

ARKANSAS DEPARTMENT
OF
TRANSPORTATION



2018 ADA Transition Plan

AMERICANS WITH DISABILITIES ACT (ADA) OF 1990
28 CFR PART 35.150

10324 Interstate 30
Little Rock, AR 72209

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ARDOT ADA Transition Objective

The Arkansas Department of Transportation (ARDOT) is in the process of preparing its ADA Transition Plan to meet Federal ADA regulations set forth in 28 CFR Part 35.150. The steps and objectives for achieving ADA compliance are set forth by Title II.

The purpose of the transition plan is to identify the steps and objectives ARDOT will take to achieve ADA compliance in various facilities, curb ramps and sidewalks. To accomplish these objectives, ARDOT will take the following actions:

1. Identify physical obstacles in facilities, curb ramps and sidewalks that limit the accessibility of its programs or activities to individuals with disabilities.
2. Describe in detail the methods that will be used to make the facilities, curb ramps and sidewalks accessible.
3. Specify the schedule for taking the steps necessary to achieve compliance during each year of the transition period.
4. Identifying ARDOT ADA Coordinator who will be responsible ADA compliance.
5. Develop a grievance procedure to review complaints.
6. Initiate public involvement and community awareness.

ARDOT ADA Policy Statement

ARKANSAS DEPARTMENT OF TRANSPORTATION

TITLE VI / ADA NONDISCRIMINATION PROGRAM POLICY STATEMENT

The Arkansas Department of Transportation (ARDOT) policy ensures nondiscrimination compliance, on the grounds of race, color, national origin, age, sex, religion (*not applicable as a protected group under the FMCSA Title VI Program*), disability, limited English proficiency (LEP), or low-income status as provided by Title VI of the Civil Rights act of 1964 and related Nondiscrimination authorities.

The following nondiscrimination statutes and authorities include but are not limited to:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C § 2000d et seq.);
- Section 162 (a) of the Federal-Aid Highway Act of 1973 (23 U.S.C. § 324 et seq.);
- The Age Discrimination Act of 1975, as amended (42 U.S.C. § 6101 et seq.);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.);
- Americans With Disabilities Act of 1990;
- The Civil Rights Restoration Act of 1987;
- 49 CFR Part 21;
- 23 CFR Part 200;
- 49 CFR Part 303
- USDOT Order 1050.2A;
- Executive Order # 12898 (Environmental Justice);
- Executive Order # 13166 (Limited-English-Proficiency).

No person will be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any ARDOT program or activity. Every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not. The ARDOT's sub-recipients, grant recipients, and contractors must also comply with this policy.

The ARDOT's Civil Rights Officer and program areas must work closely to implement their mutual Title VI nondiscrimination program responsibilities. Therefore, each program area will take full responsibility for preventing discrimination and ensuring nondiscrimination compliance in all of the ARDOT's programs and activities.

The Director signs assurances and delegates full authority to the Title VI/ADA Program Coordinator to oversee and implement Title VI regulations.

Dated 10-9-17

By 

Scott E. Bennett, P.E.
Director of Arkansas Department of
Transportation

ADA Background and CFR

The Americans with Disabilities Act (ADA) of 1990 <https://adata.org/learn-about-ada> prohibits discrimination against people who have disabilities. Title II of the ADA specifically addresses the subject of making public services and public transportation accessible to those with disabilities. ARDOT is required to ensure the public has access to all programs, facilities and services provided by our agency. [28 C.F.R. § 35.150].

There are Five (5) Titles of ADA:

Title I Employment

Title II State & Local Governments (28 CFR Part 35)

Title III Public Accommodations (retail, commercial, sports complexes, movie theaters, etc.) (28 CFR Part 36)

Title IV Telecommunications

Title V Misc., including requirements for the U.S. Access Board to develop design guidelines

ADA Title II applies to state and local government entities, and, in subtitle A, protects qualified individuals with disabilities from discrimination on the basis of disability in services, programs, and activities provided by state and local government entities. Title II extends the prohibition on discrimination established by section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794, to all activities of state and local governments regardless of whether these entities receive Federal financial assistance.

ARDOT is required to assess our programs, facilities and services for accessibility, identify any possible barriers, and to create and implement a transition plan to address any deficiencies. [28 C.F.R. § 35.105].

ARDOT Non-Discrimination Policy and ADA Coordinator

The Arkansas Department of Transportation (ARDOT) complies with all civil rights provisions of federal statutes and related authorities that prohibit discrimination in programs and activities receiving federal financial assistance. Therefore, ARDOT does not discriminate on the basis of race, sex, color, age, national origin, disability, religion (*not applicable as a protected group under the FMCSA Title VI Program*), LEP, or low-income status in the admission, access to and treatment in ARDOT's programs and activities, as well as the ARDOT's hiring or employment practices. Complaints of alleged discrimination and inquiries regarding the ARDOT's nondiscrimination policies may be directed to Joanna P. McFadden, Section Head - EEO/DBE (ADA/504/Title VI Coordinator), P. O. Box 2261, Little Rock, AR 72203, (501) 569-2298, (Voice/TTY 711), or the following email address: Joanna.McFadden@ardot.gov

This notice is available from the ADA/504/Title VI Coordinator in large print, on audiotape and in Braille.

ARDOT ADA History

In 2011, a committee was formed of representatives from various divisions. The ARDOT initial ADA Transition Plan was created and implemented. Facilities, Welcome Centers and Rest Areas were evaluated and a list of improvements was recognized. The EEO Section Head served as coordinator of the committee, and a representative from the Legal Division served as chair of the committee. The Facilities Manager was responsible for ensuring all updates were completed.

The self-evaluation plan consisted of each division completing self-evaluation questionnaires about its programs which include public involvement and its facilities which may require public access. It also consisted of a review of all of our facilities and properties to ensure compliance with all ADA accessibility requirements. All facilities, policies, and communications were assessed to ensure compliance with Title II of the ADA. The 2011 findings are located @ [2011 ADA Transition](#)

Self-Evaluations

ARDOT is presently in the process of reassessing its facilities, welcome centers and rest areas to ensure continual compliance with ADA. This reassessment includes curb ramps and sidewalks.

ARDOT's GIS and Mapping section is currently utilizing a signal inventory for the state highway system, for the purpose of accurate recognition of pedestrian ramps surrounding them.

The intersection manager software will be used for intersection for all public roads enabling drill down to the state highway system. The GPS booster will aide in the process of collecting sidewalk inventory; and using the latest 1 foot imagery for the state to identify and inventory affected areas where accessibility barriers may exist.

Currently, the following collections and inventory are being done:

1. A signal inventory is being conducted for the state highway system
2. A collection of pedestrian ramps are being inventoried
3. Sidewalk inventory are being analyzed

Physical onsite field inspections will be done where intersection manager software is unavailable to identify or inventory.

ARDOT will develop a list of non-compliant ADA findings and address them by priority.

Methods and Steps to Remove Barriers

Based on the scope of each project, construction or repairs will be the responsibility of ARDOT and or assigned Contractor(s) using PROWAG <https://www.access-board.gov/guidelines-and-standards> or ADAAG guidelines [2010 ADA standards](#)

Work will be staged to minimize both pedestrian and vehicle traffic on all highways and intersections that are the responsibility of ARDOT. As previously stated, ARDOT facilities are in the process of being reassessed to assure they remain ADA compliant.

Implementation Plan

In addressing ADA-specific compliance, ARDOT will provide the funding of curb ramps and sidewalks on new projects within its jurisdiction; and or rehabilitation/widening/reconstruction of existing roadway projects.

Funding and approximate budget assignment will be decided based on the scope of each project. As previously stated, ARDOT is in the process of collecting inventory of the following:

1. A signal inventory is being conducted for the state highway system.
2. A collection of pedestrian ramps
3. Sidewalk inventory

Funding

Once the inventory is completed a matrix will be available listing the amount of funding allocated to each program annually or within a 3-5 Year project timeframe (facilities, signals, curb ramps and sidewalks).

Progress Monitoring

ARDOT will annually review construction projects and track ADA compliance to ensure standards are up to date according to Title II [2010 ADA standards](#). Reviews will be done by:

- Physical onsite field inspection
- GIS Mapping/Aerial photography

Curb ramps that are in need of construction will be constructed in compliance to all codes and standards.

Grievance Procedure

The ADA Complaint Form is found below, or on the ARDOT website at the following link: [ADA Complaint Form](#). Download, Print and complete the form by including all necessary information.

In order to process a complaint, a formal complaint must be filed within 180 days of the occurrence of the alleged discriminatory act. Assistance is available upon request by contacting ARDOT EEO/DBE Section at (501) 569-2235.

Once the form is completed, you can return the form to:

Arkansas Department of Transportation
EEO/DBE Section
Attn: Joanna P. McFadden (ADA/504/Title VI Coordinator)
10324 Interstate 30
Little Rock, AR 72209

ADA Complaint Form

The Americans with Disabilities Act (ADA) of 1990 prohibits discrimination against people who have disabilities. Title II of the ADA specifically addresses the subject of making public services and public transportation accessible to those with disabilities. Title II provides that, "No qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity."

Title 42 U.S.C. Section 12131

Please provide the following information necessary in order to process your complaint. A formal complaint must be filed within 180 days of the occurrence of the alleged discriminatory act. Assistance is available upon request. Please contact ARDOT EEO/DBE Section at (501) 569-2235.

Complete this form and return to:

Arkansas Department of Transportation
EEO/DBE Section
Attn: Joanna P. McFadden, Section Head
10324 Interstate 30
Little Rock, AR 72209

Complainant's Name: _____

Address: _____ City: _____

State: _____ Zip Code: _____

Telephone (Home): _____ Telephone (Work): _____

Person(s) discriminated against (if other than complainant)

Name: _____

Address: _____ City: _____

State: _____ Zip Code: _____

Telephone (Home): _____ Telephone (Work): _____

What is the discrimination based on?

Disability

Date of the alleged discrimination: _____ Location: _____

Agency or person that was responsible for the alleged discrimination: _____

Have you filed this complaint with any other Federal, State, or local agency? If so, whom? _____

What remedy are you seeking? _____

List names and contact information of persons who may have knowledge of the alleged discrimination.

Describe the alleged discrimination. Explain what happened and whom you believe as responsible.

Please sign and date. The complaint will not be accepted if it has not been signed. You may attach any written materials or other supporting information you think is relevant to your complaint.

Signature

Date

Public Involvement and Awareness

The proposed and final draft of ARDOT's ADA Transition Plan will be available for public viewing on the ARDOT website once finalized <http://ardot.gov/EEO/ada.aspx>

ARDOT will make a good faith effort to solicit input regarding the ADA Transition Plan to organizations for review and comments throughout the year. A "living" list of public organizations will be contacted and listed as ARDOT completes the signal inventory for the state highway system, curb ramps and sidewalk inventory.