

# Americans with Disabilities Act (ADA) Transition Plan for Public Right-of-Way

Cass County Indiana  
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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 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 persons 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, Cass County has developed a Transition Plan, which is to be considered good practice. This Transition Plan for Public Right-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, Cass County has designated the County Government Human Resources Manager, Jeremy Hall (and his future successors), as the ADA Compliance Coordinator and the County Highway Project Coordinator, David Hicks (and his future successors), as the ADA Transition Plan Coordinator. They shall coordinate the County's efforts to comply with and carry out its responsibilities under Title II of the ADA, including any investigation of any complaint communicated to the ADA Compliance 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 County shall make available to all interested individuals the name, office address, and telephone number of the employee 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 Compliance Coordinator, in this case Jeremy Hall.

### **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 Cass County.

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. 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 Compliance Coordinator, Cass County Government Human Resources  
200 Court Park Room #202  
Logansport, IN 46947**

Within 15 calendar days after receipt of the complaint, the ADA Compliance Coordinator, or designee, will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, the ADA Compliance Coordinator, or designee, will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print or audio tape. The response will explain the position of Cass County and offer options for substantive resolution of the complaint.

If the response by the ADA Compliance Coordinator, or designee, does not satisfactorily resolve the issue, the complainant or his/her designee may appeal the decision to the Board of Commissioners within 15 calendar days after receipt of the response from the ADA Compliance Coordinator, or designee.

Within 15 calendar days after receipt of the appeal, the President of the Board of County Commissioners, or designee, will meet again with the complainant to discuss the appeal and possible resolutions. Within 15 calendar days after the meeting, the President of the Board of County Commissioners, or designee, will respond in writing, and, where appropriate, in a format described above that is accessible to the complainant, with a final resolution of the complaint.

All written complaints received by the ADA Compliance Coordinator, or designee, appeals to the ADA Compliance Coordinator, or designee, and responses from the County will be retained by the Cass County Highway Superintendent for at least three years.

C. SELF EVALUATION/COMMITMENT:

Cass County has conducted an inventory of evaluations of curb ramps and sidewalks after visiting each location. The majority of these do not meet ADA requirement. Cass County is committed to making all sidewalk 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 Department of Public Works will be in compliance with the ADA;
- Cass County will have in place a sidewalk and curb ramp repair program annually;

The missing or non-compliant detectable warning surfaces and non-compliant sidewalk shall be prioritized.

D. ADA STANDARDS/GUIDELINES:

The standards are intended to apply to all construction undertaken within Cass County Right-of-Way. The Indiana Department of Transportation design guidelines and standard drawings and the “Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right of Way” dated July 26, 2011 will serve as the primary standards and guidelines for this plan. Other standards, if necessary, will be applied at the discretion of the ADA Transition Plan Coordinator.

### **IMPLEMENTATION**

The County intends to implement this Transition Plan effective the date of this document. Not only does the County 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 County’s website.