

GUIDE TO IMPLEMENT THE LOCAL PUBLIC AGENCY ADA PROGRAM



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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



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Gaining ADA Compliance

- 1. ADA Coordinator
- 2. ADA Nondiscrimination Policy
- 3. Grievance/Complaint Procedures
- 4. Self-Evaluation
- 5. 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
- 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)
- <u>Sample</u>

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

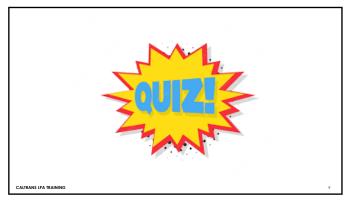
- Review sample <u>Caltrans Grievance Procedure</u>
- You may use this sample as a template <u>Grievance Form</u>



28 CFR §35.107(b)

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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 selfevaluation
- 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



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28 CFR §35.150(d)

Caltrans Requirement: ADA Annual Certification Form

- LPAs must provide their Caltrans District Local Assistance Engineer (DLAE) with a completed <u>Exhibit 9-C: Local Agency</u> <u>ADA Annual Certification Form</u> 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):
 <u>Caltrans Design Information Bulletin (DIB) 82-06</u>

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Last Quiz



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Resources to Implement ADA Compliance	
REGULTREMENTS)	Caltrans Division of Local Assistance: https://dol.ca.gov/programs/local-assistance/guidance-and- oversight/ada-section-504
POLICIES REGULATIONS	LAPM Chapter 9: https://dot.ca.gov/-/media/dot-media/programs/local- assistance/documents/lapm/ch09.pdf
Combining	Caltrans Division of Local Assistance Blog: • Subscribe to the Blog to receive policy updates, training, and special features http://www.localassistanceblog.com/
LAW STANDARDS TRANSPARENCY	Caltrans Office of Civil Rights, ADA Infrastructure Program: https://doi.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

- 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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