This document describes the actions of the Florida Department of Transportation (Department) in response to the Americans with Disabilities Act of 1990 (ADA).

HISTORY OF ADA:

Adopted on July 26, 1990, the ADA is a federal civil rights law that provides protections for persons with disabilities against discrimination by public and private entities. The ADA extends similar protections provided by Section 504 of the Rehabilitation Act of 1973 (504).

- Section 504 requires entities that receive federal financial assistance to ensure they do not discriminate against persons with disabilities when providing their services, programs and activities.

- The ADA prohibits discrimination on the basis of disability for operations conducted by State and local governments and for facilities owned by private businesses, even if they do not receive federal financial assistance.
  - Title II of the ADA requires State and local governments to ensure their services, programs and activities are accessible to and useable by persons with disabilities.
  - Title III requires public accommodations and commercial facilities to design and alter their buildings and sites are designed, constructed and altered in compliance with accessibility standards.

As a State government agency, the operations of the Department are primarily subject to the requirements of Title II of the ADA. The Department provides information and resources to, and coordinates transportation-related activities with, other Title II agencies in Florida (e.g., city and county governments, metropolitan planning organizations, public transportation entities, etc.)

As an employer within Florida State Government, a provider and user of public and private services, the Florida Department of Transportation is also subject to requirements of ADA Title I (employment), Title III (contracts with private consultants and contractors) and Title IV (telecommunications services).

This document primarily describes the activities of the Department under ADA Title II.

FDOT ADA PROGRAM DEVELOPMENT:

In July 1990, the Office of General Counsel advised Department management of the adoption of the ADA. Around that time, staff in the Special Facilities Section in the Roadway Design Office began to investigate the impact of this new law on building facilities owned and operated by the Department. When the ADA Standards were
published in July 1991, the agency began to include accessible elements into the Department's documents.

The ADA became effective on January 26, 1992. On that date, the Department initiated its ADA Compliance Program with the appointment of a statewide ADA Coordinator and District ADA Coordinators in each of the Department's eight districts. These employees were tasked with implementing and administering Department compliance activities under ADA Title IIa - State and Local Government Services and coordinate some activities under Title III – Public Accommodations & Commercial Facilities. The Department also directed staff in other offices to manage compliance activities for other titles of the ADA: Title I - Employment, Title IIb - Public Transportation and Title IV - Telecommunications.

During the spring of 1992, the Department's Statewide ADA Coordinator designed ADA training courses and began training for responsible Central Office and District staff. The Department also initiated self-evaluations of its policies, procedures and practices to identify issues that may deny access to Department programs, services and activities.

ACCESSIBILITY TO BUILDING FACILITIES:

In addition to reviewing policies and procedures, Department staff and consultants conducted accessibility surveys for over 1,350 Department owned and operated buildings and facilities. The surveys included both public areas and employee-only areas. A high priority was placed on identifying and correcting deficiencies in public areas and facilities. Based on these surveys (facility self-evaluations), the Department initiated district-level transition plans to implement corrections to ADA deficiencies identified in its buildings. Through planning, design and construction projects conducted within the Fixed Capital Outlay (FCO) program, these corrections were completed within 5 years. Currently, the building facilities are deemed to be ‘transitioned’ and are in 'maintenance and operations’ mode.

Existing building facility guidelines were revised and new facility standards were developed to assure alterations to existing buildings and design and construction of future buildings and facilities would more than comply with the ADA regulations and standards, as well as the requirements of the Florida Accessibility Code, which was modified in 1993 to adopt the ADA Standards as a basis. The intent is for FDOT design and construction criteria would provide more accessibility than is required by state and federal regulations. Example: Florida’s interstate rest areas provide accessible restroom stalls in compliance with the ADA and also 'family restrooms', which allow persons to have the assistance they may need in a private setting. Rest areas also have telecommunications devices for the deaf/teletypes (TDDs/TTYs) installed at the pay telephones on each site for the use of persons who are deaf or hard-of-hearing.

ACCESSIBILITY ON ROADWAY and BRIDGE FACILITIES:

The Department manages over 12,000 miles of roadways on the State Highway System (SHS), including over 3,100 miles of public sidewalks and thousands of curb ramps. Beginning with the implementation of accessibility requirements established by the
Rehabilitation Act of 1973 Section 504, the Department has made every effort to provide accessibility to its facilities and services.

Concurrent with the building-related activities and in conformance with FHWA direction, the Department began to include the identification of and upgrades to accessibility issues through the Department's Statewide Transportation Improvement Plan (STIP) and Work Program (WP) processes. The Department includes in the scope of services for each project the requirement to identify and correct inaccessible features and elements on pedestrian facilities along the SHS – those features that would deny access to persons with disabilities, such as sidewalks, curb ramps, crosswalks and pedestrian signals.

Accessibility deficiencies are continually identified and addressed during each project phase:

- During the **Project Development & Environmental** (PD&E) phase, accessibility deficiencies are identified and included in the Scope of Work for design. With guidance from Central Office, each District has implemented survey criteria that include sidewalks, curb ramps and other features affecting pedestrian accessibility. As part of proactive public involvement process, the Department invites input from users of its services and facilities, including persons with disabilities (see ETDM process, below).

- During the **Design** phase, each project that includes pedestrian facilities will include new facilities and/or corrections to deficiencies on existing facilities identified during the PD&E phase. These are planned and engineered using Department **Design Standards, Plans Preparation Manual** and **Standard Specifications** that include criteria for accessible elements and features. The District ADA Coordinator is included in multiple progress reviews of plans during design, including public involvement during design to solicit additional input from users.

During the **Construction** phase, new pedestrian facilities and accessible upgrades to existing facilities are built. The Department continually inspects the work to assure adherence to the design and completion of upgrades to accessible features. The State Construction Office implemented criteria for has for inspectors to use when inspecting accessible features (**Construction Guidelist #20** and **Critical Requirements #20**).


- In addition, districts have also developed checklists and reporting procedures to ensure accessibility features are verified at the completion of each project.

The Department's **Maintenance Rating Program (MRP)** criteria include accessible elements and features. Inaccessible features (e.g., sidewalk cracks, broken curb ramps, etc.) are corrected during routine & ongoing reviews of facilities, and in response to public requests. The **MRP Handbook** has been revised to include
accessible elements meeting the **ADA Standards**. The State Maintenance Office tracks various maintenance activities throughout the year by major city and by district. SMO publishes a report 3 times per year to report on progress.

- Maintenance activities include upgrades to pedestrian-accessibility related elements such as: concrete sidewalk repairs and replacement (including curb ramps), adjustment of signs that may overhang sidewalks, tree-trimming and removal, edging and sweeping of sidewalks, etc.

During **Quality Assurance Reviews (QARs)**, the Statewide ADA Coordinator reviews each district's implementation of ADA regulations. QAR reviews include District ADA coordinators, District LAP coordinators and District Title VI program managers. Program practices and documents are reviewed and updates as appropriate. Sample project files are reviewed to assure adherence to state and federal accessibility standards.

**ON-GOING ACTIVITIES:**

**FHWA Program Plan**

Each year on November 1st, the Department submits an ADA/504 Program Plan to the Florida Division office of the U.S. Department of Transportation Federal Highways Administration (FHWA). This report describes the accomplishments of the Department's ADA/504 Program for the past year and proposes goals and objectives for the upcoming year. The Plan includes the Department's project-level and program-level activities directed toward providing accessibility to its facilities and services. These include a description of the Program; participants involved in the program – directly and indirectly; ADA training provided to Department staff, consultants and contractors; outreach to local government agencies and other business partners; public involvement activities during program implementation and project delivery; and responses to customer comments/complaints, including resolution of accessibility issues.

The Plan includes an ADA/504 Assurance from the Department Secretary and a list of customers and agencies served.

**Training**

The Department has developed four courses describing the requirements of the ADA and its responsibilities under it. The courses cover, in detail, the ADA Regulations and Standards and how they impact Department operations. These courses cover the scoping and technical requirements of the **ADA Standards for Accessible Design** (ADAS), the **ADA Standards for Transportation Facilities** (ADASTF) and the proposed **Public Rights of Way Accessibility Guidelines** (PROWAG) and include examples of compliant and non-compliant facilities. Many classes include field exercises to demonstrate how persons who use wheelchairs interact with pedestrian facilities within public rights of way and an opportunity for participants to experience the practical differences between accessible and non-accessible elements.

Courses are continually updated to include the latest information, guidance and direction from responsible federal agencies, primarily the Access Board, the Department
of Justice (DOJ), the Department of Transportation and the FHWA. The courses are instructor-led, but may also be presented in a video-conference or Webcast venue. All courses are certified by the Florida Department of Business and Professional Development, Board of Professional Engineers to provide continuing education professional development hours (PDHs) for Florida licensed professional engineers. All are similar in content, describing the ADA regulations and standards. The course variations present information targeted toward the specific project phase/discipline. The courses are:

- **ADA for Facilities** (BT-05-0019) – 3 hours (3 PDHs)
  This course includes mostly building and some roadway issues – it is targeted primarily toward facilities project management and facilities maintenance staff.

- **ADA for Construction** (BT-05-0062) – 3 hours (3 PDHs)
  This course focuses on roadside pedestrian facilities along roadways, including sidewalks, curb ramps and detectable warnings – it is targeted toward Department and consultant staff involved in the planning, design, construction and inspection of roadway and bridge facilities, and to contractors and construction engineering & inspection consultants (CEIs).

- **ADA for Local Agency Program**
  This course focuses on pedestrian facilities along roadways, including sidewalks, curb ramps and detectable warnings – it is targeted toward city and county government staff involved in the planning, design, construction and inspection of roadway and bridge facilities. This course is conducted in coordination with the Department’s LAP program administrator and district LAP coordinators.

- **Other ADA Training**
  The department has developed and provides, upon request, ADA/504 training for other parties. Venues include: other state transportation agencies, state and national conferences, and contract-training for state universities.

The intent of the course variety is to provide necessary information to participants in a short and concise manner without burdening them with information that does not relate to their duties and responsibilities.

The Statewide ADA/504 Coordinator, Dean Perkins, also participated in the development of the FHWA 1½ day ADA training course, "Designing Pedestrian Facilities for Accessibility" (DPFA). Dean is certified by FHWA to conduct this course for state and local agencies.

**Local Agency Program**

The ADA/504 Coordinator coordinates with the Title VI Coordinator and Local Agency Program (LAP) Administrator to provide support to Department business partners. These activities include providing ADA/504 training, technical support and sub-recipient compliance reviews for city and county government agencies. The Department works with public works, engineering and risk-management staff and local agency administrators to provide the information they need to comply with the ADA, 504 and Title VI.
MPOs/TPOs

Metropolitan Planning Organizations (MPOs) and Transportation Planning Organizations (TPOs) assist the Department with determining the transportation needs of the State and help determine the priorities for future transportation projects. These include transportation system condition, capacity, safety and accessibility considerations. MPOs/TPOs coordinate with the Department on the development of mutually supportive goals, objective and performance measures for transportation projects; the collection of safety- and accessibility-related data from state and local resources; prioritizing and coordinating funding for projects; and participating in education and training of staff and customers, and research.

Public Involvement

All projects and activities of the Department include an extensive public involvement process. The Efficient Transportation Decision Making (ETDM) process provides the Department, environmental agencies and the public the opportunity to participate in the early stages of transportation projects to determine potential environmental effects. This allows the Department to identify potential issues of concern, address them earlier, refine future studies, and ensure consideration of the human, natural and physical environments. The Department works with the FHWA, 26 metropolitan planning organizations, 23 other federal and state agencies, and two tribal governments to review proposed transportation improvements.

- **FDOT Efficient Transportation Decision Making (ETDM)**
  
The fundamental goal of the ETDM process is to improve transportation decision making in a way that preserves and protects the human, natural and physical environments in Florida. Some key features of this process are:

  - Effective and timely decision making without compromising environmental quality
  - Early National Environmental Policy Act (NEPA) and State Environmental Impact Report (SEIR) reviews/approvals
  - Linking the Planning Processes with Environmental Review Process and integrating land use, resource and transportation planning
  - Integrating early environmental issue considerations with Long Range Transportation Planning and project priorities
  - Early and continuous agency and public participation
  - Meaningful dispute resolution mechanisms
  - Problem solving and collaborative decision making at the project level
  - The use of Graphic Information System (GIS) technology to review, evaluate and document agency comments on projects for decision-making purposes and contained with and accessible through an online project diary
  - Agencies review projects from their own context with their specific GIS data and requested analyses
  - Performance measures established by mutual agreement
  - Project solutions that are accepted by the resources agencies and the public
Customer Comments/Complaints

Through a positive interactive process, the Department is able to quickly respond to customer comments, requests and complaints about the accessibility of Department operations and facilities. Contact information for statewide and district ADA coordinators is published on the Department's ADA Website. The statewide and district ADA/504 Coordinators have the responsibility to reply to customer comments and/or refer queries to other offices within the Department, and the authority to take action and direct activities of others to quickly resolve accessibility problems.

Customers who bring accessibility concerns and issues to the Department's attention receive an immediate response. In most cases, the Department is able to answer a customer's request within a few days. With 'push-button' contracts, the Department can usually implement a correction to a specific issue within two to four weeks.

ADA Website
www.dot.state.fl.us/projectmanagementoffice/ADA/

The Department's ADA Website includes access to a description of its ADA/504 Program and links to Department accessibility information, training, resources and contacts. The ADA/504 Webpage provides ADA Notice, ADA Grievance Procedure, Department Design Standards and contact information for the Statewide and District ADA Coordinators. The site also includes links to outside sources of information related to accessibility to transportation services and facilities. (e.g., FHWA, U.S. Department of Justice (DOJ), Access Board memos, guidance, standards and regulations).

DEPARTMENT DOCUMENTS:

Beginning in 1992, Department started adding and revising procedures, handbooks, guidelines and manuals to include direction to provide accessible elements to pedestrian facilities during the planning and development of Department building, road and bridge projects. The following lists pertinent information presented in documents published by the Department:

ADA & 504 Procedure
www2.dot.state.fl.us/proceduraldocuments/procedures/bin/625020015.pdf

- The ADA & 504 Procedure describes the Department's intent and procedures for complying with the ADA and Section 504 of the Rehabilitation Act. This Procedure was originally published in Spring 1992 and has been continually updated to incorporate revisions to ADA regulations, standards and guidance. The Procedure adopts by reference the ADA Standards for Accessible Design for building facilities, and the ADA Standards for Transportation Facilities for facilities within state public rights of way. It assigns program responsibilities for Department staff, consultants and contractors, and provides scoping and technical requirements for providing accessibility to Department services, programs, activities and facilities.
• The **Procedure** describes a process for responding to customer requests and complaints, including available forms; references other publications that contain information pertinent to ADA/504 compliance; establishes record-keeping responsibilities and describes training available to Department staff and business partners.

**NOTE:** The **ADA & 504 Procedure** has been revised to incorporate the new **2010 ADA Standards for Accessible Design**, the **2006 ADA Standards for Transportation Facilities**, and to reference the soon-to-be adopted **Guidelines for Accessible Public Rights of Way**.

**Work Program Instructions**  
[www.dot.state.fl.us/programdevelopmentoffice/Development/WP_instructions.shtm](http://www.dot.state.fl.us/programdevelopmentoffice/Development/WP_instructions.shtm)

• The **Work Program Instructions** include requirements to provide accessible elements when projects include pedestrian facilities.

**Plans Preparation Manual (PPM)**  

• The **Plans Preparation Manual** provides Department specific criteria for the provision of pedestrian and bicycle accommodations, including accessibility requirements. Chapter 8 of the **PPM** includes direction to provide accessible elements.

**FDOT’s Traffic Engineering Manual (TEM)**  

• The **Traffic Engineering Manual** provides traffic engineering standards and guidelines to be used on the State Highway System. The manual covers the process whereby standards and guidelines are adopted, as well as chapters devoted to highway signs and markings, traffic signals, traffic optimization.

**Design Standards**  
[http://www.dot.state.fl.us/rddesign/DS/14/STDs.shtm](http://www.dot.state.fl.us/rddesign/DS/14/STDs.shtm)

• The **Design Standards** are revised frequently to remain current with federal accessibility standards, especially for sidewalk, curb ramps and pedestrian signals. Minor **Design Standards Modifications** may be published between Standards revisions.

**Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (Florida Greenbook)**  
[http://www.dot.state.fl.us/rddesign/FloridaGreenbook/FGB.shtm](http://www.dot.state.fl.us/rddesign/FloridaGreenbook/FGB.shtm)

• The Department publishes the **Florida Greenbook** to direct and coordinate transportation facilities on county roads and city streets. This resource includes requirements to comply with the ADA Standards. It is frequently updated in
coordination with city and county representatives to include the latest requirements.

Facilities Design Manual

- The **Facilities Design Manual** specifies minimum design criteria for the provision of accessible features and elements during the development and implementation of building facility projects.

Accessing Transit Handbook

- The **Accessing Transit Handbook** provides guidance for accessibility considerations when agencies plan and develop public transit systems and facilities.

FDOT Specifications
www2.dot.state.fl.us/SpecificationsEstimates/ProductEvaluation/QPL/QPLItems.aspx?QPLTitle=Specification_0527_Detectable_Warnings_on_Walking_Surfaces_QPLDesc=Detectable_Warnings_on_Walking_Surfaces_QPLNum=S527

- Specification Section 527 establishes criteria for the selection and installation of detectable warnings. The Department's Qualified Products List includes detectable warnings products and materials that have been tested and approved for use on Department facilities.

Construction Project Administration Manual (CPAM)
www.dot.state.fl.us/construction/Manuals/cpam/CPAMManual.shtm

- The **Construction Project Administration Manual** requires contractors to "Address pedestrian and bicycle accommodations" in conformance to requirements in the Plans Preparation Manual and Design Standard Indexes 600 and 660. It also describes acceptance criteria used by inspectors during and at the completion of a project.

Utilities Accommodation Manual (UAM)
www2.dot.state.fl.us/proceduraldocuments/procedures/bin/710020001/710020001.pdf

- The **Utilities Accommodation Manual** describes the authority of the Department to permit the use of public rights of way by public and private utility entities. It includes acceptable minimum clearances around above-grade utilities when they are place in or near pedestrian facilities. The UAM is developed by Rule in close coordination with utility companies in Florida.

Maintenance Rating Program (MRP) Handbook
The Maintenance Rating Program Handbook establishes criteria for the maintenance of Department facilities within the State right of way. These include surface characteristics for minimum width, level changes, obstructions due to adjacent materials and objects, etc. The MRP Handbooks establishes schedules for reviews of facilities and acceptance criteria allowing for normal use, wear and tear of existing facilities.

TRANSITION PLAN ACTIONS THROUGH 2014

Through the implementation, development and maintenance of policies, procedures and practices, the Department has institutionalized the provision of accessible services, programs and facilities into Department operations.

With its Resurfacing, Restoration and Rehabilitation (RRR) program, the Department has addressed ADA issues for curb ramps and sidewalks at least once for every mile on the State Highway System (SHS), based on a typical resurfacing schedule of 12 to 15 years. In addition, every capacity project, traffic operations project or safety improvement project completed on the SHS has addressed ADA needs since the early 1990's.

The recently adopted Pavement Only Projects (POP) policy also requires accessibility upgrades to curb ramps for all resurfacing projects. Under policy, the Department feels it is in compliance with the recently issued USDOJ-USDOT Joint Technical Assistance on Resurfacing and Curb Ramps.

http://www.fhwa.dot.gov/civilrights/programs/doj_fhwa_ta.cfm

Since the early 1980's, the Department has used a 'standard' 5' minimum width for sidewalks and established a 36" minimum width for curb ramps and sidewalk crossings of driveway turnouts. In 2006, the Department adopted criteria described in the draft Guidelines for Accessible Public Rights of Way (known as PROWAG). Starting with the 2006 Design Standards, the Department adopted a 4' minimum width for curb ramps, curb ramp landings and sidewalk crossings at driveways. The Department is extending this minimum width to include momentary reductions in sidewalk width at sign posts, fire hydrants, bus benches, etc. The Department is also working with local governments and public transportation agencies to coordinate accessibility upgrades to facilities provided by others on the State Highway System.

Having completed upgrades to existing facilities and included accessible features for new facilities, the Department is currently administering a preservation program – maintaining the quality, safety and accessibility of its facilities. As elements change through normal wear and tear, are damaged, the Department is able to correct the problems soon after they occur. The Department's public response abilities enable it to also quickly correct items brought to its attention by its customers.

By including the identification and correction of inaccessible features and elements during the planning, development and implementation of all projects and, through a proactive public involvement process, the Department has fully incorporated the ADA Transition Planning process into its standard policies, procedures and practices.
Since the ADA became effective in 1992, the Department has enhanced accessibility to its facilities and services, and will continue to do so. It has been the Department's goal to provide its customers with the most accessible transportation services and facilities in the country – to be a model of accessibility for other state transportation agencies. The Department believes it has been able to accomplish this.

CONTINUING EFFORTS

On July 26, 2011, the U.S. Access Board issued a Notice of Proposed Rule-Making (NPRM), inviting public comments on the Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way (Guidelines). Comments were accepted until November 23, 2011. The Department submitted multiple comments on the possible impact of the proposed Guidelines to Department operations, practices and facilities.

NOTE: As mentioned previously, the Department has already adopted some of the criteria in the proposed Guidelines as Department standards. The Department does not anticipate the federal adoption of the proposed Guidelines as standards will require significant changes to its current program.

If and when new standards for accessibility to facilities within the public rights-of-way are adopted, the Department will update its policies, procedures and design criteria to include updated criteria. At that time, the Department will also review pedestrian facilities on the State Highway System to determine whether alterations or upgrades to some facilities may be necessary to implement the new standards.

END