



# ADA Transition Plan

**Durham-Chapel Hill-Carrboro MPO**

September 27, 2017

*DCHC MPO – ADA Transition Plan*

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## AMERICANS WITH DISABILITIES ACT (ADA)/SECTION 504 POLICY STATEMENT

The Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (hereinafter referred to as the DCHC MPO) prohibits discrimination on the basis of a disability with respect to all terms and conditions of employment and access to its activities, programs, and services. Any interference, coercion, restraint, retaliation or reprisal of any person alleging disability discrimination is prohibited.

For the purposes of this policy, an individual with a disability is defined as any person who:

1. Has a physical or mental impairment that substantially limits one or more major life activities;
2. Has a record of such an impairment; or
3. Is regarded as having such impairment.

The DCHC is committed to:

- Providing reasonable accommodation for an individual with a disability to participate in employment, activities, programs, and services; and has established procedures to allow persons with a disability to request reasonable accommodation;
- Providing access to persons using its facilities, buildings, state maintained roads, sidewalks, and crosswalks;
- Providing communication access for applicants, employees, beneficiaries, and members of the public with disabilities including those with hearing and visual impairments that is equally as effective as communication with others. Auxiliary aids/services shall be provided upon request to individuals with a disability, e.g., sign language interpreters, readers, braille, and large print text. In addition, anyone with a hearing or speech impairment may use Relay NC, a telecommunications relay service, to call any DCHC entity. Relay NC can be accessed by dialing 711 or 1-877-753-8200

The DCHC MPO ADA coordinator, Felix Nwoko, who can answer ADA related questions and handle reasonable accommodation requests as well as provide information or established procedures for filing a complaint alleging discrimination on the basis of disability. The ADA Coordinator can be contacted at (919) 560-4366, through email at [ADA@dchcmpo.org](mailto:ADA@dchcmpo.org), or [felix.nwoko@dchcmpo.org](mailto:felix.nwoko@dchcmpo.org) or by regular mail at the mailing address below. Any questions or comments concerning this policy should be referred to the ADA coordinator. Attn: ADA Coordinator, DCHC MPO, 101 City Hall Plaza 4<sup>th</sup> Floor Transportation, Durham, NC 27701

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Felix Nwoko MPO Manager/Administrator

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Date

DCHC MPO

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## 1. Introduction

The primary purpose of this study is to prepare a plan, titled *ADA Transition Plan*, for the Durham-Chapel Hill- Carrboro (DCHC) Metropolitan Planning Organization (MPO) in accordance with two civil rights legislations:

1. Americans with Disabilities Act of 1990 (ADA), Title II Regulations, Nondiscrimination on the Basis of Disability in State and Local Government Services, 28 CFR Part 35<sup>1</sup>, and
2. Section 504 of the Rehabilitation Act of 1973, as amended, Nondiscrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance, 49 CFR Part 27.

The intent of the ADA Title II regulations is to ensure nondiscrimination and access for individuals with disabilities in State and local government services. The intent of the Section 504 regulations is to prohibit discrimination on the basis of disability in programs or activities receiving Federal financial assistance.

These regulations apply to the DCHC MPO because MPOs are considered an instrumentality of one or more state or local governments and are recipients of transportation funds from Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) in developing transportation plans and programs. These federal funding includes Section 104(f) and Section 133(b)(3)(7) funds from the FHWA, and Section 5303, Section 5307 and Section 5309 funds from the FTA. As such, the DCHC MPO is obligated to take appropriate steps to comply with Title II and Section 504 provisions. These provisions apply to all programs, services, and activities that the DCHC MPO has responsibility of within their MPO region. Requirements common to these regulations include reasonable accommodation for employees with disabilities; program accessibility; effective communication with people who have hearing or vision disabilities; and accessible new construction and alterations.

To address these Title II and Section 504 requirements, applicable policies, procedures and planning activities of the DCHC MPO were reviewed to assess if there are any barriers that limit the ability of individuals with disabilities to fully participate in the MPO-sponsored programs and the web-based communication activities. The results of this evaluation as well as mitigation strategies recommended for improved accessibility are summarized in this ADA Transition Plan.

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<sup>1</sup> The latest ADA Title II Regulations were amended in 2010.

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## 1.1 About the DCHC MPO

The Research Triangle region in North Carolina is a 16-county region centered on Wake and Durham Counties. It is one of the fastest growing regions in the nation. The region is currently home to 1.84 million people and 920,000 jobs<sup>2</sup>.

The two public agencies responsible for transportation planning in the Triangle region are:

- Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC MPO), and
- Capital Area Metropolitan Planning Organization (CAMPO).

The DCHC MPO is responsible for transportation planning in the urbanized areas of Durham and Orange counties and parts of northern Chatham County, and the CAMPO is responsible for the urbanized areas of Wake County, and parts of Franklin, Granville, Harnett, and Johnston counties. In addition to planning for the multi-modal transportation system in their respective geographic regions, the two MPOs cooperatively develop the Triangle region's Metropolitan Transportation Plan (MTP) through an extensive process of technical analysis and public involvement.

The Public Involvement (PI) process typically includes public workshops at facilities that meet ADA accessibility requirements such as the Durham City Hall, Durham Station and Transportation Center, Chapel Hill Town Hall, and the Town Barn meeting facility in Hillsborough. The PI process also includes formal public hearings at regularly scheduled planning board meetings and other board meetings in the City of Durham, Durham County, Town of Chapel Hill, Town of Carrboro, Town of Hillsborough, Orange County and Chatham County.

In this study, only the DCHC MPO region activities were reviewed for ADA requirements. A map showing the DCHC MPO region's boundary is depicted in Figure 1. The DCHC MPO region represents the western part of the Triangle region and is home to 570,000 people (or 31 percent of the region's population), the Research Triangle Park (RTP) employment center, the Duke University, and the University of North Carolina at Chapel Hill.

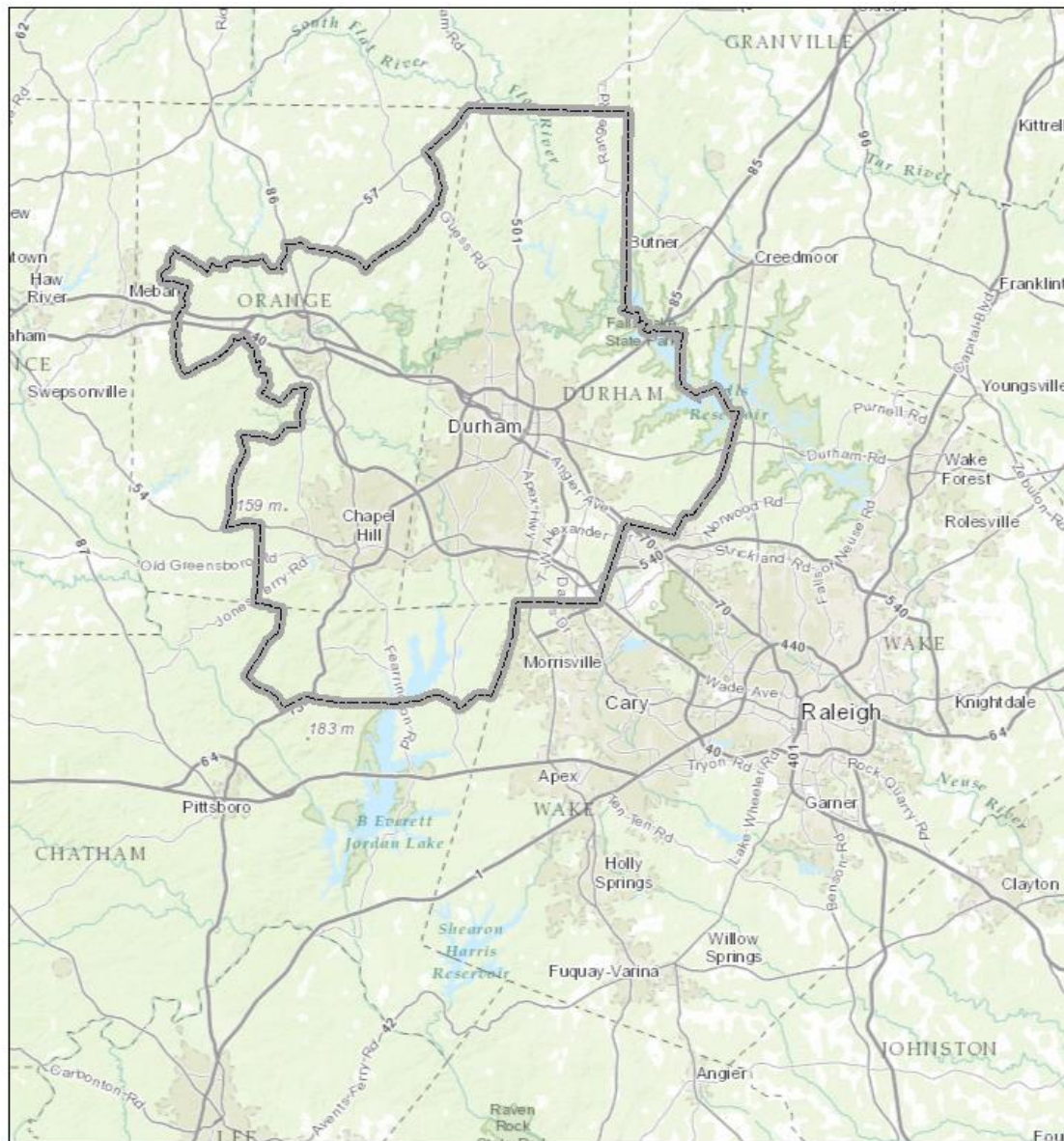
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<sup>2</sup> Source: Triangle Regional Model (v5), Year 2015 Population and Employment Data by TAZs.

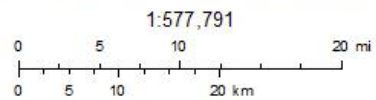


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**Figure 1 Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC MPO)-Region Boundary**



April 10, 2015





*DCHC MPO – ADA Transition Plan***1.1.2 Programs, Services and Activities**

The DCHC MPO uses several guiding principles when developing transportation plans and programs for the region. These guiding principles include: 1) support economic competitiveness of the region, 2) enhance safety and security of the transportation system, 3) provide accessibility and mobility to people, 4) protect the environment, 5) promote energy conservation, 6) revitalize quality of life in existing communities, and 7) collaborate and coordinate with stakeholders and agencies involved for system efficiency and innovation.

City of Durham is the Lead Planning Agency (LPA) for the DCHC MPO and employs a staff of eleven to carry out various planning, modeling and program development functions. The DCHC MPO members include the Town of Carrboro, Town of Chapel Hill, Chapel Hill Transit (CHT), Chatham County, Durham Area Transit Authority (DATA), Durham County, Town of Hillsborough, Orange County, GoTriangle, Triangle J Council of Governments (TJCOG), and the North Carolina Department of Transportation (NCDOT).

The key transportation planning activities conducted by the DCHC MPO where ADA requirements are considered in project and program delivery include the following:

- **Metropolitan Transportation Plan (MTP):** a fiscally constrained 20-year plan to outline future investments in highway and transit improvements to support future land use and air quality goals.
- **Comprehensive Transportation Plan (CTP):** an unconstrained plan to outline current and future transportation needs.
- **Metropolitan Transportation Improvement Program (MTIP):** a 7-year funding document to outline funded projects in highway, transit, bicycle, pedestrian, and rail modes. The projects are funded based on priority scores assigned based on the criteria and guidelines defined in the North Carolina's Strategic Transportation Investments (STI) law.
- **Transit Planning:** coordinating with transit operators in the region, namely GoTriangle , Durham Area Transit Authority (DATA), Chapel Hill Transit (CHT), and Orange Public Transit (OPT), to efficiently operate the current fixed route and ADA-mandated paratransit services as well as developing plans for light rail transit between Chapel Hill and downtown Durham, commuter rail between Durham and Raleigh, and additional bus services in Durham and Orange counties.
- **Pedestrian Planning:** coordinating with local jurisdictions for developing pedestrian plans to safely accommodate pedestrians in the public right of way and connect

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destinations with convenient and accessible sidewalks and crosswalks and pedestrian amenities.

- **Congestion Management Process (CMP):** a short-range plan for monitoring regional traffic congestion and system performance, and identifying regional as well as intersection-level congestion and safety mitigation strategies for vehicular as well as bicycle and pedestrian traffic.
- **Intelligent Transportation System (ITS) Plan:** a short-range plan to identify strategies for deploying technology solutions to better manage demand, capacity, safety, and security of the existing transportation system operated by the municipalities and the North Carolina Department of Transportation (NCDOT) that includes Accessible Pedestrian Signals (APS).
- **Collector Street Planning:** small area plans for growth areas to improve street connections, street functional hierarchy, and multi-modal travel to accommodate pedestrians, including those with disabilities.
- **Corridor Planning:** corridor plans to improve mobility and safety issues and enhance livability, economic competitiveness and environmental sustainability along major transportation corridors in the DCHC MPO region. As part of transit element of these corridor plans, ADA provisions are considered in planning and design of transit stops and stations.

Most of these planning functions are typically led by the DCHC MPO staff and include extensive public engagement and stakeholder consultation throughout the region. However, Transit Planning and Pedestrian Planning functions that can influence changes to improve accessibility to the pedestrian environment are conducted by each responsible agency in the MPO to explore local issues and identify locally-preferred mitigation projects through stakeholder coordination and public engagement. For example, GoTriangle is responsible for transit planning in the Durham area and Chapel Hill Transit is responsible for transit planning in the Chapel Hill and northern Chatham County service area. Transit operators are also responsible for operating ADA-mandated paratransit services within their service coverage area. Each municipality in the MPO region is responsible for preparing Pedestrian Plan to improve the pedestrian environment in the public rights of way and remove any barriers for people with disabilities.

*DCHC MPO – ADA Transition Plan***1.1.3 People with Disabilities**

The American Community Survey (ACS) administered by the United States Census Bureau adopted several disability related questions since 2000. These questions cover the following six disability types:

1. **Hearing difficulty:** deaf or having serious difficulty hearing.
2. **Vision difficulty:** blind or having serious difficulty seeing, even when wearing glasses.
3. **Cognitive difficulty:** Because of a physical, mental, or emotional problem, having difficulty remembering, concentrating, or making decisions.
4. **Ambulatory difficulty:** Having serious difficulty walking or climbing stairs.
5. **Self-care difficulty:** Having difficulty bathing or dressing.
6. **Independent living difficulty:** Because of a physical, mental, or emotional problem, having difficulty doing errands alone such as visiting a doctor's office or shopping.

The disability characteristics of civilian populations living in Durham, Orange, and Chatham counties are summarized in **Table 1**. The table shows that approximately 8.5 percent of the non-institutionalized civilian population in Orange County, 10.4 percent in Durham County, and 12.1 percent in Chatham County has at least one or more disability. These add up to a total disability population of 47,437 in the 3-county area. In this disability demographic group, 11,929 people have a hearing difficulty, 9,669 people have a vision difficulty, and 24,559 people have an ambulatory difficulty. The ADA requirements are intended to serve these population groups so that they can fully participate in the MPO-sponsored programs, services and activities.

**Table 1 Disability Characteristics of Population, Year 2013 Estimates**

Subject	Durham County	Orange County	Chatham County	3-County Total
Total Non-institutionalized Civilian Population	270,899	135,164	64,212	470,275
• With a disability	28,133 (10.4%)	11,535 (8.5%)	7,769 (12.1%)	<b>47,437</b> (10.1%)
• With a hearing difficulty	6,755 (2.5%)	2,745 (2.0%)	2,429 (3.8%)	<b>11,929</b> (2.5%)

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Subject	Durham County	Orange County	Chatham County	3-County Total
• With a vision difficulty	6,657 (2.5%)	1,654 (1.2%)	1,358 (2.1%)	<b>9,669</b> (2.1%)
• With a cognitive difficulty	10,401 (3.8%)	5,119 (3.8%)	2,483 (3.9%)	18,003 (3.8%)
• With an ambulatory difficulty	14,783 (5.5%)	5,785 (4.3%)	3,991 (6.2%)	<b>24,559</b> (5.2%)
• With a self-care difficulty	5,532 (2.0%)	2,150 (1.6%)	1,568 (2.4%)	9,250 (1.9%)
• With an independent living difficulty	9,779 (3.6%)	3,947 (2.9%)	2,867 (4.5%)	16,593 (3.5%)

Source: U.S. Census Bureau, 2009-2013 5-Year American Community Survey

## 1.2 Title II of the American with Disabilities Act of 1990 (ADA)

The Americans with Disabilities Act of 1990 (ADA), as amended, prohibits discrimination and ensures equal opportunity for persons with disabilities in employment (Title I), State and local government services (Title II), public accommodations, commercial facilities, and transportation (Title III). It also mandates the establishment of Telegraphs, Telephones and Radiotelegraphs (TDD)/telephone relay services for hearing-impaired and speech-impaired individuals (Title 47). The current text of the ADA includes changes made by the ADA Amendments Act of 2008, which became effective on January 1, 2009. In addition, the ADA regulations were revised in 2010 related to ADA Standards for Accessible Design.

For this study, Title II regulations of the ADA are relevant to the DCHC MPO. The basic requirement of Title II of the ADA is to ensure access for individuals with disabilities to programs, services, and activities that a public agency like the DCHC MPO is responsible for. Title II of the ADA also requires that pedestrians including those with disabilities are accommodated with full and equal rights to the following public rights-of-way (PROW) facilities:

- Curb Ramps
- Sidewalks

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- Crosswalks
- Parking Lots
- On-street parking
- Pedestrian Traffic Signals
- Bus Stops and Shelters
- Shared Use Trails
- Parks/Recreational Facilities

This Title II ADA requirement for PROW facilities applies to public agencies such as the City of Durham, NCDOT, Town of Chapel Hill, Town of Hillsborough, and Town of Carrboro, who are directly responsible for maintaining roadways and pedestrian environments. The DCHC MPO is NOT responsible for maintaining accessibility to these PROW facilities. The MPO's ADA obligation related to PROW facilities can be best fulfilled by having a monitoring method to track the progress in making facilities ADA-accessible as part pedestrian planning, transit planning and congestion management process. This performance monitoring should include coordination with the North Carolina Department of Transportation and other member jurisdictions to shape the region's transportation system more accessible through planning and funding priorities.

In essence, the DCHC MPO is required to take the following steps to meet Title II regulations:

1. Take an inventory of the planning and programming functions that the DCHC MPO carries out that can help remove the barriers for people with hearing, vision or ambulatory difficulty.
2. Evaluate accessibility to buildings, venues, and locations where the DCHC MPO conducts its planning activities such as public workshops, focus groups, and public hearings for gathering public inputs.
3. Evaluate the policies and procedures for making reasonable accommodation to requests for sign language by people with hearing difficulty, and requests for non-visual materials and easy web browsing options such as magnifying or reading texts by people with vision difficulty.
4. Develop policies and performance monitoring methods to put emphasis in accessibility improvements to pedestrian facilities in the public right-of-way by local municipalities, the NCDOT and the transit operators.

DCHC MPO is not responsible for pedestrian facilities in the public right-of-way. However, the

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MPO can positively influence by developing a GIS database of PROW facilities and then tracking progress in making those facilities ADA-compliant. This database monitoring approach can facilitate discussion among the responsible agencies to identify non-compliant, high-pedestrian locations through an annual evaluation process, and facilitate MTIP development for accessibility improvements to bring facilities into compliance as part of new construction and alteration (e.g., road resurfacing) projects. A principal challenge of this monitoring activity is the need to have an integrated streamlined database than can be easily updated for the whole MPO region as it will involve many miles of PROW facilities.

### 1.3 Section 504 of the Rehabilitation Act of 1973

The Section 504 of the Rehabilitation Act requires that the DCHC MPO take appropriate steps for programs or activities receiving federal financial assistance to ensure that communications with their customers, employees, stakeholders and beneficiaries are available to persons with impaired vision and hearing. Table 2 presents a summary of primary federal funding sources utilized by the DCHC MPO members.

**Table 2 DCHC MPO Federal Funding Sources**

Agency	FHWA Surface Transportation program (STP) Funds	FTA Section 5303 Funds for Metropolitan Transit Planning	FTA Section 5307 Funds for Urbanized Area Formula Program	FTA Section 5309 Funds for Fixed Guideway Capital Investment Program
Lead Planning Agency (LPA)	✓			
City of Durham	✓	✓	✓	
Town of Chapel Hill	✓	✓	✓	
Town of Carrboro	✓			
Town of Hillsborough	✓			
Durham County	✓			
Orange County	✓		✓	
Chatham County	✓			
TJCOG	✓			

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Durham Area Transit Authority	✓	✓	✓	✓
Chapel Hill Transit	✓	✓	✓	✓
GoTriangle	✓		✓	✓

Source: DCHC MPO Unified Planning Work Program

The MPO member agencies listed in Table 2 are required to ensure Section 504 compliance in developing their local transportation system and services by providing reasonable accommodation for employees and customers with disabilities; by incorporating accessibility improvements as part of new construction and alteration projects, and by effectively communicating with people who have hearing or vision disabilities.



## 2. Evaluation of General ADA Policies and Procedures

### 2.1 ADA/504 Coordinators & Committee Members

The ADA contact persons for the MPO and its member agencies are listed in Table 3. It should be mentioned here that almost all contact persons wear multiple hats within their department. The ADA related duties are often shared across multiple departments or divisions within an agency. The contact persons listed in the Table can help people with disabilities to engage in transportation plan development activities of the DCHC MPO and with their mobility needs within the MPO region through paratransit services.

**Table 3 Key ADA Contact Persons in the DCHC MPO Region**

DCHC MPO and Member Agency	ADA Contact Person & Title	Phone	Email
DCHC MPO	Felix Nwoko, ADA Point of Contact	919-560-4366 extension 30424	Felix.Nwoko@durhamnc.gov
City of Durham	Stacey Poston, ADA Coordinator & Special Projects Manager	Voice: 919-560-4197 extension 21254 TTY: 919-560-1200	Stacey.Poston@durhamnc.gov
Town of Chapel Hill	Sabrina Oliver, Communications and Public Affairs Director	919-968-2757	soliver@townofchapelhill.org
Town of Carrboro	Lakisha White-Kelly, Administrative Assistant to Public Works Director	919-918-7425	Lwhite-kelly@townofcarrboro.org
Town of Hillsborough	David Moore, Safety and Risk Management Officer	919-241-4615	David.moore@hillsboroughnc.org
Durham County	Stacey Poston, ADA Coordinator & Special Projects Manager	Voice: 919-560-4197 extension 21254 TTY: 919-560-1200	Stacey.Poston@durhamnc.gov

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DCHC MPO and Member Agency	ADA Contact Person & Title	Phone	Email
Orange County	Cheryl Young, Assistant County Manager	919-245-2307	cyoung@orangecountync.gov
NCDOT	Mark Whisenant, ADA Coordinator	919-508-1822	mawhisenant@ncdot.gov
GoTriangle	Vinson Hine, Jr., Transit Manager	919-485-7460	vhines@triangletransit.org
Chapel Hill Transit	EZ Rider	919-969-4920	chtransit@townofchapelhill.org
Durham Area Transit Authority	Tammy Pettiford, ADA Coordinator for ACCESS Paratransit	919-560-1555 x 36303	tammy.pettiford@firstgroup.com
Orange Public Transportation	Tom Alteri, Transportation Planner	919- 245-2582	brmartin@orangecountync.gov

## 2.2 Grievance Procedures and Record Keeping

City of Durham is the Lead Planning Agency for the DCHC MPO. As such, the DCHC MPO closely follows the grievance and record keeping process that was defined by the City of Durham. The City of Durham's formal ADA grievance procedure is included in Appendix C for reference.

The following list summarizes the proposed grievance procedure for the DCHC MPO for prompt and equitable resolution of ADA complaints. This is summarized in terms of key steps involved:

1. File a written complaint (or recorded on a computer disk, by audio tape, or in Braille) to the DCHC MPO's ADA Point of Contact (POC) within 60 calendar days of the issue occurrence. Complaints should be in writing (or recorded on a computer disk, by audio tape, or in Braille) and signed and may be filed by mail, fax, in person, or e-mail. A complaint should contain at least the following information:
  - a. An explanation of what happened;
  - b. Information necessary to contact the complainant;
  - c. The basis of the complaint is a disability as defined by the Americans with Disabilities Act;

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- d. The identification of the respondent, e.g., agency/organization alleged to have discriminated;
  - e. Sufficient information to understand the facts that led the complainant to believe that discrimination occurred; and,
  - f. The date(s) of the alleged discriminatory act(s).
2. The DCHC MPO's ADA POC (or a designee) will meet with the complainant within 15 calendar days after receipt of the complaint.
  3. The DCHC MPO's ADA POC (or a designee) will investigate the complaint.
  4. The DCHC MPO's ADA POC will issue a report of findings and resolutions (in suitable accessible format) within 30 calendar days of the meeting with the complainant.
  5. If the proposed resolutions do not satisfactorily resolve the issue, the complainant may file a grievance with a federal transportation agency (i.e., USDOT, FHWA, FTA) within 180 days of the last date of the alleged discrimination, unless the time for filing is extended for cause. Complainants will be advised to follow a process outlined in the federal guidebook titled Procedures Manual For Processing External Complaints of Discrimination:  
[\(https://www.fhwa.dot.gov/civilrights/programs/finalcomplaintmanual110410.cfm\)](https://www.fhwa.dot.gov/civilrights/programs/finalcomplaintmanual110410.cfm)
  6. The DCHC MPO will maintain records of all complaints, appeals, responses and resolutions for a period of at least three years.

This grievance procedure is applicable for DCHC MPO's projects, programs, services, and activities, provided they are located within the City and County of Durham. For any ADA complaint related to DCHC MPO projects, programs, services and activities that fall outside Durham County, the DCHC MPO may refer to local jurisdiction involved, and if grievance procedures don't exist for that local jurisdiction, the DCHC MPO may choose to refer the complaint to the North Carolina Department of Transportation (NCDOT), Federal Highway Administration (FHWA) or Federal Transit Authority (FTA), depending on the nature of the complaint.

Appendix C includes the ADA grievance procedure adopted by the NCDOT. The NCDOT grievance procedure is similar to Durham's grievance procedure, but allows longer time period (60 days) for investigation, longer appeal process through the Secretary of Transportation, and longer record keeping requirements (5 years).

The DCHC MPO should consider creating an ADA oversight committee to coordinate development of ADA non-discrimination policy and grievance procedures for other jurisdictions within the MPO region.

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## 2.3 Non-Discrimination Policy Statement

City of Durham is the Lead Planning Agency for the DCHC MPO. As such, the DCHC MPO closely follows the non-discrimination policy statement that was defined by the City of Durham. The City of Durham’s formal ADA policy statement is included in Appendix C for reference.

The following statements reflect the proposed non-discrimination policy defined for the DCHC MPO in four key policy areas:

- **Employment** - The DCHC MPO does not discriminate on the basis of disability in its hiring or employment practices.
- **Effective Communication** - The DCHC MPO will provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the MPO-led programs, services, and activities, including qualified sign language interpreters, documents in Braille, Section 508 compliant website, and other ways of making information and communications accessible.
- **Modifications to Policies and Procedures** - The DCHC MPO will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all MPO programs, services, and activities.
- **Public Right-of-Way Facilities** – The DCHC MPO will provide an oversight function in monitoring accessibility needs and improvements in public right-of-way (PROW) facilities by working with state and local agencies in the MPO region.

The DCHC MPO should further refine this policy statement by working with an ADA oversight committee and a stakeholder involvement process. This policy statement may explicitly refer to key planning and project prioritization services that the DCHC MPO is routinely responsible for to improve the pedestrian and urban environment.

Other member jurisdictions of the DCHC MPO have similar non-discrimination policy statements. These policy statements show that each MPO member jurisdiction is committed to providing equal access to programs and activities.

## 2.4 Planned ADA Improvements

The U.S. Department of Justice (DOJ) initiated an investigation of the City of Durham’s ADA compliance in 2004, after a complaint of alleged discrimination under Title II regulations. The complainant alleged that the City did not implement a Transition Plan or appoint an ADA Coordinator, and that several City-owned facilities constructed after 1992 did not meet ADA accessibility guidelines. After investigating the complaint, the DOJ found that the City of

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Durham was in compliance in some areas of the ADA, but found other items that needed immediate attention. The City entered into a settlement agreement with the DOJ in 2005 and committed to a schedule for completing specific mitigation. During the last ten years, the City has completed all the items required in the settlement agreement. This process has led to an internal system and review procedures that allow the needs of people with disabilities to be considered at the planning and policy level, as well as in construction projects.

Due to this renewed emphasis on ADA compliance, all Durham City Council meetings are now closed captioned both on large format TV monitors in the meeting room and online through Granicus streaming video. Citizens can request, in advance of any public meeting, alternate formats such as Braille or assistive listening devices such as portable amplification systems. The City has provided CDs and cassette tapes of meetings upon request. Digital recordings are now available of the City council meetings online.

The City has also provided free software plug-in titled BrowseAloud on the City's website:

<http://durhamnc.gov/ich/op/gs/Pages/Accessibility.aspx>

The BrowseAloud software is a new cloud-based tool that adds speech, reading and translation support to the City's website facilitating access and participation for those people with print disabilities, dyslexia, low literacy, mild visual impairments and those with English as a second language. Users of the BrowseAloud program can have the text read in 35 languages, including English, Spanish, Dutch, French, German, Italian, Japanese, Korean, Portuguese and Russian.

Separate from the City of Durham, the DCHC MPO maintains its own website. The MPO's website has recently been redesigned and upgraded with new features and software portal. The website uses the Civica software portal, which provides user-driven customization, communication and usability such as low graphics vs. graphics version of the website at different font sizes. The website also uses the *Google Translate* tool that can easily convert the web content in many different languages. This redesign of the MPO website also provides intuitive access to important content on MPO programs, plans, projects, publications, and public involvement. Following the City of Durham's approach, the DCHC MPO could also provide a link to the BrowseAloud software on the MPO's website.

In addition, the DCHC MPO should provide alternate formats such as Braille or assistive listening devices in public meetings and forums based on advance requests from people with vision or hearing difficulties. The MPO should adapt using the City of Durham's following standard notice for all public meeting announcements:

*Notice under the Americans with Disabilities Act*

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*The DCHC MPO and its Lead Planning Agency - the City of Durham- will not discriminate against qualified individuals with disabilities on the basis of disability. Anyone who requires an auxiliary aid or service for effective communications, or assistance to participate in an MPO program, service, or activity, should contact the office of Stacey Poston, ADA Coordinator, Voice: 919-560-4197 x254, TTY: 919-560-4809; Stacey.Poston@durhamnc.gov, as soon as possible but no later than 48 hours before the scheduled event.*

### 2.5 ADA-Related Assets Conditions Inventory

The State and local agencies responsible for transportation system and services have infrastructure projects and programs that increase accessibility for people with hearing, vision and ambulatory difficulties. For example, the City of Durham has a *Curb Ramp Requests* program whereby citizens can request curb ramps for locations adjacent to their residences via an online form or by calling Durham One Call and placing a service request. Ramps are guaranteed to be installed within six months. This allows people with mobility difficulty to have the necessary infrastructure improvements in place.

In addition, for any new transportation improvement projects, each agency within the MPO region has design review procedures in place to check for ADA compliance. For retrofit transportation improvement projects, the ADA compliance is more driven by local physical constraints, costs involved, and project implementation schedule.

The DCHC MPO had prepared an initial inventory of pedestrian facilities in the City of Durham in 2006 while working on the pedestrian plan titled “*The DurhamWalks! Pedestrian Plan.*” This inventory was last updated in 2011 and will require further updating in the future. The purpose of this inventory is to provide a priority ranking of street segments where new sidewalks are needed based on a set of objective criteria defined by the City Council. These criteria are currently focused on sidewalks near schools and parks/recreation centers and location of crashes involving pedestrians. In future efforts, more explicit consideration would need to be given to ADA requirements in scoring pedestrian improvement projects.

Town of Chapel Hill adopted the *Chapel Hill Bike Plan* in 2014 as a component of the Town's Chapel Hill 2020 Comprehensive Plan. This Bike Plan superseded the previous Pedestrian Plan. As part of this new Bike Plan, Town of Chapel Hill maintains a GIS data layer representing the existing bicycle and greenway facilities. For ADA compliance monitoring purposes, this data layer would need to be expanded to include sidewalks, curb ramps, bus stops, and on-street parking.

Town of Hillsborough adopted the *Community Connectivity Plan* in 2009 that identified future pedestrian and bicycle improvements. This Plan also inventoried existing pedestrian and bicycle

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routes and amenities and identified sidewalk repair and maintenance issues. Since 2009, much of the needed sidewalk repairs and maintenance in the Historic District have been completed and pedestrian and bicycle amenities have been added throughout town. The new park districts were inventoried for existing pedestrian and bicycle amenities and areas where repairs or improvements are needed. Future plan recommendations include pedestrian and bicycle improvements along the Churton Street Corridor and the Historic District.

Town of Carrboro has not adopted a standalone pedestrian plan per se, but serves pedestrian needs as needed and as part of the overall transportation improvement program.

A review of these pedestrian plans in the DCHC MPO region reveal a data gap related to consistent centralized database of ADA-related assets. This provides an opportunity for the DCHC MPO to take an initiative to develop an ArcGIS database on ADA-related assets. This inventory should include the following PROW facilities and related attributes for monitoring ADA compliance over time:

- Curb Ramps
- Sidewalks
- Crosswalks
- Parking Lots
- On-street parking
- Pedestrian Traffic Signals
- Bus Stops and Shelters
- Shared Use Trails
- Parks/Recreational Facilities

## **2.6 Coordinating ADA Compliance with MPO Members**

Based on interviews with ADA contact persons in different agencies, it appears that the ADA program administration is often fragmented across several business units or departments within an agency.

Within the City of Durham and the NCDOT, however, the ADA program administrations have been streamlined with a designated Single Point of Contact (SPOC). For example, City of Durham's SPOC is Stacy Poston and NCDOT's SPOC is Mark Whisenant.

For the smaller municipalities within the MPO region, the ADA coordinator's role appeared to be more ad hoc or unadvertised or one of many other responsibilities. Consequently, it will be challenging for people with disabilities to request for services that they may need to participate in transportation plan development forums in those jurisdictions.



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Also, there appears to be no definitive policy or procedures for ADA complaint filing and corrective action in these smaller municipalities of the DCHC MPO region such as the Town of Chapel Hill, the Town of Carrboro, and the Town of Hillsborough. This lack of a formal ADA policy and grievance procedures has potential legal ramifications.

Based on findings from interviews with stakeholders and literature research conducted, several recommendations are proposed. The recommendations provide an opportunity to streamline the process including improving response time and record keeping related to ADA complaints.

- Establish an ADA Oversight Committee. The committee would be composed of MPO-wide stakeholders. The role of the committee would be to coordinate among the MPO members as well as non-profit advocacy agencies external to the MPO. In addition, the committee's functions would include:
  1. Review of current ADA regulations and design guidelines
  2. Review TIP funding allocation on ADA improvements
  3. Develop recommendations of ADA policies and grievance procedures
  4. Determine ADA training needs for staff
  5. Define requests and complaints for reasonable accommodation
  6. Develop ADA compliance monitoring and auditing process
- Designate the City of Durham's ADA Coordinator as the MPO's ADA Coordinator with a Letter from the DCHC MPO Board. The purpose is to ensure consistency among all training, printed materials, website policies, and other communication channels.
- Issue a Letter of Position on ADA from the MPO Board. This letter should articulate the MPO's commitment to ADA compliance, information sharing, and raising ADA awareness within the MPO activities.

## **2.7 Assurance Statement of ADA Compliance**

The DCHC MPO currently uses the ADA policy statement of the City of Durham as its ADA assurance statement as the Lead Planning Agency. This statement is provided below:

- In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990, the City of Durham, North Carolina will not discriminate against qualified individuals with disabilities on the basis of disability in the City's services, programs, or activities.

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To reiterate further importance on ADA compliance, the MPO should issue its own ADA compliance statement by working with the MPO Board. This statement should articulate the MPO's commitment to non-discrimination, providing equal opportunity to people with hearing, vision, and ambulatory difficulties in participating in the MPO activities, and improving the PROW facilities for new as well as retrofit transportation improvement projects according to ADA design guidelines.

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### 3. Accessibility Evaluation of Programs and Facilities

This chapter of the ADA Transition Plan evaluates the DCHC MPO's event facilities and programs from accessibility perspectives.

#### 3.1 MPO Meeting and Event Facilities

As mentioned before, the DCHC MPO is responsible for transportation planning in the urbanized areas of Durham and Orange counties and parts of northern Chatham County. In essence, the DCHC MPO has more influence on shaping tomorrow's transportation system, and less of an influence in correcting existing deficiencies. The MPO shapes the future transportation system by systematically investing in streets, traffic signals, sidewalks, trails, buses, bicycle lanes, and parking. This planning process is a cooperative process among state and local agencies, residents, businesses, and other stakeholders. This cooperative process is built on extensive outreach and public involvement activities.

During the last round of MPO's Long Range Transportation Plan (LRTP) development process, the DCHC MPO conducted public workshops at facilities that meet ADA accessibility requirements. The MPO used the following facilities for public workshops:

- Durham City Hall
- Durham Station and Transportation Center
- Chapel Hill Town Hall
- Hillsborough Town Barn Meeting Facility

The MPO also conducts its regular MPO Board meetings at the following accessible location:

- City of Durham Committee Room, 2nd Floor, 101 City Hall Plaza

All MPO meetings are open to the public, and people with disabilities have the option of requesting special service through the City of Durham's ADA coordinator.

The MPO-sponsored studies also require extensive public involvement process. The MPO also participates in Environmental Impact Studies (EIS) sponsored by the NCDOT and transit studies sponsored by the GoTriangle. These studies require public workshops as well as public hearings. While the DCHC MPO is not responsible for scheduling facilities for these events, they are typically conducted in popular destinations and places with convenient access and parking for people with disabilities.

The MPO should maintain a short list of accessible meeting locations in the MPO region that can be posted on the MPO website as well as distributed to MPO partner agencies prior to scheduling any public forums. These meeting locations must be readily accessible to and usable by individuals with disabilities. The MPO should ensure that accessible parking spaces are located on the shortest accessible route of travel to an accessible facility entrance.

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The MPO should also have the City of Durham’s ADA notice available for partner agencies to ensure that communications with stakeholders and members of the public with disabilities are as effective as communications with others, including providing auxiliary aids and services when necessary.

### **3.2 Parking Facilities Plan**

The DCHC MPO has not yet developed a parking plan for the region. However, local agencies have done parking studies to address their facility expansion, maintenance and operational needs.

For example, the City of Durham conducted a parking study in 2013 to address parking needs in downtown Durham, including facility conditions for ADA accessibility, future supply and demand, parking management, and financing new parking decks. The goal of this study was to identify improvement solutions and strategies to manage and operate the City’s parking resources in the most effective way to provide a positive experience for residents, employees, customers and visitors alike, and to support the adopted land use vision of downtown Durham.

Durham’s business district includes a diverse mix of residential, commercial, office and institutional land uses. The current major parking generators include the Durham Bulls Athletic Park and the American Tobacco campus along Jackie Robinson Dr, Durham Performing Arts Center and the City Hall along Mangum St, new Justice Center along Dillard St, Durham Station along West Pettigrew St, Brightleaf Square shopping center along West Main St, West Village housing along West Morgan St, Convention Centre along Chapel Hill St, and Durham Centre along Durham Loop. Parking is available throughout Downtown Durham via on-street parking, parking decks and parking lots. Based on local zoning requirements, there are accessible parking spaces.

While it is the responsibility of owners of the parking decks and parking lots to follow ADA requirements, the MPO can play a role in conducting ADA webinars and workshops to raise the awareness of parking regulations and best ADA practices.

For example, the current ADA regulations require the following when parking lots are re-stripped:

- Accessible Parking Spaces: When a business restripes a parking lot, it must provide accessible parking spaces as required by the ADA Standards for Accessible Design.
- Businesses or privately owned facilities that provide goods or services to the public have a continuing ADA obligation to remove barriers to access in existing parking lots when it

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is readily achievable to do so. Because restriping is relatively inexpensive, it is readily achievable in most cases.

- **Accessible Parking Spaces for Cars:** Accessible parking spaces for cars have at least a 60-inch-wide access aisle located adjacent to the designated parking space. The access aisle is just wide enough to permit a person using a wheelchair to enter or exit the car. These parking spaces are identified with a sign and located on level ground.
- **Van-Accessible Parking Spaces:** Van-accessible parking spaces are the same as accessible parking spaces for cars except for three features needed for vans: a wider access aisle (96") to accommodate a wheelchair lift; vertical clearance to accommodate van height at the van parking space, the adjacent access aisle, and on the vehicular route to and from the van-accessible space, and an additional sign that identifies the parking spaces as "van accessible."
- Accessible parking spaces must be located on the shortest accessible route of travel to an accessible facility entrance. Where buildings have multiple accessible entrances with adjacent parking, the accessible parking spaces must be dispersed and located closest to the accessible entrances.
- When accessible parking spaces are added in an existing parking lot, locate the spaces on the most level ground close to the accessible entrance. An accessible route must always be provided from the accessible parking to the accessible entrance. An accessible route never has curbs or stairs, must be at least 3- feet wide, and has a firm, stable, slip-resistant surface. The slope along the accessible route should not be greater than 1:12 in the direction of travel.
- Accessible parking spaces may be clustered in one or more lots if equivalent or greater accessibility is provided in terms of distance from the accessible entrance, parking fees, and convenience. Van-accessible parking spaces located in parking garages may be clustered on one floor (to accommodate the 98-inch minimum vertical height requirement).

The DCHC MPO should include in the ADA assets inventory, availability of accessible parking in on-street and off-street parking facilities in the DCHC MPO region. The inventory should include at least public and university campus parking facilities as well as on-street parking locations in the central business districts and park-and-ride locations in the suburbs. It is desirable to have this inventory geo-coded.

### **3.3 Transit Plan**

The DCHC MPO cooperates with the following four transit operators in the region to develop future transit system plan for the region:

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- GoTriangle
- Durham Area Transit Authority
- Chapel Hill Transit
- Orange Public Transportation

These four transit operators receive federal assistance for operating and maintaining their bus fleets. Also, they receive federal assistance to operate the following paratransit services for people with qualified disabilities:

- T-Linx – a curb-to-curb paratransit service (with a door-to-door option, upon request) provided by GoTriangle for the citizens of Raleigh, Durham and Chapel Hill. The service is designed for residents with disabilities that prevent them from using the GoTriangle fixed-route bus service.
- ACCESS – Durham’s paratransit service for eligible riders who meet the criteria specified by the ADA; provides curb-to-curb transportation service for eligible riders; operates service to all locations within the City of Durham and to any location outside the City that is three-quarters of a mile of any fixed-route service; provides service during the same hours and on the same days as the regular fixed-route service.
- EZ-Rider – Chapel Hill Transit’s paratransit service; provides origin-to-destination transportation to eligible individuals who are unable to use the accessible fixed route system due to their disability. This is a door-to-door service within the coverage area.
- Orange Bus - Orange County’s public transportation serving public bus routes, pick-up and drop-off for the disabled and elderly, and transportation to senior centers.

These paratransit services are mandated by the ADA and meant for individuals whose disabilities make them unable to use the fixed-route system. The ADA also requires that individuals who request paratransit service meet the regulatory requirements for eligibility.

Because of this ADA mandate, transit operators closely follow ADA requirements related to their service areas. For example, all GoTriangle buses are wheelchair accessible and have "Priority seating" for people with disabilities. Hearing impaired individuals can contact GoTriangle through the N.C. Relay Center at 1-800-735-2965 or by dialing (919) 485-RIDE (7433). GoTriangle bus operators also make ADA announcements along the route when in service. Each transit operator in the MPO region also has a designated ADA coordinator.

The DCHC MPO should conduct ADA webinars and workshops to raise the ADA requirements among the MPO’s planners. This would ensure that planners look out for opportunities to prioritize transit projects, especially bus stop locations based on ADA requirements.



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The ADA Standards issued by the U.S. Department of Transportation (USDOT) apply to facilities used by state and local governments to provide designated public transportation services, including bus stops and stations, and rail stations. Other types of facilities covered by the ADA are subject to similar ADA Standards issued by the Department of Justice. Both the DOT and DOJ standards are based on the United States Access Board ADA Accessibility Guidelines (ADAAG).

DOT's ADA Standards (2006) are consistent with the Access Board's updated ADA (and ADAAG) guidelines but includes a few additional requirements concerning:

- Location of Accessible Routes
- Detectable Warnings on Curb Ramps
- Bus Boarding and Alighting Areas
- Rail Station Platforms

The following list provides a quick summary of requirements for **New Construction of Facilities**:

- Sixty percent of all public entrances to the facility must be accessible. If there are only two entrances, both must be accessible.
- Accessible routes that coincide with, or are located in the same area, as general circulation paths and elements such as ramps, elevators, and fare vending and collection must be placed so as to minimize the distance that wheelchair users and other persons who cannot climb steps must travel in comparison to the general public.
- Curb ramps must have detectable warnings.
- Bus boarding and alighting areas must be in compliance with the ADA-ABA Guidelines, which address surfaces (sturdy), dimensions (96" long x 60" wide); connection to sidewalks, streets and pedestrian paths; slope (not steeper than 1:48); signs; and public address systems.
- Station platforms must be coordinated with the vehicle floor height.

The following list provides a quick summary of requirements for **Alterations or Additions to Facilities**:

- Altered or added portions of the facility must be made accessible.
- The path of travel to the altered or added portion of the facility must be made accessible, to the maximum extent feasible.
- If the path of travel cannot be made accessible, the grantee must submit to FTA an analysis demonstrating that the cost of making the path of travel accessible is disproportionate to (i.e., > 20%) the cost of the alterations or additions to the primary function area.

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- If the path of travel cannot be made accessible, the grantee must submit to FTA an analysis demonstrating that site-specific conditions prevent you from making the path of travel accessible. Include relevant diagrams and maps.

Based on interviews with transit operators and literature research, the following challenges were noted in making accessible bus stops:

- Most property owners want bus service, but they often show reservations in having a bus stop directly in front of their property.
- In many locations in the region, the available right-of-way is not wide enough to make desired improvements for transit amenities.
- Most transit operators have funding for bus shelters, but they often lack dedicated funding source for right-of-way, sidewalks, or ADA landing pads.
- Retrofitting existing bus stops to ADA-compliant bus stops with sidewalks and curb ramps is often financially burdensome.
- Transit operators feel that they need more clear ADA guidance regarding where a bus stop ends and the right-of-way begins.
- Many bus stop locations throughout the DCHC MPO region lack sidewalks or have sidewalks that are not ADA-compliant. This situation makes transit agencies hesitant to build new infrastructure at these bus stop locations to avoid ADA noncompliance.
- Transit operators tend to rely on local municipalities for bus stops improvements. They typically want to piggyback when local municipalities are adding sidewalks along a corridor. (This emphasizes the need for close collaboration to make transit facilities ADA compliant.)

As mentioned before, the DCHC MPO can play a support role by developing or enhancing an existing bus stop inventory with relevant attribute data for ADA compliance monitoring. These ADA attribute features could include:

- slope of the landing area,
- clear floor space for wheelchairs within the shelter, and
- accurate GPS coordinates.

This inventory will provide a clear indication of where ADA problems exist, and can be combined with ridership information to prioritize stop improvements.

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### 3.4 Pedestrian Plan

The DCHC MPO includes pedestrian improvements as part of its Long Range Transportation Plan (LRTP). These pedestrian improvements are recommended by individual local government who is responsible for planning, design and construction of pedestrian facilities such as sidewalks and curb ramps.

City of Durham prepared the *DurhamWalks!* pedestrian plan in 2006 and further updated the plan in 2011. The plan developed prioritized list sidewalk improvements, mostly based on land use, safety and pedestrian environment criteria. In future efforts, more explicit consideration would need to be given to ADA requirements in scoring pedestrian improvement projects.

Town of Chapel Hill adopted the *Chapel Hill Bike Plan* in 2014 as a component of the Town's Chapel Hill 2020 Comprehensive Plan. This Bike Plan superseded the previous Pedestrian Plan. As part of this new Bike Plan, Town of Chapel Hill recommended a list of greenway facilities. In future update of the Plan, more emphasis should be provided on pedestrian environment improvements for ADA compliance.

Town of Hillsborough adopted the *Community Connectivity Plan* in 2009 that identified future pedestrian and bicycle improvements. This Plan also inventoried existing pedestrian and bicycle routes and amenities and identified sidewalk repair and maintenance issues. In future update of the Plan, more emphasis should be provided on pedestrian environment improvements for ADA compliance.

Town of Carrboro has not adopted a standalone pedestrian plan. In future efforts, a pedestrian plan should be developed for Carrboro with emphasis on pedestrian environment improvements for ADA compliance.

A review of these pedestrian plans in the DCHC MPO region revealed a data gap on pedestrian facilities. This provides an opportunity for the DCHC MPO to take an initiative to develop an ArcGIS database on pedestrian facilities. This inventory should include the following public rights-of-way (PROW) facilities and related attributes for monitoring ADA compliance over time:

- Curb Ramps
- Sidewalks
- Crosswalks
- Parking Lots
- On-street parking
- Pedestrian Traffic Signals
- Bus Stops and Shelters
- Shared Use Trails

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- Parks/Recreational Facilities

A review of local governments' development review process revealed that new subdivision sidewalk construction is required to include curb ramps, and other ADA design guidelines. Local governments also have Capital Improvements Program (CIP) funding for ADA-compliance. While local governments have made significant progress in installing curb ramps and repairing sidewalks, all expressed the need for additional funding.

The United States Access Board is currently developing new guidelines for PROW that will address various issues, including access for blind pedestrians at street crossings, wheelchair access to on-street parking, and various constraints posed by space limitations, roadway design practices, slope, and terrain. The new guidelines will cover pedestrian access to sidewalks and streets, including crosswalks, curb ramps, street furnishings, pedestrian signals, parking, and other components of public rights-of-way. The Board's aim in developing these guidelines is to ensure that access for persons with disabilities is provided wherever a pedestrian way is newly built or altered, and that the same degree of convenience, connection, and safety afforded the public generally is available to pedestrians with disabilities. Once these guidelines are adopted, they will become enforceable standards under title II of the ADA.

State and local transportation departments may be required to comply with three accessibility standards. For example, a state or local transportation department that finances the design, construction, or alteration of a pedestrian facility in the public right-of-way with a federal grant would be required to comply with the accessibility standards issued by the Department of Justice in regulations implementing Title II of the Americans with Disabilities Act, the accessibility standards issued by the Department of Transportation in regulations implementing Section 504, and the accessibility standards issued by the General Services Administration in regulations implementing the Architectural Barriers Act. All three accessibility standards would be basically uniform because they adopt the proposed guidelines, but may vary to the extent that Department of Justice, Department of Transportation, and General Services Administration include additions or modifications to the proposed guidelines in their accessibility standards.

### **3.5 Intelligent Transportation System (ITS) Plan**

The DCHC MPO cooperates with the NCDOT in developing Intelligent Transportation System (ITS) solutions in the MPO region. The NCDOT is the lead agency for deploying ITS solutions in the region. The NCDOT works with traffic engineering divisions of local governments for deploying ITS resources.

In general, the ITS includes current and evolving computer and communication technologies for managing traffic operations in a seamless way. The ITS technologies improve traffic operations,

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minimize traveler delays, increase safety for travelers for all modes of travel including auto, transit, bicycle, and walk modes. The ITS technologies include the following:

- Signal Systems
- Traveler information Including traffic information management system and 5-1-1
- Incident Management Assistance Patrols
- Transportation Management Centers
- Commercial Vehicle Operations
- Transit Management
- Traffic Management and Information Devices

Among these ITS technologies, Signal systems are the most common and relevant for people with disabilities. Traffic signals are installed at every major intersection to control the flow of vehicular as well as pedestrian traffic. These traffic signals can have a range of technologies embedded in them ranging from most basic, where the signals go through a pre-set sequence of green, yellow and red lights based on the time of day, to the most advanced, where signal control is adaptive and changes to dynamic traffic conditions in real time. At locations with heavy pedestrian activity, traffic signals can deploy assistive technology for people with visual impairment such as signals that communicates information about the WALK phase in audible and vibrotactile formats. These assistive traffic signals are generally known as Accessible Pedestrian Signals (APS)<sup>3</sup>.

The ADA does not require retrofitting all intersections with Accessible Pedestrian Signals (APS). However, when an intersection is programmed for modification, ADA accessibility guidelines require improving accessibility and use of accessible pedestrian signals. Most common type of APS application is a pushbutton-integrated APS that can provide additional features. These may include Braille labels for street names, actuation indicators, tactile crosswalk maps, and options activated by an extended button push: audible beaconing (useful for directional guidance at irregular or long crossings), extended pedestrian timing, and recorded information of street names or additional information about the intersection.

In some state DOTs, creative prototype of this assistive technology are being applied via a user's smartphone application. The smartphone-based app or MAPS would be inexpensive and more flexible than traditional infrastructure-based systems.

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<sup>3</sup> Accessible Pedestrian Signals: A Guide to Best Practices, NCHRP Web-Only Document 150. ([http://onlinepubs.trb.org/onlinepubs/nchrp/nchrp\\_w150.pdf](http://onlinepubs.trb.org/onlinepubs/nchrp/nchrp_w150.pdf))

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The DCHC MPO can sponsor webinars and workshops on APS and MAPS. The purpose would be to raise the awareness level of these assistive ITS technologies in the region so that communities can choose when and where to apply these ITS solutions for maximum benefits at a reasonable cost.

## 4. Accessibility Evaluation of Communication Methods

### 4.1 Public Meeting and Comment Opportunities

The City of Durham, as the Lead Planning Agency of the DCHC MPO, conducts public meetings, public hearings and public input forums in buildings that are accessible to people with disabilities. A majority of these public meetings related to federal-aid transportation projects occur at the Durham City Hall, other City Halls in the MPO region, convention centers, transit centers, hotels with conference rooms, public libraries, university campuses and medical centers. These meeting facilities are accessible to people with disabilities. In all public meetings related to federal-aid transportation projects, the MPO provides opportunities for members of the public to comment on plan options, preferred choices, and funding priorities.

The MPO-sponsored public meetings are guided by the MPO's adopted Public Involvement Plan<sup>4</sup>, which includes several ADA-related provisions, including the following:

- All notices for planning activities of the Metropolitan Planning Organization will include an announcement that states that persons with disabilities will be accommodated. Special provisions will be made if notified 48 hours in advance (i.e. having available large print documents, audio material, someone proficient in sign language, a translator or other provisions requested).
- Notices for the public comment period and the public hearing will be advertised in the area's major daily newspaper, and other local, minority, or alternative language newspapers, as appropriate, as well as on the public service announcement on Time Warner Cable. Local member jurisdictions are advised to publicize the public comment period/hearing in their local media as well.
- Public meetings will be held in locations accessible to persons with disabilities and will be located near or on a transit route.

The DCHC MPO also employs online surveys on key transportation projects through its website to gather public comments. The website is also used in distributing PDF documents of draft plans and study reports. The MPO typically provides three to six weeks of public comment period on draft plans and transportation improvement programs, depending on the scope of the project.

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<sup>4</sup> Public Involvement Policy, DCHC MPO, November 14, 2012. (included in Appendix C for reference)



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The MPO's website was upgraded for easy web browsing by people with vision difficulty and provides browsing in many different languages through the *Google Translate* technology.

The DCHC MPO should evaluate the merits of a new online engagement technology called MindMixer (<http://mindmixer.com/>). This technology provides an online forum for people to attend public meetings anytime, from anywhere, and to provide their input online. In essence, it is a powerful technology for people of all ages and background to share ideas and brainstorm solutions online. MindMixer has been deployed in many local governments and planning organizations around the country at a reasonable cost, including the City of Raleigh's Urban Design Center.

### **4.2 Availability of Auxiliary Aids**

The City of Durham, as the Lead Planning Agency of the DCHC MPO, includes the following notice for all public meetings:

- Notice Under the Americans with Disabilities Act (ADA): A person with a disability may receive an auxiliary aid or service to effectively participate in city government activities by contacting the ADA coordinator, voice (919) 560-4197, fax 560-4196, TTY (919) 560-1200, or [ADA@durhamnc.gov](mailto:ADA@durhamnc.gov), as soon as possible but no later than 48 hours before the event or deadline date.

The City also requires an access modification request form, which is included in Appendix C for reference.

Orange County includes the following statement as part of its meeting notices:

- Compliance with the "Americans with Disabilities Act" - Interpreter services and/or special sound equipment are available on request. Call the County Clerk's Office at (919) 245-2130. If you are disabled and need assistance with reasonable accommodations, contact the ADA Coordinator in the County Manager's Office at (919) 245-2300 or TDD# 644-3045.

Other local government agencies in the MPO region may provide similar notices regarding the availability of auxiliary aids. However, those notices were not consistently available.

The DCHC MPO should work with an ADA Oversight Committee to develop ADA-related formal notices that are consistent and easily available online and in print media of all local governments in the MPO region. The DCHC MPO Board should adopt the formal Notice; distribute it to all local transportation department heads; publish the Notice in local newspapers of general circulation serving the area; post the Notice on its Internet Home Page;

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and post copies in conspicuous locations in its public buildings. The Notice would need to be refreshed when contact information is updated.

### **4.3 Telephone Services**

The City of Durham, as the Lead Planning Agency of the DCHC MPO, includes TTY or TDD telephone services as part of the ADA-related Notice. Orange County also has similar telephone services for people with hearing difficulty. This provides a service to persons who are deaf or hard of hearing the opportunity to place calls using a text telephone or teletypewriters (TTY, also known as a telecommunications device for deaf people, or TDD). Both City of Durham and Orange County are equipped to accept telephone calls placed by persons who are deaf or hard of hearing through the Telecommunications Relay Service.

Other local government agencies in the MPO region may provide similar TTY or TDD services for deaf people. However, those notices were not readily available.

The DCHC MPO should work with an ADA Oversight Committee to develop ADA-related formal notices that includes the option to include TTY/TTD services for all local governments in the MPO region.

### **4.4 Website Services**

The DCHC MPO maintains its own website (<http://www.dchcmpo.org/default.asp>). The website serves as a general resource for document presentation and archiving, as well as provides a medium for basic public involvement activities with meeting notices, and calendar information related to MPO Board meetings and agenda items.

Under Section 508 of the Rehabilitation Act of 1973, it is required that the DCHC MPO make their electronic and information technology accessible to people with disabilities. In response to the Section 508 requirements and the needs of member agencies and the public, the DCHC MPO's website has recently been redesigned and upgraded in 2014 to provide a state of the practice web presence that has become essential in delivering cost-efficient services and information.

The new MPO website uses the Civica software portal, which provides user-driven customization, communication and usability such as low graphics vs. graphics version of the website at different font sizes. The website also uses the *Google Translate* tool that can easily convert the web content in many different languages. This redesign of the MPO website also provides intuitive access to important content on MPO programs, plans, projects, publications, and public involvement. Overall, the new website have a robust content management system, mobile friendly interface, GIS mapping, integration with social media, improved analytics, reporting and administrative tools.

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The website allows public to send general comments as well as specific comments addressed to the MPO's Board or the Technical Coordinating Committee. However, the commenting window requires a CAPTCHA code, which place text into an image to forbid robots from accessing the web site. The CAPTCHA codes are often problematic for people who are visually impaired or who are using software that reads what is on the screen.

Following the City of Durham's website, the DCHC MPO could also provide a link to the BrowseAloud software on the MPO's website. The BrowseAloud software is a new cloud-based tool that adds speech, reading and translation support to the website facilitating access and participation for those people with print disabilities, dyslexia, low literacy, mild visual impairments and those with English as a second language. Users of the BrowseAloud program can have the text read in 35 languages, including English, Spanish, Dutch, French, German, Italian, Japanese, Korean, Portuguese and Russian.

The DCHC MPO should work with an ADA Oversight Committee to guide development of similar easy web browsing features for other local governments in the MPO region that can help people with vision and other difficulties.

The detailed results of the Section 508 Compliance review of the MPO's website are summarized in Table 4.

**Table 4 Section 508 Compliance Review of the DCHC MPO Website**

Section 508 Standards	Review Comments	Action Items
Text Equivalent for every non-text element shall be provided	Over 95% of the images, media, plug-ins have content that conveys alternative text	
	Over 95% of the 'alt' text succinctly describes the content without being too verbose or vague	
	Over 95% of Complex graphics [like graphs and charts] have a text description	
	Images with a function have alternative text if it is pointing to an asset	
	Decorative graphics are CSS background images or have null/empty alt values [alt=""] to avoid redundancy	
	95% of all transcripts are provided with audio content [agenda minutes are accompanied with audio files]	
Equivalent alternatives for any multimedia presentation is synchronized with the presentation	The website has this capability but no media files are loaded at this time	

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Section 508 Standards	Review Comments	Action Items
Web Pages shall be designed so that all information conveyed with color is also available without color from context or markup	DCHC MPO website has a low graphics setting that allows sufficient contrast and color is not used as the only way to convey important content	
Documents shall be organized so that they are readable without requiring a style sheet	At this time 95% of all documents created and added to the website are pdfs and do not require a style sheet To help LPA staff create documents that comply with all 508 compliance criteria, an online help page with tutorials and accessibility checklist has been set up <a href="http://www.dchcmmpo.org/howdoi/create/online/default.asp">http://www.dchcmmpo.org/howdoi/create/online/default.asp</a>	
Redundant text links are provided for each active region of a server side image map. Client-side image maps are provided.	95% of the website has this feature including a sitemap that allows for navigation without the navigation menus	
Row and column headers are identified for data tables	Data tables have column and /or row headers identified using <th> element  Tables used only for layout do not used <th> element	
Markup is used to associate data cells and header cells for data tables so that there are always two or more logical levels of row or column headers	Data table cells are associated with the appropriate headers using the scope or id/headers attributes for each webpage generated	
Frames are titled with text that allows frame identification and navigation	Each frame is given a title describing the frame's purpose or content	
Pages are designed to avoid causing screen to flicker with a frequency > 2 Hz and < 55 Hz	This has been designed into the site with CSS rules that cannot be altered, except by an administrator	
A text-only page, with equivalent Information or functionality, shall be provided to make a web site comply with the provisions of this part, when compliance cannot be accomplished in any other way. The content of the text-only page shall be updated whenever the primary page changes	All information pages are available in text only format in the low-graphics version of the website	
Pages using scripting languages to display content, create interface elements – provide information on the scripted element that can be identified and read by assistive technology	DCHC MPO Pages that do not contain form elements do provide information that can be read by assistive technology, but the coding is sometimes inconsistent. The vendor is working to make the pages display information more consistently so that all assistive technology devices can access the information	
When a web page requires that	Applets and plug-ins are not used on the website at this time	

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Section 508 Standards	Review Comments	Action Items
an applet, plug-in or other application be present on the client system to interpret page content, the page must provide a link to a plug-in or applet	– verified	
Electronic forms that are designed to be completed on-line, will allow people using assistive technology to access the information, field elements and functionality required to complete a form	To pass this requirement all forms have to be coded so that the scripting form elements do not interfere with assistive technology - it is suggested that <input>, <textarea> and <select> elements always have label elements associated with them to allow this functionality	At this time forms have been modified to have some functionality with assistive technology. Vendor will continue to make improvements on this feature
Method provided to allow users to skip repetitive navigation links	Use of breadcrumbs that are present on all website generated pages allows this feature	
When a timed response is required, the user shall be alerted and given sufficient time to indicate more time is required	This website has no timed response dialog	

## 4.5 Social Media Services

The upgraded DCHC MPO website is integrated with two social media platforms: Twitter and Facebook. This will provide engagement with broader groups of people as social media usage is pervasive in every age group from pre-teen to senior citizens. It has become part of everyday life and planners are finding innovative ways to incorporate its use in public outreach and engagement. Over 66 percent of federal, state and local governments are using social media. Potential project uses include:

- Discussion Boards and Blogs
- Mass Outreach and Notifications
- File sharing
- Video sharing
- Virtual meetings
- Simulated environments

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- Polling on alternatives
- Real time alerts

Consequently, a plan for social media has become critical on every plan development process.

The social media technology provides another opportunity for people with disabilities to provide input by sharing ideas with online communities using personal messages, videos, etc.

Social media is a powerful platform because it encourages collaboration and develops reciprocity among fellow citizens, or transportation system users. In general, for people with disabilities, the benefits are even more profound due to the opportunities for participation. In many cases, social media can even remove the barriers to ensure that participation is possible online when it would have been challenging in person. However, some users found that use of the mobile version of these platforms work better with assistive technologies such as screen readers. Facebook and Twitter both offer limited accessibility support with assistive technology use. The American Foundation for the Blind (AFB) has released a revolutionary video player which makes it easy for blind and vision impaired people to play online videos, and is making it available to website owners and developers for free.

The DCHC MPO should update the Public Involvement Plan to define a vision for outreach strategies via social media.

The DCHC MPO should also evaluate the merits of a new online engagement technology called MindMixer (<http://mindmixer.com/>). This technology provides an online forum for people to attend public meetings anytime, from anywhere, and to provide their input online. In essence, it is a powerful technology for people of all ages and background to share ideas and brainstorm solutions online. Mindmixer has been deployed in many local governments and planning organizations around the country at a reasonable cost, including the City of Raleigh's Urban Design Center.

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## 5. Findings and Action Plan

A self-assessment study was undertaken by the DCHC MPO to develop this ADA Transition Plan in accordance with two civil rights legislations:

- Americans with Disabilities Act of 1990 (ADA), Title II Regulations, Nondiscrimination on the Basis of Disability in State and Local Government Services, and
- Section 504 of the Rehabilitation Act of 1973, as amended, Nondiscrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance.

The intent of both of these regulations is to provide program accessibility. In other words, individuals with disabilities should have equal access to MPO services and activities.

The disability characteristics of civilian populations living in Durham, Orange, and Chatham counties show that approximately 8.5 percent of the non-institutionalized civilian population in Orange County, 10.4 percent in Durham County, and 12.1 percent in Chatham County has at least one or more disability. These add up to a total disability population of 47,437 in the 3-county area. In this disability demographic group, 11,929 people have a hearing difficulty, 9,669 people have a vision difficulty, and 24,559 people have an ambulatory difficulty

With development of this ADA Transition Plan, the DCHC MPO is ensuring that the MPO will make reasonable accommodation for employees and members of the public with disabilities in its planning process and service delivery. This ADA Transition Plan provides a road map to correct any deficiencies and further push the envelope in effectively communicating with people with disabilities.

As the Lead Planning Agency (LPA) of the DCHC MPO, the City of Durham is responsible for working with other state and local governments and transit operators to identify and remove barriers that limit the ability of individuals with disabilities to fully participate in the MPO-sponsored activities such as public meetings, public hearings, and design charrettes.

The MPO employs a staff of eleven to carry out various planning, modeling and program development functions. The DCHC MPO members include the Town of Carrboro, Town of Chapel Hill, Chapel Hill Transit (CHT), Chatham County, Durham Area Transit Authority (DATA), Durham County, Town of Hillsborough, Orange County, GoTriangle, Triangle J Council of Governments (TJCOG), and the North Carolina Department of Transportation (NCDOT).

The Long Range Transportation Plan (LRTP) development process is led by the DCHC MPO staff and includes extensive public engagement and stakeholder consultation throughout the region.



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The LRTP includes transit, pedestrian and ITS elements which deal with ADA-mandated design requirements. However, transit planning and design is carried out by the transit operators in the region, pedestrian planning and design is carried out by each local government in the MPO, and ITS planning and design is carried out by the NCDOT. Consequently, the MPO's role in ensuring ADA compliance in these facilities and services are more advisory in nature. In other words, the DCHC MPO is not responsible for pedestrian facilities in the public right-of-way.

As a regional planning agency, the DCHC MPO shall positively influence ADA compliance in the region by developing a GIS database of PROW facilities (within the next three years) and then tracking progress in making those facilities ADA-compliant. This database monitoring approach can facilitate discussion among the responsible agencies to identify non-compliant, high-pedestrian locations through an annual evaluation process, and facilitate MTIP development for accessibility improvements to bring facilities into compliance as part of new construction and alteration (e.g., road resurfacing) projects.

The GIS database will likely include the following PROW facilities and related attributes for monitoring ADA compliance over time:

- Curb Ramps
- Sidewalks
- Crosswalks
- Parking Lots
- On-street parking
- Pedestrian Traffic Signals
- Bus Stops and Shelters
- Shared Use Trails
- Parks/Recreational Facilities

Almost all ADA contact persons in the region wear multiple hats within their department. The ADA related duties are often shared across multiple departments or divisions within an agency. The contact persons listed in this report will be posted on the MPO website immediately (within three months of Plan adoption). This would allow people with disabilities to request for access modifications to engage in transportation plan development activities of the DCHC MPO and with their mobility needs within the MPO region through paratransit services.

The DCHC MPO will utilize the DCHC MPO's ADA grievance procedure, once finalized and publicized via the City's website. This grievance procedure is applicable for DCHC MPO's projects that are located within the City and County of Durham. For any ADA complaint related to DCHC MPO projects that fall outside Durham County, the DCHC MPO will refer to local

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jurisdiction involved, and if grievance procedures don't exist for that local jurisdiction, the DCHC MPO may choose to refer the complaint to the North Carolina Department of Transportation (NCDOT), Federal Highway Administration (FHWA) or Federal Transit Authority (FTA), depending on the nature of the complaint.

In the longer term (within three years), the DCHC MPO shall consider creating an ADA oversight committee to finalize the proposed MPO-specific ADA non-discrimination policy and grievance procedures for all partner agencies in the MPO region. The role of the committee would be to coordinate among the MPO members as well as non-profit advocacy agencies external to the MPO. In addition, the committee's functions would include:

1. Review of current ADA regulations and design guidelines
2. Review TIP funding allocation on ADA improvements
3. Develop recommendations of ADA policies and grievance procedures
4. Determine ADA training needs for staff
5. Define requests and complaints for reasonable accommodation
6. Develop ADA compliance monitoring and auditing process

In the interim, the DCHC MPO will follow the proposed ADA related non-discrimination policy statement and Notice that were developed as part of this ADA Transition Plan. **The DCHC MPO shall adopt a formal ADA non-discrimination policy statement and ADA-related Notice by working with an ADA oversight committee (within the next three years).** This policy statement may explicitly refer to key planning and project prioritization services that the DCHC MPO is routinely responsible for to improve the pedestrian and urban environment

The MPO-sponsored studies require extensive public involvement process. The MPO also participates in Environmental Impact Studies (EIS) sponsored by the NCDOT and transit studies sponsored by the GoTriangle. These studies require public workshops as well as public hearings. While the DCHC MPO is not responsible for scheduling facilities for these events, they are typically conducted in popular destinations and places with convenient access and parking for people with disabilities.

**The MPO shall maintain a short list of accessible meeting locations in the MPO region (within three months of this Plan adoption) that can be posted on the MPO website as well as distributed to MPO partner agencies prior to scheduling any public forums. These meeting locations must be readily accessible to and usable by individuals with disabilities.**

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The MPO shall also have the MPO's ADA notice available for partner agencies (within three months of this Plan adoption) to ensure that communications with stakeholders and members of the public with disabilities are as effective as communications with others, including providing auxiliary aids and services when necessary.

While it is the responsibility of paratransit operators and municipal owners of the parking decks and parking lots to follow ADA requirements, the MPO shall play a role in conducting ADA webinars and workshops (within the next three years) to raise the awareness of parking regulations and best ADA practices.

Also, the DCHC MPO will sponsor webinars and workshops (within the next three years) on **Accessible Pedestrian Signals**. The purpose would be to raise the awareness level of these assistive ITS technologies in the region so that communities can choose when and where to apply these ITS solutions for maximum benefits at a reasonable cost.

The DCHC MPO shall work with an ADA Oversight Committee to guide development of easy web browsing features (within the next three years) similar to the ones that the City of Durham implemented (e.g., BrowseAloud) for other local governments in the MPO region that can help people with vision and other difficulties.

The DCHC MPO shall update the Public Involvement Plan (within 3 months of this Plan adoption) to define a vision for outreach strategies via social media.

The DCHC MPO shall also evaluate the merits of a new online engagement technology called **MindMixer** (within the next three years). This technology provides an online forum for people to attend public meetings anytime, from anywhere, and to provide their input online. In essence, it is a powerful technology for people of all ages and background to share ideas and brainstorm solutions online.

## Appendix A – List of Acronyms

504:	Section 504 of the Rehabilitation Act of 1973 is a national law that protects qualified individuals from discrimination based on their disability. The nondiscrimination requirements of the law apply to employers and organizations that receive financial assistance from any Federal department or agency. Section 504 forbids organizations and employers from excluding or denying individuals with disabilities an equal opportunity to receive program benefits and services. It defines the rights of individuals with disabilities to participate in, and have access to, program benefits and services.
511:	The North Carolina 511 system is part of a nationwide effort to disseminate travel information to the public via telephone. 511 uses an automated voice response system. Callers can ask for specific areas, and the system will provide information about traffic incidents, closures and other important roadway conditions.
5303:	Metropolitan & Statewide Planning Funding source from the Federal Transit Administration. These programs provide funding to support cooperative, continuous, and comprehensive planning for making transportation investment decisions in metropolitan areas and statewide. Eligible Recipients include State Departments of Transportation (DOTs) and Metropolitan Planning Organizations (MPOs).
5307:	Formula funding source from the Federal Transit Administration. Utilized for transit capital and operating assistance in urbanized areas.
5309:	Fixed Guideway Capital Investment Grants from Federal Transit Administration. Also known as “New Starts/Small Starts,” this program awards grants on a competitive basis for major investments in new and expanded rail, bus rapid transit (BRT), and ferry systems. The fixed guideway modernization, bus and bus facilities programs, which were previously funded under Section 5309, have now been restructured and moved to a new Section 5337 State of Good Repair Program and a new Section 5339 Bus and Bus Facilities Program.
ACS:	American Community Survey
ADA:	Americans with Disabilities Act
APS:	Accessible Pedestrian Signal

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CAMPO:	Capital Area Metropolitan Planning Organization
CHT:	Chapel Hill Transit
CMP:	Congestion Management Process
CTP:	Comprehensive Transportation Plan
DATA:	Durham Area Transit Authority
DCHC:	Durham-Chapel Hill-Carrboro
DOJ:	Department of Justice
FHWA:	Federal Highway Administration
FTA:	Federal Transit Administration
GIS:	Geographic Information System
GPS:	Global Positioning System
ITS:	Intelligent Transportation System
LPA:	Lead Planning Agency
LRTP:	Long Range Transportation Plan
MPO:	Metropolitan Planning Organization
MTIP:	Metropolitan Transportation Improvement Program
MTP:	Metropolitan Transportation Plan
NCDOT:	North Carolina Department of Transportation
OPT:	Orange Public Transportation
PROW:	Public Rights-of-Way
PROWAG:	Public Rights-of-Way Accessibility Guidelines
RTP:	Research Triangle Park
STP:	Surface Transportation Program
TJCOG:	Triangle J Council of Governments

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TTA: GoTriangle  
TTD: Text Telephone  
TTY: Text Telephone

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## **Appendix B – Glossary of ADA-Related Terms**

The following definitions were taken from the Americans with Disabilities Act (ADA) and other reference materials. They are commonly used terms and may have various definitions depending on context.

### **A**

#### **Access Aisle**

An accessible pedestrian space located between elements, such as parking spaces, seating, and desks that provides clearances appropriate for use of the elements.

#### **Administrative Authority**

A governmental agency that adopts or enforces regulations and guidelines for the design, construction, or alteration of buildings and facilities.

#### **Access Barriers**

Any obstruction that prevents people with disabilities from using standard facilities, pedestrian access routes, equipment or resources.

#### **Access Board**

An independent federal agency devoted to accessibility for people with disabilities. The Access Board developed the accessibility guidelines for the ADA and provides technical assistance and training on these guidelines. The agency also is referred to as the Architectural and Transportation Barriers Compliance Board.

#### **Accessible**

Refers to a site, facility, work environment, pedestrian access route, service, or program that is easy to approach, enter, operate, participate in, and/or use safely and with dignity by a person with a disability.

#### **Accessible Element**

An element that is provided to accommodate people with disabilities (for example, telephone, controls, and the like).

#### **Accessible Pedestrian Signals (APS)**

These signals provide information in non-visual format, which includes audible tones or verbal messages, and/or vibrotactile information.



*DCHC MPO – ADA Transition Plan***Accessible Route**

A continuous unobstructed path connecting all accessible elements and spaces of a building or facility. Interior accessible routes may include corridors, floors, ramps, elevators, lifts, and clear floor space at fixtures. Exterior accessible routes may include parking access aisles, curb ramps, crosswalks at vehicular ways, walks, ramps, and lifts.

**Accessible Space**

Space that allows for the accommodation of people with disabilities around an object.

**Accessibility**

As required by the Americans with Disabilities Act, removal of barriers that would hinder a person with a disability from entering, functioning, and working within a facility. Required restructuring of the facility cannot cause undue hardship for the employer.

**ADA Title I**

Title I is the section of the ADA which covers the employment of people with disabilities. Title I requires employers with 15 or more employees to provide qualified individuals with disabilities an equal opportunity to benefit from the full range of employment-related opportunities available to others. For example, it prohibits discrimination in recruitment, hiring, promotions, training, pay, social activities, and other privileges of employment. It restricts questions that can be asked about an applicant's disability before a job offer is made, and it requires that employers make reasonable accommodation to the known physical or mental limitations of otherwise qualified individuals with disabilities, unless it results in undue hardship.

**ADA Title II**

Title II is the section of the ADA which covers the access to and participation in state and local government benefits, activities, and services by people with disabilities. It covers all activities of State and local governments regardless of the government entity's size or receipt of Federal funding. Title II requires that State and local governments give people with disabilities an equal opportunity to benefit from all of their programs, services, and activities (e.g. public education, employment, transportation, recreation, health care, social services, courts, voting, and town meetings).

**Affirmative Action**

A set of positive steps that employers use to promote equal employment opportunity and to eliminate discrimination. It includes expanded outreach, recruitment, mentoring, training, management development and other programs designed to help employers hire, retain and advance qualified workers from diverse backgrounds, including persons with disabilities. Affirmative action means inclusion, not exclusion. Affirmative action does not mean quotas and is not mandated by the ADA.

*DCHC MPO – ADA Transition Plan***Alteration**

Modification made to an existing building or facility that goes beyond normal maintenance activities and effects or could affect usability.

**Alternate Pedestrian Access Route**

A temporary accessible route used when the existing pedestrian access route is blocked by construction, alteration, maintenance, or other temporary condition(s).

**Americans with Disabilities Act (ADA)**

A comprehensive, federal civil rights law that prohibits discrimination on the basis of disabilities in employment, state and local government programs and activities, public accommodations, transportation, and telecommunications.

An individual must meet one of the following three tests: (a) have a physical or mental impairment that substantially limits one or more of the major life activities of such individual; (b) have a record of such impairment; or (c) be regarded as having an impairment. (Same as Section 504 of the Rehabilitation Act of 1973 and the Fair Housing Amendments of 1988.)

**Americans with Disabilities Act Amendments Act (ADAAA)**

Enacted on September 25, 2008, and becoming effective on January 1, 2009, making a number of significant changes to the definition of “disability” and directing the U.S. Equal Employment Opportunity Commission (EEOC) to amend its ADA regulations to reflect the changes made by the ADAAA. The final regulations were published in the Federal Register on March 25, 2011.

**Americans with Disabilities Act Accessibility Guidelines (ADAAG)**

Scoping and technical requirements to be applied during the design, construction, and alteration of buildings and facilities covered by titles II and III of the ADA to the extent required by regulations issued by federal agencies, including the Department of Justice and the Department of Transportation.

**Assistive Devices**

Tools that enable individuals with disabilities to perform essential job functions, e.g., telephone headsets, adapted computer keyboards, enhanced computer monitors.

**Assistive Technology**

Technology used to assist a person with a disability, e.g., wheelchair, hand splints, computer-based equipment.

**Auxiliary Aids and Services**

Under titles II and III of the ADA, includes a wide range of services and devices that promote effective communication or allows access to goods and services. Examples of auxiliary aids and

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services for individuals who are deaf or hard of hearing include qualified interpreters, note takers, computer-aided transcription services, written materials, telephone handset amplifiers, assistive listening systems, telephones compatible with hearing aids, closed caption decoders, open and closed captioning, telecommunications devices for deaf persons (TDDs), videotext displays, and exchange of written notes. Examples for individuals with vision impairments include qualified readers, taped texts, audio recordings, Braille materials, large print materials, and assistance in locating items. Examples for individuals with speech impairments include TDDs, computer terminals, speech synthesizers, and communication boards.

**B****Backslope**

A sideslope that goes up as the distance increases from the roadway (cut slopes).

**Barriers**

Obstacles that prevent people with disabilities from fully participating in society.

**Barrier Removal**

Removal, rearrangement, or modification of objects positioned or structured in a manner that impedes access.

**Braille**

System of embossed characters formed by using a Braille cell, a combination of six dots consisting of two vertical columns of three dots each. Each simple Braille character is formed by one or more of these dots and occupies a full cell or space. Some Braille may use eight dots.

**C****Circulation Path**

An exterior or interior way of passage from one place to another for pedestrians, including, but not limited to, walks, hallways, courtyards, stairways, and stair landings.

**Civil Rights Act of 1991**

Federal law that capped compensatory and punitive damages under title I of the ADA for intentional job discrimination. The law also amended the ADA's definition of an employee, adding "with respect to employment in a foreign country, such term includes an individual who is a citizen of the United States."

**Clear Floor Space**

The minimum unobstructed floor or ground space required to accommodate a single, stationary wheelchair and occupant.

*DCHC MPO – ADA Transition Plan***Clear Width**

The unobstructed width within a pedestrian circulation path. The clear width within a pedestrian circulation path must meet the accessibility criteria for a pedestrian access route.

**Covered Entity**

Under the ADA, "covered entity" is an entity that must comply with the law. Under title I, covered entities include employers, employment agencies, labor organizations, or joint labor-management committees. Under title II, covered entities include state and local government instrumentalities, the National Railroad Passenger Corporation, and other commuter authorities, and public transportation systems. Under title III, covered entities include public accommodations such as restaurants, hotels, grocery stores, retail stores, etc., as well as privately owned transportation systems.

**Counter Slope**

The slope of the gutter or roadway at the foot of a curb ramp or landing where it connects to the roadway, measured along the axis of the running slope extended.

**Cross Slope**

The slope that is perpendicular to the direction of travel (see running slope).

**Crosswalk**

A marked or unmarked pedestrian crossing, typically at an intersection, that connects the pedestrian access routes on opposite sides of a roadway. A crosswalk must meet accessibility criteria.

**Curb Extension**

A curb and sidewalk bulge or extension into the parking lane used to decrease the length of a pedestrian crossing and increase visibility for the pedestrian and driver.

**Curb Ramp**

A short ramp cutting through a curb or built up to it.

**D****Detectable Warning**

A standardized tactile surface feature built in or applied to walking surfaces or other elements to warn visually impaired people of hazards on a circulation path.

**Direct Threat**

A significant risk to the health or safety of a person with a disability or to others that cannot be eliminated by reasonable accommodation.

*DCHC MPO – ADA Transition Plan***Disability**

The limitation of normal physical, mental, social activity of an individual. There are varying types (functional, occupational, learning), degrees (partial, total), and durations (temporary, permanent) of disability 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.

**Discrimination**

Act of making a difference in treatment or favor on a basis other than individual merit.

**E****Egress, Means of**

A continuous and unobstructed way of exit travel from any point in a building or facility to a public way. A means of egress comprises vertical and horizontal travel and may include intervening room spaces, doorways, hallways, corridors, passageways, balconies, ramps, stairs, enclosures, lobbies, horizontal exits, courts and yards. An accessible means of egress is one that complies with these guidelines and does not include stairs, steps, or escalators. Areas of rescue assistance or evacuation elevators may be included as part of accessible means of egress.

**Element**

An architectural or mechanical component of a building, facility, space, or site, or public right-of-way, e.g., telephone, curb ramp, door, drinking fountain, seating, or water closet.

**Entrance**

Any access point to a building or portion of a building or facility used for the purpose of entering. An entrance includes the approach walk, the vertical access leading to the entrance platform, the entrance platform itself, vestibules if provided, the entry door(s) or gate(s), and the hardware of the entry door(s) or gate(s).

**Escort Services**

(Also called ***transportation services***.) Provides transportation for older adults to services and appointments. May use bus, taxi, volunteer drivers, or van services that can accommodate wheelchairs and persons with other special needs.

*DCHC MPO – ADA Transition Plan***Essential Job Functions**

The fundamental job duties of the employment position that the individual with a disability holds or desires. The term essential functions, does not include marginal functions of the position.

**Equal Employment Opportunity**

An opportunity to attain the same level of performance or to enjoy equal benefits and privileges of employment as are available to an average similarly-situated employee without a disability.

**Existing Facility**

Refers to buildings that were constructed before the ADA went into effect. A public accommodation's building constructed before the effective date of title III does not have to be fully accessible unless the removal of barriers, including structural ones, is readily achievable.

**F****Facility**

All or any portion of buildings, structures, site improvements, complexes, equipment, roads, walks, passageways, parking lots, or other real or personal property located on a site.

**FM Sound Amplification System**

Electronic amplification system consisting of three components: a microphone or transmitter, monaural FM receiver and a combination charger and carrying case. It provides wireless FM broadcast from a speaker to a listener who has a hearing impairment.

**Functionally Disabled**

A person with a physical or mental impairment that limits the individual's capacity for independent living.

**Furnishing Zone**

A linear portion of the sidewalk corridor, adjacent to the curb, that contains elements such as trees, signal poles, utility poles, street lights, street signs, controller boxes, hydrants, parking meters, driveway aprons, planting strips, or street furniture.

**Frontage Zone**

A linear portion of the sidewalk corridor, adjacent to the edge of the right-of-way.

*DCHC MPO – ADA Transition Plan***G****Grade**

The slope parallel to the direction of travel that is calculated by dividing the vertical change in elevation by the horizontal distance covered.

**Grade Break**

The intersection of two adjacent surface planes with different grade elevations.

**Gutter**

A trough or dip used for drainage purposes that runs along the edge of the trail or street and curb or curb ramp.

**H****Health**

The state of complete physical, mental, and social well-being and not merely the absence of disease or infirmity. It is recognized, however, that health has many dimensions (anatomical, physiological, and mental) and is largely culturally defined. The relative importance of various disabilities will differ depending upon the cultural milieu and the role of the affected individual in that culture. Most attempts at measurement have been assessed in terms of morbidity and mortality.

**Hearing Impairments**

Complete or partial loss of ability to hear caused by a variety of injuries or diseases including congenital defects.

**I****Impairment**

Term used in the ADA definition of disability. Includes any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems, such as neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin, and endocrine; or any mental or psychological disorder, such as an intellectual disability (formerly termed "mental retardation"), organic brain syndrome, emotional or mental illness, and specific learning disabilities.

**Interpreter**

Professional person who assists a deaf person in communicating with hearing people.

*DCHC MPO – ADA Transition Plan***Intersection**

An area where two or more pathways or roadways join together.

**Island**

A pedestrian refuge within the right-of-way and traffic lanes of a highway or street; also used as a loading stop for light rail or buses.

**J****Job Analysis**

A formal process in which information about a specific job or occupation is collected and analyzed.

**Job Description**

A detailed summary, usually written, of the major components of a job. A typical job description consists of six major components: essential job functions, knowledge and critical skills, physical demands, environmental factors, the roles of the ADA and other federal laws such as the Occupational Safety Health Act (OSH Act), and any explanatory information that may be necessary to clarify job duties or responsibilities.

**Job Related and Consistent with Business Necessity**

Standard used to determine whether a qualification standard or employment policy concerns an essential aspect of the job and is required to meet the needs of the business.

**K**

None at this time.

**L****Landing**

A level paved area, within or at the top and bottom of a stair or ramp, designed to provide turning and maneuvering space for wheelchair users and as a resting place for pedestrians.

**Learning Disability**

A disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculation. The term includes such conditions as perceptual handicaps, brain injury, and minimal brain dysfunction.



*DCHC MPO – ADA Transition Plan***M****Major Life Activity**

Term used in the ADA definition of disability. It refers to activities that an average person can perform with little or no difficulty. Major life activities include, but are not limited to: caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, and working; and the operation of a major bodily function, including functions of the immune system, special sense organs and skin; normal cell growth; and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions. The operation of a major bodily function includes the operation of an individual organ within a body system.

**Marginal Job Functions**

Functions that are not considered essential to a job. Employers must consider removing marginal job functions as an accommodation under the ADA, but do not have to remove essential functions as an accommodation.

**Marked Crossing**

A crosswalk or other identified path intended for pedestrian use in crossing a vehicular way.

**Maximum Extent Feasible**

Applies to the occasional case where the nature of an existing facility makes it virtually impossible to comply with applicable accessibility standards through a planned alteration.

**Median**

An island in the center of a road that provides pedestrians with a place of refuge and reduces the crossing distance between safety points.

**Mental Health**

The capacity in an individual to function effectively in society. Mental health is a concept influenced by biological, environmental, emotional, and cultural factors and is highly variable in definition, depending on time and place. It is often defined in practice as the absence of any identifiable or significant mental disorder and sometimes improperly used as a synonym for mental illness.

**Mental Illness/Impairment**

A deficiency in the ability to think, perceive, reason, or remember resulting in loss of the ability to take care of one's daily living needs.

*DCHC MPO – ADA Transition Plan***Midblock Pedestrian Crossing**

A marked pedestrian crossing located between intersections.

**Minimum Clearance Width**

The narrowest point on the sidewalk or trail. A minimum clear width is created when significant obstacles, such as utility poles or tree roots, protrude into the sidewalk and reduce the design width.

**Mitigating Measures**

Medical treatment or devices that lessen the effects of an impairment. When determining whether a person is substantially limited in a major life activity, we ignore the beneficial effects of mitigating measures except ordinary eyeglasses or contact lens. Mitigating measures include things such as: medication, medical supplies, equipment, or appliances, low-vision devices (defined as devices that magnify, enhance, or otherwise augment a visual image, but not including ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aid(s) and cochlear implant(s) or other implantable hearing devices, mobility devices, and oxygen therapy equipment and supplies; use of assistive technology; reasonable accommodations or "auxiliary aids or services," learned behavioral or adaptive neurological modifications; or psychotherapy, behavioral therapy, or physical therapy.

**Mobility Impairment**

Disability that affects movement ranging from gross motor skills such as walking to fine motor movement involving manipulation of objects by hand.

**N**

None at this time.

**O**

None at this time.

**P****Passenger Loading Zone**

An area provided for pedestrian to board/disembark a vehicle.

**Path of Travel**

An accessible pathway for people with disabilities to move through or access spaces.

*DCHC MPO – ADA Transition Plan***Pedestrian**

A person walking or traveling by means of a wheelchair, electric scooter, crutches or other walking devices or mobility aids. Use the term pedestrian is meant to include all people with disabilities regardless of which equipment they may use to assist their self-directed locomotion.

**Pedestrian Access Route (PAR)**

A pedestrian access route is a continuous, unobstructed walkway within a pedestrian circulation path that provides accessibility. The route is a corridor of accessible travel through public right-of-ways that has a specified minimum width and cross slope.

**Pedestrian Circulation Path**

An exterior or interior way of passage provided for pedestrian travel. Pedestrian circulation paths are required to contain a continuous pedestrian access route that connects to all adjacent pedestrian facilities, elements and spaces that are required to be accessible.

**Pedestrian Facilities**

Walkways such as sidewalks, crosswalks, walking and hiking trails, shared use paths, pedestrian separations and other improvements for pedestrian travel.

**People with Disabilities**

A term to describe a group of individuals with conditions that prevents them from performing a task or function because of a physical or mental impairment without an accommodation. When describing a group with a certain disability always refer to the people with the particular disability like, people with hearing disabilities.

**Person with a Disability**

A term to describe an individual who meets one of the following criteria designating what is a disability. If they have a physical or mental impairment that substantially limits one or more major life activities, have a record of such impairment, or are regarded as having such impairment. When describing an individual with a certain disability always refer to them as a person with the particular disability like, person with a hearing disability.

**Physical or Mental Impairment**

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; genito-urinary; hemic and lymphatic; skin; and endocrine; or any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities (Americans with Disabilities Act of 1990).

**Private Facility**

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A place of public accommodation or a commercial facility subject to title III of the ADA and 28 C.F.R. part 36 or a transportation facility subject to title III of the ADA and 49 C.F.R. 37.45.

**Protruding Objects**

These are objects that may project into circulation paths in a manner that is hazardous to people with vision impairments. Unlike requirements for pedestrian access routes, these criteria would apply to the full circulation space of sidewalks and other pedestrian paths. Objects mounted on walls or post with leading edges above the standard sweep of canes above 27 inches and below the standard head room clearance would be limited to a 4 inch protrusion.

**Public Accommodations**

Entities that must comply with Title III. The term includes facilities whose operations affect commerce and fall within at least one of the following 12 categories: places of lodging (e.g., inns, hotels, motels) (except for owner-occupied establishments renting fewer than six rooms); establishments serving food or drink (e.g., restaurants and bars); places of exhibition or entertainment (e.g., motion picture houses, theaters, concert halls, stadiums); places of public gathering (e.g., auditoriums, convention centers, lecture halls); sales or rental establishments (e.g., bakeries, grocery stores, hardware stores, shopping centers); service establishments (e.g., laundromats, dry-cleaners, banks, barber shops, beauty shops, travel services, shoe repair services, funeral parlors, gas stations, offices of accountants or lawyers, pharmacies, insurance offices, professional offices of health care providers, hospitals); public transportation terminals, depots, or stations (not including facilities relating to air transportation); places of public display or collection (e.g., museums, libraries, galleries); places of recreation (e.g., parks, zoos, amusement parks); places of education (e.g., nursery schools, elementary, secondary, undergraduate, or postgraduate private schools); social service center establishments (e.g., day care centers, senior citizen centers, homeless shelters, food banks, adoption agencies); and places of exercise or recreation (e.g., gymnasiums, health spas, bowling alleys, golf courses).

**Public Entity**

Entities that must comply with Title II. The term is defined as: any state or local government; any department, agency, special purpose district, or other instrumentality of a state or local government; or certain commuter authorities as well as AMTRAK. It does not include the federal government.

**Public Facility**

A facility or portion of a facility constructed by, on behalf of, or for the use of a public entity subject to title II of the ADA and 28 C.F.R. part 35 or to title II of the ADA and 49 C.F.R. 37.41 or 37.43.

**Public Use**

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Describes interior or exterior rooms or spaces that are made available to the general public. Public use may be provided at a building or facility that is privately or publicly owned.

**Q****Qualified Individual with a Disability**

An individual with a disability who, with or without reasonable modification 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 (Americans with Disabilities Act of 1990).

**R****Ramp**

A walking surface which has a running slope greater than 1:20.

**Ramp Connection**

A pavement at the end of a ramp, connecting to a main lane of a roadway.

**Rehabilitation Act of 1973**

The Rehabilitation Act that prohibits discrimination on the basis of a disability by the federal government, federal contractors, by recipients of federal financial assistance, and in federally conducted programs and activities. Section 504 states that “no qualified individual with a disability in the United States shall be excluded from, denied the benefits of, or be subjected to discrimination under” any program or activity that either receives Federal financial assistance or is conducted by any Executive agency or the US Postal Services. This applies to programs in cities that receive federal funds.

**Readily Achievable**

Easily accomplishable and able to be carried out without much difficulty or expense. In determining whether an action is readily achievable, factors to be considered include nature and cost of the action, overall financial resources and the effect on expenses and resources, legitimate safety requirements, impact on the operation of a site, and, if applicable, overall financial resources, size, and type of operation of any parent corporation or entity. Under Title III, public accommodations must remove barriers in existing facilities if it is readily achievable to do so.

**Reasonable Accommodation**

Under Title I, a modification or adjustment to a job, the work environment, or the way things usually are done that enables a qualified individual with a disability to enjoy an equal

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employment opportunity. Reasonable accommodation is a key nondiscrimination requirement of the ADA.

**Rest Area**

A level portion of a trail that is wide enough to provide wheelchair users and others a place to rest and gain relief from the prevailing grade and cross-slope demands of the path.

**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 be feeing-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.

**Running Slope**

The slope that is parallel to the direction of travel (see cross slope).

**S****Section 508 of the Rehabilitation Act**

Legislation that requires federal agencies to develop, procure, and use accessible electronic and information technology.

**Sensory Impairment**

A disability that affects touch, sight, or hearing, or both.

**Self-Evaluation**

Required by Title II, this is used to identify, review and analyze public programs, activities and services provided by city government and public entities to document the status of each to determine if any are discriminatory.

**Shared-Use Path**

A facility separated from motorized vehicular traffic that may be used by bicyclists, pedestrians and others such as equestrians in certain conditions.

*DCHC MPO – ADA Transition Plan***Sidewalk**

A walkway along a highway, road, or street intended for use by pedestrians.

**Signage**

Displayed verbal, symbolic, tactile, and pictorial information.

**Sign Language**

Manual communication commonly used by people with hearing disabilities. The gestures or symbols in sign language are organized in a linguistic way. Each individual gesture is called a sign. Each sign has three distinct parts; the handshape, the position of the hands, and the movement of the hands. American Sign Language (ASL) is the most commonly used sign language in the United States. People with hearing disabilities from different countries speak different sign languages.

**Site**

A parcel of land bounded by a property line or a designated portion of a public right-of-way.

**Site Improvement**

Landscaping, paving for pedestrian and vehicular ways, outdoor lighting, recreational facilities, and the like, added to a site.

**Slip Resistant Surface**

Slip resistance is based on the frictional force necessary to permit a person to ambulate slipping. A slip resistant surface does not allow a shoe heel, wheelchair tires, or a crutch tip to slip when ambulating on the surface.

**Space**

A definable area, e.g., room, toilet room, hall, assembly area, entrance, storage room, alcove, courtyard, or lobby.

**Specific Learning Disability**

Disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in difficulties listening, thinking, speaking, reading, writing, spelling, or doing mathematical calculations. Frequent limitations include hyperactivity, distractibility, emotional instability, visual and/or auditory perception difficulties and/or motor limitations, depending on the type(s) of learning disability.

**Speech Impairment**

Problems in communication and related areas such as oral motor function, ranging from simple sound substitutions to the inability to understand or use language or use the oral-motor mechanism for functional speech.

*DCHC MPO – ADA Transition Plan***Stable Surface**

Stability is the degree to which a surface remains unchanged by contaminants or applied force, so that when the contaminant of force is removed the surface returns to its original condition. A stable surface is not significantly altered by a person walking or maneuvering a wheelchair.

**Street Furniture**

Sidewalk equipment or furnishings, including garbage cans, benches, parking meters and telephone booths.

**Substantially Limits**

A comparative term used in the ADA definition of disability. An impairment is a disability if it substantially limits the ability of an individual to perform a major life activity as compared to most people in the general population. An impairment need not prevent, or significantly or severely restrict, the individual from performing a major life activity in order to be considered substantially limiting.

**Surface**

The material on which person walks or wheels in the pedestrian environment.

**T****Traffic Calming**

Design techniques that have been shown to reduce traffic speeds and may include lane narrowing, curb extensions, surface variations and visual clues in the vertical plane.

**Transit Facility**

A capital facility intended to improve the efficiency of public transportation or encourage the use of public transportation.

**Transition Plan**

A requirement that all state and local governments employing 50 or more people have a plan detailing the structural changes necessary to achieve program accessibility.

**Transitional Segments**

Segments of a pedestrian circulation path that blend between existing undisturbed pedestrian facilities.

**Transportation Services**

(Also called *escort services*.) Provides transportation for older adults to services and appointments. May use bus, taxi, volunteer drivers, or van services that can accommodate wheelchairs and persons with other special needs.



*DCHC MPO – ADA Transition Plan***Truncated Domes**

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

**U****Undue Burden**

With respect to complying with Title II or Title III of the ADA, significant difficulty or expense incurred by a covered entity, when considered in light of certain factors. These factors include: the nature and cost of the action; the overall financial resources of the site or sites involved; the number of persons employed at the site; the effect on expenses and resources; legitimate safety requirements necessary for safe operation, including crime prevention measures; or any other impact of the action on the operation of the site; the geographic separateness, and the administrative or fiscal relationship of the site or sites in question to any parent corporation or entity; if applicable, the overall financial resources of any parent corporation or entity; the overall size of the parent corporation or entity with respect to the number of its employees; the number, type, and location of its facilities; and if applicable, the type of operation or operations of any parent corporation or entity, including the composition, structure, and functions of the workforce of the parent corporation or entity.

**Undue Hardship**

With respect to the provision of an accommodation under Title I of the ADA, significant difficulty or expense incurred by a covered entity, when considered in light of certain factors. These factors include the nature and cost of the accommodation in relationship to the size, resources, nature, and structure of the employer's operation. Where the facility making the accommodation is part of a larger entity, the structure and overall resources of the larger organization would be considered, as well as the financial and administrative relationship of the facility to the larger organization. Employers do not have to provide accommodations that cause an undue hardship.

**Uniform Federal Accessibility Standards (UFAS)**

One of two standards that state and local governments can use to comply with title II's accessibility requirement for new construction and alterations. The other standard is the ADA Accessibility Guidelines.

**Universal Access**

Access for all people regardless of ability or stature.

**U.S. Department of Justice**

Federal agency that is responsible for enforcing titles II and III of the ADA.

*DCHC MPO – ADA Transition Plan***U.S. Department of Transportation**

Federal agency that enforces nondiscrimination in public and private transportation. Nondiscrimination includes access to public bus, train and paratransit, as well as privately operated bus and shuttle transportation. The ADA does not cover air transportation, which is subject to the Air Carrier Access Act.

**V****Vehicular Way**

A route intended for vehicular traffic, such as a street, driveway, or parking lot.

**Vertical Clearance**

The minimum unobstructed vertical passage space required along a sidewalk or trail.

**Visual Impairments**

Complete or partial loss of ability to see, caused by a variety of injuries or diseases including congenital defects. Legal blindness is defined as visual acuity of 20/200 or less in the better eye with correcting lenses, or widest diameter of visual field subtending an angular distance no greater than 20 degrees.

**W****Walkway**

An exterior pathway with a prepared surface intended for pedestrian use, including general pedestrian areas such as plazas and courts and a continuous portion of the pedestrian access route that is connected to street crossings by curb ramps.

**Wheelchair**

Wheeled mobility device used by people with limited or no ability to walk. Wheelchairs can be manually propelled or battery powered.

**Work Zone**

An area of construction, maintenance or utility work activities.

**X**

None at this time.

**Y**

None at this time.

**Z**

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None at this time.

## Appendix C – List of ADA Technical Resources

### Architectural and Transportation Barriers Compliance Board (ACCESS Board)

Access Board (<http://www.access-board.gov/>)

ADA Accessibility Guidelines (ADAAG) (<https://www.access-board.gov/guidelines-and-standards/buildings-and-sites/about-the-ada-standards/background/adaag>)

### Thompson Publishing Group

ADA Compliance Guide (<http://www.thompson.com/public/offerpage.jsp?prod=ABLE>)

### US Department of Justice

Americans with Disabilities Act (<http://www.ada.gov/>)

### US Equal Employment Opportunity Commission

Technical Assistance Manual (TITLE II) ADA (<http://www.ada.gov/taman2.html>)

### City of Durham ADA Resources

ADA Policy (<http://durhamnc.gov/ich/op/gs/pages/accessibility.aspx>)

### NCDOT ADA Resources

ADA Program (<http://www.ncdot.gov/programs/ada/>)

### DCHC MPO Resources

Public Involvement Policy  
(<http://www.dchcmpo.org/civicax/filebank/blobdload.aspx?BlobID=28369>)

MPO Programs and Plans (<http://www.dchcmpo.org/programs/default.asp>)

### FHWA Resources

Accessible Pedestrian Signals: A Guide to Best Practices (NCHRP Web Only Document 150)  
([http://onlinepubs.trb.org/onlinepubs/nchrp/nchrp\\_w150.pdf](http://onlinepubs.trb.org/onlinepubs/nchrp/nchrp_w150.pdf))

Accessibility Resource Library (<http://www.fhwa.dot.gov/accessibility/>)

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*DCHC MPO – ADA Transition Plan***Appendix D – ADA Evaluation Check List**

Title of Document:		Date of Document:		
Item #	Description	Y/N/NA	Rating	Comments
<b>1</b>	<b>Standards Utilized</b>			
1.1.	ADA Standards			
1.2.	MUTCD			
1.3.	PROWAG			
1.4	Section 504			
1.5	ANSI			
1.6	UFAS			
1.7	Other			
<b>2</b>	<b>Areas Surveyed</b>			
2.1.	Buildings			
2.2.	Rest Areas			
2.3.	PAR			
2.3.1.	Sidewalks			
2.3.2.	Curb ramps			
2.3.3.	Intersections			
2.3.4.	Pedestrian Activated Signals			
2.3.5.	Crosswalks			
2.3.6.	Traffic islands			
2.3.7.	Bus shelters/Bus Stops			
2.3.8.	Driveways			
2.3.9.	Handrails			
2.3.10	Obstructions			
2.3.11	Other			
<b>3</b>	<b>Field Collection Method</b>			
3.1.	Windshield			
3.2.	Manual			
3.3.	Semi-automated			
3.4.	Automated			
3.5.	Other			
<b>4</b>	<b>Quality Control</b>			
4.1.	Consistency			
4.2.	Reliability			

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Title of Document:		Date of Document:		
Item #	Description	Y/N/NA	Rating	Comments
4.3.	Comprehensive			
4.4.	Ease of use			
4.5.	Other			
<b>5</b>	<b>Database</b>			
5.1.	Platform			
5.2.	Easily updated			
5.3.	Priority Procedures			
5.4.	Severity Rating			
5.5.	Schedule for barrier removal			
5.6.	Tracking features			
5.7.	Reporting features			
5.8.	Corrections feature (corrections documented)			
5.9.	Noncompliant corrections documented			
5.10.	GIS			
5.11.	Mapping			
5.12.	Photographs			
5.13.	Can reprocess if codes change			
5.14.	Estimated costs			
5.15.	Actual costs			
5.16.	Other			
<b>6</b>	<b>Public Input</b>			
<b>7</b>	<b>Prioritization Methods</b>			
7.1.	Compliant or concern by agency			
7.2.	Complaint or concern by public			
7.3.	Project demand			
7.4.	High use public facility			
7.5.	High need area (hospital, school, etc)			
7.6.	Demographics (persons with disabilities)			
7.7.	Public input			
7.8.	Severity or degree of compliance			
7.9.	Other			
<b>8</b>	<b>Demographics-Persons with Disabilities</b>			
<b>9</b>	<b>Plan Implementation</b>			
9.1.	Scheduled			
9.2.	Phases			

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Title of Document:		Date of Document:		
Item #	Description	Y/N/NA	Rating	Comments
9.3.	Other			
<b>10</b>	<b>Planning Integration</b>			
<b>11</b>	<b>MEF Policy</b>			
<b>12</b>	<b>Technical Infeasibility</b>			
<b>13</b>	<b>Equivalent Facilitation</b>			
<b>14</b>	<b>Undue Financial Burden</b>			
<b>15</b>	<b>ADA Committee</b>			
15.1.	Advisory			
15.2.	Oversight			
<b>16</b>	<b>ADA Coordinator</b>			
<b>17</b>	<b>504 Coordinator</b>			
<b>18</b>	<b>Transition Plan Coordinator</b>			
<b>19</b>	<b>Grievance Procedure</b>			
<b>20</b>	<b>Public Notice</b>			
<b>21</b>	<b>Policies &amp; Procedures</b>			
<b>22</b>	<b>Reasonable Accommodations Policy</b>			
<b>23</b>	<b>Nondiscrimination Policy/Notice</b>			
23.1.	ADA			
23.2.	504			
<b>24</b>	<b>Programs</b>			
<b>25</b>	<b>Communication</b>			
25.1.	Alternate formats			
25.2.	Auxiliary Aids/Services			
25.3.	Interpreters			
25.4.	Equipment			
<b>26</b>	<b>Monitoring and Tracking</b>			
<b>27</b>	<b>Oversight Assurances</b>			
<b>28</b>	<b>Methods for Living Plan</b>			
<b>29</b>	<b>Designated Persons for Plan Implementation</b>			
<b>30</b>	<b>District Points of Contact</b>			
<b>31</b>	<b>Commitment</b>			
<b>32</b>	<b>Funding/Budget</b>			
<b>33</b>	<b>Training for Staff</b>			
33.1.	Engineers			
33.2.	Inspectors			
33.3.	Managers			



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Title of Document:		Date of Document:		
Item #	Description	Y/N/NA	Rating	Comments
33.4.	Other			
34	Litigation (Current or Previous, if known)			
35	Approved by Federal Highway			
36	Other approvals			
37	Measures of success			
38	Interagency Collaboration			
39	Other			
40	Other			

**KEY****Y = yes****N= no****NA= not applicable****Rating (1-5, with 5 being highest)**