

# Americans with Disabilities Act

## Lee County Transition Plan Transportation Portion



Lee County Commission  
July 2016

## **SECTION 1 - ADA Transition Plan**

### **1. A. - Americans with Disabilities Act**

On January 26, 1990, the Americans with Disabilities Act (ADA) was enacted as federal law. The legislation prescribes steps for eliminating barriers for individuals with disabilities in access to jobs, public accommodations, governmental services and programs, public transportation, and telecommunications. Lee County is committed to complying with all federal and state laws protecting persons with disabilities. The ADA is divided into five major areas as outlined below:

**EMPLOYMENT (Title I)** - This title covers all aspects of employment. It directly prohibits discriminating against persons with disabilities in application, hiring, advancement, training, compensation or discipline. All government entities should have already been in compliance with these regulations through Section 504 of the 1973 Vocation Rehabilitation Act.

**PUBLIC SERVICE & TRANSPORTATION (TITLE II)** - This title of the ADA prohibits discrimination to disabled persons in programs, services and activities of the state and local government. This includes the provision of making such services accessible through "barrier free" public facilities. This title requires state and local governments to adopt a transition plan identifying structural barriers and the changes necessary for their alteration or removal.

**PUBLIC ACCOMMODATIONS (Title III)** - This title is concerned with the provision of access to any public accommodation provided at a privately funded and operated facility.

**TELECOMMUNICATIONS (Title IV)** - This title requires telephone companies to provide voice transmission relay services for speech impaired persons and to increase the availability of telecommunication devices for the deaf (TDD). This title also requires any public service messages on television to be closed-captioned for the hearing impaired.

**OTHER PROVISIONS (TITLE V)** - This title includes miscellaneous provisions such as construction standards, attorney's fees and technical assistance.

Title II of the ADA requires all public entities with 50 or more employees to perform a self-evaluation of all programs, services, facilities, and public right-of-way and ensure these services and activities are accessible to people with disabilities. In addition, it requires the county to prepare a transition plan, provide the public a notice of non-discrimination, designate an ADA Coordinator, and develop formal complaint and grievance procedures. The Americans with Disabilities Act (ADA) Transition Plan is Lee County's commitment to providing equal access to all of its public facilities, services, and programs for citizens with disabilities. As part of this plan, Lee County has undertaken a comprehensive evaluation of its facilities and programs to determine what barriers exist for individuals with disabilities. Lee County will strive to accomplish the following goals in the transition plan:

- Perform self-evaluation of its public right-of-ways to ensure accessibility for individuals with disabilities.

- Identify physical barriers in county buildings and facilities to ensure accessibility for individuals with disabilities.
- Develop potential improvements that will provide better accessibility for individuals with disabilities.
- Develop a schedule and overall plan for implementation of improvements for those facilities and infrastructure.
- Comply with ADA standards for all new construction projects.
- Provide individuals with disabilities an avenue to communicate access issues regarding county facilities and infrastructure.

### **1. B. - TITLE II Transition Plan - Transportation Portion**

Lee County is committed to progressively removing physical barriers and providing accessibility to pedestrian facilities within the County's right-of-way. Realizing that any type infrastructure improvement takes time and money, Lee County's Transportation Transition plan will give priority to facilities by considering factors such as population density, overall safety assessment of the facility, improvements that provide the most impact, and availability of funding. These factors will help prioritize the facilities that require improvements. It is Lee County's goal to be fully compliant to the Americans with Disabilities Act (ADA). Outlined below are elements necessary to provide the transportation portion of Lee County's ADA Transition Plan. The remaining portions of the Lee County Transition Plan are currently under development. Should there be any questions regarding any portion of the Lee County ADA Transition Plan, please submit those questions to the Lee County ADA coordinator.

### **1. C. - Public Comment and Adoption.**

The Lee County Commission has made this Plan available to interested citizens and interest groups for review and comment. The Plan was available for review and comment for the period between July 1<sup>st</sup>, 2016 and July 14<sup>th</sup>, 2016. Notice of the availability for public comment was provided via a listing on the county's web site, [www.leeco.us](http://www.leeco.us); at the Lee County Highway Department; the Lee County Courthouse and in the Opelika-Auburn News. A copy of all notices and a list of comments received are included with this plan as Attachment C.

### **1. D. - ADA Coordinator**

The Lee County Commission employee responsible for compliance with this Transition Plan is Wendy Swann, Governmental Relations Coordinator/ADA Compliance Coordinator, 215 S. 9<sup>th</sup> Street, Opelika, AL, 334-737-3674, [wswann@leeco.us](mailto:wswann@leeco.us).

### **1. E. – Request for ADA Compliance Upgrade/Grievance Procedure.**

Requests and complaints received regarding the installation or improvements to curb ramps or this transition plan shall follow the grievance procedure defined by the Lee County Commission's 2016 Transition Plan. A copy of the procedure is attached as Attachment A.

### **1. F. – Self-evaluation and Recommendations**

See Attachment B

### **1. G. - Regulation Amendments**

Adjustments will be made to the *Lee County Subdivision Regulations* to ensure compliance with the curb ramp design standards established by the ADA. These amendments will address the requirements of the ADA by:

1. As necessary requiring installation of curb ramps with new construction funded by Lee County
2. As necessary requiring installation of curb ramps, per ADA standards, in each new private commercial development and subdivision.

## **SECTION 2 - Attachments**

### **Attachment A. - Grievance Procedure.**

The Lee County Commission has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the U.S. Department of Justice regulations implementing Title II of the Americans with Disabilities Act. Title II states, in part, that "no otherwise qualified disabled individual shall, solely by reason of such disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination" in programs or activities sponsored by a public entity.

Complaints should be addressed to: Wendy Swann, Governmental Relations Coordinator, Lee County Commission, 215 S 9<sup>th</sup> Street, Opelika, 36801, who has been designated to coordinate ADA compliance efforts.

1. Any citizen who has a complaint or request regarding non-compliance with ADA may file a written complaint. The complaint should contain the name, contact information, and a brief description of the alleged non-compliance. Please see attached grievance form.
2. Should accommodations be necessary in filing the complaint or other steps in this procedure, an appointment with the ADA Coordinator may be made along with a request of the accommodation necessary to file the complaint.
3. An investigation, as may be appropriate, shall follow a filing of complaint. The investigation shall be conducted by the Building Maintenance Supervisor or Assistant County Engineer. These rules contemplate informal but thorough investigation, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.
4. A written determination as to the validity of the complaint and a description of the resolution, if any, shall be issued by the Building Maintenance Supervisor or Assistant County Engineer and a copy forwarded to the complainant no later than 15 days after its filing.
5. The ADA Coordinator shall maintain the files and records of the Lee County Commission of Prattville relating to the complaints filed.
6. The complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the resolution. The request for reconsideration shall be submitted in writing to the Lee County ADA Appeals Board within 30 calendar days of the written determination. The Lee County ADA Appeals Board shall consist of the Lee County Commission Chairman and the Lee County Engineer. All correspondence to the ADA Appeals Board shall be submitted to:

Lee County ADA Appeals Board  
100 Orr Avenue  
Opelika, AL 36801

Within 30 days after the receipt of the petition for reconsideration, the ADA Appeals Board will meet with the complainant to discuss the issue and possible solution. The ADA Appeals Board will respond in writing with a final resolution for the complaint.

7. The right of a person to prompt an equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as filing of an ADA complaint with the responsible federal department or agency. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies.
8. These rules shall be construed to protect the substantive rights of interested persons to meet appropriate due process standards, and to assure that the Lee County Commission complies with the ADA and implementing regulations.



## Lee County ADA Grievance Form

Name:			
Address:			
Contact Numbers:	Home:	Work:	Cell:
E-mail Address:			
<p><b>Reason for grievance/complaint, or why you feel you have been discriminated against. 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. Use a separate sheet if more space is needed.</b></p>			
<p><b>State if you require an alternative form for any written follow-up communications:</b> ex: Would like an in-person meeting for follow-up.</p>			
Signature:			Date:

If you have any questions about this form, need accommodation, or a different format, please contact the Lee County ADA Coordinator at (334) 737-3674 or send an e-mail to [wswann@leeco.us](mailto:wswann@leeco.us).

**Attachment B**  
**Self Evaluation and Recommendations**

<b>Street Name with Sidewalk</b>	<b>From</b>	<b>To</b>	<b>Are the existing sidewalks ADA compliant?</b>	<b>Are the existing curb ramps ADA compliant?</b>	<b>Are existing crosswalk(s) ADA compliant?</b>	<b>Location of Existing Pedestrian Signal(s)?</b>	<b>Please describe ADA compliance issues.</b>	<b>Owner of the pedestrian facility</b>	<b>Priority</b>	<b>Estimated Cost</b>
Lee Road 2192	Lee Road 177	Cul-de-sac	N/A	N	N/A	N/A	Gutter slope, cross slope, ramp run slopes are non compliant and no detectable warnings are present.	Lee County	Medium	\$6,000.00
Lee Road 2193	Lee Road 2192	Cul-de-sac	N/A	N	N/A	N/A	Gutter slope, cross slope, ramp run slopes are non compliant and no detectable warnings are present.	Lee County	Medium	\$4,000.00

Note: Lee County has solicited an agreement from a contractor to reconstruct the non-compliant curb ramps on Lee Roads 2192 and 2193. Unless a structural impracticability exists, all alterations will meet ADA compliance.

### **Attachment C. Public Notice and Public Comments**

The Lee County Commission has completed a draft ADA Transportation Transition Plan. The plan evaluates existing sidewalks, pedestrian facilities, and curb ramps located within Lee County's Right of Way. The County is soliciting public comment on the proposed Transportation Transition Plan to consider by the Lee County Commission. A copy of the draft plan may be reviewed and downloaded at [www.leeco.us](http://www.leeco.us). Copies of the draft plan may also be obtained at the Lee County Highway Department located at 100 Orr Avenue, Opelika AL 36801, (334) 737-1100. The County will provide its ADA Transition Plan in an alternate format if necessary to accommodate a disability. Comments and suggestions should be submitted no later than July 14<sup>th</sup>, 2016 to Wendy Swann, Lee County ADA Coordinator, 215 S 9<sup>th</sup> Street, Opelika, AL 36801 or via email at [wswann@leeco.us](mailto:wswann@leeco.us) or phone at (334)737-3674.

No comments were received during the comment period.