

City of Carmel
ADA Transition Plan



Mayor James Brainard

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 City of Carmel will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

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

Effective Communication: The City of Carmel 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 City of Carmel'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 City of Carmel 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 City of Carmel offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the City of Carmel should contact the office of David Littlejohn (317) 571-2417, dlittlejohn@carmel.in.gov as soon as possible but no later than 48 hours before the scheduled event.

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

Complaints that a program, service, or activity of the City of Carmel is not accessible to persons with disabilities should be directed to David Littlejohn (317) 571-2417, dlittlejohn@carmel.in.gov.

The City of Carmel 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.

City of Carmel

City of Carmel ADA Transition Plan

Department of Community Services

December 2012

Introduction

Vision

This document is intended to serve as a guide to further the vision, mission and core values for the City of Carmel by outlining key actions for making the transportation system in the City accessible. The Vision, Mission and Core Values for are as follows:

Vision

Carmel is committed to upholding public needs and collaboration with internal and external partners to create a safe, efficient and sustainable transportation system for the future.

Mission

Carmel will provide the highest quality, dependable multi-modal transportation system through ingenuity, integrity, alliance and accountability.

Core Values

- Maintain safety as a priority
- Enhance trust with transparency and accountability
- Promote collaboration, research and innovation
- Value diversity and cultural capital through inclusion and opportunity
- Commit to employee well-being, development and success
- Recognize that employees are integral to Carmel's success

Program Staffing

Managing and implementing the ADA Transition Plan requires a multidisciplinary approach encompassing policy development, outreach, technical support and oversight. These responsibilities, required by [28 CFR 35.107](#), will be managed by four positions: ADA Coordinator, 504 Section Coordinator, and ADA Design Engineer, and City Engineer.

The ADA Coordinator and the 504 Section Coordinator work together to ensure no persons with disabilities are discriminated against in any of the City's services and/or programs. The ADA Coordinator is responsible for addressing grievances as they are received and tracking the overall progress of the implementation of the Transition Plan. The ADA Coordinator is also responsible for the investigation of all formal grievances. The ADA Coordinator is responsible for developing policy and procedures to integrate Title II requirements into practices to ensure the obligations of ADA and the Transition Plan are met. The ADA Coordinator will also function as chair of the Internal ADA committee and co-chair of ADA Stakeholders group.

The ADA Design Engineer position works with the ADA Coordinator and the City Engineer to develop policy and provide technical support for design and construction at a project level. In addition to providing support for projects, this position will also be available to assist in implementing design options that address accessibility complaints.

The City Engineer will manage the ADA Coordinator and the ADA Design Engineer to ensure that all city policies and projects are ADA compliant.

Please refer to Appendix A for contact information.

Grievance Procedure

Under the Americans with Disabilities Act users of facilities and services have the right to file a grievance if they believe has not provided reasonable accommodation.

Under the Grievance Procedure, a formal complaint must be filed within 180 calendar days of the alleged occurrence. Carmel will act or respond only to grievances made through the grievance process identified in Appendix B. The criteria used in the Request Prioritization Form, as seen in Appendix C, assists the City in prioritizing potential projects and grievances.

Current City Programs

The City of Carmel has been working and will continue to work with a disabilities access consultant to find ways to mitigate barriers for those with disabilities within existing City facilities. The City of Carmel's primary goals in this plan is to provide accessibility to public accommodations and commercial facilities by people with disabilities. Currently the City of Carmel includes adequate funds in its annual budget to construct and improve the City's multi-use paths, sidewalks, ramps, and crosswalks. The City's programs include:

Capital Improvements

The City's Bicycle and Pedestrian Plan Map, Appendix C, indicates where all multi use paths and sidewalks are required. All new projects completed by the city (facility rehabilitation, new construction, parks, and ROW) comply with ADA standards.

City Standards – Each city project includes ADA requirements and all privately developed projects are inspected by the City's Building and Code Services and Engineering Department to verify that they comply with the City's requirements and ADA standards.

New Construction – New street and/or sidewalk/path construction or repairs require that sidewalk/paths be constructed to the ADA standards.

Alterations to Facilities

Any improvements done to existing city facilities are to comply with ADA standards. This type of work will occur as a result of an existing facilities annual review improvement recommendation or to fulfill a grievance.

Existing Sidewalk/Multiuse Paths – inspection performance, grievances/execution.

Removal of sidewalk obstructions – evaluations of existing sidewalks and paths will be done in accordance with the review of the ADA priority areas to assure that clear paths are provided to the City's and ADA standards.

Priority Area

The City of Carmel's ADA Transition plan includes one high priority area indicated in the City's core district. The high priority area will be reviewed for ADA compliancy every three years. The City's remaining area outside of the high priority area will be reviewed for the purposes of new city projects, scheduled maintenance projects, or upon the filing of a grievance.

Carmel's core area has the highest density of public facilities, special districts, and commercial destinations in the City. The core area consists of the Arts and Design District, The City Center, The Government Center, the Meridian Corridor, various shopping areas, parks, and schools. Therefore the central area of the City of Carmel is the primary area of concern for the city's ADA accessibility and is identified as a high priority area.

Priority Area Identification

The priority area identified in this plan was indicated by first locating the public facilities and major commercial areas within the City of Carmel. As each facility or area was indicated a buffer of one quarter mile and one half mile were indicated around it to represent the facility's walk shed. As these buffers were implemented the core district was easily identified as high importance for accessibility. It is the City of Carmel's goal to provide access within the priority area to the public facilities and commercial destinations within each area. To do so key missing links, barriers, and obstructions within the priority area will be evaluated and resolved as they are identified.

A map of the Priority Areas can be seen in Appendix D.

A map of thoroughfares with missing pedestrian facilities can be seen in Appendix E.

Priority Thoroughfare Identification

The City of Carmel consists of a variety of streets providing access to each other and various destinations. To help prioritize projects within the City, primary streets must be identified. All arterials, parkways, and urban collectors as identified by the City's Thoroughfare Plan Map will be considered primary thoroughfares. The pedestrian facilities along the primary thoroughfares will be reviewed every three years. All other streets will be reviewed as needed, in response to a grievance filing, or upon request.

The City of Carmel Thoroughfare Plan Map can be seen in Appendix F.

Appendix A

ADA Program Contacts

ADA Coordinator

David Littlejohn, AICP
Transportation System Coordinator
1 Civic Square
Carmel, IN 46032
Ph: 317-571-2417
Fax: 317-571-2426
E-mail: dlittlejohn@carmel.in.gov

504 Section Coordinator

Barb Lamb
Director of Human Resources
1 Civic Square
Carmel, IN 46032
Ph: 317-571-2465
Fax: 317-571-2409
E-mail: blamb@carmel.in.gov

ADA Implementation Coordinator

Asst. City Engineer
1 Civic Square
Carmel, IN 46032
Ph: 317-571-2441
Fax: 317-571-2439

City Engineer

Jeremy Kashman, PE
1 Civic Square
Carmel, IN 46032
Ph: 317-571-2441
Fax: 317-571-2439
E-mail: jkashman@carmel.in.gov

Appendix B

How to file an Grievance

The procedure to file a grievance is as follows:

1. A formal written grievance should be filed on the City's ADA Grievance Form. Providing all pertinent information regarding the grievance upon request, reasonable accommodations will be provided in completing the form or filing the grievance. The grievance shall include the following information.

- The name, address, telephone number, and email of the person filing the grievance.
- The name, address, and telephone number of the person alleging ADA violation, discrimination, or request, if other than the person filing the grievance.
- A description and location of the alleged violation, discrimination, or request and the remedy sought.
- Information regarding whether a complaint has been filed with the Department of Justice or other federal or state civil rights agency or court.
- If a complaint has been filed, the name of the agency or court where the complaint was filed, and the date the complaint was filed.

2. Receipt of the grievance shall be acknowledged in writing to the grievant within 15 working days of receipt of the grievance.

3. Within 60 calendar days of receipt, the ADA Coordinator will conduct the investigation necessary to determine the merit of the grievance.

4. A written determination and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape of the grievance shall be issued by ADA Coordinator and a copy forwarded to the grievant no later than 90 days from the date of Carmel's receipt of the grievance.

5. The grievant may appeal the written determination. The appeal must contain a statement of the reasons why the complainant is dissatisfied with the written decision and must be signed by the complainant, or by someone authorized to sign on the complainant's behalf. A notice of

receipt shall be sent in writing within five days of the receipt of the appeal. Such appeal shall be in writing and filed with the City of Carmel's Clerk Treasurers office to be placed on an agenda of the meeting of the City of Carmel Board of Public Works and Safety within 30 days after the ADA Coordinator's determination has been mailed to the grievant.

All hearings before the Board of Public Works shall be open to the public. The grievant, the grievant's representative, the ADA Coordinator and any persons whose interests are affected shall be given the opportunity to be heard.

At the Conclusion of the hearing at which a continuance is not granted, the Board of Public Works may reverse, affirm, or modify the written determination appealed from, and may make such order, requirement, decision or determination as justice would require. The Board's determination and findings of fact shall be recorded.

Any person, whether or not a previous party of appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law.

6. If the grievant is dissatisfied with Carmel's handling of the grievance at any stage of the process or does not wish to file a grievance through the Carmel's ADA Procedure, the grievant may file a complaint directly with the United States Department of Justice or other appropriate state or federal agency.

The evaluation and written determination of a resolution of a grievance will consider various circumstances, including but not limited to, the specific nature of the disability; the nature of the access to services, programs, or facilities at issue and the essential eligibility requirements for participation; the health and safety of others; and the degree to which an accommodation would constitute a fundamental alteration to the program, service, or facility, or cause an undue hardship to, and available funding. Accordingly, the resolution by of any one grievance does not constitute a precedent upon which is bound or upon which other complaining parties may rely.

Note: Except for the complainant's appeal deadline, any of the other deadlines listed above may be extended at the discretion of the ADA Coordinator, the Mayor, or the Mayor's designee provided notice of such an extension is given to the complainant.

File Maintenance

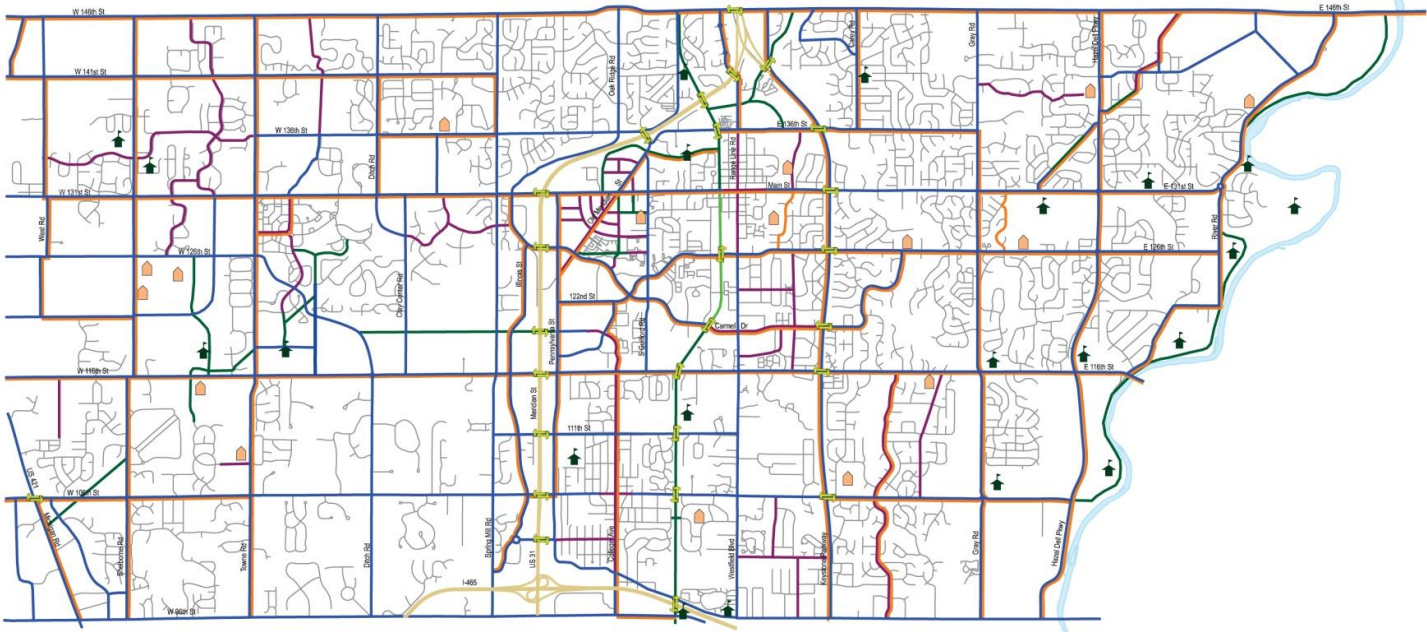
All written complaints received by the ADA Coordinator or his designee, appeals to the Mayor or his designee, and responses from these two offices will be retained by the City of Carmel for at least three years.

Grievance Form

Complainant Information:	
Name:	
Address:	
Daytime Phone:	
Email:	
Location Information:	
Address (if known) or Intersection:	
Location Description:	
Nature of Grievance:	
<input type="checkbox"/> Sidewalk, Ramp	
<input type="checkbox"/> Crosswalk, Pedestrian Signal	
<input type="checkbox"/> Building Access	
<input type="checkbox"/> Programming	
<input type="checkbox"/> Other	
Describe the Grievance/Complaint/Problem:	
Date of Incident, If Applicable:	
Has the complaint been filed with the Department of Justice or another federal or state civil rights agency or court? (<input type="checkbox"/> Yes/ <input type="checkbox"/> No)	
If a complaint has been filed, name the agency or court where the complaint was filed, and the date the complaint was filed.	
For Local/ADA Coordinator's Use Only	
Date Received by ADA Coordinator	
Date of Initial Contact with Grievant	
Date of Meeting or Site Visit	
Date Assigned to Department Head/Who	
Date Returned from Department	
Date ADA Coordinator's Decision Mailed	
Date Appeal Received by Clerk Treasurer's Office	
Date on Board of Public Works and Safety Agenda	
Date of Board of Public Works and Safety Decision	

Appendix C

City of Carmel Bicycle and Pedestrian Plan Map



MAP LEGEND

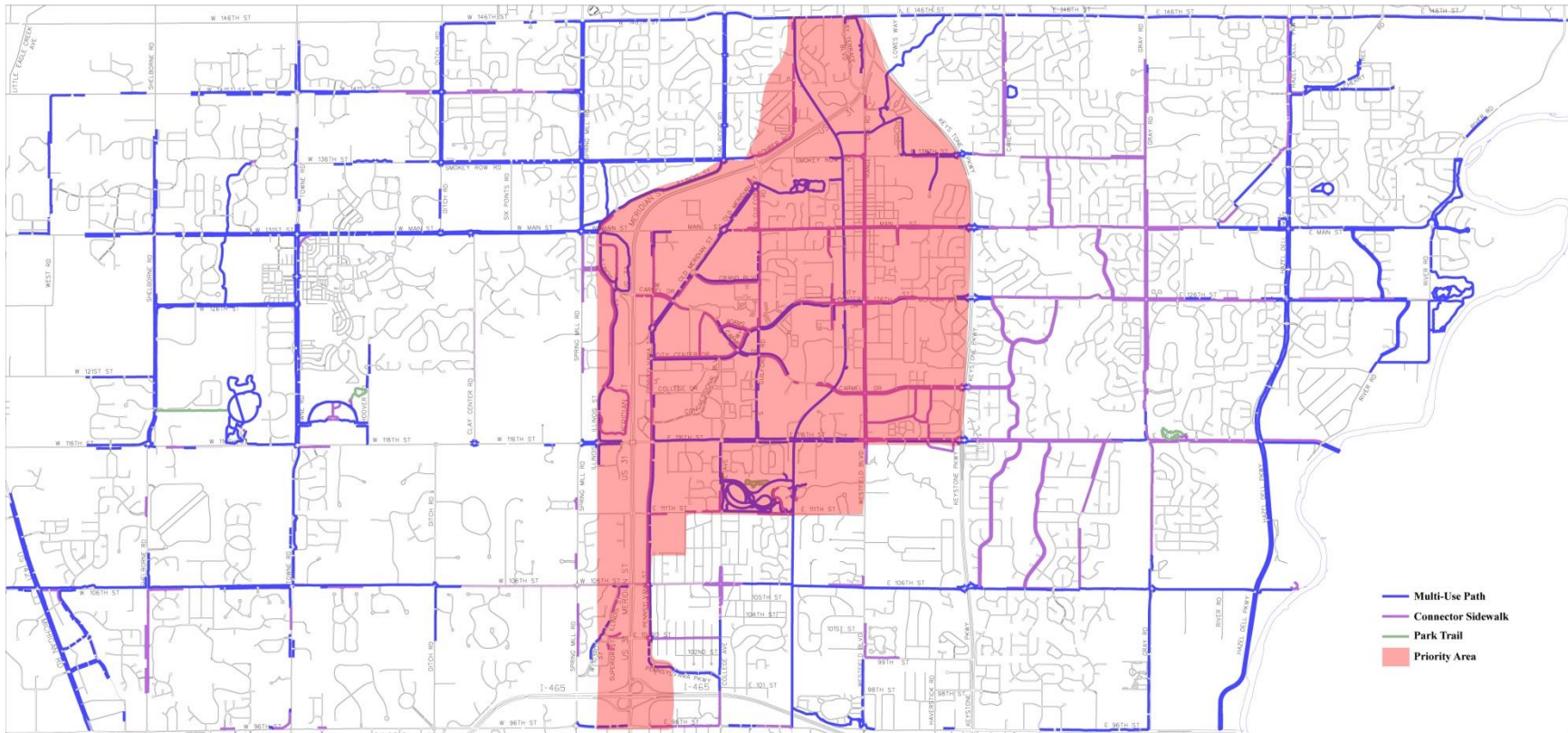
Off-street Urban Trail	Corridor without Bicycle or Pedestrian Facility
Off-street Trail	Grade-separated Crossing
Bicycle Lane	School Location
Side Path	Park Location
Enhanced Sidewalk	River
Sidewalk	

BICYCLE AND PEDESTRIAN PLAN MAP

Map Prepared by Ground Rules, Inc. Last Revised 05-20-2009

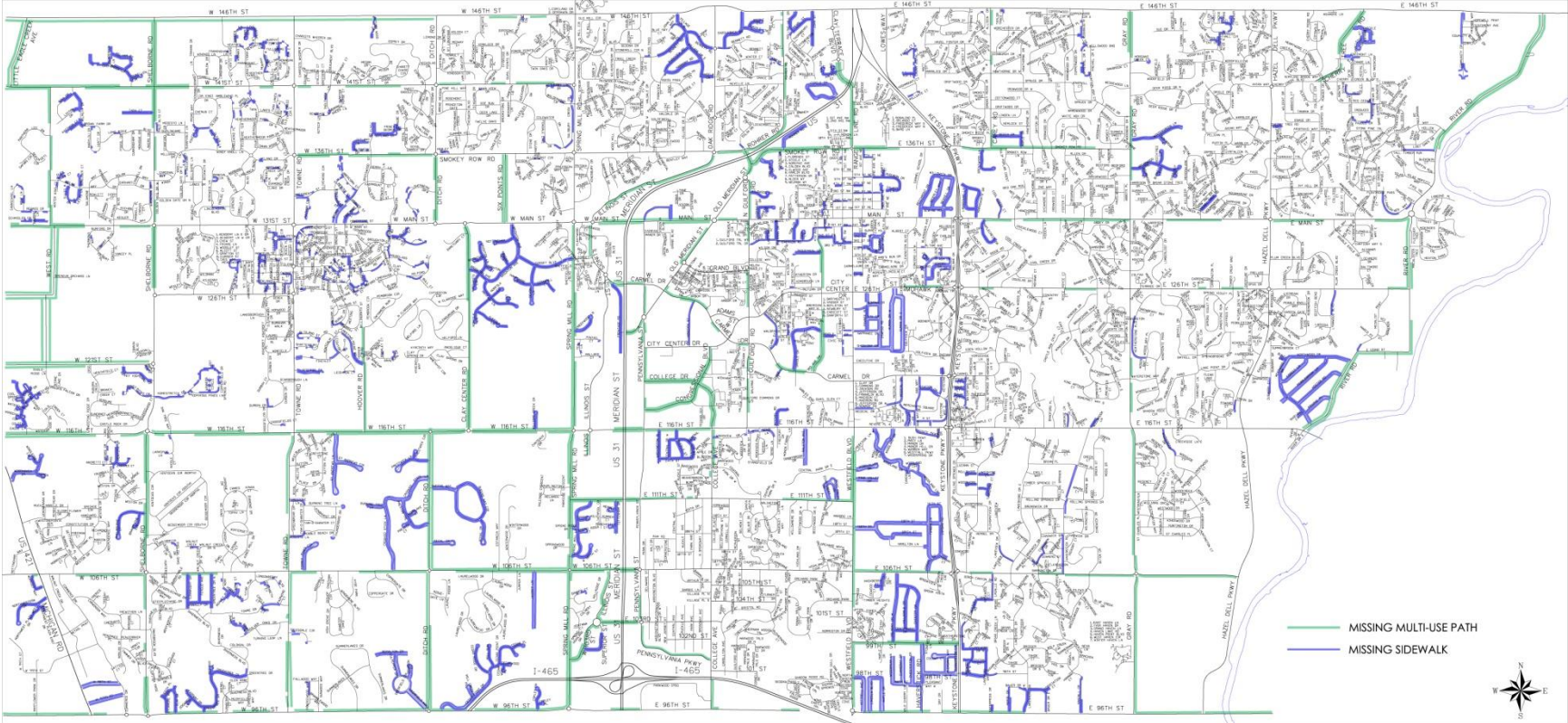
Appendix D

ADA Priority Area with Existing Pedestrian Facilities



Appendix E

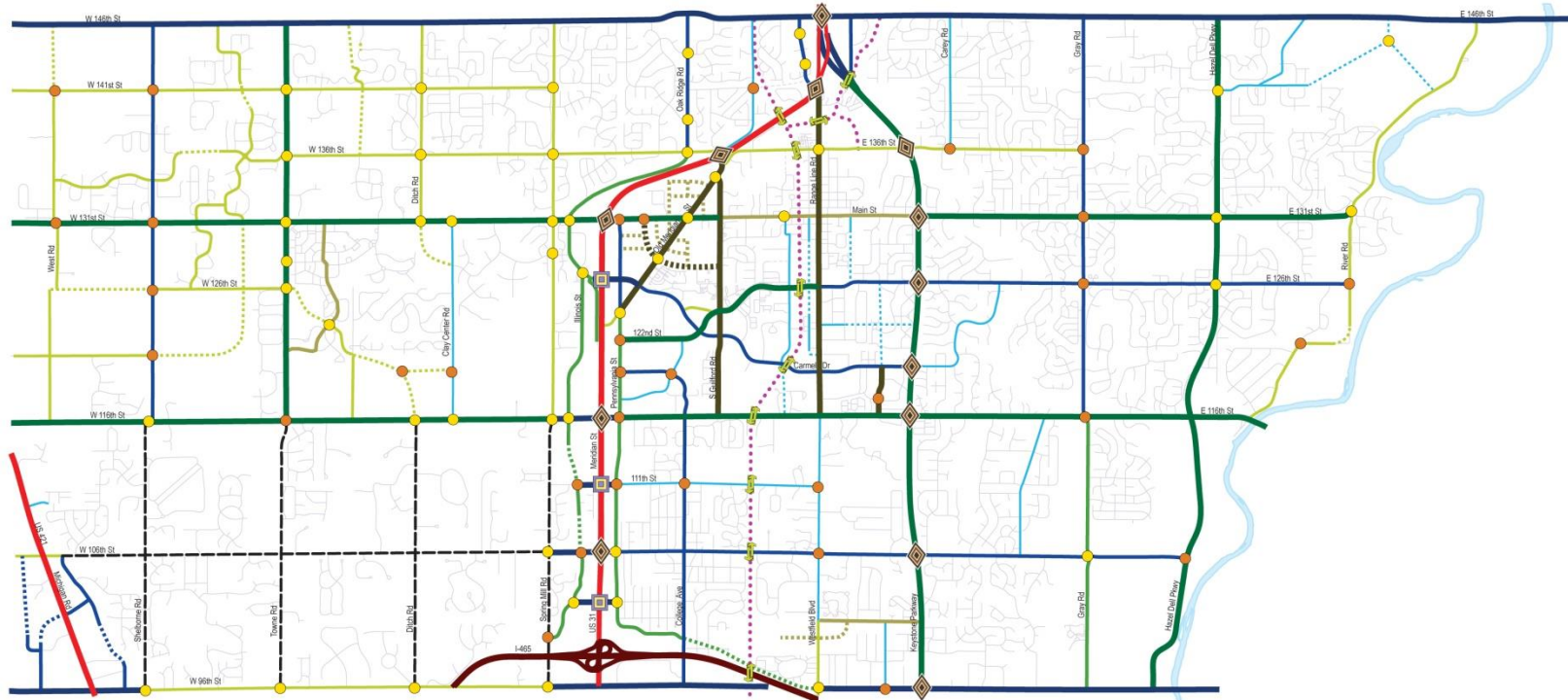
Missing Pedestrian Facilities, Per the Bicycle and Pedestrian Plan



Appendix F

City of Carmel Thoroughfare Plan Map

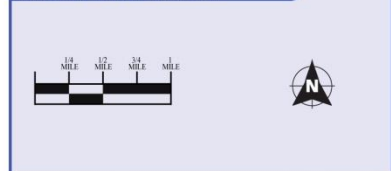
PLAN 2009 Thoroughfare Plan Map



MAP LEGEND

- | | | | |
|---------------------------|-------------------------------|-------------------------------------|------------------------------------|
| Interstate | Secondary Arterial | Residential Parkway | Off-Street Commuter Trail |
| U.S./State Highway | Secondary Arterial (Proposed) | Residential Parkway (Proposed) | Grade-Separated Crossing |
| Primary Arterial | Secondary Parkway | Collector Street | Interchange Location |
| Primary Parkway | Secondary Parkway (Proposed) | Collector Street (Proposed) | Overpass Location |
| Urban Arterial | Urban Collector | Collector Street per NOAX Agreement | Roundabout Intersection (Existing) |
| Urban Arterial (Proposed) | Urban Collector (Proposed) | Residential Street | Roundabout Intersection (Proposed) |
| | | Residential Street (Proposed) | River |

THOROUGHFARE PLAN MAP



Map Prepared by Ground Rules, Inc. Last Revised 07-06-2009

CITY OF CARMEL, INDIANA

EXECUTIVE ORDER

JB-2012-3

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

WHEREAS, in compliance with Title II of the ADA and the City of Carmel, Indiana, shall name an ADA Coordinator; and

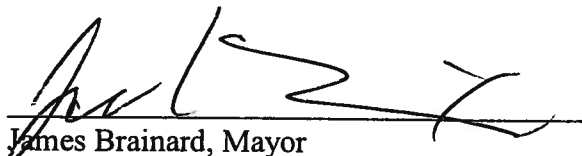
WHEREAS, in compliance with Title II of the ADA the City of Carmel, Indiana, shall adopt a grievance procedure for resolving complaints alleging violation of Title II of the ADA; and

WHEREAS, in compliance with Title II of the ADA the City of Carmel, Indiana, shall publish notice to the public regarding the ADA; and

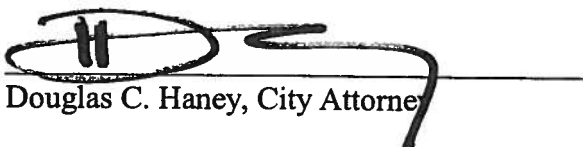
WHEREAS, in compliance with Title II of the ADA the City of Carmel, Indiana, shall post the ADA coordinator's name, office address, and telephone number along with the ADA Notice and ADA grievance procedure on its website.

NOW, THEREFORE, by virtue of the power and authority granted to me as Mayor of the City of Carmel, Indiana, I, James Brainard, do hereby declare and order that, effective on and after December 31, 2012, David Littlejohn shall be named the ADA coordinator for the City of Carmel, Indiana, and the attached City of Carmel ADA Transition Plan, which provides the City of Carmel's grievance procedure required under Title II of the ADA, is hereby adopted.

SO ORDERED THIS 20 DAY OF December, 2012


James Brainard, Mayor

ATTEST:


Douglas C. Haney, City Attorney