



**Town of Cumberland**  
**ADA Transition Plan for Public Rights-of-Way**

Adopted \_\_\_\_\_

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## **Introduction**

The Americans with Disabilities Act (ADA) was enacted on July 26, 1990, and later amended effective January 1, 2009. As written and implemented, the ADA provides comprehensive civil rights protections to persons with disabilities in the areas of employment, state and local government services, access to public accommodations, transportation, and telecommunications.

The ADA is a companion civil rights legislation to the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973. In order to be protected by the ADA, one must have a disability or have a relationship or association with an individual with a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such impairment, or a person who is perceived by others as having an impairment. The ADA, however, does not specifically name all of the impairments that are covered.

The ADA is divided into five sections covering the following topics:

- Title I: Employment
- Title II: Public Services (and Transportation)
- Title III: Public Accommodations (and Commercial Facilities)
- Title IV: Telecommunications
- Title V: Miscellaneous Provisions

Title II specifically prohibits state and local governments from discriminating against persons with disabilities or from excluding participation in or denying benefits of programs, services, or activities to persons with disabilities. This Transition Plan is intended to outline methods by which physical changes will be made to give effect to the non-discrimination policies described in Title II.

## **Transition Plan Development**

Under the ADA Title II and Section 504 of the Vocational Rehabilitation Act, communities with more than 50 employees or that received federal funding are required to complete a Self Evaluation and Transition Plan. This plan evaluates and recommends improvements to public right-of-way.

The Transition Plan should include a list of physical barriers, descriptions for the types

of barriers, prioritization of barriers, and cost estimates for necessary repairs. Evaluation of sidewalks and curbs was completed by Butler, Fairman & Seufert.

### **Designation of ADA Coordinator**

Under the ADA Title II regulations, communities must establish an ADA Coordinator. The ADA Coordinator is responsible for establishing procedures for grievances and noncompliance issues, conducting the self evaluation, developing the transition plan, and monitor for on-going progress. In 2012, the Town Council named the Director of Planning and Development to serve in the role of ADA Coordinator. Complaints or allegations of noncompliance received about access shall be directed to the Director of Planning and Development.

### **Grievance Procedure**

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 Cumberland Town Council**. Town of Cumberland Planning and Development Department 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 complaint 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 days after the alleged violation to:

**Director of Planning and Development  
Town of Cumberland  
11501 E. Washington St.  
Cumberland, IN 46229**

Within 15 calendar days after receipt of the complaint, the Planning and Development Director or assigned designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, Planning and Development Director or assigned 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 Cumberland, Indiana and offer options for substantive resolution of the complaint.

If the response by the Planning and Development Director or assigned 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 of Cumberland or assigned designee. The grievance form can be found in Appendix A.

### **ADA Standards/Guidelines**

The Town of Cumberland has adopted the 2010 Americans with Disabilities (ADA) Standards for Accessible Design and 2011 Guidelines for Pedestrian Facilities in the Public Right of Way. Additionally, the Indiana Department of Transportation design guidelines and standard drawings will serve as the primary standards for this plan.

### **Self Evaluation/Commitment**

The Town of Cumberland hired Butler, Fairman & Seufert to conduct on-site inspections for curbs, ramps, and sidewalks to compile its inventory. The majority of these are not in compliance with the ADA requirements. The Town of Cumberland is committed to providing sidewalks and curb ramp areas accessible to all pedestrians and compliant with ADA regulations. Further, the Town commits to the following:

- All new construction, reconstruction, roadwork construction or alterations, including federal projects under the control and/or inspection of the Department of Public Works will be in compliance with the ADA.
- The Town will have an annual sidewalk repair and curb ramp installation or reconstruction plan that will be funded annually. Missing or non-compliant curb ramps shall be prioritized. As the budget is set for each year, the Department of Public Works will determine which projects can be funded and completed. The actual number of projects will vary from year to year depending on the budget.
- The inventory can be found in Appendix B. This spreadsheet includes cost estimates for the repairs.

### **Implementation**

The Town of Cumberland intends to implement this Transition Plan effective the date of this document. Not only does the Town commit to following the guidelines set forth in this Transition Plan, but it also commits to actively revising and amending this document as new information is discovered.

# **APPENDIX A GRIEVANCE FORM**



**AMERICANS WITH DISABILITIES ACT  
COMPLAINT/GRIEVANCE FORM**

Please print legibly.

Name: \_\_\_\_\_

Address (City, State, Zip): \_\_\_\_\_

Telephone #: \_\_\_\_\_

Email Address: \_\_\_\_\_

Preferred Contact:  Phone  Email

Name of Person Discriminated Against (if different): \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Email Address: \_\_\_\_\_

Please provide a complete description of grievance including any locations or individuals involved. (Attach additional sheets if necessary)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please state what you think should be done to resolve the complaint or grievance:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature of person completing the form

Date

# **APPENDIX B ADA INVENTORY**