

ADA Transition Plans: A Guide to Best Management Practices

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House Keeping

- Cell phones on vibrate
- Take Calls Outside the Room
- Sign In Sheet
- Rest Room Locations

Introductions

- Who Are We?
- Who Are You?
- What is Your Title & Role in ADA Compliance?
- How Many Years Working with ADA?
- Experience Creating or Updating Transition Plans?

Purpose of Workshop

- Provide ADA Technical Assistance Tool to grade, monitor compliance, and track progress in ADA programs
- Offer Best Practices on Transition Plan Development (per NCHRP 20-7 [232])
- Offer an Opportunity to Discuss and Develop Outline of Actions with other Communities

What this Workshop Isn't

- A Seminar on ADA Design Components
- A Seminar on ADA Compliant Construction
- A Source of Legal Opinions on ADA Matters

FEEDBACK

- We want your comments, questions & concerns on any aspect.
- Make notes that we can take with us to retool as needed

Handouts

- FHWA ADA/Section 504 Technical Assistance Tool
- NCHRP 20-7 (232) ADA Transition Plans: A Guide to Best Management Practices

Resources

- NCHRP 20-7 (249) Asset Management Approaches to ADA Compliance
- Pedestrian Checklist and Considerations for Temporary Traffic Control Zones
- USDOJ - Project Civic Action
 - www.ada.gov/civicac.htm

Why FHWA?

- Ensure nondiscrimination on the basis of disability in programs and activities receiving or benefitting from federal financial assistance.
- The Federal Aid Highway Program provides over \$900,000,000 to the State of Indiana annually.

So Why Now?

- FHWA/INDOT Joint Review
 - Less than 30% reported Transition Plans
 - Those that did have them...most not current
 - **Due in 1995**...we are late!
- FHWA Risk Item...both Indiana and Nationally
- USDOT & USDOJ area of special interest

What to Expect

- FHWA Technical Assistance Tool (handout)
- NCHRP Best Practices 20-7 (232) (handout)
 - WORKSHOP
 - Chance to get to the starting line or reevaluate older Transition Plans
 - Chance to exchange ideas
 - Chance to develop a plan of attack

Authorities

- *What authority requires public agencies to make public right-of-way accessible for all pedestrians with disabilities?*
 - Section 504 of the Rehabilitation Act of 1973 (Section 504) (29 U.S.C. §794)
 - Title II of the Americans with Disabilities Act of 1990 (ADA) (42 U.S.C. §§ 12131-12164).
 - Nondiscrimination

Americans with Disabilities Act (1990)

- Title I = Employment
- Title II = State and Local Governments***
- Title III = Public Accommodations (retail, commercial, sports complexes...)
- Title IV = Telecommunications
- Title V = Misc. >> Requirement for Access Board to develop design guidelines (ADDAG, PROWAG)

ADA/504 Technical Assistance Tool

(Handout)

What is a Technical Assistance Tool?

- Developed by FHWA for Baseline Assessment Initiative
- Set of Questions Toward Determining Level of Compliance with Regulations
 - Answer Yes/No/Don't Know
 - Yes = Compliance with ADA/504
 - Work on moving No & Don't Know to Yes
- Provides Regulatory Cite for more detail

Subparts A & B: General

Local Public Agency (LPA) Responsibilities			
A. General Requirements (Subpart A and B):	Yes	No	?
1. Does the LPA have a 504/ADA coordinator? (28 CFR 35.107(a) & 49 CFR 27.13(a))			
2. Does the LPA have an internal grievance procedure that allows for quick and prompt solutions for any complaints based on alleged noncompliance with 504/ADA? (Note: "Grievance procedure" refers to a process for external complaints) (28 CFR 35.107(b) & 49 CFR 27.13(b))			
3. Does the LPA keep on file for at least one year all complaints of noncompliance with ADA and 504 received? (49 CFR 27.121(b))			

w/ 8 more related questions...

Subpart D: Facility Access

B. Program and Facility Accessibility (Subpart D)	Yes	No	?
<i>Title II ADA Transition Plan requirements</i>			
1. Has the LPA developed and implemented a transition plan that outlines which structural modifications must be made to those programs and services that are not accessible? (28 CFR 35.150(d) & 49 CFR 27.11)			
2. Has the LPA also developed a curb ramp installation schedule as part of the transition plan for pedestrian facilities it owns, operates and/or maintains? (28 CFR 35.150(d)(2))			
3. If so, did the LPA provide an opportunity to interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the transition plan process by submitting comments? (28 CFR 35.150(d)(1) & 49 CFR 27.11)(c)(2))			
4. Is the transition plan available for public inspection? (28 CFR 35.150(d)(1) & 49 CFR 27.11)			

w/ 10 more related questions...

Subpart E: Communications

C. Communications (Subpart E)	Yes	No	?
1. Does the LPA provide auxiliary aids (sign language interpreters, readers, Braille, large print text) upon request, to LPA program participants with disabilities? (28 CFR 35.160 (b)(1) and 49 CFR 27.7(c))			
2. Does the LPA notify the public and other interested parties that auxiliary aids will be provided, upon request (e.g., via public meeting announcement)? (28 CFR 35.160 (a), 28 CFR 35.163 (a), and 49 CFR 27.7(c))			
3. Is the LPA website and all of its contents accessible to individuals with hearing or visual impairments? (28 CFR 35.160 (a), 28 CFR 35.163 (a), and 49 CFR 27.7(c))			
4. Can hearing impaired individuals contact the LPA via TTD/TTY phone line or an equally effective telecommunications system such as a relay service? (28 CFR 35.161 and 49 CFR 27.7(c))			

Post-TAT Recommendations

- Determine “Yes and No” from the “Don’t Know” List
- Develop strategies to address “No” answers
- Base strategy on the levels of risks and ease of accomplishments
- Prioritize accordingly
- Retest yourself at least once a year
- Mark and report progress in a manner that is meaningful to you and the public.

Questions 504/ADA TAT?

Transition Plan: Best Practices

PLEASE

- TAKE LOTS OF NOTES
- SHARE YOUR IDEAS/CONCERNS
- THINK ABOUT HOW YOU WILL ENGAGE NEXT WEEK & BEYOND
- STAY MOTVATED TO FINISH BY 12/12

Transition Plans

- Required of government entities with greater than 50 employees (combined full and part-time)
- Less than 50 employees, public entities still need to evaluate programs for discrimination...but no Transition Plan
- Title II requirement that provides a tool to address discrimination in access to **ALL** programs

What Are the Required Components of a Transition Plan

- At a minimum a TP must...
 - Identify an ADA Coordinator
 - Identify Complaint Process
 - Develop/Adopt Design Standards
 - Identify Public Involvement Opportunities
 - Identify Barriers to Access
 - Identify Plan (time and budget) to Remove Barriers
 - Reevaluation Schedule
- We ARE NOT interested in MINIMUMS

Consent Decrees and Complaints

- At least four in Indiana within past 5 years
- Indiana Complaints Through FHWA
 - 1 in 2009
 - 2 in 2010
 - 2 in 2011 (1 w/two entities)
- Following your transition plan helps demonstrate systematic removal of barriers

National Academy of Science NCHRP Publication 20-7 (232)

- ADA Transition Plans: A Guide to Best Management Practices (May 2009)
 - Jacobs Engineering Group, Baltimore, MD
- Study funded (in part) by FHWA
- Effort to Share Result

Steps to Compliance NCHRP 20-7 (232) for PROW

- Step 1 – Designate ADA Coordinator
- Step 2- Provide Public Notice about ADA Requirements
- Step 3 – Establish a Grievance Procedure
- Step 4 – Develop design standards, specifications, details

Steps to Implement NCHRP 20-7 (232) for the PROW

- Step 5 – Self Evaluation and Transition Plan development
- Step 6 - Approving a schedule and budget to implement the TP
- Step 7 - Monitor progress in completing TP

STEP 1 – Designating an ADA Coordinator

- Person Must be familiar with LPA operations
- Person must be trained or knowledgeable in ADA and other nondiscrimination laws (Title VI, Title VII)
- Person must have sufficient authority, time, and resources to accomplish the duties

STEP 1 – Designating an ADA Coordinator

- Possible needs for others to have ADA responsibilities, but ONE PERSON IN CHARGE.
- Suggested position locations – Office of CEO, Civil Rights Office, Legal Department, Planning, Public Information...
 - Regardless of where...must have authority to impact programs

STEP 1: Key to Success

- Providing dedicated, trained staff for ADA compliance has a high correlation with successful drafting and implementation of Transition Plans, Self-evaluations, and Transition Plan updates.

Step 1 – Coordinator (discussion)

- WHO?
- HOW?
- WHAT AUTHORITY?
- KNOWLEDGE/TRAINING?

Step 2 – Providing Notice about the ADA Requirements

- The public must be notified about rights under the ADA and the responsibility of the Department (LPA) under the ADA.
- Notice should be on-going/continuous.
- Each entity must decide what is effective
 - Accessible website is recommended at a minimum

Step 2 – Providing Notice about the ADA Requirements

- Provide the ability to offer comments and follow-up
- Public outreach should involve activists, advocacy groups, general citizens, organizations that support the rights of the disabled, elected official, Governor’s Council, as well as other agencies (local and State).
 - **“Nothing for us without us”**

RESOURCE – Access Board

- <http://www.ada.gov/pcatoolkit/chap2toolkit.htm>

Step 2: Key to Success

- Provide a website with links to the various components of the ADA Transition Plan such as policies, compliance planning for construction and retrofits, opportunities for public participation, links to ADA advisory committee, grievance procedures, and the schedule for implementation of the program.

STEP 2 – Public Involvement (discussion)

- WHO/WHAT STAKEHOLDERS?
- HOW?
- FREQUENCY?
- WHAT RESOURCES?
- HOW TO MOVE COMMENTS TO ACTION?
- AVAILABILITY OF FINISHED PLAN?

Lists of Stakeholders (discussion continued)

- Internal Departments
 - Building codes
 - Contract language
- External Departments (INDOT, Universities,...)
 - When a state road meets a city street
- Advocacy Groups
- Business Community
- Developers

Public Comment Period (discussion)

- Are there local standards for public comment prior to adoption?
- State Laws?

Availability of Transition Plan (discussion continued)

- Websites/Links?
- Library?
- Which departments should have copies?
- How to notify public of location?
- How to keep track?

Step 3: Establishing a Grievance Procedure

- Sets up a system for accepting and resolving complaints of disability discrimination in a PROMPT and FAIR manner.
- May (should?) align with Title VI and other established grievance procedures

Step 3: Establishing a Grievance Procedure

- The grievance procedure should include:
 - A description of how and where a complaint under Title II may be filed with the government entity;
 - Enable the filing of complaints in a variety of forms and formats.
 - a description of the time frames and processes to be followed by the complainant and the government entity;

Step 3: Establishing a Grievance Procedure

- information on how to appeal an adverse decision; and
- a statement of how long complaint files will be retained.
- once a state or local government establishes a grievance procedure under the ADA, it should be distributed to all agency heads.

Step 3: Keys to Success

- Make the grievance procedure as straightforward as possible so the public can facilitate information exchange regarding non-compliant sites, and help the Department avoid escalation of grievance issues. By allowing the public to choose ANY METHOD of filing a grievance, from writing a formal complaint, filing a complaint on-line, in-person contact, or through a toll-free number, the Department will ensure better exchange of information.

STEP 3 – COMPLAINT PROCESS (discussion)

- WHAT SHOULD IT LOOK LIKE?
- EXAMPLES?
- WHO HANDLES?
- HOW LONG TO RETAIN?
- HOW TO USE TO INFORM AGENCY?

Step 4: Developing Internal Design Standards, Specifications and Details.

- ADAAG – Buildings
- PROWAG – Public Rights of Way
 - Currently a “Best Practice”
 - Anticipated to be law within 3 years
- Access Board
 - <http://www.access-board.gov/adaag/html/adaag.htm>
 - <http://www.access-board.gov/prowac/guide/prowguide.htm>

Crosswalk/Sidewalk Standards

- Use the PROWAG Standards
- Detectable Warnings
- Audible Warning Warrants/Policies
- Transit/Para-transit
- Furniture/Landscaping Zones
 - Complete Streets
- Trail Standards

Construction Standards

- Tolerances Should Enable Compliance
- Temporary Pedestrian Facilities/Detours
 - MUTCD
 - PROWAG
 - Undue Burden
 - DOCUMENT, DOCUMENT, DOCUMENT!

STEP 4 – STANDARDS/POLICIES (discussion)

- WHAT DESIGN STANDARDS?
 - Other than ADAAG and PROWAG...local?
- WHO ADOPTS?
- HOW TO ADOPT?
- OPPORTUNITIES TO INFLUENCE OTHERS?
 - Developers, contractors, utilities...

Formal Adoption of ADA Policies (discussion continued)

- Model Ordinance
 - Whereas statements
 - Therefore statements
- Public Input
- Adopting Design Standards
- Accepting Schedule
- Providing Budgets
- Incorporating Existing Efforts

Step 5: The ADA Transition Plan

- The Inventory (your baseline)
- Noted as the “most daunting part” due to lack of budget and staffing.
- Potential “stall” waiting for self-evaluation or moving inventory into priorities.
- Requires executive support (staff, budget, time, authority...)

Self-Evaluation Check List (page 5)

Issue	Possible Barriers
Sidewalk/Pathway Clear Width	Narrow, Below Guidelines
Sidewalk/Pathway Cross Slope	Steepness, Irregularity. Variability, Warping
Landings along sidewalks/pathways	Less than 4' X 4'
Sidewalk/Pathway Grade	Steepness, Angle Points
Materials/Finishes	Surface and Marking deterioration, rough materials (cobble, stamped..)
Gratings	Type and Orientation
Discontinuities	Missing sections, gaps, drops, steps

Strongly Recommend Using PROWAG Standards

Self-Evaluation Check List (page 5)

Issue	Possible Barriers
Detectable Warnings	Missing, wrong materials, inadequate size or location
Obstructions	Signs, mailboxes, hydrants, furniture, phones, drainage structures, landscaping
Traffic Signal Systems	No Audible Ped. Signals for visually impaired, inadequate timing (too fast), inoperable, poor access
Curb Ramp	Missing misses marked crosswalk, fails to meet guidelines
Curb Ramp Flares	Missing, Too Steep

Step 5: Key to Success (Inventory)

- Ideally have budget and staff identified through the entire Transition Plan phase.
- Use of summer interns
 - The Nashville approach
- Prioritize “high pedestrian” areas first, thus being able to make impacts prior to completing the full inventory.

Step 5: Inventory

- Additional Considerations
 - Inventory should note who is responsible (depart., other govt.) for the facilities' compliance
 - Sidewalks along/on state roads are noted as “problematic”
 - **COORDINATION IS CRITICAL**
 - Transit facilities owned by a DOT but operated by others were also noted as “problematic” (PPPs)

ADA Compliance at Transportation Agencies: A Review of Practices (reference)

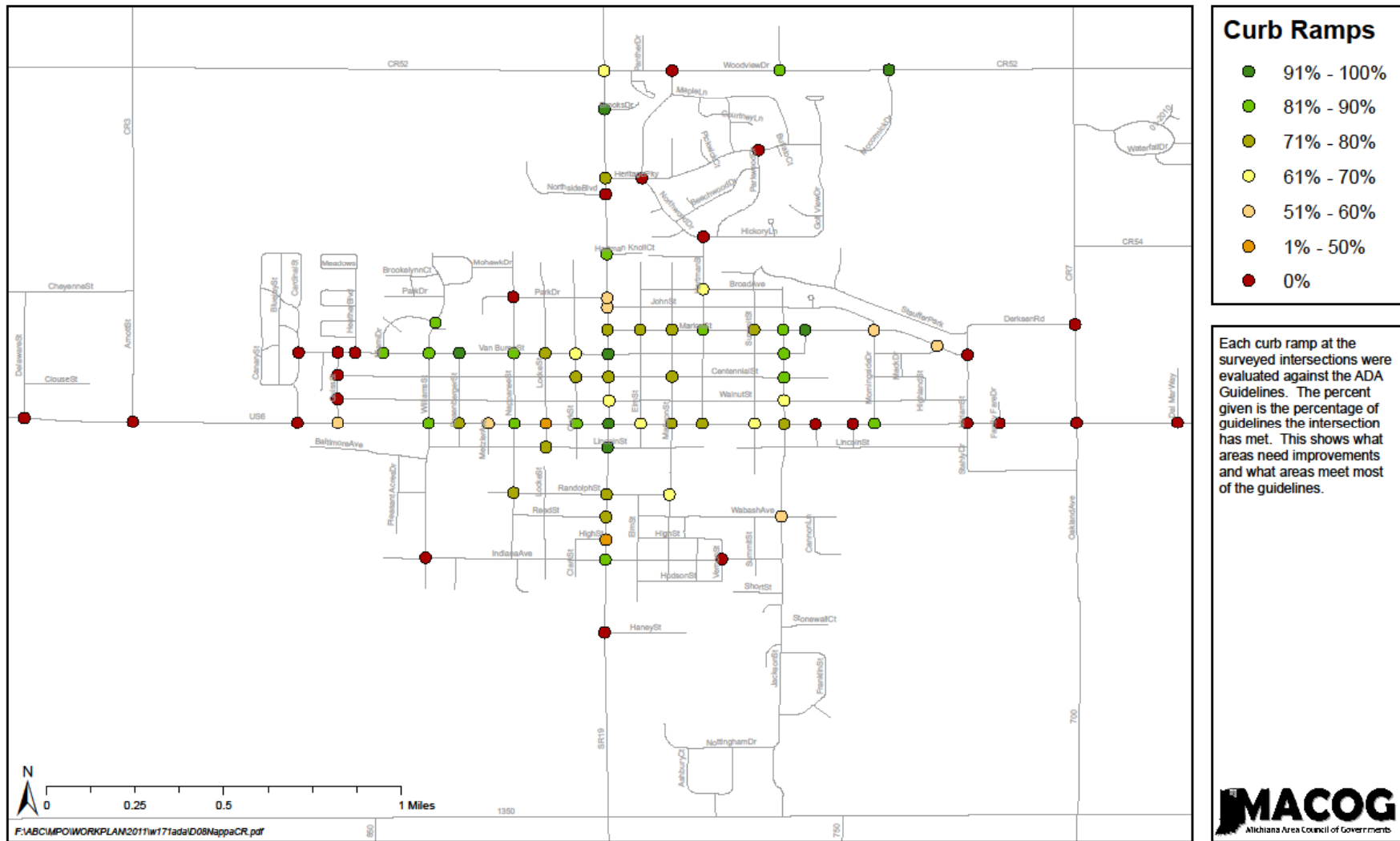
- Inventory Styles
 - US Department of Justice ADA Tool Kit (page 9 - 13)
 - Florida (Page 24)
 - Maryland (Page 29)
 - Oregon (Page 33)
 - Texas (Page 35)

MACOG Approach

- Use of Traffic and Pedestrian Generator Maps
- Functional Classification Maps
- Applied Standards (PROWAG)
 - Sidewalk & Curb Cut Inventory
 - Graded Red (fully noncompliant) to Green (compliant)

Curb Ramp Map:

Figure 1: Percentage of Curb Ramps meeting ADA Guidelines



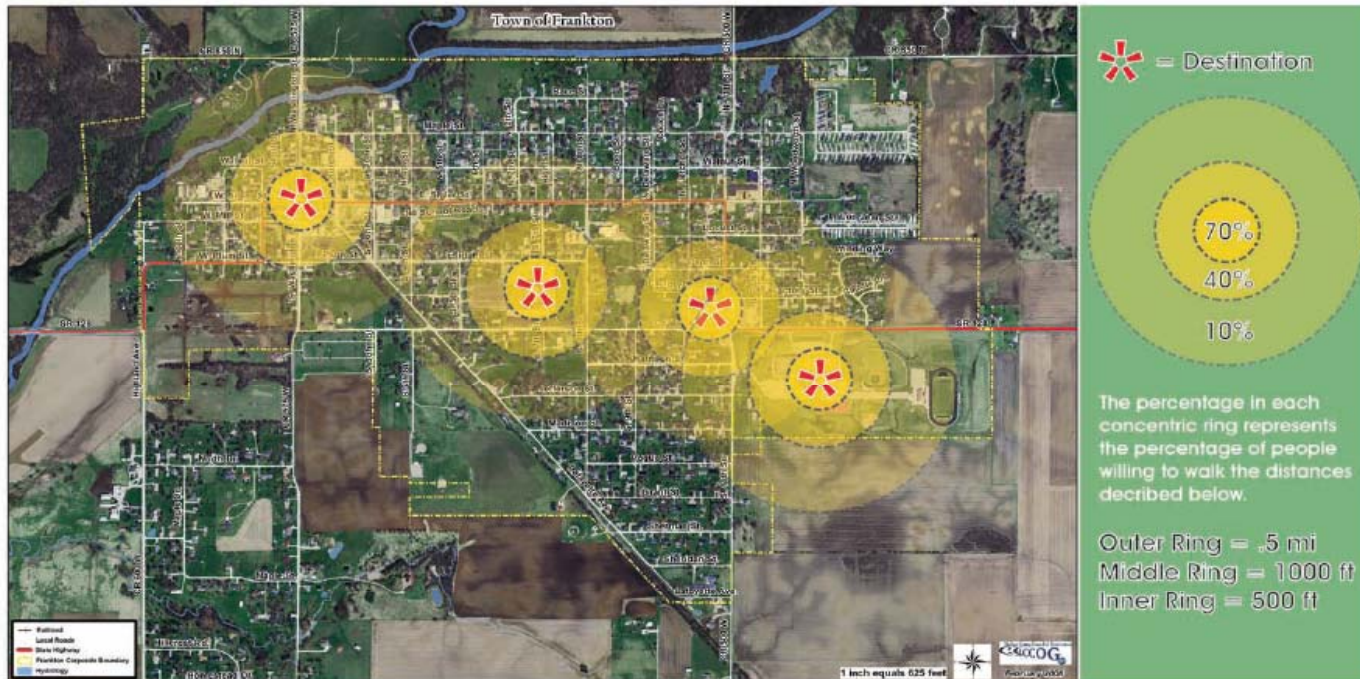
Frankton Approach

- Prioritize Based On:
 - Age
 - Assumption Relating to Need for Pedestrian Mobility
 - Disability
 - Known Populations
 - Income
 - Poverty and Need for Pedestrian Mobility

Frankton's Priority Zones

Chapter Three: Identifying Priorities for Pedestrian Improvements

Frankton, Indiana Walkability Distances



Source: "Accommodating the Pedestrian", Richard Untermaier

Step 5: ADA Transition Plan

- Making Information Available
 - GIS Based Approach is Common
 - Noted as providing “street level detail” (photos/mapping,...)
- Establishing a Baseline
 - Enables entity to demonstrate good-faith efforts in addressing noncompliance
 - Shows a Starting Point

Step 5: ADA Transition Plan

- Implementation Plan Components
 1. A list of physical barriers that limit accessibility to services/programs
 2. A detailed outline of the methods proposed to address the barriers
 3. A schedule for achieving compliance
 4. The name of the official responsible for the plan's implementation (likely department level)

Step 5 Key to Success (Implementation)

- Self-evaluation detail must be sufficient to characterize/describe the barriers/deficiencies
- A very detailed approach for setting priorities for dealing with barriers helps with successful implementation.
- Criteria for setting priorities should include physical and location considerations

Inventory (Discussion)

- What Approach?
- Applied Standards with Grades (MACOG)
 - Red to Green plus inventory
 - Crosswalks/Accessible Pedestrian Signals
 - Sidewalks – (continuity, condition, cross slope...)
 - Signage (height standards, furniture zones...)
- Use PROWAG Standards
- Prioritize for Public Places

STEP 5 – ASSESSMENT/INVENTORY (discussion)

- RESOURCES?
- PRIORITIES?
- TIMELINE?
- PUBLIC INVOLVEMENT/INFORMATION?

The Self Assessment (discussion continued)

- Who Initiates?
 - ADA Coordinator
 - Must have authority to act
- Who are stakeholders?
 - Departments
 - Public
 - Other LPAs?
 - State Departments
- How to Engage Stakeholders?

Step 6: Schedule and Budget

- Schedule actions each year to address barriers
- Stand alone projects
 - ADA does not apply to maintenance projects
 - pot hole patching or micro surface
- Regularly occurring programs
 - say 4 crosswalks/year for X years
 - resurfacing projects...others

Step 6: Schedule and Budget

- Funding Sources:
 - Highway Safety Improvement Program
 - National Highway System Improvement Program
 - Surface Transportation Program
 - Transportation Enhancement Program...
- Other Sources
 - Local
 - Grants
 - Private funds...
 - Exactions?

Step 6: Schedule and Budget

- Prioritization
 - Government Centers/Transit/Public Services...
 - Pedestrian Level of Service
 - Citizen requests/complaints regarding inaccessible locations
 - Population Density
 - Presence of Disabled Community
 - Cost...

Step 6 – BUDGET/SCHEDULE (discussion)

- FUNDING SOURCES?
- ANNUAL/ONE-TIME?
- GRANT SOURCES?
- HOW LONG?
 - until barriers are eliminated
- ON-GOING?

Step 7 Monitoring the Progress

- Use Transition Plan in Annual Planning Cycle
- Track from Initial Inventory (baseline)
- Transition Plan is a “Living Document”
 - UPDATE Regularly (annually/semi-annually)
- Changes in the pedestrian environment (adding street furniture, landscaping, path of travel) have impacts.

Step 7 – PROGRESS (discussion)

- WHAT TO EVALUATE?
- HOW OFTEN TO EVALUATE?
- HOW TO CAPTURE PROGRESS?
- HOW TO INFORM OF PROGRESS?

Regional Resources

- MPO/RPO
- ADA Working Groups
- Governor's Council for People with Disabilities
- ADA Indiana (Indiana University)
- Great Lakes ADA Center

Transition Plan Examples

- <http://www.scribd.com/doc/21193230/City-of-Rancho-Cordova-ADA-Transition-Plan-Final>
- <http://www.msa2.saccounty.net/transportation/Documents/ADA%20Transition%20Plan%20final3.pdf>
- <http://www.state.hi.us/dot/administration/ada/transitionplan.pdf>

E-Resources

- PROWAG
 - <http://www.access-board.gov/prowac/draft.pdf>
- ADAAG
 - <http://www.access-board.gov/adaag/html/adaag.htm#purpose>
- Audio Pedestrian Signal (APS) Guidance
 - <http://www.apsguide.org/references.cfm>

Schedule of Outcomes

- Technical Assistance & Workshops
 - Spring & Summer 2011
- LPAs Actions by December 2011
 - Work Plan and Implementation Schedule
 - **Strong** Outline (drafts)
 - Model Ordinance for adoption of TP
- Operating Transition Plan by December 2012
 - Working the Transition Plan

What after 2012?

- Submit finished plan to MPO/RPO/INDOT and FHWA (physical copy or electronic link)
- MPO Driven Milestones
 - See Handout
- You will remain eligible for FHWA funding

Wrap Up & Thanks

- Questions
- Work Items/Follow-up?
- Feed Back Welcome
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