



Caltrans

ADA Infrastructure Program

Murray Mullen
ADA Infrastructure Program
California Department Of Transportation





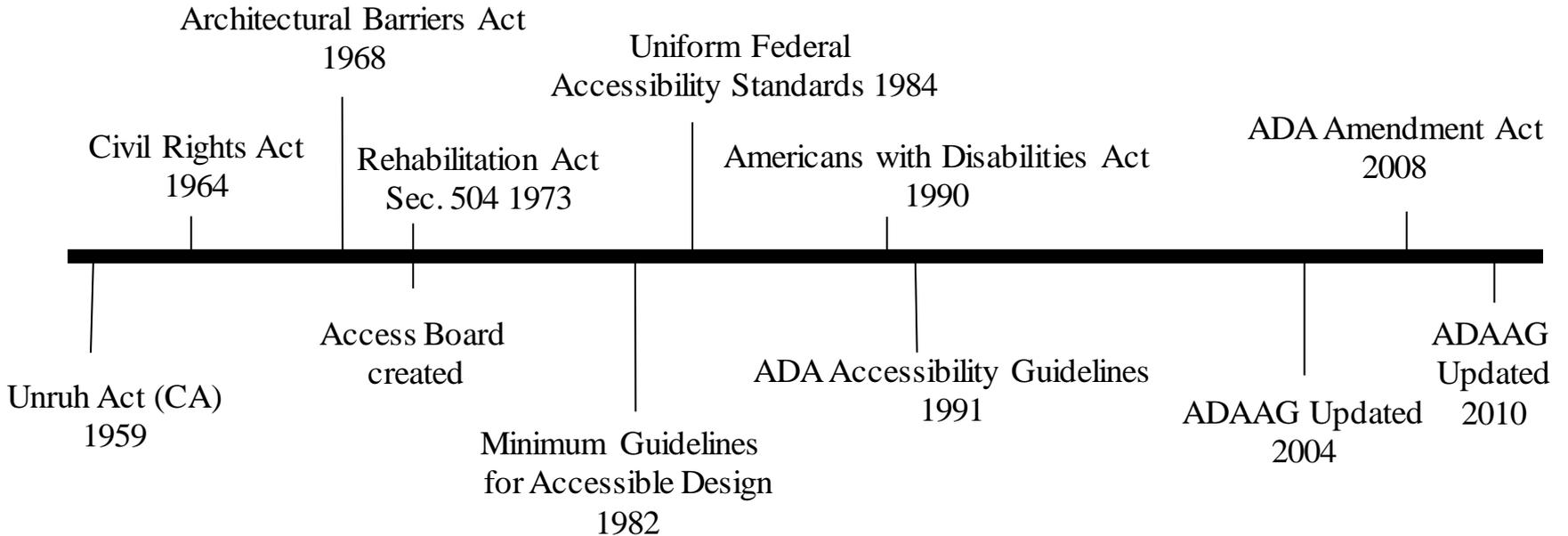
Americans with Disabilities Act



- ❖ **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?

A Plan to remove structural barriers



What does it consist of?

- ❖ 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

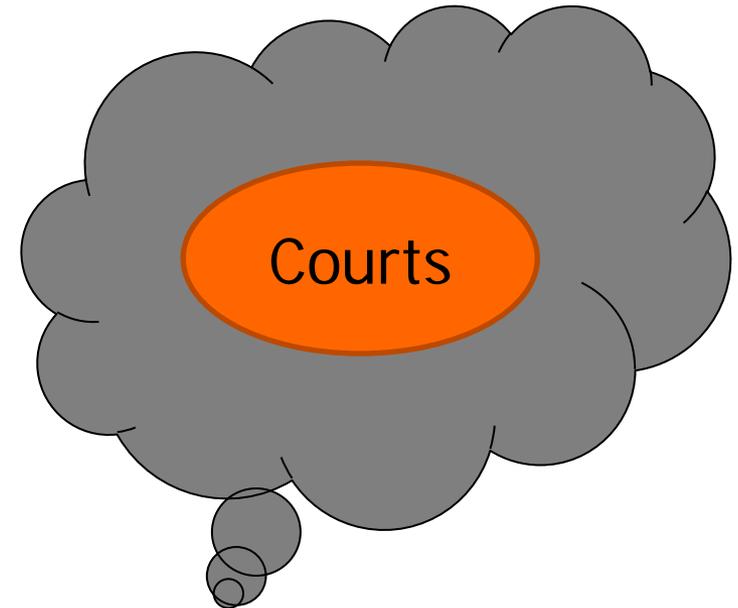
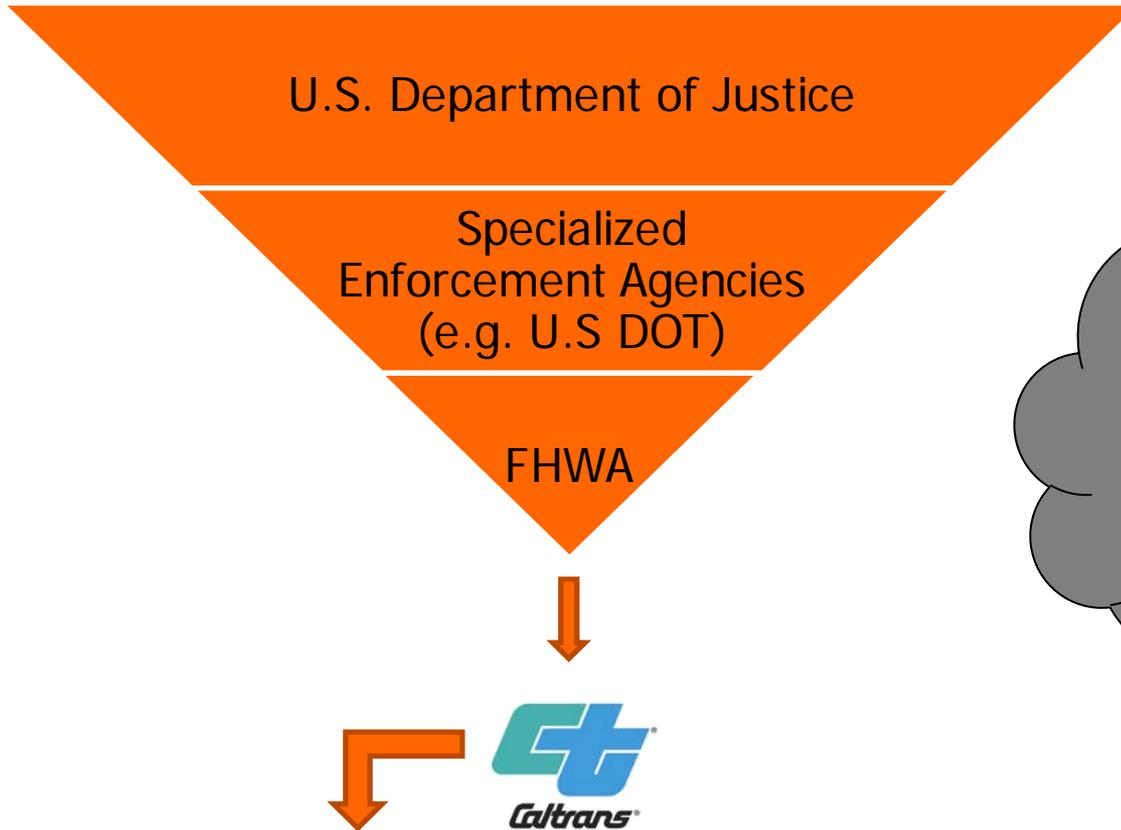
Administrative Requirements



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 that could be used, such as the web, print, radio or television.

Enforcement of ADA Requirements



Funding Recipients – Anyone who receives funds from Caltrans

Lawsuit



- ❖ In 2006 a class action lawsuit was filed alleging 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

Settlement 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 2010/11) - \$25 million (5), \$35 million (10), \$40 million (10) and \$45 million (5)
- ❖ Roll 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 2R, 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
- ❖ Report annually for 7 years by 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, District ADA Engineers, Statewide ADA Liaison 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 12 percent of US population has a disability
- ❖ Approximately 15 percent of adults in the US have disability
- ❖ California has the largest number of persons with disabilities
- ❖ The employment gap between persons with disabilities (32.6 %) and persons without disabilities (72.8 %) is 40.2 percent points
- ❖ 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 projects (2R/3R/CAPM)
- ❖ Review projects starting FY 2010/11 based on their Construction Contract Acceptance (CCA) date
- ❖ We are required to review all projects with pedestrian features, including permit projects
- ❖ Noncompliance work was found on all projects, but not at every single location



- ❖ 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



Not Good !!! Don't want to be in this situation.



How can you help



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



How can you help

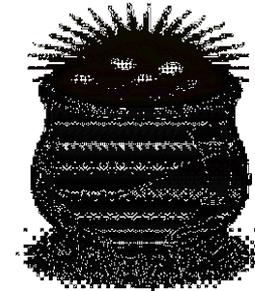
- ❖ Regional Transportation Plans
- ❖ Route Concept Reports (RCR)
- ❖ Transportation Concept Reports (TCR)
- ❖ General Plan (circulation, housing, safety elements)
- ❖ District System Management Plans (DSMP)
- ❖ Projects on State Right of Way
- ❖ Transportation/Land Use (LD-IGRs)
- ❖ Modal Connections - Transit / Para transit / Unmet Needs



How can you help



❖ STIP/SHOPP



❖ ATP



❖ RSTP/CMAQ



❖ RIP



How can you help

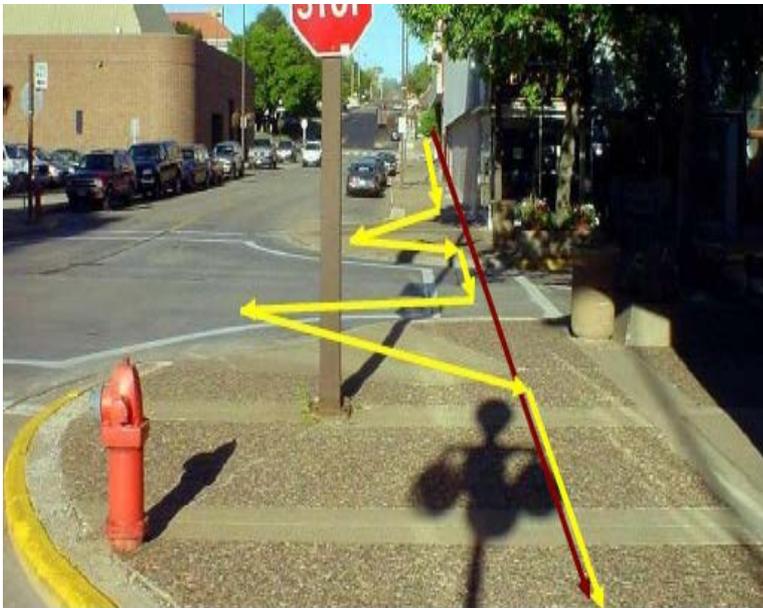
PID Development

- ❖ All projects, State and local, in the planning phase, should consider adding or upgrading accessibility and pedestrian safety features as part of the project
- ❖ Project construction costs, support resources and schedules should take those features 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



Where am I going?



How do I get there?





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 equally accessible
to persons with disabilities.**





Questions, Comments or Suggestions

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