



**New Jersey Department of Transportation  
Americans with Disabilities Act  
ADA/504**

**Draft Transition Plan**

**OCTOBER 2010**

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# 1.0 Introduction

The Americans with Disabilities Act (ADA) of 1990 – also referred to as the “Act” or “ADA” – prohibits discrimination against persons with disabilities through five separate Titles, each of which targets a different aspect of potential discrimination. Title II specifically addresses accessibility to public services and public transportation by persons with disabilities. The Act applies to facilities built before and after 1990, and requires State and local governments and public entities/agencies to perform Self-Evaluations of their current facilities relative to the accessibility requirements of the ADA. Agencies are then required to develop a program access plan – otherwise referred to as a Transition Plan – to address deficiencies identified in their Self-Evaluations.

The New Jersey Department of Transportation (NJDOT) was recently tasked by the Federal Highway Administration (FHWA) to provide a substantive update to its 1993 Transition Plan. In its approach to meet this directive, NJDOT contracted with Cambridge Systematics, Inc. to assist in drafting a current Transition Plan. This Draft Transition Plan demonstrates NJDOT’s initial progress and necessary future steps to satisfy FHWA by complying with Section 504 of the Rehabilitation Act of 1973 (Section 504) (29 U.S.C. §794) and Title II of ADA (42 U.S.C. §§12131-12164).<sup>1</sup> These two laws work together to achieve the goal of making public rights-of-way and facilities accessible to persons with disabilities.<sup>2</sup> This Draft Transition Plan is essentially a compilation of Cambridge Systematics’ five months of in depth discussions and interviews with key NJDOT ADA stakeholders along with ADA national best practices.

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<sup>1</sup> Department of Justice (DOJ) ADA regulations govern accessibility requirements and designate the Department of Transportation (DOT) as the responsible agency for overseeing public agencies’ compliance with the ADA (per 28 CFR Section 35.190(b)(8). The DOT, in turn, has delegated to the Federal Highway Administration (FHWA) the responsibility to ensure ADA compliance in the public right-of-way and on projects using surface transportation funds.

The FHWA ensures compliance through several means, including: a) *program oversight* over all Federal, State, and local government agencies that build and maintain highways and roadways, b) *project oversight* over Federal-aid highway construction activities (including project planning, design and construction programs); and c) *investigation of Title II ADA/ Section 504 formal complaints* and its own knowledge of specific problems.

<sup>2</sup> The public right-of-way consists of everything between right-of-way limits, including travel lanes, medians, planting strips, sidewalks, and other facilities.

The NJDOT Division of Civil Rights over the past two years has undertaken additional responsibilities related to Title II and Section 504, in concert with its ongoing duties related to Title VI, which prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving Federal financial assistance. Therefore, the ADA Program at NJDOT with respect to Title II and Section 504 is in a very early stage of development regarding its roles, functions, and activities. Its accomplishments are reported in this Draft Transition Plan in terms of an evolving program that will— over time and through progressive incremental improvements—develop the required elements that are more in line with best practice approaches seen in more mature programs.

The limitations of this Draft Transition Plan include gaps in information and aggregate data from which a baseline inventory can be established, as called for in the Self-Evaluation process. This baseline information is needed to measure incremental improvements to accessibility over time through an annual curb ramp installation schedule, as intended by the spirit of the Transition Plan. In spite of this gap, this Draft Plan identifies a series of steps that can be undertaken in the near, medium, and long-term to advance the ADA program incrementally to meet this stretch goal of developing a curb ramp schedule over time, within the staff, time, and budget constraints of the current program. An integral part of achieving steady progress toward this goal requires the securing of funding to collect and maintain additional data that can be used to quantify the current and desired state of the program.

## 1.1 FRAMEWORK FOR ADA COMPLIANCE

Relative to all public agencies that fall under Title II and Section 504 requirements, State Departments of Transportation (DOTs) face unique challenges in meeting ADA accessibility of the facilities they own or manage. The sheer size and geographic extent of State DOT facilities can easily span thousands of miles of public rights-of-way, magnifying the complexity and cost of efforts to achieve, maintain, and track compliance over time. A recent guide titled “ADA Transition Plans: A Guide to Best Management Practices” (hereafter referred to as the Guide) recognizes these challenges, while laying out a solid groundwork for achieving compliance through a phased, step-like approach of demonstrated activities and accomplishments over time.<sup>3</sup>

Due in part to the management complexity that State DOTs face, having a framework in place that articulates a series of successive, positive steps toward compliance – and then using a best practices or “ideal” approach to ADA

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<sup>3</sup> NCHRP Report 20-7 (232), *ADA Transition Plans: A Guide to Best Management Practices*, National Academy of Sciences, National Cooperative Highway Research Program, May 2009.

compliance as a yardstick to gauge the magnitude of its own efforts – may be a useful tool for NJDOT as it strives toward more concrete and substantive achievements over time and within its existing budget constraints.

In summary, the Guide outlines seven specific steps for achieving an “ideal scenario” for meeting ADA requirements with respect to the accessibility of facilities in the public right-of-way. These steps have been reorganized into the following functional areas:

- Step 1 – Fulfilling the administrative requirements of the ADA program through the designation of a dedicated staff person, provision of ADA notice, and adoption of procedures for resolving complaints in a timely and effective fashion.
- Step 2 – The second step involves the performance of a self-assessment (or “Self-Evaluation”) of areas of compliance in which the agency falls short, including its internal and external ADA processes and the condition of its managed facilities.
- Step 3 – As a follow-up to the self-assessment (or “Self-Evaluation”), Step 3 is the development of a implementation plan (or “Transition Plan”) to improve ADA accessibility and compliance with Title II and Section 504 through several required elements, including the development of a curb ramp installation schedule.
- Step 4 – The last step involves monitoring the progress of the implementation plan, conducting regular updates to ensure the plan and its priorities are valid and that compliance efforts are effective and properly directed.

### **1.1.1 Fulfilling Administrative Requirements of Program**

Each State DOT has a responsibility to establish a basic program that meets the administrative requirements of the ADA. The basic elements of an ADA program include:

#### *Designation of an ADA Coordinator*

As a first step, each DOT must designate one responsible staff to coordinate ADA compliance with Title II across the Department, to investigate complaints related to Title II, and to serve as a single source for ADA information inside and outside the Department. This person would likely interface with local governments, advocacy groups, and the public, and be dedicated full-time to advancing compliance plans within the Department.

#### *Provision of Notice Regarding ADA Requirements*

ADA’s assurance of program accessibility dictates that services and programs offered by public entities— including DOTs—should be accessible to individuals with disabilities and ensure that they are not excluded because of limitations on access. Various methods of ensuring program accessibility include redesign,

alteration of facilities, relocation of services or programs to an accessible location in a facility or to an accessible facility altogether. An important and related component of accessibility is the provision of information to the public about ADA. The provision of notice about the rights of the public under the ADA is a continuing responsibility of DOTs, which must determine the most effective way to accomplish this goal.

The target audience for public notice is expansive and encompasses anyone who already interacts, or could potentially interact, with the DOT – including applicants, beneficiaries, and other people interested in the DOT’s programs, activities, or services. The notice should include information about Title II of the ADA and how it applies to the programs, services, and activities of the DOT. The presented information must be accessible to all, and therefore be provided in alternative formats including: audio tape, large print notice, Braille notice, HTML format in website content, provision of translators, and advertisements in publications with large print versions, etc.

### *Adoption and Publishing of Grievance Procedures*

DOTs are required to adopt and publish procedures for resolving grievances arising under Title II of the ADA so that complaints of disability discrimination are resolved in a prompt and fair manner. Once developed, the grievance procedure should be distributed to all agency heads. Copies should be posted in public spaces of the building and on the DOT’s website. The procedure must be available in alternative formats so that it is accessible to all people with disabilities.

While Title II and its implementing regulations do not specify what ADA grievance procedures must include, the Department of Justice (DOJ) has developed a model procedure that includes the following elements:

- A description of how and where a complaint under Title II may be filed with the government entity;
- If a written complaint is required, a statement notifying potential complainants that alternative means of filing will be available for people with disabilities who require such an alternative;
- A description of the timeframes 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 complainant files will be retained.

### **1.1.2 Conducting a Self-Assessment**

The development of a Transition Plan first begins with a Self-Evaluation, or inventory, of existing physical barriers in the 750 facilities managed by NJDOT, and a listing of all barriers that limit accessibility. Potential approaches for

conducting this inventory include on-ground surveys, windshield surveys, aerial photo studies, and drawing reviews.

An Accessibility Barriers Checklist provided in the Guide highlights several areas where deficiencies are likely to be found, as shown in Table 1.1 below:

**Table 1.1 Accessibility Barriers Checklist**

ISSUE	POSSIBLE BARRIERS
Sidewalk and Pathway Clear Width	Narrow, Below Guidelines
Sidewalk and Pathway Cross Slope	Steepness, Irregularity, Variability, Warping
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, Tree 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, Does not Fall within Marked Crosswalk, Doesn't Conform to Guidelines
Curb Ramp Flares	Missing Where Required, Too Steep

Source: NCHRP Report 20-7 (232), *ADA Transition Plans: A Guide to Best Management Practices*, National Academy of Sciences, National Cooperative Highway Research Program, May 2009.

The development of such an inventory has been reported as the most challenging part of the Transition Plan process by several State DOTs, which often lack the budgetary and staff resources to undertake and complete this time-consuming and complicated task. Many states have reported being unable to progress past this inventory stage in order to move forward and use the collected data to develop priorities for future upgrades.

As a result, the Best Practices Guide recommends some potential approaches for the DOTs to move forward:

- Identifying dedicated funding and staffing prior to undertaking Self-Evaluation activities;
- Dividing the entire effort into two separate inventories— one solely for buildings and the other one for the right-of-way—so that a portion of the compliance effort can occur on a more accelerated schedule;
- Using phasing and prioritization to focus the initial stages of the inventory effort on the areas identified as most important based on criteria such as high pedestrian traffic areas or areas more commonly used by pedestrians with disabilities; and
- Dividing the inventorying tasks across regions or districts, with each region/district responsible for Self-Evaluation and development of an individual Transition Plan specific to its own geographic area.

### **1.1.3 Developing an Implementation Plan**

Once the Self-Evaluation is completed and the DOT has an inventory of required structural modifications to achieve accessibility, the DOT must develop a plan for removing the identified barriers where they exist. While there is considerable variation between existing Transition Plans across State DOTs, each plan must cover at least four required elements, in addition to the involvement of the public and availability of the plan for public review. These elements include a) the inventory from the Self-Evaluation, b) discussion of methods to remove barriers and improve accessibility, c) a schedule for taking steps to achieve compliance, and d) an identified individual responsible for the plan's implementation.

Curb ramps receive special consideration in the Transition Plan because they are a vital to making sidewalks, street crossings, and other pedestrian routes that make the public right-of-way accessible to people with disabilities. Specifically, the Transition Plan requires a separate schedule dealing with remediation of curb ramp issues. The use of a ranking system based on several variables—to include location, degree of use, and degree of non-compliance—is viewed by the Best Practices Guide as a sound strategy to deal with this long-term issue.

### **1.1.4 Monitoring Progress**

The final key step in achieving improvements in ADA compliance is continuous attention to incremental improvements and whether these are meeting the goals and targets set out in the Transition Plan schedule. As an example, progress can be monitored by ensuring that “x” percent of access ramps are installed every “y” years with the goal of “z” percent completion in a specified number of years. The key for effective monitoring relies on the setting of goals and targets by which to measure progress on an annual basis.



## 2.0 Draft Transition Plan

As a key component of ADA compliance, the Transition Plan and its required and related elements – including its context within the transportation planning process and relevant projects covered by Title II/ Section 504, plan stakeholders, the review process, and future updates — are discussed in this section.

### 2.1 REQUIRED PLAN ELEMENTS

Per 28 CFR §35.150(d)(3)(9-12-06), Title II requires the Transition Plan to accomplish the following tasks, at a minimum:

- Identify physical obstacles in a public agency’s facilities that limit the accessibility of its programs or activities to individuals with disabilities;
- Describe in detail the methods that will be used to make the facilities accessible;
- Specify the schedule for taking the steps necessary to upgrade pedestrian access to meet ADA and Section 504 requirements in each year following the Transition Plan;
- Include a schedule for providing curb ramps or other sloped areas where pedestrian walks cross curbs, giving priority to walkways serving entities covered by Title II, including State and local government offices and facilities, transportation, places of public accommodation, and employers, followed by walkways serving other areas;
- Indicate the official responsible for the implementation of the plan; and
- Provide opportunities to interested persons and groups to participate in the development of the plan, including the Self-Evaluation leading to the plan.

### 2.2 PROJECTS COVERED BY ADA AND SECTION 504

Any project for construction or alteration of a facility that provides access to pedestrians must be made accessible to persons with disabilities. Projects that alter the use of the public right-of-way – by making any changes that affect or could affect access, circulation, or use by affecting the structure, grade, or use of the roadway – must incorporate pedestrian access improvements within the scope of the project to meet the requirements of the ADA and Section 504.

Alterations include reconstruction, major rehabilitation, widening, resurfacing, signal installation and upgrades, and projects of similar scale and effect<sup>4</sup>.

Maintenance activities and resurfacing beyond normal maintenance are not considered to be alterations, per the Department of Justice (DOJ). The FHWA considers the following to be maintenance activities: actions intended to preserve the system, forestall future deterioration, and maintain the functional condition of the roadway without increasing the structural capacity such as nonstructural thin surface treatments, joint repair, pavement patching, shoulder repair, signing, striping, minor signal upgrades, and repairs to drainage systems.

## **2.3 RELATIONSHIP TO THE TRANSPORTATION PLANNING PROCESS**

The Transition Plan is intended to identify system needs and integrate them with the State's planning process through the Statewide Transportation Improvement Program (STIP) and metropolitan Transportation Improvement Program (TIP) documents. In order to be effective, a Transition Plan needs to be used in the annual planning of projects and related funding decisions<sup>5</sup>.

Agencies should incorporate accessibility improvements into the transportation program on an ongoing basis through the following means:

- Any programmed construction projects must meet accessibility requirements when built;
- Accessibility improvements identified in the Transition Plan that are not within the scope of an alteration project should be incorporated into the overall transportation planning process, even as stand-alone projects; and
- During scheduling maintenance activities, agencies should identify ADA accessibility needs and incorporate them into the overall transportation planning process.

## **2.4 REVIEW PROCESS**

Transition Plans should be reviewed by at least three main groups of stakeholders:

- Internal stakeholders that include DOT staff and individuals responsible for the development of the Plan within the agency;

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<sup>4</sup> Source: Federal Highway Administration Office of Civil Rights, "Questions and Answers About ADA/Section 504" accessed at: [http://www.fhwa.dot.gov/civilrights/ada\\_qa.htm](http://www.fhwa.dot.gov/civilrights/ada_qa.htm)

<sup>5</sup> Ibid

- External stakeholders that include the FHWA, as part of its program, project, and investigative oversight role of its Federal-aid sub-recipients; and
- External groups of interested individuals who represent the public-at-large or are assembled or identified by the DOT for providing input throughout the Self-Evaluation and Transition Plan development process.

#### **2.4.1 Internal Review**

Section 504 requires FHWA to monitor compliance of Federal-aid recipients with respect to their Self-Evaluation and Transition Plans. As defined in the stewardship plan, FHWA Division offices are tasked with reviewing pedestrian access compliance with the ADA and Section 504 as part of their routine oversight activities.

A Transition Plan should be periodically reviewed by agency staff through a Self-Evaluation process, which should take place both *prior to* and *following* Transition Plan completion. These Self-Evaluation activities are intended to gauge the level of existing compliance and determine the potential need for additional areas of inclusion for accessibility improvements. Identified deficiencies should be catalogued and included in future Transition Plan updates.

#### **2.4.2 External Review**

In addition to agency staff, the public-at-large is a key stakeholder in ADA compliance and the agency's efforts to make steady, incremental improvements through the Self-Evaluation and Transition Plan processes. Opportunities for participation in the Self-Evaluations that lead to the development of a Transition Plan should be actively advertised as part of a more formal public outreach effort to members of the disabled community, interested persons, and other public stakeholders. A more comprehensive list of potential stakeholders for the review process include: activists, advocacy groups, general citizens, organizations that support the rights of the disabled, elected officials, State-designated bodies or committees, or a State Ombudsman.

Potential sources for disseminating information and making requests for comments throughout the Self-Evaluation process include: awareness days, newsletters, and information on the DOT website. Comments can be gathered through various means, including meeting comment forms, meeting transcriptions, a dedicated hotline, e-mail or written correspondence addressed to the agency. Completed Self-Evaluation and Transition Plan documents are required to be available for public inspection and review.

## **2.5 FUTURE PLAN UPDATES**

While there is no required timeline for making future updates to a Transition Plan, agencies should engage in Self-Evaluation activities as necessary to ensure

that the Transition Plan document is current and meets the needs of disabled persons. Since each plan is required to have an annual schedule that is ideally aligned with annual funding allocations through transportation planning and programming mechanisms, annual milestones should be adjusted regularly to reflect any changes in real world conditions.

## 3.0 NJDOT Progress to Date

This Section describes the accomplishments that NJDOT has achieved to date since its recent assumption of Title II and Section 504 responsibilities. The department's current program and activities are geared toward making incremental, but steady progress to develop the baseline tools to create a full Transition Plan with the required elements, as described in Section 2.0. Ideally, NJDOT can accomplish this stretch goal within an intermediate timeframe (3-5 years), depending on the success of the inventory process and the ability to dedicate necessary funding to both efforts. Its progress within the past year includes satisfying the administrative requirements of the program, engaging in interdepartmental coordination efforts to share ADA information across divisions, and the performance of leading activities (e.g. gap analysis, assessment of best practices, etc) to directly support the initial Transition Plan development.

### 3.1 ADMINISTRATIVE REQUIREMENTS OF ADA

Section 504 of the Rehabilitation Act of 1973 (49 CFR §27.13) and Title II of the Americans with Disabilities Act of 1990 (28 CFR §35.107) specify that any public entity with fifty (50) or more employees must designate at least one employee to coordinate compliance with the respective regulations. NJDOT has met this basic program requirement, which also serves as a key required element of the Draft Transition Plan, by designating a formal ADA Coordinator. NJDOT has also developed several notices related to ADA— including a grievance procedure, among others— and is planning wider dissemination of these documents internally and to the public.

#### 3.1.1 Designation of ADA Coordinator

NJDOT has designated an ADA Coordinator and has made available to all interested individuals the name, office address, and telephone number for contact. The notice, as shown below, is also available in large print or on audio tape.

Chrystal Section  
ADA Coordinator  
New Jersey Department of Transportation  
Division of Civil Rights/Affirmative Action  
1035 Parkway Avenue  
Trenton, NJ 08625  
Main Office Building, 2<sup>nd</sup> Floor  
Voice (609) 530-2939  
Fax (609) 530-4030  
E-mail: [chrystal.section-williams@dot.state.nj.us](mailto:chrystal.section-williams@dot.state.nj.us)

The ADA/504 Coordinator is charged with the responsibility for implementing, monitoring and ensuring the agency's compliance with Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990. As shown in **Appendix A**, the functions performed by the ADA Coordinator are outlined by the Department's "Statement of Responsibility of ADA/504 Coordinator" and include the following:

- Monitoring the Department's current policies and practices for implementing ADA/504.
- Identifying shortcomings in compliance and developing remedies.
- Evaluating remedial steps taken to eliminate the effects of discrimination.
- Monitoring complaint procedures that incorporate appropriate due process standards and providing for prompt and equitable resolutions of complaints filed under ADA/504.
- Ensuring agency compliance with ADA/504.
- Collaborating and coordinating with the heads of major divisions and Departments to enable ADA/504 compliance efforts.
- Establishing and maintaining collaborative relationships with critical external stakeholders, such as disability advocacy groups and organizations.
- Monitoring the agency's ADA/504 Transition Plan to ensure that all Department facilities remain in compliance with applicable accessibility standards.
- Monitoring established procedures to ensure that requested auxiliary aids are provided for persons with disabilities.
- Conducting annual reviews of ADA/504 program areas.
- Conducting ADA/504 training programs for agency managers and employees.
- Preparing a report of ADA/504 accomplishments and problem areas for the Federal Highway Administration Annual Assurance Report.
- Monitoring the preparation of ADA/504 information for dissemination to the general public, including the "Notice to the Public" offer to provide reasonable accommodation upon request.
- Identifying, investigating, and eliminating ADA/504 discrimination when it is found to exist.

### **3.1.2 Notice of ADA Requirements**

There are two notices that will be made available to all interested members of the general public – Notice Under ADA and the Notice of Nondiscrimination.

NJDOT adopted the US Department of Justice model notice under ADA, as shown in **Appendix B**, which includes brief statements about:

- Employment;
- Effective communication;
- Making reasonable modifications to policies and programs;
- Not placing surcharges on modifications or auxiliary aids and services; and
- Filing complaints.

Relevant information should be provided through this notice on an ongoing basis. The target audiences for the notice under ADA includes applicants, beneficiaries, and other people interested in the state or local government's programs, activities, or services. NJDOT plans to include this notice to reach these audiences by including it in job applications, media outlets like newspapers, television and local radio, public information meetings, NJDOT's website, and public facilities, including NJDOT facility locations.

The Notice of Nondiscrimination provided herein as **Appendix C**, affirms that the Department's programs, services, activities, operations, and employment practices comply with all requirements of 49 CFR Part 27, 28 CFR §35 and 42 U.S.C. §12101-12213. The Notice also provides contact information for the ADA Coordinator for questions, complaints, or requests. This document is designed to fulfill the requirement under 28 CFR §35.106, which states that:

“A public entity shall make available to applicants, participants, beneficiaries, and other interested persons information regarding the provisions of this part and its applicability to the services, programs, or activities of the public entity, and make such information available to them in such manner as the head of the entity finds necessary to apprise such persons of the protections against discrimination assured them by the Act and this part.”

NJDOT plans to make this notice available at public information meetings and at the NJDOT library.

### **3.1.3 Establishment of Grievance Procedure**

NJDOT has established a grievance procedure for disability-based discrimination entitled “Grievance Procedure Under the Americans with Disabilities Act”, as shown in **Appendix D**. The Grievance procedure includes language identifying the ADA Coordinator as the person responsible for gathering information about the complaint, procedures for resolving the complaint including the right to appeal, the timeframe for keeping complaints on file, language expressly prohibiting retaliation, an assurance of a prompt and full investigation, and an alternate address for filing complaints with FHWA.

All grievances should be in writing and submitted to the ADA Coordinator within 30 days of the alleged violation. The notice also includes language on the

availability of alternative means of filing complaints, such as personal interviews or a tape recording of the complaint. While the use of the NJDOT Discrimination Complaint Form—as shown in **Appendix E**—is recommended, it is not required, and alternative formats may be arranged for those requesting special accommodations.

The Grievance Procedure specifies that the ADA Coordinator or his/her designee will respond in writing (or other means should an accommodation be requested), and will offer a resolution or explain the position of the department with respect to the complaint. A Division office representative will meet with the complainant to discuss the complaint and possible resolutions. Within 45 days of the hearing, the complainant will receive a response, in writing or other means as requested, detailing the final resolution and potential avenues of appeal, if available.

The NJDOT Discrimination Complaint Form, available from the ADA Coordinator, collects the following information:

- The complainant's name and contact information;
- The cause of alleged discrimination, including the option to select "Disability" from the available choices;
- Details of the party perpetrating the alleged discrimination;
- Details of the "Event" of discrimination;
- The "relief" or "settlement" requested; and
- A request for the complainant's and a witness's signatures, swearing or affirming that the charge is true.

Complaints received are logged in the NJDOT complaint log, included as **Appendix F**, and shall be kept on file for one year. A record of all such complaints, which may be in summary form, shall be kept for five years.

Complaints are pursued by the ADA Coordinator using an "Investigative Report" form, included as **Appendix G**, comprised of the following sections:

- Complaint;
- Respondent;
- Applicable Law;
- Basis;
- Issues/Allegations;
- Findings; and
- Conclusion.



### 3.1.4 Sub-Recipient Assurances to FHWA

There are two sets of assurances for ensuring oversight and compliance of ADA regulations, which should be included with contracts and applications in order to receive federal funding:

- NJDOT's assurance to FHWA as a recipient of Federal financial assistance from FHWA, and
- Sub-recipients assurances to NJDOT, for contracts through which they receive Federal funding.

NJDOT's assurance is included as **Appendix H**. These assurances are inserted into any application, contract, or other instrument signed and submitted to the NJDOT and/or the Federal Highway Administration (FHWA) in order to receive Federal financial assistance. As of October of 2009, it is the practice of NJDOT to insert the Notice, or contents thereof, into its Professional Service Agreements and Construction Contracts.

## 3.2 INTERDEPARTMENTAL COORDINATION

NJDOT's efforts to address and resolve ADA compliance issues recognize the importance of cross-agency and interdepartmental coordination. Recent efforts aimed at greater collaboration include the institution of an ADA Work Group, provision of basic training and awareness within the Department, and identification of data and expertise-sharing opportunities across the agency.

### 3.2.1 Establishment of ADA Work Group

In the spring of 2008, the NJDOT Division of Civil Rights established an ADA Work Group to engage an internal body of stakeholders on ADA-related issues. Collectively, members of this group span several functions within the agency based on their varied expertise. The individual representatives of these groups were selected in consultation with NJDOT leadership and are considered to be Subject Matter Experts (SMEs) in their respective fields.<sup>6</sup> The intent to bring this body together was to leverage the skills, experience, and expertise of the constituent members for matters and issues involving ADA compliance and accessibility.

Members of the ADA Work Group, as shown in **Appendix I**, currently include representatives from the following areas:

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<sup>6</sup> A formal list of SMEs was once maintained throughout the Department, but efforts to keep it active have waned recently. NJDOT staff is considering resurrecting this practice to keep up-to-date with the knowledge base in different program areas as they relate to accessibility issues and knowledge.

- Planning
- Capital Program Management;
- Civil Rights and Affirmative Action;
- Communications and Web Design;
- Facilities;
- Maintenance Engineering and Operations;
- Office of Information Technology, including GIS;
- Operations Support;
- Regional Operations;
- Traffic Engineering & Safety;
- Transportation Data Development;
- Office of Information Technology (OIT)

### **3.2.2 Training, Awareness, and Information Dissemination**

In 2010, the New Jersey Department of Transportation (NJDOT) ADA/Civil Rights Unit developed an External ADA Education and Training Program designed to review external ADA regulations, demonstrate ADA's application in daily work activities, show how ADA has been integrated within Departmental actions and protocols, and instruct personnel on the policies and procedures for appropriately managing ADA requests and inquiries. Education materials on external ADA focusing on roadways and pedestrian facilities were developed for internal use and are intended to be presented to NJDOT personnel by members of the ADA/Civil Rights Unit, **Appendix J**.

#### **ADA External Training Modules**

The series of training modules are designed to focus on different aspects of external ADA and its relationship with and within NJDOT. The following summarizes each of the four training modules, including key concepts to be reviewed and the intended audience and application.

##### ***Module I – ADA 101***

Module I is a presentation that provides an overall review of ADA and its application. Specific focus is given to the Federal perspective (legislative and legal components) of ADA and how NJDOT is currently implementing ADA regulations through various internal and external processes and procedures.

Key Concepts/Components:

- Americans with Disabilities Act (ADA)
- Historical prospective of ADA

- Federal definition of ADA?
- Title II and its relevance to NJDOT personnel
- Accessibility to civic life
- Enforcement of ADA regulations
- NJDOT Project Pipeline and the external ADA Pipeline
- How NJDOT currently advances external ADA
- NJDOT External ADA Complaint Resolution Process

### ***Module II – NJDOT Personnel and ADA***

Module II is a series of five presentations that reinforce the NJDOT External ADA Complaint Resolution Process, examine how ADA impacts NJDOT personnel differently, offer ADA best practices to improving accessibility, and present role playing scenarios for participants to respond and demonstrate knowledge gained through the program. Different NJDOT personnel, based upon their area of expertise, will participate in one of the five Module II presentations. The five personnel groupings are as follows:

- Capital Program Management;
- Engineering and Design;
- Construction and Maintenance;
- Planning; and
- Oversight.

Specifically, Module II provides a strategy for addressing ADA issues that might arise within different departments or when communicating with the public. Additionally, the ADA pipeline is discussed in more detail, there is a Q/A section that explains the procedure that different personnel should follow regarding ADA inquiries from the public or from public officials. Finally, Module II lays out a typical scenario which actively reviews the appropriate procedures for managing ADA requests or inquiries.

Key Concepts/Components:

- The ADA Pipeline
- Reinforcing the NJDOT ADA Complaint Resolution Process
- Interactive Q/A that examines how ADA effects different personnel groups
- ADA Best Practices to Improving Accessibility
- Role playing scenarios

**Training dates:** Two for each division **except** Capital Program Management **and** Asst.Comr. Office for Planning & Development, et al which have 3 due to their size. Also, there is one "OPEN" date.

**AM Training is 9 AM - 12 PM in the Main Office Building (MOB)  
Multipurpose Room (MPR)**

**October 20 and October 27:** Capital Program Management (CPM)

**October 21:** Statewide Traffic Operations

**October 28:** Asst. Comr. Office for Planning & Development AND Statewide Planning AND Local Aid and Economic Development AND Project Development AND Environmental Resources AND Multimodal Services

**November 3:** Administration AND Government and Community Relations AND Chief Financial Officer

**November 4:** Operations

**November 9:** Asst. Comr. Office for Planning & Development AND Statewide Planning AND Local Aid and Economic Development AND Project Development AND Environmental Resources AND Multimodal Services

**November 10:** Open

**PM Training is 1 PM - 4 PM in the Main Office Building (MOB) Multipurpose Room (MPR)**

**October 20:** Asst. Comr. Office for Planning & Development AND Statewide Planning AND Local Aid and Economic Development AND Project Development AND Environmental Resources AND Multimodal Services

**October 27:** Statewide Traffic Operations

**November 3:** Operations

**November 9:** Capital Program Management (CPM)

***Module III – External ADA Education Programming Resource Catalog***

Module III is a reference document for NJDOT personnel of federal and state level ADA education programs designed to supplement Module I and II materials. Of primary importance was the identification of supplemental ADA education programs that would offer participants an interactive and immersive educational experience, as well as reinforce what NJDOT personnel should be considering when developing projects, preparing designs, or resolving an ADA issue. The resources provided within the catalog are from national and regional organizations, and highlight how available services or programs may be utilized to support the other modules of the ADA External Education and Training program.

Key Concepts/Components:

- NJDOT External ADA Education and Training Material Overview
- ADA Education Programming Resource Catalog

***Module IV – ADA Work Group***

Module IV is a presentation for the internal ADA Work Group designed to introduce the current membership of the Work Group, re-establish the goals, purpose, and responsibilities of the Work Group, review the gaps and opportunities identified during the Gap Analysis Surveying Effort, and offer group members an opportunity to provide comment and develop a game plan for the ADA Work Group in moving forward.

Key Concepts/Components:

- What is the ADA Work Group?

- Member Responsibilities
- Observed Gaps and Opportunities
- EL-15 Form Example
- Next Steps

### **3.2.3 NJDOT Web Accessibility**

Under Section 508 (29 U.S.C. ' 794d), agencies must give disabled employees and members of the public access to information that is comparable to the access available to others. Provisions of Section 508 ensure access for people with vision impairments who rely on various assistive products to access computer-based information, such as screen readers, which translate content on a computer screen into automated audible output, and refreshable Braille displays. NJDOT has a comprehensive Web accessibility policy statement<sup>7</sup> provided at the bottom of the NJDOT home page, and on most other Web pages including various department Web pages. The objective of this policy is “to improve the ease with which all citizens, including those with disabilities, can access and benefit from web-based government services and information”. As a part of this policy, the Office of Information Technology (OIT) shall provide Web accessibility consultation, testing, and remediation services to client agencies, while providing Web accessibility training to NJOIT employees as needed.

OIT works closely with Office of Communications in developing and deploying websites within NJDOT. Communications needs to provide an approval on the Web content after consultation with the content provider. NJDOT affirms that all of its Web templates are section 508 compliant. These templates are standard “containers” that hold various types of web content. Guidelines—including ADA specific guidelines—for the revision of templates are included in the NJDOT Web Developers Guide, last updated in November of 2007. In order to test Section 508 compliance, a sample set of web pages are tested using the IBM Home Page Reader, an application that reads pages to blind users. To ensure that graphical content is available in an accessible format, text labels or descriptors for graphics and certain format elements are used which can be read with the Home Page Reader are used.

### **3.2.3 Other Accomplishments**

- Gap analysis of ADA-relevant data across Departmental Divisions (based on ADA Workgroup interviews)
- Compilation of ADA resources and Best Practice Materials
- Draft ADA Mission and Vision Statements

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<sup>7</sup> NJDOT Web accessibility statement, Accessed at <http://www.state.nj.us/transportation/accessibility/>

- Public documents and outreach materials (i.e. – brochure, complaint form)
- Data summaries on disabled population throughout New Jersey, **Appendix K**

NJDOT staff has also recently completed a series of accessibility checklists to gauge their progress in several areas, covering the tasks and responsibilities of an ADA Coordinator, website accessibility, and curb ramps and pedestrian crossings.

As found in the U.S. Department of Justice (DOJ) Best Practices Tool Kit for State and Local Governments, these checklists covered the following topics:<sup>8</sup>

- The ADA Coordinator, Notice and Grievance Procedure Checklist was intended to assess the requirements and functions of an ADA Coordinator, the agency’s provision of an ADA notice, and the agency’s ADA grievance procedures.
- The Website Accessibility Checklist was designed to conduct an initial assessment of the agency’s website to determine whether there are any ADA-specific concerns regarding NJDOT’s website policies and procedures.
- The Curb Ramps and Pedestrian Crossings Checklist was intended to determine whether the agency is in compliance with the requirements for curb ramps at pedestrian crossings under Title II.

### 3.3 **ACTIVITIES TO SUPPORT DRAFT TRANSITION PLAN DEVELOPMENT**

In addition to fulfilling the administrative requirements of the ADA program in the overall framework of ADA compliance, NJDOT has also spearheaded several activities to specifically support the drafting of a Transition Plan. These activities will serve as significant inputs into the Draft and Final Transition Plan development.

#### **3.3.1 Self-Evaluation**

In both October 2010 and October 2008, NJDOT updated its 1994 “Self-Evaluation for Americans with Disabilities (ADA) Implementation Plan” (or “Self-Evaluation”). The Americans with Disabilities Act of 1990 (Title II, 28 CFR §35.105) mandates NJDOT, as a public entity, to perform periodic evaluations of its services, policies, and practices relating to accessibility for individuals with

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<sup>8</sup> The checklists can be accessed at <http://www.ada.gov/pcatoolkit/toolkitmain.htm>.

disabilities. The goal of the Self-Evaluation process was to review and assess the Department's internal structures and processes for addressing ADA regulations, with particular emphasis placed on State roads, State highways, and State-owned facilities. Insights gained from this self-assessment were intended to serve as a baseline from which to develop a plan for improvements and corrections—the Transition Plan—for the agency.

The Self-Evaluation framework covers three NJDOT functional areas: General Requirements, Program and Facility Accessibility, and Communications. The summarized findings for each area are as follows:

- General Requirements – NJDOT reported that it has fulfilled most general requirements pertaining to ADA, including the designation of an ADA coordinator and publication of that individual's contact information, the existence of a Notice of Nondiscrimination and an internal grievance procedure, the proper filing of complaints, and written assurance to the FHWA that it will not discriminate on the basis of disability. Noted deficiencies pertain to the prior absence of a systematic means of updating the Self-Evaluation (first performed in 1994) and the lack of monitoring of sub-recipients.
- Program and Facility Accessibility – NJDOT reported that new facilities incorporate ADA standards and that the Department is responsive to complaints regarding existing facilities. The primary deficiency is the lack of systematic prioritization, scheduling, and implementation of accessible features, including curb ramps, for existing facilities.
- Communications: NJDOT reported that it provides auxiliary aids to program participants with disabilities, and that it notifies the public of the availability of these aids. Furthermore, it was reported that the NJDOT website is compatible with software used by the hearing and visually impaired. The Department identifies as a deficiency the lack of a TTD (Telecommunications Device for the Deaf)/TTY (Text Telephone) device for hearing impaired individuals<sup>9</sup>.

The 2010 Self-Evaluation document provides a summary listing of the short and long-term deliverables required to correct these deficiencies. The Draft Transition Plan constitutes an evolution of the Self-Evaluation; it provides a comprehensive blueprint for resolving identified deficiencies and for executing the deliverables in an environment of scarce resources. While the Transition Plan is designed to align with the framework established by the Self-Evaluation, it will

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<sup>9</sup> TTY is the more widely accepted term; however, TTYs are used by many people, including those who are deaf. A TTY is a special device that allows people who are deaf, hard of hearing, or speech-impaired to use the telephone by allowing them to type messages back and forth to one another instead of talking and listening. A TTY is required at both ends of the conversation in order to communicate.

also move beyond it by filling gaps in crucial information and providing best practices suggestions.

### **3.3.2 Assessment of Best Practices**

In order to identify vital factors for the successful implementation of various elements of a Transition Plan, several resources of best practices have been explored including:

- State DOT Transition Plans;
- FHWA/Maryland State Highway Administration ADA Peer Exchange<sup>10</sup>;
- US Department of Justice ADA Best Practices Tool Kit for State and Local Governments.

#### *State DOT Transition Plans:*

Many of the states identified for best practice review were selected from a survey conducted by the Maryland State Highway Administration (SHA), through AASHTO's Research Advisory Committee (RAC), to determine how different state DOTs are managing their ADA Transition Plans. Best practice states were selected based on the following criteria:

- Most recent update or Transition Plan;
- Available documents to share for literature review;
- Frequency of updates to the Transition Plan.

Literature and Transition Plan materials from five states – Colorado, Florida, Maryland, South Carolina and Tennessee have been reviewed for this purpose along with plans from some local agencies in New York, Florida and California.

#### *FHWA/Maryland State Highway Administration (SHA) ADA Peer Exchange:*

Maryland's SHA conducted an ADA peer exchange with assistance from FHWA to share best practices and lessons learned regarding ADA accessibility in PROW among representatives from the DOTs in the Mid-Atlantic area. Representatives from Maryland, Delaware, the District of Columbia, the City of Baltimore, Florida, Texas and FHWA participated in an open discussion on four identified areas of interests:

- Self Evaluation;

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<sup>10</sup> Maryland SHA Americans with Disabilities Act, Outreach Activities, Maryland State Highway ADA Peer Exchange Report, Accessed at:

[http://www.sha.maryland.gov/OPR/MDSHA\\_ADA\\_Peer\\_Exchange\\_Rpt\\_FINAL.pdf](http://www.sha.maryland.gov/OPR/MDSHA_ADA_Peer_Exchange_Rpt_FINAL.pdf)



- Data Collection;
- Sub-recipient Oversight;
- Transition Plans.

The findings of this peer exchange have been synthesized and included into the best practices reviewed as a part of the NJDOT's Transition Plan best practices assessment.

*US Department of Justice ADA Best Practices Tool Kit for State and Local Governments:*

The Civil Rights division of the US Department of Justice assembled a toolkit for guiding state and local agencies in the following areas:

- Surveying facilities for ADA compliance and identifying barriers for making them accessible,
- Identifying areas of concern where the programs, services and facilities managed by the agency are having compliance problems related to ADA,
- Helping address the shortcomings and barriers to compliance and fix impediments to providing access to disabled individuals in compliance with ADA regulations.

This toolkit was adopted to supplement NJDOT's technical materials and regulations. Though it is not required that government agencies use this toolkit, it was adopted by NJDOT to be used as a checklist to provide a reasonable assessment of ADA policies, services and programs. Checklists regarding the role and responsibilities of an ADA coordinator, web accessibility, communications, and curb ramps and pedestrian crossings have been used to assess those respective areas from a program accessibility perspective.

### **3.3.3 Review of Documents for ADA Compliance**

Two key documents - the NJDOT Design Manual-Roadway and the NJDOT Standard Specifications for Road and Bridge Construction – are currently under review to verify that ADA requirements and standards are integrated into current NJDOT practices.

### **3.3.4 Gap Analysis of Existing Information, Policies, and Practices**

To supplement the findings of NJDOT's 2008 Self-Evaluation, and provide a gap analysis of data being collected presently, as well as data that should be collected by the agency, NJDOT conducted interviews with members of the ADA workgroup and other staff identified as internal stakeholders and contributors to providing program accessibility. Departmental data that can be shared or leveraged to support ADA compliance and monitoring throughout NJDOT was identified during the course of these interviews. Interview surveys were sent to each participating member in advance, which included *Organizational*,

*Technical, and ADA Policy, Awareness and Application* questions. These questions were supplemented by *Discipline Related Questions* to obtain information about data collected and services rendered by each bureau. Responses to the surveys were discussed in detail and gaps and opportunities for data integration to support inclusion of accessibility related data were identified. For the data that is already being leveraged for ADA purposes, the discussions focused on finding avenues for data sharing mechanisms across bureaus.

### *Summary from Interviews*

Gap analysis interviews were instrumental in understanding existing frameworks that would support accessibility data, additional data needs that need to be fulfilled for complying with ADA regulations, and recognizing areas which present opportunities for collaboration for the incorporation of accessibility into the day-to-day business practices of NJDOT. They were also useful to identify the impediments to the successful adoption of accessibility data into the existing framework.

*Integrating Accessibility Data:* There is no single platform for creating, maintaining, and monitoring accessibility related data within NJDOT. This is primarily due to the storage of project information in multiple databases during the life of a project. A combination of databases including the Capital Programming and Management System, Maintenance Management System and other inventories including Straight Line Diagrams, Videolog, and Pedestrian Facilities databases with the Bicycle/Pedestrian group have to be utilized for this purpose.

However, some of these databases are not currently set up for inclusion of accessibility specific information. ADA group needs to emphasize the need for inclusion of this data under the databases including Capital Programming and Management system to maintain an inventory of accessible features related to the public right-of-way. This sets the foundation of creating a comprehensive inventory that can be monitored and updated, since it is a critical success factor for executing a Transition Plan.

*Opportunities for Collaboration:* Collaboration, both formal and informal has been recognized through the gap analysis interviews from routing accessibility provision requests – for example from Traffic Engineering to Rapid Design for installing pedestrian crossings, while there are formal, established business practices – for example inclusion of Communications and Web Design group to provide web-content for accessibility purposes. The ADA Work Group should be leveraged as the pivotal venue for collaboration between the member bureaus in order to provide disability access in a concerted manner.

*ADA Grievance and Complaint Process:* It is recognized that there is an informal set-up of responding to ADA requests which are directly addressed to different departments in NJDOT. However, for developing a well-documented approach to receiving, monitoring, and responding to ADA requests,

departments should advise that requests be made through the ADA grievance mechanism, while including it as a business process.

*Stakeholder Outreach:* Inclusion of public stakeholder input is a critical process that needs to be incorporated into the Transition Plan-related activities, including public comment on accessible facilities inventory, prioritization and scheduling of accessibility improvements to identified facilities, and feedback on the usability aspects of an ADA website and related content on NJDOT's website. Providing alternative accessible forms of communication including making vital documents available in alternative formats and installing TTY (Text Telephone) and TDD (Telecommunication Device for the Deaf) for contacting the ADA coordinator are other priorities that need to be addressed.

### **3.3.5 NJDOT Policies and Procedures**

The NJDOT maintains policies and procedures for the purposes of providing consistency in operations, conveying management's philosophies, providing guidance in training and improving communications and productivity. Currently, there are two policies, as shown in **Appendix L**, which address ensuring safe access to all users within public rights of way.

*Complete Streets Policy (Policy No. 703):* The New Jersey Department of Transportation shall implement a Complete Streets policy through the planning, design, construction, maintenance and operation of new and retrofit transportation facilities, enabling safe access and mobility of pedestrians, bicyclists, transit users of all ages and abilities. This includes all projects funded through the Department's Capital Program. The Department strongly encourages the adoption of similar policies by regional and local jurisdictions who apply for funding through Local Aid programs.

*Accommodating Pedestrian and Bicycle Traffic During Construction:* The Department is committed to increasing pedestrian and bicycle travel options by routinely integrating bicycle and pedestrian accommodations into transportation systems, and by promoting walking and bicycling as preferred travel modes for short trips. Under the Department's current procedures, bicycle and pedestrian needs and opportunities, (current and future), and the means by which those needs and opportunities are to be incorporated into projects, are identified during the planning and scoping phases of project development.

The Department's general bicycle and pedestrian policy obligates the Department to provide safe access for bicycle and pedestrian traffic during the construction phase of our capital improvements; however, it is recognized that construction related activities present an inconvenience and an impediment to the maintenance of traffic for all modes, including bicycle and pedestrian as well as motor vehicle traffic. It is not possible in all cases to spare the traveling public from such inconveniences and the resulting impediments to the maintenance of traffic during construction. The Department places a priority on the *completion* of permanent capital improvements that meet the needs of all lawful travel modes

over the undertaking of costly and extraordinary measures during construction to maintain traffic for all modes. Such extraordinary measures not only consume scarce resources which could be used to implement permanent solutions to other needs, but they also could result in extending the duration of construction which extends construction related travel impacts to the traveling public and local stakeholders. A key means of mitigating construction related impacts for all modes is to lessen the duration of construction.

Decisions regarding the approach to maintain bicycle and pedestrian traffic during construction, as well as motorized traffic, will be made on a case by case basis to respond to the unique circumstances which are present for each and every project. They will be made in cooperation and consultation with affected residents and local public officials. Appropriate means of accommodating bicycle and pedestrian traffic during construction will be developed within the planning, scoping and design phases of project development and will become an integral element of the project construction plans.

## 4.0 Draft Transition Plan

The Draft Transition Plan further examines and addresses ADA non-compliance issues captured in the Self-Evaluation Plan. NJDOT is taking a strategic approach in assuring state-owned highways and transportation facilities comply with the ADA. The New Jersey Department of Transportation's goal is to provide accessible state-owned transportation facilities for all persons living in, working in or traveling in New Jersey. The 2010 Self-Evaluation Plan addresses NJDOT's obligations to inventory State owned facilities and the identification of the number of state roadways with curb ramps. NJDOT had identified 750 NJDOT facilities that were built before 1992 which will be inspected over a ten year period to ensure ADA accessibility.

Division of Civil Rights staff along with those in Facilities have conducted ADA compliance inspections of the department's Trenton Headquarters, regional offices in Mount Arlington, Freehold, Cherry Hill and New Jersey's two highway rest stops Deepwater (Carney's Point) and Knowlton to identify accessibility problems and solutions in the existing facilities in order to meet the NJDOT's obligations under the ADA. While still in the initial phase of addressing ADA compliance on state roadways and pedestrian facilities, the department has an implementation strategy to address any inadequacies. The first phase consists of counting and identifying each intersection on NJ state roads. In the second phase, missing curb ramps will be identified and installed. In the third phase, all other inadequacies including slope and widths of existing sidewalks and ramps will be identified.

### 4.1 Facilities Site Inspections

NJDOT's Division of Civil Rights staff along with those in Facilities have conducted ADA compliance inspections of the department's Trenton Headquarters, regional offices in Mount Arlington, Freehold, Cherry Hill and New Jersey's two highway rest stops Deepwater (Carney's Point) and Knowlton to identify accessibility problems and solutions in the existing facilities in order to meet the NJDOT's obligations under the ADA.

Recommendations for improvements will be highlighted in order to remove barriers to make the facilities publicly accessible to those with disabilities.

A public entity may not deny the benefits of its programs, activities, and services to individuals with disabilities because its facilities are inaccessible. A public entity's services, programs, or activities, when viewed in their entirety, must be readily accessible to and usable by individuals with disabilities. This standard, known as "program accessibility," applies to all existing facilities of a public entity. "The Americans with Disabilities Act Checklist for Readily Achievable

Barrier Removal” (ADA Checklist) details requirements found in the ADA Standards for Accessible Design (Standards). The ADA Accessibility Guidelines (ADAAG), when adopted by the Department of Justice, became the Standards.

The ADA Checklist was used as a tool during the ADA Regional Facilities Site Inspections to assist in determining methods for providing program accessibility. Public entities may achieve program accessibility by a number of methods. In many situations, providing access to facilities through structural methods, such as alteration of existing facilities and acquisition or construction of additional facilities, may be the most efficient method of providing program accessibility. The public entity may, however, pursue alternatives to structural changes in order to achieve program accessibility. Nonstructural methods include acquisition or redesign of equipment, assignment of aides to beneficiaries, and provision of services at alternate accessible sites.

As an outcome of the department’s ADA Coordinator’s June 2-4, 2010 inspections of each facility and meeting with various personnel in Facilities to bring non-compliant items into compliance with ADA, all items that were not previously in compliance have been addressed. They have either been repaired or are in the process of being replaced or removed to ensure that each facility is readily accessible to and usable by individuals with disabilities.

## 4.2 CURB RAMPS

The consulting firm, Michael Baker Jr., Inc. has provided an inventory of state roadway mainline intersections. Utilizing a feature extraction process, recently collected photolog images were analyzed to identify how many have sidewalk curb ramps, as shown in **Appendix M**.

Along 2,200 miles of New Jersey state roadway system, there are a total of 9,953 intersections. 8,272 (83%) of those intersections have all ramps present. 1,678 (17%) of the intersections have some ramps missing or no ramps at all. Next steps include meeting with the Assistant Commissioner of Planning to discuss maintenance and construction on how to address the 1,678 (17%) of intersections that have missing or no ramps at all.

All resulting data has been loaded into the NJDOT’s on-line Straight Line Diagram with links to the photo ID that best represents each curb ramp. Baker has also configured the on-line system to enable users to click on a curb ramp feature symbol in order to view images of specific ramps, as shown in **Appendix N**.

## 5.0 Next Steps

This Section includes a series of concrete steps that NJDOT can undertake to support the phased-in approach to compliance discussed at the outset of this document. These activities are still in “Draft” form and will need to be adjusted or revised as necessary in accordance with known and available resources, which have not been determined as of the writing of this Draft Transition Plan.

### 5.1 IMMEDIATE ACTIVITIES (CURRENT YEAR)

Some immediate steps that NJDOT is undertaking to ensure ADA compliance in the current year are:

1. Continue to identify sources of funding for installing curb ramps.
2. Continue conducting site inspections of facilities.
3. Engaging those in the disabled community in the process.
4. Begin assembling an external advisory group/stakeholder group to be involved in future Self-Evaluation and Transition Plan efforts, as a requirement of the Transition Plan. One example could be to use the existing Bicycle/Pedestrian Advisory Council as a starting point, since that group is already in place and has diverse representation.
5. Clarify roles for the ADA Work Group and develop a schedule of periodic meetings—including training and/or refresher courses—to make them more engaged on a regular basis.
6. Develop stronger awareness by publicizing the Title II/Section 504 program and activities within the Department, including establishing a presence on the NJDOT Intranet/Internet home pages.
7. Finalize exact language on notices and forms, include the Commissioner’s signature where needed, and increase posting and dissemination of material at locations frequented by the public (including libraries, employment sites, etc).
8. Complete the gap analysis of the existing data, document review for ADA compliance, and a Best Practices analysis for Transition Plans.

### 5.2 SHORT-TERM ACTIVITIES (2 TO 3 YEARS)

The following initiatives could potentially be started in the short-term:

1. Secure dedicated funding for incorporating ADA upgrades into programmed projects in the STIP and Long-Range Transportation Plans.

2. Continue public outreach efforts with respect to the Self-Evaluation and Transition Plan processes.
3. Develop a set of priorities for the inventory and begin to inventory NJDOT structures that were built before 1992.
4. Amend the ADA 504/Transition Plan based on existing inventory efforts.
5. Develop ADA posters, signs, and brochures.
6. Continue training activities on ADA compliance.
7. Establish TTY (Text Telephone) or TDD (Telecommunication Device for the Deaf) system.
8. Prepare remaining vital documents in Braille, large print and cassette tapes if they are not currently available in alternative formats.

### **5.3 INTERMEDIATE-TERM ACTIVITIES (4 TO 6 YEARS)**

In order to effectively evaluate ADA performance and compliance, the Transition Plan should be updated periodically as the short-term goals are met and facilities are inventoried. Intermediate goals could include the following tasks:

1. Update ADA 504/Transition Plan (All sections if applicable).
2. Complete inventory of NJDOT structures built before 1992, if possible.
3. Continue training activities on ADA compliance.
4. Continue public outreach efforts with respect to the Self-Evaluation and Transition Plan processes.
5. Include ADA upgrades in programmed projects.
6. Build an ADA inventory database.

### **5.4 LONG-TERM ACTIVITIES (7 TO 10 YEARS)**

Long-term goals aim to achieve the highest level of compliance with ADA regulations and incorporate ADA-related activities into the day-to-day activities of NJDOT. These goals are targeted for accomplishment within a 10-year timeframe, as mentioned in the Self-Evaluation report.

1. Ensure that all NJDOT buildings and facilities built after 1992 comply with ADA standards.
2. Continue public outreach efforts with respect to the Self-Evaluation and Transition Plan processes.
3. Use the ADA inventory database to improve compliance efforts.



4. Incorporate ADA compliance into the day-to-day work of NJDOT.
5. Complete and monitor annual progress of the curb ramp installation schedule.
6. Satisfy all the required elements of the Transition Plan.

## **6.0 Monitoring and Evaluation**

### **6.1 CRITERIA FOR EVALUATION**

Specific criteria to be included in this section are part of the ongoing Best Practices Review and will be available by the time the Final Transition Plan document is complete.

### **6.2 PROCESS FOR MONITORING AND EVALUATION**

A discussion of a process for monitoring and evaluation is part of the ongoing Best Practices Review and will be available by the time the Final Transition Plan document is complete.

# 7.0 Appendices

**Figure 7.1 Federal Funding Opportunities for Pedestrian Projects and Programs<sup>11</sup>**

**Funding**

30. What sources of funding may be used to comply with ADA and Section 504 requirements?

**Federal Funding Opportunities for Pedestrian Projects and Programs**

ACTIVITY	NHS	STP	HSIP	RHC	TE	CMAQ	RTP	FTA	TrE	BRI	402	PLA	TCSP	FLH	BYW	SRTS
Pedestrian plan		*	*			*						*	*			
Paved shoulders	*	*	*	*	*	*				*			*	*	*	
Shared-use path/trail	*	*	*		*	*	*			*			*	*	*	*
Recreational trail							*							*		
Spot improvement program		*	*		*	*							*			*
Maps		*			*	*					*		*			*
Trail/highway intersection	*	*	*		*	*	*						*	*	*	*
Sidewalks, new or retrofit	*	*	*	*	*	*		*	*	*			*	*	*	*
Crosswalks, new or retrofit	*	*	*	*	*	*		*	*				*	*	*	*
Signal improvements	*	*	*	*	*	*							*			*
Curb cuts and ramps	*	*	*	*	*	*							*			*
Traffic calming		*	*	*									*			*
Safety brochure/book		*			*	*					*		*			*
Training	*	*	*		*	*	*				*		*			*

  

<p><b>NHS</b> National Highway System</p> <p><b>STP</b> Surface Transportation Program</p> <p><b>HSIP</b> Highway Safety Improvement Program</p> <p><b>RHC</b> Railway-Highway Crossing Program</p> <p><b>TE</b> Transportation Enhancement Activities</p> <p><b>CMAQ</b> Congestion Mitigation/Air Quality Program</p> <p><b>RTP</b> Recreational Trails Program</p> <p><b>FTA</b> Federal Transit Capital, Urban &amp; Rural Funds</p>	<p><b>TrE</b> Transit Enhancements</p> <p><b>BRI</b> Bridge (HBRRP)</p> <p><b>402</b> State and Community Traffic Safety Program</p> <p><b>PLA</b> State/Metropolitan Planning Funds</p> <p><b>TCSP</b> Transportation and Community and System Preservation Program</p> <p><b>FLH</b> Federal Lands Highways Program</p> <p><b>BYW</b> Scenic Byways</p> <p><b>SRTS</b> Safe Routes to School</p>
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Each program has its own specific requirements and provisions. Further details on these sources of funding may be found in the following memo: *Flexible Funding for Highways and Transit and Funding for Bicycle & Pedestrian Programs*, February 6, 2006, at [www.fhwa.dot.gov/hep/flexfund.htm](http://www.fhwa.dot.gov/hep/flexfund.htm). (9-12-06)

<sup>11</sup> Sources of funding that may be used to comply with ADA and Section 504 requirements, Accessed at [http://www.fhwa.dot.gov/civilrights/ada\\_qa.htm#q30](http://www.fhwa.dot.gov/civilrights/ada_qa.htm#q30)



**7.1 APPENDIX A**

Responsibilities of ADA/504 Coordinator

**7.2 APPENDIX B**

Notice under ADA

**7.3 APPENDIX C**

Notice of Nondiscrimination

**7.4 APPENDIX D**

Grievance Procedure

**7.5 APPENDIX E**

NJDOT Discrimination Complaint Form

**7.6 APPENDIX F**

NJDOT Complaint Log

**7.7 APPENDIX G**

Investigative Report

**7.8 APPENDIX H**

NJDOT's Assurance to FHWA

**7.9 APPENDIX I**

Members of the ADA Work Group

**7.10 APPENDIX J**

ADA External Training Modules

**7.11 APPENDIX K**

Data Summaries on Disabled Populations in NJ

**7.12 APPENDIX L**

NJDOT Policies (Complete Streets and Accommodating Pedestrian and Bicycle Traffic During Construction)

**7.13 APPENDIX M**

ADA Regional Facilities Site Inspections: Status Update/ Spreadsheets

**7.14 APPENDIX N**

State Highway Sidewalk Curb Ramp Inventory w/CD

**7.15 APPENDIX O**

Consultant Budget Summary