

**GUIDE TO IMPLEMENT THE LOCAL PUBLIC AGENCY ADA PROGRAM**


**Caltrans**

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### Section 504/ADA Overview

- Prohibits discrimination against people with disabilities in federally funded programs & activities (Section 504)
- Prohibits discrimination on the basis of disability in employment, access to public services, public accommodations, commercial facilities, and transportation (ADA)
  - Applies to all entities, both public and private, regardless of funding source

Signing the Americans with Disabilities Act of 1990



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### Gaining ADA Compliance

- ADA Coordinator
- ADA Nondiscrimination Policy
- Grievance/Complaint Procedures
- Self-Evaluation
- Transition Plan



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### 1. ADA Coordinator

- Only applies to local public agencies with ≥ 50 employees
- Coordinator's duties include, but are not limited to:
  - Investigate complaints (refer to #3.)
  - Make their contact information widely available through publications
  - Plan and coordinate compliance efforts
  - Develop and distribute notice about ADA compliance
- Needs access to local public agency (LPA) executives
- Responsible for Tasks 2-5 as well

[28 CFR §35.107\(a\)](#)

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### 2. ADA Nondiscrimination Policy

- Post publicly the LPA will not discriminate against individuals with disabilities from participation in services, programs, and activities
- Where should LPAs post the policy?
  - Upload the notice to the LPA website (ADA page preferably)
  - City Hall / County Administration Office
  - Applications & contracts
- Provide in different formats and languages (Title VI)
- [Sample](#)

[42 USC §12115](#)

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### 3. Grievance/Complaint Procedures

- Coordinator(s) with ≥ 50 employees at their LPA must develop grievance/complaint procedure for prompt and equitable resolution of ADA noncompliance
- Must describe how individuals with disabilities were precluded from participation in LPA services, programs, and activities
  - Ask, what "barrier" prevented participation?
  - Must be available in alternative formats



[28 CFR §35.107\(b\)](#)

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### 3. Cont'd: Grievance Procedures

- Review sample [Caltrans Grievance Procedure](#)
- You may use this sample as a template [Grievance Form](#)
- Retain a [log](#) to capture complaints, statuses, and resolutions
  - May identify a trend to be used in:
    4. Self-Evaluation Plan and
    5. Transition Plan



[28 CFR §35.107\(b\)](#)

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### Questions?



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### 4. Self-Evaluation Plan

- **Self-Evaluation Plan:** An evaluation of an LPA's current services, policies, and practices that do not or may not meet ADA regulations
- LPAs must verify what are the barriers to individuals with disabilities
  - Services – Transit, road maintenance, websites, etc.
  - Programs – Parks, aquatic centers, etc.
  - Activities – Public hearings, jury duty, etc.
- Include location, barrier, equivalent accessibility, and nature

[28 CFR §35.105](#)

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### 4. Cont'd: Self-Evaluation Plan

- If non-structural changes are needed, include them in the self-evaluation
- Local public agencies shall implement a system for periodically reviewing and updating the evaluation
- Locate individuals and groups representing individuals with disabilities to provide comments on Self-Evaluation Plan

[How to Develop an ADA Self-Evaluation and Transition Plan Self-Evaluation Forms](#)

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### 5. Transition Plan

- Public entities with 50 or more employees are required to develop a transition plan based on the self-evaluation plan
- **Transition Plan** – Identifies:
  - Barriers limiting accessibility to individuals with disabilities
  - Describes method to make barriers accessible
  - Specifies schedule and milestones to making barriers accessible
  - Indicate the official responsible, typically the ADA liaison
- Curb Ramp Schedule



[28 CFR §35.150\(d\)](#)

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### Caltrans Requirement: ADA Annual Certification Form

- LPAs must provide their Caltrans District Local Assistance Engineer (DLAE) with a completed [Exhibit 9-C: Local Agency ADA Annual Certification Form](#) by June 30 each year
- Exhibit 9-C includes:
  - Designated ADA Coordinator information (if applicable)
  - Self-Evaluation and Transition Plan, if applicable
  - Grievance procedure, if applicable

[Section 9.3 of the Local Assistance Procedures Manual](#)

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### Bonus: ADA Design Standards

- All local public agencies are required to comply with federal [2010 ADA Standards](#)
- [Local Assistance Procedure Manual \(LAPM\) Chapter 11: Design Guidance](#)
- Best practice (until PROWAG adopted by US DOT): [Caltrans Design Information Bulletin \(DIB\) 82-06](#)



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### Last Quiz



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### Resources to Implement ADA Compliance

**Caltrans Division of Local Assistance:**  
<https://dot.ca.gov/programs/local-assistance/guidance-and-oversight/ada-section-504>

**LAPM Chapter 9:**  
<https://dot.ca.gov/-/media/dot-media/programs/local-assistance/documents/lapm/ch09.pdf>

**Caltrans Division of Local Assistance Blog:**  
 • Subscribe to the Blog to receive policy updates, training, and special features  
<http://www.localassistanceblog.com/>

**Caltrans Office of Civil Rights, ADA Infrastructure Program:**  
<https://dot.ca.gov/programs/civil-rights/ada-infrastructure-program>

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### Useful Links

- [2010 U.S. DOJ ADA standards for accessible design](#)
- [FHWA position on ADA implementation and Section 504](#)
- [Discussion of major changes in ADA standards for accessible design](#)
- [Dept of Justice ADA standards for accessible design](#)
- [Current text of the ADA of 1990, including changes from ADA Amendments Act of 2008](#)
- [Information on ADA-Section 504 from FHWA's Office of Civil Rights](#)
- [ADA guidance on developing transition plans specifically for State and local government programs and services](#)
- [Federal regulations covering nondiscrimination in State and local government programs and services for new construction](#)
- [Federal regulations covering nondiscrimination in State and local government programs and services for existing facilities](#)
- [ADA guidance on developing transition plans specifically for State and local government programs and services](#)
- [Information from FHWA Office of Civil Rights on ADA and Section 504 topics](#)

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