

ADA

Transition Plans

ADA Culture of Compliance

Title II – Government Services: Must ensure that individuals with disabilities are not excluded from programs, services, and activities (pedestrian facilities are an example of a program).



US Population Statistics

- According to the 2010 Census, 21 percent (or approximately 59 million) of the U.S. population over the age of 15 has a disability.
- The National Council on Disabilities estimates that 70 percent of our country's population will eventually have a temporary or permanent disability that makes climbing stairs difficult.



US Population Statistics

- According to the 2010 National Health Interview Survey, 16.1 million American adults between the ages of 18 and 64 and 5.4 millions American adults 65 years and older report experiencing significant vision loss
- Visual disability can range from total blindness to low vision



US Population Statistics

- According to the National Center on Aging, as of January, 2011 we are turning 65 at the rate of 10,000 people per DAY and will continue to do so until 2020



Legal Background

- Architectural Barriers Act (ABA – originated 1968)
- Rehabilitation Act (1973) – Section 504 (49 CFR Part 27)
- Civil Rights Restoration Act (1987)
- Americans with Disabilities Act (ADA) (1990)
 - DOJ Implementing Regulations (28 CFR 35)

Florida History

- Since ADA became fully enforceable, Florida has always had a strong influence in accessible design. They had an “approved” state standard that had 13 differences from the ADA.
- That changed in 2010 with the adoption of the 2010 ADAAG, and the 2010 Florida Building Code. Florida now has 7 areas that differ from federal law.
- However, they are NOT the same type of law. Florida Building Code is a CONSTRUCTION law. ADA is a CIVIL RIGHTS law. Compliance with one may not mean compliance with the other.

What's the Difference?

- A CONSTRUCTION law has no requirements until construction activity occurs. Then what you do determines what needs to be done.
- A CIVIL RIGHTS law puts requirements on the agency regardless of planned construction activity.

Current Position

- Departments of Justice and Transportation announced their increased efforts to enforce compliance through “Project Civic Access” and potential withholding of Federal funding.
- Compliance is also becoming a requirement element for all Federal Grant programs.

Project Civic Access

Fernandina Beach, Florida – (10/02/00)

Fort Walton Beach, Florida – (9/11/02)

Citrus County, Florida, Sheriff's Office – (2/27/04)

Citrus County, Florida – (8/05/04)

Coral Gables, Florida – (8/05/04)

Lafayette County, Florida – (8/30/04)

Miami, Florida – (7/25/05)

City of Port St. Lucie, Florida – (8/10/09)

Fort Myers, Florida – (9/30/10)

Jacksonville, Florida – (4/19/13)

Five Titles of ADA

- Title I Employment
- Title II State & Local Governments (28 CFR Part 35)
- Title III Public Accommodations (retail, commercial, sports complexes, movie theaters, et al)
(28 CFR Part 36)
- Title IV Telecommunications
- Title V Misc., including requirements for the U.S. Access Board to develop design guidelines

Title II – State and Local Governments

Basic Requirement – Must ensure that individuals with disabilities are not excluded from programs, services, and activities (pedestrian facilities are an example of a program)



Title II – State and Local Governments

Basic requirements for government entities:

- Designate an ADA Coordinator
- Development & postings of an ADA Policy Statement
- Development & postings of Grievance Procedures/Complaint Procedures
- Complete a self-evaluation of current services, policies, and practices
- Development of a Transition Plan

Transition Plan Elements

- Identify/list physical obstacles and their location
- Describe in detail the methods the entity will use to make the facilities accessible
- Provide a schedule for making the access modifications
- Provide a yearly schedule if the transition plan is more than one year long
- Name/position of the official who is responsible for implementing the Transition Plan

Transition Plan Elements

Physical Evaluation:

- Buildings
- Parks
- Programs, services, activities
- Boards and Commissions
- Hiring/firing practices
- Job descriptions
- Amenities
- Design standards

Transition Plan Elements

Pedestrian right-of-way facilities:

- Curb ramps (special emphasis in regulation)
- Sidewalks
- Parking lots
- Pedestrian signals
- Transit stops
- Shared use trails
- Parks/recreational facilities

The Pedestrian Environment



Accessible Design Principles

- Construct the built environment to be usable by a broad spectrum of users
- Enable users to travel independently
- Integrate pedestrian facilities in planning and design - not as an afterthought



Title II – Existing Facilities

Undue Burden 28 CFR 35.150(a)(3)

- Based on all resources available for a program
- Claims must be proven and accompanied by a written statement of reasons and signed by the head of the public entity
- What constitutes undue burden will often be decided in courts



Title II – Maintaining Accessibility

(28 CFR 35.133)

- State & local governments must maintain the accessible features of facilities in operable working conditions
- Maintenance examples: sidewalks that are in disrepair; overgrown landscaping, snow accumulation; broken elevator; work zone accessibility (if construction activity affects pedestrian facilities – provide alternate route if more than temp. disruption)



Steps to Compliance

- Step 1 Designating an ADA Coordinator
- Step 2 Providing Public Notice about ADA requirements
- Step 3 Establishing a Grievance Procedure
- Step 4 Developing internal design standards, specifications, details
- Step 5 Developing Self Evaluation and Transition Plan
- Step 6 Approving a schedule and budget to implement the Transition Plan
- Step 7 Monitoring progress on implementation of the Transition Plan

STEP 1: Designating an ADA Coordinator

- Person Must be familiar with agency 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
- 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 2: Providing Notice about the ADA Requirements

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

RESOURCE – Access Board

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

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;
 - A description of the time frames and processes to be followed by the complainant and the government entity;
 - Information on how to appeal an adverse decision; and,
 - A statement of how long complaint files will be retained.
- The procedure should enable the filing of complaints in a variety of forms and formats.
- Once a state or local government establishes a grievance procedure under the ADA, it should be distributed to all agency heads.

Step 4: Developing Internal Design Standards, Specifications and Details

**Use the ADAAG, IBC and
PROWAG**

Public Right-of-Way Accessibility Guidelines (PROWAG)

- Originally intended to supplement the ADAAG to provide standards specific to public rights-of-way; most recently formatted as a stand-alone document
- Applicable to new construction and alterations (of existing facilities)
- Undergoing the rulemaking process (2011 Notice of Proposed Rule Making published w/ updated guidelines)



Step 5: Developing Self-Evaluation & Transition Plan

Implementation Plan Components

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

Develop Evaluation Criteria

- Adherence to ADA, ADAAG and IBC access standards
- Type, status, and proximity of surrounding land uses
- Nature of request / demand
- Potential health risks
- Pedestrian / automobile accident frequency
- Existing infrastructure
- Potential funding availability
- Implementation costs

Conduct Self-Evaluation

- Programs, Policies and Practices
- Design standards
- Infrastructure

Programs, Policies, and Practices

Program Access

- All community programs must be accessible to those with disabilities (28 CFR 35.149)
- Existing facilities
- Community programs
- Communication
- Methods of achieving program accessibility

Policies and Practices

- Non-discrimination requirements of Title II
- Employment

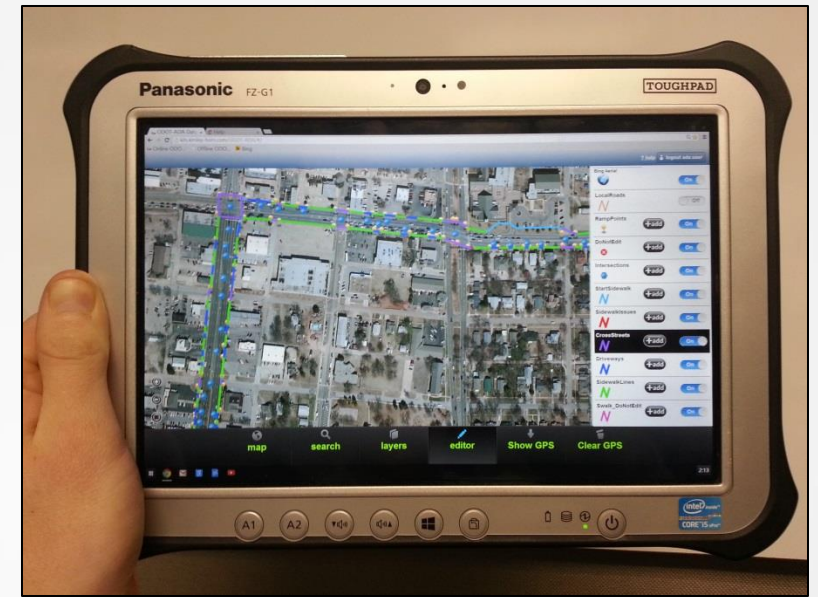
Conduct Self-Evaluation

Field Investigations:

- Extensive photos of site investigations
- Detailed data collection forms
- Data management / GIS based system

ArcGIS / GPS based Data Collection

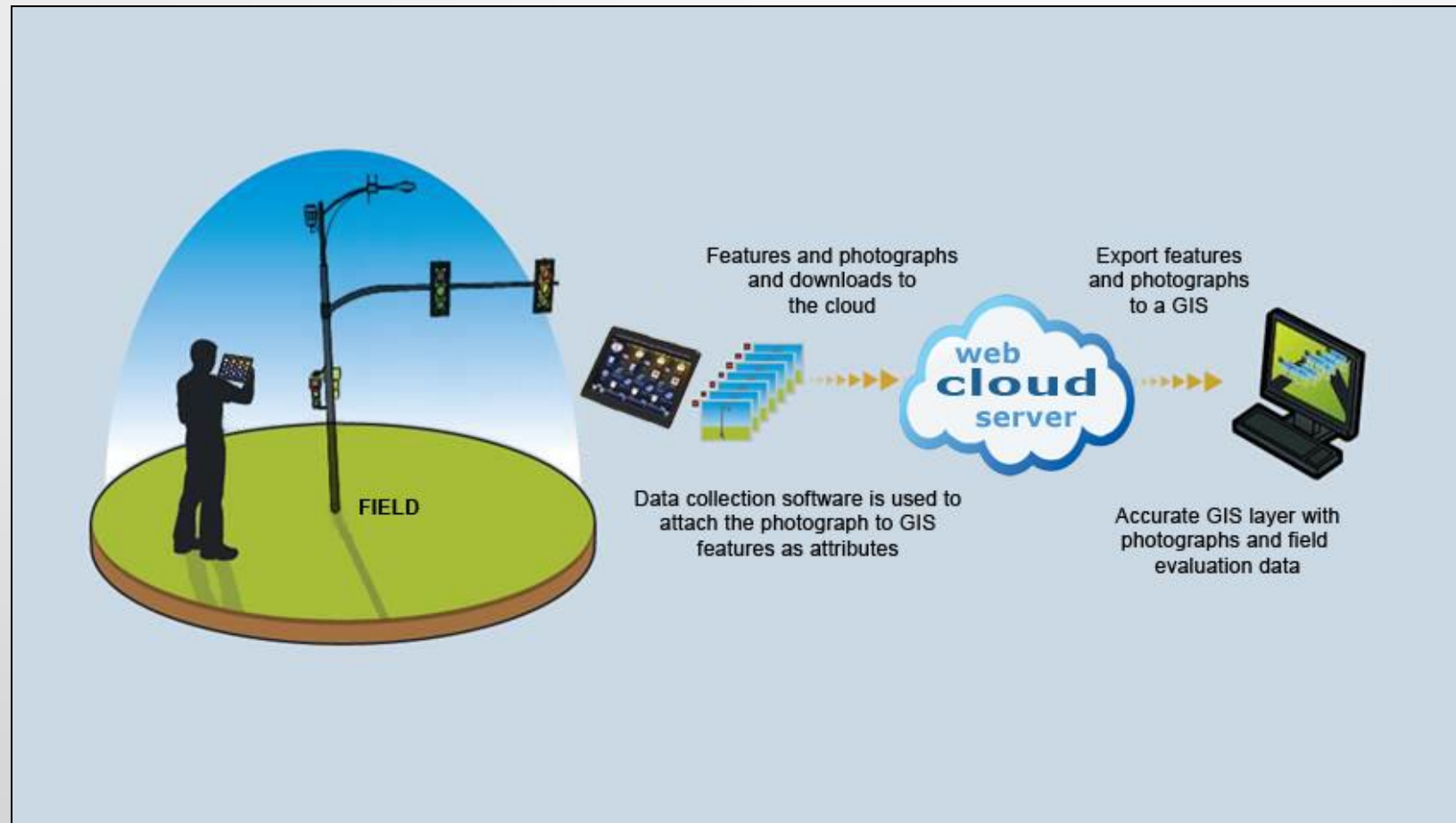
- Integrated data collection field form
- Fully customizable field forms
- Integrated digital camera
- Field data and photos syncs with ArcGIS



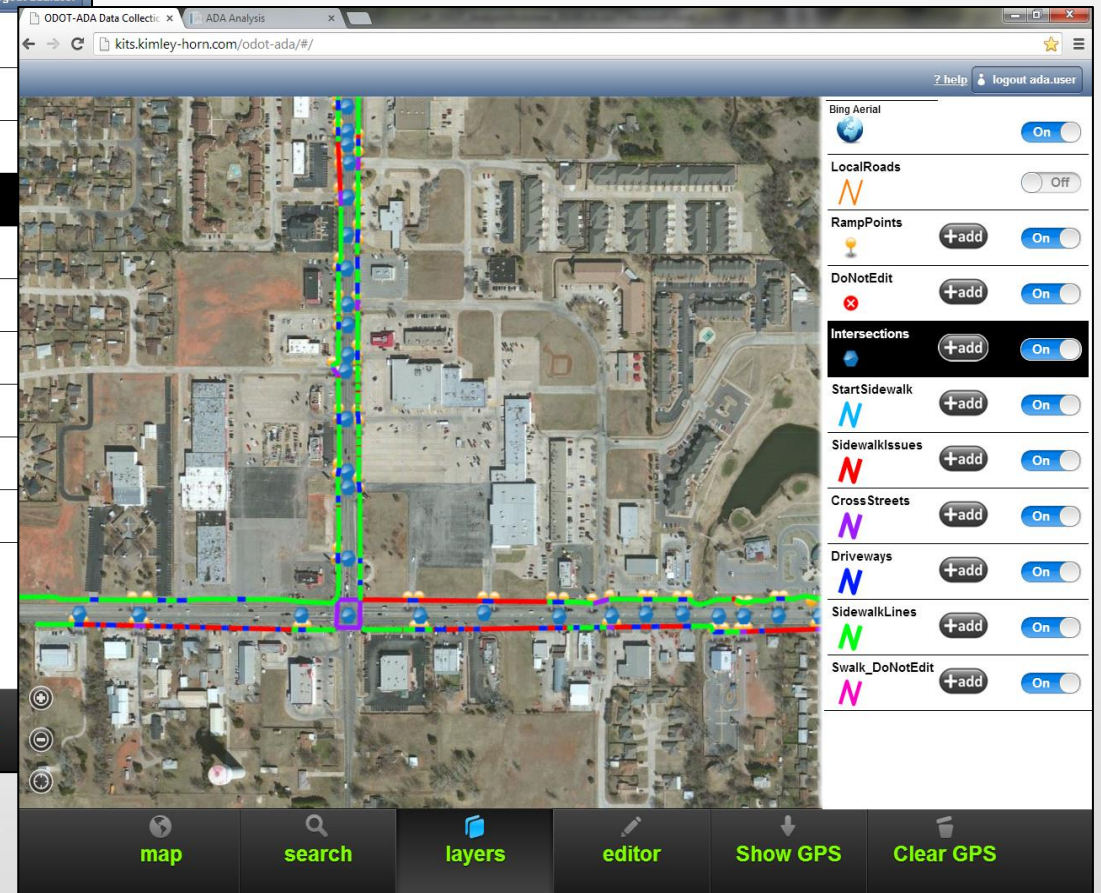
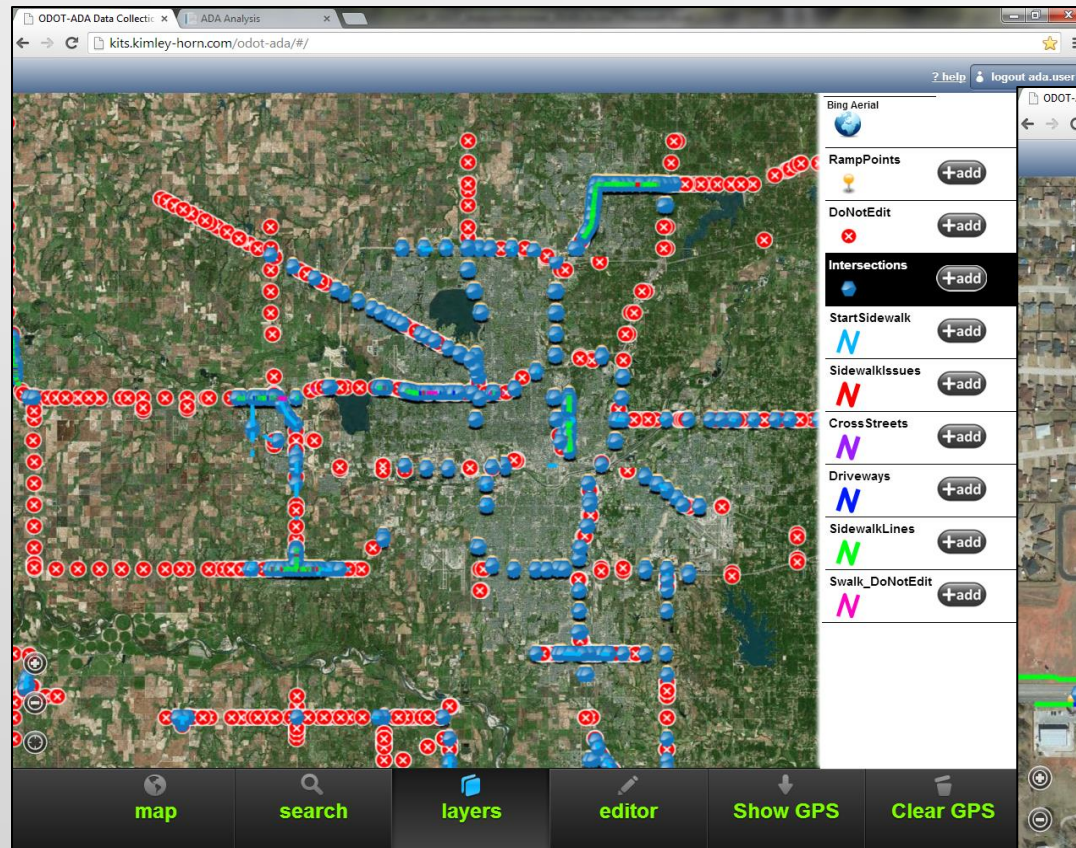
Source: Panasonic.com



Data Collection Process



In-Field Application Display



In-Field Application Display

ODOT-ADA Data Collect: x ADA Analysis x
kits.kimley-horn.com/odot-ada/#/ ? help logout ada.user

Update values and then press [save]
save cancel


GPS ID *
435

Corridor Name *
State Hwy 152

Division *
4

Issue Type (select all that apply) *

Obstruction	Heaving	Sinking	Cracking
Ponding	Missing_SW	Handrail Needed	RR Crossing


Worn Photo Path



map search layers editor


ODOT-ADA Data Collect: x ADA Analysis x
kits.kimley-horn.com/odot-ada/#/ ? help logout ada.user


Update values and then press [save]
save cancel

Intersection: Intersection of State Hwy 4 and driveway (Lat. 2050591.90467; Long. 143223.108359)
GPS ID: 90088 Signalized: No Ramp: 1A

Ramp Photo *


Push Button & Ped Head Photo


Other Photo 1

[click to load]

Other Photo 2

[click to load]

save

search layers editor Show GPS Clear GPS

ODOT-ADA Data Collect: x ADA Analysis x
kits.kimley-horn.com/odot-ada/#/ ? help logout ada.user

Update values and then press [save]
save cancel

GPS ID *
41377

Project Name *
Intersection of I-44 / State Hwy 66 and N May Ave (North)

Signalized *
Yes No

Location Info (select all that apply) *

Hospital/Retirement/ Medical	Parking Garage	Major Employer
Disability Service Provider	Event Facility	Bus/Transit
Govt/Public Facility	Parks/Libraries	Church
		None

Diamond Interchange? *
Yes No

Which direction does the major street run? *

North-South East-West

City
Oklahoma City

General Intersection Comments
SE and SW corners have ~1 ft curb and dangerous utility hole without a cover

Next

map search layers editor Show GPS Clear GPS

GIS – ArcMap Display

LEGEND



Intersection



Ramp with
integrated
Photos

1A

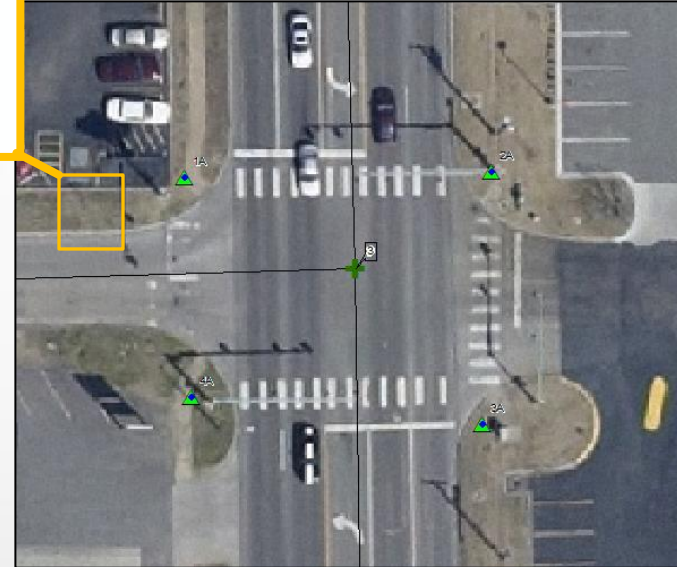
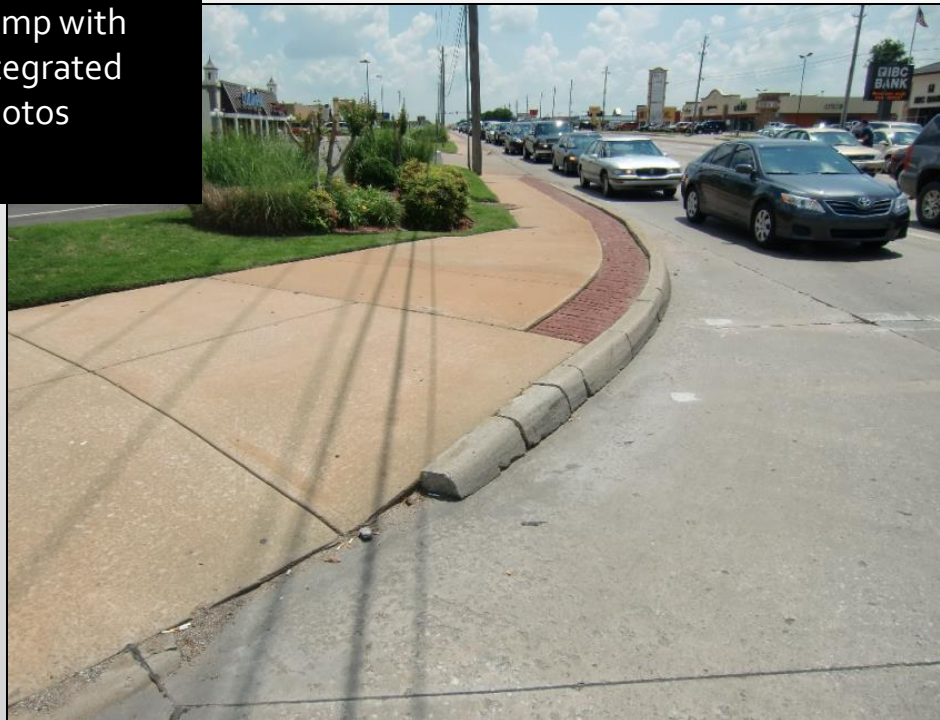
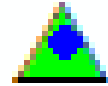


Photo Hyperlink Display

Step 6: Approving Schedule and Budget

Schedule actions each year to address barriers

Regularly occurring programs

- say X crosswalks/year for X years
- resurfacing projects...others

Prioritization

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

Evaluation Criteria

Signalized Intersections

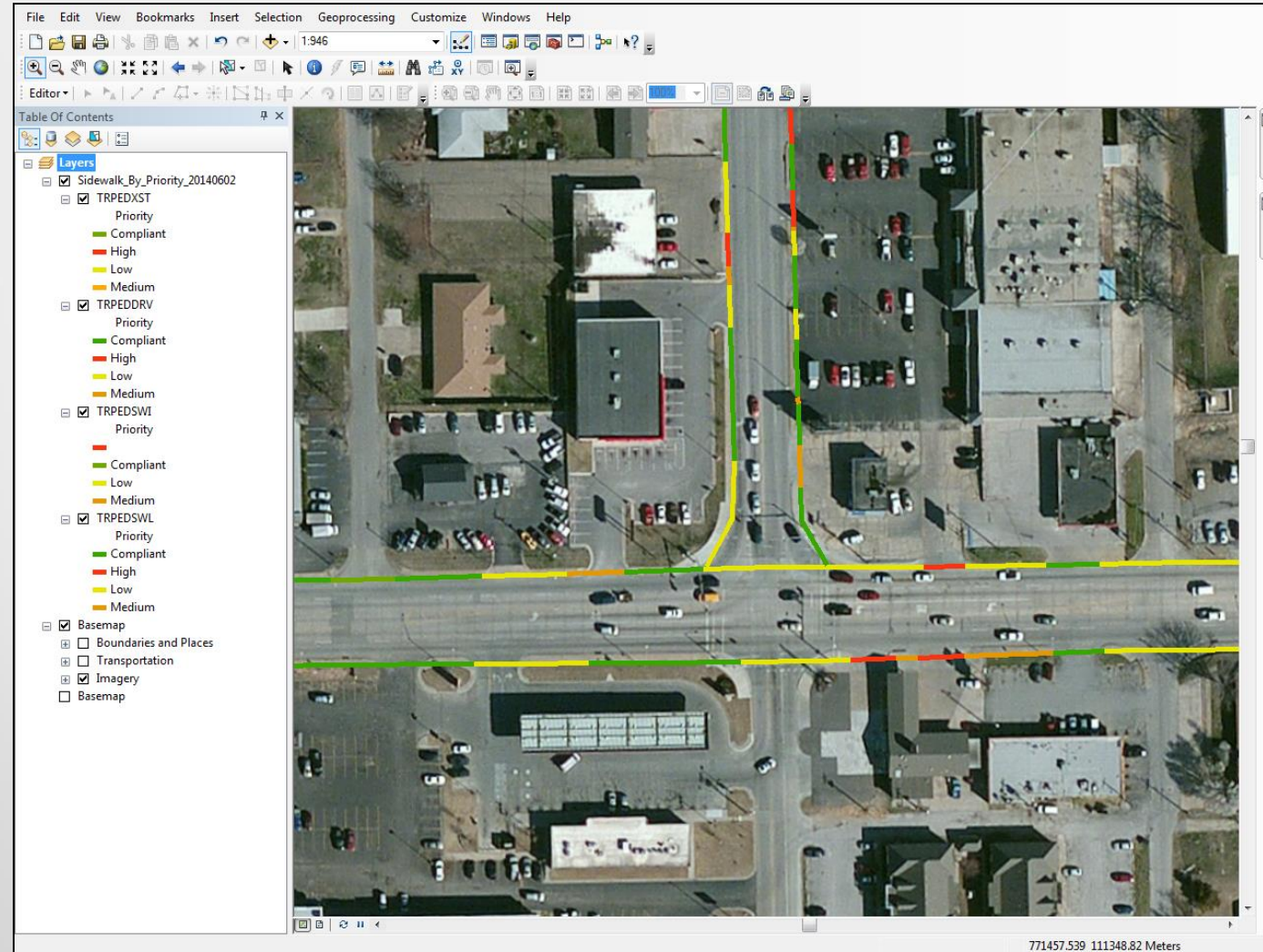
Prioritization Factors

- Curb ramp design
- Height of push buttons
- Compliant landing area in front of all buttons
- Signage
- Pavement markings

Ranking Factors

- Proximity to attractors
- Proximity to residential population
- Number of existing complaints
- Number of crashes
- Age of signal
- Street classification
- Funding availability

Sidewalk Prioritization



Develop Cost Projections

- Improvement construction costs
- Engineering and surveying costs
- Project contingency

[illegible]

Conduyrt and Associates, Inc.
Photography

Intersection of US Hwy 283 and W Seawanhock Ln
GPS ID: 51

Ramp East F

Ramp West F

Ramp East G

Ramp West G

Ramp 1A

Ramp 2A

Ramp 3A

Ramp 4A

Options of Probable Construction Cost Disclaimer:

The Engineer has no control over the cost of labor, materials, equipment, or over the Contractor's methods of determining prices or over competitive bidding or market conditions. Options of probable costs provided herein are based on the information known to Engineer at this time and represent only the Engineer's judgment as a design professional familiar with the construction industry. The Engineer cannot and does not guarantee that proposals, bids, or actual construction costs will not vary from its options of probable costs.

Project Location Map Sources:

Esri, DeLorme, NAVTEQ, USGS, Intermap, iPC, NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), TomTom, 2013, DigitalGlobe, GeoEye, IGN, Aerogrip, IGN, IGP, Swire, and the GIS User Community

End of Project Description for Project 55 Intersection of US Hwy 283 and W Seawanhock Ln

Sample Project Sheet

CITY OF TULSA – BUILDING REPORT

GENERAL AREAS, LOWER LEVEL:	
STORAGE ROOM 2b30.20 PRIORITY MEDIUM COST: \$ 300	No visual strobe alarm is provided.
RESTROOMS (By Section 113/114) PRIORITY MEDIUM COST: \$ 1,250	The men's restroom is only 58" wide. It's required to be a minimum of 60" wide. Men's, Women's and Family restroom have the mirrors mounted at 41" to the bottom of the reflecting surface.
CONCESSION TABLES: PRIORITY MEDIUM COST: \$ 840	All of the tables provided are for standing people only. Where those are provided it is required to have some at accessible heights. Ensure at least 5% of the tables provided are fully compliant in each area where tables are provided.
ONEOK SUITE: PRIORITY MEDIUM COST: \$ 450	The seat covers are mounted behind the water closets where there is no clear floor space for access. They need to be moved to a side wall so they can be reached prior to getting on the water closet. Men's and Women's restroom have the mirrors mounted at 41" to the bottom of the reflecting surface.
RESTROOMS (By Section 105) PRIORITY MEDIUM COST: \$ 3,250	Men's, Women's and Family restroom have the mirrors mounted at 41" to the bottom of the reflecting surface and seat covers are behind the water closets. Seat covers will be required to be moved to an accessible location. The women's restroom has the door opening directly in front of the water closet instead of into the clear floor space. This must be altered for compliance. The men's restroom has the flush control on the wrong side.
RESTROOMS (By Section 102) PRIORITY MEDIUM COST: \$ 1,250	Men's, Women's and Family restroom have the mirrors mounted at 41" to the bottom of the reflecting surface. Women's restroom door has only 10" on the pull side.
GENERAL AREAS, UPPER LEVEL:	
GENERAL INFORMATION: PRIORITY MEDIUM COST: \$ 1,180	All of the restrooms on the upper level have the mirrors mounted at 41" to the bottom of the reflecting surface and the seat covers mounted behind the water closet. This will need to be resolved for full compliance.
SUITES: PRIORITY MEDIUM COST: \$ 840	Tables provided in the suites are all high tables. Please ensure at least one (or 5%) of the tables are at accessible heights.
STAFF KITCHEN: PRIORITY MEDIUM COST: \$ 1,850	Both of the doors going into the staff kitchen area have 1 7/8" on the pull side. At least one of the doors is required to have a minimum of 18" on the pull side.

2

CITY OF TULSA – BUILDING REPORT



1. Exterior. There is no parking associated with this building. All of the parking is shared parking with other downtown buildings. The path of travel to/from the drop off area and along the exterior routes is substantially compliant.

2. Seating. None of the accessible seating has fixed companion seats as required. This is the HIGHEST priority item for this facility.



3. Seating. None of the accessible seating has fixed companion seats as required. This is the HIGHEST priority item for this facility.



4 Locker Rooms. Each locker room is required to have accessible showers and accessible benches. These have neither. Some of them do not. This is the second highest priority for this facility.

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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 recommended)
- Changes in the pedestrian environment have impacts (e.g., adding street furniture, landscaping, path of travel)

References

- ADA Title II Regulations, September 15, 2010
 - www.ada.gov/regs2010/titleII_2010/titleII_2010_regulations.htm
- Proposed Guidelines for Pedestrian Facilities in the Public Right-of-Way, July 26, 2011
 - www.access-board.gov/guidelines-and-standards/streets-sidewalks/public-rights-of-way/proposed-rights-of-way-guidelines
- Americans with Disabilities Act (ADA)/Section 504 of the Rehabilitation Act of 1973 (504)
 - www.fhwa.dot.gov/civilrights/programs/ada.cfm
- AASHTO Guide for Planning, Design, and Operation of Pedestrian Facilities, 1st Edition
 - bookstore.transportation.org/item_details.aspx?id=119
- Department of Justice/Department of Transportation Joint Technical Assistance on the Title II of the Americans with Disabilities Act Requirements to Provide Curb Ramps when Streets, Roads, or Highways are Altered through Resurfacing, July 8, 2013
 - www.fhwa.dot.gov/civilrights/programs/doj_fhwa_ta.cfm

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Questions?