

ADA TITLE II PROGRAM IMPROVING ACCESSIBILITY

Public Outreach Session
NJDOT Division of Civil Rights



May 8, 2015



Public Outreach Agenda

- Outreach Goals
- Brief Overview of NJDOT
- Relevance of Title II to NJDOT and Its Stakeholders
- Program Vision & Mission
- Prioritization of Future Improvements
- Enforcement of Title II
- ADA Links
- Contact Information
- Questions and Answers



Outreach Goals

Goal 1: Education and Information Sharing

- ▶ To provide the public with a brief overview of the New Jersey Department of Transportation (NJDOT)
- ▶ To highlight key components of ADA Title II/ Section 504 and its impact on NJDOT and its stakeholders

NJDOT stakeholders include:

- All road users and pedestrians, including persons with disabilities
- Participants of NJDOT programs and employees
- Counties and localities (local public agencies) that receive funds from NJDOT



Outreach Goals (continued...)

Goal 1: Education and Information Sharing

To familiarize the public with:

- NJDOT's approach for strengthening and promoting its ADA Title II Program
- The roles played by the Division of Civil Rights
 - As the regulatory/compliance resource on external ADA matters within the Department
 - As external contact for interested persons who wish to express feedback and/or complaints

Outreach Goals (continued...)

Goal 1: Education and Information Sharing

- **Examples of completed and ongoing efforts to improve compliance**
 - Self-Evaluation, Transition Plan, inventory of curb ramps

Outreach Goals

Goal 2: Obtaining Public Input and Guidance on ADA Matters

- ◉ To seek involvement of advocacy groups, the disabled community, and the public as early as possible:
 - To use public and stakeholder input to help shape an effective ADA Title II Program within NJDOT
 - To learn about ADA-related needs and concerns from persons who most use the pedestrian facilities (roads and public right-of-way), as well as Department-owned or maintained buildings/facilities
 - To gain more insight into areas of non-compliance
 - To use comments and feedback as a key input to help the Department prioritize projects for accessibility improvements
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Outreach Goals

Goal 3: Continued Dialogue/ Partnership Between NJDOT and Stakeholder Groups

- Stakeholders are critical to NJDOT's success in improving accessibility
- Per Title II, members of the public/stakeholders have a role in providing review and comment on NJDOT's accessibility plan (i.e. Transition Plan), which serves as a road map for mitigating physical barriers
- NJDOT seeks ideas for most effective means to communicate with the public and share future updates at key milestones (e.g. internet/e-mail distribution lists, face-to-face meetings, etc.)

Overview of NJDOT

- ▶ The Department maintains approximately 2,360 miles of State-owned roadways
- ▶ The State has adopted a Complete Streets Policy in 2009 which ensures new facilities have safe access for all users, including the mobility challenged
- ▶ The Department is in process of updating its curb ramp inventory on State roads to prioritize problem areas



What is Title II and How Does it Apply to NJDOT?

- Prohibits discrimination related to disabilities by all public entities at the local and State level
 - Applies to local and State departments and agencies, including those which do not receive Federal funding
 - Underlying regulations set by the U.S. Department of Justice (USDOJ) dictate access to all programs and services offered by NJDOT
 - Equal access by persons with disabilities includes:
 - Physical access described in the *ADA Standards for Accessible Design*
 - Programmatic access to programs or activities that may be compromised by discriminatory policies or procedures
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Title II - State and Local Governments

Basic Requirements:

- Designate an ADA Coordinator
 - Development & posting of an ADA Policy Statement
 - Development & postings of Grievance Procedures/Complaint Procedures
 - Complete a Self-Evaluation
 - Development of a Transition Plan
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Title II- New Construction

New Construction- 28 CFR 35.151

- **New construction (and altered facilities) must be designed and constructed to be accessible to and usable by persons with disabilities.**



Title II- Alterations

Alterations- 28 CFR 35.151

- DOJ and court decisions consider roadway resurfacing an alterations (1993)
- Roadway resurfacing triggers requirement for curb ramp installations/retrofits (to current standards)



Title II- Existing Facilities

Existing Facilities- 28 CFR 35.151

- Goal for structural modifications and program access is a level of usability that balances:
 - User needs
 - Constraints of existing conditions
 - Available resources



Title II- Existing Facilities

- Alterations to existing facilities must meet minimum design standards to the extent practicable



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 a temporary disruption)



Examples of Improved Access: Sidewalk Repair and Acceptable Slope

Route 70 sidewalk before...



Route 70 sidewalk after...



Examples of Improved Access: Safe Bus Pull Off

Route 42 without bus pull off...



Route 42 with bus pull off ...



NJDOT'S ADA Title II Program Outlook and Purpose

Vision

“To provide a safe, reliable, and efficient transportation system by removing existing accessibility barriers on NJDOT roadways and in pedestrian facilities, communications, policies and programs through ongoing relationships with members of the disability community, interested citizens, and local and regional stakeholders in the State of New Jersey”

Mission

“Working to ensure that persons with disabilities have equal access to and enjoyment of New Jersey’s roadway and pedestrian facilities and any NJDOT program, activity, service and benefit provided to the general public”



Step 1 to Improved Access: The Self-Evaluation

- Required by the Americans with Disabilities Act (ADA) of 1990 and the Rehabilitation Act of 1973
- Purpose → to identify barriers in programs, services, policies, and practices that prevent persons with disabilities for equal access (the key is to provide equivalent access to the maximum extent feasible)
 - Examples of barriers include curbs/ sidewalk slopes and communication devices, such as crosswalk signals
- Corrective actions to identified issues are accomplished through the Transition Plan (Step 2)

Step 2 to Improved Access: The Transition Plan

- Under Title II, all public entities with 50 or more employees must complete a Transition Plan
- The Transition Plan serves as a follow-up to the Self-Evaluation
- The Plan details a schedule of improvements to existing facilities that are necessary in order to make a program, service or activity accessible to persons with disabilities
- NJDOT's Transition Plan must cover buildings, pedestrian rights-of-way and any other type of transportation facility that is *owned or maintained by the Department*.

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 for making the access modifications
 - Name/position of the official who is responsible for implementing the Transition Plan (NJDOT Commissioner)
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Transition Plan Elements

Pedestrian right-of-way facilities

- ▶ Curb ramps (required)
 - ▶ Sidewalks
 - ▶ Parking lots
 - ▶ Pedestrian signals
 - ▶ Bus stops
 - ▶ Shared use trails
 - ▶ Parks/recreational facilities
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Prioritization of Future Improvements: Important Factors for Consideration

- Generally, priority should be given to transportation facilities, public places, and places of employment.
- For projects not already programmed for improvements, other factors for consideration may include:
 - **Citizen requests or complaints regarding inaccessible locations** → Why your feedback is so important
 - Pedestrian levels of service
 - Population density
 - Presence of a disabled population

How Are ADA Regulations Related to Title II Enforced at NJDOT?

- NJDOT strongly encourages informal and formal feedback; the ADA Coordinator serves as the point person to help the public with questions and concerns
- Additionally, any individual or group can file a complaint in three different ways:
 1. With an administrative agency or any Federal agency that provides financial assistance to the program in question (e.g. FHWA)
 2. With the U.S. Department of Justice (USDOJ), which will refer the complaint to the appropriate agency
 3. With NJDOT directly
- **Complaint/ Grievance Process:**
 - Complaints must be in writing and signed by a complainant or authorized representative within 30 days of the incident
 - ~~NJDOT will respond within 45 days of receipt of complaint~~



ADA Links

US Access Boards Streets and Sidewalks

<http://www.access-board.gov/guidelines-and-standards/streets-sidewalks>

US Access Board- Public Right-of-Way Guidance and Research

<http://www.access-board.gov/guidelines-and-standards/streets-sidewalks/public-rights-of-way/guidance-and-research>

USDOJ/USDOT ADA Standards

<http://www.access-board.gov/guidelines-and-standards/buildings-and-sites/about-the-ada-standards/ada-standards>

FHWA Questions and Answers About ADA/Section 504

http://www.fhwa.dot.gov/civilrights/programs/ada_sect504qa.cfm

NJDOT Americans with Disabilities/Section 504 Overview

<http://www.state.nj.us/transportation/business/ada/>



NJDOT Contact Information

Chrystal Section

ADA Coordinator

Division of Civil Rights/ ADA

1035 Parkway Avenue

Trenton, NJ 08625

Voice: (609) 530-2939

Fax: (609) 530-4030

Email: Chrystal.Section@dot.nj.gov



Questions and Answers

