

City of New Castle
Americans with Disabilities Act
Transition Plan for Public Right-of-Way

Adopted by the Board of Public Works and Safety
March 28, 2013

The Americans with Disabilities Act of 1990 ("ADA") was enacted and amended providing comprehensive civil rights protections to persons with disabilities in the areas of employment, state and local government services, access to public accommodations, transportation, and telecommunication. The ADA is a companion civil rights legislation to the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973. In order to be protected by the ADA, one must have a disability or have a relationship or association with an individual with a disability. An individual with a disability is defined by the ADA as a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such impairment, or a person who is perceived by others as having such impairment. The ADA, however does not specifically name all of the impairments that are covered.

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

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

Title II, specifically prohibits state and local governments from discriminating against persons with disabilities or from excluding participation in or denying benefits of programs, services, or activities to persons with disabilities. It is under this title that this transition plan has been prepared. This transition plan is intended to outline the methods by which physical changes will be made to give effect to the non-discrimination policies described in Title II.

Transition Plan Development: To ensure program accessibility for people with disabilities in the community, the city of New Castle has developed a Transition Plan, which is to be considered good practice. This plan considers the following:

- **ADA Coordinator: Ed Hill, Title VI / ADA Coordinator**

He shall coordinate the City's efforts to comply with and carry out its responsibilities under Title II of the ADA, including any investigation of any complaint communicated to the ADA Coordinator. Such complaints may take the form of alleging noncompliance with ADA mandates or alleging any actions that would be prohibited under the ADA. The city shall adopt and publish procedures for the prompt and equitable resolution of complaints. All complaints must be directed in writing to:

Title VI / ADA Coordinator
227 N Main Street
New Castle, IN 47362

- **Grievance Procedure**

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

Grievance Forms must be used to lodge a complaint, Appendix A of this document.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.

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

Ed Hill
Title VI / ADA Coordinator
227 N. Main Street, New Castle, IN 47362

Within 15 calendar days after receipt of the complaint, Ed Hill or his designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, Deborah Thornhill or her designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the City of New Castle and offer options for substantive resolution of the complaint.

If the response by Ed Hill or his 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 Mayor or his designee.

Within 15 calendar days after receipt of the appeal, the Mayor or his designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the Mayor or his 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 Ed Hill or his designee, appeals to the Mayor or his designee, and responses from these two offices will be retained by the City of New Castle for at least three years.

- **Self Evaluation / Commitment**

The City has conducted an inventory of evaluations of curbs, ramps and sidewalks using aerial views. The majority of these do not meet ADA requirements. The City of New Castle is committed to making all sidewalks and curb ramp areas accessible to all pedestrians including those with disabilities. The City will make missing or non-compliant curb ramps a priority. This will be accomplished through the following programs.

- All new construction, reconstruction, roadwork construction or alterations, including federal projects under the control and/or inspection of the Department of Public Works will be in compliance with the ADA;
- The City will establish a sidewalk repair program;

- The City will work to secure grant and other funding for financial assistance in a city-wide program;
- Beginning in the year 2016, the City will allot a minimum of \$70,000 annually to installing new sidewalks, curbs, curb ramps and reconstructing existing curb ramps to comply with ADA standards.

- **ADA Standards / Guidelines**

The Indiana Department of Transportation design guidelines and standard drawing will serve as the primary standards and guidelines for this plan. These standards are intended to apply to all construction undertaken within the City Right-of-Way. Other standards, if necessary, will be applied at the discretion of the ADA Coordinator.

- **Implementation**

The City of New Castle intends to implement this Transition Plan effective the date of adoption by the Board of Public Works and Safety. The city will review and update this policy as needed or required by revisions of ADA / INDOT standards, but at least every five years from date of adoption.

Appendix A: COMPLAINT / GRIEVANCE FORM

Grievant Information: Please print clearly

Section I:				
Name:				
Address:				
Telephone (Home):			Telephone (Work):	
Electronic Mail Address:				
Accessible Format Requirements?	Large Print		Audio Tape	
	TDD		Other	
Section II:				
Are you filing this complaint on your own behalf?			Yes*	No
*If you answered "yes" to this question, go to Section III.				
If you answered no to this question, please supply the name and relationship of the person for whom you are submitting this form:				
Please explain why you have filed for a third party:				
Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party.			Yes	No
Section III:				
<p>I believe the discrimination I experienced was based on (check all that apply):</p> <p><input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> National Origin <input type="checkbox"/> Sex <input type="checkbox"/> Age <input type="checkbox"/> Disability <input type="checkbox"/> Low Income</p> <p>Date of Alleged Discrimination (Month, Day, Year): _____</p> <p>Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known). If more space is needed, please use the back of this form.</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>				
Please list names and phone numbers of any and all witnesses to the incident.				

What type of corrective action would you like to see taken by the City?		
Section IV		
Have you previously filed complaint/grievance with this agency?	Yes	No
Section V		
Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State court?		
<input type="checkbox"/> Yes <input type="checkbox"/> No		
If yes, check all that apply:		
<input type="checkbox"/> Federal Agency <input type="checkbox"/> Federal Court <input type="checkbox"/> State Agency <input type="checkbox"/> State Court <input type="checkbox"/> Local Agency		
Please provide information about a contact person at the agency/court where the complaint was filed.		
Name of Contact person:		
Title:		
Agency:		
Address:		
Telephone:		
Section VI		
Name of agency complaint is against:		
Contact person:		
Title:		
Telephone number:		

You may attach any written materials or other information that you think is relevant to your complaint.

Signature and date required below

Signature Date

Please submit this form in person at the address below, or mail this form to:

Title VI / ADA Coordinator
City of New Castle
227 North Main Street
New Castle, IN 47362
Phone (765) 529-7605, ext 3113