The Town of Lowell, Indiana

ADA Transition Plan



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SECTION 1: INTRODUCTION

Lowell, Indiana is a safe, walk-able community; as such it places pedestrians as a top priority. The Town is firmly committed to ensuring that its pedestrian facilities are accessible to all persons living or visiting the town. Therefore, Lowell will not discriminate on the basis of disability and will provide reasonable access to all facilities, programs, services, and activities. To ensure this commitment, Lowell will strive to follow the guidelines established by the Americans with Disabilities Act.

Section 1.1: Americans with Disabilities Act of 1990

The federal legislations known as the 2010 ADA Standards for Accessible Design and the original Americans with Disabilities Act of 1990 [herein referred to as the "ADA"] provides civil rights protections to persons with disabilities in the areas of employment, state and local government services, and access to public accommodations, transportation, and telecommunications. Title II of the ADA requires certain standards to be met by local governments concerning equal access to public programs, services, and activities. With the advent of the ADA, designing and constructing facilities for public use that are not accessible by people with disabilities constitutes discrimination. Title II prohibits any local government from discriminating against persons with disabilities.

The ADA Standards for Accessible Design and the Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way are both very technical manuals which describe in detail all of the requirements to provide complete accessibility to public facilities. Both of these documents are hereby incorporated by reference into this report as if set forth fully herein. - Should a person desire to read ADA requirements and guidelines, these documents are provided online at: http://www.accessboard.gov/PROWAC/guide/PROWGuide.htm.

Public Right-of-Way Accessibility Guidelines (PROWAG) is a proposed legislation which is expected to be adopted by the Department of Justice in the near future. As of this writing, public entities need only meet the more lenient ADA Accessibility Guidelines (ADAAG) standards. The Town applies the PROWAG standards to all pedestrian facility installations so as to meet the highest standards and prepare for the future passing of the PROWAG legislation.

Section 1.2: What is a Transition Plan?

The ADA applies to all public facilities, including facilities built before and after 1990. Title II Article 8 requires public entities to take several steps to achieve accessibility for disabled persons. One of these steps is to create an ADA transition plan. A transition plan is a document which provides detailed information regarding a public entity's pedestrian facilities. The Town, as a public entity, must create a transition plan to ensure compliance with the ADA and evaluate the accessibility of its current facilities. A transition plan is needed in order to lay out the

methods, schedule, and status of ADA compliance in regards to public facilities, services and programs in the right-of-way. The Town's Transition Plan is intended to achieve the following:

identify physical obstacles that limit the accessibility of facilities to individuals with disabilities, describe the methods to be used to make the facilities accessible, provide a schedule for making the access modifications, and identify the public officials responsible for implementation of the Transition Plan.

Section 1.3: Project Scope

All public facilities and programs under the control of the Town must not discriminate against people with disabilities on the basis of disabilities. Pursuant to the ADA the aforementioned public facilities includes all services, programs, rights-of-ways, and buildings. The focus of this report is solely on Town managed pedestrian facilities within the public right-of-way. This includes sidewalks, pedestrian paths, curb ramps, street crossings, driveway crossings, crosswalks, median crossings, public transit stops, and pedestrian activated signal systems. A large part of the Transition plan is the numerous surveys which contain data on the current status of facilities in the right-of-way. This data, presented later in this report, is contained in a comprehensive computer database which may be accessed or edited by the Planning Department as desired. The surveys conducted in this Transition Plan do not provide a complete listing of complying architectural or physical features; these are found in a separate study. It is also important to note that improvements made to facilities after the date of the survey are not included as part of this Transition Plan.

Section 2: Public Participation and Input

Section 2.1: Public Notice

Lowell would like to provide ample notice to the public concerning the rights of the public under the ADA and the responsibilities which Lowell must uphold under the ADA. Below is a copy of the text which is to be displayed on the town website pending review from the Lowell Town Council.

Employment: The Town 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 Town will generally, upon advance request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the Town's programs, services, and activities, including qualified sign language interpreters, documents in braille, and other ways of making

information and communications accessible to people who have speech, hearing, or vision impairments.

Modifications to Policies and Procedures: The Town will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all Town programs, services, and activities. For example, individuals with service animals are welcomed in Town offices, even where pets are generally prohibited.

Anyone with a disability who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a Town program, service, or activity, should contact the office of *the Town Administrator/ADA Coordinator* as soon as possible but no later than five business days before the scheduled event.

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

Complaints that a Town program, service, or activity is not accessible to persons with disabilities should be directed to the office of the Town Administrator/ADA Coordinator at 501 E. Main Street, (219)696-7794.

The Town 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.

Section 2.2: Public Participation

The ADA requires that public entities make available to applicants, participants, residents and other interested parties information regarding the Transition Plan and its applicability to the services, programs or activities of the public entity, and to apprise the public of the protections against discrimination afforded to them by the ADA. The ADA also requires that local governments which employ 50 or more people provide an opportunity for the public to participate in the development of the Transition Plan. Beyond the legal requirements, public input is essential to assure that the facilities, services, and programs which impact those with disabilities most are taken into consideration.

The Town has intended for the Transition Plan to be a 'living' document. It is intended to be updated and edited regularly and as needed.

Section 2.3: Public Review

A draft of the plan has not yet been presented to the public for comment. Prospectively, copies will be made to the public at the Lowell Town Hall, and comments will be accepted by telephone and at Lowell Town Council meetings.

The Town Council will continue to review the Transition Plan and will continue to be a source of public input. In addition, copies of the Transition Plan may be found on the Town's ADA webpage: http://www.lowell.net/ada. Comments or questions concerning the plan may be directed to the office of the Town Administrator/ADA Coordinator at 501 E. Main Street, (219)696-7794.

Section 3: ADA Grievance Procedure for Facilities in the Right-of-Way

Section 3.1: Introduction to the Grievance Procedure

The ADA states that a public entity is required to apprise the public of the protections against discrimination afforded to them by Title II of the ADA. Public entities are also required to provide an opportunity for interested persons to participate in the development of policies and procedures that affect the implementation of an ADA transition plan by submitting comments and making specific recommendations. Additionally, a public entity which employs 50 or more persons is required by the ADA to adopt and publish grievance procedures providing for prompt and equitable resolution of complaints or grievances alleging any action that would be prohibited by Title II of the ADA. If anyone feels that they have been the subject of discrimination based on disabilities they may file a grievance or complaint by following the procedure below. Due to the varying circumstances of each grievance, the resolution of any one grievance by the Town does not represent a standard upon which the Town is bound or upon which other complaining parties may rely. The Town's ADA Coordinator shall maintain all ADA grievance files for a period of three years.

Section 3.2: Grievance Procedures and Instructions

The procedure to file a grievance is as follows:

Step 1. The complaint of the alleged discrimination should be filed on an ADA Grievance Form. If the complaint is not filed on the Grievance Form, it should nonetheless contain the following information:

- Name, address, and telephone number of the person filing the grievance.
- Name, address, and telephone number of the person discriminated against on the basis
 of disability, if other than the person filing the grievance.
- Location, date, and description of the problem
- State whether a complaint has been filed with the US Department of Justice or other federal or state civil rights agency or court.
- Identify agency or court where the other complaint was filed. Include filing date, and the name, address, and telephone number of a contact person with the agency with which the complaint was filed.

The complaint should be submitted by the grievant as soon as possible, but no later than 60 calendar days after the alleged violation to: The office of the Town Administrator/ADA Coordinator at the Lowell Town Hall, 501 E. Main Street, (219)696-7794.

Step 2. The grievance shall be responded to or acknowledge in writing within 15 calendar days of receipt.

Step 3. Validity of the alleged discrimination shall be discerned by the ADA Coordinator by conducting an investigation within 30 calendar days of receipt. If appropriate, the ADA Coordinator shall arrange to meet with the grievant to discuss the matter. Within 15 calendar days of the meeting or completion of investigation, the ADA Coordinator shall respond in writing, explaining the position of the Town of Lowell, and offer options for substantive resolution of the complaint. Any resolution of the grievance shall be documented in the Town's ADA Grievance File.

Step 4. The Town's grievance procedure is not required to seek out other remedies. If the grievant is unsatisfied with the Town's management of the grievance at any stage of the process or does not wish to file a grievance through the Town, the grievant may file a complaint directly with the US Department of Justice or other appropriate state or federal agency.

Section 3.3: ADA Grievance Form

The following form is a copy of the Town's ADA Grievance form. The form may be found on the Town's website (www.lowell.net/ada) or by request from the Lowell Town Hall. This form may be used to file a complaint based on the Americans with Disabilities Act. The form encompasses all Town departments and may be used to file a complaint not only about a pedestrian facility in the right-of-way, but can be used for complaints regarding any Town owned or operated facilities.

Town of Lowell ADA Grievance Form

Please read the attached Complaint, Grievance and Appeal Process Policy & Procedures
Please Print Clearly

Today's Date:
Grievant:
Address:
Town, State, Zip:
Individual Discriminated Against:
Address:
Town, State, Zip:
Alleged Violation: Date(s) of Occurrence:
Describe violation and identify Town department involved:
Has complaint been filed with a State or Federal agency: YES NO
Name of Agency: Date Filed:
Contact Person:
Address:
Phone:
Glievani 3 Olynature

For a complaint to be acted upon, it must be documented in writing with the complainant's Signature and address. The initial complaint, whether verbal or written, should be directed to the Town Administrator/ADA Coordinator within 60 calendar days of incident. Forms are available on the Town's website (www.lowell.net) and at Lowell Town Hall, 501 E. Main Street, Lowell. Alternate formats are available upon request. If you require assistance completing this form please call: (219) 696-7794.

Section 4: Monitoring and Status Reporting

Section 4.1: Purpose of Monitoring and Status Reporting

The Town currently is engaged in an on-going effort to construct curb ramps, sidewalks and other facilities at numerous locations. This construction activity is not specific to any ADA implementation, but is rather a part of the Town's many improvement efforts. As improvements are made to any of the various facilities in the right-of-way, those facilities will be brought up to ADA design standards where it is feasible and financially reasonable. Therefore, the monitoring of construction activities and the reporting of the status of improvements is a critical part of assuring an effective ADA compliance program. It is necessary that the different departments working on Transition Plan projects all communicate in order to carry out the Transition Plan as efficiently as possible. Since the plan is meant to be updated, it is critical that departments communicate in a timely manner so as to create up-to-date drafts.

Section 4.2: Responsible Individual

The Town official responsible for the implementation of the Transition Plan and Self-Evaluation for the pedestrian facilities in the public rights-of-ways is the ADA Coordinator. Any questions, concerns, or comments should be forwarded to:

Lowell Town Administrator/ADA Coordinator 501 E. Main Street Lowell, IN 46383 Phone: (219) 462-1161

To find out who is the current ADA Coordinator, please visit the Town's ADA webpage at www.lowell.net/ada

Section 5: Inventory of Pedestrian Facilities in the Right-of-Way

Section 5.1: Introduction to the Inventory

Lowell desires to make all facilities accessible to all and has created the transition plan to help meet this goal. By using the PROWAG standards, the Town is ensuring that all changes to facilities in the right-of-way exceed expectations. Prior to the advent of the ADA, pedestrian facilities were built to standards which did not meet those of the ADA. In order to make facilities accessible to persons with disabilities, those facilities which do not meet ADA standards need to be identified first. Therefore, it was important for the Town to create an inventory of pedestrian facilities and make note of what standards the facilities meet.

Section 5.2: Self Evaluation of Current Facilities and Obstacles

The first tier of the self-evaluation was to create an inventory of current pedestrian facilities. The Town's GIS Technician is currently creating a working inventory of the following pedestrian facilities: curb ramps, sidewalks, crosswalks, intersections and pedestrian signals. The data for this phase is collected through the use of satellite imagery, street level imagery and several onground surveys: leaving more detailed data for a later survey. During this first phase of surveying, pedestrian facilities are graded so that they are either 'compliant' or 'non-compliant'. If a facility is graded as 'non-compliant' during this initial survey, then the Town knows that it needs to be brought up to standards; however, those facilities graded 'compliant' will often require a more detailed survey in order to determine true ADA compliance. For this reason they are actually 'provisionally compliant' until further surveying can be completed to show full compliance to ADA standards. By using an initial, quick survey before conducting an intensive one, the Town saves time and clearly identifies which facilities are non-compliant or missing prior to using Town resources to conduct the detailed survey. The inventory created allows for the Town to determine the ADA status of facilities; and by updating the surveys, the Town can evaluate itself in terms of how well it is implementing the standards found in PROWAG and those required by the ADA.

It should be noted that not all facilities were graded based on being compliant or non-compliant. For instance, crosswalks will be graded as 'visible,' 'faded' or 'missing' rather than compliant or non-compliant.

Section 5.3: Curb Ramps

During the spring of 2013, the Town contracted the Geospan Company to map all curb ramps within the Town limits. Using street level photo analysis, a total of 355 intersections requiring curb ramp access were identified. These intersections were classified as being compliant, partially compliant or non-compliant to ADA standards. During the Towns second tier analysis of its assets, Curb ramps will given a priority ranking based on their location, condition ranking and specific measurements very similar to Intersections and sidewalks in this report. The ramps within 250' of government property will be given the highest priority rank of 1, the ramps within 100' of places of employment, retail centers, churches, medical facilities and clubs a priority rank of 2, and the remaining curb ramps the lowest priority of 3. Any ramps which are within the buffer for a priority zone, but which were determined to not provide direct access to the location from which the buffer was drawn were manually given a lower priority rating. Information about these ramps was included in the Intersection analysis contained in section 5.6 of this report.

Figure 5.3.1 Curb Ramp



Curb ramps were deemed compliant if they were built using a truncated dome detector plate, a flat landing, and an adequate sidewalk approach. These are fundamental requirements set by the ADA and are necessary in order to meet the more specific requirements in the detailed evaluation portion of the Town's Self-Evaluation (section 6 of this document). This two-step method will save time because it eliminates the need to collect detailed data on all curb ramps. *Map 1* is the product of the intersection inventory. This map shows the location of compliant as well as non-compliant intersection curb ramps in the Town. *Map 2* displays the priority level of all non-compliant curb ramps and missing curb ramps.

It should be noted that many of the curb ramps which were identified as either 'Missing' or 'Non-compliant' are located in areas of the Town where it is impractical, unfeasible, or unforeseeable in the near future to update/install ADA complaint ramps.

Section 5.6: Intersections

During the spring of 2013, the Town contracted the Geospan Company to map all intersections within the Town limits. Using street level photo analysis, a total of 355 intersections in the Town were identified. Of those, 87 were classified as being compliant or partially compliant to ADA standards. In addition there were missing curb ramps that have yet to be installed.

Intersection Compliance					
Compliant	Partially Compliant	Non-Compliant	Compliance not required	Total	
32	55	147	160	355	

Section 5.4: Sidewalks

Using GIS (Geographic Information System) data already in the Town's computer databases in addition to new spatial imagery, a map of all sidewalks in the Town was created (Map 3). Sidewalks constructed prior to 2005 were drawn based on 2005 Orthophotography (Figure 5.4.2). Sidewalks constructed after 2005 are being drawn based on 2013 Geospan street-level imagery and 2013 IOT Orthophotography when the information is available. Future sidewalk data will be maintained by GPS field collection and future Orthophotography. The map contains all existing sidewalk facilities. Creating an inventory of sidewalks allows for the Town to work on the installation of sidewalks where they are missing as well as alter existing sidewalks. Sidewalks are to be installed along all Town controlled streets, particularly in areas servicing public facilities. Sidewalks shall adhere to ADA design standards where feasible. All altered or new streets are to include ADA compliant sidewalks and curb ramps. Additionally, sidewalks must be free of barriers, defects(Figure 5.4.1) and allow for adequate passing room for individuals using wheelchairs, powered wheelchairs, crutches or other assistance devices. The inventory survey found there to be 51 miles of existing sidewalk in the Town Right of ways without sidewalks will be able to be analyzed accurately based on 2013 Geospan imagery and orthophotography. The analysis of these sidewalks was broken down into sidewalk sections, reaching in different lengths from intersection to intersection. These sections were rated in two different ways, one by predominant defect, listed below, and second by completeness. (Map 4)

Figure 5.4.1
Sidewalk Defects





Vertical Fault



Horizontal Fault



Spauling

Obstruction





Cracking

Cross Slope





Ponding

Cleanliness

Figure 5.4.2 Sidewalk Centerlines



SIDEWALK CONDITION									
Compliant	Cleanliness	Cracking	Cross Slope	Horizontal Fault	Vertical Fault	Obstruction	Ponding	Spaulling	Total
439	21	55	2	48	51	3	10	39	668

Sidewalk completeness was rated by three variables. 1) **Complete**; Sidewalk reaches completely from one intersection to the next for all practical applications 2) **Incomplete**; Sidewalk does not reach from one intersection to the next but the section that is in place is continuous. 3) **Interrupted**; Sidewalk reaches from one intersection to the next but is missing whole sections in between.

SIDEWALK COMPLETENESS				
Complete Incomplete Interrupted To				
495	141	32	668	

Section 5.5: Pedestrian Signals

There are currently 5 intersections in within the Town of Lowell that have pedestrian signals. Of those intersections, all of the signals fall under the jurisdiction of the Indiana Department of Transportation (INDOT) as they are located along State Road 2. As of June, 2013, The Town of Lowell has no official plans to add any addition pedestrian signal to its municipal system.

Figure 5.5.1 Pedestrian Signal



Section 5.6: Intersections

During the spring of 2013, the Town contracted the Geospan Company to map all intersections within the Town limits. Using street level photo analysis, a total of 355 intersections in the Town were identified. Of those, 87 were classified as being compliant or partially compliant to ADA standards. In addition there were missing curb ramps that have yet to be installed.

Intersection Compliance					
Compliant	Partially Compliant	Non-Compliant	Compliance not required	Total	
32	55	147	160	355	

Section 5.7: Crosswalks

During the evaluation of the intersections in Lowell, a detailed count of the crosswalks was carried out using Geospan and 2005 high-resolution aerial imagery. Most intersections where crosswalks are located are contained within the main corridor through the Town along State Road 2. The intersections where these crosswalks are located are identified as Visible, Faded, Missing and High-priority Missing. (See Map 5)

Section 6: Detailed Evaluation

The first tier of analysis for the Town's plan has been based on a combination of 2005 aerial imagery, available through the Indiana Map, in combination with current Geospan street level imagery collected in March of 2013. This technology allowed the Town to do a comprehensive study of all of the assets in accessible areas as well as areas viewable through aerial imagery up to the year 2005. In some cases, specific information about these assets will be collected in a more specific second tier analysis based upon updated technology not yet available.

A proposed second tier to the self-evaluation is a detailed assessment of all the 'compliant' pedestrian facilities found in *Section 5* of the self-evaluation. The ADA contains several standards for pedestrian facilities which could not be measured using 2005 satellite imagery or Geographic Information Systems. This data must be either collected in the field and includes specific measurements of slope, width, and surface area, or revisited with the Geographic Information System after the receipt of more current high-resolution aerial imagery. Current high-resolution imagery was collected in March of 2013 and is due for delivery in October of the same year. This current imagery will include high-resolution LiDAR technology that can be used to analyze impervious surfaces, such as sidewalks and paved area, to expand the database beyond that can be seen through standard imagery.

Section 7: Methods for Removing Obstacles

Section 7.1: Implementation

The Town has already begun implementing the Transition Plan. However, the inventory data collected in the self-evaluation has yet to be integrated into the pedestrian facilities improvement and installation schedule. Work may begin using data from the initial self-evaluation should improvements be desired prior to the completion of any detailed evaluation.

The Town, in an effort to ensure proper design of pedestrian facilities, employs the ADA Accessibility Survey Instructions as the standard for all installations and improvements to curb ramps.

Section 7.2: Priority

In order to achieve ADA compliance, the Town will place a strong emphasis on applying ADA standards to all facilities which are being designed, constructed, or altered. As shown in the Self-Evaluation, projects are given a priority level. This priority level may be used as a tool to give precedence to certain improvements and installations over others. This priority system is most applicable to the curb ramp locations. As explained in *Section 5.3*, those curb ramps near government property were given the highest priority, followed by those near places of employment and commerce, and the remaining locations were given the lowest priority level. Below are a few examples of the properties which determined priority zones.

Highest Priority Zone Property Examples

- Public Schools
- Hospitals and medical facilities
- Town Parks and public facilities
- Police/Fire Stations
- Prisons

Medium Priority Zone Property Examples

- Employment Centers
- Industrial Parks
- Business Parks
- Retail Centers

Lowest Priority Zone Property Examples

- Residential Neighborhoods
- Agricultural Land
- Open Space

Prior to this report, the Town's Department of Public Works started replacing the worst of these where the concentration was greatest, in the older parts of town east of Cedar Creek and west of Burnham Street. Replacement will continue, replacing the worst rated sidewalks and curb ramps first.

The main focus is replacing existing sidewalks, however, small missing sections may be added in high traffic areas as long as drainage and access are not adversely affected.

Section 7.3: Public Complaint Process

The Town wants to give all persons the ability to report possible barriers to accessibility within the Town. Complaints can be entered using the Lowell Public Complaint Process which is available through the Town's website. Complaints filed through this process may often drive the prioritization of improvements. In addition to filing a complaint online, written complaints describing the issue in detail may be submitted to the ADA Coordinator.

Section 8: Schedule and Budget for Improvements

Section 8.1: Schedule

All public facilities are currently being designed and built in compliance with the applicable ADA standards. This includes, but is not limited to: sidewalks, curb ramps, pedestrian signals, crosswalks, and buildings. Alterations to existing public facilities will also be made using ADA standards to conduct infrastructure improvements and barrier removal. The Town is currently undergoing an extensive update to many curb ramp and sidewalk locations using the condition ratings established by Public Works. Following the work season, the inventory of ADA facilities can be updated to reflect the recent changes and a more comprehensive schedule for improvements can be created.

The detailed evaluation portion of the self-evaluation currently does not have an estimated implementation date. This step will only be completed if the current pace of curb ramp and sidewalk improvements slows down. The current rate of installations and improvements has made conducting the detailed evaluation at this time impractical as it would take longer to collect the data than it will to replace the non-compliant facilities. In the event that the Town replaces all of the currently non-compliant facilities, or if the Town deems necessary otherwise, the detailed self-evaluation steps as outlined in this report may be implemented.

In 2003, INDOT replaced approximately 60 ramps along State Road 2; in 2013 Town's Department of Public Works installed or replaced 48 ramps in high priority locations; and in 2015, the same amount of upgrades are anticipated. This pace is expected to continue until all facilities have been brought up to standards.

Section 8.2: Budget

The Town's Transition Plan has been revised by winter 2013. Following the adoption of the Transition Plan revisions, the Town has budgeted \$15,000 for infrastructure improvements and ADA Barrier removal in 2013. The Town may allocate more money for improvements and barrier removal if needed or desired. A budget for the years following 2013 is anticipated to maintain the same level of funding on a yearly schedule for curb ramp and sidewalk improvements and ADA barrier removal within the Town.

Section 8.3: Plan Completion

The goal of the ADA and the Transition Plan process is to eliminate all barriers to accessibility at all public facilities as well as full implementation of the highest design standards in all future work going forward. This plan will be updated as needed until all barriers to accessibility are removed. The implementation of this Plan will require all Town departments' input and efforts as well as the greater Lowell community. The Town encourages all persons to contribute through any of the forms mentioned in this report. Working as a team and working as a community will help ensure complete, timely, and efficient progress towards accomplishing this task.

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