



GUIDE TO IMPLEMENT THE LOCAL PUBLIC AGENCY ADA PROGRAM



Allyson Beem

allyson.beem@dot.ca.gov

Daniel Burke

daniel.burke@dot.ca.gov

Cathy Ly

cathy.ly@dot.ca.gov



FEBRUARY 2023

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



Gaining ADA Compliance

1. ADA Coordinator
2. ADA Nondiscrimination Policy
3. Grievance/Complaint Procedures
4. Self-Evaluation
5. Transition Plan



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\(a\)](#)

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](#)

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



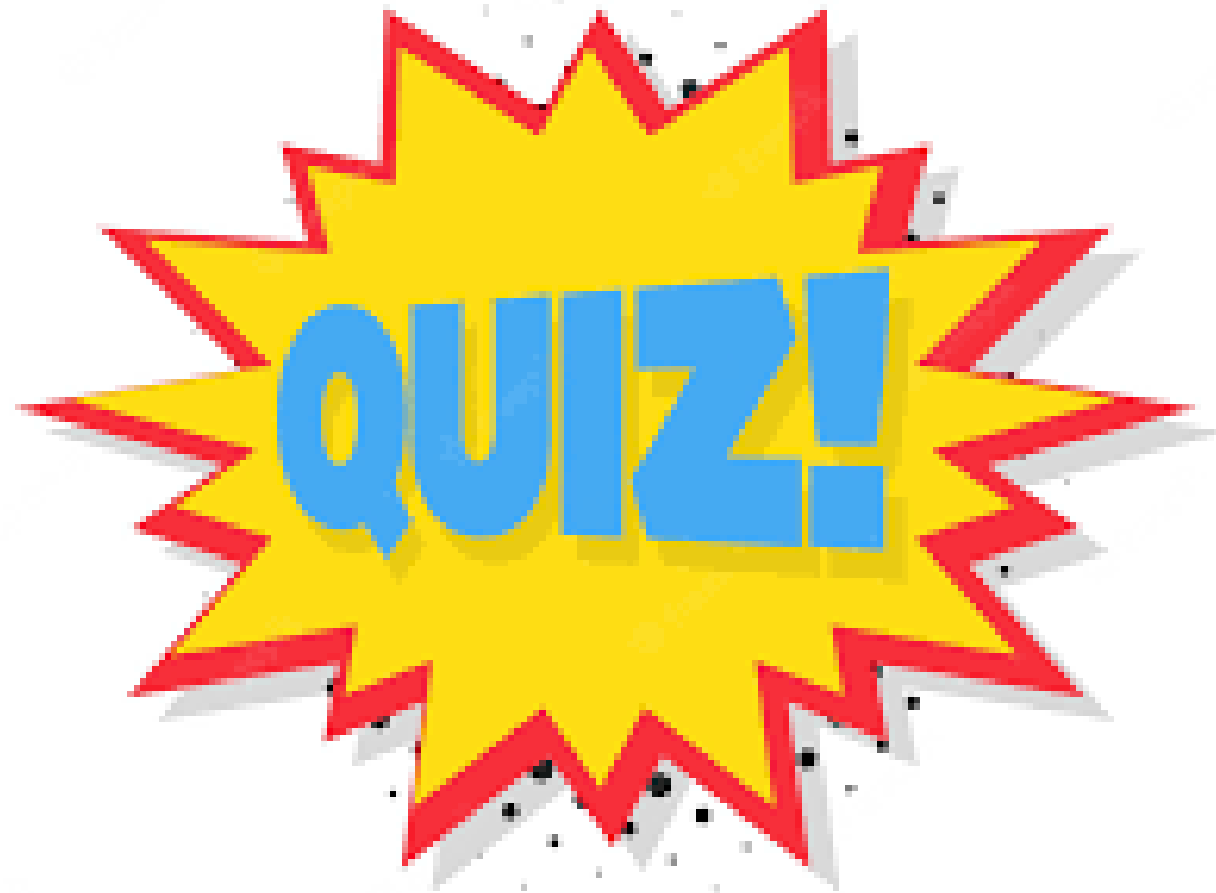
[28 CFR §35.107\(b\)](#)

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\(b\)](#)



Questions?



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](#)

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](#)

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\(d\)](#)



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](#)

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](#)



Last Quiz



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>

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](#)

Fin

