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MEMO

TO: Dee F. Bruemmer  
County Administrator

FROM: Jon Burgstrum  
County Engineer

SUBJ: Scott County ADA Transition Plan

DATE: May 9, 2013

A resolution approving the ADA Transition plan prepared by Scott County Secondary Road Department. The Americans with Disabilities Act requires municipalities to develop a plan to correct deficiencies in their systems and to be in compliance with ADA requirements.

ADA requirements will affect some county subdivision sidewalks. We have inventoried and have developed a transition plan to correct the issues and meet ADA requirements.

# **Pedestrian Access Route Transition Plan**

Scott County Secondary Road Department, Iowa

May 9, 2013

## **Overview**

The goal of the Americans with Disabilities Act (ADA) Transition Plan is to ensure that Municipalities create accessible paths of travel in the public right-of-way for people with disabilities. The Scott County Secondary Road Department has evaluated the pedestrian circulation paths for pedestrian accessible route features within the Scott County right-of-way as required by the Americans with Disabilities Act (ADA) and its implementing regulations (28 CFR 35) and Section 504 (49 CFR 27). The evaluation included, but was not limited to, sidewalks, curbs, curb ramps, the portion of the street surface in the crosswalk area, pedestrian signals, and elevators or lifts provided in the public right-of-way and was based on the requirements in Chapter 12 of the Iowa Department of Transportation (Iowa DOT) Design Manual, Revised Date 12-10-10.

On the basis of this information this transition plan outlines the steps that the Scott County Secondary Road Department will take to provide new, or upgrade existing, pedestrian access route features as required by the ADA and its implementing regulations. The pedestrian access route features will be constructed or reconstructed to meet the requirements in Chapter 12 of the Iowa DOT Design Manual, effective at the time of letting or at the time of construction if using County forces.

## **Inventory**

This inventory is based on our evaluation of all locations where no curb ramps are provided at the intersection of existing sidewalks and public streets; where non-compliant curb ramps, sidewalks, and other features exist; and where existing features are in poor condition. Features may include, but are not limited to, sidewalks, curbs, curb ramps, the portion of the street surface in the crosswalk area, pedestrian signals, and elevators or lifts provided in the public right-of-way. The evaluation was completed in April of 2013 and will be updated every year. See Exhibit 1.

## **Priorities**

Curb ramps, sidewalks, and other features will be installed or reinstalled in the locations identified on the Pedestrian Access Route Inventory according to the following priorities:

1. Places of public accommodation (central business district, public recreation areas, etc.)
2. Residential areas

## **Funding**

### **Curb Ramp Program:**

The Secondary Road Department will budget up to \$50,000 annually for its Curb Ramp Program from the Secondary Road Fund for ADA specific projects as defined in this transition plan.

### **Other Projects:**

Features to the pedestrian access route may be installed as a part of projects that involve new construction, reconstruction, alterations, or maintenance to roadway or pedestrian facilities in the public right-of-way. These pedestrian access route features may be constructed at the time of the roadway or pedestrian project, even if they are identified as a lower priority in this transition plan. The cost of this work will be paid for using funds allocated for the roadway or pedestrian project.

## **Implementation Plan and Schedule**

The Secondary Road Department will implement this transition plan based on the number of pedestrian access route features identified in the Pedestrian Access Route Inventory, the estimated cost of those features, and the funding levels identified above. The following implementation strategy will be used:

### Priority 1

Number of locations: 0

Estimated number of locations constructed per year: 0

Construction season targeted for completion: N/A

### Priority 2

Number of locations: 14

Estimated number of locations constructed per year: 2

Construction season targeted for completion: 2020

These estimates are subject to change.

## **Responsible Parties**

The Scott County Engineer is responsible for the implementation of this transition plan.

The Scott County Human Resources Director is responsible for ADA and Section 504 compliance.

## **Complaint Procedures**

The attached complaint procedure will be followed to provide citizens the ability to file a complaint to the county for alleged ADA and Section 504 discrimination. See Exhibit 2.

# Pedestrian Access Route Inventory

## Exhibit 1

Scott County Secondary Road Department, Iowa

Date of Inventory: April 15, 2013

Subdivision	Intersection	Type of Improvement Needed	Date Completed
<b>Parkview</b>	<b>Dexter Blvd &amp; Parkview Dr.</b>	<b>Curb Ramps</b>	
	<b>N. &amp; S. Kuehl Ct &amp; Parkview Dr.</b>	<b>Curb Ramps</b>	
	<b>Douglas Way &amp; Parkview Dr.</b>	<b>Curb Ramps</b>	
	<b>Bradley Ct. &amp; Douglas Way</b>	<b>Curb Ramps</b>	
	<b>Jacob Dr. &amp; Parkview Dr.</b>	<b>Curb Ramps</b>	
	<b>Dawn Ct. &amp; Parkview Dr.</b>	<b>Curb Ramps</b>	
	<b>S. Jacob Dr. &amp; Nicholas Ct.</b>	<b>Curb Ramps</b>	
	<b>Nicholas Ct. &amp; Jacob Ct.</b>	<b>Curb Ramps</b>	
	<b>Lynnea Ct .&amp; Nicholas Dr.</b>	<b>Curb Ramps</b>	
<b>Stoney Creek I</b>	<b>252<sup>nd</sup> Ave.</b>	<b>Curb Ramps</b>	
<b>Stoney Creek II</b>	<b>251<sup>st</sup> Ave.</b>	<b>Curb Ramps</b>	
<b>Stoney Creek</b>	<b>250<sup>th</sup> Ave. &amp; 189<sup>th</sup> ST.</b>	<b>Curb Ramps</b>	
	<b>251<sup>st</sup> Ave. &amp; 189<sup>th</sup> ST.</b>	<b>Curb Ramps</b>	
<b>Ven Woods</b>	<b>245<sup>th</sup> Ave. &amp; 247<sup>th</sup> Ave.</b>	<b>Curb Ramps</b>	

# Discrimination Complaint Procedures

## Exhibit 2

### Allegations of discrimination in federally assisted programs or activities

The Local Public Agency (Scott County) adopts the following ADA discrimination complaint procedures for complaints relating to transportation-related programs or activities.

**1. Filing a discrimination complaint:** Any person who believes that they, or any class of individuals, or in connection with any disadvantaged business enterprise (DBE), has been or is being subjected to discrimination prohibited by the Civil Rights Act of 1964, the American with Disabilities Act of 1990, Section 504 of the Vocational Rehabilitation Act of 1973, and Civil Rights Restoration Act of 1987, as amended, has the right to file a complaint.

Any individual wishing to file a discrimination complaint must be given the option to file the complaint with the LPA, or directly with the Iowa DOT, FHWA, USDOT, and U.S. Department of Justice (USDOJ). Complaints may be filed with all agencies simultaneously.

No individual or agency shall refuse service, discharge, or retaliate in any manner against any persons because that individual has filed a discrimination complaint, instituted any proceeding related to a discrimination complaint, testified, or is about to testify, in any proceeding or investigation related to a discrimination complaint, or has provided information or assisted in an investigation.

**2. Complaint filing time-frame:** A discrimination complaint must be filed within 180 calendar days of either:

- (a) The alleged act of discrimination,
- (b) Date when the person(s) became aware of the alleged discrimination, or
- (c) Date on which the conduct was discontinued, if there has been a continuing course of conduct.

The LPA or their designee may extend the time for filing or waive the time limit in the interest of justice, specifying in writing the reason for so doing.

**3. Contents of a complaint:** A discrimination complaint must be written. The document must contain the following information:

- a) The complainant's name and address, or other means by which the complainant may be contacted.
- b) Identification of individual(s) or organization(s) responsible for the alleged discrimination.
- c) A description of the complainant's allegations, which must include enough detail to determine if the LPA has jurisdiction over the complaint and if the complaint was filed timely.
- d) Specific prohibited bases of alleged discrimination (i.e., disability, race, color or gender, etc.).
- e) Apparent merit of the complaint.
- f) The complainant's signature or signature of their authorized representative.

In the event that a person makes a verbal complaint of discrimination to an officer or employee of the LPA, the complainant shall be interviewed by the LPA's ADA coordinator. If necessary, the LPA's ADA coordinator will assist the complainant in reducing the complaint to writing and then submit the written version of the complaint to the person for signature.

**4. Complaints against the LPA:** Any complaints received against the LPA should immediately be forwarded to the Iowa DOT for investigation. The LPA shall not investigate any complaint in which it has been named in the complaint. The contact information for the Iowa DOT ADA Program Coordinator is:

Iowa Department of Transportation

Office of Employee Services - Civil Rights  
800 Lincoln Way Ames, Iowa 50010 (515) 239-1422  
(515) 817-6502 (fax)

**5. Notice of Receipt:** All complaints shall be referred to the LPA's ADA coordinator for review and action. Within 10 days of receipt of the discrimination complaint, the LPA's ADA coordinator shall issue an initial written Notice of Receipt that:

- a) Acknowledges receipt of the discrimination complaint.
- b) Advises the complainant of their right to seek representation by an attorney or other individual of their choice in the discrimination complaint process
- c) Contains a list of each issue raised in the discrimination complaint.
- d) Advises the complainant of the time-frames for processing the discrimination complaint and providing a determination.
- e) Advises the complainant of other avenues of redress of their complaint, including the Iowa DOT, FHWA, USDOT and USDOJ.

**6. Notification to the Iowa DOT of a complaint:** The LPA shall advise the Iowa DOT ADA Program Coordinator within 10 business days of receipt of the complaint. Generally, the following information will be included in every notification to the Iowa DOT.

- a) Name, address and phone number of the complainant
- b) Name(s) and address(es) of alleged discriminating official(s)
- c) Basis of complaint (i.e., race, color, national origin or gender)
- d) Date of alleged discriminatory act(s)
- e) Date of complaint received by the LPA
- f) A statement of the complaint
- g) Other agencies (state, local or federal) where the complaint has been filed
- h) An explanation of the actions the LPA has taken or proposed to resolve the issue identified in the complaint.

**7. Processing a complaint and time-frame:** The total time allowed for processing the discrimination complaint is 90 calendar days from the date the complaint was filed. There is no extension available at this level. This time-frame includes 60 calendar days at the LPA level and 30 days for review at the state level, if needed.

If the complainant elects to file a complaint with both the LPA and IowaDOT, the complainant shall be informed that the LPA has 90 calendar days to process the discrimination complaint and the Iowa DOT shall not investigate the complaint until the 90 calendar-day period has expired.

Immediately after issuance of the Notice of Receipt to the complainant (step 5), the LPA's ADA coordinator shall either begin the fact-finding or investigation of the discrimination complaint, or arrange to have an investigation conducted.

Based on the information obtained during that investigation, the LPA's ADA coordinator shall render a recommendation for action in a Report of Findings to the head of the LPA.

**8. Alternative dispute resolution/mediation process:** The complainant must be given an invitation to participate in mediation to resolve the complaint by informal means. The LPA's ADA coordinator shall include an invitation to mediation with the Notice of Receipt, offering the opportunity to use the alternative dispute resolution/mediation process.

If the complaint selects mediation, it allows disputes to be resolved in a less adversarial manner. With mediation, a neutral party assists two opposing parties in a dispute come to an agreement to resolve their

issue. The mediator does not function as a judge or arbiter, but simply helps the parties resolve the dispute themselves.

Upon receiving a request to mediate, the LPA's ADA coordinator shall identify or designate a mediator who must be a neutral and impartial third party. The mediator must be a person acceptable to all parties and who will assist the parties in resolving their disputes.

If the complainant chooses to participate in mediation, they or their designee must respond in writing within 10 calendar days of the date of the invitation. This written acceptance must be dated and signed by the complainant and must also include the relief sought.

After mediation is arranged, a written confirmation identifying the date, time, and location of the mediation conference shall be sent to both parties. If possible, the mediation process should be completed within 30 calendar days of receipt of the discrimination complaint. This will assist in keeping within the 90 calendar-day timeframe of the written Notice of Final Action if the mediation is not successful.

If resolution is reached under mediation, the agreement shall be in writing. A copy of the signed agreement shall be sent to the Iowa DOT ADA Program Coordinator. If an agreement is reached, but a party to it believes their agreement has been breached, the non-breaching party may file another complaint. If the parties do not reach resolution under mediation, the LPA's ADA coordinator shall continue with the investigation.

**9. Notice of Final Action:** A written Notice of Final Action shall be provided to the complainant within 60 days of the date the discrimination complaint was filed. It shall contain:

- a) A statement regarding the disposition of each issue identified in the discrimination complaint and reason for the determination.
- b) A copy of the mediation agreement, if the discrimination complaint was resolved by mediation.
- c) A notice that the complainant has the right to file a complaint with the Iowa DOT, FHWA, USDOT or USDOJ within 30 calendar days after the Notice of Final Action, if they are dissatisfied with the final action on the discrimination complaint.

The LPA's ADA coordinator shall provide the Iowa DOT ADA Program Coordinator with a copy of this decision, as well as a summary of findings upon completion of the investigation. Should deficiencies be noted in the implementation of these discrimination complaint procedures by the LPA, the Iowa DOT ADA Program Coordinator will work in conjunction with the LPA's ADA coordinator to review the information and/or provide technical assistance in the discrimination complaint process, mediation process, and/or investigation.

**10. Corrective action:** If discrimination is found through the process of a complaint investigation, the respondent shall be requested to voluntarily comply with corrective action(s) or a conciliation agreement to correct the discrimination.

**11. Confidentiality:** LPA and Iowa DOT ADA Program Coordinators are required to keep the following information confidential to the maximum extent possible, consistent with applicable law and fair determination of the discrimination complaint.

- a) The fact that the discrimination complaint has been filed.
- b) The identity of the complainant(s).
- c) The identity of individual respondents to the allegations.
- d) The identity

**12. Record keeping:** The LPA's ADA coordinator shall maintain a log of complaints filed that alleged discrimination. The log must include:

- a) The name and address of the complainant.
- b) Basis of discrimination complaint.
- c) Description of complaint.
- d) Date filed.
- e) Disposition and date.
- f) Any other pertinent information.

All records regarding discrimination complaints and actions taken on discrimination complaints must be maintained for a period of not less than 3 years from the final date of resolution of the complaint



THE COUNTY AUDITOR'S SIGNATURE CERTIFIES THAT  
THIS RESOLUTION HAS BEEN FORMALLY APPROVED BY  
THE BOARD OF SUPERVISORS ON \_\_\_\_\_  
DATE

\_\_\_\_\_  
SCOTT COUNTY AUDITOR

R E S O L U T I O N

SCOTT COUNTY BOARD OF SUPERVISORS

May 09, 2013

APPROVAL OF THE PEDESTRIAN ACCESS ROUTE TRANSITION PLAN FOR  
SECONDARY ROADS.

BE IT RESOLVED by the Scott County Board of Supervisors as  
follows:

Section 1. That the request for a Scott County Pedestrian  
Access Route Transition Plan to meet ADA requirements be approved.

Section 2. That this resolution shall take effect  
immediately.