

City of New Haven

**ADA Transition Plan
2012**



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Statement/Mission

In 1990, the Federal Government enacted the Americans with Disabilities Act ("ADA"). The City of New Haven, Indiana recognizes its legal obligation to comply with Title II of the ADA and hereby establishes a transition plan to ensure compliance with this federal law, rules and regulations. Therefore the City of New Haven will identify barriers that exist and state how and when the barriers are to be removed by providing a means to address complaints of discrimination, by encouraging public input to assess, address and meet access needs, and by establishing periodic reviews of the plan to monitor progress and compliance. The purpose of the Plan is to ensure that the citizens are provided full access to programs, services and activities in a timely manner. The City of New Haven elected officials and staff believe the ability to accommodate disabled persons is essential to good customer service, the quality of life New Haven residents seek to enjoy and to effective governance. Title II of the ADA requires that each of the City of New Haven services, programs and activities, when viewed in their entirety, be readily accessible and usable by individuals with disabilities.

Non-Discrimination Notice

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), the City of New Haven will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

Employment: The City of New Haven does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the ADA.

Effective Communication: The City of New Haven will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in city programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

Modifications to Policies and Procedures: The City of New Haven will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services and activities. For example, individuals with service animals are welcome in all city offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity, should contact the City of New Haven ADA Coordinator as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the City of New Haven to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Complaints that a program, service, or activity of the City of New Haven is not accessible to persons with disabilities should be directed to the City of New Haven ADA Coordinator.

The City of New Haven will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

Designation of an ADA Coordinator

Pursuant to Resolution R-12-9 adopted on the 11th day of December, 2012, by the City of New Haven City Council the position of ADA Coordinator for the City of New Haven was created. The following individual was appointed to serve in such capacity:

Brian Yoh

Brian Yoh holds such position concurrently with his appointment as the Director of Planning and Economic Development and is responsible for overseeing compliance with the ADA.

Brian Yoh
815 Lincoln Highway East
New Haven, Indiana 46774
Phone: 260-748-7041
Fax: 260-748-7075
TTY: 260-748-7005
Email: brianyoh@newhavenin.org

**City of New Haven, Indiana
Grievance Procedure under
The Americans with Disabilities Act**

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the City of New Haven. The City of New Haven Personnel Policy governs employment-related complaints of disability discrimination.

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. Alternative means of filing complaints, such as personal interviews or a tape 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:

Brian Yoh
815 Lincoln Highway East
New Haven, Indiana 46774
Phone: 260-748-7041
Fax: 260-748-7075
TTY: 260-748-7005
Email: brianyoh@newhavenin.org

Within 15 calendar 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 15 calendar 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 New Haven 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 and/or his/her designee

may appeal the decision within 15 calendar days after receipt of the response to the Mayor of the City of New Haven.

Within 15 calendar days after receipt of the appeal, the Mayor or his/her designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the Mayor or his/her designee will respond in writing, and, where appropriate, in a format 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 Mayor or his/her designee, and responses from these two offices will be retained by the City of New Haven for at least three years.

Design Standards-Sidewalks

Sidewalks: Sidewalk curbs constructed as part of planned development, sidewalk curbs replaced by or for the City of New Haven, or sidewalk curbs replaced by or for a property owner through a city match funding program shall be constructed in accordance with the PROWAG (Public Right-of-Way Accessibility Guidelines) regulations and standards.

Public Involvement Opportunities

The general public is encouraged to participate in identifying needs or barriers to accessibility. This may be done by contacting the ADA Coordinator.

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A draft of the City of New Haven Transition Plan will be available on the website from December 15, 2012 to February 1, 2013 for the public comment period. The Transition Plan will also be available in the New Haven Planning office located at 815 Lincoln Highway East, New Haven, Indiana 46774. Anyone that would like to comment on the Transition Plan can submit their comments at this office or can contact the ADA Coordinator.

After the City of New Haven Transition Plan has been adopted it will be posted on the city website. It will also be available in the New Haven Planning office for viewing. A copy of the Transition Plan will also be available at the New Haven Public Library located at 648 Green Street, New Haven, IN.

Inventory

In an effort to remove barriers to streets and sidewalks, the City of New Haven has inventoried all curbs and sidewalks within the city's jurisdiction. The inventory procedure is intended to identify a comprehensive list or inventory of all curbs and sidewalks in the city's jurisdiction that are not ADA compliant. This is composed of an effort to fully inventory the infrastructure that is present and then to identify those items in the system which are not compliant with ADA requirements.

The City of New Haven has developed its inventory of the existing system in five steps:

Step 1: Aerial Maps

Aerial maps of city were used to map the locations on the system that include sidewalks and/or curbs. In addition, city staff assisted in this process to assure sidewalks and curbs were not missed.

Step 2: Field Evaluation and Inventory

Once the system of sidewalks and curbs had been mapped, a field investigation of each was completed to measure and/or evaluate the following characteristics of each segment of sidewalk and curb.

The following attributes were to be collected for sidewalks and ramps.

- Measured width
- Cross slope observation (2% maximum)
- Heaving
- Continuity
- Joint condition
- Ramp width
- Ramp slope
- Ramp turning space
- Ramp clear space
- Detectable warnings

The above items were considered and a summary “Condition Rating” was given as follows:

- A – ADA Compliant, no concerns (green)
- B – Minor problem noted, but no immediate needs (orange)
- C – One major problem or multiple minor problems, needs some attention (yellow)
- D – Multiple major problems, possibly impassable for wheelchairs (pink)
- F – Broken, impassable by wheelchairs, difficult for pedestrians (red)

Examples of sidewalk and ramp ratings are provided on the following pages.

Currently there are 805 ramps in the city. The number of non-compliant ramps is 535. Of the non-compliant ramps, 14 are rated a B, 314 are rated a C, and 207 are rated an F.

Currently there is 315,291 linear feet of sidewalks in the city. There is 10,798 linear feet of non-compliant sidewalks. Of the non-compliant sidewalks, 1,654 are rated a B, 5,356 are rated a C, and 3,788 are rated a D.

Step 3: Preparation of a Map of Compliant and Non-Compliant features

A map has been produced that identifies all the sidewalks and ramps and their rating. The map can sort by sidewalks or ramps.

Step 4: Request for Review and Public Input

As part of the Transition Planning process, the map prepared in Step 3 will be made available for comment. The map will be posted on the city website

and on display at the New Haven City Hall located at 815 Lincoln Highway East, New Haven, Indiana 46774. The comment period will be from December 15, 2012 to February 1, 2013.

Step 5: Update of the Inventory

After receiving input from the public review and staff the inventory will be updated as needed. This will provide a comprehensive list of the needs that exist in the system.

Assessment Procedures

The assessment procedure is intended to establish the relative importance or priority of the various obstacles that are identified in the Inventory Phase.

This procedure will use four different evaluation factors. Each factor will have a score, with higher values indicating greater importance. Scores are then to be totaled to assist in the identification of which facilities are highest in priority.

Condition of Sidewalk or Ramp

1 point = Rating of B

2 points = Rating of C

3 points = Rating of D or F

Vicinity of Pedestrian Destinations

Pedestrian Destination includes commercial businesses, schools, parks, government buildings/offices, libraries, churches

0 point = nothing nearby

1 point = within 1 block of pedestrian destination

2 points = within 1 block of multiple pedestrian destination

3 points = adjacent to a park, school, government building or library

Public Interest

0 point = no comments

1 point = multiple public comments received

2 points = subject of a formal ADA grievance filing

Local Priority

This is intended to be a local decision-makers tool to provide emphasis to a specific need based on a special concern, especially one of public safety, anticipated heavy pedestrian traffic, or special site condition.

- 0 point = no special concerns noted at or near location
- 1 point = some special concern exists at or near location
- 2 points = special local emphasis exists at or near location

By totaling these factors, the highest score achievable would be 10, with the lowest being at least a 1. Each obstacle identified in the Inventory phase will be evaluated under this procedure. A total score for each need can thus be provided, with higher scores revealing higher priority repairs and improvements.

Appendix B contains the results of the evaluation of the sidewalks and ramps.

Funding & Scheduling

The City of New Haven will use Motor Vehicle Highway (MVH), Local Road & Streets (LR&S) and County Economic Development Income Tax (CEDIT) funds to repair, modify or reconstruct sidewalk and ramps. The City of New Haven intends to spend \$25,000 annually to repair, modify or reconstruct sidewalk and ramps to meet current ADA standards.

Review & Evaluation

In January of each year the Mayor will meet with the ADA Coordinator to review the City of New Haven's efforts put forth the previous year to comply with the ADA and the implementation of the Transition Plan. At this time an update to the Transition Plan will be done. This shall include any adjustment to the number of sidewalks and ramps that are non-compliant, any changes to funding sources and changes to the schedule, if needed. The Mayor and ADA Coordinator shall review the prioritization of repairs, modifications or replacement of sidewalks and curbs for the upcoming year. At this time they will also determine the number of sidewalks and curbs that can be brought into compliance with ADA standards (if different than previously stated in Transition Plan).

The review and evaluation will continue each January until all sidewalks and ramps are ADA compliant and the Transition Plan is completed.