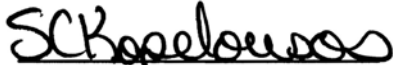


7/23/2009: Pen & Ink to add links to Section 7, Publications.

Approved:

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Stephanie C. Kopelousos
Secretary

AMERICANS WITH DISABILITIES ACT (ADA) COMPLIANCE Facilities Access for Persons with Disabilities

PURPOSE:

To assure that all Florida Department of Transportation (FDOT) facilities, roads & structures provide accessibility for persons with disabilities in compliance with the ***Americans with Disabilities Act (ADA)*** and other state and federal accessibility regulations; effectively manage an accessibility program at FDOT; assign program responsibilities; provide for employee/contractor awareness; limit the Department's liability regarding access for persons with disabilities; encourage a proactive role in the resolution of FDOT accessibility related problems; and provide for expeditious responses to consumer accessibility requests.

To provide for the inspection of FDOT owned and occupied building and roadway facilities according to the ***Americans with Disabilities Act (ADA)***; develop transition plans as required by the ADA; implement the district and statewide transition plan recommendations; assure compliance with Florida accessibility regulations; enforce access requirements for FDOT buildings, roads and structures; and to maintain records.

AUTHORITY:

Public Law No. 101-336, Americans with Disabilities Act of 1990 (ADA), Title II, Subtitle A -- United States Department of Justice (7/26/90)

28 CFR Part 35, Nondiscrimination on the Basis of Disability in State and Local Government Services -- U.S. Department of Justice (7/26/91 & 7/23/04)

36 CFR Part 36, Appendix A, ADA Accessibility Guidelines (ADAAG) for Buildings and Facilities -- U. S. Department of Justice (7/1/94)

49 CFR Parts 27 & 37, Transportation for Individuals with Disabilities -- U.S. Department of Transportation

Sections 553.501 - 553.513, Florida Statutes (F.S.) - Accessibility by Handicapped Persons -- Florida Department of Community Affairs
Florida Building Code, Chapter 11, Florida Accessibility Code for Building Construction -
- Florida Department of Community Affairs (Current, Adopted Edition)

Section 316.1955, F.S., Enforcement of parking requirements for persons who have disabilities -- Florida Department of Transportation (7/00)

Section 553.5041, FS - Parking spaces for persons who have disabilities – Department of Community Affairs (7/00)

REFERENCE DOCUMENTS:

FDOT Notice Under the Americans with Disabilities Act

This document may be found on the FDOT Web site at:
<http://www.dot.state.fl.us/projectmanagementoffice/ADA/Notice.shtm>

FDOT ADA Grievance Procedure Under the Americans with Disabilities Act

This document may be found on the FDOT Web site at:
<http://www.dot.state.fl.us/projectmanagementoffice/ADA/ADAGrievance.shtm>

SCOPE:

This procedure incorporates, by reference, the scoping and technical requirements of the ***Americans with Disabilities Act, Title II, Subtitle A***, including subsequent revisions. It also incorporates the requirements of ***Chapter 11*** of the ***Florida Building Code***, also known as the ***Florida Accessibility Code for Building Construction (Accessibility Code)***. Some of the elements of the ***Florida Accessibility Code*** have been determined to be more stringent than the ADA.

Accessibility requirements apply to Department owned, occupied, operated, and maintained building facilities, leased facilities, public rights of way, roadways, bridge structures, supplemental facilities and public transportation facilities on state right of way.

This procedure governs the actions of the FDOT ADA Coordinator and District ADA Coordinator's. The responsibility of these individuals is to assure that the Department complies with current applicable laws, rules, regulations, codes, standards, and guidelines governing facilities accessibility for persons with disabilities. The goal is to ensure that FDOT Fixed Capital Outlay (FCO) and Work Program facilities and structures and Department operations meet the intent of these requirements.

This procedure governs the actions of Department Designers, Project Managers, Traffic

Operations Managers, Public Transportation Office Managers, Design Consultants, District Permit Engineers, and State/District Bicycle and Pedestrian Coordinators. The duty of these individuals and entities is to ensure that Department projects are planned, designed and produced in compliance with applicable federal and state accessibility requirements.

This procedure governs the actions of FDOT Construction Project Administrators, Consultant Project Administrators, Inspectors and Contractors. The duty of these individuals and entities is to ensure that Department projects are constructed in compliance with the ADA and applicable federal and state accessibility requirements.

This procedure governs the actions of FDOT Project Managers working on Local Agency Program (LAP) projects and with Joint Participating Agreements (JPAs.) with other state or local agencies. The duty of these individuals and entities is to ensure LAP and JPA projects are conducted in compliance with applicable federal and state accessibility requirements.

This procedure governs the actions of FDOT Maintenance Project Administrators and Contractors. The duty of these individuals and entities is to ensure that Department facilities are maintained in compliance with the applicable state and federal accessibility requirements.

This procedure does NOT apply to employment issues (i.e., hiring, reasonable accommodation, promoting, discharging, etc.) These activities are governed by **ADA, Title I, Employment**. The Department's Personnel Offices and Equal Opportunity Offices administer compliance with these issues.

This procedure does NOT apply to municipal and county 'public transportation facilities' (i.e., terminals; fixed and key rapid, light, commuter, intercity, and high speed rail stations; intercity bus stations; airports; and boat and ferry docks), except when they are located on state rights of way or are funded with federal or state funds. This procedure does NOT apply to public transportation vehicles. These facilities are addressed by **ADA, Title II, Subtitle B, Public Transportation**. The Department's Public Transportation Offices and local transportation authorities administer accessibility compliance for these facilities.

1. GENERAL INFORMATION

- 1.1 Federal law requires state and local governmental agencies to provide access to services, programs and activities rendered by the agencies. To meet the requirements of applicable state and federal accessibility laws, rules, and regulations, the Department's intends to provide access to Department services, programs and activities and, where appropriate, physical access to Department

owned and operated buildings, roadways and structures to all persons, including those with disabilities.

- 1.2 Our Mission is to provide a safe transportation system that ensures the mobility of people and goods enhances economic prosperity and preserves the quality of our environment and communities.
- 1.3 Within this commitment is the intent to provide a safe level of access to the Department's facilities for persons with disabilities. The FDOT owns and operates more than 1,300 buildings statewide and is responsible for maintaining more than 12,000 miles of state highways. In addition, the Department coordinates the planning of light, commuter, and high-speed rail facilities and corridors.
- 1.4 The following components of accessibility described in the referenced regulations may affect FDOT operations:

1.4.1 Buildings and Sites:

Space Allowances & Reach Ranges	Elevators
Accessible Route	Platform Lifts (Wheelchair Lifts)
Protruding Objects	Doors
Ground & Floor Spaces	Entrances
Parking & Passenger Loading Zones	Drinking Fountains & Water Coolers
Curb Ramps	Restrooms
Ramps	Handrails & Grab Bars
Stairs	Detectable Warnings
Telephones	Signage

1.4.2 Roadways/Rights of Way/Bridge Structures:

Public Sidewalks	Ramps
Protruding Objects	Handrails
Fixed Street Furnishings	Signage
Public Sidewalk Curb Ramps	Traffic Signals & Equipment
Pedestrian Street Crossings	Parking
Vehicular Ways and Facilities	Curb Ramps
Temporary Facilities	Detectable Warnings
Stairs	Clearances

1.4.3 Public Transportation/Rights of Way:

Bus Stops	Parking lots
Bus Shelters	Park-and-Ride lots
Light/Commuter Rail Stations	Signage
High-Speed Rail Stations	Connections to Streets, Sidewalks, etc.

2. ADA ACCESSIBILITY GUIDELINES

- 2.1 The Department adopts by reference the Scoping and Technical requirements of **28 CFR, Part 36, Americans with Disabilities Act Accessibility Guidelines (ADAAG)** described in **Public Law No. 101-336, 42 U.S.C. ss. 12101 et. seq. (ADA)**, and any subsequent revisions, as Department standard for facilities not related to the public rights of way and other 'transportation' facilities.
- 2.2 The Department adopts by reference the Scoping and Technical requirements of **28 CFR Part 35, ADA and ABA Accessibility Guidelines (ADA & ABA)**, as published on July 23, 2004 by the U.S. Access Board, for transportation facilities. These have been adopted by the USDOT/FHWA as accessibility standards for transportation facilities.
- 2.3 It is the responsibility of the appropriate FDOT staff, consultants, contractors and LAP and JPA partnering agencies to comply with the applicable provisions of the federal regulations to the maximum extent feasible. The Secretary or his/her designee must justify and document any instance where it is determined that full compliance is not feasible.
- 2.4 Compliance will be assured by training responsible offices and staff, consultants, contractors, inspectors, local governments and other agencies; reviewing plans for accessibility features; and inspecting for compliance with accessibility requirements.

3. FLORIDA ACCESSIBILITY CODE FOR BUILDING CONSTRUCTION (Chapter 11, Florida Building Code)

- 3.1 The Department adopts by reference the Scoping and Technical Requirements of the **Florida Accessibility Code for Building Construction (FACBC)** and any subsequent revisions, as Department policy. This building code document implements the **Florida Americans with Disabilities Accessibility Implementation Act (ss. 553.501-553.513, F.S.)**.
- 3.2 It is the responsibility of the appropriate FDOT staff, consultants, and contractors to comply, to the fullest extent possible, with the applicable provisions of the state regulations. Compliance will be assured by training responsible offices and staff, reviewing plans for accessibility features, and inspecting for compliance with accessibility requirements.

NOTE: On June 11, 1998, the **Florida Accessibility Code for Building**

Construction was certified by the U. S. Department of Justice as equivalent to the ADAAG. This means that, for building facilities, when we comply with the FACBC we are “deemed to comply” with the federal accessibility standards.

NOTE: On March 1, 2002, the Florida Accessibility Code for Building Construction was incorporated into the **Florida Building Code** as **Chapter 11**.

- 3.3 The Department is responsible for complying with applicable portions of federal and state accessibility regulations. As in other instances, the Department is responsible for compliance with the more stringent provisions of applicable regulations.
- 3.4 While compliance with the state law has been “deemed to comply” with the ADAAG, compliance with state law does not guarantee compliance with federal law.

4. DEPARTMENT RESPONSIBILITIES

The Department has designated certain staff members to administer different levels of accessibility compliance. The following describes the responsibilities of these program participants:

4.1 ADA Coordinator:

The ADA Coordinator (ADAC) is appointed by the Secretary or his/her designee to manage the Department’s facilities accessibility program at the state level. This position is responsible for administering the overall Department compliance program. The ADAC enforces accessibility compliance for statewide projects and for district projects upon request by district project managers.

The ADAC provides accessibility training and technical support to district staff and consultants. She/he keeps the districts up-to-date on current accessibility regulations and conducts Quality Assurance Reviews of district operations to assure compliance with the federal and state accessibility requirements.

The ADAC is the Department’s representative for technical issues regarding public comments, concerns, complaints or legal actions on accessibility issues on the state road system and for Department facilities and structures. The ADAC advises the Secretary or his/her designee on technical compliance with the ADA and **Florida Access Code**.

4.2 District ADA Coordinators:

The District ADA Coordinator (DADAC) is appointed by the District Secretary or his/her designee to manage the accessibility program at the district level. The DADAC is responsible for enforcing accessibility compliance on District FCO and Work Program projects through plans reviews and training of other district offices and staff. The DADAC will coordinate with the ADA Coordinator and others as appropriate.

In districts where there may be more than one District ADA Coordinator appointed, each shall coordinate with the other to avoid conflicts and 'gaps' in district accessibility compliance.

4.3 Project Managers:

Assure that applicable accessibility compliance issues are addressed during PD&E, Design, and Production phases of construction projects through research and plans reviews. Coordinate with District ADA Coordinator and other appropriate district offices (i.e., Public Transportation Office) to determine applicable requirements. Coordinate with design consultants to assure their familiarity with the applicable accessibility requirements. Submit construction plans to DADAC or his/her designee for review and approval prior to letting the work.

4.4 Project Administrators and Inspectors:

Assure that applicable components of accessibility regulations are followed during the construction phase of projects through inspection of construction projects. Coordinate with the District ADA Coordinator to determine applicable requirements. Coordinate with contractors to assure their familiarity with the applicable accessibility requirements. Also confirm that field changes do not reduce accessibility or violate accessibility regulations.

4.5 Public Information Office Staff:

Assure that Department issued or sponsored public documents (brochures, pamphlets, notices, maps, etc.) and communications (announcements, radio and TV advertisements, video tapes, etc.) are provided in accessible formats and media. Accessible alternate formats include: large print documents, Braille documents, audio tapes of printed publications, computer disk of printed publications, audio-described videos, closed-captioning on video tapes, etc.

Also assure that Internet web pages developed by the Department are produced in a manner accessible to persons who are visually impaired and cannot use computer pointing devices (e.g., mouse, trackball, joystick, etc.)

4.6 Public Transportation Office Staff:

Coordinate with project managers during PD&E, Design, Production and Construction phase of Department projects to assure that appropriate **Title IIb** issues are addressed.

4.7 Responsible Offices:

While not charged with direct enforcement of accessibility regulations, various offices within FDOT have staffs that are knowledgeable and experienced in responding to public requests. These offices are available as resources when addressing accessibility requests. These offices include:

- (a) Production Support Office
- (b) State Structures Design Office, Design Standards Section
- (c) State Roadway Design Office, Design Standards Section
- (d) State and District Pedestrian/Bicycle Program Offices
- (e) State and District Design Offices
- (f) State and District Traffic Operations Offices
- (g) State and District Construction Offices
- (h) State and District Maintenance Offices
- (i) Equal Opportunity Office
- (j) Office of the General Counsel and District General Counsel Offices

5. ENFORCEMENT

- 5.1 The Department has the responsibility under **Chapter 334, F.S.**, to regulate the design, construction, and operation of the state highway system. This responsibility includes assuring compliance with the state and federal accessibility requirements. Certain offices have been charged with planning, design, production, construction, and management of road and bridge projects.
- 5.2 Enforcement of accessibility requirements for Department projects ultimately falls with the Secretary or his/her designee.
- 5.3 The Florida Department of Community Affairs (DCA) has the responsibility under **Section 553.73, F.S.** for adopting minimum state building codes. In 1993 and 1997 the Florida Legislature incorporated accessibility requirements of the ADA into the **Laws of Florida**, while maintaining those provisions of Florida law that are more stringent than the **ADA Accessibility Guidelines**. The document describing the state requirements is titled **Florida Accessibility Code for**

Building Construction (Access Code). The **Access Code** is currently incorporated as **Chapter 11** of the **Florida Building Code**.

- 5.4** On July 1, 2001 county and municipal governments were charged with local enforcement of the state minimum building codes for state-owned and state-leased buildings and facilities, including the above accessibility requirements, under **Section 553.80, F.S.** Construction documents for building projects must be submitted to the local building official for plans review, permitting and construction inspection for compliance with the **Florida Building Code** and **Florida Accessibility Code**.
- 5.5** To facilitate local code authority review, building project construction documents may be submitted to the Central Office ADA Coordinator, for building code and accessibility code reviews (progress reviews, “final” check, etc.) prior to submittal to the appropriate code official.

6. PUBLIC REQUESTS/COMPLAINTS

- 6.1** The Department is responsible for providing appropriate responses to requests for information and complaints from the public related to **ADA**, the **Florida Accessibility Code**, and other accessibility issues.
- 6.2** Accessibility requests or complaints must be directed to the ADA Coordinator and/or the District ADA Coordinator(s), as appropriate, who may forward them to other responsible offices. Responses shall be coordinated with the respective District ADA Coordinator(s) and/or the ADA Coordinator. Responses should describe the Department’s proposed action plan to satisfy/answer the request. The action plan shall include, as appropriate: research into the subject issue(s), documentation of existing conditions, date(s) of construction, available public right of way, site constraints, planning/preliminary engineering proposals, design and/or construction actions to be taken, proposed project development schedule, funding needs/resources, etc.
- 6.3** Issues you should research in addressing accessibility requests include coordination with the regional/local transportation plans and comprehensive development plans; pedestrian/traffic safety; traffic engineering; nature of need; etc.

7. PUBLICATIONS

7.1 Publications that should be referred to include the current, adopted editions of the following:

- (a) [Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities \(ADAAG\)](#)
- (b) [Americans with Disabilities Act and Architectural Barriers Act Accessibility Guidelines](#) (ADA & ABA, New ADAAG)
- (c) [AASHTO's Policy on Geometric Design of Highways and Streets](#)
- (d) FHWA's Older Pedestrian Characteristics for Use in Highway Design
- (e) [Florida Accessibility Code for Building Construction](#)
- (f) [FDOT Roadway and Traffic Design Standards](#)
- (g) FDOT Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Street and Highways ([Florida Green Book](#))
- (h) [FDOT Florida Pedestrian Safety Plan](#)
- (i) [FDOT Walkable Communities](#)
- (j) [FDOT Facilities Design Manual](#)
- (k) [FDOT Plans Preparation Manual](#)
- (l) [FDOT Strategic Highway Safety Plan](#)

8. RECORDKEEPING

8.1 Each District ADA Coordinator must maintain, for public review, a current copy of documentation describing the District's ADA compliance activities. Examples of documents to be retained are: facility survey records, transition plans, barrier removal projects, responses to public comments/complaints, programs/policies modified to meet ADA, publications offered in accessible formats, etc.

8.2 Each District ADA Coordinator shall submit a copy of the district transition plan(s) to the ADA Coordinator.

8.3 The ADA Coordinator will maintain for public view the transition plans submitted to Central Office. The ADA Coordinator will maintain current copies of applicable laws, rules, regulations, codes, standards and guidelines governing accessibility for persons with disabilities.

9. TRAINING

9.1 The Department offers ADA Compliance Training for FDOT staff, consultants, contractors, inspectors, local government and other agency staff involved in projects or operations affected by accessibility issues. These courses have been approved by the Florida Board of Professional Engineers of Professional

Development Hours (PDH) continuing education credit for PEs.

- 9.2** ADA training for specialized work areas or specific project phases offered is listed below:

<u>Course No.</u>	<u>Course Title</u>	<u>Description</u>
BT-05-0019	ADA - Facilities Access 4-hours	Comprehensive review of ADA & Florida accessibility requirements affecting Department operations. This course focuses on building facilities
BT-05-0062	ADA for Construction 3-hours	Review of ADA requirements targeted towards construction project staff (project administrators, inspectors, etc.) This course also details options for applying detectable warnings to curb ramps.
BT-05-0092	ADA for Roadway Design 3-hours	Review of ADA requirements targeted towards design/production staff (project managers, roadway designers, etc.) This course focuses on Roadway facilities
BT-05-0093	ADA for Structures Design 3-hours	Review of ADA requirements targeted towards design/production staff (project managers, bridge designers, etc.) This course focuses on bridge facilities

10. FORMS

- 10.1** There are two forms available for public reporting of accessibility deficiencies on the state road system:

625-020-06 – ADA Constituent Accessible Route Request

This form may be found on the FDOT Web site at:

<http://formserver.dot.state.fl.us/MiscRepository/forms/62502006.pdf>

625-020-05 – ADA Constituent Curb Ramp Request

This form may be found on the FDOT Web site at:

<http://formserver.dot.state.fl.us/MiscRepository/forms/62502005.pdf>