

Capital District
Transportation Committee

June 23, 2014

DEVELOPMENT OF TRANSITION PLANS UNDER THE AMERICANS WITH DISABILITY ACT (ADA)

Title II (28CFR Part 35) of the Americans with Disability Act of 1990 requires that both State and local governments must ensure that individuals with disabilities are not excluded from programs, services, and activities. Providing pedestrian facilities is an example of a program. A Transition Plan is designed to: (1) identify physical obstacles that limit the accessibility of an agency's programs or activities to individuals with disabilities; (2) describe in detail the methods that will be used to make the facilities accessible; and (3) specify a schedule for correcting access deficiencies.

Anne Benware, Dave Jukins, and several Planning Committee members attended a training session sponsored by NYSDOT and FHWA related to the development of ADA Transition Plans for pedestrian accessibility. The training was designed to: (1) discuss applicable laws, regulations, guidelines and standards pertaining to accessibility of persons with disabilities; (2) discuss requirements for ensuring accessibility on existing and new facilities; and (3) review best practice design treatments for achieving accessibility in the public right-of-way. Training was provided by specialists from FHWA's Washington, D.C.-based Resource Center, FHWA's New York Division, and New York State Department of Transportation.

The message CDTC staff took away from the two-day training session is that communities in the region (and throughout New York and the nation) which own or maintain sidewalks or other pedestrian facilities will have to prepare a formal Transition Plan, sooner rather than later. NYSDOT already has a preliminary plan in place for State-owned facilities. Based on discussions with Planning Committee members and several Department of Public Works officials, it seems most communities in the region may not be aware of the requirement. The training emphasized that developing a plan is the recommended course for all government agencies to protect against liability issues. FHWA made it clear that absence of a plan could make a community or agency vulnerable to court action.

At this time, we thought it would be helpful for CDTC, as the MPO for the Capital District and as a partner with NYSDOT, to inform the Planning Committee that FHWA is renewing emphasis on the need for local government compliance with ADA requirements due to the fact that new standards came into effect in 2012 **ADA Accessibility Guidelines (ADAAG)** (http://www.ada.gov/regs2010/2010ADAStandards/2010ADAStandards_prt.pdf) and that additional guidance and standards specific to the public right of way (**PROWAG**) have been incorporated into the NYSDOT Highway Design Manual and will be adopted this year at the federal level.

In the coming months, CDTC will be working with NYSDOT ADA specialists and NYSDOT Region 1 planning staff to provide specific information to the region's 78 municipalities as to their responsibilities related to transition planning for pedestrian access for disabled individuals.