

# City of D'Iberville, Mississippi



## Americans with Disabilities Act Transition Plan

ADA Coordinator

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I. Introduction

The Americans with Disabilities Act (ADA) is a wide-ranging civil rights law that prohibits discrimination against people with disabilities in employment, transportation, public accommodation, communications, and governmental activities. It is a law that was enacted by the U. S. Congress in 1990. It was signed into law on July 26, 1990, by President George H. W. Bush.

There are five (5) separate Titles (sections) of the Americans with Disabilities Act (hereafter referred to as "ADA"). The titles of the ADA are as follows:

- A. Title I – Employment
- B. Title II – Public Services and Transportation
- C. Title III – Public Accommodations
- D. Title IV – Telecommunications
- E. Title V – Miscellaneous

Pursuant to Title II of the ADA, public entities are prohibited from discriminating on the basis of a disability in Title II of the ADA. All programs, services and activities offered by the public entity must be accessible to persons with disabilities. In order to accomplish this, the Department of Justice developed regulations requiring the City to conduct a self-evaluation of the accessibility of its programs and services to determine whether issues of accessibility could be addressed through changes in the way such programs and services are provided. The City is obligated to remove physical barriers to accessibility when program changes cannot ensure access to services, programs, and activities in existing facilities. Realizing that the structural changes would take time and money to provide, the Department of Justice Regulations, Federal Register 28 CFR Part 35 states that "in the event that structural changes to facilities will be undertaken to achieve program accessibility, a public entity that employs 50 or more persons shall develop, within six months of January 26, 1992, a Transition Plan setting forth the steps necessary to complete such changes." Additionally, "if a public entity has responsibility or authority over streets, roads, or walkways, its Transition Plan shall include a schedule for providing curb ramps or other sloped areas where pedestrian walks cross curbs, giving priority to walkways serving entities covered by the Act.

II. ADA Program

A. Responsible Official

An Americans with Disabilities Act (ADA) Compliance Coordinator has been designated by the Mayor and City Council as the person responsible for the development and implementation of the City's ADA Transition Plan.

B. Public Review

The policies and procedures have been adopted by the D'Iberville City Council and are available for public review and comment.

C. Self-Evaluation

As required by ADA legislation, the City has conducted a self-evaluation of its programs, services, and activities to ensure that they are accessible to and usable by persons with disabilities.

D. Grievance procedure

The City of D'Iberville has developed a disabled access complaint procedure for individuals who have an ADA issue with regard to program or facility access.

III. Transition Plan

A. Barrier Removal and Compliance Strategies for Facilities

The ADA Compliance Coordinator has the responsibility of identifying barriers and implementing the City's barrier removal program. The City's existing facilities inventory consists of approximately 4 buildings. All other facilities are currently under new construction or renovation.

Access to and usability of City facilities by individuals with disabilities is frequently compromised by one or more of the barriers listed below. This list is not exhaustive or necessarily complete, but represents typical barriers identified using the checklist for existing facilities.

**Site:** Exterior routes of travel are interrupted by stairs, curbs, cracks or other changes in elevation, or by obstructions or protruding objects. Routes of travel from transportation stops are not accessible. Curb ramps are absent, do not connect to a serviceable sidewalk, or do not meet current requirements. Accessible routes are not clearly indicated through signage.

**Parking:** Parking lots are not properly signed concerning penalties for improper handicap parking usage. Accessible spaces do not complexly conform to the current signage requirements.

**Building Entrances:** Entrances are not ramped, or ramps do not meet the requirements for width, slope, cross-slope, landings, and/or handrail shape and height.

**Interior Signage:** Accessibility information is not provided in building directories. Accessible facilities are not marked as accessible, and no

information is posted at inaccessible facilities indicating the location of the nearest accessible facility. Tactile and Braille permanent room signs are not provided.

**Sanitary Facilities:** Signage does not meet current requirements.

Compliance strategies for removing access barriers in facilities, as required by the ADA, are as follows:

1. Targeted Barrier Removal Projects

The City is implementing a barrier removal program in City –owned facilities where programmatic changes cannot be made to effectively meet the requirements of the ADA. The program is based on the ADA Facilities Surveyed and constitutes the City’s Transition Plan of access upgrades with targeted dates for completion. The program will be reviewed annually by the ADA compliance coordinator to determine if it continues to meet the most important needs of the disabled community and to ensure sufficient budget planning. City crews will be trained to perform ADA compliant work.

2. Maintenance and Repair Work

When appropriate, the City is bringing facilities into compliance by replacing outdated or broken fixtures with compliant ones.

3. Retrofit or Remodel Projects by City Departments

Whenever a remodel project is scheduled for City facilities, ADA upgrades are included in the project, regardless of the costs.

4. Leased Facilities

When inter-local, lease or any other agreements are scheduled for renewal; facilities are required to come into compliance with the ADA. The City will require that mandated changes be negotiated with the lease.

B. Barrier Removal and Compliance Strategies for Public Rights-of-Way

The ADA Compliance Coordinator and City Engineer are responsible for the City’s Transition Plan in the City Rights-Of-Way. Most of the problems in the Rights-Of-Way concern physical barriers, which cannot be addressed through other options such as policy changes, alternative methodologies, or adaptive aids. Therefore, the public Rights-Of-Way can only be made accessible through a realistic and fundable strategy for curb ramp installation and sidewalk modifications.

The City is in the process of surveying major streets to identify deficiencies in existing sidewalks and curb ramps and to identify the need to install sidewalks and curb ramps, to provide an accessible path of travel to public facilities.

#### C. Transition Plan Yearly Updates

1. Where funding allows, The City will seek to include in each fiscal year some barrier removal projects in each of the City's four wards, to ensure that the funds are equitably distributed throughout the City of D'Iberville.
2. Curb ramps required to complete an accessible path of travel in a specific area or pedestrian corridor.

It is important to complete the accessible path of travel in areas of the City where there is a high level of existing curb ramps, general path of travel accessibility and there are only a few curb ramps missing to complete the full accessibility of the entire geographical area. The disable community will greatly benefit from having areas of the City where the installation of curb ramps has been completed.

3. Citizen complaints regarding specific curb ramps

It is important to track the citizen complaints or requests regarding specific curb ramps and to have a system to evaluate them in order to give them a priority for implementation that should be coordinated every year at the time to establish the list of projects and barriers to be removed in each fiscal year depending on the existing budget.

4. Coordination of ongoing curb ramp construction projects, street reconstruction programs, and planned upgrades with accessibility projects.

#### D. Public Participation – Public Right-Of-Way (PROW) Improvement Program

##### 1. Public Participation Process

- a. A public meeting will be held to assist in the update of the City's Plan. Recommendations from participants at the public meetings will be considered for the Transition plan yearly update.

##### 2. City's Public Right-Of-Way Improvements requirements

- a. The City of D'Iberville has strict requirements developed to address public right-of-way accessibility issues:

###### i. New Development and In-Fill Program

1. New Development projects, including subdivisions, and those projects occurring as infill or redevelopment are required to install sidewalks and curb ramps meeting current Federal and State standards.

###### ii. Citizen Request Program

1. Citizens are able to submit a request to have a new curb ramp installed or an existing curb ramp repaired or traffic signal modified to meet current Federal and State standards at any location within the City road network.

iii. Maintenance Program

1. Sidewalks, curbs, and gutters are inspected at least every three years for damage that constitutes hazards to the public.

iv. Road-related Capital Improvement Projects

1. The City will install curb ramps according to current standards in all road-related capital improvement projects considered above and beyond routine maintenance according to current Federal and State standards.
2. The department will also coordinate its efforts with other government agencies and private entities to achieve Federal and State accessibility.