

**Americans with Disabilities Act:  
FINAL Transition Plan for Public Rights-of-Way**

Arizona Department of Transportation  
December 2012



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## 1. Introduction and Overview

The mission of the Arizona Department of Transportation (ADOT) is to provide a safe, efficient, cost-effective transportation system for all users. The *Americans with Disabilities Act (ADA) Transition Plan for Public Rights-of-Way* is intended to serve as a guide to further this mission by documenting the legal and functional goals of the State to make existing facilities within the ADOT public rights-of-way accessible and usable for persons with disabilities. This document has been prepared pursuant to the ADA, which requires that all public agencies perform a self-evaluation of their services, programs, policies, and practices, and identify barriers that may limit accessibility for people with disabilities, culminating in the development of a transition plan for the remediation of barriers to form accessible routes.

ADOT's comprehensive inventory of the public rights-of-way system included data collection of over 22,000 features, with nearly half non-compliant to some degree. Overwhelmingly, these deficiencies reflected facilities constructed prior to the passage of the ADA in 1990. This Transition Plan provides an overview of the ADA, ADOT's ADA program management, results of the self-evaluation, and the approach to barrier removal through a detailed implementation plan. As part of development of this draft Plan, a public participation effort was conducted to receive community and public user input.

### 1.1 Transition Plan Need and Purpose

The Americans with Disabilities Act (ADA) of 1990 is a civil rights statute that prohibits, under certain circumstances, discrimination based on disability. There are five separate Titles of the Act relating to different aspects of potential discrimination.

- Title I: Employment
- Title II: Public Services and Transportation
- Title III: Public Accommodations and Services
- Title IV: Telecommunications
- Title V: Miscellaneous Provisions

Title II of the ADA pertains to the programs, activities and services that public entities provide. Because ADOT provides public transportation services and programs, it must comply with this section of the Act as it specifically applies to state public service agencies and state transportation agencies. Title II of the ADA 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." ([28 CFR Part 35](#))

The U.S. Department of Justice's (DOJ) regulations declare that state/local governments must perform a self-evaluation of their services, programs, policies, and practices, and identify barriers that may limit accessibility for people with disabilities, and develop transition plans describing how they will address identified barriers. As required by Title II of the ADA ([28 CFR Part 35](#)), ADOT has conducted a self-evaluation of its public rights-of-way, and developed this Transition Plan to detail how the organization will ensure access of its facilities for all individuals.

The self-evaluation is a comprehensive review of the entities' facilities and must identify any facilities or features in a facility that do not comply with Title II requirements. The transition plan element must identify a plan to modify such features to bring the facilities to compliance.

The regulations also require that the public entity provide an opportunity for people with disabilities and other interested individuals or organizations to review and comment on the transition plan. In addition, the public entity must keep the following information on file and available for public inspection for at least three years:

- A list of interested persons consulted
- A description of the facilities examined and deficiencies identified
- A description of any modifications made

Title II of the ADA establishes the minimum requirements for providing accessible facilities. It is the responsibility of ADOT to evaluate the deficiencies and options and to determine the schedule and course of action.

## **1.2 Transition Plan Management**

ADOT's Transition Plan is a living document that will receive routine revisions and updates, as needed. The first review is scheduled to occur one year from the plan's formal adoption and on a five-year cycle thereafter, corresponding with the ADOT Five-Year Transportation Facilities Construction Program for Highways and Airports ("Five-Year Program"). These updates will document progress in improving ADA accessibility statewide and outline future improvements to be undertaken. The update schedule may be altered at the discretion of ADOT based on changes in guidance from the United States Access Board, federal policy, and/or ADOT policy. ADOT's Transition Plan is available to the public on the ADOT website.

## **1.3 ADA and its Relationship to Other Laws**

Title II of ADA is one of three federal statutes that regulate facility and program accessibility to all individuals. The Architectural Barriers Act of 1968 is a federal law that requires facilities designed, built, altered, or leased with federal funds to be accessible. Section 504 of the Rehabilitation Act of 1973 is a federal law that protects qualified individuals from discrimination based on their disability. The non-discrimination requirements of the law apply to employers and organizations that receive financial assistance from any federal department or agency. Title II of ADA extended this coverage to all state and local government entities, regardless of whether they receive federal funding or not.

Several guidelines and standards are available that specify the requirements of accessibility under the above mentioned laws. The Americans with Disabilities Act and Architectural Barriers Act Accessibility Guidelines (ADAAG) prepared and published by the U.S. Access Board provides guidance for the design and construction of facilities to comply with ADA requirements. Federal agency standards are generally updated according to these ADAAG guidelines. If and when a federal agency adopts guidelines, they are then considered standards and bound in federal law. The first ADAAG was adopted in 1991, and subsequently updated and adopted in 2004.

The DOJ and the U.S. Department of Transportation (USDOT) currently maintain ADA standards that are based on ADAAG. The type of facility determines which standard is applicable:

- State and Local Government Facilities (*except transportation facilities*)
  - DOJ regulations issued under Title II of the ADA allow use of either DOJ’s 2010 standards or DOJ’s 1991 standards, until DOJ’s 2010 standards go into full affect March 15, 2012 (projects initiated before March 15, 2012 – such as this Transition Plan – are allowed to use either standard, at the agency’s discretion).
- Transportation Facilities
  - Transportation facilities, including bus stops and stations and rail stations, are subject to USDOT's ADA standards and regulations. These facilities must meet the USDOT's updated standards (2006) (based on 2004 ADAAG).

As a side note, while the DOJ standards appear to provide the most recent direction in following ADA requirements due to newest date associated with it, they are nearly the same as the USDOT standards. Both sets of standards are based on the same 2004 ADAAG guidance. USDOT adopted this guidance in 2006 with four revisions to apply more specifically to transportation facilities, while DOJ adopted the same guidance more recently, in 2010.

The Public Right-of-Way Accessibility Guide (PROWAG) is the most common form of guidance on ADA-related improvements. The Access Board developed these supplementary guidelines to assist in the implementation of standards that may not address features in specific detail. An initial PROWAG was drafted in 2005, with a revised edition in 2011. To date, neither has been officially accepted as an ADA standard, however the Federal Highway Administration (FHWA) recommended the 2005 PROWAG as the industry’s “best practice.” The 2011 draft PROWAG is currently out for public comment. Should the USDOT or DOJ adopt the PROWAG, they would become “standards,” and therefore be enforceable as public law.

Regardless, when addressing accessibility needs and requirements, it is important to note that ADA and Title II do not supersede or preempt state or local laws that may offer equivalent or greater protections.

Under Title II, ADOT must meet these general requirements:

- Operate their programs so that, when viewed in their entirety, the programs are accessible to and useable by individuals with disabilities.
- May not refuse to allow a person with a disability to participate in a service, program or activity simply because the person has a disability.
- Make reasonable modifications in any policies, practices, and procedures that may provide equal access to individuals with disabilities unless a fundamental alteration in the program would result.
- May not provide services or benefits to individuals with disabilities through programs that are separate or different unless the separate or different measures are necessary to ensure that benefits and services are equally effective.

- Take appropriate steps to ensure that communications with applicants, participants and members of the public with disabilities are as effective as communications with others.
- Designate at least one responsible employee to coordinate ADA compliance. This person is often referred to as the "ADA Coordinator." The public entity must provide the ADA coordinator's name, office address, and telephone number to interested individuals.
- Provide notice of ADA requirements. All public entities, regardless of size, must provide information about the rights and protections of Title II to applicants, participants, beneficiaries, employees, and other interested persons. The notice must include the identification of the employee serving as the ADA Coordinator and must provide this information on an ongoing basis.
- Establish a grievance procedure. Public entities must adopt and publish grievance procedures providing for prompt and equitable resolution of complaints. This requirement provides for a timely resolution of problems or conflicts related to ADA compliance before they escalate to litigation and/or the federal complaint process.

## 2. ADOT's Compliance History

### 2.1 Policy Development

Following the passage of ADA in July 1990, ADOT took preliminary steps to identify and address Title II requirements. The first ADA policy was published in the ADOT Administrative Policies and Procedures Manual on October 1, 1992. This policy supported the objectives of ADA to ensure equal opportunity for individuals with disabilities in employment, public accommodations, programs activities and services. A subsequent revision was completed on January 1, 1995 and expanded the list of requirements for employers and program/service providers. A complaint resolution procedure was added, as well as a list of definitions. An additional revision was completed February 16, 2001 that responded to updated policy requirements.

As part of this policy review process, a previously established ADA Oversight Committee (which included members from ADOT, the Arizona's Attorney General's Office, the Arizona Office on Americans with Disabilities, and FHWA, among others) provided input and review of policy statements.

In 2009, ADOT began a comprehensive evaluation of the organization's current policies, procedures, and practices regarding ADA and Title II. As a result of the assessment, ADOT Civil Rights Office took the following actions:

- Designated an ADA Coordinator.
- Revised a Notice of Non-Discrimination to provide information about the rights and protections of ADA to employees and applicants, as well as participants and users of ADOT services, programs and activities.
- Updated a grievance/complaint procedure to address or correct user concerns related to inaccessible pedestrian and transportation facilities under ADOT's jurisdiction (effective January 1, 2012).

## **2.2 Facilities**

A facilities transition plan was created in 1993 that inventoried facilities statewide and specified readily achievable projects. Due to a series of complaints in the following years at Motor Vehicle Division (MVD) Customer Service Offices and at the urging of the National Highway Traffic Safety Administration (NHTSA), the ADOT Facilities Group conducted ADA compliance surveys on all (88) MVD public facilities in 2000, determining that over 75 percent of facilities had some form of compliance issues. In 2002, a new transition plan was created for these facilities to bring ADOT into full compliance over a series of years. According to available ADOT records, facilities were retrofitted to meet the ADA requirements, with subsequent new construction meeting or exceeding ADA requirements. New construction subsequent to 2002 was designed to meet current ADA guidelines at that time.

For the self-evaluation inventory occurring as part of development of this Transition Plan for public rights-of-way, ADOT made the decision to concurrently inventory rest areas and any new buildings which have come into ADOT's building inventory since 2002. Forty-eight locations were surveyed, using the ADDAG Checklist for Buildings and Facilities (1991).

The self-evaluation and Transition Plan for ADOT Facilities is documented separately from this plan for the public rights-of-way, and can be found on the ADOT website as *"ADA Compliance Report for Building Facilities, December 2012"*.

## **2.3 Public Rights-of-Way**

In the early 1990s, the ADA Oversight Committee formed the ADA Action Team, tasked with addressing ADA compliance related to curb ramp needs, comprised primarily of ADOT's Highway Division staff, but also including local FHWA representation. At their direction, ADOT district staff conducted a "windshield survey" self-assessment of curb ramp deficiencies, identifying over 3,000 locations with no curb ramps. Between 1992 to 1996, improvement of these missing ramps were incorporated into numerous existing ADOT projects along the highway system within the state's rights-of-way. These improvements helped eliminate the barrier that curbs caused for pedestrians with mobility disabilities (e.g., wheelchair use, other assistive mobility devices). Additional stand-alone ADA improvements projects were funded in the Fiscal Years (FY) 1994 to 1998 Five-Year Highway Construction Program which allocated \$3,000,000 under a specific ADA curb ramp budget line item.

Concurrent to the curb ramp remediation, the ADA Action Team reviewed ADOT's existing sidewalk ramp standard detail (C-05.30) and made revisions for ADA compliance. Four additional special details were developed for retrofitting Type 2 and Type 4 sidewalk ramps to existing locations with curb heights varying up to 10 inches in height. It should be noted that the majority of sidewalk facilities (including curb ramps) within ADOT rights-of-way are maintained by the local jurisdiction via an intergovernmental agreement, however, ADOT is still owner of the public rights-of-way and therefore ultimately responsible for providing an accessible route.

Generally, for public rights-of-way, ADOT maintains a series of standards that are utilized in roadway design and construction:

- Roadway Design Guidelines (2012)
- Construction Standard Drawings (2012)
- ADOT Guidelines for Scoping Pavement Preservation Projects (2008, revised 2011)
- Roadway Design Memo "Sidewalk Ramp Treatment for Pavement Preservation Projects, Enhancement Projects, Minor Improvement Projects" (2005)
- Traffic Engineering Policies, Guidelines, and Procedures (2009)
- Traffic Signals and Lighting Standard Drawings (2010)
- Signing and Marking Standard Drawings (2002)
- Arizona Supplement to the 2003 Manual on Uniform Traffic Control Devices (2009)
- Structure Section Standard Drawings (1992)
- Bridge Group Structure Detail Drawings (2012)
- Standard Specifications for Road and Bridge Construction (2012)

These abovementioned standards generally follow the 1991 ADAAG. ADA requirements for public rights-of-way have recently gone through a series of changes. In July 2004, the Access Board completed a comprehensive update of the ADAAG. These new guidelines serve as the basis for updated standards that will be used to enforce the design requirements of the ADA, as adopted by the USDOT in 2006 and by the DOJ in 2010. The 2004 ADAAG, as adopted by the USDOT, has been in effect since 2006. The same standards, as adopted by the DOJ in 2010 officially became effective March 15, 2012. With these changes, some elements of ADOT's standards are no longer ADA-compliant. ADOT is currently updating its design and construction standards to meet these revised guidelines.

Additionally, because elements of the public right-of-way present unique challenges to accessibility, the Access Board developed supplementary guidelines for public rights-of-way (PROWAG) that address pedestrian access to sidewalks and streets through features such as crosswalks, curb ramps, street furnishings, pedestrian signals, parking, and others. Although still in draft form, the PROWAG should be used as a best practice where it does not conflict with adopted design standards, as the guidance includes more specific measures for providing accessible public rights-of-way.

Although there is no official exception process under the ADA, if technical infeasibility is encountered in an alteration to an existing facility, a lesser level of accessibility may be all that is feasible. Before reaching a conclusion about technical infeasibility, state and local governments need to consider the extent to which physical or site constraints can be addressed by alternative designs, improving the facility to the "maximum extent feasible".

Alternatively, departures from the ADAAG technical provisions are permitted where the alternative designs and technologies used will provide substantially equivalent or greater access to and usability of the facility. "Equivalent facilitation" is the concept of utilizing innovative solutions and new technology, design, or materials in order to satisfy the guidelines. These alternative solutions provide equal access and take advantage of new developments, but may differ technically from specific guidelines. Like technical infeasibility, the responsibility for demonstrating equivalent facilitation in the event of a challenge rests with the covered entity. There is no process for certifying that an alternative design provides equivalent facilitation. Agencies must make and

document these determinations for technical infeasibility, maximum extent feasible, and equivalent facilitation. Use of criteria established in current guidelines published by the Access Board may be considered as equivalent facilitation.

To ensure compliance with revised DOJ standards, in January 2011, ADOT began a comprehensive inventory and self-evaluation of their public rights-of-way to identify and document all ADA features and pedestrian facilities. The actions undertaken through the self-evaluation are presented in Section 4, with a plan for improving non-compliant ADA features presented in Section 5.

### **3. ADA Program Information**

ADOT is committed to meeting ADA requirements and continues to dedicate resources through the Civil Rights Office to improve accessibility. Sections 3.1 through 3.3 discuss the provisions that ADOT has made to comply with the administrative responsibilities of Title II of the ADA. Sections 3.4 and 3.5 offer additional methods in which ADOT executes program implementation.

#### **3.1 ADA Coordinator**

The ADA Coordinator is responsible for coordinating the efforts of ADOT to comply with Title II of the ADA, and investigate any complaints that the agency has violated Title II.

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[eedison@azdot.gov](mailto:eedison@azdot.gov)

#### **3.2 Grievance Procedure**

Under Title II of the ADA, users of ADOT facilities and services have the right to file a grievance if they believe ADOT has not provided reasonable accommodation. The Grievance Procedure, required by [28 CFR Part 35.107](#), provides details on how to file a complaint. As part of the self-evaluation process, ADOT has updated its Grievance Procedure, which can be found as a component of ADOT's PER-2.02 Americans with Disabilities Policy, updated January 1, 2012, and located in **Appendix A** of this report or on the ADOT website. Under the Grievance Procedure, ADOT will act or respond to all complaints received.

#### **3.3 Public Notice**

Additionally, the ADA requires that all public entities provide public notice about the rights of the public under the ADA and the responsibility of the entity under ADA. Providing notice is not a one-time requirement, but a continuing responsibility, left to the public entity to determine the most effective way to communicate this notice (e.g., website, bulletin boards, print or radio advertisements, etc.). ADOT's public notice is published on the ADOT website.

### 3.4 Communications

The ADA requires that ADOT provide effective communication with individuals with disabilities and members of the public with disabilities where necessary to ensure an equal opportunity to participate in, and enjoy the benefits of, a program, service, or activity. ADOT's PER-2.02 Americans with Disabilities Policy, updated January 1, 2012, outlines the measures the Department will comply with regarding auxiliary aids and services, sign language interpreters, telephone and other remote communication, interactive voice response systems, email communications, and website accessibility. This document is located in **Appendix A** of this report or on the ADOT website.

### 3.5 Training

Training regarding ADA compliant design standards is offered to targeted ADOT employees responsible for design, maintenance, and construction projects.

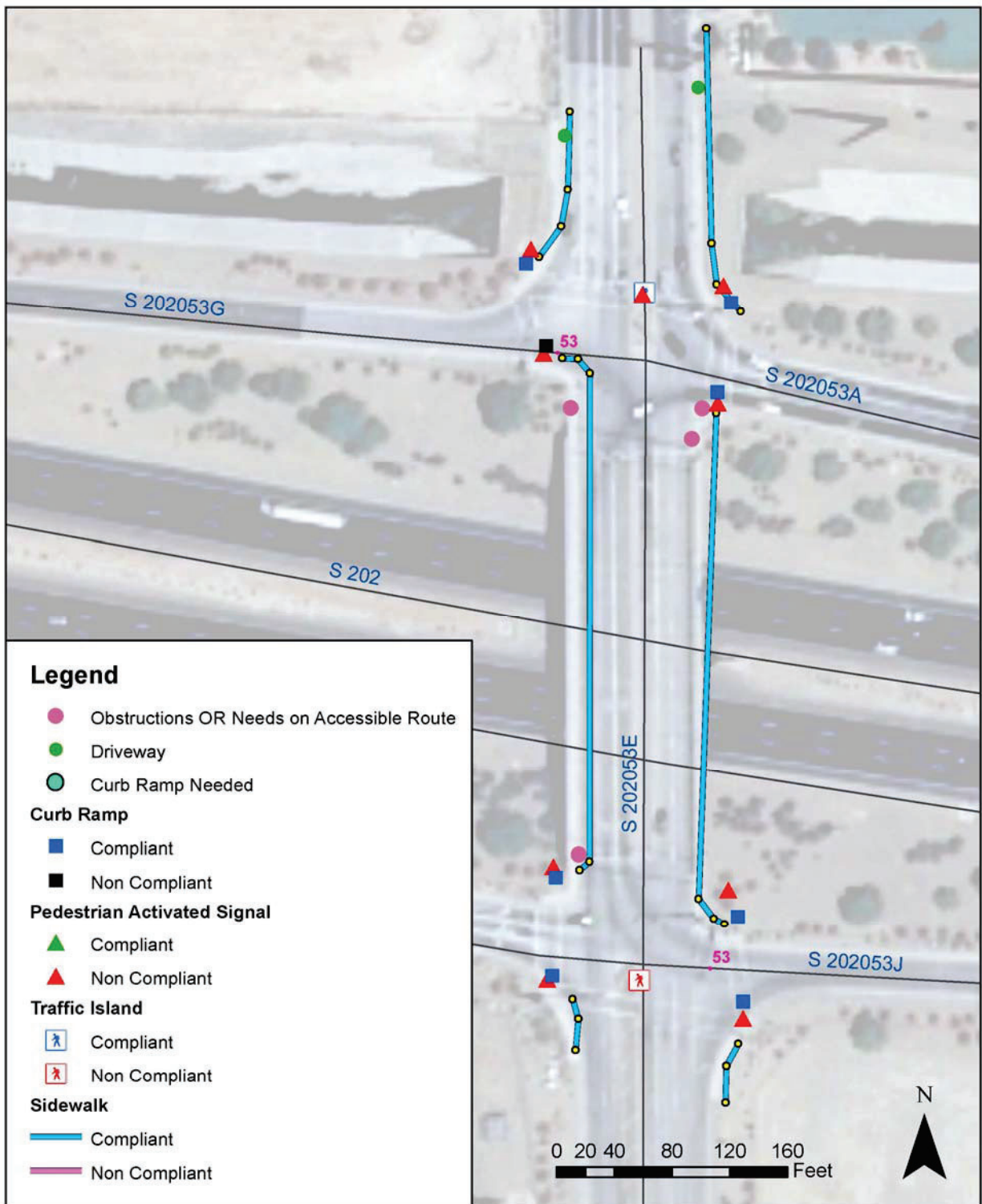
## 4. Self-Evaluation

ADOT, as required by Title II of the ADA, conducted a comprehensive survey to evaluate current accessibility along existing public rights-of-way. The self-evaluation had two components: a field-level GIS-based statewide survey of ADA features (completed January 2012), and a public input survey (completed November 2012). The field survey included sidewalks, curb ramps, and pedestrian crossings (e.g., median treatments, over/underpasses, signals, handrails) based on the 1991 ADA Standards for Accessible Design, with added provisions for requirements that may change with the adoption and implementation of the 2010 standards. A checklist detailing the field data collection is located in **Appendix B**.

### 4.1 Survey Analysis

Due to the size and nature of the database used to inventory, store, and analyze the roadway ADA feature data collection efforts, specific elements are neither listed in, nor attached to this report. The Features Inventory System (FIS) database contains tens of thousands of features and is maintained by the ADOT FIS Operations Manager. The FIS is accessible to ADOT employees and can be found on the ADOT intranet. The FIS presents technical information for roadway features related to ADA, including photographs and mapped location. **Figure 1** illustrates a graphic sample of database elements exported to a GIS map showing features and their compliance along a sample roadway section.

Figure 1. Sample GIS Map Output on SR 202L



The results of the survey were analyzed to determine compliance with current standards. The results of the statewide self-evaluation indicated the following non-compliant percentages:

- 17 percent non-compliant sidewalks
- 81 percent non-compliant curb ramps
- 73 percent non-compliant traffic islands
- 5 percent non-compliant handrails

Non-compliant pedestrian-activated signals were recorded, as well as obstructions in the public rights-of-way, and locations where driveway deficiencies make a sidewalk non-compliant.

Of the 17 percent non-compliant sidewalks, most were non-compliant due to insufficient sidewalk width and/or cross-slope. Other reasons for non-compliance include absence of minimum passing area (5 feet x 5 feet) every 200 feet, obstructions, or in a few cases, non-compliant running slopes. However, additional sidewalks may be non-compliant due to the location of non-compliant driveways along the accessible route.

81 percent of the curb ramps were non-compliant. The major factor in the low level of compliance for curb ramps was the relatively recent requirement for detectable warnings on curb ramps. Incorrect geometry (e.g., slopes, widths, landings, etc.) was an additional factor and accounts for non-compliance for both curb ramps and driveways crossing sidewalks.

73 percent of the traffic islands were non-compliant, mostly due to the lack of detectable warnings on curb ramps. Other reasons for non-compliance include absence of curb ramps on traffic islands, a less than six-foot wide traffic island at the crosswalk, and in a few cases, insufficient width of pedestrian crossings.

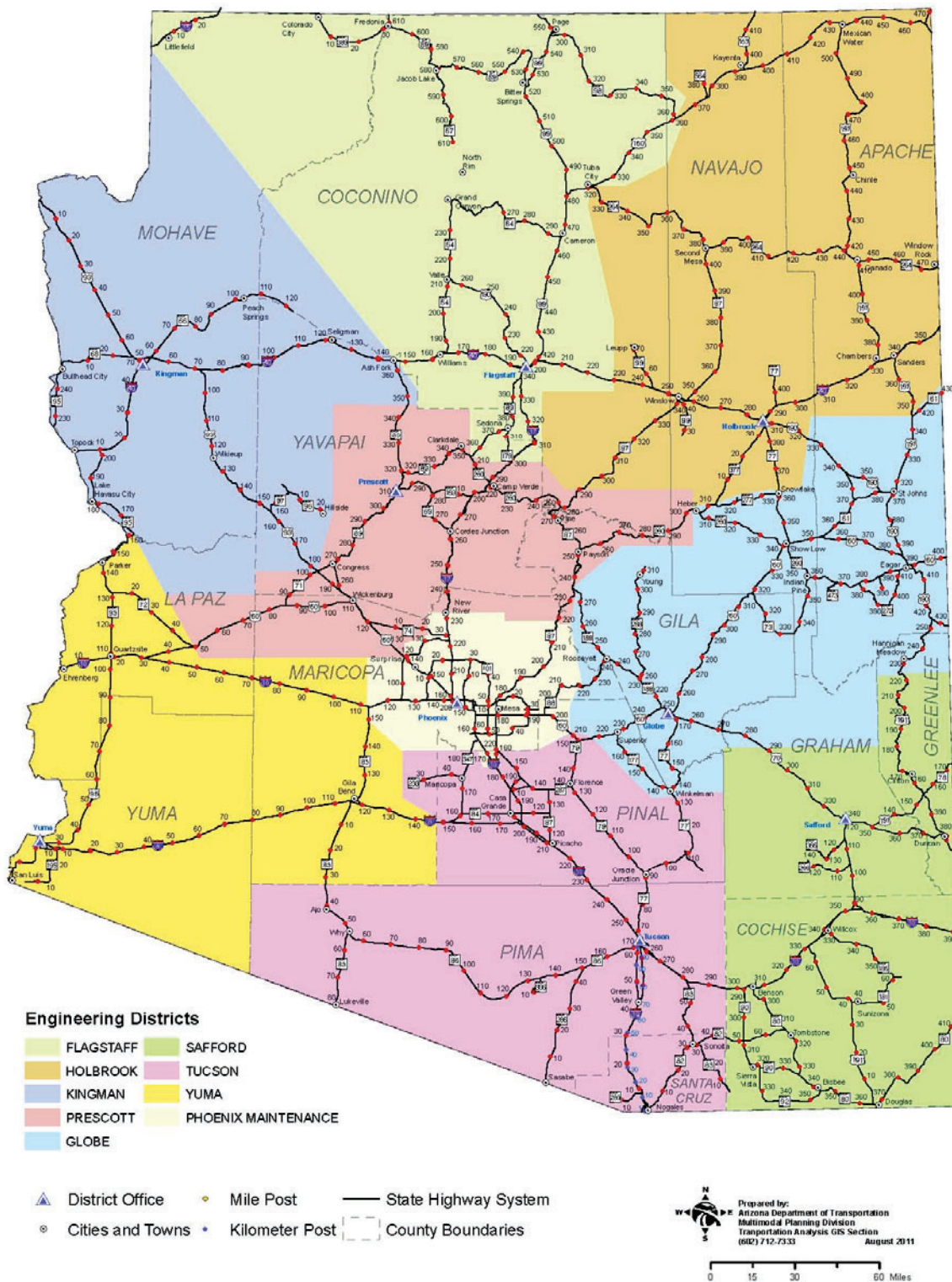
Information on pedestrian-activated signals was collected only if the feature was non-compliant. The most common reason for non-compliance was the location of a push-button more than 10 inches away from the edge of the accessible route. Other reasons for non-compliance include push-buttons not aligned with the crosswalk, and in some cases, push-button locations higher than the maximum prescribed 54 inches.

Information on driveways crossing sidewalks was collected only if the feature was non-compliant. The main reason for non-compliant driveways was the cross slope exceeded the maximum allowable 2 percent for sidewalks.

While there are a large number of non-compliant features, it was not unexpected due to the vast amount of sidewalks that had been constructed along state-maintained roadways prior to the establishment of ADA design and construction guidelines.

Data summaries for this self-evaluation are organized by ADOT District. The state is divided into nine geographic districts and these entities manage construction, operation, and maintenance of roadways within their geographies. **Figure 2** maps the ADOT Engineering District boundaries.

Figure 2. ADOT Engineering District Boundaries



A summary of the compliance status of the inventoried ADA features by ADOT District is provided in **Table 1** (located at the end of the chapter), listing the main elements surveyed. More detailed tables of these baseline inventories are included in **Appendix C**.

## **4.2 Public Involvement**

A public entity that employs 50 or more people is required to seek public input on its ADA Transition Plan. Beyond the legal requirements, such input is vital in assuring that those affected by the State's programs, services, and facilities understand the scope and nature of their responsibilities for providing equal access to the public. Because this Transition Plan will span several years, ADOT took a comprehensive approach to the public outreach to validate the self-evaluation findings and solicit input from the public on particular problem issues to be addressed through the Plan.

The Draft Plan was posted online with an associated public input survey. The survey was made available statewide to interested public parties on the ADOT website. Public notifications requesting completion of the survey were made via email to an extensive database, notice on the ADOT website, and a comprehensive statewide news release. Alternative formats of comment were available for those who could not access the online survey. The survey was focused on identifying general concerns regarding state building facilities and infrastructure along the state highway system regarding accessibility. These comments have been reviewed, analyzed, and incorporated into the Transition Plan as appropriate. The Public Involvement Summary Report is included in **Appendix D**.

## **5. Implementation Plan**

The ADA Implementation Plan is the final step in eliminating the barriers identified through the self-evaluation process. The purpose of this Transition Plan is to ensure access by persons with disabilities to the programs, activities and services offered by ADOT. The plan has been developed to allow continual updates to ensure the ongoing needs of the community continue to be met.

### **5.1 Methods for Compliance**

It is rare that an entity's facilities are completely accessible without making some modifications. Therefore, based on the results of the self-evaluation, ADOT will initiate improvements to non-compliant features of ADOT's public rights-of-way system, using the Department's various standards for roadway design. These are currently being updated to meet or exceed the minimum requirements of the ADAAG. These design standards also reference and incorporate industry guidance and best practices established by the American Association of State Highway and Transportation Officials (AASHTO), the Manual on Uniform Traffic Control Devices (MUTCD), the PROWAG, and other applicable guidelines.

While the purpose of the ADA is to remove all possible accessibility barriers, it does recognize that some projects may be difficult to achieve full ADA compliance due to technical infeasibility or an unreasonable cost. The federal regulations read:

*The program accessibility obligation for existing facilities does not require a public entity to take any action that would result in a fundamental alteration in the nature of a service, program or activity, or in undue financial and administrative burdens. The decision that compliance would result in such burdens must be made by the head of a public entity or his or her designee after considering all resources available for use in the funding and operation of the service, program, or activity, and must be accompanied by a written statement of the reasons for reaching that conclusion. Furthermore, such a decision does not relieve the entity from obligations to take other remedial actions (to ensure that individuals with disabilities receive the benefits or services provided by the entity) that do not constitute an undue burden or fundamental alteration.*

To accommodate the issue of technical infeasibility, ADOT is currently developing a procedure for the determination and documentation of instances when compliance with ADA requirements is not readily achievable. The intent of this design waiver process will not be to eliminate the requirements for accommodating persons with disabilities, but to design improvements as close as practical to the desired design accommodations and still provide program access.

## **5.2 Implementation Programming**

With budgetary constraints, it is unlikely – and not expected – that any jurisdiction has the ability to solve all ADA non-compliance issues immediately following a comprehensive self-evaluation, especially at the state level. Therefore, two methods of implementation are recommended. The first incorporates ADA barrier removal tasks in ongoing and programmed capital improvement projects, based on ADOT’s Five-Year Program. The second includes a prioritization scheme, should an ADA-specific budget line item become available.

### *Inclusion in Capital Improvement Programmed Projects*

At the scoping level of each capital improvement project included in the ADOT Five-Year Program, the ADOT Project Manager (PM) is requested to review and evaluate the project area for ADA barriers, per the completed self-evaluation (accessed via the ADOT Features Inventory System). Where capital improvement projects that include ADA barriers meet the definition of an “alteration”, project completion must address all ADA improvements as a routine part of the project.

### *Inclusion in a Budget Line Item*

If ADOT determines that it is feasible to apply an annual budget line item for ADA barrier removal projects in the future, improvement projects that would not otherwise be improved through the ADOT Five-Year Program should be programmed in order of highest priority. The list below (“ADA Improvement Prioritization Scheme”) prioritizes ADA non-compliant features in order of severity or importance in providing an accessible route.

Overall, should alternate funding sources become available, ADOT’s ultimate goal is to complete ADA improvements that (1) provide a continuous and accessible pedestrian route, (2) conduct improvements in geographical clusters or in proximity to other non-compliant ADA features, and (3) carry out improvements in severity of non-compliance.

## ADA Improvement Prioritization Scheme

1. Curb Ramps Missing
  - No curb ramp on pedestrian access route
2. Curb Ramps
  - Running slope > 8.34% (12:1)
  - Curb ramp not a minimum 36" wide
  - If landing at top of ramp > 47" and flare > 10% (10:1); or if landing at top of ramp is < 48" and flare > 8.34% (12:1)
  - Cross slope > 2%
  - Ramp transition not flush at top and bottom
  - Missing detectable warnings (raised domes)
  - Ramp can be blocked by legally parked cars; or if curb ramp is built-up and is in the path of cars; or if vertical sides are present (returned type) and obstructions do not deter cross travel
  - Gutter slope > 5% (20:1)
3. Sidewalk (includes pedestrian over/underpass areas)
  - Obstructions are present along sidewalk
  - Sidewalk is < 5' wide and a 5' x 5' passing area is not included every 200' (includes minimum width around obstructions); sidewalk is < 4' wide (PROWAG requirement; does not imply non-compliance according to ADAAG; see passing area requirement)
  - Cross slope > 2% (includes driveway crossings)
  - Running slope > 5%
4. Traffic Islands
  - Traffic pedestrian island is not level with the street and a curb ramp is not provided
  - If curb ramp(s) exist, a minimum 48" x 48" (PROWAG) landing is not provided/(48" x 36" ADAAG)
  - Traffic island pedestrian crossing is not a minimum 48" wide (PROWAG)/(36" ADAAG)
  - Traffic pedestrian island is 6' long, cut through, and detectable warnings (raised domes) are not present (PROWAG)
5. Pedestrian Activated Signals
  - Height of signal button is > 54"
  - Push button is not aligned with crosswalk
  - Edge of access route is > 10" from signal button (PROWAG) (24" ADAAG)
  - Pedestrian crossing is not a minimum of 6' long
  - Traffic pedestrian island is 6' long with curb ramps, and detectable warnings (raised domes) are not present
6. Crosswalk Striping
  - Curb ramp is not within crosswalk markings where marked
  - Corner curb ramp landing is not 48" or more and within crosswalk
  - Poor striping condition at marked crosswalk where provided for curb ramps

### **5.3 Monitoring and Tracking**

The self-evaluation of ADOT's public rights-of-way yielded over 13,000 non-compliant elements – comprising almost 60 percent of all elements inventoried. Achieving elimination of all barriers requires time and an effective tracking process to monitor progress. As the data collection effort is housed in the FIS, a living system that is available for access by all ADOT employees, this system will be utilized to report completed improvements. In this method, reports can easily be generated to understand progress in removing ADA barriers.

### **5.4 ADOT Commitment, Funding, and Schedule**

ADOT has made ADA awareness and compliance an integral part of how they do business. Each year, ADOT updates its current Five-Year Program, which expresses how ADOT intends to invest transportation dollars over the next five fiscal years. This document is updated annually and approved by the State Transportation Board. Where necessary and achievable, ADA barrier remediation will occur through projects included in the Five-Year Program.

**Table 1. ADA Compliance Summary by ADOT District**

District	Flagstaff	Globe	Holbrook	Kingman	Phoenix	Prescott	Safford	Tucson	Yuma	Statewide
Sidewalks*	Total Collected	218	446	233	207	2152	346	662	215	4,831
	ADA Compliant	146	273	186	177	2102	212	488	205	4,019
	ADA Non-compliant	72	173	47	30	50	134	174	10	812
	<b>Percent Compliant</b>	<b>67%</b>	<b>61%</b>	<b>80%</b>	<b>86%</b>	<b>98%</b>	<b>61%</b>	<b>74%</b>	<b>95%</b>	<b>83%</b>
Curb Ramps	Total Collected	364	810	211	489	2706	591	1304	369	7,372
	ADA Compliant	83	35	67	63	632	70	283	53	1,397
	ADA Non-compliant	281	775	144	426	2074	521	1021	316	5,975
	<b>Percent Compliant</b>	<b>23%</b>	<b>4%</b>	<b>32%</b>	<b>13%</b>	<b>23%</b>	<b>12%</b>	<b>22%</b>	<b>14%</b>	<b>19%</b>
Pedestrian Activated Signals**	Total Collected	37	48	5	50	957	49	191	24	1,400
	ADA Compliant	0	0	0	0	0	0	0	0	0
	ADA Non-compliant	37	48	5	50	957	49	191	24	1,400
	<b>Percent Compliant</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>
Traffic Islands	Total Collected	22	8	0	23	580	17	104	18	831
	ADA Compliant	12	0	0	6	139	3	22	8	224
	ADA Non-compliant	10	8	0	17	441	14	82	10	607
	<b>Percent Compliant</b>	<b>55%</b>	<b>0%</b>	<b>0%</b>	<b>26%</b>	<b>24%</b>	<b>18%</b>	<b>21%</b>	<b>44%</b>	<b>27%</b>
Driveways*	Total Collected	351	1310	153	352	582	602	665	154	4,609
	ADA Compliant	0	0	0	0	0	0	0	0	0
	ADA Non-compliant	351	1310	153	352	582	602	665	154	4,609
	<b>Percent Compliant</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>
Handrails	Total Collected	41	88	46	178	520	29	128	46	1,164
	ADA Compliant	41	88	44	177	502	16	107	46	1,100
	ADA Non-compliant	0	0	2	1	18	9	21	0	64
	<b>Percent Compliant</b>	<b>100%</b>	<b>100%</b>	<b>96%</b>	<b>99%</b>	<b>97%</b>	<b>55%</b>	<b>84%</b>	<b>100%</b>	<b>95%</b>
Curb Ramps Needed	Total Collected	4	39	0	3	43	4	45	1	197
Obstructions	Total Collected	198	511	73	86	647	366	354	66	2,364
<b>Total Features Collected</b>		<b>1,235</b>	<b>3,260</b>	<b>721</b>	<b>1,388</b>	<b>8,187</b>	<b>2,058</b>	<b>3,453</b>	<b>893</b>	<b>22,768</b>

\*Sidewalk data collected by sidewalk segment; length of each segment varies.

\*\*Only non-compliant features were recorded.

**Appendix A:**  
ADOT's PER-2.02 Americans with  
Disabilities Policy

# ARIZONA DEPARTMENT OF TRANSPORTATION POLICIES AND PROCEDURES

## PER-2.02 AMERICANS WITH DISABILITY POLICY

### Title II Nondiscrimination on the Basis of Disability for Programs, Services, and Activities

#### Section 504 Nondiscrimination on the Basis of Disability in any Program or Activity receiving Federal Financial Assistance

**Effective: January 1, 2012**

Supersedes: PER 2.01 (1-1-95)

Responsible Office: ADOT Civil Rights, (602) 712-7761

**Review: January 1, 2015**

Transmittal: 2012-January

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### 2.02 PURPOSE

The purpose of this document is to effectuate Arizona Department Transportation (ADOT) American with Disabilities policy under:

- (a) Title II of the American with Disabilities Act of 1990 (42.U.S.C. 12131), which prohibits discrimination on the basis of disability by public entities.
- (b) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), which states that no otherwise qualified individual with a disability in the United States shall solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

### 2.03 AUTHORITY

- Americans with Disabilities Act (ADA) of 1990
- The Americans with Disabilities Act Amendments Act of 2008
- Section 504 of the Rehabilitation Act of 1973
- 42 USC 3, et seq. 12131 through 1216 -- Americans with Disabilities Act (Title II)
- 29 USC 794, et seq. -- Section 504 of the Rehabilitation Act of 1973 (as amended by the Civil Rights Restoration Act of 1987)
- 42 USC 3, et seq.12111 -- Americans with Disabilities Act (Title II)
- 23 CFR 450.220(a) (4) - ADA Requirements to be Certified into Statewide Planning
- 23 CFR 450.316(b) (3) - ADA Requirements for Metropolitan Planning
- 23 CFR 771.105(f) - ADA Requirements for NEPA
- 23 CFR Part 1235 - Uniform System for Parking for Persons with Disabilities
- 23 CFR Part 5632 - Pedestrian & Bicycle Accommodations and Projects
- 28 CFR Part 35 - Nondiscrimination on the Basis of Disability in State and Local Government Services
- 36 CFR Part 1191 - American With Disabilities Act (ADA) Accessibility Guidelines for Building and Facilities; State and Local Government Facilities Architectural Barriers Act (ABA) Accessibility Guidelines

- 49 CFR Part 27 -- Nondiscrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance
- Public Law 100-259; 102 Stat. 28 -- Civil Rights Restoration Act of 1987
- Public Law 109-59 -- Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) of 2005

## **2.04 AUTHORITY**

This policy applies to all of ADOT's employees, and other persons who are part of ADOT's workforce. Additional requirements are outlined in this policy for ADOT managers to resolve complaints and to address contractors and grantees that provide ADOT programs, services or activities.

Title II of the ADA applies to the programs and services of all State and Local governments and their agencies and departments. It applies when programs and services are being provided directly by ADOT or its Divisions or are being provided by grantees, sub-recipients or contractors. ADOT shall ensure that sub-recipients, grantees and contractors understand their obligations under the ADA, inform individuals about their rights under the ADA, and comply with the ADA and this policy.

Section 504 applies to all of the operations of a department of agency of a state or local government that receives federal financial assistance. All of ADOT programs, services, and activities shall comply with Section 504. ADOT sub-recipients, grantees and contractors whose services are funded with federal financial assistance shall also comply with Section 504.

## **2.05 BACKGROUND**

The Americans with Disabilities Policy was first published in the ADOT Administrative Policies and Procedures Manual on October 1, 1992, as PER-2.01. The previous revision was completed for PER-2.01 on January 1, 1995, and expanded the list of requirements for employers and program/service providers. PER-2.02 is being established to conform with Title II of the ADA which prohibits discrimination on the basis of disability in state and local government services.

## **2.06 POLICY OVERVIEW**

This policy provides information on the ADOT's policy on non-discrimination on the basis of disability in its programs, services, and activities under Title II of the American with Disabilities Act of 1990 (ADA) and Section 504 of the Rehabilitation Act of 1973. Because of the nearly identical language and requirements in these two laws, this policy shall treat them the same, and a reference to the ADA shall include a reference to Section 504. This policy does supersede policies or manuals, which pursuant to other federal or state laws provide rights or benefits greater than those required by Title II of the ADA or Section 504. Where multiple laws apply, ADOT shall apply whichever law provides the most rights or benefits. This policy does not address the obligation of ADOT's programs to comply with the ADA in terms and conditions of employment or the hiring process.

## 2.07 DEFINITIONS

***Americans with Disabilities Act*** (Pub. L. 101–336, 104 Stat. 327, 42 U.S.C. 12101–12213 and 47 U.S.C. 225 and 611) Subject to the provisions of Title II of the ADA, 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.

***Americans with Disabilities Act Accessibility Guidelines (ADAAG)*** - Provide scoping and technical specifications for new constructions and alterations undertaken by entities covered by the ADA

***ADA Title II, Nondiscrimination on the Basis of State and Local Government Services*** - Protects people with disabilities from discrimination in services, programs or activities of all State and local governments.

***ADA/504 Coordinator*** – Employee of the State ADOT who has been designated to coordinate the ADOT’s activities and efforts with respect to Title II ADA and Section 504 compliance.

***Alteration*** - Modification made to an existing building or facility that goes beyond normal maintenance activities and affects or could affect usability.

***Assistive device*** - A device that assists users in accomplishing day-to-day functions.

***Auxiliary aids and services includes—***

- (1) Qualified interpreters, notetakers, transcription services, written materials, telephone handset amplifiers, assistive listening devices, assistive listening systems, telephones compatible with hearing aids, closed caption decoders, open and closed captioning, telecommunications devices for deaf persons (TDD's), videotext displays, or other effective methods of making aurally delivered materials available to individuals with hearing impairments;
- (2) Qualified readers, taped texts, audio recordings, Brailled materials, large print materials, or other effective methods of making visually delivered materials available to individuals with visual impairments;
- (3) Acquisition or modification of equipment or devices; and
- (4) Other similar services and actions.

***CFR (Code of Federal Regulations)*** - The Code of Federal Regulations is the codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the Federal Government.

***Changes in level*** - Vertical height transitions between adjacent surfaces or along the surface of a path. Small changes in level are often caused by cracks in the surfacing material. Changes in level may also result when the expansion joints between elements such as curb ramps and gutters are not constructed at

the same time. On trails, ruts caused by weather erosion, tree roots, and rocks protruding from the trail surface are common sources of changes in level.

**Complete complaint** means a written statement that contains the complainant's name and address and describes the public entity's alleged discriminatory action in sufficient detail to inform the agency of the nature and date of the alleged violation of this part. It shall be signed by the complainant or by someone authorized to do so on his or her behalf. Complaints filed on behalf of classes or third parties shall describe or identify (by name, if possible) the alleged victims of discrimination.

**Cross slope** - The slope measured perpendicular to the direction of travel.

**Curb ramp** - A combined ramp and landing to accomplish a change in level at a curb. This element provides street and sidewalk access to pedestrians using wheelchairs.

**Current illegal use of drugs** means illegal use of drugs that occurred recently enough to justify a reasonable belief that a person's drug use is current or that continuing use is a real and ongoing problem.

**Customer** means any person who applies for, receives, or participates in an ADOT program, services, or activity

**Designated Agency, (23 CFR Subpart G, 35.190)** - The USDOT is one of the designated Federal executive agencies with oversight/enforcement responsibilities for the Title II of the Americans with Disabilities Act. The USDOT is required to oversee transportation compliance activities of State and local governments. In turn, the various modes within DOT have certain responsibilities for their respective program areas. FHWA is responsible for pedestrian access as pertains to highways, roadways and walkways within the public right-of-way.

**Direct Threat** means a significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices or procedures or by the provision of auxiliary aids and services.

**Disability** means, with respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment.

(1) (i) The phrase physical or mental impairment means—

(A) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, disorder such as mental retardation, organic brain hemic and lymphatic, skin, and endocrine;

(B) Any mental or psychological syndrome, emotional or mental illness, and specific learning disabilities.

(ii) The phrase physical or mental impairment includes, but is not limited to, such contagious and non-contagious diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer,

heart disease, diabetes, mental retardation, emotional illness, specific learning disabilities, HIV disease (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism.

- (iii) The phrase physical or mental impairment does not include homosexuality or bisexuality.
- (2) The phrase **major life activities** means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.
- (3) The phrase **has a record of such an impairment** means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.
- (4) The phrase is regarded as having an impairment means —
  - (i) Has a physical or mental impairment that does not substantially limit major life activities but that is treated by a public entity as constituting such a limitation;
  - (ii) Has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or
  - (iii) Has none of the impairments defined in paragraph (1) of this definition but is treated by a public entity as having such an impairment.
- (5) The term **disability** does not include—
  - (i) Transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders;
  - (ii) Compulsive gambling, kleptomania, or pyromania; or
  - (iii) Psychoactive substance use disorders resulting from current illegal use of drugs.

**Drug** means a controlled substance, as defined in schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812).

**Existing Facilities** - Facilities that are neither new facilities nor altered facilities. Neither Title II ADA nor Section 504 necessarily requires a public entity or recipient to make each of its existing facilities accessible to and usable by individuals with disabilities.

**Facility** means all or any portion of buildings, structures, sites, complexes, equipment, rolling stock or other conveyances, roads, walks, passageways, parking lots, or other real or personal property, including the site where the building, property, structure, or equipment is located.

**Federal financial assistance** - Under Section 504 means any grant, loan, contract (other than a procurement contract or a contract of insurance or guaranty), or any other arrangement by which the Department provides or otherwise makes available assistance in the form of:

- (1) Funds;
- (2) Services of Federal personnel; or
- (3) Real or personal property or any interest in, or use of such property, including:

- (i) Transfers or leases of such property for less than fair market value or for reduced consideration; and
- (ii) Proceeds from a subsequent transfer or lease of such property if the Federal share of its fair market value is not returned to the Federal Government.

**Grade** - The slope parallel to the direction of travel that is calculated by dividing the vertical change in elevation by the horizontal distance covered. For example, a trail that gains 2 m in elevation over 40 m of horizontal distance has a grade of 5 percent.

**Grantee** means a person or entity who has received a grant from ADOT.

**Historic preservation programs** means programs conducted by a public entity that have preservation of historic properties as a primary purpose.

**Historic Properties** means those properties that are listed or eligible for listing in the National Register of Historic Places or properties designated as historic under State or local law.

**Illegal use of drugs** means the use of one or more drugs, the possession or distribution of which is unlawful under the Controlled Substances Act (21 U.S.C. 812). The term *illegal use of drugs* does not include the use of a drug taken under supervision by a licensed health care professional, or other uses authorized by the Controlled Substances Act or other provisions of Federal law.

**Individual with a disability** means a person who has a disability. The term *individual with a disability* does not include an individual who is currently engaging in the illegal use of drugs, when the public entity acts on the basis of such use

**Level of Service (LOS)** - A qualitative rating of the effectiveness of a roadway in serving traffic, in terms of operating conditions such as traffic flow, using an alphabetical scale from A to F with A being the best (free flow) and F being the worst (stopped traffic).

**Mid-block crossing** - A crossing point positioned in the center of a block rather than at an intersection.

**Metropolitan Planning Organization (MPO)** - An urban regional body for areas with populations larger than 50,000, that makes transportation policy and planning decisions as mandated in Federal transportation legislation.

**New Construction** - A project in which an entirely new facility is built from the ground up or where a new facility is added to an existing facility.

**Parallel Curb Ramp** - A curb ramp design in which the sidewalk slopes down on either side of a landing at street level; parallel curb ramps require users to turn on the landing before entering the street.

**Pedestrian** - A person who travels on foot or who uses assistive devices, such as a wheelchair, for mobility.

**Perpendicular curb ramp** - A curb ramp design in which the ramp path is perpendicular to the edge of the curb.

**Places of public accommodation** - Facilities operated by private entities that fall within the following 12 broad categories defined by Congress: places of lodging, food establishments, entertainment houses, public gathering centers, sales establishments, service establishments, transportation stations, places of recreation, museums and zoos, social service establishments, and places of education.

**Primary recipient (under Section 504)** - means any recipient that is authorized or required to extend Federal financial assistance from the Department to another recipient for the purpose of carrying out a program.

**Private entity** - An individual or organization not employed, owned, or operated by the government.

**Program** means an administrative area within ADOT including areas designated as “programs” and any program, service, or activity administered by or operated by ADOT’s contractors, consultants, grantees, etc.

**Programs, Services, or Activities** are collectively referred to as “program” or “programs”. Used in this policy, include any ADOT program, service, or activity whether within ADOT or administered or operated by a contractor, consultant, grantee, etc.

**Public entity** means—

- (1) Any State or local government;
- (2) Any department, agency, special purpose district, or other instrumentality of a State or States or local government; and
- (3) The National Railroad Passenger Corporation, and any commuter authority (as defined in section 103(8) of the Rail Passenger Service Act).

**Qualified individual with a disability** means an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a public entity.

**Qualified interpreter** means an interpreter who is able to interpret effectively, accurately, and impartially both receptively and expressively, using any necessary specialized vocabulary.

**Reasonable Modification** means that ADOT shall make Reasonable Modifications in the policies, practices, or procedures of a program, service, or activity when the modifications are necessary to avoid discrimination based on disability unless the modification would fundamentally alter the nature of the program, service, or activity. A modification of policies, practice or procedures made to a program, service, or activity is one that allows an individual with a disability the opportunity to participate equally in the program, service, or activity or benefit from the service.

**Right-of-way** - The rights, title, and interest in real property necessary for the construction and maintenance of the project. Private property rights may be acquired by donation or acquisition and may be fee-simple, easement, or other form of use agreement acceptable to the parties. The property rights

must be of sufficient duration to match the design life of the project, and in a form that can be recorded on the land records.

**Recipient** - As defined by Section 504, it means any State, territory, possession, the District of Columbia, or Puerto Rico, or any political subdivision thereof, or instrumentality thereof, any public or private agency, institution, organization, or other entity, or any individual in any State, territory, possession, the District of Columbia, or Puerto Rico, to whom Federal financial assistance from the Department is extended directly or through another recipient, for any Federal program, including any successor, assignee, or transferee thereof, but such term does not include any ultimate beneficiary under any such program. This definition includes primary STA FHWA recipients such as State departments of transportation (STAs) and STA sub recipients such as metropolitan planning organizations (MPOs), local governments, and other State and local government agencies that receive Federal financial assistance through the STA.

**Section 504** means section 504 of the Rehabilitation Act of 1973 (Pub. L. 93–112, 87 Stat. 394 (29 U.S.C. 794)), as amended prohibits discrimination on the basis of disability in any program service, activity, or benefit of a recipient/sub-recipient of Federal financial assistance.

**Self Evaluation** - State and local governments are required to evaluate existing services (this includes transportation and pedestrian facilities), policies, and practices for discrimination practices and barriers, under 28 CFR 35.105. This is a prerequisite for developing the Transition Plan.

**Service Animals** means an animal, as referenced under the American with Disabilities Act, including guide dog, signal dogs, or other animals trained to assist an individual with a disability. Animals are considered service animals under the ADA regardless of whether they have been licensed or certified by a state or local government and are not required to use any special harness, leash or jacket.

**State** means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

**State Department of Transportation (STA)** - Means, for the purposes of this policy, an agency whose primary mission is the planning, construction, operation and maintenance of transportation projects, programs, including roads and highways and is the primary recipient or sub-recipient of Federal Financial Assistance.

**Transition Plan**-Under 28 CFR 35.150, a written plan that identifies the barriers to be removed, the timetable for completion and funding sources for removing information and physical barriers and the installation of curb ramps. Work included in the Transition Plan is an ongoing process requiring periodic updates.

**Truncated Domes** - Small domes with truncated tops that are detectable warnings used at transit platforms, curb ramps, and hazardous vehicular ways.

**Undue Financial Burden** means a significant difficult expense or impact on ADOT when considered in light of factors such as an employer’s size, financial resources, and the nature and structure of its operations and as defined by the Americans with Disabilities Act.

**United States Code (USC)** - The United States Code is the codification by subject matter of the general and permanent laws of the United States. It is divided by broad subjects into 50 titles and published by the Office of the Law Revision Counsel of the U.S. House of Representatives.

## 2.08 POLICY

### A. General

1. No qualified individual with a disability shall, on the basis of disability, be discriminated against, be excluded from participation in, or be denied the benefits of the services, programs or activities of the Department. ADOT shall provide reasonable modifications when necessary to avoid discrimination.
2. ADOT shall not directly or through contractual, licensing, or other formal or informal arrangements, on the basis of disability: deny a qualified person with a disability the opportunity to participate in a service, program, or activity to receive the benefits or services offered in accordance with law.
  - a. ADOT shall not use methods of program administration that have a discriminatory effect on individuals with disabilities.
  - b. ADOT shall not use eligibility criteria that unlawfully screen out individuals with disabilities.

ADOT shall not assess a charge or fee to an individual with a disability to cover the cost of measures required to provide the individual with the non-discriminatory treatment required by this policy.

### B. Who is Protected

#### 1. Individuals with Disabilities

The ADA and Section 504 protect an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs provided by ADOT or its sub-recipients, contractors, consultants and grantees.

“Disability” means that an individual:

- a. Has a physical or mental impairment that substantially limits one or more of the major life activities of such individual;

- b. Has record of such impairment; or
- c. Is being regarded as having such impairment. An individual meets the requirement of “being regarded as having such an impairment” if the individual establishes that he or she has been subjected to an action prohibited under the ADA because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity. The term “being regarded as having such impairment” does not apply to impairments that are transitory and minor. A transitory impairment is impairment with an actual or expected duration of 6 months or less.
- d. If an individual meets any of the above test (subsections a through c), he or she is considered an individual with a disability for purposes of protection under the ADA and Section 504.
- e. Physical and mental impairments include, but are not limited to: heart disease, cancer, cerebral palsy, vision impairments, mobility impairments, deafness, asthma, seizure disorders, paraplegia, HIV, developmental disabilities, cognitive disabilities, learning disabilities, clinical depression, bipolar, obsessive-compulsive disorder, post traumatic stress disorder, anxiety disorders, alcoholism, and many other conditions.
- f. Major life activities include but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. A “major life activity” also includes the operation of major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.
- g. An individual need not meet the definition of a disability under the Social Security Supplemental Security Income (SSI), Social Security Disability Income (SSDI), or Veterans Administration (VA) programs, or other disability benefits programs to qualify as an individual with a disability under the ADA or Section 504.
- h. Alcoholism is impairment under the ADA. If it substantially limits a major life activity, it is a disability and therefore protected by the ADA.
- i. Individuals with a past history of engaging in the illegal use of drugs, who are not currently engaged in the illegal use of drugs, who are enrolled in a supervised drug rehabilitation program or have successfully completed such a program, are protected by the ADA.
- j. “Current use” is the illegal use of controlled substances that occurred recently enough to justify a reasonable belief that a person’s drug use is current or that continuing use is a real and ongoing problem.

- k. The Department shall not exclude an individual from a program, or deny equal opportunity to participate in and benefits from programs on the basis that the individual has a history of drugs, if the individual is currently participating in or has successfully completed a supervised drug rehabilitation program and is not currently engaging in illegal drug use.

## **2. Other Individuals Protected**

- a. The ADA protects people who have a past history of disability, if they are being discriminated against based on that past history.
- b. The ADA protects people who are wrongfully perceived as having disabilities, if the program, service, or activity makes decisions on the basis of that perception.
- c. In addition, the ADA prohibits discrimination against individuals that do not have disabilities themselves, but have a known relationship or association with individuals who have disabilities such as family members or friends.

## **C Who Must Comply with the ADA and Section 504**

1. Title II of the ADA applies to the programs and services of all state and local governments and their agencies and departments, such as ADOT. It applies when programs and services are being provided directly by ADOT or its Divisions, and when those programs and services are being provided by grantees, consultants or contractors, such as third party contractors providing services under contract for ADOT's Motor Vehicle Division. When ADOT's programs are provided by grantees, consultant or contractors, it is the responsibility of the Department to ensure that contractors understand their obligations under the ADA, inform individuals about their rights under the ADA, and comply with the ADA.
2. Section 504 of the Rehabilitation Act ("Section 504") applies to all of the operations of a department or agency of a state or local government that receives federal financial assistance. ADOT's programs that receive financial assistance shall comply with Section 504. ADOT's consultants and contractors whose services are funded with federal financial assistance shall also comply with Section 504. In addition, Section 504 of the Rehabilitation Act of 1973, as amended, extends the prohibition of discrimination on the basis of disability to all activities of State and local governments including those that do not receive Federal financial assistance (28 CFR 35.102-35.104)
3. The ADA and Section 504 have overlapping requirements. For the sake of simplicity, this policy shall refer to the ADA, but Section 504 has similar requirements.

## **D. Administrative Responsibilities**

The Department shall have an agency-wide ADA Coordinator.

## **1. ADA Coordinator**

- a. The Director or designee shall appoint an agency-wide ADA Coordinator responsible for administering Department-wide compliance with Title II of the ADA and Section 504, and other state and federal disability discrimination laws.
- b. The ADA Coordinator is central to ensuring ADOT's ADA compliance. The role of the ADA coordinator includes:
  - (i.) Coordinating overall ADA compliance;
  - (ii.) Involving people with disabilities and interested parties in the compliance process;
  - (iii.) Overseeing the Department's ADA Self-Evaluation;
  - (iv.) Overseeing the Department's Transition Plan; and
  - (v.) Overseeing the investigation of complaints and/or grievances.
  - (vi.) Authorization (from the Director and/or Designee) to require those within ADOT's programs, services or activities and Divisions to modify policies and practices to accommodate the individual with a disability.

## **2. Division Responsibilities**

In addition to the ADA Coordinator responsibilities, ADOT's Divisional responsibilities include, but are not limited to:

- a. Ensuring that all contracts to provide services to individuals, and all contracts for programs, services, or activities receiving federal financial assistance, require the party with whom ADOT is contracting with to comply with the ADA and Section 504;
- b. Assisting in procuring or obtaining forms and publications in alternative formats when requested by or on behalf of individuals with disabilities, or by an ADOT program or Division;
- c. Assisting the ADA Coordinator in ensuring that materials are provided in alternative formats that are accessible to people with disabilities when needed;
- d. Assisting with the development and review of ADA training materials that are tailored to the particular ADOT program, service, or activity;
- e. The Office of Facilities Management & Support Group shall be responsible for oversight of physical accessibility of program sites in which ADOT's programs, services, or activities are delivered. This oversight includes:
  - (i) Ensuring that new construction complies with accessibility guidelines;
  - (ii) Ensuring building modifications are made in compliance with the ADA; and

- (iii) Negotiating accessibility issues when renewing leases, including assigning responsibility for accessibility matters between the landlord and tenant, as appropriate.

## **2.09 POLICY STANDARDS**

### **A. Program, Service, or Activity Requirements**

Every facet of ADOT's programs, services, or activities must comply with ADA and cannot be operated in a manner that has a discriminatory effect. This includes but is not limited to: the application process, documentation and reporting requirements, agency appointments, public meetings, hearings and events, licensing, certification, work activities.

### **B. Eligibility Criteria – Programs, Services, or Activities May Not Exclude or Screen Out Individuals with Disabilities**

1. ADOT shall not exclude qualified individuals with disabilities from ADOT's programs, services, or activities on the basis of disability if they meet the programs essential eligibility requirements, with or without reasonable modification of rules, policies, or procedures, or the provision of auxiliary aids and services.
2. ADOT shall not apply eligibility criteria or standards that screen out or tend to screen out an individual with a disability or a class of individuals with disabilities from fully and equally enjoying any programs, services, or activities unless such criteria can be shown that such requirements are necessary for the provision of the program, service, or activity. Anyone with questions as to these criteria should consult with the ADA Coordinator.
3. When there is a barrier to eligibility or participation that is related to an individual's disability and the program, service, or activity's eligibility criteria, the program, service, or activity should apply the reasonable modification provisions of this policy.
4. ADOT may impose legitimate safety requirements even if they screen out individuals with disabilities.
  - a. The safety screening requirements shall be based on actual risk, not non speculation, stereotypes, or generalizations about individuals with disabilities or on the basis of presumptions about what a class of individuals with disabilities can or cannot do.
  - b. Safety standards shall be applied to all individuals or participants, and ADOT's inquiries shall be limited to matters necessary to implement the safety standards.

### **C. Ensuring Access to Programs, Services, or Activities to Individuals with Disabilities**

#### **1. Programs, Services or Activities**

- a. ADOT shall ensure that each program, service, or activity is readily accessible to and usable by individuals with disabilities.
- b. ADOT's programs, services, or activities shall provide meaningful access and an equal opportunity to participate in and benefit from programs, services, or activities to individuals with disabilities.
- c. ADOT's programs and services shall be accessible to and usable by people with disabilities, even if each and every building or program site is not physically accessible. The Department shall identify alternative locations or make information and services accessible by other means as needed. The Department also understands in accordance with the ADA regulations that it is not necessarily required to make each of its existing facilities accessible (28 CFR 35.149-35.150).
- d. If a program site provides parking for the public, a specified number of those spaces shall meet ADA Accessibility Guidelines (36 CFR Part 1191).

## **2. New Construction and Building Alterations**

- a. As required by law, buildings or parts of buildings built or altered by, on behalf of, or for state and local governments, in which construction began after January 26, 1992 shall be designed and constructed to be accessible to or usable by people with disabilities and comply with the 2010 ADA Standards for Accessible Design (28 CFR 35.151 and 36 CFR part 1191, Appendices B and D).
- b. ADOT shall ensure that communication requirements applicable to new construction and building alterations are followed.
- c. In accordance with State and Federal Requirements ADOT's Facilities Management & Support Group shall use and maintain signs that clearly designate all available exits from all buildings. The Facilities Management & Support Group shall provide signage at all inaccessible entrances of ADOT's facilities, directing users to accessible entrance or to a location at which they can obtain information about accessible facilities. The international symbol for accessibility shall be used at each accessible entrance for a facility.

### **D. Unnecessary Inquiries**

ADOT shall not make any unnecessary inquiries into the existence of any individual disability.

### **E. Surcharges**

Although some ADA compliance may result in some additional cost to ADOT, the Department shall not place a surcharge only on particular individuals with disabilities or groups of individuals with disabilities to cover these expenses.

## **F. Reasonable Modification**

### **1. Right to Reasonable Modification**

ADOT shall provide individuals with disabilities with reasonable modifications when necessary to have an equal and meaningful opportunity to participate in and benefit from ADOT's programs, services, or activities.

ADOT shall make reasonable modifications to policies, practices, or procedures of a program, service, or activity at no cost to the individual with a disability when the modifications are necessary to avoid discrimination based on disability unless the modification would fundamentally alter the nature of the program, service, or activity, or create an undue administrative or financial burden.

### **2. Requesting Modifications**

Individuals with disabilities have a right to ask ADOT's programs, services, or activities for reasonable modifications.

- a. Request for reasonable modifications may be made verbally or by completing a Request for Reasonable Modifications form. The employee receiving a verbal request shall document the request by completing a Reasonable Modifications form. Programs, services, or activities cannot require individuals to use or sign special forms to make requests or waive a right for reasonable modifications.
- b. Whenever an individual indicates difficulty in accessing or participating in a program, service, or activity due to a disability, the employee shall advise the individual that he or she may make a request for reasonable modifications and offer assistance with making that request. In addition, individuals do not have to say the words "ADA" or "reasonable modification" to trigger ADOT's obligation to treat the statement as a request for a modification.
- c. If the employee knows that the individual has a disability that is causing the individual to have difficulty accessing services or participating in a program, service, or activity, the individual should be advised that he or she may make a request for reasonable modifications and should be offered assistance, if appropriate, in making the request.
- d. Individuals with disabilities have the right to change their minds at any time and accept a reasonable modification that was previously offered and declined. They also have the right to request a reasonable modification other than the modification offered or requested in the past.

### **3. Granting Modifications Requests**

Employees who interact with individuals during the provision of services shall have the responsibility and the authority to provide reasonable modifications for individuals with disabilities, and shall be aware of applicable procedures to ensure requests are resolved in a reasonable and timely manner.

If an employee believes that an individual requesting a modification is not entitled to a modification, or not entitled to specific modification requested, the employee shall consult with a supervisor before denying a modification request. If the reason for the denial is that the modification would result in a fundamental alteration or undue burden, the supervisor shall consult with the ADA Coordinator prior to approving or declining the request. If the request cannot be informally resolved, the individual requesting the modification may resolve any grievance resulting from the modification denial decision through the grievance process.

### **4. Documentation and Disability for Modifications and Interim Modifications**

- a. Employee must not require documentation of an obvious disability, for example, if the person is blind or in a wheelchair, unless:
  - (i) The program and the individual with a disability disagree about what type of modification would meet the needs of the individual with a disability, and documentation from the individual would explain why a modification offered by a program would not meet the needs of the individual with disability.
- b. In situations where there is a question about the existence of a disability or whether the modification is appropriate to address the barrier for service or participation, ADOT may seek documentation of a disability from a physician or appropriate licensed professional. The requested documentation shall verify the disability and its relationship to the barrier to service or participation, and how the requested modification would reduce or eliminate the disability to permit the individual with a disability to meet service or participation requirements. Documentation of the existence of a disability is considered sufficient if it confirms the existence of the disability, the permanent or temporary nature of the disability, and the functional limitations caused by the disability. Only the information related to the disability generating the need to be accommodated may be requested; other medical documentation is irrelevant.

### **5. Modifications Needed on an Ongoing Basis**

ADOT programs, services, or activities shall put procedures in place to ensure that modifications needed on an ongoing basis are provided on that basis, so that a person with a disability does not have to request the same modification each time it is needed.

## **6. Timeframe to Provide Reasonable Modifications**

- a. Modifications shall be provided in time to avoid discrimination. The time period depends on factors, including but not limited to, the type of modification requested and the consequences to the individual of failing to provide it immediately. Failure to provide modifications that can easily be provided may result in a denial of equal or meaningful access.
- b. Depending upon the modification requested and the circumstances, it may take some time to arrange for a modification, and it may not be feasible to provide the modification immediately or on the same day it is requested.
- c. For activities that are scheduled in advance, Department staff should encourage persons who may need modification to request them as early as possible before the activity.

## **7. Notice of Denial**

Divisions and programs shall only make a determination to deny a request for reasonable modification after consulting with the agency ADA Coordinator. If the division or program area denies a request for a modification, the agency ADA Coordinator shall ensure that a written notice is sent to the individual. This notification shall include in the denial notice an explanation for why the modification request is being denied, or why the program decided to offer a modification other than the one that was requested. The notice should also identify any alternative modifications that are offered. The written notice of denial shall also inform the individual with a disability of how to file an ADA grievance.

## **8. Individuals with Disabilities Cannot Be Required to Accept Modifications**

Nothing in this policy requires an individual with a disability to accept a modification, service, opportunity, or benefit provided under this policy. Individuals with disabilities have a right to refuse modifications, and cannot be excluded from programs, services, or activities because they refused a modification. If, however, as a result of refusing modification and the program having advised the individual with a disability of the consequences of the refusal, the program can take action against the individual with a disability on the basis that the individual with a disability is not complying with program requirements.

## **9. Reasonable Modification Available Regardless of Whether a Disability is Apparent**

Reasonable modification shall be provided regardless of the appearance or lack of appearance of a disability. Department employees not trained in determining disability accommodation or modification shall not make determinations on the need of clients requesting these services.

## **10. Consideration for Program-Specific Procedures**

- a. Department programs, services, or activities shall develop and implement program-specific reasonable modification procedures for individuals with disabilities.
- b. Program specific reasonable modification procedures shall ensure that, at a minimum, all Department policies are adhered to. While program specific procedures may adopt shorter time frames for providing reasonable modifications, they cannot adopt longer timeframes than those required by this policy. Additionally, program specific procedures shall be consistent with the following:
  - (i) Reasonable modification is appropriate when there is a connection between an individual's disability and the barrier to eligibility or participation in a program, service or activity.
  - (ii) First consideration should be given to addressing barriers using existing program, service, or activity resources.
  - (iii) Employees are to assist individuals requesting modification to provide the necessary information to establish a reasonable modification plan.

## **11. Policy Does Not Limit Benefits or Services**

Nothing in this policy prohibits the Department from providing benefits or services to individuals with disabilities, or to a particular class of individuals with disabilities beyond those required.

## **12. No Requirement to Provide Personal Devices**

- a. This policy does not require a program, service, or activity to provide individuals with disabilities with personal devices such as wheelchairs; individually prescribed devices such as prescription eyeglasses or hearing aides; readers for personal use or study; or services of a personal nature including assistance in eating, toileting or dressing, unless such personal services or devices are customarily provided to the individuals participating in the program, service, or activity.
- b. In some instances the Department may choose to provide equipment or services of a personal nature as an alternative to providing another type of modification.

## **G. Communications (Including Auxiliary Aids and Services)**

ADOT programs, services, or activities shall provide effective communication with individuals with disabilities and member of the public with disabilities where necessary to ensure an equal opportunity to participate in, and enjoy the benefits of, a program, service, or activity unless it would result in a fundamental alteration of the program, service, or activity or an undue financial or administrative burden.

## **1. Auxiliary Aids and Services**

- a. ADOT programs, services, or activities shall provide auxiliary aids and services including alternate format communication to individuals with disabilities of their choice unless it can be demonstrated that the choice would result in a fundamental alteration or an undue burden in which case, an alternative effective means of communication shall be used, if it exist.
- b. The type of auxiliary aid or service necessary to ensure effective communication shall vary depending on the needs of the individual with a disability and the length or complexity of the communication.
- c. In determining the type of auxiliary aid or service necessary, ADOT shall give primary consideration to the request of the individual with a disability.
- d. Example of auxiliary aids and services include, but are not limited to: assistive listening devices, open and closed captioning, qualified sign language interpreters, Speech to Speech Relay, Hearing Carry-Over (Text Telephones), speech synthesizers, communicating through keyboard, note takers, telephone amplifiers, videotext displays, teletypewriters (TTYs), email, Braille materials, large-print text, oral presentation, and audiotape recording and other effective methods of communication.
- e. ADOT programs, services, or activities shall provide information to individuals with disabilities, and members of the public about the methods by which the program, service or activity communicates with individuals with disabilities, the fact that auxiliary aids and services are available, and how to request them.

## **2. Sign Language Interpreters**

- a. ADOT programs, services, or activities, shall provide qualified sign language interpreters to individuals who are deaf or hard of hearing, who use sign language to communicate, when necessary to communicate effectively with a ADOT program, service, or activity. Individuals who are deaf or hard of hearing cannot be required to bring an interpreter with them to appointments, or to pay for an interpreter provided by the ADOT program.
- b. ADOT programs, services, or activities cannot require or persuade individuals with disabilities to provide their own interpreters, but an individual with a disability has a right to provide his or her own interpreter or have a relative or friend interpret if the individual prefers.
- c. To be a qualified interpreter, the interpreter shall be able to interpret effectively and impartially, using specialized vocabulary relevant to the ADOT program, service, or activity.

- d. In some circumstances, Department employees may be able to communicate effectively with a deaf or hard of hearing person during simple interactions through the use of written notes. For more lengthy and complex interactions, such as interviews to determine eligibility for services, interviews to determine an individual's needs (such as those used to develop service), conciliation meetings, and administrative hearings, writing notes is not an effective means of communication and should not be used.
- e. When an individual who is deaf or hard of hearing is limited English proficient, Department employees must provide vital program information in their preferred language.
- f. Programs, services, or activities may either have qualified interpreters on staff or use contract service providers that interpret on an as-needed basis. ADOT programs can also use when available video conferencing technology to access an interpreter at remote location where available.

### **3. Telephone and Other Remote Communication**

- a. Public entities such as ADOT that communicate by telephone must provide equally effective communication to individuals with disabilities, including hearing and speech impairments. If telephone relay services are available, those services generally may be used to meet this requirement. Relay services involve a relay operator who uses both a standard telephone and a TDD to type the voice messages to the TDD user and read the TDD messages to the standard telephone user. Where such services are available, public employees must be trained to accept and handle relayed calls in the normal course of business.
- b. ADOT may use several options for communicating by telephone with deaf and hard of hearing individuals.
  - (i) Teletext typewriters (TTYs) type and receive written messages.
  - (ii) Telephone relay services (7-1-1) use a toll-free relay operator to read messages so that a person with a TTY can communicate with a person or agency without a TTY.
  - (iii) Video relay or Video Relay Services (VRS) involves the use of a computer monitor and telephone to access relay operator who can see and be seen by a deaf caller and can serve as an interpreter between the deaf caller and a standard telephone user.
- c. Employees who receive calls from individuals with the public shall be instructed that silence on the other end of the phone may indicate that it is a relay call, and employees should not hang up immediately if they do not hear a voice. If the program, service, or activity has a TTY programmed to be answered automatically

instructing callers to leave messages, it shall have a procedure in place to check and return TTY messages and return calls on the same day that the message is received.

- d. Programs, services, or activities cannot adopt procedures that have a discriminatory effect on individuals with disabilities who need a third party to communicate with a program on their behalf. Programs shall have mechanisms in place that enable individuals with disabilities to submit an authorization form to the program authorizing the program to communicate with a third party on the individual's behalf.

#### **4. Interactive Voice Response System (IVR)**

If ADOT program does not have a TTY number, and a TTY user places a call through a relay operator, the IVR may not provide sufficient time for a caller to indicate his or her selection the relay operator and for the relay operator to enter the selection. If the ADOT program does not have a TTY and uses IVR, the system shall be programmed to ensure that persons using voice relay have the ability to access a live person who can accommodate their communication needs.

#### **5. Email Communications**

Email may be an effective way to communicate with individuals with disabilities and members of the public with disabilities. Many deaf and hard of hearing individuals prefer email and text messaging to TTYs.

If ADOT uses email to provide effective communication, as an equal and meaningful opportunity for individuals with disabilities to participate in and benefit from programs, services, or activities, ADOT will establish procedures requiring employees to check and respond to such messages within a reasonable period of time. ADOT will also inform individuals with disabilities, and members of the public that they can communicate with a program or employees by email.

#### **6. Notice to Individuals and the Public about Effective Communication and Individuals with Disabilities**

ADOT provides information to individuals and members of the public about the methods by which the program, service, or activity communicates with individuals with disabilities, the fact that auxiliary aids and services are available, and how to request them. Programs can meet the obligation to provide this notice by including information about effective communication in consumer materials that provide information about ADA rights. If the program has a TTY number, the number is included in notices, brochures, and other written materials that include the program's voice telephone number.

## **7. Web Site Accessibility**

ADOT will provide access to ADOT material to individuals with disabilities that is as effective as access provided to individuals without disabilities. ADOT is not required to purchase computers for individuals or to pay for Internet or other computer access services for an individual

## **H. Disability-Related Non-Compliance with Program, Service, or Activity Requirements**

Department employees shall take into account the potential impact of known disabilities when making a finding of willfulness or intent to refuse to comply with programmatic requirements. The Department shall offer reasonable modification when the modification will allow the individual with a disability to comply.

1. Department staff shall be sensitive to the difficulties that some individuals with disabilities have that make it difficult to meet ADOT program, service, or activity requirements, including complying with program notices, gathering documents, or complying with other program, service, or activity requirements.
2. Some individuals do not have disabilities themselves, but are caring for family members with disabilities, and these caretaking responsibilities make it difficult to comply with program, service, or activity requirements. The federal or state laws governing a particular program, service or activity may require that caretaker responsibilities be taken into account.

## **I. Service Animals**

Service animals include any guide dog, signal dog, or other animal individually trained to provide assistance to individuals with disabilities. Service animals are allowed to enter all ADOT facilities, institutions, and programs to assist individuals, employees, and the public with accessibility. Service animals are not required to be licensed or certified and not required to wear special identity collars or harnesses.

## **J. Fundamental Alteration**

When a fundamental alteration of a program, service, or activity, or undue financial or administrative burden would occur by providing program access, the Department shall take such action to provide program access that will not result in a fundamental alteration of the program, service, or activity, or result in an undue financial or administrative burden. ADOT may achieve access by:

1. Providing services, activities, and programs in facilities that are accessible to individuals with disabilities.
2. Transferring programs, services, and activities from any building that becomes temporarily or permanently inaccessible to an alternate location that is accessible.

3. Modifying when reasonable, the structure of a facility to ensure that individuals with disabilities have access to programs, services, and activities.
4. Making a reasonable modification of the policies and procedures, or providing auxiliary aids and services within available resources.

Any denial of request for access, an auxiliary aids or services or request for reasonable modification of policy due to a finding of fundamental alteration or undue burden shall be in writing with the reason for denial provided by the responsible division. Notice of denials resulting from a grievance review shall be provided by the ADA Coordinator.

#### **K. Direct Threat**

1. When participation in a program by an individual with a disability poses a direct threat, defined as a significant risk to the health or safety of others that cannot be eliminated or reduced to an acceptable level through the provision of auxiliary aids and services or through reasonably modifying policies, practices, or procedures, that person is not considered a qualified individual with a disability and may be excluded from ADOT programs, services, or activities.
2. The determination of direct threat to the health and safety of others shall be documented and based on an individualized assessment relying on current medical evidence, or the best available objective evidence that shows:
  - a. The nature, duration, and severity of the risk;
  - b. The probability that a potential injury shall actually occur; and
  - c. Whether reasonable modifications of policies, practices, or procedures shall lower or eliminate the risk.
3. Inappropriate behavior alone, even though it may make employees and other individuals uncomfortable, does not constitute a direct threat as defined in this section. It is only behavior that amounts to a significant risk to the health or safety of others that is a direct threat.

#### **L. Illegal Drug Use**

1. ADOT shall not discriminate on the basis of illegal drug use against an individual who is not currently engaging in illegal drug use.
2. It is not discriminatory for a program, service, or activity to adopt reasonable policies related to drug testing, that are designed to ensure that an individual who formerly engaged in the illegal use of drugs is not engaging in the current illegal use of drugs.

3. An individual with a psychoactive substance use disorder resulting from current illegal use of drugs is not considered to have a disability under this policy unless the individual has disability due to another condition.

#### **M. Discrimination on the Basis of Association**

1. ADOT shall not discriminate against individuals that do not have disabilities themselves, but have a known relationship or association with individuals who have disabilities such as family members, friends, or any other individual.
2. An individual who experiences discrimination by association has the right to file a report of discrimination or a grievance with ADOT, file a discrimination complaint with the appropriate federal or state designated agency, or to file a lawsuit.
3. The ADOT ADA Coordinator or designee shall investigate allegations of retaliation against individuals with disabilities or other protected under this policy.

#### **O. Release of Information**

If an ADOT Division believes there is a need to share information about an individual's disability with another ADOT program in a separate Division, or with another entity outside of the Division, the program shall follow applicable federal and state law and department policy regarding any such disclosure.

#### **P. Notice of Rights**

ADOT programs and services shall provide individuals, and members of the public with information about their rights under the ADA:

1. ADOT offices in which individuals are served shall display an approved poster or flyers that highlight individual rights under the ADA.
2. The Department shall provide information to explain rights of applicants and recipients in relation to services for those with disabilities. The information shall be made available where information about ADOT programs and services are available.
3. Employees shall read and explain the information to the individual whenever an applicant or recipient for ADOT programs or benefits has a disability that interferes or may interfere with the ability to read and/or understand written material.

#### **Q. Grievance Policy and Procedure**

##### **1. Right to File a Grievance**

Anyone who feels that he or she or another person has been discriminated against in violation of Title II of the ADA or Section 504, may file an ADA grievance by submitting

a grievance to the ADA Coordinator for investigation and resolution. If the ADA Coordinator position was involved in the initial decision to deny a request for a reasonable modification, an individual can file an ADA grievance directly with the ADOT Director's office and request that the Director's Office investigate and decide the grievance.

## **2. Notice of Right to File a Grievance**

- a. Individuals shall be informed of their right to file such grievances by posters or fliers in program offices and fliers distributed to individuals.
- b. Poster or fliers shall include contact information (name, address, and phone and fax number) of the ADA Coordinator.
- c. Notices informing individuals that the request for a reasonable modifications or modification has been denied shall contain information about how to file an ADA grievance with ADOT.

## **3. Methods of Filing a Grievance**

Individuals may file a grievance by telephone, in writing, or on a grievance form. Programs shall inform anyone seeking to file a grievance that they are entitled to help with completing the form, if needed. If a grievance is submitted by telephone, the ADA Coordinator shall take down the information over the telephone and provide the person filing the grievance with a copy of the form or other document describing the grievance, so that the person filing the grievance can review it and make changes if necessary. Alternate formats shall be provided if needed as a modification regarding the grievance process.

## **4. Deadline for Deciding ADA Grievances**

The ADA Coordinator or designee shall investigate and resolve a grievance as soon as possible and in any event within 30 business days after receipt of the grievance. A decision shall be provided to the grievant in writing.

## **5. Appeal**

A grievant who is not satisfied with the initial grievance decision may appeal it to the ADOT Director. Appeals shall be filed at the ADOT Director's Office within 10 days of the date the grievant received notification that the grievance was denied, and shall explain why the grievant disagrees with the initial grievance decision. The ADOT Director shall provide a written response within thirty days of receipt of the appeal.

## **6. Record Keeping Requirements for ADA Grievances**

All ADA grievances shall be documented to include: the name of the grievant; the grievance; the date of the grievance; the investigation; the resolution of the grievance; and any documentation concerning the grievance.

## **R. Monitoring**

All ADOT programs, services, or activities shall develop a system for monitoring compliance with the ADA in ADOT or contracted programs, services and activities. Monitoring shall take place on a regular and ongoing basis, including, but not limited to:

1. A review of a sample of individual case records of individuals with disabilities to determine whether disabilities were identified, modification requests recorded, and modifications provided in a timely fashion;
2. A periodic review of all of the ADA grievances filed with ADOT regarding the program, service, or activity, to identify patterns of problems that may need to be addressed through policy changes, and ensure that grievances were resolved in a timely fashion;
3. Analysis of customer data to identify trends that may indicate a need for policy and program changes (e.g., to see whether individuals with disabilities are losing or being denied benefits and services to a greater extent than others);
  - a. Interviews with front line employees to test their familiarity with ADA obligations and modification procedures;
  - b. Customer interviews to see whether they are satisfied that their disabilities were accommodated.

## **S. Training**

1. ADOT will provide periodic training to employees to facilitate their understanding of ADOT responsibilities under federal and state civil rights law and regulations, and this policy, governing the delivery of programs, services, and activities.
2. ADOT divisions shall use the Department-wide ADA training.
3. All new employees shall receive initial training, and existing employees shall receive refresher training.
4. Refresher training shall be provided on an annual basis.

## **T. Contractors and Grantees**

1. When ADOT procures services by contract, grant, or intergovernmental agreement (IGA), ADOT shall include requirements in contracts and IGAs that contractors, grantees, or governmental entities under IGA shall comply with Title II and Section 504, in addition to other applicable civil rights laws.
2. All procured contracts, grants, or IGAs shall also include provisions for ADOT to periodically review contractors for compliance with Title II and Section 504.

3. Primary responsibility for adopting policies and procedures to provide non-discriminatory access by an individual or the public to a service, program or activity administered by ADOT lies with ADOT.


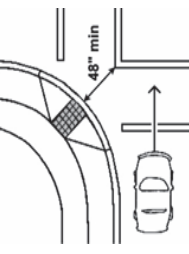
## **2.10 CORRESPONDING POLICIES**

PER-2.01 ADOT Americans With Disabilities Policy

**Appendix B:**  
Self-Evaluation Field Survey Checklist



**ARIZONA DEPARTMENT OF TRANSPORTATION  
FEATURE INVENTORY PROGRAM**

	If Curb Ramp is Built-Up, is it Outside Path of Cars? (4.7.6) 	Is There a Marked Crosswalk for this CR and what is the Striping Condition Yes - Good Yes - Poor No Marked Crosswalk N/A	Where Marked Crosswalk, Is Ramp Within Crosswalk Markings (Excluding Flares) (4.7.9) Yes No N/A	Is Corner CR Landing 48" or More & Within 48" of Cross Walk (4.7.10)  Yes No N/A	Is Curb Ramp ADA Compliant If YES next 2 must be answered N/A If NO next 2 must be answered Y/N Yes No	Is Compliance Readily Achievable (Nature & Cost of Compliance)* Yes No N/A				
							Yes	Yes	Yes	Yes
							No	No	No	No
	N/A	No Marked Crosswalk	N/A	N/A		N/A				

	Does Reasonable Access Exist ? Yes No N/A	Comments (Drainage or Other Issues)		
			Yes	
			No	
	N/A			

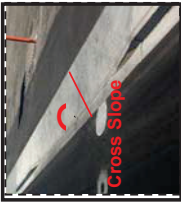
2	CURB RAMP NEEDED (4.7.1)	GPS Location

3	TRAFFIC ISLAND PEDESTRIAN X-ING <b>1 Photo Minimum</b>	GPS Location	Is Traffic Island Ped X-ing Minimum 48" Wide (PROWAG R301.3.1) Yes No	Is Traffic Island Ped X-ing Minimum 6' Long (PROWAG R305.4.1)	Is Ped X-ing Level With the Street (4.7.11)	If Ped X-ing is Level with Street, the sides are... Both Vertical Both Flush Both Sloped Mixed N/A	If Present, Are Compliant Curb Ramps on Both Sides (4.7.11) No Curb Ramps Compliant CR Non Compliant CR				
								Yes	Yes	Both Vertical	No Curb Ramps
								No	No	Both Flush	Compliant CR

**ARIZONA DEPARTMENT OF TRANSPORTATION  
FEATURE INVENTORY PROGRAM**

	If Curb Ramp(s) Present, is there a Minimum 48" x 48" Landing (4.7.11)	Detectable Warnings (4.29.2)	Is Traffic Island Ped X-ing ADA Compliant <b>If YES next 2 must be answered N/A If NO next 2 must be answered Y/N</b>	Is Compliance Readily Achievable (Nature & Cost of Compliance)*	Does Reasonable Access Exist?	
	Yes	Domes	Yes	Yes	Yes	
	No	Grooves	No	No	No	
	N/A	Other	Unknown	N/A	N/A	
	None					
<b>4</b>	<b>LINEAL FEET</b>	<b>When Located on a Ramp (Over 5%), is Top Rail Between 34" &amp; 38" (4.3.7 &amp; 4.8.5.5)</b>				
	GPS measure	Yes No				
<b>5</b>	<b>SIDEWALKS MEASUREMENTS (Accessible Route)</b>	<b>Minimum 48" Width (PROWAG R301.3.1)</b>	<b>Width 5' or More (4.3.4)</b>	<b>If Less than 5' Width are there 5' x 5' Passing Spaces at Least Every 200' (4.3.4)</b>	<b>Is the Running Slope &lt; 5.01% (4.3.7)</b>	<b>Is Cross Slope &lt; 2.01% (4.3.7)</b>
	GPS Measure	Yes No	Yes No	Yes No N/A	Yes No	Yes No
	<b>SIDEWALK COMPLIANT?</b>	<b>Readily Achievable (Nature &amp; Cost of Compliance)*</b>	<b>Does Reasonable Access Exist?</b>	<b>Comments (150 Characters)</b>		
	<b>If YES next 2 must be answered N/A If NO next 2 must be answered Y/N</b>					
	Yes	Yes	Yes			
	No	No	No			
		N/A	N/A			

**ARIZONA DEPARTMENT OF TRANSPORTATION  
FEATURE INVENTORY PROGRAM**

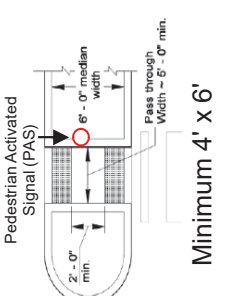
6	Driveways Crossing Sidewalk (Accessible Route) (Immediately Adjacent to Curb)	GPS Location	Is Cross Slope < 2.01% (4.3.7)	Is the Running Slope < 5.01% (4.3.7)	Is Driveway ADA Compliant?	Comments (150 Characters)
<p>Though in reality a part of the sidewalk, driveways are collected as separate features to aid in the quantification and location of needed improvements</p>		Yes No	Yes No	Yes No		

7	OBSTRUCTIONS OR NEEDS ON ACCESSIBLE ROUTE (EXCEPTION REPORT)	GPS Location	Overhead Obstruction < 80" High (4.4.2)	Are There Obstructions that Reduce Accessible Route to < 48" (PROWAG R301.3.1)	Wall Mounted Obstructions Protruding > 4" into Accessible Route (4.4.1)	Obstruction Type	Obstruction ID (50 Characters)												
<p><b>1 Photo Minimum</b></p>	If Vertical Distance 1/4" - 1/2", is Edge Beveled? (4.5.2)	Yes No N/A	Yes No N/A	Yes No N/A	Post or Pole Signal Cabinet Trees/Vegetation Awning/Sign Broken Concrete Utility/Valve Box Pavement Warping Other	ID No. if Available and/or Comment													
							If Vertical Distance is > 1/2" is Edge Ramped (4.5.2)	Yes No N/A	Yes No N/A	If Gratings Present, are spaces < to 1/2" (4.5.4)	If Elongated Openings on Grates, are they 90 Degrees to Travel Direction (4.5.4)	Needs on Accessible Route	Other (enter comment)						

**ARIZONA DEPARTMENT OF TRANSPORTATION  
FEATURE INVENTORY PROGRAM**

8	PEDESTRIAN ACTIVATED SIGNAL (EXCEPTION REPORT)	GPS Location	Is Height of Signal Button 54" or Less (4.2.6)	Is Edge of Accessible Route within 10" (horizontal) of Pedestrian Activated Signal Button (4.2.6 - Fig 6.a)	If not within 10" horizontal, How Far?	Pole Number and/or Comment (50 Characters)	Is Pushbutton Aligned with Crosswalk?
<b>1 Photo Minimum</b>							
			Yes	Yes	11" - 14"	ID No. if Available	Yes
			No	No	15" - 18"	and/or Comment	No
					19" - 24"		
					24" +		
					N/A		

PAS Needs Compliant Traffic Island Pedestrian Crossing	Is Accessibility or Device ADA Compliant?	Is Compliance Readily Achievable (Nature & Cost of Compliance)*	Does Reasonable Access Exist?	Pedestrian Signal Present - No Accessible Route
 <p>Pedestrian Activated Signal (PAS)</p> <p>Minimum 4' x 6'</p>	<p><b>If YES next 2 must be answered N/A</b></p> <p><b>If NO next 2 must be answered Y/N</b></p>			
Yes	Yes	Yes	Yes	Yes
No	No	No	No	N/A
	No	N/A	N/A	

General Tab				Cardinal Direction Tabs	
GPS Location	Structure Name	Structure Number	36" Wide Minimum	If Width <5' is 5' x 5' passing Area Every 200'	Cross Slope <2.01%
<b>2 Photos Minimum</b>					
	Yes	Yes	Yes	Yes	Yes
	No	No	No	No	No

**ARIZONA DEPARTMENT OF TRANSPORTATION  
FEATURE INVENTORY PROGRAM**

<b>Cardinal Direction Tab</b>					
<b>If Cross Slope is &gt;2%, What is it?</b>	<b>Running Slope &lt;5.01%</b>	<b>If Running Slope is &gt;5%, What is it?</b>	<b>If &gt;5% are, level landings top &amp; bottom of each run?</b>	<b>If Ramp is &gt;5% is there handrail on both sides?</b>	<b>If present, are handrails between 34" &amp; 38" high?</b>
N/A	Yes	N/A	N/A	N/A	N/A
2% - 2.5%	No	5% - 6.25%	Yes	Yes	Yes
2.5%-3%	Yes	6.25% - 8.3%	No	No	No
3%-3.5%	No	>8.3%			
3.5%-4%					
4%-4.5%					
>5%					

<b>Cardinal Direction Tab</b>					
<b>If present, are handrails continuous?</b>	<b>If present, are grating openings .5" or less</b>	<b>If grating openings are &gt; .5", what size are they?</b>	<b>Are grating openings perpendicular to path?</b>	<b>Are there any obstructions (also add Comment)</b>	<b>Is the Cardinal Direction path (way) Compliant</b>
N/A	N/A	1/2" - 5/8"	N/A	N/A	Yes
Yes	Yes	5/8" - 3/4"	Yes	Yes	No
No	No	3/4" - 7/8"	No	No	
		7/8" - 1"			
		Over 1"			

<b>Cardinal Direction Tab</b>	<b>Pedestrian Over / Under Pass Tab</b>
	<b>If Width &lt;5' is 5' x 5' passing Area Every 200'</b>
<b>Comments</b>	<b>Cross Slope &lt;2.01%</b>
	Yes
	No

<b>Pedestrian Over / Under Pass Tab</b>					
<b>If Cross Slope is &gt;2%, What is it?</b>	<b>Running Slope &lt;5.01%</b>	<b>If Running Slope is &gt;5%, What is it?</b>	<b>If &gt;5% are, level landings top &amp; bottom of each run?</b>	<b>If Ramp is &gt;5% is there handrail on both sides?</b>	<b>If present, are handrails between 34" &amp; 38" high?</b>
N/A	Yes	N/A	N/A	N/A	N/A
2% - 2.5%	No	5% - 6.25%	Yes	Yes	Yes
2.5%-3%	Yes	6.25% - 8.3%	No	No	No
3%-3.5%	No	>8.3%			
3.5%-4%					
4%-4.5%					
>5%					

**ARIZONA DEPARTMENT OF TRANSPORTATION  
FEATURE INVENTORY PROGRAM**

**Pedestrian Over / Under Pass Tab**

If present, are handrails continuous?	If present, are grating openings .5" or less	If grating openings are > .5", what size are they?	Are grating openings perpendicular to path?	Are there any obstructions (also add Comment)	Is the Cardinal Direction path (way) Compliant
N/A	N/A	1/2" - 5/8"	N/A	N/A	Yes
Yes	Yes	5/8" - 3/4"	Yes	Yes	No
No	No	3/4" - 7/8"	No	No	
		7/8" - 1"			
		Over 1"			

**Ped Over/Under Pass Tab**

<b>NON-Cardinal Direction Tabs</b>	
Comments	If Width <5' is 5' x 5' passing Area Every 200'
	Yes
	No
	Cross Slope <2.01%
	Yes
	No

**NON-Cardinal Direction Tabs**

If Cross Slope is >2%, What is it?	Running Slope <5.01%	If Running Slope is >5%, What is it?	If >5% are, level landings top & bottom of each run?	If Ramp is >5% is there handrail on both sides?	If present, are handrails between 34" & 38" high?
N/A	Yes	N/A	N/A	N/A	N/A
2% - 2.5%	No	5% - 6.25%	Yes	Yes	Yes
2.5%-3%	Yes	6.25% - 8.3%	No	No	No
3%-3.5%	No	>8.3%			
3.5%-4%					
4%-4.5%					
>5%					

**NON-Cardinal Direction Tabs**

If present, are handrails continuous?	If present, are grating openings .5" or less	If grating openings are > .5", what size are they?	Are grating openings perpendicular to path?	Are there any obstructions (also add Comment)	Is the Cardinal Direction path (way) Compliant
N/A	N/A	1/2" - 5/8"	N/A	N/A	Yes
Yes	Yes	5/8" - 3/4"	Yes	Yes	No
No	No	3/4" - 7/8"	No	No	
		7/8" - 1"			
		Over 1"			

**NON-Cardinal Direction Tab**

Comments

**Appendix C:**  
Features Inventory Summary Sheets









**ARIZONA DEPARTMENT OF TRANSPORTATION  
FEATURE INVENTORY SERVICES**

**ADA SELF EVALUATION - SIDEWALK SUMMARY**

Attribute	Attribute Value	Flagstaff		Globe		Holbrook		Kingman		Phoenix		Prescott		Safford		Tucson		Yuma		Statewide	
		# of Assets	%	# of Assets	%	# of Assets	%	# of Assets	%	# of Assets	%	# of Assets	%	# of Assets	%	# of Assets	%	# of Assets	%	# of Assets	%
<b>Total Sidewalk Features Collected</b>		218		445		233		207		2,152		352		346		662		215		4,890	
Is Sidewalk ADA Compliant?	Yes	144	66.1%	275	61.8%	187	80.3%	177	85.5%	2,107	97.9%	232	65.9%	213	61.6%	487	73.6%	205	95.3%	4,027	83.4%
	No	74	33.9%	170	38.2%	46	19.7%	30	14.5%	45	2.1%	120	34.1%	133	38.4%	175	26.4%	10	4.7%	803	16.6%
			100.0%		100.0%		100.0%		100.0%		100.0%		100.0%		100.0%		100.0%		100.0%		100.0%
Is Cross Slope < 2.01%	Yes	162	74.3%	331	74.4%	209	89.7%	195	94.2%	2,144	99.6%	291	82.7%	246	71.1%	575	86.9%	210	97.7%	4,363	90.3%
	No	56	25.7%	114	25.6%	24	10.3%	12	5.8%	8	0.4%	61	17.3%	100	28.9%	87	13.1%	5	2.3%	467	9.7%
			100.0%		100.0%		100.0%		100.0%		100.0%		100.0%		100.0%		100.0%		100.0%		100.0%
Is Running Slope <5.01%	Yes	208	95.4%	424	95.3%	218	93.6%	203	98.1%	2,139	99.4%	330	93.8%	324	93.6%	626	94.6%	211	98.1%	4,683	97.0%
	No	10	4.6%	21	4.7%	15	6.4%	4	1.9%	13	0.6%	22	6.3%	22	6.4%	36	5.4%	4	1.9%	147	3.0%
			100.0%		100.0%		100.0%		100.0%		100.0%		100.0%		100.0%		100.0%		100.0%		100.0%
Minimum 48" Wide?	Yes	218	100.0%	440	98.9%	233	100.0%	201	97.1%	2,136	99.3%	344	97.7%	331	95.7%	660	99.7%	213	99.1%	4,776	98.9%
	No	0	0.0%	5	1.1%	0	0.0%	6	2.9%	16	0.7%	8	2.3%	15	4.3%	2	0.3%	2	0.9%	54	1.1%
			100.0%		100.0%		100.0%		100.0%		100.0%		100.0%		100.0%		100.0%		100.0%		100.0%
Sidewalk Width 5' or More?	Yes	198	90.8%	321	72.1%	208	89.3%	174	84.1%	2,092	97.2%	246	69.9%	263	76.0%	527	79.6%	200	93.0%	4,229	87.6%
	No	20	9.2%	124	27.9%	25	10.7%	33	15.9%	60	2.8%	106	30.1%	83	24.0%	135	20.4%	15	7.0%	601	12.4%
			100.0%		100.0%		100.0%		100.0%		100.0%		100.0%		100.0%		100.0%		100.0%		100.0%
If Width <5', Is 5' x 5' Passing Area Every 200'?	Yes	1	0.5%	5	1.1%	5	2.1%	7	3.4%	6	0.3%	6	1.7%	2	0.6%	23	3.5%	18	8.4%	73	1.5%
	No	17	7.8%	93	20.9%	18	7.7%	25	12.1%	17	0.8%	89	25.3%	52	15.0%	104	15.7%	2	0.9%	417	8.6%
	N/A	200	91.7%	347	78.0%	210	90.1%	175	84.5%	2,130	99.0%	257	73.0%	292	84.4%	535	80.8%	195	90.7%	4,341	89.9%
			100.0%		100.0%		100.0%		100.0%		100.0%		100.0%		100.0%		100.0%		100.0%		100.0%

**NOTE**

Sidewalks may be generally compliant, but with non-compliant areas.  
2,370 Specific obstruction locations have been recorded, along with 4,609 locations where driveway crossings make the sidewalk non-compliant.

**ARIZONA DEPARTMENT OF TRANSPORTATION  
FEATURE INVENTORY SERVICES**

**ADA SELF EVALUATION - DRIVEWAYS \***

Attribute	Attribute Value	Flagstaff		Globe		Heibrook		Kingman		Phoenix		Prescott		Safford		Tucson		Yuma		Statewide	
		No. of Assets	%	No. of Assets	%	No. of Assets	%	No. of Assets	%	No. of Assets	%	No. of Assets	%	No. of Assets	%	No. of Assets	%	No. of Assets	%	No. of Assets	%
<b>Total Driveways Collected</b>		351		1,310		153		352		582		440		602		665		154		4,609	
Is Driveway ADA Compliant?	Yes	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
	No	351	100.0%	1,310	100.0%	153	100.0%	352	100.0%	582	100.0%	440	100.0%	602	100.0%	665	100.0%	154	100.0%	4,609	100.0%
<b>TOTAL</b>																					
Is Cross Slope <2.01%?	Yes	0	0.0%	1	0.1%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	0.2%	7	1.1%	0	0.0%	9	0.2%
	No	351	100.0%	1,309	99.9%	153	100.0%	352	100.0%	582	100.0%	440	100.0%	601	99.8%	658	98.9%	154	100.0%	4,600	99.8%
<b>TOTAL</b>																					
Is Running Slope <5.01%?	Yes	351	100.0%	1,304	99.5%	153	100.0%	352	100.0%	576	99.0%	440	100.0%	595	98.8%	615	92.5%	154	100.0%	4,540	98.5%
	No	0	0.0%	6	0.5%	0	0.0%	0	0.0%	6	1.0%	0	0.0%	7	1.2%	50	7.5%	0	0.0%	69	1.5%
<b>TOTAL</b>																					

\* Driveways are not an ADA regulated feature as such. In this case they are non-compliant portions of the accessible way (sidewalk). They were collected as driveways in order to provide specific locations on the accessible way where there are compliance issues.

**Appendix D:**  
Public Involvement Summary Report

**PUBLIC INVOLVEMENT SUMMARY**  
**ARIZONA DEPARTMENT OF TRANSPORTATION**  
**ADA TRANSITION PLAN**  
**PREPARED BY ADOT COMMUNICATIONS**  
**NOVEMBER 13, 2012**

## **Introduction**

Public comments on the Arizona Department of Transportation's ADA Transition Plan were solicited through an on-line survey on the website that was created to provide the public with information on the plan. The survey was opened on September 4, 2012 and comments were accepted until September 28, 2012.

The public was notified of the survey with a news release that was sent to all media in Arizona and ADOT's stakeholder database of more than 24,000 recipients, a story on ADOT's Facebook page, and a post on the ADOT blog.

The following report and appendices provide details on the public outreach effort.

## **ADA Background**

The Americans with Disabilities Act (ADA) is a federal civil rights statute that prohibits, under certain circumstances, discrimination based on disability. Title II of the ADA addresses the law's requirements of state/local governments in their interactions with people with disabilities. The U.S. Department of Justice's regulations declare that state/local governments must perform a self-evaluation of their services, programs, policies, and practices and identify barriers that may limit accessibility for people with disabilities, and develop transition plans describing how they will address identified barriers.

ADOT has prepared a draft Transition Plan to comply with the ADA. The draft plan is intended to identify system needs and integrate them with ADOT's planning process, while ensuring that all of its facilities, services, programs and activities are accessible to all individuals. The principal focus of the plan is to ensure that ADOT standards, guidelines, and memos comply with the ADA.

## **Public Outreach**

One of the requirements for the process of creating the Transition Plan is to reach out to the public and stakeholders and to solicit comments on the plan. The following is a summary of ADOT's public involvement efforts.

Because of limited resources public meetings on the Transition Plan could not be held around the state. ADOT Communications has an extensive database composed of the general public, local government officials, county government officials, councils of government, tribal governments, and interest groups. The decision was made to use the database to distribute information on the plan and to solicit comments.

The following were the components of the outreach effort:

### **Website**

A website was established at: [http://www.azdot.gov/Inside ADOT/ADA Transition Plan](http://www.azdot.gov/Inside_ADOT/ADA_Transition_Plan).

The following documents were posted on the website (Appendix 1):

- Draft Transition Plan
- Draft Compliance Report for Building Facilities
- Grievance Policy

A survey was also posted on the website (Appendix 2).

### **News Release**

The following news release was sent to every media outlet in Arizona on September 4, 2012:

For Immediate Release: Sept. 4, 2012  
Contact: ADOT Public Information Office  
[news@azdot.gov](mailto:news@azdot.gov) -or- 1.800.949.8057

## **ADOT makes ADA Transition Plan available for public comment** *Interested individuals encouraged to provide feedback*

**PHOENIX** — The Arizona Department of Transportation’s mission is to provide a safe, efficient and cost effective transportation system for all users, including those with disabilities. That’s why the agency is seeking feedback from the public on its proposed Transition Plan to comply with the Americans with Disabilities Act.

The draft plan, which is required as part of Title II of the Americans with Disabilities Act, is intended to identify system needs and integrate them with ADOT’s planning process, while ensuring that all of its facilities, services, programs and activities are accessible to all individuals.

The transition plan applies to all facilities and right-of-way owned and maintained by ADOT. Examples of facilities include office buildings, rest areas, scale sites, airports and maintenance buildings. Examples of right-of-way features include curb ramps, sidewalks, crosswalks, medians and accessible pedestrian signals.

As part of the plan development process that began in January 2011, ADOT completed a comprehensive statewide inventory of public rights-of-way, including data collection of more than 22,000 features and 10,000 photos taken.

“Every agency must document its intent to meet the Americans with Disabilities Act requirements. Developing a transition plan based on self-evaluation is the best way to do it,” said ADOT Deputy State Engineer Dallas Hammit. “It’s the right thing to do. We want to make sure everyone has access to all of our buildings, facilities and programs. It’s important that the public submit their comments because their input will be used for the final plan.”

The draft transition plan is available online at:  
[http://www.azdot.gov/Inside\\_ADOT/ADA\\_Transition\\_Plan](http://www.azdot.gov/Inside_ADOT/ADA_Transition_Plan).

Comments may be submitted until September 28. Take the survey online at:  
<https://www.research.net/s/ADATransitionPlan> or write ADOT’s ADA Coordinator, Eddie Edison, at the Arizona Department of Transportation, 206 S. 17th Avenue, Phoenix, AZ 85007.

ADOT's Transition Plan will be finalized after public comments are addressed.

**ADA Background**

The Americans with Disabilities Act (ADA) is a federal civil rights statute that prohibits, under certain circumstances, discrimination based on disability. Title II of the ADA addresses the law's requirements of state/local governments in their interactions with people with disabilities. The U.S. Department of Justice's regulations declare that state/local governments must perform a self-evaluation of their services, programs, policies, and practices and identify barriers that may limit accessibility for people with disabilities, and develop transition plans describing how they will address identified barriers.

## **Stakeholder Outreach**

The news release was also sent to 24,174 recipients on the ADOT Communications databases.

## **Social Media**

The following story was posted on the ADOT Facebook page and the ADOT blog:

<http://adotblog.blogspot.com/2012/09/adot-makes-ada-transition-plan.html>

The story prompted a number of comments. The comments and responses are shown following the story.

## **Survey**

ADOT received 85 responses to the online survey. The responses and comments are attached in Appendix 2.

## Appendix 1 Screen Shot of Website

The screenshot displays the ADOT website interface. At the top, a navigation bar includes links for MVD Offices & Alternatives, Vehicle Registration, Road Conditions, Traffic Cameras, and Public Meetings. The main header features the ADOT logo, the text "Arizona Department of Transportation", and the AZ.GOV logo with "Arizona's Official Web Site". A search bar with "Google Custom Search" and a "Search" button is positioned below the header. A purple sidebar on the left lists "Inside ADOT Home Page" with sub-links: Plans and Reports, Policies, Share Your Thoughts, and ADOT and the Community. The main content area is titled "Home Page" and features a section for the "Americans with Disabilities Act Transition Plan". This section includes a paragraph explaining the ADA of 1990, a list of three items the transition plan will contain, a "Share Your Thoughts" link, a "More Information" box with three document links, a survey request, and a section for "American with Disabilities Act Background Information". A right-hand sidebar contains an email subscription prompt. The footer includes the ADOT name and links for "Disclaimer & Privacy Statement" and "Contact ADOT".

MVD Offices & Alternatives Vehicle Registration Road Conditions Traffic Cameras Public Meetings

ADOT Arizona Department of Transportation AZ.GOV Arizona's Official Web Site

Google Custom Search Search

Inside ADOT Home Page Home Page

Plans and Reports  
Policies  
Share Your Thoughts  
ADOT and the Community

### Americans with Disabilities Act Transition Plan

As part of Title II of the Americans with Disabilities Act (ADA) of 1990, the Arizona Department of Transportation is conducting an evaluation of its public right-of-way, and developing a transition plan that outlines in detail how the organization will ensure safe access to all of its facilities for all individuals.

**The Transition Plan will contain:**

1. Data collection on statewide ADA features and evaluation for compliance with Americans with Disabilities Act Accessibility Guidelines (ADAAG) and summary of the Self-Evaluation inventory results
2. Update of ADOT ADA-related policy documents (e.g., public notice, grievance procedure)
3. Development of a prioritization process to improve ADOT facilities to meet current ADA design guidelines

[Share Your Thoughts](#)

More Information

- [Americans with Disabilities Act: DRAFT Transition Plan for Public Rights-of-Way, ADOT, June 2012](#)
- [Americans with Disabilities Act: DRAFT Compliance Report for Building Facilities, ADOT, June 2012](#)
- [Arizona Department of Transportation, American with Disabilities Grievance Policy](#)

Please help us by completing this [brief survey](#).

### American with Disabilities Act Background Information

The Americans with Disabilities Act (ADA) of 1990 is a civil rights statute that prohibits, under certain circumstances, discrimination based on disability. Title II of the ADA addresses the law's requirements of state/local governments in their interactions with people with disabilities. The U.S. Department of Justice's (DOJ) regulations declare that state/local governments must perform a self-evaluation of their services, programs, policies, and practices and identify barriers that may limit accessibility for people with disabilities, and develop transition plans describing how they will address identified barriers.









Keep informed about this project, [subscribe to receive future project updates](#) by email.

Arizona Department of Transportation  
Disclaimer & Privacy Statement | Contact ADOT





**Appendix 2 On-Line Survey**  
(follows)

# ADA Transition Plan





## 1. What is your age?

		Response Percent	Response Count
Less than 16		0.0%	0
17 to 24		1.2%	1
25 to 34		7.0%	6
35 to 44		11.6%	10
<b>45 to 54</b>		<b>20.9%</b>	<b>18</b>
55 to 59		15.1%	13
60 to 64		17.4%	15
65 to 74		17.4%	15
Over 75		9.3%	8
<b>answered question</b>			<b>86</b>
<b>skipped question</b>			<b>0</b>




## 2. What is your primary mode of transportation?

		Response Percent	Response Count
Car		91.6%	76
Bus/light rail		3.6%	3
Bicycle		3.6%	3
Walking		1.2%	1
	Other (please specify)		6
		<b>answered question</b>	<b>83</b>
		<b>skipped question</b>	<b>3</b>

## 3. Do you have any of the following disabilities that affect your mobility when traveling on sidewalks? Check all that apply.

		Response Percent	Response Count
Visually impaired		7.1%	6
Mobility impaired		27.1%	23
Hearing impaired		8.2%	7
None		67.1%	57
	Other (please specify)		3
		<b>answered question</b>	<b>85</b>
		<b>skipped question</b>	<b>1</b>









#### 4. What is the usual purpose of your walking trip?

		Response Percent	Response Count
Pleasure/exercise/health		60.7%	51
To access goods or services (groceries, errands, etc.)		26.2%	22
School/church/civic		0.0%	0
To work		13.1%	11
answered question			84
skipped question			2

#### 5. What are the biggest challenges you experience as a pedestrian along ADOT facilities?

	Response Count
	53
answered question	53
skipped question	33

## 6. What general conditions related to physical accessibility do you find to be the most difficult?

		Response Percent	Response Count
Lack of curb ramps		33.8%	22
<b>Sidewalks/walkways in poor condition</b>		<b>56.9%</b>	<b>37</b>
Sidewalk/driveway slopes		36.9%	24
Sidewalk too narrow		21.5%	14
No median refuge, or too narrow of a refuge		24.6%	16
No crosswalk markings		13.8%	9
No pedestrian signals (walk/don't walk)		12.3%	8
No audible cues from pedestrian signals		4.6%	3
	Other (please specify)		19
	<b>answered question</b>		<b>65</b>
	<b>skipped question</b>		<b>21</b>

## 7. If you have a disability, or travel with someone who has a disability, what accessibility issues do you typically face?

	Response Count
	32
<b>answered question</b>	<b>32</b>
<b>skipped question</b>	<b>54</b>



**8. Please rank the following types of ADA improvements necessary to achieve greater accessibility, with 1 being the highest priority.**

	1	2	3	4	5	6	Rating Average	Response Count
Install/improve curb ramps	<b>40.5%</b> <b>(30)</b>	14.9% (11)	18.9% (14)	12.2% (9)	1.4% (1)	12.2% (9)	2.55	74
Improve sidewalks/walkways	<b>51.3%</b> <b>(39)</b>	15.8% (12)	14.5% (11)	3.9% (3)	5.3% (4)	9.2% (7)	2.24	76
Improve sidewalks at driveways	<b>22.9%</b> <b>(16)</b>	20.0% (14)	21.4% (15)	12.9% (9)	5.7% (4)	17.1% (12)	3.10	70
Improve median refuge	20.0% (14)	12.9% (9)	<b>25.7%</b> <b>(18)</b>	15.7% (11)	11.4% (8)	14.3% (10)	3.29	70
Improve pedestrian signals	17.1% (12)	14.3% (10)	<b>25.7%</b> <b>(18)</b>	12.9% (9)	18.6% (13)	11.4% (8)	3.36	70
Install/improve crosswalk markings	13.0% (9)	<b>27.5%</b> <b>(19)</b>	26.1% (18)	11.6% (8)	10.1% (7)	11.6% (8)	3.13	69
<b>answered question</b>								<b>79</b>
<b>skipped question</b>								<b>7</b>

**9. Are there other services, programs, or ADOT owned facilities that you think are inaccessible? Please provide details.**

	Response Count
	26
<b>answered question</b>	<b>26</b>
<b>skipped question</b>	<b>60</b>

**10. Is the Americans with Disability policy and greivance procedure clear enough to understand the process?**

		Response Percent	Response Count
Yes		79.7%	59
No		20.3%	15
answered question			74
skipped question			12

**11. Please provide any comments regarding the policy.**

	Response Count
	32
answered question	32
skipped question	54

**Q2. What is your primary mode of transportation?**

1	Motorcycle	Sep 27, 2012 12:09 PM
2	I am a paraplegic so a wheelchair is my daily mode of transportation, but I also drive a mini-van when I leave the house to go places.	Sep 9, 2012 9:17 AM
3	Pick-Up Truck	Sep 8, 2012 9:01 PM
4	MOTORCYCLE	Sep 7, 2012 6:15 PM
5	...and light rail and bike and on foot	Sep 7, 2012 5:32 PM
6	my grandsons walk/bike	Sep 6, 2012 12:00 PM

**Q3. Do you have any of the following disabilities that affect your mobility when traveling on sidewalks? Check all that apply.**

1	have issues with knees and ankles that are considered "disabilities"	Sep 18, 2012 9:39 AM
2	Husband wheelchair bound	Sep 9, 2012 12:57 PM
3	Yes, I use a wheelchair full time!	Sep 9, 2012 9:17 AM

**Q5. What are the biggest challenges you experience as a pedestrian along ADOT facilities?**

1	TRAFFIC	Nov 8, 2012 3:58 PM
2	None	Sep 27, 2012 12:09 PM
3	Crazy drivers, uneven pavement, gravel and rocks everywhere, lack of sidewalks/big holes in sidewalk	Sep 24, 2012 2:37 PM
4	There are not enough curb cuts for scooters and wheelchairs	Sep 24, 2012 12:38 PM
5	Lack of good safe (feeling) pedestrian routes and shade.	Sep 18, 2012 9:39 AM
6	The bumps on sloped wheelchair ramps are real ankle turners.	Sep 13, 2012 2:57 PM
7	Watching out for cars	Sep 13, 2012 12:50 PM
8	Lack of walkways and proper crossings	Sep 12, 2012 10:49 AM
9	Lack of sidewalks on frontage roads	Sep 12, 2012 10:13 AM
10	NONE	Sep 12, 2012 9:26 AM
11	Not enough parking space.	Sep 12, 2012 8:06 AM
12	Crossing the wide roads and lack of median refuge areas and sidewalks in some parts of urban areas	Sep 11, 2012 11:37 AM
13	Drivers when crossing streets	Sep 10, 2012 4:31 PM
14	non	Sep 10, 2012 9:58 AM
15	Traffic complying with giving pedestrians in crosswalks the right of way.	Sep 10, 2012 9:58 AM
16	lack of consistency throughout the facilities	Sep 10, 2012 9:53 AM
17	Curbs are hard for me to step up on to. It would be nice to have a handrail in some locations.	Sep 10, 2012 9:20 AM
18	None	Sep 10, 2012 9:03 AM
19	Traffic vehicles not watching out for pedestrians.	Sep 10, 2012 8:16 AM
20	steps, curbs & steep ramps	Sep 10, 2012 8:14 AM
21	I doubt that I ever walk along an ADOT maintained road.	Sep 10, 2012 8:06 AM
22	need more places to sit and rest	Sep 10, 2012 7:42 AM
23	too close to high speed high/volume traffic	Sep 10, 2012 7:04 AM
24	I walk with my dog so I like to be away from traffic. Many developments here in Oro Valley have few sidewalks, and I do not expect them along streets like Oracle Road. The occasional lack of sidewalks is probably my biggest challenge, and it's really no big deal.	Sep 10, 2012 6:10 AM

**Q5. What are the biggest challenges you experience as a pedestrian along ADOT facilities?**

25	Sidewalks that just end and you have to walk in the street orthrough difficult terrain	Sep 10, 2012 5:54 AM
26	Fake handicap placards or those that have expired, using the spots of legitimately disabled folks	Sep 9, 2012 9:51 PM
27	None that I can think of.	Sep 9, 2012 7:34 PM
28	Lack of ramp access; heavy doors; lack of hand rails; steps that are too steep	Sep 9, 2012 4:45 PM
29	Curbs, barriers, doorways	Sep 9, 2012 12:57 PM
30	If facilities mean roads, lack of sidewalks.	Sep 9, 2012 10:44 AM
31	Lack of facilities in Rural areas.	Sep 9, 2012 9:43 AM
32	curb cut with to steep of grade or street that don't even have curb cuts	Sep 9, 2012 9:17 AM
33	None, since I have no disabilities at this time, but I appreciate what looks to be thoroughness in your reports and transition plan. May I ask how many full time positions have been dedicated to this project for the last 22 years since passage of the law? And will those people all still have jobs when the project has been completed?	Sep 9, 2012 8:56 AM
34	The biggest challenge is ADOT doing road construction. It seems like ADOT is always doing road construction. Just leave the roads alone, they are fine without construction. Seriously, I'm not kidding at all.	Sep 9, 2012 1:38 AM
35	I experience frustration with the closure of rest stops along AZ highways.	Sep 8, 2012 2:41 PM
36	None	Sep 8, 2012 11:13 AM
37	None	Sep 8, 2012 10:27 AM
38	Lack of sidewalks	Sep 8, 2012 9:02 AM
39	None	Sep 8, 2012 8:34 AM
40	easy access from parking lots to facility. Curbs, rock walkways, walkways not maintained. Eliminate curbs at handicapped parking places.	Sep 8, 2012 7:40 AM
41	Lack of sidewalks in our area except on our main street and even some of those are without sidewalks	Sep 8, 2012 5:52 AM
42	none	Sep 8, 2012 5:12 AM
43	Ramps that are too steep	Sep 7, 2012 9:11 PM
44	While visiting Jerome AZ I found it difficult to walk from store to store or tourist spot because of the lack of side walks, roads in horrible repair and my lack of mobility due to knee and ankle surgeries made it difficult to walk without tripping/falling.	Sep 7, 2012 8:50 PM
45	None	Sep 7, 2012 8:36 PM

**Q5. What are the biggest challenges you experience as a pedestrian along ADOT facilities?**

46	typically there are no safe facilities available as options	Sep 7, 2012 6:21 PM
47	none,...I am not that bad where I have special needs	Sep 7, 2012 6:15 PM
48	don't have any - I live with the problem and don't expect the government to assist me!	Sep 7, 2012 5:43 PM
49	This is in regards to 4. I walk for pleasure and exercise and for goods and services and to church and sometimes to school. It depends on what time of year it is.	Sep 7, 2012 5:32 PM
50	If sidewalks are broken or not even.	Sep 7, 2012 5:31 PM
51	un-level paved area for easy walking.	Sep 7, 2012 5:04 PM
52	my grandsons,as well as many others, cross the I-17 @ Pinnacle Peak Rd, There are no accommodations.	Sep 6, 2012 12:00 PM
53	The sidewalks butt up against the road making a pedestrian feel that they might get hit by a car. There should be a space between the sidewalk and the road to give more comfort and safety to the pedestrian. The sidewalks are also too narrow.	Sep 4, 2012 9:41 PM

**Q6. What general conditions related to physical accessibility do you find to be the most difficult?**

1	holes on side of roads without sidewalks	Sep 13, 2012 2:57 PM
2	No sidewalks in some parts of urban areas	Sep 11, 2012 11:37 AM
3	Paint used to ID crosswalks and info is always faded and hard to see	Sep 10, 2012 4:31 PM
4	none	Sep 10, 2012 9:58 AM
5	None	Sep 10, 2012 9:01 AM
6	I generally do not find myself as a pedestrian on ADOT facilities	Sep 10, 2012 8:09 AM
7	sight impaired	Sep 10, 2012 7:04 AM
8	In some places, no sidewalk !	Sep 10, 2012 6:10 AM
9	Steps	Sep 10, 2012 12:10 AM
10	Pedestrian signal walk time is too short to cross the street	Sep 9, 2012 4:45 PM
11	Narrow shoulders that are not even wide enough to walk.	Sep 9, 2012 9:43 AM
12	ADOT putting up stupid orange cones everywhere, putting in traffic lights, streetlights, cameras and all the things that we don't want or need.	Sep 9, 2012 1:38 AM
13	None	Sep 8, 2012 11:13 AM
14	none	Sep 8, 2012 10:27 AM
15	Not enough traffic lights or pedestrian crossings	Sep 8, 2012 9:02 AM
16	None	Sep 8, 2012 8:34 AM
17	not experienced in these areas	Sep 7, 2012 6:15 PM
18	None, I'm a responsible adult and can deal with any problems without governmental intervention!	Sep 7, 2012 5:43 PM
19	no accommodations	Sep 6, 2012 12:00 PM

**Q7. If you have a disability, or travel with someone who has a disability, what accessibility issues do you typically face?**

1	Lack of curb ramps!!!!	Sep 24, 2012 2:37 PM
2	Lack of sufficient amount of disabled access parking	Sep 24, 2012 12:38 PM
3	free of obstructions or tripping hazards (broken asphalt or concrete, rocks, gravel, plants in the walkway, etc) and if there are facilities at all	Sep 18, 2012 9:39 AM
4	People without handicap cards parking in handicapped spaces.	Sep 13, 2012 2:57 PM
5	Not applicable	Sep 13, 2012 12:50 PM
6	N/A	Sep 12, 2012 10:49 AM
7	N/A	Sep 12, 2012 9:26 AM
8	Lack of disable parking spaces or vehicles without disable permits park in those spaces.	Sep 12, 2012 8:06 AM
9	none	Sep 10, 2012 9:58 AM
10	N/A	Sep 10, 2012 9:58 AM
11	Too many high curbs and no ramps.	Sep 10, 2012 9:20 AM
12	Inadequate disabled parking spaces near entrances to buildings, parking spaces not close enough to the entrance, and ramps for access to building entrances so far away from them it defeats the whole purpose of disabled parking. For an excellent example of the above complaints--take a look at the disabled parking/access for LA Fitness on Ina Rd. in Tucson, AZ. I have MS which is severely effected by heat which means, even with my ice pack vest on, there is no way I can attend my swimming class at 9 am in the summer. It takes me way too long to get to the entrance... Someone needs to take a look at that.	Sep 10, 2012 9:17 AM
13	None	Sep 10, 2012 9:01 AM
14	getting into and out of vehicles, steps	Sep 10, 2012 8:14 AM
15	places to rest	Sep 10, 2012 7:42 AM
16	not applicable	Sep 10, 2012 6:10 AM
17	lack of ramps and too many steps.	Sep 10, 2012 12:10 AM
18	Lack of rest areas such as the one that is now closed at the bottom of US 60/77 at Salt River Canyon,	Sep 9, 2012 9:51 PM
19	Unknown	Sep 9, 2012 7:34 PM
20	limited handicap parking spots, or spots not monitored; steps without handrails, insufficient time to cross streeet before pedestrian signal changes	Sep 9, 2012 4:45 PM
21	Family bathrooms are not available, I cannot take my husband into the ladies room nor can I enter the mens room.	Sep 9, 2012 12:57 PM

**Q7. If you have a disability, or travel with someone who has a disability, what accessibility issues do you typically face?**

22	Mainly no curb cuts with high side walks! Also, the lack of handicap parking.	Sep 9, 2012 9:17 AM
23	Normally, the worst accessibility issues are with ADOT messing up the roads, doing construction, causing traffic backups and accidents 24 hours a day, seven days a week, all over Arizona. Please stop it and leave our roads alone. We don't need it.	Sep 9, 2012 1:38 AM
24	Curbs	Sep 8, 2012 7:40 AM
25	Opening heavy restroom doors, steep ramps	Sep 7, 2012 9:11 PM
26	Mentioned in question 5	Sep 7, 2012 8:50 PM
27	Widths of doors, hallways and sidewalks.	Sep 7, 2012 8:36 PM
28	None (yet)	Sep 7, 2012 6:15 PM
29	Not too many except long distance from parking place to wherever I'm headed, but again, I'm a responsible adult and don't need governmental intervention because of my problem that's not caused by the government....	Sep 7, 2012 5:43 PM
30	Getting up curbs that don't have ramps.	Sep 7, 2012 5:31 PM
31	ramps... and not elevators to enter and exit	Sep 7, 2012 5:04 PM
32	Curbs or ramps that are not even with the street surface.	Sep 7, 2012 4:51 PM

**Q9. Are there other services, programs, or ADOT owned facilities that you think are inaccessible? Please provide details.**

1	Not at the moment	Sep 24, 2012 2:37 PM
2	None	Sep 13, 2012 12:50 PM
3	No	Sep 12, 2012 10:49 AM
4	N/A	Sep 12, 2012 9:26 AM
5	Can't think of one.	Sep 12, 2012 8:06 AM
6	Lack of public restrooms	Sep 10, 2012 4:31 PM
7	no	Sep 10, 2012 9:58 AM
8	N/A	Sep 10, 2012 9:58 AM
9	no	Sep 10, 2012 9:20 AM
10	See above. From the question I guess LA Fitness isn't considered a building that needs to address disability issues??	Sep 10, 2012 9:17 AM
11	None	Sep 10, 2012 9:01 AM
12	roundabouts	Sep 10, 2012 7:04 AM
13	I think ADOT does very well overall.	Sep 10, 2012 6:10 AM
14	none at I know of.	Sep 10, 2012 12:10 AM
15	not anymore	Sep 9, 2012 7:34 PM
16	Surprise Administration and courthouse, no family restrooms. I told them about them and they suggested that we could use the Judges private chambers, (what a joke that is)	Sep 9, 2012 12:57 PM
17	Rail Road crossings are a huge challenge wherever they cross the walk path.	Sep 9, 2012 9:43 AM
18	I live in Rancho Bella Vista South and I am about to get a hand cycle to ride for exercise. I thought about riding up to Boston Butte High School for exercise, but I CAN'T because there are no curb cuts or sidewalks for that matter!! I too have thought about riding up to Fry's or Circle K, but there again there are no curb cut or sidewalks crossing Ironwood on Bella Vista so I am stuck riding in our subdivision ONLY. And I pretty sure if I wanted to ride from my house to Walmart I wouldn't be able to do so because there are NO side walks. I'm sure once I get out in the community more I will find more issues with the lack of curb cuts or side walks and I would be more than happy to let you know about those issue when the come up. Because not only would it benefit me but I know there would be a lot of people in scooters or wheelchairs would use those sidewalks. Thank you for your concern!	Sep 9, 2012 9:17 AM
19	All of the roads that ADOT is currently doing construction on are inaccessible because of the manner in which ADOT conducts the construction. By restricting lanes and putting up cones and having workers all over the roads ADOT is	Sep 9, 2012 1:38 AM

**Q9. Are there other services, programs, or ADOT owned facilities that you think are inaccessible? Please provide details.**

causing the problem. We have 8 million people using our roads here in Phoenix, get ADOT off our roads, NOW!!!

20 No Sep 8, 2012 11:13 AM

21 no Sep 8, 2012 10:27 AM

22 doors that open easier. Not so heavy or more automatic doors. Sep 8, 2012 7:40 AM

23 I was walking at night near the Science Museum in downtown PHX and the pedestrian crosswalks were dimly lit and the ground uneven as I tried to walk to an outdoor exhibit. Sep 7, 2012 8:50 PM

24 Height of single door handles Sep 7, 2012 8:36 PM

25 n/a Sep 7, 2012 5:04 PM

26 I saw a woman in a motorized wheel chair stuck on the curb at southeast corner of 19th ave and Dunlap. Someone had to jump out of their car at the red light and help push her wheel chair past the curb so she could get across the road. Sep 4, 2012 9:41 PM

**Q11. Please provide any comments regarding the policy.**

1	Section Q should be moved to the start of the document rather than the end. ADA Coordinator contact information should be included in PDF policy.	Sep 27, 2012 12:09 PM
2	On the bus, front seating priority needs to be enforced. I'm tired of able-bodied college students taking up front seats from people with disabilities and the bus drivers not enforcing that priority. It's truly unfair that the only disability most young passengers recognize is a wheelchair. That is obviously not the only indicator of disability.	Sep 24, 2012 2:37 PM
3	I think the policy can wait until the economy and our Congress straightens itself out so we can better afford improvements. Have we paid for the improvements we already have? They seemed quite adequate when I was wheeling my mother around town.	Sep 13, 2012 2:57 PM
4	Keep working to make it easier for people with disabilities.	Sep 13, 2012 12:50 PM
5	A move in the right direction	Sep 12, 2012 10:49 AM
6	OVERLY RESTRICTIVE	Sep 12, 2012 9:26 AM
7	Glad their is such a policy.	Sep 12, 2012 8:06 AM
8	I have found that ADOT normally does an outstanding job in this area.	Sep 11, 2012 3:31 PM
9	How much was spent on the self evaluation?	Sep 10, 2012 9:58 AM
10	Thank you for asking my opinion.	Sep 10, 2012 9:20 AM
11	I haven't read it yet. Will do so immediately. You know, many govt. buildings provide adequate parking and access, it's the private sector that can be the most difficult or inadequate for the disabled.	Sep 10, 2012 9:17 AM
12	How much is this going to cost???	Sep 10, 2012 9:01 AM
13	na	Sep 10, 2012 12:10 AM
14	I am unsure of #10. I find it clear but have never filed a grievance so perhaps in practice it is not as easy to use	Sep 9, 2012 9:51 PM
15	More red tape and bureaucratic agency stuff.	Sep 9, 2012 7:34 PM
16	It may be the city/county interpetation of these policies but, in the greater Tucson area, they seem to be enforced to the point of absurdity in some areas and ignored in others.	Sep 9, 2012 6:48 PM
17	Glad that there is focus on this; wonder why it has taken so long for this to happen.	Sep 9, 2012 4:45 PM
18	Some cities and housing communities think that they must understand the policies but yet they are still non compliant and refuse to fix the issues.	Sep 9, 2012 12:57 PM
19	Please use common sense. We must use our dollars wisely and do what's best for the majority, while providing for those few with disability challenges. In other words, don't let the tail wag the dog.	Sep 9, 2012 10:44 AM

**Q11. Please provide any comments regarding the policy.**

20	This policy is a federal mandate. If ADOT were not forced to do this there would be insufficient efforts (if any at all) to meet the need of disabled people. This is especially clear in view of the lack of a commitment to alternative non-motorized modes of transportation in rural areas.	Sep 9, 2012 9:43 AM
21	The only other comment I would like to make is, if you ever need a volunteer to help you determine whether or not something will work for us people in a wheelchair please feel free to contact me by phone or email and I would be more than happy to help you in way possible to make sure ADOT facilities are indeed handicap accessible. Phone:480-398-5203, email: jarloveshorses@yahoo.com Good Luck and thank you for making sure our sidewalks are safe and useable!!	Sep 9, 2012 9:17 AM
22	Go home ADOT and leave our streets and sidewalks alone!!!! QUIT BUILDING STUPID ROUNDABOUTS!!!! WE HATE YOU ADOT!!!! WE HATE YOU!!!	Sep 9, 2012 1:38 AM
23	suggest a group of citizens with different disabilities to "test" fixes. A usability study, if you will.	Sep 8, 2012 7:40 AM
24	The ADA exceeds the practical needs of the handicaped and becomes a handicap to the general public	Sep 8, 2012 6:59 AM
25	Don't waste funds at ADOT facilities not visited/accessed by the public. Don't waste funds at locations distant ot rarely visited by the public.	Sep 8, 2012 5:12 AM
26	Start thinking about sewers. We come from Illinois and there are sewers everywhere to help with rain. Out here crosswalks and sidewalks are flooded when it rains which makes it difficult for people with no disabilities to get through. I can't imagine how it impairs people with disabilities or the elderly.	Sep 8, 2012 2:34 AM
27	None	Sep 7, 2012 8:50 PM
28	N/A	Sep 7, 2012 8:36 PM
29	I have no idea as I have never used it.	Sep 7, 2012 7:55 PM
30	Absolutely ridiclous the amount of space/paper/time spent on such a simple thing...just went through curb 'enhancements' in city of phoenix to the tune of over \$5K per intersection for stupid bumps - know where the ONE blind guy in the neighborhood walks? In the street!!!! I feel sorry for his condition, but that is reality and we the taxpayers are suffering for it when there are more pressing issues out on the highways of this state! There should be a compliation of 'complaints' from disabled folks, by district and by type of facility before we go off half-cocked and spend billions on fixing something that isn't broken....next thing you know we'll have automatic electric doors on all of the rest area restrooms! Not needed - think of the electricity need for something like that! Again the taxpayer is being screwed for a very small problem - yes, there is a need to 'accommodate', but let's not go overboard....someone tell the Feds we're not interested in providing curbside service at the rest areas for those way toooo fat to get out of their vehicle to walk a few feet to go pee - - that'll be the next thing - auto pee-r's you can drive up to so you can relieve yourself...laugh...some idiot policy wonk with the green shade will think of it..... Be reasonable and think of the costs before jumping off into doing some of this stuff....get students to sit at targeted intersections to take surveys of use by disabled folks and go from there,	Sep 7, 2012 5:43 PM

**Q11. Please provide any comments regarding the policy.**

or make necessary changes based upon complaints instead of a blanket, wholesale fix-it problem.....we need potholes and eroded pavement fixed too.....

31 n/a

Sep 7, 2012 5:04 PM

32 I have used the facility at Sunset Point and found it quite nice.

Sep 7, 2012 4:51 PM