

# City of South Bend

## Americans with Disabilities Act Transition Plan: Pedestrian Facilities in the Public Right-of-Way



2013



# Table of Contents

<b>Introduction.....</b>	<b>1</b>
Transition Plan History and Overview .....	1
<b>Legal Requirements .....</b>	<b>1</b>
<b>Identified Obstacles to the Public Right-of-Way .....</b>	<b>2</b>
Preliminary Evaluation.....	2
Detailed Evaluation .....	2
<b>Methods to Removing Barriers – Policies &amp; Priorities .....</b>	<b>3</b>
Barrier Removal Priorities .....	3
Location Priority .....	3
Accessibility Condition .....	3
Priority Rank .....	4
Public Complaint Process .....	4
New Construction & Alterations .....	5
<b>Schedule .....</b>	<b>5</b>
<b>Responsible Individual .....</b>	<b>5</b>
<b>Public Input.....</b>	<b>5</b>
<b>Attachment A.....</b>	<b>6</b>
<b>Attachment B .....</b>	<b>10</b>
<b>Attachment C .....</b>	<b>12</b>
<b>Attachment D.....</b>	<b>14</b>



## INTRODUCTION

The purpose of this plan is to ensure that the City creates reasonable, accessible paths of travel in the public right-of-way for everyone, including people with disabilities. The City 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 be made throughout the City. This Transition Plan describes the existing policies and programs to enhance the overall pedestrian accessibility.

### TRANSITION PLAN HISTORY AND BACKGROUND

For recent periods totaling more than fifteen years, the City of South Bend has had an active partnership with its citizens for the replacement and enhancement of City curbs and sidewalks in which South Bend has shared the cost with citizens for sidewalk repair and replacement. All repair and replacement has been done to ADA standards.

South Bend is the St. Joseph County seat, and downtown South Bend, with its concentration of City and County government services buildings including the courthouses for St. Joseph County and the United States District Court, has undergone recent sidewalk widening, curb cuts, and ramp replacements, all conforming to ADA standards.

South Bend has responded to particularized citizen need for ADA accessibility in street crossings throughout the City and will continue to do so as part of its Transition Plan.

## 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.

## Identified Obstacles to the Public Right-of-Way

The City 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.

### 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.

### 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 database<sup>1</sup>. The result from this evaluation is a detailed understanding of the ADA barriers at that intersection.

## METHODS TO REMOVING BARRIERS – POLICIES & PRIORITIES

The City 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.

### BARRIER REMOVAL PRIORITIES

The City of South Bend bases barrier removal priorities on two factors: location and the accessibility condition of the intersection.

#### 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.

#### 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.

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<sup>1</sup> 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.

**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 City 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,<sup>2</sup> that shows which intersections are high, medium, and low priorities for barrier removal, are in Attachment B.

Intersections with no existing sidewalks were not provided a priority ranking, since they are not currently a part of South Bend's pedestrian network. Should sidewalks be added to these areas, it would be a priority to ensure that they meet ADA accessibility standards.

**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, the ADA Grievance form should be completed. The form is attached to this Plan (Attachment D) and is available at the City of South Bend's website, [southbendin.gov/ada](http://southbendin.gov/ada), under Legal Department Services. Alternatively, a person with an ADA concern may contact the ADA Coordinator in writing and describe the issue in detail, including the location. An ADA grievance must be filed within 60 days of the date the violation occurred.

The ADA Coordinator will route this information to the appropriate City 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. South Bend's grievance process is designed to resolve all

<sup>2</sup> 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.



reasonable ADA complaints in an informal, mutually satisfactory manner. All complaints or requests will be kept on file and will include the response. Attachment C is a copy of the City's public Grievance Procedure for Pedestrian Facilities in the Public Right-of-Way.

### NEW CONSTRUCTION & ALTERATIONS

In order to ensure the correct design of curb ramps, sidewalks, and crosswalks in new construction and alterations, the City 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.

### SCHEDULE

As opportunity allows, the City 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 City's pedestrian network, the City 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 City 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.

### RESPONSIBLE INDIVIDUAL

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

Aladean DeRose  
City Attorney, A.I.  
227 W. Jefferson Blvd, Suite 1200  
South Bend, IN 46601

Email: [aderose@southbend.in.gov](mailto:aderose@southbend.in.gov)  
Phone: 574-235-9241  
Fax: 574-235-7670

## PUBLIC INPUT

The City of South Bend provided opportunities for individuals to comment on this Transition Plan, which included:

- Document copies available and notices sent to local public libraries
- Document made available on South Bend's website, [www.southbendin.gov/ada](http://www.southbendin.gov/ada)
- Presentation at the Board of Public Works meeting on January 8, 2013

The City published legal notices in the major newspaper, *The South Bend Tribune*, starting on December 28, 2012. The legal notices announced the availability of the Transition Plan draft at the local public library and at the City Clerk's office located at 227 West Jefferson Boulevard, Suite 400, South Bend, Indiana, both locations with easy public access. These notices also provided instructions regarding the timetable for comments and where to send them. Public comments were accepted for a period of no less than 30 days, ending January 28, 2013. Public comment form is available on Attachment D.

Formal adoption of the Transition Plan took place on January 28, 2013. It will be available on the web and by written formal request to the ADA Coordinator.

## 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?

## EVALUATION FORM

LPA: \_\_\_\_\_ N/S: \_\_\_\_\_ E/W: \_\_\_\_\_ Ins: \_\_\_\_\_ Date: \_\_\_\_\_ ID: \_\_\_\_\_

<b>g</b>		<b>h</b>				<b>h</b>				<b>a</b>		<b>b</b>	
Cross	%	Cross	%							Cross	%	Cross	%
Grade OK?	Y - N	Grade OK?	Y - N							Grade OK?	Y - N	Grade OK?	Y - N
Surface OK?	Y - N	Surface OK?	Y - N							Surface OK?	Y - N	Surface OK?	Y - N
Gap	-	Gap	-							Gap	-	Gap	-
Grade OK?	Y - N	Grade OK?	Y - N							Grade OK?	Y - N	Grade OK?	Y - N
Protrusion	Y - N	Protrusion	Y - N							Protrusion	Y - N	Protrusion	Y - N
Protr. Height	-	Protr. Height	-							Protr. Height	-	Protr. Height	-
Protr. Length	-	Protr. Length	-							Protr. Length	-	Protr. Length	-
Protr. Barrier	Y - N	Protr. Barrier	Y - N							Protr. Barrier	Y - N	Protr. Barrier	Y - N

<b>g</b>		<b>h</b>				<b>a</b>		<b>b</b>	
Width:	*	Width:	*			Width:	*	Width:	*
Passing:	Y - N	Passing:	Y - N			Passing:	Y - N	Passing:	Y - N

<b>Approach</b>		<b>Crosswalk</b>				<b>Approach</b>		<b>Crosswalk</b>	
# of Lanes		Marked?	Y - N			# of Lanes		Marked?	Y - N
Control N-ST-SG		Width	-			Control N-ST-SG		Width	-
Median?	Y - N	Length	B			Median?	Y - N	Length	B
Median Width	-	Cross	%			Median Width	-	Cross	%
Median Warn?	Y - N	Run	%			Median Warn?	Y - N	Run	%
		Ped Signal?	Y - N					Ped Signal?	Y - N
		Ped Time	sec					Ped Time	sec

<b>Approach</b>		<b>Crosswalk</b>				<b>Approach</b>		<b>Crosswalk</b>	
# of Lanes		Marked?	Y - N			# of Lanes		Marked?	Y - N
Control N-ST-SG		Width	-			Control N-ST-SG		Width	-
Median?	Y - N	Length	B			Median?	Y - N	Length	B
Median Width	-	Cross	%			Median Width	-	Cross	%
Median Warn?	Y - N	Run	%			Median Warn?	Y - N	Run	%
		Ped Signal?	Y - N					Ped Signal?	Y - N
		Ped Time	sec					Ped Time	sec

<b>e</b>		<b>f</b>				<b>e</b>		<b>f</b>	
Cross	%	Cross	%						
Grade OK?	Y - N	Grade OK?	Y - N						
Surface OK?	Y - N	Surface OK?	Y - N						
Gap	-	Gap	-						
Grade OK?	Y - N	Grade OK?	Y - N						
Protrusion	Y - N	Protrusion	Y - N						
Protr. Height	-	Protr. Height	-						
Protr. Length	-	Protr. Length	-						
Protr. Barrier	Y - N	Protr. Barrier	Y - N						

<b>e</b>		<b>f</b>				<b>e</b>		<b>f</b>	
Width:	*	Width:	*			Width:	*	Width:	*
Passing:	Y - N	Passing:	Y - N			Passing:	Y - N	Passing:	Y - N

<b>Approach</b>		<b>Crosswalk</b>				<b>Approach</b>		<b>Crosswalk</b>	
# of Lanes		Marked?	Y - N			# of Lanes		Marked?	Y - N
Control N-ST-SG		Width	-			Control N-ST-SG		Width	-
Median?	Y - N	Length	B			Median?	Y - N	Length	B
Median Width	-	Cross	%			Median Width	-	Cross	%
Median Warn?	Y - N	Run	%			Median Warn?	Y - N	Run	%
		Ped Signal?	Y - N					Ped Signal?	Y - N
		Ped Time	sec					Ped Time	sec

<b>c</b>		<b>d</b>				<b>c</b>		<b>d</b>	
Cross	%	Cross	%						
Grade OK?	Y - N	Grade OK?	Y - N						
Surface OK?	Y - N	Surface OK?	Y - N						
Gap	-	Gap	-						
Grade OK?	Y - N	Grade OK?	Y - N						
Protrusion	Y - N	Protrusion	Y - N						
Protr. Height	-	Protr. Height	-						
Protr. Length	-	Protr. Length	-						
Protr. Barrier	Y - N	Protr. Barrier	Y - N						

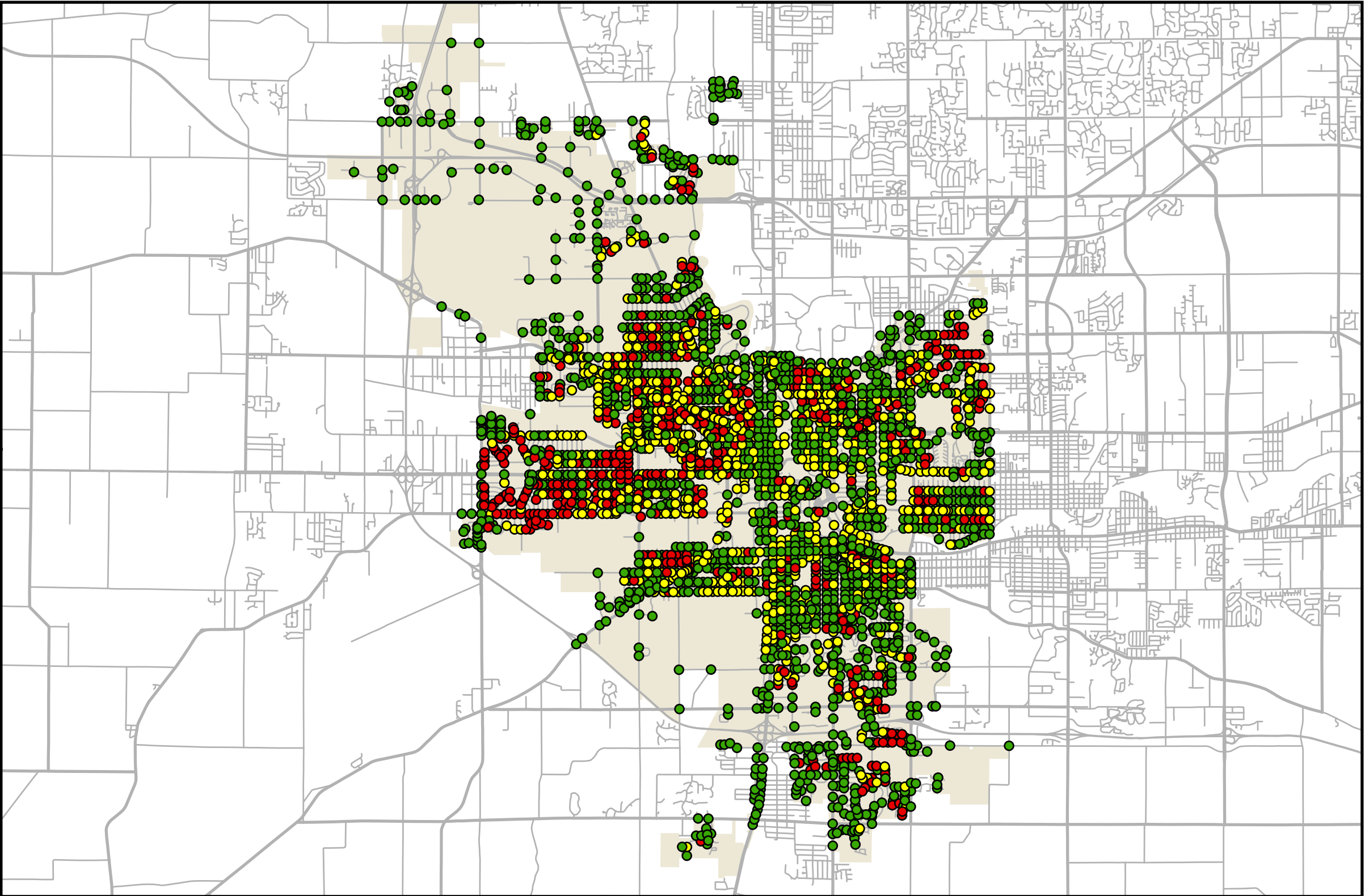
<b>c</b>		<b>d</b>				<b>c</b>		<b>d</b>	
Width:	*	Width:	*			Width:	*	Width:	*
Passing:	Y - N	Passing:	Y - N			Passing:	Y - N	Passing:	Y - N

Curb Ramps												
	Type	Width	Landing	Clear Space	Run %	Cross %	Gutter %	Edge Type	Flare %	Surface OK?	Warning OK?	Grd Brk OK?
A	PE-PA-BT-N				%	%	%	N-F-R	%	Y-N	Y-N	Y-N
B	PE-PA-BT-N				%	%	%	N-F-R	%	Y-N	Y-N	Y-N
C	PE-PA-BT-N				%	%	%	N-F-R	%	Y-N	Y-N	Y-N
D	PE-PA-BT-N				%	%	%	N-F-R	%	Y-N	Y-N	Y-N
E	PE-PA-BT-N				%	%	%	N-F-R	%	Y-N	Y-N	Y-N
F	PE-PA-BT-N				%	%	%	N-F-R	%	Y-N	Y-N	Y-N
G	PE-PA-BT-N				%	%	%	N-F-R	%	Y-N	Y-N	Y-N
H	PE-PA-BT-N				%	%	%	N-F-R	%	Y-N	Y-N	Y-N

## ATTACHMENT B

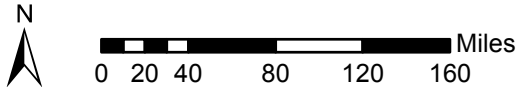
### 1. ADA PRIORITIES MAP





# ADA Priorities

City of South Bend



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

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

## Legend

- Low
- Medium
- High



Date Printed: 9/10/2012

Source: MACOG ADA Database  
Note: Database is constantly updated and may result in this map being out-of-date





## **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. 4131-11

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,  
INDIANA, ADOPTING AS STANDARDS FOR ACCESSIBLE DESIGN THE  
AMERICANS WITH DISABILITIES ACT (ADA) ACCESSIBILITY GUIDELINES  
AND THE GUIDELINES FOR PEDESTRIAN FACILITIES IN THE PUBLIC RIGHT-  
OF-WAY UPON DEPARTMENT OF JUSTICE APPROVAL**

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, in 2010 the United States Department of Justice modified the ADA Standards for Accessible Design, and in 2011 it proposed but has not yet adopted or finally approved the Guidelines for Pedestrian Facilities in the Public Right-of-Way; and

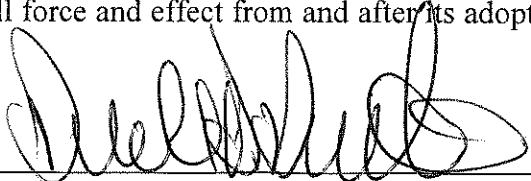
WHEREAS, the City of South Bend remains committed to the ADA and the elimination of barriers to public facilities.

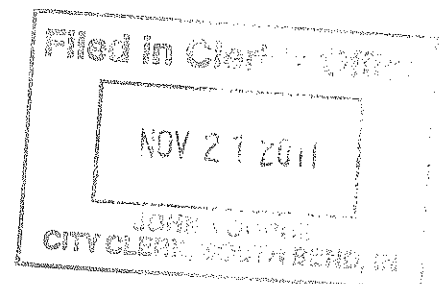
NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA as follows:

SECTION I. The Common Council hereby adopts the 2010 Americans with Disabilities (ADA) Standards for Accessible Design.

SECTION II. The Common Council further adopts the 2011 Guidelines for Pedestrian Facilities in the Public Right-of-Way, effective upon their final approval by the Department of Justice .

SECTION II. This Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor

  
\_\_\_\_\_  
Member, South Bend Common Council



PRESENTED 11-28-11

NOT APPROVED

ADOPTED 11-28-11

RESOLUTION NO. 4130-11

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,  
INDIANA, ADOPTING THE AMERICANS WITH DISABILITIES ACT (ADA),  
DESIGNATING THE ADA COORDINATOR, AND ADOPTING 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 City of South Bend shall name an ADA Coordinator; and

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

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

WHEREAS, in compliance with Title II of the ADA the City of South Bend 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 COMMON COUNCIL OF THE CITY OF SOUTH BEND as follows:

SECTION I. The Chief Assistant City Attorney, Aladean M. DeRose, is designated as the ADA Coordinator for the City of South Bend, Indiana, and South Bend's ADA Coordinator shall be an attorney in the City's Legal Department.

SECTION II. The Notice under the Americans with Disabilities Act, a copy of which is attached hereto as Exhibit "A", is adopted as the City of South Bend Notice under the Americans with Disabilities Act (ADA).

SECTION III. The City of South Bend Grievance Procedure under the ADA, a copy of which is attached hereto as Exhibit "B", is adopted as the grievance procedure for addressing complaints alleging discrimination on the basis of disability in the provisions of services, activities, programs or benefits by the City of South Bend.

SECTION IV. In compliance with Federal and State Laws as set forth above, the Common Council of the City of South Bend resolves to post the required information regarding the ADA coordinator, Notice under the ADA, and the City of South Bend Grievance Procedure under the ADA on its website and at such other locations as may be determined from time to time.

SECTION V. This Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor

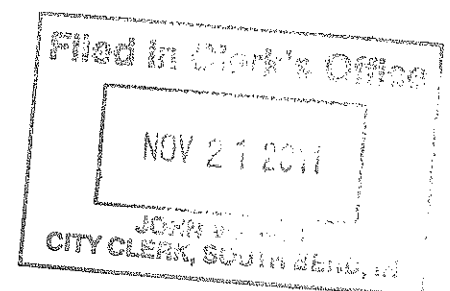


Member, South Bend Common Council

PRESENTED 11-28-11

NOT APPROVED

ADOPTED 11-28-11



**CITY OF SOUTH BEND, INDIANA  
GRIEVANCE PROCEDURE UNDER  
THE AMERICANS WITH DISABILITIES ACT (ADA)**

The City of South Bend, Indiana, in accordance with the Americans with Disabilities Act ("ADA") has adopted this Grievance Procedure to insure prompt and equitable resolution of complaints alleging discrimination based on disability in the provision of programs, services, benefits, or activities provided by the City of South Bend. Employment related claims of disability discrimination are governed by the City's Personnel Policies.

The steps in the city of South Bend's Grievance Procedure are as follows:

1. File written Complaint using South Bend's form (attached) no later than 60 calendar days after the date of the violation. Information must include:

- Name, address, phone number, e-mail (if applicable) of person filing the grievance.
- Name, address, phone number, e-mail (if applicable) of person alleging grievance on behalf of someone else.
- Date and approximate time violation occurred.
- Narrative description of the violation
- Remedy or desired City corrective action

The complaint should be submitted to:

ADA Coordinator, South Bend Legal Department  
227 W. Jefferson Blvd., Ste 1400  
South Bend, IN 466014

**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.**

2. South Bend's ADA Coordinator will acknowledge Complaint with 21 days from date of filing. The ADA Coordinator may meet with Complainant to discuss the Complaint and explore informal resolution to problem.

3. If informal resolution is not reached, then within 30 days after initial response under Step 2, the ADA Coordinator or Designee will respond in writing, and where appropriate, in a format accessible to the Complainant such as large print, or audio tape. The response will explain City's position and offer options for resolution of the Complaint.

4. If the ADA Coordinator's response does not satisfactorily resolve the issue, the Complainant and/or his/her designee may appeal that decision. This appeal should be made to the Board of Public Works President or designee within 15 days after receipt of the response of the ADA Coordinator, and this appeal request must be made in writing.

5. The Board of Public Works President or designee shall meet with the Complainant within 15 days after receipt of the appeal to discuss the complaint and possible resolutions.

6. Within 15 days after that meeting, the Board Public Works President or 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 the ADA Coordinator or designee or appeals to the Public Works Director or designee will be retained by the City of South Bend for a period of three years.

## ATTACHMENT D

### 1. ADA GRIEVANCE FORM

### 2. PUBLIC COMMENT AND RESPONSE FORM

**ADA GRIEVANCE FORM  
CITY OF SOUTH BEND, INDIANA**

**Today's Date:** \_\_\_\_\_

**Complainant:** \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Telephone and E-mail: \_\_\_\_\_

**Individual Discriminated Against:** \_\_\_\_\_  
(If Different from Complainant)

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Telephone and E-mail: \_\_\_\_\_

**Alleged Violation:** Date(s) & Approximate Time  
of Occurrence: \_\_\_\_\_

**Detailed Description of Violation and City Department Involved:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Requested Action by City to Correct Violation:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**Has Complaint been filed with State or Federal Agency:** \_\_\_\_\_ Yes \_\_\_\_\_ No

Name of Agency: \_\_\_\_\_ Date Filed \_\_\_\_\_

Contact Person: \_\_\_\_\_

Signature: \_\_\_\_\_

**If there are witnesses, please list names and addresses separately.**



## PUBLIC COMMENT AND RESPONSE FORM

**Date of Comment:** \_\_\_\_\_

**Name of Person:** \_\_\_\_\_

**Comment:** \_\_\_\_\_

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**Response:** \_\_\_\_\_

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