



ADA TRANSITION PLAN

(Amended 2015)

Executive Summary:

The Americans with Disabilities Act of 1990 (ADA, as amended) dictates comprehensive civil right protections to individuals with disabilities in areas related to employment (Title I), public services (Title II), public accommodations and services operated by private entities (Title III), telecommunications (Title IV), and miscellaneous (Title V). In particular, Title II has the broadest impact on the Michigan Department of Transportation (MDOT) as it prohibits the discrimination of individuals with disabilities in relation to programs, services or activities offered by local and state governments. Provisions in Title II encompass areas of public transportation and the updating of existing infrastructure to attain accessibility and consistency with the ADA.

In 1992, the U.S. Department of Justice issued 28 Code of Federal Regulations (CFR) Part 35, *Nondiscrimination on the Basis of Disability in State and Local Government Services*, to implement Subtitle A of Title II of the ADA. In particular, this regulation extended the prohibition of discrimination in federally assisted programs already established in Section 504 of the Rehabilitation Act of 1973 to all activities of state and local governments regardless of funding source.

A provision in the regulation, 28 CFR 35.150(d), included a requirement for state and local governments to prepare a transition plan. In accordance with the regulation, MDOT completed a self-evaluation and transition plan of its activities and programs in 1994 that:

1. Identified the physical obstacles in MDOT facilities that limit the accessibility of programs and activities to individuals with disabilities;
2. Described the methods that would be used to make the facilities accessible;
3. Specified a schedule for taking steps necessary to achieve accessibility.
4. Indicated the official responsible for the implementation of the plan.

The 1994 MDOT self-evaluation and transition plan was very detailed, and specific to each bureau, division and district within MDOT, each with their identified limiting policies and practices, and corrective actions necessary to address accessibility.

Since the implementation of the 1994 transition plan, increasing emphasis has been placed on accessibility of infrastructure within public right-of-way, and connectivity of this infrastructure to state trunkline roadways, in particular the continued integration of curb ramps. MDOT has incorporated curb ramps into construction projects since 1973, and has progressively modified and updated standards addressing accessibility. However, at this time, not all curb ramps within MDOT right-of-way conform to the most current MDOT standards for accessibility.

Although MDOT does not own, operate or maintain sidewalks and curb ramps, curb ramps are upgraded in conjunction with alteration of the roadway according to the

MDOT Standard Plan R-28 Series for “Sidewalk Ramp and Detectable Warning Details” as required by the Federal Highway Administration (FHWA). The MDOT standard is primarily based on the U.S. Access Board’s Proposed Guidelines for Pedestrian Facilities in the Public Right-of-Way (2011 PROWAG).

With respect to infrastructure within MDOT right-of-way, or on property owned by MDOT, inventories have either been completed or will be re-assessed as new national accessibility criteria develops. MDOT has adopted a process of ongoing re-assessment and geographic information system (GIS) data collection to keep pedestrian intersection crossing accessibility an integral part of roadway alteration projects. For each of the identified assets, the MDOT objective is to achieve and maintain accessibility as outlined in this transition plan required by the FHWA.

MDOT has also revisited programs and services previously included in the original transition plan that are either directly or indirectly provided to the general public. These programs and services are beyond a transitional stage with respect to accessibility and are considered to be in maintained accessibility. Those assets considered in maintained accessibility are recurrently assessed when alterations are programmed.

The MDOT Transportation Highway Program is based on a rolling Five-Year Program that covers a wide range of programs specifically targeted to maintain, improve, and, in some cases, expand the transportation infrastructure in Michigan. The Five-Year Program is re-assessed and extended annually with a new fifth year. As part of this Five-Year Program, any sidewalks, or curb ramps that are altered by roadway projects, will be updated according to the most current standard. Pedestrian facilities not altered by the current/planned MDOT Five-Year Program are the Title II obligation of the local agency owning and maintaining the pedestrian facility.

Maintained Accessibility (*Addressed by the original MDOT Transition Plan*):

MDOT buildings:

MDOT is committed to ensuring continued program accessibility at region offices, Transportation Service Centers (TSC), Welcome Centers, rest areas and other facilities utilized by the traveling public or commercial customers. Additionally, MDOT implements measures necessary to provide accessibility for a facility where a specific employee ADA-related need has been identified.

Where required in the original MDOT Transition Plan, changes were made to policies and practices to ensure alignment with the regulation. The original self-evaluation plan included onsite inspections of all MDOT buildings and parking lots, with a corrective action plan developed and completed as necessary for each location. Since the conclusion of the self-evaluation program, all facilities-related construction projects have been reviewed by the Department of Licensing and Regulatory Affairs (LARA), Bureau of Construction Codes to ensure continued compliance with accessibility requirements.

Commercial properties leased to MDOT are also required to be accessible. Per state law, the Department of Technology, Management and Budget (DTMB) approves and administers all lease agreements on behalf of MDOT. DTMB lease agreements contain language specifically requiring the landlord to ensure accessibility. Leased premises are required by state law to meet accessibility requirements in the Michigan Building Code. In addition, they are required by federal law to meet ADA requirements.

Currently, MDOT performs regular, on-going assessments of all its facilities, which includes a review of continued compliance for each location; deficiencies are documented and addressed.

Public Transit Programs:

For urban transit agencies that receive federal funding directly from the Federal Transit Administration (FTA), the FTA has primary oversight of their ADA compliance. For rural transit agencies that receive federal funding through MDOT, MDOT oversees ADA compliance as part of its ongoing compliance monitoring activities. In addition, state law requires that all fixed-route transit buses that are procured with state funds be accessible by wheelchair and also requires a local review process (Local Advisory Committees) to ensure there is an adequate number of lift-equipped buses in the fleets of agencies that receive state funds for demand-response vehicles. MDOT does not have an oversight role over private sector passenger carriers unless MDOT provides financial assistance. For example, MDOT purchases and leases intercity motor coaches to Indian Trails and Greyhound. MDOT purchases only lift-equipped motor coaches.

Assessment and Transition Plan *(Not addressed by the original MDOT Transition Plan):*

Carpool Lots:

MDOT carpool lots currently provide designated accessible parking. Carpool lots are in compliance maintenance and are monitored by each region. Accessibility upgrades are included with programmed alterations.

Shared Use Paths:

Shared use paths are most commonly owned by local agencies. There are currently very few MDOT-owned shared use paths. They are constructed to the most current requirements at the time of construction and are updated as required in conjunction with alterations as part of compliance maintenance.

Pedestrian-Activated Signals:

Currently the installation of pedestrian-activated signals is designed according to the MDOT Signal Standard Plans and the Manual of Uniform Traffic Control Devices that includes accessibility requirements. Existing installations identified as non-standard are corrected in conjunction with new construction and alteration projects. A comprehensive inventory/assessment of all pedestrian-activated

signals is deferred pending anticipated new public rights of way requirements from the U.S. Access Board. Pedestrian signals are assessed and addressed at the time of alteration for consistency with current standards.

Communication

Michigan Relay is a communications system that allows hearing persons and persons who are deaf, hard of hearing, or speech-impaired to communicate by telephone. Information on this system is available by visiting the [Public Service Commission website](#).

A language translation application is provided on the MDOT Title VI website. The compatibility of language translation tools is an ongoing challenge, as interconnectivity to and from other websites, as well as linked products, depends on constraints outside of MDOT control.

Also, accessibility attributes such as language compatibility and screen legibility are attributes activated by settings within the user's web browser.

Curb ramps within MDOT right-of-way:

The physical obstacles present within roadway crossings are defined by absence of accessibility to pedestrian crossings, or where accessibility is limited.

To make these facilities accessible, MDOT maintains a policy of conformity with the current FHWA-approved MDOT standards. In conjunction with new construction and alterations to roadways adjacent to pedestrian facilities, accesses to crossings are improved according to the current standard.

In 2015, MDOT developed an ArcGIS data base map identifying the locations of intersections planned for re-assessment for accessibility and treatment by construction or improvement of curb ramps, as required. It allows a public overview of planned roadway alterations and correlates it with planned curb ramp accessibility improvements. It also provides regional contacts for public questions and comments. The ArcGIS map can be accessed by link to the [ADA Curb Ramp Transition Plan Status](#).

The schedule for implementation is dictated by the MDOT Five-Year Transportation Highway Program for capital investments in the transportation infrastructure. The Five-Year Program is re-assessed and extended with a new fifth year annually. As part of the rolling Five-Year Program, pedestrian accessibility and accessibility upgrades within the right-of-way will be included with proposed roadway improvements.

The MDOT official currently responsible for implementation of the transition plan is Mr. Mark Van Port Fleet, P.E., chief operations officer of MDOT. Additionally, Ms. Cheryl Hudson, MDOT ADA/504 coordinator is the designated contact for ADA complaints. Whether an MDOT program, activity or service is in accessibility transition or

maintenance, the public may submit complaints of discrimination against persons with disabilities to the ADA/504 coordinator.

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APPENDIX A

MDOT Accessibility Survey

**MICHIGAN DEPARTMENT OF TRANSPORTATION
PROGRAM ACCESSIBILITY SURVEY
PART A**

Program Name	State Trunkline System
Program Description	Roadway Infrastructure
Bureau/Division/Office/Region	Highways
Reviewer (s)	Statewide
Review Date	2009, 2015

- 1. List all processes, procedures, guidelines, regulations and activities that were reviewed during the evaluation of the program listed above.**

Curb ramp connectivity to state trunkline roadways and consistency with current standards.

- 2. Describe any item listed in number 1 that limits persons with disabilities from participating in this program. Attach separate sheet if necessary. If there are no limiting practices or policies, skip question 2a and 2b, answer 3 and proceed to the next program to be evaluated using additional copies of Part A of this form.**

Not all roadway pedestrian crossings are joined with sidewalk ramps meeting current MDOT standards.

- a. Describe the steps that will be taken to eliminate limiting practices or policies identified above.**

Intersections identified for re-assessment and improvement are compiled on an ArcGIS database map to assist in planning and tracking of alteration improvements. All road and bridge projects programmed for new construction or alteration will include in its work the construction or improvement of curb ramps identified as not conforming to current MDOT standards. This practice will apply for all current and future budgeted program periods so that accessibility in design and construction perpetuates and evolves with the roadway and pedestrian infrastructure. The status and goals will be adjusted annually in conjunction with the MDOT Five-Year Program.

- b. If limiting practices or policies can not be eliminated describe the reason(s)**

In accordance with the ADA guidelines, where physical constraints do not permit full compliance with the standards in conjunction with roadway alterations, the standards will be met to the extent practicable.

It is expected that locations not altered by the MDOT Transportation Highway Program are to be addressed by the Title II local agency having authority, ownership and maintenance responsibility of the pedestrian facility.

3. **Each program should be examined to determine whether it falls within the definition for a historic program and whether it provides access to persons with disabilities. If applicable, describe on a separate sheet steps to be taken to ensure alternate ways of providing access to this historic program are available to persons with disabilities.**

This program is not historic in nature but historic buildings and districts are sometimes encountered. Conflict resolution is coordinated with MDOT historians and the state historic preservation officer. Accessibility is provided to the maximum extent practicable without destroying or threatening historic significance.