# ADA Infrastructure Program

California Department Of Transportation
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# Americans with Disabilities Act (ADA)

"Let the shameful wall of exclusion finally come tumbling down."
-President George H. W. Bush

# 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

# Persons with Disability Statistics

- Approximately 12 percent of US population has a disability
- Approximately 15 percent of adults have disability
- CA has the largest number of persons with disabilities
- The employment gap between persons with disabilities and persons without disabilities is 40.2 percent points
- Walking and transit are the primary form of transportation for persons with a disability

# People with Disabilities

- 8,000 people survive traumatic spinal cord injuries each year and return to inaccessible homes & communities
- 17 million have serious hearing disabilities
- 8.1 million have vision disabilities
- 27 million have heart disease and reduced or limited mobility

# People with Disabilities

People with disabilities continually encounter various forms of discrimination, including:

- Outright intentional exclusion
- The discriminatory effects of architectural, transportation, and communication barriers
- Overprotective rules and policies

# People with Disabilities

- Physical or mental disabilities in no way diminish a person's right to fully participate in all aspects of society
  - yet many people with physical or mental disabilities have been precluded from doing so because of discrimination

# People with Disabilities

- Historically, society has tended to isolate and segregate people with disabilities.

- Despite some improvements, discrimination against people with disabilities continues to be a serious and pervasive social problem

# People with Disabilities

- Discrimination against individuals with disabilities persists in critical areas such as
  - Employment
  - Housing
  - Public accommodations
  - Education
  - Transportation
  - Communication
  - Recreation
  - Institutionalization
  - Health services
  - Voting
  - Access to public services

# People with Disabilities

- Unlike individuals who have experienced discrimination on the basis of
  - Race
  - Color
  - Sex
  - National Origin
  - Religion
  - Age

Individuals who have experienced discrimination on the basis of disability have often had no legal recourse to redress such discrimination

# People with Disabilities

- Failure to make modifications to existing facilities and practices
- Exclusionary qualification standards and criteria
- Segregation
- Relegation to lesser services
    - Programs
    - Activities
    - Benefits
    - Jobs
    - Other Opportunities

# 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**

# Some of the ADA Requirements

continued..

## 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

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# 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?**

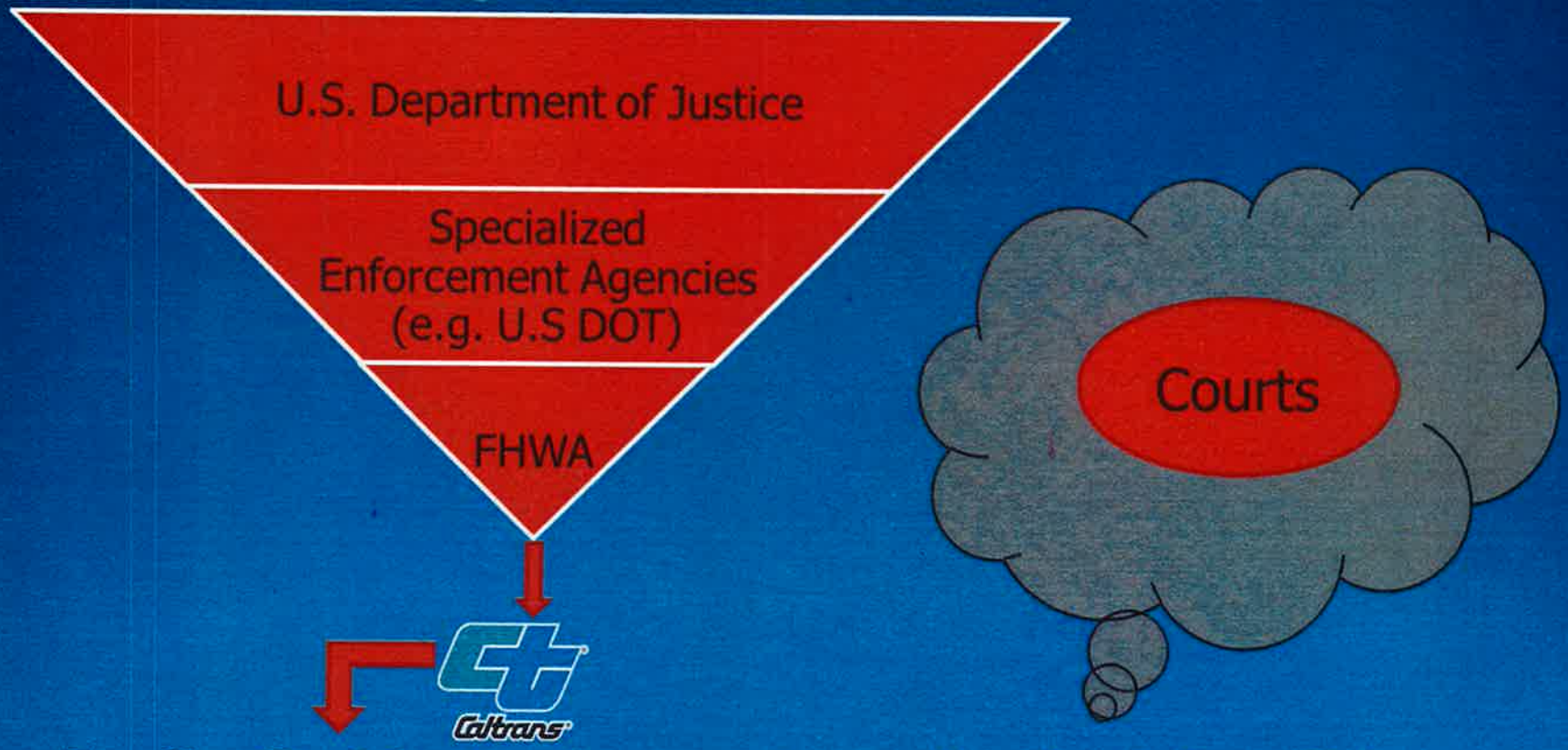
- Identification of all structural barriers
- A prioritized timeframe for barrier removal
- Detailed outline regarding how each barrier will be removed
- Identification of the individual responsible for the Transition Plan

# 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**

# Improving Access

- Improving mobility applies to all modes of travel
- Also, improving mobility means ensuring access to travel during all weather conditions
- All modes - motorists, bicyclists and pedestrians
- Especially for pedestrians, more specifically, persons with disabilities

# Pedestrians

## Mobility Difficulties

# Pedestrians

## Visually Difficulties

# Pedestrians

Young Children

Temporary Difficulties

# Pedestrians

## Elderly

# Pedestrians

## Strollers

# Code of Federal Regulations (CFR)

Section 504 of The Rehabilitation Act of 1973
Americans with Disabilities Act of 1990

49 CFR Part 27
28 CFR Part 35

# THE ADA

All Public entities shall operate each service, program, or activity so that the service, program, or activity, when viewed in its entirety, is readily accessible to and usable by individuals with disabilities.

# Thank you!

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