

**Americans
with
Disabilities
Act (ADA)
Public Road
Right-of-
Way
Transition
Plan**

**For Pedestrian Facilities on the County Roads of
Montgomery County, Ohio**

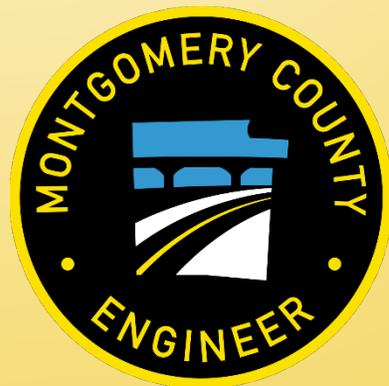


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INTRODUCTION

The purpose of this document is to provide an Americans with Disabilities Act (ADA) Transition Plan for the public road right of way under the jurisdiction of the Board of County Commissioners of Montgomery County, Ohio, as administered by the Montgomery County Engineer's Office. The Montgomery County Engineer's Office has developed this Transition Plan to identify deficiencies in the public road right-of-way and to provide guidance for the construction and design of accessible facilities that are compliant with ADA requirements.

It is intended for this Transition Plan to be a living document, updated regularly, to track progress towards compliance.

BACKGROUND

The Americans with Disabilities Act (ADA) is a civil rights law prohibiting discrimination against individuals on the basis of disability. It was enacted on July 26, 1990 and was amended in 2008 with the ADA Amendments Act.

The ADA has five titles:

- I. Employment
- II. State & Local Government
- III. Public Accommodations and Commercial Facilities
- IV. Telecommunications
- V. Miscellaneous Provisions

This document focuses on Title II of the ADA. Title II of ADA is companion legislation to two previous federal statutes and regulations: the Architectural Barriers Act (ABA) of 1968 and Section 504 of the Rehabilitation Act of 1973.

The Architectural Barriers Act of 1968 is a federal law that requires facilities designed, built, altered, or leased with Federal funds to be accessible. The Architectural Barriers Act marks one of the first efforts to ensure access to the built environment.

Section 504 of the Rehabilitation Act of 1973 is a federal law that protects qualified individuals from discrimination based on their disability. The nondiscrimination requirements of the law apply to employers and organizations that receive financial assistance from any Federal department or agency. Title II of ADA extended this coverage to all state and local government entities, regardless of whether they receive federal funding or not.

THE ADA TRANSITION PLAN

ADA Plan Elements & Requirements

Title II of the ADA identifies specific steps for meeting the requirements with regards to the accessibility of facilities in the public road right-of-way, that state and local governments must follow to comply with the ADA. These include:

1. Must designate at least one responsible employee to coordinate ADA compliance (28 CFR Sec. 35.107(a)). (See Appendix A). This person is referred to as the **ADA Coordinator**. The public entity must provide the ADA Coordinator's name, office address, and telephone number to all interested individuals (28 CFR Sec. 35.107(a)).
2. Preparing a **Self-Evaluation** of programs, services and activities that may not be accessible to persons with disabilities.
3. Developing a **Transition Plan** to provide for the elimination of barriers for disabled persons to access these programs, services, and activities. May not provide services or benefits to individuals with disabilities through programs that are separate or different unless the separate or different measures are necessary to ensure that benefits and services are equally effective (28 CFR Sec. 35.130(b)(iv) & (d)). Must make reasonable modifications in policies, practices and procedures that deny equal access to individuals with disabilities unless a fundamental alteration in the program would result (28 CFR Sec. 35.130(b)(7)). (See Montgomery County Engineer's Office Capital Improvement Plan, Appendix B).
4. Establishing a **Grievance Procedure** to respond to complaints regarding accessibility. Public entities must adopt and publish grievance procedures providing for prompt and equitable resolution of complaints (28 CFR Sec. 35.107(b)). This requirement provides for a timely resolution of all problems or conflicts related to ADA compliance before they escalate to litigation and/or the federal complaint process. (Appendix C).
5. Must provide a **Notification of ADA Compliance** (Appendix D). All public entities, regardless of size, must provide information about the rights and protections of Title II to applicants, participants, beneficiaries, employees, and other interested persons (28 CFR Sec. 35.106). The notice must include the identification of the employee serving as the ADA Coordinator and must provide this information on an ongoing basis (28 CFR Sec. 104.8(a)).
6. Providing an **Opportunity** for interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the development of the Transition Plan by submitting comments and making specific recommendations. May not refuse to allow a person with a disability to participate in a service, program, or activity simply because the person has a disability (28 CFR Sec. 35.130 (a)). Must operate their programs so that, when viewed in their entirety, the programs are accessible to and useable by individuals with disabilities (28 CFR Sec. 35.150). Must take appropriate steps to ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others (29 CFR Sec. 35.160(a)).

Finally, **public entities that have responsibility over roads or walkways** are required to include a schedule for providing curb ramps or other sloped areas where pedestrian walks cross curbs. Priority must be given to walkways serving entities covered by the Act, including State and local government offices and facilities, transportation, places of public accommodation, and employers, followed by walkways serving other areas (28 CFR 35.150(d)(2)).

The County Road System and Certain Bridges Under the Jurisdiction of Board of County Commissioners

The Ohio Revised Code designates four major types of roads: (1) State Highways, (2) County Roads, (3) Township Roads, and (4) Municipal Streets.

The County Road System

The County Road System includes all roads, including the bridges on these roads, that are established as part of the county system of roads pursuant to ORC 5541.01 to 5541.02. These roads connect with a state highway, connect with another county road, or connect a village or center of population to a county or state highway. The system is determined by the Board of County Commissioners and is designated on a map prepared by the County Engineer. Mileage for the system is submitted annually to the Director of ODOT, who must certify that all portions of the county road system connect with either a state or intercounty highway, or another county road.

The County Engineer is the engineer for all roadway public improvements under the authority of the Board of County Commissioners and is charged with the duty to construct, reconstruct, improve, and maintain county roads. ORC § 5543.01.

The County Road System of Montgomery County contains approximately 312 miles of county roadway. All County Roads are located within the unincorporated jurisdictions of Montgomery County (e.g., Townships). Many of these roads were established in the 1800's, have low-volumes of traffic, and are located in agricultural areas with no existing pedestrian facilities.

Certain Bridges Under the Board's Jurisdiction

In addition to the bridges located on roads within the County Road System, the Board of County Commissioners of Montgomery County has the duty to construct and repair certain bridges that *are not* on county roads:

- **Bridges on Township Roads:** O.R.C. Section 5591.21 provides that a board of county commissioners has a duty to construct and keep in repair all necessary bridges over streams and public canals on the improved roads of a township.
- **Certain Bridges within Cities:** O.R.C. § 5591.02 provides that a board of county commissioners shall construct and keep in repair all necessary bridges in municipal corporations on all improved roads that are of general and public utility, running into or through the municipal corporations, and that are not on state highways.

All total, the Montgomery County Engineer's Office is responsible for 525 bridges within the County.

ADA COORDINATOR

In accordance with Title II of the ADA, the Montgomery County Engineer's Office has designated a staff member as the ADA Coordinator. This individual is responsible for implementing and monitoring progress, ensuring compliance, and managing updates to this document. ([Appendix A](#)). Information of the ADA coordinator is also available at the Montgomery County Engineer's Office webpage available at www.mcoho.org. If internet access is unavailable, the current ADA coordinator may also be contacted at (937) 225-4904, or via a letter addressed at Attn: ADA Coordinator, Montgomery County Engineer's Office, 8th Floor County Administration Building, 451 West Third Street, Dayton, Ohio 45422.

Personnel Training

The Montgomery County Engineer's Office provides access to ADA training to ensure compliance with ADA requirements. The ADA Coordinator will identify resources and opportunities for our employees at various levels to receive ADA-related training appropriate to their job functions.

SELF- EVALUATION

Previous Practices

Since the adoption of the ADA, the Montgomery County Engineer's Office has undertaken to provide accessible pedestrian features as part of the County's capital improvement projects.

Some notable examples include:

- **The North Dixie Drive Improvement Program:** North Dixie is a County Road and is classified as a Minor Arterial Road. Planning for this project began in 1998, and at that time, the road contained little sidewalk and virtually no curb ramps. The Project was constructed in stages for the next 21 years. Besides widening the road to accommodate left turn lanes, ADA compliant sidewalks and curb ramps were installed along the entirety of the project. The Engineer's Office coordinated with the Greater Dayton Regional Transportation Authority to ensure that all bus stops located within the corridor were ADA compliant. In 2022, the Engineer's Office will resurface a large section of North Dixie Drive and the curb ramps in this section will be reconstructed to comply with current ADA standards.
- **The McEwen Road Bridge Rehabilitation Project:** The McEwen Road Bridge is located on a township road and is adjacent to residential, recreational, and shopping areas. The project involved the rehabilitation of the bridge as well as the installation of a raised sidewalk with parapet railing on the west side to connect to existing pedestrian facilities.
- **The Harshman Road Bridge Improvement Project:** The Harshman Road Bridge is a bridge located within a municipal corporation (Dayton) and is on a road determined to be of general and public utility. In coordination with Five Rivers Metroparks, this Project involved the installation of an ADA compliant Shared Use Path, which connected the entrances of Eastwood Park and Eastwood Lake and added a connection to the Mad River Trail bikeway.

- **The Lyons Road Bridge Replacement Project:** The Lyons Road Bridge is located on a township road that is classified as an Urban Minor Arterial Road. The new bridge was built with ADA compliant sidewalk on both sides to connect to pre-existing sidewalk.
- **The Whipp Road Bridge Replacement Project:** The Whipp Road Bridge is located on a County Road that is classified as a Major Collector. This project involved the replacement of the existing structurally deficient bridge and included the addition of curb ramp improvements at the intersection of Seton Hill Drive and Whipp Road. The project also included the installation of sidewalk from the intersection to Dr. John Hole Elementary School.
- **The Austin Boulevard Improvement Project:** Austin Boulevard is a County Road and classified as a Minor Arterial Road. The Austin Boulevard Improvement Project involved a road widening, along with the construction of shared use paths, sidewalks, and ADA compliant intersection improvements at both Austin Blvd and Washington Church Road and Austin Blvd and Yankee Street.
- **Traffic Signal Projects:** The Montgomery County Engineer’s Office has a long-standing practice of including ADA compliant ramp construction and/or rehabilitation at intersections on all traffic signal replacement or rehabilitation projects.

Inventory- Pedestrian Facilities Within the County Road System

As part of the self-evaluation process, the Montgomery County Engineer’s Office has conducted an inventory and evaluation to identify obstacles and barriers in the existing pedestrian infrastructure that limit accessibility to individuals with disabilities. Curb ramps, pedestrian accommodations at traffic signals, sidewalk, and shared-use paths were evaluated to identify any obstacles or barriers that may need to be addressed. The inventory only includes the facilities on roads and bridges under the jurisdiction of the Board of County Commissioners of Montgomery County and the Montgomery County Engineer.

The Inventory

- 609 curb ramps
- Approximately 36 miles of sidewalk
- Approximately 6 miles of shared use paths
- 55 traffic control signals

The Inventory is constantly changing. For instance, each year, projects with ADA compliant pedestrian facilities are completed, new sidewalks and shared use paths are installed and added to the current inventory, or non-compliant facilities are brought into compliance.

Curb Ramps

The Montgomery County Engineer’s Office has collected extensive field data for all curb ramps located on the County Road System. This study has revealed that over 40% of the curb ramps under the jurisdiction of the Engineer are currently ADA compliant.

Curb ramps were evaluated using an assigned level of prioritization (low, moderate, or high) based on a quantitative methodology that factors in the curb ramp's physical condition and its proximity to pedestrian generators. This field data includes:

- Identifying whether a ramp exists.
- Identification of each existing curb ramp, including information on cross slopes, running slopes, ramp flare slopes, ramp and top landing widths, and the presence of truncated domes.
- Ramp location data consisting of information related to the proximity of the ramps to transit stops, schools, public building facilities, senior living facilities and parks.

Existing Sidewalk and Shared Use Paths

A field analysis shows that the Engineer's Office maintains approximately 36 miles of sidewalk and 6.0 miles of shared use trails along the County Road System. All sidewalk and shared use path locations have been inventoried and physical sidewalk characteristics have been identified and rated based upon their current condition (e.g. poor, fair, good) and proximity to transit stops, schools, public building facilities, senior living facilities and parks. Field data collection included existing sidewalk widths, vertical surface obstructions (e.g. uneven walk, tree roots), cross slopes, and the general physical condition.

Existing Traffic Signals

The Engineer's Office maintains 55 traffic signals. Field data was collected related to push button size, location, and height. Pedestrian paths at the intersection were also evaluated to confirm that pedestrian paths are unobstructed and that pedestrian signal heads are visible.

ADA TRANSITION POLICY, PROGRAMS AND SCHEDULE

Policy

The Montgomery County Engineer's Office's goal is to continue to provide accessible pedestrian design features as part of its capital improvement projects. ***All new construction or reconstruction projects with pedestrian facilities will be designed and constructed to conform to ADA requirements and be accessible and usable for people with disabilities.***

Field data collected during the self-evaluation process will be used to identify and prioritize specific projects where ADA accessibility can be remedied or enhanced. Non-compliant facilities with high prioritization levels will be pursued first.

Input from the public on ADA non-compliant locations are welcome and encouraged. The Engineer's Office will consider and respond to all reasonable and feasible accessibility improvement requests.

ADA Compliance Programs

The Montgomery County Engineer's Office will utilize four methods for upgrading pedestrian facilities to current ADA standards. (See Montgomery County Engineer's Office Capital Improvement Plan, [Appendix B](#).)

1. **Capital Improvement Projects:** The first and most comprehensive method is through the Engineer's Office Capital Improvement Program. All pedestrian facilities impacted by these projects will be upgraded to current ADA accessibility standards. A current listing of these scheduled projects can be found in the Engineer's Capital Improvement Plan, which includes a detailed schedule and budget for specific improvements. Please note that the Engineer's Office Capital Improvement Program will change each year as projects are completed and new projects are identified.
2. **Annual Asphalt Resurfacing Program:** The second method is through the Engineer's Office Annual Asphalt Resurfacing Program, where specific ADA accessibility improvements will be identified and constructed on roads scheduled for resurfacing. Roads to be resurfaced are determined on a year-to-year basis.
3. **The ADA Transition and Sidewalk Program:** The third method that the Engineer's Office will use to bring existing pedestrian facilities up to current ADA standards will be the "ADA Transition and Sidewalk Program". This Program has been sufficiently funded as a part of the Capital Improvement Program to improve existing sidewalk/shared-use paths, as well as curb ramps and traffic signals at intersections. Each year certain projects will be identified and programmed based on the criteria set forth below. These specific projects are prioritized based on physical condition, pedestrian usage, as well as proximity to schools, transit locations, places of accommodation, senior living facilities, and park facilities.
4. **The Annual Traffic Signal Improvement and Maintenance Program:** Each year, the Engineer's Office contracts for traffic signal improvement and maintenance. Traffic signals will be evaluated for ADA compliance and updated if needed.
5. **Force Account:** The Montgomery County Engineer's Office, through its own forces, will install and/or repair ADA compliant curb ramp, sidewalks, and shared use paths, as needed, or in emergency situations, or in response to citizen requests. Although private property owners typically keep sidewalks free from obstructions, the Engineer's Office regularly travels the county roads and monitors various conditions on the roadways and the sidewalks. The Engineer's Office will address any obstructions or safety issues discovered upon its pedestrian facilities. Finally, the Engineer's Office will remedy any maintenance conditions upon notice from members of the public.

Design Standards and Improvement/Compliance Procedures

The Engineer's Office references the Ohio Department of Transportation's (ODOT) design standards when pursuing capital improvement projects. These design standards include guidelines for pedestrian facilities, sidewalks, shared-use paths, and standard construction drawings for curb ramps. The Engineer's Office has also adopted ADA design standards and procedures as listed in [Appendix E](#). These standards and procedures will be kept up to date with nationwide and local best management practices.

External Agency Coordination

Many other governmental entities are responsible for pedestrian facilities within, or adjacent to, the roads and bridges within the jurisdiction of the Board and the Montgomery County Engineer. These entities include, but are not limited to, political subdivisions (e.g., cities and townships) and agencies like the Miami Conservancy District, Five Rivers Metroparks, and the Greater Dayton Regional Transportation Authority. The Engineer's Office will coordinate with these entities to assist with identifying and facilitating the elimination of accessibility barriers along corridors, shared use trails, at intersections and at bus stops, through the Capital Improvement Programs listed above.

Improvement Schedule

The Montgomery Engineer's Office is committed to implementing improvements to obtain ADA compliance. If revenues continue to be available to fund the projects and programs listed above, it is estimated that **all** curb ramps, sidewalks, and traffic signals will be ADA compliant by 2050.

At a minimum, non-compliant curb and curb ramps identified as high priority (currently 15) will be addressed within the next **five** years, or by December of 2026. These high priority curb ramps will be reconstructed and improved as part of a specific **Capital Improvement Road Project** or as part of the **Annual Asphalt Resurfacing Program** or the **ADA Transition and Sidewalk Program**.

As the Engineer's Office addresses the high priority non-compliant curb ramps, sidewalks/shared use paths near these curb ramps will be evaluated and programmed for improvement or repair, depending on condition (e.g. poor, fair, good), pedestrian usage, and proximity to transit stops, schools, public building facilities, senior living facilities and parks. Likewise, any needed ADA improvements to traffic signals will be completed as the high priority curb ramps are reconstructed.

The sidewalk improvements will be funded through the **ADA Transition and Sidewalk Program** and traffic signal improvements will be funded through the **Annual Traffic Signal Improvement and Maintenance Program**.

During the following 10-year period (2027 to 2037), the Engineer's Office plans to bring all curb ramps identified as "moderate priority" into ADA compliance. Sidewalks and traffic signals near curb ramps will be programmed for reconstruction or repair to bring these facilities into ADA compliance.

Thereafter, these programs will be reevaluated to ensure that the remaining non-compliant curb ramps, sidewalks/shared use paths, and traffic signals are ADA compliant.

GRIEVANCE PROCEDURE

Public entities must adopt and publish grievance procedures providing for prompt and equitable resolution of complaints. This requirement provides for a timely resolution of all problems or conflicts related to ADA compliance.

If users of pedestrian facilities maintained by the Montgomery County Engineer's Office believe reasonable accommodations have not been provided, they have the right to file a grievance. In accordance with Title II of the ADA, the Engineer's Office has developed a grievance procedure

for the purpose of the prompt and equitable resolution of citizens' complaints or concerns. This grievance procedure, and associated grievance form, is available in [Appendix C](#): Grievance Procedure.

PUBLIC OUTREACH AND PARTICIPATION

The Board of County Commissioners and the Montgomery County Engineer's Office recognize that public participation is an important component in the development of this Transition Plan. In this light, the Engineer's Office conducted a public information meeting on November 1, 2019 regarding its ADA Transition Plan for public road right of way. Disability advocacy groups, public transit, government officials, public agencies, and the general public were invited to attend. The Engineer's Office solicited questions and comments from those attending and discussions followed.

The Engineer's Office conducted a second public information meeting on January 27, 2021. This **Transition Plan** was published on the Montgomery County Engineer's Office website for public review, and this Office solicited comments concerning same from the disability advocacy groups, public transit, government officials, public agencies, and the general public.

The Engineer's Office remains committed to providing safe and usable pedestrian facilities for all pedestrians on County Roads and to assure compliance with all federal, state, and local regulations and standards and continue to welcome comments and suggestions from the general public.

PUBLIC NOTICE AND PLAN AVAILABILITY

Under the ADA, all public agencies are required to publish their responsibilities with regard to compliance. Information about the rights and protections of Title II to applicants, participants, beneficiaries, employees, and other interested persons are also required. The notice must include the identification of the employee serving as the ADA Coordinator and must provide this information on an ongoing basis.

A copy of this public notice and public input form is provided in [Appendix D](#): Public Notice of ADA Requirements.

PLAN MANAGEMENT & PROGRESS MONITORING

This ADA Transition Plan is intended to be a living document, updated regularly as conditions evolve. In December of each year, the Engineer's Office will conduct an internal staff meeting to review the transition progress, schedule the next year's staff ADA training, determine focus areas for sidewalk replacement, and discuss past and future projects. In addition to the annual meeting, the transition plan will be reviewed and updated formally **every ten years** to track progress and refine prioritization methods.

At the five-year mark (December of 2026), the Engineer's Office will conduct a public information meeting concerning transition plan progress and solicit comments and participation from interested groups and the general public. This meeting will be conducted at the Montgomery County Administration Building and is open to the public.

APPENDIX A: ADA COORDINATOR CONTACT INFORMATION

Montgomery County Engineer's Office ADA Coordinator

Gary Shoup, P.E.

Montgomery County Engineer's Office

451 West Third Street, 8th Floor

Dayton, Ohio 45422

Phone: (937) 225-6510

Fax: (937) 496-7441

E-mail: shoupg@mcohio.org

APPENDIX B: ADA PUBLIC ROAD RIGHT OF WAY CAPITAL IMPROVEMENT PROGRAM

Montgomery County Engineers Office 5-Year Project Budgets (2022-2027)

PID No.	Job No.	Project	Sidewalk	ADA Ramp	Bridge No.	Construction Year	Project Cost
110331	2019-15	North Dixie Drive Resurfacing	Yes	Yes	N/A	2022	\$1,431,200.00
N/A	2020-11	Atchison Road Culvert	Yes		WHG-TR143-2.42	2022	\$200,000.00
107991	2017-08	Lamme Road	Yes	Yes	MOT-CR175-1.37	2022	\$2,350,400.00
N/A	2020-24	Gettysburg Road	Yes		MOT-GETNB/SB-0.27	2023	\$1,172,500.00
N/A	2020-16	Airway Road	Yes		RVS-M0194-00.88	2023	\$1,540,000.00
110332	2018-20	Shoup Mill Road Reconstruction	Yes	Yes	N/A	2024	\$3,802,200.00
N/A	2020-30	Arlington Road	Yes		BRK-9-0.75	2024	\$1,260,000.00
N/A	2021-18	Taylorville Road	Yes		HUB-218-03.51	2024	\$1,530,000.00
113360	2019-10	Social Row Reconstruction - Phase 1	Yes	Yes	N/A	2024	\$5,755,000.00
N/A	TBD	Westbrook Road	Yes		BKV-M0024-03.99	2025	\$1,530,000.00
115191	2020-17	Social Row Reconstruction - Phase 2	Yes	Yes	N/A	2026	\$4,273,000.00
N/A	TBD	Woodman/Burkhardt Structure	Yes	Yes	RVS-74-1.59	2026	\$3,120,000.00
N/A	TBD	Wilmington Pike	Yes		KET-85-1.59	2026	\$1,050,000.00
TBD	2021-20	North Dixie Drive/Northwoods Blvd/Lightner Road Improvements	Yes	Yes	N/A	2026	\$19,235,000.00
N/A		PROGRAM - ADA Transition & Sidewalk Program	Yes	Yes		Annual	\$150,000.00
N/A		PROGRAM - Discretionary Traffic and Safety Program Traffic Signal Improvements	Yes	PEDESTRIAN SIGNAL ACCOMMODATION		Annual	\$210,000.00
		Guardrail Repair and Upgrade Raised Pavement Markers	Yes				
		Thermoplastic Markings	Yes				
N/A		PROGRAM - Asphalt Resurfacing	Yes	Yes		Annual	\$2,100,000.00
N/A		PROGRAM - Traffic Signal Maintenance	Yes			Annual	\$140,000.00

APPENDIX C: GRIEVANCE PROCEDURE

Montgomery County Engineer's Office

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990. 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 Montgomery County Engineer's Office. The County'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:

Gary Shoup, ADA Coordinator

451 West Third Street

Dayton, Ohio 45422

E-mail: shoupg@mcoho.org

Within 15 calendar days after receipt of the complaint, the ADA Coordinator or their designee will contact the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of contact, the ADA Coordinator or their designee will respond in writing, and where appropriate, in a format accessible to the complainant. The response will explain the position of the Montgomery County Engineer's Office and offer options for substantive resolution of the complaint.

If the response by the ADA Coordinator or their 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 Montgomery County Engineer or his designee.

Within 15 calendar days after receipt of the appeal, the Montgomery County Engineer or his designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the Montgomery County Engineer or his 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 their designee, appeals to the Montgomery County Engineer or their designee, and responses will be retained by the Montgomery County Engineer's Office for at least three years.

APPENDIX D: PUBLIC NOTICE OF ADA REQUIREMENTS

Public Notice

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990, the Montgomery County Engineer's Office will not discriminate against qualified individuals on the basis of disability in County Engineer Office services, programs or activities.

Employment: The Montgomery County Engineer's Office does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the Americans with Disabilities Act (ADA).

Effective Communication: The Montgomery County Engineer's Office will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the Montgomery County Engineer's Office's programs, services and activities and other ways of making information and communications accessible to people who have speech, hearing or vision impairments.

Modifications to Policies and Procedures: The Montgomery County Engineer's Office will make all reasonable modifications to policies and procedures to ensure that people with disabilities have an equal opportunity to enjoy all the Montgomery County Engineer's Office's programs, services and activities.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a Montgomery County Engineer's Office program, service or activity, should contact the ADA Coordinator as soon as possible but no later than 48 hours before the scheduled event. Requests should be submitted to: **Gary Shoup, ADA Coordinator**, 451 West Third Street, Dayton, Ohio 45422, Phone: (937) 225-6351, E-mail: shoupg@mcoho.org.

The ADA does not require the Montgomery County Engineer's Office to take any action that would fundamentally alter the nature of its programs, services, or impose an undue financial or administrative burden.

The Montgomery County Engineer's Office will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

APPENDIX E: ADA DESIGN STANDARDS AND IMPROVEMENT/COMPLIANCE PROCEDURES

ADA Resources and Design Standards

Federal Highway Administration (FHWA) - Civil Rights - ADA/Section 504

Americans with Disabilities Act Accessibility Guidelines (ADAAG)

Public Rights-of-Way (PROWAG) Notice of Proposed Rule Making, July 26, 2011

Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way (PROWAG)

2010 ADA Standards for Accessible Design

ADA Checklist for Existing Facilities

ADA Best Practices Tool Kit for State and Local Governments

ADA Update: A Primer for State and Local Governments

Ohio Manual of Uniform Traffic Control Devices

Americans with Disabilities Act of 1990, as Amended (2008)

Title 28 CFR Part 35 – *Nondiscrimination on the Basis of Disability in State and Local Government Services*

Improvement/Compliance Procedures

The challenge of dealing with physical or site constraints in alteration projects has been recognized by the authors of ADA accessibility standards for years. The Civil Rights Division of the U.S. Department of Justice has recognized that there could be instances where it might be technically infeasible to construct an alteration in full and strict compliance with ADA accessibility standards, because of physical or site constraints. In such circumstances, state and local agencies must provide accessibility to the maximum extent feasible. Before reaching a conclusion about technical infeasibility, state and local agencies need to consider the extent to which physical or site constraints could be addressed by alternative designs. The burden of proving technical infeasibility rests with the agency/owner that is responsible for the facility, element or feature.

Intersection Corners

The Montgomery County Engineer's Office will work in good faith to have curb ramps or blended transitions constructed or upgraded to achieve ADA compliance within all capital improvement projects. There may be limitations which make it technically infeasible for an intersection corner to achieve full accessibility within the scope of a project. If so, those limitations will be noted and those intersection corners will remain on the transition plan. As future projects or opportunities arise, those intersection corners shall continue to be incorporated into future work. Regardless of whether full compliance can be achieved in all cases, each intersection corner shall be made as compliant as possible in accordance with the judgment of Engineer's Office.

Sidewalks / Trails

The Montgomery County Engineer's Office will work in good faith to have sidewalks and shared use paths (bicycle/pedestrian trails) constructed or upgraded to achieve ADA compliance within all capital improvement projects. There may be limitations, however, that make it technically

infeasible for segments of sidewalks or trails to achieve full accessibility within the scope of a project. If so, those limitations will be noted, and those segments will remain on the transition plan. As future projects or opportunities arise, those segments shall continue to be incorporated into future work. Regardless of whether full compliance can be achieved in all cases, each sidewalk or trail shall be made as compliant as possible in accordance with the judgment of the Engineer's Office.

Traffic Control Signals

The Montgomery County Engineer's Office will work in good faith to have traffic control signals constructed or upgraded to achieve ADA compliance within all capital improvement projects. There may be limitations which make it technically infeasible for individual traffic control signal locations to achieve full accessibility within the scope of a project. If so, those limitations will be noted and those locations will remain on the transition plan. As future projects or opportunities arise, those locations shall continue to be incorporated into future work. Regardless of whether full compliance can be achieved in all cases, each traffic signal control location shall be made as compliant as possible in accordance with the judgment of the Engineer's Office.

Bus Stops

The Montgomery County Engineer's Office will work in good faith, with the Greater Dayton Regional Transportation Authority, to have bus stops constructed or upgraded to achieve ADA compliance within all capital improvement projects that contain bus stops. There may be limitations which make it technically infeasible for individual bus stop locations to achieve full accessibility within the scope of a project. If so, those limitations will be noted, and those locations will remain on the transition plan. As future projects or opportunities arise, those locations shall continue to be incorporated into future work. Regardless of whether full compliance can be achieved in all cases, each bus stop location shall be made as compliant as possible in accordance with the judgment of the Engineer's Office and the Greater Dayton Regional Transportation Authority.

APPENDIX G: RESOLUTION ADOPTING ADA TRANSITION PLAN

**RESOLUTION NO. 22-0203
FEBRUARY 08, 2022**

RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF MONTGOMERY COUNTY, OHIO TO ADOPT THE “AMERICANS WITH DISABILITIES ACT (ADA) PUBLIC ROAD RIGHT OF WAY TRANSITION PLAN” AND TO AUTHORIZE THE MONTGOMERY COUNTY ENGINEER TO ADMINISTER SAID PLAN IN COMPLIANCE WITH SAME.

WHEREAS, Ohio Revised Code § 5535.01 provides that all roads designated by the Board of County Commissioners as part of the County Road System shall be maintained by the Board; and

WHEREAS, Ohio Revised Code § 5543.01, entitled “General Powers and Duties of County Engineer,” provides that the county engineer shall have general charge of the construction, reconstruction, improvement, maintenance, and repair of all bridges and highways under the jurisdiction of the board of county commissioners; and

WHEREAS, Title II of the Americans with Disabilities Act (ADA) is a comprehensive piece of civil rights legislation prohibiting discrimination and requires local governments to provide persons with disabilities an equal opportunity to benefit and to participate in State and local government programs, services, and activities; and

WHEREAS, the Board of County Commissioners and the Montgomery County Engineer are committed to providing safe and usable pedestrian facilities for all pedestrians on County Roads and to assure compliance with all federal, state, and local regulations and standards; and

WHEREAS, the Montgomery County Engineer’s Office, in its continuing effort to comply with the Americans with Disability Act, has developed and formalized the attached “Americans with Disabilities Act (ADA) Public Road Right of Way Transition Plan” to address the accessibility of all pedestrian facilities (sidewalks, all-purpose trails, curb ramps, and crossing signals) within the public road right of way of the designated County Roads within Montgomery County, Ohio; and

WHEREAS, this ADA Transition Plan contains the required elements of Title II of the Americans with Disabilities Act, including, among other requirements, the designation of an ADA Compliance Coordinator, the establishment of a grievance procedure, the provision of a funded plan and program which prioritizes deficiencies based on a completed inventory of all pedestrian facilities on County Roadways, and guidance for the construction and design of accessible facilities that are compliant with ADA requirements. The Engineer’s Office has also provided the opportunity for public involvement through the solicitation of comments and public information meetings; and

WHEREAS, the Office of the Montgomery County Engineer has the specialized knowledge and expertise to effectively administer this Plan.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Montgomery County, Ohio, that the attached “Americans with Disabilities Act (ADA) Public Road Right of Way Transition Plan” is hereby adopted; be it further resolved that the Montgomery County Engineer is hereby authorized to administer said plan; and

BE IT FURTHER RESOLVED that the Clerk certify a copy of this resolution to the County Engineer and make an imaged copy of this Resolution available on the Montgomery County, Ohio, website at <http://www.mcohio.org/>.

GES:th

**RESOLUTION NO: 22-0203
FEBRUARY 08, 2022**

CERTIFICATE

Ms. Dodge moved the adoption of the foregoing resolution. It was seconded by Mrs. Lieberman, and upon call of the roll the following vote resulted:

Ms. Dodge, aye; Mrs. Lieberman, aye; Mrs. Rice, aye: Carried.



I hereby certify that the foregoing is a true and correct copy of a resolution duly adopted by the Board of County Commissioners of Montgomery County, Ohio, on the 8th day of February, 2022.

THE BOARD OF COUNTY COMMISSIONERS HEREBY FINDS AND DETERMINES THAT ALL FORMAL ACTIONS RELATIVE TO THE ADOPTION OF THIS RESOLUTION WERE TAKEN IN AN OPEN MEETING OF THIS BOARD OF COUNTY COMMISSIONERS, AND THAT ALL DELIBERATIONS OF THIS BOARD OF COUNTY COMMISSIONERS, AND OF ITS COMMITTEES, IF ANY WHICH RESULTED IN FORMAL ACTION, WERE TAKEN IN MEETINGS OPEN TO THE PUBLIC, IN FULL COMPLIANCE WITH APPLICABLE LEGAL REQUIREMENTS, INCLUDING SECTION 121.22 OF THE REVISED CODE.

A handwritten signature in black ink that reads "Emily Bradford". The signature is written in a cursive style and is positioned above a horizontal line.

Emily Bradford, Clerk
Board of County Commissioners
Montgomery County, Ohio

