RESOLUTION 02-2013

TOWN OF ELLETTSVILLE

RESOLUTION APPROVING THE TOWN OF ELLETTSVILLE AMERICANS WITH DISABILITIES ACT ("ADA") TRANSITION PLAN

The Town Council of the Town of Ellettsville hereby resolves as follows:

1. Background

(a) Title II of the Americans with Disabilities Act of 1990 ("ADA") requires the Town of Ellettsville to make its programs, services and activities, when viewed in their entirety, readily accessible to and usable by individuals with disabilities in all cases, except where to do so would result in a fundamental alteration in the nature of the program, or in an undue financial or administrative burden to the Town. In order to meet this mandate, the ADA requires the Town to perform self-evaluations to determine which of its programs, services, meetings, policies and practices are not in compliance with the ADA, and also to determine how, and a schedule to make all modifications necessary to remedy identified deficiencies. Making Town programs, services, meetings and activities accessible includes removing physical barriers to accessibility in public facilities, and public rights-of-way.

(b) Each department within the Town conducted their ADA self-evaluations in 2012. Based on these self-evaluations, it developed an ADA Transition Plan in 2012.

(c) On March 12, 2012, a duly noticed public hearing was held to inform the community of the process to draft the Transition Plan and to request community involvement.

(d) On January 14, 2013, a duly noticed public hearing was held regarding the completion of the Transition Plan and its findings.

(e) The Town Council considered the ADA Transition Plan presented at the public hearing, and concurred in the findings and recommendations as set forth.

2. Findings

(a) The Town Council finds that the Transition Plan properly and adequately:

(i) Identifies the Town's programs, activities and services and reviews its policies, practices and procedure that govern the administration of the Town's programs, activities, meetings and services.

(ii) Includes these elements:

(1) A list of physical barriers in the Town's facilities that limit the accessibility of its programs, activities or services to individuals with disabilities;

(2) An outline of the methods to be used to remove these barriers and make the facilities accessible;

(3) A proposed schedule for taking the steps necessary to achieve compliance with the ADA, Title II, will be amended annually; and

(4) The name of the individual responsible for the Transition Plan implementation.

(iii) Guides the planning and implementation of necessary program and facility modifications over the next several years.

(iv) Establishes the Town's ongoing commitment to the development and maintenance of policies, programs, services, meetings, activities and facilities to include all of its citizenry.

(b) Within the Transition Plan are current estimates for making the improvements necessary to implement the Town's ADA Transition Plan, beginning with the present fiscal year. The plan is to systematically remove identified barriers in the public right-of-ways and curb ramps to ensure quality among Town programs, services, meetings and activities. Priority will be given to removing barriers that prevent access to public facilities.

(c) Barrier removal described in the Transition Plan shall have the following exception:

(i) Those that would be a fundamental alteration or undue financial or administrative burden which are outlined in the Transition Plan.

3. Order Approving Transition Plan

(a) The Town Council hereby approves the Transition Plan. The approved Transition Plan shall hereafter be referred to as the *Transition Plan, January 14, 2013,* and the Planning Department is instructed to maintain a true and correct copy of that Plan.

(b) The Town Council will be the authority for approving all expenditures for implementing necessary improvements. The costs shown in the Transition Plan are estimated costs only. Costs that are unknown, at the present time, include costs for training, small office purchases, and costs of design, engineering and similar professional services for developing the plans to remove barriers which are not listed in the Transition Plan.

(c) Each year, the Town will review barriers listed in the Transition Plan. The Transition Plan may be amended by the Town Council as needed.

(d) The Department of Planning is hereby authorized and directed to implement and enforce the ADA Transition Plan. Upon a directive by the Town Council Town departments may be required to assist with implementation of the ADA Transition Plan.

4. Conclusion

The Transition Plan is an evolving document marked by continuous change and effective action.

Certificate of Adoption

I certify that the foregoing Resolution 02-2013 was duly adopted at a regular meeting of the Town Council of the Town of Ellettsville held on January 14, 2013, by a majority vote.

Dated: January 14, 2013

Scott Oldham, President

Attest:

Sandra Hash

Sandra Hash, Clerk-Treasurer

TOWN OF ELLETTSVILLE

AMERICANS WITH DISABILITIES TRANSITION PLAN

(JANUARY 14, 2013)

In accordance with the Americans with Disabilities Act ("ADA"), this document shall serve as the Town of Ellettsville's Transition Plan. Included are results of self-evaluations that addressed barriers within Town programs and facilities.

The development of this plan has occurred with the assistance of several individuals and organizations within the Town. The Town of Ellettsville's ADA Coordinator will coordinate all aspects of ADA compliance. Any comments, additions or suggestions about this plan may be directed to the ADA Coordinator:

Connie Griffin
Director of Planning
Town of Ellettsville
106 S. Park Street
Ellettsville, IN 47429
Telephone No. (812) 876-8008
Fax No. (812) 876-0444
Email: connie_griffin@bluemarble.net

The Plan is required to be updated periodically until all accessibility barriers are removed. A public hearing regarding the contents of the plan will be held on a yearly or as needed basis. Notice of the public hearing will be given at least two (2) weeks in advance of the hearing. Any comments, suggestions or additions to the plan may be addressed to the Town's ADA Coordinator throughout the year.

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CURRENT STATEMENT OF POLICY

TOWN OF ELLETTSVILLE CODE
EQUAL OPPORTUNITY POLICY

§ 36.015 EQUAL EMPLOYMENT OPPORTUNITY

(A) The town is an equal opportunity employer. It is the town's policy to treat all employees and applicants for employment equally according to their individual qualifications, abilities, experience and other employment standards. The town does not discriminate on the basis of age, color, disability, ethnicity, gender, national origin, race, religion, veteran status or any other legally protected classification. This policy of non-discrimination applies to all terms and conditions of employment, including but not limited to recruiting, hiring, promotion, training, compensation and discharge. It is the town's policy to comply with all applicable Federal, state and local laws governing employment. All position vacancy notices, postings, advertisements and recruiting literature shall contain the phrase "An Equal Opportunity Employer."

(B) Any employee with questions or concerns about any type of discrimination in the workplace shall bring these issues to the attention of their 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.
(Ord. 05-04, passed 2-28-2005)

TOWN OF ELLETTSVILLE CODE
AMERICANS WITH DISABILITIES EQUAL OPPORTUNITY POLICY

§ 36.018 AMERICANS WITH DISABILITIES ACT (ADA).

(A) It is the intent and policy of the town that qualified individuals with disabilities participate in and receive the benefit of the services, programs or activities of the town. It is the policy of the town not to discriminate against a qualified individual with a disability in: job application procedures, the hiring, advancement or discharge of employees, employee compensation, job training and other terms or conditions and privileges of employment. It is the intent of the town to comply with all applicable requirements of the Americans with Disabilities Act (ADA).

This will be amended upon review of the personnel policy to include the following:

> The Americans with Disabilities Act (ADA) gives civil rights protections to individuals with disabilities that are like those provided to individuals on the basis

of race, sex, national origin, and religion. It guarantees equal opportunity for individuals with disabilities in employment, public accommodations, transportation, State and local government services, and telecommunications.

(B) The town 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. Due to the nature of the work, however, the town may be unable to make such accommodations. Employees who wish to request an accommodation are advised to contact their supervisor to obtain ADA forms for processing. Any employee who believes he or she has received treatment inconsistent with this policy or with any requirement of the ADA may file a complaint within 180 days of the date of the alleged discriminatory act or practice with the Town Council or the Equal Employment Opportunity Commission.
(Ord. 05-04, passed 2-28-2005)

This will be amended upon review of the personnel policy to reflect current procedures and regulations.

PURPOSE

On July 26, 1990, the Americans with Disabilities Act ("ADA") was signed into law. The ADA prohibits discrimination against individuals with disabilities. This is considered one of the most important civil rights laws to be enacted since the Civil Rights Act of 1964.

All public entities were to have transition plans completed by July 26, 1992. (28 C.F.R. § 35.150(d)). Originally, transition plan projects were to be completed by January 26, 1995. (28 C.F.R. § 35.150(c)).

The five action steps to implementation of the ADA are as follows:

1. Designate a responsible employee
2. Provide notice of ADA requirements
3. Establish a grievance procedure
4. Conduct the self-evaluation
5. Develop a transition plan

The four principles necessary for implementation are:

1. Commitment from entity leaders
2. Coordination of compliance activities
3. Involvement of individuals with disabilities
4. Institutionalization of compliance procedures

The three phases of implementation are outlined as follows:

1. Planning for compliance
2. Conducting the self-evaluation
3. Implementing modifications

Title II, Part A, states " . . . *no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs or activities of a public entity, or be subjected to discrimination by any such entity.*" (42 U.S.C. §112132)

The Town of Ellettsville is committed to achieving barrier-free access by providing services and access that benefit all qualified individuals including those with disabilities. It wants to evaluate its accessibility as completely as possible, and to honor the spirit of the law as well as the letter.

A Town cannot have truly accessible programs and communications without an integrated, thoughtfully designed infrastructure that includes policies and procedures, well-functioning equipment, property financial support and accountability systems. More specifically, a complete infrastructure includes:

- ADA Coordinator.
- A standard ADA Rights Notice.
- A reasonable modifications policy.
- An effective communication policy and a capacity to provide auxiliary aids and services upon request.
- Telecommunications equipment for communicating with people who have hearing and speech impairments.
- An ADA grievance procedure.
- Access criteria for contracted services and programs.
- Access criteria for purchases.

The absence of individuals with disabilities living in an area cannot be used as the test of whether programs and activities must be accessible. (ADA, Title II Technical Assistance Manual, II-5.0000)

The ADA requires that public entities must reasonably modify their rules, policies, and procedures to avoid discriminating against individuals with disabilities. Public entities, however, are not required to make such modifications when it would fundamentally alter the nature of the program. If such action would result in an undue financial or administrative burden, the public entity would nevertheless be required to take some other action that would not result in such an alteration or such burdens but would ensure that the benefits and services provided by the public entity are readily accessible to persons with disabilities. (28 C.F.R. Part 35.150(a)(3)). Public entities that have brought required elements of path of travel into compliance with the 1991 Standards are not required to retrofit those elements in order to reflect incremental changes in the 2010 Standards solely because of an alteration to a primary function area that is served by that path of travel. In these circumstances, the public entity is entitled to safe harbor and is only required to modify elements to comply with the 2010 Standards if the public entity is planning an alteration to the element. If a public entity undertakes an alteration to a primary function area and the required elements of a path of travel to the altered area do not comply with the 1991 Standards, then the public entity must bring those elements into compliance with the 2010 Standards. Title II of the ADA is specific to public entities, i.e., local governments, and their programs, services and the activities they deliver. The Civil Rights Division of the Department of Justice ("DOJ") is the agency responsible for enforcing Title II.

Though the ADA protects individuals with disabilities in a wide range of situations, it does not protect individuals with disabilities in the following two situations:

1. When participation in a program by a person would be unsafe for the person, staff or other participants. (28 C.F.R. Part 35 § 35.130(b)(8))

2. When denial is due to behavior that is the result of the *current, illegal* use of drugs. (28 C.F.R. Part 35 §35.131)

In both of the aforementioned situations, the law requires that the decision to prohibit an individual's participation in a program be based on facts, rather than on speculation, stereotypes

or generalizations. It must be proven that drug use is current, as opposed to something the individual did in the past.

Department of Justice

The Americans with Disabilities Act ("ADA") is a comprehensive civil rights law for individuals with disabilities. The Department of Justice enforces the ADA's requirements in three (3) areas:

Enforcement:

Through lawsuits and both formal and informal settlement agreements, the Department of Justice has achieved greater access for individuals with disabilities in hundreds of cases. Under general rules governing lawsuits brought by the Federal Government, the Department of Justice may not file a lawsuit unless it has first unsuccessfully attempted to settle the dispute through negotiations.

Litigation:

The Department of Justice may file lawsuits in Federal court to enforce the ADA and may obtain court orders including compensatory damages and back pay to remedy discrimination.

Technical Assistance:

The ADA requires the Department of Justice to provide technical assistance to entities and individuals with rights and responsibilities under the law. The Department of Justice encourages voluntary compliance by providing education and technical assistance to businesses, governments, and members of the general public through a variety of means. Their activities include providing direct technical assistance and guidance to the public through their ADA Information Line, ADA Home Page, and Fax-on-Demand, developing and disseminating technical assistance materials to the public, undertaking outreach initiatives, operating an ADA technical assistance grant program, and coordinating ADA technical assistance government-wide.

Federal Highway Administration

The primary purpose of the Federal Highway Administration's ("FHWA") under the ADA is to ensure that pedestrians with disabilities have an opportunity to use the transportation system in an accessible and safe manner. As part of FHWA's regulatory responsibility under Title II of the ADA and Section 504 of the Rehabilitation Act of 1973 ("Section 504"), the FHWA ensures that recipients of federal aid and state and local entities that are responsible for roadways and pedestrian facilities do not discriminate on the basis of disability in any highway transportation program, activity, service or benefit they provide to the general public; and to ensure that individuals with disabilities have equitable opportunities to use the public rights-of-way system. Laws and regulations require accessible planning, design, and construction to integrate individuals with disabilities into mainstream society. Further, these laws require that the actions

of government highway entities do not discriminate in their programs and activities against persons with disabilities.

Section 504 requirements for United States Department of Transportation ("UDSOT") administrations are covered under 49 C.F.R. Part 27, Nondiscrimination on the Basis of Disability in Programs and Activities Receiving or Benefiting from Financial Assistance. The ADA (1990, Public Law 101-336) is a broader civil rights statute that prohibits discrimination against individuals with disabilities in all areas of public life. Section 504 responsibilities not detailed specifically in Title II of the ADA are: Rest areas on Interstate highways and pedestrian overpasses, underpasses, and ramps constructed with Federal financial assistance must be accessible.

If a local government is noncompliant, the FHWA shall seek a voluntary compliance agreement and if voluntary negotiations are unsuccessful, the case shall be sent to the Attorney General for appropriate action. (28 C.F.R. §§35.173-35.174) The penalties for noncompliance are the withholding of federal money, after the enforcement process. (49 C.F.R. §§27.121-27.129).

ADA FUNDAMENTALS

The cornerstone for Title II is *"no qualified person with a disability may be excluded from, participating in, or denied the benefits of, the programs, services, and activities provided by state and local governments because of a disability."* Disability is defined as a mental or physical impairment that substantially limits one or more major life activities, e.g., walking, seeing, hearing, breathing, caring for oneself, sitting, standing, lifting, learning, thinking, working and performing manual tasks that are central to daily life. Toyota Motor Mfg., Kentucky, Inc. v. Williams, 534 U.S. 184 (2002). The questions to ask when trying to decide if an impairment is substantially limiting are as follows:

1. What kind of impairment is involved?
2. How severe is it?
3. How long will the impairment last, or how long is it expected to last?
4. What is the impact of the impairment?
5. How do mitigating measures, such as eyeglasses and blood pressure medication, impact the impairment? The Supreme Court has ruled, if an impairment does not substantially limit one or more major life activities because of a mitigating measure an individual is using, the impairment may not qualify as a disability. For example, a broken arm is an impairment but it is usually temporary and not considered to be substantially limiting.

A person with a disability must also qualify for protection under the ADA. A qualified individual with a disability is someone who meets the essential eligibility requirements for a program, service or activity with or without (1) reasonable modifications to rules, policies, or procedures; (2) removal of physical and communication barriers; and (3) providing auxiliary aids or services for effective communications.

Public entities must reasonably modify their rules, policies and procedures to avoid discriminating against individuals with disabilities. 28 C.F.R. §35.130(b)(7). A modification to

rules, policies and procedures is not required when it would fundamentally alter the nature of the program, service or activity.

Fundamental alteration is a change to such a degree that the original program, service or activity is no longer the same.

Examples of Barriers to Accessibility

Architectural

- A building has just one entrance that is up a flight of stairs and has no ramp.
- The door to the only public restroom in a building is 28 inches wide.

Policies and Procedures

- Requiring a driver's license to obtain a library card from the public library.
- A "no animals" rule (without an exception for service animals) to enter a pie baking booth at a county fair.

Effective Communication

- No assistive listening system for public meetings.
- A state's website that cannot be accessed by blind people using screen reader software or those with low vision using text enlargement software.

INTEGRATION MANDATE

A primary goal of the ADA is the equal participation of individuals with disabilities in the mainstream of American society. As described in the ADA Technical Assistance Manual, the major principles of mainstreaming are as follows:

- Individuals with disabilities must be integrated to the maximum extent appropriate.
- Separate programs are permitted where necessary to ensure equal opportunity. A separate program must be appropriate to the particular individual.
- Individuals with disabilities cannot be excluded from the regular program, or required to accept special services or benefits.

Informed by these principles, the ADA allows for the creation of separate services for individuals with disabilities, but prohibits departments from requiring individuals with disabilities to participate in these services or excluding them from the standard program. (28 C.F.R. part 35 §35.130(b)(2) and (d))

Public entities must make their programs, services and activities accessible to qualified individuals with disabilities in the most integrated way appropriate to their needs. Separate or special activities are permitted to ensure that individuals with disabilities receive an equal

opportunity to benefit from a government's programs, services or activities. A public entity cannot deny a person with a disability access to programs, services and activities. Individuals with disabilities get to decide which program, service or activity they want to participate in.

STANDARDS FOR ACCESSIBLE DESIGN

The ADA Standards for Accessible Design refer to the requirements necessary to make a building or other facility architecturally (physically) accessible to individuals with disabilities.

Public Right-of-Way Accessibility Guidelines ("PROWAG"): The FHWA has advised PROWAG is the current recommended best practices, however, they have not yet been formally adopted. Further, the FHWA has determined PROWAG is consistent with the ADA's requirement that all new facilities (and altered facilities to the maximum extend feasible) be designed and constructed to be accessible to and useable by individuals with disabilities. It was anticipated that PROWAG would be formally adopted in late 2012 but as of this writing it has not taken place. The agencies responsible for the adoption of ADA guidelines are the Department of Justice and Department of Transportation.

2010 Standards for Accessible Design: Sets minimum requirements, both scoping and technical, for newly designed and constructed or altered state and local government facilities, public accommodations and commercial facilities to be readily accessible to and usable by individuals with disabilities. In addition, it contains all amendments to the ADAAG since 1998 including 2004 ADAAG and the requirements in 28 C.F.R. §35.151.

ADA Accessibility Guidelines ("ADAAG"): The ADAAG was originally published in 1991. These guidelines are to be applied during the design, construction and alteration of such buildings and facilities to the extent requirement by regulations issued by federal agencies, including the Department of Justice, under the ADA of 1990. The scoping and technical requirements under the ADAAG are to be applied during the design, construction, and alteration of buildings and facilities covered by Title II of the ADA to the extent required by regulations issued by Federal agencies, including the Department of Justice and the Department of Transportation, under the ADA.

Uniform Federal Accessibility Guidelines ("UFAS"): UFAS was also published in 1991. UFAS consists of architectural standards originally developed for facilities covered by the Architectural Barriers Act which applies to buildings designed, built, altered or leased by the federal government. Originally, local governments had the option to use UFAS or ADAAG to meet their obligations under Title II of the ADA. Only one set of standards could be used for any particular building. FHWA recommends using PROWAG as it is currently the recommended best practices and UFAS regulations are being phased out.

GRANDFATHER CLAUSE

There is no "grandfather" clause in the ADA. However, the law is flexible. City governments must comply with Title II of the ADA, and must provide program access for individuals with disabilities to the whole range of city services and programs. In providing program access city

governments are not required to take any action that would result in a fundamental alteration to the nature of the service, program, or activity in question or that would result in undue financial and administrative burdens.

Similarly, there is no exemption from Title II requirements for small municipalities. All public entities, regardless of size, must comply with Title II's requirements. (28 C.F.R. § 35.104.)

UNDUE BURDEN

In circumstances where the public entity believes that the proposed action would fundamentally alter the service, program or activity or would result in undue financial and administrative burdens, a public entity has the burden of proving that compliance would result in such alteration or burdens. The decision that compliance would result in such alteration or burdens must be made by the head of a public entity or his/her designee after considering all resources available for use in the funding and operation of the service, program or activity and must be accompanied by a written statement of the reasons for reaching that conclusion. If an action would result in such an alteration or burden, a city government must take any other action that it can to ensure that individuals with disabilities receive the benefits and services of the program or activity. (28 C.F.R. § 35.150(a)(3)).

SAFE HARBOR

If a public entity has constructed or altered required elements of a path of travel in accordance with the specifications in either the 1991 Standards or the Uniform Federal Accessibility Standards before March 15, 2010, the public entity is not required to retrofit such elements to reflect incremental changes in the 2010 Standards solely because of an alteration to a primary function area served by that path of travel.

Safe Harbor does not apply to those elements in existing facilities that are subject to supplemental requirements (i.e., elements for which there are neither technical nor scoping specifications in the 1991 Standards). Elements in the 2010 Standards not eligible for the element-by-element safe harbor are identified as follow: . . . Play areas.

TITLE II: TOWN SERVICES, PROGRAMS, ACTIVITIES
TOWN OF ELLETTSVILLE COMPLIANCE ACTIONS

General Non-Discriminatory Requirements

Designation of ADA Coordinator

Town ADA Coordinator has been designated:

Connie Griffin, Director of Planning
Department of Planning
Town of Ellettsville
106 S. Park Street
Ellettsville, IN 47429
Telephone No. (812) 876-8008
Fax No. (812) 876-0444
Email: connie_griffin@bluemarble.net

Town Assistant ADA Coordinator has been designated:

Denise Line
Department of Planning
Town of Ellettsville
106 S. Park Street
Ellettsville, IN 47429
Telephone No. (812) 876-8008
Fax No. (812) 876-0444
Email: denise_line@bluemarble.net

Designation of ADA Department Coordinators

Town ADA Department Coordinators (contact persons) have been designated:

Clerk-Treasurer	Sandra Hash
Engineer	Rick Coppock, Bynum Fanyo Utilities
Fire Department	Fire Chief Jim Davis
Police Department	Town Marshall Tony Bowlen
Street Department	Jim Ragle
Utilities Department	Mike Farmer and Jeff Farmer

EEO Policies

The Town of Ellettsville is an equal opportunity employer and the policies of such are set forth in the Town of Ellettsville Code of Ordinances.

Review of Town Code/Policies

The Town Code of Ordinances and any other Town issued policies will be reviewed to ensure proper and uniform terms and definitions are used.

EQUALLY EFFECTIVE COMMUNICATION

Provide public notice of ADA Coordinator and communication sources

- Town has published the name, address and phone number of the ADA Coordinator on the Internet and boards. See Exhibit A.
- Town Council meetings are closed-captioned.
- Town has closed-captioning of Town Council and Plan Commission meetings which air on Community Access Television Series 14 and Smithville Cable Channels 301, 302 and 303.

Provide internal notice to Town employees about ADA issues and compliance steps

- Town has posted the ADA Compliance Notice on bulletin boards at all work sites (Exhibit A).
- Town has posted the names of the ADA Department Coordinators on bulletin boards at all work sites (Exhibit A).

Provide internal notice to Town employees about the obstacle removal procedure

- An ADA Obstacle List will be created in 2013 and provided to all department supervisors/coordinators after completion of the curb ramp and sidewalk barrier surveys.
- An ADA Obstacle Removal Procedure will be prepared and distributed in 2013 upon completion of the curb ramp and sidewalk barrier surveys.

Identify equipment needs/access concerns for programs, meetings, etc.

- At this time the Town has TTY communication devices (all teletype) in only the Police and Fire Departments.
- As the Town purchases additional TTY devices employees will be trained in the use of the devices.
- The Town contracts with Monroe County to facilitate its emergency evacuation plans.

PROGRAM ACCESSIBILITY

Under the ADA, a program that requires people to wait must provide an equally effective option for people who, because of their disability, cannot wait in line. (28 C.F.R. Part 35 §35.130(a))

Obstacle Removal

- Each Town department has prepared a summary of all structural/architectural findings. In 2013, the ADA Coordinator will plan and prepare a budget for the removal of structural barriers that exist or may arise in the future. The Transition Plan will be updated accordingly.
- Town will complete the identifying/mapping of all curb ramps, evaluating adequateness and developing financial needs in 2013 and the Transition Plan will be updated accordingly.

  --Town has piloted community outreach efforts in an attempt to collect input from interested/affected parties; and
  --The Town will establish priorities based upon need and cost, as well as impact on affected population. This will be updated each year.

- A complete record of obstacles removed and those scheduled to be removed will be provided in the 2013 update.

Access to Town Services and Programs

- Town will institute a procedure for providing Braille markings on floors and room numbers on public areas within all Town owned or leased buildings.
- Town has a source for providing utility bills in Braille upon request.
- Town has a process for communicating utility bills to those that have hearing difficulty. The Town can also read utility bills to those that have vision impairment.
- Town has provided for integrated wheelchair seating in its public meetings.
- Town has provided for a mechanism for which individuals using wheelchairs can address the Town Council and Plan Commission and utilize a microphone system.
- Town has developed and published information regarding ADA compliance for each department.
- Town meetings are identified by the date, time, location and accessibility.
- Town buildings that have public restrooms meet accessibility compliance.
- Alternative formats available upon request are:

  --Audiotape
  --Large-type documents (18 points or larger)
  --Braille
  --Sign language interpreter

- Town will ensure new facilities and remodeled facilities are reviewed for compliance with ADA and/or Indiana Handicapped Accessibility Code ("IHAC") standards.

EMPLOYMENT

As of January 26, 1992, all public entities were to ensure that their employment practices and policies did not discriminate on the basis of disability against qualified individuals with disabilities in every aspect of employment, including recruitment, hiring, promotion, demotion, layoff and return from layoff, compensation, job assignments, job classifications, paid or unpaid leave, fringe benefits, training, and employer-sponsored activities, including recreational or social programs.

Job Descriptions

Job duties and requirements have been reviewed to identify non-essential items and/or to eliminate barriers to persons with disabilities. Requests for accommodations within specific positions are evaluated on a case-by-case basis.

Job Vacancies

Position vacancies are announced through various formats. They are available on all department bulletin boards, newspaper classified ads, staff recruitment, the Town's website, www.ellettsville.in.us, and on Community Access Television Series 14 and Smithville Cable Channels 301, 302 and 303.

Job Applications

- Town supervisors have been provided with an ADA Sample Application. Exhibit B.
- Job applications are made, upon request, in alternative formats. Accommodations for completing applications are provided upon request.

  Town offices have the ability to enlarge the font and provide alternatives to the application by the following means: computer diskette, interpreters, note takers, emails and assistance. The Town has a source to convert applications to Braille.

  Although the Town has the ability to provide applications in the aforementioned formats it will investigate the areas that need improvement such as audiocassettes, readers, telecommunication device for the deaf ("TDD")/teletypewriter ("TTY"), captioning/decoder, computer aided real time reporting ("CART") and other computer adaptions/software.

- No one with a disability will be required to obtain or complete applications on the second floor of any building where an elevator is not available. (Americans with Disabilities Act, Title II Technical Assistance Manual, II-3.3000).

Interpreters

- Town has a list of interpreters in the area and state who may be contacted on a 24 hour notice by Town of Ellettsville personnel to assist in providing services to persons who are deaf or hard of hearing. Supervisors requiring an interpreter are to contact the ADA Coordinator for information.
- Job applicants requesting an interpreter will be asked if they would like a certified interpreter. If so, a certified interpreter will be contacted.

Interviews

- Employment interviews conducted by the Town of Ellettsville are in accordance with federal law that protects qualified individuals with disabilities from inquiries designed to identify the existence of an applicant's disability. All interviews for individuals with disabilities will be conducted at the Ellettsville Fire Department on S.R. 46 and this is a permanent use for an accessible location.
- The Town has the following alternative means for conducting interviews: Large print interview questions, computer diskettes, interpreters, note takers, emails and assistance.
- The Town needs to investigate the following as an alternative to conducting an interview: Braille, audiocassette, readers, telecommunication devices for the deaf ("TDD")/teletypewriter ("TTY"), captioning/decoder, computer aided real time reporting ("CART") and other computer adaptions/software.

Pre-Employment Medical Exams

- Applicants are not required to undergo a pre-employment medical exam which may include a physical examination, drug screening and/or psychological examination. Further, these examinations are not required for post-job offers for any job classification in the Town.
- Town Code §36.105 (Medical Examinations) of the Town of Ellettsville Code of Ordinances states, "To help ensure that employees are able to perform their duties safely, medical examinations may be required at the town's expense. Information on an employee's medical condition or history shall be kept by the supervisor that is responsible for the employee, in a confidential file that is separate from other employee information. Access to this information will be limited to the employee and the supervisor." (Ord. 05-04, passed 2-28-2005)

Medical Records

- Medical records, results of any medical examinations and drug testing results must be kept in a separate confidential medical file. Medical records for employees are kept in a separate file in a locked file cabinet drawer located in the Clerk-Treasurer's office and/or with the supervisor of each department. In addition, Town supervisors also maintain copies of employees' medical records in a secure area. Specifically

§36.109(B)(3), Medical File, states for "The employee's confidential medical file shall contain all medical information, including disability information and other medically related information and shall be maintained by the supervisor."

- Further, §36.109(C) states "The employee's medical files and portions of the employee's personnel and administrative files shall be deemed confidential personnel records and exempt under the Indiana Public Records Law. The information contained in an employee's personnel records shall be available to the employee and the supervisor who directly supervises the employee, the town's attorney and employees designated as custodians of such records by the supervisor or by law.

Health Insurance and Other Benefits

Eligible employees, their spouses, new born and adopted children may enroll in the health benefits plan within 30 days of being hired. (§36.131(B))

Personnel Policies Manual

The Town's Personnel Policy includes the following content:

- Statement of Nondiscrimination or Equal Opportunity
- Benefits
- Rules of Conduct/Discipline
- Attendance/Sick Leave
- Medical Exam Requirements (Return to Work)
- Confidentiality
- Termination
- Use of Drugs/Alcohol

The Town of Ellettsville will need to consider updating its personnel policy to add accessibility and reasonable accommodations for employees with disability.

Reasonable Accommodation Requests for Incumbent Employees

Reasonable accommodation means any change or adjustment to a job or work environment that permits a qualified applicant or employee with a disability to participate in the job application process, to perform the essential functions of a job, or to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities.

- Town offices can offer the following reasonable accommodations for incumbent employees: large print, interpreter, note taker, email and assistance. Given that these accommodations are for incumbent employees, the Town will need to consider initiating a process for adapting job functions to Braille, audiocassettes, computer diskettes, readers, telecommunication device for the deaf ("TDD")/teletypewriter ("TTY"), captioning/decoder, computer aided real time reporting ("CART"),

computer hardware and other computer adaptions/software providing it is not an undue administrative or financial burden.

- A request form for employees requesting a reasonable accommodation has been developed. Formal procedures for reasonable accommodation will need to be developed and distributed to employees and department supervisors. (Exhibit C) The Town Council will review all formal and informal requests for reasonable accommodations and may approve such requests unless they impose an undue administrative burden.

The Town may consider instituting a training program to educate employees on the ADA, and their responsibility to provide accessibility in their programs, activities and facilities.

OTHER

Grievance Procedure

- Town has established a grievance procedure for the general public relating to disability/access-related complaints. (Exhibit D)
- A Discrimination Complaint Form is available at the Department of Planning. (Exhibit I)
- Town will ensure all employees are aware of the grievance procedure for the general public.

Cooperation from Organizations/Advocates of Persons with Disabilities

- Town utilized public input during the self-evaluation process.
- The Town will periodically involve the community in activities that will augment its efforts in being compliant with the ADA.
- Town's ADA representatives will meet with individual advocates/organizations on ADA compliance issues as necessary.
- Town will maintain an on-going list of persons interested in assisting the Town in its compliance efforts.

Crisis Intervention Team

- The Town may consider a crisis intervention team or participating in a joint Crisis Intervention Team with Monroe County at such time it is formed. This crisis intervention team will assist local law enforcement when they encounter a potentially volatile situation involving a person with mental disability.

Town of Ellettsville Disability Commission

- The Town may consider a disability commission which would sponsor programs that provide information on a variety of disability related topics. If possible, these

programs could be videotaped and aired on Community Access Television Series 14 and Smithville Cable Channels 301, 302 and 303.

PUBLIC NOTICE

Providing notice is critical, because when people are informed, they are more likely to advocate for themselves, as well as to understand what is and is not guaranteed by the law. Providing notice means developing and publicizing a standard notice of rights. It does not mean adopting a passive policy of "if someone needs something, he/she can just ask."

The three considerations for providing public notice about the ADA are:

1. Who is the target audience for the ADA notice?
2. What information shall the notice include?
3. Where and how should the notice be provided?

The notice states the basics of what the ADA requires of the local government without being too lengthy, legalistic or complicated. It should include the name and contact information of the ADA Coordinator. The Public Notice is attached as Exhibit A.

GRIEVANCE PROCEDURE

Local governments with 50 or more employees are required to adopt and publish procedures for resolving grievances arising under Title II. The grievance procedure should be distributed to all department supervisors. Copies are to be posted in public spaces of public buildings and on the government's website. The grievance procedure must be available in alternative formats so it is accessible to all individuals with disabilities. The grievance procedure (Exhibit D) includes:

- Description of how and where a complaint under Title II may be filed with the government entity;
- If a written complaint is required, a statement notifying potential complainants that alternative means of filing (i.e., TTY, mail, in person, etc.) will be available to individuals with disabilities who require such an alternative;
- A description of the time frames and processes to be followed by the complainant and the government entity;
- Information on how to appeal an adverse decision; and
- A statement of how long complaint files will be retained.

EFFECTIVE COMMUNICATION

Under Title II, all state and local governments are required to take steps to ensure that their communications with individuals with disabilities, including companions with disabilities are as effective as communications with others. (28 C.F. R. §35.160(a)(1)) "Companion" means a family member, friend, or associate of an individual seeking access to a service, program or activity of a public entity, who, along with such individual, is an appropriate person with whom

the public entity should communicate. (28 C.F.R. §35.160(a)(2)) This requirement is referred to as "effective communication" and it is required except where a state or local government can show that providing effective communication would fundamentally alter the nature of the service or program in question or would result in an undue financial and administrative burden. This requirement applies to all members of the public with disabilities, including job applicants, program participants and even people who simply contact state or local government agencies seeking information about program, services or activities. Tax bills and bills for water and other government services are subject to the requirement for effective communication.

Individuals with disabilities cannot participate in government sponsored programs, services or activities if they cannot understand what is being communicated. Persons with disabilities should have the opportunity to request an auxiliary aid and "primary consideration" should be given unless (1) it can be shown there is an equally effective way to communication or (2) the aid requested would fundamentally alter the nature of the program, service or activity. (Americans with Disabilities Act, Title II Technical Assistance Manual, II-7.1100) Public entities cannot charge the person with the disability for the costs of making a program, service or activity accessible or by providing a reasonable modification. Programs are required to give primary consideration to whichever aid or service is preferred by the person with a disability (rather than providing them with an aid or service of the program's choosing. (28 C.F.R. Part 35 §35.160(b)(2)). It is important to consult with the individual to determine the most appropriate auxiliary aid or service, because the individual with a disability is most familiar with his or her disability and is in the best position to determine what type of aid or service will be effective.

Public entities shall not require an individual with a disability to bring another individual to interpret for him/her. Further, a public entity shall not rely on an adult accompanying an individual with a disability to interpret or facilitate communication except in an emergency involving an imminent threat to the safety or welfare of an individual or the public where there is no interpreter available; or where there is a specific request that the accompanying adult interpret or facilitate communication, the accompanying adult agrees to provide such assistance, and reliance on that adult for such assistance is appropriate under the circumstances. A public entity shall not rely on a minor child to interpret or facilitate communication, except in an emergency involving an imminent threat to the safety or welfare of an individual where there is no interpreter available. (28 C.F.R. §35.160(c)(1)(2)(i)(ii)(3)) It is the responsibility of the public entity to provide a qualified interpreter.

Most often, the people who face communication access barriers are people who have visual and hearing impairments (also known as "sensory impairments"). However, communication barriers are also faced by individuals with learning disabilities, memory disabilities, brain injuries, mental illnesses, speech impairments and other disabilities.

Telecommunications

The 21st Century Communications and Video Accessibility Act signed into law on October 8, 2010, establishes new safeguards for disability access to ensure that individuals with disabilities are not left behind as technology changes.

Where a public entity communicates by telephone with applicants and beneficiaries, text telephones ("TTYs") or equally effective telecommunications systems shall be used to communicate with individuals who are deaf or hard of hearing or have speech impairments.

When a public entity uses an automated-attendant system, including, but not limited to, voice mail and messaging, or an interactive voice response system, for receiving and directing incoming telephone calls, that system must provide effective real-time communication with individuals using auxiliary aids and services, including TTYs and all forms of FCC-approved telecommunications relay system, including Internet-based relay systems. If telephone relay services, such as those required by Title IV of the ADA, are available, these services generally may be used to meet the effective communication requirements. However, complaints and ADA standards passed in the future may require that certain offices get text telephones.

At present, the Town does not utilize automated-attendant systems, other than voicemail, in any of its offices. To provide a combination TTY/VCO text answering machine at each desk of every department would be cost prohibitive for the Town. As of November 2012, the cost of a Digital Combination TTY/VCO with Text Answering Machine, Ameritech Model Q90D, is $204.95 for each phone. This does not include additional equipment costs for cordless telephones, headsets, etc. In an effort to comply with the ADA, the Town is proposing to furnish each department with one text telephone over a period of three years beginning in 2014. No funds were allocated for this in the 2013 budget which was passed on October 8, 2012 (Exhibit M), and prior to the adoption of the Transition Plan. The Town does not have a central interconnecting telephone system. Each office has its own separate telephone number.

Information and Signage

A public entity shall ensure that interested persons, including persons with impaired vision or hearing, can obtain information as to the existence and location of accessible services, activities and facilities.

Signage shall be provided at all inaccessible entrances to each of its facilities, directing users to an accessible entrance or to a location at which they can obtain information about accessible facilities. The international symbol for accessibility shall be used at each accessible entrance of a facility. (28 C.F.R. §35.163(b))

The following signs, though not specifically subject to the 1991 Standards for signs, will now be explicitly exempted by §§216 and 703 of the 2010 Standards: Seat and row designations in assembly areas; occupant names, building addresses; company names and logos; signs in parking facilities (except those identifying accessible parking spaces and means of egress); and exterior signs identifying permanent rooms and spaces that are not located at the door to the space they serve. This requirement also clarifies that the exception for temporary signs applies to signs used for seven days or less. 2010 Standards retain the option to provide one sign where both visual and tactile characters are provided or two signs, one with visual and one with tactile characters.

Public Telephones

1991 Standards require a public TTY be provided if there are four or more public pay telephones at a site and at least one is in an interior location.

2010 Standards require that a building or facility provide a public TTY on each floor that has four or more public telephones and in each telephone bank that has four or more telephones. At least one public TTY is to be installed where four or more public pay telephones are provided on an exterior site. In detention and correctional facilities 2010 Standards also require a TTY be provided where at least one pay telephone is provided and to be used only be detainees or inmates and security personnel.

Wheelchair Accessible Telephones: 2010 Standards require that where public telephones are provided wheelchair accessible telephones complying with §704.2 of the 2010 Standards must be provided.

Audible Communications: 1991 Standards require assembly areas, where audible communication is integral to the use of the space, to provide an assistive listening system if they have an audio amplification system or an occupant load of 50 or more people and have fixed seating. 2010 Standards require small facilities to provide receivers for four percent of the seats. At least 25%, but no fewer than two, of the receivers to be hearing-aid compatible. Assembly areas served by an induction loop assistive listening system will not have to provide hearing-aid compatible receivers. *(Assembly area includes facilities used for entertainment, educational or civic gatherings per 2010 Standards.)* 1991 Standards do not contain specific technical requirements for assistive listening systems. 2010 Standards (§706) require assistive listening systems to have standard mono jacks and will require hearing-aid compatible receivers to have neck loops to interface with telecoils in hearing aids. Sound pressure level, signal-to-noise ratio, and peak clipping level are also specified in the 2010 Standards.

Types of Auxiliary Aids and Services

Deaf/hard of hearing: Interpreters, note takers, real time captioning (computer aided transcription services, i.e., court reporting services), written materials, telephone headset amplifiers, assistive listening systems, telephones compatible with hearing aids, open and closed captioning, videotext displays and TTYs.

Blind/low vision: Qualified readers (a person who is able to read effectively, accurately, and impartially using any necessary specialized vocabulary), taped texts, Braille materials, large print materials, materials in electronic format on compact discs or in emails and audio recordings.

Speech impairments: TTYs, computer stations, speech synthesizers and communications boards.

Communication may occur in different ways, i.e., speaking, listening, reading and writing. When these communications involve a person with a disability, an auxiliary aid or service may be required for communications to be effective. The type of aid or service necessary depends on the length and complexity of the communication as well as the format.

Before someone requests an auxiliary aid or service, the local government should plan ahead to accommodate the communication needs of persons with disabilities. To plan ahead for effective communication, local governments can do the following:

- Identify local resources for auxiliary aids and services.
- Find out how which documents can be produced in Braille or acquire other aids or services.
- Contract with qualified interpreter services and other providers so that interpreters and other aids and services will be available on short notice.
- Use the Title II checklist for General Effective Communication for conducting an assessment of the local government's provision of effective communication.
- Train employees about effective communication and how to obtain and use auxiliary aids and services. All employees who interact with the public over the telephone or in person need to know their role in ensuring effective communication.

Town of Ellettsville's Compliance for Effective Communication:

The Town of Ellettsville has approximately 70 employees which include full time and part-time positions. To maintain a qualified interpreter on staff would be an undue hardship to the Town. The Town, however, has additional means for accommodating individuals with disabilities as outlined below.

The Town has a source for converting documents to Braille should this be requested from an employee or a member of the community.

Microsoft Office offers a free version Natural Reader 10 which can be downloaded. This program converts text to speech and could be installed on at least one computer in each department. This program will accommodate effective communication for converting printed materials to speech for those individuals who are blind or have low vision.

The Town of Ellettsville can provide a note taker at public meetings, as requested, for those individuals who are deaf or hard of hearing. In addition, the Town can provide text copies of minutes from all public meetings.

The Town of Ellettsville can provide recordings of all public meetings at an accessible location for those individuals who are blind or have low vision. The Town may consider purchasing a telephone headset amplifier for those individuals and employees who are hard of hearing.

The State of Indiana operates a free public service, Relay Indiana, a service of InTRAC, which can be utilized by all departments within the Town of Ellettsville. The TTY user will dial 711 and be connected with a Relay Operator who will then connect with a voice caller. Relay Indiana encompasses the following types of relay calls: Voice User, TTY, VCO, HCO, Computer ASCII and Speech to Speech, Spanish to Spanish, Video Relay Service, Internet Relay (SRO) and Captel (Captioned Telephone). This information will be provided to all Town offices and is attached as Exhibit E.

Currently, Town departments already have the capability to utilize audio tapes, CD Roms, DVDs and diskettes as an alternative means for effective communication. However, all departments may consider increasing their supply budgets to have a sufficient number of these items on hand. Town departments will have the ability to enlarge documents, photos, plans/plats and any other document on in-house copiers.

Clerk-Treasurer's Office Effective Communication Compliance Schedule

Needed Auxiliary Aids & Services	Where might these be provided?			Date to be completed/ purchased (if not provided upon request)
Summarize needed auxiliary aids and services to be purchased or contracted. Place an asterisk (*) next to those that will be provided upon request; all others please note date to be completed/purchased.	Within Department	Central Location	Outside Sources (list)	
Telephone Handset Amplifier	$25.95			2013
Digital Combination TTY/VCO with Text Answering Machine, Ameritech Model Q90D	$220.00 or current cost			2015
Braille Translation–GH-Accessibility*	$4.50-$14.95 per page (Amount to be budgeted is $100 per year.)			2014 (this is an amount to be included annually in the Town's budget)

Fundamental Alteration and Undue Burden		
Description of needed auxiliary aids and services, other communication issues	**Cost Estimate**	**Explanation of fundamental alteration OR undue financial or administrative burden**
Digital Combination TTY/VCO with Text Answering Machine for each desk.	$880.00	This office has a moderate volume of calls and has an open floor plan. The office would have to order four TTY phones for every desk to have one. Due to the open floor plan, if an employee receives a TTY call, other employees can move to the desk with the TTY phone.

Fire Department Effective Communication Compliance Schedule

Needed Auxiliary Aids & Services	Where might these be provided?			Date to be completed/ purchased (if not provided upon request)
Summarize needed auxiliary aids and services to be purchased or contracted. Place an asterisk (*) next to those that will be provided upon request; all others please note date to be completed/purchased.	Within Department	Central Location	Outside Sources (list)	
Digital Combination TTY/VCO with Text Answering Machine, Ameritech Model Q90D	$220.00 or current cost			2015
Braille Translation–GH-Accessibility	$4.50-$14.95 per page (Amount to be budgeted is $100 per year.)			2014 (this is an amount to be included annually in the Town's budget)

Fundamental Alteration and Undue Burden

Description of needed auxiliary aids and services, other communication issues	Cost Estimate	Explanation of fundamental alteration OR undue financial or administrative burden
Digital Combination TTY/VCO with Text Answering Machine for each desk.	$2,520.00	This is an emergency service department with 12 telephone outlets. Emergency calls are received at a 911 center located in Monroe County. Calls coming into the Fire Department are of a non-emergency nature and, because firefighters are out of the building or working on other tasks only one TTY telephone is needed

Planning Department Effective Communication Compliance Schedule

Needed Auxiliary Aids & Services	Where might these be provided?			Date to be completed/ purchased (if not provided upon request)
Summarize needed auxiliary aids and services to be purchased or contracted. Place an asterisk (*) next to those that will be provided upon request; all others please note date to be completed/purchased.	Within Department	Central Location	Outside Sources (list)	
Digital Combination TTY/VCO with Text Answering Machine, Ameritech Model Q90D	$210.00 or current cost			2014
Braille Translation–GH-Accessibility	$4.50-$14.95			2014 (this is an

	per page (Amount to be budgeted is $100 per year.)			amount to be included annually in the Town's budget)

Fundamental Alteration and Undue Burden		
Description of needed auxiliary aids and services, other communication issues	**Cost Estimate**	**Explanation of fundamental alteration OR undue financial or administrative burden**
Digital Combination TTY/VCO with Text Answering Machine for each office.	$840.00	This office has four telephones and has one full time, one part-time and one part-time seasonal employee. The office would have to order four TTY phones for every desk to have one. There is no need to supply TTY phones at desks which do not belong to full time employees. Employees can move to a desk with the centrally located TTY phone.

Police Department Effective Communication Compliance Schedule

Needed Auxiliary Aids & Services	Where might these be provided?			Date to be completed/ purchased (if not provided upon request)
Summarize needed auxiliary aids and services to be purchased or contracted. Place an asterisk (*) next to those that will be provided upon request; all others please note date to be completed/purchased.	Within Department	Central Location	Outside Sources (list)	
Digital Combination TTY/VCO with Text Answering Machine, Ameritech Model Q90D	$230.00 or current cost			2016
Braille Translation–GH-Accessibility	$4.50-$14.95 per page (Amount to be budgeted is $100 per year.)			2014 (this is an amount to be included annually in the Town's budget)

Fundamental Alteration and Undue Burden		
Description of needed auxiliary aids and services, other communication issues	**Cost Estimate**	**Explanation of fundamental alteration OR undue financial or administrative burden**
Digital Combination TTY/VCO with Text Answering Machine for each office.	$3,990.00	This is an emergency service department with 19 telephone outlets.

		Emergency calls are received at a 911 center located in Monroe County. Calls coming into the Police Department are of a non-emergency nature and, because officers are out in the field only one TTY telephone is needed.

Street Department Effective Communication Compliance Schedule

Needed Auxiliary Aids & Services	Where might these be provided?			Date to be completed/ purchased (if not provided upon request)
Summarize needed auxiliary aids and services to be purchased or contracted. Place an asterisk (*) next to those that will be provided upon request; all others please note date to be completed/purchased.	Within Department	Central Location	Outside Sources (list)	
Digital Combination TTY/VCO with Text Answering Machine, Ameritech Model Q90D	$230.00 or current cost			2016
Braille Translation–GH-Accessibility*	$4.50-$14.95 per page (Amount to be budgeted is $100 per year.)			2014 (this is an amount to be included annually in the Town's budget)

Fundamental Alteration and Undue Burden

Description of needed auxiliary aids and services, other communication issues	Cost Estimate	Explanation of fundamental alteration OR undue financial or administrative burden
Digital Combination TTY/VCO with Text Answering Machine for each office.	$1,050.00	This office has five telephones with two on the first floor and three on the second floor. The Street Superintendent's main office is on the second floor. This office would have the centrally located TTY phone. The employees work is approximately 90% outdoors and they would not be inside the building during the day to answer the telephone so, therefore, messages are either left on voice mail or with the Planning Department. The current voice mail system is on the Street Superintendent's telephone. This is the logical location for a TTY phone.

Ellettsville Utilities Effective Communication Compliance Schedule

Needed Auxiliary Aids & Services	Where might these be provided?			Date to be completed/ purchased (if not provided upon request)
Summarize needed auxiliary aids and services to be purchased or contracted. Place an asterisk (*) next to those that will be provided upon request; all others please note date to be completed/purchased.	Within Department	Central Location	Outside Sources (list)	
Digital Combination TTY/VCO with Text Answering Machine, Ameritech Model Q90D	$220.00 or current cost			2015
Braille Translation–GH-Accessibility*	$4.50-$14.95 per page (Amount to be budgeted is $100 per year.)			2014 (this is an amount to be included annually in the Town's budget)

Fundamental Alteration and Undue Burden

Description of needed auxiliary aids and services, other communication issues	Cost Estimate	Explanation of fundamental alteration OR undue financial or administrative burden
Digital Combination TTY/VCO with Text Answering Machine for each office.	$1,050.00	This office has five telephones. The office would have to order five TTY phones for every desk to have one. The office has an open floor plan and if an employee receives a TTY call, other employees can move to a centrally located desk with the TTY phone.

Ellettsville Utilities – Garage Effective Communication Compliance Schedule

Needed Auxiliary Aids & Services	Where might these be provided?			Date to be completed/ purchased (if not provided upon request)
Summarize needed auxiliary aids and services to be purchased or contracted. Place an asterisk (*) next to those that will be provided upon request; all others please note date to be completed/purchased.	Within Department	Central Location	Outside Sources (list)	
This is a waste treatment facility and is not open to the public. All telephone calls from the public go through the business office. Visitors				

also go to the business office.				

Fundamental Alteration and Undue Burden		
Description of needed auxiliary aids and services, other communication issues	**Cost Estimate**	**Explanation of fundamental alteration OR undue financial or administrative burden**
See explanation above.		

9-1-1 AND EMERGENCY COMMUNICATION SERVICES

The ADA requires that all Public Safety Answering Points ("PSAP") provide direct and equal access to their services for individuals with disabilities who use teletypewriters ("TTY"). This includes all public safety agencies including police, fire and ambulance. If the PSAP is secondary for 9-1-1 calls, they have the same responsibilities under the ADA as do the primary PSAPs. The public safety agencies must be able to receive transferred TTY calls as efficiently and effectively as voice calls. Direct access means that PSAPs must directly receive TTY calls without relying on an outside relay service or third-party services. Equal access means that the telephone emergency services provided for TTY uses are as effective as those provided for people who make voice calls. Access must be equal in terms of response time, response quality, hours of operation and all other features offered (e.g., automatic number identification, automatic location identification, automatic call distribution).

Some people who have hearing disabilities do not have access to TTYs or no longer have them. Instead, some deaf people and people with speech disabilities rely on instant messaging, text messaging, email or video communication features of computers. Local governments are responsible under Title II for providing effective communication and equal access to 9-1-1 and other emergency services. Access to 9-1-1 services should be made available, when feasible, to people with hearing and speech disabilities who use communication technologies other than standard telephone or TTYs such as personal digital assistants (PDAs) or other wireless technologies.

There are two types of carryover and public services agencies that should have equipment that switches back and forth between voice mode and TTY mode. Voice carryover and hearing carryover: Voice carryover ("VCO") is a communication hybrid of TTY and voice. It is often used by persons who become deaf or hard of hearing later in life and prefer to speak instead of type. Hearing carryover ("HCO") allows a TTY user to type words on the TTY and hear call takers' spoken responses through the headset. This is often used by persons who are not deaf or hard of hearing but have speech.

Localities that use 9-1-1 are prohibited from requiring TTY users to call a different number. Telephone emergency services must only be compatible with the Baudot format TTY code. Every call taking position within the PSAP must have its own TTY or TTY compatible equipment. TTY calls are to have the same access as voice calls to such enhanced features whenever feasible. All call takers must have the capability to switch back and forth easily from TTY mode to voice mode during the same call.

PSAPs must implement procedures for maintenance and backup capability for TTY equipment that are equally effective as the procedures for maintenance and backup capability provided for voice telephone equipment. If a PSAP has a plan for backup equipment in case some of its equipment malfunctions, the plan must provide for TTY calls and equipment.

Emergency service providers need to stay current with changing technology to ensure that equal access and services are provided to TTY callers relying on newer technologies when they become available.

Suggestions:

1. Training should be mandatory for all personnel who may have contact with individuals from the public who have hearing or speech disabilities.

2. PSAPs should require or offer a refresher training at least as often as they require or offer training for voice calls, but at a minimum, every six months.

3. Meet with members of the community who are deaf, hard of hearing or who have speech disabilities to learn what technologies are available in their homes and elsewhere when emergency services are needed.

The Town of Ellettsville Police Department will be provided with brochures titled *"Communicating with People Who Are Deaf or Hard of Hearing, ADA Guide for Law Enforcement Officers,"* attached hereto as Exhibit F.

Fire Department 9-1-1 Emergency
Communication Services Compliance Schedule

Needed Auxiliary Aids & Services	**Where might these be provided?**			**Date to be completed/ purchased (if not provided upon request)**
Summarize needed auxiliary aids and services to be purchased or contracted. Place an asterisk (*) next to those that will be provided upon request; all others please note date to be completed/purchased.	**Within Department**	**Central Location**	**Outside Sources (list)**	
Although the Fire Department has a TTY or TTY compatible equipment and their personnel receive the appropriate training, their 9-1-1 service is provided by Monroe County, Indiana				

Fundamental Alteration and Undue Burden		
Description of needed auxiliary aids and services, other communication issues	**Cost Estimate**	**Explanation of fundamental alteration OR undue financial or administrative burden**
See explanation above.		

Police Department 9-1-1 Emergency
Communication Services Compliance Schedule

Needed Auxiliary Aids & Services	Where might these be provided?			Date to be completed/ purchased (if not provided upon request)
Summarize needed auxiliary aids and services to be purchased or contracted. Place an asterisk (*) next to those that will be provided upon request; all others please note date to be completed/purchased.	Within Department	Central Location	Outside Sources (list)	
9-1-1 service is provided by Monroe County, Indiana				

Fundamental Alteration and Undue Burden		
Description of needed auxiliary aids and services, other communication issues	**Cost Estimate**	**Explanation of fundamental alteration OR undue financial or administrative burden**
See explanation above.		

WEBSITE ACCESSIBILITY

The ADA and, if the government entity receives federal funding, the Rehabilitation Act of 1973 generally require that local governments provide qualified individuals with disabilities equal access to their programs, services or activities unless doing so would fundamentally alter the nature of their programs, services or activities or would impose an undue burden. (28 C.F.R. §§ 35.149, 2 35.164)

The Department of Justice has consistently interpreted the ADA to cover websites that are operated by public entities and stated that such sites must provide their services in an accessible manner or provide an accessible alternative to the website that is available 24 hours a day, seven days a week. (28 C.F.R. §35.190)

To meet this requirement, is to ensure government websites have accessible features for individuals with disabilities. An agency with an inaccessible website may also meet its legal obligations by providing an alternative accessible way for citizens to use the program or services, such as a staffed telephone information line. Poorly designed websites can create unnecessary barriers for individuals with disabilities.

Blind people, those with low vision and people with other disabilities which affect their ability to read a computer often use screen readers and refreshable Braille displays. Because they can only read text, these displays cannot interpret photographs, charts, color-coded information or other graphic elements on a webpage. Adding a line of simple HTML code to provide text for each image and graphic will enable a user with a vision disability to understand what it is. Either a type of HTML tag, such as an "alt" tag for brief amounts of text or a "longdesc" tag for large amounts can be added to each image and graphic on the website. The tag, however, should be more than a description. It should provide a text equivalent of the image.

PDF documents, or those in other image based formats, are often inaccessible to blind people who use screen readers and people with low vision who use text enlargement programs or different color and font settings to read computer displays. The solution is to always provide documents in an alternative text-based format such as HTML or RTF (Rich Text format), in addition to PDF. Text based formats are the most compatible with assistive technologies.

Websites should be designed so they can be viewed with the color and font size set in users' web browsers and operating systems. Users with low vision must be able to specify the text and background colors as well as the font sizes needed to see webpage content. People with low vision use specific color and font settings when they access the internet. These settings are often very different from those most people use.

Videos need to incorporate features that make them accessible to everyone. Provide audio descriptions of images (including changes in setting, gestures and other details) to make videos accessible to people who are blind or have low vision. Providing text captions synchronized with the video images will make videos and audio tracks accessible to people who are deaf or hard of hearing. People who are deaf or hard of hearing can see the information on web pages but cannot hear the audio track of a video. Those who are blind or have a low vision are unable to see the video images but can hear the audio track.

Proposed Action Plan for Providing Accessible Websites:

1. Establish, implement and post online a policy that web pages will be accessible and create a process for implementation.

2. Ensure that all new and modified web pages and content are accessible as outlined above.

3. Develop a plan for making existing web content accessible. Describe the plan on an accessible web page, and encourage input on how accessibility can be improved. Let visitors to the website know about the standards or guidelines that are used to make the website accessible. When setting time frames for accessibility modifications to the website, make more popular web pages are a priority.

4. When updating web pages, ensure the updates are accessible. For example, when images change, the text equivalents in "alt" tags and long descriptions need to be changed so they match the new images.

5. Ensure that in-house staff responsible for web page and content development are property trained. Copies of the Department of Justice technical assistance document, "Accessibility of State and Local Government Websites to People with Disabilities" has been provided to all Town supervisors. (Exhibit G)

6. Provide a way for visitors to request accessible information or services by posting a telephone number or email address on home pages. Establish procedures that ensure a quick response to users with disabilities who are trying to obtain information or services in this way.

7. Periodically enlist disability groups to test web pages for ease of use; use the feedback they provide to increase the accessibility of Town websites.

8. Ensure that there are alternative ways for individuals with disabilities to access the information and services that are provided on websites. Some people may not have, or be able to use, a computer.

Suggestions:

1. Include a "skip navigation" link at the top of web pages that allows people who use screen readers to ignore navigation links and skip directly to web page content.

2. Minimize blinking, flashing or other distracting features.

3. If distracting features mentioned in No. 2 must be included, ensure they may be paused or stopped.

4. Design online forms to include descriptive HTML tags that provide persons with disabilities the information they need to complete and submit the forms.

5. Include visual notification and transcripts if sounds automatically play.

6. Provide a second, static copy of pages that are auto-refreshing or that require a timed-response.

7. Use titles, context and other heading structures to help users navigate complex pages or elements (such as web pages that use frames).

Town departments which currently utilize websites are as follows: Clerk-Treasurer, Fire Department, Planning Department and Police Department. All Town offices, however, have completed a Self-evaluation for Website Accessibility. Those departments with web sites can utilize WAVE, a free web accessibility evaluation tool, to determine if their websites are accessible for individuals with disabilities. WAVE can be found at http://wave.webaim.org/. To date, the Clerk-Treasurer's office and the Planning Department have tested their websites for accessibility.

A summary from the Self-Evaluation for Website Accessibility from those departments who currently have websites is as follows:

- None utilize "skip navigation" links.
- No links have text descriptions on their graphics.
- None use HyperText Markup Language ("HTML") tags (e.g., "alt" tags or a long description tags) with text equivalents of material being visually conveyed.
- Not all documents on websites are in HTML, Rich Text Format ("RTF") or word processing formats even if they are provided in Portable Document Format ("PDF").

- HTML tags are not used to describe all controls, including text fields, check boxes, drop-down lists and buttons for people to use in order to complete and submit forms.
- HTML is not being used to associate all data cells with column and row identifiers.
- There is not a written policy on website accessibility.
- No procedures have been developed to ensure content is not added to websites until it has been made accessible.
- Employees responsible for websites have not received training on how to ensure the accessibility of their respective departments' websites.
- There are no written plans for making existing and current web content accessible and there are not any plans for the same posted on websites. There are not any forms or information provided for reporting website accessibility problems and requesting accessible services and information. Therefore, there are no procedures for assuring a quick response to website visitors with disabilities who are having difficulty accessing information or services available via the website.
- Departments have not asked disability groups to provide feedback on the accessibility of their websites.
- Most web pages have been designed to be viewed using the visitor's web browser and operating system settings for color and font.
- Currently, those departments with websites are not using online forms with drop-down lists, audio or video files or charts and tables.

At this time, the Town does not employ an IT specialist. It is recommended that the Town contract with a local consultant to bring the Town's websites to compliancy with the ADA's requirements and suggestions.

FACILITIES

A public entity shall operate each service, program or activity so that when viewed in its entirety, is readily accessible to and usable by individuals with disabilities. This does not:

1. Necessarily require a public entity to make each of its existing facilities accessible to and usable by individuals with disabilities;

2. Require a public entity to take any action that would threaten or destroy the historic significance of an historic property; or

3. Require a public entity to take any action that it can demonstrate would result in a fundamental alteration in the nature of a service, program or activity or in undue financial and administrative burden.

Facilities built or altered before January 26, 1992, are referred to as "pre-ADA" facilities. If there is an architectural barrier to accessibility in a pre-ADA facility the barrier may be removed using the ADA Standards for Accessible Design as a guide. A program, service or activity located in the building is accessible by providing program access. Program access allows the program to move to an accessible location or use some way other than making architectural

changes to make the program, service or activity readily accessible to and usable by individuals with disabilities.

Facilities built or altered after January 26, 1992, must be readily accessible to and usable by persons with disabilities. If physical construction or alterations commence after July 26, 1992, but prior to September 15, 2010, then new construction and alterations must comply with either the 1991 or 2010 Standards. If new or altered facilities are not open to the public, they must be accessible to individuals with disabilities. 28 C.F.R. §35.151(b)(1) states:

> *"Each facility or part of a facility altered by, on behalf of, or for the use of a public entity in a manner that effects or could affect the usability of the facility or part of the facility shall, to the maximum extent feasible, be altered in such manner that the altered portion of the facility is readily accessible to and usable by individuals with disabilities, if the alteration was commenced after January 26, 1992."*

If physical construction/alterations commence on or after September 15, 2010, and before March 15, 2012, the new construction/alterations subject to this section may comply with one of the following: The 2010 Standards, or the 1991 Standards except that the elevator exemption in the 1991 Standards shall not apply. (28 C.F.R. §35.151(c)(2))

However, if physical construction or alterations commence on or after March 15, 2012, then new construction and alterations subject to this section shall comply with the 2010 Standards. §35.151(c)(3)

Newly constructed or altered facilities or elements that were constructed or altered before March 15, 2010, and that do not comply with the 1991 Standards shall before March 15, 2012, be made accessible in accordance with either the 1991 Standards or 2010 Standards.

1991 and 2010 Standards apply to fixed or built-in elements of buildings, structures, site improvements, and pedestrian routes or vehicular ways located on a site.

Exceptions:

1. That it is structurally impracticable to meet the requirements. Full compliance will be considered structurally impracticable only in those rare circumstances when the unique characteristics of terrain prevent the incorporation of accessibility features.

2. If full compliance with this section would be structurally impracticable, compliance with this section is required to the extent that it is not structurally impracticable. In that case, any portion of the facility that can be made accessible shall be made accessible to the extent that it is not structurally impracticable.

3. If providing accessibility in conformance with this section to individuals with certain disabilities (e.g., those who use wheelchairs) would be structurally impracticable, accessibility shall nonetheless be ensured to persons with other types of disabilities (e.g., those

who use crutches or who have sight, hearing or mental impairments) in accordance with this section.

DISPROPORTIONALITY

Alterations made to provide an accessible path of travel to the altered area will be deemed disproportionate to the overall alteration when the cost exceeds 20% of the cost of the alteration to the primary function area. It is noted, however, in PROWAG this option may be removed when it is adopted. Costs that may be counted as expenditures required to provide accessible path of travel include:

1. Costs associated with providing an accessible entrance and an accessible route to the altered area, for example, the cost of widening doorways or installing ramps;

2. Costs associated with making restrooms accessible, such as installing grab bars, enlarging toilet stalls, insulating pipes or installing accessible faucet controls;

3. Costs associated with providing accessible telephones, such as relocating the telephone to an accessible height, installing amplification devices or installing a text telephone (TTY); and

4. Costs associated with relocating an inaccessible drinking fountain.

Duty to Provide Accessible Features in the Event of Disproportionality

When the cost of alterations necessary to make the path of travel to the altered area fully accessible is disproportionate to the cost of the overall alteration, the path of travel shall be made accessible to the extent that it can be made accessible without incurring disproportionate costs. In choosing which accessible elements to provide priority should be given to those elements that will provide the greatest access in the following order:

1. An accessible entrance;
2. An accessible route to the altered area;
3. At least one accessible restroom for each sex or single unisex restroom;
4. Accessible telephones;
5. Accessible drinking fountains; and
6. When possible, additional accessible elements such as parking, storage and alarms.

Series of Smaller Alterations

The obligation to provide an accessible path of travel may not be evaded by performing a series of small alterations to the area served by a single path of travel if those alterations could have been performed as a single undertaking.

Only alterations undertaken on or after March 15, 2012, shall be considered in determining if the cost of providing an accessible path of travel is disproportionate to the overall cost of the alterations.

Path of Travel

An alteration that affects or could affect usability or access to an area of a facility that contains a primary function shall be made, to the maximum extent feasible, readily accessible and usable by individuals with disabilities including those who use wheelchairs. This includes the path of travel to the altered area, restrooms, telephones, and drinking fountains, unless the cost and scope of such alterations is disproportionate to the cost of the overall alteration.

Primary function is a major activity for which the facility is intended. Areas that contain a primary function include, but are not limited to, meeting rooms, as well as offices and other work areas in which the activities of the public entity using the facility are carried out.

Public Entrances

1991 Standards require at least 50% of public entrances to be accessible. The number of accessible public entrances are to be equivalent to the number of exits required by applicable building and fire codes.

2010 Standards require 60% of the public entrances to be accessible.

Exception: In 1991 Standards, where two public entrances are planned in a newly constructed facility, both entrances are required to be accessible. In 1991 and 2010 Standards, when entrances to an existing facility are altered and the facility has an accessible entrance, the entrance being altered is not required to be accessible, unless a primary function area also is altered and then an accessible path of travel must be provided to the mobility features to be on an accessible route.

Stairs

1991 Standards require stairs to be accessible only when they provide access to floor levels not otherwise connected by an accessible route that is provided by an elevator, lift or ramp). 2010 Standards require all newly constructed stairs that are part of a means of egress to comply with the requirements for accessible stairs, which include requirements for accessible treads, risers and handrails. In existing facilities, where floor levels are connected by an accessible route, only the handrail requirement will apply when the stairs are altered.

Exception: 2010 Standards permit altered stairs to not comply with the requirements for accessible treads and risers where there is an accessible route between floors served by stairs.

Drinking Fountains

1991 and 2010 Standards require drinking fountains to be provided for persons who use wheelchairs and for others who stand. 1991 Standards require wall and post-mounted cantilevered drinking fountains mounted at a height for wheelchair users to provide clear floor space for a forward approach with knee and toe clearance and free standing or built-in drinking fountains to provide clear floor space for a parallel approach.

2010 Standards require drinking fountains mounted at a height for wheelchair users to provide clear floor space for a forward approach with knee and toe clearance, and include an exception for a parallel approach for drinking fountains installed at a height to accommodate very small children. 2010 Standards also include a technical requirement for standing persons using drinking fountains.

Kitchens, Kitchenettes, Lavatories and Sinks

For ADA purposes, "lavatory" generally refers to the specific type of plumbing fixture required for hand washing in toilet and bathing facilities. The term "sink" applies to all other types of sinks located in covered facilities.

1991 and 2010 Standards require the clear floor space at sinks be positioned for a forward approach and knee and toe clearance to be provided under the sink. 1991 Standards contain technical requirements for sinks and only have specific scoping requirements for sinks in transient lodging. 2010 Standards require at least five percent of sinks in each accessible space to comply with the technical requirements for sinks. Technical requirements address clear floor space, height, faucets, and exposed pipes and surfaces.

Exception: Clear floor space is permitted to be positioned for a parallel approach at kitchen sinks in any space where a cook top or conventional range is not provided, and at a wet bar.

Toilet and Bathing Facilities

Where toilet facilities and bathing facilities are provided, they must comply with 2010 Standards. 2010 Standards require single-user toilet rooms to be two feet wider than the requirement of the 1991 Standards. 2010 Standards contain provisions for in-swinging doors and recessed fixtures adjacent to water closets. These provisions give flexibility to create more compact room designs and maintain required clearances around fixtures. Alterations under the 1991 Standards must comply to the extent that it is technically feasible to do so. 2010 Standards allow items such as associated grab bars, dispensers, sanitary napkin disposal units, coat hooks and shelves to overlap the clear floor space. These are items that typically do not affect the usability of clear floor space.

2010 Standards require multi-user men's toilet rooms, where the total of toilet compartments and urinals is 6 or more, to contain at least one ambulatory accessible compartment. The 2010

Standards establish parity between multi-user women's toilet rooms and multi-user men's toilet rooms with respect to ambulatory accessible toilet compartments.

Men's toilet rooms with only one urinal will no longer be required to provide an accessible urinal under 2010 Standards. Such toilet rooms will still be required to provide an accessible toilet compartment.

According to 2010 Standards, where multiple single-user toilet rooms are clustered in a single location, 50%, rather than the 100% required by the 1991 Standards, are required to be accessible. 2010 Standards require that accessible single-user toilet rooms must be identified by the International Symbol of Accessibility where all single-user toilet rooms are not accessible.

2010 Standards allow greater flexibility for the placement of the centerline of wheelchair accessible and ambulatory accessible water closets. 1991 Standards contain no exception for grab bar length and require the water closet centerline to be exactly 18 inches from the side wall. 2010 Standards allow the centerline to be between 16 and 18 inches from the side wall in wheelchair toilet compartments and 17 to 19 inches in ambulatory accessible toilet compartments.

1991 Standards allow the nearest side of a lavatory to be placed 18 inches minimum from the water closet centerline and 36 inches minimum from the side wall adjacent to the water closet. However, locating the lavatory so close to the water closet prohibits many individuals with disabilities from using a side transfer. To allow greater transfer options, including side transfers, the 2010 Standards prohibit lavatories from overlapping the clear floor space at water closets, except in covered residential dwelling units. 1991 Standards count only toilet stalls (compartments) for this purpose.

Exception for 2010 Standards: A shorter grab bar is permitted on the rear wall where there is not enough wall space due to special circumstances (e.g., when a lavatory or other recessed fixture is located next to the water closet and the wall behind the lavatory is recessed so that the lavatory does not overlap the required clear floor space at the water closet.)

1991 and 2010 Standards permit the doors of all toilets with in-swinging doors to swing into the required turning space, but not into the clear floor space required at any fixture. In single-user toilet rooms, the 2010 Standards permit the door to swing into the clear floor space of an accessible fixture if a clear floor space that measures at least 30 inches by 48 inches is provided outside of the door swing.

2010 Standards require the toilet paper dispenser be located seven inches minimum and nine inches maximum in front of the water closet measured to the centerline of the dispenser. The paper outlet of the dispenser must be located 15 inches minimum and 48 inches maximum above the finish floor. The mounting location of the toilet paper dispenser is determined by the centerline of the dispenser and the location of the outlet for the toilet paper. In 1991 Standards the location of the toilet paper dispenser is determined by the centerline and forward edge of the dispenser.

Surfaces

2010 Standards require floor or ground surfaces along accessible routes and in accessible rooms and spaces be stable, firm and slip-resistant.

Turning Space

1991 and 2010 Standards allow turning space to be either a circular space or a T-shaped space. Turning spaces are to include knee and toe clearance.

1991 Standards do not specifically permit turning space to include knee and toe clearance.

Doors, Doorways and Gates

1991 Standards do not contain any technical requirements for automatic door break out openings. 2010 Standards require automatic doors that are part of a means of egress and that do not have standby power to have a 32" minimum clear break out opening when operated in emergency mode. The minimum clear opening width for automatic doors is measured with all leaves in the open position. Automatic bi-parting doors or pairs of swinging doors that provide a 32" minimum clear break out opening in emergency mode when both leaves are opened manually meet the technical requirement.

Exception: 2010 Standards exempt automatic doors from the technical requirement for break out openings when accessible manual swinging doors serve the same means of egress.

1991 Standards do not require maneuvering clearance at automatic doors. 2010 Standards require automatic doors that serve as an accessible means of egress to either provide maneuvering clearance or to have standby power to operate the door in emergencies.

1991 Standards require a height of thresholds at doorways not to exceed ½ inch and thresholds at exterior sliding doors not to exceed ¾ inch. 2010 Standards require the height of thresholds at all doorways that are part of an accessible route not to exceed ½ inch. 1991 and 2010 Standards require raised thresholds that exceed ¼ inch in height to be beveled on each side with a slope not steeper than 1:2.

Exception: 2010 Standards exempt existing and altered thresholds that do not exceed ¾ inch in height and are beveled on each side from the 2010 requirement.

Handrails: 1991 and 2010 Standards are as follows:

- 1991 Standards require handrail gripping surfaces to have edges with a minimum radius of 1/8 inch. 2010 Standards require handrail gripping surfaces to have rounded edges.

- 1991 Standards require handrail gripping surfaces to have a diameter of 1¼ inches to 1½ inches or to provide an equivalent gripping surface. 2010 Standards require

handrail gripping surfaces with a circular cross section to have an outside diameter of 1¼ inches to 2 inches. Handrail gripping surfaces with a non-circular cross section must have a perimeter dimension of 4 inches to 6¼ inches and a cross section dimension of 2¼ inches maximum.

- 1991 Standards require handrail gripping surfaces to be continuous and to be uninterrupted by newel posts, other construction elements or obstructions. 2010 Standards set the technical requirements for continuity of gripping surfaces. Handrail gripping surfaces are to be continuous along their length and not to be obstructed along their tops or sides. Bottoms of handrail gripping surfaces must not be obstructed for more than 20% of their length. Where provided, horizontal projections must occur at least 1½ inches below the bottom of the handrail gripping surface.

  Exception: The distance between the horizontal projections and the bottom of the gripping surface are to be reduced by 1/8 inch for each ½ inch of additional handrail perimeter dimension that exceeds 4 inches.

- 1991 Standards require handrails at the bottom of stairs to continue to slope for a distance of the width of one tread beyond the bottom riser nosing and to further extend horizontally at least 12 inches. 2010 Standards require handrails at the bottom of stairs to extend at the slope of the stair flight for a horizontal distance at least equal to one tread depth beyond the last riser nosing.

  Exception: 1991 Standards have a special technical provision for alterations to existing facilities that exempts handrails at the top and bottom of ramps and stairs from providing full extension where it will be hazardous due to plan configuration.

1991 Standards do not contain any technical requirements for handrails provided along walkways that are not ramps. 2010 Standards specify that where handrails are provided along walkways that are not ramps, they shall comply with certain technical requirements.

Alarms

1991 Standards require visible alarms be provided where audible fire alarm systems are provided, but do not require areas used only by employees as work areas to be equipped with accessibility features. As applied to office buildings, the 1991 Standards require visible alarms to be provided in public and common use areas such as hallways, conference rooms, break rooms, and restrooms, where audible fire alarm systems are provided.

The 2010 Standards provide that where employees work areas in newly constructed facilities have audible alarm coverage they are required to have wiring systems that are capable of supporting visible alarms that comply with the 2010 Standards.

Parking Spaces

1991 and 2010 Standards require a specified number of parking spaces to be accessible. Accessible parking spaces are to be identified by signs that display the International Symbol of Accessibility.

Exception: 2010 Standard exempts sites that have four or fewer parking spaces from the signage requirement. Residential facilities where parking spaces are assigned to specific dwelling units are also exempted from the signage requirement.

2010 Standards require that an accessible route adjoin each access aisle serving accessible parking space. The accessible route connects each access aisle to accessible entrances.

1991 Standards require one in every eight accessible parking spaces to be van accessible. 2010 Standards require one in every six accessible parking spaces to be van accessible. In addition, the 2010 Standards do not prohibit automobiles other than vans from using van accessible parking spaces.

Parallel Parking Spaces

Where the adjacent sidewalk or available right-of-way is more than 14 feet wide, an access aisle must be provided at street level for the entire length of each accessible parallel parking space. The access aisle must be 5 feet wide minimum and connect to a pedestrian access route. The access aisle must not encroach on the vehicular travel lane and comply with the technical requirements for surfaces (see PROWAG R302.7). In alterations where the street or sidewalk adjacent to the parking spaces is not altered, an access aisle is not required provided the parking spaces are located at the end of the block face. Where the adjacent sidewalk or available right-of-way is less than or equal to 14 feet wide, an access aisle is not required, but accessible parallel parking spaces must be located at the end of the block face. (R309.2) For every 25 parking spaces there is to be one accessible parking space. For example, if there are 27 parking spaces, two of those would have to be accessible. When more than one parking facility is provided on a site, the number of accessible spaces provided on the site shall be calculated according to the number of spaces required for each parking facility.

Egress

1991 Standards require the same number of accessible means of egress to be provided as the number of exits required by applicable building and fire codes. The International Building Code ("IBC") requires at least one accessible means of egress and at least two accessible means of egress where more than one means of egress is required by other sections of the building code. Changes in the 2010 Standards have minimal impact since the model fire and safety codes, which are adopted by all states, contain equivalent requirements with respect to the number of accessible means of egress.

1991 Standards exempt facilities equipped with a supervised automatic sprinkler system from providing areas of rescue assistance, and also exempt alterations to existing facilities from

providing an accessible means of egress. The IBC exempts buildings equipped with a supervised automatic sprinkler system from certain technical requirements for areas of refuge, and also exempts alterations to existing facilities from providing an accessible means of egress.

1991 and 2010 Standards require signs that provide direction to or information about functional spaces to meet certain technical requirements. 2010 Standards require tactile signs at doors, exit passageways, exit discharge and exit stairways. Directional exit signs and signs at areas of refuge must have visual characters and features.

Exception for Structural Impracticability

Full compliance with this section is not required where a public entity can demonstrate that it is structurally impracticable to meet the requirements. Further, full compliance is considered structurally impracticable in the following rare circumstances:

1. When the unique characteristics of terrain prevent the incorporation of accessibility features.

2. If compliance would be deemed structurally impracticable, any portion of the facility that can be made accessible shall be made accessible (to the extent that it is not structurally impracticable.)

3. If providing accessibility to individuals with certain disabilities (e.g., those who use wheelchairs) would be structurally impracticable, accessibility shall nonetheless be ensured to persons with other types of disabilities.

The ADA does not require a public entity to take any action that would threaten or destroy the historic significance of a historic property. Alternative methods of achieving program accessibility include the following:

- Using audio-visual materials and devices to depict those portions of an historic property that cannot otherwise be made accessible.
- Assigning persons to guide individuals with handicaps into or through portions of historic properties that cannot otherwise be made accessible.
- Adopting other innovative methods.

Changes to 1991 Standards Effective 2010 (2010 Standards for Accessible Design)

- Police Department holding cells and visiting areas must be ADA accessible. Alterations to the jail shall comply with the 2010 Standards except that public entities shall provide accessible mobility features complying with 2010 Standards for a minimum of 3%, but no fewer than one, of the total number of cells being altered until at least 3% of the total number of cells in a facility provide mobility features complying with section 807.2.

Public entities shall ensure that qualified detainees with disabilities shall not, because a facility is inaccessible to or unusable by individuals with disabilities, be excluded from participation in, or be denied the benefits of, the services, programs, or activities of a public entity, or be subjected to discrimination by any public entity.

- Reach range requirements have been changed to provide that the side reach range must now be no higher than 48 inches (instead of 54 inches) and no lower than 15 inches (instead of 9 inches). The side reach requirements apply to operable parts on accessible elements, to elements located on accessible routes and to elements in accessible rooms and spaces.

Exception: Permits an obstruction that is no deeper than 10 inches between the edge of the clear floor or ground space and the element that the individual with a disability is trying to reach.

- Water closet clearances in single user toilet rooms now must provide clearance for both a forward and a parallel approach and, in most situations, the lavatory cannot overlap the water closet clearance. The in-swinging doors of single use toilet or bathing rooms may swing into the clearance around any fixture if clear floor space is provided within the toilet room beyond the door's arc.
- Common use circulation paths in employee work areas, whether new or existing, must include accessible common use circulation paths subject to certain specified exceptions.

Exceptions under the 2010 Standards are:

  - *Employee work areas that are less than 300 square feet and are elevated 7 inches or more above the ground or finish floor, where elevation is essential to the function;*
  - *Common use circulation paths within employee work areas that are less than 1,000 square feet and are defined by permanently installed partitions, counters, casework or furnishings;*
  - *Common use circulation paths within employee work areas that are an integral component of equipment;*
  - *Common use circulation paths within exterior employee work areas that are fully exposed to the weather are exempt. Outdoor maintenance facilities are covered by the exception;*
  - *Machinery and equipment that must be placed a certain way to work properly, for ergonomics or to prevent workplace injuries are covered by this exception; and*
  - *Handrails are not required on ramps, provided they can be added in the future.*

- All accessible routes connecting site arrival points and accessible building entrances must coincide with or be located in the same general area as general circulation paths. Also,

where a circulation path is interior, the required accessible route must also be located in the interior of the facility. Accessible routes are to be at least 36 inches wide.

1991 Standards require accessible routes connecting site arrival points and accessible building entrances to coincide with general circulation paths, to the maximum extent feasible.

2010 Standards require all accessible routes to coincide with or be located in the same area as general circulation paths. Where a circulation path is interior, the required accessible route must also be located in the interior of the facility.

Both 1991 and 2010 Standards require accessible routes to be located in the interior of the facility where general circulation paths are located.

Exception: Site arrival points and accessible facilities from the accessible route requirements where the only means of access between them is a vehicular way not providing pedestrian access.

Detention and Correctional Facilities

2010 Standards established requirements for the design and construction of cells and visiting areas in detention and correctional facilities. A minimum of three percent, but not fewer than one cell, requires mobility features. Altered cells with mobility features must be provided in each classification level, including administrative and disciplinary segregation, each use and service area and special program.

Below are summaries compiled from Self-Evaluations for Existing Facilities which each Town department was required to complete:

Clerk – Treasurer's Office Summary of Inaccessible Features					
CODE ***1 = Safety Hazard*** ***2 = Major Barrier*** ***3 = Moderate Barrier*** ***4 = Negligible Impact***					
Possible survey elements (listed as reminders only)	**Description of Barriers**	**Actual Dimensions (if applicable)**	**ADAAG Requirement**	**Impact on program accessibility (use code above)**	**Notes**
ACCESSIBLE ENTRANCE INTO FACILITY Path of travel Ramps Parking & drop-off areas Entrance	Building entrance is located at the corner of an intersection. There is only one entrance for	Entry door is a double door and is accessible.		3	Office is located on the 2nd level of Town Hall. To build an accessible route would threaten or destroy the historic significance of an historic property.

Emergency egress Signage Other	security purposes. There is a curb ramp at the corner of the intersection but not near street parking. There are no accessible street parking spaces, emergency egress or accessihle signage. There are no audible signals for the emergency exit signs.				
ACCESS TO DEPARTMENT Horizontal circulation Doors Rooms & spaces Controls Seats, tables & counters Vertical circulation Stairs Elevators Lifts Signage Other	The only access to the office is stairs. There is no accessible signage, elevator or lifts.	-Handrails -8" beyond top riser, 33" above stair treads, 2" diameter and 1 ¾" clear wall space.		3	All meetings with individuals with disabilities are conducted in the Ellettsville Fire Department which is accessible.
ACCESS TO REST ROOMS Getting to the rest rooms Doorways & passages Stalls Lavatories Signage Other	There are no lavatories located in the office or on the 2nd floor.			N/A	
OTHER ELEMENTS Drinking Fountains Telephones Alarms Other	There are no drinking fountains, telephones or alarms located in the office or the 2nd floor.			N/A	

Summary of Architectural Modifications

Description of Structural Changes	Cost Estimate	Implementation Schedule			
		2012	2013	2014	2015
See explanation under the Fundamental Alteration and Undue Burden section.					

Fundamental Alteration and Undue Burden

Description of needed structural changes	Cost Estimate	Explanation of fundamental alteration OR undue financial or

		administrative burden
		Town Hall is a 1927 Neo-Classical building and is considered a contributing building to a Historic District. It was accepted in to the Indiana Register of Historic Sites and Structures on July 26, 2006 and the National Historical Register on December 20, 2006.

Fire Department Summary of Inaccessible Features					
CODE ***1 = Safety Hazard*** ***2 = Major Barrier*** ***3 = Moderate Barrier*** ***4 = Negligible Impact***					
Possible survey elements (listed as reminders only)	**Description of Barriers**	**Actual Dimensions (if applicable)**	**ADAAG Requirement**	**Impact on program accessibility (use code above)**	**Notes**
ACCESSIBLE ENTRANCE INTO FACILITY Path of travel Ramps Parking & drop-off areas Entrance Emergency egress Signage Other					The Fire Department was built in 2004 and the move-in date was December 4, 2004. The building was built according to ADAAG and is accessible.
ACCESS TO DEPARTMENT Horizontal circulation Doors Rooms & spaces Controls Seats, tables & counters Vertical circulation Stairs Elevators Lifts Signage Other					The Fire Department was built in 2004 and the move-in date was December 4, 2004. The building was built according to ADAAG and is accessible.
ACCESS TO REST ROOMS Getting to the rest rooms Doorways & passages Stalls Lavatories Signage Other					The Fire Department was built in 2004 and the move-in date was December 4, 2004. The building was built according to ADAAG and is accessible.
OTHER ELEMENTS Drinking Fountains					The Fire Department was built in 2004 and the move-in date was

Telephones Alarms Other					December 4, 2004. The building was built according to ADAAG and is accessible.

Summary of Architectural Modifications					
Description of Structural Changes	**Cost Estimate**	**Implementation Schedule**			
		2012	**2013**	**2014**	**2015**
N/A					

Fundamental Alteration and Undue Burden		
Description of needed structural changes	**Cost Estimate**	**Explanation of fundamental alteration OR undue financial or administrative burden**
N/A		

Planning Department Summary of Inaccessible Features					
CODE ***1 = Safety Hazard*** ***2 = Major Barrier*** ***3 = Moderate Barrier*** ***4 = Negligible Impact***					
Possible survey elements (listed as reminders only)	**Description of Barriers**	**Actual Dimensions (if applicable)**	**ADAAG Requirement**	**Impact on program accessibility (use code above)**	**Notes**
ACCESSIBLE ENTRANCE INTO FACILITY Path of travel Ramps Parking & drop-off areas Entrance Emergency egress Signage Other	Building entrance is located on the first level. There is only one entrance for security purposes. There is an inaccessible emergency egress at the rear of the 2nd level. There is not accessible parking near the building or accessible signage. Parking is located across the street, approximately 150 feet from the building.	-Boundaries between pedestrian and vehicle parking areas are not separated by curbs or marked with some type of tactile warning -Emergency exit doors are not equipped with tactile symbols to designate their location. -Stairway landings do not have a smoke proof enclosure. -There is not a 1 hour fire restrictive corridor or a fire		3	Office is located on the 2nd level. The building was built in three phases with the last phase being in the 1980s. Second level modifications were done in 2004 – 2005 and 2007. These modifications were for the purpose of creating office space. To build an accessible route would result in an undue financial and administrative burden on the Town

	There are two accessible parking spaces (none are van accessible). However, there are not any signs with the International Symbol of Accessibility. There are no audible signals for the emergency exit signs.	resistive vestibule located adjacent to fire exit. -Stairway landing doesn't have a portion that is vented and separated from the interior of the building. -There are no smoke barriers in the building.			
ACCESS TO DEPARTMENT Horizontal circulation Doors Rooms & spaces Controls Seats, tables & counters Vertical circulation Stairs Elevators Lifts Signage Other	Entrance threshold; standard door knobs and 1 door; step on stairs; handrails; and directional signage. Office is on 2nd floor and isn't accessible for individuals in wheelchairs.	-Entrance threshold-1" --Last step on 2nd floor-9 ½" -Stair depth-10" -Handrails-8" above top riser -Distance between stair rail and wall-2" -Directional signage is 64" above the surface and letter height is 2' and are not include Braille.		3	Office is located on the 2nd level. To build an accessible route would result in an undue financial and administrative burden on the Town. All meetings with individuals with disabilities are conducted in the Ellettsville Fire Department which is accessible.
ACCESS TO REST ROOMS Getting to the rest rooms Doorways & passages Stalls Lavatories Signage Other	Lavatories are not open to the public.				
OTHER ELEMENTS Drinking Fountains Telephones Alarms Other	There are no drinking fountains, public telephones or alarms located in the office or the 2nd floor.				

Summary of Architectural Modifications

Description of Structural Changes	Cost Estimate	Implementation Schedule			
		2012	2013	2014	2015
See explanation under the Fundamental Alteration and Undue Burden section.					
Two parking signs with the international	TBA	0			

symbol of accessibility for the existing parking lot.					
Create an accessible parking space near the building.	TBA	0			
Slip resistant tread on stairs	TBA	0			

Fundamental Alteration and Undue Burden		
Description of needed structural changes	**Cost Estimate**	**Explanation of fundamental alteration OR undue financial or administrative burden**
Accessibility to the 2nd level.	Unknown	The building was built in the 1980s. Later modifications were for fabricating office space and changing it from a fire department to space for the Planning and Street Departments. The Town leases this building and the landlord has adjoining office space. The Street Department is located on the first floor which houses six service bays and is an open floor plan other than the stairway. To alter the building for accessibility to the 2nd floor would take away some of the needed service bays and, thus prevent the Street Department from performing their duties. Further, a fundamental alteration of this magnitude would place an undue financial or administrative burden on the Town.

Police Department Summary of Inaccessible Features

CODE ***1 = Safety Hazard*** ***2 = Major Barrier*** ***3 = Moderate Barrier*** ***4 = Negligible Impact***					
Possible survey elements (listed as reminders only)	**Description of Barriers**	**Actual Dimensions (if applicable)**	**ADAAG Requirement**	**Impact on program accessibility (use code above)**	**Notes**
ACCESSIBLE ENTRANCE INTO FACILITY Path of travel Ramps Parking & drop-off areas Entrance Emergency egress Signage Other					The Police Department was built in 2004 - 2005 and the move-in date was February 14, 2005. The building was built according to ADAAG and is accessible
ACCESS TO DEPARTMENT Horizontal circulation Doors Rooms & spaces					The Police Department was built in 2004 - 2005 and the move-in date was February 14, 2005. The building was built

Controls Seats, tables & counters Vertical circulation Stairs Elevators Lifts Signage Other					according to ADAAG and is accessible
ACCESS TO REST ROOMS Getting to the rest rooms Doorways & passages Stalls Lavatories Signage Other					The Police Department was built in 2004 - 2005 and the move-in date was February 14, 2005. The building was built according to ADAAG and is accessible
OTHER ELEMENTS Drinking Fountains Telephones Alarms Other					The Police Department was built in 2004 - 2005 and the move-in date was February 14, 2005. The building was built according to ADAAG and is accessible

Summary of Architectural Modifications

Description of Structural Changes	Cost Estimate	Implementation Schedule			
		2012	2013	2014	2015
N/A					

Fundamental Alteration and Undue Burden

Description of needed structural changes	Cost Estimate	Explanation of fundamental alteration OR undue financial or administrative burden

Street Department Summary of Inaccessible Features

CODE ***1 = Safety Hazard*** ***2 = Major Barrier*** ***3 = Moderate Barrier*** ***4 = Negligible Impact***					
Possible survey elements (listed as reminders only)	**Description of Barriers**	**Actual Dimensions (if applicable)**	**ADAAG Requirement**	**Impact on program accessibility (use code above)**	**Notes**
ACCESSIBLE ENTRANCE INTO FACILITY Path of travel Ramps Parking & drop-off areas	There is only one entrance for the public. There is an accessible emergency	-Boundaries between pedestrian and vehicle parking areas are not separated by		3	The building was built in three phases with the last phase being in the 1980s.

Entrance Emergency egress Signage Other	egress at the rear of the 1st level and a side garage door. There is no emergency exit signage. There is not accessible parking near the building or accessible signage. Parking is located across the street, approximately 150 feet from the building. There are two accessible parking spaces (none are van accessible). However, there are not any signs with the international symbols of accessibility. There are no audible signals for the emergency exit signs.	curbs or marked with some type of tactile warning. -Emergency exit doors are not equipped with tactile symbols to designate their location. -Stairway landings do not have a smoke proof enclosure. -There is not a 1 hour fire restrictive corridor or a fire resistive vestibule located adjacent to fire exit. -Stairway landing doesn't have a portion that is vented and separated from the interior of the building. -There are no smoke barriers in the building.			
ACCESS TO DEPARTMENT Horizontal circulation Doors Rooms & spaces Controls Seats, tables & counters Vertical circulation Stairs Elevators Lifts Signage Other	This is a service department with one small administrative office on the 1st floor and two offices on the 2nd level for working on projects and are not open to the public. Offices on 2nd floor aren't accessible for individuals in wheelchairs. Remainder of department is on the first level and has service bays for vehicles and storage.	-Entrance threshold-1" --Last step on 2nd floor-9 ½" -Stair depth-10" -Handrails-8" above top riser -Distance between stair rail and wall-2" -Directional signage is 64" above the surface and letter height is 2' and are not include Braille.		3	First floor is accessible for individuals with disabilities.

	Entrance threshold; standard door knobs and 1 door; step on stairs; handrails; and directional signage.				
ACCESS TO REST ROOMS Getting to the rest rooms Doorways & passages Stalls Lavatories Signage Other	Lavatories are not open to the public.				
OTHER ELEMENTS Drinking Fountains Telephones Alarms Other	There are no drinking fountains, public telephones or alarms located in the building.				

Summary of Architectural Modifications

Description of Structural Changes	Cost Estimate	Implementation Schedule			
		2012	2013	2014	2015
Two parking signs with the international symbol of accessibility for the existing parking lot.	TBA	0	TBA		
Create an accessible parking space near the building.	TBA	0	TBA		
Emergency exit signs	TBA	0	0	TBA	

Fundamental Alteration and Undue Burden

Description of needed structural changes	Cost Estimate	Explanation of fundamental alteration OR undue financial or administrative burden
N/A		

Ellettsville Utilities Summary of Inaccessible Features

CODE ***1 = Safety Hazard*** ***2 = Major Barrier*** ***3 = Moderate Barrier*** ***4 = Negligible Impact***					
Possible survey elements (listed as reminders only)	**Description of Barriers**	**Actual Dimensions (if applicable)**	**ADAAG Requirement**	**Impact on program accessibility (use code above)**	**Notes**

ACCESSIBLE ENTRANCE INTO FACILITY Path of travel Ramps Parking & drop-off areas Entrance Emergency egress Signage Other	Van accessible sign missing. Accessible parallel parking space by building needed. No signaling device if building is locked during working hours for security reasons. No emergency egress. Signage does not include Braille text.			3	To build an accessible emergency egress would threaten or destroy the historic significance of an historic property.
ACCESS TO DEPARTMENT Horizontal circulation Doors Rooms & spaces Controls Seats, tables & counters Vertical circulation Stairs Elevators Lifts Signage Other	Service counter. There's no signage with Braille text.	-Service counter is 46"		3	
ACCESS TO REST ROOMS Getting to the rest rooms Doorways & passages Stalls Lavatories Signage Other	Lavatories are not open to the public.				
OTHER ELEMENTS Drinking Fountains Telephones Alarms Other	Drinking fountain isn't for public use. There are no public telephones. Alarms are for staff use only.				

Summary of Architectural Modifications

Description of Structural Changes	Cost Estimate	Implementation Schedule			
		2012	2013	2014	2015
Modify service counter to between 28" and 34".	TBA	0	TBA		
Van accessible parking signage.	TBA	0	TBA		
Accessible parallel parking space.	TBA	0	TBA		
Signaling device for advising building	TBA	0		TBA	

locked during working hours.					
Signs with Braille text.	TBA	0		TBA	

Fundamental Alteration and Undue Burden		
Description of needed architectural modification	**Cost Estimate**	**Explanation of fundamental alteration OR undue financial or administrative burden**
		Town Hall is a 1927 Neo-Classical building and is considered a contributing building to a Historic District. It was accepted in to the Indiana Register of Historic Sites and Structures on July 26, 2006 and the National Historical Register on December 20, 2006.

CURB RAMPS, SIDEWALKS AND PEDESTRIAN CROSSINGS

In Public Rights-of-Way ("PROW"), each public entity must ensure that pedestrian facilities meet ADAAG or PROWAG Standards.

All state and local governmental agencies must provide pedestrian access for persons with disabilities in compliance with ADA Title II. (42 U.S.C. §12131(1)). Federal, state and local governments must provide pedestrian access for persons with disabilities in compliance with Section 504 standards. (29 U.S.C. §794(a)).

Sidewalks

Sidewalks are a program under the ADA and must be made accessible to persons with disabilities. Barden v. Sacramento, 9th Circuit Court (2004). In Barden, the court relied upon language in ADA regulations that requires city ADA Transition Plans to include a schedule for the installation of curb ramps at intersections, holding that this requirement would be "meaningless if the sidewalks between curb ramps were inaccessible. The Barden decision made it clear that public entities are required to invest in the repair of public sidewalks and maintain them free of barriers, physical defects and other conditions that may deny pedestrians with disabilities access to sidewalks. A jurisdiction's first responsibility is to the accessibility of its sidewalks. However, the ADA regulations do not require paved walks or curb ramps where pedestrian routes are not otherwise provided. When a pedestrian route is constructed, however, it must be accessible.

Fixed obstructions and protrusions in the pedestrian environment are defined as objects that limit the vertical and horizontal passage space, protrude into the circulations route, or reduce the clearance width of the sidewalk. See Figure 1. ADAAG 4.3.3 states that a minimum clear width of 36 inches be preserved in the sidewalk area. Objects with leading edges more than 27" and not more than 80" above the finish surface or ground shall protrude 4" maximum horizontally into the pedestrian circulation path. (PROWAG R401.2) Objects mounted on free standing posts or pylons 27" minimum and 80" maximum above the finish surface or ground, shall overhang circulation paths 4" maximum beyond the post or pylon base measured 6" minimum above the finish surface or ground. Where a sign or other obstruction is mounted between posts

or pylons and the clear distance between the posts or pylons is greater than 12" the lowest edge of such sign or obstruction shall be 27" maximum or 80" minimum above the finish surface. (PROWAG R401.4)

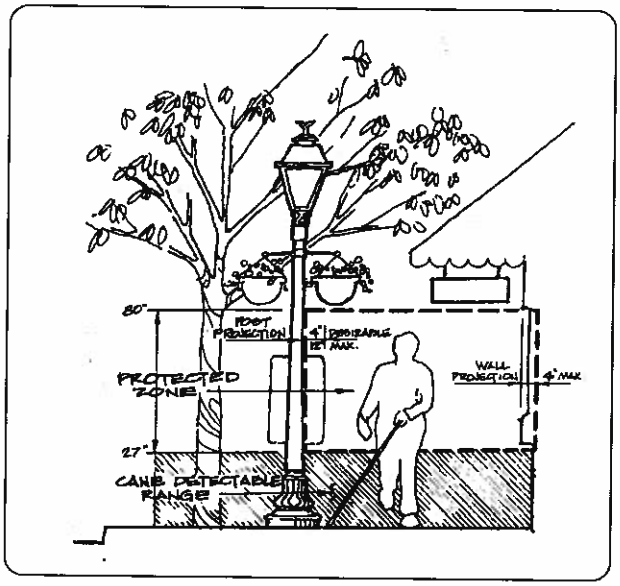


Figure 1
Protruding Objects Requirements

Immediately following the Thanksgiving holiday each year, the Street Department hangs post mounted lighted holiday decorations on free standing posts throughout the Town. Throughout the year, any banners mounted on the posts are 90" from ground level and the lighted holiday decorations are 120" from ground level. Measurements of the free standing posts will be taken beginning in March 2013 in conjunction with the sidewalk survey.

Changes in level are defined as vertical height transitions between adjacent surfaces or along the surface of a path. Federal accessibility standards (ADAAG 4.5.2) permit changes in levels less than 0.25" high to be vertical but require changes in level between 0.25" and 0.50" to have a maximum bevel of 50 percent. A ramp is required for changes in levels that exceed 0.50".

A public agency must maintain its walkways in an accessible condition, with only isolated or temporary interruptions in accessibility. (28 C.F.R. §35.133) Part of this maintenance obligation includes reasonable snow removal efforts. As part of maintenance operations, public agencies standards and practices must ensure that the day-to-day operations keep the path of travel on pedestrian facilities open and usable for persons with disabilities, throughout the year. This includes snow removal, as noted above, as well as debris removal, maintenance of accessible pedestrian walkways in work zones, and correction of other disruptions. (ADAAG 4.1.1(4)). Identified accessibility needs should be noted and incorporated into the transition plan.

The Department of Justice advises maintenance of pedestrian routes should also be considered a "program" of an entity covered by Title II. Where abutters or owners of adjacent properties are charged with responsibility to fund repairs or improvements or to clear snow from sidewalks, municipalities should consider how to ensure the accessibility of those routes. The Town of

Ellettsville addresses this through Ordinance No. 09-08, §92.01(A) which provides for *"The occupant of any premise and the owner of any unoccupied premise . . . to keep the sidewalks in front of or adjacent to such premises cleared, to allow safe and reasonable travel on said sidewalk within 24 hours after snow or ice has eased to fall or in any way accumulate so far as is practicable and reasonable."* Section B further provides *"Upon the failure of any occupant, or the owner where there is no occupant, of real estate to so remove the snow and ice within that time, the Street Department of the town may remove or cause to be removed that snow and ice."* Section C states *"If the work of removal is done by the Street Commissioner, the cost and expense of the work shall be assessed against the owner of real estate who fails and refuses to remove that snow and ice as benefits that property and shall be placed on the tax duplicate of the town and collected as other taxes in the town are collected."* Violation of this Ordinance is a Class E ordinance violation. (Exhibit H) It is suggested the Street Commissioner provide the cost and expense of the snow removal to the Clerk-Treasurer for placement on the tax duplicate of the town and collected as other taxes in the town are collected as outlined in aforementioned ordinance.

It is noted that while sidewalk maintenance may be required of property owners, it does not absolve municipalities of the ADA requirement to provide accessible, well-maintained pedestrian facilities. Pedestrian facilities include public sidewalks, shared-use paths, trails, curb ramps, crosswalks, pedestrian islands or other public walkways. The 2010 ADA Standards for Accessible Design require, to the maximum extent possible, local governments to keep walking surfaces cleared (of snow, debris and any obstructions) to a minimum width of 36 inches minimum. It is the local government's responsibility for communicating requirements, inspecting conditions, addressing complaints and enforcing the ordinance. Enforcement of the ordinance is critical. If the ordinance is not enforced, the Town will be responsible for maintenance of all sidewalks within its jurisdiction. In addition, the Department of Justice stresses the maintenance of accessible features. Public works departments should respond quickly to citizen reports of damaged surfaces along high priority routes so that pedestrians with mobility impairments do not have to seek alternate routes.

In an effort to further keep sidewalks clear of debris, Ordinance 10-13 regulates the removal of yard waste which is defined as leaves, grass clippings, stumps, roots or shrubs with root balls, garden debris and brush. Yard waste is removed as a service provided by the Town. Citizens are specifically instructed to leave their debris between the curb and sidewalk. Town Code 93.21 states, *"Residents should not block sidewalks or streets."* A violation of this ordinance is a Class D ordinance violation. (Exhibit I)

The Town of Ellettsville has not completed its sidewalk evaluations and will do so beginning in March 2013. Accessibility needs, barrier identification and the Transition Plan will be amended accordingly.

Sidewalk Barriers Around Town Buildings

All departments were asked to complete Self-Evaluations for Sidewalk Barriers around their buildings. Those not able to participate in this process were the Clerk-Treasurer's office and Planning Department offices because of their second floor locations. The Street Department

does not have a sidewalk around its building. It appears from the remaining Self Evaluations that the Fire, Police and Utilities Departments sidewalks are accessible. Measurements, however, will be verified when the sidewalk survey is conducted beginning in March 2013. All departments are responsible for maintaining the sidewalks around their buildings except for the Clerk-Treasurer's office, whose building is maintained by the Utilities Department, and the Planning Department, whose building is maintained by the Street Department.

Curb Ramps

A curb ramp is a short ramp cutting through a curb or built up to it. Generally, curb ramps must be provided wherever a sidewalk or other pedestrian walkway crosses a curb. Curb ramps must be placed to enable a person with a mobility disability to travel from a sidewalk on one side of the street, over or through any curbs or traffic islands, to the sidewalk on the other side of the street.

The different segments of a curb ramp are illustrated below.

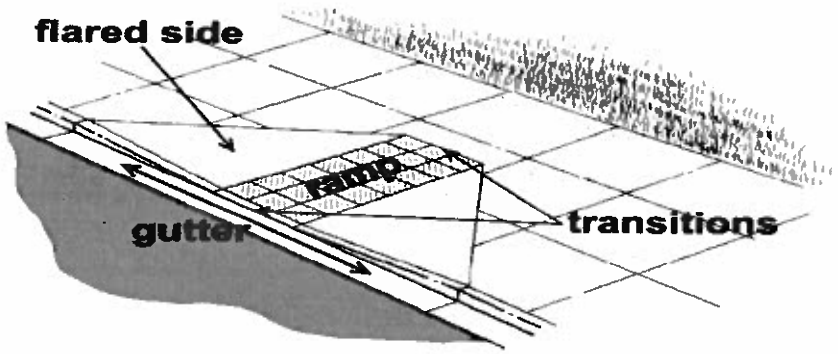


Figure 2

Examples of curb ramps are as follows:

Figure 3
PERPENDICULAR CURB RAMP

The most common type of curb ramp is the perpendicular curb ramp, which intersects the curb at a 90-degree angle. Curb ramps must have flared sides if people are required to walk across them. The slope requirements for the flared sides depend on the width of the sidewalk at the top of the ramp, "x" in the illustration to the right. If "x" is less than 48 inches, then the slope of the flared sides must be no more than 8.33 percent (1:12). If "x" is 48 inches or more, then the flared sides may slope up to 10 percent (1:10) but not more.

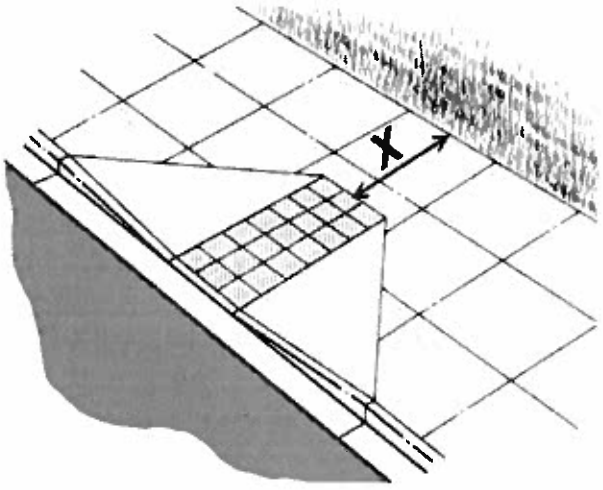
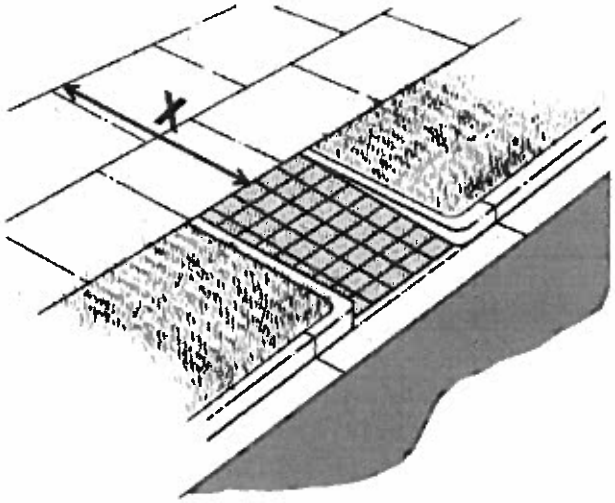


Figure 4
RETURNED CURB

When pedestrians are not required to walk across the ramp, such as where there is a non-walking surface (grass, for example) or obstructions on both sides of a curb ramp, curb ramps are allowed to have returned curbs. A curb ramp with a returned curb is required to have a landing with maneuvering space at the top of the ramp ("x" in the illustration to the left) that is at least 48 inches because people using mobility devices need an area to turn when getting on and off the ramp



Space is needed at the top and bottom of ramps so people using wheelchairs can align with the running slope and maneuver from ramps, including when making turns (which is difficult on sloped surfaces). ADAAG 4.7.8 defines obstructions in the pedestrian environment as objects that limit the vertical passage space, protrude into the circulation route or reduce the clearance width of the curb ramps.

Newly constructed or altered streets, roads and highways must contain curb ramps or other sloped areas at any intersection having curbs or other barriers to enter from a street level pedestrian walkway and intersections to streets, road or highways.

One way to ensure the proper integration of curb ramps throughout a town is to set a series of milestones for curb ramp compliance in the town's transition plan. Milestones are progress dates for meeting curb ramp compliance throughout a municipality. Milestones should occur on a regular basis throughout the course of the transition plan and must reflect a priority to walkways serving government buildings and facilities, bus stops and other transportation services, places of public accommodation, and business districts, followed by walkways serving residential areas. It also may be appropriate for a city government to establish an ongoing procedure for installing curb ramps upon request in both residential and nonresidential areas frequented by individuals with disabilities. (28 C.F.R. §§35.150(d)(2); 35.151(e)). In setting milestones and in implementing a curb cut transition plan for existing sidewalks, the actual number of curb cuts installed in any given year may be limited by the fundamental alteration and undue burden limitations.

The best way to determine if a curb ramp is accessible is to survey and to determine the extent to which it complies with ADA accessibility requirements. In order to conduct the survey, curb ramp survey forms need to be utilized.

The Town started its curb ramp survey of all sidewalks in late 2012 but had to cease due to the impending deadline for completing the Transition Plan. It will continue its curb ramp survey in March of 2013, and barrier identification and the Transition Plan will be amended accordingly. In an effort to enlist the assistance of the community, a Citizen Curb Ramp Request Form has been prepared for use where ramps are missing or deficient. This form will be available in January 2013 in the Planning Department. (Exhibit J)

Title II requires local governments to make pedestrian crossings accessible to individuals with disabilities by providing curb ramps. This requirement applies if the local government has responsibility or authority over highways, streets, roads, pedestrian crossings or walkways. In constructing facilities such as walkways and pedestrian crossings, local governments can choose between two sets of standards: ADAAG Standards and PROWAG. Both requirements comply with Title II. Present standards to be followed are ADAAG Standards but PROWAG is the currently recommended best practice. Only one standard can be used and, therefore, standards cannot be combined. Where and when curb ramps are required depends on the location and the age of streets and sidewalks. The Town of Ellettsville has chosen to not only follow PROWAG because it is considered the recommended best practices but to ensure it provides the best service and product possible for its community.

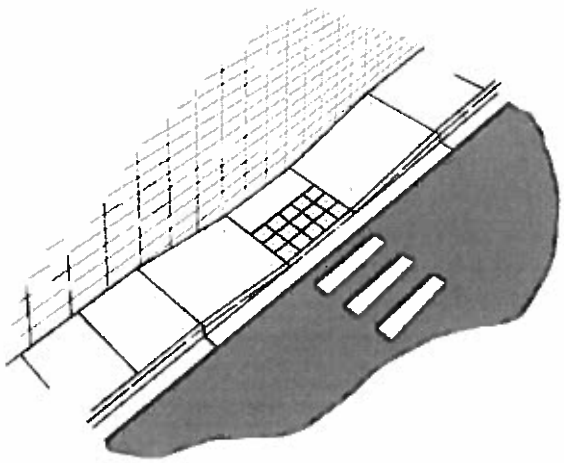
For pre-ADA highways, streets, roads and sidewalks that have not been altered, local governments may choose to construct curb ramps at every point where a pedestrian walkway intersects a curb. However, they are not necessarily required to do so. Under a more flexible standard called "program access" alternative routes to buildings may be acceptable where individuals with disabilities must travel only a marginally longer route than the general public.

If streets and sidewalks were built pre-ADA and have not since been altered, PROWAG does not require alterations to existing public rights-of-way, but would apply where a pedestrian route or facility is altered as part of a planned project to improve existing public rights-of-way. Proposed guidelines clarify that where elements, spaces or facilities are altered, each altered element, space, or facility within the scope of the project must comply with the applicable requirements for new construction (PROWAG §202.3). It is not intended for additional work to be done outside the scope of the project. Alterations must not decrease or have the effect of decreasing the accessibility of a facility or an accessibility of a facility or an accessible connection to an adjacent building or site below the requirements for new construction in effect at the time of the alteration. Upon the passing of PROWAG, current rules could change. The Town will continue to monitor PROWAG guidelines as they are adopted. Although not a requirement, the Town may choose to refurbish curb ramps at key pedestrian crossings. The Town should consider seeking input from people with mobility disabilities regarding other key locations where curb ramps need to be installed to provide program access.

When pre-ADA streets/sidewalks are altered, there may be space limitations that restrict how much they can be altered to install accessible curb ramps. In these cases, the curb ramps installed must meet the accessibility requirements of the ADA to the maximum extent feasible. Scoping requirements in the ADA Standards establish limitations for the running slope of the ramp run of curb ramps installed during alterations to pre-ADA streets and walk-ways. The Civil Rights Division of the Department of Justice recognizes there will be very rare instances

when it will be technically infeasible for a curb ramp installed during alterations to pre-ADA roadways and walkways to be constructed in full and strict compliance with the requirements of ADA Standards because of physical or site constraints. Before reaching a conclusion about technical infeasibility, local governments need to consider the extent to which physical or site constraints can be addressed by alternative curb ramp designs. The burden of proving technical infeasibility lies with the local government that constructed it.

Figure 5: Alternative Curb Ramp Design:



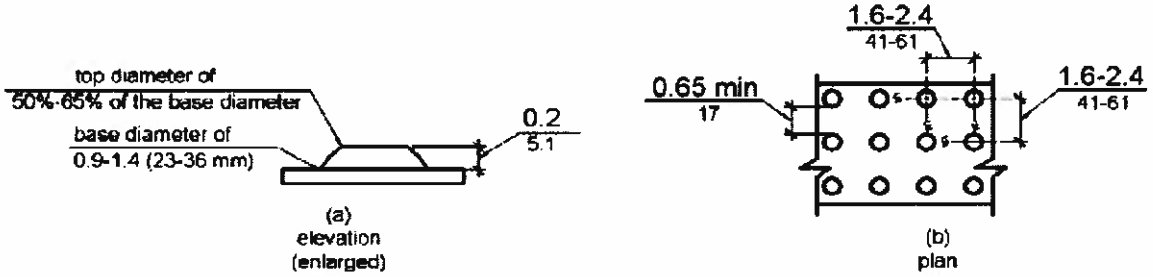
A parallel curb ramp consists of two ramps joined in the middle by a landing that is level with the roadway. Parallel curb ramps run parallel to the curb and usually take up the whole width of the sidewalk.

Combined curb ramps are a combination of the perpendicular and parallel curb ramp designs. The combined curb ramp breaks the elevation change between the curb and the street into two parts, and uses a separate ramp to bridge each part: a parallel ramp from the sidewalk to a level landing, and a perpendicular ramp from the level landing to the roadway.

Detectable Warnings:

ADA Standards require that curb ramps include detectable warnings. Detectable warning surfaces consist of a series of truncated domes aligned in a square or radial grid pattern that contrast in color with the surrounding sidewalk or street. The dimensions for dome size and dome spacing are the same as in the 2004 ADAAG. They must be integrated into the walking surface. There are specific measurements for the size and spacing of the domes as follows: Base diameter is to be a minimum of .9 inch and 1.4 inches maximum, the top diameter is to be 50 percent (50%) of the base diameter minimum to 65 percent (65%) of the base diameter maximum and a height of .2 inch. Dome spacing shall have a center-to-center spacing of 1.6 inches minimum and 2.4 inches maximum and a base-to-base spacing of .65 inch minimum, measured between the most adjacent domes on a square grid. The detectable warning surfaces must contrast visually with adjacent gutters, streets or highways, or pedestrian access route surfaces, either light-on-dark or dark-on-light. The detectable warning surfaces must extend two feet minimum in the direction of pedestrian travel. At curb ramps and blended transitions, detective warning surfaces must extend the full width of the ramp run (excluding flared sides), blended transition or turning space.

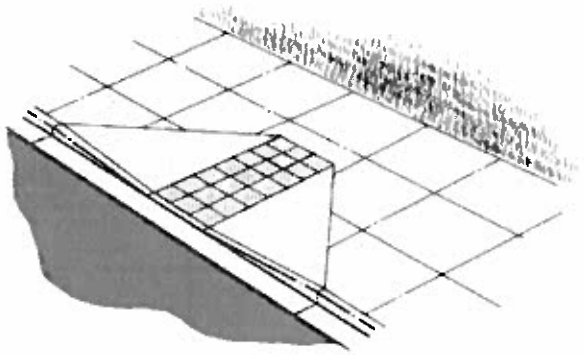
Figure 6
Size and Spacing of Truncated Domes



Detectable warning surfaces are not required at pedestrian refuge islands that are cut-through at street level and are less than six feet in length in the direction of pedestrian travel because detectable warning surfaces must extend two feet minimum on each side of the island and be separated by two feet minimum on each side of island without detective warning surfaces.

Figure 7: Example of a curb ramp with detectable warnings is as follows:

Under the ADA Standards, curb ramps are required to have detectable warnings that extend the full width and depth of the curb ramp. This is an example of a perpendicular curb ramp that complies with this requirement.



Landing Panel Size:

Landings allow wheelchair users space to maneuver off the curb ramp and onto the sidewalk. Curb ramps without landings force wheelchair users entering the ramp from the street, as well as people turning the corner, to travel on the ramp flares. Furthermore, people who are continuing along the sidewalk will not have to negotiate a surface with a changing grade or cross slope. ADAAG 4.8.4 specifies that landings with a minimum length of 48 inches, the length of an occupied wheelchair, will provide sufficient turning space. Landing length is measured in the direction of travel to and from the ramp. Landings should be a minimum of 36 inches wide (48 inches is preferred) to prevent pedestrians from having to cross the curb ramp flare. If ramps change direction at landings, commonly known as parallel ramps, the minimum landing size should be 60" x 60". This additional space helps avoid trapping the footrest of a wheelchair between opposing up-slopes.

To ensure compliance now and in the future, the following steps need to be considered:

1. Access to the extent which the Town has complied with ADA requirements for providing curb ramps at pedestrian crossings and transportation stops.

2. After conducting an assessment to figure out where ADA compliant curb ramps are needed, prioritize the locations. Give priority to walkways serving entities covered by the Act.

3. Make a long range plan to provide curb ramps in locations that need them.

4. Establish written procedures for soliciting and receiving input on the accessibility of pedestrian crossings and transportation stops from individuals with disabilities.

5. Consider developing a written policy that effective immediately, ADA compliant curb ramps will be provided at any intersection having curbs or other barriers for entry from a sidewalk whenever a street, road or highway is constructed or altered. If the Town receives federal financial assistance, the policy should address compliance with Section 504.

6. Also consider developing a written policy that effective immediately, ADA compliant curb ramps will be provided at all newly constructed or altered sidewalks and walkways where they intersect a street, road or highway, including mid-block pedestrian crossings and public transportation stops. If pedestrians may legally cross a street at an intersection that is being constructed or altered, curb ramps must be provided.

7. Work with employees in the street department to review the designs for curb ramps and detectable warnings to ensure that they are ADA compliant. If the Town receives federal financial assistance, the policy should address compliance with Section 504.

8. Ensure that private developers comply with the accessibility requirements that the Town deems appropriate. (Private developers are not bound by Title II's requirements when acting on their own behalf. Monroe County Building Department and their inspectors will ensure that projects by developers provide accessibility and are compliant. This will prevent the Town from having to be responsible for making certain the curb ramps are in compliance before the sidewalks and roads are dedicated over to the Town.)

9. When preparing contracts for services by architects, engineers and contractors involved in building and altering highways, streets, roads, sidewalks or other walkways, transportation stops and curb ramps, the Town may consider including a provision specifically requiring compliance with Title II of the ADA, including compliance with PROWAG. If the Town receives federal financial assistance, the policy should address compliance with Section 504.

10. When compliance with federal law is contractually required, the Town may consider requiring architects, engineers and contractors to certify ADA compliance, including compliance with PROWAG, before accepting and making final payments for their work.

In addition to mandatory requirements, the Town may consider accessibility aids such as accessible pedestrian signals and signs to facilitate safe street crossings. Currently, the Town's crosswalk signals lack audible signals and are of no use to people with vision impairments.

However, it is noted that these crosswalk signals were installed by the Indiana Department of Transportation ("INDOT") upon completion of the expansion of State Road 46 in approximately November 2005. The Town of Ellettsville was not involved in the process of installing or selecting the crosswalk signals. Therefore, crosswalk signals are the responsibility of INDOT.

In March 2013, the Town of Ellettsville will continue its sidewalk and curb ramp self-evaluations to assist in its program accessibility responsibilities for existing pedestrian facilities in the public right-of-ways. Not only will the curb ramp self-evaluation identify the Town's barriers but it will also provide a detailed inventory of its sidewalks and curb ramps. This project is a three phase approach: (1) data collection; (2) database analysis and (3) barrier ranking. The key principle is to assign high ranking on a needs basis, not necessarily to the sidewalks and curb ramps in the worst high ranking on a needs basis, not necessarily to the sidewalks and curb ramps in the worst condition but rather to those that would provide the most benefit to individuals with disabilities. Data collected from the assessment will enable Town staff to:

1. Determine if a sidewalk or curb ramp meets intended design specification and guidelines;

2. Catalog feature and maintenance information;

3. Identify portions of sidewalks needing accessibility improvements;

4. Quantify the extent of the work required;

5. Map the Town's curb ramps and sidewalks;

6. Obtain accurate measurement information on curbs and sidewalks; and

7. Add pedestrian information to the Town's database.

The Town is using the data from the self-evaluation inventory to program needed implementation resources through the ADA Transition Plan timeline. At the conclusion of the modifications, a number of mechanisms will be in place to make sidewalks accessible to individuals with disabilities, including sidewalk maintenance, curb ramp retrofit, and pavement overlay programs. In addition, the Town will incorporate ADA improvements into its capital projects and as permit conditions for development.

The rewards of ADA compliance come in many forms, not the least of which is establishing an accessible community that provides the public, including persons with disabilities, with access to the transportation network and independent mobility regardless of age, physical constraint or income. Pedestrian facilities are an essential part of the community infrastructure that individuals use to gain access to the goods, services, and social contacts that support their day-to-

day existence and quality of life. Individuals with disabilities are better able to participate in the community if sidewalks and curb ramps are accessible because it is easier for them to reach their desired destinations.

CONTRACTING

Should any organization or business receive Town Funds to provide services to the public on the Town's behalf they will be bound by the regulations contained in Title II of the ADA.

When preparing contracts for services by architects, engineers and contractors involved in building and altering highways, streets, roads, sidewalks or other walkways, transportation stops and curb ramps, the Town should consider including a provision specifically requiring compliance with Title II of the ADA, including compliance with PROWAG. If the Town receives federal financial assistance, the policy should address compliance with Section 504 of the Rehabilitation Act of 1973 ("Section 504").

In addition, when compliance with federal law is contractually required, the Town should consider requiring architects, engineers and contractors to certify ADA compliance, including compliance with PROWAG, before accepting and making final payments for their work.

Town should consider ensuring employees responsible for web page and content development are properly trained in accessibility. Department supervisors have been provided with copies of the Department of Justice technical assistance document, "Accessibility of State and Local Government Websites to Individuals with disabilities" which was attached to their self-evaluations. Supervisors are to provide their employees with copies of this document.

PURCHASING

Every time the Town intends to purchase a system or piece of equipment for public use, it must consider its accessibility to individuals with disabilities. This means incorporating access criteria into the criteria used for product research, into Requests for Proposals ("RFPs"), and into criteria used in reviewing bids and quotes. It also means educating those employees with purchasing responsibilities about disabilities and access barriers, and encouraging them to seek out resources that can help them identify the most accessible systems and equipment available.

Both the purchasing policy and employee training should emphasize that cost is not a sufficient reason for choosing an inaccessible product over an accessible one. It is noted that the long-term costs of purchases that invite lawsuits will far outweigh any short-term savings.

SERVICE ANIMALS

Though a discriminatory "no animals" policy does not seem to be a problem in the Town of Ellettsville and to ensure that it does not become a problem, the Town should incorporate information about service and companion animals into its ADA training. Employees should be educated about ways to determine whether an animal is a service or companion animal, and informed about standards for animal behavior.

The ADA notes that a public entity shall not ask about the nature or extent of a person's disability, but may make two inquiries to determine whether an animal qualifies as a service animal if it is not readily apparent that an animal is trained to do work or perform tasks for an individual with a disability:

1. Is the animal required because of a disability?
2. What work or task the animal has been trained to perform?

A public entity shall not require documentation, such as proof that the animal has been certified, trained or licensed as a service animal.

MOBILITY

A public entity shall not ask an individual using a wheelchair or other power-driven mobility device questions about the nature and extent of the individual's disability. They may, however, ask a person using another power-driven mobility device to provide a credible assurance that the mobility device is required because of the person's disability. If a public entity permits the use of another power-driven mobility device by an individual with a mobility disability they shall accept the presentation of a valid, state-issued, disability parking placard or card, or other state issued proof of disability as a credible assurance that the use of the other power driven mobility device is for the individual's mobility disability. In lieu of a valid state issued disability parking placard or card, a public entity shall accept as credible assurance a verbal representation, not contradicted by observable face, that the other power-driven mobility device is being used for a mobility disability.

A public entity shall make reasonable modifications in its policies, practices, or procedures to permit the use of other power-driven mobility devices by individuals with mobility disabilities, unless the public entity can demonstrate that the class of other power driven mobility devices cannot be operated in accordance with legitimate safety requirements that the public entity has adopted. (28 C.F.R. §35.130(h))

TRANSPORTATION

To be accessible, programs that provide transportation as part of their services must provide equally effective wheelchair-accessible transportation. (28 C.F.R. Part 35 §35.130(b)(1)(i)(iii)) This includes ambulances, patrol cars, vans and autos. Thus, if they are not currently providing wheelchair accessible vehicles, the department needs to upgrade their existing equipment or create equal alternatives.

EMERGENCY MANAGEMENT

State and local governments are primarily responsible for protecting residents and visitors from harm, including assistance in preparing for, responding to and recovering from emergencies and disasters. State and local governments must comply with Title II in emergency and disaster related programs, services and activities which they provide. These emergency and disaster

related programs must be accessible to individuals with disabilities and, generally, may not use eligibility criteria that screen out or tend to screen out individuals with disabilities. The ADA requires making reasonable modifications to policies, practices and procedures when necessary to avoid discrimination against a person with a disability. However, the ADA, generally, does not require state or local emergency management programs to take actions that would fundamentally alter the nature of a program, service or activity or impose undue financial and administrative burdens.

The Town of Ellettsville does not have an emergency management plan or an accessible emergency shelter. Instead it contracts with Monroe County, Indiana, to provide these services. The Monroe County Strategic Preparedness Plan encompasses the following: Monroe County Comprehensive Management Plan, Comprehensive Hazard Analysis, Comprehensive Emergency Management Plan, Terrorism Consequence Management Plan, Comprehensive Emergency Management Response Plan. Should an emergency arise, assistance is provided by Radio Amateur Civil Emergency Service. To assist individuals with disabilities, Monroe County developed a pamphlet titled "I am Citizen Prepared, Disaster Planning & Emergency Preparedness for People with Disabilities!" through a grant funded from the U.S. Department of Health and Human Services, Administration on Developmental Disabilities and published by the Center of Aging and Community. The Planning Department has copies of this document for its citizens with disabilities.

Should the Town decide to pursue its own emergency management it will need to take in to consideration that traditional emergency notification methods are not accessible to individuals with disabilities. It will need to use a combination of notification methods rather than rely on one method. For example, auto-dialed text telephone (TTY) messages to pre-registered individuals who are deaf or hard of hearing, text messaging, emails and other innovative uses of technology may be incorporated. In addition, government officials with a qualified sign language interpreter and open captioning can announce the emergency on local Community Access Television Series 14 and Smithville Cable Channels 301, 302 and 303. Audio portions of television and videotape programing produced by public entities are subject to the requirement to provide equally effective communication for individuals with hearing impairments. Closed captioning is sufficient to meet this requirement. (ADA Standards II-7.1000)

Transportation

In the event the Town pursues its own emergency management plan it will have to include a provision for transportation. Individuals with disabilities may face a variety of challenges in evacuating to safety. The movement of people during an evacuation is critical, but many people, because of their disabilities, cannot drive or use traditional, inaccessible transportation. For example, a person with a mobility disability may need assistance leaving a building without a working elevator, a person who is blind or has low vision may not be able to independently use traditional orientation/navigation methods and a deaf person may be trapped and unable to communicate. A procedure will need to be established to ensure that individuals with disabilities can evacuate an emergency area in a variety of conditions with assistance when needed. Emergency plans must identify accessible forms of transportation, i.e., vehicles equipped with a wheelchair lift. To increase the effectiveness of the emergency plan, a voluntary, confidential

registry of persons with disabilities who may need individualized notification or evacuation assistance could be created.

Repairing and Rebuilding Government Offices

If an emergency or disaster damages a government facility, the replacement or repairs to the facilities must comply with Title II of the current ADA standards.

ELEVATORS

There are no elevators located in the Town's buildings.

PARKS & RECREATION PROGRAMS

As with other accessibility issues with the ADA the following is the experience standard *"No qualified individual with a disability shall, because a public entity's facilities are inaccessible to or unusable by individuals with disabilities, be excluded from participation in, or be denied the benefits of the services, programs or activities of a public entity, or be subjected to the discrimination by any public entity."* (28 C.F.R. §35.149)

Accessible park and recreation facilities are divided into two areas: Play areas and areas of sports activity are considered recreation facilities and picnic areas and trails are considered outdoor recreation.

The Heritage Trail will be built to ADA specifications as outlined in the plans. Consultants have been hired to prepare the plans and build the trail. The Town of Ellettsville is the Local Public Agency and will ensure the consultants are building the trail according to ADA specifications. There will be water hydrants, benches and trash and recycling containers which will be accessible for individuals with disabilities. The path of the trail will be made of asphalt. The Heritage Trail will be built along Jack's Defeat Creek, however, there will not be a path leading to any type of pier or gangway plank. At this time, there are no plans to add playground equipment to the trail. The appropriate compliant signage will be included along the trail.

Surfaces

2010 Standards provide technical requirements for accessible ground surfaces for play areas on accessible routes, clear floor or ground spaces and turning spaces. Ground surfaces must follow special rules, incorporated by reference from nationally recognized standards for accessibility and safety in play areas, including those issued by the American Society for Testing and Materials ("ASTM"). The ADA cautions entities selecting among the ground surfacing materials that comply with the ASTM requirements because they must anticipate the maintenance costs associated with some of the products. Permitting a surface to deteriorate so that it does not meet the 2010 Standards would be an independent violation of the ADA regulations. When evaluating surfaces, it must be determined if they are firm and stable. This is a subjective measurement. Appropriate surfaces are asphalt and concrete. Pursuant to recent

case law, gravel and wood chips are unacceptable surfaces. When measuring a perimeter, linear feet must be used and measured with rollo tape.

Within Campbell's Park, the surfaces of the accessible structures are as follows:

- Accessible basketball court is asphalt.
- Accessible large shelter is concrete.
- Accessible small shelter is concrete.
- Accessible mid-size shelter is concrete.
- Small parking lot is asphalt.
- Large parking lot is asphalt.
- Bridge to mid-size shelter is wood with an asphalt ramp.

Accessible Routes

There is to be an accessible route to all areas. The purpose of the routes is to get people to the boundaries of the activities and to all sides without backtracking. If the route goes through a field, the surface of the field does not have to be accessible. New mobility devices are allowed to be used for accessibility. However, a mobility device policy needs to be addressed before someone brings something in that may not be allowed on trails or in the park areas. 2010 Standards require at least one accessible route to connect accessible buildings, facilities, elements and spaces on the same site. An accessible route must connect the boundary of each area of sport activity. The accessible route in court sports must directly connect both sides of the court.

Campbell's Park was built before 1991. Located within the park, on the east side of Park Street, are two shelter houses which are accessible and a composite play structure and shelter house which is not accessible. Those that are not accessible were built several years prior to 1991. To build an accessible route to the aforementioned would result in undue financial and administrative burden on the Town. The terrain does not allow for additional accessible structures. On the west side of Park Street in the park are basketball courts, restrooms and a shelter house which are accessible and were built in approximately 1991. 2010 Standards provide requirements for accessible routes to be ground level and elevated play components and to soft contained play structures. The accessible route must connect to at least one ground level play component of each different type provided (e.g., for different experiences such as rocking, swinging, climbing, spinning and sliding. When elevated play components are provided, an accessible route must connect at least 50% of the elevated play components.

Exception: If at least 50% of the elevated play components are connected by a ramp and at least three of the elevated play components connected by the ramp are different types of play components.

If three or fewer entry points are provided to a self-contained play structure, then at least one entry point must be on an accessible route. In addition, where four or more entry points are

provided to a soft contained play structure, then at least two entry points must be served by an accessible route.

The Town of Ellettsville does not have self-contained play structures in its park.

Accessible play components are required to be on accessible routes, including elevated play components that are required to be connected by ramps. These play components must also comply with other accessibility requirements, including specification for clear floor space and seat heights (where provided).

The Town of Ellettsville does not have elevated play components in its parks.

Stages

1991 Standards require an accessible route to connect the accessible seating and the performing area. 2010 Standards require the accessible route to directly connect the seating area and the accessible seating, stage and all areas of the stage where a circulation path directly connects the seating area and the stage. Both 1991 and 2010 Standards require an accessible route to connect the stage and ancillary areas, such as dressing rooms, used by performers.

Exception: 2010 Standards do not require an additional accessible route to be provided to the stage. However, it specifies where the route to the stage must be located.

The Town constructed a stage after 1991 and it was built according to 1991 standards. The stage is ADA accessible.

Play Areas

In Campbell's Park, a composite play structure is located on an incline on the east side of Park Street which is not accessible. This structure was built several years prior to 1991. To build an accessible route to the composite play structure would result in undue financial and administrative burdens on the Town.

If or when the Town constructs or makes modifications to a play area, the following questions need to be considered as they pertain to play areas:

1. Is there a continuous accessible route at entry and at access/egress to accessible components?

2. Are there accessible ground level components?

3. Is there a transfer system or ramp to elevated components?

4. Has the surfacing for the accessible route been installed and maintained as accessible?

Picnic Areas

The following questions need to be considered as they pertain to picnic areas:

1. Is there an outdoor recreation access route to the picnic area?

2. Are there accessible picnic tables located on accessible surfaces and routes?

3. Are the accessible picnic elements dispersed throughout the various types of picnic areas?

MONITORING THE PROGRESS

In order to be effective, the Transition Plan needs to be utilized in the yearly planning of projects and funding decisions, and also needs to be periodically reviewed for compliance and validity. The Transition Plan should be viewed as a "living document" and updated regularly to reflect changes in real world conditions and to address any possible new areas of noncompliance. Changes to a sidewalk such as the installation of a newspaper vending machine, or the relocation of a light pole, can create new access problems that were not evident when the plan was drafted. Regular updates to the plan will also result in monitoring compliance and the effectiveness of priorities set in the Plan itself.

CONCLUSION

The ideal conclusion to the Transition Plan process is the elimination of the barriers listed in the Transition Plan and the acceptance of the requirements of the Act as an everyday reality in all future work going forward. Due to the magnitude of the tasks and other priorities that a government entity faces, the ideal scenario has not universally played out.

The Transition Plan was originally scheduled to be adopted on December 26, 2012, but because of treacherous conditions due to snow fall the Town Council meeting and public hearing was postponed until such time proper notice could be issued. (Exhibit L)

This Transition Plan was adopted by the Ellettsville Town Council, at the Ellettsville Fire Station, on this 14th day of January, 2013.

Scott Oldham, President

Dan Swafford, Vice President

Dianna S. Bastin

David Drake

Phillip Smith

Sandra C. Hash, Clerk-Treasurer
Secretary

APPENDIX A

Fundamental Alternation and Undue Burden Defenses

As outlined in the Transition Plan, the following are barriers which would cause a fundamental alteration or undue financial or administrative burden on the Town:

1. Clerk-Treasurer's Office: Digital Combination TTY/VCO with Text Answering Machine for each desk. (See page 26 of the Transition Plan)

   This office receives a moderate volume of telephone calls and has an open floor plan. The office would have to order four TTY phones for every desk. Due to the open floor plan, if an employee receives a TTY call, they can take the call at the desk with the TTY phone.

2. Fire Department: Digital Combination TTY/VCO with Text Answering Machine for each desk. (See page 27 of the Transition Plan)

   This is an emergency service department with 12 telephone outlets. Emergency calls are received at a 911 center located in Monroe County. Calls coming into the Fire Department are of a non-emergency nature and because firefighters are out of the building or working on other tasks only one TTY telephone is needed.

3. Planning Department: Digital Combination TTY/VCO with Text Answering Machine for each desk. (See page 28 of the Transition Plan)

   This office has four telephones and has one full time, one part-time and one part-time seasonal employee. The office would have to order a TTY phone for every desk. There is no need to supply TTY phones at desks which do not belong to full time employees. Employees can move to a desk with the centrally located TTY phone.

4. Police Department: Digital Combination TTY/VCO with Text Answering Machine for each desk. (See page 28 of the Transition Plan)

   This is an emergency service department with 19 telephone outlets. Emergency calls are received at a 911 center located in Monroe County. Calls coming into the Police Department are of a non-emergency nature and, because officers are out in the field only one TTY telephone is needed.

5. Street Department: Digital Combination TTY/VCO with Text Answering Machine for each desk. (See page 29 of the Transition Plan)

This department has five telephones with two on the first floor and three on the second floor. The Street Superintendent's main office is on the second floor. This office would have the centrally located TTY phone. The employees' work is approximately 90% outdoors and they would not be inside the building during the day to answer the telephone, so, therefore, messages are either left on voice mail or with the Planning Department. The current voice mail system is on the Street Superintendent's telephone so this is the logical location for a TTY phone.

6. Utilities Department: Digital Combination TTY/VCO with Text Answering Machine for each desk. (See page 30 of the Transition Plan)

   This office has five telephones. The office would have to order five TTY phones for every desk. The office has an open floor plan and if an employee receives a TTY call, other employees can move to a centrally located desk with the TTY phone.

7. Clerk Treasurer: Accessible entrance into facility and department. (See page 49 of the Transition Plan)

   The office is located on the second level of Town Hall. To build an accessible route would threaten or destroy the historic significance of an historic property. Town Hall is a 1927 Neo-Classical building and is considered a contributing building to a Historic District. It was accepted in to the Indiana Register of Historic Sites and Structures on July 26, 2006 and the National Historical Register on December 20, 2006.

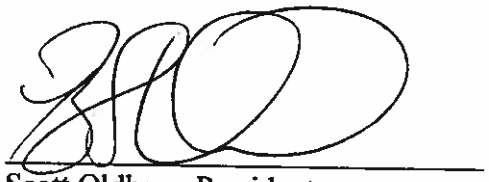
8. Planning Department: Accessible entrance into facility and department. (See page 52 of the Transition Plan)

   The building was built in the 1980s. Later modifications were for fabricating office space and changing it from a fire department to office space for the Planning and Street Departments. The Town leases this building and the landlord has adjoining office space. The Street Department is located on the first floor which houses six service bays and is an open floor plan other than the stairway. To alter the building for accessibility to the 2nd floor would take away some of the needed service bays and, thus prevent the Street Department from performing their duties. Further, a fundamental alteration of this magnitude would place an undue financial or administrative burden on the Town. All meetings with individuals with disabilities are conducted in the Ellettsville Fire Department which is accessible.

9. Parks: Accessible routes to a composite play structure and shelter house. (See page 71 of the Transition Plan)

These structures were built several years prior to 1991 and are on an incline. To build an accessible route to the aforementioned would result in undue financial and administrative burden on the Town. Further, the terrain does not allow for additional accessible structures.

Signed this 14th day of January, 2013.



Scott Oldham, President

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT

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

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

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

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

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service or activity of the Town of Ellettsville, should contact Connie Griffin, Director of Planning for the Town of Ellettsville. The Department of Planning is located at 102 S. Park Street, Ellettsville, IN 47429; Telephone No. (812) 876-8008; Fax No. (812) 876-0444 and Email: connie_griffin@bluemarble.net, as soon as possible but no later than 48 hours before the scheduled event.

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

Complaints that a program, service or activity of the Town of Ellettsville is not accessible to persons with disabilities should be directed to contact Connie Griffin, Director of Planning for the Town of Ellettsville. The Department of Planning is located at 102 S. Park Street, Ellettsville, IN 47429; Telephone No. (812) 876-8008; Fax No. (812) 876-0444 and Email: connie_griffin@bluemarble.net.

The Town of Ellettsville 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.

Sandra Hash, Clerk-Treasurer
Town of Ellettsville
221 N. Sale Street
Ellettsville, IN 47429
Telephone No. (812) 876-3860
Fax No: (812) 876-3491
Email: clerktreasurer@bluemarble.net

Exhibit A

ADA Sample Employment Application

Questions in regular type are permissible. ***Questions in bold italic type are impermissible.***

Section 1:

Name (Last, First, Middle Initial):

Street Address:
City:
State:
Zip Code:

Area Code & Telephone Number:

Are you available for permanent employment? _____ Yes _____ No

Are you available for temporary employment? _____ Yes _____ No

Do you have any disability? _____ Yes _____ No

If yes, please describe:

Have you been hospitalized in the last five years for treatment of a physical illness or surgery?_____ Yes _____ No

If yes, please describe:

Have you been hospitalized in the last five years for treatment of a mental illness or substance abuse disorder?_____ Yes _____ No

Section 2 – Experience Report:

List and describe your work experience. Begin with your present position and work backwards. Include title changes resulting in promotions. List pertinent military experience. Omissions or misstatements of material facts may cause forfeiture of rights to employment.

EXHIBIT _____

Exhibit B

VOLUNTEER EXPERIENCE: Related volunteer experience for which no salary was received will be given the same credit as equivalent paid experience. List the actual number of hours worked per week or month, and describe fully the duties performed so appropriate consideration can be given.

Currently (or last) employed by:

Address:

Dates of Employment from (mo/yr) to (mo/yr):

Total (years/months):

Hours worked per week (month):

Payroll Title:

Salary (starting & ending):

If you had supervisory responsibility for any of the following on a continuing basis, indicate in the appropriate box the number of employees involved:

Manual/Trades____ Clerical/Technical____ Professional/Admin

List and describe your duties and responsibilities:

Reason for leaving:

Currently (or last) employed by:

Address:

Dates of Employment from (mo/yr) to (mo/yr):

Total (years/months):

Hours worked per week (month):

Payroll Title:

Salary (starting & ending):

If you had supervisory responsibility for any of the following on a continuing basis, indicate in the appropriate box the number of employees involved:

Manual/Trades____ Clerical/Technical____ Professional/Admin

List and describe your duties and responsibilities:

Reason for leaving:

If additional space is needed, attach a separate sheet(s), following the format on this page. Please the sheet inside the application.

References: Name Address Business Tele/Fax No.

1.

2.

3.

Have you ever filed for workers' compensation benefits?_____Yes _____No

If yes, please describe nature of injury and resolution of benefits matter:

Section 3 – Formal Education:

List your education accurately and completely.
(Circle number of years completed)

High School 0 1 2 3 4 Graduated _____ Yes _____ No

GED Received GED Certificate _____ Yes _____ No

College 0 1 2 3 4 5 6 7 8 Graduated _____ Yes _____ No

Business, Trade or Correspondence School:

Subject:

From (Mo/Yr) to (Mo/Yr):

Name/Location:

Technical/Professional License(s):

License No:

State Issued:

Date Issued (Mo/Yr):

Current _____ Yes _____ No

Internship:

Type of Internship:

Facility Name – Address:

From (Mo/Yr) to (Mo/Yr):

Name(s) of Colleges or Universities Attended:

Undergraduate – name/city/state:

Total Number of Hours/Years attended:

Major(s)/Minor(s):

Degree or Certificate/Dates:

Graduate – name/city/state:

Total Number of Hours/Years attended:

Degree or Certificate/Dates:

REASONABLE ACCOMMODATION REQUEST FORM

A. Questions to clarify accommodation requested.

What specific accommodation are you requesting?

If you are not sure what accommodation is needed, do you have any suggestions about what options we can explore? Yes ☐ No ☐

If *yes*, please explain.

Is your accommodation request time sensitive? Yes ☐ No ☐

If *yes*, please explain.

B. Questions to document the reason for accommodation request.

What, if any, job function are you having difficulty performing?

What, if any, employment benefit are you having difficulty accessing?

What limitation is interfering with your ability to perform your job or access an employment benefit?

Have you had any accommodations in the past for this same limitation? Yes ☐ No ☐

If *yes*, what were they and how effective were they?

If you are requesting a specific accommodation, how will that accommodation assist you?

C. Other.

Please provide any additional information that might be useful in processing your accommodation request:

_____ _____

Signature Date

Return this form to in a sealed envelope to the following: Town Council
(Please note "*Reasonable Accommodation Request*" on the outside of the envelope.)
c/o Clerk-Treasurer's Office
221 S. Sale Street, P.O. Box 8
Ellettsville, IN 47429

Exhibit C

GRIEVANCE PROCEDURE UNDER THE AMERICANS WITH DISABILITIES ACT

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the Town of Ellettsville. The Town of Ellettsville's Personnel Policy governs employment-related complaints of disability discrimination.

An ADA Discrimination Complaint Form can be obtained from the Town of Ellettsville website www.ellettsville.in.us or from the following:

Sandra Hash, Clerk-Treasurer
Town of Ellettsville
221 N. Sale Street
Ellettsville, IN 47429
Telephone No. (812) 876-3860
Fax No: (812) 876-3491
clerktreasurer@bluemarble.net

Connie Griffin, Director of Planning
Town of Ellettsville
102 S. Park Street
Ellettsville, IN 47429
Telephone No. (812) 876-8008
Fax No. (812) 876-0444
connie_griffin@bluemarble.net

Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.

The ADA Discrimination Complaint Form should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

Connie Griffin, Director of Planning
Town of Ellettsville
102 S. Park Street
Ellettsville, IN 47429
Telephone No. (812) 876-8008
Fax No. (812) 876-0444
connie_griffin@bluemarble.net

Within 15 calendar days after receipt of the complaint, Connie Griffin, Director of Planning, or her designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, Connie Griffin or her designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as a large print, Braille, or audio tape. The response will explain the position of the Town of Ellettsville and offer options for substantive resolution of the complaint.

If the response by Connie Griffin or her designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the Ellettsville Town Council or their designee.

Within 15 calendar days after receipt of the appeal, the Ellettsville Town Council or their designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the Ellettsville Town Council or their designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by Connie Griffin or her designee, appeals to the Ellettsville Town Council or their designee and responses from these two offices will be retained by the Town of Ellettsville for a least three years.

Sandra Hash, Clerk-Treasurer
Town of Ellettsville
221 N. Sale Street
Ellettsville, IN 47429
Telephone No. (812) 876-3860
Fax No: (812) 876-3491
clerktreasurer@bluemarble.net

Exhibit D

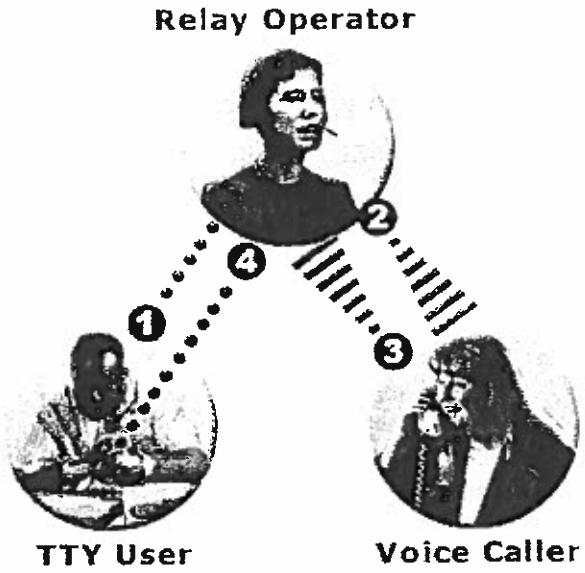
RELAY INDIANA

communication made easy.

CALLING RELAY INDIANA

Dial 711 — You can easily call 711 from anywhere in the nation and connect with any relay service. While in Indiana, if you dial 711, you will connect with Relay Indiana. If you are in Florida and dial 711, you will be connected with Relay Florida, etc.

Dial 800-743-3333 and you can still be connected with Relay Indiana from anywhere in the nation.



Unfamiliar with the relay process?
Please have the telephone number and the name of the person you want to call ready for a quicker dial out. If there are extension numbers or prompts to follow and you already are aware of these, please have them ready to give to the Agent before they place the call. Remember to say or type Go Ahead (GA) when you have finished your part of the conversation. When you hear or read this, please remember it is your turn to continue the conversation. They must read everything typed to the hearing person, even the things you type in parentheses. Also, the Agents must type everything they hear including background noises. The Agent is not permitted to make judgment calls on how a customer feels during a relay call; however, you can ask how "loud" the voice sounds.

Exhibit E

TYPES OF RELAY CALLS

• VOICE USER – If a person uses a standard phone and wishes to speak with others who use special equipment to communicate.
• TTY – If a person is deaf and does not voice, they may use a text telephone.
• VCO – If a person is hard-of-hearing and is able to voice, they may use Voice Carry Over.
• HCO – If a person can hear but is not able to voice, they may use Hearing Carry Over.
• COMPUTER ASCII - If a person wishes to contact the relay service by using a computer on line.
• SPEECH TO SPEECH – If a person can hear but has difficulties with unclear speech.
• SPANISH TO SPANISH – If someone wishes to have their conversation in Spanish.
• VIDEO RELAY SERVICE (VRS) – The interpreter/operator will appear on the screen and will place your call in the same way as a standard relay call.
• INTERNET RELAY (SRO) – You will be able to see what you are typing and what the relay operator is typing, at the same time.
• CAPTEL (CAPTIONED TELEPHONE) – When the other party speaks, the relay operator "re-voices" the words simultaneously while the operator's computer sends the conversation to the CapTel user in the form of text, which appears on the CapTel screen.

Copyright © 2012 Relay Indiana
317 334 1413 (V/TTY) / 866 387 7655 (VP) / 317 334 1432 (Fax) • e-mail

What Situations *Require* an Interpreter?

Generally, interpreter services are not required for simple transactions – such as checking a license or giving directions to a location – or for urgent situations – such as responding to a violent crime in progress.

Example: An officer clocks a car on the highway going 15 miles per hour above the speed limit. The driver, who is deaf, is pulled over and is issued a noncriminal citation. The individual is able to understand the reason for the citation because the officer points out relevant information printed on the citation or written by the officer.

Example: An officer responds to an aggravated battery call and upon arriving at the scene observes a bleeding victim and an individual holding a weapon. Eyewitnesses observed the individual strike the victim. The individual with the weapon is deaf. Because the officer has probable cause to make a felony arrest without an interrogation, an interpreter is not necessary to carry out the arrest.

However, an interpreter may be needed in lengthy or complex transactions – such as interviewing a victim, witness, suspect, or arrestee – if the person being interviewed normally relies on sign language or speech reading to understand what others are saying.

Example: An officer responds to the scene of a domestic disturbance. The husband says the wife has been beating their children and he has been trying to restrain her. The wife is deaf. The officer begins questioning her by writing notes, but her response indicates a lack of comprehension. She requests a sign language interpreter. In this situation an interpreter should be called. If the woman's behavior is threatening, the officer can make an arrest and call for an interpreter to be available later at the booking station.

It is inappropriate to ask a family member or companion to interpret in a situation like this because emotional ties may interfere with the ability to interpret impartially.

Example: An officer responds to the scene of a car accident where a man has been seriously injured. The man is conscious, but is unable to comprehend the officer's questions because he is deaf. A family member who is present begins interpreting what the officer is saying.

A family member or companion *may* be used to interpret in a case like this, where the parties are willing, the need for information is urgent, and the questions are basic and uncomplicated. However, in general, do not expect or demand that a deaf person provide his or her own interpreter. As a rule, when interpreter service is needed, it must be provided by the agency.

Exhibit 2

List your agency's contact information for obtaining an interpreter, an assistive listening device, or other communication aid or service here.

For further information on the Americans with Disabilities Act contact:

ADA Website
www.ada.gov

ADA Information Line
800-514-0301 (voice)
800-514-0383 (TTY)

This pamphlet was developed by the U.S. Department of Justice for law enforcement personnel. **Reproduction is encouraged.**

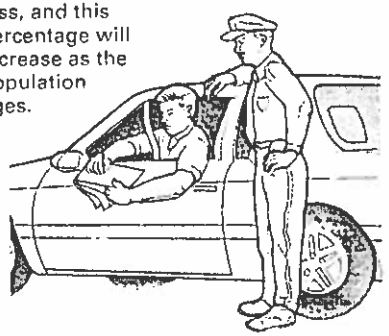
January 2006

U.S. Department of Justice
Civil Rights Division
Disability Rights Section

Communicating with People Who Are Deaf or Hard of Hearing

ADA Guide for Law Enforcement Officers

As a law enforcement officer, you can expect to come into contact with people who are deaf or hard of hearing. It is estimated that up to nine percent of the population has some degree of hearing loss, and this percentage will increase as the population ages.



A driver who is deaf writes on a pad of paper to communicate with an officer.

Under the Americans with Disabilities Act (ADA), people who are deaf or hard of hearing are entitled to the same services law enforcement provides to anyone else. They may not be excluded or segregated from services, be denied services, or otherwise be treated differently than other people. Law enforcement agencies must make efforts to ensure that their personnel communicate effectively with people whose disability affects hearing. This applies to both sworn and civilian personnel.

Your agency has adopted a specific policy regarding communicating with people who are deaf or hard of hearing. It is important to become familiar with this policy.

Requirements for Effective Communication

The ADA requires that . . .

- Law enforcement agencies must provide the communication aids and services needed to communicate effectively with people who are deaf or hard of hearing, except when a particular aid or service would result in an undue burden or a fundamental change in the nature of the law enforcement services being provided.
- Agencies must give primary consideration to providing the aid or service requested by the person with the hearing disability.
- Agencies cannot charge the person for the communication aids or services provided.
- Agencies do *not* have to provide personally prescribed devices such as hearing aids.
- When interpreters are needed, agencies must provide interpreters who can interpret effectively, accurately, and impartially.
- Only the head of the agency or his or her designee can make the determination that a particular aid or service would cause an undue burden or a fundamental change in the nature of the law enforcement services being provided.

Your agency's policy explains how to obtain interpreters or other communication aids and services when needed.

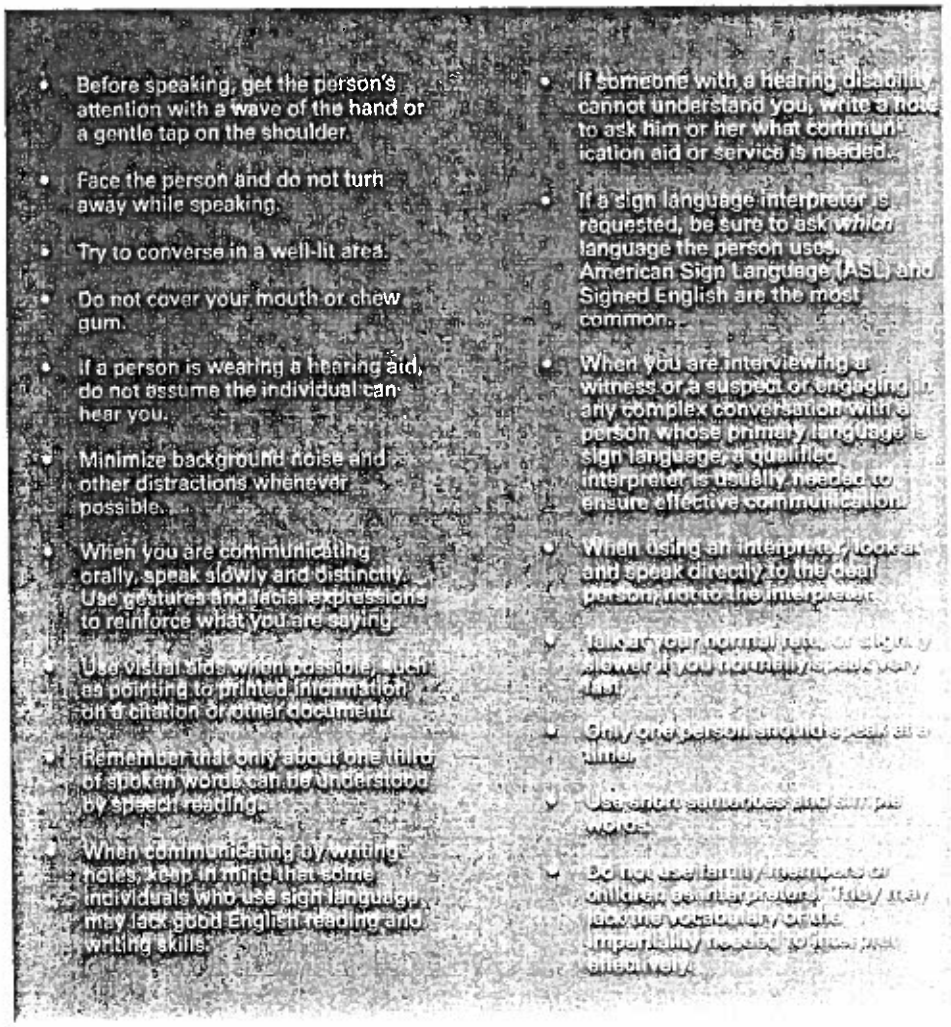
Communicating with People Who are Deaf or Hard of Hearing

Officers may find a variety of communication aids and services useful in different situations.

- Speech supplemented by gestures and visual aids can be used in some cases.
- A pad and pencil, a word processor, or a typewriter can be used to exchange written notes.
- A teletypewriter (TTY, also known as a TDD) can be used to exchange written messages over the telephone.
- An assistive listening system or device to amplify sound can be used when speaking with a person who is hard of hearing.
- A sign language interpreter can be used when speaking with a person who knows sign language.
- An oral interpreter can be used when speaking with a person who has been trained to speech read (read lips). **Note:** Do *not* assume that speech reading will be effective in most situations. On average, only about one third of spoken words can be understood by speech reading.

The type of situation, as well as the individual's abilities, will determine which aid or service is needed to communicate effectively.

Practical Suggestions for Communicating Effectively



U.S. Department of Justice
Civil Rights Division
Disability Rights Section

Accessibility of State and Local Government Websites to People with Disabilities

The Internet is dramatically changing the way that American government serves the public. Taking advantage of new technology, many State and local governments are using the web to offer citizens a host of services including:

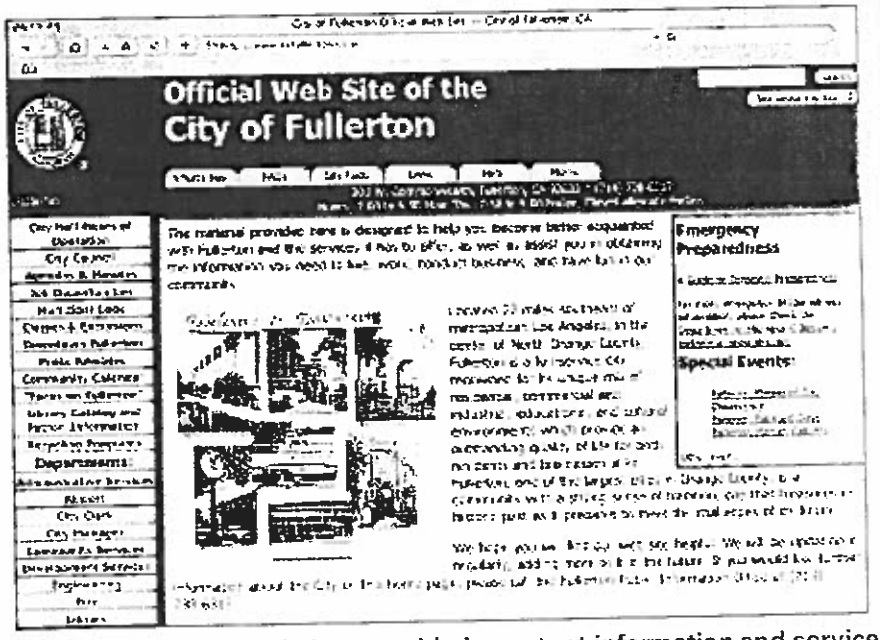
- corresponding online with local officials;
- providing information about government services;
- renewing library books or driver's licenses;
- providing tax information and accepting tax returns; and
- applying for jobs or benefits.

These government websites are important because they:

- allow programs and services to be offered in a more dynamic, interactive way, increasing citizen participation;
- increase convenience and speed in obtaining information or services;
- reduce costs in providing programs and information about government services;
- reduce the amount of paperwork; and
- expand the possibilities of reaching new sectors of the community or offering new programs.

When government is constantly being asked to do more with less, the Internet is playing a vital role in allowing government to better serve all of its citizens.

The Americans with Disabilities Act (ADA) and, if the government entities receive Federal funding, the Rehabilitation Act of 1973, generally require that State and local governments provide qualified individuals with disabilities equal access to their programs, services, or activities, unless doing so would fundamentally alter the nature of their programs, services, or activities or would impose an undue burden. One way to help meet these requirements is to ensure that government websites have accessible features for people with disabilities, using the simple steps described in this document. An agency with an inaccessible website may also meet its legal obligations by providing an alternative accessible way for citizens to use the programs or services, such as a staffed telephone information line. These



Local government websites provide important information and services to citizens

Exhibit G

alternatives, however, are unlikely to provide an equal degree of access in terms of hours of operation and the range of options and programs available. For example, job announcements and application forms, if posted on an accessible website, would be available to people with disabilities 24 hours a day, 7 days a week.

Online Barriers Faced By People with Disabilities

Many people with disabilities use "assistive technology" to enable them to use computers and access the Internet. Blind people who cannot see computer monitors may use screen readers – devices that speak the text that would normally appear on a monitor. People who have difficulty using a computer mouse can use voice recognition software to control their computers with verbal commands. People with other types of disabilities may use still other kinds of assistive technology. New and innovative assistive technologies are being introduced every day.

Poorly designed websites can create unnecessary barriers for people with disabilities, just as poorly designed buildings prevent some from entering. Designers may not realize how simple features built into a web page will assist someone who, for instance, cannot see a computer monitor or use a mouse.

One example of a barrier would be a photograph of a Mayor on a town website with no text identifying it. Because screen readers cannot interpret images unless there is text associated with it, a blind person would have no way of knowing whether the image is an unidentified photo or logo, artwork, a link to another page, or something else. Simply adding a line of simple hidden computer code to label the photograph "Photograph of Mayor Jane Smith" will allow the blind user to make sense of the image.

Accessible Design Benefits Everyone

When accessible features are built into web pages, websites are more convenient and more available to everyone – including users with disabilities. Web designers can follow techniques developed by private and government organizations to make even complex web pages usable by everyone including people with disabilities. For most websites, implementing accessibility features is not difficult and will seldom change the layout or appearance of web pages. These techniques also make web pages more usable both by people using older computers and by people using the latest technologies (such as personal digital assistants, handheld computers, or web-enabled cellular phones).

With the rapid changes in the Internet and in assistive technologies used by people with disabilities to access computers, private and government organizations have worked to establish flexible guidelines for accessible web pages that permit innovation to continue.

Resources for Web Developers

To make web pages accessible, the web developer needs to know about web page features that can make a web page less accessible or more accessible. Information about such features is easily available and many software developers are adding tools to web development software to make it easier to make web pages accessible.

Two important resources provide guidance for web developers designing accessible web pages. One is the **Section 508 Standards**, which Federal agencies must follow for their own new web pages. To learn more about the Section 508 Standards:

- The Access Board maintains information on its website at **www.access-board.gov** and has a useful guide for web developers at **www.access-board.gov/sec508/guide/1194.22.htm**.

- The Department of Justice has information about accessible web page design in an April 2000 report to the President. This report is available at **www.usdoj.gov/crt/508/report/content.htm**, and

- The General Services Administration hosts an online course for web developers interested in accessible web design. This program was developed in conjunction with the Access Board, the Department of Justice, and the Department of Education and provides an interactive demonstration of how to build accessible web pages. This course is available at **www.section508.gov**, which also provides information about the Federal government's initiative to make its electronic and information technology accessible to people with disabilities.

Voluntary Action Plan for Accessible Websites

- **Establish a policy that your web pages will be accessible** and create a process for implementation.

- **Ensure that all new and modified web pages and content are accessible:**

  - Check the HTML[1] of all new web pages. Make sure that accessible elements are used, including alt tags, long descriptions, and captions, as needed.

  - If images are used, including photos, graphics, scanned images, or image maps, make sure to include alt tags and/or long descriptions for each.

  - If you use online forms and tables, make those elements accessible.

  - When posting documents on the website, always provide them in HTML or a text-based format (even if you are also providing them in another format, such as Portable Document Format (PDF)].

- **Develop a plan for making your existing web content more accessible.** Describe your plan on an accessible web page. Encourage input on improvements, including which pages should be given high priority for change. Let citizens know about the standards or guidelines that are being used. Consider making the more popular web pages a priority.

- **Ensure that in-house staff and contractors responsible for web page and content development are properly trained.**

- **Provide a way for visitors to request accessible information or services by posting a telephone number or E-mail address on your home page.** Establish procedures to assure a quick response to users with disabilities who are trying to obtain information or services in this way.

- **Periodically enlist disability groups to test your pages for ease of use;** use this information to increase accessibility.

[1] Web pages are written using a language called HTML (or "hypertext markup language"). HTML is a "markup language" that tells a computer program (called a "browser") how information will appear or will be arranged on a computer screen. HTML tags are specific instructions understood by a web browser or screen reader.

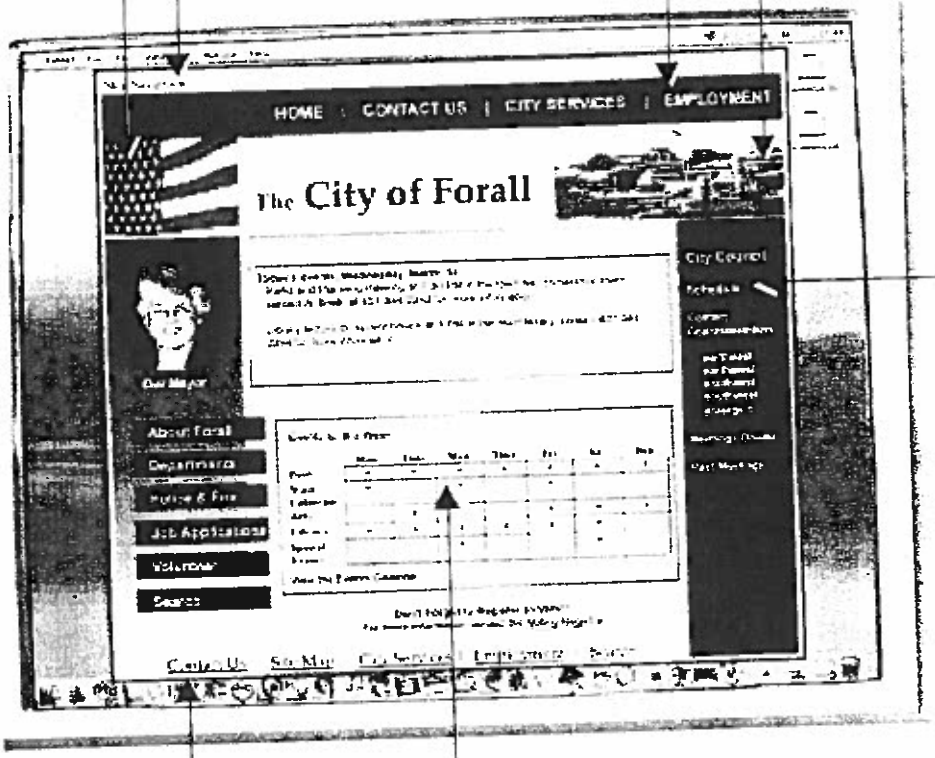
Examples of Accessible Features for Websites

All images and graphics need to have an alt tag or long description.

Use alt tags for image maps and for graphics associated with the image map so that a person using a screen reader will have access to the links and information.

When navigation links are used, people who use a screen reader must listen to all the links before proceeding. A skip navigation link provides a way to bypass the row of navigation links by jumping to the start of the web page content.

Some photos and images contain content that cannot be described with the limited text of an alt tag. Using a long description tag provides a way to have as much text as necessary to explain the image so it is accessible to a person using a screen reader but not visible on the web page.



Text links do not require any additional information or description if the text clearly indicates what the link is supposed to do. Links such as "click here" may confuse a user.

When tables with header and row identifiers are used to display information or data, the header and row information should be associated with each data cell by using HTML so a person using a screen reader can understand the information.

A link with contact information provides a way for users to request accessible services or to make suggestions.

Resources for Web Developers (continued)

A more comprehensive resource is the **Web Content Accessibility Guidelines** developed by the Web Accessibility Initiative. These guidelines help designers make web pages as accessible as possible to the widest range of users, including users with disabilities. The Web Accessibility Initiative is a subgroup of the World Wide Web Consortium — the same organization that standardizes the programming language followed by all web developers.

- Information for web developers interested in making their web pages as accessible as possible, including the current version of the **Web Content Accessibility Guidelines** (and associated checklists), can be found at **www.w3c.org/WAI/Resources**, and
- Information about the Web Accessibility Initiative can be found at **www.w3c.org/WAI**.

For More Information

Technical Information Regarding Web Accessibility

For technical assistance regarding Section 508 Standards and how to make web pages accessible to people with disabilities, please contact the Access Board:

800-872-2253 (voice)

800-993-2822 (TTY)

Information about the ADA

The Department of Justice provides technical assistance to help State and local governments understand and comply with the ADA. An important source of ADA information is the Department's ADA Home Page on the World Wide Web. This extensive website provides access to ADA regulations; all Department ADA technical assistance materials, including newly-released publications; proposed changes in the ADA regulations; and access to Freedom of Information Act materials, including technical assistance letters. The website also provides links to other Federal agencies with ADA responsibilities.

ADA Home Page -- www.ada.gov

In addition, the Department of Justice operates a toll-free ADA Information Line that provides access to ADA specialists during business hours.

ADA Information Line

800-514-0301 (voice)

800-514-0383 (TTY)

Reproduction

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The Attorney General has determined that publication of this periodical is necessary in the transaction of the public business required by law of the Department of Justice.

§ 92.01 SNOW AND ICE ON SIDEWALKS; REMOVAL.

(A) The occupant of any premises, and the owner of any unoccupied premises, are required to keep the sidewalks in front of or adjacent to such premises cleared, to allow safe and reasonable travel on said sidewalk within 24 hours after snow or ice has ceased to fall or in any way accumulate so far as is practicable and reasonable. The word ***OCCUPANT***, as used in this section, shall be deemed to mean the person occupying for business, residence or other purposes the first floor of any building situated on the premises; and if the first floor of any building is not occupied, then such premises shall be deemed and held to be unoccupied and the owner or lessee of the entire premises shall be required to keep the sidewalks in front of or adjacent to the premises reasonably cleared from snow and ice.

(B) Upon the failure of any occupant, or the owner where there is no occupant, of real estate to so remove the snow and ice within that time, The Street Department of the town may remove or cause to be removed that snow and ice.

(C) If the work of removal is done or caused to be done by the Street Department, the cost and expense of the work shall be assessed against the owner of real estate who fails and refuses to remove that snow and ice as benefits that property.

(D) No person engaged in a commercial enterprise within the town shall permit to be deposited in any street or thoroughfare, snow or other obstruction from the sidewalks, parking lots or driveways of said commercial enterprise.

(E) Any person who shall violate this section commits a Class E ordinance violation and in addition to the fine be assessed the cost of the removal of such snow or other obstruction of natural origin from the street or thoroughfare so obstructed. The owner may make payment within ten business days of issuance of the notice in full satisfaction of the penalty. In the event payment is not made within the time designated, court proceedings may be initiated. Each day a violation of this section continues after the owner has been notified of the violation shall constitute a separate violation.

(1985 Code, § 470-10) (Ord. 8, passed 3-6-1912; Am. Ord. 09-08, passed 6-8-2009)

Exhibit H

ORDINANCE 10-13
AN ORDINANCE TO ADD SECTION 93.20 THROUGH 93.23 OF THE ELLETTSVILLE TOWN CODE CONCERNING LEAF, TREE, AND BRUSH REMOVAL

BE IT ORDAINED AND ADOPTED by the Ellettsville Town Council,

Ellettsville, Indiana, that Sections 93.20 through 93.23 are added to the Ellettsville Town

Code to read as follows:

93.20 Definitions

Yard Waste- Yard waste includes leaves, grass clippings, stumps, roots or shrubs with root balls, garden debris, and brush.

93.21 General Regulations

To assist residents and encourage good property maintenance, the Town of Ellettsville will offer brush and leaf removal services to residents within the corporate limits of the Town each year from spring to early fall. These services are intended to help residents in disposing of small amounts of branches or severe weather damage. Residents should have storm damaged trees ready for pickup on the scheduled dates. Storm damaged trees will be picked up for 30 days after the storm damage occurs. This monthly service will be provided during the first full week of each month from April till November or as determined by the Street Commissioner or designee. Residents should place brush between the curb and the sidewalk. Residents should not block sidewalks or streets.

The Street Department crews reserve the right to refuse pick up of leaves, brush and storm damage for any reason that could harm the equipment or personnel or if the brush is not stacked properly.

(A) No Christmas tree pick up

(B) Leaf Pickup

The Town will provide leaf pickup as a monthly service during the first full week of each month from November through December or until weather conditions prohibit this service. Bagged leaves will be picked up in the spring. Residents should rake leaves into piles between the sidewalk and the curb, and not in the street. Leaf piles should not be contaminated with grass clippings, litter, garbage or other non-organic materials. including pet waste. Residents should not park cars near leaf piles; it creates a fire hazard and makes it impossible to pick up the leaves. All leaf piles are to be at least 10 feet from

Exhibit I

any storm drain. Residents should make a conscious effort to help the Town keep storm water inlets clean and free of obstructions, litter and pollution. Storm water drains are only for rain.

(C) Brush Removal

To help ensure that the Town continues to efficiently and effectively provide these services to Ellettsville residents, and to facilitate pickup by the chipper truck and Street Department employees, residents should adhere to the following rules:

1. No person owning real estate within the corporate limits of the Town shall maintain or keep yard waste materials on their property which exceed the general regulations of this section.
2. All yard waste materials must be removed from the property at least every 30 days.
3. All brush must be placed near the curb, but not on the sidewalks or in the drainage way.
4. All brush must be placed trunk/butt-end toward the curb in a neat stack.
5. All brush must be no more than 4' feet in length in one pile one person can handle, unless it is severe storm damage.
6. Residents should not put brush in or on top of leaves. Residents should keep brush in one pile and leaves in another pile.
7. Residents who hire a commercial service for tree removal or trimming should make sure the contractor hauls away all tree trimmings and debris.
8. Residents should keep any and all foreign objects out of the brush pile.
9. Root stumps, grass clippings, flowers, shrubs, garden debris, construction materials and dirt will not be picked up by the Street Department.
10. If the above conditions are not met, the brush material will not be picked up.

93.22 Fines and Fees

(A) Any person or persons violating any of the provisions of this section commits a Class D ordinance violation and shall be fined for each offense. Each day's violation shall constitute a separate offense. The fine for each day's offense shall be $100.00 per day.

(B) There shall be a minimum fee of $250.00 for any brush removal that exceeds general regulation guidelines, requires more than five minutes to remove the materials from the site, or as determined by the Street Commissioner or designee. A fee notice will be

posted at the residence prior to the Street Department collecting the brush. No brush will be picked up at the specified location until payment has been received by the Clerk Treasurer.

(C) It shall be the duty of the Street Commissioner or designee upon notification of any such existing condition. to inspect the real estate in question, and if upon inspection determines that the real estate is in violation, shall issue a ten-day notice to remove the yard waste as specified in Section (D), below, and in Section 93.23.

(D) If any owner or lessee being duly ordered as herein provided by the Street Commissioner or designee shall fail or refuse to obey the code, it shall be the duty of the Street Commissioner or designee to cause the yard waste to be removed. The Street Commissioner or designee shall keep an account of the expense thereof, which shall be reimbursed upon the sworn voucher of the Street Department Commissioner, and the Town Clerk-Treasurer shall produce a certified statement within ten business days of the actual cost incurred by the Town in the removal. The statement shall be delivered to the owner of the real estate by certified mail, and the owner shall have not more than 30 days within which to pay the amount to the Clerk-Treasurer.

(E) If the landowner fails to pay the sum within the time prescribed, a certified copy of the statement of costs shall be filed in the office of the County Auditor, and the Auditor shall place the amount claimed on the tax duplicate against the lands of the landowner affected by the work. The amount shall be collected as taxes are collected and when collected shall be disbursed to the fund incurring the expense.

93.23 Notice of Violations

Notice of violation can be posted to the violator or owner of the property by the Town Health Officer or a deputy health officer in the following ways:

(1) Physically posted to the dwelling in violation of Code by affixing a notice of violation to the dwelling's primary entryway;

(2) Delivered personally to the violator or owner of the property;

(3) Mailed to the violator or owner of property through regular mail addressed to the landowner's last known address;

(4) Mailed certified to the violator or owner of property addressed to the landowner's last known address.

This ordinance takes effect at 12:01 a.m. on the 3rd day following its final publication according to the procedure specified by Indiana Code 5-3-1. This ordinance was passed and adopted by the Town Council of Ellettsville, Indiana, at the Ellettsville Fire Department on the ____ day of August, 2010.

Ellettsville Town Council

_____

Phillip Smith, President

Attest:

_____

Sandra Hash, Clerk Treasurer

This ordinance was published in the Ellettsville Journal on the _____ day of _____, 2010.

_____

Sandra Hash, Clerk/Treasurer

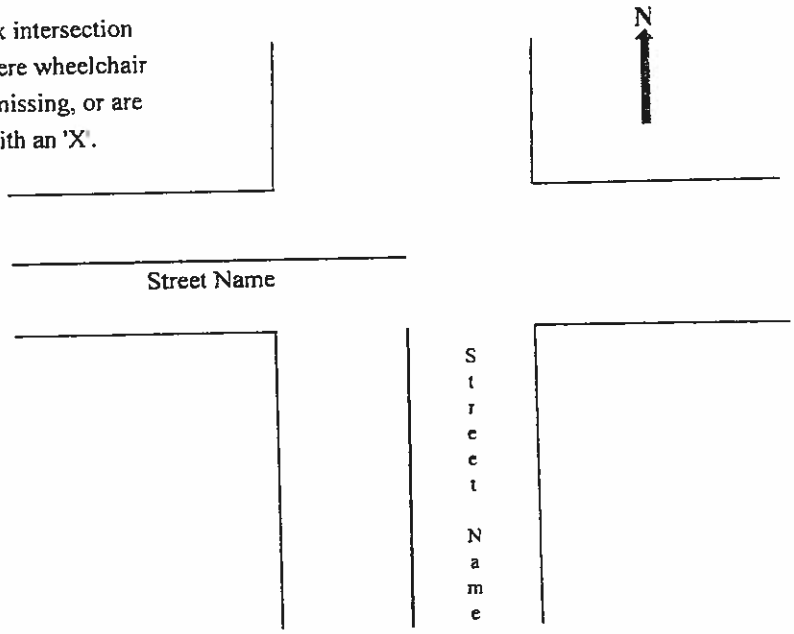
CITIZEN CURB RAMP REQUEST
TOWN OF ELLETTSVILLE
ADA DEPARTMENT

Please provide a written description or a sketch of the location(s) where wheelchair ramps are missing or are deficient.

LOCATION: NE NW SE SW ALL corner(s) of the
(please circle appropriate locations)

intersection between _____
(please list intersecting streets above)

Please mark intersection corners where wheelchair ramps are missing, or are deficient with an 'X'.



Please provide below:
Comments, suggeestions or other information that may assist us in providing better service to you.

Reported by: Name _____ Day Phone _____

Address _____

Date _____

Please return to: Town of Ellettsville
Department of Planning
106 S. Park Street
Ellettsville, IN 47429

For more information:
Contact Connie Griffin
(812) 876-8008

Exhibit J

DISCRIMINATION COMPLAINT FORM
TITLE II OF THE AMERICANS WITH DISABILITIES ACT
SECTION 504 OF THE REHABILITATION ACT OF 1973

Instructions: Please fill out this form completely, in black ink or type. Sign and return to the address on page 3.

Complainant:_____

Address:_____

City, State & Zip Code:_____

Telephone-Home No:_____ Cell No:_____

Person Discriminated Against (if other than the Complainant):

Name:_____

Address:_____

City, State & Zip Code:_____

Telephone-Home No:_____ Cell No:_____

Government, organization or institution which you believe has discriminated:

Name:_____

Address:_____

County:_____

City, State & Zip Code:_____

Telephone Number(s):_____

When did the discrimination occur (date)?_____

Describe the acts of discrimination providing the name(s) where possible of the individuals who discriminated (use space on page 3 if necessary):_____

_____

Exhibit K

Have efforts been made to resolve this complaint through the internal grievance procedure of the government, organization or institution? _____ Yes _____ No

If yes, what is the status of the grievance?_____

Has the complaint been filed with another bureau of the Department of Justice or any other federal, state or local civil rights agency or court? Has the complaint been filed with another bureau of the Department of Justice or any other federal, state or local civil rights agency or court? _____ Yes _____ No

If yes:

Agency or Court:_____

Contact Person:_____

Address:_____

City, State and Zip Code:_____

Telephone Number(s):_____

Date Filed:_____

Do you intend to file with another agency or court? _____ Yes _____ No

Agency or Court:_____

Address:_____

City, State and Zip Code:_____

Telephone Number(s):_____

Additional space for answers:

Signature

Date

Return completed form to:

Town of Ellettsville
ADA Department
106 S. Park Street
Ellettsville, IN 47429

LEGAL

Ellettsville Town Council
Public Hearing Notice
Americans with Disabilities Act ("ADA")
Transition Plan

A public hearing for the Town of Ellettsville, Americans with Disabilities Act ("ADA") Transition Plan is scheduled for Wednesday, December 26, 2012, at 7:00 p.m. at the Ellettsville Fire Station, Station Number 7, 5080 West State Road 46, Bloomington, IN 47404.

The ADA Transition Plan outlines how the Town of Ellettsville will implement the ADA as set forth by federal mandate, as well as, explain the approach the Town is taking towards ADA compliance, describe the barrier removal prioritization and how the Town will implement the removal of identified barriers.

Public comment can be made in person or in a written format at the public hearing. Submit written comments to the Clerk Treasurer at 221 N. Sale Street, Ellettsville, IN 47429 or the Department of Planning at 100 S. Park Street, Ellettsville, IN 47429.If you have any questions you may telephone the Department of Planning at 812-876-8008; hours of operation are Monday through Friday 7:00 a.m. to 4:00 p.m.

Ellettsville Town Council
11/J/12-12

Exhibit L

October 8, 2012

The Ellettsville, Indiana, Town Council met for a Regular Meeting on Monday, October 8, 2012, at the Fire Department Training and Conference Room. Scott Oldham called the meeting to order at 7:00 p.m. Dianna Bastin led the Pledge of Allegiance followed with a prayer by Sandra Hash.

Roll Call: Members present were Scott Oldham, President; Dan Swafford, Vice President; and Dianna Bastin. David Drake and Phillip Smith were absent. Sandra Hash, Clerk Treasurer, Darla Brown, Town Attorney, and Rick Coppock, Bynum Fanyo and Associates, Town Engineer, were also present.

Supervisors Present were: Mike Comman, Jim Ragle, Jay Humphrey, Connie Griffin, Mike Farmer and Jeff Farmer.

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Final Adoption of the 2013 Budget – Ordinance 2012-22

Dianna Bastin made a motion to approve the budget for 2013, Ordinance 2012-22. Dan Swafford seconded. Roll Call Vote: Scott Oldham – yes; Dan Swafford – yes; and Dianna Bastin – yes

Adjournment

Dan Swafford made a motion to adjourn. Dianna Bastin seconded. Motion carried. Dan Swafford adjourned the meeting at 7:31 p.m.

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(For a complete reading of the minutes, please go to http://ellettsville.in.us/clerk/2012/October%208%202012.htm)

Exhibit M