

**ADA TRANSITION PLAN
FOR THE PUBLIC RIGHTS-OF-WAY**

for

City of Creola, Alabama

July 2016

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OVERVIEW

The American with Disabilities Act (ADA) was signed into law on July 26, 1990. This law provides civil rights protections to those persons with disabilities in the areas of employment, public services and accommodations similar to the Civil Rights Act of 1964, which provides protection against discrimination based on race, color, religion, sex and national origin. ADA defines disability as a “physical or mental impairments that limits life activities.”

The ADA consists of the following titles:

Title I: Employment

This section defines protection with regards to employment in the private sector. Title I requires employers to accommodate qualified individuals in the application, hiring, training, or in any other terms, condition and rights of employment.

Title II: Public Entities

This title applies to the services of state and local governments and requires having access to all provided services. Title II requirements are built on section 504 of the Rehabilitation Act of 1973 and merely extends section 504's nondiscrimination requirement to all activities of State and local governments.

Title III: Public Accommodation

This section states that places of accommodation must be accessible to persons with disabilities. Commonly misinterpreted, “public accommodations” is defined as any facility, privately funded, that serves the public. State and local governments are not covered by ADA Title III but by Department of Justice's title II.

Title IV: Telecommunications

Title IV covers requirements set forth for communication systems and the availability to individuals with disabilities. It requires common telephone companies to establish interstate and intrastate telecommunications relay services (TRS) for people with hearing and speech disabilities.

Titles V: Miscellaneous Provisions

Title V consists of technical regulations and includes an anti-retaliation or coercion provision.

RESPONSIBILITIES

As defined in ADA under Title II, the City of Creola is a public entity and is responsible for operating each service, program or activity in such a way that they are readily accessible. Abiding by ADA, the City will reasonably modify existing policies, practices and or policies to avoid discrimination. However, if the public entity can demonstrate that a modification would fundamentally alter the nature of its service, it would not be required to make that modification. The lone exception to these requirements would be because of undue hardship. "Undue hardship" is defined in the ADA as an "action requiring significant difficulty or expense" when considering the nature and cost of the accommodation in relation to the size, resources, and structure of the specific operation. Undue hardship is determined on a case-by-case basis.

The Transition Plan

This transition plan is intended to outline the methods by which physical and/or structural changes will be made to adhere to the policies as described in Title II. Under Title II, public entities must provide program and facilities in an integrated system. The entities are also accountable to make reasonable modification in any service, policy or procedure that may deny equal access. Through self-evaluation the entities can examine activities and services and identify any noncompliance. Resulting from the evaluation, a transition plan can be prepared and implemented to address any deficiencies. As stated previously, it was by means of Title II that the City of Creola's Transition Plan for Public Rights-of-Way was created.

If physical changes to facilities must be carried out to achieve accessibility, a public entity must develop a Transition Plan. This Plan should identify obstacles in the entity's services that limit accessibility, describe the methods by which the services will be made accessible, state the timeline for modifications to achieve compliance, and indicate the official responsible for the implementation of the plan. In the event a public entity has responsibility or authority over streets, roads, or walkways, Title II states the transition plan must include a schedule for providing curb ramps or other sloped areas in pedestrian walkways.

This transition plan focuses on the requirements for sidewalks and curb ramps. The Mobile Metropolitan Planning Organization (MPO) administered a contract with a consulting firm to provide an inventory of existing sidewalk facilities inside the public right-of-way that were within the MPO's Planning Boundary. From this master inventory, an inventory for the city was created and used to prioritize the alterations.

The ADA does not state a specific standard but references both the Proposed Guidelines for Pedestrian Facilities in the Public Right-of-Way, 36 CFR Part 1190 (PROWAG) and the American Disabilities Act Accessibility Guideline (ADAAG) for standards modifications. This Transition Plan evaluated its existing ramps and sidewalk based on the PROWAG requirements.

The City Official responsible for the implementation of this Transition Plan is the ADA Coordinator, (251) 675-8142.

TRANSITION PLAN FOR ACCESSIBILITY

This Transition Plan concentrates on the existing sidewalk networks servicing public facilities, programs, and activities, along with curb ramps and sloped areas at intersections within the public rights-of-way. This section will summarize the needs of the City of Creola and the procedure by which the modifications will be executed.

The data contained in the Transition Plan was compiled from the inventories conducted within the City. These inventories included a two-step process, if required. The first step was a windshield survey. The windshield survey was used to document the location of sidewalks and determine compliance/non-compliance on visible barriers from the vehicle. Curb ramps were noted as non-compliant if they were missing truncated domes or missing entirely. Sidewalk segments were noted as non-compliant if visible displacement was noticed from trees, settlement, utilities, etc. Sidewalk segments were also noted non-compliant for utilities or trees that blocked the sidewalk path.

The windshield survey revealed that the City of Creola does not currently have any sidewalks within the public rights-of-way, therefore, the second step was not completed.

The City's ADA Coordinator can be contacted at: 190 Dead Lake Road, Creola, AL 36525, (251) 675-8142, or online at www.cityofcreola.org with any comment, question, or concerns pertaining to this transition plan for public rights-of-way.

The City of Creola 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 City of Creola. The City's Personnel Policy governs employment-related complaints of disability discrimination.

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:

ADA Coordinator
190 Dead Lake Road
Creola, AL 36525

Within 15 calendar days after receipt of the complaint, ADA Coordinator or his/her designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, ADA Coordinator or his/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 Creola and offer options for substantive resolution of the complaint.

If the response by ADA Coordinator or his/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 Mayor or their designee.

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

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

Employment: The City of Creola 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 Creola 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 Creola'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 Creola 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 City of Creola 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 Creola, should contact the office of ADA Coordinator, 190 Dead Lake Road, Creola, AL 36525, 251-675-8142 as soon as possible but no later than 48 hours before the scheduled event.

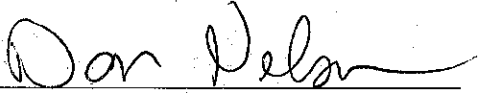
The ADA does not require the City of Creola to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Complaints that a program, service, or activity of the City of Creola is not accessible to persons with disabilities should be directed to ADA Coordinator, 190 Dead Lake Road, Creola, AL 36525, 251-675-8142.

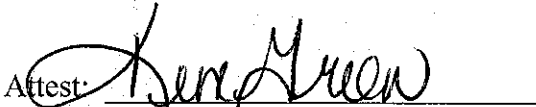
The City of Creola will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

Plan Approval

I, in concurrence with the Creola City Council, approve this Transition Plan for the Public Rights-of-Way on this the 14th day of July, 2016.



Don Nelson, Mayor

Attest: 

City Clerk