City of Carroll

112 E. 5th Street Carroll, Iowa 51401-2799 (712) 792-1000 FAX: (712) 792-0139

MEMO TO: Gerald L. Clausen, City Manager

FROM: Randall M. Krauel, Director of Public Works RMK

DATE: June 6, 2016

SUBJECT: Pedestrian Access Route Transition Plan

The public comment period for the Pedestrian Access Route Transition Plan has been open from April 25, 2016 to June 13, 2016. One comment has been received and is attached. Also attached is a copy of the Transition Plan incorporating the April 25, 2016, Council actions.

RECOMMENDATION: Mayor and City Council consideration and adoption of the Pedestrian Access Route Transition Plan.

RMK:ds

attachments (2)

407 W 5th St.

After reading Wednesdays paper, the Council said no one made any comments about ramps and handicapped parking. I want to say downtown shopping streets need some ramps!! If there is a sign it usually has a curb yet. If by any chance there is a ramp it might be one otherwise its intersections. Its not good for cones so I can imagine walker and wheelchair people trying to navigate. Try carrying a purchase, purse and maneuvering such with a cane in other hand.

Thank you.

June Bennett
90 years young

RECEIVED
MAY - 3 2016
City of Carroll

June Bennett
807 E. 8th St., Apt. 5
Carroll, IA 51401

S MOINES IA 500
29 APR 2016 PM 1 L

USA FOREVER
2016

Carroll City Council
407 W. 5th St.
Carroll Ia 51401.

51401-277107

Pedestrian Access Route Transition Plan

City of Carroll, Iowa
June 13, 2016

Overview

The goal of the Americans with Disabilities Act (ADA) Transition Plan is to ensure that the City creates accessible paths of travel in the public right-of-way for people with disabilities.

The City evaluated the pedestrian circulation paths for pedestrian accessible route features within the public right-of-way as required by the Americans with Disabilities Act (ADA) and its implementing regulations (28 CRF 35) and Section 504 (49 CFR 27). The evaluation included, but was not limited to, sidewalks, curbs, curb ramps, the portion of the street surface in the crosswalk area, pedestrian signals, and elevators or lifts provided in the public right-of-way and was based on the requirements in Chapter 12 of the Statewide Urban Design and Specification (SUDAS) Design Manual, 2016 Edition.

On the basis of this information, this Transition Plan outlines the steps the City will take to provide new, or upgrade existing, pedestrian access route features as required by the ADA and its implementing regulations. The pedestrian access route features will be constructed or reconstructed to meet the requirements in Chapter 12 of the SUDAS Design Manual, effective at the time of letting or at the time of construction if using City forces.

Inventory

The inventory is based on our evaluation of all locations where no curb ramps are provided at the intersection of existing sidewalks and public streets; where non-compliant curb ramps, sidewalks, and other features exist; and where existing features are in poor condition. Features may include, but are not limited to, sidewalks, curbs, curb ramps, the portion of the street surface in the crosswalk area, pedestrian signals, and elevators or lifts provided in the public right-of-way. The evaluation was completed June of 2016 and will be updated every year.

Priorities

Curb ramps, sidewalks, and other features will be installed or reinstalled in the locations identified on the pedestrian access route inventory according to the following priorities:

1. Citizen requests/complaints.
2. Local government offices and facilities (City Hall, Library, Recreation Center, etc.)
3. Places of public accommodation (Central Business District, etc.)
4. Other areas

Funding

Curb Ramp Program

The City anticipates budgeting $50,000.00, annually, for its curb ramp program from the funds legally available for ADA specific projects as defined in this Transition Plan.

Funding

Curb Ramp Program

The City anticipates budgeting $50,000.00, annually, for its curb ramp program from the funds legally available for ADA specific projects as defined in this Transition Plan.

Other Projects

Features to the pedestrian access route may be installed as a part of projects that involve new construction, reconstruction, alterations, or maintenance to roadway or pedestrian facilities in the public right-of-way. These pedestrian access route features may be constructed at the time of the roadway or pedestrian project, even if they are identified as a lower priority in this Transition Plan. The cost of this work will be paid for using funds allocated for the roadway or pedestrian project.

Implementation Plan and Schedule

The City will implement this Transition Plan based on the number of pedestrian access route features identified in the pedestrian access route inventory, the estimated cost of those features, and available funding levels.

Priority 1

Number of locations: Unknown, Request/Complaint-based
Estimated number of locations constructed per year: Unknown, Request-Complaint-based
Construction season targeted for completion: Unknown, Request/Complaint-based

Priority 2

Number of locations: 1
Estimated number of locations constructed per year: 1
Construction season targeted for completion: 2017

Priority 3

Number of locations: 70
Estimated number of locations constructed per year: 14
Construction season targeted for completion: 2021

Priority 4

Number of locations: 1,000
Estimated number of locations constructed per year: 50
Construction season targeted for completion: 2037

These estimates are subject to change.

Responsible Parties

The following City official is the City's ADA Coordinator, responsible for ADA and Section 504 compliance.

City Manager
City of Carroll
112 E. 5th Street
Carroll, IA 51401
712-792-1000

The following City official is responsible for the implementation of this Transition Plan.

Public Works Director
City of Carroll
112 E. 5th Street
Carroll, IA 51401
712-792-1000

Complaint Procedures

The attached Complaint Procedure provides citizens the ability to file a complaint to the City for alleged ADA and Section 504 discrimination. See Exhibit 1.

Public Involvement

Public input was obtained in the development of this Transition Plan by soliciting comments from the City Council, and the general public from April 25, 2016 to June 13, 2016. All comments have been reviewed and incorporated as appropriate.

June 13, 2016

Eric P. Jensen, Mayor

Complaint Procedure

Allegations of discrimination in Federally assisted programs or activities

The City of Carroll adopts the following ADA discrimination complaint procedures for complaints relating to transportation-related programs or activities.

1. **Filing a discrimination complaint**: Any person who believes that they, or any class of individuals, or in connection with any disadvantaged business enterprise (DBE), has been or is being subjected to discrimination prohibited by the Civil Rights Act of 1964, the American with Disabilities Act of 1990, Section 504 of the Vocational Rehabilitation Act of 1973, and Civil Rights Restoration Act of 1987, as amended, has the right to file a complaint.

   Any individual wishing to file a discrimination complaint is given the option to file the complaint with the City, or directly with the Iowa DOT, FHWA, USDOT, and U.S. Department of Justice (USDOJ). Complaints may be filed with all agencies simultaneously.

   No individual or agency shall refuse service, discharge, or retaliate in any manner against any persons because that individual has filed a discrimination complaint, instituted any proceeding related to a discrimination complaint, testified, or is about to testify, in any proceeding or investigation related to a discrimination complaint, or has provided information or assisted in an investigation.

2. **Complaint filing time-frame**: A discrimination complaint must be filed within 180 calendar days of either:

   a. The alleged act of discrimination, or
   b. Date when the person(s) became aware of the alleged discrimination, or
   c. Date on which the conduct was discontinued, if there has been a continuing course of conduct.

   The City or its designee may extend the time for filing or waive the time limit in the interest of justice, specifying in writing the reason for so doing.

3. **Contents of a complaint**: A discrimination complaint must be written. The document must contain the following information:

   a. The complainant's name and address, or other means by which the complainant may be contacted.
   b. Identification of individual(s) or organization(s) responsible for the alleged discrimination.
   c. A description of the complainant's allegations, which may include enough detail to determine if the City has jurisdiction over the complaint and if the complaint was filed timely.
   d. Specific prohibited bases of alleged discrimination (i.e., disability, race, color, gender, etc.).
   e. Apparent merit of the complaint.
   f. The complainant's signature or signature of their authorized representative.

In the event that a person makes a verbal complaint of discrimination to an officer or employee of the City, the complainant shall be interviewed by the City's ADA Coordinator. If necessary, the City's ADA Coordinator will assist the complainant in reducing the complaint to writing and then submit the written version of the complaint to the person for signature.

4. **Complaints against the City**: Any complaints received against the City should immediately be forwarded to the Iowa DOT for investigation. The City shall not investigate any complaint in which it has been named in the complaint. The contact information for the Iowa DOT ADA Program Coordinator is:

   Iowa Department of Transportation
   Office of Employee Services – Civil Rights
   800 Lincoln Way
   Ames, IA 50010
   (515) 239-1422
   (515) 817-6502 (fax)

5. **Notice of Receipt**: All complaints shall be referred to the City's ADA Coordinator for review and action. Within 10 days of receipt of the discrimination complaint, the City's ADA Coordinator shall issue an initial written Notice of Receipt that:

   a. Acknowledges receipt of the discrimination complaint.
   b. Advises the complainant of their right to seek representation by an attorney or other individual of their choice in the discrimination complaint process
   c. Contains a list of each issue raised in the discrimination complaint.
   d. Advises the complainant of the time-frames for processing the discrimination complaint and providing a determination.
   e. Advises the complainant of other avenues of redress of their complaint, including the Iowa DOT, FHWA, USDOT and USDOJ.

6. **Notification to the Iowa DOT of a complaint**: The City shall advise the Iowa DOT ADA Program Coordinator within 10 business days of receipt of the complaint. Generally, the following information will be included in every notification to the Iowa DOT.

   a. Name, address and phone number of the complainant
   b. Name(s) and address(es) of alleged discrimination official(s)
   c. Basis of complaint (i.e., disability, race, color, gender, etc.)
   d. Date of alleged discriminatory act(s)
   e. Date of complaint received by the City
   f. A statement of the complaint
   g. Other agencies (state, local or federal) where the complaint has been filed
   h. An explanation of the actions the City has taken or proposed to resolve the issue identified in the complaint.

7. **Processing a complaint and time-frame**: The total time allowed for processing a discrimination complaint is 90 calendar days from the date the complaint was filed. There is no extension available at this level. This time-frame includes 60 calendar days at the City level and 30 days for review at the State level, if needed.

If the complainant elects to file a complaint with both the City and Iowa DOT, the complainant shall be informed that the City has 90 calendar days to process the discrimination complaint and the Iowa DOT shall not investigate the complaint until the 90 calendar-day period has expired.

Immediately after issuance of the Notice of Receipt to the complainant (step 5), the City's ADA Coordinator shall either begin the fact-finding or investigation of the discrimination complaint, or arrange to have an investigation conducted.

Based on the information obtained during that investigation, the City's ADA Coordinator shall render a recommendation for action in a Report of Findings.

8. **Alternative dispute resolution/mediation process:** The complainant will be given an invitation to participate in mediation to resolve the complaint by informal means. The City's ADA Coordinator will include an invitation to mediation with the Notice of Receipt, offering the opportunity to use the alternative dispute resolution/mediation process.

   If the complainant selects mediation, it allows disputes to be resolved in a less adversarial manner. With mediation, a neutral party assists two opposing parties in a dispute come to an agreement to resolve their issue. The mediator does not function as a judge or arbiter, but simply helps the parties resolve the dispute themselves.

   If the complainant chooses to participate in mediation, they, or their designee, must respond in writing within 10 calendar days of the date of the invitation. This written acceptance must be dated and signed by the complainant and must also include the relief sought.

   Upon receiving a request to mediate, the City's ADA Coordinator shall identify or designate a mediator who must be a neutral and impartial third party. The mediator must be a person acceptable to all parties and who will assist the parties in resolving their disputes.

   After mediation is arranged, a written confirmation identifying the date, time and location of the mediation conference shall be sent to both parties. If possible, the mediation process should be completed within 30 calendar days of receipt of the discrimination complaint. This will assist in keeping within the 90 calendar-day timeframe of the written Notice of Final Action if the mediation is not successful.

   If resolution is reached under mediation, the agreement shall be in writing. A copy of the signed agreement shall be sent to the Iowa DOT ADA Program Coordinator. If an agreement is reached but a party to it believes their agreement has been breached, the non-breaching party may file another complaint. If the parties do not reach resolution under mediation, the City's ADA Coordinator shall continue with the investigation.

9. **Notice of Final Action:** A written Notice of Final Action shall be provided to the complainant within 60 days of the date the discrimination complaint was filed. It shall contain:

   a. A statement regarding the disposition of each issue identified in the discrimination complaint and reason for the determination.

b. A copy of the mediation agreement, if the discrimination complaint was resolved by mediation.
c. A notice that the complainant has the right to file a complaint with the Iowa DOT, FHWA, USDOT or USDOJ within 30 calendar days after the Notice of Final Action, if they are dissatisfied with the final action on the discrimination complaint.

The City's ADA Coordinator shall provide the Iowa DOT ADA Program Coordinator with a copy of the decision, as well as a summary of findings upon completion of the investigation. Should deficiencies be noted in the implementation of these discrimination complaint procedures by the City, the Iowa DOT ADA Program Coordinator will work in conjunction with City's ADA Coordinator to review the information and/or provide technical assistance in the discrimination complaint process, mediation process, and/or investigation.

10. **Corrective action**: If discrimination is found through the process of a complaint investigation, the respondent shall be requested to voluntarily comply with corrective action(s) or a conciliation agreement to correct the discrimination.

11. **Confidentiality**: City ADA Coordinator and Iowa DOT ADA Program Coordinator are required to keep the following information confidential to the maximum extent possible, consistent with applicable law and fair determination of the discrimination complaint.

    a. The fact that the discrimination complaint has been filed.
    b. The identity of the complainant(s).
    c. The identity of individual respondents to the allegations.
    d. The identity of any person(s) who furnished information relative to, or assisting in, a complaint investigation.

12. **Record keeping**: The City's ADA Coordinator shall maintain a log of complaints filed that alleged discrimination. The log must include:

    a. The name and address of the complainant.
    b. Basis of discrimination complaint (i.e., disability, race, color, gender, etc.).
    c. Description of complaint.
    d. Date filed.
    e. Disposition and date.
    f. Any other pertinent information.

All records regarding discrimination complaints and actions taken on discrimination complaints must be maintained for a period of not less than three (3) years from the final date of resolution of the complaint.