



## Notice of Nondiscrimination under the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973

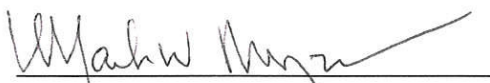
Pursuant to Title IIF of the Americans with Disabilities Act of 1990, as amended (the "ADA") (42 U.S.C §§ 12101 et. seq.) and Section 504 of the Rehabilitation Act of 1973, as amended ("Section 504") (29 U.S.C. § 794) and implementing regulations found in 28 C.F.R. 35 and 49 C.F.R. 27, the City of Greenwood ("City") does not discriminate against qualified individuals with disabilities in its policies, or in the admission of, access to, treatment of or employment in its programs, services, or activities.

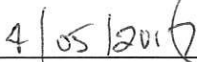
Upon request, the City will use its best efforts to provide appropriate auxiliary aids and services to facilitate effective communication for qualified persons with disabilities so that they have an equal opportunity to obtain the same result, to gain the same benefit or to reach the same level of achievement as provided to others. These efforts may include providing qualified sign language interpreters, Brailled documents, and other products and services to make communications accessible to individuals with speech, hearing, and vision impairments.

Upon request, the City will make reasonable modifications to policies and programs to ensure that qualified individuals with disabilities have an equal opportunity to enjoy its programs and activities. The City is not required to take any action that would fundamentally alter the nature of its programs or services or impose an undue financial or administrative burden.

The City will not place a surcharge on qualified individuals with disabilities to cover the cost of providing auxiliary aids, services, or reasonable modifications of policies.

Inquiries or complaints regarding Section 504 or the ADA should be directed to Krista S. Taggart, Corporation Counsel, 300 S. Madison Avenue, Greenwood, Indiana 46106, (317) 888-0494, [taggartk@greenwood.in.gov](mailto:taggartk@greenwood.in.gov). The City will investigate all complaints in accordance with the City's Title VI Complaint process, which is also used for ADA Complaints, and promptly take any remedial action deemed necessary to provide an equitable resolution to overcome the effects of a substantial violation.

  
\_\_\_\_\_  
Mark W. Myers, Mayor

  
\_\_\_\_\_  
Date



MARK W. MYERS, MAYOR

# City of Greenwood, Indiana

## Americans with Disabilities Act



2013

## Transition Plan

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## I. Introduction

The Americans with Disabilities Act (ADA) of 1990 (revised September 2010), is Federal Civil Rights Legislation which mandates non-discrimination to persons with disabilities. The Act has five Titles, which are listed below:

- Title I - Employment
- Title II - Public Services and Transportation
- Title III - Public Accommodations
- Title IV - Telecommunications
- Title V - Miscellaneous

Title II of the ADA prohibits discrimination by public entities on the basis of disability by making all programs, services, and activities accessible to persons with disabilities. In order to accomplish this, the Department of Justice developed regulations requiring governmental jurisdictions to conduct a self-evaluation of the accessibility of programs and services to determine whether issues of accessibility could be addressed through changes in the way such programs and services are provided. The City of Greenwood (City) is obligated to remove physical barriers to accessibility when program changes cannot ensure access to services, programs, and activities in existing facilities. Realizing that such structural changes will require commitment of resources (i.e. time and money) by the City to comply with the Department of Justice Regulations, Federal Register 28 CFR Part 35 states that "in the event that structural changes to facilities will be undertaken to achieve program accessibility, a public entity that employs 50 or more persons shall develop a Transition Plan setting forth the steps necessary to complete such changes". Additionally, "if a public entity has responsibility or authority over streets, roads, or walkways, its Transition Plan shall include a schedule for providing curb ramps or other sloped areas where pedestrian walks cross curbs, giving priority to walkways serving entities covered by the Act".

The ADA regulations further require the Transition Plan to contain the following elements:

- A list of physical barriers in the public entity's facilities that limit the accessibility of its programs, services, or activities to individuals with disabilities;
- A detailed description of the methods to be utilized to remove these barriers and make facilities accessible;
- The schedule for taking necessary steps to achieve compliance with Title II;
- The name of the official responsible for the plan's implementation;
- A schedule for providing curb ramps or other sloped areas where pedestrian walks cross curbs. Priorities should be given to the following order:
  1. State and local government offices
  2. Transportation
  3. Places of public accommodation
  4. Employees
  5. Other areas (e.g., residential areas where people needing curb ramps reside)

- An estimate of the costs for making the modification.
- The opportunity for the disabled community and other interested parties to participate in the development of the Transition Plan.

## **II. ADA Program Elements**

**Section III** - Responsible Official

**Section IV** - Public Notice of Rights of Individuals

**Section V** - Grievance Procedure

**Section VI** - Self-Evaluation and Inventory

**Section VII** - Design Standards

**Section VIII** - Transition Plan

**Section IX** - Plan Review and Update

## **III. Responsible Official**

The ADA Coordinator designated for the City of Greenwood is:

Mr. Daniel Johnston, P.E.

Director of Community Development Services and City Engineer

Mr. Johnston's contact information can be found on the City of Greenwood website: [www.greenwood.in.gov/departments/index.php?structureid=48](http://www.greenwood.in.gov/departments/index.php?structureid=48)

## **IV. Public Notice of Rights of Individuals**

City of Greenwood Common Council Resolution No. 92-2 sets out the City's compliance with Title II of the 1990 ADA. It has been amended by Resolution No. 11-6 and Ordinance No. 11-38 to update the ADA Coordinator designation. These documents are available at City Hall for viewing and are posted on the City's website. (See Attachment 1)

## **V. Grievance Procedure**

Attachment 2 contains City of Greenwood Board of Public Works and Safety Resolution No. 92-4 establishing the City's Grievance Procedure and Resolution 11-04 updating the name of the ADA Coordinator. Attachment 3 contains the City's ADA Grievance Form.

## **VI. Self-Evaluation and Inventory**

As required by the ADA legislation, the City has conducted a self-evaluation of its facilities and rights-of-way to ensure that they are accessible to and useable by persons with disabilities.

Items inventoried included:

- Curb Ramps - whether there are curb ramps with truncated domes present at any corner within each intersection.

- Sidewalks between intersections were reviewed to determine if they are a minimum of 4 feet wide (with parkway) or 5 feet wide if adjacent to a curb. Driveways were reviewed to determine if they have a 4 foot width at a 2% (max) cross-slope.
- Traffic signals (where present) were reviewed to determine if pedestrian push buttons and or identifications are present. The pedestrian push buttons were noted accessible via sidewalk.

The results of this inventory are available at City Hall for viewing.

Buildings and Parks were inspected to determine if ADA parking is provided and properly signed, and if the facilities meet present ADA Standards for accessibility. That inspection was included in the Transition Plan dated July 26, 1992. The results of that inventory are available at City Hall for viewing.

## VII. Design Standards

- Buildings** - Building construction shall follow the current ADA requirements shown on the following website: [www.access-board.gov/ada/](http://www.access-board.gov/ada/)
- Sidewalks** - The City of Greenwood has design standards for sidewalk construction and shall update them as needed in the future to stay current on ADA standards. In lieu of the update, reference will be made to the Indiana Department of Transportation (INDOT) Standards where applicable.

## VIII. Transition Plan

The ADA Coordinator has the responsibility of identifying barriers and implementing Greenwood's barrier removal program. The steps involved in the creation of this Transition Plan are as follows:

- Identify and Document Needs** - Physical barriers in and around a facility that prohibit access to programs, activities, and services, shall be identified and documented. "Programs, activities, and services" include the functions necessary to fulfill a building's mission". Events or programs that are open to the public must be accessible by person with disabilities.
- Document Solutions** - Document the structural or physical modifications needed to make the facility accessible. Structure modifications include architectural renovations, such as widening a door or construction of a ramp. The modifications must meet ADA requirements for new construction, and changes cannot force a disabled person to access the building in an unequal manner. For example, if the main entrance does not provide accessibility but the rear entrance door does, rear entrance must be equal to the main entrance and available during operating hours.

## **C. Strategies for Removal of Barriers**

### **1. Buildings and Parks**

#### **a. Targeted Removal**

Barrier removal is based on the facility survey that was conducted. The plan will be reviewed annually to insure that Greenwood is meeting the needs of those with accessibility issues. Total accessibility for all City-owned facilities, for every citizen, is the goal of the Transition Plan. Whenever funding is made available, facilities are added to the priority list for that particular fiscal year.

#### **b. Retrofit or Remodel**

Whenever a retrofit or remodel of an existing City-owned building occurs, the facility is required to become compliant with ADA regulations (subject to availability of funding).

#### **c. Maintenance or Repair**

When appropriate and when funding is available, Greenwood will bring facilities into compliance by replacing defective fixtures with compliant models, i.e., door knobs replaced with levered door handles, etc.

#### **d. Leased Facilities**

When Greenwood lease agreements are scheduled for renewal, facilities are required to become compliant with the ADA. The responsibility for the improvements shall be negotiated with the lessee.

### **2. Public Rights of Way**

#### **a. Targeted Removal**

Barrier removal is based on the field inventory conducted. As needs may arise, through either complaints from the public or by the City's own review, specific locations may be addressed.

#### **b. New or Reconstruction of Existing Facility**

New or reconstruction projects will include sidewalks, drives and ADA ramps in conformance with current design standards. This will include full intersection ADA ramps where projects only involve a single approach.

#### **c. Maintenance or Repair**

As maintenance and/or repair work is done to existing sidewalks, all replacement work will meet current ADA standards. If such



work involves ADA ramps on one corner of an intersection, the receiving corner will be included in such work if it is not in compliance

**d. New Construction or Reconstruction of Existing Private Facility**

All permits for new construction or reconstruction of sidewalk, drives or intersection corners will be reviewed and required to be in compliance with current ADA standards.

**3. Personnel Responsible for Carrying Out Strategies**

ADA Coordinator, Mr. Daniel Johnston, P.E.

**D. Costs for Making Modifications**

**1. Public Rights-of-Way**

Curb Ramps	Estimated Construction Costs	\$1,867,200
Sidewalks	Estimated Construction Costs	\$1,340,500
Traffic signals	Estimated Construction Costs	\$ 90,000
	<b>Total</b>	<b>\$3,297,700</b>

(Inventory results filed in the Office of the ADA Coordinator.)

**2. City Parks and Other Facilities**

In 1992, The City of Greenwood inventoried all of its park facilities. A list of deficiencies was prepared at that time. This information is shown in the Transition Plan dated July 26, 1992. Since that time the City has diligently worked at bringing their facilities into compliance. Some tasks, like pavement marking of the parking areas are in need of refurbishment as they are on-going situations. There remain two tasks to be complete: trail segments in Westside Park and in Craig Park. The cost for these improvements is estimated to be \$40,000.

**Cost Summary**

<b>Public Rights-of-Way</b>	<b>\$3,297,700</b>
<b>Facilities</b>	<b>\$ 40,000</b>
<b>Total</b>	<b>\$3,337,700</b>

**E. Public Involvement** -A public hearing was held on December 12, 2012 for the purpose of giving the community the opportunity to participate in the development of the Transition Plan. No comments were received. The Transition Plan is also being provided to members of the City Council, for review, comment and approval.

## **F. Priorities**

### **1. Buildings**

- First priority: Locations where complaints/problems have been identified by the public or where there is a high likelihood of ADA use.
- Second priority: Locations where there is routine City business conducted.
- Third priority: All other locations

### **2. Parks**

- First priority: Locations where complaints/problems have been identified by the public or where there is a high likelihood of ADA use.
- Second priority: Locations where there is routine programs conducted or facilities are used for functions that have a high likelihood of use by the ADA community.
- Third priority: All other locations

### **3. Sidewalks**

- First priority: Locations where complaints/problems have been identified by the public or where there is a high likelihood of ADA use, i.e., areas near hospitals, nursing homes or similar facilities
- Second priority: Locations where there is routine City business conducted.
- Third priority: Locations where there is private partnership in cost
- Fourth priority: Locations in the downtown business area
- Fifth priority; Locations in the residential areas.
- Sixth priority: All others

### **4. Intersections**

- First priority: Missing ramps at locations where complaints/problems have been identified by the public or where there is a high likelihood of ADA use, i.e., areas near hospitals, nursing homes or similar facilities
- Second priority: Missing ramps at locations where there is routine City business conducted.
- Third priority: Missing ramps at locations where there is private partnership in cost
- Fourth priority: Missing ramps at locations in the downtown business area
- Fifth priority; Missing ramps at Locations in the residential areas.
- Sixth priority: Replacement of substandard ramps and all others

## **5. Parking, Facilities and Signage**

- Identifiable areas, without proper ADA signage or accessibility information, will be corrected, with the proper signage installed. Facility improvements will be implemented whenever funding becomes available.

## **G. Financial Plan and Schedule**

The City of Greenwood will endeavor to provide between \$10,000 and \$50,000 annually in services, materials or contract replacement of deficiencies. In addition, the City will actively seek grants and other sources of funds from various programs available.

## **IX. Plan Review and Update**

The Plan shall be reviewed annually to assess that the City is meeting the intent of the plan. The plan shall be updated every three (3) years to reflect modifications performed since the prior update, and to identify areas of additional need.

**ATTACHMENT 1**

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GREENWOOD COMMON COUNCIL RESOLUTION 92-2

GREENWOOD COMMON COUNCIL RESOLUTION 11-06

GREENWOOD COMMON COUNCIL ORDINANCE 11-38

















**ATTACHMENT 2**

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GREENWOOD BOARD OF PUBLIC WORKS & SAFETY RESOLUTION 92-4

GREENWOOD BOARD OF PUBLIC WORKS & SAFETY RESOLUTION 11-04











**ATTACHMENT 3**

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**ADA GRIEVANCE FORM**



# City of Greenwood

## ADA Grievance Form

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Phone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

Location of problem: \_\_\_\_\_  
\_\_\_\_\_

Date noticed: \_\_\_\_\_

Description of problem:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**\*Please attach additional pages if needed**

**The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 180 calendar days of the date of the alleged discrimination to:**

**Greenwood City Building  
Attn: ADA Coordinator  
225 S. Emerson Avenue, Suite A  
Greenwood, IN 46143  
(317) 887-5230**

NOTE: This form may be administratively updated as necessary from time to time only to properly reflect changes to the contact information for the ADA Coordinator.