

Adopted December 27, 2012

# Town of Culver

## Americans with Disabilities Act Transition Plan: Pedestrian Facilities in the Public Right-of-Way



2012

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## INTRODUCTION

The purpose of this plan is to ensure that the Town creates reasonable, accessible paths of travel in the public right-of-way for everyone, including people with disabilities. The Town has made a significant and long-term commitment to improving the accessibility of their pedestrian facilities. The Transition Plan identifies physical barriers and prioritizes improvements that should to be made throughout the Town. This Transition Plan describes the existing policies and programs to enhance the overall pedestrian accessibility.

### TRANSITION PLAN HISTORY AND OVERVIEW

In the late 1990's the Town of Culver established a "sidewalk program" where citizens can sign up and share the expense of replacing sidewalk in disrepair. That program remains active today. In 2012 the town had completed a "Safe Routes To School" project that replaced over 6,000' of sidewalk and over 100 handicap ramps in the community. Also in 2012 the town has started a "Downtown Streetscape" project where we will be replacing over 880' of sidewalk, 8 cross walks and 16 handicap ramps within our downtown district. This plan is to demonstrate the continued progress by the Town of Culver to make our pedestrian facilities reasonably accessible for all persons.

## LEGAL REQUIREMENTS

The federal legislation known as the American with Disabilities Act (ADA), enacted on July 26, 1990, provides comprehensive civil rights protections to persons with disabilities in the areas of employment, state and local government services, and access to public accommodations, transportation, and telecommunications

Title II specifically applies to "public entities" (state and local governments) and the programs, services, and activities they deliver. Title II Article 8, requires public entities to take several steps designed to achieve compliance. The plan shall, at a minimum includes:

1. A list of the physical barriers in a public entity's facilities that limit the accessibility of its programs, activities, or services to individuals with disabilities.
2. A detailed outline of the methods to be utilized to remove these barriers and make the facilities accessible.
3. The schedule for taking the necessary steps to achieve compliance with Title II.
4. The name of the official responsible for the plan's implementation.

Transition plans provide a method for a public entity to schedule and implement ADA required improvements to existing streets and sidewalks. Before a transition plan can be developed, an inventory of the current curb ramps and sidewalks must be developed.

recorded into an intersection database<sup>1</sup>. The result from this evaluation is a detailed understanding of the ADA barriers at that intersection.

## METHODS TO REMOVING BARRIERS – POLICIES & PRIORITIES

The Town utilizes many different approaches in removing barriers in the public right-of-way, including proactively identifying and eliminating the barrier, responding to public complaints, and ensuring the appropriate design and build-out of new construction following the most recent design guidelines.

### BARRIER REMOVAL PRIORITIES

The Town of Culver bases barrier removal priorities on two factors: location and the accessibility condition of the intersection.

#### Location Priority

According to the *Accessible Rights-of-Way: A Design Guide*, “the DOJ regulation imposes a specific construction requirement...specifies a priority for locating (curb ramps) at: State and local government offices and facilities; transportation; places of public accommodation; places of employment; and other locations.” Following this guidance, the City identified its location priority as follows:

1. Intersections serving government facilities,
2. Intersections serving commercial and employment centers, and
3. Intersections serving other areas.

#### Accessibility Condition

Using the data from the Preliminary Evaluation and the Detailed Evaluation, an accessibility condition, or Access Grade, can be determined. Points are assigned to the identified ADA barriers and calculated for each intersection. This will give the intersection an overall Condition Score for accessibility. The Access Grade assesses the Condition Score out of the total possible points and assigns a letter grade. This letter grade is A through E, A being the most accessible and E being the least accessible.

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<sup>1</sup> The database is quite large and is constantly updated; it is not feasible for it to be included in the text of this ADA Transition Plan. The database may be made available for public review by advanced written request to the ADA Coordinator.

project, any affected curb ramps, sidewalks, and crosswalks will be rebuilt to these ADA design guidelines, where feasible and reasonable.

## SCHEDULE

As opportunity allows, the Town will make efforts to improve the ADA Accessibility of pedestrian facilities in the public right-of-way. As stated in the *Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way*, "compliance is required to the extent practicable within the scope of the project." There will be times when it is technically infeasible to provide technical compliance: for example, if clear space at the top of the ramp is obstructed by a building or the slope of a hill is so extreme as to prevent a reasonable slope for a ramp in both directions. The inventory process may not account for such situations and could show a high-priority rating when all feasible actions have been taken.

Additionally, given a program as broad and comprehensive as the Town's pedestrian network, the Town will follow the concept of Program Access under Title II of the ADA. Program Access does not necessarily require a public entity to make each of its existing facilities accessible to and usable by individuals with disabilities, as long as the program as a whole is accessible. Under this concept, the Town may choose not to install a sidewalk at some locations (or to install them as a lower priority later), as long as a reasonable path of travel is available even without the sidewalk.

## RESPONSIBLE INDIVIDUAL

The official responsible for the implementation of the Town's ADA Transition Plan for the pedestrian facilities in the public right-of-way is:

Bob Porter  
Street Superintendent  
200 E. Washington St.  
Culver, IN 46511

Email: [culverstreet@townofculver.org](mailto:culverstreet@townofculver.org)  
Phone: (574) 292-3943  
Fax: (574) 842-3633  
TTY:

## PUBLIC INPUT

The Town of Culver provided opportunities for individuals to comment on this Transition Plan, which included:

- Document copies available and notices sent to local public libraries
- Document made available on Culver's website
- Open house and presentation at a public meeting on **November 27, 2012**

The Town published legal notices in the major newspaper(s), Plymouth Pilot and The Culver Citizen starting on **November 15, 2012**. The legal notices announced the

## **ATTACHMENT A**

- 1. ADA GUIDELINES USED IN DETAILED EVALUATION**
- 2. EVALUATION FORM**

## ADA GUIDELINES USED IN DETAILED EVALUATION

### Curb Ramps

In evaluating the accessibility of existing curb ramps, the following factors were considered:

1. Is there a curb ramp?
2. Is there a curb ramp where a sidewalk crosses a street?
3. What type of curb ramp?
  - a. Perpendicular curb ramp
  - b. Parallel curb ramp
  - c. Blended transitions
4. Is the width of the curb ramp at least 4 feet wide (excluding flares)?
5. Are there detectable warnings properly installed where a curb ramp or blended transition connects to a street?
6. Is the running slope greater than 5% but less than 8.3% (blended transition 5% maximum)?
7. Is the cross slope less than 1%?
8. Is the landing a minimum of 4 feet x 4 feet?
9. Is the surface of the curb ramp or blended transition firm, stable, and slip resistant and clear of gratings, access covers, and other appurtenances?
10. Is the grade break at the top and bottom of the ramp flush and not located on the surface of the curb ramp, landing, or gutter areas?
11. Is the counter slope of the gutter or street at the foot of the curb ramp less than 5%?
12. Is the clear space beyond the curb face at least 4' x 4'?
13. If the curb ramp is perpendicular, is the slope of the flared sides less than 10% where a pedestrian path crosses the curb ramp or if the sides are returned, are they protected from cross travel?



## **ATTACHMENT B**

### **1. ADA PRIORITIES MAP**

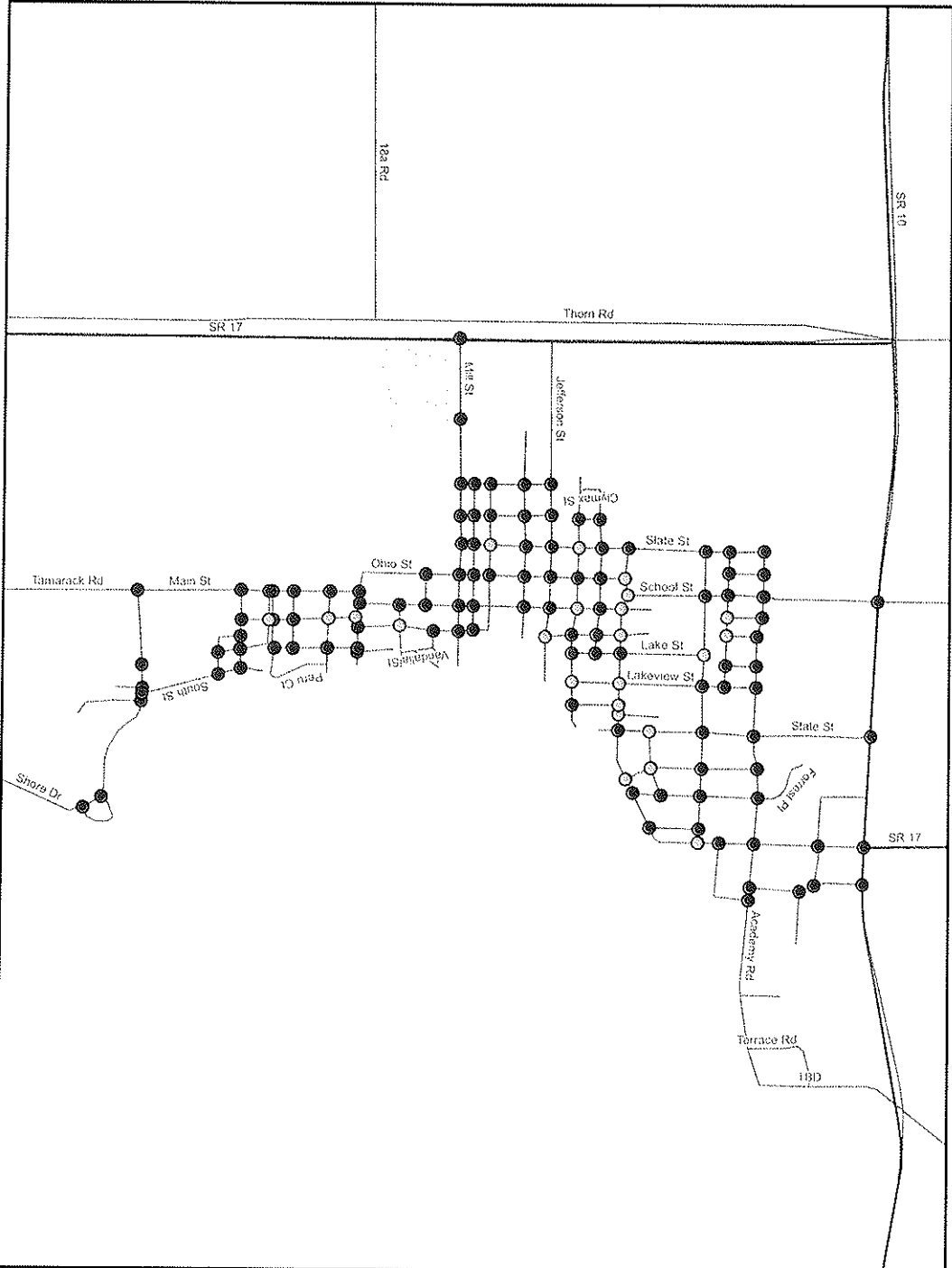
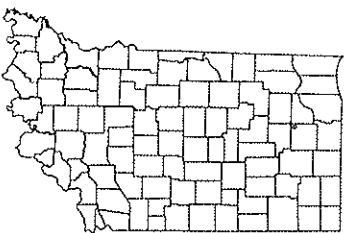
### **2. PRIORITY LISTING OF INTERSECTIONS**

# ADA Priorities Map

Town of Culver



Coordinate grid is based on Indiana East State Plane Coordinate System 1983 North American Datum.  
 Information shown on this map is not warranted for accuracy or representability. Please refer to the original map for more information and authorized without the approval of the project manager.



## Legend

- Low
- Medium
- High



Date Printed: 10/3/2012

File:G:\town\map\2012\ADA.priorities.mxd

## Culver

5010369	N Main Street	Washington Street	Government	73.3	1C	Preliminary
5010404	N Main Street	Lake Shore Drive	Government	73.3	1C	Preliminary
5010403	School Street	W Lake Shore Drive	Government	75.0	1C	Preliminary

### Low 64

ID	N/S Street	E/W Street	Zone	Condition	Priority	Type of Evaluation
5010316	S Main Street	Wabash Street	Other	64.2	3C	Preliminary
5010343	Nueva Gorda Street	Prado Street	Other	65.0	3C	Preliminary
5010255	S White Street	W Madison Street	Other	65.8	3C	Preliminary
5010232	S Slate Street	W Madison Street	Other	65.8	3C	Preliminary
5013379	Lakeview Street	College Avenue	Other	65.8	3C	Preliminary
5010274	Slate Street	W Jefferson Street	Other	66.7	3C	Preliminary
5010372	Lake Street	E Lake Shore Drive	Other	67.5	3C	Preliminary
5010364	Coolidge Street	E Washington Street	Other	67.5	3C	Preliminary
5010337	S Main Street	Winfield Street	Other	67.5	3C	Preliminary
5010268	S Slate Street	W Clover Street	Other	72.5	3C	Preliminary
5010256	S White Street	W Marmont Street	Other	72.5	3C	Preliminary
5010331	S Plymouth Street	Davis Street	Other	72.5	3C	Preliminary
5010303	Obsipo Street	Tampa Street	Other	74.2	3C	Preliminary
5010299	S Main Street	W Hawkins Court	Other	75.8	3B	Preliminary
5010263	S Clymax Street	W Madison Street	Other	75.8	3B	Preliminary
5010338	S Main Street	Davis Street	Commercial	76.7	2B	Preliminary
5010379	N Plymouth Street	E Washington Street	Government	77.5	1B	Preliminary
5010388	S Main Street	Madison Street	Commercial	77.5	2B	Preliminary
5010184	N Lake Shore Drive	Baker Street	Other	77.5	3B	Preliminary
5010187	School Street	W Lewis Street	Other	78.3	3B	Preliminary
5013574	S White Street	W Jefferson Street	Other	78.3	3B	Preliminary
5010248	N White Street	W Washinton Street	Other	78.3	3B	Preliminary
5010415	Lake Street	E Cass Street	Government	78.3	1B	Preliminary
5010389	Main Street	Jefferson Street	Government	79.2	1B	Preliminary
5010230	Ohio Street	W Jefferson Street	Government	79.2	1B	Preliminary
5010418	State Street	E Lake Shore Drive	Government	79.2	1B	Preliminary
5010302	Nueva Gorda Street	Tampa Street	Other	79.2	3B	Preliminary
5010334	S Main Street	Davis Street	Commercial	80.0	2B	Preliminary
5010405	N Main Street	Cass Street	Commercial	80.0	2B	Preliminary
5010380	S Main Street	Mill Street	Other	80.8	3B	Preliminary
5010339	S Main Street	Prado Street	Other	81.7	3B	Preliminary
5013567	N State Street	W College Avenue	Government	81.7	1B	Preliminary

## **ATTACHMENT C**

- 1. RESOLUTION ADOPTING ADA DESIGN GUIDELINES**
- 2. RESOLUTION APPOINTING ADA COORDINATOR**
- 3. ADA GRIEVANCE PROCEDURE**
- 4. RESOLUTION ADOPTING THE AMERICANS WITH  
DISABILITIES ACT TRANSITION PLAN: PEDESTRIAN  
FACILITIES IN THE PUBLIC RIGHT-OF-WAY**

RESOLUTION 2011-004

A RESOLUTION OF THE CULVER TOWN COUNCIL  
OF THE TOWN OF CULVER, INDIANA  
ADOPTING THE AMERICANS WITH DISABILITIES ACT (ADA)  
ACCESSIBILITY GUIDELINES FOR STANDARDS FOR ACCESSIBLE DESIGN  
AND  
GUIDELINES FOR PEDESTRIAN FACILITIES IN THE PUBLIC RIGHT-OF-WAY

WHEREAS, the Federal government enacted the Americans with Disabilities Act of 1990 (ADA) to prevent discrimination of the physically and mentally disabled relating to employment and access to public facilities; and

WHEREAS, Title II of the ADA requires that municipalities adopt the Americans with Disabilities Standards for Accessible Design that provide accessibility, through proposed structural modifications to remove accessibility barriers; and

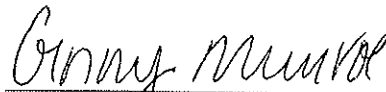
WHEREAS, Title II of the ADA recommends that municipalities adopt the Americans with Disabilities Guidelines for Pedestrian Facilities in the Public Right-of-Way that provide accessibility, through proposed structural modifications to remove accessibility barriers; and

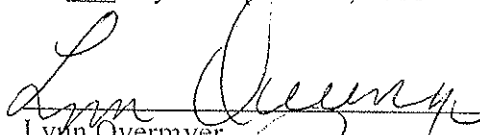
WHEREAS, the United States Department of Justice recently modified the ADA Standards for Accessible Design and the Guidelines for Pedestrian Facilities in the Public Right-of-Way in 2010 and 2011, respectively; and

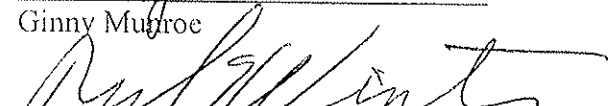
WHEREAS, the Town of Culver remains committed to the ADA and the elimination of barriers to public facilities; and

NOW, THEREFORE, BE IT RESOLVED that the Culver Town Council of the Town of Culver hereby adopts the 2010 Americans with Disabilities (ADA) Standards for Accessible Design and 2011 Guidelines for Pedestrian Facilities in the Public Right-of-Way.

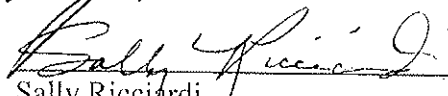
PASSED, APPROVED AND ADOPTED this 13 day of September, 2011

  
\_\_\_\_\_  
Ginny Muroe


  
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Lynn Overmyer

  
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Ralph Winters

  
\_\_\_\_\_  
Ed Pinder

  
\_\_\_\_\_  
Sally Ricciardi

ATTEST:

  
\_\_\_\_\_  
Casey Howard

RESOLUTION 2011-005

A RESOLUTION OF THE CULVER TOWN COUNCIL  
OF THE TOWN OF CULVER, INDIANA  
ADOPTING THE AMERICANS WITH DISABILITIES ACT (ADA)  
ADA COORDINATOR AND PROCEDURES

WHEREAS, the Federal government enacted the Americans with Disabilities Act of 1990 (ADA) to prevent discrimination of the physically and mentally disabled relating to employment and access to public facilities; and

WHEREAS, in compliance with Title II of the ADA the Town of Culver shall name an ADA Coordinator; and

WHEREAS, in compliance with Title II of the ADA the Town of Culver shall adopt a grievance procedure for resolving complaints alleging violation of Title II of the ADA; and

WHEREAS, in compliance with Title II of the ADA the Town of Culver shall publish notice to the public regarding the ADA;

WHEREAS, in compliance with Title II of the ADA the Town of Culver shall post the ADA coordinator's name, office address, and telephone number along with the ADA Notice and ADA grievance procedure on its website.

NOW, THEREFORE, BE IT RESOLVED by the Culver Town Council of the Town of Culver, Indiana:

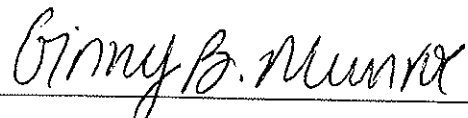
The Town Manager and/or Clerk-Treasurer is designated as the ADA Coordinator for the Town of Culver.

The Notice under the Americans with Disabilities Act, a copy of which is attached hereto, is adopted as the Town of Culver Notice under the Americans with Disabilities Act.

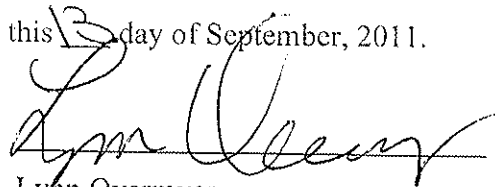
The Town of Culver Grievance Procedure under the Americans with Disabilities Act, a copy of which is attached hereto, is adopted as the grievance procedure for addressing complaints alleging discrimination on the basis of disability in the provision of services, activities, programs or benefits by the Town of Culver.

In compliance with Federal and State laws as set forth above, the Culver Town Council resolves to post the required information regarding the ADA coordinator, Notice under the Americans with Disabilities Act, and Town of Culver Grievance Procedure under the Americans with Disabilities Act on its website and at such other locations as may be determined from time to time.

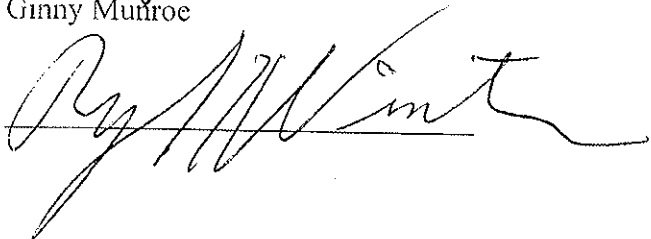
PASSED, APPROVED AND ADOPTED this 13 day of September, 2011.



Ginny Munroe



Lynn Overmyer







## THE TOWN OF CULVER 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 Town of Culver. The Town's 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:

**Town Manager and/or Clerk-Treasurer  
ADA Coordinator  
200 E Washington St, Culver, IN 46511**

Within 15 calendar days after receipt of the complaint, Town Manager and/or Clerk-Treasurer or his/her designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, Town Manager and/or Clerk-Treasurer 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 Town of Culver and offer options for substantive resolution of the complaint.

If the response by the Town Manager and/or Clerk-Treasurer 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 Town Council or his/her designee.

Within 15 calendar days after receipt of the appeal, the Town Council or his/her designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the Town Council 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 Town Manager and/or Clerk-Treasurer or his/her designee, appeals to the Town Council or his/her designee, and responses from these two offices will be retained by the Town of Culver for at least three years.

RESOLUTION NO. 2012-00 4

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CULVER, INDIANA  
ADOPTING THE AMERICANS WITH DISABILITIES ACT (ADA) TRANSITION  
PLAN FOR PEDESTRIAN FACILITIES IN THE PUBLIC RIGHT-OF-WAY

WHEREAS, the Federal government enacted the Americans with Disabilities Act of 1990 (ADA) to prevent discrimination of the physically and mentally disabled relating to employment and access to public facilities; and

WHEREAS, Title II of the ADA requires that municipalities develop and adopt a Transition Plan that documents physical barriers to accessibility, proposed structural modifications to remove those barriers, and a schedule to complete the modifications; and

WHEREAS, the Town of Culver adopted a Resolution pertaining to ADA Standards for Accessible Design and Guidelines for Pedestrian Facilities in the Public Right-of-Way; and

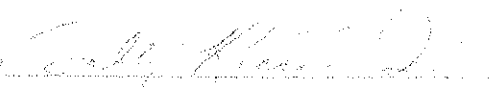
WHEREAS, the Town of Culver remains committed to the ADA and the elimination of barriers to public facilities; and

WHEREAS, a Transition Plan for the pedestrian network has been prepared that reflects current municipality infrastructure and ADA design standards, referred to as the "ADA Transition Plan: Pedestrian Network";

NOW, THEREFORE, BE IT RESOLVED BY THE CULVER TOWN COUNCIL OF CULVER, MARSHALL COUNTY, INDIANA, that the ADA Transition Plan: Pedestrian Network is hereby approved.

PASSED AND ADOPTED by the Culver Town Council this 27th day of December, 2012.

TOWN COUNCIL  
TOWN OF CULVER, INDIANA

By   
Sally Ricciardi, President

By Ginny B. Munroe  
Ginny B. Munroe, Vice President

By Ed Pinder  
Edward G. Pinder, Member

ATTEST:

By William W. Githens  
William W. Githens, Member

Karen Heim  
Karen Heim, Clerk-Treasurer  
resolution ADA 2012

By Lynn Overmyer  
Lynn Overmyer, Member

**PUBLIC COMMENT AND RESPONSE FORM**

Date of Comment: \_\_\_\_\_

Name of Person: \_\_\_\_\_

Comment: \_\_\_\_\_

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Response: \_\_\_\_\_

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