public places, and places of employment. Other factors to consider when prioritizing improvements may include:

- Citizen requests or complaints regarding inaccessible locations,
- Pedestrian level of service,
- Population density,
- Presence of a disabled population,

Cost when a project may cost more funding than is available in a single fiscal year.

## **STEP 7 – MONITORING THE PROGRESS**

To be effective, the ADA/504 plan needs to be utilized in yearly planning of projects and funding decisions and also needs to be periodically reviewed for compliance and validity. The ADA/504 plan should be updated regularly to reflect changes in financial or environmental conditions and to address any possible new areas of noncompliance. Changes to a sidewalk, such as the installation of a newspaper vending machine, or the relocation of a utility pole, may create new access problems that were not evident when the initial accessibility plan was prepared. Regular updates to the plan will also result in monitoring compliance and the effectiveness of priorities set in the plan itself. We recommend an LPA update its plan least once every three to five years, to ensure it continues to reflect the priorities and capabilities for your community.

**Disclaimer:** This *example* is provided for informational purposes only. It does not constitute legal advice. For legal advice, please contact your own legal counsel.

**EXAMPLE: ADA/504 PLAN FOR SMALL TOWN, INDIANA**

**1. DESIGNATION OF ADA COORDINATOR**

The ADA/504 Coordinator for Smalltown, Indiana is [Name of Town official], in their official role as the [Name of Official Position] for the town.

The ADA/504 Coordinator is responsible for ensuring this plan is current and that grievances are properly addressed and records maintained. Some facilities in our town are the responsibility of other agencies. For example, the County and State DOT both operate facilities in our town. Therefore, our ADA/504 Coordinator will sometimes need to work with their ADA/504 Coordinators to address situations in our area that involve their facilities.

<i>Other ADA Coordinators</i>	<i>ADA Coordinator's Name &amp; Title</i>	<i>Coordinator's Phone Number</i>
County ADA/504 Coordinator	John Smith, Public Works Director	(XXX) XXX-XXXX
Indiana DOT – District	Jane Smith, ADA/504 Coordinator	(XXX) XXX-XXXX
School District	Mary Smith, Superintendent	(XXX) XXX-XXXX

**2. OPPORTUNITY FOR PUBLIC NOTICE**

Opportunities for the public to learn about and comment on how Smalltown, Indiana is working to comply with the ADA and Section 504 are provided during town meetings. Every two years, the town will also include the ADA and Section 504 as an official agenda items for our town meeting, to ensure the public and our officials may be updated and learn more about our progress at making our community easy to access. The State and/or federal officials responsible for ADA/504 compliance may also be invited so that we may learn how they are also taking steps to meet these requirements in our town.

**3. GRIEVANCE PROCEDURE**

Complaints about access to public services or facilities in Smalltown, Indiana are received at the town hall. These are then given to the ADA/504 Coordinator to be investigated and resolved. If the complaint cannot be resolved, then our County or the State of Indiana ADA/504 Coordinator may help mediate the complaint. At any time, a complaint may be submitted directly to the U.S. Department of Justice.

**4. DESIGN STANDARDS, SPECIFICATIONS AND DESIGN DETAILS**

For design standards, specifications and design details, Smalltown, Indiana relies upon the design standards used by the County, and the Indiana Department of Transportation. Both agencies have design standards that are ADA compliant.

## 5. INVENTORY OF FACILITIES

Using a map of our town to first identify where we offer public services, an initial inventory of sidewalks, curb ramps and intersections was completed on XX/XX/201X. A map showing the inventory is on the following page.

## 6. SCHEDULE & BUDGET FOR IMPROVEMENTS

Each year, Small Town Indiana receives approximately [\$10,000] in local revenues from the State, which is use for our annual budget. At this time, it is estimated that [\$1,000] can be provided to address non-compliant curb ramps, sidewalks and other barriers. Based upon this estimated amount and our map showing the location of public services, the following improvements are planned to be addressed over the next three to five years:

<i>Access to:</i>	<i>Treatment &amp; Location</i>	<i>Estimated Cost</i>	<i>Priority/Year</i>
Town hall	Curb ramps to be updated	\$1,300	2012-2013
Post office	Sidewalks repaired & curb ramps	\$700	2013-2014
Park	Sidewalks repaired & curb ramps	\$1,400	2014+
Public School	Sidewalks along State Road	Owned by INDOT (\$10,000)	Need to coordinate with INDOT

## 7. MONITORING PROGRESS

Small town Indiana will evaluate this plan every two years as part of our regular budget meetings and then revise our plan as needed. An opportunity to discuss the plan will be held during the town's regular administrative meetings.

Respectfully submitted:

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Name of Town Official

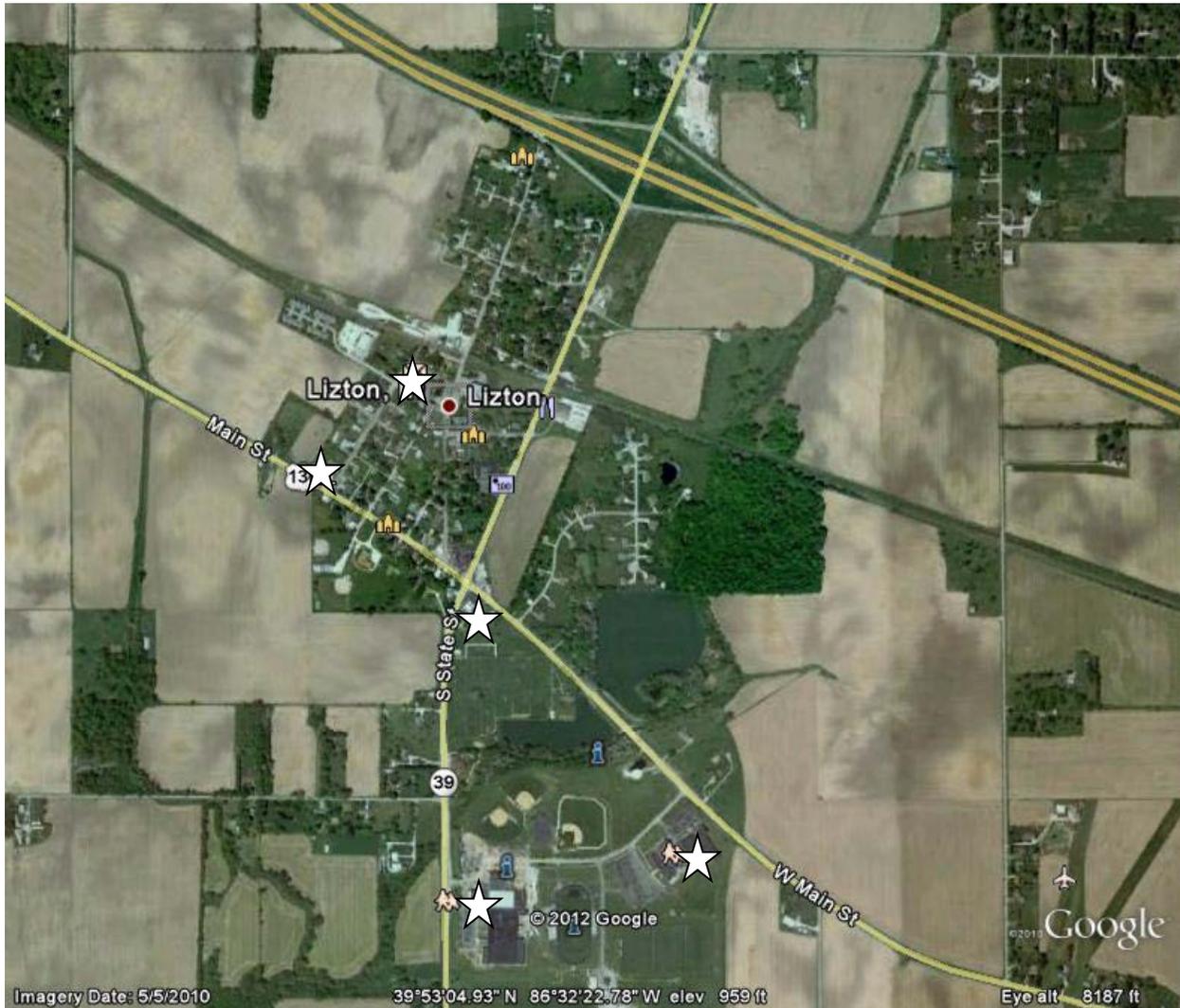
Date

## INVENTORY FOR LIZTON, INDIANA (2012)

### Public Services and Places Needing Public Access:

Town Hall	106 North Lebanon Street
Fire LPA	101 East Main Street
Police LPA	Not Applicable
Healthcare	Hendricks Regional Health State Road 39
Library	Not Applicable
Public parks & recreation	Not Applicable
Public schools	Tri-West High School 7883 north State Route 39
	Tri-West Middle School 555 West U.S. Route 136
Voting Locations	Voting is held at the public schools in Lizton, Indiana

### MAPS: (Sources: Google Earth and MapQuest)





NOTE: ☆ STARS INDICATE LOCATIONS OF PUBLIC SERVICES.

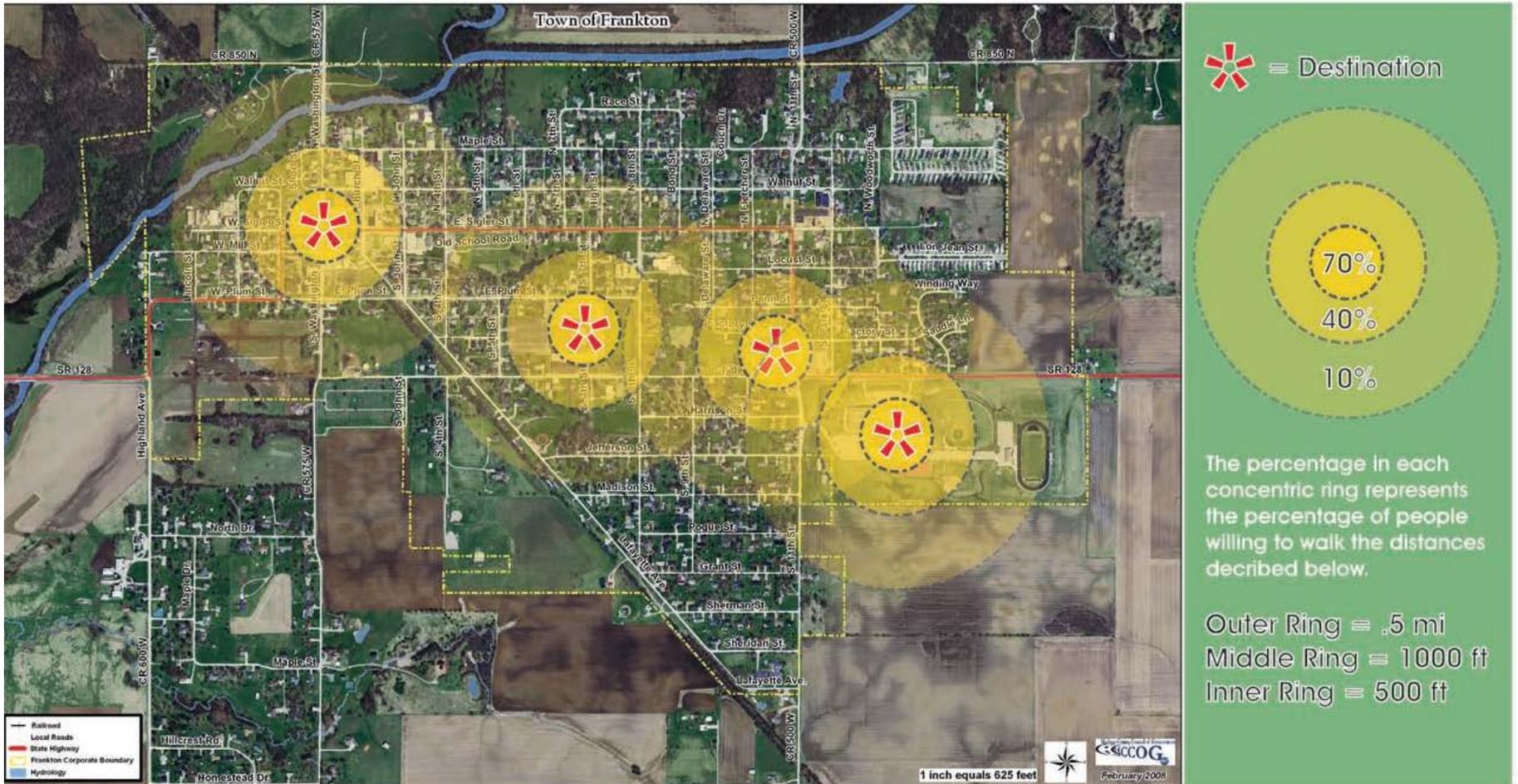
**Recommended Improvements:**

**(Assuming an Annual Budget for Accessibility Improvements = \$1,500)**

<i>Access to:</i>	<i>Treatment &amp; Location</i>	<i>Estimated Cost</i>	<i>Priority/Year</i>
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Public School	Sidewalks along State Road	Owned by INDOT (\$10,000)	Need to coordinate with INDOT

EXAMPLE FROM FRANKTON, INDIANA, LOCATED IN MADISON COUNTY:

Source: [http://www.mccog.net/pdf/2008\\_Frankton\\_Mobilty\\_Plan.pdf](http://www.mccog.net/pdf/2008_Frankton_Mobilty_Plan.pdf)



EXAMPLE: FRANKTON, INDIANA