

# AMERICANS WITH DISABILITIES ACT (ADA) TRANSITION PLAN FOR PUBLIC RIGHTS-OF-WAY

## City of Brazil, Indiana



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203 East National Avenue  
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## INTRODUCTION

The Americans with Disabilities Act (ADA) was enacted on July 26, 1990, and later amended effective January 1, 2009. As written and implemented, the ADA provides comprehensive civil rights protections to persons with disabilities in the areas of employment, state and local government services, access to public accommodations, transportation, and telecommunication. The ADA is a companion civil rights legislation to the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973. In order to be protected by the ADA, one must have a disability or have a relationship or association with an individual with a disability. An individual with a disability is defined by the ADA as a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such impairment, or a person who is perceived by others as having such impairment. The ADA, however, does not specifically name all of the impairments that are covered. The ADA is divided into five sections covering the following topics:

Title I: Employment

Title II: Public Services (and Transportation)

Title III: Public Accommodations (and Commercial Facilities)

Title IV: Telecommunications

Title V: Miscellaneous Provisions

Title II, specifically prohibits state and local governments from discriminating against persons with disabilities or from excluding participation in or denying benefits of programs, services, or activities to person with disabilities. It is under this title that this transition plan has been prepared. This transition plan is intended to outline the methods by which physical changes will be made to give effect to the non-discrimination policies described in Title II.

## **TRANSITION PLAN DEVELOPMENT**

To ensure program accessibility for people with disability in the community, the City of Brazil has developed a Transition Plan, which is to be considered good practice.

*This Transition Plan for Public Rights-of Way considers the following:*

### **A. ADA COORDINATOR:**

Effective communication is essential to address all the complaints or concerns of all individuals. In order to keep maintaining the lines of communication open, and thereby ensuring effective communication between all parties, the City of Brazil has designated an ADA coordinator. The ADA Coordinator shall coordinate the City's efforts to comply with and carry out its responsibilities under Title VI of the ADA, including any investigation of any complaint communicated to the ADA coordinator. Such complaints may take the form of alleging noncompliance with ADA mandates or alleging any actions that would be prohibited under the ADA. The City shall make available to all interested individuals the name, office address, and telephone number of the employee(s) so designated and shall adopt and publish procedures for the prompt and equitable resolution of complaints. Every complaint must be directed in writing to the ADA Coordinator.

### **B. GRIEVANCE PROCEDURE:**

The Grievance Procedure established below is intended to adhere to the standards outlined in the ADA. The procedure must be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provisions of services, activities, programs, or benefits provided by the City of Brazil. The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complaint and location, date, and description of the problem. Grievance Forms must be used to lodge a complaint, please make reference to Appendix A. Alternative means of filing complaints, such as personal interviews or 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:

ADA Coordinator  
203 East National Avenue  
Brazil, IN 47834

Within ten (10) business days after receipt of the complaint, ADA Coordinator or his/her designee will meet with the complainant to discuss the complaint and the possible resolutions. Within ten (10) business days of the meeting, ADA Coordinator or his/her 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 City of Brazil and offer options for substantive resolution of the complaint. If the response by ADA Coordinator or his/her designee does not satisfactorily resolve the issue, the complainant or his/her designee may appeal the decision within ten (10) business days after receipt of the response to the ADA Coordinator or his/her designee. Within ten (10) business days after receipt of the appeal, the ADA Coordinator or his/her designee will meet again with the complainant to discuss the appeal and possible resolutions. Within ten (10) business days after the meeting, the ADA Coordinator or his/her designee will respond in writing, and, where appropriate, in a formats described above that accessible to the complainant, with a final resolution of the complaint. All written complaints received by the ADA Coordinator or his/her designee, appeals to the ADA Coordinator or his/her designee, and responses from ADA office will be retained by the City of Brazil for at least three years.

### **C. SELF EVALUATION/COMMITMENT**

The City of Brazil will conduct an inventory of curbs ramps and sidewalks using aerial views and field evaluations. The City is committed to making all sidewalks and curb ramp areas accessible to all pedestrians including those with disabilities. This will be accomplished through the following programs:

- All new construction, reconstruction, roadwork construction or alterations, including federal projects under the control and/or inspection of the City of Brazil will be in compliance with the ADA;
- The City will have in place an annual sidewalk repair program;
- The City of Brazil is committing funding each year for installing new curb ramps and reconstructing existing curb ramps to meet ADA compliance and for the City's Sidewalk Rehabilitation Assistance Program.

The missing or non-complaint curb ramps shall be prioritized.

### **D. ADA STANDARDS/GUIDELINES:**

The standards are intended to apply to all construction undertaken within the City Right-of-Way. The Indiana Department of Transportation design guidelines and standard drawings and City of Brazil Concrete Sidewalks Typical Details and Notes will serve as the primary standards and guidelines for this plan. Other standards, if necessary, will be applied at the discretion of the ADA Coordinator.

## **IMPLEMENTATION**

The City intends to implement this Transition Plan effective the date of this document. Not only does the City commit to following the guidelines set forth in this Transition Plan but it also commits to actively revising and amending this document as new information is discovered. Further, as a matter of policy,

this document will be updated at least every five years. Finally, a copy of this document will be placed on the City's website.

## **Appendix A: Complaint / Grievance Form**

### **Grievant Information:**

Grievant Name:

Address:

City:

State

Zip Code:

:

Phone:

Email:

Alternative Phone:

### **Person Preparing Complaint Relationship to Grievant (if different from Grievant):**

Name:

Address:

City:

State

Zip Code:

:

Phone:

Email:

Alternative Phone:

**Please specify any location(s) related to the complaint or grievance (if applicable):**

**Please provide a complete description of the specific complaint or grievance:**

**Please state what you think should be done to resolve the complaint or grievance:**

**Please attach additional pages as needed.**

**Signature:** \_\_\_\_\_

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

Please return to: ADA Coordinator, 203 East National Avenue, Brazil, IN 47834 or via facsimile to (812) 446-0337.

Upon request, reasonable accommodation will be provided in completing this Form or copies of the form will be provided in alternative formats. Contact the ADA Coordinator at the address listed above or via telephone (812) 443-2221.