



Questions and Answers for Local Agency Guide to Implement Section 504/Title II ADA Program

(Date of Zoom webinar: April 27, 2021)

Q: I have a question when is ADA triggered to be applied against existing facilities?

A: ADA is always triggered. At a minimum, every agency should have a self-evaluation plan to conform to ADA requirements. Agencies that employ 50 or more persons need to maintain and periodically update a transition plan.

Q: Can an Agency hire a consultant to act as the ADA/504 Coordinator?

A: If an agency employs less than 50 persons, they may. If the agency employs 50 or more persons, they must designate at least one employee as an ADA Coordinator.

Q: Can an agency have more than one ADA coordinator?

A: Yes, federal regulations require the appointment of at least one Coordinator.

Q: What kind of experience and training is required for the employee assigned as the Coordinator? Is there continuing education training required to comply with 504 Coordinator requirements?

A: The Coordinator should have familiarity with the agency requirements Chapter 9 of the Local Assistance Procedures Manual, 28 CFR 35 and 49 CFR 27, and the agency's ADA Planning needs. There are no continuing education requirements unless your agency designates them.

Q: Do you have a sample complaint log?

A: Yes, please refer to the [Caltrans Division of Local ADA](#) website for a sample of the ADA Complaint log.

Q: Is the sample complaint log the same as a request log for ADA curb ramps?

A: No, the complaint log covers all provisions of the federal ADA program, which may include requests for ADA curb ramps.

The ADA curb ramp log is, however, one requirement that is associated with the transition plan.

Q: Please clarify which requirements apply to the employees vs. which apply to the public the agency serves vs which apply to both?

A: All ADA requirements apply to both employees and the public. Remember, the ADA program provides for equal participation of all individuals.

The ADA has five titles

- Title I – Employment
- Title II - State and Local Government

- Title III - Public accommodation
- Title IV (4) - Telecommunications
- Title V (5) – Miscellaneous

Q: With more people working from home, would the 50 or more rules still apply?

A: Yes. Especially since there are no prohibited restrictions for the public to use agency-owned facilities.

Q: If there are ADA deficiencies on Caltrans right of way (ROW) but within City limits. Who is responsible or liable?

A: Caltrans would be liable. Please contact us at (866) 810-6346 or submit a Grievance online: ada.compliance.office@dot.ca.gov

Q: Can you place a "qualified individual" constraint on the ADA complaints or grievances?

In the same way, the DMV verifies before issuing a handicapped license plate. We have issues of individuals who are not disabled making complaints.

A: No, these individuals may be supporting and/or caring for an individual with disabilities.

Q: How long does an agency have to address a request/or a complaint for a curb ramp installation where there currently is none?

A: The agency must address the complaint for a curb ramp installation as soon as feasible. Specifically, the Self-Evaluation and Transition Plan must demonstrate the agency's needs, priorities, and timeframes to address any ADA deficient facilities, including curb ramp installations.

Q: Does Caltrans work with the local agency to make sure that impacted facilities are restored according to adopted plans and specs?

A: (DLA) will perform limited oversight to ensure restored and rehabilitated facilities are built to [federal 2010 ADA Standards](#).

Q: What if the agency/entity doesn't own any facilities (transportation authority)?

A: The authority would need to verify any projects programmed that rehabilitate facilities are planned to be built to federal 2010 ADA Standards. Further, your agency should ensure your office, website, and any public outreach is ADA Accessible.

Q: How are documents/forms that the agency provides to the public made compliant? My understanding is that there is a standardized format for forms on public websites.

A: Documents and forms need to be designed, so they are readable by ADA accessible applications such as JAWS.

Q: Our agency implemented an ADA Transition Plan, and Self Evaluation Plans many years ago.

Neither has been updated in many years.

What is the requirement to maintain/re-evaluate these plans?

A: There is no requirement other than periodic updates. As a best practice, the DLA recommends updating the Self-Evaluation Plan every three (3) years, which would

coincide with the update to the agency's Transportation Improvement Program. The Transition plan is recommended for every three (3) to five (5) years immediately following the adoption of the updated self-evaluation.

Q: Can the consultants use the templates to conduct the Self- Evaluation for agencies with changes to just the header-footer information to suit the individual project?

A: Self-Evaluation Plans do not apply to individual projects but rather to the agency's jurisdiction as a whole.

They are used to identify priorities and needs for facilities that are ADA deficient or require maintenance.

Q: Property owners are responsible for the maintenance of sidewalks. How do other jurisdictions handle respond to ADA requests for barriers in the ROW when the property owner is responsible for maintenance?

A: Fantastic question! California legislation authorizes cities to adopt ordinances to determine if landowners or the City will own the sidewalk. In the City of Sacramento, property owners own the sidewalk, but the City has a ROW to enter. For example, the City receives a complaint of a broken sidewalk caused by a tree uprooting the concrete, placing the slope and cross-slope out of ADA compliance. The City will inspect the sidewalk and draft an invoice estimate for the landowner to have the City perform the maintenance. As a stated policy, the City of Sacramento will inspect within a radius of 75 feet from the complaint to determine if there are any other barriers to ADA accessibility.

Q: Our public meetings also occur in the community at local public spaces. How would we observe this in the transition plan?

A: The Self-Evaluation Plan should identify where the agency is deficient for ADA communication and within public space facilities. Based on priority, feasibility, and needs, the agency would begin to schedule to bring these deficiencies into ADA compliance.

Q: Does public input for the Self-Evaluation and Transition plans need to be a public hearing at a council or board meeting?

A: It doesn't necessarily need to be a public hearing, but that's a great best practice! It is recommended your agency notifies the public, and especially ADA organizations and interests, for a comment period. Your agency should include pertinent feedback to improve your agency's Self Evaluation and Transition Plans.

Q: I am unsure how to include the public when conducting a Self-Evaluation Plan.

A: It is recommended your agency notifies the public, and especially ADA organizations and interests, for a comment period. Your agency should include pertinent feedback to improve your agency's Self Evaluation Plan.

Q: For the Transition Plan, is there a specific time frame when the upgrade must be accomplished, like five years, ten years, or 20 years?

A: Yes, the Transition Plan must document when the ADA improvement and will be made. The DLA has verified several Transition Plans that use set-aside lump sums or percentages of funding to address needs and timeframes identified within the Transition Plan.

Q: Would you please discuss when ADA requires two ramps (prefer design) vs single ramps (acceptable design) at a corner.

A: This will be covered in the second ADA presentation in Summer 2021.

Q: Does the Transition Plan need to include sidewalk (i.e., cross fall) in public ROW as well as residential driveways in public ROW?

A: Yes. Sidewalks would need to be identified in the Self-Evaluation and Transition Plan. Especially since there may be different access levels from the public and may be located near facilities where accessibility is impacted, such as a hospital or senior home.

As for the residential driveway, any portion outside of the sidewalk is typically the responsibility of the private owner.

Q: Is there a timeframe in which we are required to have all the curb ramps and city facilities updated to current ADA standards? How does this play into the development of new standards (as in the past, the target is a continual moving target), and how does it relate to items that were in compliance at the time of construction and are not in need of structural repair?

Such as a '91 compliant ramp?

A: Yes, the Transition Plan must document when the ADA improvement and will be made. The DLA has verified several Transition Plans that use set-aside lump sums or percentages of funding to address needs and timeframes identified within the Transition Plan.

Q: Transition Plans are required for an agency having more than 50 employees. Full time only? Including admin. Employee or engineers only?

A: This covers all employees such as fire, police, utilities, administration, transportation, etc., whether full time or not.

Q: How long is the ADA Transition Plan valid?

A: It is valid and needs to be periodically updated. DLA recommends every three-to-five-year as a best practice.

Q: Can an agency have an existing employee take the work of ADA coordinator besides his current work, so his job title is not ADA coordinator but something else?

A: The agency's designated ADA coordinator must be the point of contact for ADA concerns. It is at the agency's discretion if they want to assign another employee to assist with the duties of the ADA coordinator.

Q: Is there a State database of interpreters that can be contacted for translation or alternate formats?

A: Caltrans uses language line at www.languageline.com. It is at the discretion of the agency to use their interpreter of choice.

Q: Can the ADA liaison be a consultant to the City as long as the ADA coordinator is a city staff member?

A: Yes, a consultant may assist the agency's ADA Coordinator with their duties.

Q: When does the Local Agency ADA Annual Certification Form, Exhibit 9-C need to be submitted?

When receiving any federal funding or specific projects involving ADA accessibility improvements?

A: [Exhibit 9-C](#) needs to be submitted annually on June 30 to your District Local Assistance Engineer.

Q: If curb ramps were constructed in compliance with the 1990 ADA standards prior to implementing the 2010 standards, are they required to be updated or included in the transition plan?

A: If curb ramps provide a barrier to the federal 2010 ADA Standards for accessibility, they should be included in the Transition Plan.

Q: What is the reason for the delay to adopt the Professional Right of Way Accessibility Guidelines (PROWAG)?

A: There are many recommendations proposed in PROWAG that are being debated by various ADA interests. The Access Board is evaluating each recommendation one at a time. Currently, many recommendations have been approved, and others have not been vetted. Once all the recommendations have been evaluated, then the entire PROWAG will be adopted.

Q: Does Caltrans have guidance for upgrading old bridge sidewalks/barriers? The old standard bridge sidewalk has a clear width of 4 feet10 inches, and many bridges are longer than 200 feet?

A: Yes, this should be addressed in Caltrans' Transition Plan. There is no specific guidance for sidewalks on bridges but is included with Caltrans' guidance on sidewalks in general which can be found in the [Design Information Bulletin \(DIB\) 82-06](#).

Q: What construction documentation does DLA expect to see for curb ramp ADA compliance? The CEM-5773 forms are stricter than DIB 082-06.

A: Since each local jurisdiction is allowed to adopt any of the various federal guidance, DLA leaves it up to each local agency to develop their construction documentation procedures that adhere to the specific federal guidance that the location agency has adopted.

Q: So, if the intersection has a signal light, the maximum cross slope is five percent?

A: Yes, per the draft PROWAG guidance that Caltrans has adopted. If a local agency has not adopted the current draft of PROWAG, they will be required to adhere to the 2 percent cross slope specified in other federal ADA guidance/standards.

Q: Can we use the California (CA) Manual on Uniform Traffic Control Devices (MUTCD) general placement of the pedestrian pushbuttons, or is there a better design or standard practice?

A: Yes, the CA MUTCD has been specifically developed for use in California for this type of guidance.

Q: In new construction, does DIB 82-06 permit slopes that do not comply with federal 2010 ADA Standards? Under what authority?

A: Yes, because DIB 82-06 has adopted that portion of the Draft PROWAG that allows the cross slope to go up to 5 percent for signalized or uncontrolled intersections or even match the roadway grade.

Q: Do alterations to roadways only trigger updates to curb ramps that cross the road? Or do they also trigger sidewalk (cross fall) and driveway upgrades (cross fall or ramps crossing driveway)?

A: Yes, all alterations would require existing non-compliant curb ramps to be upgraded and the addition of missing curb ramps where sidewalks exist. However, upgrades of sidewalks and driveways are not required for alterations.

Q: Just a thought – it would be super helpful if Caltrans encouraged local agency Public Works Departments to adopt matching standards to mirror Caltrans.

A: This is a great suggestion! While it is up to each local agency to pick and choose whichever federal standard they wish to follow, Caltrans has been performing outreach to inform local agencies (such as this training) to notify them that DIB 82-06 may be adopted for their use.

Q: Is Caltrans or the local agency responsible for funding upgrades of locally owned curb ramps when a State's paving project impacts marked and unmarked crosswalks?

A: Whichever government agency is performing the alteration will be responsible for addressing the requirements of alterations, regardless of the jurisdiction where the curb ramp resides.

Q: If we are overlaying on the road with no sidewalk, what is our requirement for ADA accessibility?

A: Curb ramps are not required to be installed if there is no existing sidewalk. However, per Section 4E.08A of the CA MUTCD, the area next to pedestrian pushbuttons should be a level all-weather surface, so an ADA-compliant pad should be installed if there is no sidewalk.

Q: What is the maximum slope of the curb ramp if the length is 15 feet or less?

A: If the curb ramp slope is 15 feet or less, then the maximum ramp slope is 8.33 percent; if the curb ramp is over 15 feet, the slope can exceed 8.33 percent with no slope limitation.

Q: How do I obtain a copy of DIB 82-06?

A: It can be found using this link: <https://dot.ca.gov/-/media/dot-media/programs/design/documents/dib82-06-a11y.pdf>

Q: Does all on-street parking need to be ADA accessible provided that designated ADA parking space would be provided?

A: Yes, Caltrans has on-street parking standards that address the requirements. Please see [Caltrans Standard Plan A90B](#).

Q: Some agencies place a chip seal then follow up in a separate project placing slurry seal to avoid calling it a cape seal and triggering ADA upgrades. There is language in the ADA saying you cannot purposefully modify a project to explicitly skirt ADA rules. Would Caltrans consider the approach to be valid?

A: Yes, Caltrans will consider non-compliance if it appears that a local agency purposefully avoids triggering ADA requirements unless a valid reason for separating the combination of projects is provided.

Q: We have a 30-year-old community garden that is not ADA compliant. A new trail project will be built that will shrink the garden. Would this trigger the obligation to make the garden meet ADA standards?

A: Only those portions of the community garden that have been affected by the project would require ADA upgrades.

Q: If doing a 2-inch mill and fill, and the cross slopes exceed 5 percent at the crosswalk, is it required to correct the cross slopes within the crosswalk?

A: No, a mill/fill would not require the crosswalk cross slopes to be upgraded.

Q: What document specifies the update frequency for the Self Evaluation Plan? You stated the frequency is every three years?

A: 49 CFR 27.11(2) requires periodic updates. The DLA has the responsibility to perform oversight of each agency's compliance with the ADA program, including their plans to mitigate ADA barriers.

Therefore, as a best practice, it is recommended that the local agency update their Self Evaluation Plan so DLA may verify priorities for ADA accessibility have been monitored and updated by the agency.

Q: What happens if what DIB 82-06 adopted from PROWAG is not included in the final approved PROWAG?

A: Then, the DIB will need to be updated to reflect the approved provisions in PROWAG. However, Caltrans has been working closely with PROWAG and has mainly adopted those provisions that the Access Board has internally approved.

The reason why PROWAG has not been approved is that other provisions are still in discussion.

Q: Does the California Building Code (CBC) apply to the public ROW?

A: Yes, the CBC can be used for public ROW.

Q: Each agency needs to adopt at least one design standard. Can you repeat if an agency adopts more than one standard? What are the guidelines?

A: If more than one guideline is adopted in its entirety, then the stricter of the guidelines would apply if there is a conflict on a particular standard. This is why Caltrans developed the DIB to specify exactly which sections of which guidelines Caltrans has adopted to follow.

Q: If a non-compliant ramp is replaced, does an agency have an obligation to bring the whole accessible path/route (sidewalks) into compliance?

A: This depends on the scope of work for the project (e.g., type of alteration), which would require curb ramp and crosswalk work. However, alterations do not require bringing sidewalks and driveways up to current ADA standards.

Q: Are you required to upgrade existing curb ramps at "T-intersection" where the alteration does not encroach into the pedestrian path of travel along the existing curb ramps? There is no receiving ramp on the opposite side of the street and no crosswalks.

A: Alterations would require curb ramp work as long as the alteration is adjacent to the curb ramps whether or not the pedestrian path is affected. Curb ramps should be considered if there are destinations on the other side, even if there are no receiving curb ramps. In addition, curb ramps should be considered to allow the pedestrian to either exit the sidewalk or access the sidewalk.

Q: If we're resurfacing at unincorporated areas where there are no sidewalks, does it still trigger the ADA Curb ramps installations?

A: No, curb ramps are not required if there are no existing curb ramps, however, depending the type of alterations, either the crosswalk grade and/or cross slope may need to be addressed. Please refer to DIB 82-06, Section 4.1.2.

Q: Does Caltrans ADA DIB have mandatory or advisory standards identified by bold or underline, similar to the Highway Design Manual, or is everything in DIB 86 a Caltrans standard that must be followed?

A: No, there are no distinctions of mandatory or advisory standards in DIB 82. Technically, all the standards in DIB 82 are considered mandatory and would require an "Exception to ADA Standards" to be processed. Guidance for this exception can be found in the Attachment at the end of the DIB.

Q: The City is implementing a project where there are curb ramps within Caltrans ROW. Is the City or Caltrans responsible for paying for the curb ramps upgrade?

A: If the City is administering the project, the City will be responsible for paying for the curb ramp upgrade.

Q: If Caltrans has a project that installs curb ramps on two of the four intersection corners, are they required to install curb ramps on the opposite two corners? No sidewalks currently exist, but a park is on the other side across a railroad track.

A: It depends on the logical limits of the alteration work. If the limits logically end prior to the other side of the intersection, then the opposite two corners would not need to be upgraded. However, if there are no sidewalks, then curb ramps are not required. If the intersection is signalized and logical work limits span to the other side of the intersection, CA MUTCD Section 4E.08A would apply such that a level all-weather surface should be provided (e.g., concrete/asphalt next to the push button).

Q: If no sidewalk exists and a project is overlaying a 4-way stop intersection, is it necessary to install curb ramps? Would the curb ramps need to be transitioned back with Hot Mix Asphalt?

A: No, curb ramps are not required if there are no existing sidewalks and the intersection is a 4-way stop.

Q: A Caltrans bridge is within a City's project limit where the rails are outdated. Who is responsible for paying for the upgrade?

A: As long as the bridge belongs to Caltrans and is within Caltrans ROW, Caltrans will be responsible for the upgrade, regardless of what city/county the bridge is in.

Q: Curb ramps there?

A: Yes, if there is a sidewalk, then curb ramps are required.

Q: If a utility company such as Pacific Gas & Electric trenches across a non-compliant ramp, sidewalk, and driveway, then are they responsible for upgrading to current ADA standards?

A: Only those portions of the sidewalk that are affected will be required to be upgraded.

If the trenching crosses any portions of a curb ramp/driveway, then those curb ramps/driveways will need to be brought to current standards.

Q: If there are no sidewalks on one or both sides, but there is a marked crosswalk connecting a dirt shoulder or just a pavement shoulder on both sides, is it required to improve the ending points of a crosswalk with something like blended transition or refuge pads?

A: If the intersection is signalized, a blended transition or refuge pad would be required per CA MUTCD Section 4E.08A.

Q: Does Caltrans evaluate the barriers over the bridges going over the highway?

A: Yes, this should be part of Caltrans' Transition Plan process.

Q: Do we have to build a wheelchair ramp (only one existing leg corner) in a residential area on a dead-end street if everyone in the area has a driveway? I am asking because, as far as I know, if the curb ramp does not lead anywhere, you do not have to build it.

A: Curb ramps can also serve to allow the pedestrian to exit or enter the sidewalk from the street even if there is no receiving curb ramp. On that note, driveways cannot be used in lieu of curb ramps because the maximum slope of driveways (10 percent) exceeds the maximum allowable ramp slope for curb ramps (8.33 percent).

Q: If our local jurisdiction has a maintenance agreement along the sidewalk of a Caltrans ROW, would the local agency be responsible for ADA compliance?

A: This depends on the stipulations of the maintenance agreement. If the local agency is responsible for maintaining the roadway, then the local agency will be responsible. If the local agency is responsible for elements other than the roadway (e.g., signals), then Caltrans will be responsible.

Q: Is the 15-foot distance for the slope that might be greater than 8.33%? Or the face of the curb to the landing area, or is this for the flares?

A: The 15 feet measurement is from the face of the curb to the landing for perpendicular curb ramps. This measurement would be from the landing to the top of the ramp for parallel curb ramps.

Q: Does striping a pedestrian crosswalk requires updating sidewalks to meet ADA standards?

A: No, striping a pedestrian crosswalk does not trigger the requirement to updating sidewalks nor curb ramps.

Q: I am a contract employee for a very small rural agency. Do contract employees count in the "50 employees" threshold?

A: No. Another good resource to check is located here:

<https://publicpay.ca.gov/Reports/Cities/City.aspx?entityid=365&year=2019>

Caltrans ADA Contacts		
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