

**ADA Community Advisory Working Group**

**April 10, 2013**

**Meeting Minutes**

**Members Present:**

Mary Schaffer, Matt Norris and Lenard Miller

**Members Absent:**

Jan Myers, Barbara Salisbury, Courtney Clark, Sheri Caveda  
and Jim Allbaugh

**Also in attendance:**

Latosha Higgins, Donna Poole, Mary Brouillete and Cher Elliott  
of the Indiana Department of Transportation (INDOT) and  
Kenneth Woodruff of the Federal Highway Administration  
(FHWA)

## **I. Welcome**

Latosha Higgins called the meeting to order at 5:30 PM at the Evansville Library located at 200 SE Martin Luther King Jr. Boulevard, Evansville, Indiana 47713.

## **II. Introduction of Working Group Members**

The members introduced themselves and gave a brief description of their background and advocacy experience. Ms. Higgins recited the names of the absent members in the Working Group and announced that there are nine members total. Ms. Higgins explained that the members chosen are either persons with disabilities, service provider or have a family member with a disability. She added that none of the ADA Working Group members are employees of INDOT.

## **III. Review of Charter**

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Ms. Higgins explained how INDOT chartered the ADA Working Group. She explained that INDOT solicited member applications via advertisements in newspapers throughout the state, website postings and press releases. She stated that she also sent letters to various individuals and organizations across the state to solicit members.

Ms. Higgins explained that INDOT received 20 applications for the Working Group. She added that an INDOT panel reviewed the applications. From the pool of 20 applications, INDOT selected 10 members from across the state. Ms. Higgins explained that since then, two members have resigned. Ms. Higgins explained that the ADA Community Working Group is a diverse panel and that they meet quarterly throughout the state. Ms. Higgins explained that the members will serve a two-year term under the charter and that they may reapply to serve on the Working Group. She explained that under the charter, the Working Group may consist of 10-15 people.

#### **IV. Agenda**

Ms. Higgins requested that the Working Group add an agenda item to discuss how to make the Working Group better.

#### **V. Adoption of Minutes**

The Working Group adopted the minutes of the January 9, 2013 meeting held in Fort Wayne. Ms. Higgins explained that she would add the approved minutes to the INDOT ADA Working Group webpage.

#### **VI. How to Make the Working Group Better**

Ms. Higgins explained that two of the members, Barbara Salisbury and Jan Myers, of Bloomington and West Lafayette respectively, expressed concern about the difficulty of traveling to quarterly meetings throughout the state, as they are very active in other organizations. She added that the members

advised her that traveling quarterly can be a hardship. Ms. Higgins stated that Ms. Myers suggested hosting mini-meetings within each of the districts to see if that would be beneficial.

Ms. Higgins added that she also discussed the possibility of using teleconferences with Ms. Salisbury and Ms. Myers. Ms. Higgins and Mr. Miller also discussed the possibility of using WebEx. Ms. Higgins stated that INDOT has the technology to bring to the meetings that would allow this, but it would depend on the facilities. Ms. Higgins asked what the members thought would help make the meetings more productive.

Ms. Schaeffer suggested spending time educating the public on how to address ADA concerns, such as emailing the local county engineer or asking INDOT who to contact.

Mr. Norris stated that he liked how the meeting in Fort Wayne was handled. He thought the time discussing the transition plan and the self-evaluation process, including the steps that were

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taken and what INDOT was going to do with the information, was beneficial as the public was eager to receive more information on those issues. He said that he liked the focus on those items and how INDOT invited individuals from the Fort Wayne District to discuss what was occurring in the Fort Wayne District and the challenges that they faced with the evaluations.

Mr. Miller also stated that Ms. Higgins has been responsive to emails.

Ms. Higgins asked the audience if they had any questions

Public attendee Rob Kerney asked about WebEx or a satellite hookup. He commented on whether it would be more efficient than INDOT hosting multiple meetings.

Ms. Higgins asked the public audience how they heard about the meeting.

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Public attendee Jennifer Head of Past Fellowship Partners of Policy Makings commented that Christy Gelhart, with the Governors Plate Council, sent everyone on a list an email encouraging them to attend.

Mr. Kerney stated that Human Relations notified him of the meeting by email.

Public attendee Gail Stand commented that she thought meetings by phone conference would be a great for her.

Public attendee Roberta Heiman with Help by Design commented that she was sent information about the meeting.

One public attendee stated that due to her disability it is difficult to get to bus stops to attend the meetings.

## **VII. ADA Self Evaluation Update**

Ms. Higgins explained that field personnel went out to actually measure all the public rights of way within INDOT's jurisdiction and recorded the data. The data collected included the curb ramps, pedestrian signals, sidewalks and crosswalks.

Ms. Higgins stated that INDOT is in the process of analyzing the data and when the analysis is complete, a summary of the information will be put on the web. She gave further information by stating that in the Greenfield District, 66% of the intersections were not compliant and 33% were compliant. She said that after INDOT analyzed all six districts, INDOT would develop a plan to address the issues in a timely fashion.

A public attendee asked why INDOT did manual surveying, instead of using a system like GIS.

Ms. Higgins explained that INDOT did not have the resources necessary to use GIS in the survey, but INDOT is gathering

information and looking into GIS Mapping possibly for the future. Ms. Higgins stated that INDOT is working on a map that will display when there is a project planned for a certain location. She added that the map will identify what the ADA deficiency is and what the planned project is for that area. She said that INDOT is working to complete a summary of the intersections inventoried in each district. INDOT conducted its self-evaluation under the Public Rights-Of-Way Accessibility Guidelines (PROWAG), which is currently the best practice. Ms. Higgins stated that INDOT is working to make the information available to the public; however, it is not currently available. Ms. Higgins advised the Working Group and the public to email any suggestions directly to her. She stated that INDOT would consider all comments received but that she could not guarantee that INDOT would implement all the suggestions.

Ms. Higgins stated that INDOT is required to maintain an inventory of all of its public facilities and determine whether

they are accessible. She stated that INDOT's goal is to bring all of its facilities into compliance with the ADA. Ms. Higgins explained that there are a variety of ways to notify the public when meetings and projects are occurring. She said that it is an agency wide effort to get the public involved.

Several public attendees raised questions about specific intersections and streets.

Ms. Higgins reiterated that the purpose of the meeting and agenda did not include discussions regarding specific intersections. Ms. Higgins explained that INDOT would be hosting six public meetings throughout the state where the public could discuss specific concerns. She encouraged the public to attend their corresponding district's meeting for questions on specific intersections.

Several attendees inquired about how cost factors into INDOT's determination regarding whether INDOT would make a facility ADA compliant.

Ms. Higgins responded that she understood the public's concerns about the influence of cost on projects. She explained that for the cost to be a factor, the cost would need to be unduly burdensome to INDOT's total budget. She added that INDOT could prioritize projects based on pedestrian usage and resources available. She explained further that there is a very high threshold of proof to claim a project is too costly.

Public attendee Jennifer Head from Spencer County, Indiana, inquired about an intersection called Rio, Indiana, where State Routes 66 and 161 merge into a T. She commented that although Spencer County High School and the town middle school are located near this intersection, there has never been a school zone sign there. Ms. Head asked how she could find the

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appropriate contact to inquire about a school zone sign for the intersection to slow down traffic speed on State Route 66.

Ms. Higgins thanked Ms. Head for her question and offered to follow up with her after the meeting to locate the requested information. Additionally, Ms. Higgins reminded everyone that questions about specific intersections were beyond the scope of the meeting.

Vincennes Media Relations Director, Cher Elliott, added that each INDOT district has a customer service department, which is a good starting point for any customer concern. Ms. Elliott stated that the customer service departments receive numerous inquiries and that INDOT has federal guidelines to follow. Ms. Elliott explained that the Vincennes District is working on solutions. Ms. Elliott also stated that customers could submit questions via the INDOT website. She stated that the INDOT website is a good starting point for all districts.

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Mr. Norris asked if the issue was on State Road 66, because if so, there would have been a self-evaluation done.

Ms. Higgins stated that all public right of ways were evaluated and INDOT is working to set the milestones for projects. She stated that Greenfield is the only district that she has a summary for and that she hopes to have more information the next time that the Working Group meets.

Mr. Norris asked how INDOT will prioritize this intersection (State Road 66).

Ms. Higgins stated that she did not have an answer regarding prioritization. She stated that if INDOT determines that it has many issues in a certain area, then it could be more aggressive in addressing them. Under the ADA and Section 504, INDOT cannot delay compliance. INDOT needs to have all the data before INDOT can determine what the schedule for projects will be and what type of criteria will be used for prioritization.

Mr. Norris asked about the self-evaluation and if there is something on the form that mandates an area as a level one concern, such as being near a school.

Ms. Higgins explained that INDOT surveyors prioritized areas to coordinate the evaluation process. She clarified that the levels mentioned in the transition plan are referring to the prioritization of the evaluations themselves, not the prioritization of future projects based upon the evaluations.

Ms. Loretta Brown asked if the number of fatalities in a particular intersection affects the prioritization of that intersection, especially if it is near a school.

Ms. Higgins stated that for the ADA inventory, INDOT has not set a prioritization schedule for addressing issues. The focus of the transition plan was to get all the public rights of way evaluated for all of the features relating to ADA accessibility.

A public attendee asked whether there is a time by which INDOT will complete the schedule prioritizing intersections.

Ms. Higgins stated INDOT does not currently have a schedule. She added that INDOT will set milestones and that she would let the ADA Working Group and the public know the milestones. She stated that INDOT recently experienced changes in staffing that affected its ability to complete the prioritization schedule.

Ms. Higgins stated that she hoped to be able to provide additional information at the next ADA Working Group meeting.

Ms. Higgins stated that all areas in INDOT's public right of ways have been inventoried. She said that local public agencies are responsible for their own inventories. INDOT is working on a plan to coordinate more efficiently with the local public agencies. She added that last year INDOT required the local public agencies to complete a Pre-award Certification and

Assurance. She explained that communities without a transition plan, if required, and/or those that do not complete an inventory of their public right of ways risked deferral of the funding of their planned projects. Ms. Higgins commented that while Indiana has not yet achieved compliance in this area, INDOT is moving forward in attempt to achieve compliance as quickly as possible. Ms. Higgins stated that for local issues individuals should contact the community or town for more information. Ms. Higgins said that she would help contact the local public agency ADA Coordinator, if needed.

Public attendee James Daum of the City of Huntingburg asked if INDOT is responsible for repairing everything in their right of way.

Ms. Higgins responded that INDOT is responsible for everything within its jurisdiction. Sidewalks are the responsibility of the municipality, while INDOT has responsibility for the curb ramps within its jurisdiction. Local

public agencies are required to maintain the sidewalks and they must be included in the local public agency's inventory.

### **VIII. Explanation of INDOT design standards and specifications**

A public attendee asked about the availability of INDOT's design standards on its website, specifically for curb cuts.

Ms. Higgins stated that INDOT's design standards are available on its website. She explained that INDOT is currently revising its standards. She also explained that the PROWAG is a best practice. Ms. Higgins announced that the PROWAG standards are on the Access Board website. She explained that if adopted by the US Department of Justice and Department of Transportation the PROWAG will become law.

A public attendee inquired about the sidewalks in front of her house and whose responsibility they are.

Ms. Higgins said that generally it is the local public agency's responsibility. She continued by explaining that there may be local ordinances that mandate the sidewalk must be maintained by the private party, but one needs to check with their municipality for specific information.

Ms. Higgins explained further, that previously at the January meeting, she received a question about complete streets. She stated that INDOT does not have a policy for complete streets. She added that a complete street is a street that is accessible to pedestrians, cyclists, motorists, etc. Ms. Higgins explained that INDOT is currently trying to create an inventory of all local public agencies that have a policy addressing complete streets.

Mr. Norris stated that Indianapolis is number one for complete streets. There are 112 complete street programs in Indiana.

A public attendee inquired about changing design standards.

Ms. Higgins stated that INDOT is working to make its standards more specific to assist with compliance.

A public attendee asked what standards INDOT used for inventorying.

Ms. Higgins stated that INDOT used PROWAG for its inventory, because PROWAG is likely to become the law.

A public attendee asked a follow up question about sidewalks on private property.

Ms. Higgins responded that it depends on the local ordinances and the situation. She added that INDOT is trying to coordinate better with the local public agencies. She continued to state that if local public agencies do not comply with providing a transition plan and inventory, then this might affect their funding eligibility.

Mr. Kenneth Woodruff said that Indiana is ahead of other states in regards to local transition plans. He stated that Ms. Higgins and INDOT are doing a great job at administrating this with local public agencies and FHWA sees this as an important part of INDOT's compliance with the ADA.

Ms. Higgins stated that many local public agencies are afraid of the unknown. She added that the local public agencies do not know what it takes to be in compliance and are unsure of how to go about drafting a transition plan and conducting an ADA inventory. She said one of the great things that FHWA has done is make more tools available to the local public agencies.

Mr. Norris asked if the local public agencies and metropolitan planning organizations are at 100% compliance in regards to transition plans.

Ms. Higgins replied that metropolitan planning organizations are working to help communities come in compliance. She explained that the process is gradual and not yet complete. She said that it is contagious when one community becomes compliant; it motivates other communities to comply.

A public attendee inquired about an intersection in Huntingburg that is not in compliance due to a steep hill.

Ms. Higgins replied that ADA allows for compliance up to the maximum extent feasible. She explained that if there are technical infeasibilities that prevent the compliance at that location, then the technical infeasibility must be documented and efforts must be made to ensure compliance up to the maximum extent possible. She stated that a community must have a policy that addresses technical infeasibility. She indicated that an individual might still make a complaint, so documentation of the technical infeasibility is necessary to demonstrate compliance.

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A public attendee stated that she felt as if the self-evaluation process is a catch-22. She said that there are no time limits for the projects and all INDOT has are surveys, no solid information.

Mr. Kerney stated that he lives in a rural area and is curious about ADA standards for where a state road meets a county road, possibly a gravel road.

Ms. Higgins stated that ADA standards remain the same, whether the location is urbanized or rural. She added that there is no single response to how these issues are addressed, as it depends on the situation and local jurisdiction.

A public attendee asked about funding and why most funding goes to the Indianapolis North area.

Mr. Kerney stated that Indianapolis has a larger population and thus, gets more funding.

Ms. Higgins stated that this discussion was outside the scope of the meeting and encouraged the individual to attend the Vincennes public meeting for more information.

**IX. Working Group comments regarding how the public can assist INDOT with ADA compliance**

A public attendee commented that there is no transportation available to get to the Vincennes meeting.

Ms. Elliot commented that the public could contact customer service to address any concerns, via phone or email, if unable to attend the meeting.

Ms. Higgins stated that customer service forwards questions from the public to the correct contact.

Mr. Norris inquired about the plan for Phase 3 in the transition plan. He asked whether documentation would be made available about which communities responded to the ADA compliance questions.

Ms. Higgins stated that INDOT is working on this communication with the local public agencies, but it is an ongoing struggle, as the local public agencies do not always respond. She added that currently the information is coded so the public would not understand it until it was made available in a different format.

Mr. Lenard Miller asked about the inventory of local public agencies.

Ms. Higgins responded that more than 600 local public agencies were contacted and that less than 150 responded. She said that some communities did not even know what was being asked of

them. INDOT is currently making an effort to educate communities about the requirement to comply with the ADA and provide documentation to INDOT. She stated that INDOT is notifying communities that their funding eligibility could be affected by a failure to comply. She added that INDOT will continue on its course. Ms. Higgins also advised that a listing of Indiana local public agencies is available through the Indiana Local Technical Assistance Program (LTAP) webpage.

Mr. Kerney asked about web computer meetings and internet access.

Ms. Higgins said that she would consider his request and explained that not all suggestions may be implemented. She stated that all future suggestions should be sent to her and provided her contact information. She strongly encouraged everyone to look at the INDOT website for more information.

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Mr. Kerney said it would be helpful if the topic of what falls under INDOT's jurisdiction or a local public agency's jurisdiction was addressed briefly at each meeting to limit future questions about the issue.

Ms. Higgins acknowledged that this would probably be beneficial.

The meeting adjourned at 7:30 PM.