

ADA Transition Plans

What Does it Mean for Your Local Public Agency??

(IDOT Bureau of Local Roads & Streets Requirements)



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When discussing ADA Transition Plans the following quote seems to apply--



***“EVERYTHING OLD IS.....
NEW AGAIN!!!!!”***



Although it may seem new to most, the requirement for ADA Transition Plans for Local Public Agencies, LPA’s, is part of a law that is now a quarter century old!! The following presentation will explain the need for and content of ADA Transition Plans for LPA’s.

ADA TRANSITION PLAN TOPICS

- **What is an ADA Transition Plan?**
- **Who or What led to an ADA Transition Plan Being Required?**
- **Do All Public Agencies Require an ADA Transition Plan?**
- **What Type of Self Evaluation Must A Local Public Agency Do?**
- **We Need a Transition Plan, What goes into it?**
- **Resources and Examples**



What is an ADA Transition Plan??

- An ADA Transition Plan **details how** accessibility issues or deficiencies within the Public Right of Way will be corrected, scheduled, budgeted for, and monitored for progress and compliance.
- An ADA Transition Plan is a “Living” document that must be updated regularly as projects are completed or changes occur within the public right of way to reflect real world conditions and monitor any noncompliance areas within the public right of way.



Who or What Led to an ADA Transition Plan being Required?

- The Americans with Disabilities Act- 1990, ADA, is a civil rights statute (law) that protects qualified individuals with disabilities from discrimination on the basis of disability.
- Title II of the ADA prohibits discrimination in all services, programs and activities provided to persons with disabilities by State and Local governments, including, public transportation.
- The ADA applies to all facilities built both before and after 1990. (There is no “grandfather clause” in the ADA Act)
- Local Public Agencies (LPAs), Cities, Counties etc., are required to perform “self evaluations” of their current facilities, relative to the accessibility requirements of the ADA. The obligation to have some planning method to make facilities ADA accessible is required for all public entities.
- LPA’s are required to correct any deficiencies identified through the self evaluation.



FIVE “TITLES” (Sections) of the ADA

I. EMPLOYMENT

 **II. PUBLIC SERVICES:** (State & Local Government Activities Incl. accessibility to Public Services and Public Transportation by persons with disabilities)

III. PUBLIC ACCOMMODATIONS

IV. TELECOMMUNICATIONS

V. MISCELLANEOUS

Timeline of National, State and IDOT ADA Policy

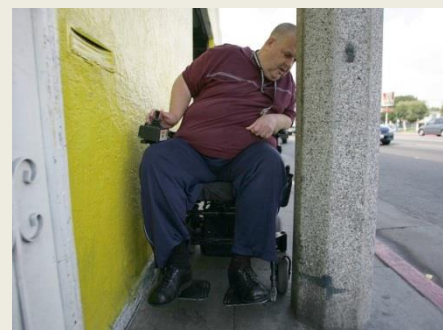


- 1965: Illinois passes the Facilities for the Handicapped Act
- 1968: US Congress enacts the Architectural Barriers Act (ABA)
- 1973: US Congress enacts the Rehabilitation Act
- Mid 70's: IDOT issues standards for the design of sidewalk ramps for the handicapped
- 1985: Illinois passes the Environmental Barriers Act
- 1988: Illinois Issues the Illinois Accessibility Code, (IAC)
- 1988: IDOT revises standards for the design of sidewalk ramps for the handicapped
- 1990: US Congress enacts the Americans with Disabilities Act, (ADA) ←
- 1992: IDOT completes a Transition Plan that discusses goals for attaining compliance with ADA.
- June 1994: IDOT issues design standards for the design of curb ramps accessible to the disabled.
- July 1994: IDOT Issues PM 94-12 that specifies procedures to incorporate accessibility standards in projects for the state highway system.
- July 2011: US Access Board issues proposed draft of PROWAG.
- 2012: IDOT revises curb ramp design standards to comply with latest accessibility guidelines.

Note: Timeline taken from IDOT ADA Transition Plan



Do All Public Agencies Require an ADA Transition Plan?



Only LPA's with more than 50 employees (including both full and part time employees) are required to have a Public Right of Way (PROW) Transition Plan detailing how the deficiencies will be corrected, however, a PROW accessibility transition plan is recommended for ALL LPA's regardless of number of employees.



Additional Information from NCHRP Project No. 20-7(232)

“ ADA Transition Plans: A Guide to Best Management Practices”

- Requirements of the ADA apply to ALL public entities or agencies no matter the size.
- **The *Transition Plan* formal procedures as outlined in Code of Federal Regulations, C.F.R. Section 35.150 only govern those public entities with more than 50 employees, (both full and part time).**



Definition:

Public Entity means-

1. **Any State or Local Government**
2. **Any department , agency, special purpose district, or other instrumentality of a State or States or Local Government**

And

3. **The National Railroad Passenger Corporation, and any commuter authority (as defined in Section 103(8) of the Rail Passenger Service Act)**

Example: for a City or County with a total staff of >50 employees, the “**Transition**

Plan” requirement applies , even if the Street Department or County Highway Department employs less than 50 employees, it is the total employment of the City or County government(the LPA), that determines the “**Transition Plan”** requirement.



What Type of “Self Evaluation” Must a Local Public Agency Do?

- A “**Self Evaluation**” (is the first step & part of the **Transition Plan**) and is exactly what it means, you look at your system of *pedestrian access routes* and identify *what is* in compliance with ADA/PROWAG and *what is not* in compliance.



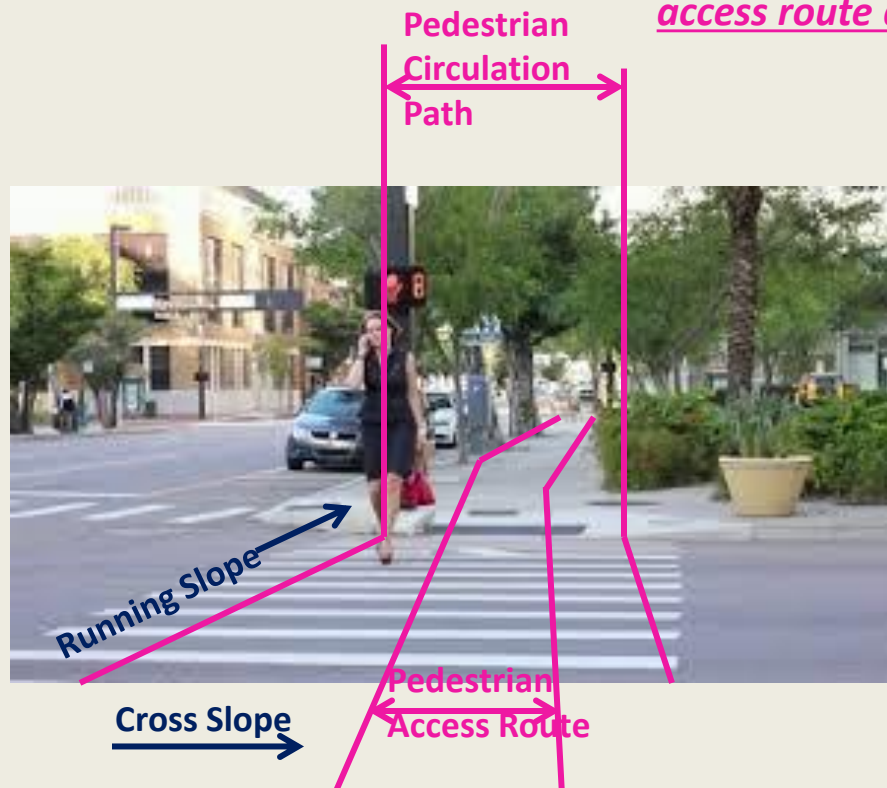
Some Items to consider in the Self Evaluation are:

- Is there a need for increased awareness and understanding of the Federal and State accessibility laws and requirements applicable to the public right of way?
- Understanding when ADA/PROWAG policies apply to your project i.e., is the project an alteration or maintenance project?
- Is there a need to develop an ADA compliance checklist for your agency to ensure your projects constructing pedestrian access routes in the public right of way are compliant with policy.
- In general, the Self Evaluation is the first step to examine the condition of your Pedestrian circulation routes or Pedestrian access routes and identify the need for infrastructure improvements. (Note: Self Evaluation is an element of the ADA Transition Plan)
- The self evaluation also identifies and analyzes your Public Agency's policies, practices and procedures that impact accessibility in the public right of way.
- LPAs are required to perform a self evaluation plan of their current facilities relative to accessibility requirements of the ADA. LPAs are required to correct any deficiencies identified through the self evaluation. Only LPAs with >50 employees are required to have a "Transition Plan".



Some ADA Definitions:

- Pedestrian Access Route = A continuous and unobstructed path of travel provided (PAR) **for pedestrians with disabilities** within or coinciding with a pedestrian circulation path.
- Pedestrian Circulation Path = A prepared exterior or interior surface provided **for pedestrian travel** in the public right of way.
- Pedestrian Street Crossing = a marked or unmarked route, providing an accessible path to travel from one side of a street to the other. **Pedestrian street crossings are a component of the pedestrian access route and/or the pedestrian circulation path.**

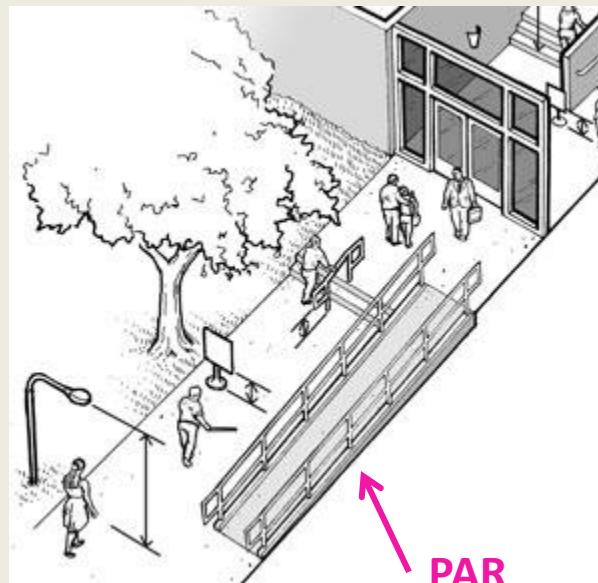


PAR Required ?:

- A site must contain at least one PAR within the boundary of the site from public transportation stops, accessible parking, accessible passenger loading zones, and public streets or sidewalks, to the pedestrian access route for the building they serve.
- Once a pedestrian facility is constructed, i.e. PCP, the LPA shall provide an accessible pedestrian access route, PAR, within the pedestrian facility.
- On sidewalks, a pedestrian access route should not alternate between one side of the street and the other, unless caused by temporary re-routing due to construction of sidewalks and or curbs and gutters. (Called and “Alternate PAR” during construction).



PAR



PAR



Alt. PAR

PAVEMENT TREATMENT TYPES

(MAINTENANCE VS. ALTERATIONS)

ADA/ PROWAG Policies

MAINTENANCE

Chip Seals

Crack Filling and Sealing

Diamond Grinding

Dowel Bar Retrofit

Fog Seals

Joint Crack Sealing

Joint Repairs

Pavement Patching

Scrub Sealing

Slurry Seals

Spot High Friction Treatments

Surface Sealing



Addition of New Layer of Asphalt

Cape Seals

Hot In Place Recycling

Micro-surfacing/ Thin Lift Overlay

ALTERATION



Mill & Fill/ Mill & Overlay

New Construction

Open Graded Surface Course

Rehabilitation and Reconstruction

Note: the type of operation dictates the need to address ADA/PROWAG with your project. Ex. Corner ADA ramp upgrades

So Why the Need for the Self Evaluation Process???

“ The Goal of the self evaluation is to verify that , in implementing these policies, practices and procedures, Your Local Public Agency is providing accessibility and not adversely affecting the full participation of individuals with disabilities.” ,(from the IDOT ADA Transition Plan)



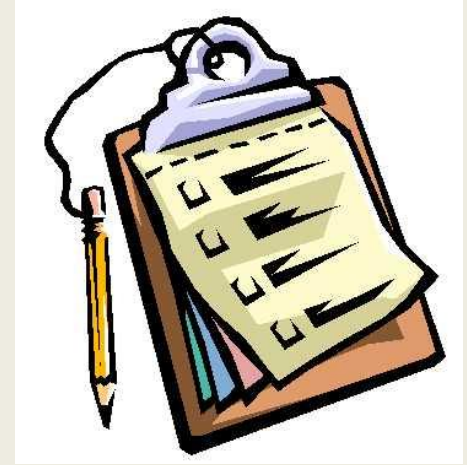
- It is helping ensure you recognize where accessible design is needed in your projects and what existing issues need to be addressed to conform with ADA policies.

As part of your Public Agency “Self Evaluation Process” , you need to develop:

1. an inventory of your PAR’s

and

2. identify barriers within your PAR’s



1. Inventory:

- LPAs shall conduct an inventory of existing pedestrian facilities owned, maintained, or operated by the LPA.
- Inventory approaches/methods can be on-ground surveys, windshield surveys, aerial photo studies, or drawing/plan reviews



Note: Inventories are eligible for Federal, State and MFT funding.

2. Barrier Identification:

Barriers on pedestrian access routes should be identified in the “self evaluation”. This also may require coordinating with local disability organizations and the public. Ex. In D2 NICIL- Northern Illinois Council on Independent Living.

When prioritizing corrective actions for barriers, consider the following:

- The location of pedestrian generators, particularly those that may likely serve individuals with disabilities (medical facilities, libraries, elderly housing, nursing homes, commercial and government buildings etc.)
- Identify the location of existing pedestrian access routes.
- Identify the location of existing utilities, signs, poles or other obstructions within existing pedestrian access routes.
- Identify existing ground contours that would affect the longitudinal and transverse slope of sidewalks and ramps (Running and Cross Slope)*
- Identify the location of marked cross walks
- Identify the presence of drainage features , i.e. inlets, manholes, in and adjacent to the accessible pedestrian path.



Figure 8-1A of the IDOT BLR Manual:

“Public Rights of Way Facilities “Potential” Accessibility Barriers”

Issue	Possible Barriers
Sidewalk and Pathway Clear Width	Narrow, Obstructions (see below), Protruding Objects
Sidewalk and Pathway Cross Slope	Steepness, Irregularity, Variability, Warping, Settlement
Landings Along Sidewalks and Pathways	Less Than 4 feet by 4 feet
Sidewalk and Pathway Grade	Steepness, Angle Points
Materials and Finishes	Deterioration of Surfaces, Deterioration of Markings, Appropriateness of Material (ex. Cobblestones)
Gratings	Grating Type, Grate Opening Orientation
Discontinuities	Missing Sections, Gaps, Drops, Steps
Detectable Warning System	Missing, Inappropriate Materials, Inadequate Size, Wrong Location
Obstructions	Signs, Mail Boxes, Fire Hydrants, Benches, Telephones, Traffic Signal Poles, Traffic Signal Controller Boxes, Newspaper Boxes, Drainage Structures, Trees, Grates, Pole Mounted Objects, Standing Water, Snow or Ice
Traffic Signal Systems	Lack of Provision for the Visually Impaired such as APS, Inadequate Time Allowed, Inoperable Buttons, Inaccessible Buttons
Curb Ramp	Missing, Doesn't Fall within Marked Crosswalk, Doesn't Conform to Guidelines
Curb Ramp Flares	Missing Where Required, Too Steep





BARRIER ISSUES FOR ACCESSIBILITY

Drive your facilities and see what is in the field.



BARRIER ISSUES FOR ACCESSIBILITY



Some barriers are weather dependent such as snow storage and ponding



OK, So We Need a Transition Plan- What goes into it??

8 Public Right of Way Accessibility Transition Plan Components



STEP 1 :DESIGNATE AN ADA COORDINATOR:

LPA's must designate at least one responsible employee to coordinate ADA compliance for the Public Rights of Way(PROW).

- The position must be familiar with the LPA's operation.
- Be properly trained in ADA PROW requirements (ex. Technology Transfer ADA/PROWAG training)
- Be able to effectively communicate with governmental agencies, advocacy groups and the public.

STEP 2: PUBLIC NOTICE:

LPA's must provide the public an opportunity to provide input on the PROW accessibility transition plan *Prior to* adoption.

- The target audience should include-public transit users, disability advocacy groups, and the general public.
- LPA needs to determine the most effective way to provide the notice.
- If the notice is provided via a website, the website must in itself be accessible.



STEP 3: GRIEVANCE PROCEDURE:

LPA's must adopt and publish procedures for resolving grievances arising under Title II of the ADA.

- The procedures are intended to set out a system for resolving complaints of disability discrimination in a prompt and fair manner.
- The grievance procedure provides an opportunity to resolve a local issue at the local level.
- The use of the LPAs grievance procedure is not a prerequisite to filing a complaint with either a federal agency or a court.

Public Right of Way Accessibility Transition Plan Component :(Continued)

STEP 4: DESIGN STANDARDS, SPECIFICATIONS AND DETAILS:

LPAs must adopt technical guidelines that comply with ADA Standards.

- LPAs may adopt nationally accepted technical guidelines (i.e. PROWAG) or develop their own.
- LPAs may use Section 41-6 of the BLRS Manual to meet this requirement.

(41-6:Requirements for Accessible Public Rights of Way)

STEP 5: SELF EVALUATION:

LPAs **shall** include the self evaluation as part of the PROW Transition Plan.

STEP 6: SCHEDULE AND BUDGET FOR IMPROVEMENTS:

LPAs must include a schedule of improvements to upgrade accessibility annually in accordance with the PROW accessibility transition plan.

- Upgrades may be performed as individual projects or as part of regularly scheduled maintenance or construction projects.
- Any alteration of existing facilities or construction of new facilities must comply with ADA.
- Federal, State and MFT funds may be used to comply with ADA.

STEP 7: PRIORITIZING IMPROVEMENTS:

Priority should be given to transportation facilities, public places, and places of employment.

Other factors to consider in prioritizing Improvements:

- Severity of non compliance
- Citizen request or complaints regarding inaccessible locations
- Pedestrian level of service
- Population density
- Presence of a disabled population and/or
- Cost

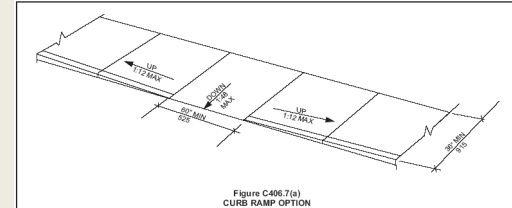


Figure C806.7(a)
CURB RAMP OPTION



Example Table: **Prioritizing Removal of Accessibility Barriers: NCHRP 20-7 (232)**

Priority	Situation
Highest 1A	Existing Curb Ramp with Running Slope Greater than 1:12 and Location near a Hospital, School, Transit Stop, Government Building or Similar Facility.
1B	No Curb Ramp where Sidewalk or Pedestrian Path Exists and Location near a Hospital, School, Transit Stop, Government Building or Similar Facility.
2A	An Existing Curb Ramp with a Running Slope Greater than 1:12 (Not Located near a Hospital or Similar Facility)
2B	No Curb Ramp where a sidewalk or Pedestrian Path Exists (Not Located near a Hospital, or Similar Facility)
3	No Curb Ramp where a Striped Crosswalk exists.
4	One Curb Ramp per Corner and Another is Needed to Serve the Other Crossing Direction.
5A	An Existing Curb Ramp with either a Running Slope Greater than 1:12 or an insufficient Landing.
5 B	An Existing Curb Ramp with Obstructions in the Ramp or the Landing.
5 C	An Existing Curb Ramp with Cross slope greater than 2% and Width less than 48 inches.
5 D	An Existing Diagonal Curb Ramp without the 4'x4' clear space extension in the cross walk.
5 E	An Existing Curb Ramp without Truncated Dome Texture Contrast or without Color Contrast.
Lowest	The Pedestrian Push Button is not Accessible from the Sidewalk or from the Ramp

Public Right of Way Accessibility Transition Plan Components :(Continued)

STEP 8: MONITOR PROGRESS:

In order to be effective, the PROW accessibility transition plan needs to be utilized in planning and funding decisions.

- LPAs must update the PROW accessibility transition plan regularly to reflect changes in real world conditions and to address any possible new areas of noncompliance.
- Regular updates to the plan will also result in monitoring compliance and the effectiveness of priorities set in the plan itself.

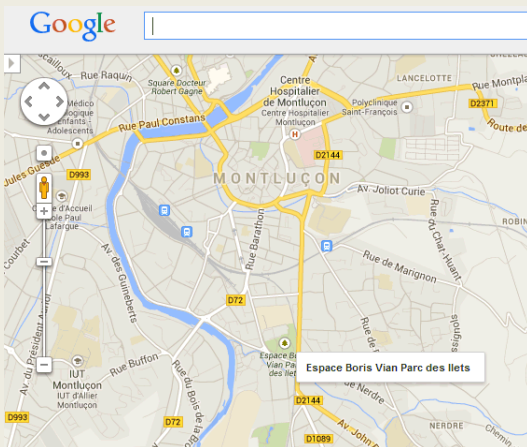


The Transition Plan Is a "Living Document!!"



ADDITIONAL ITEMS TO CONSIDER ADDING TO YOUR LPA TRANSITION PLAN

- **Transition Plan Goals:** ex. Safety, Accessibility, Functionality, Efficiency
- **ADA Laws and Regulations**
- **ADA Title II regulations**
- **Resolutions Passed Adopting Transition Plan**
- **Formal Written Complaint Procedure**
- **Request for Accommodation Procedure**
- **Various Forms for Grievances, complaints or request for accommodations**
- **Map of LPA maintained roads with Pedestrian Access Routes.**
- **Listing of LPA owned and operated public buildings that require ADA access**
- **Contact Numbers of the LPAs ADA Coordinator, State and Federal offices, local sign language presenters, etc.**



Finally---RESOURCES FOR ADA TRANSITION PLANS

- IDOT BLR Circular Letter 2014-18:
“Americans With Disabilities Act (ADA) Self Evaluation and Transition Plan”
- Chapter 8 of the IDOT BLR Manual:
“Public Right of Way Accessibility Transition Plan”
- *“Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right of Way”*
(PROWAG)- **United States Access Board**
<http://www.access-board.gov/guidelines-and-standards>.
- IDOT- *“ADA Transition Plan for Programs and Facilities in the Public Right of Way”*
- IDOT -*Highway Standards for Curb Ramps*
- **United States Department of Justice** [http:// www.ada.gov/smtown.htm](http://www.ada.gov/smtown.htm)
- Federal Highway Administration,
<http://www.fhwa.dot.gov/civilrights/programs/ada sect504qa.cfm>
- *NCHRP Project Number 20-7 (232): “ADA Transition Plans: A Guide to Best Management Practices”*
- *Contact your IDOT District Local Roads and Streets Office for additional help.*



THANKS FOR LISTENING FOLKS

ANY QUESTIONS????



Just when you thought
You've seen it all!!

Sidewalk draw bridge
ADA compliant??