

# CLARK COUNTY

## *Americans with Disabilities Act* Self-Evaluation and Transition Plan



Prepared by:



Project No. 2161-1830-90

**MARCH 2023 – DRAFT FOR PUBLIC REVIEW**



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## List of Abbreviations/Acronyms

AA – Affirmative Action  
AASHTO – American Association of State Highway and Transportation Officials  
ABA – Architectural Barriers Act of 1968  
ADA – Americans with Disabilities Act of 1990  
ADASAD – Americans with Disabilities Act Standards for Accessible Design  
CDBG – Community Development Block Grant  
CEMP – Comprehensive Emergency Management Plan  
CFR – Code of Federal Regulations  
DDRS – Indiana Division of Disability & Rehabilitative Services  
DHHS – Deaf & Hard of Hearing Services, Indiana Division of Disability & Rehabilitative Services  
DOJ – U.S. Department of Justice  
DOT – U.S. Department of Transportation  
EMS – Emergency Medical Services  
FHWA – U.S. DOT Federal Highway Administration  
FTA – U.S. DOT Federal Transit Administration  
G.E.D. – General Educational Development  
GIS – Geographic Information System  
HR – Human Resources Department  
HTML - Hyper Text Markup Language  
INDOT – Indiana Department of Transportation  
ISA – International Symbol of Accessibility  
IT – Information Technology Department  
NCA – National Center on Accessibility  
OTRB – Over-the-Road Buses  
PDF – Portable Document Format  
PROWAG – Proposed Accessibility Guidelines for Pedestrian Facilities within Public Right-of-Way  
RA – Rehabilitation Act of 1973  
ROW – Right-of-Way  
RTF – Rich Text Format  
SETP – Self-Evaluation and Transition Plan  
TDD – Telecommunications Devices for Deaf Persons  
TTY – Teletypewriter  
UFAS – Uniform Federal Accessibility Standards

## Executive Summary

The Americans with Disabilities Act (ADA) is a comprehensive Federal civil rights statute enacted in 1990. Comprised of five major parts, or “titles”, the ADA’s stated purpose was to provide a “clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities”. It is estimated by the U.S. Census Bureau that over 50 million U.S. residents have a disability, and over 50% of senior citizens age 65 or older have a disability. Title II requires that all public entities with 50 or more employees perform a self-evaluation, prepare a transition plan, make the transition plan available for three years, publish a notice of non-discrimination, designate an ADA Coordinator, and develop a formal complaint form and grievance procedure.

Clark County (County) contracted with DLZ Indiana, LLC in 2021 to complete a self-evaluation of all County facilities, including the public right-of-way (ROW), programs, and procedures and prepare a Transition Plan that outlines the necessary steps to be fully compliant with the requirements of Title II of the ADA.

In performing this self-evaluation, only areas open to the public as well as limited employee-only common use areas, including restrooms, entrances, and break rooms and exterior spaces such as parking lots and sidewalks were assessed. The decision to exclude some areas restricted to employees does not obviate the need of the County to ensure full accessibility is provided to employees with disabilities, consistent with the requirements of Title I of the ADA. Reasonable accommodation requests from employees should be evaluated on a case-by-case basis to allow employees with disabilities to perform their essential job functions. The following facilities that were identified owned by the County or as having programs/services provided:

- Clark County Judicial Center (501-531 E. Court Ave., Jeffersonville)
- Michael L. Becher Adult Correctional Complex (501-531 E. Court Avenue)
- Coroner's Office (2515 Veterans Parkway, Jeffersonville)
- Old Emergency Management/911 Dispatch (110 North Indiana Ave., Sellersburg)
- Fairgrounds/Extension (9608 Highway 62, Charlestown)
- Health Department (1201 Wall Street, Jeffersonville)
- Highway Garages 1 and 2 (412 S. Poplar St., New Washington and 6103 County Road 403, Charlestown)
- Sheriff Department Buildings (400 Lentz Ave. (Bldgs 228 1/2/3, 1531, 1515, 1509))
- Solid Waste Management District (112 Industrial Way, Charlestown)

In addition, these facilities also house County programs, but were not evaluated due to their construction just prior to or during this planning process.

- Clark County Government Center (300 Corporate Dr, Jeffersonville)
- Emergency Management/911 Dispatch (309 Lintz Ave., Charlestown)

In addition to County facilities, pedestrian right-of-way (ROW) facilities including sidewalks and curb ramps within County-owned ROW were evaluated for compliance with current guidelines. The self-evaluation also reviewed existing County policies and procedures within each department. The focus of this review began with distribution of a questionnaire to the ADA coordinator and each department, followed by interviews or other data gathering if needed to better understand the responses or the operation of each department. Key items reviewed within each department included ADA-specific training of employees, past interaction and accommodation of persons with disabilities, review of publications produced by each department, and staff

suggestions to help them accommodate persons with disabilities. Following this review, recommendations were made to improve accessibility of programs.

It is the goal of the County to make facilities for all services, programs and activities fully accessible, though this will be largely dependent on a number of economic factors and future changes to the ADA Standards for Accessible Design (ADASAD) or other unforeseen requirements that would necessitate additional improvements to County facilities. The County has committed to provide training for staff on the requirements of the ADA and make accommodations for employees with disabilities, many of which can be done without costly architectural renovations. The Transition Plan will be reviewed and updated periodically to ensure the County is fully compliant with ADASAD standards.

The results of the self-evaluation identified a number of architectural barriers at County facilities. The estimated cost to correct these deficiencies is over \$1,073,000. In addition, approximately \$5,062,000 in pedestrian ROW facility deficiencies were identified during the evaluation as well. The degree to which these barriers limited accessibility and their priority for corrective action was subjectively categorized as “high”, “medium”, or “low”. “High” priority included barriers that effectively prohibited access to a service or program or present a safety hazard. “Medium” priority included barriers that either partially prohibited access or made it quite difficult. “Low” priority barriers typically do not limit access but are not compliant with standards. The improvements will be categorized into a phasing program to spread the cost for implementation out and address the most serious deficiencies at the most used County facilities. The actual implementation schedule, budgeting, and prioritization is up to the administration and is likely to be impacted by complaints, new regulations and requirements, and availability of funding. Note that these costs are to resolve accessibility issues by making architectural improvements and in many instances, there are procedural or other modifications that can be made to provide equal access to County programs and some modifications are not required until renovations are completed. These modifications are noted within this report.

The County will strive to ensure that all residents and visitors are able to access all services, programs and activities and will promptly investigate any formal grievance filed according to the grievance procedures outlined. Additionally, the County will strive to include annual budgetary allotments to make required improvements to the pedestrian ROW, with emphasis given to the improvements that most impact the ability of persons with disabilities to access County facilities or programs, impact the safety of all users, and locations within areas of high pedestrian activity, a higher concentration of persons with disabilities, high volume streets, and areas accessing places of public accommodation. Where access cannot be provided, alternate means to provide the same opportunities to persons with disabilities should be provided.

The statements and findings contained in this updated Transition Plan and supporting information are the opinion of DLZ based on our knowledge and interpretation of ADA requirements. Nothing in this document should be considered as legal advice. Clients are urged to seek appropriate legal assistance as needed on ADA issues.



# 1

## Introduction and Overview



## 1.0 Introduction and Overview

### 1.1 Introduction

The [Americans with Disabilities Act of 1990](#) (ADA), enacted on July 26, 1990, is a Federal civil rights statute, under the jurisdiction of the United States Department of Justice (DOJ), which provides civil rights protection to qualified individuals with disabilities in the areas of employment, public accommodations, state and local government services, transportation, and telecommunications.

The law states its purpose is “to provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities”. Similar protections are provided by [Section 504 of the Rehabilitation Act of 1973](#). The ADA was signed into law by President George Bush on July 26, 1990, extending civil rights protections to individuals with physical or mental disabilities in the following areas:

1. **Title I** – Employment (all Title II employers and employers with 15 or more employees)
2. **Title II** – Public Services (state and local government including public school districts and public transportation)
3. **Title III** – Public Accommodations and Services operated by Private Entities
4. **Title IV** – Telecommunications
5. **Title V** – Miscellaneous

Clark County is located in southern Indiana (Figure 1). The County has an estimated population of 121,738 with a land area of approximately 376 square miles. Its major population centers include the cities of Jeffersonville and Clarksville. It’s southern border is bounded by the Ohio river and the City of Louisville, Kentucky. It is classified as a “public entity” pursuant to Title II of the ADA. The County is also required to comply with Title I, which requires state and local government entities to practice nondiscrimination in all parts of the employment process.

The DOJ is the lead agency that oversees the ADA. The ADA in itself is not enforceable by any state or local governmental unit code official.

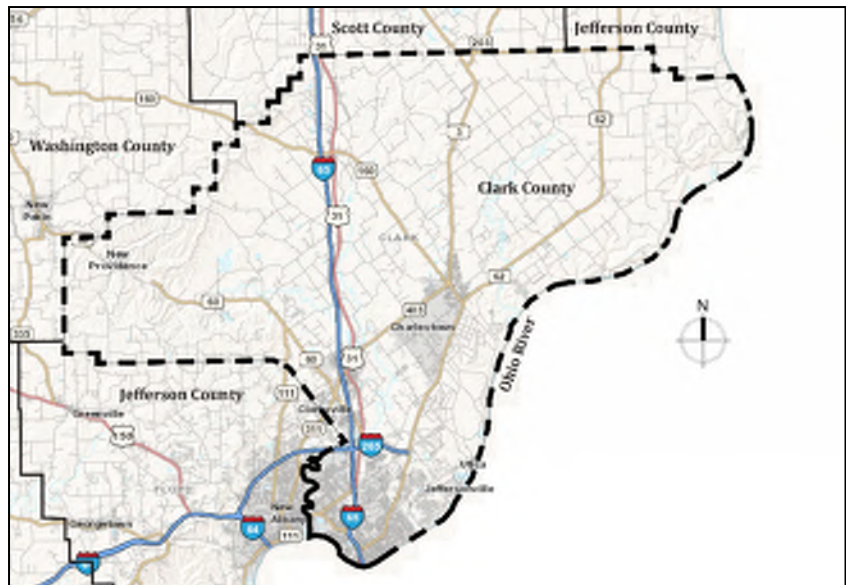
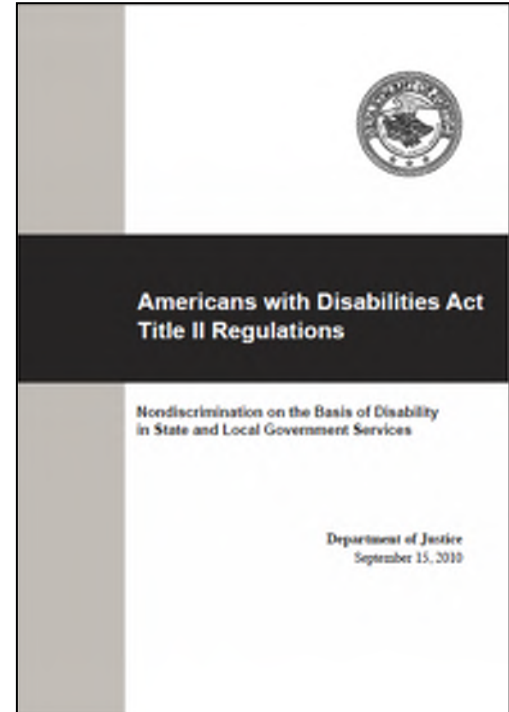


Figure 1 – Clark County Location Maps

## 1.2 Purpose

The Code of Federal Regulations (CFR) is the codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the Federal government. It is divided into 50 titles that represent broad areas subject to Federal regulation. Each volume of the CFR is updated once each calendar year and is issued on a quarterly basis.

Relative to the ADA on July 26, 1990, the DOJ issued rules implementing Title II, which is codified at [28 CFR Part 35](#) and applies to Clark County. Title II requires state and local governments to make their programs and services accessible to persons with disabilities. This requirement extends not only to physical access at government facilities, programs, and events, but also to policy changes that state and local governmental entities must make to ensure that all people with disabilities can take part in, and benefit from, the programs and services of state and local governments. Title II of the ADA was effective on January 26, 1992.



The ADA regulations [ref. *U.S. DOJ, 28 CFR Part 35, Subpart A, 35.105 and 35.150(a) and (d)*] require state and local governments to conduct a self-evaluation of their programs and services to identify barriers to access. One of the fundamental reasons for performing the self-evaluation is to identify potential problems before they occur, so that discrimination complaints won't be necessary. By identifying the policies, programs, services, and activities that do not comply, the County can take action to remove those barriers to ensure that the County is not discriminating against individuals with disabilities. Title II of the ADA stipulates that Clark County is required to perform six administrative responsibilities:

1. Publicize the name and contact information of the designated ADA Coordinator responsible to oversee compliance [[28 CFR 35.107 \(a\)](#)]
2. Administer and write a self-evaluation of the programmatic barriers in services offered by the local government and provide an opportunity to interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the self-evaluation process by submitting comments [[28 CFR 35.105](#)]
3. Publicize and inform applicants, participants, and beneficiaries of the Town's policy of nondiscrimination on the basis of disability related to Town services, programs, and activities [[28 CFR 35.106](#)]
4. Establish a complaint/grievance procedure to respond to complaints of noncompliance from the public [[28 CFR 35.107 \(b\)](#)]
5. Develop a transition plan if structural changes are necessary for achieving program accessibility [[28 CFR 35.150 \(a\) and \(d\)](#)]
6. Retain the self-evaluation and provide it for public inspection for three years [[28 CFR 35.105 \(c\)](#)]

The County is committed to complying with the tenets of Title II of the ADA of 1990, and other Federal and state statutes and regulations intended to make County-owned and operated facilities, programs, services, and activities accessible to persons with disabilities. This ADA Self-Evaluation and Transition Plan (SETP) establishes a new benchmark for compliance with ADA and identifies a plan to remove barriers.

### **1.3 Transition Plan Overview**

A work plan to assess County-owned and operated facilities, programs, policies, services, and activities for compliance with ADA was initiated in December 2021 to complete the ADA SETP. This work plan included:

- Facility audit (interior and exterior)
- Pedestrian ROW evaluation (curbs, sidewalks)
- Self-evaluation of County programs, services, and activities
- Documentation of the current ADA Coordinator
- Review of existing grievance procedures
- Outreach to advocacy groups and the general public
- Prioritize facilities improvements for accessibility
- Develop written transition plan
- Adoption of the transition plan

The ADA Self-Evaluation and Transition Plan is intended to provide a framework for the continuous improvement of the County programs and facilities for people with disabilities. This transition plan is an on-going, dynamic document that will need periodic review. All recommendations in this plan are subject to review, revision, and approval of the County Commissioners and/or County Council and appropriation of funding to implement the improvements. The transition plan should be regularly updated as programs and services change, as barriers are removed, and new facilities come under ownership or control of the County. In particular, additional evaluations will be required when updates are made to the ADA, supporting statutes or when existing accessibility guidelines change or new guidelines are established. In its efforts to maintain compliance, the County has mechanisms in place to provide for an ongoing update of the transition plan:

- Designated ADA Coordinator is empowered with oversight responsibility for implementation of the requirements of the ADA.
- Implementation activities will be part of the County's ongoing Capital Improvement Plans.
- Other mechanisms for update are recommended and noted in Section 6.4.

### **1.4 Legislative Background & Framework**

For more than 40 years, Clark County has been subject to many of the non-discrimination provisions contained in the ADA. Significant precursory legislation to the ADA includes the [Architectural Barriers Act of 1968](#) (ABA) and [Section 504 of the Rehabilitation Act of 1973](#) (RA).

Congress' first significant effort to address discrimination on the basis of disability was its enactment of the ABA, which provided that all buildings constructed, altered, leased, or financed by the U.S. Government shall be accessible to, and usable by, individuals with physical disabilities.

Section 504 of the Rehabilitation Act states: *"No otherwise qualified individual with a disability in the United States shall, solely by reason of his disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance or under any program or activity conducted by any Executive Agency"*. It also requires Federal agencies to provide accessible programs and facilities.

The ADA was modeled on Section 504. The ADA applies to state and local government entities, public accommodations, public transportation, and commercial establishments. The key points of understanding for ADA are:

- The ADA is fundamentally civil rights legislation. This legislation protects the rights of people with disabilities in employment, transportation, public accommodation, and access to services offered by the public.
- The ADA addresses facility access and access to programs and services. Buildings are required to be accessible and the activities that are offered inside and outside those buildings also must be accessible.
- Outdoor recreation standards as they relate to ADA for a variety of facilities were included in the 2010 ADA Standards for Accessible Design (ADASAD). Standards for amusement rides, boating and fishing facilities, exercise machines and equipment, golf and miniature golf facilities, and play areas went into effect on March 15, 2012 for all new or altered facilities. Standards for swimming/wading pools and spas went into effect in 2013 for all new or altered facilities.

Governmental entities must ensure effective communication, including the provision of necessary auxiliary aids and services, so that individuals with disabilities can participate in civic functions. Public entities are not required to take actions that would result in undue financial and administrative burdens. However, they are required to make reasonable modifications to policies, practices, and procedures where necessary to avoid discrimination, unless they can demonstrate that doing so would fundamentally alter the nature of the service, program, or activity being provided.

One important way to ensure that Title II's requirements are being met in communities of all sizes is through self-evaluation, which is required by the ADA regulations. Self-evaluation enables local governments to pinpoint the facilities, programs, and services that must be modified or relocated to ensure that local governments are complying with Title II requirements of the ADA. A public entity that employs 50 or more employees must retain its self-evaluation for a minimum of three (3) years.

### **1.5 Facility Access versus Program Access**

This section provides an overview of facility (physical) and programmatic accessibility and the basic methods of providing access. The ADA addresses two types of accessibility:

- Facility accessibility
- Program accessibility

Facility accessibility requires that a building or structure be physically accessible. Individuals with disabilities cannot be provided access to programs, services, and activities if a building is inaccessible. Program accessibility includes facility accessibility, but also means that a person with a qualified disability receives the same benefits from a program or service and has an equal opportunity to participate as any other participant. The ADA requires all County programs, but not all County buildings, to be accessible. The regulation implementing Title II, 28 CFR Part 35 (as amended September 15, 2010) contain two "safe harbor" provisions. Under the first "safe harbor" provision, elements of existing facilities that already comply with either the 1991 ADA Standards or Uniform Federal Accessibility Standards (UFAS) are not required to comply with the 2010 ADA Standards unless they were altered on or after March 15, 2012. Under the second "safe harbor" provision elements comprising a path of travel to an altered primary function area are not required to comply with the 2010 ADA Standard merely as the result of an alteration to a primary function area, provided those elements comply with the 1991 ADA Standard or UFAS.



There is some flexibility with regard to program accessibility. Not every building (or each part of every building) needs to be accessible. Structural modifications are required only when there is no alternative available for providing program access. The County is required to provide program access, which means that programs, services, and activities when viewed in their entirety, are readily accessible to and usable by individuals with disabilities.

When choosing a method of providing program access, the County will give priority to the one that results in the most integrated setting appropriate to encourage interaction among all users, including individuals with disabilities. In accordance with Title II program accessibility requirements, the County is required to:

- Provide equal access to programs, services, and activities as provided to other members of the community. [[28 CFR 35.130\(a\)-\(b\)\(1\) \(vii\)](#)]
- Provide programs, services and activities in an integrated setting, unless separate or different measures are necessary to ensure equal opportunity. [[28 CFR 35.130\(b\)\(2\); \(d\)](#)]
- Absorb any costs necessary to ensure nondiscriminatory treatment, such as making modifications required to provide program accessibility or providing qualified interpreters. [[28 CFR 35.130\(f\)](#)]
- Allow a person with a disability to participate in a program, service or activity regardless of disability. [[28 CFR 35.130\(g\)](#)]
- Eliminate unnecessary eligibility standards or rules that deny individuals with disabilities an equal opportunity to enjoy programs, services or activities unless necessary for the provisions of the program, service or activity. [[28 CFR 35.130\(b\)\(8\)](#)]
- Modify policies, practices, or procedures that deny equal access to individuals with disabilities [[28 CFR 35.130\(b\)\(7\)](#)]
- Furnish auxiliary aids and services when necessary to ensure effective communication. [[28 CFR 35.160\(b\)\(1\)-\(2\)](#)]
- Provide appropriate signage and structural communication to inform and alert individuals with visual, mobility, and hearing disabilities. [[28 CFR 35.163](#)]
- Eliminate physical barriers to programs, services, and activities by remodeling existing facilities, constructing new facilities, or moving programs, services or activities to an accessible location. [[28 CFR 35.150\(b\)\(1\)](#)]
- Ensure that newly constructed or altered buildings and facilities are free of physical and communication barriers that restrict accessibility of people with disabilities. [[28 CFR 35.151](#)]

Where related to the ROW facilities, these two types of accessibility are one in the same. Compliance with the ADA is required for all permanent and temporary facilities located in the right-of-way. The types of facilities that must be readily accessible and usable are as follows. Not all items listed below were present in Clark County ROW and/or were excluded from the 2013 evaluation but are provided here for reference.

- Sidewalks, pedestrian overpasses and underpasses, and other pedestrian circulation paths including requirements for pedestrian access routes, alternate pedestrian access routes when pedestrian circulation paths are temporarily closed, and protruding objects along or overhanging pedestrian circulation paths;

**PROWAG, Scope R201.1:**

*All newly constructed facilities, altered portions of existing facilities, and elements added to existing facilities for pedestrian circulation and use located in the public right-of-way shall comply with the requirements in this document.*

- Pedestrian street crossings, medians and pedestrian refuge islands, including requirements for curb ramps or blended transitions, and detectable warning surfaces;
- Pedestrian street crossings at roundabouts, including detectable edge treatments where pedestrian crossing is not intended, and pedestrian activated signals at multi-lane pedestrian street crossings;
- Pedestrian street crossings at multi-lane channelized turn lanes at roundabouts and at other signalized intersections, including requirements for pedestrian activated signals;
- Pedestrian signals, including requirements for accessible pedestrian signals (APS) and pedestrian pushbuttons;
- Transit stops and transit shelters for buses and light rail vehicles including requirements for boarding and alighting areas at sidewalk or street level, boarding platforms, and route signs;
- Pedestrian at-grade rail grade crossings, including requirements for flangeway gaps;
- On-street parking that is marked or metered, and passenger loading zones;
- Pedestrian signs, including requirements for visible characters on signs and alternative requirements for Accessible sign systems and other technologies;
- Street furniture for pedestrian use, including drinking fountains, public toilet facilities, tables, counters, and benches;
- Ramps, stairways, handrails, doors, doorways, and gates.

## **1.6 Undue Burden**

The County is not required to take any action that it can demonstrate would result in a fundamental alteration in the nature of a program or activity, would create a hazardous condition for other people, or would represent an undue financial and administrative burden.

A fundamental alteration is a change to such a degree that the original program, service, or activity is no longer the same. For example, a County sponsors college-level classes that may be used toward a college degree. To be eligible to enroll, an individual must have either a high school diploma or a General Educational Development certificate (“G.E.D”). If someone lacks a diploma or G.E.D. because of a cognitive disability, it is unlikely that the County would have to alter the requirement to provide equal access. Modifying the rule would change the class from college level to something less than college level and would fundamentally alter the original nature of the class.

The determination that an undue financial burden would result must be based on an evaluation of all resources available for use in the County. For example, if a barrier removal action is judged unduly burdensome, the County must consider other options for providing access that would ensure that individuals with disabilities receive the benefits and services of the program or activity.

## **1.7 ADA Self-Evaluation and Transition Plan Requirements**

The purpose of the SETP is to document the County’s review of access to facilities, programs, services, and activities by individuals with disabilities in order to determine if there are any discriminatory or potentially discriminatory practices, policies, or procedures.

In accordance with the Title II requirements for self-evaluation in [28 CFR 35.105](#) , Clark County:

- 1) Identified all of the public entity's programs, activities, and services.
- 2) Reviewed all the policies and practices that govern the administration of the County's programs, activities, and services.

ADA identifies specific elements to be included in the transition plan where structural changes are identified to provide program accessibility as part of the self-evaluation. At a minimum, the elements of the Transition Plan are as follows and available in [28 CFR 35.150 \(d\)](#).

- 1) A list of the physical barriers in the County’s facilities that limit the accessibility of its programs, activities, or services to individuals with disabilities [28 CFR 35.150 (d)(3)(i)]
- 2) A detailed outline of the methods to be utilized to remove these barriers and make the facilities accessible [28 CFR 35.150 (d)(3)(ii)]
- 3) The schedule for taking the necessary steps to achieve compliance with Title II of the ADA. If the time period for achieving compliance is longer than one year, the plan should identify the interim steps that will be taken during each year of the transition period [28 CFR 35.150 (d)(3)(iii)]
- 4) The name of the official responsible for the plan’s implementation. [28 CFR 35.150 (d)(3)(iv)]

### **1.8 Facility Audit**

In 2022, DLZ completed updated audits of building interiors and exterior site features at all building facilities on behalf of the County. These audits are intended to include those areas of each facility that are open to the public and employee common use areas, and identify physical and architectural barriers. Photographs of architectural and site conditions at the time of the inspection for all facility amenities were taken for the record. The specific site and architectural improvements recommended to remove barriers and improve accessibility are included in Section 2.20 and Appendix A. Pedestrian ROW facilities were also evaluated and can be found in Sections 3, 4, and 5 and Appendix B. The facility evaluation excluded the Clark County Government Center at 300 Corporate Drive in Jeffersonville and the new Emergency Management/911 Center at 302 Lintz Avenue in Charlestown as they were under construction and assumed to be designed to meet current accessibility standards.

A key function of County government in the State of Indiana lies with the County Clerk for conducting all elections. As such, the County Clerk is responsible for reviewing all polling locations to ensure that they meet accessibility requirements, most of which are not located in County facilities. Review of site and architectural barriers at polling places was not included in this self-evaluation. According to the Clark County Clerk, the County has reviewed polling sites for accessibility but no reports are retained. Recommendations for future action are included in Section 2.7.



The following facilities were evaluated as part of this plan:

**Building Facilities (See Appendix A)**

- 1. Clark County Judicial Center
- 2. Michael L. Becher Adult Correctional Complex
- 3. Sheriff Department Buildings
- 4. Coroner’s Office
- 5. Old Emergency Management/911 Dispatch
- 6. Fairgrounds/Extension Office
- 7. Health Department
- 8. Highway Garage (New Washington)
- 9. Highway Garage (Charlestown)
- 10. Solid Waste Management District

**Not evaluated:**

- 11. Clark County Government Center
- 12. New Emergency Management/911 Dispatch

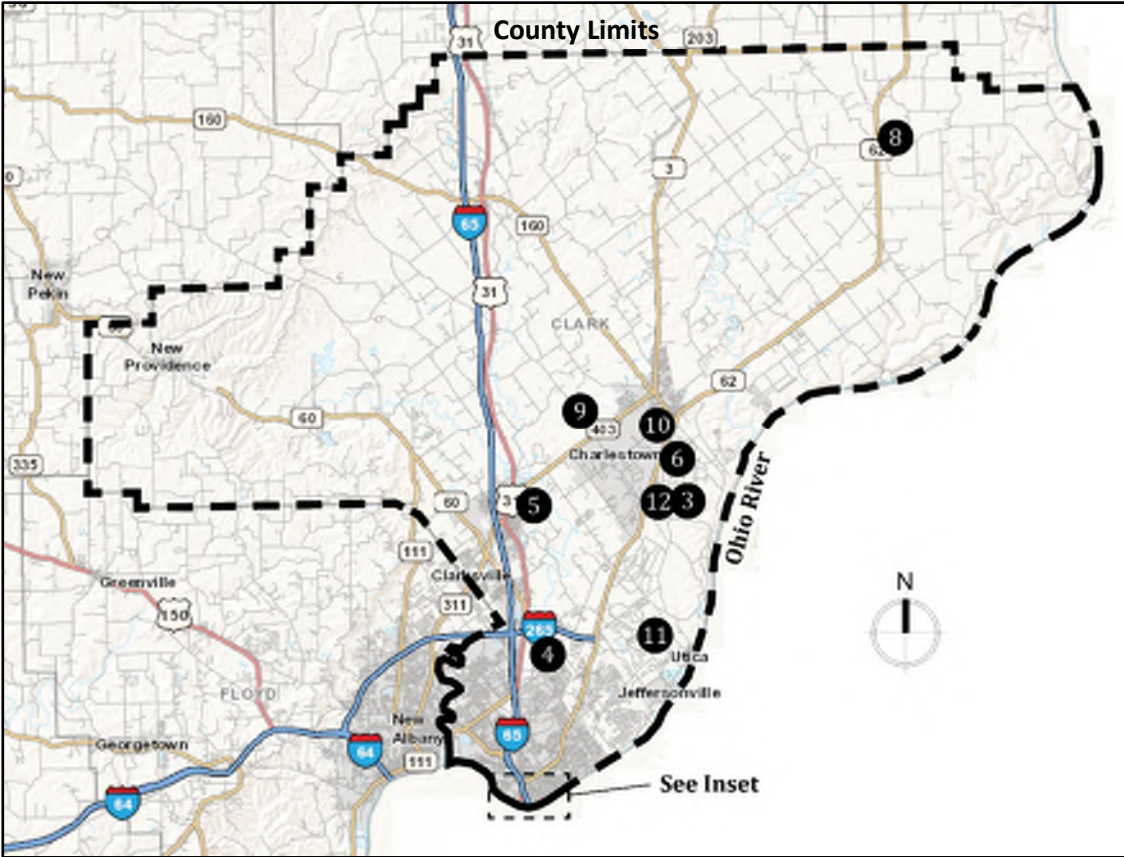
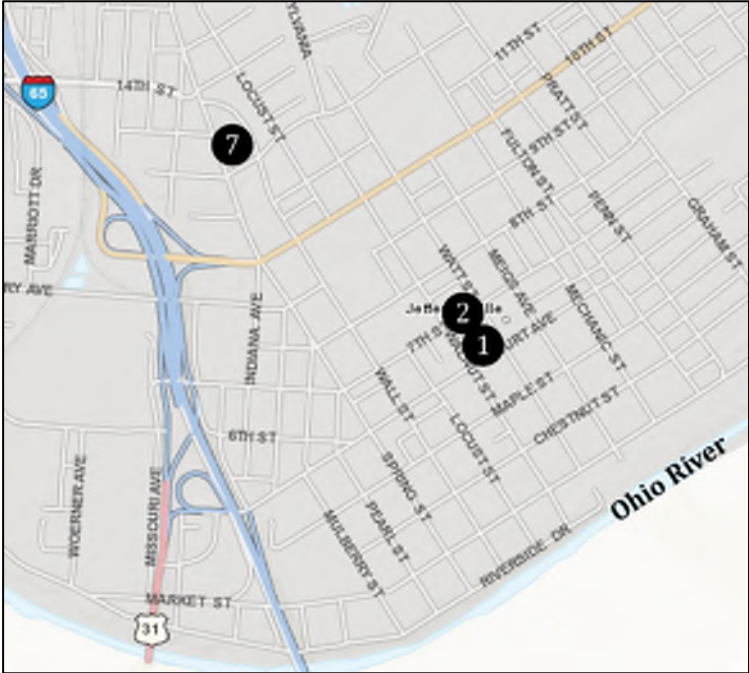


Figure 2  
 (Above)  
 – Building Facilities Map Jeffersonville

Figure 3 (Left)  
 – Building Facilities Map Countywide

**Pedestrian Right-Of-Way Facilities (See Appendix B)**

1. Henryville (Unincorporated)
2. Champions Pointe
3. Deerfield
4. Harmony Woods
5. The Village
6. Autumn Ridge
7. Yorktown Park
8. Forest Hill (Hillsboro)
9. The Estates of Elk Run
10. Fields of St. Joe and Fields of St. Joe West
11. Waters of Milan
12. Hawks Landing
13. Hawthorne Glen
14. Silver Creek Meadows
15. Jackson Fields

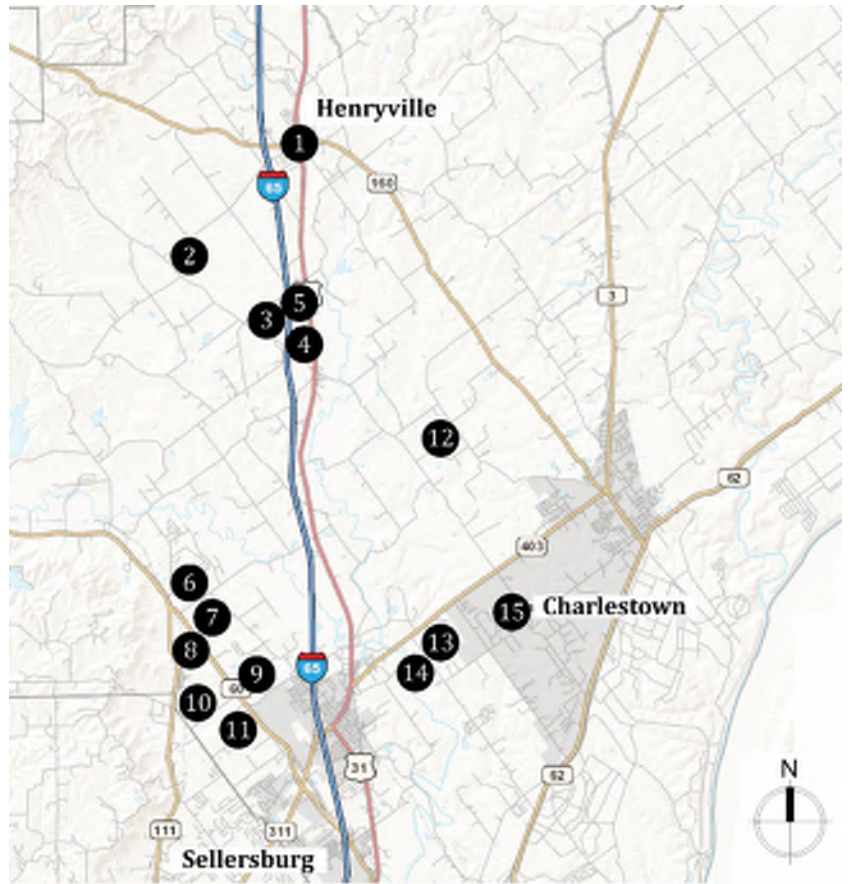


Figure 4 – Pedestrian ROW Facilities Map

**1.9 County Administration and Departments**

There are several departments, Boards, and Commissions that provide County services, programs, and activities that are accessible to the public. The level of interaction of each Department is classified as extensive (high numbers daily), regular (variable but generally low numbers daily to weekly), limited (generally weekly or less), or none. These Departments and descriptions of their functions and types and regularity of interaction with the public are:

- Assessor (300 Corporate Drive, Suite 104) - The Clark County Assessor's Office locates, identifies, and appraises all taxable property accurately, uniformly, and equitably in accordance with Indiana law. Oversees the Cyclical Reassessment process. It also calculates the total assessed values of all personal property in each taxing district and verifies and reviews self reported values of all personal property in each taxing district. Certifies current Assessment to the County Auditor's Office. Serves as Member/Secretary of the County Property Tax Assessment Board of Appeals, administers Sale Disclosure Process, and discovers and identifies omitted property. Processes Not-For-Profit Property Tax Exemption Applications, provides mobile home assessments and notifications, completes yearly Form 11 mail-outs, and processes Classified Forest applications and tax abatements for personal property. Interaction with the public is regular.

- Auditor's Office (300 Corporate Drive, Suite 106) - This office has the financial responsibilities that impact the financial well-being county government. The list of duties ranges from simple ministerial tasks such as keeping minutes of the various Board meetings, to the highly technical duties of financial statement preparation and compliance with federal tax guidelines and programs. A county auditor office is primarily responsible for preparing county budgets and assigning taxes to properties. The Auditor's office works closely with the Assessors' office as well as the County Recorder's office. They perform payroll, claims to Accounts Payable as well as exemptions (such as homestead and mortgage exemption), deed transfers, assist the county council and commissioners meetings, and County council agenda. The Auditor also handles tax sales and sales redemptions. Interaction with the public is regular.
- Clerk of the Courts (501 E. Court Avenue, Room 137) - The Clerk of the Courts is a county elected official who performs as an officer of the court, the manager of court information and the chief financial officer for all revenues collected on behalf of the Court. This office also issues marriage licenses and maintains all recorded marriage in Clark County. The Clerk administers the official court records for all trial court cases with jurisdiction in Clark County, prepares the permanent historical records for the courts, processes and issues various documents for court cases. As a member of the Election Board, the Clerk oversees, conducts, and certifies the results for all federal, state, county, township, municipal, special, and school board elections. Interaction with the public is extensive.
- Commissioners (300 Corporate Drive, Suite 205) - Commissioners serve a four (4) year term beginning January 1 after the election. The Commissioners have jurisdiction over many executive and administrative matters including: auditing and authorizing claims against the county, receiving bids and authorizing contracts, controlling, maintaining, and supervising county property including courthouses, jails, and public offices, supervising construction and maintenance of roads and bridges, exercising appointive powers including both the selection of members to fill positions on boards, commissions, and committees, and appointment of certain department heads, planning and implementing strategies for solid waste handling as members of solid waste district boards. The Commissioners may adopt ordinances concerning the following areas: provide traffic control, regulate and control matters related to public health, water, air and land, establish minimum housing standards, grant vacation pay, sick leave, paid holidays and other similar benefits to county employees, administer elections in conjunction with the county election board, incorporate new towns and alter township boundary lines, on petition. Interaction with the public is regular.
- Community Corrections (501 East Court Avenue) -The main goals of Community Corrections are public safety and rehabilitation through the use of the risk/needs assessment in an effort to reduce recidivism. The purpose of the Community Corrections program is to assist the Indiana Department of Correction in fulfilling its mission by establishing and operating community corrections programs that prevent crime while diverting low risk offenders from the Indiana Department of Correction and providing programs for committed offenders and/or persons ordered to participate in community corrections as a condition of probation. These programs allow clients to serve their Court ordered sentences locally in the community where they can work and pay taxes and support their families. Interaction with the public is extensive.

- Coroner (2515 Veteran’s Parkway) - The chief responsibility of the coroner is to determine the manner of death in cases involving violence, casualty, unexplained or suspicious circumstances or when the person has been found dead. When notified of a death under any of the above circumstances, the coroner must alert and obtain the investigative assistance of the law enforcement agency having jurisdiction in the area. When the coroner determines the cause of death, the law requires the coroner to file a report of his or her findings with the local health officer. If an autopsy is necessary, the coroner must employ a qualified physician to conduct it. Additional reports of the cause of death must be filed with the clerk of the circuit court. Interaction with the public is limited.
- Courts (501 East Court Avenue) – The Clark Circuit and Superior Courts each have original jurisdiction to preside over all civil and criminal cases. There are six different courts (4 Circuit Courts, 2 Superior Courts), each dealing with their own degrees of criminal activity. Interaction with the public is extensive.
  - Circuit Court No. 1 handles the following cases: Murder, Class A, Class B, Class C. Level 1, Level 2, Level 3, Level 4, or Level 5 felony offenses as the most serious charged offense filed during the months of February, April, June, August, October or December; Guardianship cases involving adults; Estate cases; Trust cases; Clark County Tax Sale or Conservancy District cases; and one-sixth of all Adoption cases.
  - Circuit Court No. 2 handles Class A, Class B, Class C. Level 1, Level 2, Level 3, Level 4, Level 5, or Level 6 felony offenses which include a charge related to Controlled Substances under Indiana Code 35-48 or Legend Drugs under Indiana Code 16-42; and one-sixth of all Adoption cases.
  - Circuit Court No. 3 handles all cases having a Class D or Level 6 felony as the most serious charge; all misdemeanor and felony cases which include a charge related to traffic or motor vehicles under Title 9, Chapter 30 (OWI) of the Indiana Code or Indiana Code 35-42-1 (Homicide related to OWI), with the exception that when a charge of Neglect of a Dependent is also filed. Neglect of a Dependent cases are filed in Clark Circuit Court No. 4; and one-sixth of all Adoption cases.
  - Circuit Court No. 4 handles Murder, Class A, Class B, Class C. Level 1, Level 2, Level 3, Level 4, or Level 5 felony offenses as the most serious charged offense filed during the months of January, March, May, July, September or November; all cases which involve a misdemeanor or felony charge against a defendant alleged to be under the age of eighteen (18) at the time of the commission of the offense; all cases which include a charge of Neglect of a Dependent or Contributing to the Delinquency of a Minor under Indiana Code 35-46-1-8 or Violation of Compulsory School Attendance under Indiana Code 20-33-2; all Juvenile Paternity cases; all Juvenile CHINS, Juvenile Status, Juvenile Termination of Parental Rights, and Juvenile Miscellaneous cases; Guardianship cases involving children; and one-sixth of all Adoption cases.
  - Superior Court No. 5 handles Misdemeanor offenses, other than those involving OWI-related offenses; Traffic infraction (IF) and Ordinance Violation (OV) cases; all of the Domestic Relations (DC and DN) cases; and one-sixth of all Adoption cases.

- Superior Court No. 6 handles All Mortgage Foreclosure, Civil Collection, Small Claims, and Eviction cases; all Civil Tort cases; all Civil Plenary cases, all Protective Order cases; all Reciprocal Support and Title IV-D child support cases; and one-sixth of all Adoption cases.
- Other Courts programs include Court Appointed Special Advocate (CASA) and the Clark County Adult Guardianship Program,
- County Council (300 Corporate Drive, Suite 103) - The council members serve four (4) year terms beginning January 1 after the election. One (1) member of the fiscal body shall be elected by the voters of each of the four (4) districts and must reside in that district. Three (3) At-large members of the fiscal body shall be elected by the voters of the whole county and must reside in the county. The council has authority to view or review fiscal matters, determine proper policy and set priorities for the allocation and expenditure of county funds. Interaction with the public is regular.
- Drainage Board – (300 Corporate Drive, Suite 206) - The Drainage Board is authorized to perform those duties and functions specified under Indiana Code 36-9-27-4 and other applicable sections of Indiana Law and such other responsibilities as may be assigned to it from time to time by the Board of Commissioners of Clark County. It provides a 3-member board that consists of 1 county executive and 2 county residents, and the county surveyor serves as an ex-officio non-voting member. The board reviews unincorporated county drainage plans, including subdivisions, and investigates unincorporated county drainage problems. Interaction with the public is limited.
- Emergency Communications (309 Lintz, Charlestown) - The Clark County, Indiana Office of Emergency Communications, also known as the Clark County 911 Center, operates 24 hours a day seven days a week and is responsible for answering all 911 and non-emergency calls for the citizens of Clark County, Indiana. The response center is responsible for receiving incoming calls and prioritizing those calls to dispatch them. Interaction with the public is extensive.
- Emergency Management (309 Lintz, Charlestown) - The Clark County Emergency Management Agency is responsible for strategic planning and organizational management of natural and manmade disasters occurring in Clark County. Clark County's Emergency Management Agency works closely with state and federal agencies such as FEMA and the Indiana Department of Homeland Security. Interaction with the public is limited except in times of emergency response.
- Extension Office (9608 Highway 62, Ste 1 Charlestown, IN 47111) - The Cooperative Extension Service is one of the nation's largest providers of scientific research-based information and education. It's a network of colleges, universities, and the U.S. Department of Agriculture, serving communities and counties across America. They provide the link between Land Grant research and Indiana citizens, providing practical solutions to local issues. Interaction with the public is regular.
- Health Department (1201 Wall Street) - Clark County Health Department Services include: certified copies of birth & death records, genealogy searches, maintain vital records inspections of food establishments, permits issued for new septic systems, inspections of existing septic systems for any failures, Investigation of animal bites, inspection of public swimming pools, flu & pneumonia clinics and health education & counseling. Interaction with the public is extensive



- Highway Department (300 Corporate Drive, Suite 207) - The Clark County Highway Department is responsible for paving, repair, striping and related activities. The Highway Department may be called upon to remove debris, trees or other obstructions and is also responsible for county roadside ditches and soils, as well as cleaning inlets and dry wells. During the winter, the department is responsible for snow removal and plowing. They also make, install and maintain signs. Interaction with the public is limited.
- Planning and Zoning (300 Corporate Drive, Suite 208) - The Plan Commission performs those duties and functions specified in Indiana Code, IC 36-7-4-400 et seq. and other applicable sections of Indiana Law and such other responsibilities as may be assigned to it from time to time by the Board of Commissioners of Clark County. The Plan Commission adopts written rules of procedure for the administration of the affairs of the Plan Commission and its staff for investigations and hearings. The staff is authorized to take those lawful actions necessary to enforce the terms of Ordinance No. 17-2007 an ordinance adopting the Zoning Ordinance for Clark County, Indiana on behalf of the Plan Commission and Board of Zoning Appeals. The staff shall also have the authority to perform inspections to review applications, and to issue permits.
- Prosecutor (501 E. Court Avenue, Room 215) - The Office of the Clark County Prosecuting Attorney is charged with the responsibility of representing the State of Indiana in all felony and misdemeanor criminal prosecutions, resulting from crimes committed within Clark County, Indiana. In addition, the Prosecuting Attorney conducts criminal investigations, convenes and supervises Grand Jury proceedings, enforces child support orders entered in divorce and paternity cases, prosecutes traffic and other infraction violations of state law, conducts juvenile adjudications and prosecutions, and provides information and assistance to the victims of crime. Interaction with the public is extensive.
- Recorder (300 Corporate Drive, Suite 102) - A recorder, sometimes called the registrar of deeds, is a government official responsible for maintaining public records and documents, especially records relating to real estate ownership such as real estate deeds and mortgages. The recorder of deeds provides a single location in which records of real property rights are recorded and may be researched by interested parties. Documents regularly recorded by the recorder of deeds include deeds, mortgages, mechanic's liens, releases, and plats, among others. To allow full access to deeds recorded throughout the years, several indexes may be maintained, which include grantor-grantee indexes, tract indexes, and plat maps. Interaction with the public is regular.
- Sheriff's Office (501 E. Court Avenue, Suite 159) – The Sherriff's office serves as a public safety service for the County. The office administers tax warrants, civil process, gun permits, and protective orders, conduct Sheriff Sales, and provide various services related to domestic violence and the Center for Women and Families. They also operate the Clark County Jail, inmate work program, and other offender services. Interaction with the public is extensive.
- Solid Waste Management District (112 Industrial Way, Charlestown IN 47111) - The Clark County Solid Waste Management District oversees the county recycling programs and answers special problem waste and disposal questions. Clark County Ordinance #1993-OR-34 established the mandatory recycling program in January 1998. The SWMD mission is to reduce the amount of solid waste disposal to extend the life of the Clark County Landfill and assist in providing clean land, air, and waterways for Clark County. Interaction with the public is limited.

- Surveyor (300 Corporate Drive, Suite 206) - The primary duty of a County Surveyor is to establish and maintain Government corners of Sections and Grants. The Surveyor also serves on the Plan Commission and is an ex-officio member of the Drainage Board. The County Surveyor is an elected official and should be a licensed Surveyor by the State of Indiana. This office maintain records of government corners, surveys, plats, maps, and drainage records. Interaction with the public is limited.
- Treasurer’s Office (300 Corporate Drive, Suite 105) - The County Treasurer is the property tax collector and custodian of all monies with responsibility for investing idle funds and maintaining an adequate cash flow. The treasurer settles with township and city treasurers for taxes collected for the county and state. The treasurer collects real, personal and mobile home property taxes. The Treasurer maintains debt service accounts for bonded indebtedness of the County. Interaction with the public is regular.
- Veteran’s Service Office (300 Corporate Drive, Suite 101) - The Clark County Veteran Service Office counsels, advises and assists military service veterans, veteran’s survivors and their dependents in obtaining benefits provided for them by State and Federal laws. Our staff receives training from the Indiana Department of Veteran Affairs (IDVA) and accreditation from the Veterans Administration (VA). Interaction with the public is regular.
- Voting and Elections (501 E. Court Avenue, Room 139) – This department handles voting and elections, providing voter registration services, poll workers, and resources for candidate, campaign and election information. Interaction with the public is regular, but extensive during election season.
- Weights and Measures (300 Corporate Drive, Suite 214) - The Clark County Weights & Measures Department is responsible for the oversight of commercial transactions involving the weighing of commodities and the accurate weights and proper weighing practices on behalf of the buyer and the seller. The Weights and Measures Department performs unannounced inspections to verify accuracy and fairness throughout Clark County. Interaction with the public is limited.

As part of this self-evaluation, DLZ provided a questionnaire to the ADA Coordinator and all department heads in order to better understand the operation and services offered by various County departments regarding ADA compliance. A sample of the questionnaires is in Appendix C and answers were used to compile the information in this SETP. Policies, programs, activities, and services were evaluated and in the case where policies are not currently in place, this report provides recommendations for the implementation of corrective actions to comply with the ADA. Refer to Section 2.18 Department Self-Evaluation - Findings & Recommendations.

### **1.10 Public Outreach**

Public outreach for the transition plan update began by publishing a notice in the local newspaper (News and Tribune) to solicit input from the public about barriers or perceived barriers that might exist to access or use of County facilities. Notices were also sent by U.S. mail to several local and regional disability advocacy groups (see *Appendix D*). The public comment period was open from July 20, 2022 through August 5, 2022. No comments were received.

Following completion of the draft SETP, it was made available for public review at the following locations between March 8 and March 22, 2023.

- Clark County Commissioner’s Office – Clark County Government Center (300 Corporate Drive, Room 205, Jeffersonville, IN 47130)
- Clerk’s Office - Clark County Judicial Center (501 E Court Avenue, Room 137, Jeffersonville, IN 47130)
- Online at <https://www.clarkcounty.in.gov>

**(THIS SECTION TO BE COMPLETED AFTER PUBLIC INPUT)** In addition, the County held a meeting to solicit public input and comment on the Transition Plan. It consisted of a short presentation to provide information on the Transition Plan, followed by open discussion with attendees. The meeting was held as part of the regularly scheduled Commissioners Meeting at 5:00pm on Thursday, March 16, 2023, at Clark County Government Center, 300 Corporate Drive, Meeting Chambers, Room 103, Jeffersonville, IN 47130. Information presented at the public meeting and comments received can be found in Appendix D.



# 2

## Self-Evaluation of County Policies, Services, Activities, and Programs – Findings & Recommendations



## 2.0 Self-Evaluation of County Policies, Services, Activities, and Programs - Findings & Recommendations

This section of the self-evaluation summarizes the review of current County-wide policies, services, activities, and programs based on meetings with County staff and responses to the program accessibility questionnaire received from various departments. The findings and recommendations contained in this section will provide the basis for the implementation of specific improvements for providing access to City programs.

### 2.1 Program Evaluation Interdepartmental Memo

The self-evaluation of the County's services, programs, and activities required and involved the participation of every County department. The County evaluated its policies, procedures, and programs to determine current levels of service and the extent to which its policies and programs created barriers to accessibility for persons with disabilities. DLZ distributed questionnaires to the County ADA Coordinator as one measure to determine the level of ADA compliance (see *Appendix C for questions*).

The primary purpose of this questionnaire was to allow DLZ staff to better understand how each department operates and the programs provided by each so that an accurate assessment can be made of architectural and procedural barriers and how each can be corrected to provide access. The level of investigation into the operations of the various departments was generally consistent with the amount of interaction with the public and the extent of the public programs offered by each.

### 2.2 Overall Findings – General Policies and Practices

The self-evaluation of the Departments identified common accessibility issues between County Departments. The findings from the County Departments can be organized into the following general categories:

- Public Information
- Designation of ADA Coordinator
- Grievance/Uniform Complaint Procedures
- Public Meetings
- Accommodations to Access Programs, Services and Activities
- Polling Places
- Special Events and Private Events on County Property
- Contracted Services and Contractors
- Customer Service, Satisfaction, and Input
- Equally Effective Communication
- Alternate Communication Formats
- Fees and Surcharges
- Information and Signage
- Staff Training
- Emergency Evacuation Procedures
- Employment

The findings and recommendations in the following subsections apply to all departments indicated in Section 1.

## **2.3 Public Information**

The County is required to notify the public of their rights and protections under the ADA ([28 CFR 35.106](#)), which states: *“A public entity shall make available to applicants, participants, beneficiaries, and other interested persons information regarding the provisions of this part and its applicability to the services, programs, or activities of the public entity, and make such information available to them in such manner as the head of the entity finds necessary to apprise such persons of the protections against discrimination assured them by the Act and this part.”* In addition, notices regarding ADA should be included in a number of other situations to inform the public of their rights and opportunities to ensure accessibility, including signage directing the public to accessible routes and entrances.

### **Self-Evaluation General Findings:**

- The ADA Notice of Non-Discrimination statement specific to the Circuit Courts is posted on the County’s website at <https://www.co.clark.in.us/index.php/2-general/193-ada-accommodations> and included in Appendix E.
- County-wide Notice Under the Americans with Disabilities Act was formalized via Res. 8-2013 as passed 10-24-2013. Full notice is included in Appendix E.
- Request for accommodations information was not provided on any agendas reviewed.
- Equal Opportunity is the Law posters were visible in several facilities during evaluations. Clark County posters provide both State and Federal laws pertaining to the protection under the EEO and Title VII: Equal Employment Opportunity is the law and provides the contact information for the Indiana Civil Rights Commission (including phone number, fax, hearing impaired number, email address and website). These posters are located at all Clark County locations.
- See Section 2.5 for Grievance procedure.

### **Recommended Action:**

- Amend existing Resolution with Notice Under the Americans with Disabilities Act to reflect current ADA coordinator information for contact for modifications and complaints. Consider modifying the time frame for requesting modifications from stated *‘as soon as possible but no later than 48 hours before the scheduled event’* to *‘as soon as possible but no later than 3 business days before the scheduled event’* in order to provide adequate time during business hours to respond to requests.
- Develop and internally publicize appropriate use and standard language for Notice of Non-Discrimination and Request for Accommodations for all County publications and printed materials.
  - This statement should include, at a minimum, the following language: *“Clark County acknowledges its responsibility to comply with the Americans with Disabilities Act of 1990. 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 Clark County Government, should contact the office of the ADA Coordinator at 300 Corporate Drive, Suite 205, Phone (812) 285-6275, e-mail [slewis@clarkcounty.in.gov](mailto:slewis@clarkcounty.in.gov) as soon as possible but no later than 3 business days before the scheduled event.”*
  - As standard practice, the County public notices and agendas need to include a statement regarding requests for accommodations for compliance with ADA. The statement should list a TDD/TTY (TeleTYpewriter) number if available. (Relay service number may also be used.)
  - Include the following notice on all materials printed by the County that are made available to the public: *“This publication can be made available in alternative formats, such as Braille, large print, audiotope, or .pdf. Requests can be made by calling phone (812) 285-6275. Please allow 3 business days for your request to be processed.”*

- Public notification should always identify a contact person for individuals with disabilities who may request program modifications, or information on how a hearing or speech impaired person could communicate by telephone.
- Increase outreach to persons with disabilities by finding additional methods and formats to provide information about meetings and other County activities.
- The International Symbol of Accessibility (ISA) should be placed in clear view at all accessible entrances where more than one entrance is present.

## **2.4 Designation of ADA Coordinator**

The ADA regulations require any public entity with fifty or more employees to designate at least one employee to coordinate ADA compliance ([28 CFR 35.107 \(a\)](#)). Federal regulations require public entities to make available to interested persons the name, office address and telephone number of the ADA Coordinator. The ADA Coordinator's role is to plan, coordinate, organize, facilitate, and promote compliance efforts. The Coordinator responds to requests for accommodations or barrier removal. The Coordinator also receives and investigates complaints and grievances.

### **Self-Evaluation Findings:**

- The ADA Coordinator is appointed annually by the Commissioners at the first meeting of each calendar year. ADA Coordinator contact information is not communicated on the website or any documents provided. The ADA coordinator has not had any formal training related to duties as ADA Coordinator or the requirements of ADA.
  - ADA coordinator in Resolution 8-2013 is noted as the County Engineer.
  - Current ADA coordinator is the County Attorney:
    - R. Scott Lewis  
300 Corporate Drive, Suite 205  
Jeffersonville, IN 47130  
Phone (812) 285-6275  
e-mail [slewis@clarkcounty.in.gov](mailto:slewis@clarkcounty.in.gov)
- There is also an ADA Coordinator for the Circuit Courts with the following information posted online:
  - Jill Acklin  
Court Administrator and ADA Coordinator for the Clark Circuit Courts  
501 E. Court Ave., Jeffersonville, IN 47130 (Phone not provided)  
email [jacklin@co.clark.in.us](mailto:jacklin@co.clark.in.us)

### **Recommendations:**

- Activities related to ADA compliance should be directed to the ADA Coordinator, and each County department should designate a liaison for ADA issues and publicize the identity of this person. It is strongly suggested that each department have one individual with knowledge of ADA issues that can respond to issues that arise within their department and assist the ADA Coordinator.
- Information regarding the identity of the County's ADA Coordinator should be provided to staff, posted at all County facility locations, incorporated into employee handbooks, staff and public phone directories, placed in frequently used publications, and on the County website.
- The designated ADA Coordinator must be familiar with the requirements of ADA and receive appropriate training to ensure compliance by the County.



## **2.5 Grievance/Uniform Complaint Procedures**

A public entity that employs 50 or more employees must adopt and publish grievance procedures which provide for the prompt and equitable resolution of complaints alleging any action that would be prohibited by the ADA ([28 CFR 35.107 \(b\)](#)).

### **Self-Evaluation Findings:**

- County-wide Notice Under the Americans with Disabilities Act was formalized via Res. 8-2013 as passed 10-24-2013. It includes the County Greivance Procedure. Full notice is included in Appendix E.
- Title VI of the Civil Rights Act was updated in 2019 but is not available on the County website. While this is not related to ADA, the plan includes an ‘External Complaint of Discrimination’ process and form which appears to address discrimination on the basis of ‘disability/handicap.’ It does not correctly refer to Title II as the title covering disabilities. (See Appendix E.)

### **Recommendations:**

- Consider revising the Title VI complaint form to serve as a single form for civil rights complaints, or develop a separate form for Title II. Consult the County attorney's Office for corrected language.
- Amend existing Grievance Procedure to reflect current ADA coordinator information for contact for modifications and complaints.
- Centralized record keeping of complaints and tracking of complaint resolution will help the County to regularly update its compliance efforts, and plan for additional compliance implementation. The ADA Coordinator should ensure that records are kept of all ADA-related complaints, including informal items brought to their attention.
- The County should review its current administrative policy and be able to provide the grievance procedure in an alternate accessible format, i.e. Braille, audiotape, e-text, large print, etc.
- Administrative policies and procedures should continue to be developed, adopted, and implemented to provide consistency for filing complaints or grievances and record keeping.
- Once developed/revised, the resulting Grievance Procedure should be available both on the website and in hard copy at all departments.

## **2.6 Public Meetings**

Public meetings are routinely held by various County departments, boards, and commissions. The ADA prohibits public entities from excluding persons with disabilities from programs, services, or activities offered by a public entity. The law does allow a public entity to use both structural and nonstructural methods to achieve accessibility to programs, services, and activities ([28 CFR 35.150 \(a\)\(1\); \(b\)\(1\)](#)). While most of the meetings are open to the general public and advertised as required by law, the public does not regularly attend several of the meetings of the groups noted.

### **Self-Evaluation Findings:**

- The following boards/commissions meet at various times on County business and would be considered open meetings that can be attended by members of the public. Meeting location and times are provided where available.
  - Boards and Commissions that meet at 300 Corporate Drive, Meeting Chambers (Room 103), Jeffersonville, IN:
    - Clark County Commissioners (every other Thursday)
    - Clark County Council (second Monday of the month)

- Plan Commission (second Wednesday of the month)
- Board of Zoning Appeals (third Wednesday of the month)
- Drainage Board (third Tuesday of the month)
- Solid Waste Management District Board (third Wednesday of the month)
- Redevelopment Commission (third Thursday of the month)
- Property Tax Board of Appeals (meets as needed)
- Boards that meet at 501 E. Court Ave., Jeffersonville, IN:
  - Election Board (third Thursday of the month in Room 139)
- It was noted that all rooms that hold public meetings have audio systems except for 501 E. Court Avenue, Room 13. Except where noted in Appendix A for Courtrooms, these meeting rooms do not have assistive listening systems.
- The Health Department has a training room utilized for public meetings and trainings. The room has AV components for meeting use, but does not have assistive listening.
- Most public meeting dates are posted in the Government Center, sent to the News and Tribune newspaper and posted on the County website. Other departments provided additional information on publication of meetings as follows:
  - 911's public meetings are publicized in the newspaper and front door.
  - Auditor department also posts agendas in Auditor's Office.
  - Most departments do not provide agendas in advance of their meetings.
  - The Sheriff's office only public meeting is the merit board. Agendas are posted on a bulletin board in the administrative area of the facility.
- Request for accommodations information was not provided on any agendas reviewed.
  - Suggested language is as follows: *"Clark County acknowledges its responsibility to comply with the Americans with Disabilities Act of 1990. 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 Clark County Government, should contact the office of the ADA Coordinator at 300 Corporate Drive, Suite 205, Phone (812) 285-6275, e-mail [slewis@clarkcounty.in.gov](mailto:slewis@clarkcounty.in.gov) as soon as possible but no later than 3 business days before the scheduled event."*
- Unless noted above, all other departments reported that they do not provide televised or audio format meeting recordings. Several departments including the Health Department, Planning and Zoning, and Community Corrections indicated utilizing Zoom, Microsoft Teams, or other similar programs for virtual access to meetings.
- Some County departments have provided accommodation at meetings in the past. These will be discussed further in Sections 2.11, 2.12 and 2.18.
- The Courts Notice under the ADA includes a statewide accommodation statement for Indiana Courts including a contact for the ADA Coordinator for the Indiana Supreme Court if a person believes their request was denied and have been excluded from participation in a court program. Full text of these policies are included in Appendix E Forms and Notices.



*International Symbol of Hearing Loss on ALS Signage*



*Closed Captioning Available*

**Recommendations:**

- Facilities information in Appendix A should be reviewed to ensure meetings are being held in the most accessible locations. The County should assemble a list of readily accessible meeting spaces to facilitate the scheduling of meetings and/or the relocation of meetings upon request. Meetings which the public regularly attends should be made the highest priority.
- The County should create a simple checklist for creating accessible meetings and selection of accessible meeting spaces. This checklist should be utilized and available to all County departments for their programs and events.
- The County should make reasonable modifications to enable individuals with disabilities to attend and participate in all public meetings as indicated in the ADA notice provided on agendas. (See also section 2.11.) Continue to use standardized language on all documents and verify that all departments are adhering to the policies regarding request for accommodations on agendas and public meeting notices.
- Provide meeting agendas and minutes in alternative formats when requested.
- The County should develop procedures for obtaining and providing auxiliary aids such as sign language interpreters, readers, descriptive services, and other assistive technologies.
- It is typically recommended that Assistive Listening Systems and Devices be made available at public meeting rooms even if not required by the standards. They are required in ALL courtrooms. These should be provided in the required number and types of devices. (At a minimum, four (4) assistive listening devices are required in an assembly area, including a public meeting room with audio amplification.) (See also section 2.11.) Additional information can be found in the ADASAD, Section 219 for applicable assembly areas, exceptions for buildings with more than one assembly area, and for those with induction loop ASLs. The chart below indicates required receivers.

**Table 219.3 Receivers for Assistive Listening Systems**

Capacity of Seating in Assembly Area	Minimum Number of Required Receivers	Minimum Number of Required Receivers Required to be Hearing-aid Compatible
50 or less	2	2
51 to 200	2, plus 1 per 25 seats over 50 seats <sup>1</sup>	2
201 to 500	2, plus 1 per 25 seats over 50 seats <sup>1</sup>	1 per 4 receivers <sup>1</sup>
501 to 1000	20, plus 1 per 33 seats over 500 seats <sup>1</sup>	1 per 4 receivers <sup>1</sup>
1001 to 2000	35, plus 1 per 50 seats over 1000 seats <sup>1</sup>	1 per 4 receivers <sup>1</sup>
2001 and over	55 plus 1 per 100 seats over 2000 seats <sup>1</sup>	1 per 4 receivers <sup>1</sup>

1. Or fraction thereof.

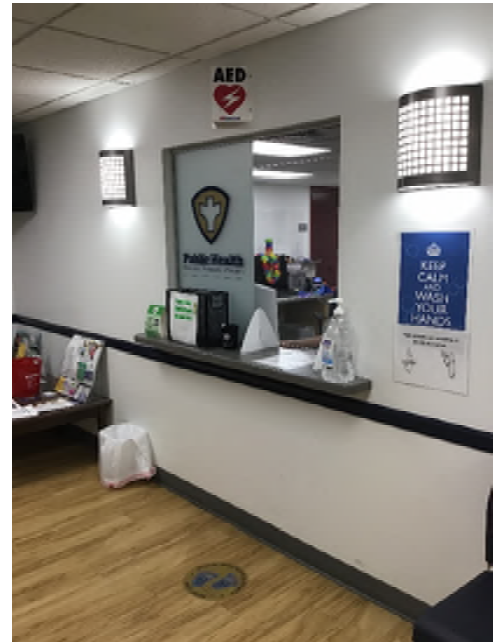
- Compliant signage that includes the International Symbol of Access for Hearing Loss should be installed where assistive listening devices are available. All county staff conducting public meetings should be made aware of available systems and operation.
- Where meetings are held over web platform, televised, or recorded, they should provide accommodation for hearing impaired such as closed captioning. See also section 2.11.

## **2.7 Accommodations to Access Programs, Services, and Activities**

The ADA prohibits public entities from excluding persons with disabilities from programs, services, or activities offered by a public entity. A public entity may not adopt policies that are discriminatory or engage in practices that are discriminatory. This prohibition applies to policies that are explicitly exclusionary and to those which appear to be neutral, but have discriminatory effect. The law does allow a public entity to use both structural and nonstructural methods to achieve accessibility to programs, services, and activities ([28 CFR 35.130 \(b\)\(3\)](#); [35.150 \(a\)\(1\)](#); [\(b\)\(1\)](#)).

### **Self-Evaluation Findings:**

- There is no evidence of intentional discriminatory practices, intentional exclusion of individuals with disabilities, or practices to segregate individuals with disabilities or limit access to County programs, services, or activities.
- Public meetings are generally held in locations that are thought to be accessible to persons with mobility impairments and staff had no recollection of any previous complaints of issues.
- According to the Clark County Clerk, the County has reviewed polling sites for accessibility but no reports are retained.
- On-street parking and pedestrian facilities within the public right-of-way are utilized for access to the Government Building/Courthouse and Michael J. Becher Adult Correctional Complex. Non-compliances were noted while evaluating these facilities, but these areas do not fall under County jurisdiction. However, these areas could directly impact access to County programs.
- Some County departments have provided accommodation for programs and services in the past. These will be discussed further in Sections 2.11, 2.12 and 2.18.



*Many services are provided at the Health Department*

### **Recommended Action:**

- Information directing the public how to request accommodations should appear on all public notices, announcements, and agendas. See also Section 2.6.
- Front line staff such as administrative assistants, receptionists, and staff that has everyday contact with the public, should receive training on interacting and accommodating individuals with disabilities.
- The County should provide additional and ongoing training for staff, including volunteers, regarding the requirements of the ADA and accommodations that provide equal access to programs, services, and activities.
- The ADA Coordinator should continue to monitor programmatic access and make necessary changes to ensure access.
- Work closely with INDOT and municipalities such as Jeffersonville and Clarksville to ensure that public ROW facilities intersecting County pedestrian ROW facilities as well as areas proximal to accessible entrances at County facilities such as the Government Building/Courthouse and Michael J. Becher Adult Correctional Complex.
- The County should perform a comprehensive review of all ordinances, policies, standards, and other documents to ensure all have been updated to meet currently PROWAG and ADASAD. Suggestions are provided in Section 2.19.



- A thorough review of all polling places should be done each time a new polling place/vote center is added or relocated and be performed by someone knowledgeable of the access guidelines and standards. The review should include barrier-free parking, accessible routes, building access points, internal access routes to the polling areas, and any facilities available to the public while at the polling place. Checklists are available for ease of use in evaluating polling places such as the ADA Checklist for Polling Places from the DOJ and can be found in Appendix F. It is recommended to document any future reviews of polling facilities by the Clerk staff.

## **2.8 Special Events and Private Events on County Property**

The County sponsors or participates in special events on an annual basis. The County may occasionally also provide opportunities for private organizations to utilize County facilities for special or private events. Contained within the ADA are two titles that pertain to public and private entities. Public entities are not subject to Title III (Public Accommodations) of the ADA. Conversely, private entities are not subject to Title II. However, public entities frequently have close relationships with private Title III entities resulting in certain activities being indirectly affected by both Titles. This is the case with certain special events or private organizations that may use County facilities.

### **Self-Evaluation Findings:**

- The County does not have facilities that are available for rent or use by non-governmental entities except as noted below:
  - The Health Department has a training room that can be utilized by entities not directly affiliated with CCHD. (Example: outside physician utilizing the space for an educational seminar.)
- Some departments indicated they sponsor or participate in special events.
  - 911 participates in events at schools and other places to discuss or handout information about 911 services.
  - EMA participates in events such as the Clark County Fair, Borden Valley Days, and Charlestown Founders Day.
  - The Health Department hosts and participates in several events that generally consist of health fairs, vaccine clinics at schools and businesses, CPR trainings at Family Ark and their office, mass vaccination clinics via drive-thru concept, inspect and potentially participate in most fairs and festivals throughout the year, and on occasion will participate in parades.
  - Highway Department provides road barricades for events requiring road closures.
  - Veteran Services participates in several events per year with various area agencies such as Lifespan Resources and KVIC.

### **Recommended Action:**

- Guidelines or policies should be in place for ensuring that any County sponsored special events are accessible including items such as accessible parking, designated wheelchair seating, and accessible restroom facilities.
- A great resource for event planning is the ADA National Network's 'A Planning Guide for Making Temporary Events Accessible to People with Disabilities' available at [adainfo.us/temporaryevents](https://adainfo.us/temporaryevents)

## **2.9 Contracted Services and Contractors**

Public entities cannot use contract procurement criteria that discriminates against persons with disabilities ([28 CFR 35.130 \(b\)\(5\)](#)). In addition, selected contractors should be held to the same nondiscrimination rules as the County.

### **Self-Evaluation Findings:**

- No discriminatory or exclusionary practices were evident in the selection of contractors and contracted services.
  - Engineering services are typically contracted through the County Commissioners. Other professional services may also be obtained by other departments. An RFP process is utilized when required by law and/or funding source. Some services are obtained by direct selection. When RFP is utilized for engineering services, the INDOT template is the basis. Contracts include notices regarding civil rights as required by law.

### **Recommended Action:**

- All County contracts should be reviewed to ensure that they include specific, detailed language to ensure that contractors that provide County services to the public are providing these services in compliance with the ADA (i.e. design of facilities, supplying portable restrooms or other amenities, event planning/execution, etc.).
- Partner with persons with disabilities, their caregivers, and advocates for the disabled to identify concerns and gather comments on capital improvement projects to improve accessibility to people with disabilities during design.

## **2.10 Customer Service, Satisfaction, and Input**

ADA requires a public entity to provide an opportunity to interested persons and organizations to participate in the self-evaluation process. For three years after completion of the self-evaluation, a public entity must maintain a record of any problems identified ([28 CFR 35.105](#)).

### **Self-Evaluation Findings:**

- Public notices of this SETP process were advertised in the local newspaper and invitations extended to local advocacy groups via US mail. Responses (if any) can be found in Appendix D.
- No existing complaints or grievances were reported related to County facilities.

### **Recommended Action:**

- Conduct periodic customer satisfaction surveys or gather input from recipients of County services using an alternate method, such as public hearings or focus groups. An additional emphasis should be made to survey individuals with disabilities and organizations representing individuals with disabilities.

## **2.11 Equally Effective Communication**

ADA calls for public entities to provide applicants, participants, members of the public, and companions with disabilities with communication access that is equally effective as that provided to persons without disabilities ([28 CFR 35.160\(a\)-\(d\)](#)). The regulations also require that the public entity provide the appropriate auxiliary aids and services where necessary to give people with disabilities an equal opportunity to participate in, and enjoy the benefits of a service, program, or activity of a public entity. The law stipulates that the individuals can request the auxiliary aids and services of their choice and that the County will honor the request unless a suitable substitute exists, or the request is not required under the law. In addition, the

County may provide qualified interpreters via video from a remote location as long as it can meet the performance requirements of [28 CFR 35.160\(d\)](#).

### Interpreters, Auxiliary Aids and Services

#### **Self-Evaluation Findings:**

- No departments indicated they have hired/ utilized transcription services and readers.
- Courts has utilized interpreters for deaf persons and amplified equipment for those with hearing difficulties.
- Closed captioning is available on virtual meetings (typically via Zoom or Microsoft Teams)
- As discussed further in Section 2.6, audio systems exist in several meeting rooms. Some provide ALS with ALDs, while others do not. Signage indicating presence of system is generally not present.

#### **Recommended Action:**

- The County should provide staff training and information regarding auxiliary aids and effective communication. Encourage staff to offer alternate means to complete transactions and assistance to complete County forms if possible.
- The County should confirm and update a complete list of auxiliary service providers, i.e. Braille transcription services, computer assisted transcript, dictation and transcription, assistive listening system, etc. This list should be made available to the public to inform them of services available and how they can be accessed by persons needed accommodation.
- The County should consider a County-wide contract for qualified sign or foreign language interpreter services that departments could utilize as needed. At a minimum, a list of qualified individuals should be maintained for all potential services that might be required on short notice. The County could also explore the viability of providing qualified sign interpreters from a remote location and transmitting the disabled participant's response to the interpreter in accordance with [28 CFR 35.160\(d\)](#). Interpreters should be provided upon request for accommodations or in situations where an interpreter is known to be required.



### Telecommunications Devices for the Deaf

#### **Self-Evaluation Findings:**

- The telephone directory on the County's website does not provide specific information for individuals who may communicate via TDD (Telecommunication Device for the Deaf) or similar service.
- The directory does not include a listing for the ADA Coordinator.
- 911 has tools to handle hearing impaired callers as well as language barriers, including TDD/TTY capabilities as required by law.
- Voter Registration has ADA complaint voting machines that have TDD.

- EMA has provided hard of hearing people with weather radios with visual alerting. They also have emergency alerts created with multiple viewing options.
- The Sheriff's office provides hearing impaired inmates with phone access where they may utilize TDD.
- Both major buildings (Government Center and Judicial Center) have VOIP systems through Orion. Cybertech IT manages this system. Other than as required for 911, it is assumed most accommodation for hearing impaired is handled on the user end through use of relay services. Employees are handled on case-by-case basis via Title I. The County recently provided a phone with special features as a requested employee accommodation.

**Recommended Action:**

- Where 911 is publicized, it should identify the method of communicating with hearing impaired persons. Also, note Relay Indiana is available using 711.
- All staff communicating with the public should be made aware of the resources available for telephone and web-based communications and be trained in the protocol and use of TDD/TTY communications and web-based tools. Information and training should be provided on an ongoing basis.
- Additionally, all staff should be made aware of available accommodations for employees as needed and how to request.

**Website**

Websites currently have no standard applicable to Title II or Title III entities. The existing Web Content Accessibility Guidelines (WCAG 2.0) and Section 508 of the Rehabilitation Act include requirements for federal agency websites. However, numerous court cases annually are in conflict on the actual obligations for Title II and III entities related to discrimination due to websites not meeting these guidelines. It is likely that an enforceable standard for Title II and Title III entities is forthcoming and these entities should consider updates to their websites to reflect the "best practice" recommendations of WCAG, which will very likely establish the baseline for future website standards.

**Self-Evaluation Findings:**

- The main County website is <https://clarkcounty.in.gov>
- Other departments host separate websites as follows:
  - Assessors Office (including only form filing) <http://counties.xsoftin.com/clark/default.aspx>
  - Courts
    - Remote trial court streaming <http://counties.xsoftin.com/clark/default.aspx>
    - Court case status check [mycase.in.gov](http://mycase.in.gov)
  - Extension Office <https://extension.purdue.edu/county/clark/>
  - Planing and Zoning
    - GIS Portal <https://clarkin.elevatemaps.io>
    - Permit filing <https://permitting.schneidergis.com/jurisdiction/1a109229-553e-4034-8a6e-2e90035ec3a4>
  - Sheriff's Department [www.clarkcosheriff.com](http://www.clarkcosheriff.com)
  - Soil and Water Conservation District [www.clarkswcd.org](http://www.clarkswcd.org)
  - Solid Waste <https://www.recycleclarkcounty.org/>
- The main site is hosted Cybertek via vendor contract.
- County social media is present for several departments and there is not a centralized County presence. EMA, Sheriff and Voter Registration are examples of departments with their own social media.
- Departments provide various documents online. Documents are on the individual departments webpages (i.e. there is no central 'document center.')

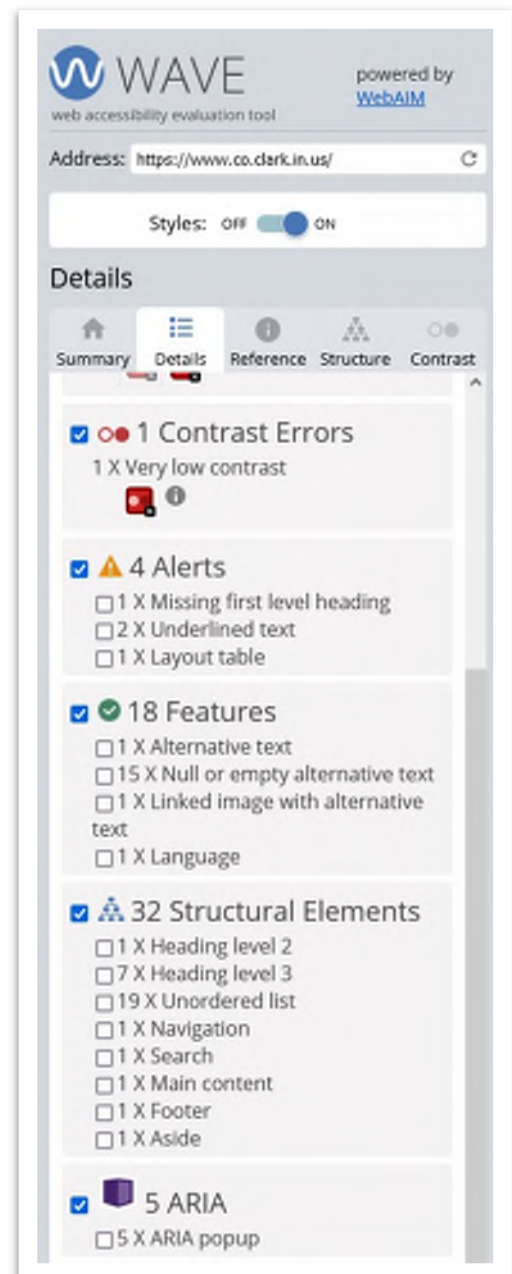
- Most documents are provided PDF format appearing to allow use of a reader, but some such as Commissioners meeting minutes are scanned documents that are incompatible with readers.
- Running an accessibility check on the main home page with the [Web Accessibility Evaluation Tool](#) (WAVE) at generated the following information. The page included accessible features such as alternative text (content or function of an image to screen reader users or in other situations where images cannot be seen), structural elements such as headers, lists, and ARIA features (all of which help organize information and provide additional information and navigation for screen reader users.) Alerts included instances of low contrast, missing headings, redundant alternative text, underlined non-link text and other text/layout issues (See home page example this section.)

**Recommended Action:**

- Provide PDF documents that are directly converted to PDF and not a scan of the original document. Scans are not compatible with reader programs. If that is not possible, documents could be posted in an alternative text-based format, such as HTML (Hyper Text Markup Language) or RTF (Rich Text Format), in addition to PDF.
- ADA-related recommended website content would include easy-to-find contact information for the County ADA Coordinator, Notice Under ADA, grievance procedure and form, and this SETP when complete. Suggest placing this on a separate tab under ‘Government’ or ‘Residents’.
- Include information related to TDD/TTY or Relay services on the ‘Phone Listing’ tab.
- The County’s website should be periodically reviewed by the County’s web developer to maintain, update, and monitor website accessibility. The following may provide useful information:
  - Utilize an accessibility checklist similar to that published by the [Access Board](#).
  - The University of Wisconsin Trace Center provides resources and on-line information that might assist the County in development and implementation of an accessible website. (<https://minds.wisconsin.edu/handle/1793/6747>)
  - The Web Accessibility Initiative (WAI) provides guidance on making websites fully accessible ([www.w3.org/WAI/](http://www.w3.org/WAI/)).
  - The International Center for Disability Resources on the Internet (ICDRI) provides information on accessibility ([www.icdri.org/section508/index.htm](http://www.icdri.org/section508/index.htm)).
  - The Department of Justice provides a number of resources on their website as well. (<https://www.justice.gov/>)

**2.12 Alternate Communication Formats**

A public entity has a responsibility to provide information in alternative formats to comply with [28 CFR 35.160](#). This section





of the ADA requires state and local government entities to communicate effectively with individuals who are deaf, hard-of-hearing, or have a speech, vision, or learning disability. Communication access involves providing content in methods that are understandable and usable by people with reduced or no ability to: speak, see, hear and limitations in learning and understanding. Some alternative formats can be produced in-house at minimal costs, i.e. large print, disks, and e-mail attachments. Other formats, such as Braille and audio-formats, may need to be produced by a vendor. Alternate communication formats that are likely to be requested include, but are not limited to: audio-formats, Braille, large print, captioned films and video, electronic text/disk/CD-ROM, or sign interpreted films and video.

**Self-Evaluation Findings:**

- The ADA Coordinator is the main point of contact for requesting and providing information in alternate formats on a request for accommodation basis and will communicate with other departments as needed. No direct accommodation requests have come through this avenue to date.
- Most County departments and offices produce printed information that is distributed and available to the public.
- Most County departments indicated they have not received requests for alternative materials (such as written materials and publications in Braille or large print text).
- Most of the departments do not have a standard procedure to communicate and produce accessible alternate formats for people with disabilities.
- EMA maintains stock of preparedness materials for persons with visual disabilities.

**Recommended Action:**

- The County should provide staff training regarding the requirements of accessible alternate formats, what accessible alternate formats are, and how to provide accessible alternate formats.
- Procedures and methods should be established for the development of accessible alternate formats to ensure that requests are handled in a uniform and consistent manner.
- The County should centralize the production of alternate formats for agendas, publications, and documents, which may result in efficiency and a cost savings.

**2.13 Fees and Surcharges**

Public entities may not charge a fee or add a surcharge to a fee to cover the cost of making its facilities, programs, services, or activities accessible to persons with disabilities ([28 CFR 35.130\(f\)](#)).

**Self-Evaluation Findings:**

- There was no evidence of fees charged to individuals *with* disabilities that were not charged to individuals *without* disabilities to access programs, services, and activities.
- The Circuit Court’s website information includes the following statement: *‘The Clark Circuit Courts 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.'*

**Recommended Action:**

- The County should continue to monitor and review policies and practices to ensure that fees and surcharges are not charged to individuals *with* disabilities that were not charged to individuals *without* disabilities.

**2.14 Information and Signage**

A public entity is required to ensure that individuals with disabilities are directed to an accessible entrance to a building and to the location and existence of accessible services, activities, and facilities. The ISA shall be used at each accessible entrance of a facility ([28 CFR 35.163](#)). Paragraph (b) requires the public entity to provide signage at all inaccessible entrances to each of its facilities that directs users to an accessible entrance or to a location with information about accessible facilities.

**Self-Evaluation Findings:**

- Where multiple entrances exist, signage directing users to the accessible entrance should be provided.
- Permanent room signage within County buildings varies significantly. Some do not provide any signage while others provide visual signage only (no Braille or raised text), or have signage mounted in an incorrect position. See Appendix A for specifics by facility.
- Means of Egress signage is lacking in most facilities.

**Recommended Action:**

- An accessible signing strategy for County facilities should be developed for interior and exterior directional, informational, and permanent room signs. This strategy should include education of buildings and ground staff on compliant installation locations and heights.
- Design standards for accessible signs or use of a qualified design professional should be created to guide the production and installation of the accessible signs.
- Signage replacement projects should include replacement or installation of accessible signs as required.



*Example of Accessible Entrance  
Directional Signage*

**2.15 Staff Training**

On-going compliance with the ADA can only be achieved if County staff receives training and education about the rights of persons with disabilities and the obligations of public entities and its employees under Title II of the ADA. Although training is not required by the ADA, training regarding the requirements of the ADA is recommended.

**Self-Evaluation Findings:**

- Purdue University provide ADA and civil rights training to Purdue Extension staff.
- The ADA coordinator has not had any formal training related to duties as ADA Coordinator or the requirements of ADA.
- 911 requires all employees to be trained in the use of TDD, voice relay services, language translation services, and their Text to/from 911 tools.

- EMA has all staff trained in FEMA IS-368: Including People with Disabilities and Others w/ Access and Functional Needs in Disaster Operations.
- The Health Department staff take trainings from IPEP(*Indiana Public Employers' Plan*). These trainings are not specifically for ADA but on occasion ADA requirements are mentioned in some of the modules.
- Sheriff's office states that all department employees participate in annual training. 2021 topics included First Responder Interactions with the Autism Spectrum Population, Crisis Intervention Team Course: Autism, Autism Spectrum Disorder, LEO Interactions with the Autism Spectrum Population and Endangered Adults & Dealing with Disabilities (presented by Life Spring Mental Health Facility.) Autism training was by an online provider.
- Department responses indicated group training on ADA and a list of resources on accessibility would be helpful.

**Recommended Action:**

- The County should provide training regarding ADA and related civil rights legislation. Suggested training topics include, but are not limited to:
  - Requirements of the ADA for County
  - Consequences of Non-Compliance
  - Acceptable Terminology and Phrases
  - Grievance/Complaint Procedures
  - Reasonable Accommodations
  - Awareness and Sensitivity
  - Accessible Locations for Meetings
  - Barriers to Access – Programmatic and Physical
  - Auxiliary Aids and Services
  - TDD/TTY
  - Building Evacuation Procedures to Assist Persons with Disabilities, especially in multi-story buildings with public access to upper floors
- Training materials and handbooks should be prepared, if needed, in alternate formats.
- The ADA Coordinator should receive training specific to compliance and ADA coordinator responsibilities.
  - Free training is available at <https://www.accessibilityonline.org/ao/>
  - Paid certification courses are available from [www.adacoordinator.org](http://www.adacoordinator.org).
- The ADA Coordinator should coordinate additional ADA training to all Department managers and staff who have regular contact with the public.
- It is recommended that the Sheriff Department continue to receive training on ADA accessibility issues related to their activities. In particular, training on communicating with people who are deaf or hard of hearing (reference <http://www.ada.gov/lawenfcomm.htm>) and developing a policy on the topic as well (refer to [www.ada.gov/lawenfmodpolicy.pdf](http://www.ada.gov/lawenfmodpolicy.pdf)). Review of other guidance should be done as well, including the publication "Commonly Asked Questions About the Americans with Disabilities Act and Law Enforcement" ([https://www.ada.gov/q&a\\_law.htm](https://www.ada.gov/q&a_law.htm)).
- Additional training materials may be made available to officers on "Disabilities and Law Enforcement", which is available on the U.S. Department of Justice web site ([www.ada.gov/policeinfo.htm](http://www.ada.gov/policeinfo.htm)).
- Staff responsible for code enforcement and inspection of many local building facilities may benefit from additional training on both the State adopted Indiana Accessibility Code and the more stringent ADA.
- Training on requirements for public right-of-way pedestrian facilities may be valuable for any inspectors and plan reviewers. This may help ensure new County facilities are being designed and constructed per current best practices.



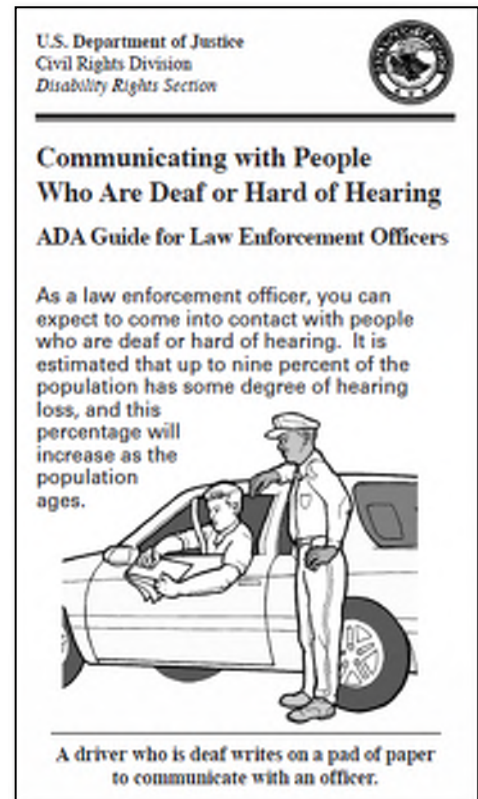
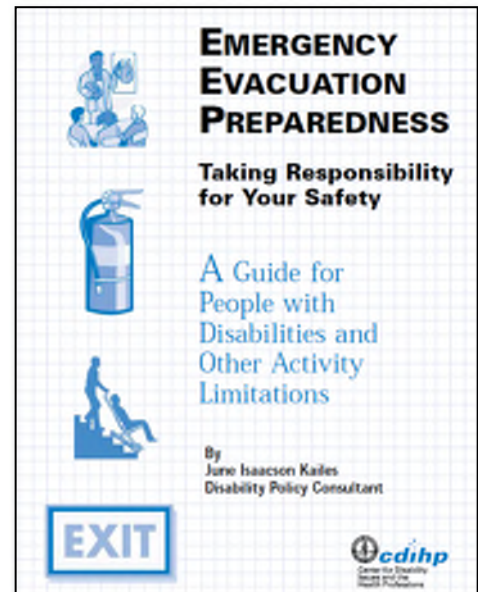
- Visit <https://www.access-board.gov/training> for webinars and other opportunities from the Access Board.

## 2.16 Emergency Evacuation Procedures

The County is required to establish emergency evacuation procedures to safely evacuate persons with disabilities who may need special assistance in an emergency. These plans and procedures should include identification of assembly locations for persons with disabilities in each facility, staff assigned to ensure that assembly areas are checked prior to leaving buildings during an emergency, identification of assembly locations for pickup and transport of persons with disabilities, and location of accessible shelters to be used for various types of emergencies.

### Self-Evaluation Findings:

- Emergency Management is handled through the Clark County Emergency Management Agency (CEEMA).
- The Comprehensive Emergency Management Plan (CEMP), dated June 2010, was reviewed for references to persons with disabilities and related topics. Where applicable, excerpts and summarizations are included below.
- The CEMP covers all four phases of emergency management: mitigation, preparedness, response, and recovery. The CEMP includes 6 sections of response: Operations, Emergency Services, Human Support, Infrastructure Support, and Hazard Specific. Within these sections, areas of response are organized as Emergency Support Functions (ESF) with primary and support agencies under each ESF.
- Clark County agencies serving as Primary ESFs include 911 for Communications and Warnings, Clark County Local Emergency Planning Committee (LEPC) for Information and Planning and Hazardous Materials, Assessor for Resource Support, Health Department for Health and Medical, Sheriff's Department for Law Enforcement and Evacuation, EMA for Shelter and Mass Care, Transportation, and Damage Assessment., Animal Control for Animal Health Emergencies, Board of Commissioners for Public Information, and Highway Department for Public Works and Engineering.
- The Sheriff's Department, EMA, and Highway department also serve as support agencies for other ESFs.
- Other local groups are also identified as support agencies for the emergency support functions needed by Letter of Agreement. Some of these may have services or equipment suited for serving persons with disabilities, such as school corporations and Transit Authority of River City with buses equipped for wheelchair access, communication agencies such as 911 and Amateur Radio Emergency Services, and various medical and mental health service providers to address physical and mental needs.



- The plan does not specifically identify the need to provide additional support for persons with disabilities or other special needs groups, or outline the necessary tasks and resources to manage and provide appropriate care to those persons with special needs sheltered within the County.
  - For Shelter and Mass Care, the plan does not address how accessibility would be handled, accommodations available, or how specific 'Accessible' facilities might be designated, or pet-friendly shelters, which may accommodate persons in need of service animals.
  - No provisions are included for the need to provide various means of communication to serve persons with vision or hearing disabilities.
  - Transportation, Evacuation, and Search and Rescue have relevance to persons with disabilities but do provide guidance on potential needs..
  - Additional hazards specific to special needs populations are not mentioned.
- No process for citizens to register themselves as disabled or homebound individuals is mentioned in the County CEMP.
- Responses from departments varied regarding presence of emergency procedures, assembly, and shelter areas within their facilities.
  - The Health Department and Sheriffs Office had detailed plans in place for various situations.
  - Courts has shelter areas identified in their procedure and a procedure is in place for active shooters.
  - EMA has a severe storm shelter and muster points for evacuations.
  - Some departments noted only that emergency exits were identified, or signs present.
  - Others indicated they were unaware of any procedures that may or may not be in place.

**Recommended Action:**

- Review emergency plans at all county facilities to ensure there is a plan in place (including provisions for persons with disabilities) and that ALL staff are aware of these plans and procedures.
- While it is understood that the CEMP document is a response/mitigation framework, not detailed plan of action specific to response, additional information should be included to identify considerations specific to persons with disabilities within the planning frame work. Suggested items may include:
  - Ensure that vehicles used to evacuate residents are accessible and available.
  - A list and/or map of public emergency shelters should be available for the public, including designating which provide accessible facilities, including pet friendly facilities to accommodate those with service animals. Shelter locations designated as accessible should be evaluated by the agency responsible for coordinating as part of planning process rather than during response.
  - Identify any special hazards unique to the special needs population.
  - Identify any areas of high concentrations of persons with disabilities such as nursing homes/retirement communities, medical facilities, etc. Consider a voluntary registration for persons who are homebound or may require additional assistance in an emergency.
  - Consider including information on accessible communication for all dissemination of public information.
- Excellent resources to enact the recommendations above can be found at:
  - [www.ada.gov/emergencyprepguide.htm](http://www.ada.gov/emergencyprepguide.htm)
  - <https://www.access-board.gov/files/ada/guides/amoe.pdf>

## 2.17 Employment

Title I of the ADA requires public entities not to discriminate against persons with disabilities in all parts of the recruitment and employment process (28 CFR 35.140 and 29 CFR 1630.4).

### Self-Evaluation Findings:

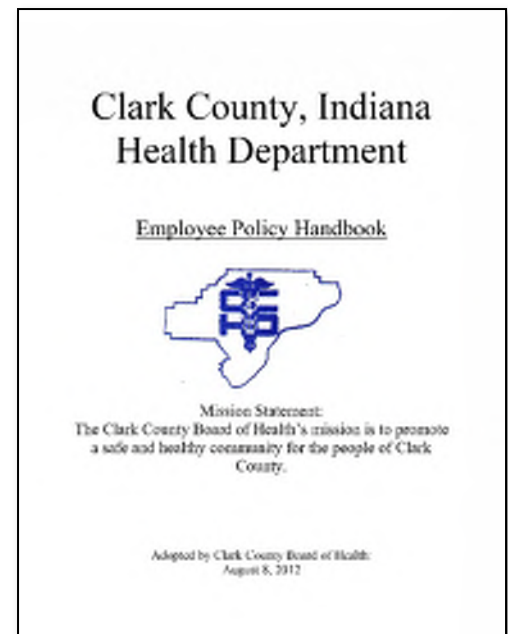
- The Human Resources (HR) department performs various aspects of human resources by providing services to job applicants, County employees, and retirees.
- Various County Employee Handbooks exist and were reviewed for references to accessibility and discrimination, as follows.
- The Clark County 911 Employee Handbook (Undated):



- 1.3 Equal Employment Opportunity states the following:
  - *It is the policy of Clark County 911 that all personnel actions such as: hiring, rate of compensation, benefits, promotions, transfers, layoffs, recalls, training, and social or recreational programs shall be administered without regard to race, color, religion, national origin, sex, age, marital status, sexual orientation, or disability. Therefore, all such personnel actions should be consistently administered for all employees without compromise and should be based on the results achieved on the job, as well as objective job relatedness in both job qualifications and performance standards.*
  - *Any employee with questions or concerns about any type of discrimination in the workplace may bring these issues to the attention of the Executive Director. Employees may raise concerns and make reports without fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.*
- 1.5 Sexual and Other Unlawful Harassment states the following and further includes definitions of said harassment:
  - *Clark County 911 is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits unlawful discriminatory practices, including harassment. Therefore, Clark County 911 expects that all relationships among persons in the office will be business-like and free of bias, prejudice and harassment.*
  - *It is the policy of Clark County 911 to ensure equal employment opportunity without discrimination or harassment on the basis of race, color, religion, gender, sexual orientation, gender identity, national origin, age, disability, genetic information, marital status, amnesty or status as a covered veteran. Clark County 911 prohibits any such discrimination or harassment.*
  - *Clark County 911 encourages reporting of all perceived incidents of discrimination or harassment. It is the policy of Clark County 911 to promptly and thoroughly investigate such reports. Clark County 911 prohibits retaliation against any individual*

- who reports discrimination or harassment or who participates in an investigation of such reports.*
- 1.8 Americans with Disabilities Act, As Amended includes provision for accommodation of applicants and employees as follows:
    - *The Americans with Disabilities Act (ADA) and the Americans with Disabilities Amendments Act, known as the ADAA, are federal laws that prohibit employers with 15 or more employees from discriminating against applicants and individuals with disabilities and that when needed, provide reasonable accommodations to applicants and employees who are qualified for a job, with or without reasonable accommodations, so that they may perform the essential job duties of the position.*
    - *It is the policy of Clark County 911 to comply with all federal and state laws concerning the employment of persons with disabilities and to act in accordance with regulations and guidance issued by the Equal Employment Opportunity Commission (EEOC). Furthermore, it is our policy not to discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions and privileges of employment.*
    - *Clark County 911 will reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of a job unless doing so causes a direct threat to these individuals or others in the workplace and the threat cannot be eliminated by reasonable accommodation and/or if the accommodation creates an undue hardship to Clark County 911. Contact the Executive Director with any questions or requests for accommodation.*
  - 4.3 Family Medical Leave Act (FMLA) addresses rights related to leave under FMLA per the Fair Labor Standards Act (FLSA).
  - 5.3 Drug Free Workplace addresses drug use policies and employee assistance. It includes the following provision for prescription drug use.
    - *Employees should report to work fit for duty and free of any adverse effects of illegal drugs or alcohol. This policy does not prohibit employees from the lawful use and possession of prescribed medications. Employees must, however, consult with their doctors about the medications' effect on their fitness for duty and ability to work safely and promptly disclose any work restrictions to their supervisor. Employees should not, however, disclose underlying medical conditions unless directed to do so..*
  - Due to the nature of life safety related work required at 911, the handbook also includes section 6.2 Employee Fitness for Duty and employee responsibility related to medical issues.
    - *An employee is obligated to notify management when reporting for duty or in the course of work, if the use of any substance, even if medically required which may adversely affect his/her ability to satisfactorily perform his/her normal job.*
  - The Clark County, Indiana Health Department Employee Policy Handbook (Dated August 8, 2012):
    - 1.5 EQUAL EMPLOYMENT OPPORTUNITY includes the following text:
      - *Clark County does not discriminate nor tolerate discrimination on the basis of race, color, gender, national origin, religion, age or disability in employment practices or in the provision of services. Any employee with questions or concerns about any type of discrimination in the workplace may bring these issues to the attention of his/her supervisor. Employees may raise concerns and make reports without fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.*

- *If discrimination is alleged against a supervisor, the employee should bring these issues to the attention of the Clark County Health Officer. All position vacancy notices, postings, advertisements, and recruiting literature shall contain the phrase "An Equal Opportunity Employer."*
- 1.7 AMERICANS WITH DISABILITIES ACT (ADA)
  - *Title II of the Americans with Disabilities Act ("ADA") prohibits discrimination against qualified individuals with disabilities by public entities in the operation of all services and programs offered by the entity. It is the County's policy that members of the public not experience discrimination or harassment based upon disability.*
  - *Clark County is committed to ensuring that people with disabilities are afforded the same rights, privileges and courtesies as non-disabled people. Individuals who are disabled as determined by ADA may request reasonable accommodation to assist the individual in accessing County facilities, programs or services. It is the policy of Clark County that all facilities, programs and services be accessible to and usable by disabled individuals, unless providing access results in an undue hardship to the County or causes a fundamental alteration of the programs or services.*
  - *Clark County does not discriminate against a qualified individual with a disability in job application, hiring, advancement or discharge of employees, employee compensation and benefits, job training, and other terms, conditions and privileges of employment. It is the intent of the County to comply with all applicable requirements of the Americans with Disabilities Act (ADA).*
  - *The County will reasonably accommodate persons with a disability on a case-by-case basis, which may include making facilities readily accessible to individuals with a disability, restructuring jobs, modifying work schedules, modifying equipment, or similar accommodations. If a person is not able to perform the essential functions of a job, even with reasonable accommodation, the person is not qualified for the position.*
  - *Accommodations may not create an undue hardship for the County or other employees. An individual who cannot be reasonably accommodated for a job, without undue hardship, will not be selected or retained.*
  - *All employees are required to comply with safety standards. Applicants who pose a direct threat to the health or safety of other individuals in the workplace, and which threat cannot be eliminated by reasonable accommodation, will not be hired or retained. Current employees who pose a direct threat to the health or safety of the other individuals in the workplace will be placed on appropriate leave. Generally, a "direct threat" means a significant risk to the health or safety of others that cannot be eliminated by reasonable accommodation.*
  - *Any individual who believes he or she has received treatment inconsistent with the*





*policies set forth above or any other requirement of ADA, may file a complaint within ninety (90) days of the date of the alleged discriminatory act or practice with the County Attorney.*

- 2.5 EMPLOYEE MEDICAL EXAMINATIONS
  - *To help ensure that employees are able to perform their duties safely, medical examinations may be required for new hires and to evaluate medical leaves and/or ADA accommodations. Such medical examinations are designed to ensure the health, welfare and safety of employees in positions which have certain physical requirements, minimize occupational health and safety risks, and assess whether an employee can meet the inherent requirements essential to performing the position.*
- 4.3 FAMILY MEDICAL LEAVE addresses rights related to leave under FMLA per the Fair Labor Standards Act (FLSA).
- 5.4 DRUG-FREE WORKPLACE addresses drug use policies and employee assistance. It includes the following provision for prescription drug use.
  - *Employees may use physician-prescribed medications, provided the use of such drugs does not adversely affect job performance or the safety of the employee or other individuals in the work place.*
- 7 PROBLEM RESOLUTION addresses complaints as follows and includes a written resolution procedure. While not specifically noted, it is assumed that this could be utilized for discrimination complaints.
  - *Employees and supervisors will benefit from a process that allows for the free discussion of matters of mutual concern and effectively addresses complaints on specific issues. These procedures provide for open discussion and speedy resolution of issues of serious concern to any employee who thinks that Clark County's policies have been violated, or who believes that he or she has been treated unfairly. A complaint is an employee's expressed dissatisfaction with what that employee believes, rightly or wrongly, to be unfair treatment, or a mistake in the administration of a rule, plan, or County policy. This section does not apply to disciplinary actions.*
- Clark County Circuit Courts Employee Handbook (Dated February 11, 2019):
  - Pages 12-14 address rights related to leave under FMLA per the Fair Labor Standards Act (FLSA).
  - Page 21 addresses Disability Accommodation as follows:
    - *The Board of Judges is committed to complying fully with the Americans with Disabilities Act (ADA) and ensuring equal opportunity in employment for qualified persons with disabilities. All employment practices and activities are conducted on a non-discriminatory basis.*
    - *Upon request, job applications are available in alternative, accessible formats, as is assistance in completing the application. Pre-employment inquiries are made only regarding an applicant's ability to perform the duties of the position.*
    - *Post-offer medical examinations are required only for those positions in which there is a bona fide job-related physical requirement. Medical records will be kept separate from other personnel records and will remain confidential.*
    - *Reasonable accommodation is available to all disabled employees where their disability affects the performance of the essential functions of the job and where the accommodation will enable the employee to perform those essential functions of the job. All employment decisions are based on the merits of the situation in accordance with defined criteria, not the disability of the individual.*

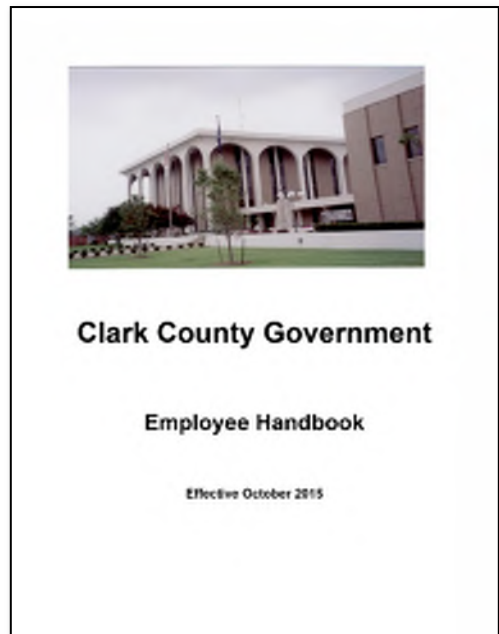


- *Qualified individuals with disabilities are entitled to equal pay and other forms of compensation (or changes in compensation) as well as in job assignments, classifications, organization structures, and position descriptions.*
- *The Board of Judges is also committed to not discriminating against any qualified employees or applicants because they are related to or associated with a person with a disability. The Board of Judges will follow any state law that provides individuals with disabilities greater protection than the ADA.*
- *This policy is neither exhaustive nor exclusive. The Board of Judges is committed to taking all other actions necessary to ensure equal employment opportunity for persons with disabilities in accordance with the ADA and all other applicable federal and state laws.*
- *The Board of Judges reserves the right to periodically review the disability status and the accommodation made for any employee. The review will involve an examination of both whether or not the disability still exists and whether or not the accommodation remains reasonable.*
- Page 25 addresses Equal Opportunity Employment as follows:
  - *The Board of Judges is committed to providing equal employment opportunities for all employees and job applicants. The Board of Judges endorses and will follow this policy in implementing all employment practices, policies and procedures. The Board of Judges will recruit, hire, train, and promote persons in all job titles without regard to race, color, religion, national origin, sex, age (except where sex or age is a bona-fide occupational qualification, as defined by law), or physical or mental disability (except where the disability prevents the individual from being able to perform the essential functions of the job and cannot be reasonably accommodated in full compliance with the law). The Board of Judges will ensure that promotion decisions are in accordance with principles of equal employment opportunity by imposing only valid and nondiscriminatory requirements for promotional opportunities. The Board of Judges also will ensure that all personnel decisions and actions will be administered without regard to race, color, religion, sex, age, national origin or disability.*
  - *All employees are expected to comply with our Equal Employment Opportunity Policy. Any employees with questions or concerns about any type of discrimination in the workplace are encouraged to bring these issues to the attention of their immediate supervisor or the appropriate Judge. Employees can raise concerns and make reports without fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.*
- Page 41 addresses Disabilities Access to Court Services as follows:
  - *The Board of Judges does not tolerate discrimination in any form against persons with disabilities. Facilities and programs shall be reasonably accessible to qualified persons with disabilities. When the access needs of persons with disabilities cannot be anticipated, these needs shall be reasonably accommodated upon request.*
  - *Persons with disabilities are persons who have a physical or mental impairment that substantially limits one or more major life activities, who have a record of such impairment, or who are regarded as having such impairment.*
  - *The Court shall provide for reasonable auxiliary aids and services to afford persons with disabilities the fullest possible participation in services and programs without fundamentally altering the services, programs or incurring an undue financial burden.*

- Page 42 addresses drug-free workplace policies. It includes the following provision for prescription drug use.
  - *The legal use of prescribed and/or “over the counter” (“OTC”) drugs/medicine is permitted on the job only if it does not impair an employee’s ability to perform the functions of the job effectively and in a safe manner that does not endanger the employee or other employees in the workplace.*
- Pages 49-50 address Harassment Based on Race, Color, Religion, Gender, National Origin, Age or Disability as follows and further includes a process for submitting and addressing complaints:
  - *It is the policy of the Board of Judges to provide a workplace free from all forms of illegal and/or improper discrimination, including harassment on the basis of race, color, religion, gender, national origin, age and disability.*
  - *It is a violation of this policy for any employee to illegally or improperly harass another employee. Illegal or improper harassment occurs when verbal or physical conduct:*
    - 1) *defames or shows hostility toward an employee because of the employee’s race, color, religion, gender, national origin, age, or disability, or that of the employee’s relatives, friends, or associates;*
    - 2) *creates or is intended to create an intimidating, hostile, or offensive working environment;*
    - 3) *interferes or is intended to interfere with an employee’s work performance; or*
    - 4) *otherwise adversely affects an employee’s employment.*
  - *This policy applies to all Court personnel.*
  - *Harassing conduct includes, but is not limited to:*
    1. *Epithets, slurs, negative stereotyping, or threatening, intimidating or hostile acts, related to race, color, religion, gender, national origin, age, or disability;*
    2. *Written or graphic material that defames or shows hostility or aversion toward an individual or group because of race, color, religion, gender, national origin, age or disability and that is placed on walls, bulletin boards, or elsewhere on the Court’s premises, or that is circulated in the workplace.*
  - *The Board of Judges encourages employees who believe they are being harassed to firmly and promptly notify the offender that the behavior is unwelcome. Nevertheless, the Board of Judges also recognizes that power and status differences between an alleged harasser and a target may make such a confrontation impossible. In the event that such informal, direct communication between individuals is either ineffective or impossible, the employee who believes he or she has been harassed should report the conduct immediately to his or her supervisor. If the supervisor is responsible for the harassment the employee is to report the conduct to any supervisor working for the Court, or directly to the appropriate Judge. Further, if for any reason whatsoever (even if the supervisor is not the person responsible for the harassment) the employee is not comfortable reporting the conduct to his or her supervisor, the employee always has the option of reporting the conduct to any supervisor working for the Court, including the Judge.*
- Clark County Government Employee Handbook (Effective October 2015):
  - It is assumed this handbook covers all County employees, however there are duplications and conflicts where other departments have developed their own guidelines.
  - 1.4 EQUAL EMPLOYMENT OPPORTUNITY includes the following:
    - *It is the policy of Clark County that all personnel actions such as: hiring, rate of compensation, benefits, promotions, transfers, layoffs, recalls, County-supported*

*training, and social or recreational programs shall be administered without regard to race, color, religion, national origin, sex, age, marital status, sexual orientation, or disability. Therefore, all such personnel actions should be consistently administered for all employees without compromise and should be based on the results achieved on the job, as well as objective job relatedness in both job qualifications and performance standards.*

- *Any employee with questions or concerns about any type of discrimination in the workplace may bring these issues to the attention of his/her department head. Employees may raise concerns and make reports without fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.*
- *If discrimination is alleged against a department head, the employee should bring these issues to the attention of Human Resources and/or the County Attorney of the Board of County Commissioners.*
- *All position vacancy notices, postings, advertisements, and recruiting literature shall contain the phrase, "An Equal Opportunity Employer."*
- 1.6 Sexual and Other Unlawful Harassment states the following and further includes definitions of said harassment:
  - *Clark County is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits unlawful discriminatory practices, including harassment. Therefore, Clark County expects that all relationships among persons in the office will be business-like and free of bias, prejudice and harassment.*
  - *It is the policy of Clark County to ensure equal employment opportunity without discrimination or harassment on the basis of race, color, religion, gender, sexual orientation, gender identity, national origin, age, disability, genetic information, marital status, amnesty or status as a covered veteran. Clark County prohibits any such discrimination or harassment.*
  - *Clark County encourages reporting of all perceived incidents of discrimination or harassment. It is the policy of Clark County to promptly and thoroughly investigate such reports. Clark County prohibits retaliation against any individual who reports discrimination or harassment or who participates in an investigation of such reports.*
- 1.9 AMERICANS WITH DISABILITIES ACT, AS AMENDED includes the following:
  - *The Americans with Disabilities Act (ADA) and the Americans with Disabilities Amendments Act, known as the ADAAA, are federal laws that prohibit employers with 15 or more employees from discriminating against applicants and individuals with*



- disabilities and that when needed, provide reasonable accommodations to applicants and employees who are qualified for a job, with or without reasonable accommodations, so that they may perform the essential job duties of the position.*
- *It is the policy of Clark County to comply with all federal and state laws concerning the employment of persons with disabilities and to act in accordance with regulations and guidance issued by the Equal Employment Opportunity Commission (EEOC). Furthermore, it is our County policy not to discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions and privileges of employment.*
  - *The County will reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of a job unless doing so causes a direct threat to these individuals or others in the workplace and the threat cannot be eliminated by reasonable accommodation and/or if the accommodation creates an undue hardship to Clark County. Contact the Human Resource Department with any questions or requests for accommodation.*
- 1.12 OPEN DOOR POLICY includes the following. While not directly stating discrimination as a topic, it does provide for a culture of addressing complaints.
    - *Clark County operates under an Open Door Policy. Elected Officials and/or Department Heads are available to listen to any questions, concerns, ideas or suggestions that an employee may have. Any employee with a question, complaint or concern should feel free to bring the matter to any Elected Official, Department Head, and/or the Commissioners of the County. No employee will be penalized, formally or informally, for voicing a complaint with the County in a reasonable, business-like manner.*
  - 4.3 FAMILY MEDICAL LEAVE ACT (FMLA) addresses leave and requirements of said leave, including the following statements indicating compliance with federal law:
    - *Upon hire, Clark County provides all new employees with notices required by the U.S. Department of Labor (DOL) on Employee Rights and Responsibilities under the Family and Medical Leave Act .*
    - *The function of this policy is to provide employees with a general description of their FMLA rights. In the event of any conflict between this policy and the applicable law, employees will be afforded all rights required by law.*
  - 5.3 DRUG FREE WORKPLACE addresses drug-free work place, employee assistance, and the following policy on prescription drug use.
    - *This policy does not prohibit employees from the lawful use and possession of prescribed medications. Employees must, however, consult with their doctors about the medications' effect on their fitness for duty and ability to work safely and promptly disclose any work restrictions to their supervisor. County employees may not operate County vehicles while on medication that prohibits driving or the use of equipment. Employees should not, however, disclose underlying medical conditions unless directed to do so.*
  - 6.2 EMPLOYEE FITNESS FOR DUTY addresses employee responsibility related to medical issues.
    - *An employee is obligated to notify management when reporting for duty or in the course of work, if the use of any substance, even if medically required which may adversely affect his/her ability to satisfactorily perform his/her normal job*

- 6.92 HARASSMENT REPORTING PROCEDURES addresses complaints of both harassment and discrimination and includes a written resolution procedure.
- Various job applications are utilized by the County.
- The Sheriff's Office application includes the following related references:
  - *AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER COMPLYING WITH ALL PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT* is included at the top of the application.
  - It includes basic eligibility requirements for various positions, including requirement for minimum vision standards (Merit Deputy only), driver's license, and high school diploma or GED.
  - Application appears to require use of computer and email to submit application. No alternative method is provided.
  - In addition to the job application, the 'Corrections Applicant Investigation' form was provided for review. This form specifically included the following instructions to the investigator related to ADA:
    - *Note: The Americans with Disabilities Act (1990) prohibits inquiring into medical issues during this phase of the selection process. Disregard any medical admissions made by the applicant during the background investigation interview.*
    - *The Americans with Disabilities Act also prohibits inquiring further into any admissions regarding prior drug or alcohol use that may have been made by the applicant. You may not ask the applicant "How many times have you used illegal drugs or marijuana in the past year?; however, you may ask "Do you currently use illegal drugs or marijuana?", "Have you ever used illegal drugs or marijuana?" and "Have you used illegal drugs or marijuana in the past year?"*
- Listing for job openings can be found at <https://clarkgov.applicantpool.com/jobs/> which is linked from the Jobs and Employment tab on the main County website.
  - Each job listing includes *Clark County Government is an "Equal Opportunity Employer"*.
  - Job duties are listed along with education, experience, and skills required, clearly communicating the needs to complete the job presented.
  - Application is through a webform. No downloadable application is provided on the website but is available directly from staff upon request.
  - The hardcopy application states that *'Clark County is an equal opportunity employer and does not discriminate against otherwise qualified applicants on the basis of race, color, religion, age, sex, marital status, sexual orientation, national origin, disability, handicap, veteran status or any other protected class.'*

**Recommended Action:**

- The County should continue to practice the County policies of non-discrimination as required by ADA and other applicable laws.
- Various county handbooks contain generally the same intent on disability and/or discrimination related policies but language varies. Other unrelated topics may have conflicts or duplication of various policies. Consider standardizing language or condensing handbooks to reference the main county handbook for any topics not specific to departmental operations and needs as preferred by County legal guidance.

- Job listings should be constructed such that requirements do not exclude anyone with some disabilities from being qualified to perform jobs that do not actually require the ability to meet specific demands. Carefully consider physical requirements in relation to actual job duties and potential reasonable accommodation when developing job descriptions. Consider adding language in appropriate locations to clarify that reasonable accommodation may include: making facilities readily accessible to individuals with a disability, restructuring jobs, modifying work schedules, modifying equipment, or other similar accommodations.
- Consider “ADA Compliant Language” in regards to work duties. Examples include modifying statements such as ‘stand or sit’ to ‘stationary position’, ‘talk/hear’ to ‘communicate, convey, express oneself, exchange information’, ‘use hands/fingers to handle or feel’ to ‘operate, activate, use, prepare, inspect, detect, position’, ‘see’ to detect, perceive, identify, recognize, observe, inspect, assess’, ‘carry or lift’ to ‘transport, move, position, put, install’.
- Where ‘handicap’ or other form of the term is used, consider replacing with ‘disability’ due to potential negative connotations. Also, when referring to persons with disabilities, person-first terminology is preferred to convey the importance of the person over his or her disability.
- An excellent resource to review when considering updates or modifications to various documents, including job descriptions, is the Job Assistance Network at <https://askjan.org/topics/jobdesc.cfm> and the U.S Department of Labor, Office of Disability Employment Policy at <https://www.dol.gov/odep/#>.



*Reasonable accommodation tailoring workspace for wheelchair user*

## **2.18 Department Self-Evaluation Findings and Recommendations**

DLZ distributed a questionnaire to the ADA Coordinator that included a request for information about various departments, policies, and procedures of the County. This information included specific items that the departments were requested to provide information to help DLZ better understand the policies and procedures of each related to ADA understanding, training, and accommodation (see *Appendix C*). DLZ reviewed responses and coordinated clarifications and questions with the ADA Coordinator. A secondary benefit of the questionnaire is allowing DLZ to gain an understanding of how well the person completing the questionnaire understands the obligation to ensure their programs are accessible and their general understanding of how to provide accommodations. Additional inquiries were also made during the facility evaluations. A general summary follows.

### **Self-Evaluation Findings:**

- The County has numerous departments with extensive, daily public interaction that is both in person and over the telephone.
- No departments responded that the programs offered for persons with disabilities were different in any way (i.e. programs are integrated for persons of all abilities, no additional fee for requested accommodation, etc.)
- Many departments have publications, documents, and forms that are available to the public.
- Instances of accommodation recollectored by the departments or standard department specific procedures include the following:



- 911 has tools to handle hearing impaired callers as well as language barriers.
- Voting equipment is ADA compliant.
- Courts has had interpreters for deaf or non-English speakers and amplified equipment for those with hearing difficulties.
- EMA has provided hard of hearing people with weather radios with visual alerting. They also have emergency alerts created with multiple viewing options.
- The Health Department staff have accommodated vaccination for individuals who have severe mobility concerns in their vehicle at the facility and for homebound individuals at their place of residence utilizing a staff paramedic and nurse.
- EMA maintains stock of preparedness materials for persons with visual disabilities.
- Probation department has interacted with probationers who have either physical or mental disabilities.
- Prosecutor's office has made accommodations for double amputees and quadriplegic witnesses.
- Public Defender's office staff members have read court documents to clients who were unable to read or understand those documents due to developmental disability. They have also provided access to virtual court proceedings for clients unable to attend due to physical/and or developmental disability.
- Community Corrections has accommodated those unable to read by staff reading them the materials.
- The Sheriff's office provides hearing impaired inmates with phone access where they may utilize TDD. Accommodations are routinely implemented for inmates who require the use of wheelchairs.
- Treasurer's office has made adjustments to accommodate for patrons with physical disabilities.
- Veteran Services has extensive experience with clients who have disabilities. They also do home visits if the veteran cannot make it to the office.

**Recommended Action:**

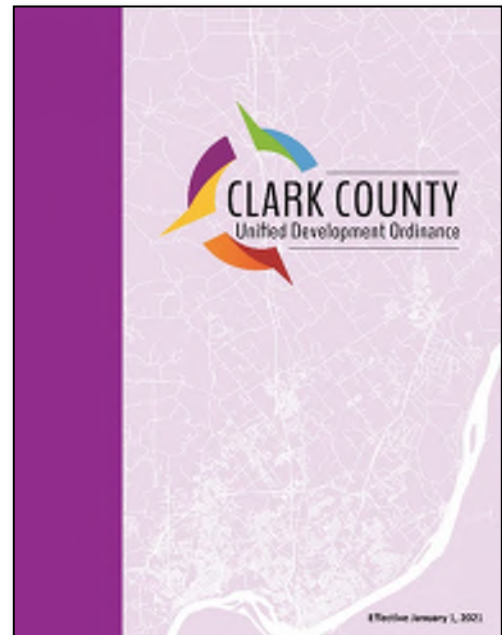
- Public interactions with persons needing special accommodation due to a disability is likely to occur for all departments at some point. Training should be provided to all departments to review how to accommodate various disabilities and provide the same level of service.
- Examples of interactions and accommodation for persons with disabilities demonstrated flexibility and desire to provide access to all programs offered.
- All departments should have a liaison identified that will interact with the ADA Coordinator and be responsible for ADA compliance in their department.
- Continue to ensure that all programs offered do not segregate customers with disabilities or not provide the same type and level of service.
- Ensure that all publications, documents, and forms that are provided to the public can be made available in alternate formats easily. This would include large print versions and electronic versions in multiple file formats. All departments should have an accessible work surface or clipboard that can be provided to someone that cannot reach counters that are above required height.
- All departments evaluated have some manner of barrier present, nearly all of which can be addressed by architectural modifications, various methods of equal accommodation, or changes in procedures.
- Funding will be a key component in some instances but many improvements in service to persons with disabilities can be done inexpensively and within a short timeframe.
- The report includes a number of ways that departments can accommodate persons various disabilities but circumstances and barriers vary between departments. Training of staff is a key component to knowing how to accommodate and provide equal service to persons with disabilities of all kinds.

## 2.19 Ordinances, Design Standards, and Other Documents

Title II entities typically have a number of documents that specify requirements, design standards, and other requirements for construction of various facilities. Often, these documents reference pertinent guidance, such as state DOT, International/State Building Codes, etc. A review of documents that contain, or should contain, provisions related to accessibility was done by searching key words where possible.

### Self-Evaluation Findings:

- The County website provided the following documents.
  - Clark County Unified Development Ordinance (Effective 1-1-2021) combines the Zoning Ordinance and the Subdivision Control Ordinance. The following excerpts are related to accessibility.
    - Chapter 4, 19 Adult Day Care Facility Standards, b. Structure standards requires the structure to meet all commercial ADA requirements. ‘ADA requirements’ is not defined within this document, nor does it reference any County-adopted state or federal building standards that might include said information.
    - Chapter 4, 24 Manufactured Home Park Standards, viii Sidewalks:
      - *Paved pedestrian sidewalks shall Installed on at least one side of all streets. All sidewalks shall be at least four (4) feet in width and paved with a suitable material for use in all weather conditions.*
      - *Individual sidewalks shall be provided from a public sidewalk, street, or parking area to the individual manufactured home stands within close proximity to the front door of the manufactured home. These walks shall be at least three (3) feet in width and should be paved with a suitable material for use in all weather conditions.*
    - Chapter 5, 1 Commercial and Industrial Subdivision identifies sidewalk developmental standards:
      - *Optional along existing perimeter streets that are immediately adjacent to the subject property.*
      - *Required on both sides of any new street within the subdivision.*
      - *Maintenance of all sidewalks is the responsibility of the abutting property owner(s).*
    - Chapter 5, 3 Major Residential Subdivision identifies sidewalk developmental standards:
      - *Optional along existing perimeter streets that are immediately adjacent to the subject property.*
      - *Required on both sides of any new street within the subdivision if served by sewer. An alternate internal pathway/trail network may be substituted for sidewalks on one side of a new street at the discretion of the PC.*
      - *Maintenance of all sidewalks is the responsibility of the abutting property owner(s).*



- Chapter 5, 4 Conservation Residential Subdivision identifies sidewalk developmental standards:
  - *Required on both sides of any new street for developments served by sewer. An alternate internal pathway network may be substituted for sidewalks on one side of a new street at the discretion of the PC. Pedestrian access must be provided to any dedicated open space.*
- Chapter 6, F Curbs, Gutters, Sidewalks and Trails includes the following provisions. Note that ‘ADA standards’ is not defined within this document, nor does it reference any County-adopted state or federal building standards that might include said information.
  - 2. Sidewalks.
    - *The Subdivider shall have sidewalks in residential subdivisions that are served by sewer.*
    - *Concrete sidewalks shall be included within the dedicated, non-pavement right-of-way of all roads as required by the Exhibit A: Minimum Standard Design Requirements. A median strip of grassed or landscaped areas at least four feet (4’) wide shall separate all sidewalks from adjacent curbs unless approved by the PC. No trees shall be planted in this median strip unless approved by the PC.*
    - *If sidewalks exist on adjacent parcels, sidewalks shall conform to the setback and width of existing sidewalks within the same block but shall not be less than four (4) feet in width.*
    - *In commercial and other congested areas, the PC may require sidewalks of greater width constructed adjacent to the curb.*
    - *The owners of property abutting sidewalks in the County are required to repair that part of the sidewalk adjoining property belonging to them, at their own expense, by repairing any holes, uneven surfaces and other defective places therein, by using materials as nearly similar as possible to that of which the sidewalk is constructed. The owners of property abutting sidewalks in the County are also required to remove snow and ice.*
    - *Sidewalks shall conform to Americans with Disabilities Act (ADA) standards.*
    - *The surface of any sidewalk shall, when completed, have a sufficient slope to drain away from the lot and toward the center of the public road. The subgrade of a sidewalk shall be constructed to a depth below the finished surface and shall be thoroughly compacted to a firm, smooth surface.*
  - 3. Paths or Trails. *Asphalt paths or sidewalks may be allowed by the PC along Primary Arterials, Secondary Arterials, and Collectors when a part of a trail system adopted by the county or municipality as appropriate. All asphalt paths must be a minimum of eight (8) feet wide and meet the current AASHTO (American Association of State Highway Transportation Officials) standards for thickness and base requirements.*
- Chapter 6, Roads, Public Roads, and Alleys contains the following reference to sidewalk surfaces.
  - *f. Surfacing. ...curbs, turnarounds, and sidewalks shall conform to Exhibit A: Minimum Standard Design Requirements and shall be incorporated into the construction plans required of the developer for plat approval.*
- Exhibit A reiterates the need for Sitealks to comply with the ADA. No mention is made of curb ramps.

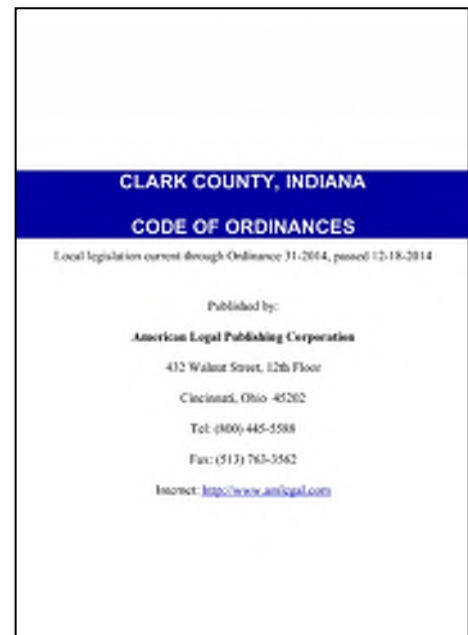
- Chapter 7, D. Construction and Development Process includes inspection of infrastructure but does not specifically mention sidewalks or ramifications of said inspections or non-compliances.
  - *ii. Inspect Infrastructure. Once complete, the improvements shall be reviewed and inspected by the County Engineer to ensure that they have been completed in a satisfactory manner. This includes, but is not limited to, roads, curbs, gutters, drainage facilities, and any other utilities as required by this UDO or any other applicable ordinance.*
- Standard details are not provided in relation to pedestrian improvements such as curb ramps, sidewalk, curb/gutter treatment at a curb ramp, and sidewalk section through driveway.
- No references are made to accessible parking requirements.
- The County indicated that typically developers are given a package of all requirements for plan review (including sidewalk and curb ramps). Planning reviews these items through the plan approval process. Highway typically inspects facilities prior to turn over of ROW to County.
- County Zoning Ordinance (dated December 18, 2014) was available online at [https://codelibrary.amlegal.com/codes/clarkcounty/latest/clarkco\\_in/0-0-0-1](https://codelibrary.amlegal.com/codes/clarkcounty/latest/clarkco_in/0-0-0-1) ) but was not linked from the County website.
  - § 36.16 AMERICANS WITH DISABILITIES ACT; NOTICE PROVISIONS. Outlines the Notice Under the ADA as adopted via Resolution 8-2013 and included in Appendix E.
    - This document is not available on the website and does not have current information on the ADA coordinator. See Section 2.3-2.5 for recommended updates to language.
    - Resolution includes the county's adoption of the 2010 Americans with Disabilities Act Standards for Accessible Design (current) and the 2005 Guidelines for Accessible Public Rights (outdated).
  - § 92.04 DISCRIMINATION IN THE SALE OR RENTAL OF HOUSING.

*As made applicable by § 92.03, and except as exempted by § 92.03(B) and § 92.09, it shall be unlawful:*

*(A) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, disability, familial status or national origin;*

*(B) To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling or in the provision of services of facilities in connection therewith, because of race, color, religion, sex, disability, familial status or national origin;*

*(C) To make, print or publish, or cause to be made, printed or published any notice, statement or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, disability, familial*



*status or national origin, or an intention to make any such preference, limitation or discrimination;*

*(D) To represent to any person because of race, color, religion, sex, disability, familial status or national origin that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available;*

*(E) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, disability, familial status or national origin;*

*(F) To discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a disability of:*

*(1) The buyer or renter;*

*(2) A person residing in or intending to reside in that dwelling after it is so sold, rented or made available; or*

*(3) Any person associated with that person.*

*(G) To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a disability of:*

*(1) The person;*

*(2) A person residing in or intending to reside in that dwelling after it is so sold, rented or made available; or*

*(3) Any person associated with that person.*

*(H) (1) For purposes of this section, DISCRIMINATION includes:*

*(a) A refusal to permit, at the expense of the disabled person, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises except that, in the case of a rental, the landlord may where it is reasonable to do so condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modifications, reasonable wear and tear excepted;*

*(b) A refusal to make reasonable accommodations in rules, policies, practices or services when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling; or*

*(c) In connection with the design and construction of covered multi-family dwellings for first occupancy after the date that is 30 months after September 13, 1998, a failure to design and construct those dwellings in such a manner that:*

*1. The public use and common use portions of such dwellings are readily accessible to and usable by disabled persons;*

*2. All the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by disabled persons in wheelchairs; and*

*3. All premises within such dwellings contain the following features of adaptive design:*

*a. An accessible route into and through the dwelling;*

*b. Light, switches, electrical outlets, thermostats and other environmental controls in accessible locations; and*

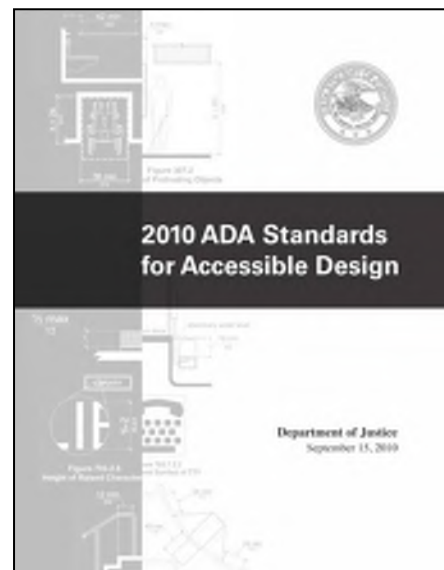
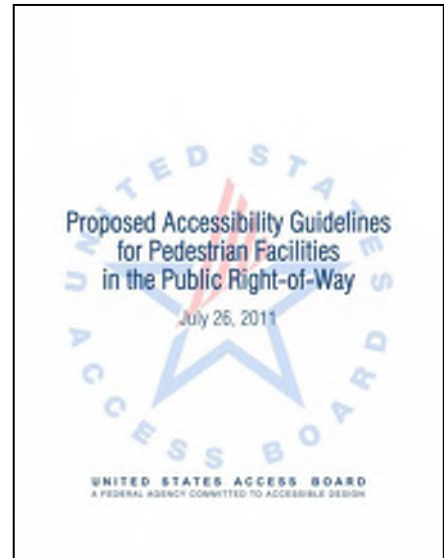
*c. Reinforcements in bath-rooms such that an individual in a wheelchair can maneuver about the space.*

(d) Compliance with the appropriate requirement Americans with Disabilities Act of 1990 and of the American National Standard for Buildings and Facilities providing accessibility and usability for physically disabled people (commonly cited as “ANSI A117.1”) suffices to satisfy the requirements of division (H)(1)(c)3.c. above.

- Other Power-Driven Mobility Devices (OPDMD) and any rights or imposed restrictions regarding operation are not included within the Code.
- Service animals are not addressed within the Code.

#### **Recommended Action**

- For pedestrian facilities within the public ROW, requirements should be referred to as ‘guidelines’ rather than standards since these are still in the rulemaking process at the federal level. References should state ‘Public Rights of Way Accessibility Guidelines’ (PROWAG).
- Utilize known standards (PROWAG and INDOT) as references for compliant pedestrian ROW facilities. Provide references to the various ADA standards and guidelines in all documents that reference design and construction.
- Add standard details for curb/gutter treatment at a curb ramp, curb ramps, sidewalk, and sidewalk section through driveway or include references to INDOT.
- Update language on in UDO in regard to sidewalk inspection to include current standards and addressing accessibility during plan review.
- Update references to ADA for building complains to ‘2010 Americans with Disabilities Act Standards for Accessible Design’ (or supplements thereto).
- Remove documents that are not current from public access (i.e. code of ordinances still contains outdated zoning sections replaced by the UDO). If documents have not been superseded by other reference standards, update to reflect changes and current standards.
- Consider adding policies regarding use of Other Power-Driven Mobility Devices (OPDMD) consistent with the ADA requirements. OPDMD is defined in the new rules as “any mobility device powered by batteries, fuel, or other engines...that is used by individuals with mobility disabilities for the purpose of locomotion, including golf cars, electronic personal assistance mobility devices... such as the Segway® PT, or any mobility device designed to operate in areas without defined pedestrian routes, but that is not a wheelchair”. See guidance on OPDMDs in Appendix F and at the USDOJ website at [www.ada.gov/opdmd.pdf](http://www.ada.gov/opdmd.pdf) and <https://adainfo.us/wheelchairs>
- Ensure that posted signage allows service animals and add County policy as needed to permit this use. .
- Provide training for plan reviewers and field inspectors on the requirements of ADA facilities and ensure that design plans meet the standards and construction meets the design plans.





## **2.20 Facility Self-Evaluation Findings and Recommendations**

DLZ performed a self-evaluation of County facilities as listed in Section 1.8. A comprehensive review of accessibility at all public areas and employee common-use areas of these facilities was performed consistent with ADASAD. **Specific information by facility can be found in Appendix A.**

There are many interim fixes that can be implemented immediately to address various deficiencies and provide equal access to all users in many cases until permanent solutions are implemented. Other improvements are relatively low cost and should also be considered for implementation in early phases of the Transition Plan and are included in the following recommended general actions.

### **Recommended General Actions for Exterior Amenities:**

- Restripe parking lots to provide compliant spaces, with proper signage, at locations closest to accessible entrances at all facilities. When a facility has multiple parking lots, precedence should be given to the lots that have the most use by the public and are closest to facility entrances or amenities.
- Ensure that non-accessible entrances are adequately signed to direct the public to the accessible entrance(s).
- Ensure that compliant pedestrian routes exist from parking to the accessible entrances for all buildings. This may entail new construction or reconstruction of existing sidewalks.
- Monitor walks for maintenance issues such as cracking or heaving that can result in non-compliant slopes and vertical and horizontal displacements.

### **Recommended General Actions for Interior Amenities:**

- Develop a master signage plan for all facilities that includes directional signage to accessible entrances outside of facilities and required signage within each facility. Ensure that one entrance at all facilities is fully accessible and that non-accessible entrances are adequately signed to direct the public to the accessible entrance(s). As renovations are made at facilities, upgrade non-accessible entrances until 60% minimum are accessible as required.
- For objects that protrude inside buildings, either move these items closer to the floor where they are cane detectable, move them outside the pedestrian circulation route in buildings, or place a permanent object that is cane detectable below them. Ensure that vegetation is trimmed so it does not protrude into the path of circulation outside of facilities.
- As an interim fix, provide a cup dispenser at all drinking fountains below 48" height at a level location that can be used by anyone at functional drinking fountains, along with a waste container.
- Develop a lockset replacement plan for all doors that have knobs that require grasping and turning to open. Ensure that staff inside of rooms with doors that have knobs can see into the hallway in the event someone on the outside cannot open the door or consider a policy that doors with non-compliant hardware are left open at all times during business hours.
- In rooms with light switches above 48" that are operated by the public, consider installation of occupancy sensors and timer controls for lighting control.
- In areas that have all electrical outlets below 15" and/or above 48", consider mounting a power strip or extension cord to the wall that is accessible within the required height range.
- Determine if adjustments can be made to interior door closers to reduce the opening pressure to 5 pounds or less and/or slow the closing time to at least 5 seconds from 90 degrees open to 12 degrees from closure. If this cannot be attained, a new closer will need to be purchased.
- Review corrective actions needed for at least one restroom for each facility and provide signage to direct persons from non-accessible restrooms to the accessible one.

- Lower or install an additional coat hook in each restroom stall and room where coats may be hung on the wall.
- Reposition items in restrooms that are too high, including soap dispensers, mirrors, paper towel dispensers, etc. In some instances, it may be less costly to provide an additional amenity within compliant height (e.g., add a second mirror on different wall, install a second soap dispenser, etc.).
- Ensure that all public assembly areas (meeting rooms and courtrooms) have the proper number and types of assistive listening devices available and signage is installed alerting people where they are available.
- Consider automatic door openers at facilities with inadequate space in alcoves, excessive opening force requirements, or closing speeds that are too fast for exterior doors. Automatic door closers can also be options for other situations with non-compliant doors.
- Consider installation of kick plates on the push side of all doors with glass below 10" above the floor to prevent glass breakage by wheelchair users.
- Ensure that all departments that have public contact have compliant work surfaces available for persons to complete paperwork or review documents. Also be certain to provide a clipboard that can be used for this purpose as well.
- Move furniture or other obstructions that could be in the way of required clear spaces for persons using wheelchairs.

# 3

## Self-Evaluation of Pedestrian Facilities in the Public ROW – Project Approach



### 3.0 Self-Evaluation of Pedestrian Facilities with the Public Right-Of-Way – Project Approach

This Section of the self-evaluation plan summarizes the project approach for review of current ROW facilities and additional considerations for other elements. The findings and recommendations contained in Sections 4 and 5 will provide the basis for the implementation of specific improvements for pedestrian access within the Public Right-Of-Way.

Title II of the ADA ([28 CFR Section 35.150 \(d\)](#)) requires that state and local governmental entities develop a Transition Plan specific to curb ramps or other sloped areas at locations where walkways cross curbs. A curb ramp (or sometimes referred to as a curb cut) is a short sidewalk ramp cutting through a curb or built up to it.

Curb ramps are a relatively small but important part of making sidewalks, crossings at intersections, and other pedestrian routes accessible to people with disabilities. The ADA requires state and local governments to make pedestrian crossings accessible to people with disabilities by providing curb ramps ([28 CFR 35.150 \(d\)\(2\)](#); [35.151\(a\), \(b\), and \(i\)](#)). There is no requirement under Title II of the ADA or proposed PROWAG that sidewalks be made accessible or be provided where they are not currently provided. The law stipulates that the public entity provide curb ramps, or other sloped areas where pedestrian walks cross curbs, that are accessible. New construction or alterations would require that non-compliant sidewalks be improved to the extent possible.



#### 3.1 Data Collection and Methodology

The self-evaluation of the County's Public ROW began with identification of the locations of all sidewalks and curb ramps within the County limits. These pedestrian facilities were then inventoried and assessed using the Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way (PROWAG), dated July 26, 2011, as published by United States Access Board. Data collection was completed using Apple iPads and software to record the location of each data collection point, the numerical data, and to correlate the data with a photo of the facility inventoried. The GeoJot+ application by GeoSpatial Experts was used for data collection. The GeoJot+ application provided a platform for the creation of ADA specific attribute lists to track inventory data. Data collection was completed for facilities in place prior to the 2022 construction season. Facilities added after this date should be monitored for compliance by the County at time of construction.

Many roads within the County either do not have pedestrian facilities or have pedestrian facilities but are under the control of municipalities (Jeffersonville, Clarksville, etc.) or the Indiana Department of Transportation (INDOT), such as portions of US 31. These two types of right-of-way areas were not evaluated for compliance.

### **3.2 Database Analysis**

Upon completion of the Inventory and Assessment, the data collected was compiled into a summary for each data collection point or location. Throughout the SETP, 'location' refers to a single data collection point. This may be a block, a portion thereof with logical stopping point, such as an alley or area with no sidewalk present, curb ramp, intersection or non-roadway related portion of public ROW. Each location was reviewed for compliance with each criterion required within the PROWAG (or ADAAG as applicable). A barrier ranking (High, Medium, or Low priority) was assigned to the location. Each location was then assigned a cost parameter based on the amount of modification or reconstruction required to achieve accessibility.

### **3.3 Barrier Ranking**

The self-evaluation of the public ROW takes into account factors such as level of use, degree of danger posed, complaints or requests for repair received, and other factors. These factors can be grouped into two categories. **Contributing contextual factors** account for use patterns and distribution in relation to County services, residential zones, and other public services. **Physical impedance factors** include the actual physical characteristics of the specific right-of-way feature and the severity of the barrier to use.

#### ***Contributing Contextual Factors:***

- **Areas of High Pedestrian Activity** – High priority areas include areas with high levels of pedestrian traffic. These included, but are not limited to, those areas adjacent to downtown, schools, community centers, churches, public transportation hubs, retail centers, and parks.
- **Areas with a Higher Concentration of Persons with Disabilities** – High priority areas include senior centers, assisted living communities, and areas adjacent to medical facilities.
- **Areas of High Volume Streets** – High priority areas include the pedestrian facilities along major arterial streets. These are frequently the connectors between residential areas and destinations such as shopping centers, employment, and medical centers.
- **Areas accessing Places of Public Accommodation** – High priority areas include those pedestrian facilities serving local government offices and facilities, such as municipal office buildings, public libraries, and community centers.

#### ***Physical Impedance Factors:***

- **High priority** - High priority areas include areas with conditions that make travel difficult or impossible for the independent pedestrian and affect the ability of persons with disabilities to access or use a facility or program, or are generally hazardous for any pedestrian. These include, but are not limited to, missing curb ramps, steep slopes, particularly cross slopes impacting lateral balance, changes in level over 1", and fixed obstructions limiting vertical and horizontal clearance, trip hazards, and major protrusions.
- **Medium priority** – Medium priority areas include areas with conditions that make travel moderately difficult, but passable and affect the quality of usage for persons with disabilities to a greater extent than that afforded the non-disabled. These include, but are not limited to, moderate deviations in running and cross slopes, changes in level ½" to 1", obstructions that allow tight passage, landing and PAR width deviations.
- **Low priority** – Low priority areas include areas with conditions that deviate from codes and standards but alternative means of use may be available to provide equal access or opportunities. In low priority areas, conditions may be an inconvenience, but neither travel nor safety is greatly impacted. These areas allow significant usability and independent travel is possible in most cases. These included, but are not



limited to, minor deviations in running and cross slopes, changes in level, landings and PAR width deviations, and presence of standard elements such as detectable warnings not in compliance with guidelines.

### **3.3 Additional Right-Of-Way Elements**

Beyond sidewalks and curb ramps, additional elements that may be encountered in the pedestrian ROW include site furnishings, accessible transit stops, roundabouts, marked or metered on-street parking and rail crossings. These were not encountered during the evaluation of the County. If provided in the future, the following considerations should be taken.

- **Site furnishings** should be located on an accessible route, provide clear level ground space for approaches and wheelchair parking adjacent to benches, and meet reach range requirements for any operable parts, such as trash receptacle flaps.
- **On-Street Parking** should follow the requirements of the PROWAG as follows:
  - Per R214, *‘where on-street parking is provided on the block perimeter and the parking is marked or metered, accessible parking spaces shall be provided. Accessible parking spaces should be located where the street has the least crown and grade and close to key destinations (R309.1).*
  - *Where width of sidewalk or available ROW exceeds 14’, an access aisle shall be provided at street level the full length of the parking space and shall connect to a pedestrian access route. Access aisle shall comply with R302.7 and shall not encroach on vehicular travel lane. An access aisle is not required where width of adjacent ROW is less than or equal to 14’. Where an access aisle is not provided, the parking spaces shall be located at the end of the block face (R309.2). Where perpendicular or angled parking is provided, an access aisle 8’ wide minimum shall be provided at street level the full length of the parking space and shall connect to a PAR. (309.3)’. Where accessible parking is provided at angled parking, it is also recommended that the access aisle be located on the passenger side to facilitate deployment of a lift from the vehicle.*
  - Parking space identification signage is required per the ADAAG. Signs shall include the International Symbol of Accessibility. Signs should be located 60” minimum to bottom of sign if not located on pedestrian circulation route, with 80” minimum from finish grade provided if along pedestrian circulation route to avoid protruding objects. For parallel parking, they should be located at the head or foot of the parking space per R211.4.
- **Roundabouts** should follow all guidelines for curb ramps, sidewalks, and pedestrian refuge islands (R305.2.4) along with the additional roundabout specific requirements located in R306.3-4 of the PROWAG. These include requirements for separation and edge treatments and select use of pedestrian activated signals based on roundabout configuration.
- **Transit Stops** should follow requirements applicable to transit stops and shelters in R213. Per the Technical provisions of the PROWAG, the bus stops and shelters must connect to a Pedestrian Access

**Advisory R308.1 Transit Stops.** *Transit stops should be located so that there is a level and stable surface for boarding vehicles. Locating transit stops at signalized intersections increases the usability for pedestrian with disabilities.*



Route and meet the following general criteria: R302.3 Continuous Width, R302.5 Grade (Running Slope), R302.6 Cross Slope, R302.7 Surfaces and R402.2 Protruding Objects, R210 Obstructions.

- Bus stops, whether with a shelter or without, must meet R308.1 Transit Stops and where bus shelters are provided, they must follow the criteria of R308.2 Transit Shelters.
- R308.1 Transit Stops outlines the requirements for Boarding and Alighting Areas and Platforms. At all designated stops, a boarding and alighting area must be provided with minimum 8'-0" length and 5'-0" width oriented as shown in Figure R308.1.1.1 of the PROWAG. The boarding and alighting area can be located either inside or outside of the shelter, but is typically located outside, adjacent to the shelters. Requirements are included for slopes and relationship of the vehicle floor to station/stop platform.
- R308.2 Transit shelters addresses shelter space and required connections. As with transit stops, shelters must be connected to the boarding and alighting area via a PAR. (See Figure R308.1.3.2 of the PROWAG). Clear space within the shelter, and adjacent to seating is also addressed.
- Per R211, 'signs that provide directions, warnings, or other information for pedestrians only and signs that identify routes served by transit stops must comply with the technical requirements for visual characters in Chapter R4.'
- If any environmental controls (i.e. heating) are provided in shelter installations, these controls shall be proximity-actuated per R308.2.

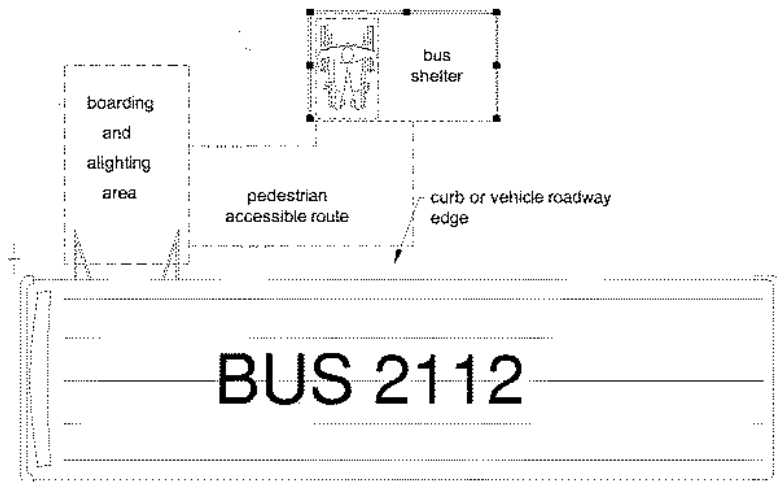


Figure R308.1.3.2  
Connection

### 3.4 Future ROW Improvements and Other Construction

While the Americans with Disabilities Act does not require pedestrian facilities in the absence of a pedestrian route, it does require that pedestrian facilities, when newly constructed or altered, be accessible. Pedestrian facilities would include, but not be limited to, sidewalks, curb ramps, pedestrian signals, and street furnishings. The previous sections of this SETP addressed those facilities already existing. The focus of this section is on future construction and connection of existing corridors.

It is understood that not all project areas are suitable for pedestrian use. As such, the following publications could be used as a guide to determine the appropriateness of pedestrian facilities in any given corridor. Any future requests for pedestrian facilities necessitate an assessment of current conditions and needs in order to be considered for implementation.

Per the policy statement in FHWA's **Accommodating Bicycle and Pedestrian Travel: A Recommended Approach**, "*bicycle and pedestrian ways shall be established in new construction and reconstruction projects in all urbanized areas unless one or more of three conditions are met:*

- *Bicyclists and pedestrians are prohibited by law from using the roadway. In this instance, a greater effort may be necessary to accommodate bicyclists and pedestrians elsewhere within the right of way or within the same transportation corridor.*
- *The cost of establishing bikeways or walkways would be excessively disproportionate to the need or probable use. Excessively disproportionate is defined as exceeding twenty percent of the cost of the larger transportation project.*
- *Where sparsity of population or other factors indicate an absence of need."*

From the FHWA's publication, '**Bicycle and Pedestrian Transportation Planning Guidance**', an assessment might include the following:

- Determination of current levels of use for bicycling and walking transportation trips, and current numbers of injuries and fatalities involving bicyclists and pedestrians.
- Evaluation of the existing transportation infrastructure (including on- and off-road facilities) to determine current conditions and capacities and to identify gaps or deficiencies in terms of accommodating potential and existing bicycle and pedestrian travel.
- Identification of desired travel corridors for bicycle and pedestrian trips.
- Examination of existing land use and zoning, and the patterns of land use in the community.
- Basis of the need for modifications to the transportation system through surveys, origin destination studies, public input, or other data collection techniques.

Additional guidance can be found here:

[https://www.fhwa.dot.gov/environment/bicycle\\_pedestrian/publications/](https://www.fhwa.dot.gov/environment/bicycle_pedestrian/publications/)

*'The challenge for transportation planners, highway engineers and bicycle and pedestrian user groups, therefore, is to balance their competing interest in a limited amount of right-of-way, and to develop a transportation infrastructure that provides access for all, a real choice of modes, and safety in equal measure for each mode of travel.'*

(Excerpt from FHWA's *Accommodating Bicycle and Pedestrian Travel: A Recommended Approach*)

### **Other Construction**

When planning for maintenance of existing roadways and pedestrian facilities, it is important to understand what roadway work triggers curb ramp work. Projects that include alteration to a street or roadway require installation or upgrade of curb ramps at the time of improvements. Maintenance applications do not require curb ramps at time of improvement. Joint technical assistance is available from DOJ, DOT and FHWA and may be helpful in understanding ADA requirements where roads are resurfaced and what work is considered alteration vs. maintenance. This can be found at [https://www.fhwa.dot.gov/civilrights/programs/doj\\_fhwa\\_ta.cfm](https://www.fhwa.dot.gov/civilrights/programs/doj_fhwa_ta.cfm)



# 4

## Self-Evaluation of Pedestrian Facilities in the Public ROW – Sidewalk and Curb Ramp Requirements



## 4.0 Pedestrian Facilities with the Public Right-Of-Way – Sidewalk Inventory

This segment of the self-evaluation plan summarizes the review of current sidewalks within the public ROW. The findings and recommendations contained in this segment will provide the basis for the implementation of specific improvements to accessibility on County sidewalks.

### 4.1 Pedestrian Access Route

Per R204 of the PROWAG, *'a pedestrian access route is a continuous and unobstructed path of travel provided for pedestrians with disabilities within or coinciding with a pedestrian circulation path in the public Right of Way. Pedestrian Access Routes in the public Right of Way ensure that the transportation network used by pedestrians is accessible to pedestrians with disabilities...Pedestrian access routes must be provided within sidewalks, and other pedestrian circulation paths located in the public right-of-way; pedestrian street crossings, and at-grade rail crossings, including median and refuge islands; and overpasses, underpasses, bridges and similar structures that contain pedestrian circulation paths.'* In addition to defining the Pedestrian Access Route (PAR), this definition also provides guidance on determining the scope of areas to be evaluated for compliance.



Per the Technical provisions of the PROWAG, the sidewalk PAR must meet the following general criteria:

- R302.3 Continuous Width
- R302.4 Passing Spaces
- R302.5 Grade (Running Slope)
- R302.6 Cross Slope
- R302.7 Surfaces

Within the following text, 'location' refers to a single data collection point. This may be a single block, a portion thereof with logical stopping point, such as an alley or area with no sidewalk present, or non-roadway related portion of public ROW. Percentages and numbers shown should not be interpreted as a quantity of infrastructure. Likewise, compliance for one criterion does not indicate compliance in for all criteria. Approximately 232 blocks of sidewalk were evaluated. 20% of locations were compliant for all criteria.



## 4.2 Width

### Requirements:

Per R302.3, the continuous clear width shall be 4' minimum exclusive of the width of curb, with 5' width required at all medians and pedestrian refuge islands. Five feet of width is preferred, as when the clear width is less than 5', passing spaces must be provided every 200' maximum. This provides greater flexibility to the pedestrian to accommodate changes in direction, passing movements, and turning space.

Over 99% of sidewalks within the County were 4' or greater.

### Addressing the Issue in Future:

- Five feet should be considered for all new sidewalk construction.

## 4.3 Grade (Running Slope)

### Requirements:

Per R302.5, the grade (running slope) of the sidewalk PAR shall not exceed 5% or the grade of the adjacent street if the street is over 5%.

Within the County, approximately 83% of sidewalks where less than 5% running slope. 12% of locations had a portion of the sidewalk that was over the 5% maximum running slope, excluding those that were equal to or below the adjacent roadway (8%). Only 2% exceeded 8.33% running slope.

### Addressing the Issue:

For running slopes of over 5% (**where not adjacent to roadways exceeding that or in a ramp situation at drive cut**), potential solutions may include:

- Lowering grade.
- Removing and regrading adjacent shallowly sloped panels to spread the slope over a greater run and achieve a more even, compliant slope throughout.



Example of sidewalk running slope measurement

## 4.4 Cross Slope

### Requirements:

Per R302.6, the cross slope of the sidewalk PAR shall be 2% maximum. Exceptions to this rule occur only at pedestrian street crossings without yield or stop control or midblock crossings.

During evaluation, it was noted that nearly 71% of blocks exhibited some level of non-compliance for cross slope. Approximately 4% of the non-compliant locations were in excess of 5% cross slopes, which create a significant difficulty in use for pedestrians with mobility devices.



Example of a cross slope measurement with electronic level

**Addressing the Issue:**

For cross slopes of over 2%, potential solutions may include:

- Lowering grade.
- Removing and regrading adjacent tree lawn to achieve a compliant slope throughout.

**4.5 Changes in Level / Surface Condition**

**Requirements:**

Per R302.7, the surface of the PAR shall be firm, stable, and slip-resistant. Grade breaks shall be flush. Vertical surface discontinuities (changes in level) shall be ½” maximum with those between ¼” and ½” being beveled at a slope not steeper than 50% across the entire discontinuity. Horizontal openings such as grates and joints may not exceed ½”. Elongated openings should be placed perpendicular to the dominant direction of travel. During the evaluation, surface condition was evaluated for damage from cracking and spalling.

Overall, 16% exhibited displacements between ¼’ and ½” categorized as low priority. 6% of the locations evaluated exhibited displacement of over ½” and are noted as medium or high priority when they occurred at a high frequency or presented a safety concern. Some areas exhibited displacement limited to very small number of panels within that segment and may not be representative of the location as a whole. In general, sidewalks are in relatively good condition, free of cracks, spalling, and severe displacements.



*Example of change in level at castings*



*Example of sidewalk free of displacements*

**Addressing the Issue:**

Changes in level and surface condition are a common problem as infrastructure ages. Temporary fixes of high hazard areas can be implemented to promote the safety of all users while long-term solutions are set into action. Public input is particularly important in locating hazardous areas as they occur. In general, the following solutions can address changes in level and surface condition. It may be helpful to set up a protocol for public reporting of such areas.

Level Changes

- Temporary placement of concrete or asphalt to ramp from adjacent panel
- Grinding edge at surface changes of up to ½” to achieve allowable bevel
- Replacement of concrete sidewalk panel
- Where right-of-way is available, route sidewalk around large trees to avoid further heaving

Surface Condition

- Replacement of damaged concrete sidewalk panel
- Maintenance to keep free of vegetation and debris



*Example of displacement temporary repair using grinding*



*Example of displacement temporary repair with asphalt patch*

#### **4.6 Obstructions, Protrusions and Utility Considerations**

##### **Requirements:**

Per R402.2, protruding objects are those objects with leading edges more than 27” and not more than 80” above the finish surface which protrude more than 4” horizontally into pedestrian circulation paths.

Per R210, street furniture and other objects may not reduce the minimum clear width of the PAR. These items would be considered an obstruction of the continuous clear width provided.

Obstructions may include light and utility poles, newspaper and mail boxes, vegetation protrusions, signs, hydrants, and site furnishings. Other barriers include, but are not limited to, manholes, valve covers, open grate castings, and access boxes. These conflicts are generally classified as vertical displacements and slip hazards.

Approximately 7% of the locations exhibited protrusions; all of which were due to vegetative overgrowth. Obstructions were noted at 16% of locations and included fixed objects such as hydrants, grates, or manhole castings.

##### **Addressing the Issue:**

Protrusions can be addressed by mounting the objects above 80” min. height or by providing a cane detectable object below. It should be evaluated whether providing such a cane detectable object would still allow for the minimum clear width of 4’ prior to placing.



*Example of vegetative protrusion*



*Example of vegetative obstruction*



Moveable obstructions may include furniture, signage, parked cars, and even trash collection bins. These items may be addressed by enactment and/or enforcement of ordinances regarding their placement. Implementation of an ordinance restricting parking within public sidewalks may help prevent parking obstructions, particularly in residential areas.

Vegetative obstructions (as well as protrusions) can be managed with routine maintenance and by encouraging homeowner participation in maintaining a clear right-of-way.

Fixed obstructions may be costly to address as they generally occur with utilities and may require relocation or purchase of right-of-way from adjacent landowners. For these items, a work-around solution is often preferred. These may include widening a small portion of sidewalk where possible or providing an equivalent alternate route.



*Example of potential manhole obstruction if displacements occur as infrastructure ages, or pickholes exceed allowable dimensions.*

#### **4.7 Overall Compliance**

The statistics above are useful in identifying trends in the deficiencies as a means to prevent them from occurring in new construction. However, the goal of this transition plan is to list the physical barriers in the County's ROW facilities that limit the accessibility and, therefore, it is necessary to look at each location as a whole to determine overall compliance in order to provide a detailed outline of the methods to be utilized to remove these barriers and make the facilities accessible. All solutions offered address only the criteria indicated. Complete reconstruction may be required where multiple compliance issues are involved. See *Appendix B* for data reports.

#### **4.8 Sidewalk Barrier Ranking Analysis**

The County's self-evaluation of the Public Right-of-Way takes into account factors such as level of use, degree of danger posed, complaints or requests for repair received, and other factors and are grouped into two categories – Contributing Contextual Factors and Physical Impedance Factors. These categories are further defined in Section 3 of this report.

##### **Self-Evaluation Findings:**

Based on the data collected, a percentage of replacement required was calculated for each data location. This percentage was then applied to the linear footage of that data collection area and multiplied by the approximate cost of sidewalk replacement (in 2022 dollars). Based upon these calculations, the following table illustrates the estimated value of improvements required to make all sidewalk facilities accessible.

Note that the costs provided do not include costs for ROW purchase, easements, appraisals, etc. and it is very likely that exact costs of the program will vary based on a number of factors. It also does not address the lack of connectivity between sidewalk locations and local destinations which ultimately impact the usability of the sidewalk network. See *Appendix B* for data reports.

Table 4.1. Summary of Sidewalk Costs.

<b>Sidewalk Summary</b>	
Low Priority Sidewalk	\$2,971,981
Medium Priority Sidewalk	\$937,513
High Priority Sidewalk	\$164,825
<b>Total Estimated Sidewalk Improvement Costs</b>	<b>\$4,074,318</b>





# 5

## Self-Evaluation of Pedestrian Facilities in the Public Right-Of-Way – Curb Ramp Inventory



## 5.0 Self-Evaluation of Pedestrian Facilities in the Public Right-Of-Way – Curb Ramp Inventory

This segment of the self-evaluation plan summarizes the review of current curb ramps within the public ROW. The findings and recommendations contained in this segment will provide the basis for the implementation of specific improvements to accessibility on County curb ramps.

Approximately 202 data locations were evaluated. Of these locations, approximately 10% did not provide a curb ramp or blended transition but did provide a crossing point. These are considered non-compliant locations and will require complete reconstruction.

### 5.1 Curb Ramp Types

Curb ramps types are classified based on the orientation of the ramp to the adjacent curb. As stated in Advisory R304.1 of the PROWAG, the following types of curb ramps exist:

#### Perpendicular Curb Ramp

Perpendicular curb ramps have a running slope that cuts through or is built up to the curb at right angles or meets the gutter break at right angles where the curb is curved.

#### Parallel Curb Ramp

Parallel curb ramps have a running slope that is in-line with the direction of sidewalk travel (parallel to the curb) and lower the sidewalk to a level turning space where a turn is made to enter the pedestrian street crossing. Parallel ramps can be useful where ROW is limited to get a pedestrian from street level to the sidewalk in a shorter depth space.

#### Combination Curb Ramp

Parallel and perpendicular curb ramps can be combined. A parallel curb ramp is used to lower the sidewalk to a mid-landing and a short perpendicular curb ramp connects the landing to the street. Combination curb ramps can be provided where the sidewalk is at least 6.0 feet wide and can provide access in situations where the sidewalk is much higher than 6" above the street elevation.

#### Blended Transition

Blended transitions are raised pedestrian street crossings, depressed corners, or similar connections between pedestrian access routes at the level of the sidewalk and the level of the pedestrian street crossing that have a grade of 5 percent or less.



### Diagonal Curb Ramp

Per R207.2, where existing physical constraints prevent compliance with R207.1, a single diagonal curb ramp shall be permitted to serve both pedestrian street crossings. Typically, under the current guidelines, two ramps are required at each corner. Diagonal curb ramps are not the preferred method of construction due to lack of directional cues for pedestrians using the crossing and safety concerns created by vehicles misconstruing pedestrian intentions.

### 5.2 Ramp Width

#### Requirements:

Per R304.5.1, the clear width of curb ramp runs (excluding any flared sides), blended transitions, and turning spaces shall be 4.0 feet minimum.

Per the evaluation findings, 99% of blended transitions and ramps evaluated were compliant for width.

### 5.3 Ramp Slopes

#### Requirements:

Per R304.2.2, the running slope of the curb ramp shall cut through or shall be built up to the curb at right angles or shall meet the gutter grade break at right angles where the curb is curved. The running slope of the curb ramp is 5% minimum and 8.3% maximum but shall not require the ramp length to exceed 15 feet. If less than 5%, it is considered a blended transition instead of a ramp. Additionally, the counter slope of the gutter or street at the foot of curb ramp runs, blended transitions, and turning spaces shall be 5 percent maximum.

Per R304.5.3, the cross slope of curb ramps, blended transitions, and turning spaces shall be 2 percent maximum. At pedestrian street crossings without yield or stop control and at midblock pedestrian street crossings, the cross slope shall be permitted to equal the street or highway grade.



*Example of running slope measurement*

Per 304.5.2, grade breaks at the top and bottom of curb ramp runs shall be perpendicular to the direction of the ramp run. Grade breaks shall not be permitted on the surface of ramp runs and turning spaces. Surface slopes that meet at grade breaks shall be flush.

Within the County, the following slope data was collected:

- 43% of locations evaluated had running slopes of greater than the maximum allowable slope of 8.3%, with 3/4 of those being extreme (over 10%)
- 42% were compliant for ramp running slope of 5% to 8.33%.
- 14% of locations were blended transitions with running slope of less than 5%.
- 66% of locations maintained compliant cross slopes of 2% or less.

#### Addressing the Issue:

Non-compliant ramp slopes can be caused by a number of factors including but not limited to, construction tolerances, design inconsistencies, construction prior to current standards, steep roadway grades, adjacent



buildings or obstructions, or limited ROW. Generally, the cross slopes encountered can be addressed by simply replacing the concrete panel to meet the required slope. None were severe enough to warrant significant grade change or other solution.

#### **5.4 Flares**

**Requirements:**

Per R304.2.3, where a pedestrian circulation path crosses the curb ramp, flared sides shall be sloped 10 percent maximum, measured parallel to the curb line.

During the self-evaluation, it was found that:

- Most locations did not require or provide a flared side. These locations were blended transitions or were ramps adjacent to tree lawns on both sides.
- Less than 1% of locations had walkable sidewalk adjacent, creating a need for compliant flares.

**Addressing the Issue:**

Non-compliant flare slopes or configurations can be caused by a number of factors including but not limited to, construction tolerances, design inconsistencies, construction prior to current standards, adjacent buildings or obstructions, or limited ROW.

Possible solutions may include:

- Extending the rise of the flare over an appropriate run
- Replacing flare and removing curb as necessary to accommodate corrected flare.

#### **5.5 Landings/Turning Spaces**

**Requirements:**

Per R304.2 and R304.3, a turning space of 4.0 feet minimum by 4.0 feet minimum shall be provided at the top of the curb ramp and shall be permitted to overlap other turning spaces and clear spaces. Where the turning space is constrained at the back-of-sidewalk, the turning space shall be 4.0 feet minimum by 5.0 feet minimum. The 5.0 feet dimension shall be provided in the direction of the ramp run.

Additionally, per R304.5.5, beyond the bottom grade break, a clear space 4.0 feet minimum by 4.0 feet minimum shall be provided within the width of the pedestrian street crossing and wholly outside the parallel vehicle travel lane. For parallel ramps (R304.3), this means at the bottom of the



*Example of location with unnecessary, steep flare and no detectable warning*



*Example of ramp with turning space provided*



*Example of lack of level turning space at corner*

ramp behind the curb line. Diagonal ramps must also accommodate this turning space within the crosswalk and wholly outside the vehicle travel lanes.

Per R304.5.3, the cross slope of curb ramps, blended transitions, and turning spaces shall be 2 percent maximum.

Within the County, the following findings were documented:

- Approximately 2% of ramps/blended transitions did not provide a landing where required.
- 49% of those provided exceeded the 2% maximum cross slope.
- 1% were less than the required 48" square minimum size.

**Addressing the Issue:**

Non-compliant landings can be caused by a number of factors including but not limited to, construction tolerances, design inconsistencies, construction prior to current standards, adjacent buildings or obstructions, or limited ROW.

Possible solutions may include:

- Constructing new landing and turning space adjacent to top of ramp
- Increasing slope of adjacent sidewalk panels past the top landing
- Replacing blended transition with curb ramp to increase available space for landing
- Incorporating returned curbs or retaining wall to avoid adjacent obstructions or limited ROW

**5.6 Detectable Warnings**

**Requirements:**

Per R208, detectable warnings surfaces indicate the boundary between pedestrian and vehicular routes where there is a flush rather than curbed connection.

Detectable warning surfaces shall be provided at the following locations:

- Curb ramps and blended transitions at pedestrian street crossings
- Pedestrian Refuge Islands (unless at street level AND less than 6' in length;
- Pedestrian at-grade rail crossings not located within a street or highway and transit stops

Detectable warnings should not be provided at crossings of residential and low traffic commercial driveways as the pedestrian ROW continues across driveway aprons. They should be provided at high traffic commercial drive ways provided with yield or stop control since these function similarly to roadways.

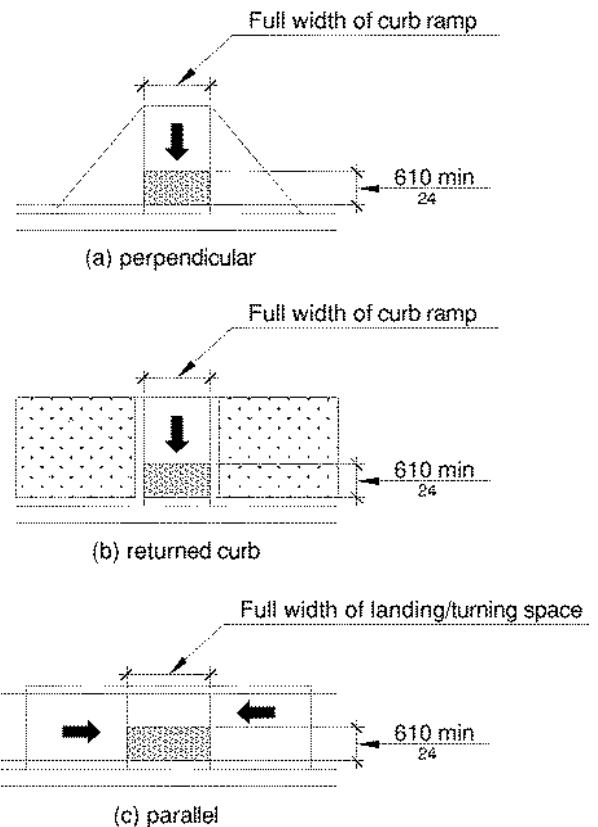


Figure R305.1.4  
 Size

Per R305.1, Detectable warning surfaces shall extend 2.0 feet minimum in the direction of pedestrian travel. At curb ramps and blended transitions, detectable warning surfaces shall extend the full width of the ramp run (excluding any flared sides), blended transition, or turning space.

Additionally, per Advisory R305.2, some detectable warning products require a concrete border for proper installation. The concrete border should not exceed 2 inches. See Figure R305.1.4 above from the PROWAG regarding placement and dimensions.

Evaluation of the detectable warnings produced the following characteristics:

- Approx. 64% of locations did not provide any detectable warning.
- **Where present**, 46% were not compliant for full width, 1% were less than the minimum depth or located in non-compliant location relative to curb, and none were deficient in relation to contrast or domes.

**Addressing the Issue:**

Retrofit detectable warning kits are available for use on ramps where all other criteria are compliant.

If a detectable warning plate does not extend full width or depth, they can be removed and replaced along with any concrete damaged by the operation.

Steel, HDPE, or cast iron products provide greater durability for the truncated domes. Using these products in lieu of a brick or cast concrete panel may minimize plow damage and wear of truncated domes.

**5.7 Drainage**

**Requirements:**

According to the FHWA publication “Designing Sidewalks and Trails for Access”, ‘poor drainage at the bottom of a curb ramp is inconvenient to all pedestrians. It is a particular nuisance for people who rely on the curb ramp for access and who will, therefore, not be able to avoid the area. When the water eventually dries up, debris, which further impedes access, is usually left at the base of the ramp. In cold-weather locations, water that does not drain away can turn into slush or ice, creating a more hazardous situation’.

The self-evaluation noted the following:



Example of DW with visual contrast but sheared tactile domes and lacking full width



Example of DW that does not extend full width of curb ramp and is too far from back of curb



Example of drainage structure located near ramp, creating potential for drainage concerns.



- Approximately 12% of crossing locations/curb ramps were located within 6' of a drainage structure, indicating potential for a drainage problem during heavy rain events.
- Another 10% of locations exhibited evidence of ponding, including buildup of debris and sediment at the foot of the ramp.

**Addressing the Issue:**

Best practices for avoiding drainage issues include locating drainage structures on the uphill side of ramps, locating low points 6' or more from the ramp, 'tabling' the intersection slightly where tying into ramps, designing gutter slopes with continuous flow to carry water past the foot of ramps, eliminating changes in level at the gutter line, and maintaining inlets and gutters to ensure adequate flow during rain events.



*Evidence of sediment build-up indicative of a drainage issue*

**5.8 Obstructions, Protrusions and Utility Considerations**

**Requirements:**

Per R402.2, protruding objects are those objects with leading edges more than 27" and not more than 80" above the finish surface which protrude more than 4" horizontally into pedestrian circulation paths.

Per R210, street furniture and other objects may not reduce the minimum clear width of the PAR. These items would be considered an obstruction of the continuous clear width provided.

Obstructions that might be observed include light and utility poles, traffic signs, fire hydrants, and utility cabinets. Ground plane utility conflicts, include, but are not limited to, manholes, valve covers, open grate castings, and access boxes. These conflicts were generally classified as vertical displacements and slip hazards.



*Example of temporary obstruction of ramp*

The self-evaluation noted the following:

- Permanent obstructions were not found during evaluation.
- Protrusions were present at 2% of locations and were vegetation.

**Addressing the Issue for Future Construction:**

Fixed obstructions may be costly to address as they generally occur with utilities and may require relocation or purchase of right-of-way from adjacent landowners. For these items, a work-around solution is often preferred. These may include widening a small portion of sidewalk where possible or providing an equivalent alternate route.

## 5.9 Changes in Level / Surface Condition

### Requirements:

Per R302.7, the surface of the PAR shall be firm, stable, and slip-resistant. Grade breaks shall be flush. Vertical surface discontinuities (changes in level) shall be  $\frac{1}{2}$ " maximum with those between  $\frac{1}{4}$ " and  $\frac{1}{2}$ " being beveled at slope not steeper than 50% across the entire discontinuity. Horizontal openings such as grates and joints may not exceed  $\frac{1}{2}$ ". Elongated openings should be placed perpendicular to dominant direction of travel.

Displacements observed at the gutter line or other ramp joints included:

- Horizontal displacements
- Vertical displacements
- No displacements over the required threshold
- Lack of curb ramp entirely
- Exaggerated gutter line exceeding  $\frac{1}{2}$ " bevel.

Approximately 34% of locations had displacements at the gutter line or top landing of either horizontal or vertical nature. The majority of displacements occur at the gutter line. Rolled curbs were also seen at 9% of locations creating a non-compliant change in level.

### Addressing the Issue:

Changes in level and surface condition are a common problem as infrastructure ages. Where minor displacements (or constructed condition along the gutter line) exist and are unlikely to cause issues for the majority of users, conditions should be monitored and repaired if conditions worsen. Temporary fixes of high hazard areas can be implemented to promote the safety of all users while long-term solutions are set into action. Public input is particularly important in locating hazardous areas as they occur. In general, the following solutions can address changes in level and surface condition.

#### Level Changes

- Temporary placement of concrete or asphalt to ramp from adjacent surface
- Grinding edge at surface changes of up to  $\frac{1}{2}$ " to achieve allowable bevel
- Replacement of ramp panel or gutter

#### Surface Condition

- Maintenance to keep free of vegetation and debris



*Rolled curb creates non-compliant level change*



*Example of displacement where pavement meets gutter*

## **5.10 Crosswalk Considerations**

### **Requirements:**

Per R302.5.1 Pedestrian Street Crossings, the running slope of the pedestrian access route shall be 5 percent maximum. In regards to cross slope. R302.6 indicates cross slope shall be 25 maximum, except at pedestrian street crossings without yield or stop control, where the cross slope may be up to 5%. Where midblock pedestrian street crossings are present, , the cross slope of the pedestrian access route shall be permitted to equal the street or highway grade.

### **Addressing the Issue:**

Adjustment to cross walk running slope and cross slope can primarily be achieved through the use of mill and overlay of the roadway to correct minor deviations. Frequently, road overlays can exaggerate the roadway cross slope, creating a steep running slope for pedestrians utilizing the crossings. Larger deviations, particularly in the direction of vehicular travel (PAR cross slope) may require further study on the impact of the grade changes to the usability of the roadway by vehicles.

## **5.11 Overall Compliance**

The statistics above are useful in identifying trends in the deficiencies as a means to prevent them from occurring in new construction. However, the goal of this transition plan is to list the physical barriers in the County's ROW facilities that limit the accessibility and, therefore, it is necessary to look at each location as a whole to determine overall compliance in order to provide a detailed outline of the methods to be utilized to remove these barriers and make the facilities accessible. All solutions offered address only the criteria indicated. Complete reconstruction may be required where multiple compliance issues are involved.

The extent of reconstruction required for existing ramps and blended transitions varies widely. Some locations may require simple fixes such as replacing or installing tactile warnings or replacement of a non-compliant flare. Some locations will require complete reconstruction. Each location will require thorough examination in order to design the correct solution to its unique situation. Locations without a curb ramp provided constitute the greatest barrier to use and require full replacement.

## **5.12 Curb Ramp Barrier Analysis**

The County's self-evaluation of the ROW takes into account factors such as level of use, degree of danger posed, complaints or requests for repair received, and other factors and can be grouped into two categories – Contributing Contextual Factors and Physical Impedance Factors. Within Appendix B, the curb ramps are ranked as Compliant, Low Priority, Medium Priority, and High Priority after considering the physical impedance factors. See information further defining these factors in Section 3.

In addition, the methodology used for estimating costs of corrections included dividing all curb ramps into cost groups based on amount of rework required. Note that the costs provided below do not include costs for ROW purchase, easements, appraisals, etc. and it is very likely that exact costs of the program will vary based on a number of factors. See *Appendix B* for data summary by location.

*Table 5.1. Summary of Curb Ramp Costs.*

<b>Curb Ramp Summary</b>	
Low Priority Curb Ramps	\$58,200
Medium Priority Curb Ramps	\$105,400
High Priority Curb Ramps	\$981,400
<b>Total Estimated Curb Ramp Improvement Costs</b>	<b>\$1,263,400</b>



# 6

## Transition Plan



## 6.0 Transition Plan

The Transition Plan describes how the County will be transitioning to full compliance with the ADA and applicable standards. Public entities are required to provide access to programs, services, and activities for all of the recipients. Thus, the County must provide access for individuals with disabilities and document areas of non-compliance. Additional documentation should be provided as barriers are removed.

If structural changes are identified to provide program accessibility as part of the self-evaluation, ADA identifies specific elements to be included in the transition plan. At a minimum, the elements of the Transition Plan are:

- 1) A list of the physical barriers in the County's facilities that limit the accessibility of its programs, activities, or services to individuals with disabilities [28 CFR 35.150 (d)(3)(i)]
- 2) A detailed outline of the methods to be utilized to remove these barriers and make the facilities accessible [28 CFR 35.150 (d)(3)(ii)]
- 3) The schedule for taking the necessary steps to achieve compliance with Title II of the ADA. If the time period for achieving compliance is longer than one year, the plan should identify the interim steps that will be taken during each year of the transition period [28 CFR 35.150 (d)(3)(iii)]
- 4) The name of the official responsible for the plan's implementation. [28 CFR 35.150 (d)(3)(iv)]

The transition plan is a reaction to the findings of the facility audits, assessments of County policies, services, programs, and activities, and input from advocacy groups and the public. Recommended actions for County policies and programs can be found in Section 2.0.

The specific architectural and site improvement modifications required to make programs accessible are detailed in Appendix A for buildings and their related grounds, owned, operated, or leased by the County. Each barrier summary contains a list of items that do not meet current ADASAD or PROWAG standards and barrier removal actions. Not all of these barriers must be removed by making renovations to the facilities in order to provide program compliance with the ADA. Removing barriers limiting access to programs or those which present a safety hazard should be the County's first priority.

### 6.1 Public Outreach

**(THIS SECTION TO BE COMPLETED AFTER PUBLIC INPUT)** Public participation on the final contents of the Transition Plan, including setting of priorities and the phasing of improvements, is critical to the success of the endeavor and is required by law. A draft Transition Plan was made available for public review and comment from March 8 to March 22, 2023 and a public meeting was held on March 16 to present the Plan. Comments could also be provided via e-mail as advertised and posted. The informational presentation is included in Appendix D. The final Transition Plan was then submitted to the County for adoption.

### 6.2 Phasing of Corrections

A phased implementation is required and recommended for the necessary corrections to remove physical barriers at County-owned facilities and pedestrian ROW. The County has limited funds and cannot immediately make all facilities fully compliant with ADA standards. Prioritization and construction phasing will need to consider not only specific barrier priority and cost but also impact on users. For example, construction impacts to public entrances should be phased such that one entrance is available at all times without significant impedance to users.



The timing of the improvements to facilities and pedestrian ROW will be determined by the County based on their funding availability, other project needs, and the following criteria. The self-evaluation established baseline criteria needed to develop a starting point for ranking the deficient facilities. Following evaluation of all facilities and programs, barriers and facilities were prioritized. The County can utilize this prioritization to determine which capital improvements need to be considered first and those that could be implemented in subsequent years. The County should identify the most urgent access needs based on their experience, other capital projects, and the results of the self-evaluation. At the time of the development of this report, few public complaints had been received about County-owned facilities. As such, complaints were not used as criteria to determine the phasing of improvements, though future complaints could be the basis for funding improvements.

### **6.3 Priorities for Barrier Removal**

In creating priorities, it is the County's intent to evaluate all areas of potential deficiency and to make structural changes where necessary and where equal accommodation cannot be made in another manner. The assignment of priorities is intended to facilitate public review and to address specific concerns of the local community. It must be emphasized that it is the County's intention that all individuals with all types of disabilities be reasonably accommodated to provide access to all programs offered at all facilities, including access within the pedestrian ROW.

A review of facility utilization and programs provided at each location will be critical in prioritizing which facilities should be given priority for improvements and order in which improvements should be completed. However, the facility prioritization should not be looked at in a vacuum, as improvements at lower use facilities may still warrant consideration for improvements in the near future if a barrier exists to program access. Additionally, pedestrian ROW facilities are often updated during other roadway work triggering curb ramp improvements, and additional facilities are frequently included in new infrastructure projects.

Priorities considered each site's level of use, social need, civic function, and the general uniqueness of the site. Each of these criteria is assumed to have equal weight and no priority over another:

- **Level of Use:** Is the facility or ROW utilized quite frequently and by a large cross-section of the public?
- **Social Need:** Does the facility provide a social service or program for less fortunate or transient citizens?
- **Civic Function:** Does the facility or ROW provide access to civic programs and services that implement the civil and political rights provided by the government?
- **General Uniqueness of the Site:** Does the building, facility, or site provide a distinct program or service that cannot occur at a different location or facility?

After completion of the evaluation, building and park facilities were placed into three tiers based on their utilization by the public and programs provided at each. Note that some areas of facilities may fall within a lower or higher tier. Tier 1 facilities have the highest use and should be the first priority, with Tier 2 facilities to follow. Tier 3 facilities are relatively low use for the public, or have only employee common-use areas that require corrective actions. The facilities in each tier are shown on the following page.

Table 6.1. Building facility tier listing for prioritization.

Tier 1	Tier 2	Tier 3
<ul style="list-style-type: none"> <li>• Clark County Judicial Center</li> <li>• Michael L Becher Adult Correctional Complex*</li> </ul>	<ul style="list-style-type: none"> <li>• Michael L Becher Adult Correctional Complex</li> <li>• Fairgrounds</li> <li>• Highway Garages 1 &amp; 2*</li> </ul>	<ul style="list-style-type: none"> <li>• Coroner’s Office</li> <li>• Health Department</li> <li>• Highway Garages 1 &amp; 2</li> <li>• Sheriff’s Department Buildings</li> <li>• Solid Waste Management District</li> </ul>

\*High Priority Items (i.e. addressing high priority barriers to service access, prioritizing renovation of at least one accessible restroom, floor level access, etc.)

Within each barrier summary in Appendices A and B, the non-compliances are prioritized generally based on the level of physical impedance. All barriers are not equal in the impact they have on persons with disabilities to have equal access to County facilities or programs. **Physical Impedance factors** include the actual physical characteristics of the specific feature and the severity of the barrier to use.

- **High priority** – High priority areas typically prohibit access for disabled persons, make access extremely troublesome, or present safety hazards to all users. Likely there are no acceptable alternative routes or treatments to overcome the barrier. Typically, these barriers are significant obstacles located at entry walks and doors, interior corridors, curb ramps, restrooms, and service counters. Examples include lack of accessible parking, lack of elevator in a multi-level building, stairs where ramps or level surface are needed, no exterior accessible route, narrow doors, lack of wheelchair accessible restroom stalls (or extreme deviations from stall size), lack of grab bars, extreme slopes or displacements, missing handrails, missing curb ramps, extreme slopes, particularly cross slopes impacting lateral balance, changes in level over 1” (trip hazards), signage related to life safety, and fixed obstructions limiting vertical and horizontal clearance.
- **Medium priority** – Medium priority areas include areas with conditions that make travel moderately difficult, but passable and affect the quality of usage for persons with disabilities to a greater extent than that afforded the non-disabled. Typically, these barriers are obstacles to amenities such as secondary entry points, vending machines, and drinking fountains, non-compliant dimensional issues (vestibules, corridors, etc.), stairwell/stair issues, particularly where an elevator is not available, or include moderate deviations to dimensional requirements of primary use areas. Exterior examples include moderate deviations in running and cross slopes, changes in level ½” to 1”, obstructions that allow tight passage, along with landing and PAR width deviations.
- **Low priority** – Low priority areas include areas with conditions that deviate from codes and standards, but alternative means of use may be available to provide equal access or opportunities. In low priority areas, conditions may be an inconvenience, but neither travel nor safety is greatly impacted. These areas allow significant usability and independent travel is possible in most cases. These included, but are not limited to signage issues, electrical, exterior furnishings, and minor dimensional non-compliances.

## **6.4 Implementation Approach**

The ADA Coordinator should work closely with the County Council to make funding available where possible to make the most urgent improvements to ensure all programs are accessible. Note that actual phasing, transitioning of improvements, etc. can be impacted by a number of factors that may be unknown currently, as well as economic conditions, grant opportunities, etc. The County is committed to becoming ADA compliant within the confines of preserving existing programs and services to all and budgetary limitations. Many of the items that are not compliant with current standards may be compliant with previous standards and are not required to be modified until a building renovation is completed.

The County may want to consider a stakeholder/focus group to help determine priority projects on an annual basis. Complaints received may also help determine the priorities of the improvements. If the County receives complaints about access at a particular site that is not slated for upgrades for several years, they should adjust the Transition Plan to accommodate the implementation of improvements to be sooner or as necessary.

### **Addressing Architectural Barriers**

The costs to remove barriers by priority for each site are shown in Table 6.2 and detailed for each facility in Appendix A. In addition, a time frame had to be identified to determine an average annual budget to consider. For the purposes of this report, a 30-year time frame was utilized to determine an approximate appropriation (2022 costs, not accounting for inflation) that would be needed on an annual basis to address all non-compliances identified throughout all current County-owned facilities. This assumes that standards and guidelines are not modified. This further assumes that funding is available each budget cycle to make the necessary improvements. It is highly unlikely given the economy that this is realistic, particularly when considering that there are also likely to be a large number of other improvements needed by the County as part of regular maintenance, upkeep, and repairs.

In some instances, it may be advantageous to construct all improvements at a site at once rather than correct the high priority barriers first and come back at a later date to correct the medium or low priority barriers. For some sites, the total cost of construction for the corrections requires that they be spread out over two or more phases. The County has the right to modify the priorities based on funding levels and changes in County programs, activities, and services to have flexibility in accommodating community requests and complaints. Interim resolutions, such as assigning aids, temporary signing for alternate routes or sites, and modifications of programs, activities, and services may be implemented at the County's discretion to handle existing insufficiencies or access complaints received. All costs noted in Appendices A and B, along with Tables 4.1, 5.1, and 6.2 are 2022 cost opinions. These cost opinions are subject to change based on market conditions, economic conditions, inflation, material selection, etc. Multiple phases of projects, multiple bidding packages, design parameters, etc. all have an impact on project costs that cannot be finitely identified in a study with this level of detail and uncertainty related to funding.

Based on the costs developed to address the architectural and engineering improvements required to fully comply with ADASAD standards, more than **\$1,073,065** (2022 costs, not accounting for inflation) in improvements would be required to achieve ADA compliance at all of the County facilities. It is important to note that some deficiencies may not present not significant barriers to access and some improvements are not required until such time as a major building renovation is completed. This does not avoid the need for the County to ensure all programs are accessible by some means and to provide accommodation to employees on a case-by-case basis. It must also be mentioned that the cost to correct significant non-

compliant items cannot be determined based on the scope of the ADA self-evaluation. Additional investigation is needed to evaluate the various options and likely will include a review of other codes (plumbing, electrical, etc.) and possibly also review of the feasibility of removing walls (i.e., structural engineering review). Examples of these types of items would include:

- Conversion of multi-user restrooms to single user due to non-compliant space (may require analysis of plumbing code requirements for the number of fixtures required).
- Moving of walls to enlarge multi-user restrooms to enlarge an existing non-compliant stall to meet requirements (may require structural engineering review).
- Investigation required to determine how to best provide a level space at an entry door.

Probable costs provided are estimated based on information available from the self-evaluation and may not account for hidden items not readily visible which may impact costs (e.g., lack of backer boards where toilet grab bars need to be relocated, would require drywall removal and replacement that is not included in noted costs). In some cases, the cost identified is for a specific solution and there are often multiple options with costs that can be quite variable. If the County were to set a goal for implementing all of the recommended improvements within a 30-year time frame, it would ideally require an annual allocated budget of approximately \$35,768 (2022 dollars, not accounting for inflation) to bring all of the facilities evaluated in Appendix A of this report up to current ADA standards. These costs do not include any costs associated with training of staff, staff time related to training or overseeing implementation, soft costs for design, etc. It is anticipated annual budgeting would start as part of the 2024 fiscal year budget. The Clark County Commissioners will use best efforts to request and secure adequate funding from the County Council during the annual county budget process.

Table 6.2. Summary of Building Facility Costs

<b>Facility Summary</b>					
Name & Location	Ownership Status	Low Priority	Medium Priority	High Priority	Total Probable Cost
<b>Clark County Judicial Center</b> 501-531 E. Court Ave., Jeffersonville	County Owned	\$296,675	\$177,375	\$47,410	\$521,460
<b>Clark County Government Center</b> 300 Corporate Dr, Jeffersonville	County Owned	Not Evaluated - Constructed 2022			\$0
<b>Michael L. Becher Adult Correctional Complex</b> 501-531 E. Court Avenue	County Owned	\$29,620	\$11,250	\$30,220	\$71,090
<b>Coroner's Office</b> 2515 Veterans Parkway	County Leased*	\$6,945	\$2,250	\$110	\$9,305
<b>Old Emergency Management/911 Dispatch</b> 110 North Indiana Ave., Sellersburg	County Owned	Reference only - Facility Not in Use			\$0
<b>Emergency Management/911 Dispatch</b> 309 Lintz Ave., Charlestown	County Owned	Not Evaluated - Constructed 2022			\$0
<b>Fairgrounds/Extension</b> 9608 Highway 62, Charlestown	County Owned	\$102,555	\$116,575	\$17,600	\$236,730
<b>Health Department</b> 1201 Wall Street, Jeffersonville	County Owned	\$27,100	\$63,930	\$220	\$91,250
<b>Highway Garage 1</b> 412 S. Poplar St., New Washington	County Owned	\$17,235	\$5,750	\$220	\$23,205
<b>Highway Garage 2</b> 6103 County Road 403, Charlestown	County Owned	\$49,240	\$4,460	\$15,550	\$69,250
<b>Sheriff Department Buildings</b> 400 Lentz Ave. (Bldgs 228 1/2/3, 1531, 1515, 1509)	County Owned	\$41,025	\$0	\$110	\$41,135
<b>Solid Waste Management District</b> 112 Industrial Way, Charlestown	County Owned	\$7,385	\$2,035	\$220	\$9,640
<b>TOTALS</b>		<b>\$577,780</b>	<b>\$383,625</b>	<b>\$111,660</b>	<b>Total Probable Cost \$1,073,065</b>

\*Ability to make physical improvements to Coroner's office may be limited due to leased status.

All cost opinions for County facilities are based on a single unified bid with 2022 probable costs. Bidding in a different manner or different time period will require adjustments to the probable project costs. All items indicated as 'TBD' require further evaluation for feasibility due to historical, topographical or structural concerns. The planning level cost opinions expressed above do not include project 'soft costs' which include, but are not limited to engineering and design consulting fees and expenses, detailed analysis topographic surveying, permitting and associated fees, and other similar costs.

The following suggestions are presented for consideration as potential priority projects for implementation:

*Table 6.3. Suggested Facility Implementation Project Priorities*

<b>Location</b>	<b>Project Description</b>
Judicial Center	Complete renovations underway for 1 <sup>st</sup> floor and 4 <sup>th</sup> floor offices.
Judicial Center	Provide one accessible public restroom on each floor.
Judicial Center	Address Courtroom high-priority non-compliances such as jury boxes, witness stands, and wheelchair seating. (Some may be programmatic adjustments).
Highway Garages	Provide at least one set of accessible restrooms.
Fairgrounds	Provide accessible routes to all areas of activity.
All Facilities	Replace non-compliant service counters.
All Facilities	Provide Means of Egress Signage at all Exits and address fire alarm and activation device items.
Training	Specific ADASAD training for Buildings and Grounds Staff; General annual staff training

**Curb Ramps and Sidewalks**

The County’s right-of-way facilities are described in Sections 3, 4, 5, and Appendix B. The costs to remove barriers by priority are shown in Tables 4.1 and 5.1.

Approximately \$5,062,118 in right-of-way improvements would be required (2022 costs) to achieve ADA compliance within the County ROW as existing. This may be further influenced by future annexations by communities adjacent to these neighborhoods and jurisdiction should be confirmed over time and in future plan updates. Due to the nature of ROW improvements, a yearly expenditure goal or quantity of construction (i.e. number of curb ramps, length of sidewalk) goal is typically assumed. The amount of request for allocation will be determined on a yearly basis dependent on funds available and projects pending. As with the building facility allocations, the Clark County Commissioners will use best efforts to request and secure adequate funding from the County Council during the annual county budget process.

The self-evaluation of the pedestrian ROW facilities performed are not to design level detail and are intended to be used to give a framework to the Transition Plan. When the Transition Plan is approved and the planning stages are begun for implementation of the improvements, a more detailed survey of each location should be performed and improvements should be designed by licensed professionals that are knowledgeable with ADA as well as all other applicable codes. These planning level probable costs provided can then be identified at a more detailed level and finalized during bidding or construction of each individual project. The Transition Plan should be adjusted to reflect work completed and actual costs as improvements are made to help track improvements in accessibility.

There may be grants or other funding sources available to make some of these improvements and this should be investigated further. See Section 7.5 Potential Funding Opportunities for suggestions on ROW funding. In the past, the County has provided some pedestrian ROW improvements as part of Safe Routes to Schools (SRTS) projects utilizing funding administered through INDOT.



Pedestrian ROW facilities are frequently part of larger roadway and/or utility projects. As such, additional sources to consider may include:

- Local Income Tax
- Highway Funding
- Cap Development
- Tax Increment Financing (TIF)
- FHWA funds



*Sidewalk detour route*

A key component to ensuring ROW facilities remain usable, whether they are fully compliant with PROWAG or not, is to perform required maintenance activities in a manner that does not reduce accessibility. This maintenance can be performed by adjacent property owners, contractors, or County staff and should be ongoing. Examples of maintenance activities that may be required within the public ROW include:



*Winter sidewalk maintenance*

- Vegetation – Proper maintenance of grass, landscaping, shrubs, and trees adjacent to the PAR is vital to ensuring compliance with the standards. Over time, sod can grow over the sidewalk and not only reduce the width of the PAR to less than 48”, but also prevent proper drainage. Taller vegetation can grow into the PAR, creating an obstruction and/or protrusion.
- Snow and Ice Removal – Snow and ice accumulation along sidewalks, curb ramps, and on-street parking presents a barrier to many persons with disabilities and a potential safety hazard to all users. The prompt removal of snow for the full width of the sidewalk following a storm is vital to ensuring that pedestrians can use the sidewalk and not have to use the streets. Delays in removing the snow or not removing the full width of the sidewalk can significantly impact the ability of all users to utilize sidewalks. Not clearing accessible parking spaces and access aisles makes it extremely difficult for persons with disabilities to get from their vehicles to the PAR. Another snow and ice removal concern is snow placement and plowing of streets. Particularly during large snow accumulations, multiple passes along the streets are required by snowplows to keep the streets clear for vehicles, with snow typically plowed to the curb. These accumulations of snow often block sidewalks and curb ramps to the point that they are unusable by persons with disabilities.
- Obstructions and Protrusions – When utility poles, signs, and other objects are replaced, it is important to make sure that they are moved out of the PAR to the greatest extent possible and obstructions and protrusions are eventually eliminated. Items such as utility poles, hydrants, street signs, mailboxes, etc. can all be relocated as part of regular maintenance activities.
- Level Changes – Displacement of surfaces from an adjacent surface creates trips hazards to all users. The causes of these level changes vary and short term fixes can be considered until such time as a



*Overhanging trees in the ROW*

sidewalk project is completed. Minor level variances can either be beveled or grinded level. More severe elevation changes may require something more extreme, such as temporary patching material being placed to remove a vertical level change.

- Temporary Signage – Consideration could be given to putting temporary signage at PARs that could present significant barriers to persons with disabilities. These signs should be located as close to an intersection as possible and identify an alternate route that does not have the same significant issues.

The following action items are suggested to kickstart implementation of this plan:

- Undergo staff training in relation to the requirements of PROWAG for inspectors or plan reviewers.
- Conduct annual project planning session to facilitate annual allocations for corrective work.
- Continue to inspect all ROW projects for compliance at construction completion, turn over from developers, etc.
- Update references in County standards and ordinances as indicated in Section 2.19.

### **Programmatic Changes**

Recommended program and policy changes are recommended in Section 2. The changes should be drafted, implemented, and documented by the ADA Coordinator or designated representative and implemented consistently through all County departments. Some of the suggested language for County ADA documentation has been suggested in this report, but these suggestions are not exhaustive and should be tailored to fit the County's operating procedures and subject to County legal review. Frequently, these program and policy changes have little cost of implementation, mainly consisting of the time to develop the language of the changes, time to train County staff, and administrative costs.

### **Plan Updates**

It is the County's responsibility, as required by the ADA, to regularly update the Transition Plan based on the latest requirements of the ADA laws and to document constructed improvements and facilities that are brought up to current ADA standards and best practices where enforceable standards are not yet adopted (PROWAG). INDOT, one of the major administrators of funding sources utilized by local government, will consider a plan that is updated at least every three (3) years as a current plan in terms of maintaining eligibility for funding.

In addition to updates to the plan, it is recommended to utilize this Transition Plan on a yearly basis for planning of projects and funding decisions. Modifications to programs and policies, alterations to existing construction and new construction should be tracked on a County-wide basis. A yearly public update on progress may provide opportunity for ongoing public input. By implementing update mechanisms such as these, the County can help ensure they are improving accessibility within their community, setting effective priorities, and following through on compliance with the ADA. This can also be helpful in minimizing work required to complete a plan update when it is due.

7

## ADA Tool Kit



## 7.0 ADA Tool Kit

### 7.1 Introduction

In order to facilitate access to pedestrian right-of-way related County programs and Departments, the County will maintain program accessibility guidelines, standards, and resources. This information is available to all employees and volunteers. The County will add to these guidelines when necessary to address its needs and include information and technological devices that help staff and volunteers communicate with individuals with a variety of disabilities. The County will periodically review the components of this section, as new technologies are developed to ensure that the best types of modifications are included. This section also contains the accessibility standards of care that govern new construction and alterations to facilities.

**If you need any additional assistance, please contact:**

ADA Coordinator/County Attorney  
R. Scott Lewis  
300 Corporate Drive, Suite 205  
Jeffersonville, IN 47130  
(812) 285-6275  
slewis@clarkcounty.in.gov

### 7.2 Federal Accessibility Standards and Regulations

#### U.S. Department of Justice

The U.S. DOJ provides many free ADA materials including the ADA text. Printed materials may be ordered by calling the ADA Information Line [(800) 514-0301 (Voice) or (800) 514-0383 (TDD)]. Publications are available in standard print as well as large print, audiotape, Braille, and computer disk for people with disabilities. Documents, including the following publications, can also be downloaded from the DOJ website [www.ada.gov](http://www.ada.gov)

Unless noted, the ADA publications have not been updated to reflect the recent revisions to the ADA regulations that took effect on March 15, 2012.

- *ADA Regulation for Title II*. This publication describes Title II of the ADA ([http://www.ada.gov/regs2010/ADAREgs2010.htm#titleII\\_final\\_2010](http://www.ada.gov/regs2010/ADAREgs2010.htm#titleII_final_2010)), Pub. L. 101-336, which prohibits discrimination on the basis of disability by public entities. Title II of the ADA protects qualified individuals with disabilities from discrimination on the basis of disability in the services, programs, or activities of all state and local governments. This rule adopts the general prohibitions of discrimination established under Section 504, as well as the requirements for making programs accessible to individuals with disabilities and for providing equally effective communications. It also sets forth Standards for what constitutes discrimination on the basis of mental or physical disability, provides a definition of disability and qualified individual with a disability, and establishes a complaint mechanism for resolving allegations of discrimination.
- *Title II Technical Assistance Manual (1993) and Supplements*. This 56-page manual ([www.ada.gov/taman2.html](http://www.ada.gov/taman2.html)) explains in lay terms what state and local governments must do to ensure that their services, programs, and activities are provided to the public in a nondiscriminatory manner. Many examples are provided for practical guidance.



- *Accessibility of State and Local Government Websites to People with Disabilities*. This is a 5-page publication providing guidance ([www.ada.gov/websites2.htm](http://www.ada.gov/websites2.htm)) on making state and local government websites accessible.

### U.S. Access Board

The full texts of Federal laws and regulations that provide the guidelines for the design of accessible facilities and programs are available from the U.S. Access Board. Single copies of publications are available free and can be downloaded from the Access Board's website ([www.access-board.gov/the-board/laws](http://www.access-board.gov/the-board/laws)). In addition to regular print, publications are available in large print, disk, audiocassette, and Braille. Multiple copies of publications can be ordered by sending a request to [pubs@access-board.gov](mailto:pubs@access-board.gov). In addition to the guidelines, guidance material is also available to assist staff in understanding and implementing Federal accessibility guidelines.

The following publications are currently available from the U.S. Access Board.

### Guidelines and Standards for Facilities

Federal guidelines and standards are subject to periodic revision based on research findings and guidance from advisory committees. The County should have a regular practice of reviewing research materials posted to the U.S. Access Board's website and updating local guidelines and practices as new standards are adopted or existing standards are revised.

- *ADA Standards for Accessible Design (ADASAD)*. This document ([www.ada.gov/2010ADASTandards\\_index.htm](http://www.ada.gov/2010ADASTandards_index.htm)) contains scoping and technical requirements for accessibility to buildings and facilities by individuals with disabilities under the ADA, including special provisions where applicable for elements designed specifically for children ages 12 and under. These scoping and technical requirements are to be applied during the design, construction, and alteration of buildings and facilities covered by Titles II and III of the ADA to the extent required by regulations issued by Federal agencies, including the DOJ and the DOT, under the ADA.
- *Accessibility Guidelines for Play Areas*. The Access Board has developed accessibility guidelines for newly constructed and altered play areas. This bulletin is designed to assist in using the play area accessibility guidelines and provides information regarding where the play area guidelines apply, what a play component is considered to be, how many play components must be an accessible route, and the requirements for accessible routes within play areas. ([www.access-board.gov/guidelines-and-standards/recreation-facilities/guides/play-areas](http://www.access-board.gov/guidelines-and-standards/recreation-facilities/guides/play-areas))
- *Accessibility Guidelines for Recreation Facilities*. The Access Board issued accessibility guidelines for newly constructed and altered recreation facilities in 2002. The recreation facility guidelines are a supplement to ADAAG. They cover the following facilities and elements: amusement rides, boating facilities, fishing piers and platforms, miniature golf courses, golf courses, exercise equipment, bowling lanes, shooting facilities, swimming pools, wading pools, and spas. These summaries were updated following issuance of ADASAD ([www.access-board.gov/guidelines-and-standards/recreation-facilities/guides](http://www.access-board.gov/guidelines-and-standards/recreation-facilities/guides))
- *Accessibility Guidelines for Outdoor Developed Areas*. The Regulatory Negotiation Committee on Accessibility Guidelines for Outdoor Developed Areas was established in June 1997. The accessibility guidelines proposed by the Committee include consideration of the latest information, design, and construction practices in existence. Proposed Section 16 of ADAAG requires all areas of newly designed or newly constructed and altered portions of existing trails connecting to designated trailheads or

accessible trails to comply with this section. This proposed section also provides design guidelines for all newly constructed and altered camping facilities, picnic areas, and beach access routes. It is recognized that compliance with this section will not always result in facilities that will be accessible to all persons with disabilities. These guidelines recognize that often the natural environment will prevent full compliance with certain technical provisions, which are outlined in this publication (<https://www.access-board.gov/files/aba/guides/outdoor/outdoor-guide.pdf>).

### Guidance Material and Advisory Reports for Facilities

The following publications provide additional information on specific aspects of the above guidelines and standards for facilities. Employees are encouraged to refer to these publications to obtain more detailed and up-to-date information when evaluating and implementing accessibility improvements to facilities. Note that several websites have been reconfigured and some outdated information removed. Some web addresses or hyperlinks may not be functional and not all information contained in the documents references current standards.

- *Using ADAAG Technical Bulletin*. This bulletin was developed to serve the specific needs of architects and other design professionals who must apply the ADAAG to new construction and alterations projects covered by Titles II and III of the ADA. It is also intended to clarify accessibility regulations generally, including those that apply to existing facilities covered by the ADA.
- *Detectable Warnings Update (March 2008)*. Currently, the Access Board is in the process of developing guidelines on public rights-of-ways that, once finalized, will supplement the new ADAAG. This update is expected in 2013. While ADAAG covers various features common to public streets and sidewalks, such as curb ramps and crosswalks, further guidance is necessary to address conditions unique to public rights-of-way. Constraints posed by space limitations at sidewalks, roadway design practices, slope, and terrain raise valid questions on how and to what extent access can be achieved. Guidance on providing access for blind pedestrians at street crossings is also considered essential. This bulletin outlines the requirements of detectable warnings, a distinctive surface pattern of domes detectable by cane or underfoot, which are used to alert people with vision impairments of their approach to streets and hazardous drop-offs. The ADAAG require these warnings on the surface of curb ramps, which remove a tactile cue otherwise provided by curb faces, and at other areas where pedestrian ways blend with vehicular ways. They are also required along the edges of boarding platforms in transit facilities and the perimeter of reflecting pools. (<https://www.access-board.gov/provag/other/dw-update.html>)
- *Assistive Listening Systems Technical Bulletins*. Assistive listening systems are devices designed to help people with hearing loss improve their auditory access in difficult and large-area listening situations. Typically, these devices are used in such venues as movie houses, theaters, auditoriums, convention centers, and stadiums, where they are piggybacked on a public address system. They may also be used in smaller listening locations like courtrooms, museums, classrooms, and community centers. This web site provides information about the types of systems that are currently available and tips on choosing the appropriate systems for different types of applications.

(<https://www.nidcd.nih.gov/health/assistive-devices-people-hearing-voice-speech-or-language-disorders>)

### Applicable Best Practices and Standards for ROW

Federal guidelines and standards are subject to periodic revision based on research findings and guidance from advisory committees. The County should have a regular practice of reviewing research materials posted



to the U.S. Access Board’s website and updating local guidelines and practices as new standards are adopted or existing standards are revised.

- *Department of Transportation ADA Standards for Transportation Facilities (2006)* - DOT’s ADA standards (2006) apply to facilities used by state and local governments to provide designated public transportation services, including bus stops and stations, and rail stations. They include unique provisions concerning location of accessible routes, detectable warnings on curb ramps, bus boarding and alighting areas, and rail station platforms. It is significant to note that, when adopting these standards, the DOT added Section 406.8, which requires detectable warnings at curb ramps. (<https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/ada-regulations>)

Joint technical assistance is available and may be helpful for understanding ADA requirements where roads are resurfaced and what work is considered alteration vs. maintenance.

- *Proposed Accessibility Guidelines for Pedestrian Facilities within Public Right-of-Way*-These proposed guidelines (dated July 26, 2011) provide design criteria for public streets and sidewalks, including pedestrian access routes, street crossings, curb ramps and blended transitions, on-street parking, street furniture, and other elements. The specifications comprehensively address access that accommodates all types of disabilities, including mobility and vision impairments, while taking into account conditions and constraints that may impact compliance, such as space limitations and terrain. (<https://www.access-board.gov/guidelines-and-standards/streets-sidewalks/public-rights-of-way/proposed-rights-of-way-guidelines>)
- Shared Use Paths – Supplemental Notice of Proposed Rulemaking – According to [www.accessboard.gov](http://www.accessboard.gov), ‘Shared use paths provide a means of off-road transportation and recreation for various users, including pedestrians, bicyclists, skaters, and others, including people with disabilities... Shared use paths, unlike most sidewalks, are physically separated from streets by an open space or barrier. They also differ from trails because they are designed not just for recreation purposes but for transportation as well.’ These pedestrian facilities are undergoing a separate process to supplement the rulemaking on public rights-of-way. (<https://www.access-board.gov/guidelines-and-standards/streets-sidewalks/shared-use-paths/supplemental-notice>)
- *ADAAG for Transportation Vehicles*. This publication provides minimum guidelines and requirements for accessibility standards for transportation vehicles required to be accessible by the ADA, including over-the-road bus and tram systems. ([www.access-board.gov/guidelines-and-standards/transportation/vehicles/adaag-for-transportation-vehicles](http://www.access-board.gov/guidelines-and-standards/transportation/vehicles/adaag-for-transportation-vehicles)).
- *ADAAG for Transportation Vehicles; Over-the-Road Buses*. This publication outlines the amendments to the accessibility guidelines for over-the-road buses (OTRB) made by the Architectural and Transportation Barriers Compliance Board and the DOT to include scoping and technical provisions for lifts, ramps, wheelchair securing devices, and moveable aisle armrests. Revisions to the specifications for doors and lighting are also adopted. The specifications describe the design features that an OTRB must have to be readily accessible to and usable by persons who use wheelchairs or other mobility aids. (<https://www.access-board.gov/guidelines-standards/vehicles/update-buses-vans/guidelines-text/>)
- *American Association of State Highway and Transportation Officials (AASHTO)*. AASHTO is the organization that maintains the “Green Book” for design of roads and highways and has begun to address accessibility of pedestrian networks. Several AASHTO publications, which can be ordered from the AASHTO website (<http://transportation.org/>), address accessible circulation systems, including: *AASHTO*

*Guide for the Planning, Design, and Operation of Pedestrian Facilities* (1<sup>st</sup> edition) and *Guide for the Development of Bicycle Facilities* (3<sup>rd</sup> edition).

- *Federal Transit Administration (FTA)*. FTA regulates and enforces requirements of the ADA covering transportation facilities and systems. FTA maintains a technical assistance line on ADA questions (888-446-4511) and on their website ([www.fta.dot.gov](http://www.fta.dot.gov)).
- *Securement of Wheelchairs and Other Mobility Aids*. As a public or private transit authority, the responsibility of safe, efficient service from public agencies who offer transportation services has been enlarged to affording ridership to people using a wide variety of mobility aids. In considering not only the many types of mobility aid devices, but also the variety and sizes of lifts, and the numerous makes of buses and vans, it can be easily seen that there is no single, definitive solution to accessibility on mass transit vehicles. Various publications can be found that report on the experience of transit agencies that have taken the initiative to involve the ridership in needs assessment and have established policies, educated operators, and informed the public to achieve greater accessibility in their bus transit systems.

### Guidance Material for Communication

Information and Communication Technology, Revised 508 Standards and 255 Guidelines. These standards address access to information and communication technology (ICT) under Section 508 of the Rehabilitation Act and Section 255 of the Communications Act. Section 508 requires access to ICT developed, procured, maintained, or used by federal agencies. Examples include computers, telecommunications equipment, multifunction office machines such as copiers that also operate as printers, software, websites, information kiosks and transaction machines, and electronic documents. The Section 508 Standards, which are part of the Federal Acquisition Regulation, ensure access for people with physical, sensory, or cognitive disabilities. The Section 255 Guidelines cover telecommunications equipment and customer-premises equipment — such as telephones, cell phones, routers, set-top boxes, and computers with modems, interconnected Voice over Internet Protocol products, and software integral to the operation of telecommunications function of such equipment. (<https://www.access-board.gov/ict/#508-chapter-1-application-and-administration>).

Federal guidelines and standards are subject to periodic revision based on research findings and guidance from advisory committees. The County should have a regular practice of reviewing research materials posted to the U.S. Access Board's website and updating local guidelines and practices as new standards are adopted or existing standards are revised.

### **7.3 Resources for Providing Accessible Programs & Facilities**

- The U.S. Department of Labor, Office of Disability Employment Policy: [www.dol.gov/odep/](http://www.dol.gov/odep/) The Office of Disability Employment Policy (ODEP) is the only non-regulatory federal agency that promotes policies and coordinates with employers and all levels of government to increase workplace success for people with disabilities.
- ADA Document Portal: This website ([www.adaportal.org](http://www.adaportal.org)) provides links to more than 7,400 documents on a wide range of ADA topics. The ADA Document Portal is supported by the 10 ADA & IT Technical Assistance Centers.
- *National Center on Accessibility (NCA)*: The Center (<http://ncaonline.org>) is a cooperative effort between the National Park Service (NPS) and Indiana University to provide information and technical assistance, primarily on recreation access. An example of the research activities of the NCA is the National Trails

Surface Study. Initiated in 2005, this longitudinal study is primarily the result of questions that the National Center on Accessibility has, for many years and continues to receive from organizations, agencies and individuals who desire to make their trails accessible; are interested in an unobtrusive surface that blends and is friendly to the environment; and provides a quality trail experience for people with and without disabilities.

- *National Center on Health, Physical Activity, and Disability:* The Center ([www.ncpad.org](http://www.ncpad.org)) provides information and resources on physical activity to help people with disabilities find ways to become more active and healthy. The Center also provides information on how to provide access to fitness centers, schools, recreation facilities, camps, and health and leisure services.
- *National Park Service:* NPS has many programs that address the issue of providing accessible recreation services to people with disabilities. These include Wilderness Accessibility for People with Disabilities ([www.nps.gov/publications/1992/December1992#8-1a](http://www.nps.gov/publications/1992/December1992#8-1a)) and Director's Order #42-Accessibility, which establishes the purpose and role of the NPS Accessibility Program ([www.nps.gov/accessibility.htm](http://www.nps.gov/accessibility.htm)), lists applicable laws, standards, and authorities, implementation strategies, roles, and responsibilities. It also addresses NPS policies and provides links to additional information sources.

#### **7.4 Technical Resources**

The County should utilize the many disability-related resources available through the internet. Begin at AbleData (<https://acl.gov/about-acl/about-national-institute-disability-independent-living-and-rehabilitation-research>), maintained by the National Institute on Disability and Rehabilitation Research of the U.S. Department of Education. The site provides up-to-date links to assistive technologies and disability-related resources.

AbleData's mission is to provide objective information on such assistive products as:

- *Architectural elements:* Products that make the built environment more accessible, including indoor and outdoor architectural elements, vertical lifts, lighting, and signs.
- *Blind and low vision:* Products for people with visual disabilities, including computers, educational aids, information storage, kitchen aids, labeling, magnification, office equipment, orientation and mobility, reading, recreation, sensors, telephones, tools, travel, typing, and writing (Braille).
- *Communication:* Products to help people with disabilities related to speech, writing and other methods of communication, including alternative and augmentative communication, signal systems, telephones, typing, and writing.
- *Computers:* Products to allow people with disabilities to use desktop and laptop computers and other kinds of information technology including software, hardware, and computer accessories.
- *Controls:* Products that provide people with disabilities with the ability to start, stop, or adjust electric or electronic devices including environmental controls and control switches.
- *Deaf and hard of hearing:* Products for people with hearing disabilities, including amplification, recreational electronics, signal switches, and telephones.
- *Deaf and blind:* Products for people who are both deaf and blind.
- *Education:* Products to provide people with disabilities with access to educational materials and instruction in school and in other learning environments including classroom and instructional materials.
- *Recreation:* Products to assist people with disabilities with their leisure and athletic activities including crafts, electronics, gardening, music, photography, and sports.
- *Seating:* Products that assist people to sit comfortably and safely including seating systems and therapeutic seats.

- *Transportation*: Products to enable people with disabilities to drive or ride in cars, vans, trucks and buses including mass transit vehicles and facilities and vehicle accessories.
- *Wheeled mobility*: Products and accessories that enable people with mobility disabilities to move freely indoors and outdoors including wheelchairs (manual, sport, and powered), wheelchair alternatives (scooters), wheelchair accessories, and carts.
- *Workplace*: Products to aid people with disabilities at work including agricultural equipment, office equipment, tools, and work stations.

### Assistive Technology Vendors and Service Providers

- **International Commission on Technology and Accessibility**  
Initiates, facilitates, and provides information regarding technology and accessibility through the internet. This information is available to people with disability, advocates, and professionals in the field of disability, researchers, legislative bodies, and the general community. (<https://www.riglobal.org/ri-international-commission-on-technology-and-accessibility-icta-basic-recommendations-for-considering-persons-with-disabilities-during-the-covid19-pandemic/> )
- **National Center for Accessible Media**  
A research and development facility dedicated to the issues of media and information technology for people with disabilities in their homes, schools, workplaces, and communities. NCAM has developed an authoring tool to make web- and CD-ROM-based multimedia materials accessible to persons with disabilities. Called Media Access Generator (MAGpie, versions 1.0 and 2.01) create captions and audio descriptions of rich media and can be downloaded on their website ([ncam.wgbh.org](http://ncam.wgbh.org)).
- **American Sign Language Interpreters**  
A pool of on-call American Sign Language interpreters should be developed. This list should be routinely updated to ensure their availability. Some programs may need to have a pool of interpreters who are available on a 24-hour basis to handle emergency procedures. The required qualifications of these interpreters should be established. Many non-certified interpreters provided by local services may have excellent skills and be qualified to handle most circumstances. However, unique circumstances, such as the provision of emergency medical services, may require interpreters who are approved by the courts and can ensure a level of confidentiality. Resources and contacts for qualified sign language interpreters and information for the deaf and hard of hearing are at the following locations:
  - Deaf & Hard of Hearing Services (DHHS), Division of Disability & Rehabilitative Services (DDRS)  
402 W. Washington St., Rm. W453  
P.O. Box 7083  
Indianapolis, IN 46207-7082  
1-800-545-7763  
[DHSHHelp@fssa.IN.gov](mailto:DHSHHelp@fssa.IN.gov)  
[www.in.gov/fssa/ddrs/2637.htm](http://www.in.gov/fssa/ddrs/2637.htm)
  - Registry of Interpreters for the Deaf – [www.rid.org/](http://www.rid.org/)
- **Assistive Listening Systems and Devices**  
Systems and devices amplify sound for persons with hearing disabilities should be available for public meetings and conferences. Different types of devices are more suitable for different types of hearing disabilities. Devices should be chosen to accommodate the greatest number of individuals.

- *Relay Indiana*: [Relay Indiana](#), a service of InTRAC, is a free service that provides full telecommunications accessibility to people who are deaf, hard of hearing, or speech impaired. This service allows users with special telecommunication devices to communicate with standard users through specially trained Relay Operators. InTRAC also provides free, loaned equipment to those who qualify.
- *Closed Caption Machine* - To the extent practical, County Divisions should have access to a device for encoding closed captioning on films and videotapes used for training and other programs.
- *Enlarging Printed Materials* - A copy machine capable of enlarging printed materials should be available for each site where programs or transaction counter services are provided to the public.
- *Optical Readers* - Equipment that can translate printed information into an audio format should be available to Departments.
- *TDD* - To the extent necessary, County Divisions should have access to a text telephone or have access to a telephone transfer service as required by the law and offered by public telephone companies.
- *TDI* – TDI’s (formerly known as Telecommunications for the Deaf, Inc.) mission is to promote equal access in telecommunications and media for people who are deaf, hard of hearing, late deafened, or deaf blind. TDI’s online resources (<http://www.tdiforaccess.org>) include information about telecommunications access such a TTY, pagers, telephony, VoIP, and more.

### **Guide to Disabilities and Disability Etiquette**

A summary guide to disabilities and disability etiquette has been included below. The guide will allow staff members to become familiar with a variety of types of disabilities, and help them to be more sensitive to the abilities and needs of people with disabilities in order not to offend or demean them. The guide should be periodically updated to ensure that it includes current acceptable language for talking about disabilities.

The National Organization on Disability reports that more than 59 million Americans have a disability. This section is for anyone — with or without a disability — who wants to interact more effectively with people who are disabled.

The ADA was conceived with the goal of integrating people with disabilities into all aspects of American life, particularly the workplace and the marketplace. Sensitivity toward people with disabilities is not only in the spirit of the ADA, it makes good business sense. It can help the County expand its services to citizens, better serve its customers and improve relationships with its employees.

When supervisors and co-workers use disability etiquette, employees with disabilities feel more comfortable and work more productively. Practicing disability etiquette is an easy way to make all people feel more comfortable and welcomed in their environment.

There is no reason to feel awkward when dealing with a person who has a disability. This section provides some basic tips for County staff to follow. If a County employee is ever unsure how to best serve a person with a disability, just ask them.

- **Ask Before You Help**

Just because someone has a disability, don’t assume he/she needs your help. If the setting is accessible, people with disabilities can usually get around fine without assistance. Adults with disabilities want to be treated as independent people. Offer assistance only if the person appears to need it. If they do want help, ask what type of help they would like before you offer any assistance. What you think they may need may not be what they really need.

- **Do Not Touch!**

Some people with disabilities depend on their arms for balance. Grabbing them – even if you mean well – could knock them off balance and create an injury. This is especially true of a person using a cane, crutches, or walker.

When someone is in a wheelchair, never pat their head or touch their wheelchair (or scooter) without permission. This equipment is part of their personal space and touching it is considered rude.

- **Engage Your Mind Before Engaging Your Mouth**

Always speak directly to the person with the disability NOT to their companion, aide, or sign language interpreter. Making small talk with a person who has a disability is great; just talk to him/her like you would anyone else. Respect his/her privacy and don't ask questions about their disability unless they invite the discussion. If you are with a child who asks, don't make the situation awkward for everyone; let the person with the disability respond directly to the child. They are used to children's questions.

- **Make No Assumptions**

People with disabilities are the best judge of what they can or cannot do. Do not make any decisions for them about participating in any activity or what they may or may not be able to do. Simply respond to their questions and let them make their own decisions. Depending on the situation, it may be a violation of the ADA to exclude someone because of a wrong decision on what they're capable of doing.

- **Respond Graciously To Requests**

When people who have a disability ask for an accommodation at a County-owned property, it is not a complaint. It shows they feel comfortable enough in your establishment to ask for what they need. If they get a positive response, they will enjoy their transaction and feel comfortable to come back again and again. Unless they are asking for something outlandish, provide what is asked for. If they request something unreasonable, contact your ADA Coordinator for a direction toward a resolution.

- **Terminology**

PUT THE PERSON FIRST! Always say "person with a disability" rather than "disabled person". This recognizes that they are a person first, not a disability first. If someone has a specific disability, it would be a "person who is blind", a "person who is deaf", or a "person with dwarfism". Each person may have their own preferred terminology, and if you're not sure what to use, just ask them. Most, however, will recognize the effort when you just refer to them as "people".

Avoid outdated, politically incorrect terms like "handicapped" or "crippled". Be aware that many people with disabilities dislike jargon and euphemistic terms like "physically challenged" and "differently abled". Say "wheelchair user" instead of "confined to a wheelchair" or "wheelchair bound". The wheelchair is what enables the person to get around, but they are neither confined by it nor bound to it. The wheelchair is liberating, not confining.

With any disability, avoid negative, disempowering words like "victim" or "sufferer". Say "person with AIDS" instead of "AIDS victim" or person who "suffers from AIDS".

It's okay to use idiomatic expressions when talking to people with disabilities. For example, saying "It was good to see you" and "See you later" to a person who is blind is completely acceptable. They will use the same terminology and it's inappropriate to respond with questions like, "How are you going to see me later?"

People in wheelchairs will say things like, "Let's go for a walk" and it's okay for you to say it too. The situation will only become awkward if you make it so.

Many people who are Deaf communicate with sign language and consider themselves to be members of a cultural and linguistic minority group. They refer to themselves as Deaf (with a capital D) and may be



offended by the term “hearing impaired.” Others may not object to the term, but in general it is safest to refer to people who have hearing loss but communicate through a spoken language as “people with hearing loss” and those who have a profound hearing loss as “people who are Deaf”.

Additional Resources:

- <https://unitedspinal.org/disability-etiquette>
- <https://askjan.org/topics/diseti.cfm>
- <https://www.dol.gov/agencies/odep/publications/fact-sheets/effective-interaction-communicating-with-and-about-people-with-disabilities-in-the-workplace>

### Community Groups, Organizations, Associations and Commissions

There are a large number of groups nationally, regionally, and within each state that provide specialized services, information, and advocacy for persons with all disabilities. A sampling of available advocacy groups are listed below.

- *Ability Resources, Inc.:* Ability Resources Inc. (<http://www.abilityresources.org>) was founded in 1976. Their mission is to assist people with disabilities in attaining and maintaining their personal independence. One way this can be achieved is in the creation of an environment in which people with disabilities can exercise their rights to control and direct their own lives.
- *ADA National Network:* The ADA National Network (<http://adata.org/>) provides information, guidance and training on the Americans with Disabilities Act (ADA), tailored to meet the needs of business, government and individuals at local, regional and national levels. The ADA National Network consists of ten Regional ADA National Network Centers located throughout the United States that provide local assistance to ensure that the ADA is implemented wherever possible.
- *American Council of the Blind:* ACB ([www.acb.org](http://www.acb.org)) is a national organization advocating on behalf of persons who are blind or have low vision. ACB also publishes *A Guide to Making Documents Accessible to People Who Are Blind or Visually Impaired*. ACB is located at 1155 15th St. NW, Suite 1004, Washington, DC 20005 (800.424.8666)
- *American Association of People with Disabilities:* The American Association of People with Disabilities ([www.aapd.com/](http://www.aapd.com/)) is the largest non-profit, non-partisan, cross-disability organization in the United States.
- *National Association of the Deaf:* NAD is a national consumer organization representing people who are deaf and hard of hearing. NAD provides information about standards for American Sign Language Interpreters and the Captioned Media Program on its website ([www.nad.org](http://www.nad.org)).
- *National Federation of the Blind:* NFB is a national organization advocating on behalf of persons who are blind or have low vision. NFB provided online resources ([www.nfb.org](http://www.nfb.org)) for technology for the blind, including a technology resource list, a computer resource list, screen access technology, sources of large print software for computers, and sources of closed circuit TV (CCTVs). The state chapter website is <https://nfb-in.org/>
- *National Organization on Disability:* The National Organization on Disability promotes the full and equal participation and contribution of America’s 54 million men, women and children with disabilities in all aspects of life. NOD maintains an on-line directory of information and links including transportation-related resources ([www.nod.org](http://www.nod.org)).
- *Paralyzed Veterans of America:* PVA is a national advocacy organization representing veterans. PVA’s Sports and Recreation Program promotes a range of activities for people with disabilities, with special emphasis on activities that enhance lifetime health and fitness. PVA’s website

(<http://www.pva.org/adaptive-sports>) provides information on useful sports publications and a list of contacts.

- *United Spinal Association*: United Spinal Association is a membership organization serving individuals with spinal cord injuries or disease. Formerly known as the Eastern Paralyzed Veterans Association, the organization expanded its mission to serve people with spinal cord injuries or disease regardless of their age, gender, or veteran status. Information on accessibility training and consulting services and recreational opportunities for people with spinal cord injuries or disease is available on their website ([www.unitedspinal.org](http://www.unitedspinal.org)).
- *World Institute on Disability*: WID is an international public policy center dedicated to carrying out research on disability issues and overcoming obstacles to independent living. WID maintains an on-line information and resource directory on technology, research, universal design, and the ADA. ([www.wid.org/resources](http://www.wid.org/resources)).
- *State of Indiana Division of Disability & Rehabilitative Services (DDRS)*: [www.in.gov/fssa/ddrs/2637.htm](http://www.in.gov/fssa/ddrs/2637.htm)
- *State of Indiana Protection and Advocacy Services (IPAS)*: [www.in.gov/ipas/](http://www.in.gov/ipas/)
- *ADA-Indiana*: The mission of ADA-Indiana is to serve as a statewide resource for promoting the implementation of the Americans with Disabilities Act in Indiana. [www.adaindiana.org/](http://www.adaindiana.org/)
- *Great Lakes ADA Center*: The Great Lakes ADA Center provides information, materials, technical assistance and training on the ADA. Topics addressed includes the non-discrimination requirements in employment, the obligations of state and local governments and business to ensure that programs, services and activities are readily accessible to and useable by people with disabilities. This includes access to the information technology used by these entities including but not limited to websites, software, kiosks, etc.

The Great Lakes ADA Center's Accessible Technology Initiative encourages incorporation of accessible information technology in K-12 and post-secondary school settings. Accessible Information Technology incorporates the principles of universal design so that people with a wide range of abilities and disabilities can access information disseminated electronically. [www.adagreatlakes.org/](http://www.adagreatlakes.org/)

- *Statewide Independent Living Council*. The Indiana council values the belief that individuals with disabilities should have the same civil rights, choices, options and control over choices in their lives as do individuals without disabilities. [www.in.gov/fssa/ddrs/2770.htm](http://www.in.gov/fssa/ddrs/2770.htm)
- *The Arc of Indiana*: The Arc of Indiana is committed to all people with developmental disabilities realizing their goals of learning, living, working and playing in the community. [www.arcind.org/](http://www.arcind.org/)
- *Deaf Link*: Provides video remote interpreting (VRI) to provide the highest standard of inclusion for persons who are Deaf, Blind, Hard-of Hearing and Deaf-Blind. <http://www.deafink.com>

## **7.5 Potential Funding Opportunities**

Grants may be available from a wide variety of sources from state and federal agencies to private agencies and non-profits. A number of potential programs are listed below mostly as relating to pedestrian facilities within the public ROW. The list is not intended to be complete by any means and not all grants are funded at all times.

**Indiana Department of Transportation** offers a number of grants for construction of right-of-way facilities. Examples include the following:

- The **Community Crossings Matching Grant** is part of Indiana legislation for local road and bridge preservation type projects, road reconstructions, and small structure replacements, which may include

ramp/sidewalk preventative maintenance and ADA related improvements. The program requires an online application, a current Asset Management Plan (AMP) – Road and Bridge, and compliance with Title VI & the ADA (including current SETP). There is typically a 50% match and the ADA sidewalk and curb ramp improvements are to be done in connection with road resurfacing and reconstruction projects.

- Various INDOT LPA programs are also available that may cover trails, ADA, sidewalks, and other roadway and safety projects.

Other grant opportunities include the Indiana Finance Authority (IFA)'s COVID-related program which may include restroom upgrades and building renovations, and Economic Development (EDA) grants that may cover potential streetscape and infrastructure work at 80/20 match. These programs may have limited funding and/or time frame of availability.

**Other local funding mechanisms** that may be utilized include Tax Increment Financing districts (TIF), County Option Income Taxes (COIT), County Economic Development Tax (CEDIT), Motor Vehicle Highway (MVH), Wheel Tax (LOHUT), Local Road and Street (LRS), and other similar means.



# 8

## Definitions





## 8.0 Definitions

The words, phrases and definitions summarized below are included in the ADA. Refer to the ADA 28 CFR 35.104 for full definitions. A list of common terms and definitions are included below.

**2010 Standards:** the 2010 Standards for Accessible Design (SAD), which consist of the 2004 ADAAG and requirements contained in 35.151.

**Access Board:** an independent Federal agency devoted to accessibility for people with disabilities. The [Access Board](#) developed the accessibility guidelines for the ADA and provides technical assistance and training on these guidelines.

**Accessible:** refers to a site, facility, work environment, service, or program that is easy to approach, enter, operate, participate in, and/or use safely and with dignity by a person with a disability.

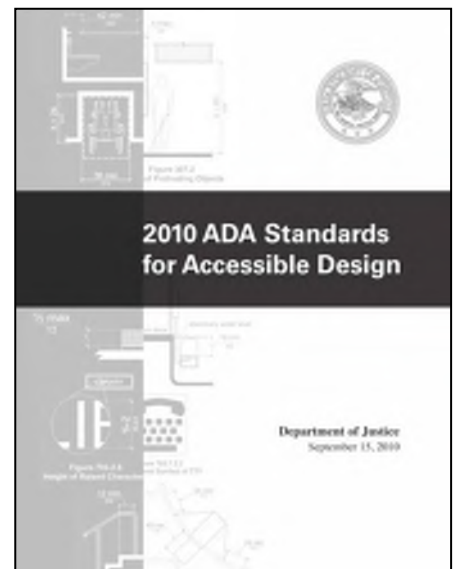
**Alteration:** a change to a facility in the public right-of-way that affects or could affect pedestrian access, circulation, or use. Alterations include, but are not limited to, resurfacing, rehabilitation, reconstruction, historic restoration, or changes or rearrangement of structural parts or elements of a facility.

**Americans with Disabilities Act (ADA):** a comprehensive, Federal civil rights law that prohibits discrimination against people with disabilities in employment, state and local government programs and activities, public accommodations, transportation, and telecommunications.

**ADA Standards for Accessible Design (ADASAD):** consist of the 2004 ADAAG and requirements contained in 35.151 with scoping and technical requirements (dated September 15, 2010) to be applied during the design, construction, and alteration of buildings and facilities covered by Titles II and III of the ADA to the extent required by regulations issued by Federal agencies, including the DOJ and the Department of Transportation (DOT).

**Auxiliary Aids and Services:** under Titles II and III of the ADA, includes a wide range of services and devices that promote effective communication or allows access to goods and services. Examples of auxiliary aids and services for individuals who are deaf or hard of hearing include qualified interpreters, note takers, computer-aided transcription services, written materials, telephone handset amplifiers, assistive listening systems, telephones compatible with hearing aids, closed caption decoders, open and closed captioning, telecommunications devices for deaf persons (TDDs), videotext displays, and exchange of written notes. Examples for individuals with vision impairments include qualified readers, taped texts, audio recordings, Braille materials, large print materials, and assistance in locating items. Examples for individuals with speech impairments include TDDs, computer terminals, speech synthesizers, and communication boards.

**Complaint:** a written statement, alleging violation of the ADA, which contains the complainant's name and address and describes the County's alleged discriminatory action in sufficient detail to inform them of the nature and date of the alleged violation. It shall be signed by the complainant or by someone authorized to



do so on his or her behalf. Complaints filed on behalf of classes or third parties shall describe or identify (by name, if possible) the alleged victims of discrimination.

**Covered Entity:** under the ADA, "covered entity" is an entity that must comply with the law. Under Title I, covered entities include employers, employment agencies, labor organizations, or joint labor-management committees. Under Title II, covered entities include state and local government instrumentalities, the National Railroad Passenger Corporation, and other commuter authorities, and public transportation systems. Under Title III, covered entities include public accommodations such as restaurants, hotels, grocery stores, retail stores, etc., as well as privately owned transportation systems.

**Cross Slope:** the grade that is perpendicular to the direction of pedestrian travel.

**Curb Ramp:** a ramp that cuts through or is built up to the curb. Curb ramps can be perpendicular or parallel, or a combination of parallel and perpendicular ramps.

**Direct Threat:** a significant risk to the health or safety of others that cannot be eliminated by reasonable accommodation.

**Disability:** with respect to an individual, means: a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment.

**Discrimination on the basis of disability:** means to:

- Limit, segregate, or classify a citizen in a way that may adversely affect opportunities or status because of the person's disability;
- Limit, segregate, or classify a participant in a program or activity offered to the public in a way that may adversely affect opportunities or status because of the participant's disability;
- Participate in a contract that could subject a qualified citizen with a disability to discrimination;
- Use any standards, criteria, or methods of administration that have the effect of discriminating on the basis of disability;
- Deny equal benefits because of a disability;
- Fail to make reasonable accommodations to known physical or mental limitations of an otherwise qualified individual unless it can be shown that the accommodation would impose an undue burden on the County's operations;
- Use selection criteria that exclude otherwise qualified people with disabilities from participating in the programs or activities offered to the public; and
- Fail to use tests, including eligibility tests, in a manner that ensures that the test results accurately reflect the qualified applicant's skills or aptitude to participate in a program or activity.

**Employer:** a person engaged in an industry affecting commerce who has 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, and any agent of such person, except that, for two years following the effective date of this subchapter, an employer means a person engaged in an industry affecting commerce who has 25 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding year, and any agent of such person. Exceptions: The term "employer" does not include the United States, a corporation wholly owned by the government of the United States, or an Indian tribe; or a bona fide private membership club (other than a labor organization) that is exempt from taxation under section 501(c) of Title 26 [the Internal Revenue Code of 1986].

**Equal Employment Opportunity Commission (EEOC):** the Federal agency charged with enforcing Title I of the ADA.

**Essential Job Functions:** the fundamental job duties of the employment position that the individual with a disability holds or desires. The term “essential functions” does not include marginal functions of the position.

**Equal Employment Opportunity:** an opportunity to attain the same level of performance or to enjoy equal benefits and privileges of employment as are available to an average similarly-situated employee without a disability.

**Existing Facility:** refers to buildings that were constructed before the ADA went into effect. A public building constructed before the effective date of Title II does not have to be fully accessible unless the removal of barriers, including structural ones, is readily achievable.

**Facility:** all or any portion of buildings, structures, improvements, elements, and pedestrian or vehicular routes located in the public right-of-way.

**Grade Break:** the line where two surface planes with different grades meet.

**Historic Properties:** those properties that are listed or eligible for listing in the National Register of Historic Places or properties designated as historic under State or local law.

**Job Analysis:** a formal process in which information about a specific job or occupation is collected and analyzed.

**Job Description:** a detailed summary, usually written, of the major components of a job. A typical job description consists of six major components: essential job functions, knowledge and critical skills, physical demands, environmental factors, the roles of the ADA and other Federal laws such as the Occupational Safety Health Act, and any explanatory information that may be necessary to clarify job duties or responsibilities.

**Job Related and Consistent with Business Necessity:** standard used to determine whether a qualification standard or employment policy concerns an essential aspect of the job and is required to meet the needs of the business.

**Light Duty:** generally, "light duty" refers to temporary or permanent work that is physically or mentally less demanding than normal job duties. Some employers use the term "light duty" to mean simply excusing an employee from performing those job functions that s/he is unable to perform because of an impairment. "Light duty" also may consist of particular positions with duties that are less physically or mentally demanding created specifically for the purpose of providing alternative work for employees who are unable to perform some or all of their normal duties. Further, an employer may refer to any position that is sedentary or is less physically or mentally demanding as "light duty". The term is often associated with workers compensation programs.

**Major Life Activity:** term used in the ADA definition of disability. It refers to activities that an average person can perform with little or no difficulty, such as walking, seeing, speaking, hearing, breathing, learning, performing manual tasks, caring for oneself, and working. These are examples only. Other activities such as sitting, standing, lifting, or reading are also major life activities.

**Marginal Job Functions:** functions that are not considered essential to a job. Employers must consider removing marginal job functions as an accommodation under the ADA, but do not have to remove essential functions as an accommodation.

**Medical Examination:** a procedure or test that seeks information about an individual's physical or mental impairments or health. The following factors should be considered to determine whether a test (or procedure) is a medical examination: (1) whether the test is administered by a health care professional; (2) whether the test is interpreted by a health care professional; (3) whether the test is designed to reveal an impairment or physical or mental health; (4) whether the test is invasive; (5) whether the test measures an employee's performance of a task or measures his/her physiological responses to performing the task ; (6) whether the test normally is given in a medical setting; and, (7) whether medical equipment is used. In many cases, a combination of factors will be relevant in determining whether a test or procedure is a medical examination. In other cases, one factor may be enough to determine that a test or procedure is medical.

**Mitigating Measures:** medical treatment or devices that lessen the effects of an impairment, such as medication, a prosthesis, or a hearing aid. When determining whether a person has a disability under the ADA, the effect of mitigating measures is to be considered.

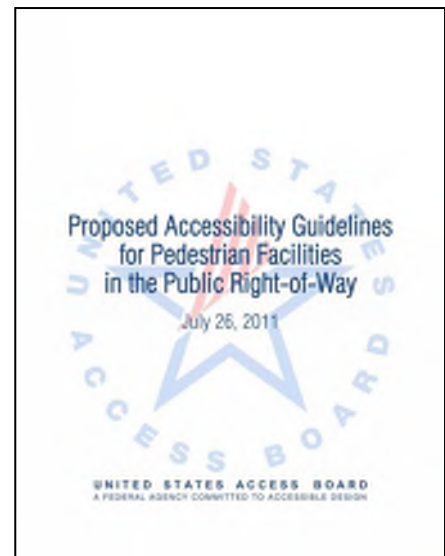
**Pedestrian Access Route (PAR):** a continuous and unobstructed path of travel provided for pedestrians with disabilities within or coinciding with a pedestrian circulation path.

**Pedestrian Circulation Path:** a prepared exterior or interior surface provided for pedestrian travel in the public right-of-way.

**Physical or Mental Impairment:** a physical or mental limitation that may include, but are not limited to: vision, speech, and hearing impairment; emotional disturbance and mental illness; seizure disorders; mental retardation; orthopedic and neuromotor disabilities; learning disabilities; diabetes; heart disease; nervous conditions; cancer; asthma; hepatitis B; HIV infection (HIV condition); and drug addiction if the addict has successfully completed or is participating in a rehabilitation program and no longer uses illegal drugs.

The following conditions are not physical or mental impairments: tranvestism, illegal drug use; homosexuality or bisexuality; compulsive gambling; kleptomania; pyromania; pedophilia; exhibitionism; voyeurism; pregnancy; height; weight; eye color; hair color; left-handedness; poverty; lack of education; a prison record; and poor judgment or quick temper if not symptoms of a mental or physiological disorder.

**PROWAG:** Proposed Accessibility Guidelines for Pedestrian Facilities within Public Right-of-Way. These proposed guidelines (dated July 26, 2011) provide design criteria for public streets and sidewalks, including pedestrian access routes, street crossings, curb ramps and blended transitions, on-street parking, street furniture, and other elements. The specifications comprehensively address access that accommodates all types of disabilities, including mobility and vision impairments, while taking into account conditions and constraints that may impact compliance, such as space limitations and terrain.



**Public Accommodations:** entities that must comply with Title III. The term includes facilities whose operations affect commerce and fall within at least one of the following 12 categories: places of lodging (e.g., inns, hotels, motels) (except for owner-occupied establishments renting fewer than six rooms); establishments serving food or drink (e.g., restaurants and bars); places of exhibition or entertainment (e.g., motion picture houses, theaters, concert halls, stadiums); places of public gathering (e.g., auditoriums, convention centers, lecture halls); sales or rental establishments (e.g., bakeries, grocery stores, hardware stores, shopping centers); service establishments (e.g., laundromats, dry-cleaners, banks, barber shops, beauty shops, travel services, shoe repair services, funeral parlors, gas stations, offices of accountants or lawyers, pharmacies, insurance offices, professional offices of health care providers, hospitals); public transportation terminals, depots, or stations (not including facilities relating to air transportation); places of public display or collection (e.g., museums, libraries, galleries); places of recreation (e.g., parks, zoos, amusement parks); places of education (e.g., nursery schools, elementary, secondary, undergraduate, or postgraduate private schools); social service center establishments (e.g., day care centers, senior citizen centers, homeless shelters, food banks, adoption agencies); and places of exercise or recreation (e.g., gymnasiums, health spas, bowling alleys, golf courses).

**Public Entity:** entities that must comply with Title II. The term is defined as: any state or local government; any department, agency, special purpose district, or other instrumentality of a state or local government; or certain commuter authorities as well as Amtrak. It does not include the Federal government.

**Qualified Individual with a Disability:** an individual with a disability who, with or without reasonable modification to rules, policies, or practices, removal of architectural, communication, or transportation barriers, or the provision of auxiliary services or aids, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by the County.

**Readily Achievable:** easily accomplishable and able to be carried out without much difficulty or expense. In determining whether an action is readily achievable, factors to be considered include nature and cost of the action, overall financial resources and the effect on expenses and resources, legitimate safety requirements, impact on the operation of a site, and, if applicable, overall financial resources, size, and type of operation of any parent corporation or entity. Under Title III, public accommodations must remove barriers in existing facilities if it is readily achievable to do so.

**Reasonable Accommodation:** under Title I, a modification or adjustment to a job, the work environment, or the way things usually are done that enables a qualified individual with a disability to enjoy an equal employment opportunity. Reasonable accommodation is a key nondiscrimination requirement of the ADA.

**Reasonable Program Modifications:** if an individual's disabilities prevent them from performing the essential functions of the program or activity, it is necessary to determine whether reasonable program modifications would enable these individuals to perform the essential functions of the program or activity.

Reasonable program modification is any change in a program or activity, or in the way things are customarily done, that enables an individual with a disability to enjoy equal program opportunities. Accommodation means modifications or adjustments:

- To a registration or application process to enable an individual with a disability to be considered for the program or activity;
- To the program or activity environment in which the duties of a position are performed so that a person with a disability can perform the essential functions of the program or activity; and



- That enables individuals with disabilities to enjoy equally the benefits of the program or activity as other similarly situated individuals without disabilities enjoy.

Modification includes making existing facilities and equipment used by individuals readily accessible and usable by individuals with disabilities. Modification applies to known disabilities only. Modification is not required if it changes the essential nature of a program or activity for the person with a disability, it creates a hazardous situation, adjustments or modifications requested are primarily for the personal benefit of the individual with a disability, or it poses an undue burden on the County.

**Record of an Impairment:** an individual is disabled if he or she has a history of having an impairment that substantially limits the performance of a major life activity or has been diagnosed, correctly or incorrectly, as having such an impairment. An example: a man, who is in line for a promotion, has a history of cancer treatment, although he is now free of cancer. He is not given the promotion because his bosses are worried that, if his cancer returns, he won't be able to do the job. He does not, at this point, meet the first part of the definition of disability because he does not have a physical or mental impairment that substantially limits one or more major life activities. However, based on his "record of" an impairment, he is being discriminated against.

**Regarded as Having a Disability:** an individual is disabled if he or she is treated or perceived as having an impairment that substantially limits major life activities, although no such impairment exists. An example: a woman applies for a job as a customer service representative at a department store. Her face is badly scarred from an automobile accident. The interviewer doesn't want to give her the job, in spite of her skills and experience, because he thinks customers will be uncomfortable looking at her. She is not substantially limited in any major life activity, but the interviewer is "regarding her as" if she has a disability.

**Running Slope:** the grade that is parallel to the direction of pedestrian travel.

**Safe Harbor:** elements of existing facilities that already comply with either the 1991 ADA Standards or UFAS are not required to comply with the 2010 ADA Standards unless they were altered on or after March 15, 2012 and elements comprising a path of travel to an altered primary function area are not required to comply with the 2010 ADA Standard merely as the result of an alteration to a primary function area, provided those elements comply with the 1991 ADA Standard or UFAS.

**Service Animal:** any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. See the 2010 revised requirements at [http://www.ada.gov/service\\_animals\\_2010.htm](http://www.ada.gov/service_animals_2010.htm).

**Substantial Limitation on Major Life Activities:** an individual is disabled if she or he has a physical or mental impairment that (a) renders her or him unable to perform a major life activity, or (b) substantially limits the condition, manner, or duration under which she or he can perform a particular major life activity in comparison to other people.

In determining whether physical or mental impairment substantially limits the condition, manner, or duration under which an individual can perform a particular major life activity in comparison to other people, the following factors shall be considered:

- The nature and severity of the impairment;

- The duration or expected duration of the impairment; and
- The permanent or long term impact (or expected impact) of, or resulting from, the impairment.

**Title V of the Rehabilitation Act of 1973:** title of the law that prohibits discrimination on the basis of a disability by the Federal government, Federal contractors, by recipients of Federal financial assistance, and in Federally conducted programs and activities.

**Transition Plan:** refers to a requirement that state and local governments employing 50 or more people develop plans detailing structural changes necessary to achieve facility and program accessibility.

**Undue Burden:** means significant difficulty or expense incurred in the provision of accommodation. Undue burden includes, but is not limited to, financial difficulty. Undue burden refers to any modification that would be unduly costly, extensive, substantial, or disruptive, or that would fundamentally alter the nature of operation of the business of the County. Whether a particular accommodation will impose an undue hardship is determined on a case-by-case basis. If a particular modification is determined to cause an undue burden to County, the County shall attempt to identify another modification that would not pose such a burden. If cost causes the undue burden, the County must consider whether funding for the modification is available from an outside source. If no such funding is available, the County must give the person with a disability the opportunity to provide the modification or to pay for that portion of the modification that constitutes an undue burden.

**Undue Hardship:** with respect to the provision of an accommodation under Title I of the ADA, significant difficulty or expense incurred by a covered entity, when considered in light of certain factors. These factors include the nature and cost of the accommodation in relationship to the size, resources, nature, and structure of the employer's operation. Where the facility making the accommodation is part of a larger entity, the structure and overall resources of the larger organization would be considered, as well as the financial and administrative relationship of the facility to the larger organization. Employers do not have to provide accommodations that cause an undue hardship.

**Uniform Federal Accessibility Standards (UFAS):** one of two standards that state and local governments can use to comply with Title II's accessibility requirement for new construction and alterations that took place before March 15, 2012. The other standard is the ADA Accessibility Guidelines, which is the enforceable standard for new construction or alterations done after March 15, 2012.

**U.S. Department of Justice:** Federal agency that is responsible for enforcing Titles II and III of the ADA.

**U.S. Department of Transportation:** Federal agency that enforces nondiscrimination in public and private transportation. Nondiscrimination includes access to public bus, train and paratransit, as well as privately operated bus and shuttle transportation. The ADA does not cover air transportation, which is subject to the Air Carrier Access Act.