

Americans with Disabilities Act (ADA) Working Group Update

Background: CDTC and municipal staffs attended an ADA training session last June sponsored by NYSDOT and FHWA focused on legal requirements under Title II of the Americans with Disabilities Act. NYSDOT requires local sponsors of federal aid projects to have an ADA Transition Plan or make reasonable progress toward developing one. In addition, the U.S. Department of Justice has the authority to investigate any municipality at any time, and require full ADA compliance within 3 years if the municipality does not have a transition plan.

In response to concerns regarding municipal responsibilities CDTC's ADA Working Group was formed. One of the primary objectives of the Working Group is to help foster a consistent municipal approach to meeting ADA requirements across the region. Members of the group include: the cities of Albany, Cohoes, Rensselaer, Saratoga Springs, Schenectady, and Watervliet; the Towns of Bethlehem, Halfmoon and Wilton; Rensselaer County; CDTA; NYSDOT Region 1; and FHWA. A disability rights advocate also participates.

ADA Transition Plans: The requirements of the ADA apply to all public entities or agencies, no matter the size. However, the requirements for a transition plan only apply to those public entities with more than 50 employees (both full and part time). Absence of a plan could make a community or agency vulnerable to court action.

The purpose of an entity's ADA Transition Plan is to:

- (1) identify physical obstacles that limit the accessibility of facilities to individuals with disabilities (i.e. inventory of pedestrian facilities (curb ramps/sidewalks),
- (2) describe the methods to be used to make the facilities accessible,
- (3) provide a schedule for making the access modifications, and
- (4) identify the public officials responsible for implementation of the Transition Plan.

The Plan is required to be updated periodically until all accessibility barriers are removed.

Next Steps: FHWA and NYSDOT are working to develop a model ADA Transition Plan and self-evaluation/facility inventory resources for sponsors of Locally Administered Federal Aid Projects (LAFAP). This information will be shared with the ADA Working Group.

CDTC has hired an intern to begin compiling available sidewalk data around the region and will collect information on the presence or absence of sidewalks where there currently is no data. The CDTC ADA Working Group will continue to meet over the next year to work toward development of common solutions to ADA challenges and to identify resources for developing and implementing American with Disabilities Act (ADA) Transition Plans. Efforts will also focus on facilitating the development of required municipal self-evaluations and inventories of pedestrian rights of way and identifying potential opportunities for future collaboration and shared cost services projects.