



Town of Dune Acres

AMERICANS WITH DISABILITY ACT TRANSITION PLAN

August 1, 2022

**TRANSITION PLAN FOR
PUBLIC RIGHTS-OF-WAY**
Section 504 of the Rehabilitation Act
of 1973 (29 USC 794(a))
Americans with Disabilities Act (ADA)
of 1990 (42 USC 12111)

Table of Contents

1. Introduction

2. Transition Plan Development

A. ADA Coordinator

B. Grievance Procedure

C. Self-Evaluation

D. ADA Standards, Specifications and Design Details

E. Implementation

Appendix A - Complaint/Grievance Form

Appendix B – Summary of the Town of Dune Acres Inventory and Recommendations For Facilities

1. INTRODUCTION

The Americans with Disabilities Act (ADA) was enacted on July 26, 1990 and later amended effective January 1, 2009. As written and implemented, the ADA provides 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 person 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.

2. TRANSITION PLAN DEVELOPMENT

To ensure program accessibility for people with disability in the community, Dune Acres, Indiana has developed a Transition Plan, which is to be considered good practice. This Transition Plan for Public Rights-of Way considers the following:

A. ADA COORDINATOR:

Effective communication is essential to address all the complaints or concerns of all individuals. In order to keep maintaining the lines of communication open, and thereby ensuring effective communication between all parties, the Dune Acres, Indiana has designated Jeannette Bapst, Clerk-Treasurer as the ADA coordinator. The ADA Coordinator shall coordinate Dune Acres' efforts to comply with and carry out its responsibilities under Title 11 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 Town of Dune Acres shall make available to all interested individuals the name, office address, and telephone number of the employee(s) so designated

and shall adopt and publish procedures for the prompt and equitable resolution of complaints. Every complaint must be directed in writing to the ADA Coordinator.

The Town of Dune Acres ADA Coordinator contact information is:

Jeannette E. Bapst, Clerk-Treasurer, ADA/Title VI Coordinator
1 East Road
Dune Acres, IN 46304
219-787-1900
datownclerk@gmail.com

B. GRIEVANCE PROCEDURE:

The Grievance Procedure established below is intended to adhere to the standards outlined in the ADA. The procedure must be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provisions of services, activities, programs, or benefits provided by the Town of Dune Acres.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complaint and location, date, and description of the problem. Grievance Forms must be used to lodge a complaint, please make reference to Appendix A. Alternative means of filing complaints, such as personal interviews or 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 180 calendar days after the alleged violation to:

Jeannette Bapst, Clerk-Treasurer and ADA, Title VI Coordinator
1 East Road
Dune Acres, IN
datownclerk@gmail.com

Within 15 calendar days after receipt of the complaint, the ADA Coordinator or their 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 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 Dune Acres and offer options for substantive resolution of the complaint.

If the response by ADA Coordinator or his designee does not satisfactorily resolve the issue, the complainant or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the ADA Coordinator or his designee. Within 15 calendar days after receipt of the appeal, the ADA Coordinator or his designee will meet again with the complainant to discuss the appeal and possible resolutions. Within 15 calendar days after the meeting, the ADA Coordinator or his designee will respond in writing, and, where appropriate, in a format described above that accessible to the complainant, with a final resolution of the complaint. All written complaints received by the ADA Coordinator or their designee, appeals to the ADA Coordinator or their designee, and responses from ADA office will be retained by the Town of Dune Acres for at least three (3) years.

C. SELF EVALUATION

The Town of Dune Acres has conducted an inventory of curb ramps (none), walkways, and other mobility-related transitions using field visits. Some of these do not meet ADA minimum requirements. The Town of Dune Acres is committed to making all areas accessible to all pedestrians including those with disabilities to the best of the town's ability. 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 will be in compliance with the ADA, however the town has no sidewalks or curb ramps, so will not add sidewalks or curb ramps along roadways;
- Missing or non-compliant walkway areas beyond the public right-of-way that connect building and facility entrances to public streets and sidewalks may fall under other ADA guidelines. These are documented in the Appendix B self-evaluation
- Missing or non-compliant public building access and public use areas will be corrected as budget allows.

D. ADA STANDARDS SPECIFICATIONS AND DESIGN DETAILS:

The standards are intended to apply to all construction undertaken within the Town of Dune Acres Rights-of-Way and facilities. The Town of Dune Acres' standards and specifications together with the Indiana Department of Transportation design guidelines, standard drawings, and standard specifications will provide the key standards and guidelines for this plan. Other standards, if necessary, will be applied at the discretion of the ADA Coordinator.

E. IMPLEMENTATION

The Town of Dune Acres intends to implement this Transition Plan effective the date of this document and as budget allows. Not only does the Town of Dune Acres commit to following the guidelines set forth in this Transition Plan, but it also commits to actively revising and amending this document as new information is discovered. Further, as a matter of policy, this document will be updated at least every five years. A copy of this document will also be placed on the Town of Dune Acres website.

APPENDIX A: Complaint / Grievance Form

**APPENDIX B: Summary of the Inventory and
Recommendations for Rights-of-Ways, Public
Buildings and Public Use Areas**

Town of Dune Acres

Americans with Disability Act TRANSITION PLAN
Right of Way and Facility Inventory

15-Dec-20

APPENDIX B

<u>Facility Name</u>	<u>Area</u>	<u>Description</u>	<u>ADA-Compliant Features</u>	<u>ADA non-compliant</u>	<u>Modification Action</u>	<u>Estimated Mod. Cost</u>
Tennis Court	Park	4-Court Tennis Facility	Parking	no walkway/path	Paved Pathway	\$2,000
Playground	Park	Playground	Parking, ADA Swing, ADA Picnic Table	no walkway/path	Paved Pathways	\$12,000
Ice Skating Rink	Town Hall	Winter Skating Rink	Parking	stairs only	Paved Pathway	\$3,000
				soft surfact only	Ramp to Rink	\$3,000
				no restroom access	Outdoor Portable Toilet (annual)	\$500
Town Hall	Town Hall	Town Hall and Clerk's Office	Parking	no dooway access	Doorway Entrance Access	\$10,000
				no restroom access	Restroom	\$12,000
East Beach	Beach	Main Town Beach	walking mat from parking to beach	no ADA parking	ADA Parking	\$100
				no mobility devices	Beach Wheelchair	\$3,000
Ridge Beach	Beach	Secondary town Beach	none	no walkway/path	Plastic Pathway	\$10,000
				no mobility devices	Beach Wheelchair	\$3,000
Security Office	Gatehouse	Security Office	none	steps only	Ramp to Building	\$5,000
				no dooway access	Doorway Entrance Access	\$10,000
				no restroom access	Restroom	\$15,000
Clubhouse	Clubhouse	Community Center	parking, access ramp, compliant doorwav. stair lift to second floor Viewing Deck	no restroom access	Restroom	\$20,000
Pedestrian Walkways	Roads	Roadways are sidewalks	no ramps	no access to patio	Ramp, pathway	\$3,000
Beach Viewing Deck	Beach Drive	Beach Deck	ADA parking and full access	steep hills throughout	none	

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 Dune Acres. The Town of Dune Acres' ADA 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 complaint, such as personal interviews or a tape recording of the complaint will be made available for person 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:

Jeannette Bapst, Clerk-Treasurer, ADA Coordinator
1 East Road
Dune Acres, IN 46304

Within 15 calendar days after receipt of the complaint, Jeannette Bapst or her designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting Jeannette Bapst 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 Town of Dune Acres and offer options for substantive resolution of the complaint.

If the response by Jeannette Bapst or her designee does not satisfactorily resolve the issue, the complainant and/or her designee may appeal the decision within 15 calendar days after receipt of the response to the Mayor or her designee.

Within 15 calendar days after receipt of the appeal, the Town Council or their designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the Town Council 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 complaint received by Jeannette Bapst or her designee. Appeals to the Town Council or their designee, and responses from these two offices will be retained by the Town of Dune Acres for at least three years.