



TOWN OF MIDDLEBURY



Americans with Disabilities Act Transition Plan:

Pedestrian Facilities in the Public Right-of-Way

Adopted November 16, 2020

2020

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1 INTRODUCTION

The purpose of this plan is to ensure that the Town creates reasonable, accessible paths of travel in the public right-of-way for everyone, including people with disabilities. The Town has made a significant and long-term commitment to improving the accessibility of their pedestrian facilities. The Transition Plan identifies physical barriers and prioritizes improvements that should to be made throughout the Town. This Transition Plan describes the existing policies and programs to enhance the overall pedestrian accessibility.

2 LEGAL REQUIREMENTS

The federal legislation known as the American with Disabilities Act (ADA), enacted on July 26, 1990, provides comprehensive civil rights protections to persons with disabilities in the areas of employment, state and local government services, and access to public accommodations, transportation, and telecommunications

Title II specifically applies to “public entities” (state and local governments) and the programs, services, and activities they deliver. Title II Article 8, requires public entities to take several steps designed to achieve compliance. The plan shall, at a minimum includes:

1. A list of the physical barriers in a public entity’s facilities that limit the accessibility of its programs, activities, or services to individuals with disabilities.
2. A detailed outline of the methods to be utilized to remove these barriers and make the facilities accessible.
3. The schedule for taking the necessary steps to achieve compliance with Title II.
4. The name of the official responsible for the plan’s implementation.

Transition plans provide a method for a public entity to schedule and implement ADA required improvements to existing streets and sidewalks. Before a transition plan can be developed, an inventory of the current curb ramps and sidewalks must be developed.

3 IDENTIFIED OBSTACLES TO THE PUBLIC RIGHT-OF-WAY

The Town has a two-tiered system to identify and assess obstacles in the public right of way: a Preliminary Evaluation and a Detailed Evaluation. The barriers used in the evaluations are based on the *Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way* (ADA Guidelines) from the U.S. Architectural and Transportation Barriers Compliance Board.

3.1 PRELIMINARY EVALUATION

The first tier is a Preliminary Evaluation of the intersections. The purpose of this evaluation is to determine which intersections are obviously non-compliant to the ADA Guidelines and to get a comprehensive overview of the complete pedestrian network. The preliminary inventory evaluates three (3) criteria for curb ramps and three (3) criteria for sidewalks:

Curb Ramps

1. Is there a curb ramp?
2. Does the curb ramp have a color contrasting detectable warning?
3. Does the curb ramp have a clear landing at the top of the ramp?

Sidewalks

1. Is there a continuous clear space for pedestrian access?
2. Does the sidewalk appear to provide adequate passing zones?
3. Does the sidewalk appear to be smooth without grade breaks?

The Preliminary Evaluation utilizes aerial and street-level photography to view each intersection. The criteria used can be seen on these aerials and are key design components to determine ADA compliance. If the curb ramps and sidewalks do not meet the criteria, then that intersection does not need further evaluation because it is obviously non-complaint with the ADA Guidelines. If it did meet the criteria, then that intersection would be “potentially compliant” and would need a Detailed Evaluation to determine if it fully complies with the ADA Guidelines.

3.2 DETAILED EVALUATION

The second tier is a Detailed Evaluation of the intersections identified as “potentially compliant” during the Preliminary Evaluation. This requires fieldwork at the intersection and measuring of specific physical attributes, such as width, running slope, and gaps in the curb ramp or sidewalk, to determine compliance to the identified ADA barriers. For a description of the identified barriers see Attachment A. When the data is gathered, it is recorded into an intersection database¹. The result from this evaluation is a detailed understanding of the ADA barriers at that intersection.

¹ The database is quite large and is constantly updated; it is not feasible for it to be included in the text of this ADA Transition Plan. The database may be made available for public review by advanced written request to the ADA Coordinator.

4 METHODS TO REMOVING BARRIERS – POLICIES & PRIORITIES

The Town utilizes many different approaches in removing barriers in the public right-of-way, including proactively identifying and eliminating the barrier, responding to public complaints, and ensuring the appropriate design and build-out of new construction following the most recent design guidelines.

4.1 BARRIER REMOVAL PRIORITIES

The Town of Middlebury bases barrier removal priorities on two factors: location and the accessibility condition of the intersection.

4.1.1 Location Priority

According to the *Accessible Rights-of-Way: A Design Guide*, “the DOJ regulation imposes a specific construction requirement...specifies a priority for locating (curb ramps) at: State and local government offices and facilities; transportation; places of public accommodation; places of employment; and other locations.” Following this guidance, the City identified its location priority as follows:

1. Intersections serving government facilities,
2. Intersections serving commercial and employment centers, and
3. Intersections serving other areas.

4.1.2 Accessibility Condition

Using the data from the Preliminary Evaluation and the Detailed Evaluation, an accessibility condition, or Access Grade, can be determined. Points are assigned to the identified ADA barriers and calculated for each intersection. This will give the intersection an overall Condition Score for accessibility. The Access Grade assesses the Condition Score out of the total possible points and assigns a letter grade. This letter grade is A through E, A being the most accessible and E being the least accessible.

4.1.3 Priority Rank

In order to determine the overall priority of an intersection, or Priority Rank, the City uses the following matrix to match the location priority to the Access Grade.

| | Location Priority | | |
|--------------|---|---|-------------------------------|
| | 1 | 2 | 3 |
| Access Grade | Locations serving Government Facilities | Locations serving Commercial & Employment Centers | Locations serving Other Areas |
| E | 1E | 2E | 3E |
| D | 1D | 2D | 3D |
| C | 1C | 2C | 3C |
| B | 1B | 2B | 3B |
| A | 1A | 2A | 3A |

Priority Rank Levels

| | | |
|------|--------|-----|
| High | Medium | Low |
|------|--------|-----|

The Town determines the priority of improvements by identifying which of the groupings are high, medium, or low priorities. A listing of priority intersections and a map,² that shows which intersections are high, medium, and low priorities for barrier removal, are in Attachment B.

4.2 PUBLIC COMPLAINT PROCESS

The public complaint process is an integral part of the Transition Plan. Public complaints or requests may often drive the prioritization of improvements. To file a complaint or a request regarding accessibility of a sidewalk or curb ramp, contact the ADA Coordinator in writing and describe the issue in detail, including the location. The ADA Coordinator will route this information to the appropriate Town department for inspection and possible action. That department will then respond to the ADA Coordinator with its findings, and the ADA Coordinator will record the formal response and reply to the complainant/requestor. All complaints or requests will be kept on file and will include the response. Attachment C is a copy of the Town's public Grievance Procedure for Pedestrian Facilities in the Public Right-of-Way.

4.3 NEW CONSTRUCTION & ALTERATIONS

In order to ensure the correct design of curb ramps, sidewalks, and crosswalks in new construction and alterations, the Town has adopted the *Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way* (see Attachment C for a copy of the resolution). Whenever there is an intersection improvement project or new construction project, any affected curb ramps, sidewalks, and crosswalks will be rebuilt to these ADA design guidelines, where feasible and reasonable.

² The map is constantly updated and may be currently out-of-date from this plan. An updated map may be made available for public review by advanced written request to the ADA Coordinator.

5 SCHEDULE

As opportunity allows, the Town will make efforts to improve the ADA Accessibility of pedestrian facilities in the public right-of-way. As stated in the *Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way*, “compliance is required to the extent practicable within the scope of the project.” There will be times when it is technically infeasible to provide technical compliance: for example, if clear space at the top of the ramp is obstructed by a building or the slope of a hill is so extreme as to prevent a reasonable slope for a ramp in both directions. The inventory process may not account for such situations and could show a high-priority rating when all feasible actions have been taken.

Additionally, given a program as broad and comprehensive as the Town’s pedestrian network, the Town will follow the concept of Program Access under Title II of the ADA. Program Access does not necessarily require a public entity to make each of its existing facilities accessible to and usable by individuals with disabilities, as long as the program as a whole is accessible. Under this concept, the Town may choose not to install a sidewalk at some locations (or to install them as a lower priority later), as long as a reasonable path of travel is available even without the sidewalk.

6 RESPONSIBLE INDIVIDUAL

The official responsible for the implementation of the Town’s ADA Transition Plan for the pedestrian facilities in the public right-of-way is:

Name: Mary Cripe, P.E.
Title: Town Manager
Street Address: 418 N Main Street
Town, IN ZIP: Middlebury, IN 46540

Email: townmanager@middleburyin.com
Phone: 574-825-1499
Fax: 574-825-1485

7 PUBLIC INPUT

The Town of Middlebury provided opportunities for individuals to comment on this Transition Plan, which included:

- Document copies available at the Town’s Office, 418 N. Main St., Middlebury IN, 46540.
- Document made available on Middlebury’s website, www.middleburyin.com.
- Document was made available and presented during a Town Council meeting on September 8, 2020.

The Town published a legal notice in the major newspaper, the Middlebury Independent starting on October 21, 2020. The legal notice announced the availability of the Transition Plan and provided instructions for the public on how to submit their comments and where to send them. Public comments were accepted until November 16, 2020.

Formal adoption of the Transition Plan took place on November 16, 2020. It is available on Middlebury’s website and by written formal request to the ADA Coordinator, Middlebury Town Manager.

ATTACHMENT A

1. ADA GUIDELINES USED IN DETAILED EVALUATION

2. EVALUATION FORM

ADA GUIDELINES USED IN DETAILED EVALUATION**Curb Ramps**

In evaluating the accessibility of existing curb ramps, the following factors were considered:

1. Is there a curb ramp?
2. Is there a curb ramp where a sidewalk crosses a street?
3. What type of curb ramp?
 - a. Perpendicular curb ramp
 - b. Parallel curb ramp
 - c. Blended transitions
4. Is the width of the curb ramp at least 4 feet wide (excluding flares)?
5. Are there detectable warnings properly installed where a curb ramp or blended transition connects to a street?
6. Is the running slope greater than 5% but less than 8.3% (blended transition 5% maximum)?
7. Is the cross slope less than 1%?
8. Is the landing a minimum of 4 feet x 4 feet?
9. Is the surface of the curb ramp or blended transition firm, stable, and slip resistant and clear of gratings, access covers, and other appurtenances?
10. Is the grade break at the top and bottom of the ramp flush and not located on the surface of the curb ramp, landing, or gutter areas?
11. Is the counter slope of the gutter or street at the foot of the curb ramp less than 5%?
12. Is the clear space beyond the curb face at least 4' x 4'?
13. If the curb ramp is perpendicular, is the slope of the flared sides less than 10% where a pedestrian path crosses the curb ramp or if the sides are returned, are they protected from cross travel?

Sidewalks

In evaluating the accessibility of existing sidewalks, the following factors were considered:

1. Is there a sidewalk at each corner?
2. Is there at least 4 feet of continuous and unobstructed clear width of a sidewalk (excluding the curb width)?
3. If the continuous width is less than 5 feet, are the passing spaces at least every 100 feet along the sidewalk that are 5 feet wide or greater?
4. Is the cross slope of the sidewalk less than 1%?
5. Where the sidewalk is adjacent to the street, does the grade of the sidewalk not exceed the general grade of the street?
6. Is the surface of the sidewalk firm, stable, and slip resistant?
7. Are any gaps in the surface less than ½ inch?
8. Is the sidewalk clear of grates or if there is a grate:
 - a. are the openings no more than ½ inch wide and
 - b. do the elongated openings run perpendicular to the direction of travel?
9. Is the sidewalk clear of protruding objects? If there is a protruding object is:
 - a. the leading edge of that object less than 17 inch and more than 80 inch above the ground, or
 - b. the protrusion less than 4 inches into the travel path of the sidewalk, or
 - c. a barrier is provided no more than 17 inches from the ground where the vertical clearance is less than 80 inches.

Crosswalks

In evaluating the accessibility of existing crosswalks, the following factors were considered:

1. Is there a crosswalk that connects two sidewalks across a street?
2. Is the width of the marked crosswalk at least 6 feet?
3. Does the cross slope of the crosswalk meet the following guidelines:
 - a. If the crosswalk is crossing a street with a stop control, is the cross slope less than 1%?
 - b. If the crosswalk is crossing a street without a stop control, is the cross slope less than 5%?
4. Is the running slope of the crosswalk less than 5%?
5. If the crosswalk crosses a median, is the length of the median at least 6 feet and does it contain detectable warnings located at curb line or edge of the roadway?
6. If the intersection signalized, does it have a pedestrian signal, if so, does the pedestrian signal phase allow enough time for a walking speed of 3.5 ft/sec?

LPA: _____ N/S: _____ E/W: _____ Ins: _____ Date: _____ ID: _____

Town of Middlebury | Attachment A

ATTACHMENT B

1. ADA PRIORITIES MAP

2. PRIORITY LISTING OF INTERSECTIONS

ADA Priorities

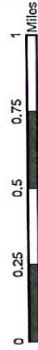
Town of Middlebury

Priority Level

- Low
- Medium
- High

Roads

Town Limits

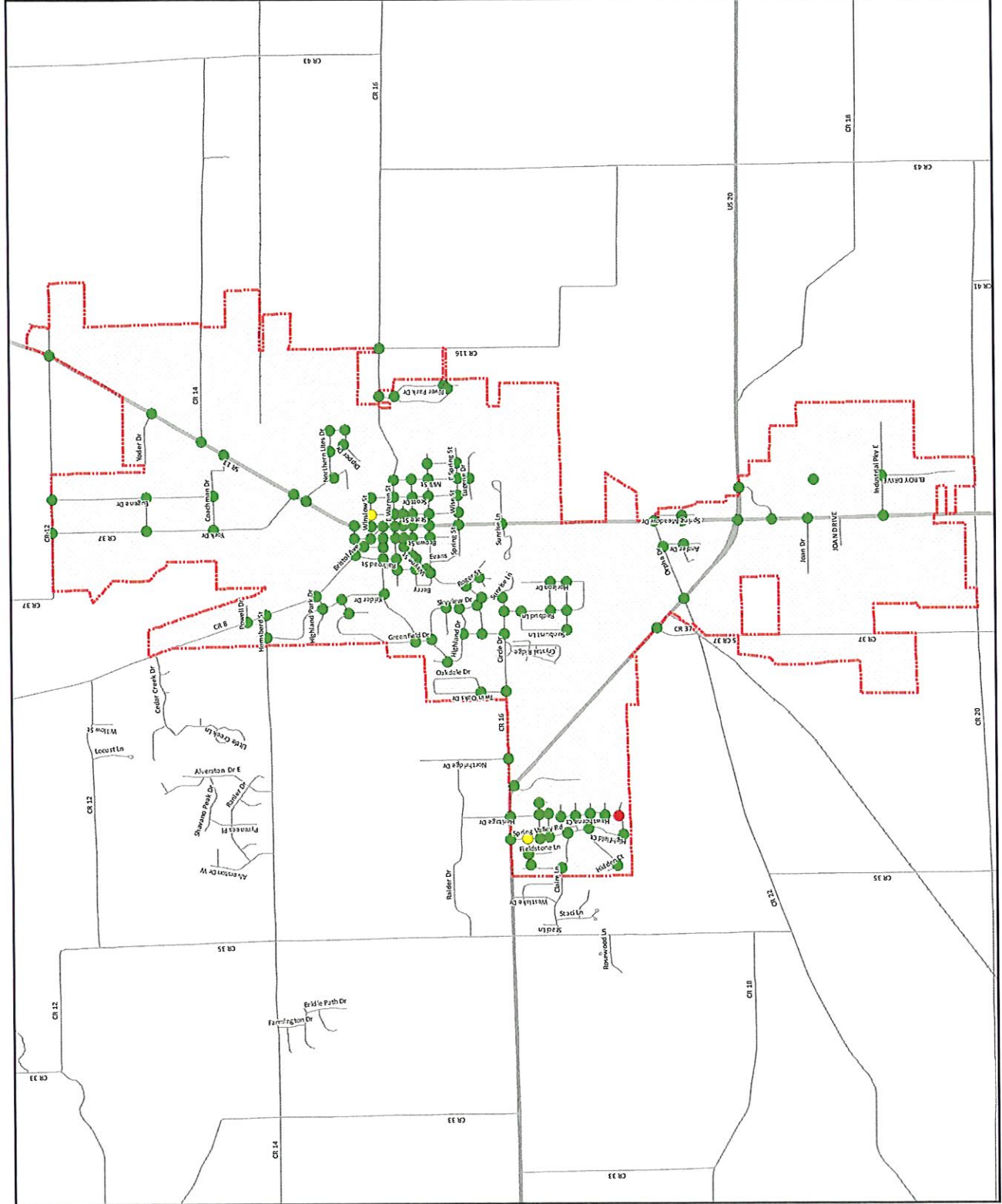
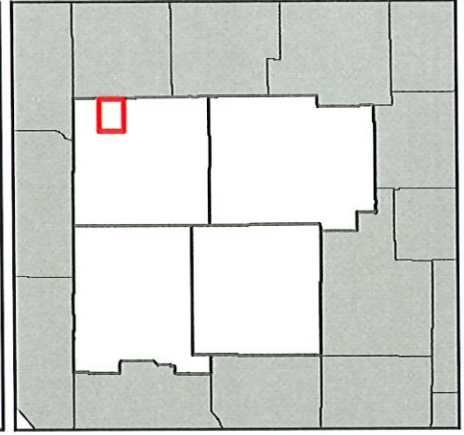


Date Printed: 8/31/2020

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Coordinate prd is based on Indiana East State Plane Coordinate System 1983 North American Datum.

Information shown on this map is not warranted for accuracy or mechanism. Further reproduction or distribution of this material is not authorized without the expressed written permission of MACOG.



Priority Matrix

Middlebury

Total Intersection Per Priority

| Access Grade | 1 Locations serving Government Facilities | 2 Locations serving Commercial & Employment Centers | 3 Locations serving Other Areas | Legend |
|--------------|--|--|------------------------------------|---|
| | | | | High: |
| | | | | Med: |
| | | | | Low: |
| E | 0 | 0 | 1 | |
| D | 0 | 1 | 0 | |
| C | 1 | 0 | 11 | |
| B | 2 | 9 | 18 | |
| A | 6 | 8 | 15 | |

Ranking Intersections by Priority

| High 1 | | | | | | |
|---------------|---------------------|-----------------------|------------|-----------|----------|--------------------|
| ID | N/S Street | E/W Street | Zone | Condition | Priority | Type of Evaluation |
| 2018084 | Heritage Drive | Highfield Court | Other | 45.0 | 3E | Preliminary |
| Med 2 | | | | | | |
| ID | N/S Street | E/W Street | Zone | Condition | Priority | Type of Evaluation |
| 2018118 | Spring Valley Road | Spring Arbor Drive | Commercial | 56.7 | 2D | Preliminary |
| 2021281 | State Street | Winslow Street | Government | 67.5 | 1C | Preliminary |
| Low 69 | | | | | | |
| ID | N/S Street | E/W Street | Zone | Condition | Priority | Type of Evaluation |
| 2018086 | Heritage Drive | Summer Hill Court | Other | 65.8 | 3C | Preliminary |
| 2021326 | River Park Drive | River Park Circle | Other | 66.7 | 3C | Preliminary |
| 2018087 | Heritage Drive | Spring Hill Court | Other | 68.3 | 3C | Preliminary |
| 2018089 | Spring Valley Road | Hidden Meadow Lane | Other | 70.0 | 3C | Preliminary |
| 2018090 | Hidden Meadows Lane | Hidden Court | Other | 71.7 | 3C | Preliminary |
| 2021831 | Spring Valley Road | Claire Lane | Other | 71.7 | 3C | Preliminary |
| 2021297 | River Park Drive | | Other | 72.5 | 3C | Preliminary |
| 2018085 | Heritage Drive | Oak Hill Court | Other | 72.5 | 3C | Preliminary |
| 2021823 | Spring Valley Road | S Heritage Drive | Other | 73.3 | 3C | Preliminary |
| 2013028 | Bristol Avenue | Highland Park Drive | Other | 75.0 | 3C | Preliminary |
| 2021329 | River Park Drive | CR 16 Road | Other | 75.0 | 3C | Preliminary |
| 2018058 | Heritage Drive | Rocky Lane | Other | 76.7 | 3B | Preliminary |
| 2021188 | Shoemaker Drive | Wayne Street | Other | 77.5 | 3B | Preliminary |
| 2021282 | State Street | E Warren Street | Commercial | 77.5 | 2B | Preliminary |
| 2021247 | Wayne Street | W Lawrence Street | Commercial | 78.3 | 2B | Preliminary |
| 2021293 | Blue Bird Lane | E Spring Street | Other | 78.3 | 3B | Preliminary |
| 2021367 | Krider Drive | CR 14_Hemsberd Street | Other | 78.3 | 3B | Preliminary |

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| | | | | | | |
|---------|---------------------|------------------------|------------|------|----|-------------|
| 2021190 | Greencroft Parkway | Windridge Drive | Other | 78.3 | 3B | Preliminary |
| 2021309 | Mill Street | E Berry Street | Other | 78.3 | 3B | Preliminary |
| 2018115 | Spring Valley Road | Spring Crossing Drive | Other | 78.3 | 3B | Preliminary |
| 2021176 | Krider Drive | Highland Pass Road | Other | 79.2 | 3B | Preliminary |
| 2021277 | State Street | E Lawrence Street | Other | 79.2 | 3B | Preliminary |
| 2018117 | Spring Valley Road | Sharon Court | Other | 79.2 | 3B | Preliminary |
| 2019712 | Brown Street | Mall Street | Commercial | 79.2 | 2B | Preliminary |
| 2013029 | Krider Drive | Highland Park Drive | Other | 79.2 | 3B | Preliminary |
| 2021258 | Main Street | Bristol Avenue | Government | 80.0 | 1B | Preliminary |
| 2021244 | SR 13 | Winslow Street | Government | 80.0 | 1B | Preliminary |
| 2018101 | Fieldstone Lane | Spring Arbor Drive | Other | 80.0 | 3B | Preliminary |
| 2018099 | Spring Arbor Drive | Claire Lane | Other | 80.0 | 3B | Preliminary |
| 2021286 | State Street | E Mall Street | Commercial | 81.7 | 2B | Preliminary |
| 2021262 | Wayne Street | W Berry Street | Commercial | 83.3 | 2B | Preliminary |
| 2021327 | Park Place | River Park Drive | Other | 83.3 | 3B | Preliminary |
| 2021265 | Wayne Street | W Berry Street | Commercial | 84.2 | 2B | Preliminary |
| 2021296 | Mill Street | E Warren Street | Commercial | 86.7 | 2B | Preliminary |
| 2021243 | Grand Street | Wayne Street | Commercial | 86.7 | 2B | Preliminary |
| 2021221 | Wayne Street | S Skyview Drive | Other | 86.7 | 3B | Preliminary |
| 2021317 | Mill Street | E Lawrence Street | Other | 86.7 | 3B | Preliminary |
| 2021253 | Krider Drive | W Crystal Valley Drive | Other | 87.5 | 3B | Preliminary |
| 2021375 | Indiana 13 Road | York Drive | Commercial | 87.5 | 2B | Preliminary |
| 2021140 | Scott Drive | E Lawrence Street | Other | 87.5 | 3B | Preliminary |
| 2021272 | Railroad Street | W Warren Street | Commercial | 88.3 | 2A | Preliminary |
| 2021260 | SR 13 | Lawrence Street | Other | 88.3 | 3A | Preliminary |
| 2021137 | Scott Street | E Spring Street | Other | 88.3 | 3A | Preliminary |
| 2021168 | Brown Street | W Lawrence Street | Other | 88.3 | 3A | Preliminary |
| 2021198 | Crystal Ridge Drive | Circle Drive | Other | 88.3 | 3A | Preliminary |
| 2021185 | S Main Street | Spring Street | Other | 89.2 | 3A | Preliminary |
| 2021138 | State Street | E Berry Street | Other | 90.0 | 3A | Preliminary |
| 2021236 | N Brown Street | Bristol Avenue | Government | 90.0 | 1A | Preliminary |
| 2021264 | N Brown Street | W Warren Street | Government | 90.8 | 1A | Preliminary |
| 2018105 | Arbor Court | Spring Arbor Drive | Other | 91.7 | 3A | Preliminary |
| 2021275 | N Brown Street | W Crystal Valley Drive | Government | 91.7 | 1A | Preliminary |
| 2021312 | Scott Street | E Berry Street | Other | 93.3 | 3A | Preliminary |
| 2021259 | Brown Street | W Berry Street | Commercial | 93.3 | 2A | Preliminary |
| 2021257 | S Main Street | Berry Street | Commercial | 93.3 | 2A | Preliminary |

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| | | | | | | |
|---------|--------------------|--------------------------|------------|-------|----|-------------|
| 2013023 | Northridge Drive | Wayne Street | Government | 95.0 | 1A | Preliminary |
| 2018120 | Spring Valley Road | U.S. 20 Highway | Commercial | 95.0 | 2A | Preliminary |
| 2021254 | Bristol Avenue | Railroad/Pleasant Street | Government | 95.8 | 1A | Preliminary |
| 2021242 | Grand Street | W Warren Street | Other | 95.8 | 3A | Preliminary |
| 2021261 | Main Street | E Mall Street | Commercial | 95.8 | 2A | Preliminary |
| 2021142 | SR 13 | Sunrise Lane | Government | 95.8 | 1A | Preliminary |
| 2021241 | Railroad Street | W Crystal Valley Drive | Commercial | 96.7 | 2A | Preliminary |
| 2021288 | Johnson Lane | Bristol Avenue | Other | 96.7 | 3A | Preliminary |
| 2021238 | Johnson Lane | Crystal Valley Drive | Other | 96.7 | 3A | Preliminary |
| 2021186 | Twin Oaks Drive | Wayne Street | Commercial | 97.5 | 2A | Preliminary |
| 2021184 | Wayne Street | Roger & Sunrise Lane | Other | 98.3 | 3A | Preliminary |
| 2021846 | Redbud Lane | Wayne Street | Other | 98.3 | 3A | Preliminary |
| 2021145 | Scott Street | E Warren Street | Other | 98.3 | 3A | Preliminary |
| 2021284 | SR 13 | Warren Street | Commercial | 100.0 | 2A | Preliminary |
| 2021183 | Wayne Street | Rogers Drive | Other | 100.0 | 3A | Preliminary |

ATTACHMENT C

- 1. RESOLUTION ADOPTING ADA DESIGN GUIDELINES**
- 2. RESOLUTION APPOINTING ADA COORDINATOR**
- 3. ADA GRIEVANCE PROCEDURE**
- 4. RESOLUTION ADOPTING THE AMERICANS WITH
DISABILITIES ACT TRANSITION PLAN: PEDESTRIAN
FACILITIES IN THE PUBLIC RIGHT-OF-WAY**

RESOLUTION NO. 2020-0014

**A RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF MIDDLEBURY, INDIANA
ADOPTING THE AMERICANS WITH DISABILITIES ACT (ADA) TRANSITION PLAN
FOR PEDESTRIAN FACILITIES IN THE PUBLIC RIGHT-OF-WAY**

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, Title II of the ADA requires that municipalities develop and adopt a Transition Plan documents physical barriers to accessibility, proposed structural modifications to remove those barriers, and a schedule to complete the modifications; and

WHEREAS, the Town of Middlebury adopted Resolution 2020-0014 pertaining to ADA Standards for Accessible Design and Guidelines for Pedestrian Facilities in the Public Right-of-Way; and

WHEREAS, the United States Department of Justice recently modified the ADA Standards for Accessible Design and the Guidelines for Pedestrian Facilities in the Public Right-of-Way in 2010 and 2011, respectively; and

WHEREAS, the Town of Middlebury remains committed to the ADA and the elimination of barriers to public facilities; and

WHEREAS, a Transition Plan for the pedestrian network has been prepared that reflects current municipality infrastructure and ADA design standards, referred to as the "ADA Transition Plan: Pedestrian Network;"

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Middlebury hereby approves the Americans with Disabilities Act Transition Plan: Pedestrian Facilities in the Public Right-of-Way dated November 16, 2020.

PASSED, APPROVED AND ADOPTED this 16th day of November, 2020.

TOWN COUNCIL OF THE TOWN OF
MIDDLEBURY, INDIANA

By: Miranda Cripe
Miranda Cripe, President

Attest:

Peggy A Hutchison
Peggy A Hutchison, Clerk-Treasurer
Town of Middlebury

RESOLUTION NO. 2020-0015

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIDDLEBURY, INDIANA
ADOPTING THE AMERICANS WITH DISABILITIES ACT (ADA)
ADA COORDINATOR AND PROCEDURES**

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 the Town of Middlebury shall name an ADA Coordinator; and

WHEREAS, in compliance with Title II of the ADA the Town of Middlebury 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 Town of Middlebury shall publish notice to the public regarding the ADA;

WHEREAS, in compliance with Title II of the ADA the Town of Middlebury 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, BE IT RESOLVED by the Town Council of the Town of Middlebury, Indiana: The Town Manager is designated as the ADA Coordinator for the Town.

The Notice under the Americans with Disabilities Act, a copy of which is attached hereto, is adopted as the Town of Middlebury Notice under the Americans with Disabilities Act.

The Town of Middlebury Grievance Procedure under the Americans with Disabilities Act, a copy of which is attached hereto, is adopted as the grievance procedure for addressing complaints alleging discrimination on the basis of disability in the provision of services, activities, programs or benefits by the Town of Middlebury.

In compliance with Federal and State laws as set forth above, the Town Council resolves to post the required information regarding the ADA coordinator, Notice under the Americans with Disabilities Act, and Town of Middlebury Grievance Procedure under the Americans with Disabilities Act on its website and at such other locations as may be determined from time to time.

PASSED, APPROVED AND ADOPTED this 16th day of November, 2020.

TOWN COUNCIL OF THE TOWN OF
MIDDLEBURY, INDIANA

By: Miranda Cripe
Miranda Cripe, President

Attest:

Peggy A. Hutchison
Peggy A. Hutchison, Clerk-Treasurer
Town of Middlebury



Town of Middlebury 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 Middlebury. The Town'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:

**Mary Cripe, P.E.
Town Manager
418 N. Main Street
Middlebury, IN 46540**

Within 15 calendar days after receipt of the complaint, Donald Ritsema or his designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, Donald Ritsema or his 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 Town of Middlebury and offer options for substantive resolution of the complaint.

If the response by Donald Ritsema 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 Town Manager or her designee.

Within 15 calendar days after receipt of the appeal, the Town Manager or her designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the Town Manager or her 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 Donald Ritsema or his designee, appeals to the Town Manager or her designee, and responses from these two offices will be retained by the Town of Middlebury for at least three years.

ATTACHMENT D

1. PUBLIC COMMENT AND RESPONSE FORM

PUBLIC COMMENT AND RESPONSE FORM

Date of Comment: _____

Name of Person: _____

Comment: _____

_____Response: _____

RESOLUTION NO. 2020-0016

**A RESOLUTION OF THE MIDDLEBURY COUNCIL
OF THE TOWN OF MIDDLEBURY, INDIANA
ADOPTING THE AMERICANS WITH DISABILITIES ACT (ADA)
ACCESSIBILITY GUIDELINES FOR STANDARDS FOR ACCESSIBLE DESIGN AND
GUIDELINES FOR PEDESTRIAN FACILITIES IN THE PUBLIC RIGHT-OF-WAY**

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, Title II of the ADA requires that municipalities adopt the Americans with Disabilities Standards for Accessible Design that provide accessibility, through proposed structural modifications to remove accessibility barriers; and

WHEREAS, Title II of the ADA recommends that municipalities adopt the Americans with Disabilities Guidelines for Pedestrian Facilities in the Public Right-of-Way that provide accessibility, through proposed structural modifications to remove accessibility barriers; and

WHEREAS, the United States Department of Justice recently modified the ADA Standards for Accessible Design and the Guidelines for Pedestrian Facilities in the Public Right-of-Way in 2010 and 2011, respectively; and

WHEREAS, the Town of Middlebury remains committed to the ADA and the elimination of barriers to public facilities; and

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Middlebury hereby approves and confirms its intent to comply with the 2010 Americans with Disabilities (ADA) Standards for Accessible Design and 2011 Guidelines for Pedestrian Facilities in the Public Right-of-Way.

PASSED, APPROVED AND ADOPTED this 16th day of November 2020.

TOWN COUNCIL OF THE TOWN OF
MIDDLEBURY, INDIANA

By: Miranda Cripe
Miranda Cripe, President

Attest:

Peggy A. Hutchison
Peggy A. Hutchison, Clerk-Treasurer
Town of Middlebury