

INDOT ADA Community Advisory Working Group
January 9, 2013
Meeting Minutes

Members Present:

Mary Schaffer, Jim Allbaugh, Lenard Miller, Matt Norris, Sheri Caveda and Lori Rushin

Members Absent:

Courtney Clark, Jan Myers and Barbara Salisbury

Also in attendance:

Latosha Higgins, Todd Johnson, John Leckie, David Armstrong, Dirk Schmidt, Mary Foster and Diane Keefer of the Indiana Department of Transportation (INDOT) and Kenneth Woodruff and Joyce Newland of the Federal Highway Administration (FHWA).

I. Welcome

Latosha Higgins called the meeting to order at 5:30 p.m. at the Allen County Library located at 900 Library Plaza, Fort Wayne, IN 46802.

Ms. Higgins reviewed the agenda with the attendees. Then, the working group members introduced themselves.

Ms. Higgins announced that Paul Glass withdrew from the working group.

II. Adoption of Minutes

The ADA Community Advisory Working Group adopted the minutes of the October 10, 2012 working group meeting.

III. Federal Highway Administration Update on Proposed Public Rights of Way Guidelines (PROWAG)

Kenneth Woodruff explained that currently the Proposed Guidelines for Public Rights-of-Way (PROWAG) are in rulemaking. He added that although not the law, the FHWA considers the PROWAG the best practice. He stated that the FHWA strongly encourages state and local governments to use the PROWAG.

Latosha Higgins explained that it is unknown when and if the US Department of Justice (DOJ) will adopt the PROWAG. Ms. Higgins also explained that the US Access Board released the PROWAG for public comment in 2011. She stated that the comment period for accepted public feedback regarding the PROWAG initially closed in November 2011. Ms. Higgins stated that the Access Board later extended the comment period

to February 2012 and the public submitted more than 620 comments.

IV. Overview of INDOT'S Responsibilities

John Leckie provided an overview of INDOT's responsibilities. INDOT's responsibilities include the design, construction and maintenance of transportation facilities. This comprises all bridges, and roadways on the Interstate, US Routes and the State Route systems.

1. Design and Development

Mr. Leckie explained that all state and local projects with federal funds go through the design and development section. He added that the local public agencies (LPAs) are responsible for their programs and INDOT programs in the Fort Wayne district go through him. Mr. Leckie explained that there are six districts in the state. Mr. Leckie also explained that the timeframe for project development could range from 12 – 52 months. He added that INDOT divides projects into five asset groups, bridges, roads, mobility, safety and statewide. Mr. Leckie stated that INDOT examines projects for the future and ranks projects based on condition using the following factors:

- How long will the asset last?

- How close is the asset to failure?
- How many vehicles may move safely along the asset? (i.e. mobility)
- What is the cost benefit to make the asset safer?
- Economic development

2. Scope

Mr. Leckie stated that INDOT examines projects annually on a statewide basis. He added that in identifying the scope of the project INDOT tries to be as frugal as possible and attempts to use the most cost effective treatments. He explained that INDOT tries to maintain facilities with the least cost because of shrinking revenue.

3. Project Development

Mr. Leckie explained that a simple project may take 12 months but a more complex project may take up to 53 months. Mr. Leckie stated that complex projects involve environmental issues, issues involving the rights of property owners, right-of-way issues and boundaries of the existing roadway. He stated that to minimize the impact during the project development process, INDOT obtains a survey, then defines the project scope and certifies the environmental documents after a public hearing. He added that INDOT hosts public hearings whenever it must acquire more than half an acre of right-of-way. He also

stated that whenever INDOT deals with the public it seeks public input. He mentioned that during the design phase INDOT has limited interaction with the public.

Mr. Leckie explained that INDOT awards its contracts through a process known as a letting. He informed the group that INDOT awards contracts to the lowest bidder.

Mr. Leckie stated that during right-of-way acquisition, INDOT follows the procedures as they relate to a landowner's personal property rights.

4. Design

Mr. Leckie explained that during the design phase INDOT must coordinate with utilities for construction. Additionally, he stated that INDOT would update every curb ramp in the district to be compliant with the ADA Standards.

Audience member Lisa Poole asked whether INDOT takes into consideration safety in addition to exploring the least expensive options.

Mr. Leckie responded, yes, INDOT considers safety because he is responsible for answering the lawsuits filed. He added that the design consultants have to do their due diligence to meet and enhance safety when designing facilities.

Ms. Schaffer asked how often unknown bad things underground affect persons and the environment and result in INDOT having to make changes to the scope of a project.

Mr. Leckie answered that INDOT does not find many surprises underground because INDOT has records dating back to the 1920s. He added that INDOT tries to do enough research to identify issues. He also stated that a good design team would identify these issues in advance to minimize surprises.

Mr. Leckie cited the example of a project on US 27, a curve correction safety project that resulted in improved pedestrian facilities, new curb ramps and sidewalks. He added that the finished product was aesthetically appealing and that there was public involvement during the project. Mr. Leckie stated that INDOT has been adding trails to help pedestrians.

Todd Johnson, Deputy Commissioner introduced himself and explained that the state is geographically divided into six districts. He added the location of the meeting was in the Fort Wayne district and that the Fort Wayne district is in the northeast corner of the state. Mr. Johnson explained that INDOT has approximately 3600 employees. Mr. Johnson stated that INDOT has a construction, maintenance, capital improvement and design section. He added that INDOT is

responsible for the plowing and maintenance in the state and the INDOT tries to work with local entities.

V. Review Working Group Member Selection Process

Ms. Higgins explained that to obtain a diverse group of individuals for the Working Group, INDOT sent out letters to individuals and organizations across the state using information obtained from the web and yellow pages. Additionally, she stated that INDOT posted the request for applications on its webpage, distributed a press release and publicized a legal notice requesting applications from the public. Ms. Higgins said that INDOT also extended invitations to the local public agencies (LPAs) and Metropolitan Planning Organizations (MPOs).

She added that INDOT sought to have at least two individuals from each district as members of the Working Group.

Ms. Higgins explained that INDOT received 20 applications and selected 10 individuals using a review panel that consisted of an INDOT attorney, Economic Opportunity Division Intern, INDOT employees from other divisions and herself. She stated that the reviewers considered geography and looked for potential members with disabilities, disability advocates, persons related to individuals with disabilities and persons and organizations that provide services to individuals with disabilities. Ms.

Higgins explained that members serve a two-year term and may reapply to serve on the working group. She added that the function of the working group is to play a voluntary consultative role in providing feedback to INDOT regarding its transition plan. Furthermore, she added that INDOT is using the Working Group sessions to collect comments from the public and to answer simple questions. Additionally, Ms. Higgins provided her email address (lhiggins@indot.in.gov) and her telephone number (317-234-6142).

VI. Overview of INDOT Inventory Process and Data Collection & Demonstration

Dirk Schmidt, an INDOT Field Investigator and the Fort Wayne District Title VI/ADA Liaison, provided information regarding the ADA inventory process used in Fort Wayne. Mr. Schmidt explained that the statewide survey process began in March 2011 and that INDOT staff attended training in August 2012. Mr. Schmidt stated that the Fort Wayne district established five inventory teams based on its subdistricts. He added that Fort Wayne conducted training in the field with its inventory teams. He stated that each team attended a 60-90 minute training session and then underwent field supervision to ensure that the team members were properly conducting the inventory.

Mr. Schmidt explained that from the winter of 2011 through the spring of 2012 the district completed the bulk of the intersection inspections. He stated that four of the five subdistricts completed their inventories in November 2012 and that he believed that ultimately INDOT would make the surveys available online. Mr. Schmidt stated that the Fort Wayne district inventoried approximately 1200 intersections.

Mr. Schmidt explained that the surveys used to conduct the ADA inventory included questions about detectable warnings, sidewalks, slopes and signal features. He added that the surveyors also made recommendations based on the results of the surveys conducted that included recommendations to construct, reconstruct, repair or monitor the facilities inventoried.

Ms. Higgins provided a brief explanation of why INDOT examined its facilities using the PROWAG and reminded the audience that the PROWAG is still in rulemaking. Ms. Higgins explained that INDOT elected to use the PROWAG as the standard for the ADA inventory because INDOT wanted to be prepared in case the DOJ adopted the PROWAG. She stated that if INDOT evaluated the facilities under the current proposed guidelines, then INDOT would not need to re-evaluate the facilities later if the DOJ adopted the PROWAG. Ms. Higgins

advised the audience that they could obtain additional information by visiting the website: www.ada.gov.

An audience member asked, which intersections were chosen to be surveyed and why.

Mr. Schmidt responded that INDOT surveyed intersections anywhere that there was an existing pedestrian route. He added that the Fort Wayne district evaluated the intersections by dividing the district up and evaluating intersections city-by-city and route by route.

Mr. Norris asked if the intersections listed on page 56 of the INDOT ADA Transition Plan are the intersections that INDOT inventoried.

Ms. Higgins replied that the intersections listed on page 56 were intersections inventoried by INDOT during the preliminary inventory process. INDOT is in the process of developing a geographic information system (GIS) map of the surveyed intersections and updated transition plan with a list of the intersections inventoried.

Jim Allbaugh asked what percentage of the 1200 intersections inventoried by the Fort Wayne district were rural.

Mr. Schmidt responded that most of the intersections were in cities and towns.

Mr. Allbaugh asked whether INDOT found things less attractive in the rural areas inventoried compared with the urban areas inventoried.

Mr. Norris asked if INDOT was correlating the complaints that it receives with the intersections evaluated.

Ms. Higgins thanked Mr. Norris for his questions and responded that INDOT will consider incorporating his recommendation into the transition plan.

VII. Working Group Comments on the INDOT ADA Inventory Process and Data Collection

Sherri Caveda asked what initiatives does INDOT have underway to incorporate the concept of complete streets and livable cities. She also asked about what INDOT is doing to address locations where there are currently no ramps.

Additionally, Ms. Caveda asked how INDOT determined how to evaluate intersections.

Ms. Higgins responded that INDOT examined and prioritized areas based on their proximity to schools, employers, government services, etc. Ms. Higgins stated that the ultimate goal of the transition plan is to identify the intersections that need improvement and to coordinate efforts with the LPAs when planning and designing projects to address the deficiencies

identified. Ms. Higgins added that the LPAs should be working on completing their own ADA inventories of their public rights-of-way.

Kenneth Woodruff of the FHWA added that INDOT and FHWA conducted 20 ADA transition plan workshops in the past. He added that the LPAs adopt complete street plans. Mr. Woodruff stated that INDOT is exploring how to incorporate the ADA into the National Environmental Policy Act (NEPA) process.

Ms. Higgins stated that audience members should also be contacting their LPAs with questions and asking the LPAs if they have transition plans. She and Mr. Woodruff referenced a saying: “Nothing for us, without us.”

Mr. Norris commented that INDOT should add LPA to the glossary and include definitions in the transition plan.

Mr. Lenard Miller asked what INDOT is doing about pedestrian access at roundabouts. Mr. Miller also asked how many major roundabouts does INDOT have and whether INDOT designs pedestrian access at roundabouts.

Mr. Miller explained that at Hoosier Heartland at I-65 in Lafayette that there is not pedestrian access at the roundabout.

Mr. Leckie responded that currently there are no roundabouts with pedestrian access routes in the Fort Wayne district. He

added that Fort Wayne will have a roundabout at Auburn Road and Union Chapel over 1-69. The roundabout will have pedestrian access.

Mr. Allbaugh stated that he is concerned about accessibility in rural populations and that accessibility for the aging population that will rise by 20%. Mr. Allbaugh also asked if INDOT had examined the projected pedestrian traffic in rural areas.

Ms. Schaffer stated that she takes pictures of rural routes and sends them to her county engineers. She added that she found that she gets quick results. Additionally, Ms. Schaffer stated that her community formed its own committees to contact their local county engineers and INDOT representatives.

Ms. Schaffer asked whether INDOT is involved in the rails and trails program. She stated that in Newburgh, property owners' added fences to keep people off the developed trails and that it is causing a lot of fighting. Ms. Schaffer asked if the rails and trails program was a state or local program. She also asked about where the program funds came from.

Ms. Higgins thanked Ms. Schaffer for her comment and explained the rails and trails inquiry was outside the scope of the agenda, but that she would follow up with Ms. Schaffer if Ms. Schaffer contacted her following the meeting.

VIII. Public Comments on the INDOT ADA Inventory Process and Data Collection

Mayor Hoepfner of Woodburn asked what would happen if an LPA missed the December 31, 2012 deadline for completing its ADA Transition Plan.

Ms. Higgins explained that the original deadline for compliance was in 1992. She stated that INDOT would examine whether the LPA is making a good faith effort to comply. She stated that if an LPA does not have a plan in place then, INDOT might defer an LPA's projects pending the LPA coming into compliance or demonstrating that the LPA is making a good faith effort to comply.

Ric Edwards asked whether INDOT knew what were the most common barriers identified during the ADA inventory. Additionally, he inquired about the approximate cost and the timeframe for barrier removal.

Ms. Higgins responded that INDOT should be able to provide this information once she receives all the ADA inventory data and has had an opportunity to analyze the data.

Mr. Edwards asked when the surveying would be complete.

Lori Rushin introduced herself as a member of the working group and apologized for arriving late. She stated that larger communities have a ramp reports and have ramp drawings.

Mr. Leckie responded that INDOT does not have ramp reports but that INDOT does have typical ramps for design purposes.

Ms. Higgins explained that INDOT's transition plan will ultimately include a curb ramp inventory with information regarding the deficiencies and estimated cost of repair.

Todd Johnson commented that he was unaware that one of his subdistricts was not finished with its inventory until the meeting. He stated that the Fort Wayne district would be finished by the end of the month.

Audience member Rebecca Scherpelz stated that the deadline for compliance was in 1992 and asked what has happened in the last 20 years.

Ms. Higgins responded that recently there has been an increase in the number of lawsuits and the public has been more vocal.

Mr. Edwards stated that it will take time for change and that it will occur as more people with disabilities are vocal and hold the State to the fire. Mr. Edwards added that the State has a responsibility to use the money wisely.

Mr. Woodruff explained that INDOT is the FHWA's primary customer and that FHWA will push ahead.

Ms. Caveda stated that the ADA is a living thing and that change will not occur overnight. She added that the turnout for the meeting goes a long way. Additionally, she stated that it is important to speak to people about the ADA. She concluded by saying that she appreciated that INDOT was looking at the best practices.

Ms. Schaffer stated that if we got more taxes we could create a utopia and get more done.

Audience member Mike Eckert of Allen County asked if INDOT has set aside money just for ADA compliance to make projects accessible.

Ms. Higgins explained that cost is not a factor in making facilities accessible and that as projects are constructed INDOT is building them to be compliant with the ADA.

Mr. Eckert clarified that he wanted to know if INDOT has money set aside specifically for the ADA even if there are not planned improvements.

Ms. Higgins explained that INDOT would develop a curb ramp inventory that will include a schedule and estimated costs for ADA improvements. She added that INDOT would update the

curb ramp inventory periodically. She stated that the curb ramp inventory is a part of a complete transition plan.

Mr. Leckie responded that INDOT is responsible for curb ramps where the construction limits touch and that the LPAs are responsible for the curb ramps beyond the construction limits. He added that all projects have standard design and that there is a methodology for modifying curb ramps.

Ms. Schaffer asked what INDOT is doing about evaluating the rest areas, because she has concerns about cat scratch fever from cats left at the rest areas.

Audience member Betty Williams of Self-Advocates asked whether INDOT received all the information from all the districts.

Ms. Higgins responded that once INDOT receives all the information from the district surveys INDOT will review the data to prioritize improvements taking into consideration the pedestrian generators. Ms. Higgins added that INDOT is interested in receiving public comments and feedback regarding its transition plan and that the public may submit comments at anytime via any format.

Audience member Dan Avery of the Northeastern Indiana Regional Coordinating Council (NIRCC) MPO asked for

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clarification regarding who is responsible for the maintenance of sidewalks along the State right of way, adjacent to state routes.

Mr. Avery stated that he needed clarification because he believed that the federal law trumped the state.

Ms. Schaffer stated that everything about the right of way is from old laws. She added that the laws could conflict.

Mr. Edwards stated that the case of Yerusalim addressed Mr. Avery's questions.

Ms. Higgins added that per the state code and case law, the LPA is responsible for the sidewalks within its jurisdiction.

Mr. Avery stated that he disagreed based on his interpretation.

The meeting of the ADA Advisory Working Group adjourned at 7:30 PM.