



Americans with Disabilities Act (ADA) Transition Plan

for

Dubois County, Indiana

2022 Update

Approved on April 4, 2022

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Executive Summary

The Americans with Disabilities Act (ADA) was signed into law on July 26, 1990, and provides civil rights protection to disabled individuals, guaranteeing equal opportunities in public accommodations, employment, transportation, telecommunications, and State and local government services. Congress enacted this law to provide a “clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities”. Title II of the ADA requires all cities that receive federal funding or have more than 50 employees to complete a self-evaluation and corresponding Transition Plan, establish an ADA Coordinator and adopt grievance procedures for discrimination against qualified individuals with disabilities.

In developing the Transition Plan, all communities covered under Title II need to first conduct a self-evaluation, which includes a comprehensive inventory of pedestrian facilities. This inventory will allow each community to identify non-compliant locations and develop a program for remedial repairs in order to bring facilities into compliance. Dubois County has undertaken this comprehensive self-evaluation to determine the extent to which individuals with disabilities may be restricted from access to county facilities. Furthermore, this Transition Plan includes this detailed review, and it outlines barrier removal solutions which will result in improved access for all individuals.

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1. Introduction

The Americans with Disabilities Act (ADA) of 1990 is a civil rights statute that prohibits discrimination against people who have disabilities. There are five separate Titles (sections) of the ADA relating to various aspects of potential discrimination. Title II of the ADA specifically addresses the subject of making public services and public transportation accessible to those with disabilities. Under the terms of the ADA, designing and constructing facilities of public use that are not accessible by people with disabilities constitutes discrimination.

The most efficient way for communities to ensure Title II's requirements are being met is through self-evaluation. Self-evaluation enables local governments to pinpoint the facilities, programs, and other services that must be modified or relocated in order for that local government agency to comply with the ADA. Once a comprehensive self-evaluation has been completed, local government agencies are then required to develop a Transition Plan to address any and all deficiencies. The Transition Plan is intended to achieve the following:

- A. Identify physical obstacles that limit the accessibility of facilities to individuals with disabilities.
- B. Describe the methods to be used to make the facilities accessible.
- C. Provide a schedule or program for making the access modifications.
- D. Identify the public officials responsible for the implementation of the Transition Plan.

ADA Transition Plans are required from all local governmental agencies to cover all facilities under their control. The focus of this Transition Plan is on publicly managed pedestrian facilities located within the County owned right-of-way. This includes sidewalks, curb ramps, street crosswalks, driveway crossings, and median crossings.

2. Laws, Regulation, Guidelines and Other Design Standards

Beginning in 1968, a series of laws and regulations were put in place to prohibit discrimination against individuals with disabilities and address accessibility issues that exclude people with disabilities from programs, services, and activities. The culminations of these efforts have set the tone and requirements of this Transition Plan. The following is an abbreviated description of these influential documents.

A. American Barriers Act of 1968 (ABA)

The ABA requires that facilities designed, altered, built or leased with federal dollars be accessible to the public. The requirements set forth in the ABA are limited to the architectural standards I new and altered buildings and in newly leased facilities.

B. The Rehabilitation Act of 1973

Section 504 of the Rehabilitation Act obligates states and local governments to ensure that persons with disabilities have equal access to any programs, services, or activities receiving federal financial assistance. This Act also required entities to ensure that their employment practices do not discriminate on the basis of disability.

C. The Americans with Disabilities Act of 1990 (ADA)

Built upon the foundation laid by Section 504 of the Rehabilitation Act, the ADA requires that all state and local governments, regardless of their ability to receive federal financial assistance, provide equal access to programs, services, or activities to those whom are disabled. The ADA went a step further by applying the law to private businesses that meet the ADA's definition of "public accommodation", commercial facilities and many private employers.

Title II, one of five separate titles of the ADA, applies specifically to "public entities" and the programs, services, and activities the provide. This title outlines the requirements for the self-evaluation, Transition Plan and appointing an ADA coordinator.

In 1992, the U.S. Department of Justice issued 28 Code of Federal Regulations (CFR) Part 35, Nondiscrimination on the Basis of Disability in State and Local Governmental Services, to implement Subtitle A of Title II. In particular, this regulation extended the prohibition of discrimination in federally assisted programs already established by Section 504 of the Rehabilitation Act to all activities of state and local governments, including those that do not receive federal financial assistance.

D. The ADA Standards of Accessible Design (ADA Standards)

The ADA Standards outline the requirements necessary to make a building or other facilities physically accessible to people with disabilities. The Standards are comprehensive guide that identifies what features will need to be accessible and list the specifications required to make them compliant with the ADA.

E. Uniform Federal Accessibility Guidelines (UFAS)

The guidelines discussed in the UFAS are architectural standards originally developed for facilities covered by the ABA. These uniformed standards are also used to satisfy compliance in new or altered construction under Section 504. With the exception of the elevator exemption, states and local governments have the option to use UFAS or the ADA standards to meet their obligations under the Title II of the ADA.

F. Public Right of Way Accessibility Guidelines (PROWAG)

The design standards found in the draft PROWAG reflects the best practices for designing accessible pedestrian facilities. This document is not a rule and has no legal effect; however, Indiana Department of Transportation strongly encourages its use, and it is anticipated that PROWAG will become enforceable by federal law by the end of 2014.

G. Accessibility and Discrimination

Accessibility plays a significant role in the inclusion of people with disabilities. The first step toward fulfilling the rights of people with disabilities in creating an accessible, barrier-free environment. Regulations require that barriers that are structural must be removed in public areas of existing facilities when such removal is readily achievable. Barriers typically found in public areas include: routes of travel requiring the use of stairs, non-ADA compliant ramps, door widths that cannot accommodate the passage of a wheel chair, and the location of door handles that are too high.

Discrimination against individuals with disabilities occurs when a person is perceived differently, treated differently, and struggles to gain acceptance at a level experienced by their non-disabled peers. Often times, physical barriers encountered by people with disabilities can be perceived as discrimination because they exclude that individual from reaching their desired destination or performing a specific task or action. According to the ADA, all State and local governments are required to follow specific architectural standards in either the new construction or the alteration of existing buildings unless the corrective actions would result in undue financial or administrative burdens. To avoid discriminating against those with disabilities, public entities are required to make reasonable modifications. These modifications will provide equality of opportunity, but the county cannot guarantee equality of results.

H. Program Accessibility

Title II requires local governmental agencies to ensure that all of their programs, services, and activities, when viewed in their entirety, are accessible to persons with disabilities. Program access is intended to remove physical barriers to the local governmental agency services, programs and activities, but it generally does not require that the local governmental agency make each facility, or each part of any given facility, accessible. For example, every restroom in a given facility does not need to be made accessible. However, signage directing persons with disabilities to the accessible features and spaces within that given facility must be provided.

Program accessibility may be achieved through a variety of ways. Local governmental agencies may choose to make structural changes or pursue alternatives to structural changes to achieve

access. For example, the local governmental agency can move public meetings to accessible buildings and relocate services for individuals with disabilities to accessible levels or parts of a building. It should be noted that when choosing between possible methods of program accessibility, the local governmental agency must give priority to the choices that offer services, programs, and activities in the most integrated setting that is available and appropriate. Additionally, all newly constructed public facilities must be fully accessible to people with disabilities. 28CFR§§35.149, 35.150, 35.351, 35.163.

I. Undue Burden

A “grandfather clause” does not exist in the ADA; however, the law is flexible. Local government agencies must comply with Title II of the ADA and must provide program access for all individuals. However, with respect to complying with Title II, a local governmental agency does not have to take any action to make a feature compliant to ADA standards if that agency can demonstrate that the alteration will result in the creation of a hazardous condition or will cause undue financial and/or administrative burden. Hazardous conditions may include affecting crime prevention measures, legitimate safety requirements necessary for safe operation, or impact of the action on the operation of a site. The determination of an undue burden can only be made by the head of the local public agency (or a designee) and must be accompanied by a written statement outlining the reasons for reaching such a conclusion. In order to establish that an alteration of a feature will cause undue financial and/or administrative burden, an evaluation of all resources available for use in the program must be completed. The evaluation of these resources must include the amount of financial resources available, the effect on expenses and resources, the type and location of the facility, and the number or employees at the site.

If an alteration of a feature would result in a burden, the public entity must take any other action that would not result in an undue burden, but would ensure that individuals with disabilities receive the benefits and services of the program or activity. 28CFR§35.150(a)(3).

J. Safe Harbor

Elements in facilities built or altered before March 15, 2012 that comply with the 1991 ADA Standards for Accessible Design (1991 Standards) are not required to be modified to specification in the 2010 Standards. For example, the 1991 Standards allow the maximum side reach control part of a paper towel dispenser to be 54 inches. The 2010 Standards lower that side reach to 48 inches maximum. If a paper towel dispenser was installed prior to March 15, 2012 with its highest operating part at 54 inches, the paper towel dispenser does not need to be lowered to 48 inches. Since the dispenser complies with the 1991 Standards, that Standard provides a “safe harbor”.

K. Historic Properties

Exceptions to the ADA have been made for historic properties that are listed, or are eligible for listing, in the National Register of Historic Places, or a property designated as historic under state or local law. A public entity is not required to make alterations that would destroy or threaten the historical significance of an historic property. In such a case, alternative

requirements may be used as discussed in 28 CFR 36.405 and ADAAG 4.1.7(3). An example of an alternative requirement would include providing displays and written information in a location where they can be seen by a seated person.

L. Curb Ramps

When streets and roads are either newly built or altered ramps must be constructed whenever curbs or other physical barriers exist at the connection point between the roadway and a pedestrian walkway. Likewise, when new sidewalks or walkways are built or altered, they must also contain curb ramps or sloped areas wherever they intersect with a street or roadway. However, at existing roads and sidewalks that have not been altered, local governmental agencies may choose to construct curb ramps at every point where a pedestrian walkway intersects a curb, but they are not necessarily required to do so. Under program access, alternative routes to buildings that make use of existing curb ramps may be acceptable where persons with disabilities must only travel a marginally longer route. 28CFR§35.151(e).

3. The Self-Evaluation and Transition Plan Requirements

A. Basic Requirements and Components

In accordance with the ADA, Section 504, and the August 2, 2012 letter from Troy Woodruff, INDOT Chief of Staff (See Appendix A), local communities should at a minimum:

- (1) Designate an employee of the local community as an ADA/504 Coordinator. The coordinator will be responsible for overseeing compliance with the nondiscrimination laws (Rehabilitation Act, American Barriers Act, and Americans with Disabilities Act) as they relate to individuals with disabilities.
- (2) Create and distribute an educational notice alerting the public to their rights under the ADA and Section 504, as well as the County's responsibilities under the law. This notice should be distributed on an on-going basis.
- (3) Develop and adopt a grievance policy and procedure that provides swift and equitable resolution of complaints.
- (4) Develop and adopt a model ordinance outlining accessibility standards, specifications and design details that reflect the most current ADA standards.
- (5) A self-evaluation and inventory should be completed of all of its facilities, programs, policies, and activities to evaluate whether there are access barriers for persons with disabilities.
- (6) Develop a Transition Plan that will address the removal of the access barriers identified in its inventory that includes a budget and schedule for improvements. All local communities are required to have a Transition Plan in place if they receive federal funds. Local communities with 50 or more employees must have a plan, regardless of whether they receive federal funds.
- (7) The Transition Plan must be implemented and regularly monitored for progress in barrier removal. The re-evaluation should occur at least once every three to five years.

B. Roadway Prioritization Methodology

Given the considerable challenge of moving toward not only providing safe and usable pedestrian facilities for all, but also complying with the federal and state regulations, the main goal of the Transition Plan is to develop a practical ranking of all the non-compliant facilities so that the repairs can be done in an order that targets higher priority facilities first.

The first step in developing the prioritized ranking was to identify the roads that are more heavily traveled by pedestrians, as well as those destinations to which pedestrians are traveling. To illustrate those roadways and destinations graphically, a Pedestrian Traffic

Generator Map was created (See Appendix E). This map shows all the roadways and tracts of land throughout the community. Each roadway is given a priority – 1, 2, or 3 (with 1 being the highest). These rankings are based on the INDOT Functional Classifications. Likewise, every parcel of land is also given a priority of 1, 2, or 3. These rankings are based on the land uses of each parcel and seek to represent the level that each respective land use will generate pedestrian traffic. Figure 1 shows the Pedestrian Traffic Generator Map by Land Use, and Figure 2 shows the Pedestrian Traffic Generator Map by Priority. Specific definitions of each of these priority rankings are listed in Table 1.

C. Building Assessment Methodology

Each building under the County’s jurisdiction was visited and assessed by Myszak + Palmer staff architects. The architects used the [ADA Checklist for Readily Achievable Barrier Removal](#), which is based on the 2010 ADA Standards for Accessible Design. This checklist makes it possible for all buildings to be assessed in a consistent manner across the various aspects of the ADA. The checklist is split into four categories, called Priorities. They are as follows:

- Priority 1 – Approach & Entrance
- Priority 2 – Access to Goods & Services
- Priority 3 – Toilet Rooms
- Priority 4 – Additional Access

A complete copy of the checklist is included in the Appendix D – Master Checklist section. The checklist is setup in the Question-and-Answer style. Each item being assessed as a question, and the three available answers are “Yes”, “No” and “Not Applicable”. In most cases, an answer of Yes indicates that the particular item is in compliance with the ADA, and an answer of No indicates that the item is out of compliance. This checklist includes many helpful illustrations to not only help the person conducting the assessment to be thorough and consistent, but also to help the reader to understand the item and how it should be corrected in the case of a No answer.

The individual assessments for each building are included in Appendix D. Any time the answer to the question was Not Applicable, that line item was stricken, and the data was not printed in an effort to present concise and efficient findings. Likewise, any time the answer to the questions was No, that line item was shaded so that it would easily stand out for easy identification.

Please see Section 4 – Self-Evaluation Data and Findings for executive summary statements and general compliance statements for each building, and then see Appendix D for the in-depth assessments for each building.

4. Self-Evaluation Data, Findings and Updates

A. Original Findings

a. County Courthouse

- Existing van accessible parking space in existing parking lot shall be reconfigured to meet min. required width of access aisle
- An 18" vertical grab bar shall be installed in the men's and women's restrooms and unisex restrooms throughout building.
- All automatic closers throughout building shall be adjusted to allow the door to close in 5 seconds.
- File shelving in the basement records office and the third level law storage shall be rearranged to allow a min. 36" clear path.
- Replace any table throughout facility that does not have min. 27" high knee clearance.
- Add a tactile warning such as a permanent planter or partial walls beside drinking fountain area that protrude into the main path of travel.

b. Courthouse Annex

- An 18" vertical grab bar shall be installed in the men's and women's restrooms and unisex restrooms throughout the building.
- All automatic closers throughout building shall be adjusted to allow the door to close in 5 seconds.
- File shelving in the Veteran's Service Office shall be rearranged to allow a min. 36" clear path.
- Replace any table throughout facility that does not have min. 27" high knee clearance.

c. County Jail

- No general comment, see detailed assessment.

d. County Correction Facility

- No general comment, see detailed assessment.

e. County Health Department

- New van accessible parking space and an additional accessible parking spaces shall be installed in existing parking lot.
- The men's and women's restrooms shall be reconfigured to allow a min. 60" clear turn radius.
- The accessible toilet compartment stall in the men's and women's restrooms shall be reconfigured to meet the min. required clearances.
- An 18" vertical grab bar shall be installed in the men's and women's restroom accessible stall.

f. County Highway Department

- New van accessible parking space shall be installed in existing parking lot.
- An 18" vertical grab bar shall be installed in the accessible unisex restroom.

g. County Fairgrounds: Commercial Farm Bureau

- Existing accessible space parking lot shall be paved with concrete or asphalt.
- Accessible parking lot shall have a stable connecting accessible route to all main entrances of all buildings.

h. County Fairgrounds Book Mobile Building

- New accessible parking space (s) shall be installed close to entrance.
- A new ramp shall be installed so that there is an accessible route from new accessible parking space to main entrance.
- The existing unisex restroom shall be reconfigured to make it accessible.
- An 18" vertical grab bar shall be installed in the unisex restroom.

i. County Fairgrounds Clover Pavilion

- An 18" vertical grab bar shall be installed in the men's and women's restrooms and unisex restrooms throughout building.
- All automatic closers throughout building shall be adjusted to allow the door to close in 5 seconds.
- Replace any table throughout facility that does not have min. 27" high knee clearance.

j. County Fairgrounds Grandstand

- No general comment, see detailed assessment.

k. County Fairgrounds Lions Club Concession Buildings

- Existing accessible space parking lot shall be paved with concrete or asphalt.
- Accessible parking lot shall have a stable connecting accessible route to all main entrances of all buildings.
- Modify a portion of the existing concession counter so that is no more than 36" above the finish floor to make it accessible.
- Add an accessible picnic table at each concession building.

l. County Fairgrounds Restrooms

- New accessible parking space(s) shall be installed close to entrance.
- An accessible route from new accessible parking space to main entrance shall be installed.
- The existing toilet rooms by the main grandstand shall be reconfigured to make them accessible.
- An 18" vertical grab bar shall be installed in all the accessible compartment stall at both toilet rooms
- Remove changing station in women's toilet room by the Horse Barn. (Station protrudes into path of travel.)

m. County Fairgrounds Shooting Range

- Existing accessible space parking lot shall be paved with concrete or asphalt.
- Accessible parking lot shall have a stable connecting accessible route to all main entrance of the shooting range building.
- An accessible ramp shall be installed from the accessible route to the main entrance.
- An accessible route shall be installed from the indoor shooting area to the outdoor shooting area.
- The outdoor shooting area shall have a stable surface installed, i.e. concrete or asphalt paving.
- Lower at least one shooting area, indoor and outdoor, to no higher than 36" above the floor for an accessible shooting space.

n. Campgrounds Restroom

- New accessible parking space(s) shall be installed close to entrance.
- An accessible route from new accessible parking space to main entrance shall be installed.
- The existing small toilet rooms on the southeast side of the park shall be reconfigured to make them accessible.
- Remove stalls in the small toilet rooms on the southeast side of the park and convert into a single-user toilet room to make them accessible.
- An 18" vertical grab bar shall be installed in all the accessible compartment stalls at both toilet rooms.

o. Shelter Houses

- Existing accessible space parking lot shall be paved with concrete or asphalt.
- Accessible parking lot shall have a stable connecting accessible route to all main entrances of all buildings.
- Add an accessible picnic table at each shelter house.

B. Updates

a. County Health Department

i. 2016 Remodel

- 1.** Reconfigured Bathrooms to make them compliant with ADA Standards
- 2.** Altered the interior accessible routes to make them free of any obstacles, increased the landing area to 60" and installed proper handrails on both sides of the ramp to the restrooms

3. Reconfigured the lobby by removing a chair to create more space, created a Lower section, at the receptionist counter, to make it ADA compliant

b. County Fairgrounds Clover Pavilion

i. 2014 Concrete Handicap Parking Lot Installed

1. Constructed 18 new ADA compliant parking spots (10 Van Accessible)
2. Constructed ADA compliant sidewalks that lead to the Clover Pavilion and the Animal Exhibit Halls

c. County Fairgrounds Book Mobile Building

i. 2015 Concrete Handicap Parking and Ramp Installed

1. Created 2 Handicap Parking Spaces (1 Van Accessible) and proper ADA compliant sidewalk
2. Created an ADA compliant ramp up to the Main Entrance of the building.

d. County Fairgrounds Grandstand

i. 2016 Grandstand Replacement

1. New Handicap Ramp, and dedicated seating areas with proper ADA Standards

e. County Jail & Correction Facility

i. New Jail and Community Corrections Facility

1. Currently Constructing New and Remodeling and will be brought into ADA compliance

5. **Transition Plan**

A. **Codes and Standards**

Standards for the proper construction of sidewalks and curb ramps were developed as a part of this Transition Plan. The Standards are intended to apply all new construction undertaken within the right-of-way limits of Dubois County after the final approval and adoption of the ADA Transition Plan. Copies of the code and corresponding drawing figures are included herein.

B. **Implementation Plan**

The implementation portion of this plan is to be used as a guide in removing the physical barriers and obstacles within the rights-of-way of Dubois County. The types of projects included in the implementation portion of the Transition Plan can be categorized as follows:

1. Roadway and sidewalk construction and/or retrofit projects planned for the improvement of overall vehicular and pedestrian facilities. These projects would include Road Rehabilitation projects, Transportation Enhancement projects, Safe Routes to School project and other such surface transportation improvement initiatives.
2. Curb ramp, sidewalk and intersection crosswalk retrofit projects included with road overlay or other street and/or sidewalk construction projects. Where applicable, all street and sidewalk maintenance and rehabilitation activities and projects should be programmed and developed to implement barrier removal.
3. Curb ramp, sidewalk and intersection crosswalk retrofit activities done in conjunction with private land development projects. If public pedestrian facilities are affected during the construct of such projects, the replacement facilities should be done in accordance with the Codes and Standards listed herein.
4. Curb ramp, sidewalk and intersection crosswalk retrofit activities done in conjunction with drainage or utility projects. Where applicable, any disturbance to the existing public pedestrian facilities by public or private utility companies should be restored in accordance with the Codes and Standards listed herein.

C. **Prioritized Rankings**

Because Dubois County has a relatively large number of facilities, it is impossible to immediately remove all known barriers to access. Barriers in facilities will be removed systematically, County-wide, to ensure equality among all programs. It is the intent of Dubois County to address barriers to accessibility in its public buildings and parks within a reasonable time frame, depending on the immediate necessity, degree of complexity, and overall cost.

Dubois County reserves the right to modify barrier removal priorities in order to allow for flexibility in accommodating community requests, petitions for reasonable modifications from persons with disabilities, changes in County programs, as well as funding constraints and opportunities. It is the goal of this Transition Plan to provide access to the programs, activities and services provided by the County. Interim measures will be explored and implemented in order to provide programmatic access to the public pending the implementation of physical barrier removal projects.

When reviewing the assessments and setting priorities for each building, the following recommendations are intended as guidance in developing the schedule of improvements:

Priority One: The highest priority should be placed on those barrier removal items that provide accessibility at the main entrance of a facility or improve a path of travel to the portion of the facility where program activities take place. Examples are as follows:

1. Connection to the public right-of-way
2. Parking and passenger loading
3. Entrance walks
4. Entrance ramps
5. Entrance stairs
6. Entrance doors

Priority Two: A second level priority should be placed on those barrier removal items that improve or enhance access to program use areas. Examples are as follows:

1. Transaction counters
2. Conference and meeting rooms
3. Public Offices
4. Sports fields and courts
5. Public Restrooms

Priority Three: A third level priority should be placed on those barrier removal items that improve access to amenities serving program areas. Examples are as follows:

1. Drinking fountains
2. Public Telephones
3. Vending machines

Priority Four: A fourth and lowest level of priority is used to identify areas or features not required to be modified for accessibility because there are no public programs located in this space, or because there are similar features located nearby that reasonably provide programmatic access.

D. **Funding Strategies**

The County intends to fund the implementation of barrier removal in two different ways. First, for smaller, less expensive items such as toilet room grab bars, braille signage, and door hardware, the County will designate a budgetary line item of not less than \$5,000 per year that will be used to purchase the various pieces of hardware, and the County's existing building maintenance staff will do the installations.

Second, for major projects that require specific allocation of funds by the County Council and County Commissioners, the projects shall be undertaken and completed as funding allows. Projects such as this are intended to include major remodeling or reconstruction of existing facilities to correct non-compliance.

E. Steering Committee

The County shall create an on-going ADA Steering Committee that will provide guidance and recommendations to the County Commissioners in developing the actual work program for barrier removal. The Committee shall meet as needed, but not less than on a biennial basis. The County shall provide the following functions:

1. Provide a recommended sequential order of work for the minor projects. Examples of this may include providing a recommendation to correct all the minor deficiencies in a single facility before moving on to the next, or perhaps correcting one deficient aspect (such as toilet room grab bars or braille signage) in every facility. In either case, the Committee shall provide the recommended order that the facilities will be ranked. For example, buildings where public meetings and/or County business is conducted should be corrected before parks and recreational buildings.
2. Provide a recommendation as to whether any given County facility is worth the expenditure of the needed funds to bring it into compliance. In some cases, it may be more cost effective to replace a building or relocate the office/service that to bring it into compliance.
3. Provide a recommended sequential order of work for major projects.

The Committee shall be made up of the following members:

- One County Commissioner
- One County Council Member
- County Maintenance Director
- County Engineer / ADA Coordinator
- County Park Board Member or Designee
- 4H Council Board Member or Designee
- County Auditor, Clerk, Treasurer, or Recorder

6. **Grievance Policy and Complaint Procedure**

If a person (or group of people) believes he or she may have been the victim of discrimination based on his or her disability, that person (or group of people) may file a grievance against the County. To expedite this process, Dubois County has adopted a policy that covers the process that the person (or group of people) should follow to file the grievance, as well as the process that the County must follow in evaluating and resolving the grievance. A copy of the policy and the official grievance form are included in this plan.

Dubois County will keep copies of all grievance filed, along with all paperwork regarding the evaluation and resolution thereof for a minimum of six (6) years.

Dubois County strives to maintain the rights of its citizens at every level of government. Therefore, the County's grievance policy and procedure were developed such that a grievant could complete the local grievance procedure and appeal, if needed, and still have the opportunity to file a grievance with a state or federal agency within the known allowable timeframes from the date of the alleged discrimination.

7. Glossary

The ADA, the “Title II Technical Assistance Manual” and “ADA Best Practices Tool Kit for State and Local Governments” defines many of the terminology used throughout the act and this Transition Plan. The following is a summary of these definitions.

AASHTO: American Association of State Highway and Transportation Officials

Accessible: Refers to a site, facility, work environment, service, or program that is easy approach, enter, operate, participate in, and/or use safely and with dignity by a person with a disability.

ADA: American Disabilities Act as contained at 42 U.S.C 12101 et seq.

ADAAG: Americans with Disabilities Act Accessibility Guidelines (codified at Appendix A to 28 Code of Federal Regulations Part 36 and at Appendix A to 49 of Federal Regulations Part 37) contains guidelines issued by the United States Architectural and Transportation Barriers Compliance Board. It is important to note that these guidelines are not enforceable standards.

APS: Accessible Pedestrian Signal(s)

APWA: American Public Works Association

Auxiliary Aids and Services: Includes-

- (1) Qualified interpreters or other effective methods of making orally delivered materials available to individuals with hearing impairments;
- (2) Qualified readers, taped texts, or other effective methods of making visually delivered materials available to individuals with visual impairments;
- (3) Acquisition or modification of equipment or devices; and other similar services and actions.

CIP: Capital Improvement Plan

Complaint: A claimed violation of the ADA

Complaint Curb Ramp: A curb ramp constructed to comply with state and/or federal law (whichever provides the higher access standard) in place at the time of construction. In the case of a location where it is structurally impracticable or technically infeasible to build a fully compliant curb ramp, or where construction of a fully compliant curb ramp would constitute a Fundamental Alteration of a service, program or activity of the City or County, or an Undue Burden on the City or County, a curb ramp that complies with access standards, or was constructed to the standards existing at the time of construction, or to the maximum extent feasible, will constitute a Complaint Curb Ramp as long as the requirements set forth in this Transition Plan for justifying the reasons for the City or County to avoid full compliance are met.

Curb Ramp: A short ramp cutting through a curb or built up to it allowing an accessible route that people with disabilities can use to safely transition from a roadway to a curbed sidewalk and vice versa.

Detectable Warnings: A surface feature built in or applied to walking surfaces or other elements to warn of hazards on a pedestrian access path.

Disability: With respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such impairment; or being regarded as having such an impairment.

Discrimination of the basis of disability: No qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of services, programs, or activities of a public entity, or be subjected to discrimination by any such entity. This includes:

- (1) Limit, segregate, or classify a citizen in a way that may adversely affect opportunities or status because of the person's disability;
- (2) To participate in a contract that could subject a qualified citizen with a disability to discrimination;
- (3) To use any standards, criteria or methods of administration that have the effect of discriminating on the basis of disability; to deny equal benefits because of a disability;
- (4) To fail to make reasonable accommodations to known physical or mental limitations or an otherwise qualified individual unless it can be shown that the accommodation would impose an undue burden on the City or County's operations.

DOJ / USDOJ: United States Department of Justice

DOT / USDOT: United States Department of Transportation

Facility: Means all or any portion of buildings, structures, sites, complexes, equipment, rolling stock or other conveyances, roads, walks, passageways, parking lots, or other real or personal property, including the site where the building, property, structure, or equipment is located.

Has a record of such an impairment: Means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

Is regarded as having an impairment: Means –

- (1) Has a physical or mental impairment that does not substantially limit major life activities but that is treated by a public entity as constituting such a limitation;
- (2) Has a physical or mental impairment that is substantially limits major life activities only as a result of the attitudes of others toward such impairment; or
- (3) Has none of the impairments defined in paragraph (1) of this definition but is treated by a public entity have such an impairment.

Major life activities: Means functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

Pedestrian Generator Map: A Pedestrian Generator Map identifies land uses that are most likely to create pedestrian trips either to or from them. For the purpose of the Transition Plan, pedestrian generators were placed into one of three categories: Priority Level 1 (Create a high number of pedestrian trips), Priority Level 2 (Create a moderate number of pedestrian trips), or Priority Level 3 (Create a low number of pedestrian trips). A detailed list of land uses, and its assigned priority level is shown in Table 1.

Pedestrian Right-of-Way: Portion of land area owned by the City of County and provided by dedication for use by the public through walking, wheelchair or other non-automobile device.

Physical or Mental Impairment: Means –

- (1) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine;
- (2) Any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.
- (3) The phrase physical or mental impairment includes, but is not limited to, such contagious and noncontagious diseases and conditions as orthopedic, visual speech and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, specific learning disabilities, HIV disease (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism.
- (4) The phrase physical or mental impairment does not include Transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders; Compulsive gambling, kleptomania, or pyromania; or Psychoactive substance use disorders resulting from current illegal use of drugs.

Public Entity: Means –

- (1) Any State or local Government;
- (2) Any department, agency, special district, or other instrumentality of a State or States or local Government;
- (3) Certain commuter authorities as well as AMTRAK.

Public Right of Way Accessibility Guidelines (PROWAG): This document reflects the best practices for designing accessible pedestrian facilities.

Qualified Individual with a Disability: An individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal or architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a public entity.

Readily Achievable: Easily accomplishable and able to be carried out without much difficulty or expense. Examples include lowering mirrors, install side ramping of a few steps, installation of grab bars where only routine reinforcement of the wall is required and similar modest adjustments.

Reasonable Accommodation: All public entities must make “reasonable accommodation” to the known physical or mental limitations or otherwise qualified applicants or employees with disabilities, unless the public entity can show that the accommodation would impose an “undue hardship” on the operation of its program.

Reasonable Modification: An adjustment to rules policies or procedures to accommodate an individual whose disability makes it impossible to comply otherwise when such adjustment does not fundamentally alter the nature of the program, service or activity. Example:

- (1) Granting a variance in the zoning requirement when a ramp is installed to the front entrance of a building but will encroach on the established set-back by three feet.

Self-Evaluation: Means –

- (1) A public entity shall, within one year of the effective date of this part, evaluate its current services, policies, and practices, and the effects thereof, that do not or may not meet the requirements of this part and, to the extent modification of any such services, policies, and practices is required, the public entity shall proceed to make the necessary modifications.
- (2) A public entity shall provide an opportunity to interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the self-evaluation process by submitting comments.
- (3) A public entity that employs 50 or more persons shall, for at least three years following completion of the self-evaluation, maintain on file and make available for public inspection:
 - a. A list of the interested persons consulted;
 - b. A description of areas examined and any problems identified; and
 - c. A description of any modifications made.

Structurally Impracticable: Changes having little likelihood of being accomplished without removing or altering a load bearing structural member and/or incurring an increased cost of 50 percent or more of the value of the element of the facility or building involved.

Technically Infeasible: With respect to an alteration of an existing element, that it has little likelihood of being accomplished because existing physical or site constraints prohibit modification or addition of elements, spaces, or features to bring the element into full and strict compliance with the minimum requirements for new construction and which are necessary to provide accessibility.

Transition Plan:

- (1) 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. A public entity shall provide an opportunity to interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the development of the transition plan by submitting comments. A copy of the transition plan shall be made available for public inspection.
- (2) 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, including State and Local Government offices and facilities, transportation, places of public accommodation, and employers, followed by walkways serving other areas.
- (3) The plan shall, at a minimum –
 - a. Identify physical obstacles in the public entity’s facilities that limit the accessibility of its programs or activities to individuals with disabilities;
 - b. Describe in detail the methods that will be used to make the facilities accessible;
 - c. Specify the schedule for taking the steps necessary to achieve compliance with this section and, if the time period of the transition plan is longer than one year, identify steps that will be taken during each year of the transition period; and
 - d. Indicate the official responsible for implementation of the plan.

Undue Burden: An action requiring significant difficulty or expense when considering the nature and cost of the accommodation in relation to the size, resources, and structure of the specific operation.