

Americans with Disabilities Act: Transition Plan Roundtable

MPO Board 11/8/2017 Item 11

In compliance with Americans with Disabilities Act (ADA), the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC MPO) is responsible in monitoring its recipients of federal funds. As an entity receiving federal funds from the MPO, you are responsible for adherence to ADA Transition Plan requirements.

Also, every municipality in the country is required to have an AmericanswithDisabilitiesAct(ADA)TransitionPlanin place. Unfortunately, many municipalities have not completed their transition plan requirements because the task is daunting. Municipalities around the country are under fire from the Department of Justice for not having their ADA Transition Plans complete. DCHC MPO is hosting a roundtable discussion to talk about what ADA and ADA Transition Plan requirements are, why they're important, what MPO entities and sub-recipients are doing and what your agency can do to comply with the requirements.

Join us for a three-hour roundtable to learn the basics and get valuable insight on what you need to do, why you need to comply, and where to begin! **Snacks and Coffee will be provided.**



DCHC MPO ADA Transition Plan Roundtable

Thursday, May 11, 2017

9:00 a.m. – 12:00 p.m.

Durham City Hall Committee Room
101 City Hall Plaza, Durham, NC 27701

The roundtable will consist of a brief presentation on what is required for Transition Plan development followed by a discussion on what unique issues and challenges your agency faces. Based on our work with other municipalities across the country, we will provide strategy, guidance, and insight on getting your ADA Transition Plan in place. Tentative agenda is summarized as follows:

1. Welcome and Introductions.
2. Federal Perspectives – Patrick Gomez (FHWA, Colorado) & Lynise DeVance (FHWA, Raleigh)
3. NCDOT ADA Transition Plan and Section 504. Resources and Technical assistance - Mark A. Whisenant.
4. Overview of the DCHCMPO Transition Plan and Self-Assessment.
5. MPO entities and transit operators ADA update and maintenance agreements with NCDOT.

ADA Background Information

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The Americans with Disabilities Act of 1990 is a civil rights statute that prohibits discrimination against people who have disabilities. Title II of the Act specifically addresses making public services and public transportation accessible to those with disabilities. Designing and constructing facilities for public use that are not accessible by people with disabilities constitutes discrimination. Government agencies and public entities are required to perform ADA self-evaluations of their current facilities. Agencies are then required to develop a Program Access Plan (Transition Plan) to address any deficiencies, or include the following:

- ☐ Identify physical obstacles that limit the accessibility of facilities to individuals with disabilities
- ☐ Describe the methods to be used to make facilities accessible
- ☐ Provide a schedule for making access modifications
- ☐ Identify public officials responsible for implementation of the transition plan

The requirements of the ADA apply to all public entities or agencies no matter the size and the requirement for developing a Transition Plan apply to MPO jurisdictions with 50 or more employee. Transit operators who are recipient of the MPO STP_DA must certify that they comply with the ADA requirement. Compliance with FTA ADA requirement will suffice but must be provided to the MPO.

Why Should Your Agency Develop a Transition Plan?

- ☐ All Title II Entities were required to have an ADA Transition Plan in 1990.
- ☐ The Department of Justice (DOJ) is auditing all Title II Entities for compliance.
- ☐ The DOJ can and *will* start withholding Federal funding if a municipality is found to be non-compliant.
- ☐ If the DOJ implements your Transition Plan for you, you will have to bring everything into compliance *within 3 years*.
- ☐ Title II Entities are more likely to be sued for ADA issues than any other business or facility.
- ☐ With a little help, an obtainable Transition Plan can be developed to save your entity time, money, resources, and headaches.