

**Hamilton County's
Americans with Disabilities Act
Transition Plan**



Table of Contents

- 1.0 Introduction
 - 1.1 Section 504 of the Rehabilitation Act of 1973
 - 1.2 Title II of the Americans with Disabilities Act (ADA) of 1990
- 2.0 Transition Plan
 - 2.1 Outreach
 - 2.2 Plan Elements/Requirements
 - 2.3 Projects Covered by ADA and Section 504
 - 2.4 Review Process
 - 2.5 Future Plan updates
- 3.0 Compliance History and Ongoing Efforts
 - 3.1 Administrative Requirements of ADA
 - 3.1.1 Designation of ADA Coordinator
 - 3.1.2 Notice of ADA Requirements
 - 3.1.3 Establishment of Grievance Procedures
 - 3.1.4 Assurances
 - 3.1.5 Personnel Training
 - 3.2 Interdepartmental Coordination
 - 3.2.1 Establishment of ADA Workgroup
 - 3.2.2 Training, Awareness, and Information Dissemination
 - 3.2.3 County Web Accessibility
 - 3.3 Communications
 - 3.3.1 Auxiliary Aids and Services
 - 3.3.2 Information and Signage

- 3.4 Facilities and Right of Ways (ROW)
 - 3.4.1 Design Standards and Construction Procedures
 - 3.4.2 Inventory data Collection (Self-Evaluation)
- 4.0 Barrier Prioritization
 - 4.1 Facilities Prioritization
 - 4.2 Right of Way Prioritization
- 5.0 Next Steps
 - 5.1 Ongoing Goals/Activities
 - 5.2 Short Term Goals (1-5 years)
 - 5.3 Long Term Goals (6+ years)
- 6.0 Plan Availability
- 7.0 Monitoring and Evaluation
 - 7.1 Annual Update report
 - 7.2 Transition Plan Management and Updates
- 8.0 Appendices
 - 8.1 Appendix A ADA Coordinator Contact Information**
 - 8.2 Appendix B Notice of Non-Discrimination**
 - 8.3 Appendix C Grievance Procedures**
 - 8.4 Appendix D Complaint Log**
 - 8.5 Appendix E ADA Work Group Members**
 - 8.6 Appendix F ROW Checklist**
 - 8.7 Appendix G ROW Deficiency Results**
 - 8.8 Appendix H Facilities Checklists**
 - 8.9 Appendix I Facilities Deficiency Results**
- 9.0 References

Hamilton County Americans with Disabilities Act Transition Plan

1.0 Introduction

The Hamilton County Americans with Disability Act-Transition Plan (referred to as the Plan) is intended to guide the County's efforts to provide accessible facilities within the County. The purpose of the Plan is to identify deficiencies in Hamilton County's policies, procedures, practices, and physical assets. The plan also provides guidance for the removal of accessibility barriers. The Plan outlines progress to date and identifies steps necessary to bring the Hamilton County's programs into compliance with ADA regulations. The Plan is intended to be a living document that will be updated regularly to track ongoing achievements toward compliance.

1.1 Section 504 of the Rehabilitation Act of 1973

Section 504 of the Rehabilitation Act of 1973 prohibits discrimination on the basis of disability by any program or activity receiving federal financial assistance. Discrimination may consist of exclusion from participation in or denial of the benefits of programs and activities operated by a department, agency, or other instrumentality of state or local government. Section 504 applies to Hamilton County, as well as all sub-recipients of federal funds.

1.2 Title II of the Americans with Disabilities Act (ADA) of 1990

The American with Disabilities Act (ADA) of 1990 expands on the foundation laid by Section 504 by prohibiting discrimination on the basis of disability by public entities regardless of whether they receive federal financial assistance. The Act is divided into five titles describing requirements relating to (I) employment, (II) state and local government services, (III) public accommodations for Privet Entities, (IV) telecommunications, and (V) miscellaneous provisions. Title I is overseen by the Hamilton County Human Resources Department. Title II of the Act applies specifically to state and local government services and the programs and activities they administer, including features built before and after 1990. The Code of Federal Regulations (CFR) outlines regulations implementing ADA, which apply to Hamilton County.

2.0 Transition Plan

As a key component of ADA compliance, the Transition Plan and its required and related elements – including its context within the transportation planning process and relevant projects covered by Title II/ Section 504, plan stakeholders, the review process, and future updates are discussed in this section

2.1 Outreach

Public input is an essential element in the transition plan development and self-evaluation processes. ADA implementing regulations require public entities to provide an opportunity to interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the self-evaluation process and development of the transition plan by submitting comments (28 CFR 35.105(b) and 28 CFR 35.150(d)(1)). On April 30, 2012 a Notice for Public Input was posted on the County's web page. This Notice asked for input in identifying deficiencies and/or problem areas within the County controlled properties and ROW's. As of the posting of the Draft Transition Plan, there have not been any responses pertaining to Hamilton County properties or ROW's.

2.2 Plan Elements/Requirements

Per 28 CFR §35.150(d)(3)(9-12-06), Title II requires the Transition Plan to accomplish the following tasks, at a minimum:

- Identify physical obstacles in a public agency's facilities that limit the accessibility of its programs or activities to individuals with disabilities;
- Describe in detail the methods that will be used to make the facilities accessible;
- Specify the schedule for taking the steps necessary to upgrade pedestrian access to meet ADA and Section 504 requirements in each year following the Transition Plan;
- Include a schedule for providing curb ramps or other sloped areas where pedestrian walks cross curbs, giving priority to walkways serving entities covered by Title II, including State and local government offices and facilities, transportation, places of public accommodation, and employers, followed by walkways serving other areas;
- Indicate the official responsible for the implementation of the plan; and
- Provide opportunities to interested persons and groups to participate in the development of the plan, including the Self-Evaluation leading to the plan.

2.3 Projects Covered by ADA and Section 504

Any project for construction or alteration of a facility that provides access to pedestrians must be made accessible to persons with disabilities. Projects that alter the use of the public right-of-way by making any changes that affect or could affect access, circulation, or use by affecting the structure, grade, or use of the roadway – must incorporate pedestrian access improvements within the scope of the project to meet the requirements of the ADA and Section 504.

Alterations include reconstruction, major rehabilitation, widening, resurfacing, signal installation and upgrades, and projects of similar scale and effect. Maintenance activities and resurfacing beyond normal maintenance are not considered to be alterations, per the Department of Justice (DOJ). The FHWA considers the following to be maintenance activities: actions intended to preserve the system, forestall future deterioration, and maintain the functional condition of the roadway without increasing the structural capacity such as nonstructural thin surface treatments, joint repair, pavement patching, shoulder repair, signing, striping, minor signal upgrades, and repairs to drainage systems.

2.4 Review Process

A Transition Plan should be periodically reviewed by County staff through a Self-Evaluation process, which should take place both *prior to* and *following* Transition Plan completion. These Self-Evaluation activities are intended to gauge the level of existing compliance and determine the potential need for additional areas of inclusion for accessibility improvements. Identified deficiencies should be catalogued and included in future Transition Plan updates.

2.5 Future Plan updates

While there is no required timeline for making future updates to a Transition Plan, the County should engage in Self-Evaluation activities as necessary to ensure that the Transition Plan document is current and meets the needs of disabled persons. Since each plan is required to have an annual schedule that is ideally aligned with annual funding allocations through transportation planning and programming mechanisms, annual milestones should be adjusted regularly to reflect any changes in real world conditions.

3.0 Compliance History and Ongoing Efforts

3.1 Administrative Requirements of ADA

Section 504 of the Rehabilitation Act of 1973 (49 CFR §27.13) and Title II of the Americans with Disabilities Act of 1990 (28 CFR §35.107) specify that any public entity with fifty (50) or more employees must designate at least one employee to coordinate compliance with the respective regulations. Hamilton County has met this basic program requirement, which also serves as a key required element of the Transition Plan, by designating a formal ADA Coordinator. Hamilton County has also developed several notices related to ADA— including a grievance procedure, among others— and is planning wider dissemination of these documents internally and to the public.

3.1.1 Designation of ADA Coordinator

Hamilton County has designated an ADA Coordinator and has made available to all interested individuals the name, office address, and telephone number for contact. The contact information is found in **Appendix A**.

The ADA/504 Coordinator is charged with the responsibility for implementing, monitoring and ensuring the agency's compliance with Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990. The functions performed by the ADA Coordinator are outlined below:

- Monitoring the County’s current policies and practices for implementing ADA/504.
- Identifying shortcomings in compliance and developing remedies.
- Evaluating remedial steps taken to eliminate the effects of discrimination.
- Monitoring complaint procedures that incorporate appropriate due process standards and providing for prompt and equitable resolutions of complaints filed under ADA/504.
- Ensuring County compliance with ADA/504.
- Collaborating and coordinating with the heads of major divisions and Departments to enable ADA/504 compliance efforts.
- Establishing and maintaining collaborative relationships with critical external stakeholders, such as disability advocacy groups and organizations.
- Monitoring the County’s ADA/504 Transition Plan to ensure that all Department facilities remain in compliance with applicable accessibility standards.
- Monitoring established procedures to ensure that requested auxiliary aids are provided for persons with disabilities.
- Conducting annual reviews of ADA/504 program areas.
- Conducting ADA/504 training programs for department managers and employees.
- Monitoring the preparation of ADA/504 information for dissemination to the general public, including the “Notice to the Public” offer to provide reasonable accommodation upon request.
- Identifying, investigating, and eliminating ADA/504 discrimination when it is found to exist.

3.1.2 Notice of ADA Requirements

Under Title II, Hamilton County must make information about ADA requirements pertaining to its services, programs, and activities available to the public. Hamilton County has adopted an ADA Notice of Non-Discrimination statement (**Appendix B**) that is provided on all public notices and documents. Hamilton County’s website includes a description of the ADA program, ADA Coordinator contact information, the complaint procedure and form, and links to the Americans with Disabilities Act Accessibility Guidelines (ADAAG) and Public Right-of-Way Accessibility Guidelines (PROWAG) documents. The County’s website provides information about Hamilton County’s ADA program and opportunity for public feedback.

3.1.3 Establishment of Grievance Procedures

Public entities employing at least 50 people are required to adopt and publish grievance procedures providing prompt and equitable resolution of complaints. Hamilton County has developed a grievance procedure and form. The current Grievance form is included in **Appendix C** and is posted online at the following link: http://www.hamiltoncounty.in.gov/egov/documents/1331147529_92255.pdf

A Complaint Log (**Appendix D**), documenting all ADA complaints will be kept by the ADA Coordinator for each calendar year. This log will be reviewed by the ADA Work Group.

3.1.4 Assurances

In order to receive federal funding, Hamilton County must guarantee non-discrimination and ensure new projects will be ADA compliant. Presently, Hamilton County includes a non-discrimination statement on all contracts. The document requires Hamilton County to comply with federal statutes, policies, and procedures. The document states no person on the grounds of race, color, national origin, sex, age, and handicap/disability may be excluded from federally funded programs. ADA compliance must also be met on all federally funded projects conducted by sub-recipients.

3.1.5 Personnel Training

Hamilton County currently conducts ADA training for new employees, focusing primarily on equal employment opportunity under Title I of the ADA.

3.2 Interdepartmental Coordination

Hamilton County's efforts to address and resolve ADA compliance issues recognize the importance of cross-county and interdepartmental coordination. Recent efforts aimed at greater collaboration include the institution of an ADA Work Group, provision of basic training and awareness within the Departments, and identification of data and expertise-sharing opportunities across the County.

3.2.1 Establishment of ADA Workgroup

In the spring of 2012, the Hamilton County established an ADA Work Group to engage an internal body of stakeholders on ADA-related issues. Collectively, members of this group span several functions within the agency based on their varied expertise. The individual representatives of these groups were selected in consultation with Hamilton County leadership and are considered to be Subject Matter Experts (SMEs) in their respective fields. The intent to bring this body together was to leverage the skills, experience, and expertise of the constituent members for matters and issues involving ADA compliance and accessibility. Current members of the ADA Work Group are shown in **Appendix E**.

Additional members will be added to the ADA Work Group as priorities are set for the reduction of barriers.

3.2.2 Training, Awareness, and Information Dissemination

The Hamilton County's ADA Work Group developed an ADA Education and Training Program designed to review ADA regulations, demonstrate ADA's application in daily work activities, show how ADA has been integrated within the County's actions and protocols, and instruct personnel on the policies and procedures for appropriately managing ADA requests and inquiries. Education materials on ADA were developed for employee training and are intended to be presented to Hamilton County personnel by the ADA Coordinator or the County's Human Resources Department.

3.2.3 County Web Accessibility

Hamilton County has a comprehensive Web accessibility policy statement provided at the bottom of the Hamilton County home page, and on most other Web pages including various department Web pages. The objective of this policy is "to improve the ease with which all citizens, including those with disabilities, can access and benefit from web-based government services and information". As a part of this policy, the Department of Information System Service (ISS) provides services related to Web Accessibility such as: consultation, testing, training, and remediation to its client agencies and their employees as needed. Hamilton County affirms that the Web templates of its primary portal site are section 508 compliant; as well as several of its online services. The County maintains an inventory of non-compliant services, pages, and content to aid in our transition towards 508 requirements. However, some proprietary web services are not within our control; and some content is too costly to translate or convert. If required to be fully compliant, these services would be removed from the web sites. Detrimental to the public, but there is no viable accessible alternative. We are awaiting the upcoming ADA amendments to title II to determine the fate of those public services.

3.3 Communications

Government agencies must communicate and interact effectively with the public. Hamilton County utilizes various communication methods to aid the disabled community including auxiliary aids, services, information, and signage.

3.3.1 Auxiliary Aids and Services

Hamilton County attempts to eliminate communication barriers by offering a variety of auxiliary aids and services to the disabled community upon request.

Communicating by telephone can be a hardship for people with hearing or speech impediments. To address this difficulty, Hamilton County utilizes a teletypewriter (TTY) also known as a telecommunications device for the deaf. Hamilton County's TTY device is located in the Court Administrator's work area. Hamilton

County lists the TTY number in a variety of Hamilton County documents, brochures, and on the Hamilton County website. Hamilton County will provide interpreters as requested.

Hamilton County strives to provide accessible information to the public and attempts to accommodate each request.

3.3.2 Information and Signage

Title II requires public entities to ensure disabled persons can obtain information about the existence and location of accessible services, activities, and facilities. Hamilton County's website is a key platform for providing information to the public. To ensure accessibility, information provided on the website must be compatible with appropriate software to accommodate specific disabilities. Signage is another major aid in providing public information and direction. Hamilton County follows ADAAG guidelines to ensure signs are readable and accommodating to the disabled community.

3.4 Facilities and Right of Ways (ROW)

Under Title II of the ADA, Hamilton County must assure all of its physical assets are ADA compliant, including existing and newly constructed features. Public facilities are defined to include office buildings, airports, maintenance buildings, Parks, 4H Fairgrounds, and Courthouses. Rights-of-way (ROW) features include elements such as curb ramps, sidewalks, crosswalks, median crossings, and pedestrian activated signal systems.

ADA compliant facilities and rights-of-way are designed and constructed in a manner readily accessible and usable by individuals with disabilities. Examples of non-compliant accessibility barriers include steep curb ramp slopes that might hinder a person in a wheelchair, lack of handrails along stairway, or sidewalk discontinuities that may cause trip hazards. The following sections discuss applicable Hamilton County policies and guidelines and previous and ongoing inventory data collection, data tracking, and methods for removing physical accessibility barriers.

3.4.1 Design Standards and Construction Procedures

Hamilton County has established standards and policies that provide guidance for installation of accessible features on newly constructed or altered public rights-of-way and facilities. Several of the policies and procedures are highlighted in this section.

Americans with Disabilities Act Accessibility Guidelines (ADAAG) and Public Right-of-Way Accessibility Guidelines (PROWAG):

ADAAG and PROWAG are guidelines and best practices used for the design of accessible features on new construction and alterations.

- ADAAG: <http://www.access-board.gov/adaag>
- PROWAG: <http://www.access-board.gov/prowac/nprm.htm>

The U.S. Access Board developed ADAAG in 1991 and continues to maintain these guidelines for the design of accessible buildings and facilities. ADAAG focuses mainly on buildings and site work and generally does not address conditions unique to public rights-of-way. Due to the need for accessibility guidelines specific to the public rights of way, the Access Board has proposed the use of PROWAG, which was most recently updated in 2011. The 2011 version serves as the current set of best practices for the design of accessible features in public rights-of-way. These guidelines have been identified as a current best practice by the FHWA for elements not fully addressed by ADAAG. The ADA Work Group serves as a key platform for dissemination of information and Departmental coordination with respect to changing regulations and policy updates.

3.4.2 Inventory data Collection (Self-Evaluation)

A self-evaluation of physical assets is necessary to indicate where physical barriers limit accessibility within Hamilton County's ROW and facilities. The self-evaluation provides a baseline against which progress can be measured, making the process critical to the success of the Transition Plan.

Rights-Of-Way

The Hamilton County Highway Department developed checklists for sidewalks, curbs ramps, and signalized pedestrian crossings (**Appendix F**). These checklists were developed using the best practice for design described in the 2011 proposed PROWAG. The pedestrian facilities along the right of way were inventoried and the data from the inventories was entered into a database. **Appendix G** contains a list of the sidewalks, pedestrian ramps, and signalized crossings that have known deficiencies and an estimated cost to correct the known issues. The Hamilton County Highway Department, HCHD, will continue to update the database as new pedestrian facilities are added, existing deficiencies are corrected and new deficiencies are detected. While sidewalks, pedestrian ramps, and signalized crossings are unique features with unique issues to be checked for compliance, they are integrally related to each other for the purposes of prioritization and correction. The three feature types are associated in the database.

Facilities

ADA inventories of Hamilton County's main facilities were conducted in 2012 based on the 2010 Department of Justice's ADA Standards for Accessible Design guidelines. The data was collected by hand, on printed checklists from the Institute for Human Centered Design/ ADA National Network (**Appendix H**) in

the field. Four main areas were examined when performing the evaluations of the facilities. The areas included:

- Accessible approaches and entrances
- Access to goods and services
- Access to public toilet rooms
- Access to other items such as water fountains and public telephones

Deficiency Results were stored on excel spreadsheets (**Appendix I**).

4.0 Barrier Prioritization

Prioritization is an important step in addressing physical barriers that do not comply with ADA requirements. The barrier prioritization process identifies the most critical ADA needs and assists in implementing the Transition Plan in future years. ADA implementing regulations (28 CFR 35.150(d)(2)) note transition plans should give 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.

4.1 Facilities Prioritization

As Hamilton County began to prioritize the ADA deficiencies of their facilities, it soon realized that many factors had to be considered when going through this process. The primary factors that were considered were budgets, building use, age of building, renovation schedules, and man power to complete projects. After consulting the Hamilton County Buildings & Grounds Department and the Park's Department, deficiencies were prioritized with one being Low priority and ten being High priority. The results are included on the Deficiency Results Spreadsheet in Appendix I.

4.2 Right of Way Prioritization

Rather than prioritizing everything from item 1 through X, the Hamilton County Highway Department has applied a more general prioritization method where multiple features can have the same prioritization value. This leaves the HCHD with more flexibility when determining which deficiencies to correct first. The exact numbering system is not listed here as this will need to be refined over time and will have a subjective component. In general the lower the prioritization numbers the higher the priority for correction. The primary factors that were taken into account when determining the prioritization number include the adjacent roadway classification, relationship to pedestrian generators, and the level/extent of the deficiency.

5.0 Next Steps

This Section includes a series of goals that Hamilton County can undertake to support the phased-in approach to compliance discussed at the outset of this document. As mentioned earlier in the Plan, this Plan is intended to be a living document that will be updated regularly.

5.1 Ongoing Goals/Activities

1. Work to identify and appropriate funding for barrier removal.
2. Conduct site inspections of facilities as needed.
3. Engaging those in the disabled community in the process and begin assembling an external advisory group/stakeholder group to be involved in future Self-Evaluation and Transition Plan efforts, as a requirement of the Transition Plan.
4. Include ADA upgrades in programmed projects.
5. Update the ADA inventory database.
6. Amend the ADA 504/Transition Plan based on ongoing inventory efforts and accomplishments.
7. Update ADA 504/Transition Plan (All sections if applicable).
8. Conduct training activities on ADA compliance.
9. Complete and monitor annual progress of the curb ramp Transition Plan.

5.2 Short Term Goals (1-5 years)

1. Disseminate educational materials.
2. Expand training activities on ADA compliance.
3. Update TTY (Text telephone) or TDD (Telecommunication Device for the Deaf) system.
4. Assure auxiliary aids are available upon request.
5. Develop stronger awareness by publicizing the Title II/Section 504 program and activities within the County, including establishing a presence on the Hamilton County Intranet/Internet.
6. Develop a schedule for the ADA Work Group of periodic meetings—including training and/or refresher courses.

5.3 Long Term Goal (6+ years)

The long-term goal is to achieve the highest level of compliance with ADA regulations and incorporate ADA-related activities into the day-to-day activities of Hamilton County.

6.0 Plan Availability

The Draft Hamilton County Transition Plan was made available for public review and comment for a 30-day period beginning January 9th, 2013 and ending February 10th, 2013. A link to the Draft Hamilton County Transition Plan was provided on Hamilton County's webpage at the following link: <http://www.hamiltoncounty.in.gov>

Hamilton County will distribute copies of the Draft Hamilton County Transition Plan to all County Departments around the County. Alternate accessible formats of the document will be made available upon request or large font versions. A letter will be sent to disability groups announcing the availability of the Draft Hamilton County Transition Plan and directing interested stakeholders to the Hamilton County website and viewing locations.

The final adopted Transition Plan will be available on the County's web page.

7.0 Monitoring and Evaluation

7.1 Annual Update report

The annual update report is a worksheet summarizing tasks completed pertaining to the ADA Transition Plan. The Hamilton County ADA Coordinator will prepare an Annual Update Report at the end of each fiscal year. The report will facilitate progress tracking and aid in Plan management.

7.2 Transition Plan Management and Updates

The ADA Coordinator is the lead point of contact for the Hamilton County Transition Plan. The Plan will be reevaluated and updated on a yearly basis for the first eight years. Starting in 2020, the Plan will be re-evaluated and updated on periodic bases.

8.0 Appendices

8.1 Appendix A	ADA Coordinator Contact Information
8.2 Appendix B	Notice of Non-Discrimination
8.3 Appendix C	Grievance Procedures
8.4 Appendix D	Complaint Log
8.5 Appendix E	ADA Work Group Members
8.6 Appendix F	ROW Checklist
8.7 Appendix G	ROW Deficiency Results
8.8 Appendix H	Facilities Checklists
8.9 Appendix I	Facilities Deficiency Results

9.0 References

Rehabilitation Act of 1973 (Section 504)

Americans with Disabilities Act of 1990 (ADA)

New Jersey Department of Transportation Draft transition Plan (Oct. 2010)

**Montana Department of Transportation Draft ADA Transition Plan
(July 2012)**

Institute for Human Centered Design/ADA National Network (2011)

Code of Federal Regulations (CFR) (2012)

Department of Justice (DOJ) - 2010 ADA Standards for Accessible Design

Americans with Disabilities Act Accessibility Guidelines (ADAAG) (2004)

Proposed - Public Right-of-Way Accessibility Guidelines (PROWAG) (2011)

Federal Highway Administration (FHWA)