



Caltrans

ADA Infrastructure Program

Sri
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ADA Infrastructure Program
California Department Of Transportation



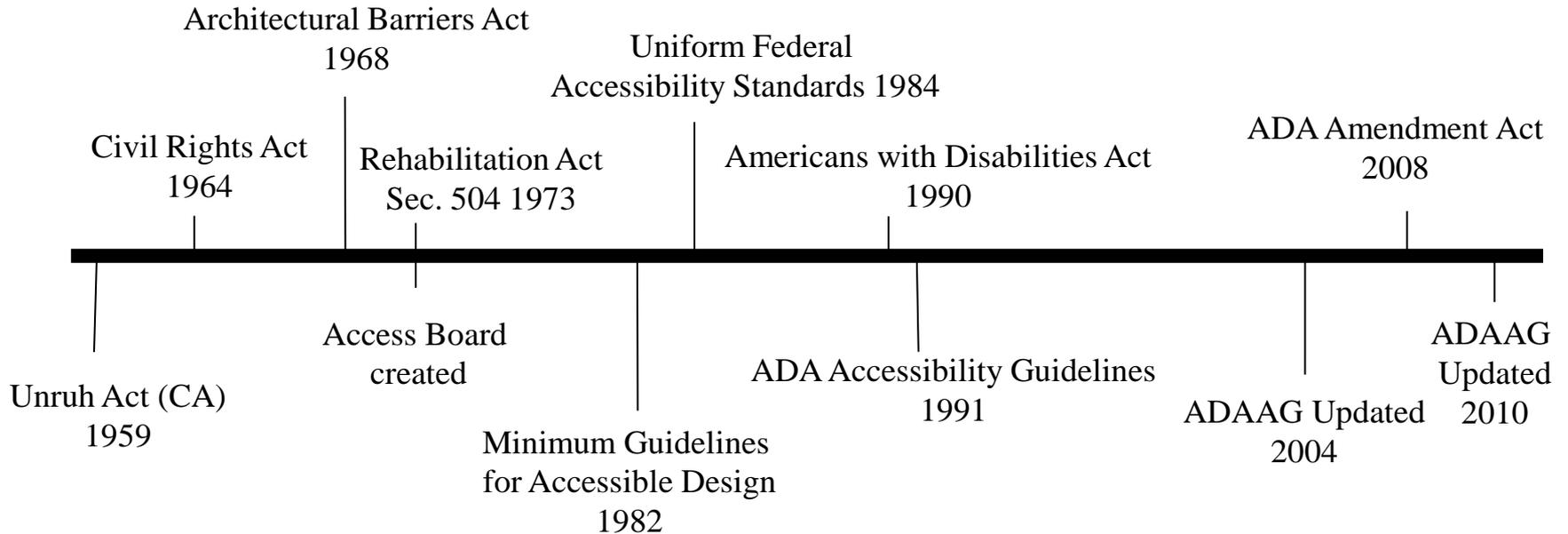
Americans with Disabilities Act



- ❖ **Background**
- ❖ **Settlement Agreement**
- ❖ **ADA Infrastructure Program**
- ❖ **Lessons Learned**
- ❖ **How you can help**



Time Line



History



- ❖ The Americans with Disabilities Act (ADA) was signed into law by President George Bush on July 26, 1990
- ❖ It is the most comprehensive civil rights law enacted to prohibit discrimination against persons with disabilities
- ❖ It applies to public agencies (state & local) and private entities offering public accommodations & services
- ❖ It consists of five key titles covering various aspects of public agencies and private entities



Titles of ADA

- ❖ Title I – Employment
- ❖ Title II – Public transportation and state and local government services
- ❖ Title III – Public accommodations
- ❖ Title IV – Telecom Communications
- ❖ Title V – Miscellaneous

Some of the ADA Requirements



Administrative Requirements:

- ❖ Designate a person responsible for all ADA activities
- ❖ Conduct and implement a Self Evaluation
- ❖ Create and implement a Grievance Procedure
- ❖ Conduct and implement a Transition Plan
- ❖ Provide notice to the public

General Requirements:

- ❖ Ensure web-accessibility
- ❖ Enlist public input
- ❖ Ensure equal opportunity to all Programs
- ❖ Ensure integrated programs
- ❖ Ensure non-discriminatory methods of administration
- ❖ Ensure non-discriminatory choice of contractors
- ❖ Ensure accessibility of licensing and certification
- ❖ Make reasonable modification of policies & practices
- ❖ Ensure non-discriminatory eligibility criteria of programs

General Requirements (continued):

- ❖ Surcharges cannot be applied to participants
- ❖ Ensure accessible and equally effective communications
- ❖ Ensure accessible telephone communications
- ❖ Ensure direct accessibility to emergency telephone
- ❖ Provide program accessibility
- ❖ Provide access to existing facilities
- ❖ Provide access to the point of undue burden
- ❖ Ensure historical preservation
- ❖ Ensure accessible alterations to existing facilities
- ❖ Ensure non-discriminatory leases
- ❖ Provide maintenance of accessible features

Employment Requirements:

- ❖ Determine essential job functions
- ❖ Provide reasonable accommodation
- ❖ Ensure communication choosing accommodations
- ❖ Provide accommodation up to undue hardships



Administrative Requirements



- ❖ Designate a person responsible for all ADA activities
- ❖ Develop a plan and conduct a self evaluation of our programs, activities and services
- ❖ Create and implement a Grievance Procedure
- ❖ Develop and implement a Transition Plan
- ❖ Provide notice to the public



Administrative Requirements



Designate a person responsible for all ADA activities

Alex Morales III

Statewide ADA Coordinator
ADA Infrastructure Program
California Department of Transportation

Administrative Requirements



Develop a plan and conduct a self evaluation of our programs, activities and services

What is it?

It's a review of all policies and practices that govern the administration of the public entity's programs, activities, and services

What are the goals?

- ❖ Identify all policies, practices, and procedures
- ❖ Assess all policies, practices, and procedures to identify items that could be considered as discriminatory
- ❖ Modify all policies, practices and procedures to ensure compliance

Administrative Requirements



Create and implement a Grievance Procedure

What is it?

A mechanism that allows a person with a disability or a class of individuals with disabilities or their representatives to file an access request or grievance alleging discrimination on the basis of disability at an organizational level.

What are the goals?

- ❖ Intake all requests
- ❖ Provide prompt and equitable resolution
- ❖ Deter a request or grievance from escalating
- ❖ Complainant Satisfaction

Administrative Requirements



Develop and implement a Transition Plan

What is it?

What does it consist of?

A Plan to remove structural barriers



- ❖ Identification of all structural barriers
- ❖ A prioritized timeframe for barrier removal
- ❖ Detailed outline regarding how each barrier will be removed
- ❖ Identification of the individual responsible for the Transition Plan

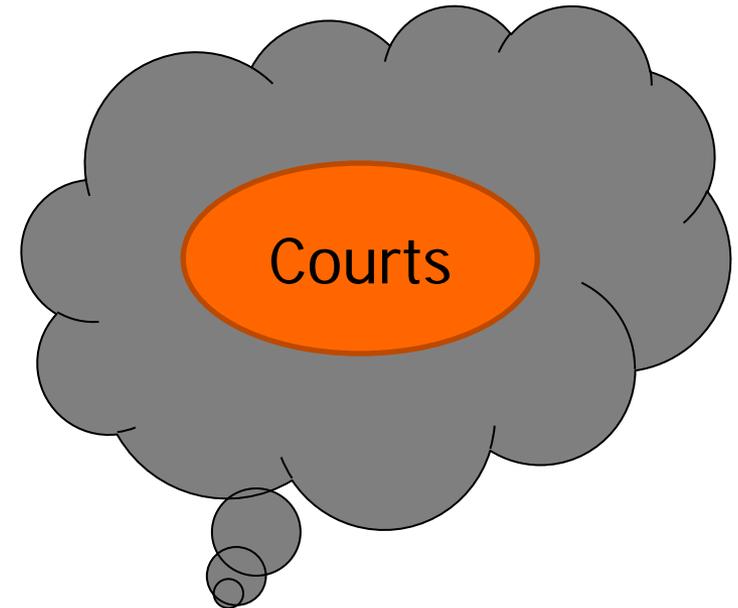
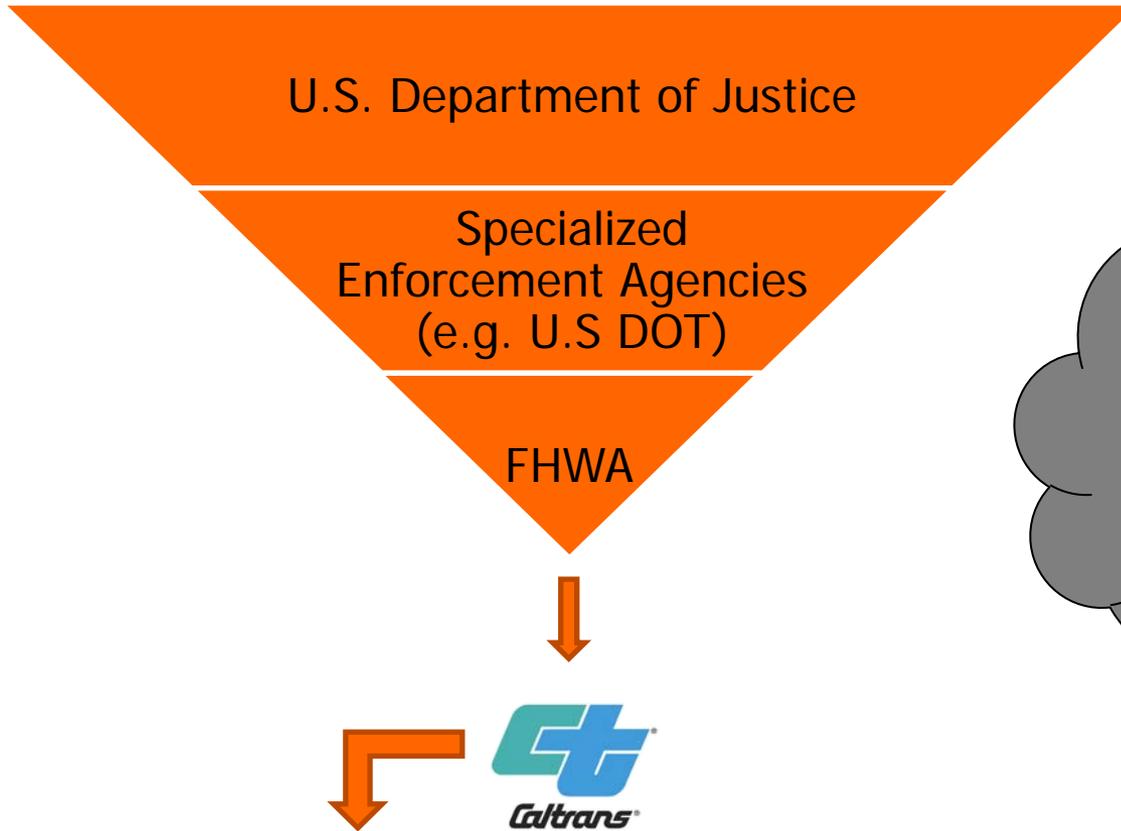
Administrative Requirements



Provide notice to the public

- ❖ About ADA obligations and accessible facilities and services
- ❖ About the ADA's nondiscrimination requirements
- ❖ About how the public or employees may contact specific officials about problems with accessibility
- ❖ About how the information is being made accessible to the public, including people who have disabilities
- ❖ About the various types of media what could be used, such as the web, print, radio or television.

Enforcement of ADA Requirements



Funding Recipients – Anyone who receives funds from Caltrans



Additional Caltrans Requirement



Class Action Lawsuit & Settlement Agreement



Lawsuit

- ❖ In 2006 a lawsuit was filed – discrimination and denial of full and equal access to pedestrian facilities, park & ride lots owned by Caltrans
- ❖ Class action lawsuit – class includes all persons with mobility and/or vision disabilities
- ❖ Caltrans asserted full compliance with federal and state access laws
- ❖ Lawsuit settlement agreement signed on June 6, 2010

Agreement



- ❖ No admission of wrongdoing, liability or entitlement to plaintiffs
- ❖ Avoid cost, expense and uncertainty of protracted litigation
- ❖ Prevents re-litigation of any issues settled by this agreement
- ❖ Applicable to plaintiffs and plaintiff class



Key Settlement Conditions

- ❖ \$1.1 billion over 30 years (FY 2010–2011) - \$25 million (5), \$35 million (10), \$40 million (10) and \$45 million (5)
- ❖ Pour Over Provision – spend more & get credit in future years / spend less & will have to spend more in future
- ❖ Up to 25 percent of the Annual Commitment amount can be credited by curb ramps on CAPM projects
- ❖ No credit for 2 R, 3R or new construction projects



Key Settlement Conditions

- ❖ Provide access through / around temporary work zones
- ❖ Establish a single procedure through which all access requests and grievances are collected and processed
- ❖ Provide training to all Caltrans employees who work on ADA related projects and issues
- ❖ Submit an Annual Report for 30 years by Caltrans
- ❖ Annual Report for 7 years by an independent consultant



ADA Infrastructure Program Overview



- ❖ ADA Infrastructure Program was created to be the single focal point to comply with the settlement agreement
- ❖ It is under Maintenance & Operations Program Deputy
- ❖ Statewide ADA Coordinator, Statewide ADA Liaison
District ADA Engineers and District ADA Liaisons
- ❖ HQ Program Manager, Program Advisors and consultants assist with the implementation of the program
- ❖ Satisfy plaintiffs and their class (our customers)

ADA Infrastructure Program Customers



Mobility Impaired



ADA Infrastructure Program Customers



Visually Impaired



ADA Infrastructure Program Customers



Young Children



Elderly



ADA Infrastructure Program Customers



Temporary disabilities



Parents with strollers



ADA Customer Statistics



- ❖ Approximately 15 percent of the adult population has a disability
- ❖ 70 percent of all persons with disabilities are over the age of 45
- ❖ The majority of persons with a sight impairment suffered that impairment as an adult and don't read Braille
- ❖ Most persons with a disability are gainfully employed
- ❖ Walking and transit are the primary form of transportation for persons with a disability



ADA Infrastructure Projects



- ❖ Construct projects to remove access barriers to our customers
- ❖ Projects can be stand alone ADA projects or other 2R/3R/CAPM projects
- ❖ Review projects starting FY 2010–11 based on their Construction Contract Acceptance (CCA) date
- ❖ First year reviewed only stand alone ADA projects, now we are reviewing all projects with ADA features, including permit projects



Review Results

- ❖ Reviewed six ADA stand alone projects that were completed (achieved CCA milestone) in FY 2010–2011
- ❖ Reviewed eight ADA stand alone projects that were completed (achieved CCA milestone) in FY 2011–2012
- ❖ Noncompliance work was found on all projects, but not at every single location
- ❖ Solution for the noncompliance work ranges from simple fixes to full reconstruction



- ❖ Ramp, flare, landing and gutter slopes over max
- ❖ Did not install DWS
- ❖ Building Ramps outside the crosswalk markings
- ❖ Designing ramps or sidewalks to nowhere
- ❖ Dropped locations
- ❖ Not visiting the project site
- ❖ Not scoping the project completely
- ❖ Not having the entire team during scoping
- ❖ Not checking the project limits for R/W
- ❖ Not talking to the locals

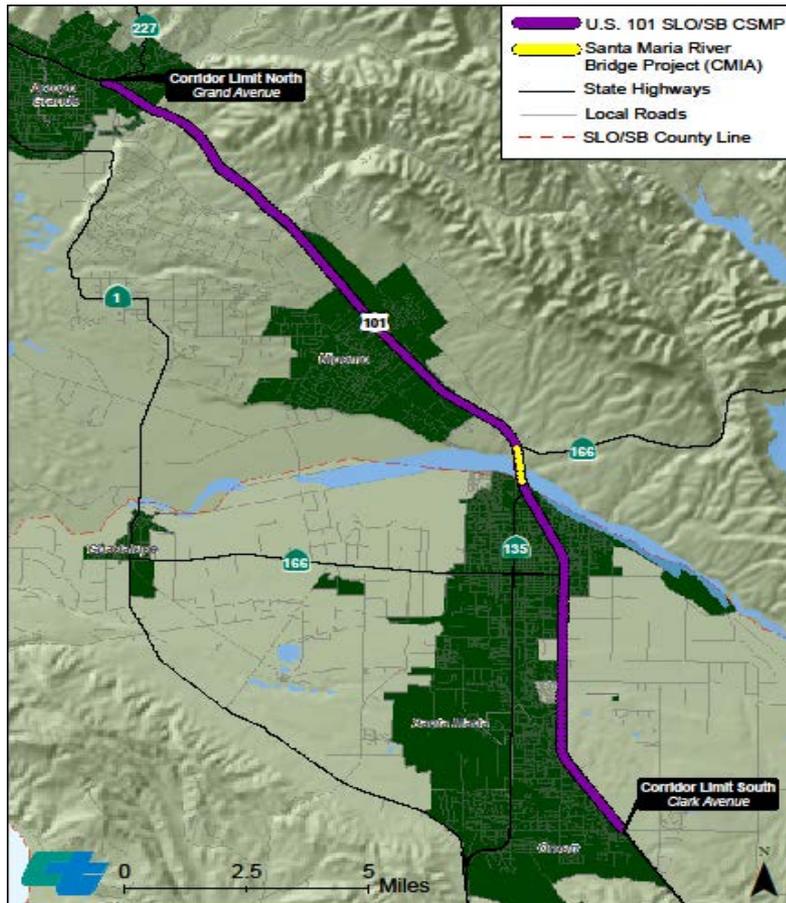


How can you help



- ❖ System Planning
- ❖ Regional Planning
- ❖ City and County Planning
- ❖ Funding Programs
- ❖ PID Development

How can you help

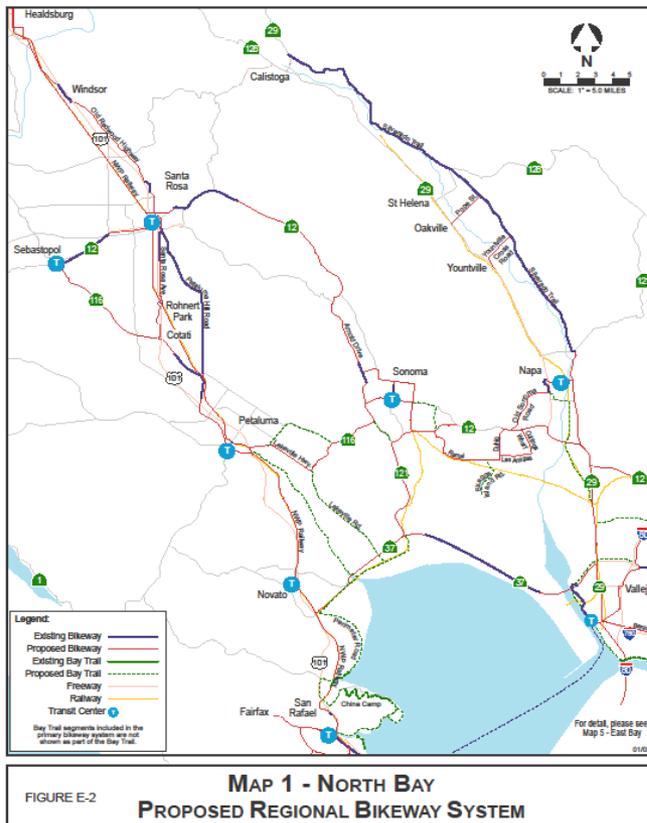


System Planning (Caltrans)

- ❖ Route Concept Reports (RCR) and Transportation Concept Reports (TCR)
- ❖ Transportation System Development Program (TSDP)
- ❖ District System Management Plans (DSMP)



How can you help

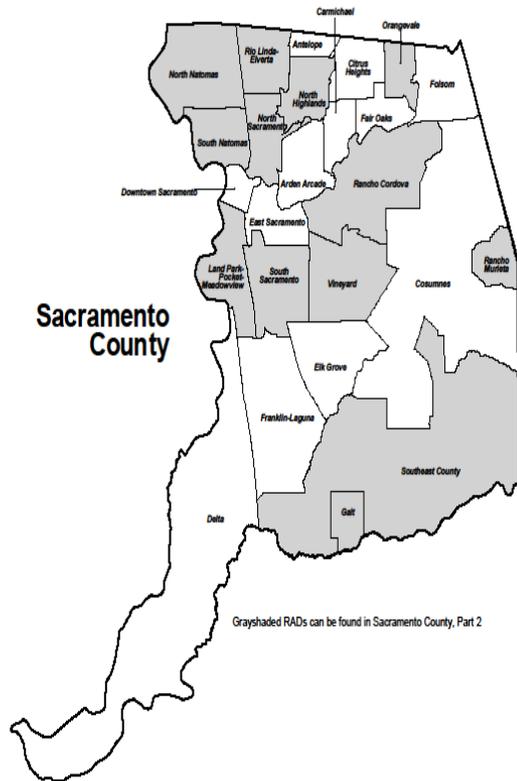


Regional Planning (RTPAs/MPOs)

- ❖ Regional Transportation Plans
- ❖ Transportation Funding (STIP, RSTP, CMAQ)
- ❖ Transit / Paratransit / Unmet Needs
- ❖ Modal Connections



How can you help



County and City Planning

- ❖ Projects on State Right of Way
- ❖ General Plan (circulation, housing, safety elements)
- ❖ Transportation/Land Use (LD-IGRs)



How can you help

Funding Programs



❖ STIP/SHOPP



❖ RIP

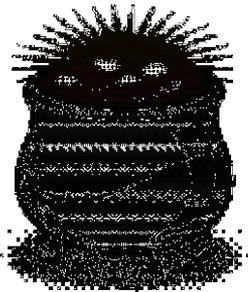


❖ RSTP / CMAQ

❖ Transportation Enhancements



❖ Safe Routes to School





How can you help

PID Development

- ❖ All projects, State and local, in the planning phase, should consider what accessibility and pedestrian safety features should be added or upgraded as part of the project
- ❖ Project construction costs, support resources and schedules should take those elements into account
- ❖ All new construction and rehabilitation projects are required to include ADA upgrades in the project scope if they adjoin or impact a pedestrian feature

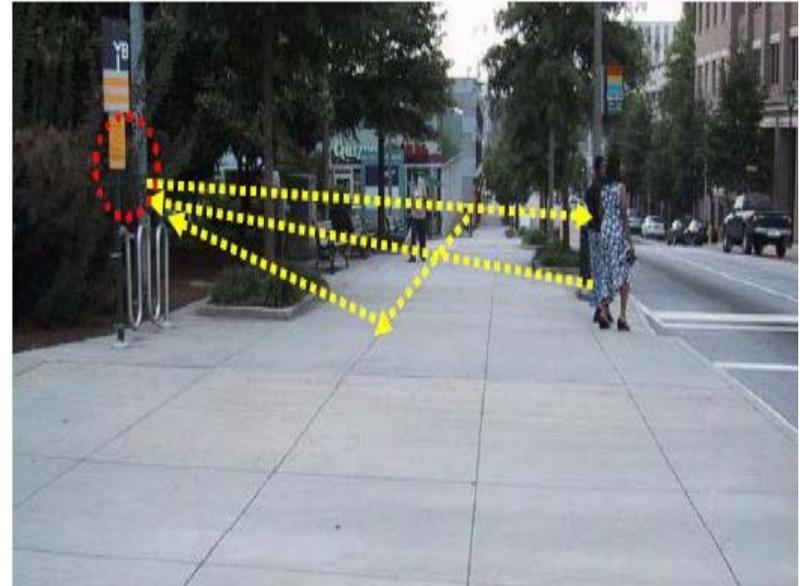
ADA Considerations



Will the traffic yield?



Where is the APS button?



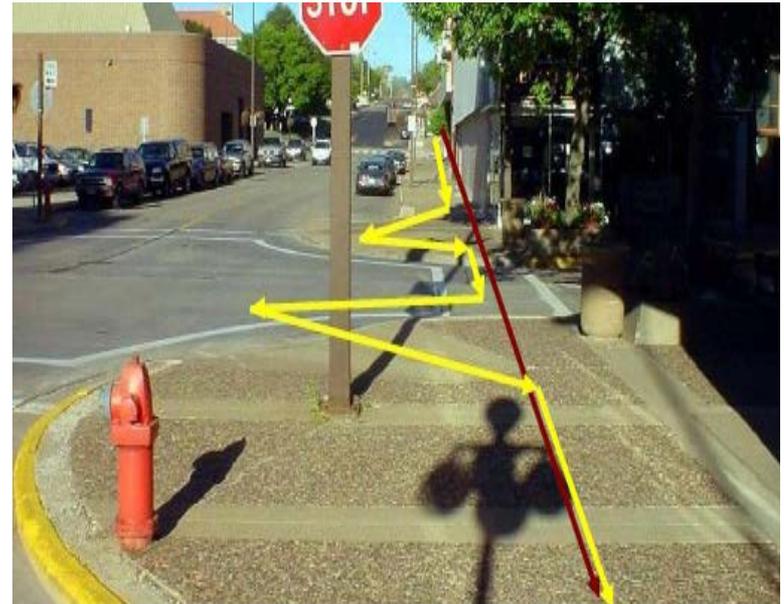


ADA Considerations

How do I get there?



Where am I going?





Summary

- ❖ Who are the primary customers – mobility impaired, vision impaired, hearing impaired or a combination
- ❖ What are the pedestrian movements – origin and destination – minimize the movement
- ❖ Determine which design is the most suitable for the location – does it help the pedestrians (ramp/location)
- ❖ Ask for help – there are multiple resources available to provide assistance or advice



Resources Available

- ❖ Design Information Bulletin 82 and Standard Plans
- ❖ District ADA Engineer
- ❖ HQ District Design Coordinator/Reviewer
- ❖ Headquarters ADA Infrastructure Program – Program Advisor, Program Manager & on board Consultants
- ❖ Other Caltrans personnel – those who have had previous experience working on ADA projects

Bottom Line



Persons with disabilities have the right to participate in and benefit from all public services provided by state and local governments in an equal manner as individuals without disabilities.



Objective



Make Caltrans infrastructure equally accessible to persons with disabilities.



ADA Infrastructure Program



Questions, Comments or Suggestions

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California Department Of Transportation

Its lunch time !!!

