

# Developing an ADA Transition Plan

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Federal Highway Administration  
Office of Civil Rights



U.S. Department of Transportation  
**Federal Highway Administration**

A photograph of a woman in a teal dress pushing a black stroller with a child inside, walking a black dog on a leash on a paved sidewalk. Other people are visible in the background.

# Obligations for Access

- **New construction** is required to be accessible (to extent not structurally impracticable) (DOJ Title II regulations, 28 CFR 35.151(a))
- **Alterations** to existing facilities must be accessible to the maximum extent feasible within the scope of the project. (28 CFR 35.151(b))
- **Existing facilities** that have not been altered can not deny program access to persons with disabilities. (28 CFR 35.150)

# Existing Facilities

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- **Cannot deny access** (28 CFR 35.150)
- **Title II - Self-evaluation** (28 CFR 35.105) (applies to all public entities)
- **Transition Plan** (28 CFR 35.150(d)) (applies to public entities with 50 or more employees)



Photo: MAnderson

# Responsible Person

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- Who is responsible for implementing the Transition Plan?
- Someone with knowledge and authority to implement the Transition Plan. (28 CFR 35.150(d)(3)(iv))
- Not the Librarian!!



Drawing: Clipart Panda

# Self-Evaluation

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(28 CFR 35.105)

- Evaluation of programs, policies and procedures
- Identify barriers to accessibility and to full participation by people with disabilities
- NCHRP 20-7 (232) ADA Transition Plans: A Guide to Best Management Practices
- Best Practice – Address jurisdictional issues/responsibilities

# Self-Evaluation/Inventory of Barriers

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(28 CFR 35.105)

- **Program Access**, not everything needs to be accessible
- Evaluation of programs, policies, and activities
- Identify obstacles to access -
  - Sidewalks
  - Curb ramps
  - Pedestrian signals
  - On-street parking



# ADA Transition Plan

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- Required if 50 or more employees (28 CFR 35.150(d)(1));
- Covers existing facilities;
- Title II – Transition Plan Requirements (28 CFR 35.150(d)(3))
  - Identify responsible person
  - Identify the physical barriers
  - Schedule for barrier removal
  - Methods to be used to remove barriers

# Identify Barriers to Accessibility

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- Public input
- Prioritize curb ramps on walkways serving (28 CFR 35.150(d)(2)):
  - Title II government facilities
  - Transportation
  - Places of public accommodation
  - Employers
- Best Practice: Data driven – severity, proximity to priority areas



# Schedule for Barrier Removal

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- Schedule
  - Should have been done by 1995
  - Annual schedule if longer than one year, identify steps that will be taken during each year of the transition period (28 CFR 35.150(3)(iii))
- Best Practices
  - Set deadlines and milestones
  - Performance measures and public reporting
- Updates – “Living Document”

# Methods for Barrier Removal

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- Standards, Guidelines, Policies
- Activities
  - Resurfacing projects
  - Safety and Complete Streets projects
  - Capital improvement projects (STIP)
  - Developments and permits
  - Requests for accommodations
  - Dedicated funding for ADA improvements

# Public Input

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Public outreach is required as part of the self-evaluation (28 CFR 35.105(b)); should involve underserved communities, organizations that support the rights of the disabled, general citizens, elected officials, as well as other agencies (local and State).

Communications should be consistent with the language needs of the participants.

**“Nothing about us without us”**

Photo: DisabilityIn.org



# Public Involvement

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- Description of process to allow public to readily access and submit comments for both self-evaluation and transition plan. ((28 CFR 35.150(d)(1); (28 CFR 35.105(b)))
- Best practices:
  - a) detailed list of individuals consulted posted conspicuously on website, does not have to be in actual TP, but must be documented and available;
  - b) have both electronic and hard copy notice. (28 CFR 35.105(c))

# ADA Policy Statement

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- Required for Agencies and needs to be easily accessible by the public. (28 CFR 35.106)
- Best practice - post conspicuously on an accessible website, for internal and external use.

# ADA Coordinator

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- Required if 50 or more employees
- Clear identification of the **ADA Coordinator** (dedicated trained staff) with contact information (i.e., name, office address, telephone number, email address) 28 CFR 35.107(a)

# Complaints and Grievances

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- Required if 50 or more employees;
- Clear **Complaint/Grievance Process** to receive and address complaints/grievances from the public  
28 CFR 35.107(b)
- Best Practice - Include in the ADA Transition Plan



# “Living Document”

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- Readily available to the public consistent with communication needs;
- Used for project planning, budgeting, tracking improvements in accessibility;
- Updates – Goals and accomplishments provide record of efforts.

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# Bonus Slides

## ADA Transition Plan Implementation



# Transition Plan Implementation

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## Project Planning

# Organizational Culture

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- Branding vs. reality
- Mission statements –
  - “ ...to provide a world class transportation system...”
  - “A Welcoming Community...Come grow with us!”
- Adopted Policies –
  - Complete Streets
  - Diversity and Inclusion
- Performance measures help – “What gets measured gets done.”

# Planning Documents

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- Planning documents
  - Comprehensive Plan
  - Pedestrian and Bicycle Plan
  - Park and Recreation Plan
  - Development and Land Use Plans
  - Transportation Plan, State STIP
  - Capital Improvements Plan
  - Resurfacing Plans
  - ADA Transition Plan

*On a shelf, or  
on your desk?*

# Project Planning

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- Based on established Plans?
- Project scope – establish with accessibility in mind
- Coordinated planning can make efficient use of funds
- Consider all ongoing and up-coming work



# Project Scope

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- Project scope
  - Geographical limits – point A to point B
  - Service or activity related limits – paving vs signals
- Resurfacing and curb ramps
  - Sidewalks?
- Opportunities to address Transition Plan elements
- Public engagement and utilization plan

# Public Input

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- Who should attend?
  - Everyone
  - Advocacy groups
  - Disability Working Group
- Accessible meeting
  - Accessible space, restrooms, parking, pedestrian access
  - Information in alternate formats, captioning and interpreters for ASL and LEP
  - Near a transit stop?
- Use a checklist

# Transition Plan Implementation

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Designing for  
Accessibility

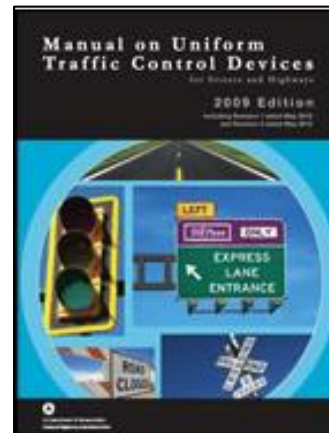
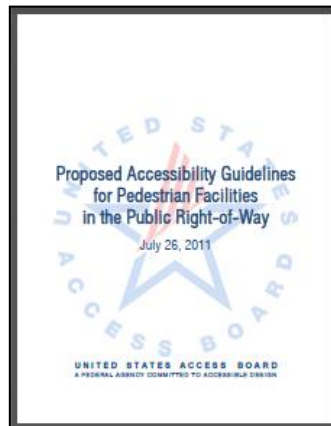
# Designing for Access

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- Review policies – up to date with current practices
- Review Design Standard and Details
- Construction Specifications
- Signal Design Policies

# Policies

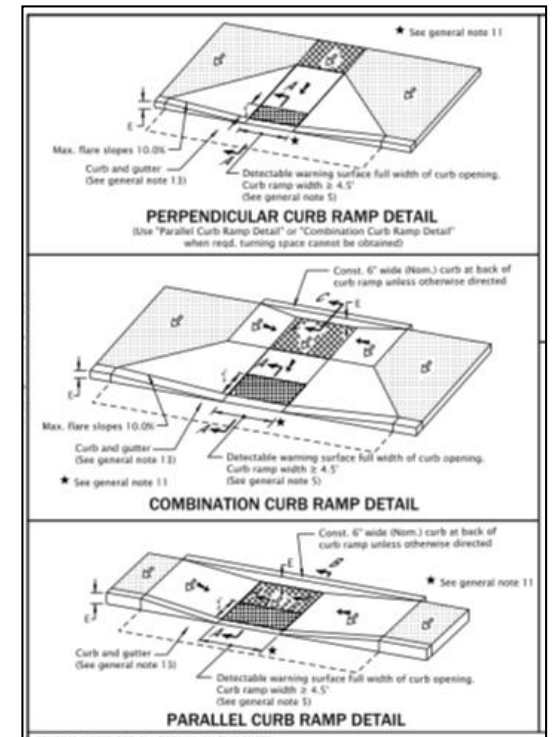
- What design policy will ensure accessibility?
- Regulation (28 CFR 35.151(c) and (i)) requires curb ramps at intersections to comply with 2010 ADA Standards
- Flexibility in design for areas not covered



- Highways and Streets
- Pedestrian Facility Design
- Bicycle Facility Design

# Designing for Access

- Review policies – up to date with current practices
- Review Design Standard and Details
  - Will they result in accessible construction?
- Engineered designs – generally required
- Minimum design vs Good design



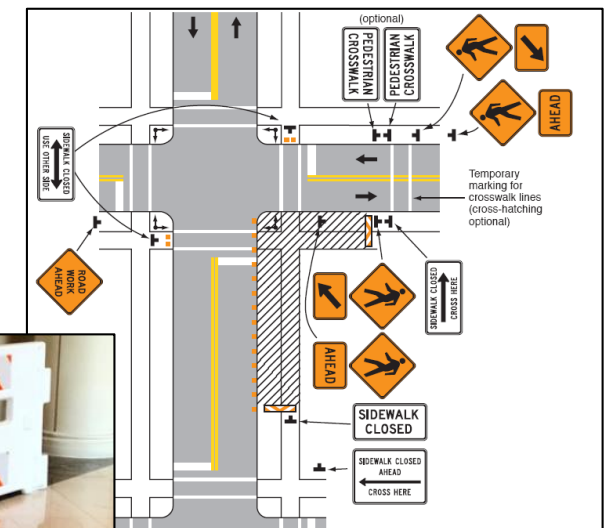
Drawing: ORDOT

# Accessible Temporary Routes

- Review Pedestrian Traffic Control Plans
  - Chapter 6 of the Manual on Uniform Traffic Control Devices
  - Alternate routes and signing
  - Barricades and pedestrian channelization



Photo: MAnderson



Drawing: MUTCD



# Designing for Construction

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## ➤ Construction Tolerance

- Range vs absolute values, – Dimensions are subject to conventional industry tolerances except where dimensions are stated as a range. (ADAAG 104.1, PROWAG R103.1 (not an enforceable standard))
- Minimum and maximum values are ranges

## ➤ Best Practice – Build tolerance into the design when there is no construction tolerance. For example:

- Specify 1.5%, +/- 0.5% for 2% cross slope
- 60 inch minimum sidewalk width (minimum sidewalk widths: ADAAG 36" and draft PROWAG 48" – not enforceable standards)

# Local Policy - Best Practices

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- Adopt enforceable local policies – may exceed the minimums
  - Design slopes less steep
  - Make dimensions larger than minimums
  - Create a design checklist
  - Develop a design exception process – for technical infeasibilities
- Provide clear direction to contractors

# Don't Settle

- Approval process should challenge technical infeasibilities
- Get fresh eyes for innovative solutions
- Talk to pedestrians with disabilities
- Incorporate good ideas in design



Photos: PennDOT

# Transition Plan Implementation

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Successful  
Construction

# Pre-construction Meeting

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- Attendees
  - Contractors and inspectors – build relationships
- Construction tolerances – built in by design 😊
  - Significant digits – 2 or 2.0 or 2.00%, 1/4" or 1/2 "
- Measuring methodology
  - Tools – 2 foot or 4 foot level, 6 inch for small spaces
  - Inspection checklist

# Construction Planning

- Scheduling and phasing
- Public Notice with effort to contact vulnerable users
- Alternate pedestrian routes during construction
- Expectations for access and traffic control devices
  - Use Chapter 6 of the Manual on Uniform Traffic Control Devices
- No yellow tape barriers!



Photo: Access Board

# Inspection - Best Practices

- Staff training
  - Internal and contractors
  - Certification for responsible parties
- Field Guide
  - Policies and acceptable minimums
  - Other information for field decisions
  - Resources and contact information – engineer, police, fire, hospitals (as needed for project information)



Photo: Access Board



# Field Inspection - Best Practices

- Walk through and experience the alternate pedestrian route
- Inspection checklist
  - Very similar to design checklist
  - Contractors should try to fail their own projects
- Field change documentation
  - Change in conditions
  - Decisions made and agreed to – process needed
  - Stored with project documentation
- Final approval – you bought it!



Photo: Access Board

# Documentation - Best Practices

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- Create tracking method for projects
  - Electronic management
  - GIS based
  - Paper folders
- Mark remediations off the Transition Plan
  - Can I mark them off if they don't comply?
  - Create a policy to recognize them
  - Future projects should be reevaluated

# Or .....

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- Reduction in citizen safety
- Reduction in quality of life
- Economic loss
- Federal Civil Rights complaint – DOJ/DOT
- Project Civic Access Settlement Agreement

# Enforcement

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- Federal laws, Federal enforcement
- Enforcement at local level for local policies

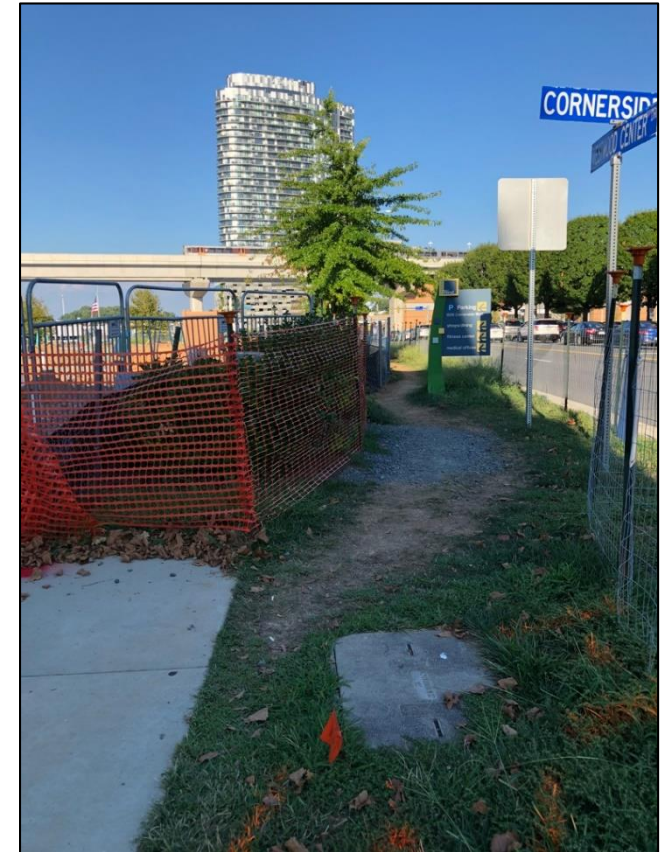


Photo: MAnderson

# Available Resources

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- FHWA - [www.fhwa.dot.gov/civilrights](http://www.fhwa.dot.gov/civilrights)
- US Access Board - [www.access-board.gov](http://www.access-board.gov)
- US DOJ - [www.ada.gov](http://www.ada.gov)
- ADA National Network – [www.adata.org](http://www.adata.org)
- Limited English Proficiency – [www.LEP.gov](http://www.LEP.gov)

# Informational content

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- The contents of this presentation do not have the force and effect of law and are not meant to bind the public in any way. This presentation is intended only to provide clarity regarding existing requirements under the law or agency policies.

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