

ADA TRANSITIONAL PLAN CITY OF BERNE

158 West Franklin Street

(260) 589-8526

www.cityofberne.com

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Statement/Mission

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

Non-Discrimination Notice

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

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

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

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

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

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

Complaints that a program, service, or activity of the City of Berne is not accessible to persons with disabilities should be directed to Rebecca Sprunger

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

Designation of an ADA Coordinator

Pursuant to Resolution 2012-12-1 adopted on the 10th day of December, 2012, by the City of Berne the position of ADA Coordinator for the City of Berne was created. The following individual was appointed to serve in such capacity:

Rebecca Sprunger

Rebecca Sprunger holds such position concurrently with her appointment as the Administrative Assistant and is responsible for overseeing compliance with the ADA.

Rebecca Sprunger
158 W. Franklin Street
(260) 589-8526
bsprunger@cityofberne.com

**City of Berne Indiana
Grievance Procedure under
The Americans with Disabilities Act**

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

Rebecca Sprunger
158 W. Franklin Street, Berne Indiana 46711
(260) 589-8526
bsprunger@cityofberne.com

Within 15 calendar days after receipt of the complaint, Rebecca Sprunger or her designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting Rebecca Sprunger or her designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or

audio tape. The response will explain the position of the City of Berne and offer options for substantive resolution of the complaint.

If the response by Rebecca Sprunger or her designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the Mayor or (his/her) designee.

Within 15 calendar days after receipt of the appeal, the Mayor or (his/her) designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the Mayor or his/her designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by Rebecca Sprunger or her designee, appeals to the Mayor or (his/her) designee, and responses from these two offices will be retained by the City of Berne for at least three years.

Design Standards-Sidewalks

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

Public Involvement Opportunities

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

Rebecca Sprunger
158 W. Franklin Street
(260) 589-8526
bsprunger@cityofberne.com

A draft of the City of Berne Transition Plan will be available on the website on December 11, 2012 to December 21, 2012 for the public comment period. The Transition Plan will also be available in the following City of Berne offices for viewing: City Hall, and the Berne Police Department. Anyone that would like to comment on the Transition Plan can submit their comments in these offices or can contact the ADA Coordinator.

After the City of Berne Transition Plan has been adopted it will be posted on the City website. It will also be available in the following City offices for viewing: City Hall, Berne Police Department . A copy of the Transition Plan will also be available at the Berne Public Library.

Inventory

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

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

Step 1: Aerial Maps

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

Step 2: Field Evaluation and Inventory

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

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

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

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

- A – ADA Compliant, no concerns (Green)
- B – One major problem or multiple minor problems, needs some attention (Yellow)
- C – Broken, impassable by wheelchairs, difficult for pedestrians (Red)

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

Currently there are 266 ramps in (City). The number of non-compliant ramps is 226. Of the 226 non-compliant ramps, 117 are rated a Red, 109 are rated a Yellow, 40 are rated a Green.

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

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

Step 4: Request for Review and Public Input

As part of the Transition Planning process, the map prepared in Step 3 will be made available for comment. The map will be posted on the City of Berne website and on display at the following locations Berne City Hall, Berne Police Department and the Berne Public Library. The comment period will be from December 11, 2012 to December 21, 2012.

Step 5: Update of the Inventory

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

Assessment Procedures

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

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

Condition of Sidewalk or Ramp

- 1 point = Rating of B
- 2 points = Rating of C
- 3 points = Rating of D or F

Vicinity of Pedestrian Destinations

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

- 0 point = nothing nearby
- 1 point = within 1 block of pedestrian destination
- 2 points = with 1 block of multiple pedestrian destination
- 3 points = adjacent to a park, school, government building or library

Public Interest

- 0 point = no comments
- 1 point = multiple public comments received
- 2 points = subject of a formal ADA grievance filing

Local Priority

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

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

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

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

Funding & Scheduling

The City of Berne will use the following funding sources Cedit funds and Street Department Budget to repair, modify or reconstruct sidewalk and ramps. The City of Berne intends to spend \$ 30,000.00 annually to repair, modify or reconstruct sidewalk and ramps to meet current ADA standards.

Review & Evaluation

In January of each year the Mayor will meet with the ADA Coordinator to review the City of Berne's efforts put forth the previous year to comply with

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

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