



REPORT of AUDIT
and
TRANSITION PLAN
for
DECATUR COUNTY
SOLID WASTE MANAGEMENT
DISTRICT OFFICE

For Compliance With The

AMERICANS WITH DISABILITY
ACT OF 1990

AECON
ENGINEERS & CONSULTANTS

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TRANSITION PLAN
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DECATUR COUNTY
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For Compliance with the
AMERICANS WITH DISABILITY ACT OF 1990

PREPARED FOR:

BOARD OF SOLID WASTE MANAGEMENT DISTRICT
DECATUR COUNTY, INDIANA

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INTRODUCTION

The Americans with Disabilities Act of 1990 (ADA) was signed into law by then President George H. W. Bush on July 26, 1990 as Public Law 101-336 and On September 25, 2008 then President George W. Bush signed the ADA Amendments Act of 2008 into law as Public Law 110-325. The current law is codified at Title 42 of the United States Code, Chapter 126 and Title 47 of the United States Code, Chapter 5, Sections 225 and 611. The Act provides five Titles as follows:

- **Title I – Employment.** The ADA states that a covered entity shall not discriminate against a qualified individual with a disability, which applies to job application procedures, hiring, advancement and discharge of employees, workers' compensation, job training, and other terms, conditions, and privileges of employment.
- **Title II – Public entities (and public transportation).** The ADA prohibits disability discrimination by all public entities at the local (*i.e.* school district, municipal, city, county) and state level, which covers access to all programs and services offered by the entity. Access includes physical access described in the ADA Standards for Accessible Design and programmatic access that might be obstructed by discriminatory policies or procedures of the entity. Title II further applies to public transportation provided by public entities, which requires the provision of paratransit services by public entities that provide fixed route services. Title II also applies to all state and local public housing, housing assistance, and housing referrals.
- **Title III – Public accommodations (and commercial facilities).** The ADA states that no individual may be discriminated against on the basis of disability with regards to the full and equal enjoyment of the goods, services, facilities, or accommodations of any place of public accommodation by any person who owns, leases (or leases to), or operates a place of public accommodation. Public accommodations include most places of lodging (such as inns and hotels), recreation, transportation, education, and dining, along with stores, care providers, and places of public displays, among other things.
- **Title IV – Telecommunications.** The ADA requires that all telecommunications companies in the U.S. take steps to ensure functionally equivalent services for consumers with disabilities, notably those who are deaf or hard of hearing and those with speech impairments, which led to installation of public Teletypewriter (TTY) machines and other TDDs (Telecommunications Device for the Deaf).
- **Title V – Miscellaneous provisions.** This Title includes technical provisions such as the fact that nothing in the ADA amends, overrides or cancels anything in Section 504 of the Rehabilitation Act of 1973, and additionally includes an anti retaliation or coercion provision.

This report addresses only Title II of ADA for Decatur County Solid Waste Management District office. Further, it reports only physical barriers found to exist or potentially exist in or on the Solid Waste Management District Office property.

The ADA was implemented through the promulgation of Title 28 of the code of Federal Regulations, Part 35, which provides the regulations for Title II. Also included is Title 28 of the code of Federal Regulations, Part 36, which provides the regulations for Title III, but more importantly includes the technical standards for the elimination of physical barriers. The original regulations were published in the Federal Register on July 26, 1991.

Section 35.150 states “(a) *General*. A public entity shall operate each service, program, or activity so that the service, program, or activity, when viewed in its entirety, is readily accessible to and usable by individuals with disabilities.” It goes on to provide “(b) *Methods*—(1) *General*. A public entity may comply with the requirements of this section through such means as redesign of equipment, reassignment of services to accessible buildings, assignment of aides to beneficiaries, home visits, delivery of services at alternate accessible sites, alteration of existing facilities and construction of new facilities, use of accessible rolling stock or other conveyances, or any other methods that result in making its services, programs, or activities readily accessible to and usable by individuals with disabilities. A public entity is not required to make structural changes in existing facilities where other methods are effective in achieving compliance with this section. A public entity, in making alterations to existing buildings, shall meet the accessibility requirements of § 35.151. In choosing among available methods for meeting the requirements of this section, a public entity shall give priority to those methods that offer services, programs, and activities to qualified individuals with disabilities in the most integrated setting appropriate.” This section of the original regulations was to have been fully implemented by January 26, 1995. Also, any building constructed or altered after January 26, 1992 was to have fully complied with the requirements of this regulation and the associated technical standards.

The regulations were revised in 2010. Those revisions were published in the Federal Register on September 15, 2010. Any building constructed or altered after March 15, 2012 was to have fully complied with the requirements of the revised associated technical standards.

STUDY METHODOLOGY and GENERAL OBSERVATIONS

The study generally consisted of viewing the office of the Decatur County Solid Waste Management District. The office was evaluated for the presence of access barriers utilizing the 2010 technical guidelines. It was deemed appropriate to utilize the most recent guidance so that as improvements are implemented over time, they will be in conformance with criteria likely to be applied at that future time. However, consideration was given to the 1990 technical guidance where doing so resulted in a more favorable interpretation of the compliance of the property relative to standards that were in place at the time of construction or alteration of the property. For elements that do not comply with the 1990 technical guidance, modifications need to be made to bring them into compliance as soon as practical. Elements that do not comply with the 2010 technical guidance are ones that will need to be brought into conformance with those standards when the property is reconstructed or altered.

As stated previously, this study addresses only Title II of ADA. Therefore, it evaluated the ability of the public to gain access to all services and programs offered at the Solid Waste Management District office relative to physical barriers to access. Where the public was not permitted access to an element of the office, such element was not reviewed for compliance. Examples of areas not included are storage areas accessed only by employees, break rooms restricted to use by employees, offices that the public are not permitted to enter, etc. It is important to understand that private offices not generally open to the public but where office holders or employees meet with members of the public were included in this study. An example is a private office where the public is not permitted to freely enter, but where meetings are held with members of the public. Generally, any space or elements where anyone not an employee is permitted to enter has been included in this study.

For each part of a facility that was inventoried, the office holder or one or more employees were consulted. The office holders or employees described the operations of the office and provided information about where the public needed to go or where the public was permitted access. That information was then used in determining what areas, offices, elements, etc. were included in the inventory.

An important feature of accessibility is having adequate clear space available. Often the clear spaces are for disabled individuals using wheel chairs. Generally, only permanent features were evaluated when determining if the required clear spaces were available, and this document generally only reports clear space deficiencies when they were the result of permanent encroachments. However, several instances were noticed where furnishings or storage of items encroached into the clear spaces. Those issues were not always reported because they can be transient in nature. While each item could address today's situation, a new office holder or employee could rearrange their space and inadvertently encroach on some required clear spaces. The most common required clear spaces are as follows:

- **Clear Width for Accessible Route** is 36", with some sections less than 24" in length being reduced to 32".
- **Turning Space** is generally a 60" diameter circle.

- **Clear Floor or Ground Surface** is an area a minimum of 30” wide by a minimum of 48” long. This space is generally required as an approach to features such as lavatories, water fountains, elevator call buttons, etc.
- **Maneuvering Clearances at Manual Swinging Doors** varies by whether the approach to the door is straight into the door versus from one side or the other and whether the door swings towards the person or away from them. For a door swinging towards the individual passing through it, an 18” maneuvering space beyond the latch side of the door is required. For a door with a latch and closer swinging away from the individual passing through it, a 12” maneuvering space beyond the latch side of the door is required.

Often, small light objects could be moved from these locations to provide proper passage for a disabled individual on an as needed basis. However, a better resolution would be to educate everyone about the reason for maintaining those areas clear of any objects.

One other situation that may be difficult to maintain compliance with the guidelines was noted. Objects hung on walls along accessible routes can protrude into the required clear space for the accessible route. This situation can be difficult for visually impaired individuals. When the object is mounted with its bottom greater than 27” above the floor and protrudes more than 4 inches from the wall, an individual using a cane may not detect the protruding object and may walk into it. Some wall mounted objects such as fire extinguishers and first aid cabinets were observed which created this deficiency. Those types of objects are ones that can easily be installed or relocated. When decisions are made to install similar items, care needs to be taken to ensure they are not an access barrier for some individuals.

AUDIT OF DECATUR COUNTY SOLID WASTE MANAGEMENT DISTRICT OFFICE

The property of the Solid Waste Management District office was audited to determine its conformance to the ADA guidance. Where a property had distinct offices within it, those offices were audited separately. The following discussion presents the results of the audit. It is organized by office or space where appropriate.

Decatur County Solid Waste Management District Office:

Solid Waste Management District Office:

Deficient Item	2010 Standards	Applicable Standards	Remarks	Estimated Cost	Year of Work
Vertical change in level at exterior entrance	Deficient	Deficient	A maximum vertical change in an accessible route of 0.25" vertical plus another 0.25" sloped at a maximum of 2:1 is permitted. The exterior door had a 1.25" vertical step up onto concrete stoop. Recommend that the bituminous pavement be wedged up at a maximum slope of 1:20 to eliminate the vertical step.	\$300	2019 to 2023
Closing time for exterior entrance door	Deficient	Acceptable	The 2010 ADA Standards for Accessible Design requires a minimum time to close from 90° to 12° from the latch of 5 seconds. The 1990 ADA Standards for Accessible Design requires a minimum time to close from 70° to a location 3 inches from the latch of 3 seconds. The closing time utilizing the 2010 ADA Standards for Accessible Design was 2.4 seconds and utilizing the 1990 ADA Standards for Accessible Design was 3.0 seconds. No action is recommended.	\$0	
Smooth surface at bottom of exterior entrance door	Deficient	Acceptable	The 2010 ADA Standards for Accessible Design requires swinging door surfaces within 10" of the finish floor shall have a smooth surface on the push side. The 1990 ADA Standards for Accessible Design had no such requirement. The smooth surface at the bottom of the door was only 6.5" high. No action is recommended.	\$0	

Exit sign for exterior entrance door	Deficient	Deficient	Exits on accessible routes are required to have compliant signs identifying the exit. The exit did not have a sign conforming to the requirements. It is recommended that a compliant sign be installed.	\$55	2019 to 2023
Closing time for entrance door from hallway	Deficient	Acceptable	The 2010 ADA Standards for Accessible Design requires a minimum time to close from 90° to 12° from the latch of 5 seconds. The 1990 ADA Standards for Accessible Design requires a minimum time to close from 70° to a location 3 inches from the latch of 3 seconds. The closing time utilizing the 2010 ADA Standards for Accessible Design was 3.2 seconds and utilizing the 1990 ADA Standards for Accessible Design was 3.1 seconds. No action is recommended.	\$0	
Restroom in general	Deficient	Deficient	Restroom is overall deficient with the entry door of inadequate width and inadequate space to upgrade to standards. It is recommended that the restroom be removed and that new restroom facilities be constructed off of the hallway that would serve all offices in the building.	\$0	2019 to 2023
Exposed plumbing beneath lavatory outside restroom	Deficient	Deficient	Hot water supply lines and drains beneath lavatory are required to be insulated and padded to prevent injury. No such insulation or protection. It is recommended that insulation and other appropriate protection be installed on the plumbing beneath the lavatory.	\$85	2019 to 2023
Toe room beneath lavatory outside restroom	Deficient	Deficient	Toe room with a height of 9" and a depth of 11" is required beneath the lavatory. No such toe space was available due to the presence of plumbing in that area. It is recommended that the plumbing be reconfigured to create the required clear toe space.	\$350	2019 to 2023