



# LOCAL AGENCY GUIDE TO IMPLEMENT SECTION 504/TITLE II ADA PROGRAM



**CATHY LY**

**CIVIL RIGHTS COORDINATOR**

**CALTRANS DIVISION OF LOCAL ASSISTANCE**

**EMAIL: [CATHY.LY@DOT.CA.GOV](mailto:CATHY.LY@DOT.CA.GOV)**

**PHONE: 916-653-4344**

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# Caltrans Division of Local Assistance Contacts



**Cathy Ly**

Civil Rights Coordinator  
(Title VI and ADA)

[Cathy.Ly@dot.ca.gov](mailto:Cathy.Ly@dot.ca.gov)

(916) 653-4344

**Annette Goudeau**

Civil Rights Analyst

[Annette.Goudeau@dot.ca.gov](mailto:Annette.Goudeau@dot.ca.gov)

(916) 653-4850

**Daniel Burke**

Civil Rights Manager

[Daniel.Burke@dot.ca.gov](mailto:Daniel.Burke@dot.ca.gov)

**Mission: “Provide training and guidance to improve stakeholder processes.”**

**Vision: “Strengthen partnerships and Civil Rights through excellent customer service and user-friendly communications.”**

# Learning Objectives

- ❑ Section 504 and ADA Overview
- ❑ ADA/504 Coordinator
- ❑ Grievance Procedures
- ❑ ADA Policy Statement
- ❑ Self-Evaluation Plan
- ❑ Transition Plan
- ❑ Communication
- ❑ ADA Annual Certification Form
- ❑ ADA Design Standards



# Communication Rules/What to Expect

1. This webinar is being recorded, and will be posted and available on the [Caltrans Division of Local Assistance ADA website](#).
2. Type and submit questions in the Q&As icon box. Please include the slide # associated to your question.
3. All questions and comments will be addressed during the Q&A's session.
4. There will be a ten (10) minute break toward mid-presentation.
5. There will be Poll Questions throughout this training.

# Section 504 Overview

- ❑ Prohibits discrimination against people with disabilities in federally funded programs and activities
- ❑ First law requiring curb ramps to be installed on Federal-aid projects to improve accessibility
- ❑ Applies only to those public entities that receive Federal financial assistance



# ADA Overview

Americans with  
Disabilities Act

- Prohibits discrimination on the basis of disability in employment, access to public services, public accommodations, commercial facilities, and transportation
- Applies to all entities, both public and private, regardless of funding source
- Federal Civil Rights law

**Note: Section 504 and ADA both help to provide disability protections!**

# ADA/504 Coordinator

**Coordinator's duties include, but are not limited to:**

- ☐ Plan and coordinate compliance efforts**
- ☐ Develop and distribute notice about ADA compliance**
- ☐ Respond to general inquiries from the public**

**Note: If a public entity has 50 or more employees, it is required to designate at least one responsible employee to coordinate ADA compliance**

[28 CFR §35.107\(a\)](#)

# ADA/504 Coordinator continued

- Coordinate requests for auxiliary aids, services and reasonable modifications of policies, practices and procedures
- Develop a grievance procedure
- Investigate complaints
- Conduct a self-evaluation
- Develop a transition plan
  - Curb ramp schedule

[28 CFR §35.107\(a\)](#)



# Grievance Procedures

**Adopt and publish procedures for resolving grievances arising under Title II of the ADA**

**The grievance procedure should include:**

- ❑ description of how and where a complaint under Title II may be filed with the government entity;**
- ❑ description of the time frames and processes to be followed by the complainant and the government entity;**

# Grievance Procedure continued

- ❑ information on how to appeal an adverse decision; and
- ❑ statement of how long complaint files will be retained.

**Note: If a public entity has 50 or more employees, it is required to designate at least one responsible employee to coordinate ADA compliance**

[SAMPLE Grievance Procedures \(PDF\)](#) | [SAMPLE Grievance Procedures \(Word\)](#)

[28 CFR §35.107\(b\)](#)

# ADA Complaint Log

- ❑ A public entity shall keep on file for one year all complaints of noncompliance received
- ❑ A record of all such complaints, which may be in summary form, shall be kept for five years



[49 CFR 27.121\(b\)](#)

# POLL QUESTION





**TIME** FOR A  
BREAK



# ADA Policy Statement

**Provide information to the public and how it applies to the public entity**

**Put the notice on the public entity's website**

**Include the notice in social media such as Twitter and Facebook**

**Post the notice at facilities**

# ADA Policy Statement Continued

- ❑ Publish the notice in local newspapers
- ❑ Broadcast the notice in public service announcements on local radio and television stations
- ❑ Include the notice in program announcements and applications

**Note: Provided in “alternative” formats so that it is accessible to people with hearing and vision disabilities.**

[SAMPLE Policy Statement\(PDF\)](#) | [SAMPLE Policy Statement\(Word\)](#)

[28 CFR §35.105](#)



# Self-Evaluation Plan

**Critical areas to evaluate as part of a self-evaluation shall accomplish the following, but are not limited to:**

- ☐ Identify all programs (including public right-of-way facilities), activities, and services and their locations**
- ☐ Review service, activity and program's policies and procedures**

# Self-Evaluation Plan Continued

- ❑ Survey facilities and determine whether there are physical barriers to access programs
- ❑ If non-structural changes, include them in the self-evaluation
- ❑ If structural changes are needed, include them in the transition plan

## How to Develop an ADA Self-Evaluation and Transition Plan

### Self-Evaluation Forms

**Note: All LPAs, regardless of size, are required to ensure accessibility for individuals with disabilities through the self-evaluation**

28 CFR 35.105

# Self-Evaluation Plan Continued

Local public agencies shall implement a system for periodically reviewing and updating the evaluation



[49 CFR 27.11\(c\)\(2\)\(v\)](#)

# Transition Plan

Public entities with 50 or more employees are required to develop a transition plan

- ❑ Identify physical obstacles in the public agency's facilities that limit the accessibility of its programs or activities to individuals with disabilities;
- ❑ Describe in detail the methods that will be used to make the facilities accessible;



# Transition Plan Continued

- ❑ Specify the schedule for taking the steps necessary to upgrade pedestrian access to meet ADA and Section 504 requirements in each year following the transition plan; and
- ❑ Indicate the official responsible for implementation of the plan.
- ❑ Curb Ramp Schedule

**Note: The transition plan is developed from the self-evaluation and facilities survey.**

(28 CFR 35.150(d)(2))

# POLL QUESTION





# Communication

- Process for Requesting Auxiliary Aids and Notification Procedure for obtaining Auxiliary Aids**
- Accessible Website**
- Effective Communication with individuals with hearing difficulties**

[28 CFR §35.163\(a\)](#)

[28 CFR §35.160 General](#)

[28 CFR §35.161](#)



# ADA Annual Certification Form

LPAAs must provide Caltrans District Local Assistance Engineer (DLAE) with a completed [Exhibit 9-C: Local Agency ADA Annual Certification Form](#) by June 30

Exhibit 9-C includes:

- Designated ADA Liaison Officer information, if applicable
- Self-Evaluation and Transition Plan, if applicable
- Grievance procedure, if applicable

[LAPM Chapter 9, Section 9.3 Accessibility: Rehabilitation Act of 1973/Americans with Disabilities Act of 1990](#)

# ADA Design Standards

## □ 2010 ADA Standards

Local agencies, regardless of whether they receive federal financial assistance, are required to comply with Federal

## □ Local Assistance Procedure Manual Chapter 11, Design Guidance

Provide statewide design guidance applicable to local agency administered federal-aid transportation projects

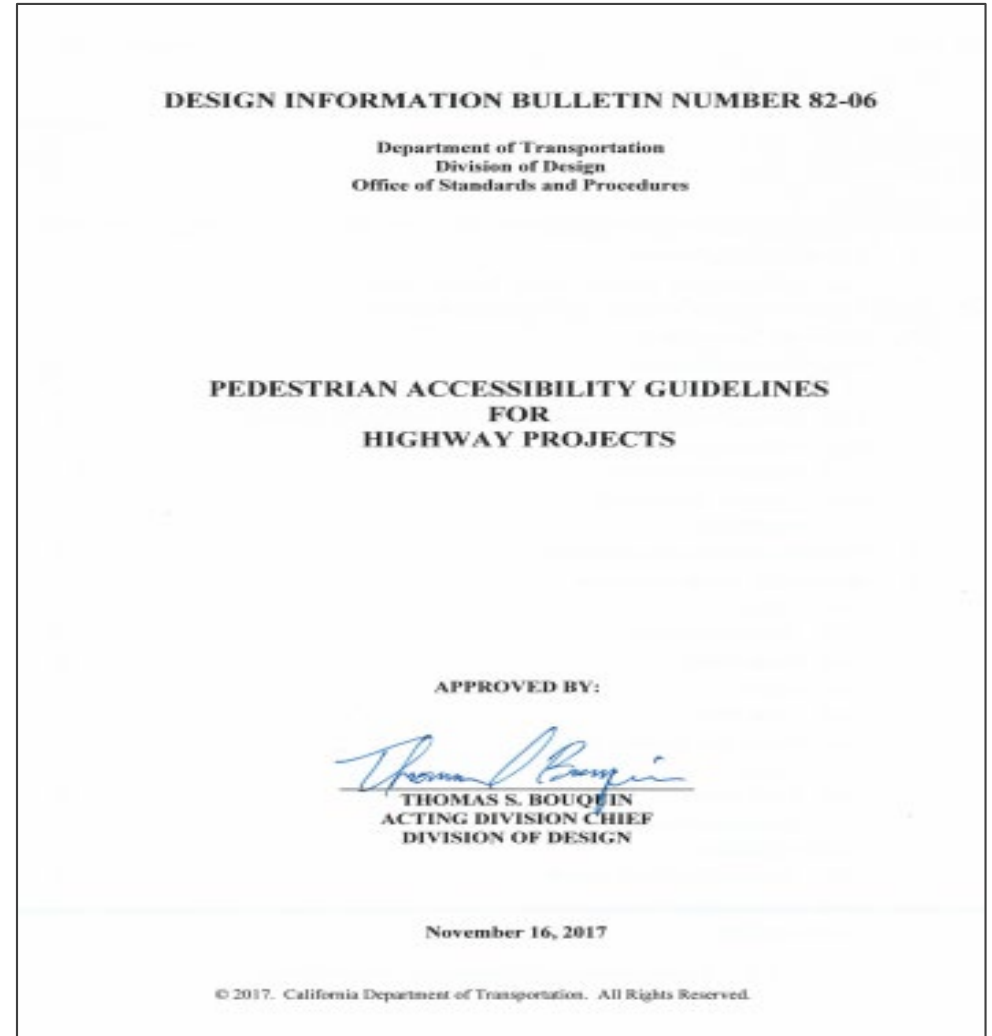
Note: Local Agencies do have an option to adopt from any of the other available Federal Standards (i.e. PROWAG, ADAAG, UFAS, Title 24) whichever provides the greatest access.

# ADA Design Standards

As a best practice:

Caltrans Design Information Bulletin (DIB) 82-06

Accessibility design guidance to be consistent with current Federal and State regulations



# Office of ADA Project Delivery



**Anthony Ng**  
**ADA Project Delivery Office**  
**Caltrans Division of Design**  
**Email: [Anthony.Ng@dot.ca.gov](mailto:Anthony.Ng@dot.ca.gov)**  
**Mobile: (213) 703-0555**

# POLL QUESTION





# Achieve ADA Administrative Requirements

**All public entities must:**

- Conduct a self-evaluation
- Provide public notice about the ADA

**Public entities with 50 or more employees are also required to:**

- Designate an employee to oversee Title II compliance
- Establish a grievance procedure
- Develop a transition plan if structural changes are necessary for achieving program accessibility

# Resources to Implement ADA Compliance



**Caltrans Division of Local Assistance, ADA Website**  
[ADA - Section 504 Program | Caltrans](#)

**Caltrans Local Assistance Procedure Manual (LAPM)**  
Chapter 9, ACCESSIBILITY: REHABILITATION ACT OF 1973/AMERICANS WITH DISABILITIES ACT OF 1990  
[HTTPS://DOT.CA.GOV/-/MEDIA/DOT-MEDIA/PROGRAMS/LOCAL-ASSISTANCE/DOCUMENTS/LAPM/CH09.PDF](https://dot.ca.gov/-/media/dot-media/programs/local-assistance/documents/lapm/ch09.pdf)

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<http://www.localassistanceblog.com/>

**Caltrans Office of Civil Rights, ADA Infrastructure Program, ADA Website**  
[ADA Infrastructure Program | Caltrans](#)



# Useful Links

- [2010 U.S. DOJ ADA standards for accessible design](#)
- [FHWA position on ADA implementation and Section 504](#)
- [Discussion of major changes in ADA standards for accessible design](#)
- [Dept of Justice ADA standards for accessible design](#)
- [Current text of the ADA of 1990, including changes from ADA Amendments Act of 2008](#)
- [Information on ADA-Section 504 from FHWA's Office of Civil Rights](#)
- [ADA guidance on developing transition plans specifically for State and local government programs and services](#)
- [Federal regulations covering nondiscrimination in State and local government programs and services for new construction](#)
- [Federal regulations covering nondiscrimination in State and local government programs and services for existing facilities](#)
- [ADA guidance on developing transition plans specifically for State and local government programs and services](#)
- [Information from FHWA Office of Civil Rights on ADA and Section 504 topics](#)



**THANK YOU FOR  
PARTICIPATING IN TODAY'S  
ADA/SECTION 504 WEBINAR.**