

# CHAPTER 13

## APPENDICES

## APPENDIX 13-1

# SUMMARY OF CIVIL RIGHTS REPORTING REQUIRMENTS

**CONTENTS**

<b><u>Section</u></b>	<b><u>Title</u></b>	<b><u>Page</u></b>
Table 13-1	Summary of Civil Rights Reporting Requirements – Consultant Agreements	4
Table 13-2	Summary of Civil Rights Reporting Requirements – Construction Agreements	5

<b>Table 13-1 Summary of Civil Rights Reporting Requirements – Consultant Agreements</b>					
	<b>Form #</b>	<b>Form Name</b>	<b>Submission</b>	<b>Source</b>	<b>Comments</b>
<b>Pre-Designation</b>		DBE Utilization	Expression of Interest	Prime	List DBEs and respective tasks/scope of work
<b>Post-Designation</b>	AAP7LL	Summary of Consultant Payments to Subconsultants	Each Invoice	Prime	Entered into EBO
	AAP15LL	Designation of CR Representatives	Scope of Services Meeting; Revisions	Prime/ Subs	
	AAP26LL	Monthly Training Progress Report	20 <sup>th</sup> of the following month	Prime	If applicable

<b>Table 13-2 Summary of Civil Rights Reporting Requirements – Construction Contracts</b>					
	<b>Form #</b>	<b>Form Name</b>	<b>Submission</b>	<b>Source</b>	<b>Comments</b>
<b>Pre-Award</b>	AAP10LL	DBE Solicitation Log	7 days after bid opening	Prime	Provide if DBE Goal is not met
	AAP15LL	Designation of CR Representatives	7 days after bid opening	Prime/ Subs	Not required for Material Suppliers; entered into EBO
	AAP19LL	DBE Schedule of Utilization	7 days after bid opening	Prime	Entered into EBO
	AAP20LL	DBE Utilization Worksheet	7 days after bid opening	Prime	Entered into EBO
	AAP23LL	Pre-Award DBE Trucking Commitment Info	7 days after bid opening	Prime	Provide if trucking is utilized; entered into EBO
	AAP22LL	Pre-Award DBE Material Supplier Commitment Info	7 days after bid opening	Prime	Provide if suppliers are utilized
<b>Post-Award</b>	AAP35LL	Workforce Participation Plan	Preconstruction Meeting	Prime	Each time there is a significant change. A separate form is required for each year. Composite workforce. If not approved, no work shall occur until such time that it is accepted
	AAP15LL	Designation of CR Representatives	Revisions	Prime/ Subs	Entered into EBO
	AAP19LL	DBE Schedule of Utilization	Revisions	Prime	Entered into EBO
	AAP20LL	DBE Utilization Worksheet	Revisions	Prime	Entered into EBO
	AAP21LL	Contractor Report of Contract Payments	Every estimate	Prime	Entered into EBO
	AAP26LL	Monthly Training Progress Report	20 <sup>th</sup> of the following month	Prime	If applicable; entered into EBO; print and obtain all signatures
	AAP33LL	Monthly Employment Utilization Report	15 <sup>th</sup> of the following month	Prime/ Subs	Workforce data entered into EBO

## APPENDIX 13-2

# ADA TRANSITION PLAN CHECKLIST (For Pedestrian Facilities in the Public Row)

## ADA TRANSITION PLAN CHECKLIST FOR PEDESTRIAN FACILITIES IN THE PUBLIC ROW

The Americans with Disabilities Act (ADA) and other federal statutes place responsibility on Sponsors to meet accessibility requirements for pedestrians. These requirements include a self-evaluation study to see where the Sponsor's facilities stand with regard to accessibility and a transition plan to provide the needed accessibility improvements.

This Appendix (13-2– ADA Transition Plan Checklist) was developed and modified based on document [NCHRP 20-7 \(232\): ADA Transition Plans A Guide to Best Management Practice](#) from the National Cooperative Highway Research Programs authored by Jacobs Engineering Group. The link above is to the guidance document in its entirety.

The appendix helps Sponsors identify deficiencies in their pedestrian network; develop a method to make pedestrian facilities accessible in the public Right-of-Way; provide a schedule for making the required access modifications and designate an ADA Coordinator responsible for coordinating all ADA related inquires. This checklist is a discussion about how Sponsors have undertaken or are planning to undertake this requirement.

The following are eight sections to the checklist:

- (1) Sponsor Responsibilities;
- (2) Identification of Deficiencies;
- (3) Designs and Cost Estimates for Improvements;
- (4) Prioritization of Improvements;
- (5) Management Approach to Implementation;
- (6) Funding Mechanisms;
- (7) Scheduling and Budgeting;
- (8) Coordination with Other Agencies;
- (9) Promulgation and Feedback

We encourage municipalities to use a rating scale similar to NYSDOT's for consistence when evaluating their own facilities. Rating can be done along with the checklist.

### EXAMPLE NYSDOT Sidewalk Rating

- Rating 1 – Not Applicable: A facility not considered to require accessibility, for example limited access highways.
- Rating 2 – Not Accessible: Significant discontinuity such as steps, no ramps, more than 100 feet of unpaved walkway, heaving, vertical displacement, other severe distress, flooding.
- Rating 3 – Partially Accessible: Not designed to current standards, problems with geometry of sidewalks, ramps and landings, no detectable warnings, handrails.
- Rating 4 – Accessible: May need additional improvements, for example, circuitous routes, insufficient width.
- Rating 5 – Fully Accessible: Designed to current standards, for example, presence of detectable warnings at curb ramp locations.

Sponsors vary greatly in their responsibilities and their structure and in the nature of the facilities that they manage. This section is intended to provide some context to help understand Sponsor planning for accessibility.

Sponsor	
Responsible Local Official (RLO)	
Title of RLO	
Telephone Number	
E-Mail Address	
Date of Discussion	
What are your responsibilities?	
ADA Coordinator	
Title II Coordinator	
Section 504 Coordinator	
Self-Evaluation Plan Manager	
ADA Transition Plan Manager	
Other	

<b>1. Sponsor Responsibilities</b>	
The goal of this section is to determine the range of facilities/assets that the Sponsor is responsible for.	
What types of facilities/assets is the Sponsor responsible for?	
Highways	
Rest Areas	
Welcome Areas	
Scenic Overlooks	
Recreation Areas	
Office Buildings	
Maintenance Facilities	
Bus Transit Systems	
Bus Stops	
Van Transit Systems	
Rail Transit systems	
Public Safety Facilities	
Railways	
Ferries	
Airports	
Ports and Harbors	
Pipelines	
Waterways	
Anything else	

<b>2. Identification of Deficiencies</b>	
The goal of this section is to discuss what facilities the Sponsor is typically dealing with and what some of the common deficiencies are.	
What types of facilities are you dealing with?	
Sidewalks	
Curb Ramps	
Curb Cuts	
Driveway Crossings	
Crosswalks	
Ramps	
Medians	
Bus Stops	
Shared Use Paths	
Other	
What types of deficiency issues are present?	
Clear Width and Other Dimensions (Narrow, Below Guidelines)	
Grade (Steepness, Angle Points)	
Cross Slope (Steepness, Irregularity, Variability)	
Materials and Finishes (Deterioration, Inappropriateness)	
Discontinuities (Missing Sections, Gaps, Drops)	
Obstructions (Signs, Lights, Mail Boxes, Fire Hydrants, Newspaper Boxes, Drainage Structures, Standing Water)	
Detectable Warning Systems (Missing, Inappropriate Materials, Inadequate Size, Wrong Location)	
Traffic Signal Systems (Inadequate Time Allowed, Inaccessible Buttons, Inoperable Buttons, Lack of Visually Impaired Provisions)	
Lighting(Missing, Not Operating, Inadequate Levels)	
Maintenance and Services (Snow Removal, Debris Clean Up, Trash Cans, Recyclable Material Bins)	
Access Through Work Zones	
Other	

**3. Designs and Cost Estimates for Improvements**

The improvements needed to correct deficiencies have to be defined through a design and cost estimating process. The goal of this section is to discuss the Sponsor's approach to doing this.

Have your design standards been reviewed with regard to accessibility issues?	
Do you have in-house design capability with regard to accessibility issues?	
Are design consultants needed?	
What cost estimating <u>resources</u> do you rely on for accessibility improvements?	
What escalation factors are you applying to accessibility improvements?	

**4. Prioritization of Improvements**

A priority ranking for approaching the defined improvements has to be worked out so that an effective schedule can be established. The goal of this section is to discuss the methods used to rank the improvements in order of priority.

What is the approach to prioritizing improvements?	
Population density in the area	
Significant disabled population within the area	
Proximity to key locations	
Government offices	
Schools	
Hospitals	
Places of employment	
Shopping areas	
The severity of the deficiency	
Is a review of complaints a factor	
Is public demand a factor	
What are the sources of public demand	
Is compatibility with the available budget a factor	
How are the available budget and the improvement needs matched?	

**5. Management Approach to Implementation**

The goal of this section is to explore how the Sponsor manages the development of the transition plan and carrying out the improvements. The development of the plan may be a one time rather intense effort but the tracking of the implementation of the improvements will be a less intense long time assignment.

Who is the Responsible Local Official (RLO) in-charge of the implementation of the Transition Plan?	
Who Is the ADA Transition Coordinator?	

Is there an internal committee that provides input into the Transition Plan process?	
Has any staff been assigned to the Transition Plan Process?	
How many staff persons?	
In what capacity?	
In what department does the responsibility for the Transition Plan reside?	
What training courses about accessibility has the staff gone through?	
What reference works about accessibility do you find useful?	
Who has responsibility for transition plan updates?	
Have any consultants been contracted relative to Transition Plan work?	

**6. Funding Mechanisms**

There is no specific funding mechanism related to the improvement of accessibility deficiencies. Funding might come from many different sources. The goal of this section is to explore the funding experience of the Sponsor.	
Have accessibility improvements been incorporated into existing programmed projects?	
Has any cost differential been recognized?	
Have stand alone accessibility improvements projects been processed through the Transportation Improvements Program?	
Have you had any instances where an accessibility improvement was found to be "unduly burdensome"?	
What sources have provided funding for accessibility improvement programs?	
National Highway System Program	
Surface Transportation Program	
Highway Safety Improvements Program	
Railway—Highway Crossing Program	
Transportation Alternatives Program	
Congestion Mitigation/Air Quality Program	
Recreational Trails Program?	
State and Community Traffic Safety Program?	
Other Programs?	
Have accessibility improvements been included in developer impact fees?	

<b>7. Scheduling and Budgeting</b>	
Schedules and budgets are the tools of implementation. The goal of this section is to determine how the Sponsor will/is scheduling and budgeting for accessibility improvements.	
Is there an overall completion target date?	
Are there milestone dates?	
Is there a separate Curb Ramp Installation Schedule?	
Is there a budget line item for accessibility improvements programs?	

<b>8. Coordination with Other Agencies</b>	
Other agencies have authority over pedestrian facilities and have an interest in accessibility. The goal of this section is to explore the exchange of information and the handling interfacing with other agencies.	
Are there local government pedestrian master plans that are used as input and guidance?	
Are there local government transition plans for accessibility improvements that are used as input and guidance?	
How is the interface between agency sidewalks and local sidewalks handled?	
Who has authority over bus stops?	
How is the interface between sidewalks and bus stops handled?	
What other agencies – transit authorities, airport authorities, turnpike authorities – have jurisdiction over pedestrian facilities?	
Do you receive input from any social service agencies?	

<b>9. Promulgation and Feedback</b>	
This is the step where the plan will be made public and feedback will be accepted. Public feedback may affect current and future plan updates.	

APPENDIX 13-3

SAMPLE ADA TRANSITION PLAN  
For  
Pedestrian Facilities in the Public  
Right-of-Way

THE (SPONSOR TYPE)  
OF (NAME OF SPONSOR)  
ADA TRANSITION PLAN:  
Pedestrian Facilities  
In the Public Right-of-Way

## TABLE OF CONTENTS

<b><u>Appendix</u></b>	<b>Pg</b>
<b>INTRODUCTION</b>	<b>Pg</b>
<b>Transition Plan History and Overview</b>	<b>Pg</b>
<b>LEGAL REQUIREMENTS</b>	<b>Pg</b>
<b>IDENTIFIED OBSTACLES TO THE PUBLIC RIGHT-OF-WAY</b>	<b>Pg</b>
<b>Preliminary Evaluation</b>	<b>Pg</b>
<b>Detailed Evaluation</b>	<b>Pg</b>
<b>METHODS TO REMOVING BARRIERS - POLICIES &amp; PRIORITIES</b>	<b>Pg</b>
<b>Barrier Removal Priorities</b>	<b>Pg</b>
<b>Location Priority</b>	<b>Pg</b>
<b>Accessibility Condition</b>	<b>Pg</b>
<b>Priority Rank</b>	<b>Pg</b>
<b>PUBLIC COMPLAINT PROCESS</b>	<b>Pg</b>
<b>NEW CONSTRUCTION &amp; ALTERATIONS</b>	<b>Pg</b>
<b>SCHEDULE</b>	<b>Pg</b>
<b>Proposed Work Plan and Schedule</b>	<b>Pg</b>
<b>Responsible Individual</b>	<b>Pg</b>
<b>Public Input</b>	<b>Pg</b>
<b>ATTACHMENT A</b>	<b>Pg</b>
<b>ATTACHMENT B</b>	<b>Pg</b>
<b>ATTACHMENT C</b>	<b>Pg</b>
<b>ATTACHMENT D</b>	<b>Pg</b>
<b>PUBLIC COMMENT AND RESPONSE FORM</b>	<b>Pg</b>

**Note: Wherever the word Municipality occurs throughout this document, it refers to the Municipal Sponsor indicated on the Cover Page.**

**Note: Wherever blank spaces (e.g., enter *Municipal Sponsor text*) appear throughout this appendix, the Municipal Sponsor should enter their own text.**

## INTRODUCTION

The purpose of this ADA Transition Plan is to ensure that *Municipality* creates reasonable, accessible paths of travel in the public right-of-way for everyone, including people with disabilities.

The *Municipality* has *e.g., made a significant and long-term commitment to improving the accessibility of their pedestrian facilities.*

The ADA Transition Plan identifies physical barriers and prioritizes improvements that should to be made throughout the . This Transition Plan describes the plans, policies and programs to enhance the overall pedestrian accessibility.

### Transition Plan History and Overview

*In year, the Municipality, e.g., completed an ADA Transition Plan addressing architectural barriers in their buildings, facilities, and programs. Also since year, the Municipality e.g., has had an active Sidewalk Replacement Program and in year e.g., began a five-year program to replace or add curb ramps at intersections throughout the (Choose One). This plan is, e.g., to demonstrate the continued progress by the Municipality to make their pedestrian facilities in the public right-of-way reasonably accessible for all persons.*

## LEGAL REQUIREMENTS

The federal legislation, known as the American with Disabilities Act (ADA), enacted on July 26, 1990, provides comprehensive civil rights protections to persons with disabilities in the areas of employment, state and local government services, and access to public accommodations, transportation, and telecommunications.

Title II specifically applies to "public entities" (state and local governments) and the programs, services, and activities they deliver. Title II, Article 8, requires public entities to take several steps designed to achieve compliance. The plan shall, at a minimum includes:

- A list of the physical barriers and their locations in a public entity's facilities that limit the accessibility of its programs, activities, or services to individuals with disabilities.
- A detailed outline of the methods to be utilized to remove these barriers and make the facilities accessible.
- The schedule for taking the necessary steps to achieve compliance with Title II.
- Public complaint/grievance procedure.
- The name/position of the ADA Coordinator and/or official responsible for the plan's implementation.

Transition plans provide a method for a public entity to schedule and implement ADA required improvements to existing streets and sidewalks. Before a transition plan can be developed, an inventory of the current curb ramps and sidewalks must be developed.

## IDENTIFIED OBSTACLES TO THE PUBLIC RIGHT-OF-WAY

The *Municipality* has a two-tiered system to identify and assess obstacles in the public right of way: a Preliminary Evaluation and a Detailed Evaluation. The barriers used in the evaluations are based on the *Proposed Accessibility Guidelines for Pedestrian Facilities in*

### Preliminary Evaluation

The first tier is a Preliminary Evaluation of the sidewalks and intersections. This initial evaluation includes searching and visually checking the street network to identify deficiencies in sidewalks and intersections. The purpose of this evaluation is to determine which sidewalks and intersections are obviously non-compliant with the ADA Guidelines and to get a comprehensive overview of the complete pedestrian network. The preliminary inventory evaluates four (4) criteria for curb ramps and three (3) criteria for sidewalks:

#### Curb Ramps

1. Is a curb ramp required?
2. Does the curb ramp have a color contrasting detectable warning?
3. Does the curb ramp have a clear landing at the top of the ramp?
4. Is surface of ramp and landing smooth without cracking or heaving?

#### Sidewalks

1. Is there a continuous clear space for pedestrian access?
2. Does the sidewalk appear to provide adequate passing zones?
3. Does the sidewalk appear to be smooth without grade breaks

The Preliminary Evaluation (*e.g., utilizes aerial and street-level photography*) to view each sidewalk and intersection. Any mapping tool application (*e.g. google streets, mapquest, etc.*) may be utilized. The criteria used can be seen on these (*e.g., aerials*) and are key design components to determine ADA compliance.

If the curb ramps and sidewalks do not meet the criteria, then that intersection does not need further evaluation because it is obviously non-complaint with the ADA Guidelines. If it did meet the criteria, then that intersection would be "potentially compliant" and would need a Detailed Evaluation to determine if it fully complies with the ADA Guidelines.

### Detailed Evaluation

The second tier is a Detailed Evaluation of the sidewalks and intersections identified as "potentially compliant" during the Preliminary Evaluation. This requires a site visit to measure specific physical attributes, such as width, running slope, and gaps in the curb ramp or sidewalk, to determine compliance with the identified ADA barriers. For a description of the identified barriers see Attachment A. When the data is gathered, it is recorded (*e.g., in an intersection database*). The result of this evaluation (*e.g., is a detailed understanding of the ADA barriers at that intersection*).

## METHODS TO REMOVING BARRIERS — POLICIES & PRIORITIES

The *Municipality* utilizes many different approaches to removing barriers in the public right-of-way, including proactively identifying and eliminating the barrier, responding to public complaints and ensuring the appropriate design and build-out of new construction following the most recent design guidelines.

### Barrier Removal Priorities

The *Municipality* bases barrier removal priorities on two factors: location and the accessibility condition of the intersection.

**Location Priority**

According to the proposed ADA design guidelines, " the U.S. Department of Justice (DOJ) regulation imposes a specific construction requirement...specifies a priority for locating (curb ramps) at State and local government offices and facilities; transportation; places of public accommodation; places of employment; and other locations." Following this guidance, the *Municipality* identified its location priority as follows:

- Intersections serving (e.g., *government facilities*),
- Intersections serving (e.g., *commercial and employment centers*) and
- Intersections serving other areas, (e.g., *parks and historic sites*).

**Accessibility Condition**

Using the data from the Preliminary Evaluation and the Detailed Evaluation, an accessibility condition rating can be determined. NYSDOT uses the following ratings and definitions to assess the condition of each sidewalk, curb ramp or crosswalk feature; this method is highly recommended:

- **Rating 1** - Not Applicable: A facility not considered to require accessibility, for example, limited-access highways, no sidewalk present.
- **Rating 2** - Not Accessible: Significant discontinuity such as steps, no ramps, more than 100 feet of unpaved walkway, heaving, vertical displacement, other severe distress, flooding.
- **Rating 3** - Partially Accessible: Not designed to current standards, for example, problems with geometry of sidewalks, ramps and landings, no detectable warnings, handrails.
- **Rating 4** - Accessible: May need additional improvements, such as no detectable warnings at curb ramp locations, insufficient width.
- **Rating 5** - Fully Accessible: Designed to current standards, presence of detectable warnings at curb ramp locations.

**Priority Rank**

In order to determine the overall priority of an intersection, or Priority Rank, the *Municipality* may chose to use the following matrix to match the location priority to the Access Grade.

Access Grade	Location Priority		
	1	2	3
	Locations serving (e.g., <b>Government Facilities</b> )	Locations serving e.g., <b>Commercial &amp; Employment Centers</b>	Locations serving <b>Other Areas</b>
2	1	2	3
3	1	2	3
4	1	2	3
5	1	2	3

**Priority Rank Levels**

<b>High</b>	<b>Medium</b>	<b>Low</b>
-------------	---------------	------------

The *Municipality* determines the priority of improvements by indentifying which of the groupings are high, medium, or low priorities. A listing of priority intersections and a map that shows which intersections are high, medium, and low priorities for barrier removal are in Attachment B.

## **PUBLIC COMPLAINT PROCESS**

The public complaint process is an integral part of this Transition Plan. Public complaints or requests may often drive the prioritization of improvements. To file a complaint or a request regarding accessibility of a sidewalk or curb ramp, go to “Procedures for Implementing Reasonable Accommodation in Programs and Services for Individuals with Disabilities” at <https://www.dot.ny.gov/programs/adamanagement/ada-procedures> or contact the [NYSDOT Regional ADA Coordinator](#), (e.g., in writing or electronically) and describe the issue in detail, including the location. The ADA Coordinator will route this information to the appropriate department of the *Municipality's* for inspection and possible action. That department will then respond to the ADA Coordinator with its findings, and the ADA Coordinator will record the formal response and reply to the complainant/requestor. All complaints or requests will be kept on file and will include the response. Attachment C is a copy of the *Municipality's* public Grievance Procedure for Pedestrian Facilities in the Public Right-of-Way.

## **NEW CONSTRUCTION & ALTERATIONS**

In order to ensure the correct design of curb ramps, sidewalks, and crosswalks in new construction and alterations, the *Municipality* has adopted the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities (ADAAG) ([www.access-board.gov](http://www.access-board.gov)) as supplemented by the 2011 *Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way* (ADA Guidelines). These are the primary regulatory standards that govern the design and construction of all pedestrian facilities in all Department projects. It is important to note that in alteration projects, whenever pedestrian facilities cannot fully meet the standards outlined in the ADA Guidelines, a determination of each structural impracticability or technical infeasibility must be thoroughly documented in the permanent project record. See HDM Section 18.6.1.2 for further information. This information will support the brief explanation that should be included in the Project Scoping and Design Reports

## **SCHEDULE**

As opportunity allows, the *Municipality* will make efforts to improve the ADA Accessibility of pedestrian facilities in the public right-of-way. Compliance is required to the extent practicable within the scope of the project." There will be times when it is technically impractical to provide full compliance with the guidelines: for example, if clear space at the top of the ramp is obstructed by a building or the slope of a hill is so extreme as to prevent a reasonable slope for a ramp in both directions. The inventory process may not account for such situations and could show a high-priority rating when all practical actions have been taken.



## RESPONSIBLE INDIVIDUAL

The official responsible for the implementation of the *Municipality's* ADA Transition Plan for the pedestrian facilities in the public right-of-way is:

<b>Name:</b>	<b>Email:</b>
<b>Title:</b>	<b>Phone:</b>
<b>Street Address:</b>	<b>Fax:</b>
<b>City, NY Zip</b>	<b>TTY:</b>

## PUBLIC INPUT

The *Municipality* provides opportunities for individuals to comment on this Transition Plan, which includes:

- Document copies available and notices sent to (*e.g., local public libraries*) as follows:
- Document made available on *Municipality's* website at
- Open house and presentation at a public meeting on *Month, DD, YYYY*

The *Municipality* published legal notices in (*e.g., newspaper(s) of general circulation*) as follows: , starting on *MM/DD/YYYY*. The legal notices announced the availability of the Transition Plan draft at the (*e.g., local public library*) with easy public access. These notices also provided instructions regarding the timetable for comments and where to send them. Public comments were accepted for a period of no less than 30 days, ending *MM/DD/YYYY*. Public comment form is available on Attachment D. Formal adoption of the Transition Plan took place on *MM/DD/YYYY*. It will be available on the web and by written formal request to the ADA Coordinator.

# ATTACHMENT A

(ATTACH ADA GUIDELINES USED IN DETAILED EVALUATION)

## ADA GUIDELINES USED IN DETAILED EVALUATION

### Curb Ramps

In evaluating the accessibility of existing curb ramps, the following factors were considered:

1. Is there a curb ramp?
2. Is there a curb ramp where a sidewalk crosses a street?
3. What type of curb ramp?
  - a. Perpendicular curb ramp
  - b. Parallel curb ramp
  - c. Blended transitions
4. Is the width of the curb ramp at least 4 feet wide (excluding flares)?
5. Are there detectable warnings properly installed where a curb ramp or blended transition connects to a street?
6. Is the running slope greater than 5% but less than 8.3% (blended transition 5% maximum)?
7. Is the cross slope less than 2%?
8. Is the landing a minimum of 4 feet x 4 feet?
9. Is the surface of the curb ramp or blended transition firm, stable, and slip resistant and clear of gratings, access covers, and other appurtenances?
10. Is the grade break at the top and bottom of the ramp flush and not located on the surface of the curb ramp, landing, or gutter areas?
11. Is the sum between the curb ramp and the change of grade (counter slope) of the gutter or street at the foot of the curb ramp more than 11%?
12. Is the clear space beyond the curb face at least 4' x 4'?
13. If the curb ramp is perpendicular, is the slope of the flared sides\* less than 10% where a pedestrian path crosses the curb ramp?
14. Where the pedestrian access route begins at the street crossing, is there less than 0.25" vertical difference between flush curb and street?

**Note\*:** Flares are not needed if the sides are protected from travel by landscaping or street furnishing.

### Sidewalks

In evaluating the accessibility of existing sidewalks, the following factors were considered:

1. Is there a sidewalk at each corner?
2. Is there at least 4 feet of continuous and unobstructed clear width of a sidewalk (excluding the curb width)?
3. If the continuous width is less than 5 feet, are there passing spaces at least every 200 feet along the sidewalk that are 5 feet wide or greater for a distance of 5 feet?
4. Is the cross slope of the sidewalk less than 2%?
5. Where the sidewalk is adjacent to the street, does the grade of the sidewalk not exceed the general grade of the street?
6. Is the surface of the sidewalk firm, stable, and slip resistant?
7. Are any gaps in the surface less than 1/2 inch?
8. Is the sidewalk clear of obstacles? i.e., utility covers, grates etc.? If there is a grate:
  - a. are the openings no more than 1/2 inch wide and

- b. do the elongated openings run perpendicular to the direction of travel?
9. Is the sidewalk clear of overhanging or protruding objects? If there is a protruding object is:
  - a. the leading edge of that object less than 17 inch and more than 80 inch above the ground, or
  - b. the protrusion less than 4 inches into the travel path of the sidewalk, or
  - c. a barrier is provided no more than 17 inches from the ground where the vertical clearance is less than 80 inches.
10. Are any vertical differences in sidewalk surface less than 0.25"?

## **Crosswalks**

In evaluating the accessibility of existing crosswalks, the following factors were considered:

1. Is there a crosswalk that connects two sidewalks across a street?
2. Is the width of the marked crosswalk at least 6 feet?
3. Does the cross slope of the crosswalk meet the following guidelines:
  - a. If the crosswalk is crossing a street with a stop control, is the cross slope less than 2%?
  - b. If the crosswalk is crossing a street without a stop control, is the cross slope less than 5%?
4. Is the running slope of the crosswalk less than 5%?
5. If the crosswalk crosses a median, is the length of the median at least 6 feet and does it contain detectable warnings located at curb line or edge of the roadway?
6. If the intersection signalized, does it have a pedestrian signal, if so, does the pedestrian signal phase allow enough time for a walking speed of at least 3.5 ft/sec?

## ATTACHMENT B

- ATTACH ADA PRIORITIES MAP
- PRIORITY LISTING OF INTERSECTIONS\*

**NOTE:\*** SPONSORS MAY USE THE PROPOSED WORK PLAN SCHEDULE ON PAGES 20.

## ATTACHMENT C

- ATTACH RESOLUTION ADOPTING ADA DESIGN GUIDELINES
- ATTACH RESOLUTION APPOINTING ADA COORDINATOR
- ATTACH ADA GRIEVANCE PROCEDURE
- ATTACH RESOLUTION ADOPTING THE AMERICANS WITH DISABILITIES ACT
- ATTACH TRANSITION PLAN FOR PEDESTRIAN FACILITIES IN THE PUBLIC RIGHT-OF-WAY

## ATTACHMENT D

- PUBLIC COMMENT AND RESPONSE FORM  
(SEE SAMPLE FORM ON NEXT PAGE)

**PUBLIC COMMENT AND RESPONSE FORM**

**Date of Comment:**

**Name of Person:**

**Comment:**

**Response:**

**APPENDIX 13-4**  
**SAMPLE TITLE VI PLAN**

# THE (Choose One) OF TITLE VI PLAN

Adopted: **Signed by:** \_\_\_\_\_

**Responsible Local Official (RLO) or Title VI Coordinator or Designee**

**TABLE OF CONTENTS**

**Introduction..... pg.**  
Description of Title VI of the Civil Rights Act of 1964 and the Sponsor’s responsibilities associated with the acceptance of receiving federal funds through the New York State Department of Transportation, (NYSDOT).

Sample Introduction:

*Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin. Related statutes, which prohibit discrimination based on sex, disability and age also, are covered in the Sponsor’s programs, services and activities. A list of related statutes and federal executive orders is included as Appendix A.*

*When local governments accept federal aid funds/assistance through the New York State Department of Transportation (NYSDOT) to improve roads, bridges, transit or other public works all other operations of the local government including consultant services are required to abide by Title VI, of the Civil Rights Act of 1964. Additionally, the (Sponsor) includes the principles of Environmental Justice (EJ) into its programs, policies and activities to ensure that all appropriate steps have been taken to identify and address any disproportionately high and adverse human health or environmental effects on minority and low income populations.*

**Policy Statement..... pg.**  
Issue a policy statement, signed and dated by the Sponsor’s head official (Responsible Local Official, RLO) which expresses commitment to the nondiscrimination provisions of Title VI. Circulate the policy statement throughout the Municipal’s organization/department and to the general public. Publish such information where appropriate in languages other than English.

**Organization Chart..... pg.**  
Provide a copy of the Sponsor’s organizational chart. Include the person to perform the duties of the Title VI Coordinator.

**Title VI- Nondiscrimination Assurances..... pg.**  
Include a copy of the Sponsor’s signed Title VI assurances, including appendices.

**Title VI Coordinator.....pg.**  
Appoint someone in a position of authority as the Title VI Coordinator to be responsible for Title VI- Nondiscrimination activities, instructions, complaints and reports. The Title VI Coordinator should have easy access to the head of the organization, (RLO).

**Complaint Procedure..... pg.**  
Describe the process the Sponsor has in place to notify and inform the public of its right to file a discrimination complaint.

**Data Collection..... pg.**

Data should be collected and analyzed to ensure minority groups are not being discriminated against in the delivery of services that are federally funded. NYSDOT and its Sponsors are required to maintain racial and ethnic data showing the extent members of minority groups are beneficiaries of programs receiving federal financial assistance. Data collection can be helpful to identify:

1. Needs of all effected persons located within the boundaries of plans or projects.
2. Persons impacted and strategies to address impacts.
3. Persons to include in the decision-making process.
4. Strategies to disseminate information.

**Monitoring ..... pg.**

For each of the following major program areas, summarize how Title VI monitoring is accomplished by the Title VI Coordinator and program area personnel.

- |                        |                |
|------------------------|----------------|
| a. Planning            | d. Engineering |
| b. Project Development | e. Research    |
| c. Right-of-Way        |                |

**Training..... pg.**

Develop a schedule to provide Title VI training to Sponsor’s employees and their consultants/contractors and sub-consultants/contractors. Maintain data on frequency of training, locations, number of participants and target audience.

**Public Participation..... pg.**

Sponsors are required to have in place effective ways to notify and inform the public of their rights under Title VI and describe how the information is made available. The notice should include information regarding how the public can request additional information and procedures to follow to file a complaint of discrimination.

**Limited English Proficiency Plan..... pg.**

Sponsors of federal funding are required to have a LEP Plan (**see LEP Plan template Attachment 1**) for providing access to activities and programs for persons with LEP. Sponsors should be able to demonstrate how they ensure meaningful access to their benefits, services and other important operations of its programs and activities for individuals who are LEP.

Note: If a Sponsor’s activity will have an impact on an area where 5% or more of the individuals in that area speak a language other than English, materials advertising the activity should be translated into the language spoken in the affected area. Translators should be available to assist individuals at public meetings, hearings, etc. Reasonable efforts should apply even when less than 5% of the Sponsor affected population has LEP needs. Reasonable accommodations for persons with disabilities should be provided as appropriate on a case-by-case basis.

**Appendix A – Nondiscrimination Authorities ..... pg.**

Authorities and statues that maybe referenced to within the Title VI Plan.

**Note: Wherever the word *Sponsor* appears throughout this document, it refers to the Sponsor indicated on the Cover Page.**

## **Appendix A**

# **Nondiscrimination Authorities**

- Title VI- of the Civil Rights Act of 1964 (42 USC 2000d et seq);
- Section 162 (a) of the Federal-Aid Highway Act of 1973 (23 USC 324);
- Age Discrimination Act of 1975;
- Section 504 of the Rehabilitation Act of 1973;
- Americans With Disabilities Act of 1990;
- Civil Rights Restoration Act of 1987;
- 49 CFR Part 21;
- 23 CFR Part 200;
- USDOT Order 1050.2;
- Executive Order #12898 (Environmental Justice);
- Executive Order #13166 (Limited-English-Proficiency).

## Attachment 1

**Limited English Proficiency Plan**  
**SPONSOR NAME**  
**EFFECTIVE DATE**

Signed by: \_\_\_\_\_

County Executive or Title VI Coordinator or Designee

ADDRESS  
PHONE NUMBER

## INTRODUCTION

This Limited English Proficiency Plan has been prepared to address the *(Sponsor's)* responsibilities as a recipient of federal financial assistance as they relate to the needs of individuals with limited English proficiency language skills. The plan has been prepared in accordance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq., and its implementing regulations, which state that no person shall be subjected to discrimination on the basis of race, color or national origin.

Executive Order 13166, titled *Improving Access to Services for Persons with Limited English Proficiency*, indicates that differing treatment based upon a person's inability to speak, read, write or understand English is a type of national origin discrimination which is covered under Title VI. It directs each agency to publish guidance for its respective recipients clarifying their obligation to ensure that such discrimination does not take place. This order applies to all state and local agencies (Sponsors) which receive federal funds.

### Plan Summary

The *(Sponsor)* has developed this *Limited English Proficiency Plan* to help identify reasonable steps for providing language assistance to persons with limited English proficiency (LEP) who wish to access services provided. As defined Executive Order 13166, LEP persons are those who do not speak English as their primary language and have limited ability to read, speak, write or understand English. This plan outlines how to identify a person who may need language assistance, the ways in which assistance may be provided, staff training that may be required, and how to notify LEP persons that assistance is available.

In order to prepare this plan, the *(Sponsor)* used the four-factor LEP analysis which considers the following factors:

1. The number or proportion of LEP persons in the service area who may be served by the *(Sponsor)*.
2. The frequency with which LEP persons come in contact with *(Sponsor)* services.
3. The nature and importance of services provided by the *(Sponsor)* to the LEP population.
4. The interpretation services available to the *(Sponsor)* and overall cost to provide LEP assistance. A summary of the results of the four-factor analysis is in the following section.

## MEANINGFUL ACCESS: FOUR-FACTOR ANALYSIS

**The number or proportion of LEP persons in the service area who may be served or are likely to require services.**

The staff reviewed the 2006-2010 American Community Survey 5-Year Estimates for New York State and determined that individuals in service area 0% of the population] speak a language other than English. Of those, individuals have limited English proficiency; that is, they speak English less than "very well" or "not at all." This is only 0

% of the overall population in the service area. In service area, of those persons with limited English proficiency, 0% speaks **German**, 0% speaks **Spanish**, 0% speaks **African languages**, 0% speaks **Chinese**, 0% speaks **Serbo-Croatian**, 0% speaks **Scandinavian**, 0% speaks **Japanese**, 0% speaks **Russian**, 0% speaks **other Indic languages**, 0% speaks **Vietnamese**, 0% speaks **French**, 0% speaks **Tagalog**, 0% speaks **other Slavic languages**, 0% speaks **Arabic**, **Indo-European languages**, 0% speaks **Native North American Languages**, and 0% speaks all other languages.

**The frequency with which LEP persons come in contact with services.** The staff reviewed the frequency with which their office staff and department staff have, or could have, contact with LEP persons. This includes documenting phone inquiries or office visits. To date, the has had requests for interpreters and requests for translated program documents as follows: . The other staff have had very little contact with LEP persons.

**The nature and importance of services provided by the to the LEP population.** There is no large geographic concentration of any type of LEP individuals in the service area for the . The overwhelming majority of the population, 0%, speak only English. As a result, there are few social, service, or professional and leadership organizations within the service area that focus on outreach to LEP individuals. The staff are most likely to encounter LEP individuals through office visits, phone conversations, notifications from department staff of impacts on service area services and attendance at meetings.

**The resources available to the and overall costs to provide LEP assistance.** The reviewed its available resources that could be used for providing LEP assistance, which of its documents would be most valuable to be translated if the need should arise, and contacted local citizens that would be willing to provide voluntary Spanish translation if needed within a reasonable time period. Other language translation if needed would be provided through bilingual staff or a telephone interpreter line for which the would pay a fee.

## **LANGUAGE ASSISTANCE**

A person who does not speak English as their primary language and who has a limited ability to read, write, speak or understand English may be a Limited English Proficient person and may be entitled to language assistance with respect to services. Language assistance can include interpretation, which means oral or spoken transfer of a message from one language into another language and/or translation, which means the written transfer of a message from one language into another language.

How the staff may identify an LEP person who needs language assistance:

- Post notice of LEP Plan and the availability of interpretation or translation services free of charge in languages LEP persons would understand.
- All staff will be provided with language identification cards to assist in identifying the language interpretation needed if the occasion arises.
- All staff will be informally surveyed periodically on their experience concerning any contacts with LEP persons during the previous year.
- When the sponsors an informational meeting or event, a staff person may greet participants as they arrive. By informally engaging participants in conversation it is possible to gauge each attendee's ability to speak and understand English. Although

translation may not be able to be provided at the event it will help identify the need for future events.

### **Language Assistance Measures**

Although there is a very low percentage of LEP individuals in the \_\_\_\_\_ service area, that is, persons who speak English less than “very well” or “not at all”, it will strive to offer the following measures:

1. The \_\_\_\_\_ staff will take reasonable steps to provide the opportunity for meaningful access to LEP clients who have difficulty communicating English.
2. The following resources will be available to accommodate LEP persons:
  - Volunteer interpreters for the Spanish language are available and will be provided within a reasonable time period.
  - Language interpretation will be accessed for all other languages through a telephone interpretation service.

### **STAFF TRAINING**

The following training will be provided to all staff:

- Information on the Title VI-Nondiscrimination Policy and LEP responsibilities.
- Description of language assistance services offered to the public.
- Use of interpreter service provider’s language identification cards.
- Documentation of language assistance requests.
- How to handle a potential Title VI /LEP complaint.

**All contractors or subcontractors performing work for the \_\_\_\_\_ will be required to follow the Title VI /LEP guidelines.**

### **TRANSLATION OF DOCUMENTS**

The \_\_\_\_\_ weighed the cost and benefits of translating documents for potential LEP groups. Considering the expense of translating the documents, the likelihood of frequent changes in documents and other relevant factors, at this time it is an unnecessary burden to have any documents translated.

Due to the very small local LEP population, the \_\_\_\_\_ does not have a formal outreach procedure in place, as of **2014**. Translation resources have been identified and are limited in this region. However, when and if the need arises for LEP outreach, the \_\_\_\_\_ will consider the following options:

- When staff prepares a document, or schedules a meeting, for which the target audience is expected to include LEP individuals, then documents, meeting notices, flyers, and agendas will be printed in an alternative language based on the known LEP population.
- \_\_\_\_\_ will assess requests for translation of documents based on the possible impacts and known LEP population.

## **MONITORING**

**Monitoring and Updating the LEP Plan** – The \_\_\_\_\_ will update the LEP Plan as required. At a minimum, the plan will be reviewed and updated when data from the **2010 U.S. Census** is available, or when it is clear that higher concentrations of LEP individuals are present in the service area. Updates will include the following:

- The number of documented LEP person contacts encountered annually.
- How the needs of LEP persons have been addressed.
- Determination of the current LEP population in the service area.
- Determination as to whether the need for translation services has change
- Determine whether local language assistance programs have been effective and sufficient to meet the need.
- Determine whether the \_\_\_\_\_ financial resources are sufficient to fund language assistance resources needed.
- Determine whether the \_\_\_\_\_ fully complies with the goals of this LEP Plan.
- Determine whether complaints have been received concerning the agency's failure to meet the needs of LEP individuals.

## **DISSEMINATION OF THE *(Sponsor)* LEP PLAN**

- Choose from the following what you as a subrecipient will do:
- Post signs in \_\_\_\_\_ service area notifying LEP persons of the LEP Plan and how to access language services.
- State on agendas and public notices in the language that LEP persons would understand that documents are available in that language upon request at \_\_\_\_\_.
- Post on \_\_\_\_\_'s website the LEP Plan and how to access language services.
- Publish Press Release.
- Send copy of press release to advocacy groups and other agencies serving LEP populations.